



Village of Lincolnwood

Plan Commission/Zoning Board of Appeals

Public Meeting

Wednesday, January 21, 2026

6:00 P.M.

in the

**Gerald C. Turry Village Board Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue**

Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
November 19, 2025, Meeting Minutes
4. **Case # VAR-17-25 3325 W Arthur Ave - Approval of a 5ft Fence in the Corner Side Yard**
Case # SFNC-18-25 3325 W Arthur Ave - Approval of Natural Screening in the Public Right of Way

Request 1: Consideration of a request by Gina and Shai Berdugo, property owners, for approval of a variation from Section 3.13.11.h of the Zoning Ordinance to allow the installation of a fence in the corner side yard greater than 4ft.

Request 2: Consideration of a request by Gina and Shai Berdugo, property owners, for approval of a special fence pursuant to Section 15.3.13 of the Village of Lincolnwood Zoning Code to permit existing newly planted arborvitae screening located within the public right-of-way.

5. **Staff Update**
6. **Public Comment**
7. **Adjournment**



***Draft MEETING MINUTES
OF THE
PLAN COMMISSION / ZONING BOARD OF APPEALS – Regular Meeting
November 19, 2025 – 6:00 P.M.***

**LINCOLNWOOD VILLAGE HALL
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712**

Present: Chairman Bruce Heller, Commissioners Sue Auerbach, Rizwan Hussain, Steven Jakubowski, Henry Novoselsky, and Jennifer Spino

Absent: Commissioner Mark Yohanna

Staff Present: Assistant Director of Community Development Rati Akash, Community Development Coordinator Marcos Classen, Village Attorney Caitlyn Culbertson, and Village Trustee Atour Toma Sargon

I. Call to Order

A call to order was made at 6:02 pm.

II. Pledge of Allegiance

III. Approval of Minutes

A Motion was made by Commissioner Spino to approve the November 5, 2025, meeting minutes.

The motion was seconded by Commissioner Hussain

Aye: Chairman Heller, Commissioners Hussain and Spino

Nay:

Abstain: Commissioners Auerbach, Jakubowski, Novoselsky,

Motion Approved: 3-0

IV. Case #VAR-15-25 - 3821 W Fitch Ave - Approval of a Variation from Section 6.03 of the Village of Lincolnwood Zoning Ordinance to permit the installation of multiple rooftop solar arrays that exceed the maximum of four sides.

Assistant Director of Community Development Rati Akash advised the commission that the applicant officially withdrew their application. The plans were revised and the updated plans do meet the zoning code and a Variation is no longer needed. The official withdrawal was after the legal notice was issued so the case needed to be called at this public meeting, however, at this time there is no case to be heard.

V. Case #VAR-16-25 - 6500 N Tower Circle Dr - Approval of Corner Side Yard Fence Variation from Section 3.13 of the Lincolnwood Zoning Ordinance

Assistant Director of Community Development Rati Akash gave an overview of the request which includes a request for a 5-foot-tall open fence in the corner side yard. The height allowed by the code would be 4 feet tall. Other than the height, the proposed fence would meet all other zoning ordinances / requirements. The petitioner stated that they were looking for this variation for safety reasons related to two dogs that she owns. Mrs. Akash noted that there are no line-of-sight impact from the proposed fence. She also noted that the lot has a unique, irregular pie-shaped curved frontage with expanded visibility from two streets, and the configuration of the lot limits opportunities for private usable yard space. Staff does recommend approval of the Variation request.

Commissioner Novoselsky noted that he appreciated that staff offered a recommendation for this case.

Petitioners:

Dawn Wagner (Petitioner)

Juan Rivera (Contractor)

Ms. Wagner addressed the Commission about her request, explained why she is looking for the request. She inherited a couple dogs (Pitbulls) and had an accident earlier this year while trying to contain the dogs. She also spoke about her young grandchildren and said that she would like to enhance safety for them. A previous injury also impairs her ability to keep up with the inherited dogs.

Commissioner Hussain asked if 5-foot fence would be tall enough to contain the dogs.

Ms. Wagner stated that she believed that 5 feet would be enough

Public Comment:

Nate Herscovitch (6477 N Sauganash) stated that he is fine with the fence but stated that the contractor was incompetent and caused damage to his property. He was adamant in stating that the contractor needs to stay on the petitioner's property and not step foot on his property.

There was discussion between the Commissioners and the Contractor (Mr. Rivera) about what happened at the lot line with Mr. Herscovitch.

Mr. Rivera stated that when preparing the area, the utility lines were improperly marked, once they noticed an issue he reached out to the utility company and they came out to make the appropriate corrections. He stated that if the Variation were granted, they would be sure to get the area properly marked before beginning any additional construction. They would also be sure not to enter Mr. Herscovitch's property during construction.

Village Attorney Caitlyn Culbertson noted that any work require a building permit and that these types of regulations are covered as a part of the permit process. She also noted that any ordinance drafted regarding an approved variation would be include language that indicates that any construction follows all Village codes and procedures.

Commissioner Novoselsky noted that he feels this Variation request meets the hardship requirements due to he configuration of the lot and the low impact of the variation requested as such:

A Motion was made by Commissioner Novoselsky to approve the Variation as presented by staff

Village Attorney Caitlyn Culbertson noted that the public hearing was still open and that it would need to be closed before a motion was voted on.

Commissioner Hussain stated that the height of the fence is not necessarily based on a characteristic of the property but that he was still in favor of the request.

There was some additional discussion about potential conditions being added to Commissioner Novoselsky's motion.

Mr. Novoselsky was not inclined to amend his motion, so he repeated his previous motion:

A Motion was made by Commissioner Novoselsky to approve the Variation as presented by staff

The motion was seconded by Commissioner Spino

Aye: Chairman Heller, Commissioners Auerbach, Hussain, Jakubowski, Novoselsky, and Spino

Nay:

Abstain:

Motion Approved: 6-0

This item will go to Village Board on December 2, 2025

VI. 2026 Plan Commission / Zoning Board of Appeals Meeting Schedule

Assistant Director of Community Development Rati Akash went over the proposed 2026 PC/ZBA meeting schedule.

Dates of note include:

January 2026

— January 7: Conflict with religious observance

— Recommendation: Hold one meeting only → January 21, 2026

February 2026

— February 18: Conflict with rescheduled Village Board meeting

— Recommendation: Move to Thursday, February 19, 2026

April 2026

— April 1: Conflict with religious observance

— Recommendation: Hold one meeting only → April 15, 2026

July 2026

— July 1: Proximity to federal holiday

— Recommendation: Use 2nd & 4th Wednesdays → July 8, 2026 and July 22, 2026

A Motion was made by Commissioner Hussain to approve the 2026 PC/ZBA meeting scheduled as presented.

The motion was seconded by Commissioner Auerbach

Aye: Chairman Heller, Commissioners Auerbach, Hussain, Jakubowski, Novoselsky, and Spino

Nay:

Abstain:

Motion Approved: 6-0

VII. Staff Update

- a. TXTA-04-25 – Parking Pad update at next meeting on December 3, 2025**

Assistant Director of Community Development Rati Akash spoke about a change in the scope of the parking pad discussion. At the November 18th Village Board meeting, the Board reviewed a recommendation from the PC/ZBA regarding VAR—13-25 at 4833 W Pratt. As a part of the hearing the Village Board agreed with the recommendation regarding impervious surface coverage, however they disagreed with the interpretation of the code regarding driveway width of the circular driveway. Further discussion has the Village Board include circular driveways as a part of the ongoing parking pad discussions. As a result, staff is looking for more time to research this new area of discussion and not to have the hearing at the previously noticed date of December 3, 2025.

Village Attorney Culbertson noted that a formal vote couldn't be taken at this meeting because the item was originally moved to the December 3, 2025, meeting. However, she did note that staff could be given direction to move the hearing to a different date.

There was some discussion about the impact this would have on the meeting scheduled for December 3, 2025. Mrs. Akash noted that this was the only item currently on the agenda for that date and if this discussion were to be moved staff would be available if anyone from the public showed up on that date. All other protocol for canceling the December 3, 2025, meeting would be followed. Staff would also look to re-notice the hearing prior to any future date the discussion was moved to.

