



# Village of Lincolnwood Zoning Board of Appeals

*Meeting*  
**Wednesday, May 15, 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**  
March 21, 2024 Meeting Minutes
4. **Case #ZB-04-24: 7163 North East Prairie Avenue – Special Fence Approval to Allow a Masonry and Wrought Iron Fence**  
**Request:** Consideration of a request by Angel and Judith Vega, property owners, for approval of a Special Fence at the property commonly known as 7163 North East Prairie Avenue, subject to the provisions of Section 3.13(8) and 3.13(25) of the Zoning Ordinance. The proposed fence would be made of masonry columns and decorative wrought iron, and would enclose the rear yard and the interior side yard on the north side of the home. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
5. **Case #ZB-05-24: 6708 North Kedvale Avenue – Variation Related to a Reduced Rear Yard Setback for a Residential Deck**  
**Request:** Consideration of a request by Sol Ashbach, property owner, for approval of a Zoning Variation at the property commonly known as 6708 North Kedvale Avenue. The Variation would allow for the construction of a residential deck with a reduced rear yard setback of approximately one foot along the portion of the rear lot line closest to the primary structure. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
6. **Next Meeting: Wednesday, June 19, 2024**
7. **Public Comment**
8. **Adjournment**

Posted: May 10, 2024



**Draft MEETING MINUTES  
OF THE  
March 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 7:05 p.m.

**II. Pledge of Allegiance**

**III. Approval of February 21, 2024 ZBA Meeting Minutes**

**Motion:** Commissioner Dervisevic made a motion to accept the minutes with a revision on page 3 to change the incorrect addressment of “Chairman Hussain” to the correct addressment, “Commissioner Hussain.”

The motion was seconded by Commissioner Youkhanna.

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

**Nay:** None

**Abstain:** None

**Motion Approved: 4-0**

**IV. Case #ZB-02-24: 4720 West Farwell Avenue – Zoning Variation Related to the Rear Setback for an Addition to a Single-Family Structure**

Planning and Economic Development Manager Doug Hammel introduced the case, explaining that the subject property is in the R-3 Residential district and is a two-story, single-family home flanked by a single-story garage on the west side and a single-story three seasons room on the east.

It was stated that the petitioner had requested to install a one-story addition on the east side of the home. The addition would extend further east and north than the existing three seasons room and accommodate a master bedroom suite. The addition would add approximately 545 square feet of year-round living space.

Mr. Hammel described the layout of the addition and provided elevation and floor plans. He noted the unique shape of the lot, and how staff determined that the two diagonal lot lines would be considered the rear lot lines.

He outlined that Section 4.11 establishes area, bulk, density, and setback standards for properties in the R-3 zoning district and establishes a rear yard setback of 30'. When applying the 30' rear yard setback to the diagonal lot lines, the proposed addition would encroach on that setback. A variation would be required to reduce the required setback of the northeast corner of the addition from 30' to 13' 6".

Mr. Hammel noted the proximity and impact on neighboring properties. He also noted that much of the new addition would replace and enlarge the three seasons room, possibly lessening the incremental change to the property.

Additional considerations of the subject property were discussed.

Two public comments were received regarding the possible new addition. One expressed concerns of increased stormwater flooding in the Village and was worried that the new addition would contribute to the issue. The second comment came from the property northeast of the subject property expressing concerns about the proximity of the new addition to their property stating that it could disrupt the view from their backyard.

Mr. Hammel stated that there were no prior requests comparable to the situation because of the unique property layout, but he summarized quasi-related past requests.

Commissioner Hussain asked Mr. Hammel to clarify the determination of the diagonal lines as the rear lot lines. There was discussion about where the 30' setback should be measured from.

Chairman Heller announced a short recess. The meeting resumed after two minutes.

Chairman Heller noted that the Commissioners should be aware that the building expansion would not exceed the maximum FAR.

Commissioner Dervisevic asked about the history of the subject property and if the rear lot line used to be parallel to the front lot line. It was confirmed that the surrounding properties were newer builds and most likely encroached onto the lot area of the subject property.

Petitioner – Sean Pernell, Architect

Mr. Pernell explained the homeowner's reasoning for the home addition. He stated that she wishes to stay in her home and in the Village but can only stay if she is able to live on the first level of the

home. He noted the uniqueness of the lot lines and explained that the layout of the addition was conservative as they wished to stay respectful to neighboring properties.

Commissioner Hussain asked the petitioner to consider moving the addition south to be in line with the front façade of the house. He explained that an additional variation would need to be added to the request, but the change would reduce the requested setback variation from the rear lot lines and increase the distance from the neighboring property.

Mr. Pernell stated that there were aesthetic concerns with bringing the addition south to be in line with the front façade. There is a front window in the three seasons room that they would like to maintain in the new addition that would have to be enveloped if they moved the addition south. He also stated that the streetscape of the house is better served by a setback from the front lot line.

Commissioner Youkhanna asked the petitioner if he could reduce the square footage of the addition. Mr. Pernell stated that the floor plan was planned in accordance with the needs of the homeowner, but if the decision came down to size, a nominal accommodation could be made.

There was discussion about the impact to the neighboring property to the northeast of the subject property. Mr. Pernell stated that the addition was comparable to the height of the existing three seasons room. He clarified that there is a 6' fence between the two properties.

There was discussion about the variation standards as they applied to the case. The Commissioners determined that the unique physical characteristics of the property should be considered a hardship and that the conditions the variation would be based on would not be applicable generally to other properties within the same zoning district. They also determined that the hardship was not created by the Petitioner, the addition would not be a detriment to public welfare, the variation granted would be the minimum change to the Zoning Ordinance standards necessary, and that the addition would not impair adequate supply of light and air.

**Motion:** Commissioner Hussain made a motion to recommend approval of the request as presented.

The motion was seconded by Commissioner Dervisevic.

**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 April 2, 2024.

**IV. Case #ZB-03-24: 6812 North Kenneth Avenue – Zoning Variation Related to an Open-Air Parking Pad in the Corner Side Yard**

Planning and Economic Development Manager Doug Hammel introduced the case, explaining that the subject property is in the R-3 Residential district and is a single-family home that has a

driveway accessible from North Kenneth Avenue that provides access to a one-car attached garage. The property also has a legal non-conforming open-air parking pad adjacent to the driveway.

