



Village of Lincolnwood Zoning Board of Appeals

Meeting
Wednesday, June 19, 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**
May 15, 2024 Meeting Minutes
4. **Case #ZB-06-24: 6531 North Knox Avenue – Variation Related to a Fence in the Interior Side Yard**
Request: Consideration of a request by Steven and Donna Horwitz, property owners, for approval of a Zoning Variation from Section 3.13(11)c at the property commonly known as 6531 North Knox Avenue. The Variation would allow for a six-foot tall, semi-private fence to continue from the rear yard into the interior side yard along the north lot line. Section 3.13(11)c allows for open fences not more than four feet in height in the interior side yard of a residential property. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
5. **Case #ZB-07-24: 6548 North Christiana Avenue – Zoning Appeal Related to Appropriate Means of Vehicular Access to a Required Parking Space**
Request: Consideration of an appeal by Laura Zimmerman, property owner, regarding a determination by the Zoning Officer related to appropriate means of vehicular access to a required parking space pursuant to Section 7.06(3) of the Zoning Ordinance. During the Public Hearing, the Zoning Board of Appeals may consider any additional regulations related to this matter.
6. **Next Meeting: Wednesday, July 17, 2024**
7. **Public Comment**
8. **Adjournment**

Posted: June 14, 2024



***Draft* MEETING MINUTES
OF THE
May 15, 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 Aida Cantic

Absent: Commissioners Meldina Dervisevic and Anna Velasquez

Staff Present: Doug Hammel, Planning and Economic Development Manager

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:02 p.m.

II. Pledge of Allegiance

III. Approval of March 21, 2024 ZBA Meeting Minutes

Motion: Commissioner Hussain made a motion to accept the minutes as presented.

The motion was seconded by Commissioner Youkhanna.

Aye: Chairman Heller and Commissioners Hussain and Youkhanna

Nay: None

Abstain: Commissioner Cantic

Motion Approved: 4-0

IV. Case #ZB-04-24: 7163 North East Prairie Avenue – Approval of a Special Fence Request

Planning and Economic Development Manager Doug Hammel introduced the case. The subject property is in the R-3 Residential district and 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.

Mr. Hammel explained the petitioner has requested approval to install a decorative fence that would enclose the rear yard and north side yard and the nature of the proposed masonry columns.

He explained that 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.

Additional considerations of the subject property were discussed. He explained that the petitioner changed the original design to meet zoning regulations. They reduced the height of the fence along the north side of the house, agreed to a three foot fence setback in the interior side yard, and eliminated a low masonry wall to avoid stormwater impacts.

One piece of public comment was received supporting the proposed fence.

Mr. Hammel presented prior similar requests comparable to the requested approval.

Commissioner Hussain asked Mr. Hammel to clarify where the petitioner agreed to the setback of the fence in the interior side yard.

Petitioner – Jamila Vega, Daughter of Property Owners, Angel and Judith Vega

Chairman Heller asked the petitioner to explain what the connector between the fence and the home in the interior side yard to the north would look like. She explained there would be a gate for access in and out.

Commissioner Youkhanna asked the petitioner if the property to the south had a fence and if the proposed fence would be replacing an existing fence on their shared lot line. The petitioner explained that the subject property has a six-foot wooden fence to the south located solely on the subject property that will be replaced should the proposed fence be approved.

There was some discussion about the impact on the neighbors and privacy concerns. Mr. Hammel clarified that approving the petitioner's fence request would not prevent the neighbors from building their own fence to restore privacy.

Commissioner Hussain asked about the intent of requiring the petitioner to have the fence setback three feet from the front façade of the home. He pointed out that the front façade was already setback due to the shape of the home.

Chairman Heller asked if the brick used in the masonry columns would match the brick material used on the property façade. The petitioner confirmed that they plan to match the brick materials of the fence and the house.

There was discussion about waiving the setback requirements and adding a variance to the recommended approval to allow the petitioners to make the fence flush with the front of the home in the interior side yard to the north. However, the petitioner stated that they are planning to provide the required setback.

Motion: Commissioner Hussain made a motion to recommend approval of the request as presented with the three-foot setback requirement.

Commissioner Hussain noted the special fence standards and concluded that the standards were sufficiently discussed by the Commissioners and that the standards were met, specifically that the fence is not located in the front yard.

The motion was seconded by Commissioner Youkhanna.

Chairman Heller reviewed the special fence standards list and the Commissioners decided that all standards were met. It was determined that the proposed fence will not endanger visibility, will be in harmony with architecture of the building and neighborhood, will not be injurious to the use and enjoyment of other properties, will not impede the installation of fences on adjacent properties, and conforms to all other regulations.

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

Nay: None

Abstain: None

Motion Approved: 4-0

This item will go to the Village Board on June 4, 2024.

Mr. Hammel noted that the petitioner may not be able to attend the June 4, 2024, meeting, but that he would work with them to decide when to advance the case to the Village Board.

IV. Case #ZB-05-24: 6708 North Kedvale Avenue – Approval of Zoning Variation Regarding the Setback of a Deck

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 unique configuration.

He reviewed the proposed improvement of a 310 square foot deck. The deck would have the same elevation as the ground floor interior of the home (31 inches above grade) and have stairs providing access to the rear yard to the west and the new patio to the south.

Mr. Hammel outlined that Section 3.10.01 of the Zoning Ordinance states that decks are permitted to be in the rear yard of the property, but they must meet the required setback for the building. He noted that the proposed deck could not be classified as a patio (which would have lesser setback requirements) because it is more than 1-foot above grade.

Mr. Hammel explained the staff interpretation of the rear lot lines due to the unique configuration of the property. The designation prevents any size deck from being built without a zoning variation.

It was noted that the petitioner installed the deck without a permit, but has been acting in good faith to come into compliance.

Mr. Hammel explained the unique configuration of the property and an easement that runs along the entirety of the rear yard setback. Additionally, the proposed deck would cover an existing concrete mass and expand the area by 58 square feet.

Mr. Hammel explained that the petitioners already installed arborvitae along the entire length of the rear lot line to provide them and their neighbors with privacy. He suggested that if the Commissioners determine that screening is necessary, they could require that natural screening remain in place as a condition of approval.

One letter of support for the proposed improvement was provided prior to the presentation, and letters of support from two additional property owners were provided to Commissioners at the hearing.

The requested relief was 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.

Petitioner – Sol Ashback, Property Owner

Chairman Heller asked the petitioner the dimensions and setback measurements of the existing concrete slab. Mr. Ashback stated that the pinch point of the existing concrete slab has a four-foot setback.

The petitioner provided context to the issues of the unique configuration of the property and explained the difficulties of working within the required setbacks.

Chairman Youkhanna asked Mr. Hammel if the deck were to be added to the footprint of the existing concrete slab, would a zoning variation still be needed. Mr. Hammel confirmed that while the concrete slab is legal non-conforming, any changes to its dimensions would need a variation.

There was discussion about the variation standards as they applied to the case. The Commissioners determined that the requested variation met all variation standards. A hardship related to the property configuration is present, the improvement is not solely for enhancing the value of the property, the hardship was not created by any person, and is not detrimental to public welfare.

Motion: Commissioner Cantic made a motion to recommend approval of the request as presented with the condition that landscaping screening be maintained along the rear lot line adjacent to the deck.

There was discussion about the quantity of landscape screening that should be included in the condition of approval and how that would affect neighboring properties or future property owners.

Commissioner Hussain suggested a condition requiring landscape screening or a six-foot tall fence to provide more flexibility.

The petitioner stated that he had no intention of removing the landscape screening, and a condition upon approval would not affect him. However, portions of the arborvitae along the rear lot line are

across both the subject property and the neighboring property. Should the neighbor wish to remove the landscaping, the subject property owner would need to replant the landscape screening on his property.

Mr. Hammel confirmed that if the Commissioners add a stipulation to a variance, that variance stays with the property even after a change in property owners.

Motion: Commissioner Cantic made a motion to recommend approval of a variation for Section 3.10.01 to reduce the required setback of the deck from 30' to 1' with the condition that there be maintained landscape screening or a 6' fence in the area adjacent to the proposed deck.

The motion was seconded by Commissioner Youkhanna.

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

Nay: None

Abstain: None

Motion Approved: 4-0

This item will go to the Village Board on June 4, 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, June 19, 2024.

VIII. Adjournment

Motion to recommend adjournment was made by Commissioner Hussain. The meeting was adjourned at 8:15 p.m.

The motion was seconded by Commissioner Cantic.

