



Village of Lincolnwood Zoning Board of Appeals

Meeting
Thursday, March 21, 2024
7:00 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 Allegiances**
3. **Approval of Minutes**
February 21, 2024 Meeting Minutes
4. **Case #ZB-02-24: 4720 West Farwell Avenue – Zoning Variation Related to the Rear Setback for an Addition to a Single-Family Structure**
Request: Consideration of a request by Julie Schmidt, property owner, for approval of a Zoning Variation related to Section 4.11 to reduce the required rear yard setback along the northeast lot line from 30 feet to approximately 13 feet at the property commonly known as 4720 West Farwell Avenue. The reduced setback is necessary to accommodate a proposed one-story addition to the east side of the existing structure. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
5. **Case #ZB-03-24: 6812 North Kenneth Avenue – Zoning Variation Related to an Open-Air Parking Pad in the Corner Side Yard**
Request: Consideration of a request by Shiraz Syed, on behalf of the Akhtar & Syed Trust, property owner, for approval of a Zoning Variation related to Section 7.06(5) to allow an open-air parking pad in the corner side yard of the property commonly known as 6812 North Kenneth Avenue. The proposed open-air parking pad would be an extension of an existing driveway at the property. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
6. **Next Meeting: Wednesday, April 17, 2024**
7. **Public Comment**
8. **Adjournment**



Draft MEETING MINUTES
OF THE
February 21, 2024
ZONING BOARD OF APPEALS
LINCOLNWOOD VILLAGE HALL
Gerald C. Turry Village Board Room

Zoning Board of Appeals Members Present: Chairman Bruce Heller, Commissioners Martin Youkhanna, Rizwan Hussain, and Meldina Dervisevic

Absent: Commissioners Aida Cantic and Anna Velasquez

Staff Present: Doug Hammel, Planning and Economic Development Manager and Village Trustee Chris Martel

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:03 p.m.

II. Pledge of Allegiance

III. Approval of August 16, 2023 and October 25, 2023 ZBA Meeting Minutes

Motion: Commissioner Youkhanna made a motion to accept the minutes.

The motion was seconded by Commissioner Hussain.

Aye: Chairman Heller and Commissioners Dervisevic, Hussain, and Youkhanna

Nay: None

Abstain: None

Motion Approved: 4-0

IV. Case #ZB-01-24: 6446 North Spaulding Avenue – Zoning Variation Related to the Setback of an Attached Accessory Structure

Planning and Economic Development Manager Doug Hammel introduced the case, explaining that the subject property is in the R-4 Residential district and is an attached single-family dwelling unit part of a townhouse development of six total units.

It was stated that the petitioner did install a pergola at the subject property prior to receiving a permit. Once notified, they have acted in good faith to seek approval and compliance. Mr. Hammel

explained that the Zoning Board of Appeals was only responsible for deliberating on the approval of the zoning relief necessary to accommodate the pergola. Characteristics like anchoring of the structure to the ground, structural design, roof design, drainage, etc. would be subject to other applicable codes. He also stated that the Village is under no obligation to approve the Variation simply because the structure is already installed.

Mr. Hammel described the structure of the pergola and provided photographs.

He outlined that Section 3.08(6) states, “*A building intended for an accessory use, when attached to or a part of the principal building, shall be deemed a part of the principal building with regard to all setback and other requirements hereunder....*” Therefore, because the pergola is attached to the home, staff deemed the pergola an accessory structure that would be subject to Section 4.12 of the Zoning Ordinance. Section 4.12 establishes minimum setbacks for properties in the R-4 residential zoning district:

- Front: 25’
- Interior side: 10’ for space between building, 0’ for wall attached to adjacent dwelling unit
- Rear: 30’

Mr. Hammel noted that the code does not distinguish between attached or detached single-family development for front and rear yard setbacks.

The unique configuration of the subject property was discussed. The property does not front a public street making it difficult to determine the front and rear lot lines. Therefore, staff determined that the south lot line would be considered the front lot line because it fronts on a sidewalk that generally serves as public access to the subject property. The north lot line would then be considered the rear lot line, and the east and west lot lines would be considered side lot lines.

Mr. Hammel explained that that pergola is 2.6’ from the rear (north) lot line, but the required setback for an accessory structure in the rear yard is 30’. Therefore, the petitioner would need approval of a Zoning Variation from Section 4.12 to reduce the required rear yard setback for the accessory structure from 30’ to 2.6’.

Mr. Hammel explained that the subject property is significantly smaller than most properties in the Village, yet it is subject to the same requirements. The current distance between the primary structure and the rear lot line is approximately 16’. He noted that the pergola would be compliant with all other zoning regulations other than the rear setback. The pergola also would not impact building coverage or Floor Area Ratio calculations because it would not be an enclosed living space. Impervious surface calculations would also not be impacted because there is an existing hard surface under the pergola.

Building and stormwater compliance regulations would be applied if the Variation were to be approved and a plan review takes place as part of the permit process.

Mr. Hammel highlighted landscape screening already located on the property. A row of tall hedges run along the north lot line separating the subject property from the property to the north. There is approximately 45’ from the hedge row to the house located directly north of the subject property.

No public comment was received before the hearing.

Mr. Hammel stated that there were no prior requests comparable to the situation, but he reviewed quasi-related past requests.

There was some discussion about the staff determination of the front and rear yards. Commissioner Hussain explained an alternative interpretation stating that the alleyway (west lot line) could be considered the rear lot line, instead of the north lot line. This would establish the north and south lot lines as side lot lines, changing the setback requirements.

Mr. Hammel explained that if the lot line interpretation was changed, that would affect the magnitude of the request. If the lot line to the north was deemed a side lot line, the setback requirement would only be 6.75'. Staff chose to present the larger of the two setbacks to ensure that if approved, the pergola was approved with the largest possible magnitude in mind. Staff also chose to treat the property as an individual property when determining the lot lines instead of as a whole with the townhouse, due to separate parcel numbers.

Petitioner – Wamidh Jawad

The petitioner explained his reasoning for the installation of a pergola.

Commissioner Youkhanna asked if the narrow sidewalk path between the pergola and the tall hedges along the north lot line was shared between neighbors. Mr. Hammel clarified that the sidewalk area is part of each parcel, and not a separate public sidewalk for the purpose of the whole townhouse development. The petitioner explained that he allows his neighbors to walk through the area but that the section is private property, and there is minimal foot traffic.

Chairman Hussain asked if the regulatory considerations would be different or more favorable to the petitioner if the pergola was separate and not attached to the primary structure. Mr. Hammel explained that it would reduce the required setback from the lot line to three feet, but it would also trigger a required setback of 15 feet from the primary structure.

Mr. Hammel asked the petitioner if he had a legal obligation through a homeowner's association (or similar entity) to provide some sort of walkway between the parcels. The petitioner was not aware of a legal requirement.

There was some discussion on additional regulations set by a possible homeowner's association. Mr. Hammel explained that the regulations set by a homeowner's association would not affect the Zoning Board of Appeals decision, because if the pergola did not comply with homeowner's association regulations, that discussion would be between the homeowner's association and the resident, not the Zoning Board of Appeals.