It was stated that the petitioner had requested to extend the southern edge of the driveway to match the southern edge of the open-air parking pad essentially creating side-by-side parking in the driveway where one lane would access the garage, and one lane that would serve as open-air parking.

He outlined that Section 7.06(5) states, “...*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 does not include the corner side yard of a residential property. Therefore, a variation from Section 7.06(5) would be required to expand the driveway.

Mr. Hammel reviewed information provided by the petitioner about how an expanded driveway would enhance curb appeal, enhance property values, and reduce accidents along that portion of Kenneth Avenue. He also noted the roadway characteristics and parking demand of Kenneth Avenue.

There was no public comment received prior to the meeting.

Mr. Hammel stated that there was one prior request comparable to the situation. In 2017, a property, 7235 North Kostner Avenue, sought approval for an open-air parking pad in their front yard. The ZBA recommended approval with a split vote. The Village Board denied the request due to concerns about the aesthetic impact on residential areas and the lack of unique property characteristics that could prevent the approval of the request being broadly applicable elsewhere in the Village.

Commissioner Youkhanna noted that the utility pole is near the proposed driveway. Mr. Hammel explained that there was no easement on the utility pole and the driveway maximum restriction of 20’ would prohibit the driveway from being too close to the utility pole.

Chairman Heller asked if the plans included more than a 50% increase in the size of the existing driveway. Mr. Hammel explained that the driveway would not exceed the 20’ width restriction.

Chairman Heller asked if there had been discussion with the petitioner about who would be responsible for costs associated with the sidewalks, curbs, and potentially sewers. Mr. Hammel explained that when a private property owner undertakes work that impacts the public right of way, the code requires that the private property owner pay for the reforming of the curb and apron. He also clarified that even with the expanded driveway, the property remains under the 60 percent impervious surface restriction.

Trustee Martell asked for clarification about how far the driveway was planned to extend south toward the lot line. Mr. Hammel explained that the petitioner could clarify the details once sworn in, or those details would be solidified during the permitting process should the request be approved.

Mr. Hammel explained that a policy discussion about a potential zoning text amendment that might allow this improvement without special approval is ongoing. However, he estimated a timeline of a few more months to complete staff research and additional policy discussions before a zoning text amendment could be approved.

Petitioner – Shiraz Syed, Son of the Property Owner

Mr. Syed explained that the purpose of the expansion would be to make the driveway look uniform because the parking pad and driveway are two different materials. He also noted the safety issues of parking along Kenneth as a need to expand the driveway for more parking spaces directly on the property.

Chairman Heller asked the petitioner what material would be used to pave the new driveway. Mr. Syed stated that he would remove the existing concrete and then re-pour a new concrete driveway. Chairman Heller asked him to clarify the hardship as it related to safety. Mr. Syed explained that there have been three accidents recently and it would be best to have the cars parked on the property and not the street due to this issue.

Commissioner Hussain asked for clarification on the code as it related to allowing all residential properties two-car garages. Mr. Hammel explained that in the R-3 and R-4 districts, building coverage can be exceeded if it was due to the addition of a detached or attached garage, up to a two-car garage. This was due to on-street parking demand in those districts.

There was discussion about the impact of the expansion to neighboring properties and the characteristics of the right of way.

Commissioner Hussain noted that single lane driveways can be a public nuisance when cars are parked behind one another and need to back out into the street to let other cars out.

Mr. Hammel asked the Commissioners to identify unique characteristics of the property that would contribute to the decision to recommend approval of the driveway expansion and not making this case a precedent for future cases. He noted that the curb-to-curb width on Kenneth Avenue (approx. 26 feet) being about 4' narrower than the typical width of residential streets is the only major unique characteristic about the case.

There were no members from the public for public comment.

There was discussion about the variation standards as they applied to the case. The Commissioners determined that the requested variation would be consistent with the stated intent and purposes of this Zoning Ordinance, a hardship related to the narrower than normal street of Kenneth Avenue is present, the improvement is not solely for enhancing the value of the property, the hardship was not created by any person, and the driveway expansion would improve public welfare by having less cars parked along the street.

Chairman Heller noted that properties in the same area have the same hardship as it relates to the narrowness of Kenneth Avenue, which might set a precedent for properties similar to the subject property.

**Motion:** Commissioner Dervisevic made a motion to recommend approval of the request as presented.

The motion was seconded by Commissioner Hussain.

**Aye:** Commissioners Youkhanna, Hussain, and Dervisevic

**Nay:** Chairman Heller

**Abstain:** None

**Motion Approved: 3-1**

This item will go to the Village Board on April 2, 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 Wednesday, April 17, 2024.

#### **VIII. Adjournment**

**Motion to recommend adjournment** was made by Commissioner Hussain. The meeting was adjourned at 8:16 p.m.

The motion was seconded by Commissioner Dervisevic.

**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-04-24

May 15, 2024

**Subject Property:**

7163 North East Prairie Avenue

**Zoning District:** R-3 Residential

**Petitioner:** Angel and Judith Vega,  
property owners

**Requested Action:** Approval of  
Special Fence to allow a fence made of  
masonry and decorative wrought iron



**Notification:** Notice was published in the Lincolnwood Review on March 28, 2024, a public hearing sign was installed at the subject property at 7163 North East Prairie Avenue, and mailed notices dated March 25, 2024, were sent to properties within 250 Feet.