The PC/ZBA gave direction to staff to move parking pad items to February 4th, 2026, meeting

VIII. Public Comment

No additional public comment

Adjournment

A Motion was made by Commissioner Jakubowski to adjourn

The motion was seconded by Commissioner Auerbach

Aye: Chairman Heller, Commissioners Hussain, Jakubowski, Novoselsky, and Spino

Nay:

Abstain:

Motion Approved: 6-0

The meeting ended at 6:45 pm.

Respectfully submitted,

Marcos Classen

Community Development Coordinator



Plan Commission / Zoning Board of Appeals Staff Report

Case #VAR-17-25 and SFNC-18-25

January 21, 2026

Subject Property

3325 West Arthur Avenue

Zoning District

R-4 Residential District

Petitioners

Gina and Shai Berdugo

Nature of Request

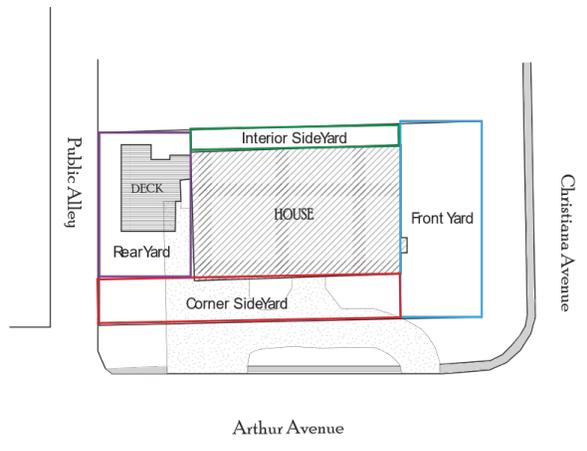
- 1) Variation to allow for a 5-foot tall fence in a corner side yard
- 2) Special Fence to allow for 14 arborvitae in the public right-of-way

Notification

Notice was published in the Lincolnwood Review on Thursday, November 27, 2025; public hearing signs were installed at the subject property, and legal notices dated Monday were mailed to properties within 250 Feet. Public comments were submitted by the petitioner, which are attached to this report. As of January 15, 2025, one phone call was received, and concerns were raised with the location of the fence and arborvitae.



Figure 1 – Location



Background

The subject property is located within the R4 Residential Zoning District and improved with a two-story home with a large footprint and a deck in the rear yard. The property is situated on the corner of West Arthur Avenue and North Christiana Avenue at the southwest of the property. Directly East of the property is an alley. The subject property is surrounded on three sides by right-of-way.

On December 30, 2024, Village staff issued a stop-work order after observing that fence posts had been installed without an active permit.

- Since then, the Petitioner submitted a fence permit application on December 31, 2024, which initiated the formal plan review process. Village staff issued comments; however, no responses or corrections were provided by the Petitioner after mid-January.

On June 2, 2025, the Village inspected the property to ensure compliance with the STOP WORK order and discovered that additional work had continued despite the prohibition. This ultimately led to a formal Notice of Violation.

On July 8, 2025, A violation door hanger was placed on the home after staff confirmed that the fence had been extended into the public right-of-way, including the corner yard area, which is in violation.

On July 17, 2025, the owner submitted a written response challenging the portions of the enforcement.

On August 5, 2025, a final notice of violation was given, reiterating the violations and requiring an action plan to be submitted within 30 days.

- The petitioners complied with removing the portion of the fence in public right-of-way.
- Subsequently, the petitioners had decided to move forward with applying for a variation to allow for a fence in the corner yard and the landscaping in the public right of way.

The violations are as follows:

1. Fence installed without an issued permit
Violation of Section 105.1.2 of the International Building Code, adopted pursuant to Section 14 of the Village Code.
2. Wrought-iron fence erected in the public right-of-way
Violation of Section 3.13(9)(g) of the Zoning Ordinance.
This portion has been removed by the Petitioner.

3. 5-foot wrought-iron fence constructed in the corner side yard
Violation of Section 3.13(11)(h) of the Zoning Ordinance.
4. Arborvitae planted within the public right-of-way
Violations of Sections 3.13(9)(g) and 3.13(12)(a) of the Zoning Ordinance.
5. Arborvitae exceeding allowed height in the corner side yard
Violation of Section 3.13(12)(b)(ii) of the Zoning Ordinance.
6. Line-of-sight triangle not maintained
Violation of Section 3.13(9)(a) of the Zoning Ordinance.
7. STOP WORK placard removed
Violation of Section 114.2 of the International Building Code.
8. Work continued after issuance of the stop-work order
Violation of Section 114.4 of the International Building Code.

Summary of the Request

The Petitioner is requesting two forms of zoning relief related to fencing and landscaping on the corner lot at 3325 W. Arthur Avenue:

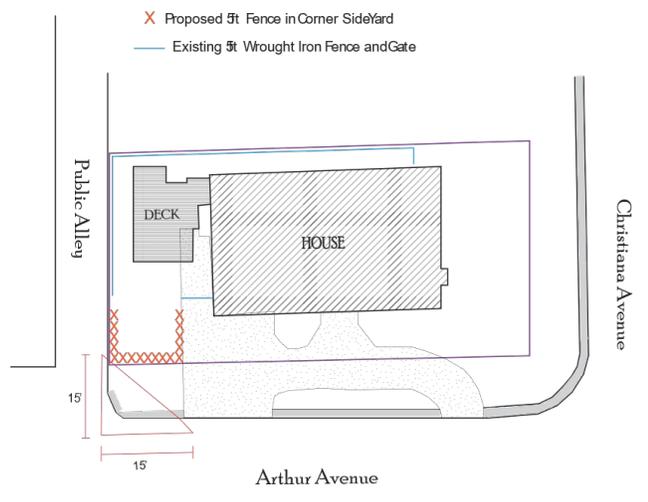
- **Corner Side Yard Fence:** A Variation from Section 3.13(11)(h) to allow the installation of a 5-foot open fence within the corner side yard, where a maximum fence height of four feet is permitted.

The portion of the fence located in the corner side yard encroaches approximately 14.3 feet into the required corner side yard setback area. In addition to the fence’s location, the Petitioner is specifically requesting approval for the increased height 5 feet of the fence within this regulated corner side yard area, where the maximum permissible height is 4 feet open style fence.

Variation:

Corner Side Yard Fence Section 3.13(11)(h) states:

“On a corner lot, open and semiprivate fences not more than four feet in height may be erected in a corner side yard but only to a line which is perpendicular to the rear face of the residence and shall align with the front facing façade.”



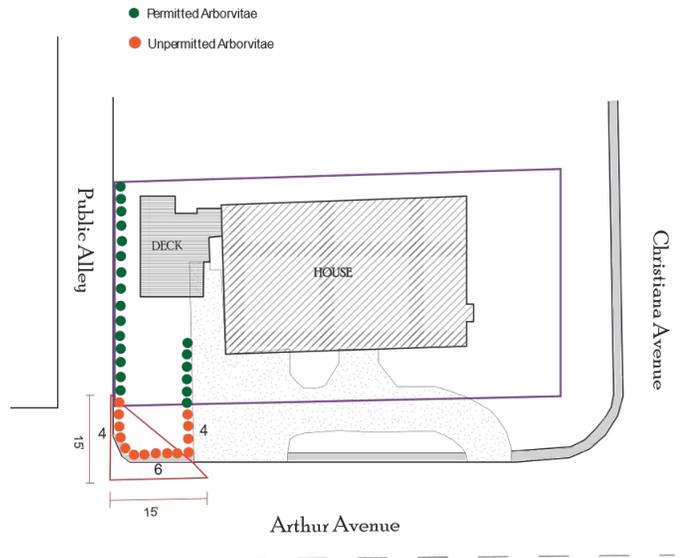
A portion of the wrought-iron fence previously encroaching into the public right-of-way has been removed in accordance with the Final Notice of Violation.

- **Special Fence:** A Special Fence Permit pursuant to Section 3.13(8)(a)(iv) to allow fourteen (14) arborvitae to remain within the public right-of-way, where natural screening is only allowed with Special Fence approval and must comply with required setbacks and the line of sight in the Code.