Chairman Heller raised a concern about what precedent an approval of the request would set. He asked the Commissioners how to write the language to ensure that the approval of the request would be specific to the case and would not be applied easily elsewhere. Mr. Hammel explained that

approving a request does not automatically set a precedent and the best way to avoid future issues would be to establish specific findings of fact to demonstrate the unique characteristics of the property.

Commissioner Hussain asked the petitioner if he was opposed to moving the pergola to an area where it would not extend as far into the yard. The petitioner stated that the area the Commissioner proposed was already being used for parking.

Commissioner Hussain stated that he understood the uniqueness of the property and sympathized with the difficulty of making a property come into compliance with zoning regulations that were not in place when the property was built. He stated that he did not understand the idea of granting relief for a setback from 30' to 2.6' when 30' does not exist. He suggested changing the north lot line to act as the side lot line instead of the rear lot line and make the reduction from 6.75' to 2.6' or have the petitioner reduce the size of the pergola.

Mr. Hammel addressed the interpretation as it related to making a motion. He suggested making an approval based on the design of the pergola and allow staff to work with the Village Attorney to determine the right interpretation of the magnitude of the setback. Then that determination would be reflected in the ordinance presented to the Village Board.

Mr. Hammel explained his interpretation of the case as requested by Commissioner Hussain. He stated that the property is unique, and the request is not ordinary.

Commissioner Hussain asked the petitioner if he would be willing to make the pergola smaller to reduce the setback relief needed. The petitioner stated that he would be willing.

There was discussion about the element of hardship related to this request as hardship is one of the variation standards.

Commissioner Hussain asked if the Zoning Board of Appeals was a representation of the Village Board or of the community. Mr. Hammel confirmed that the Zoning Board of Appeals are stewards of the zoning code. The Commissioners should vet the facts of the case and make findings of fact, to then give the Village Board something to react to rather than them having to explore those facts.

The Commissioners reviewed the zoning standards as they applied to the request. Mr. Hammel explained that a request does not have to apply to every zoning standard, but that all standards should be considered before making a final determination.

Chairman Heller suggested switching the pergola length and width to reduce the magnitude of the setback relief. Instead of the pergola being 13.3' x 10.7', it could be 10.7' x 13.3'.

Motion: Commissioner Youkhanna made a motion to accept the proposal as presented due to the uniqueness of the property and no hardship on neighboring properties.

The motion was seconded by Commissioner Dervisevic.

Chairman Heller asked for there to be an addendum for staff and legal to draft this approval so that it would not be used as a precedent. Mr. Hammel stated that he was unsure how that language would be drafted but he was confident that the discussion sufficiently identified the unique characteristics of the property, protecting against the use of this case as a precedent.

Mr. Hussain stated that the existence of the pergola might be persuading the Commissioners to accept the proposal as is, rather than discussing the request as if the pergola was not already built. He stated that by approaching the discussion as if the pergola was not already built, his suggestion would be to have a setback of at least 3'.

Chairman Heller asked if anyone from the public would like to make any comments on this matter. Let the record state that no one came forward.

Aye: Commissioners Youkhanna and Dervisevic

Nay: Chairman Heller and Commissioner Hussain

Abstain: None

Motion Denied: 2-2

Motion: Commissioner Hussain made a motion to approve a Variation to reduce the required setback to 3'.

The motion was seconded by Commissioner Youkhanna.

Aye: Chairman Heller and Commissioners Youkhanna, Hussain and Dervisevic

Nay: None

Abstain: None

Motion Approved: 4-0

This item will go to the Village Board on March 5, 2024.

VI. Public Comment

The public was asked if anyone participating in the meeting would like to address the Zoning Board of Appeals. Let the record state that no one came forward.

VII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Thursday, March 21, 2024.

VIII. Adjournment

Motion to recommend adjournment was made by Commissioner Youkhanna and seconded by Commissioner Hussain. The meeting adjourned at 8:12 p.m.

Aye: Chairman Heller and Commissioners Youkhanna, Hussain, and Dervisevic

Nay: None

Abstain: None

Motion Approved: 4-0

Respectfully submitted,

Marcos Classen
Community Development Coordinator



Zoning Board of Appeals Staff Report

Case #ZB-02-24

March 21, 2024

Subject Property:
4720 West Farwell Avenue

Zoning District: R-3 Residential

Petitioner: Julie Schmidt, property owner

Requested Action: Approval of Variation to reduce the required rear yard setback to accommodate an addition to a single-family home



Notification: Notice was published in the Lincolnwood Review on February 29, 2024, a public hearing sign was installed at the subject property at 4720 West Farwell Avenue, and mailed notices dated February 26, 2024, were sent to properties within 250 Feet.

Summary of Request

Julie Schmidt, property owner, seeks approval of Zoning Variation to allow for the installation of an addition to a single-family home at the property commonly known as 4720 West Farwell Avenue. pergola attached to the north side of the primary structure located at the property commonly known as 6446 North Spaulding Avenue. The subject property is located in the R-3 Residential zoning district and has an area of approximately 6,400 square feet. It is located at the southern end of its block, with adjacent properties on the east and west fronting on Kilpatrick Avenue and Keating Avenue, respectively. The property hosts a two-story, single-family residential home. The primary portion of the home is flanked by a single-story garage on the west side and a single-story three seasons room on the east. The three seasons room has a deck on top of it that is accessed from the second floor of the primary home.

Proposed Improvement

The Petitioner plans to install a one-story addition on the east side of the house in the same general area as the three seasons room. However, the addition would extend further east and north than the existing three seasons room. The addition would accommodate a master bedroom suite and would utilize brick as its exterior façade material. In total, the addition would add approximately 545 square feet of year-round living space to the home.

Required Zoning Relief

Section 4.11 of the Zoning ordinance establishes area, bulk, density and setback standards for properties in the R-3 zoning district. Specifically, it establishes a rear yard setback of 30'. The unconventional shape of the subject property requires some interpretation to understand how the setback standards should be applied. The lot line fronting on Farwell Avenue is clearly the front lot line, and the two north-south lot lines intersecting the front lot line are clearly the interior side lot lines. For the purposes of this request, staff has interpreted the two diagonal lot lines forming a point at the north end of the parcel as the rear lot lines. The interpretation has been made based on the facts that a) other lot lines clearly meet the definition of side lot lines, and b) if these were not designated as rear lot lines, the property would not have any other lot lines to designate as such.

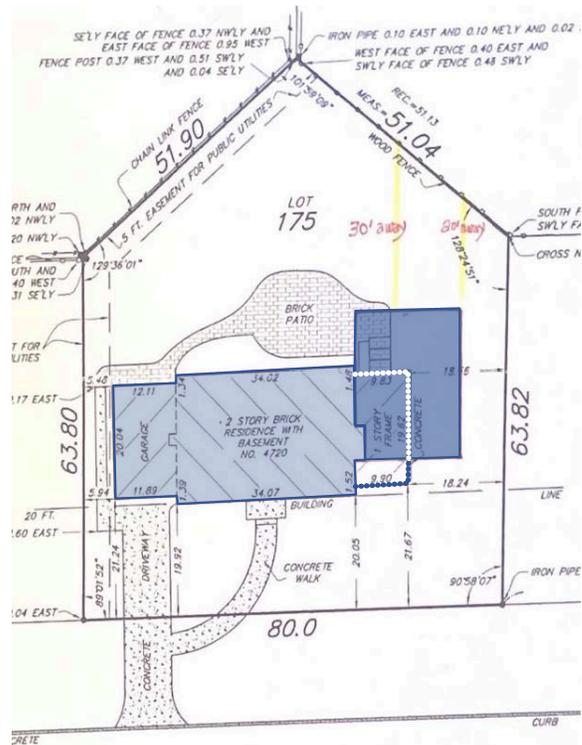
When applying that 30' rear yard setback to the diagonal lot lines, it is clear that the proposed addition encroaches on that setback. The corner closest to the rear lot line is setback approximately 13' 6" from the rear lot line. Therefore, a Variation is required to reduce the required setback of the northeast corner of the addition from 30' to 13' 6".