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

Nay: None

Abstain: None

Motion Approved: 4-0

Respectfully submitted,

Marcos Classen
Community Development Coordinator



Zoning Board of Appeals Staff Report

Case #ZB-06-24

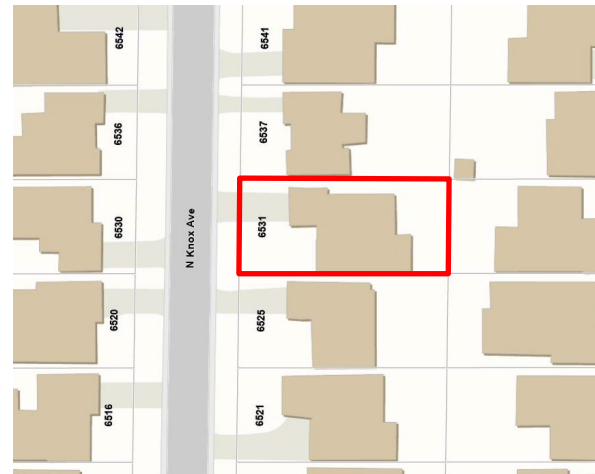
June 19, 2024

Subject Property:
6531 North Knox Avenue

Zoning District: R-2 Residential

Petitioner: Steven and Donna
Horwitz, property owners

Requested Action: Approval of
Zoning Variation regarding the height
and design of a residential fence



Notification: Notice was published in the Lincolnwood Review on May 23, 2024, a public hearing sign was installed at the subject property at 6531 North Knox Avenue, and mailed notices dated May 23, 2024, were sent to properties within 250 Feet.

Summary of Request

Steven and Donna Horwitz, Petitioners, seek approval of a Zoning Variation to allow the installation of a six-foot tall semi-private fence in the interior side yard of their property at 6531 North Knox Avenue. The property is located in the R-2 Residential zoning district and hosts a single-family home with an attached garage. The property is surrounded by other single-family properties of generally the same lot characteristics.

Proposed Improvement

The Petitioners propose to install a six-foot tall shadowbox fence along a portion of the property's north lot line. The fence would run from the intersection with the rear lot west to about the midpoint of the home along that north lot line. According to the Petitioner's application, the intent of the fence is to provide additional privacy from the neighbor to the north. That neighbor's home is not as deep as the Petitioners'. As a result, the collection of belongings in the neighbor's yard is highly visible from inside the Petitioner's home. Photos on the following page illustrate the relationship between the Petitioners' home and the neighbor's property to the north.

Required Relief

Section 3.13(11) establishes regulations regarding fences on residential properties. Specifically, Section 3.13(11)b states that semi-private fences not more than six feet in height can be located along rear and side lot lines in rear yards. However, Section 3.13(11)c states that open fences not more than four feet are allowed in side yards. The portion of the proposed six-foot tall shadowbox fence in the rear yard (between the rear lot line and the rear corner of the home adjacent to the north lot line) is permitted. However, the portion west of the rear corner of the home must be “open” and no taller than four feet in height. (For the purposes of these regulation, a ‘semi-private’ fence is a fence that is either at least 33% transparent or shadowbox, and an “open” fence is one that is at least 50% transparent.) Because the portion of the fence along the side of the home must be “open” and no taller than four feet in height, a Variation from Section 3.13(11)c is required.



Photos showing the visibility from the Petitioners' side yard (top) and interior space (bottom) into the neighbor's rear yard

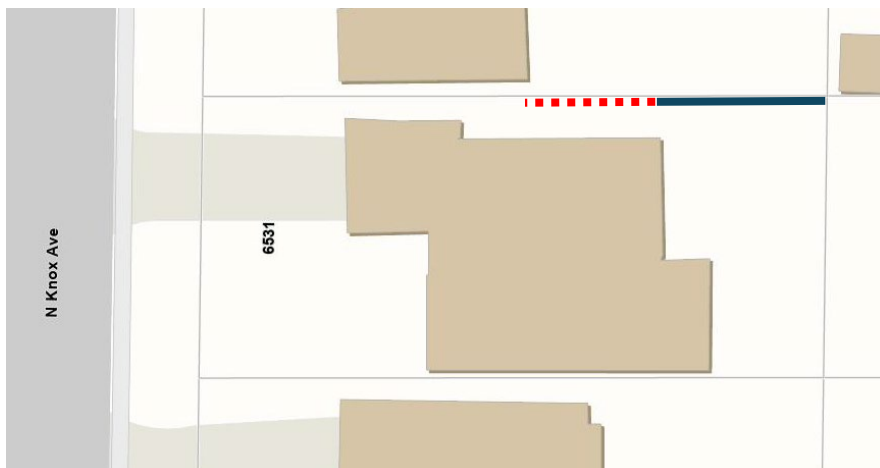


Diagram showing where the proposed six-foot tall semi-private fence is permitted (blue solid line) and where a Variation is required to allow it (red dashed line)

Considerations

The Zoning Board of Appeals (ZBA) may consider the following when discussing the appropriateness of the Petitioners' request.

Other Code Compliant Alternatives

Section 3.13(12) of the Zoning Ordinance establishes regulations related to landscape screening on residential properties. Specifically, subsection (a) states that "natural screening may be installed in rear and side yards, without restriction to height, provided such screening does not obstruct the Village line of sight distance regulations." Because of the location of the proposed fence, it can be concluded that natural screening, if installed in lieu of a fence, could have no height restriction and would not interfere with required sight triangles.

Past Similar Requests

The past similar requests below were identified by staff because they specifically related to fence relief requested in order to provide additional privacy or screening from a neighboring residential property. It is worth noting that the Village Board has approved other fence-related Variations, but they tend to relate to encroachment into a corner side yard or other characteristics not applicable to the Petitioners' request.

7020 North Keystone Avenue (2017)

The Property Owner sought approval to install a solid fence in a portion of their rear yard in order to inhibit visibility to what they claimed to be a nuisance dog. The owner claimed that permitted types of fences allowed for the neighbor's dog to see theirs then bark loudly and aggressively. The owners request included a solid fence along two of the rear lot lines. The ZBA recommended approval of a revised request to limit the length of the solid fence to the locations abutting the nuisance property, and the Village Board granted the relief.

6638 North Ramona Avenue (2017)

The Property Owner sought approval to install a six-foot tall semi-private fence in his southern interior side yard. The basis for the request was the close proximity of the adjacent property, which is a corner lot with its northern façade in close proximity to the shared lot line. (Like many corner lots in the Village, the configuration of the neighbor's property resulted in no rear yard, so the neighbor would store materials along the lot line adjacent to the Petitioner's southern façade.) The ZBA recommended approval of the Petitioner's request, and the Village Board granted the relief.

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.”*

Public Comment

Staff received one public comment regarding this case. Jim Hirsch and Nina Wong, residents of 6530 North Knox Avenue, stated their support for the Petitioner’s request. Their comment can be found in its entirety as an attachment to this report. Should 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.

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 | commdev@lwd.org

Public Hearing Application - Variations

SUBJECT PROPERTY

Property Address: 6531 N. Knox Ave.

Permanent Real Estate Index Number(s): 10-34-317-007-0000

Zoning District: _____ Lot Area: #26

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.
Single family dwelling with chain link fence bordering back yard and parts of both sides

Are there existing development restrictions affecting the property? Yes ___ No ___

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

REQUESTED ACTION

☒ Variation - Residential

☐ Variation - Non-Residential

☐ Variation - Off-Street Parking

☐ Variation - Design Standards

☐ Variation - Signs/Special Signs

☐ Minor Variation

☐ Other

PROJECT DESCRIPTION

Describe the Request and Project: Request a variance to construct a 6' semi-private wood fence to replace the chain link fence on the north side which would include part of the side yard

PROPERTY OWNER/PETITIONER INFORMATION

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

Name: Steven/Donna Horwitz

Address: 6531 N. Knox Ave.

Telephone: (847) 804-5223 Fax: (____) _____ E-mail: sdhorwitz@sbcglobal.net

Petitioner: *(if Different from Owner)*

Name: _____ Relationship to Property: _____

Address: _____

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

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)

Steven D. Horwitz
Signature

Signature

Steven D. Horwitz

Print Name

Print Name

May 1, 2024

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 adjacent home was sold in 2023 with the new owners removing almost all the trees in the back yard. A new family has moved in with considerable equipment and noise now present.

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 adjacent house's yard is now markedly unpleasant.