Variation:

Special Fence Section 3.13(8)(a)(iv) states:

“Natural screening on public rights-of-way, utility easements, or Village property installed and maintained by private individuals at their expense, but only if the natural screening is set back at all times not less than: five feet from all hydrants, utility poles, and similar installations; three feet from all sidewalks; and five feet from the curblines of a street.”



According to the petitioner, the requested Variation and Special Fence approval will improve privacy, particularly due to the high visibility of the corner lot; enhance safety for their children and family; and create a consistent and attractive streetscape appearance.

Considerations

The Plan Commission/Zoning Board of Appeals (PC/ZBA) may consider the following when determining the appropriateness of the requested variation:

A. Fence Variation Considerations (Section 3.13(11)(h))

1. Lot Configuration

The subject property is a corner lot located at the intersection of Arthur Avenue and Christiana Avenue, with its corner side yard directly abutting the alley. Similar to other corner-lot variation cases, this configuration results in increased exposure to public streets and reduced opportunities for private open space. The position of the home and its corner orientation contribute to the functional desire for additional privacy screening, which the petitioner cites as part of the justification for the requested fence height variation.

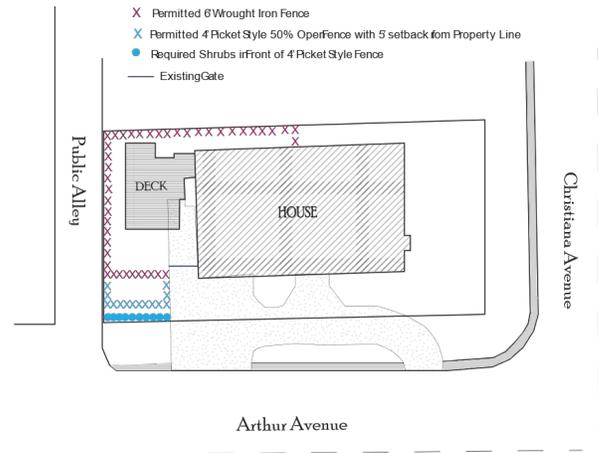
2. Corner Side Yard Fence Height Restriction

Section 3.13(11)(h) restricts fence height in the corner side yard to four (4) feet and requires alignment with the front-facing façade.

The requested 5-foot tall open fence exceeds the required 4-foot open fence and encroaches into the corner side yard by 14.3 feet.

The PC/ZBA may consider:

- Whether the increased height alters the character of the streetscape;
- Corner side yard consideration.



3. Visibility and Design Compatibility

While the fence itself is not within the line-of-sight triangle (unlike the arborvitae), the PC/ZBA may consider whether:

- The fence is visually compatible with neighboring fences;
- The scale, openness, and design of the fence minimize bulk and massing impacts;
- The fence enhances or conflicts with the neighborhood aesthetic.

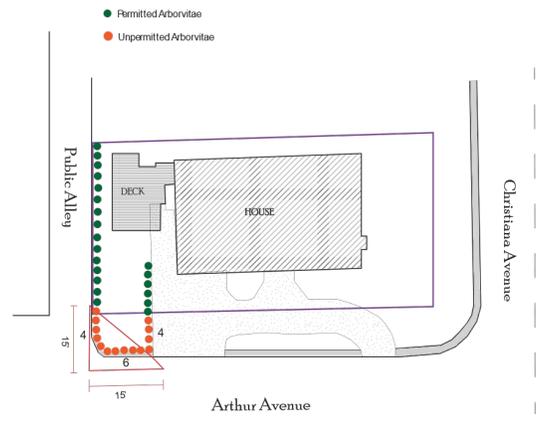
B. Arborvitae Special Fence Considerations (Section 3.13(8)(a)(iv))

1. Line-of-Sight Impact

The arborvitae are located in areas regulated by the line-of-sight triangle of 15 feet.

The PC/ZBA may consider:

- Whether visibility for vehicles exiting the alley or turning at the intersection to West Arthur Avenue is impacted;
- Whether relocation, trimming, or removal is needed to ensure compliance with Section 3.13(9)(a).



2. Natural Screening Within the Public Right-of-Way

The fourteen (14) arborvitae are located within the public right-of-way along West Arthur Avenue and Christiana Avenue.

Under Section 3.13(8)(a)(iv), natural screening may be permitted as a Special Fence if it maintains minimum setbacks:

- 5 ft from hydrants, utility poles, pedestals;
- 3 ft from sidewalks;

- 5 ft from the curb line;
- Not located within the line of sight.

3. Streetscape and Neighborhood Character

The petitioner asserts that the arborvitae improve the appearance of the property and create a consistent and attractive streetscape.

The PC/ZBA may consider:

- Whether the natural screening enhances the corridor aesthetically;
- Whether it disrupts uniformity or creates a visual barrier inconsistent with the neighborhood.



4. Maintenance Responsibility

If the Special Fence is approved, the property owner must assume full responsibility for:

- Installation, watering, trimming, and replacement;
- Ensuring ongoing compliance with visibility and setback requirements;
- Maintaining plant height to avoid future sight-line violations.

Variation Standards

Corner Side Yard Fence

Section 5.15 (7) of the Zoning Ordinance establishes standards specifically related to the review of a Variation request. That section states that, “In determining whether, in a specific case, there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, there shall be taken into consideration the extent to which the following facts are established:

The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;

- a) *The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced;*

- b) *The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;*
- c) *The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property*
- d) *The alleged difficulty or hardship has not been created by any person presently having an interest in the property;*
- e) *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;*
- f) *The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property;*
- g) *The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Special Fence and Variation Standards

Section 3.13(25)b of the Zoning Ordinance establishes standards specifically related to the review of a Special Fence request.

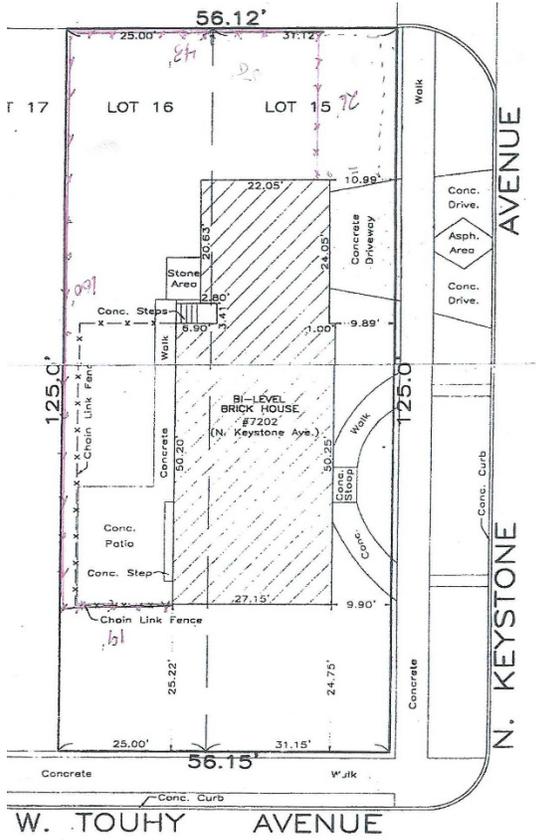
That section states that *“the Plan Commission/Zoning Board of Appeals shall not recommend to the Board of Trustees that a special fence permit be granted unless it makes findings of fact based upon evidence presented at the hearing in any given case that:*

