



**MEETING MINUTES
OF THE
March 17, 2021
ZONING BOARD OF APPEALS**

**LINCOLNWOOD VILLAGE HALL AND
VIRTUALLY VIA GOTOMEETING**

Zoning Board of Appeals Members Present: Chairman Bruce Heller, Rizwan Hussain, Syed Mudassir, Teodor Strat, and Robert Jordan

Absent: Peter Theodore and Martin Youkhanna

Staff Present: Doug Hammel, AICP, Community Development Manager

I. Call to Order/Roll Call

Chairman Heller noted a quorum of five members, with Commissioners being present at the Council Chambers in Village Hall and/or virtually via GoToMeeting, and called the meeting to order at 7:05 p.m.

II. Pledge of Allegiance

III. Approval of January 20, 2021 ZBA Meeting Minutes

Chairman Heller asked if any Commissioners had any comments regarding the January 20, 2021 Meeting Minutes. Hearing none, Commissioner Jordan made a motion to approve the minutes as amended, and that motion was seconded by Commissioner Hussain.

Aye: Mudassir, Strat, Hussain, Jordan, and Heller

Nay: None

Motion Approved: 5-0

IV. Case #ZB-02-21: 6424 North Drake Avenue – Approval of Variations Related to the Development of a Religious Institution

Prior to his presentation on the Case, Development Manager Hammel stated this was a re-hearing of this request. Prior approvals were given in 2019. However, the petitioner was unable to procure a building permit prior to the expiration of the granted variation. He then provided an overview of Case #ZB-02-21. He outlined the subject property and stated the lot is currently empty. Mr. Hammel overviewed all of the requested variations and relevant code sections. The consideration before the ZBA was requested by Mordy Lebovics, petitioner, on behalf of Bais Chaim Dovid East, property owner, to allow for certain exterior site improvements, associated

with construction of a new building to accommodate a new religious institution. The proposed new religious institution development requested several variations including 1) permit parking in the interior side yard; 2) permit a parking lot with no perimeter screening area, rather than the required eight feet, along the west property line; 3) reduce the amount of required on-site parking by 20 spaces; 4) reduce the required front yard setback from 40.5 feet to 27 feet; and 5) reduce the southern side yard setback from 20.5 feet to 17 feet.

Mr. Hammel overviewed the 2019 Considerations of Variations. He stated that the same variations were previously approved by the Village. He overviewed previous considerations and cited previous findings of the ZBA.

Mr. Hammel stated that staff received one public comment since the posting of the agenda packet. The comment came from Mr. Barry Wicker. He expressed concerns that development will result in parking on Drake Avenue, concerns regarding the setback and the integrity of the block and village, and stated that parking on Drake Avenue should be reserved for residents of the 6400 block of Drake.

Mr. Hammel overviewed several similar prior cases related to parking in the interior side yard, parking lot screening, parking capacity, and commercial building setbacks. He then overviewed the variation standards.

The requested action was then stated. The Petitioner seeks a recommendation of approval for the following Variations: 1) Variation from Section 7.06(5) to permit parking in the interior side yard; 2) Variation from Section 6.14(1) to permit a parking lot with no perimeter landscaping along the west lot line; 3) Variation from Section 7.10, Table 7.10.01 to reduce the amount of required on-site parking by 20 spaces; 4) Variation from Section 4.12 to reduce the required front yard setback from 40.5 feet to 27 feet; and 5) Variation from Section 4.12 to reduce the required side yard setback from the south lot line from 20.5 feet to 16 feet.

Mr. Hammel stated that staff recommends the following: 1) Village Landscape Architect review of the landscape screening along the northern lot line; 2) Restriction on the worship space and meeting room being used simultaneously; and 3) Rear alley access/egress restrictions and a 12-month look-back as directed by the Village Board in 2018.

Commissioner Hussain asked about the parking capacity. Mr. Hammel stated that one parking space shall be required for every four occupants. Commissioner Hussain stated that he expected the parking demand would realistically be greater than 4 occupants per one car. He said that based on the public comment, parking should be further limited.

At this point the petitioner, Mordy Lebovics, was sworn in on behalf of the property owner Bais Chaim Dovid East, property. He stated that the peak use of the synagogue would be on Saturday morning. He also stated that driving in the Orthodox Jewish faith is prohibited on this day of the week. Therefore, he said the majority of patrons using the synagogue during the peak use time would be walking. The petitioner gave further context on the previous approval and recent history of the process.

Commissioner Jordan said that he previously lived in this neighborhood and stated that on Saturdays there was hardly any vehicular traffic. He said this location would have little to no impact on the surrounding properties.

Commissioner Mudassir asked how the site plan would allow for pedestrian traffic. He also asked if this property was going to be ADA compliant. Mr. Hammel stated that the site plan included construction of a side walk along Drake Avenue. He added that the times of peak traffic use would not overlap with the peak time of pedestrian use. Mr. Hammel stated that all new developments are expected to be ADA compliant.

At this point, Chairman Heller opened public comment. One gentleman present in the council chambers provided a comment. He stated that the impact this development would have on the neighborhood was being underplayed. He also stated a concern that a building of this size could have a negative effect on the community. Commissioner Hussain stated that non-profits must be given the same rights as for-profit businesses. Mr. Hammel stated that certain constitutional laws treat religious institutions the same as any for-profit business. Additionally, he stated that all residential districts permit religious institutions. No additional public comments were provided.

Commissioners Jordan and Hussain complemented the design of the project. Commissioner Hussain suggested striking the 12 month look-back presented in staff's recommendation. Commissioner Strat concurred with the comment. Mr. Hammel stated that not allowing the gathering hall and congregation area at the same time will go a long way in limiting certain impacts. Further discussion on the congregation size and future growth of the congregation occurred. Commissioner Hussain suggested that rather than including the 12 month look-back provision, the ZBA should consider adding a provision that states if on-street parking should become an issue that it shall be incumbent upon the petitioner to find a viable parking solution. Commissioner Start concurred with Commissioner Hussain's comment. Further deliberation on the recent history of this property occurred between ZBA members, Mr. Hammel, and the gentleman present at the public comment portion. Prior to a motion being made, further discussion on parking and capacity limits occurred.

Commissioner Hussain made a motion to grant all variations requested by the petitioner with the conditions that 1) direction provided by the Village Board regarding alley access be followed, 2) the worship space and basement meeting space not be used simultaneously in a manner that they generate parking demand beyond what the site provides, 3) that the landscape screening along the north lot line be revised to the satisfaction of the Village Landscape Architect in order to appropriately protect the property to the north, and 4) that a 12-month look-back assessment be conducted to determine any negative traffic or parking impacts on surrounding properties. This condition included staff's ability to restrict capacity of the facility as one potential means of mitigating such impacts until other remedies can be implemented. The motion was seconded by Commissioner Mudassir.

Aye: Mudassir, Strat, Hussain, Jordan, and Heller

Nay: None

Motion Approved: 5-0

Mr. Hammel stated that this item will be in front of the Village Board on April 7, 2021 for final approval.

V. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Wednesday, April 21, 2021.

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. Adjournment

Motion to recommend adjournment was made by Commissioner Mudassir and seconded by Commissioner Hussain. Meeting adjourned at 8:25 p.m.

Aye: Mudassir, Strat, Hussain, Jordan, and Heller

Nay: None

Motion Approved: 5-0

Respectfully submitted,

Jake Litz
Management Analyst
Fire Department/Community Development