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 requesting only replacement of the north portion of the present chain link fence with the gate (replacement) still 25' from the front of the house.

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 proposed variation would no effect at all on sunlight reaching the adjacent yard and would have no effect on that house's property value.

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.



VILLAGE OF LINCOLNWOOD COMMUNITY DEVELOPMENT DEPARTMENT

PUBLIC HEARING FEES AND DEPOSIT SCHEDULE

Plan Commission

Hearing Type	Hearing Fee*	Hearing Deposit**
Special Use – Non Residential Property	\$500	\$2,000
Special Use – Residential Property	\$250	NA
Reasonable Accommodation	\$250	\$2,000
Text Amendment	\$500	\$2,000
Map Amendment	\$500	\$2,000
Planned Unit Development (PUD) 0 to 5 Acres	\$1,250	\$10,000
Planned Unit Development (PUD) 5 to 10 Acres	\$2,500	\$10,000
Planned Unit Development (PUD) Over 10 Acres	\$3,000	\$10,000
Minor Subdivision	\$250	NA
Major Subdivision	\$500	\$2,000

Zoning Board of Appeals

Hearing Type	Hearing Fee*	Hearing Deposit**
Major Variation – Non Residential Property	\$500	NA
Major Variation – Residential Property	\$250	NA
Variation – Off-Street Parking	\$500	NA
Variation – Design Standards	\$250	NA
Minor Variation	\$125	NA
Sign Variation/Special Signs	\$500	NA

* *Hearing fees are non-refundable.*

** *Hearing deposits shall be applied to out-of-pocket expenses incurred by the Village as the result of the Public Hearing process. If additional costs are incurred, or if no deposit is provided, such out-of-pocket expenses will be billed directly to the applicant.*

Plat of Survey

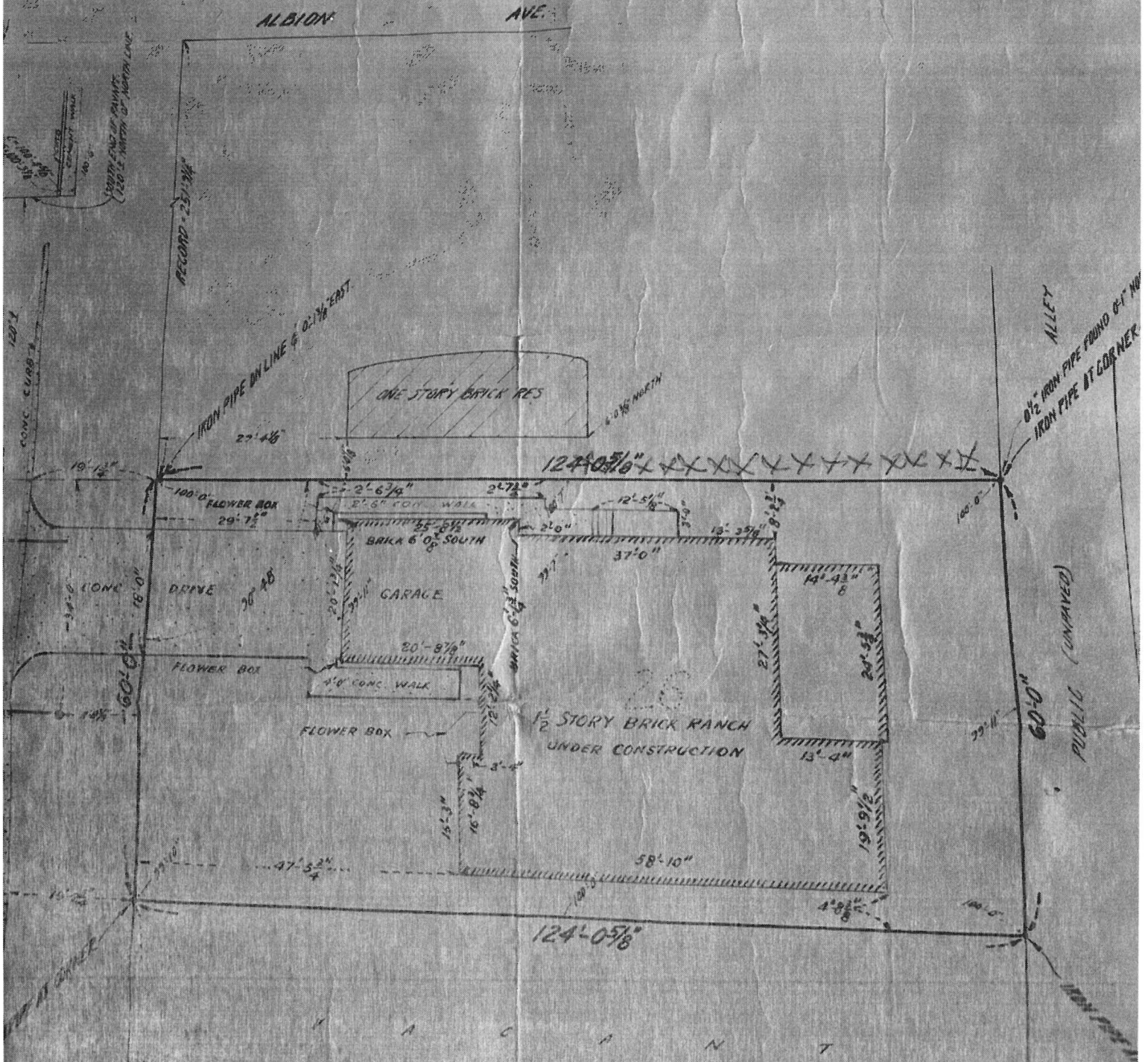
LOT 26 IN THIRD GIGERO DEVON AVENUE ADDITION IN SECTION 34, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN.

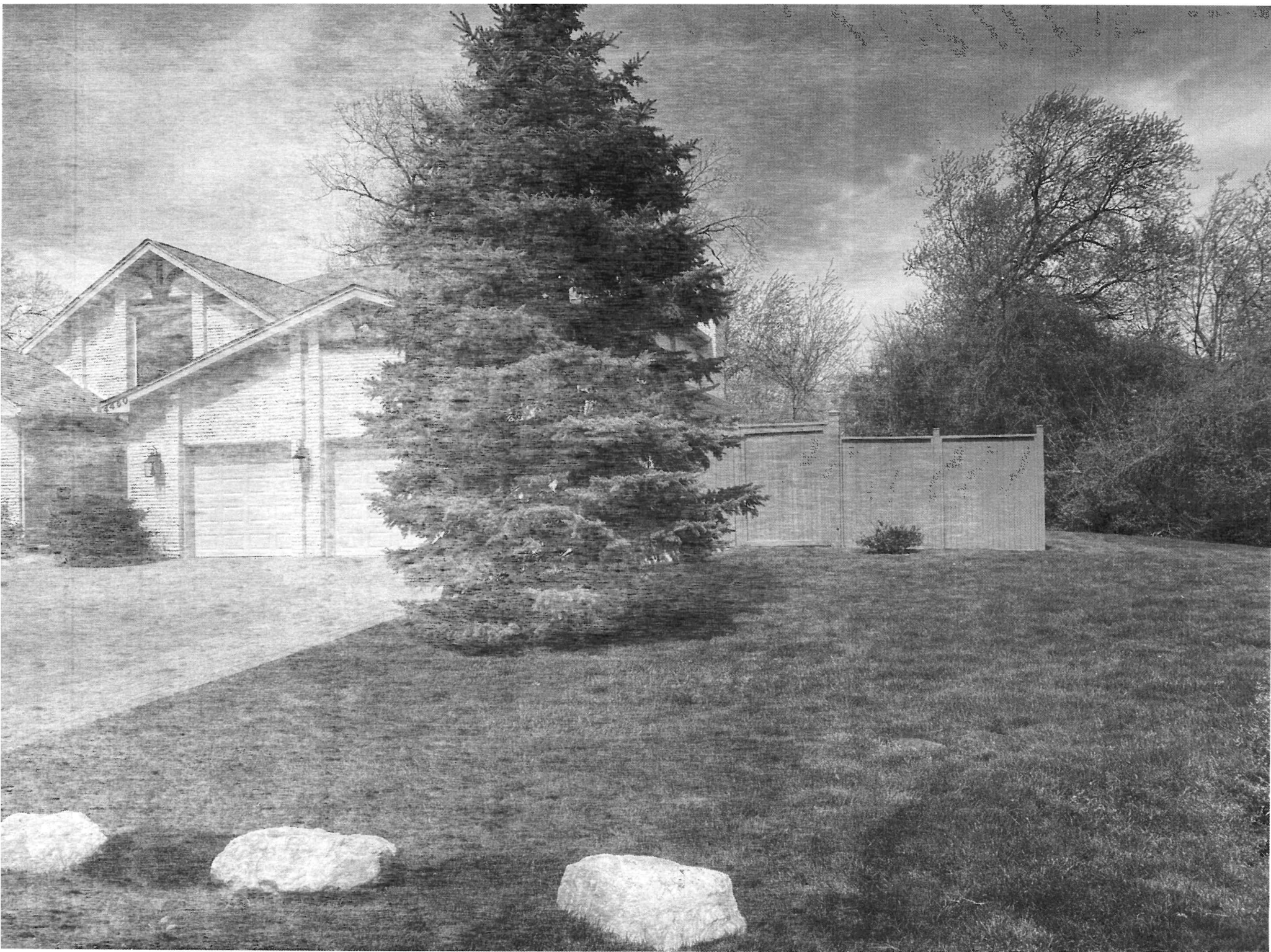
SURVEY NO. N-72844-STAKE
N-76591-LOC.