Considerations

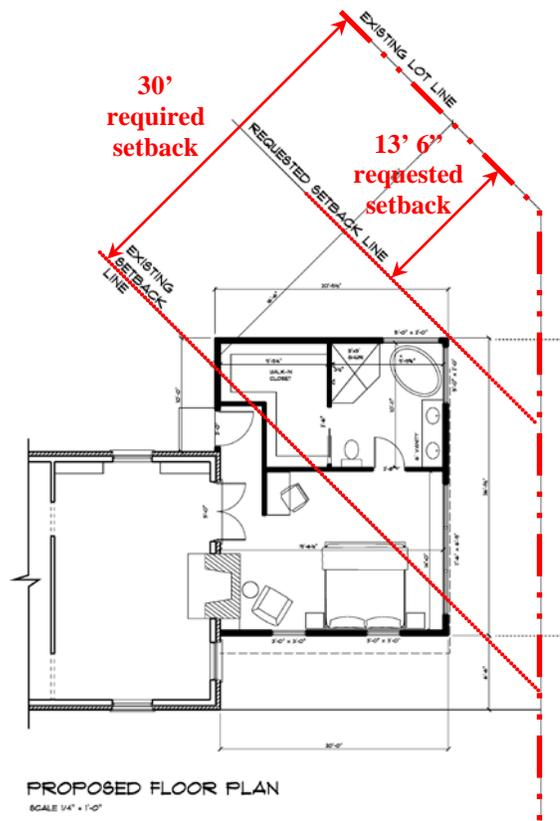
The Zoning Board of Appeals (ZBA) may consider the following when determining the appropriateness of the Petitioner's request.

Configuration of the subject property

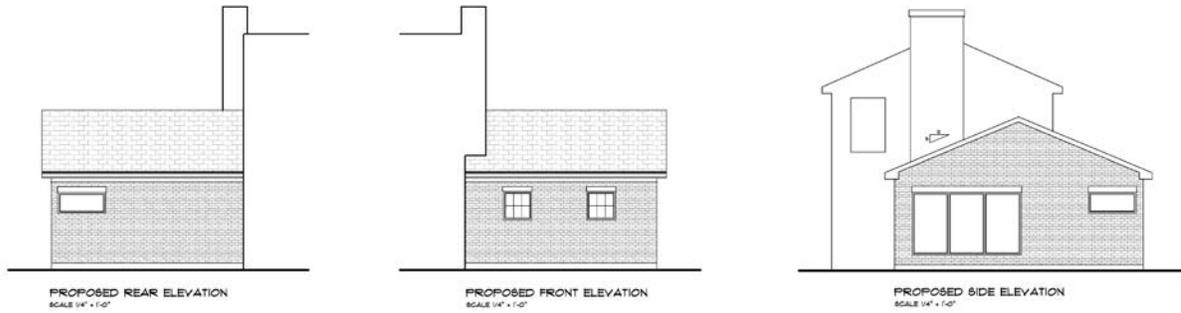
The property is abnormally shaped compared to most other single-family residential properties in the Village. This is the result of the original platting of the block on which the property is located, as it is the lone parcel fronting on Farwell Avenue at the southern end of that block. As a result, the properties on either side of it (6831 North Keating and 6830 North Kilpatrick) have an unusually shallow depth of approximately 100 feet. Additionally, 6839 North Keating and 6838 North Kilpatrick each have awkwardly shaped rear yards.



FARWELL AVENUE

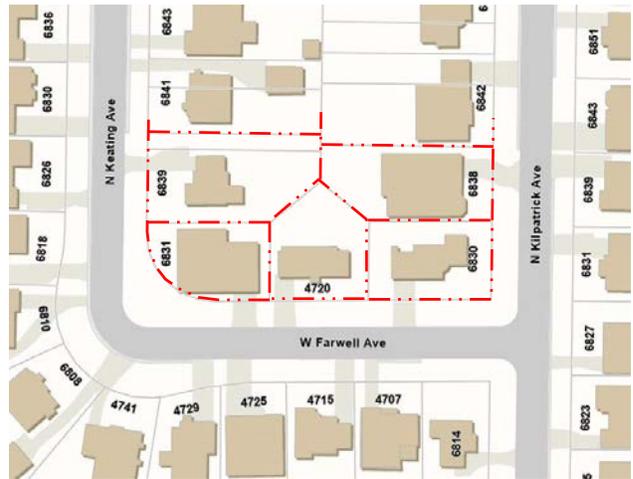


PROPOSED FLOOR PLAN
SCALE 1/4" = 1'-0"



Proximity to adjacent properties

The proposed addition would meet the required side yard setback along the subject property’s east lot line. In that regard, it will have a typical relationship with the structure at 6830 North Kilpatrick. The northeast corner of the proposed addition would be approximately 33 feet from the southwest corner of the home at 6838 North Kilpatrick. This is closer than what would typically be permitted on a block with a normal parcel structure. It also results in a primary structure in a location that would typically not be permitted relative to the home at 6838 North Kilpatrick on a block with a normal parcel structure.



Photos looking southeast (left) and east (right) showing the approximate footprint of the proposed addition (yellow lines)

Incremental change from three seasons room

According to the Plat of Survey for the subject property, the existing three seasons room is 9.9 feet wide and 19.62 feet deep. It covers about one-third of the area of the proposed addition, and the northeast corner of the three seasons room appears to slightly encroach into the required 30-foot setback from the diagonal rear lot line. The northeast corner of the proposed addition would be about ten feet further east and 10 feet further north than the existing three seasons room.

Other improvements permitted by right

When considering impacts on surrounding properties, it is important to understand how the Petitioner is entitled to improve her property without zoning relief or special approval. For example, based on the current configuration of the property, the Petitioner has the right to erect a detached accessory structure in the rear yard, so long as it is at least 60 feet from the front lot line, 15 feet from the primary structure, and three feet from all side and rear lot lines. Based on those required setbacks, the northern portion of the rear yard between the two diagonal rear lot lines is largely available for the construction of an accessory structure. Such a structure could be closer to, and more visible from, adjacent properties most impacted by the proposed addition.

Compliance with other relevant zoning regulations

The Petitioner has submitted supporting plans and calculations that demonstrate compliance with all other relevant zoning standards, including those related to impervious surface coverage, building coverage, and building materials. As part of the permitting process, the proposed addition would be subject to engineering review to ensure proper stormwater management improvements are provided.