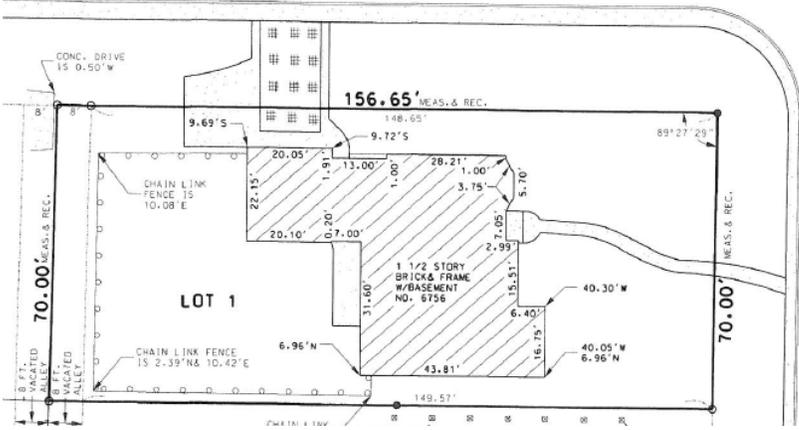
- i. *The special fence will serve the public convenience at the location of the subject fence; or that the establishment, maintenance or operation of the special fence will not be detrimental to or endanger the visibility, public safety, comfort or general welfare.*
- ii. *The special fence will be in harmony and scale with the architecture of the building in this development and with other fences in the neighborhood.*
- iii. *The special fence will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purpose already permitted; nor substantially diminish and impair the visibility of adjacent property.*
- iv. *The nature, location and size of the special fence will not impede, substantially hinder, or discourage the installation of fences on adjacent property in accordance with the Fence Ordinance.*

- v. *The special fence shall in all other respects conform to the regulations of this Section 3.13 except as modified as provided herein.”*

Prior Similar Requests

1. Special Fence

Address and Year	Requested Relief	PC/ZBA Decision	VB Decision
<p>7202 North Keystone Avenue; 2022</p>	<p>Request to approve a decorative wrought iron fence as a Special Fence, and Zoning Variations from 1) Section 3.13(11)h to permit a fence that would encroach into the corner side yard up to the corner side lot line and be six feet in height, and 2) Section 3.13(9)d to waive the required three-foot setback from the front façade of the home.</p> 	<p>By a vote of 3-2, the ZBA recommended approval of the request as proposed by the Petitioner.</p>	<p>By a vote of 5-0, the VB amended the Ordinance to allow the fence fronting on the Touhy Avenue property line to be flush with the facade of the home facing south and along Keystone Avenue frontage. The fence will be permitted to encroach into the corner side yard but must be setback from the corner side lot line at least 3 ft.</p>

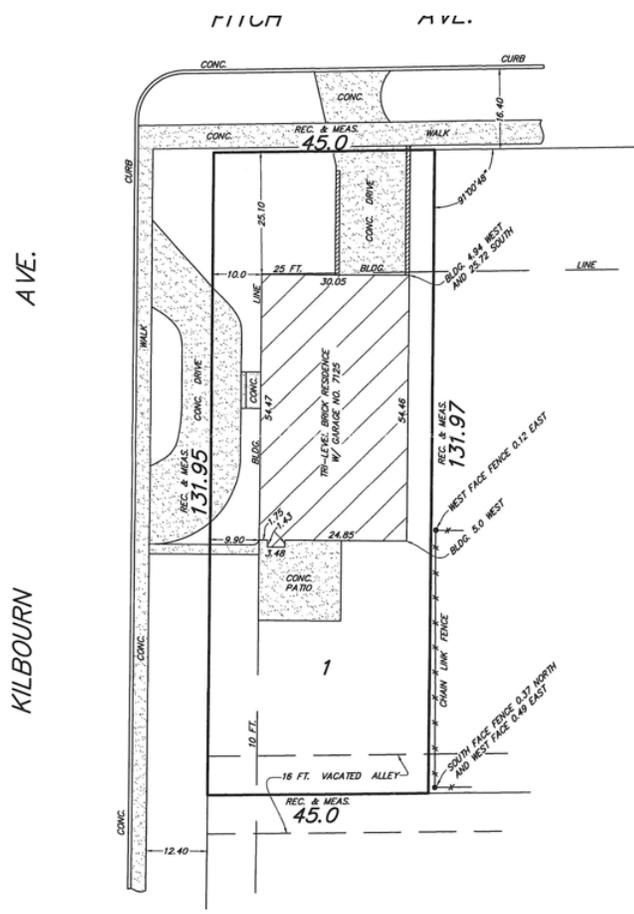
<p>6756 N Lockwood Avenue; 2022</p>	<p>Request to approve a Special Fence for landscape screening (arborvitae) in the public right-of-way along the north lot line.</p> 	<p>By a vote of 3-1, the ZBA recommended approval</p>	<p>By a vote of 5-0, the Village Board approved the ordinance as presented</p>
<p>6655 North Central Avenue; 2023</p>	<p>Request to approve 1) a Special Fence to allow for a decorative wrought iron fence pursuant to Section 3.13(8)a, and 2) a Zoning Variation to allow a five-foot tall fence in the corner side yard along Dowagiac Avenue, contrary to Section 3.13(11)h which prohibits a fence on this property from encroaching into the corner side yard beyond the corner side façade of the house.</p>  <p>Solid red line is requested corner side yard fence.</p>	<p>By a vote of 5-0, the ZBA recommended approval of the request based on the unique location of the property, proximity to Central Ave., and the Special Fence standards being met.</p>	<p>By a vote of 5-0, the VB approved the Ordinance as amended - A condition that the fence that encroaches into the corner side yard be screen along its exterior with natural screening on its west and north facing panels.</p>

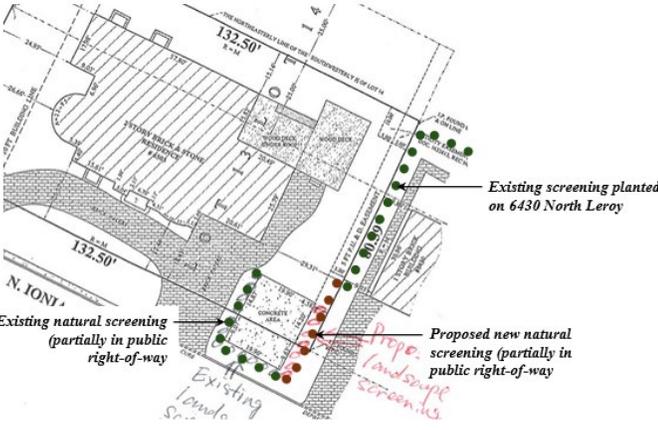
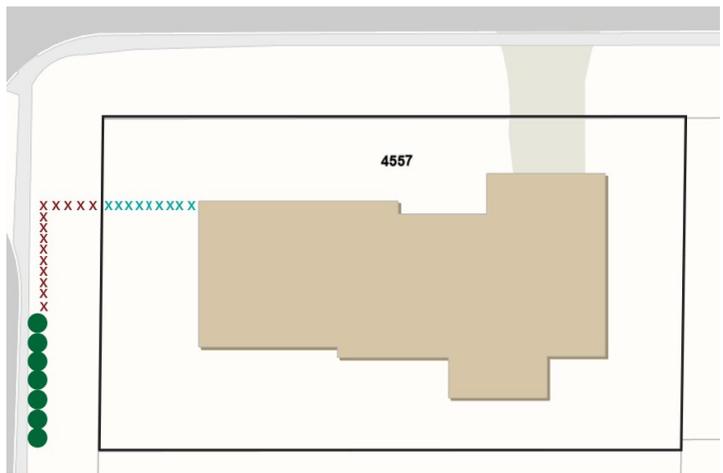
7125 N
Kilbourn;
2024

Request for a Special Fence to allow the installation of natural screening in the public right-of-way along Kilbourn Avenue, and a Variation to waive the required three-foot setback between the proposed natural screening and the public sidewalk

5-0 vote, ZBA recommended approval of the Special Fence with the conditions of removing the non-permitted fence, keeping and maintaining existing trees, and natural screening would be allowed 3 feet from the inside of the sidewalk, so they are located behind the current tree line

Village Board unanimously approved with ZBA conditions



<p>6503 N Le Mai Avenue; 2025</p>	<p>Request for a Special Fence to allow natural screening in the public right-of-way</p> 	<p>PC/ZBA unanimously recommended approval as presented by staff</p>	<p>Village Board unanimously approved</p>
<p>4557 W North Shore; 2025</p>	<p>Request for approval of a special fence pursuant to Section 15.3.13 of the Village of Lincolnwood Zoning Code to permit existing newly planted arborvitae screening located within the public right-of-way.</p> 	<p>PC-ZBA continued the case to the first meeting in February 2026 to allow the petitioner additional time to work with their landscape contractor and provide documentation on the feasibility of relocating the arborvitae within private property boundaries</p>	

2. Corner Side Yard Fence

Address/Year	Request	ZBA	Village Board (VB)
7202 N Keystone; November 2022	Permit a fence that would encroach into the corner side yard up to the corner side lot line, and be six feet in height	By a vote of 3-2, the ZBA recommended approval	By a vote of 5-0, the VB amended the Ordinance to allow the fence fronting on the Touhy Avenue property line to be flush with the facade of the home facing south and along Keystone Avenue frontage. The fence will be permitted to encroach into the corner side yard, but must be setback from the corner side lot line at least 3 ft.
6655 N Central Park Ave; July 2023	Allow a five-foot-tall fence in the corner side yard along Dowagiac Avenue,	By a vote of 5-0, the ZBA recommended approval of the request based on the unique location of the property	By a vote of 5-0, the VB approved the Ordinance as amended approving a Variation to allow the encroachment of a fence into the corner side yard. A condition that the fence that encroaches into the corner side yard be screened along its exterior with natural screening on its west and north-facing panels.