**Summary of Request**

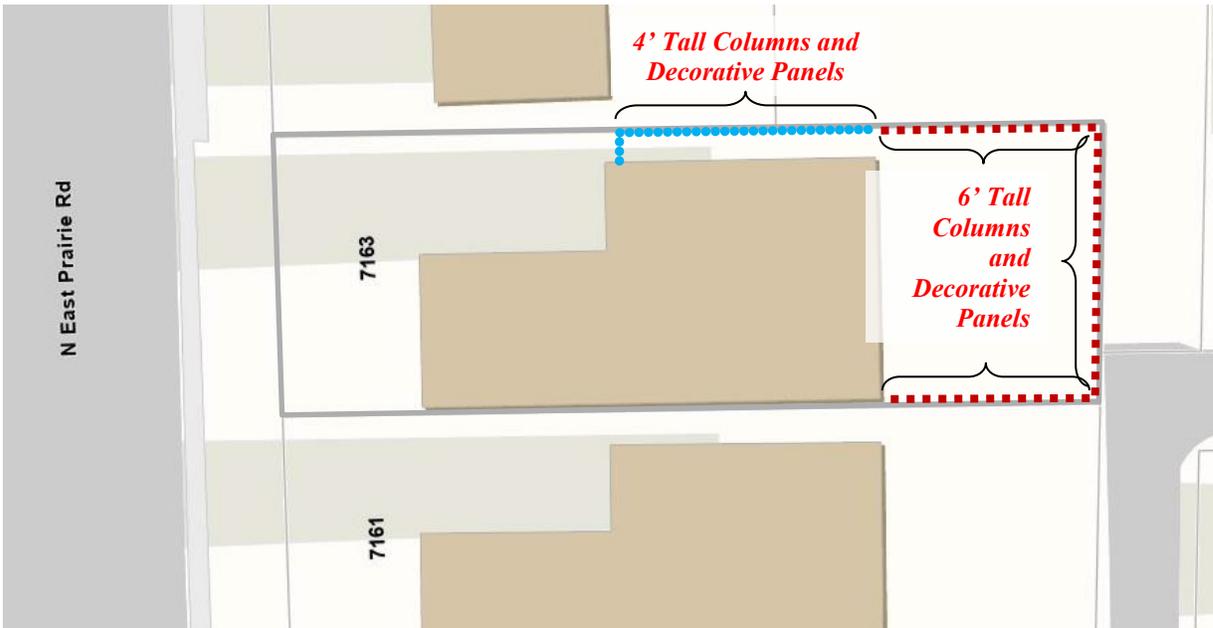
Angel and Judith Vega, property owners, seek approval to all a Special fence at their single-family property at the property commonly known as 7163 North East Prairie Avenue. The property is located on the east side of North East Prairie Avenue just south of Touhy Avenue. It is in the R-3 residential zoning district and abuts other properties in that same district on the north, east and south. The subject property is across the street from a property that is zoned in the B-2 general Business zoning district and fronts on Touhy Avenue. That property is currently under renovation to accommodate a new restaurant.



The subject property has an area of approximately 6,000 square feet and host a single-family residence. The subject property's north lot line abuts the rear lot lines of two residential properties fronting on Touhy Avenue.

**Proposed Improvement**

The Petitioners seek approval to install a decorative fence that would enclose the rear yard and the north side yard. The columns of the fence would consist of masonry columns with a width and depth of 12 inches. In the rear yard, the columns would be six feet in height. Along the north side of the home, the columns would be four feet in height. The fence panels would consist of a decorative wrought iron material. The image below is a representative photo of a similar fence design, though it is possible that the specific dimensions and design details may deviate slightly from this image. The diagram toward the bottom of the page shows the proposed location of the fence as indicates its height in the rear and interior side yards.



**Required Relief**

Section 3.13(8) states that certain types of fences are subject to Special Fence approval. Among them are decorative wrought iron fences and masonry fences. Because the proposed fence includes decorative wrought iron panels and masonry columns, approval of a Special Fence is required.

## **Considerations**

The Zoning Board of Appeals may consider the following when deliberating the appropriateness of the requested approvals.

### **Compliance with Other Zoning Regulations**

The Petitioners' initial design concept included some characteristics that are not compliant with zoning regulations. However, they have cooperative in working with staff to revise the design as follows in order to come into compliance:

- They eliminated a low masonry wall along the length of the fence after staff advised that it could cause detrimental stormwater impacts to their property or neighboring properties;
- They reduced the height of the fence along the north side of the house in order to align with permitted fence height in the interior side yard; and
- They agreed to stop the fence in the interior side yard three feet to the east of the front façade of the home in order to comply with a specific zoning standard.

It is worth noting that the revision described in the last bullet point above is not reflected in the Petitioners' design plans attached to this report. Therefore, staff recommends a condition that compliance with that requirement be specified as a condition of approval.

### **Special Fence Standards**

Section 3.13(25)b of the Zoning Ordinance establishes standards related to the review and approval of Special Fences. Specifically, that sections states that "*the 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:*

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

### **Public Comment**

Staff received one item of public comment which is included in its entirety as an attachment to this report. In summary, the commentor supports the Petitioners' request, stating that it would enhance the property and the neighborhood. Staff received two other inquiries prior to the drafting of this report, but those residents did not provide any formal written comment.

**Prior Similar Requests**

The ZBA may consider the following recent requests as context related to this matter:

- 7202 North Keystone Avenue: The Property Owner sought approval to install a wrought iron fence in the corner side yard to secure the property and offer privacy from the commercial property across Keystone Avenue at 4010 West Touhy Avenue. The ZBA approved a revised request that included a three-foot setback for the fence from the Keystone Avenue corner side lot line. That recommended approval accounted for both the location of the fence (Zoning Variation) and the decorative wrought iron material (Special Fence). The Village Board concurred with the ZBA's recommendation and granted the relief.
- 6655 North Central Avenue: The Property Owner sought approval to install a masonry and decorative wrought iron fence in the corner side yard adjacent to Dowagiac Avenue. The ZBA recommended approval of the Petitioner's request based on the fact that it created an attractive and consistent look with the home on the property. (The petitioner's request also included a Variation to allow encroachment of the fence into the corner side yard.) The Village Board approved the request based on the ZBA's recommendation.

**Conclusion**

The Petitioner seeks approval of a Special fence pursuant to Section 1.13(8) to allow a fence made of masonry and decorative wrought iron. If the ZBA is inclined to recommend approval of the request, staff recommends that it include a condition that the front of the fence in the north interior side yard be setback at least three feet from the front façade of the home.