Public comment

Prior to the public posting of this report, staff received two pieces of written public comment. Those comments are provided in their entirety as an attachment to this report. In summary, the first commentor expresses concerns related to the configuration of the properties and existing challenges related to stormwater management. The commentor states that increased development throughout the Village has exacerbated flooding, and the requested relief would allow an improvement that would continue that issue.

The second commentor, who resides at 6838 North Kilpatrick, expresses concern about the proximity of the proposed addition to his home. He states that the reduced setback of 13.5 feet will result in a structure that is too close to his property and will disrupt his view from that property's backyard.

Any other public comments received after the posting of this report will be provided to the ZBA during the March 21 hearing regarding this matter.

Prior similar requests

Given the unique characteristics of the subject property, staff was unable to find any prior similar cases that are directly analogous to this Petitioner's request. However, staff is providing information on the following cases that may provide context for the ZBA to consider when deliberating the Petitioner's requested relief.

6446 North Spaulding Avenue (2024)

The property owner sought a Variation to install a pergola with a setback from the rear lot line of 2.6 feet. The unique configuration of the townhouse development and subject property were found to be factors in the request. The ZBA supported the rationale for the request, but insisted that the setback be three feet in order to be consistent with what would be required of a detached accessory structure. The Village Board concurred with the ZBA's recommended approval of a three-foot setback.

6851 North Knox Avenue (2023)

The property owner originally sought Variations to install a one-story addition along the north lot line of the property. The plan required a reduction in the side yard setback from six feet to 4.66 feet (to match the existing legal non-conforming garage setback), and a reduction in the rear yard setback from 30 feet to 20 feet. The ZBA recommended approval of the requested relief. However, the Village Board requested that the Petitioner consider reconfiguring the plan to reduce the magnitude of the requested Variations. The revised plan complied with the required side yard setback and reduced the requested rear yard setback to 27 feet instead of 30 feet as required by the code. The Village Board approved the revised request by a 4-3 vote.

6721 North Lemai (2021)

The property owner sought a Variation to install an addition along the north lot line that would include an upper-floor addition above the attached garage and a two-floor addition to the rear of the garage. The ZBA unanimously recommended approval of the request, noting that the existing deck above the garage established a building height similar to the height of the proposed eave, thereby minimizing the amount of new incremental impact on the neighboring property. The Village Board concurred with the ZBA's recommendation and granted the Variation request.

6827 Knox (2019)

The property owner sought a Variation to install a second-floor addition over an existing garage with a side yard setback with a side yard setback of 4.9', rather than the required 6' setback. The ZBA unanimously recommended approval of the request, noting that there would be no incremental impacts from the existing configuration. The Village Board unanimously approved the request.

6609 Kolmar (2018)

The property owner sought a Variation to demolish and rebuild an existing garage with a side yard setback with a side yard setback of 6', rather than the required 7' setback. The ZBA unanimously recommended approval of the request, noting that there would be no incremental impacts from the existing configuration. The Village Board unanimously approved the request.

Variation Standards

When considering the appropriateness of a Variation request, Section 5.15(7) of the Zoning Code states that *"there shall be taken into consideration the extent to which the following facts are established:*

- a) *The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;*
- b) *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;*
- c) *The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;*
- d) *The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;*
- e) *The alleged difficulty or hardship has not been created by any person presently having an interest in the property;*

- f) 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;*
- g) The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and*
- h) 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.”*

Conclusion

The Petitioner seeks approval of a Zoning Variation from Section 4.11 to allow the reduction in the rear yard setback from 30 feet to 13.5 feet in order to accommodate an addition to a single-family home.

Documents Attached

1. Variation Application
2. Plat of Survey
3. Floor Plan
4. Elevations
5. Photos Submitted by the Petitioner
6. Public Comment
7. Relevant Regulations
8. ZBA Commissioner Checklist of Variation Standards



VILLAGE OF LINCOLNWOOD

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

www.lincolnwoodil.org | commdev@lwd.org

Public Hearing Application - Variations

SUBJECT PROPERTY

Property Address: _____

Permanent Real Estate Index Number(s): _____

Zoning District: _____ Lot Area: 6375

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.

2 Story residence

Are there existing development restrictions affecting the property? Yes ___ No X
(Examples: previous Variations, conditions, easements, covenants) If yes, describe: _____

REQUESTED ACTION

- | | |
|---|--|
| <input checked="" type="checkbox"/> Variation - Residential | <input type="checkbox"/> Variation - Signs/Special Signs |
| <input type="checkbox"/> Variation - Non-Residential | <input type="checkbox"/> Minor Variation |
| <input type="checkbox"/> Variation - Off-Street Parking | <input type="checkbox"/> Other |
| <input type="checkbox"/> Variation - Design Standards | |

PROJECT DESCRIPTION

Describe the Request and Project: Reduction of rear setback from 30' to 13'-6" to allow a bedroom suite addition.

PROPERTY OWNER/PETITIONER INFORMATION

Property Owner(s): (List all Beneficiaries if Trust)

Name: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____ E-mail: _____

Petitioner: (if Different from Owner)

Name: _____ Relationship to Property: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____ E-mail: _____

NOTICE OF REASONABLE ACCOMMODATION PROCESS

An alternate process is provided by the Village for persons with disabilities or handicaps who seek a Reasonable Accommodation from the Zoning Code regulations in order to gain equal access to housing. If you seek a Reasonable Accommodation from the Zoning Code based on disability or handicap, do not complete this application form, but rather a separate application for Reasonable Accommodation. For more information on this process, consult Section 4.06(3) of the Zoning Code, or contact the Community Development Department at 847.673.7402.

REQUIRED ATTACHMENTS *

Check all Applicable Documents:

Plat of Survey

Applicable Zoning Worksheet

Site Plan

Photos of the Property

Proof of Ownership

PDF Files of all Drawings

Floor Plans

Elevations

**The above documents are required for all applications. The Zoning Officer may release an applicant from specific required documents or may require additional documents as deemed necessary.*

COST REIMBURSEMENT REQUIREMENT

The Village requires reimbursement of certain out-of-pocket costs incurred by the Village in connection with applications for zoning approvals and relief. These costs include, but are not limited to, mailing costs, attorney and engineer costs, and other out-of-pocket costs incurred by the Village in connection with this application. In accordance with Section 5.02 of the Village of Lincolnwood Zoning Ordinance, both the Petitioner and the Property Owner shall be jointly and severally liable for the payment of such out-of-pocket costs. Out-of-pocket costs incurred shall be first applied against any hearing deposit held by the Village, with any additional sums incurred to be billed at the conclusion of the hearing process.

Invoices in connection with this application shall be directed to:

Name: _____

Address: _____

City, State, Zip: _____

ATTESTMENT AND SIGNATURE

I hereby state that I have read and understand the Village cost reimbursement requirement, as well as the requirements and procedures outlined in Article V of the Village Zoning Ordinance, and I agree to reimburse the Village within 30 days after receipt of an invoice therefor. I also understand that if I desire a Reasonable Accommodation from the Zoning Code based on disability or handicap, that I must complete and submit a different application for consideration and by submitting this application for a Variation, I am attesting that I am not seeking a Reasonable Accommodation. I further attest that all statements and information provided in this application are true and correct to the best of my knowledge and that I have vested in me the authority to execute this application.