KNOWN AS:- 6531 N. KNOX AVE., LINCOLNWOOD, ILLINOIS

MARCH 24, 1953
JAN. 6, 1955

SURVEY FOR: DR. JOSEPH LIEBLING
EDWARD ZAREK, ARCHITECT.
LOCATION FOR: UPTOWN NATIONAL BANK

















From: [Jim Hirsch](#)
To: [Hammel.Douglas](#)
Cc: [Nina Wong](#)
Subject: Regarding case #ZB-06-24
Date: Friday, May 24, 2024 1:00:45 PM

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

Dear Mr. Hammel,

On behalf of my partner, Nina Wong, and myself, owners of the property located at 6530 N. Knox Avenue, we are writing to strongly encourage the zoning board to grant the variation requested to erect a fence in the Horowitz's yard.

Jim Hirsch
Nina Wong

Attachment #5. Relevant Regulations

3.13 Fences and natural screening.

- (11) Fence types and height in residential districts.
 - b. Open fences and semiprivate fences, shall not be more than six feet in height as allowed in rear and side lot lines of rear yards. Notwithstanding the foregoing, chain link fences shall not exceed four feet in height as may be erected in rear and side yards.
 - c. Open fences of all types allowed by this regulation not more than four feet in height are allowed in side yards. Notwithstanding the foregoing wrought iron fences, as defined herein, up to a maximum six feet in height, may be erected in rear and side yards.
- (12) Natural screening in residential districts.
 - a. Natural screening may be installed in rear and side yards, without restriction to height, provided such screening does not obstruct the Village line of sight distance regulations.

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: 6531 North Knox Avenue

Case #: ZB-06-24

Requested Variation: Variation to allow a 6' tall semi-private fence in the interior 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	
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

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	
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	
I. For variations from Article XI (Signs) of this Zoning Ordinance: (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.	



Zoning Board of Appeals Staff Report

Case #ZB-07-24

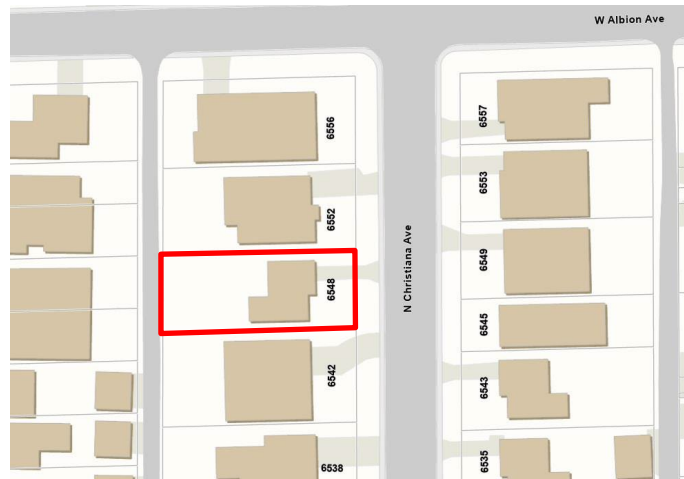
June 19, 2024

Subject Property:
6548 North Christiana Avenue

Zoning District: R-3 Residential

Appellant: Laura Zimmerman,
property owner

Requested Action: Consideration of an
Appeal of the Zoning Officer's
Determination Regarding Appropriate
Means of Vehicular Access to a required
Parking Space



Nature of Request: The Petitioner seeks consideration of an Appeal regarding the Zoning Officer's determinations that a proposed improvement does not result in an appropriate means of vehicular access to a required parking space

Notification: As per Section 5.13(3) of the Village Code, all interested parties, which in this case includes the Appellant/property owner, were provided notice of the date, time, and location of the public hearing. (The Zoning Ordinance does not require legal notice to surrounding properties or in a local newspaper that would normally be required for a public hearing related to a Variation or Special Use.)

Introduction

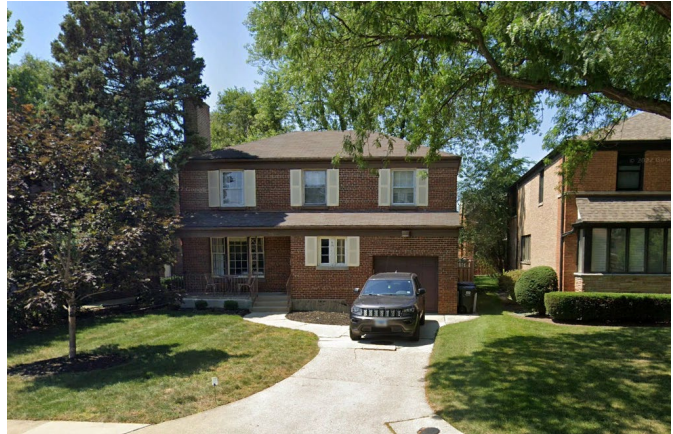
Section 5.13 of the Zoning Ordinance establishes the ability to appeal the determination of the Zoning Officer, and the process by which an appeal is to be heard by the Zoning Board of Appeals (ZBA) and, ultimately, the Village Board. As per that section, Laura Zimmerman, owner of 6548 North Christiana Avenue, recently submitted an appeal regarding the Zoning Officer's determination regarding whether a proposed improvement provides an appropriate means of vehicular access to a required parking space.

This report, drafted and submitted by Village staff, provides general information about the subject property, information regarding the appeals process and the nature of the determination the ZBA is being asked to make, and information regarding the proposed improvement and Zoning Officer's determination that led to the Appellant's filing of an appeal. Additional

information for consideration by the ZBA from both the Zoning Officer and Appellant are provided as individual attachments to this report.

Information About the Subject Property

The subject property is located in the R-3 residential zoning district and is surrounded by other properties in that same district. The property hosts a single-family home with an attached garage. It has an area of just over 6,000 square feet and a width of 50 feet. The attached garage is located in the front of the home and is accessed directly from a driveway from North Drake Avenue.



*Google Streetview Image (2022)
of the Subject Property*

ZBA Consideration of a Zoning Appeal

The ZBA regularly hears requests related to Zoning Variations, more rarely hears requests related to zoning appeals. This section is intended to provide context regarding the ZBA's consideration of this appeal and how it differs from other requests the ZBA more regularly hears.

Zoning Appeals Process

As noted earlier in this report, Section 5.13 of the Zoning Ordinance establishes procedures related to a zoning appeal. A summary of relevant provisions is as follows:

- An appeal can be issued by any party aggrieved by a determination made by the Zoning Officer with respect to the provisions of the Zoning Ordinance.
- An Appellant is required to file an appeal with the Village Clerk within 45 days of the Zoning Officer's determination. The Appellant met all requirements for the filing of an appeal in this case.
- The ZBA holds a hearing regarding the facts of the appeal and testimony from the Appellant and Zoning Officer, makes findings related to those facts and testimony, and provides a recommendation for final consideration by the Village Board.
- The Village Board considers the ZBA's recommendation, facts of the case and testimony, and hold final authority regarding whether to find in favor of the Zoning Officer's determination or the Appellant's appeal.

Zoning Variations versus Appeals of a Determination by the Zoning Officer

It is important for all parties involved in this matter to understand the difference between a request for a Zoning Variation and an appeal of a determination by the Zoning Officer. At its most fundamental level, a request for a Zoning Variation is an effort to seek relief from a certain provision or provisions of the Zoning Ordinance. Such a request is typically based upon the unique circumstances of a property or its surroundings.