**Documents Attached**

1. Public Hearing Application
2. Responses to Special Fence Standards
3. Proposed Special Fence Design Plans
4. Plat of Survey
5. Public Comment
6. Relevant Regulations



# VILLAGE OF LINCOLNWOOD

6900 Lincoln Ave. | Lincolnwood, IL 60712 | Phone: 847-673-7402  
[www.lincolnwoodil.org](http://www.lincolnwoodil.org) | [commdev@lwd.org](mailto:commdev@lwd.org)

## Public Hearing Application - Variations

### SUBJECT PROPERTY

Property Address: 7163 N. East Prairie

Permanent Real Estate Index Number(s): 10-35-101-053-0000

Zoning District: R-3

Lot Area: \_\_\_\_\_

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

DRIVEWAY, BACKYARD FENCE, SHED, 2 CAR GARAGE

Are there existing development restrictions affecting the property? Yes \_\_\_ No X

(Examples: previous Variations, conditions, easements, covenants) If yes, describe: \_\_\_\_\_

### REQUESTED ACTION

- |   |  |
|---|--|
| <input 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 checked="" type="checkbox"/> Other                |
| <input type="checkbox"/> Variation - Design Standards   |  |

### PROJECT DESCRIPTION

Describe the Request and Project: REPLACE EXISTING WOOD FENCE IN THE BACKYARD WITH MASONRY COLUMNS AND METAL RAILINGS

### PROPERTY OWNER/PETITIONER INFORMATION

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

Name: ANGEL AND JUDITH VEGA

Address: 7163 N. EAST PRAIRIE

Telephone: 733-398-7595 Fax: ( ) \_\_\_\_\_ E-mail: INFO@LATINBLISS.COM

Petitioner: (if Different from Owner) 733-398-7595

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

Site Plan

Proof of Ownership

Floor Plans

Applicable Zoning Worksheet

Photos of the Property

PDF Files of all Drawings

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:

ANGEL AND JUDITH VEGA

Address:

7103 N. EAST PRAIRIE

City, State, Zip:

LINCOLNWOOD, IL 60712

**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)

*Angel Vega*  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

ANGEL VEGA  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

3-14-2023  
\_\_\_\_\_  
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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# 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

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

THE CURRENT BACKYARD FENCE IS NOT ESTHETICALLY PLEASING FOR CITY OF LINCOLNWOOD. THE WOOD IS WARPED, OLD, AND CHIPPED. I NEED A SAFE, NEW FENCE BECAUSE I BABYSIT MY 2 GRANDCHILDREN (TODDLERS) 3X/WEEK.

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.

THERE ARE OTHER EXISTING FENCES IN THE NEIGHBORHOOD WITH METAL RAILINGS AND/OR BRICK. BOTH HOUSES NORTH AND SOUTH OF MY PROPERTY ARE BRICK AND SIMILAR IN DESIGN.

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 .

THIS WILL BE A FENCE THAT WILL INCREASE THE VALUE BECAUSE IT WILL BE MORE HIGH END APPEARANCE INSTEAD OF WOOD OR SIMPLY CHAINLINK. THERE WILL BE NO IMPAIRMENT OF VISIBILITY BECAUSE OF THIN METAL RAILINGS THROUGHOUT.

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.

ONE SIDE OF MY BACKYARD IS ADJACENT  
TO AN ALLEY. MY CURRENT NEIGHBORS  
ALREADY HAVE EXISTING FENCES INSTALLED.

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







**From:**   
**To:** [Hammel.Douglas](#)  
**Subject:** Case #ZB-04-24 7163 North East Prairie Avenue  
**Date:** Wednesday, March 27, 2024 4:09:50 PM

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

Doug:

I got your letter regarding a masonry and wrought iron fence for the above captioned property. This sounds similar to what we did at our property at 7125 North East Prairie Avenue a while back. Certainly we would have no objections to the Vegas building their fence. We believe it would only enhance the property and the neighborhood.

Cordially,

Michael and Maria Carlson

## Attachment #6. Relevant Regulations

### 3.13 Fences and natural screening.

(8) Special fences; preexisting masonry fences: landscape terrace walls; decorative wrought iron fences, through lot fences. Special fences are those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood. Special fences may be appropriate in some locations and inappropriate in other locations. The following fences may be allowed by special fence authorization in accordance with this Section 3.13 where the Zoning Board of Appeals finds that a special fence is appropriate at the location requested. The Zoning Board of Appeals may recommend, and the Board of Trustees may impose conditions, terms and restrictions in addition to those set forth herein as a condition of granting special fence authorization.

a. The following types of fences shall be special fences:

- i. Brick walls, masonry fences, and stone walls.
- ii. Masonry enclosures.
- iii. Landscape terrace walls of stone or masonry construction, over 30 inches in height.
- iv. Decorative wrought iron fences.
- v. Through lot fences, except to the extent specifically permitted pursuant to Section 3.13(11)j of this Zoning Code.
- vi. 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 curblineline of a street.
- vii. Open, four-foot fences maintaining a five-foot setback from the corner side yard property line with screening shrubs installed to the street side of the fence, located in the corner side yard to the rear of the home.
- viii. Operable barriers or gates intended to restrict access to off-street parking lots located on lots that are not located in a residential district, and only upon a showing by the applicant of a specific need for the barriers or gates, based upon the characteristics of the subject property or its use.

(25) Special fence procedures.

b. The 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.



# Zoning Board of Appeals Staff Report

## Case #ZB-05-24

May 15, 2024

**Subject Property:**  
6708 North Kedvale Avenue

**Zoning District:** R-2 Residential

**Petitioner:** Sol Ashbach, property owner

**Requested Action:** Approval of Zoning Variation regarding the setback of a deck



**Notification:** Notice was published in the Lincolnwood Review on April 25, 2024, a public hearing sign was installed at the subject property at 6708 North Kedvale Avenue, and mailed notices dated April 22, 2024, were sent to properties within 250 Feet.

### **Summary of Request**

Sol Ashbach, property owner, seeks approval of a Zoning Variation to install a deck in the rear yard of the property commonly known as 6708 North Kedvale Avenue. The property is located in the R-2 Residential zoning district and has an area of approximately 8,900 square feet. It includes a single-family home with an attached garage and a remnant concrete slab that used to serve as a deck to the rear of the home.

The property is uniquely shaped due to the historical platting on the block with an adjacent single-family property oriented toward North Shore Avenue to the south. In order to accommodate that property, the subject property is shaped in a manner that it has a limited backyard area. The subject property abuts other properties in the R-3 zoning district.

### **Proposed Improvement**

The Petitioner proposes to install a deck with an area of approximately 310 feet. The deck would be directly accessible from and at the same elevation as the ground floor interior of the home. It would be approximately 31 inches above grade, and would include stairs providing access to the rear yard to the west and a new patio that was recently installed to the south of the deck.