PROPERTY OWNER:

PETITIONER: (if Different than Property Owner)

Signature

Signature

Print Name

Print Name

Date

Date

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. Use additional paper if necessary.

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

The variation allows for an Owner's Suite with bathroom. This is consistent with the current use as a single family home.

- 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 irregular nature of the lot with its complex rear lot lines require a variation which would not be needed for a typical rectangular lot.

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.

This lot shape is atypical and generally does not apply to many lots in the zoning district.

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

The variation would allow the current Owner to live at this address long term. It is not intended for investment value.

VARIATION STANDARDS (Continued)

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

The current owner did not design the original home or its location on the site which has caused this hardship.

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.

This variation will not create a condition detrimental to other properties. The addition is single-story and other similar setback conditions occur in the area currently.

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

The request allows for a minimal bedroom suite so the owner can live at this address long term. The proposed room sizes are minimal for its use.

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.

The single story does not negatively impact view, light, or air to neighboring lots.

SIGN VARIATION STANDARDS

For all Sign Variation and/or Special Sign requests, the Applicant shall also complete Questions 9 through 12.

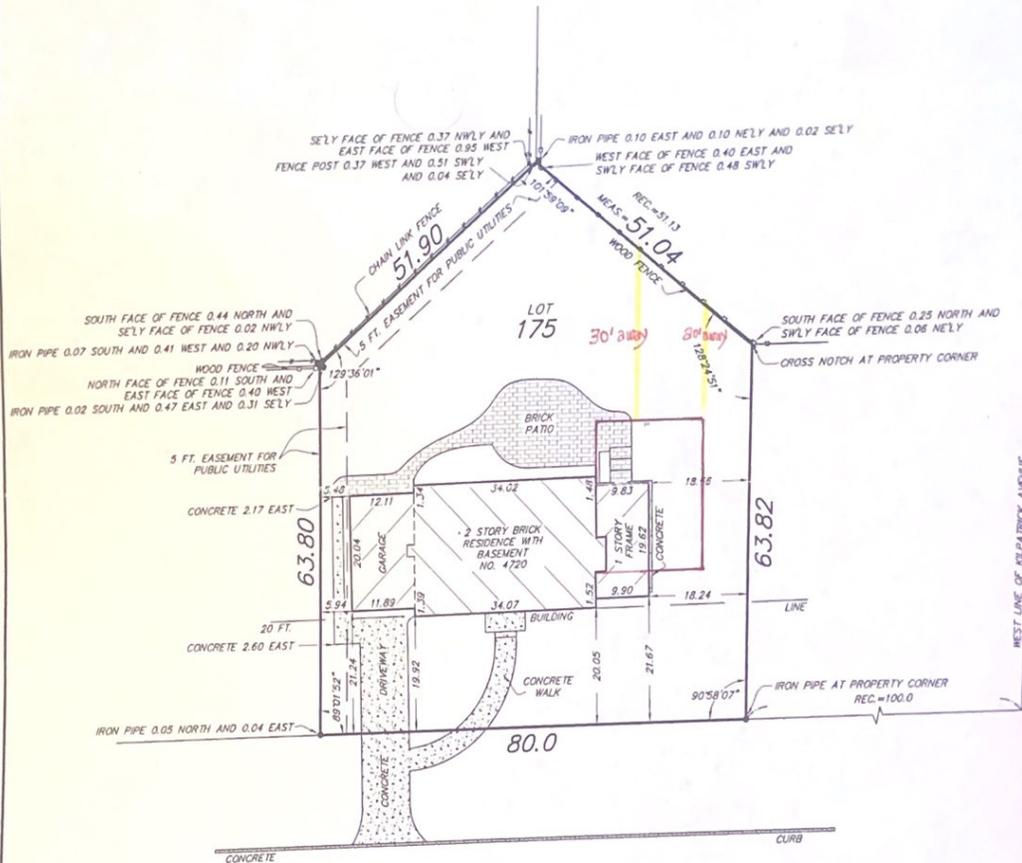
9. The proposed Variation is consistent with the statement of purpose set forth in Section 11.01 of the Zoning Ordinance.

10. The proposed sign complies with any additional standards or conditions set forth in Article XI of the Zoning Ordinance.

PLAT OF SURVEY

BY
JOHN M. HENRIKSEN
 58 BROADWAY DES PLAINES, ILLINOIS 60016
 847-795-0301

OF
 LOT 175 IN LINCOLNWOOD ESTATES SECOND ADDITION, A SUBDIVISION OF PART
 OF THE NORTHWEST QUARTER IN JAMES CLARK'S SUBDIVISION IN THE
 NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 13, EAST OF
 THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



FARWELL AVENUE

ORDER NUMBER: 050463

SCALE: 1 INCH = 20 FEET

ORDERED BY: HEGARTY, KOWLS & ASSOC.

BUILDING LINES AND EASEMENTS, IF ANY, SHOWN
 HEREON ARE BUILDING LINES AND EASEMENTS AS
 SHOWN ON THE RECORDED SUBDIVISION PLAT.
 CONSULT LOCAL AUTHORITIES FOR BUILDING LINES
 ESTABLISHED BY LOCAL ORDINANCES.

PLEASE CHECK LEGAL DESCRIPTION WITH DEED.

COMPARE ALL POINTS BEFORE BUILDING AND REPORT
 ANY DISCREPANCY IMMEDIATELY.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

FRACTIONAL INCH EQUIVALENTS
 OF HUNDREDTHS OF A FOOT.

001-1/8"	0.25-3"
002-1/4"	0.31-4"
003-3/8"	0.37-4-1/2"
004-1/2"	0.38-4-1/2"
005-5/8"	0.42-5"
006-3/4"	0.50-6"
007-7/8"	0.56-7"
008-1"	0.62-7-1/2"
009-1-1/8"	0.62-7-1/2"
010-1-1/4"	0.67-8"
011-1-3/8"	0.75-9"
012-1-1/2"	0.81-10"
013-1-1/2"	0.87-10-1/2"
014-1-5/8"	0.88-10-1/2"
015-1-3/4"	0.92-11"
016-1-7/8"	1.00-12"
017-2"	

THIS PROFESSIONAL SERVICE CONFORMS TO THE ILLINOIS
 MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

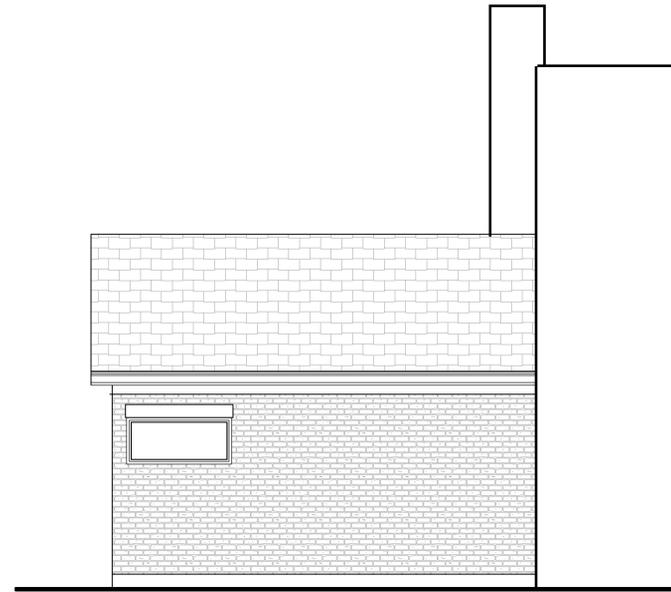
STATE OF ILLINOIS
 COUNTY OF COOK

I, JOHN M. HENRIKSEN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR,
 DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED
 PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT
 REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET
 DECIMAL PARTS THEREOF.