Public Comment

Staff received 3 public comments prior to the public posting of this packet. Any comments received prior to the January 21, 2026 Public Hearing will be provided to the PC /ZBA at that time.

Requested Action

The Plan Commission/Zoning Board of Appeals (PC-ZBA) is requested to make separate recommendations on the following items. Each recommendation should be either Approval or Denial, with any conditions the PC-ZBA deems appropriate.

1. Corner Side Yard Fence Variation – Section 3.13(11)(h)

Staff requests that the PC-ZBA make a recommendation to either **approve or deny** the Variation from Section 3.13(11)(h) to allow a 5-foot fence to encroach approximately 14.3 feet into the corner side yard.

2. Arborvitae – Special Fence Permit (Section 3.13(8)(a)(iv))

Staff requests that the PC-ZBA make a recommendation to either **approve or deny** the Special Fence Permit under Section 3.13(8)(a)(iv) to allow for 14 arborvitae within the public right-of-way, with the following conditions:

Approval Conditions

If the arborvitae within the public right-of-way are approved, the following conditions shall apply:

1. Setback Requirements:

Natural screening shall be maintained at all times, not less than:
Five feet (5') from any fire hydrant, utility pole, pedestal, or similar installation;
Three feet (3') from any public sidewalk; and
Five feet (5') from the curb line of any street.

2. Sight-Triangle Clearance:

Plantings shall not obstruct intersection or driveway sight triangles. Vegetation within these areas shall be maintained at a height not exceeding 30 inches above the adjacent curb or pavement grade.

3. Maintenance Responsibility:

The petitioner (property owner) shall be fully responsible for all installation, watering, pruning, replacement, and removal of plantings within the public right-of-way at their sole expense.

4. Indemnification:

The property owner shall indemnify and hold harmless the Village from any

liability or claims arising from the installation, maintenance, or presence of the arborvitae within the public right-of-way.

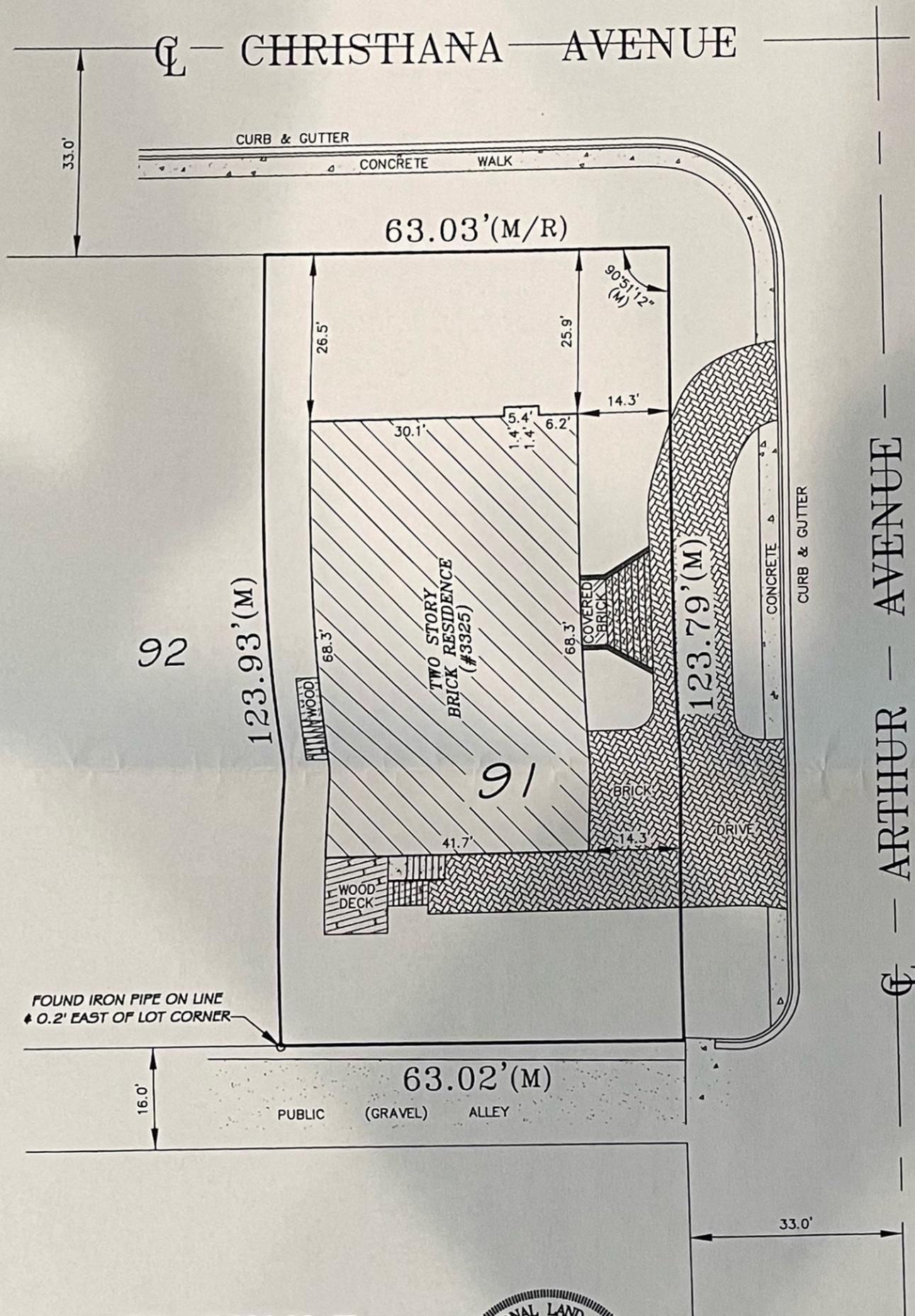
Documents Attached

1. Plat of Survey
2. Proposed Site Plan for Arborvitae
3. Proposed Site Plan for 5ft Tall Fence
4. Petitioner's Response to Variation Standards
5. Petitioner's Response to Special Fence Standards
6. Notice of Violation Letter
7. Public Comment Letter

PLAT OF SURVEY

OF

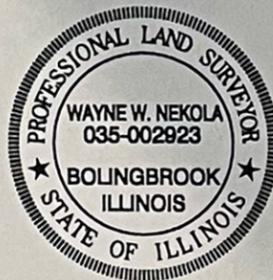
LOT 91 IN EDGAR S. OWENS NORTH SHORE CHANNEL AND DEVON AVENUE SUBDIVISION OF THE RESUBDIVISION OF BLOCK 1 AND THE EAST 1/2 OF BLOCK 2 IN ENDERS AND MUNO'S SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



LEGEND

(R/M) - RECORD / MEASURED
 L - ARC LENGTH
 R - RADIUS
 CH - CHORD

AREA = 7,806 SQ. FT.
 MORE OR LESS



SCALE: 20'

PREPARED FOR: SOOJAE LEE (ATTORNEY AT LAW)
 JOB ADDRESS: 3325 W. ARTHUR AVE., LINCOLNWOOD, IL
 SELLER/BUYER: GUO / BERDUGO
 JOB NO.: 20-07-0089

NEKOLA SURVEY, INC.