It is worth noting that the Petitioner initiated the installation of a deck without a permit. Since being notified of the requirement to obtain a permit, the petitioner has been acting in good faith to gain zoning compliance. The fact that the installation of the deck has already been initiated in no way obligates the Village to grant approval of the requested relief.

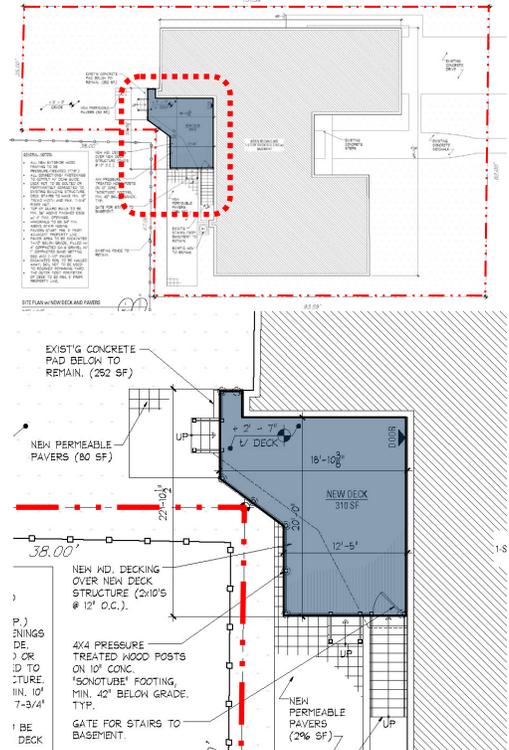
**Required Relief**

Section 3.10.01 of the Zoning Ordinance establishes the permissibility of certain obstructions in required yards. That section states that decks are permitted to be located in the rear yard of a property, but they must meet the required setback for the building. (Patios are also permitted in the rear yard with a setback of 4' from all lot lines, but because the proposed deck is more than one foot above grade, it is considered a deck for the purposes of this section of the Zoning Ordinance.)

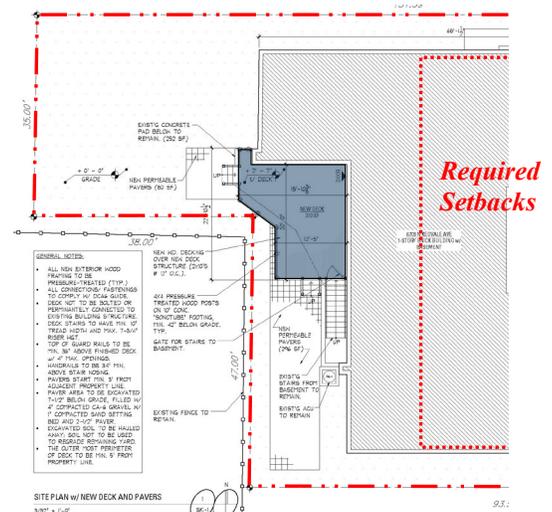
The interpretation of the required setback is unique in this instance. Based on the definitions in the Zoning Ordinance and consistency with interpretations for other properties, staff has interpreted that the lot lines closest to the proposed deck are the rear lot lines. (The rear lot line is comprised of the three segments between what are clearly the side lot lines on the property.) As a result, the proposed deck would have to comply with a 30-foot setback from the rear lot line.

At its closest point, the proposed deck would be approximately one foot from the rear lot line, and the entirety of the deck would encroach into the required setback. This implies that there would be no opportunity for a deck in the portion of the property accessible from the home's interior. In fact, a portion of the primary structure would encroach into the required rear yard setback.

Based on the configuration of the property and the application of relevant regulations, the proposed deck requires a Variation from Section 3.01.01 is required to reduce the required setback of the proposed deck from 30' to one foot.



**Site Plan (top) and enlarged plan (bottom) showing the location and size of the proposed deck**



**Site Plan showing the required rear yard setbacks**



**Natural Screening Installed by the Petitioner**

As part of the installation of the permitted patio and proposed deck, the Petitioner has installed arborvitae along the entire length of the multi-segment rear lot line. His intent is to provide privacy between his property and neighboring properties due to the proximity of the proposed deck to their rear yards and the proximity of their existing decks to his yard. If during the course of discussion the Zoning Board of Appeals determines that the screening is necessary to mitigate possible impacts resulting from the requested relief, it may be appropriate to consider requiring that the natural screening remain in place along certain portions of the rear lot line as a condition of approval.



*Photos showing 1) adjacent properties with similar deck configurations, and 2) landscape screening planted by the Petitioner along adjacent lot lines*

**Public Comment**

As of the drafting of this report, the Petitioner had provided staff with one letter of support from the owner of 4150 West North Shore Avenue, which is the property located immediately southwest of the subject property and in the closest proximity to the proposed deck. That letter is provided in its entirety as an attachment to this report.

The Petitioner indicated that he may have received similar letters from other adjacent property owners. Should those or any other public comments be received by staff, they will be made available to the Zoning Board of Appeals as part of the public hearing.

**Prior Similar Requests**

Given the unique characteristics of this request, staff found a limited number of prior 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 Zoning Board of Appeals to consider when deliberating the Petitioner's requested relief.

***4720 West Falwell Avenue (2024)***

The property owner sought a Variation to install an addition with a setback of 13.6 feet from the rear lot line. The rear lot line is abnormally shaped and the addition was found to be a limited incremental encroachment over an existing three-seasons room. The ZBA reviewed the Variation standards and determined that the unique characteristics of the subject property, and the reasonable nature of the proposed addition, warranted approval. The ZBA recommended approval of the Variation and the Village Board concurred.

**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.

**Zoning 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 3.10.01 to reduce the required rear yard setback from 30’ to one foot to accommodate a deck attached to the rear portion of the home. If the Zoning Board of Appeals is inclined to recommend approval of the request, staff recommends that it consider as a condition of approval that landscape screening be maintained along the portion of the rear lot line adjacent to the proposed deck.