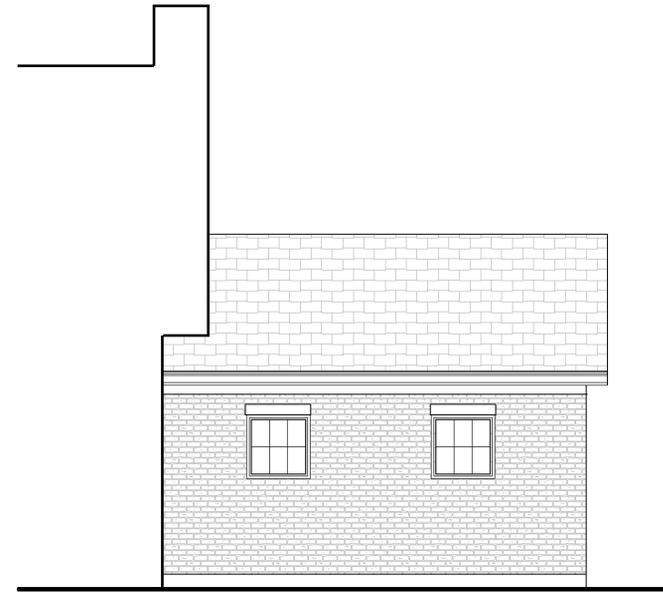
DES PLAINES, ILLINOIS OCTOBER 18, 2005.

John M. Henriksen
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2668
 LICENSE EXPIRES NOVEMBER 30, 2006.

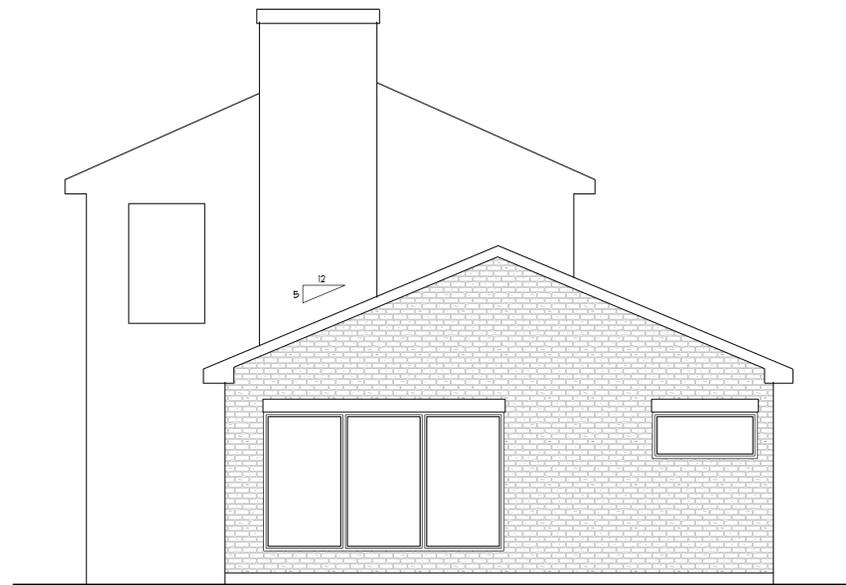




PROPOSED REAR ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED FRONT ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED SIDE ELEVATION
SCALE 1/4" = 1'-0"

Attachment #5. Photos Submitted by the Petitioner



6955 N. Keating
Lincolnwood, IL 60712
February 29, 2024

Doug Hammel
Planning & Economic Development
Village of Lincolnwood

Dear Mr. Hammel:

This letter is in response to the sign posted in front of the house at 4720 Farwell Ave, the center of three houses bordering Farwell. There is a request for a variance to increase the footprint of the house beyond the allowable parameters. I would like this variance to be denied.

In this section of lots fronting on Keating and Kilpatrick between Lunt and Farwell, all are rectangular and contain a depth of 140 feet with the exception of the three end lots bordering Farwell Avenue. The center lot was developed by taking portions of each of the end lots and forming an irregular triangle on which to build a house. This diminished the sizes of all three lots and made their configurations aesthetically unattractive. It added the usage of water by another family. In addition it greatly lessened the amount of permeable ground which absorbed rainwater.

One of the greatest problems our area faces is the aged, inadequate sewage system exacerbated by the diminishment of permeable ground and the removal of large trees which absorbed excess water. More and more of this ground has been lost through the building of houses too large for the lots, and the construction of additions, concrete driveways, and patios. To allow a variance in order to extend this house would push it closer to its neighbors and eliminate even more of the already compromised permeable ground space. Where would all this water go?

Sincerely,

Marilyn Schumi

From: [REDACTED]
To: [Hammel.Douglas](#)
Subject: Case#ZB-02-24. 4720 West Farwell Ave
Date: Wednesday, March 13, 2024 6:06:22 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Mr. Hammel

I am writing in regards to the above case. As the house with backyard facing the mentioned set back, I am concerned that the new proposed addition with only 13 ft distance from the fence, will be too close to my property and affect the view from our backyard.

Thank you for considering this in your hearing process by the Zoning Board of Appeals.

Sincerely,
Maziyar Mirhosseini
6838 N. Kilpatrick Ave.
Lincolnwood, Illinois

[REDACTED]

Attachment #5. Photos Submitted by the Petitioner

4.11 Area, bulk, density and setback standards: R-1, R-2, and R-3 Districts.

Use Category	Residential Zones		
	R-1	R-2	R-3
<i>Lot Standards (single-family dwelling units)</i>			
Minimum lot size (square feet)	9,000 SF	7,000 SF	5,400 SF
Maximum impervious coverage: %	60%	60%	60%
Maximum building coverage (%)	35%	35%	35%
<i>Minimum Ground Floor Area Per Dwelling</i>			
SF detached 1-story dwelling without basement	1,700 SF	1,400 SF	1,300 SF
SF detached 1-story dwelling with basement	1,500 SF	1,200 SF	1,100 SF
SF detached dwellings with (1 + stories)	1,000 SF	800 SF	700 SF
<i>Building Standards</i>			
Maximum building height (feet) peaked roof SF detached measured to roof peak	35 feet	35 feet	35 feet
Maximum building height (feet) flat roof SF detached measured to the highest point of the flat roof	22 feet	22 feet	22 feet
Finished 1st floor height limit SF residential (elevation at top of curb to the top of the finished first floor)	Max. 3 feet	Max. 3 feet	Max. 3 feet
<i>Maximum FAR</i>			
SF detached	0.7	0.7	0.7
Nonresidential permitted or special uses	0.5	0.5	0.5
<i>Yard Standards</i>			
Minimum front setback (feet) (Note 3)	25 feet	25 feet	25 feet
Minimum front yard coverage with landscaping (%)	50%	50%	50%
Minimum interior side setback (feet) single-family detached dwellings	The greater of 5 feet or 10% of lot width	The greater of 5 feet or	The greater of 5 feet or 10% of lot width

Use Category	Residential Zones		
	R-1	R-2	R-3
		10% of lot width	
Minimum interior side yard setback (feet) nonresidential uses	15 feet each side yard	15 feet each side yard	15 feet each side yard
Minimum corner side setback (feet)	10 feet	10 feet	10 feet
Minimum rear setback (feet)	30 feet	30 feet	30 feet

5.15 Major variations.

(7) Standards. 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:

- a. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;
- b. 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;
- c. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;
- d. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;
- e. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- f. 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;
- g. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and
- h. 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.

