

**MINUTES OF THE JULY 17, 2017
MEETING OF THE ZONING BOARD OF APPEALS
VILLAGE HALL 6101 CAPULINA, MORTON GROVE, IL 60053**

Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Plan Commission was called to order at 7:41 pm. by Chairperson Blonz. Acting Secretary Argumedo called the role.

Members of the Commission Present: Blonz, Dorgan, Farkas, Khan, Gillespie, Shimanski

Members of the Commission Absent: Gabriel

Village Staff Present: Nancy Radzevich, Director of Community and Economic Development, Dominick Argumedo, Zoning Administrator/Land Use Planner, Rick Dobrowski, Bureau Coordinator

Trustees Present: Rita Minx, John Thill

Chairperson Blonz described the procedures for the meeting. Anyone from the audience will be allowed to speak after the commission asks questions of the applicant. After residents comments, discussion and voting will take place.

Chairperson Blonz proceeded to seek approval of the June 19, 2017 minutes. Commissioner Farkas moved to approve the minutes of June 19, 2017 with one correction on page 2, 2nd paragraph should read proposed fence and setback is two words. Commissioner Dorgan seconded the motion.

Commissioner Shimanski voting	aye
Commissioner Dorgan voting	aye
Commissioner Farkas voting	aye
Commissioner Gillespie voting	abstain
Commissioner Khan voting	abstain
Chairperson Blonz voting	aye

Minutes approved.

Chairperson Blonz called for the first case.

CASE ZBA 17-05

APPLICANT: Mr. Keith MacRenaris
8507 Marmora
Morton Grove, IL 60053

LOCATION: 8507 Marmora
Morton Grove, IL 60053

PETITION: Request for waivers from Section 12-2-6:G and 12-15-4 of the Unified Development code to allow for a deck in the front yard of a corner lot and approval of a request for the extension of a non-conforming structure.

Mr. Argumedo reviewed the request for a deck in the front yard on the property located at the northeast corner of Marmora Ave and Theobald Rd. This lot almost intersects three streets, but per the mapping system its 2 streets. The applicant is seeking to construct an 11 X 24 ft. deck within the front yard along Theobald Rd that would extend from the south façade of the existing residence. The applicant is seeking two variances, one is for the extension of a non-conforming structure, as the existing residence is setback 14 ft from Theobald Rd, where the property should be setback 22 ft. This is an expansion of a non conforming lot to put the deck on this side. The second variance is for a deck within the front yard setback, as decks are not allowed in the front yard per the Unified Development Code.

Chairperson Blonz asked if there were any questions from the Commissioners for Mr. Argumedo.

Chairperson Blonz asked about the proposed recommendations to grant a waiver in the street side front yard. Mr. Argumedo replied decks are traditionally in the rear yard, and by granting this variance to allow this deck, any future calculation of the rear yard would also include this deck in the impervious surface coverage.

The applicants Keith MacRenaris and Christiane MacRenaris were sworn in.

Ms. Christiane MacRenaris reviewed their request for a deck along the side yard as there is no back door due to the design of the house. If a door were to be placed in the rear of the house for deck access, it would have to go thru one of the two bedrooms. Placing this deck in back would involve reconfiguring all utilities. The north side of the lot is too close to the neighbor's house to place a deck. The neighbor's view to the west would not be able to see the deck, only a partial railing view. Ms. MacRenaris showed photos of several decks in the side yard within a five mile radius of the property.

Chairperson Blonz asked if there was anyone present that wanted to be heard. There was no response.

Commissioner Farkas recognized the uniqueness of the structure along this stretch of Theobald and does not feel it would impact anyone in any negative way.

Commissioner Dorgan commented on all the non-conforming lots that have front yard or side yard decks and did not recall approving the requests. Chairperson Blonz stated these requests should be taken on a case by case basis.

Chairperson Blonz asked if any other questions from the commissioners. Hearing none, Blonz called for a motion to Approve Case ZBA 17-05.

Commissioner Farkas moved to approve Case ZBA 17-05, request for waivers from Section 12-2-6:G and 12-15-4 of the Unified Development code to allow for a deck in the front yard of a corner lot of a non-conforming structure with the following conditions:

1. The new deck shall be constructed and located in accordance with the plans submitted by the applicant in the Variance application dated 5/22/2017
2. The applicant shall file all necessary plans for review and approval, and secure all necessary building permits prior to the commencement of construction
3. If the Zoning Board of Appeals grants a waiver to permit a deck in the street side front yard, in lieu of the rear yard, the area of such deck shall be included in any future calculation of rear yard impervious surface coverage residence and such calculation shall be subject to Section 12-2-6:G.3.c

Commissioner Gillespie seconded the motion.

