

MEETING MINUTES OF THE  
PLAN COMMISSION/ZONING BOARD OF APPEALS  
DECEMBER 12, 2007  
7:30 P.M.

LINCOLNWOOD VILLAGE HALL  
COUNCIL CHAMBERS  
6900 NORTH LINCOLN

MEMBERS PRESENT: Joann Angarola, Mary Couzin, Herbert Theisen,  
Kenneth Klint, Mark Yohanna and Sue Auerbach,

ABSENT: Anthony Pauletto

OTHERS PRESENT: John Lebegue, Building Commissioner

**I. APPROVAL OF PREVIOUS MINUTES:**

Motion was made by Commissioner Theisen, seconded by Commissioner Yohanna, to approve the minutes of November 14, 2007. Motion carried unanimously.

**II. ORDER OF BUSINESS**

**4729 Farwell Avenue**

Chairperson Angarola read the variation requests into the record: Variation to reduce the front yard setback, variation to reduce the interior side yard setback and a variation to increase the finished first floor height limit.

Chairperson Angarola asked Building Commissioner Lebegue if proper notification had been given. Building Commissioner Lebegue stated that yes, proper notification had been given.

Chairperson Angarola asked Building Commissioner Lebegue for his input. Building Commissioner Lebegue stated that the variation requests are being sought in order to construct a one-story addition on the east side of the existing, nonconforming home. The variation request to reduce the front yard setback is necessitated due to an existing nonconformity of the existing home and will not be intensified as a result of the proposed addition.

The variation request to reduce the east, interior side yard setback is necessitated by an existing nonconformity of the current home, but is also necessitated due to the fact that the one-story addition is being proposed to be constructed in alignment with the exterior walls of the existing, nonconforming home.

The variation request to increase the finish first floor height is necessitated due to an existing nonconformity of the existing home, but is also necessitated due to the fact that the proposed addition to the east side of the house is maintaining the same finished first floor height as the existing home.

Given that the nonconformities that exist at the property are not the creation of the current owner, and the fact that the proposed addition does not extend beyond the existing yard setbacks of the current home, the PC/ZBA has consistently recommended approval of such variation requests. While staff finds the variation requests reasonable, staff objects to the applicant's use of siding on the exterior walls of the proposed addition that was detailed on the submitted plans.

Prior to the start of the meeting, the homeowner from 4729 Farwell Ave. brought in revised drawings showing that he would in fact be using brick masonry on the exterior walls of the proposed addition and not siding as shown in the sketches that were originally submitted for variation.

Chairperson Angarola swore in Robert Kurtz and Linda Steffen, owners.

Chairperson Angarola asked if there were any questions from the audience. There were none.

Chairperson Angarola asked the board if they had any questions. They had none.

Commissioner Auerbach made a motion to approve the variation requests. Motion seconded by Commissioner Yohanna. Ayes: Yohanna, Klint, Auerbach, Auerbach, Couzin, Theisen. Motion passes unanimously and will go before the Board of Trustees on January 3, 2008.

### **6740 Hamlin Avenue**

Chairperson Angarola read the variation request into the record: A variation request to reduce the minimum lot area.

Chairperson Angarola swore in Emma and Garmit Atwal, owners.

Chairperson Angarola asked Building Commissioner Lebegue if proper notification had been given. Building Commissioner Lebegue stated that yes, proper notification had been given.

Chairperson Angarola asked Building Commissioner Lebegue for his input. Building Commissioner Lebegue stated that the variation request is being sought in order to construct a new, two-story single-family residence on the existing, nonconforming lot. The variation request to reduce the required lot size is necessitated due to the fact that the area of existing lot does not conform to the required lot area of 5,400 square feet.

As detailed on the attached zoning information worksheet, the home being proposed for construction on the property at 6740 Hamlin Avenue, with the exception of the lot area, conforms to all other yard setbacks and bulk zoning requirements.

Commissioner Yohanna asked Building Commissioner Lebegue if the new home would comply with the required setbacks and bulk requirements. Building Commissioner Lebegue stated that yes it would comply.

Chairperson Angarola asked if the audience had any questions. There were none.

Chairperson Angarola asked the board if they had any further questions. There were none.

Motion to approve was made by Commissioner Klint, seconded by Commissioner Couzin. Ayes: Yohanna, Klint, Angarola, Auerbach, Couzin, Theisen. Motion passes unanimously and will go before the Board of Trustees on January 3, 2008.

### **3521 Arthur Avenue**

Chairperson Angarola read the variation requests into the record: Variation request to allow the installation of a fence which does not align with the front facing design façade in the corner side yard and a variation to allow the installation of a fence made of white vinyl.