Village of Lincolnwood Plan Commission: Variation Standards Checklist

ZBA Worksheet for Variation Requests

Commissioners can separate this worksheet from their packet and make their own notes in advance of the hearing. This is intended to assist in the establishment of findings of fact that may support a recommendation to be forwarded to the Village Board.

How the Standards Should Be Applied

Section 5.15(7) 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....”*

Variation Standards Worksheet

Address: 4720 West Farwell Avenue

Case #: ZB-02-24

Requested Variation: Reduction in rear setback for an addition to a single-family residence

Standards	Comments/Additional Questions for Discussion
A. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan	
B. 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	
C. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district	
D. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property	
E. The alleged difficulty or hardship has not been created by any person presently having an interest in the property	

Village of Lincolnwood Plan Commission: Variation Standards Checklist

<p>F. 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</p>	
<p>G. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property</p>	
<p>H. 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</p>	
<p>I. For variations from Article XI (Signs) of this Zoning Ordinance:</p> <ul style="list-style-type: none">(1) The proposed variation is consistent with the statement of purpose set forth in Section 11.01 of this Zoning Ordinance;(2) The proposed sign complies with any additional standards or conditions set forth in Article XI of this ordinance;(3) The proposed sign will substantially enhance the architectural integrity of the building or other structure to which it will be attached, if any; and(4) The proposed sign conforms with the design and appearance of nearby structures and signs.	

Proposed Improvement

The Petitioner plans to extend the southern edge of the driveway to match the southern edge of the open-air parking pad. This would result in a driveway and apron that would continue to provide access to the on-car garage and would accommodate side-by-side parking.

Required Zoning Relief

Section 7.06(5) of the Zoning ordinance states that “...open-air, off-street parking spaces may be located in: (a) any rear yard, in any zoning district; and (b) in a front yard or a side yard abutting a street, but only within the B-1, B-2, B-3, O-1, M-B, and P Districts....” This provision does not state that open-air parking spaces are permitted in the corner side yard for properties in a residential district. Based on this provision, open-air parking spaces are only permitted in the rear yard of a property in a residential zoning district. Therefore, a Variation from Section 7.06(5) is required to allow the creation of a new open-air parking space in the corner side yard of the subject property.

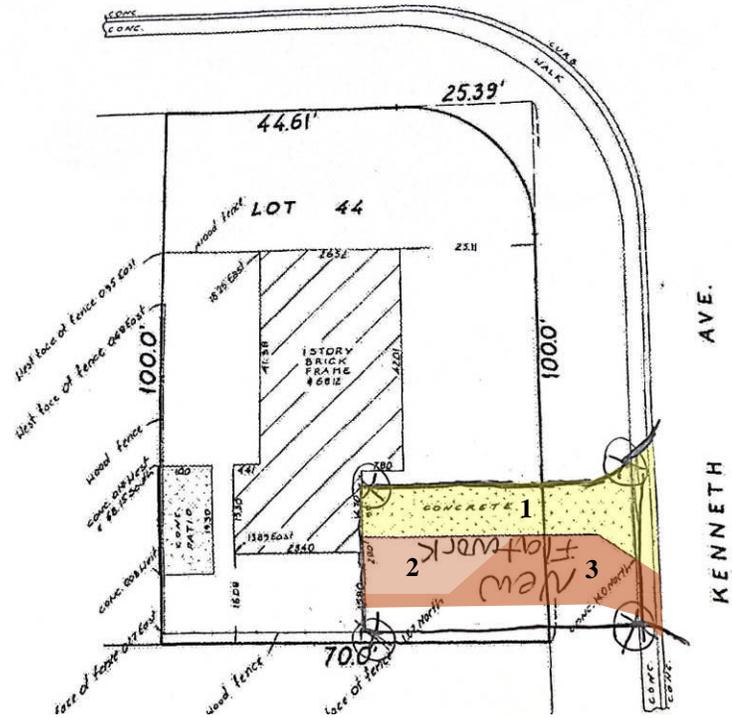


Diagram showing 1) the existing driveway, 2) the existing open-air parking space, and 3) the proposed expanded open-air parking area and curb cut

Considerations

The Zoning Board of Appeals (ZBA) may consider the following when determining the appropriateness of the Petitioner’s request.

Compliance with other zoning regulations

Based on information provided by the petitioner, staff has confirmed that the proposed improvement is compliant with other relevant zoning regulations, including maximum permitted impervious coverage, a required one-foot setback between the edge of the proposed driveway and the southern lot line, and a maximum permitted driveway width of 20 feet.

Additional information provided by the Petitioner

As part of his application, the Petitioner provided additional information providing his rationale for the need for the expanded driveway and photos illustrating the impacts of accidents when his vehicles have been parked on the street. That information and photos are provided in their entirety as an attachment to this report. In summary, the Petitioner highlights the enhanced curb appeal the new driveway would provide, enhanced property value and property tax revenue, and reduced accidents along that portion of Kenneth Avenue. The Petitioner states that there are cars parked on each side of Kenneth Avenue, and as a result vehicles have difficulty safely navigating the block. (It is worth noting that the width of the right-of-way on Kenneth Avenue adjacent to the subject property is consistent with the right-of-way width of residential streets throughout the Village. However, the curb-to-curb width on Kenneth Avenue (approx.. 26 feet) is about four feet narrower than the typical width of residential streets.)

Demand for on-street parking near the subject property

The Petitioner's submittal states that cars parked on the street narrow the navigable width of Kenneth Avenue in front of his property. While no formal parking assessment has been performed, staff has often observed cars parked on both sides of Kenneth Avenue in this location. Including the existing open-air parking space, the petitioner's driveway can accommodate three vehicles. Information maintained by the Village shows that there are currently five vehicles registered to the petitioner's address.

Public comment

Staff did not receive any public comment prior to the public posting of this report. Any public comments received after the posting of this report will be provided to the ZBA during the March 21 hearing regarding this matter.

Prior similar requests

Staff is aware of one prior similar request in the past several years. In 2017, the owner of 7235 North Kostner Avenue sought approval of a Variation to allow an open-air parking pad in the front yard of a residential property. The ZBA passed a motion (3-2) recommending approval of the requested relief. However, the Village Board denied the request by a 4-2 vote. Trustees acknowledged the Petitioner's claims of limited on-street parking, but expressed concerns regarding the aesthetic impact such an approval would have if more broadly applied throughout the Village.