Chairperson Blonz called for the vote.

Commissioner Shimanski voting	aye
Commissioner Dorgan voting	aye
Commissioner Farkas voting	aye
Commissioner Gillespie voting	aye
Commissioner Khan voting	aye
Chairperson Blonz voting	aye

Motion passed.

CASE ZBA 17-06

APPLICANT: Mr. Erich Abens
8543 School Street
Morton Grove, IL 60053

LOCATION: 8543 School Street
Morton Grove, IL 60053

PETITION: Request for waivers from Section 12-3-5:A and Section 12-3-5:B of the Unified Development code to allow for a fence in the front yard of a corner lot.

Mr. Argumedo reviewed the request for waivers to allow for a wood fence within the front yard along South Park Avenue. The proposed fence to the west of the driveway would be a solid wood fence 6 ft. in height. It would extend from the side entrance from the residence's South Park Avenue façade to the property line and then east to a sight line triangle along the driveway. The fence to the east of the driveway would extend as a 5 ft. high picket fence, with 50% opacity, along the property line to the east where it would connect to an existing 5 ft. high picket fence. The remaining, existing wood fence at the intersection of South Park Avenue and along the alley would not be adjusted. The current fence has been in existence since 1989 and is deteriorating.

Chairperson Blonz asked if there were any questions from the commissioners. Hearing none, the applicant Mr. Abens was sworn in.

Mr. Abens explained the home is located directly across from the Village Hall and has limited privacy with the current fence. The Abens have a 4 year old autistic granddaughter that lives with them and needs the fence for her safety.

Chairperson Blonz asked if commissioners had any questions for the applicant.

Commissioner Farkas asked about the number of entrances to the house. Mr. Abens explained there is no back door on the south side, only a side door on the east side and a front door on the north side.

Commissioner Shimanski inquired about the swing gate across the driveway. Mr. Abens confirmed there will be one, and will be setback in accordance with the sight line triangle.

Commissioner Dorgan has concerns about the 6 ft solid fence. Mr. Abens replied the fence will be framed and have appealing style.

Commissioner Farkas also has concerns about the height and opacity of the fence.

Mr. Abens stated it is in character with the neighborhood for instance at 8600 South Park the residence has a 6 ft solid plastic fence. There are other locations in the neighborhood that have zero opacity and 5-6 ft solid fences.

Chairperson Blonz asked if the fence could be a board on board and reduce the height to 5 ft. Mr. Abens said the board on board is acceptable but lowering the height defeats the purpose for privacy.

Chairperson Blonz asked if there was anyone present that wanted to be heard.

Chris Minx, 8538 Morton, has no objection with the 6 ft height and zero opacity so that they can have privacy. The house is directly across from the Village hall parking lot and there are many cars that park along the street on South Park for church. There is no privacy in the back

yard.

Chairperson Blonz asked if there was anyone present that wanted to be heard. There was no response.

Chairperson Blonz asked if the neighbors had been contacted regarding the fence. Mr. Abens contacted the neighbor to the south and there were no objections.

Commissioner Farkas asked if the bushes along South Park east of the driveway will remain. Mr. Abens replied the bushes will remain.

Chairperson Blonz asked if any other questions from the commissioners. Hearing none, Blonz called for a motion to Approve Case ZBA 17-06.

Commissioner Shimanski moved to approve Case ZBA 17-06 for 8543 School Street request for waivers from Section 12-3-5:A and Section 12-3-5:B of the Unified Development Code to allow for a fence in the front yard of a corner lot with the following recommendations:

1. The new fence shall be constructed and located in accordance with the plans submitted by the Applicant in the Variance application dated 5/19/2017;
2. The Applicant shall file all necessary plans for review and approval, and secure all necessary building permits prior to the commencement of construction.
3. The fence shall also form a sight line triangle where the South Park Avenue property line meets the alley

Commissioner Khan seconded the motion.

Chairperson Blonz called for the vote.

Commissioner Shimanski voting	aye
Commissioner Dorgan voting	aye
Commissioner Farkas voting	no
Commissioner Gillespie voting	aye
Commissioner Khan voting	aye
Chairperson Blonz voting	aye

Motion passed.

Chairperson Blonz asked for any other business or discussion. Hearing none, Commissioner Dorgan moved to adjourn the meeting. The motion was seconded by Commissioner Gillespie and approved unanimously pursuant to a voice vote at 8:17 pm.

Minutes By: Janet Sheehan