An appeal of a determination by the Zoning Officer is an effort to demonstrate that certain provisions of the Zoning Ordinance were wrongly interpreted or applied to a proposed use or improvement to a property.

Relevance of Hardship and Zoning Variation Standards

Because a zoning appeal is not a request for relief from a zoning provision, the determination of a hardship based on the characteristics of the property is not relevant. Nor are the Zoning Variation standards that are found in Section 5.15(7) of the Zoning ordinance and referenced when making findings of fact related to a Zoning Variation request.

Instead, the ZBA is asked to consider arguments presented by the Appellant and Zoning Officer to determine whether certain provisions of the Zoning Ordinance were wrongly interpreted or applied. Those arguments from the Appellant and Zoning Officer are provided as separate attachments to this report. Both the Appellant and Zoning Officer will be provided an opportunity to address the ZBA as part of the hearing, and will be available for additional questions or clarifications during ZBA deliberations.

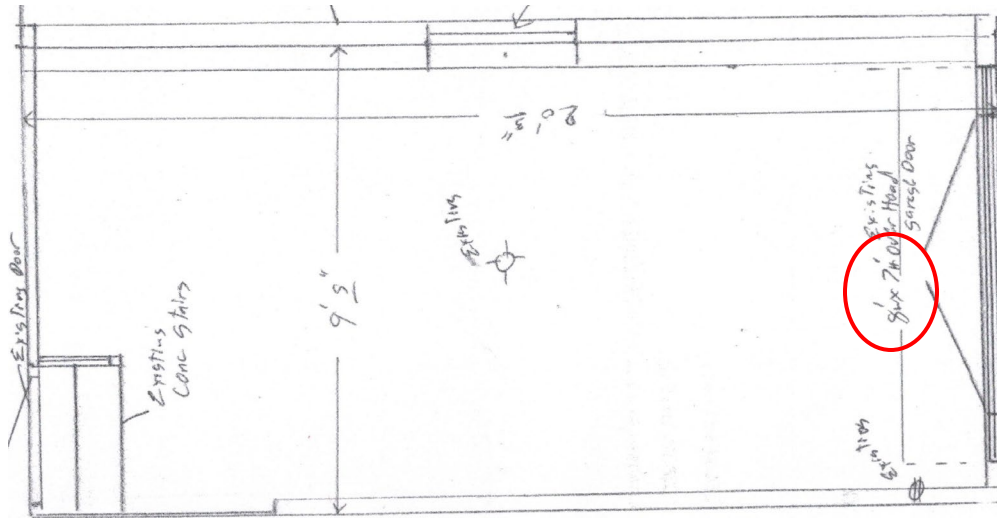
Implications of a Decision Related to an Appeal Request

The implications of a decision regarding a zoning appeal are different than those of a Zoning Variation. A Zoning Variation is granted to a specific petitioner based on the facts of their proposed improvement, property characteristics, and practical ability to meet relevant zoning regulations. While such an approval is applicable to a single property, there may be some consideration of precedent for other properties with similar claims of hardship.

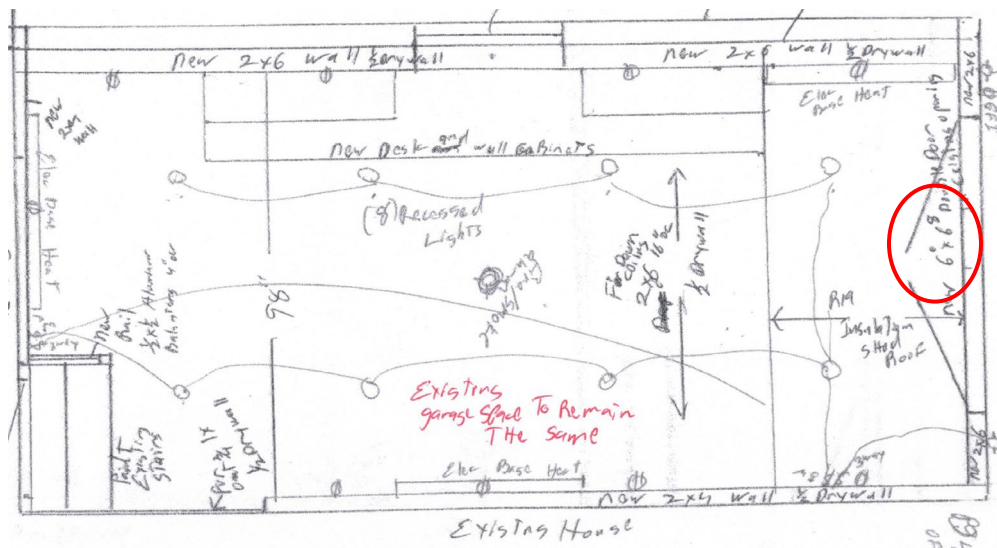
When a zoning appeal is upheld, Village officials are essentially directing staff to interpret certain zoning provisions in a manner that is different than their initial determination. As such, it can be presumed that that interpretation will be applied to all applications for similar property improvements going forward.

Proposed Improvement and Zoning Officer Determination

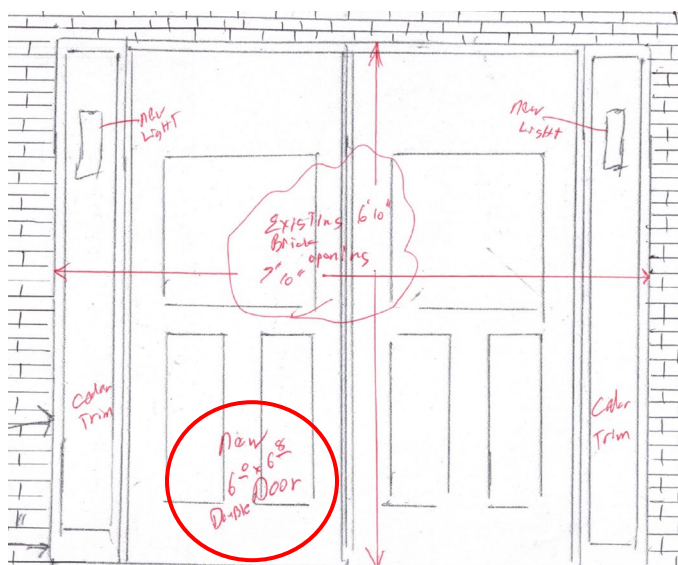
The Appellant recently submitted plans for an alteration to the attached garage as part of a Building Permit application. Those plans indicate that the existing garage door has a width of eight feet. The proposed alteration would include the removal of the existing garage door and installation of a double front door with a total width of six feet, and a non-operable transom panel on each side of the double door configuration. Images on the following page show the existing configuration of the garage, its proposed configuration, and proposed front elevation.



*Existing garage
floor plan
showing an 8'
wide opening*



*Proposed
garage floor
plan showing a
6' wide opening*



*Proposed
garage
elevation
showing a 6'
wide opening*

Initial Zoning Officer Determination

Upon reviewing the plans, the Zoning Officer determined that the proposed width of the operable door opening is inadequate. His finding is based on Section 7.06(3), which reads as follows:

“7.06 General standards for off-street parking facilities.

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

(3) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.”

Based on that determination, it was found that the proposed improvement would result in the elimination of a parking space that is required pursuant to other provisions of Article 7: Off-Street Parking and Loading of the Zoning ordinance.

On April 30, 2024, the Zoning Officer provided the following plan review comment, which led to a designation of “revisions needed” for this plan review:

“Previous plan reviews sought information regarding whether the garage is being converted into something other than an area for parking a vehicle. The revised submittal states that it will still be a garage, but the width of the doors would not provide access for vehicles typically available to residential vehicle owners. The design must provide practical access for a vehicle in order to be considered an improvement that does not eliminate the garage space that currently exists.”

Appellant’s Response to Initial Zoning Officer Determination

On May 1, 2024, the Petitioner provided the following written response through the Village’s Building Permit application portal:

“The current garage space is not practical for vehicles typically available to residential vehicle owners. With the existing opening of 8 ft wide and the interior brick to brick width of the garage of 9’5” and the typical width of a car at 6ft with a typical door of 42 inches. Although the opening does allow for you to park the car in the garage it does not allow you to get out of the car due to the remaining space of 19 inches on each side of the car. For this reason, the Zimmermans’s were not able to park their typical car in the garage. They plan on using the garage space in the same manner of storage of bicycles, extra storage, yard equipment, shop work to maintain household equipment, ect.