Variation Standards

When considering the appropriateness of a Variation request, Section 5.15(7) of the Zoning Code states that "*there shall be taken into consideration the extent to which the following facts are established:*

- a) *The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;*
- b) *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;*
- c) *The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;*

- d) The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;*
- e) The alleged difficulty or hardship has not been created by any person presently having an interest in the property;*
- f) 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;*
- g) The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and*
- h) 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.”*

Conclusion

The Petitioner seeks approval of a Zoning Variation from Section 7.06(5) to allow the creation of a new open-air parking space in the corner side yard of the subject property.

Documents Attached

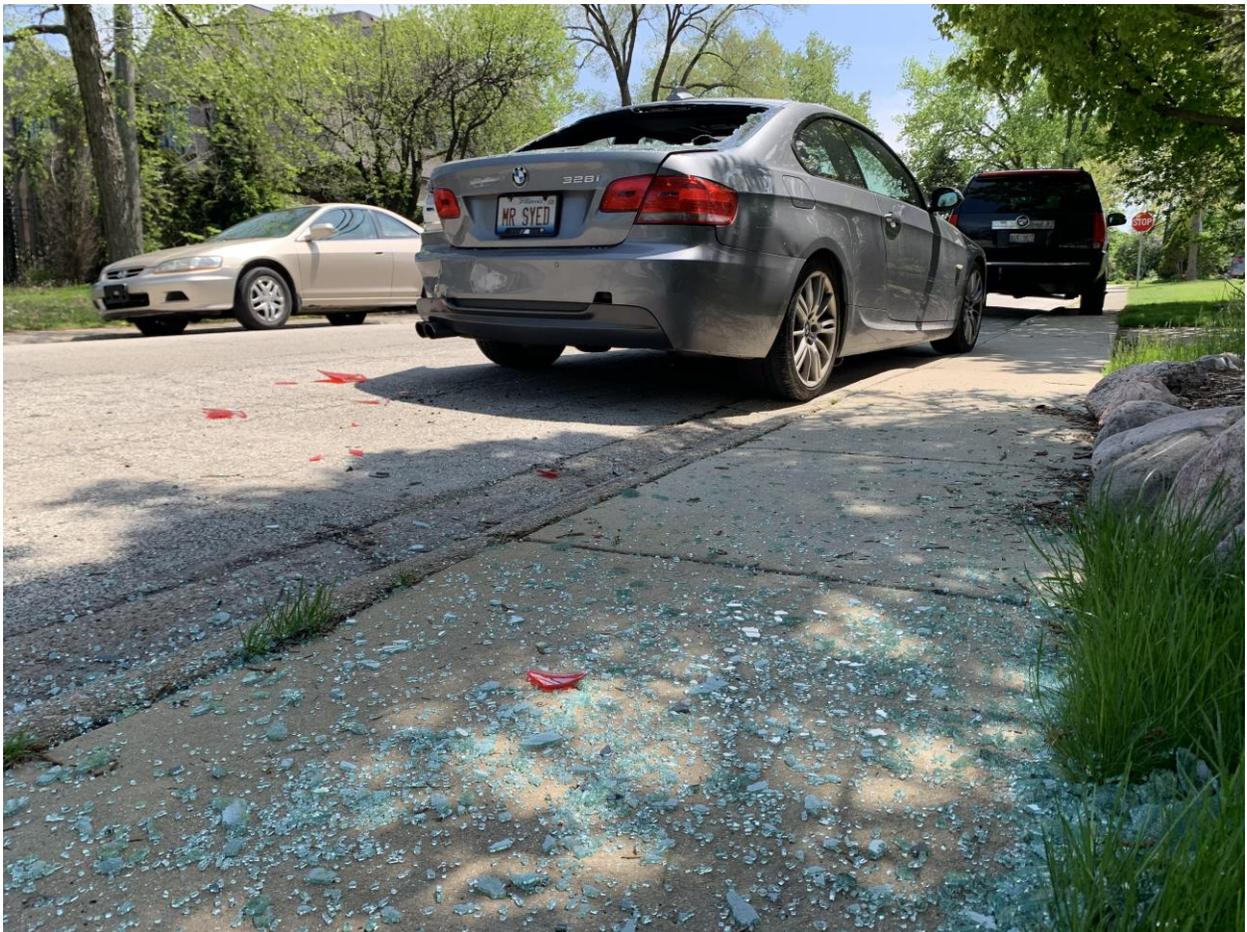
1. Information and Photos Submitted by the Petitioner
2. Plat of Survey
3. Photos of the Subject Property
4. Relevant Regulations
5. ZBA Commissioner Checklist of Variation Standards

6812 N Kenneth Ave Lincolnwood IL 60712 – Open Air Driveway Comments:

- Enhanced curb appeal (current driveway looks terrible)
- Increase in profits for Lincolnwood
- Mitigates the chances of accidents since it is a narrow street with low visibility therefore, it will increase the visibility of cars passing through
- increase in utility for the property, which will increase property value, meaning more tax dollars for the community.

Id like to add that it would also be beneficial because with cars parked on each side of the street, there is only room for one car to pass. That means, if another car is oncoming, they have to pull over to the side and wait till that car passes. In events of high traffic such as Lincolnwood fest, large snowfalls, etc. there is a bottle neck every so often. This is observed from my home office on a daily basis.

Photos of accidents on the next page:



Attachment #3. Photos of the Subject Property

Photo Submitted by the Petitioner



Photos Taken by Staff



Attachment #4. Relevant Regulations

7.06 General standards for off-street parking facilities.

Off-street parking facilities shall be provided in accordance with regulations hereinafter set forth.

(5) In yards. Subject to the provisions set forth in this Section 7.06, open-air, off-street parking spaces may be located in: (a) any rear yard, in any zoning district; and (b) in a front yard or a side yard abutting a street, but only within the B-1, B-2, B-3, O-1, M-B, and P Districts, and only upon the issuance of a special use permit therefor pursuant to the procedures set forth in Section 5.17 of this Zoning Ordinance.

5.15 Major variations.

(7) Standards. 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:

- a. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;
- b. 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;
- c. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;
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- e. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- f. 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;
- g. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and
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Village of Lincolnwood Plan Commission: Variation Standards Checklist

ZBA Worksheet for Variation Requests

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How the Standards Should Be Applied

Section 5.15(7) 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....”*

Variation Standards Worksheet

Address: 6812 North Kenneth Avenue

Case #: ZB-03-24

Requested Variation: Variation to allow an open-air parking space in the corner side yard

Standards	Comments/Additional Questions for Discussion
A. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan	
B. 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	
C. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district	
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E. The alleged difficulty or hardship has not been created by any person presently having an interest in the property	

Village of Lincolnwood Plan Commission: Variation Standards Checklist

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<p>I. For variations from Article XI (Signs) of this Zoning Ordinance:</p> <ul style="list-style-type: none">(1) The proposed variation is consistent with the statement of purpose set forth in Section 11.01 of this Zoning Ordinance;(2) The proposed sign complies with any additional standards or conditions set forth in Article XI of this ordinance;(3) The proposed sign will substantially enhance the architectural integrity of the building or other structure to which it will be attached, if any; and(4) The proposed sign conforms with the design and appearance of nearby structures and signs.	