PROFESSIONAL LAND SURVEYING SERVICES
 WWW.NEKOLASURVEY.COM
 400 N. SCHMIDT RD., STE. 203
 BOLINGBROOK, ILLINOIS 60440
 (630) 226-1530 PHONE (630) 226-1430 FAX

FIELD WORK COMPLETED ON THE 27TH DAY OF JULY, 2020.

(STATE OF ILLINOIS)
 (COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 3RD DAY OF AUGUST, 2020.

Wayne W. Nekola
 IFLS No. 2923

LICENSE RENEWAL DATE: 30 NOVEMBER 2020.

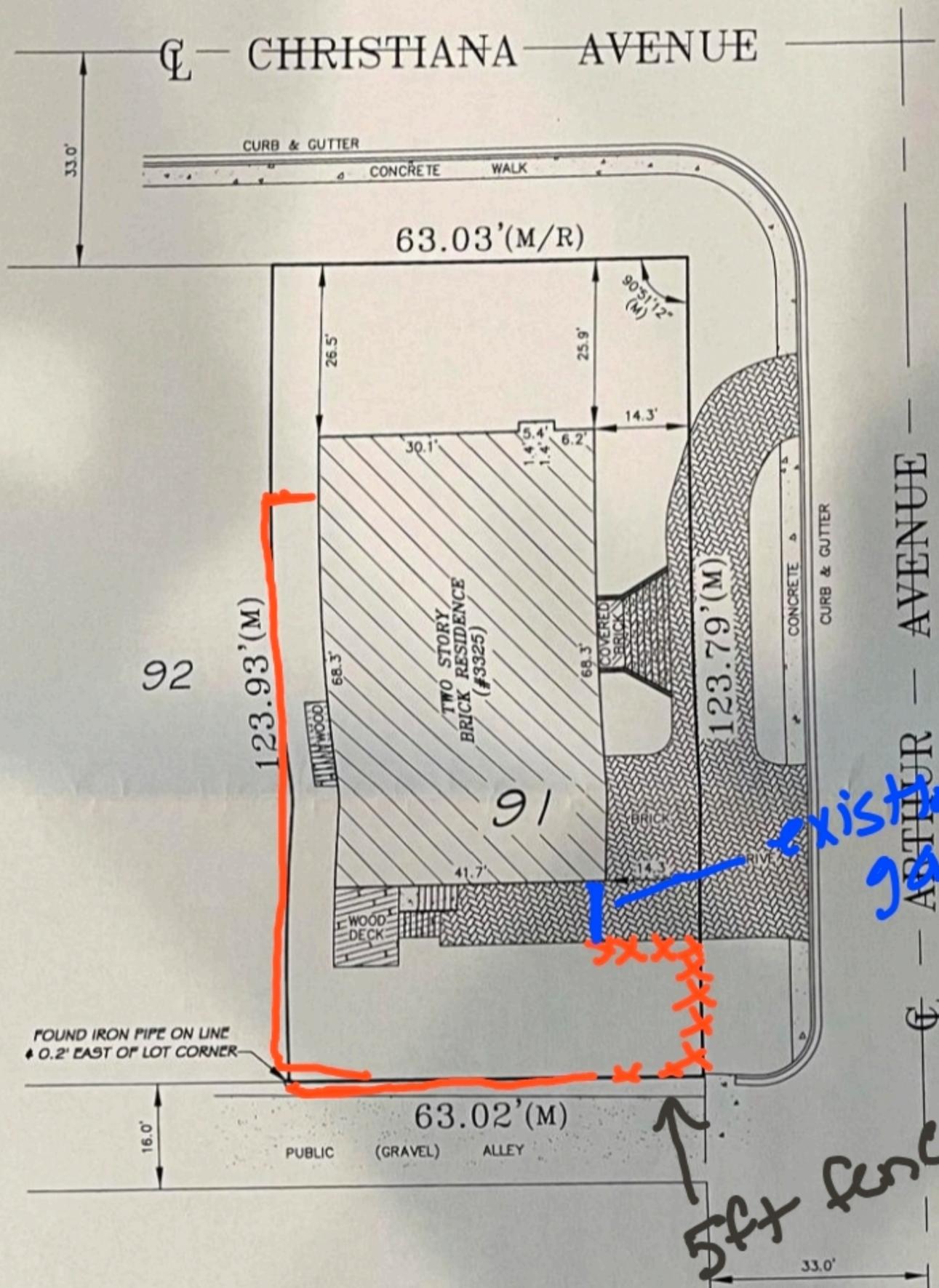
☒ - "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

PLAT OF SURVEY

OF

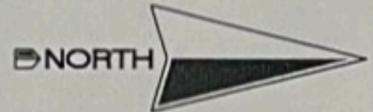
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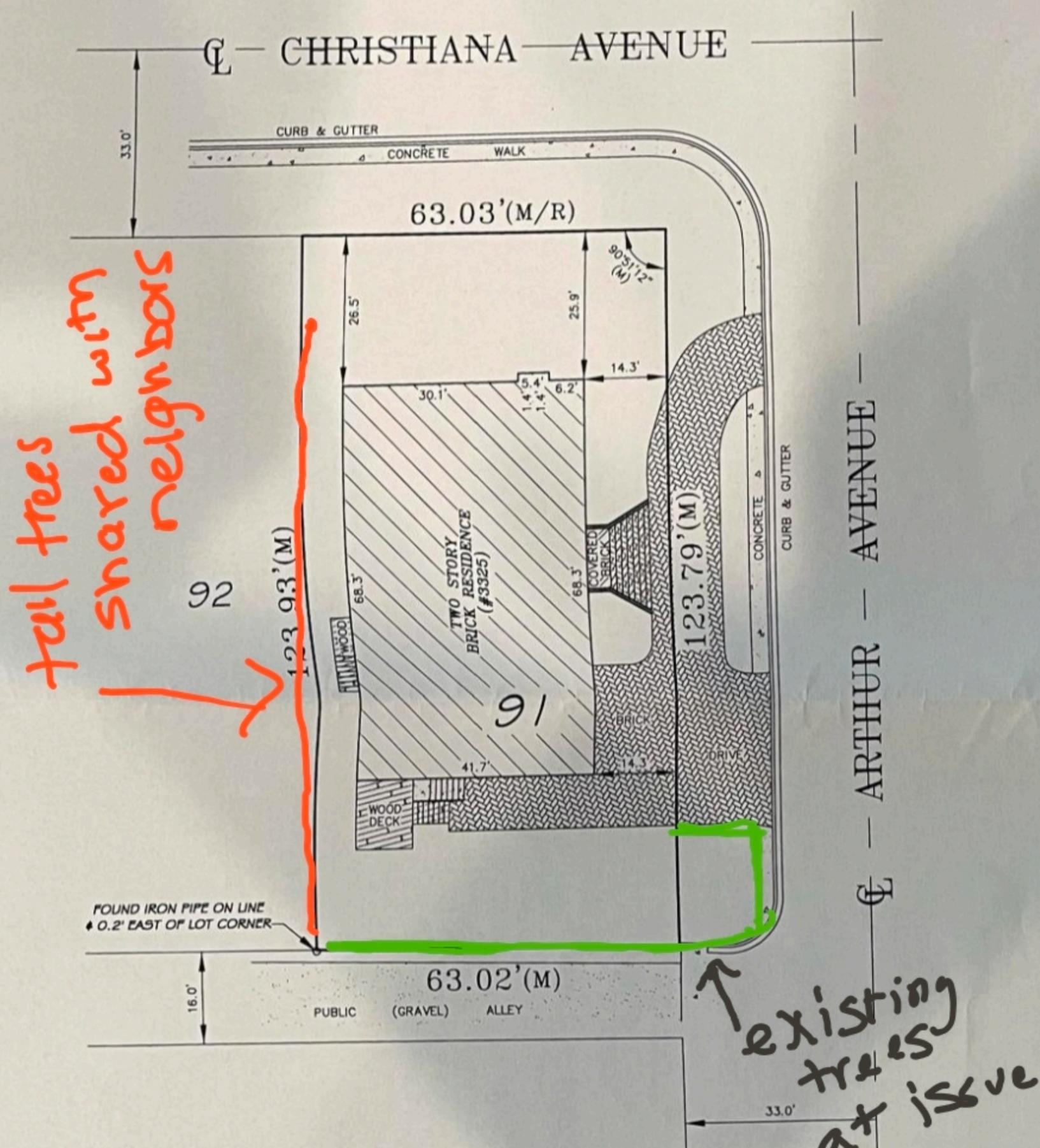
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Handwritten in orange:
 tall trees
 shared with neighbors

Handwritten in black:
 existing trees
 at issue

LEGEND

(R/M) - RECORD / MEASURED
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DATED THIS 3RD DAY OF AUGUST, 2020.