The new design that is esthetically appealing gives access to a small compact car (a car that you can actually open the door and get out of once you’re in the garage) Motorcycles, Bicycles, garden and yard equipment, outdoor furniture storage, ect. The Zimmermans plan on using the garage in the same manner that they use their garage now. Although it will be more appealing inside and out and will give them year-round garage shop work capability.

The Zimmerman’s have also noted that there are many garages in the neighborhood with similar doors and even some with no doors just windows.”

Zoning Officer's Response to Appellant's Response

On May 13, 2024, the Zoning Officer provided the following plan review comment in response to the Appellant's response submitted on May 1, 2024:

"The applicant submitted a response on May 1 2024 suggesting that the existing garage is impractical and that the proposed improvement would operate in a similar manner. The design plans show the existing garage door as having a width of 8', which is a practical industry standard width for a one-car garage door. The design plans show that the new double doors would have a width of 6'. This is not a practical width for an industry standard one-car garage door. Because the existing door meets the industry standard and the new door does not, the Zoning Officer has no choice but to deem the proposed improvement as removing a qualifying on-site parking space."

Following the provision of the Zoning Officer's plan review comment on May 13, 2024, Village staff and the Appellant maintained communications regarding this matter. However, with the matter going unresolved, the Appellant filed her appeal with the Village Clerk in accordance with Section 5.13 of the Zoning Ordinance on June 4, 2024.

Action Requested by Staff

Staff requests that the ZBA review the arguments presented by the Appellant and Zoning Officer, as represented by separate attachments to this report. After consideration of the facts of this matter and the arguments made by each party, staff requests that the ZBA provide a recommendation to the Village Board regarding whether to either uphold the Zoning Officer's determination, or find on favor of the Appellant's appeal.

It is worth noting that in addition to the narrative argument and photo submitted by the Appellant and included in Attachment #2, the Appellant has provided a video as part of her evidence. That video is embedded as a clickable icon in Attachment #2. If any members of the ZBA are unable to open and view the link, staff can attempt to circulate it via email.

Documents Attached

1. Plans Illustrating the Proposed Improvement
2. Appellant's Submittal
3. Zoning Officer's Submittal
4. Relevant Regulations

Existing Garage $\frac{1}{2}" = 1'$ scale

Existing
Window
3'4" x 3'1"

Existing
Double
Brick
Wall

20'3"

Existing
Light

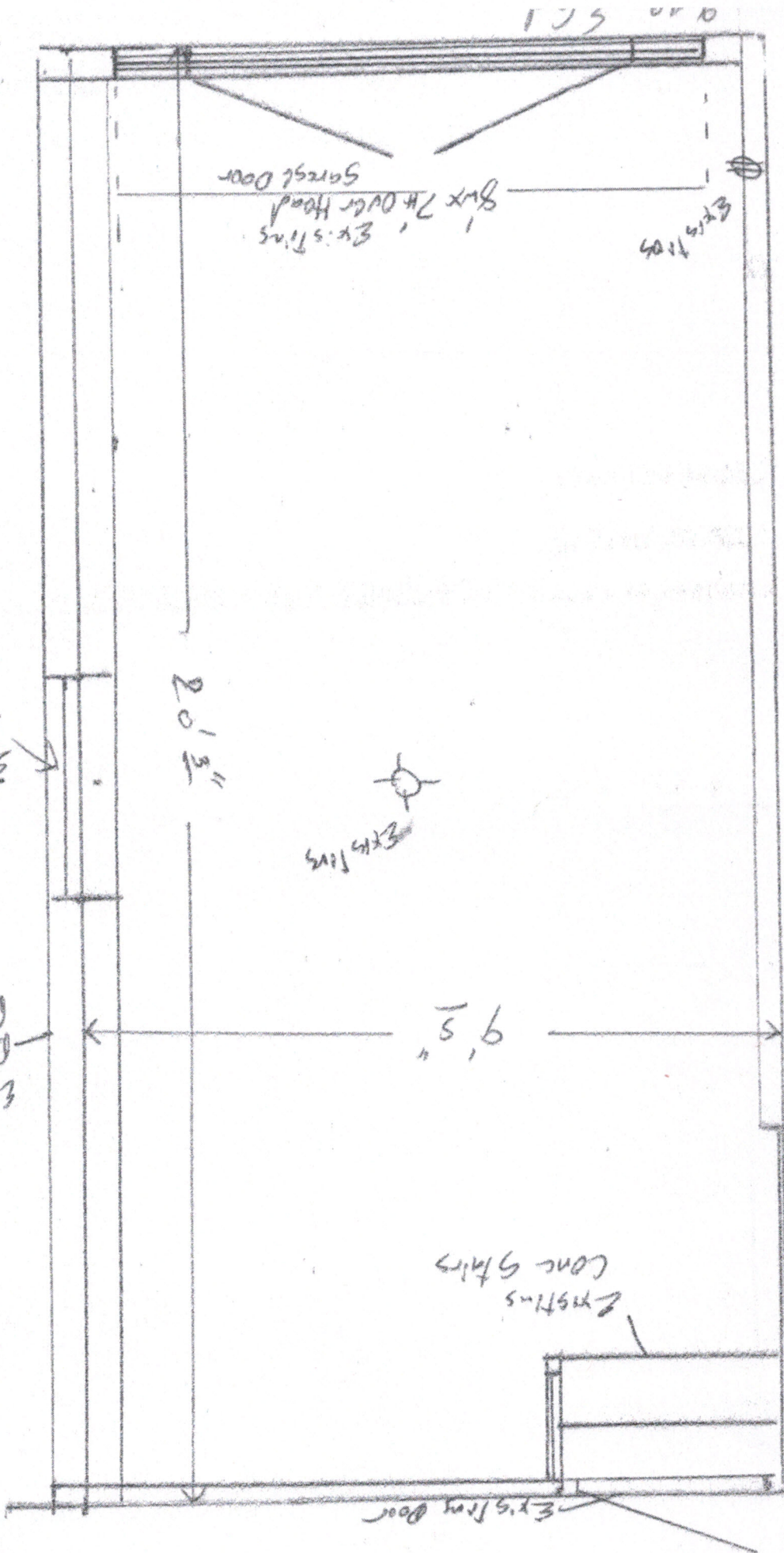
9'5"