### **Documents Attached**

1. Public Hearing Application
2. Plat of Survey
3. Site Plan
4. Public Comment
5. Relevant Regulations
6. ZBA Commissioner Checklist of Variation Standards



# VILLAGE OF LINCOLNWOOD

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

[www.lincolnwoodil.org](http://www.lincolnwoodil.org) | [commdev@lwd.org](mailto:commdev@lwd.org)

## Public Hearing Application - Variations

### SUBJECT PROPERTY

Property Address: 6708 N Kedvale

Permanent Real Estate Index Number(s): \_\_\_\_\_

Zoning District: \_\_\_\_\_ Lot Area: 9003

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.  
house, fence, and existing deck

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

### 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: To rebuild the original oddly shaped 252 sq ft deck with no railings to a 310 sq ft with railing that can safely accommodate my family

### PROPERTY OWNER/PETITIONER INFORMATION

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

Name: Sol Ashbach

Address: 6708 N Kedvale Lincolnwood IL 60712

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ E-mail: solashbach75@gmail.com

**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	<input checked="" type="checkbox"/>	Applicable Zoning Worksheet	<input checked="" type="checkbox"/>
Site Plan	<input checked="" type="checkbox"/>	Photos of the Property	<input checked="" type="checkbox"/>
Proof of Ownership	<input checked="" type="checkbox"/>	PDF Files of all Drawings	<input checked="" type="checkbox"/>
Floor Plans	<input type="checkbox"/>	Elevations	<input type="checkbox"/>

\*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: Sol Ashbach  
Address: 6708 N Kedvale Ave  
City, State, Zip: Lincolnwood IL 60712

**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

Sol Ashbach  
\_\_\_\_\_

\_\_\_\_\_  
Print Name

Print Name

4/15/24  
\_\_\_\_\_

\_\_\_\_\_  
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.

Yes, that is correct. See site plan drawn over Plat of Survey along with independent site plan drawn by Jonathan Split Architects.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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 original deck did not meet the variance guidelines so the new deck still would not meet the variance guideline even if done the exact same. At the same time, the deck's shape and square footage made it unsafe and difficult to have a family of 5 be able to barbecue and even sit at a table together.

\_\_\_\_\_  
\_\_\_\_\_

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.

Correct, due to the unique shape of our yard and proximity to the neighbors this creates a would not be applicable to other properties.

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

The deck is being built so that we can spend time with our family of 5 and enjoy our outdoor area and make the best use of our small yard. Where it may or may not increase the value of our property, our surrounding neighbors have already expressed how much they would enjoy an update to our yard.

**VARIATION STANDARDS (Continued)**

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

No

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.

No, we have already been in touch with our neighbors and everyone is in agreement that the plans in which we are presenting for variation is not just welcomed, but will have no effect on any adjacent or non adjacent properties.

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 limited with our unique property line and configuration/shape of yard that the very minimal 52 square feet we are proposing to expand cannot get much smaller to accommodate regular 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.

This deck does not impose any light restrictions to adjacent property and at the proposed 2ft 7inches in height is considerably lower than the surrounding raised decks and non surrounding raised decks of Lincolnwood and will not interfere with air, danger of fire, endanger public safety and will only help all property values involved.

### **SIGN VARIATION STANDARDS**

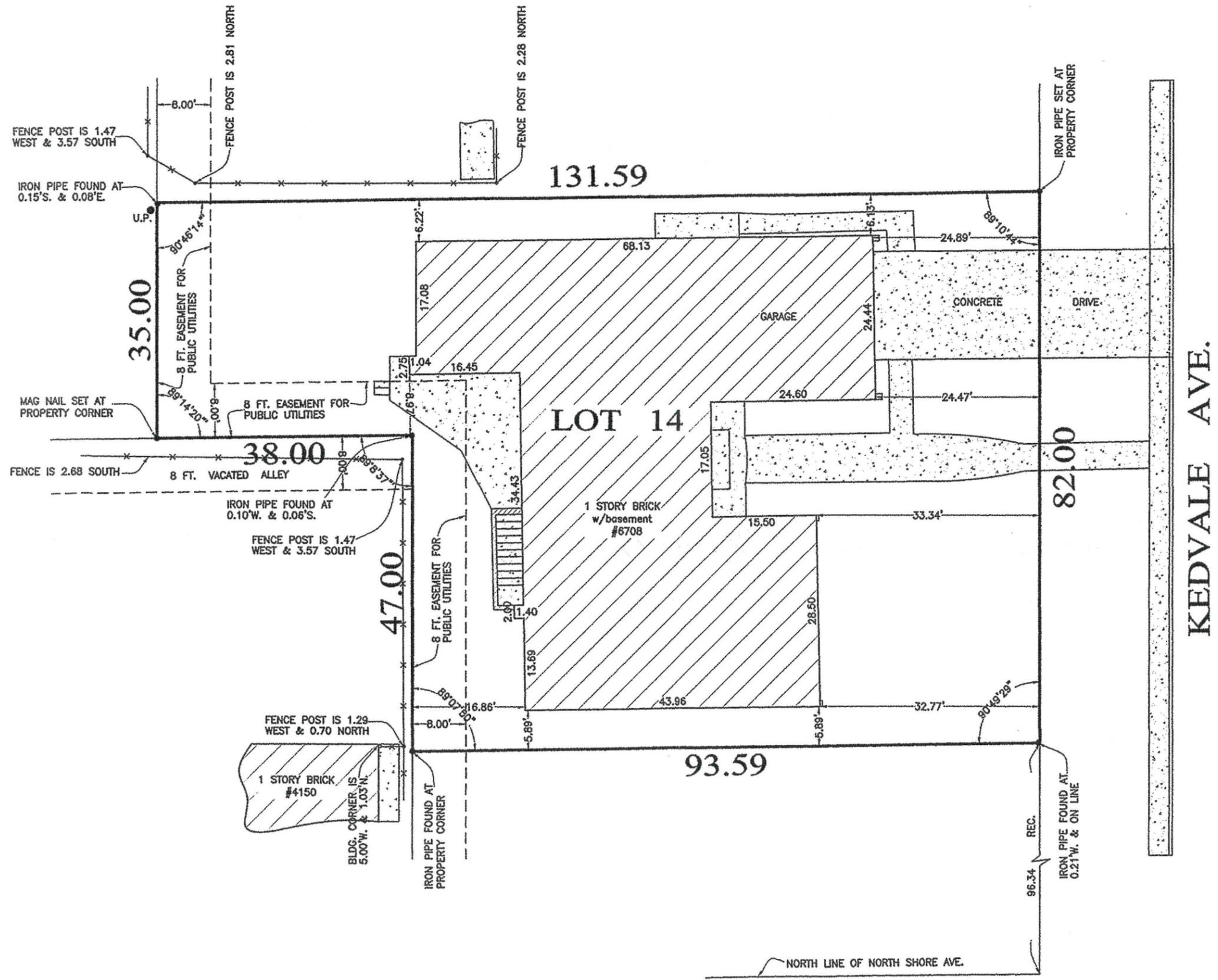
*For all Sign Variation and/or Special Sign requests, the Applicant shall also complete Questions 9 through 12.*

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.