Chairperson Angarola asked Building Commissioner Lebegue if proper notification had been given. Building Commissioner Lebegue stated that yes, proper notification had been given.

Chairperson Angarola swore in Janice Olsen, owner.

Chairperson Angarola asked Building Commissioner Lebegue for his input. Building Commissioner Lebegue stated that the variation request to install

a four foot, open fence in the corner side yard is necessitated due to the fact that the applicant has already unlawfully installed an open fence, without the benefit of the required building permit, in the corner yard area along the north, corner side property line rather than aligning the fence with the side yard street facing façade. (The façade of the principal structure which parallels the side lot line which also faces a street) Pursuant to Article VII, (L), (13), (a), (h) of the Zoning Code, on a corner lot, fencing shall be aligned with the front facing façade or any other street facing façade of the principal building and shall maintain a minimum setback in conformance with the line of sight requirements.

The variation request to allow installation of a fence constructed of an unacceptable material (white plastic) is necessitated due to the fact that the applicant unlawfully installed a white, plastic fence instead of a fence constructed of a material that is allowed by the Zoning Code. Pursuant to Article VII, (L), 3(ee), white, plastic fence is an unacceptable fence material.

In the opinion of staff, approval of the existing white, plastic fence in the corner side yard area is contrary to the purpose and intent of the Fence Ordinance to keep street fronting yard areas open and free of fencing. Legalization of the unlawfully installed, existing four foot fence in the corner side yard of the property at 3521 Arthur would be incompatible and not in harmony with the properties in the neighborhood. Furthermore, legalization of a fence constructed of an unacceptable material (white plastic) is contrary to the intent and requirements of the Fence Ordinance and would set precedent for the future cases. Given the number of years Tru Link Fence, the fencing company who installed the fence, has installed fences in Lincolnwood, they are very familiar with the zoning requirements in regard to fences and know that a building permit is required for all fence installations.

Ms. Olsen said that in 2001 she submitted a fence variation to Sandra Harper and that Sandra told her to install the fence. Ms. Olsen also stated that Tru-Link was under different ownership at that time and has since sold the name of the business to someone else. Ms. Olsen also stated that Tru-Link was supposed to pull the permit for the fence.

Building Commissioner Lebegue stated that there existed no building permit, nor fence variation application in the Building Department files for the subject fence. Building Commissioner Lebegue also stated that whatever approvals Ms. Harper may have given Ms. Olsen were of her own initiative.

Commissioner Klint asked Building Commissioner Lebegue if there was an ordinance in 2001 stating the location and type of fence that could be installed. Building Commissioner Lebegue stated that the previous fence

regulations were the same, in that fences could not be located in the corner side yard and had to align with the face of the home. In regard to the materials that were allowed in the previous fence regulations, plastic fencing was a permitted fence material.

Building Commissioner Lebegue stated that the real issue is the location of the fence. Chairperson Angarola asked if the fence did not conform to the ordinance in regard to location. Building Commissioner Lebegue stated that was correct.

Commissioner Klint asked how far back the fence needs to be moved. Building Commissioner Lebegue stated the fence needs to be moved back 3.16-feet. Chairperson Angarola asked Ms. Olsen if she was cited for the nonconforming fence. Ms. Olsen stated yes.

Commissioner Yohanna asked for the meeting to be continued for three months until Ms. Olsen could possibly get things resolved with Tru-Link. Ms. Olsen stated that she was willing to change the fence materials, but wanted to leave the fence in its current location and that is why she is seeking the variation. Commissioner Auerbach asked if since she was already willing to replace the fence, if there were additional costs for moving the fence. Ms. Olsen stated that yes, there were additional fees. Chairperson Angarola asked if already replacing fence, why can't the fence be moved back to proper location. Ms. Olsen stated that it would cut into her side yard. Commissioner Auerbach asked about just putting the fence on either side of the bushes. Ms. Olsen stated she wanted to get a dog. Commissioner Auerbach suggested a smaller fence on the other side of the bushes. Commissioner Auerbach stated that she was not seeing where the hardship was. Commissioner Auerbach stated that she did not see a reason to approve when she was already taking the fence down.

Chairperson Angarola asked if there are any questions from the audience. There were none.

Chairperson Angarola asks the board if they have any further questions. There were none.

Motion to deny request made by Commissioner Yohanna, seconded by Commissioner Auerbach. Ayes for denial: Yohanna, Klint, Auerbach, Angarola, Couzin, Theisen. Motion to deny carries unanimously..

Motion to adjourn made by Commissioner Couzin, seconded it by Commissioner Yohanna. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Carrie Dick