Existing
Conc Slabs

Existing
8'x7'4" Over Head
Garage Door

Existing
Wall

Existing
Door



$$x = \frac{1}{2}$$

Interior Garage Finish

all now Bestbeand Hart Circuit to Existing Road

all new 20 Amp outlets To Existing panel

all new 15 amp lighting circuit to existing panel

Electric per code

Garage To Be Used as a garage NOT Living Space

Sc 10 2 = 1

No Paint, Gasoline or Flammable

My *Killing
to R9

Handwritten: *Handwritten*

New 2x6 wall Gary Hall

New 2x6 wall & Drywall

1974
L-28
922

New Desk and wall Cabinets

Accessed 1/13/13

[Handwritten notes:]
 $\frac{1}{2} \times \frac{1}{2}$ Aluminum
 8x1
 10/16/79

Feb 25 1955

R19

22

1

Extensive garage shed To Remain The same

Part
Expt
Start

11/11/11

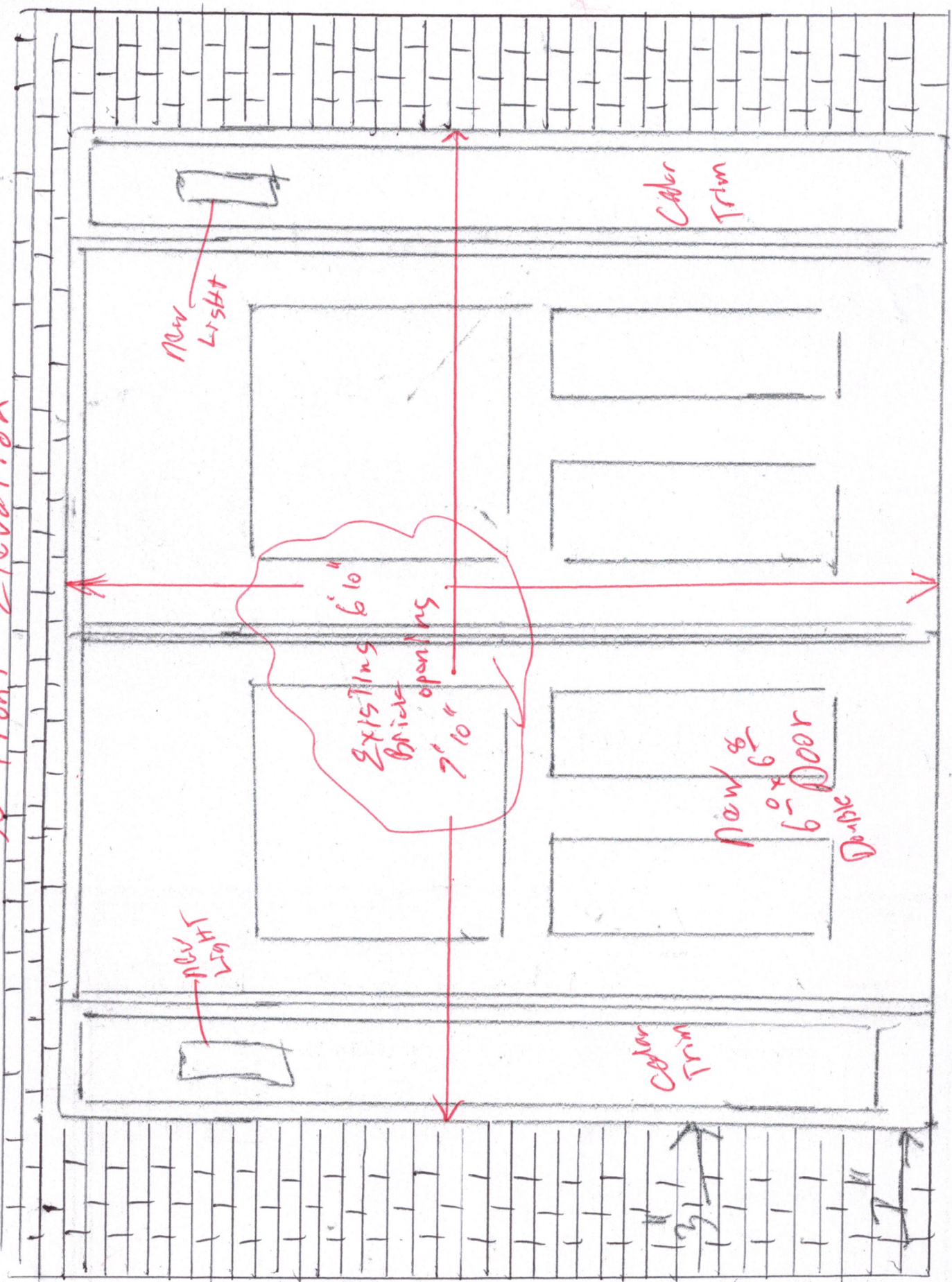
Elc Base Heat

11 PM 116M 6x-2 NOV

Exits House

194
OF 2

Garage Front Elevation



Attachment #2. Appellant's Submittal

June 3, 2024

Ref Code: STE72N

6548 N. Christiana Ave.

To whom it may concern:

I am submitting this appeal to contest the lack of Zoning Ordinance on the following grounds that there is no code stating what width garage doors need to be. The zoning provisions in play are the following:

Section 15- 7.06(3): *Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.*

We meet the requirements of Section 7.06(3) and 7.06(6), which establishes a minimum parking space dimension of 9' wide by 18' deep.

Email from Doug Hammel on 5/14: *"It is the opinion of the Zoning Officer that the proposed 6' width of the door does not meet this requirement."*

- Code interpretation is not applicable because there is no code citing the dimensions for the width of a vehicle or the width of a garage door.

Email from Doug Hammel on 5/13: *"The opening must be at least 8' in width."*

- **There is not a code provision specifically establishing a minimum width for a garage door.**

Our home's current garage opening is 8 feet wide, and I have installed 6 feet wide doors with 1 foot of trim on either side. A vehicle can fit in the 6-foot-wide doors safely and efficiently which satisfies the above code. Below is a list of vehicles that can enter in and out of 6ft wide doors if it pleases the Board.

List of vehicles that can fit in 6 ft wide doors (72 inches):

Fiat 500 - Approximately 64 inches wide.
Chevrolet Spark - Approximately 62.8 inches wide.
Mitsubishi Mirage - Approximately 65.6 inches wide.
Smart Fortwo - Approximately 61.4 inches wide.
Mini Cooper - Approximately 68 inches wide.
Toyota Yaris - Approximately 66.7 inches wide.
Honda Fit - Approximately 67 inches wide.
Kia Rio - Approximately 67.9 inches wide.
Nissan Versa - Approximately 68.5 inches wide.
Hyundai Accent - Approximately 68.1 inches wide.
Mazda MX-5 Miata - Approximately 68.3 inches wide.
Ford Fiesta - Approximately 67.8 inches wide.
Suzuki Swift - Approximately 68.3 inches wide.
Scion iQ - Approximately 66.1 inches wide.
Toyota Aygo - Approximately 66 inches wide.
Volkswagen Up! - Approximately 64.6 inches wide.

The scope of this appeal is to be kept to the above section in question. "Open air parking" is not in question as we will be complying with the code and maintaining a parking space. If the city wishes to discuss "open air parking" then please advise this will be a topic of discussion so I may be prepared in advance. I can then provide the city a few questions to prepare for as well.

- Laura Zimmerman

Image showing a vehicle entering the six-foot wide garage door opening



[Link to a video showing a vehicle entering the six-foot wide garage door opening](#)
(double click to activate the link)



Zimmerman_Car in
Garage video.MOV

Attachment #3. Zoning Officer's Submittal

This attachment summarizes the rationale used by the Zoning Officer to make his initial determination regarding the Appellant's proposed improvement. Where possible, that initial rationale is supplemental by research to provide context for the ZBA's consideration of the Appellant's appeal. The Zoning Officer's initial determination was based on the following considerations:

- Zoning Officer discretion in lieu of a specific minimum standard related to garage door width;
- The size of garage doors typically offered as industry standards for residential one-car garages;
- The characteristics of other one-car garages in the Village; and
- The size of vehicles typically owned and stored by occupants of residential properties.

The information in this submittal is structured based on those considerations.

Zoning Officer Discretion Regarding Section 7.06(3)

As noted in the staff report, Section 7.06(3) establishes the following standard:

"7.06 General standards for off-street parking facilities.

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

(3) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement."

The Zoning Officer acknowledges that neither this provision nor any other provision in the Zoning Ordinance establish a specific minimum dimension for a garage door. However, the Zoning Officer often has to apply reasonable discretion and judgment related to this provision and several other zoning provisions. In this instance, that discretion was used to determine that 1) the opening of a garage door is a necessary part of the means of vehicular access between a required parking space and the street, and 2) that the proposed six-foot opening does not provide appropriate vehicular access along that path.

Industry Standards for Residential Garage Doors

Staff research found several sources, including retailers of garage doors, that state that the standard minimum width of a one-car garage door is eight feet. While it is acknowledged that custom doors of any size can likely be produced, most doors that are generally available for residential use are either eight feet or nine feet in width. No retailers list six-foot side doors as available as a standard size, and staff found no online resources that specifically identify six feet as a viable garage door width in the United States.

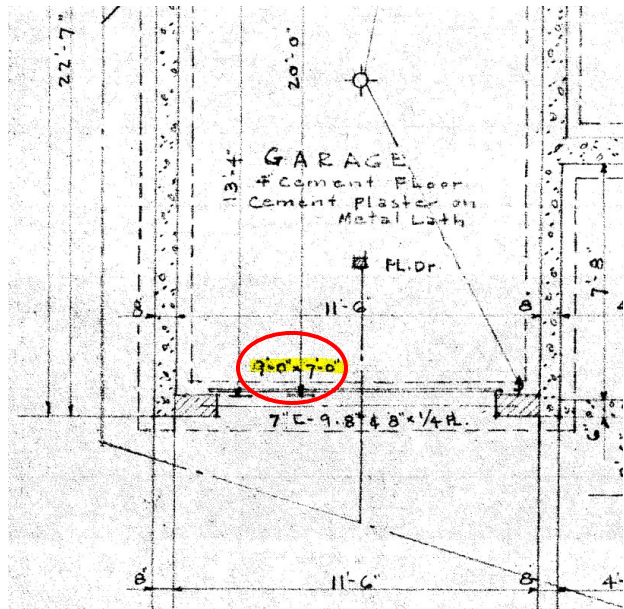
Other Local Examples of One-Car Garages

Following the filing of the Appellant's appeal, staff researched the size of one-car garage doors in the area immediately surrounding the subject property. Several of those properties have garage doors with a width of eight feet, and one has a width of nine feet. None of the surrounding properties have a garage door width of less than eight feet.