LOT 14 IN ARTHUR M. GOEBALT'S BRYN MAWR GARDENS, A SUBDIVISION IN THE  
NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 13,  
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

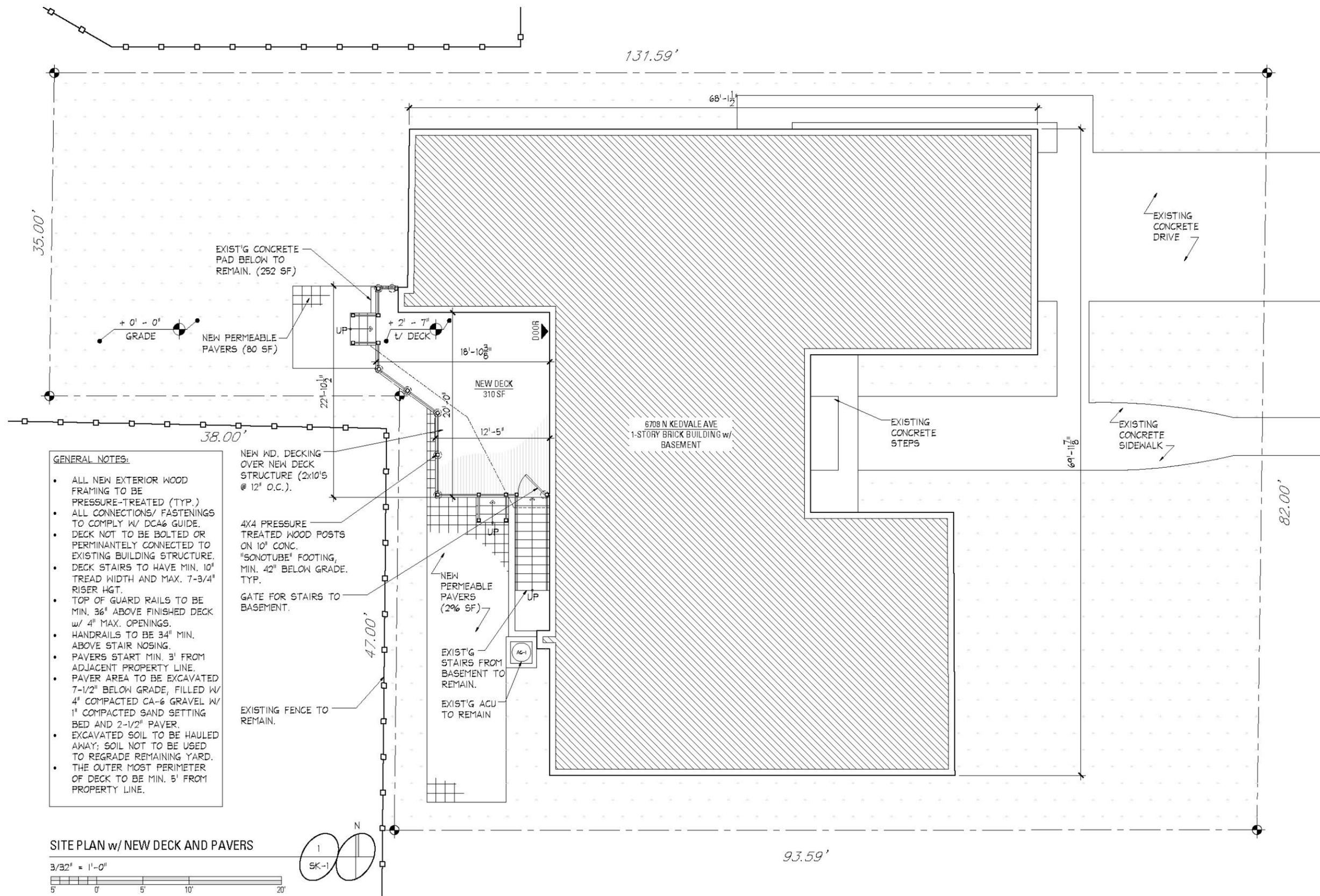
TOTAL LAND AREA = 9,003 sq.ft.



KEDVALE AVE.

NORTH LINE OF NORTH SHORE AVE.