Handwritten signature of Wayne W. Nekola

ILS No. 2923

LICENSE RENEWAL DATE: 30 NOVEMBER 2020.

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Variation Standards

To be approved, each Variation request must meet certain specific standards. These standards are listed below. After each listed standard, explain how your Variation request satisfies the listed standard.

Project Address	3325 W Arthur Ave, Lincolnwood, IL 60712
-----------------	--

1. The requested Variation is consistent with the stated intent and purposes of the Zoning Ordinance and the Comprehensive Plan.

Yes. The code is intended to provide safety and fair use of land for its Lincolnwood Constituents. Our Lot is very unique in shape and location in that it is a cornerside lot near an open outlet to McCormick. There was an existing tree-line, however, it does not provide sufficient safety as people coming off of McCormick were entering our Property thereby endangering our children. A 5ft fence at the property line would allow for full use of property SAFELY which every Lincolnwood Resident is entitled to. In fact, the code provides fence exceptions for properties directly adjacent to an open outlet. Our property is near an open outlet and experiencing the same foot traffic as these properties directly adjacent. As such, in line with the intent of the code exceptions should apply to our property as well.

2. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced.

The strict letter of the law allows for a 4ft picket fence at the property line which provides neither safety nor privacy, thus not enabling us to use our property like others can. In fact, our children are almost 4ft in height and someone could grab them or easily jump over a 4ft fence. A 5ft fence at the facade of the house would limit use of property as we do not have a Rear yard.

3. The conditions upon which the petition for the Variation is based would not be applicable generally to other property within the same Zoning District.

our lot is like no other in Lincolnwood both in location and land. It does not have a rear yard - only land on the side of the property which is located near a gravel alley and an open access to McCormick - creating both issues with safety and use of land.

4. The Variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property.

We have a huge issue with vagrants coming onto our property, but for that we would not be making this request. Many strangers and vagrants are coming onto our yard for unknown reasons, please see attached letters of concern for safety from neighboring houses. Police have been called previously but it does not deter other people from entering.

5. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

No. The safety issues arising are out of our control as Property owners.

6. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

It would be solely on our property and not endangering anyone. Nor is there any property on that side directly adjacent ~~and~~ that would be harmed.

7. The Variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property.

We are asking for an added foot in height of fence at our property line. A picket fence does not provide safety requirements nor does it even match the aesthetics of the neighborhood.

8. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

It does not.



Special Fence Standards

To be approved, each Special fence request must meet certain specific standards. These standards are listed below. After each listed standard, explain how the Special Fence request satisfies the listed standard.

Project Address

3325 W Arthur Ave, Lincolnwood, IL 60712

1. Please explain how the Special Fence is necessary for the public convenience at this location. (Please explain in detail)

our property does not have a rear yard. our only usable yard is located at the side of our house. As such, everyone can view our only yard and also have an open entrance to it. The previous owners had bushes/trees for privacy, as do we. without the trees our entire yard is exposed to a main street.

2. Please explain how the Special Fence is so designed, located, and proposed to be in harmony and scale with the architecture of the building in this development and with other fences in the neighborhood.

The special fence is composed of adult mature Arborvitae trees as they have been in existence for many years. They surround the corner side section of the yard. It is aligned with the alley, sidewalk, and neighboring trees/bushes - consistent with other neighboring houses near alleyways. In fact, there are many special fences throughout the neighborhood, and the entirety of Lincolnwood, that are composed of Arborvitae trees and which also align along the alleyway and sidewalks.

3. Please explain how this Special Fence would not cause substantial injury to the value of other properties in the neighborhood in which it is located nor substantially diminish and impair the visibility of adjacent property .

It is a corner lot. There are no houses adjacent to the placement of them. They have been up for years-even the previous owner had trees and it did not cause anyone substantial injury. If anything they are a continuation of neighboring trees and serve to beautify the neighborhood. They are very well kept and maintained.

4. Explain how the nature, location and size of the special fence will not impede, substantially hinder, or discourage the installation of fences on adjacent property in accordance with the Fence Ordinance.

There are no adjacent properties in the area. It is a corner lot.

Once you have completed the responses to the standards above, please return to your online application and upload this document to that application.



VILLAGE OF LINCOLNWOOD

6900 Lincoln Ave. | Lincolnwood, IL 60712 | Phone: 847-673-7402

www.lincolnwoodil.org | commdev@lwd.org

Notice of Violation

August 5, 2025
Project Address: 3325 Arthur Ave
Project Description: Fence
Permit #: FNC-1707-2024 (NOT ISSUED)

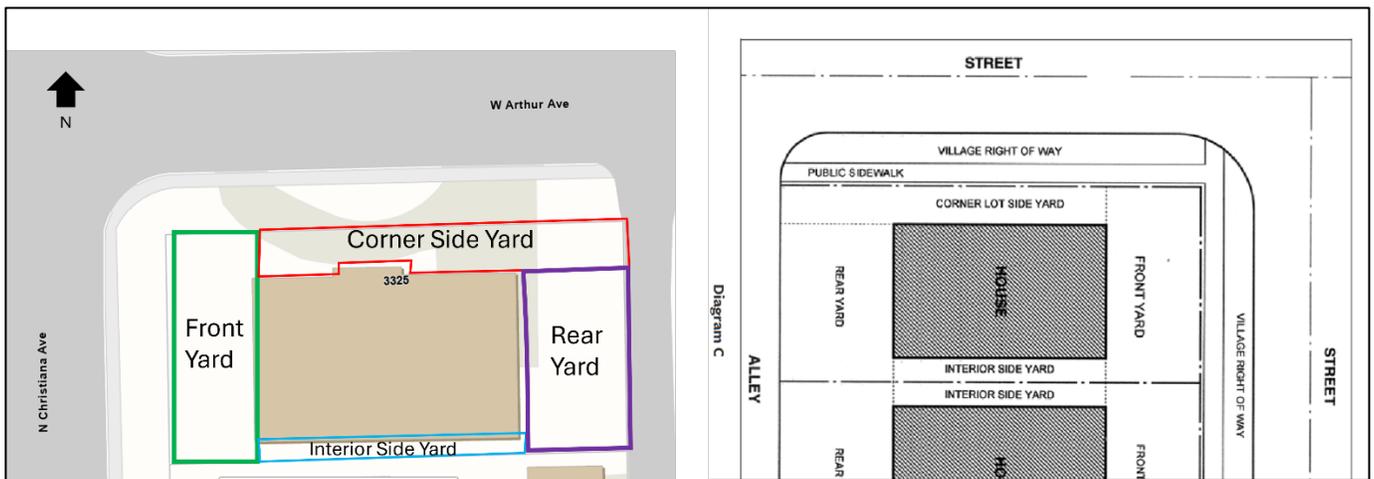
CERTIFIED MAIL AND EMAIL

Owner – Gina Berdugo
Contractors – Jacob Kaufman

Dear Ms. Berdugo,

Thank you for your letter dated July 17, 2025. I hope this response helps clarify the zoning matters and the Village's expectations regarding the type, height, and placement of the fence. After reviewing this letter, please feel free to reach out to me if you would like to schedule an in-person meeting and discuss any further questions. To further assist in understanding how the fence regulations apply to your property, I've included a diagram below. It identifies the designated yard areas and shows how they correspond to the definitions and illustrations found in the Lincolnwood Zoning Ordinance (Chapter 15 of the Village Code).