The following summarizes the characteristics of the on-car garages on surrounding properties. The dimensions of the garage door openings were determined based on a review of the construction plans for the original homes.

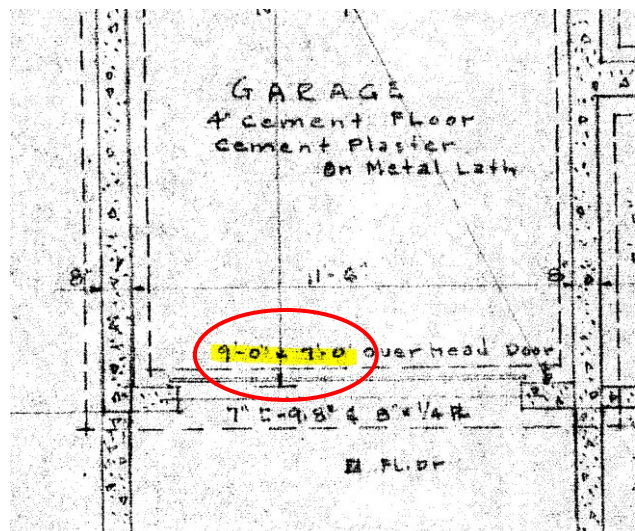
6552 N Christiana Ave (property to the north)

Garage Opening: 9'

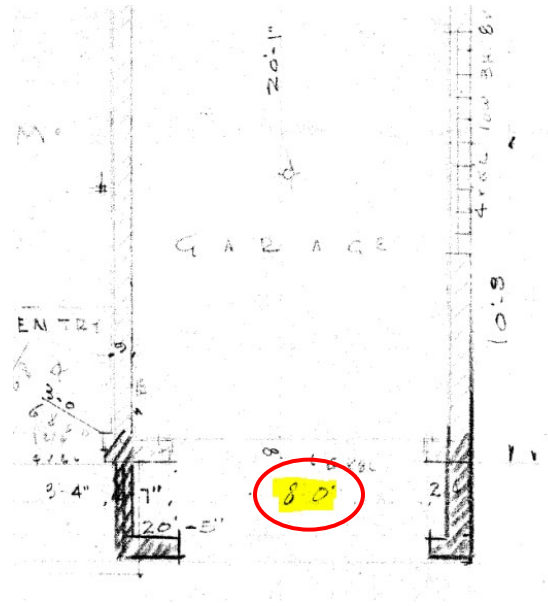


6557 N Christiana Ave (property across the street)

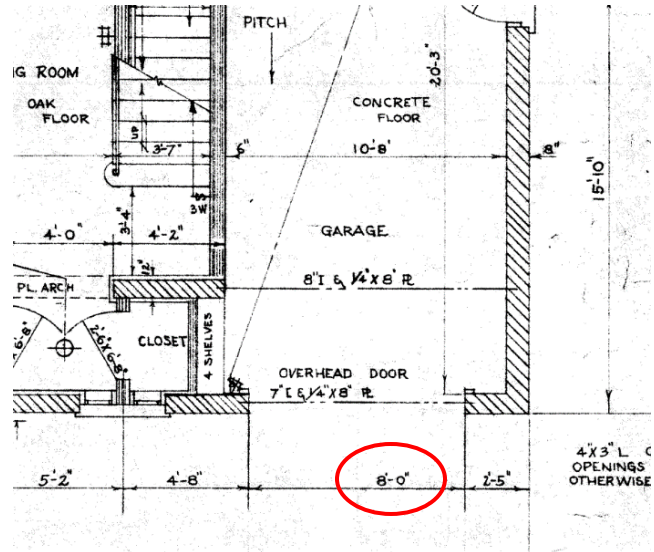
Garage Opening: 9'



Garage Opening: 8'

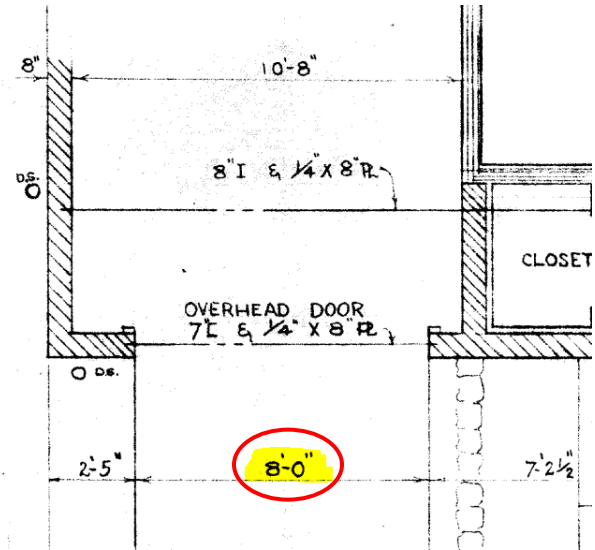


Garage Opening: 8'



6535 N Christiana Ave (property across the street)

Garage Opening: 8'



Typical Vehicle Sizes

At the time of the Zoning Officer's determination, he conducted brief online research and determined that, while some vehicle categories have bodies that would fit within a six-foot garage door opening, many categories of vehicles would not. This finding is supported by more detailed research conducted by staff. The following table summarizes staff's research regarding the widths of various categories of vehicles.

Category of Car	Average Car Width (Mirrors not included)
Compact Cars	5.8' to 6'
Midsize Cars	About 6'
Full-Size Cars	Greater than 6'
Sports Cars	5.7' to 6.5'
SUVs and Crossovers	6' to 7'
Pickup Trucks	6.3' to 6.8'
Minivans	6' to 6.8'
Luxury Cars	About 6'
Station Wagons	5.8' to 6.2'

It is important to note that the dimensions shown above do not include the additional width of side view mirrors. As the table above indicates, there are some categories of vehicles, or at least some specific makes and models within certain categories, that would fit into a garage with a six-foot opening. However, there are many categories of vehicles regularly purchased in the United States that would not.

It is worth noting that, when applying reasonable discretion to a finding, it is important to consider a variety of potential users of a property. In this instance, while it is possible that the Appellant could specifically seek to purchase a vehicle that could fit within the six-foot opening, there is no assurance that a future owner would do the same. That is not to say that all garage doors should be required to accommodate the largest possible private vehicle. Rather, the intent is to use a combination of factors (such as industry standards and local examples) to determine an appropriate minimum standard that is believed to meet the spirit and intent of the Zoning Ordinance.

Attachment #4. Relevant Regulations

Article 5 Development Review, Administration and Enforcement, Part D Administration and Enforcement

5.13 Appeals.

(1) Authority. The Board of Trustees, after a public hearing and recommendation by the ZBA, may decide appeals from an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance. For purposes of such appeals, the Board of Trustees is the board of appeals for the Village.

(2) Initiation. An appeal may be taken to the Board of Trustees by any person, firm or corporation, or by any office, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.

(3) Processing and public hearing. An appeal shall be filed in writing with the Village Clerk within 45 days after the date of the action complained of. The Village Clerk shall then forward the appeal to the ZBA, which shall hold a public hearing of the appeal within 90 days after receipt of the written appeal. The Zoning Officer shall give notice of the date of the hearing on the appeal to all interested parties.

(4) ZBA recommendation. Within 90 days after receipt of the written appeal, or such further time to which the appellant may agree, the ZBA shall make findings and recommend whether the order, requirement, decision or determination should be reversed, affirmed, or modified, in whole or in part, and shall transmit such recommendation in writing to the Board of Trustees.

(5) Action by Board of Trustees. The Board of Trustees, within 45 days after receipt of the findings and recommendations of the ZBA, or such further time to which the appellant may agree, shall reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination. The concurring vote of four members of the Village Board of Trustees shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Officer. The decision of the Board of Trustees shall be in writing. The failure of the Board of Trustees to act within the time period specified in this Section 5.13(5), or such further time to which the applicant may agree, shall be deemed to be a decision of the Board of Trustees affirming in whole the order, requirement, decision or determination. All decisions of the Board of Trustees on appeals filed pursuant to this Section 5.13 shall, in all instances, be final administrative determinations and shall be subject to judicial review in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., as may be amended.

Article 7 Off-Street Parking and Loading

7.06 General standards for off-street parking facilities.

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

(3) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.