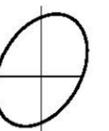
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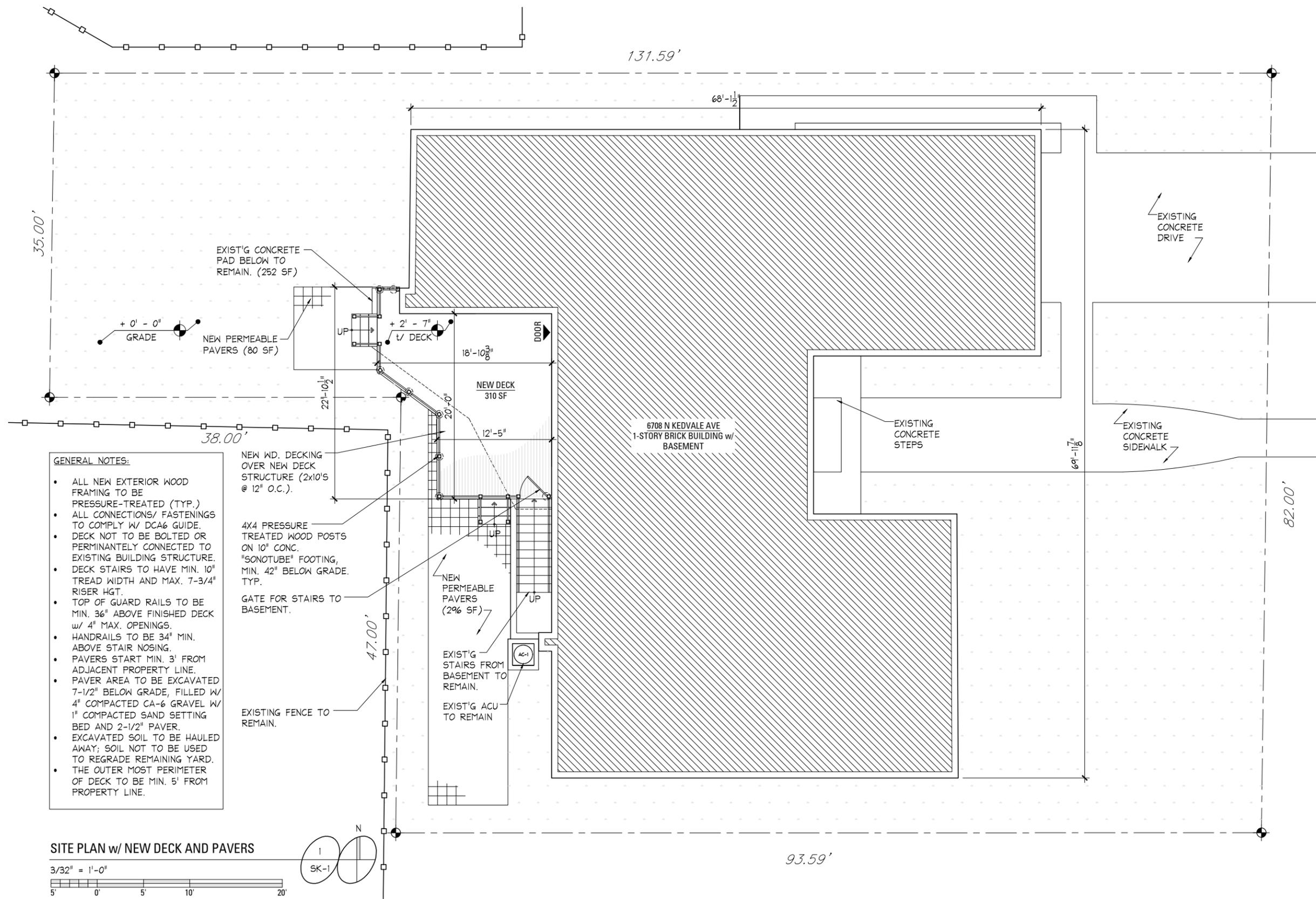


**jSa**  
jonathan SPLITT architects ltd.

4001 north ravenswood avenue  
suite 601  
chicago illinois 60613  
773 883 1017 fax 773 883 3081

project  
description ASHBACH RESIDENCE  
EXTERIOR WOOD DECK  
6708 KEDVALE AVE.  
CHICAGO, IL  
date 3/27/24; ISSUED FOR REVIEW

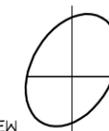




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EXTERIOR WOOD DECK  
6708 KEDVALE AVE.  
CHICAGO, IL  
**date** 3/27/24; ISSUED FOR REVIEW



## Attachment #4. Public Comment

Subject: Seeking Your Support for Improving Our Current Deck!

Dear Neighbors,

I hope this message finds you well! We wanted to reach out to you regarding a project our family is undertaking: increasing our existing 252 sqft deck to 310 sqft, enlarging the footprint by approximately 58 square feet. Additionally, the deck will be positioned approximately 4ft from our rear property line and measuring 2ft 7 inches above grade. The Village of Lincolnwood has informed us that in order to complete this project, we must obtain a zoning variance. They suggested that neighbors sign off on the project to ensure it does not cause any issues.

Your approval means a great deal to us, and we want to ensure that everyone is comfortable with the improvement we're proposing. We're more than happy to address any concerns or questions you may have regarding the project.

Please feel free to reach out to us if you have any questions. Thank you so much for taking the time to consider our request. We truly appreciate your support and cooperation.

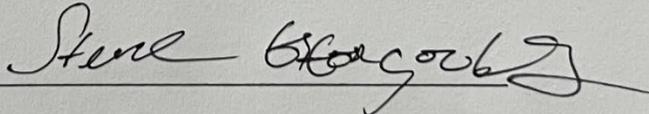
Warm regards,

Sol Ashbach and Kailey Lyons

6708 North Kedvale Avenue

312.285.5216

Homeowner Name: STEVE GEORGOULES

Homeowner Signature: 

Address:

4150 W. NORTH SHORE AVE  
LINCOLNWOOD IL. 60712

## Attachment #5. Relevant Regulations

### 3.10 Permitted obstructions in yards.

(1) Table 3.10.01 below (Permitted Obstructions in Yards) list items which are permitted in yards and the location (e.g. front yard) where they are permitted. A "P" denotes that an obstruction is permitted; a "—" denotes that the obstruction is prohibited.

<b>Table 3.10.01 Permitted Obstructions in Yards</b>				
	<b>Yard</b>			
<b>Item</b>	<b>Front</b>	<b>Rear</b>	<b>Side</b>	<b>Corner Side</b>
<i>Rows removed for brevity</i>				
Decks, in a residential district, provided that they do not exceed required building setbacks	—	P	—	—
<i>Rows removed for brevity</i>				
Patios in a residential district, located at least 4 feet from all side and rear property lines	P	P	P	P
<i>Rows removed for brevity</i>				

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

<b>Use Category</b>	<b>Residential Zones</b>		
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
<b><i>Lot Standards (single-family dwelling units)</i></b>			
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%
<b><i>Minimum Ground Floor Area Per Dwelling</i></b>			
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

Use Category	Residential Zones		
	R-1	R-2	R-3
<b>Building Standards</b>			
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
<b>Maximum FAR</b>			
SF detached	0.7	0.7	0.7
Nonresidential permitted or special uses	0.5	0.5	0.5
<b>Yard Standards</b>			
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 10% of lot width	The greater of 5 feet or 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: 6708 North Kedvale Avenue

Case #: ZB-05-24

Requested Variation: Variation to allow a deck within the required rear yard setback

<b>Standards</b>	<b>Comments/Additional Questions for Discussion</b>
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"><li>(1) The proposed variation is consistent with the statement of purpose set forth in Section 11.01 of this Zoning Ordinance;</li><li>(2) The proposed sign complies with any additional standards or conditions set forth in Article XI of this ordinance;</li><li>(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</li><li>(4) The proposed sign conforms with the design and appearance of nearby structures and signs.</li></ul>	