Figure 1: Yard Definitions



A visit to the property shows the following violations of the Village of Lincolnwood Zoning Ordinance and the Village's Building Codes (Chapters 14 and 15 of the Village Code). A list of the relevant code sections is included at the end of this letter:

1. A fence was built without an issued permit (Violation of *Section 105.1.2 of the International Building Code, adopted pursuant to Section 14 of the Village Code*)
2. A wrought iron fence was erected in the public right of way (Violation of *Section 3.13(9)(g) of the Zoning Ordinance*)
3. A wrought iron fence 6 ft in height was built in the corner side yard (Violation of *Section 3.13(11)(h) of the Zoning Ordinance*)

4. Arborvitae were planted in the public right of way (Violations of *Section 3.13(9)(g)* and *Section 3.13(12)(a) of the Zoning Ordinance*)
5. The arborvitae in the corner side yard exceeds permitted height requirements (Violation of *Section 3.13(12)(b)(ii) of the Zoning Ordinance*)
6. The Line-of-Sight Triangle is not maintained (Violation of *Section 3.13(9)(a) of the Zoning Ordinance*)
7. A STOP WORK placard was removed (Violation of *Section 114.2 of the International Building Code*)
8. Further work completed after issuance of the STOP WORK (Violation of *Section 114.4 of the International Building Code*)

Additionally, to further assist with gaining an understanding of the status of the fence permit and the improvements that were made to this property, a timeline of events is presented below.

1. A STOP WORK order was issued on 12/30/24 – Only the fence posts were installed.
2. A permit was applied for on 12/31/24.
3. A plan review was conducted, and a comment letter was emailed on 1/3/25.
4. A permit resubmittal was uploaded on 1/6/25.
5. A second plan review took place and a new comment letter was emailed on 1/14/25.
6. A second email was sent to the owner with the plan review comments on 2/10/25 due to inaction on the permit submittal.
7. Due to the stop work order, the Village sent an inspector out to verify no further work was performed and to make contact on 6/2/25.
8. A notice of violation hang tag was placed on the property on 7/8/2025 based on the fact that the owner continued to install the fence, including an addition into the public right-of-way, with no valid permit.
9. Gina Shemtov-Berdugo, sent a letter to the Village on 7/17/25 in response to the notice of violation hang tag.

Final Notice of Violation

Based on the timeline outlined above and the unauthorized improvements made without proper approvals, this letter serves as your **final Notice of Violation**. In accordance with the Village of Lincolnwood Building Code, your project must obtain an active, valid permit and successfully pass all final inspections in full compliance with applicable codes and regulations. This letter also serves as a response to your previous correspondence. The Village of Lincolnwood is requesting that you submit a **plan of action within seven (7) days, by Tuesday, August 12, 2025**, detailing how you will bring the property into compliance. This plan should include, but is not limited to:

- Revising and resubmitting your project plans
- Registering your contractor with the Village
- Obtaining all necessary Village approvals
- Contacting JULIE for underground utility location services
- Paying all applicable fees and securing a valid permit
- Scheduling and passing both post-hole and final inspections

All of the above must be completed within **thirty (30) days, no later than Tuesday, September 9, 2025**.

In addition, any improvements made within the Village of Lincolnwood's right-of-way must be **removed and the area fully restored to the satisfaction of the Village Engineer** by the same deadline: **Tuesday, September 9, 2025**.

A list of the relevant code sections referenced in this letter is provided below.

Section 105.1.2 Failure to submit for and approval of a permit after a STOP WORK notice.

Failure to submit material(s) as required for a permit within one month after a STOP WORK notice or failure to be issued a permit within two months is subject to either penalties as prescribed by law or as set forth in the Village's Annual Fee Resolution **A25**.

Section 113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law or as set forth in the Village's Annual Fee Resolution.

Section 114.2 Issuance.

The stop work order shall be in writing and a placard shall be affixed to a prominent window or door in front of the structure or space. Contact with the owner, owner's authorized agent, or to the person performing the work shall be made to explain the reason for the stop work order. Upon issuance of a stop work order, all work within the structure or space shall immediately cease. The stop work placard shall state the reason(s) for the order and the conditions under which the work is authorized to continue.

Section 114.2.1 Unauthorized removal of STOP WORK placard.

Unauthorized removal of the posted "STOP WORK" placard from the window or door of the structure or space by anyone other than the Building Official, Village Inspector or an authorized agent of the Village is subject to either penalties as prescribed by law or as set forth in the Village's Annual Fee Resolution **A25**.

Section 114.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law. Violation of unlawful continuance is subject to either penalties as prescribed by law or as set forth in the Village's Annual Fee Resolution.

Section 15.3.13(9)(a) Line of sight distance required. Any person erecting, constructing, installing, or replacing a fence and planting or replacing a natural screen shall ensure that adequate sight distance is provided at the intersection of two alleys, or **a street and an alley**, or the intersection of two streets.

Section 3.13(9)(e) On a corner lot, fencing must: i) be aligned with the front facing facade or any other street-facing facade of the principal building, unless specifically permitted to encroach into the corner side yard pursuant to Section 3.13(h) of this Zoning Ordinance; and ii) maintain a minimum setback in conformance with the line of sight requirement as set forth herein.

Section 3.13(9)(g) A fence or natural screen shall be properly located and shall not encroach upon the property of another, nor on the public right-of-way, except as may be approved as a special fence pursuant to Section 3.13(8) of this Code. Owners and installers of fences and natural screening are jointly and severally responsible for installing such materials in the proper location. The Village will not be responsible for any improperly located fence or natural screening

Section 3.13(11)(h) On a corner lot open and semiprivate fences not more than four feet in height may be erected in a corner side yard but only to a line which is perpendicular to the rear face of the residence and shall align with the front facing facade,

Section 3.13(12)(b)(ii) Where the front facing design facade of the residence (the side containing the main entrance) faces the corner lot side yard (as opposed to the front yard), the screening shall be restricted and maintained to no more than four feet in height for the area bounded by a line extended parallel to the rear elevation of the principal building; a line extended parallel to the front elevation of the principal building; the corner lot side property line; and the facade of the building facing the corner lot side yard. In all other corner lot side yard locations, the screening shall be restricted and maintained to no more than eight feet in height.

Section 3.13(20)(b) Safe passage. A fence or natural screening shall not impede the safe passage of pedestrian traffic on sidewalks.

Failure to contact the Village and resolve the issues outlined above will result in the issuance of a citation for one or more of the referenced code violations. If a citation is issued, you will be required to appear at the Village's adjudication hearing, where a judge will review the case and may impose fines. Please be advised that penalties for each offense or violation may be assessed at up to \$2,500 per day, as authorized under Chapter 14, Building Regulations, Article 18 – Penalties of the Village Code and the Annual Fee Resolution A25.

Again, feel free to reach out to me if you want to set up a meeting to go over the permit submittal or this Notice of Violation.

Sincerely,

Joseph Wallace III, RA, CBO
Building Official

CC: John Welch, Public Works Director
Patrick Ainsworth, Community Development Director
Rati Akash, Assistant Community Development Director

Hi,

My name is Ayelet Mermelstein,
(daughter of Ahuva + Menachem Shabat). I live
at 3322 W. Arthur with my husband and
three young kids. We've had a few incidents
recently making us feel unsafe, including people
coming onto our property. Our children's safety
should be the highest priority!

Thank you for doing what you can!

Honorable representatives of Lincolnwood Village,

We live on 6509 N christiana Ave.

Due to its close proximity to McCormick- there are constantly people walking through the alley in back.

My children were terrified recently when a "stranger" tried to talk to them. This situation is very nerve wracking for us parents.

We appreciate the various efforts the village makes to keep our neighborhood safe. We respectfully request that you assess the situation and see if there's more to do

Thank you very much

Roy and Miriam Jaeger

hi
my is Queen.

I live on 6451 N. Christiana

We do not have fence in our

yard so we always have

stranger coming in and out

of my yard and always

see foot prints in the

snow in winter just last

week a masked man wearing

hoodie and dark glasses

was roaming in our yard

When I asked what's going on

he said he's looking for somebody
really?? and this is ~~happening~~ going on
all over Lincolnwood