

**MINUTES OF THE APRIL 20, 2016
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 7:30 pm. by Chairperson Farkas. Secretary Sheehan called the roll.

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

Members of the Commission absent: Gabriel, Gillespie

Village Staff Present: Dominick Argumedo, Zoning Administrator/Land Use Planner, John Komorowski, Building Official

Trustees Present: Rita Minx

Chairperson Farkas 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 Farkas proceeded to seek approval of the March 21, 2016 minutes. Commissioner Blonz moved to approve the minutes of March 21, 2016. Commissioner Dorgan seconded the motion.

Chairperson Farkas called for the vote.

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

Minutes were approved.

Chairperson Farkas called for the first case.

CASE ZBA 16-03

APPLICANT: Mr. Eugene Hargus
9516 Normandy Avenue
Morton Grove, IL 60053

PROPERTY LOCATION: 9501 Normandy Avenue

APPLICATION: Request for a waiver from Section 12-3-5: B for the Unified Development Code to allow for a fence in the street side (front) yard of a corner lot that exceeds the maximum height and opacity requirements

Dominick Argumedo reviewed the application for the property that is located at the southwest corner of Normandy Avenue and Palma Lane in the R1 Single Family Residence District zoning district. The property is improved with a single family residence. As the property is a corner lot, per the Unified Development Code, it has two required front yards. (Section 12-2-6-F). The property is unusual as the property line extends to the center of Palma Lane. Properties to the north and south of this block and the block to the east have a 15 ft. easement to allow for Palma Lane.

Mr. Argumedo continued stating the applicant, Mr. Eugene Hargus, is seeking waivers for a six (6) ft. high fence (5 ft. solid wood, with 1 ft. of lattice on top) in the street side yard 15 foot from the Palma Lane street side (front) property line. The fence would be constructed where the easement/improved roadway ends and the residential lawn begins and would replace an existing solid line of bushes 35 ft. long that have been maintained at a height of 6 ft but can grow up to 8 ft. As with the existing bushes, the proposed fence would not fully enclose the yard, but would provide a linear screen along a portion of the residential property along Palma Lane. While the current line of bushes extends past the front of the residence, into the front yard along Normandy Avenue, the proposed fence would be in line with the front of the home and as such, this replacement fence would no longer extend into the Normandy Avenue front yard; however, the replacement fence would keep the current fence's south 8 ft. partial run toward the residence that extends from the edge of the fence closest to Normandy Avenue. The proposed fence would be outside of the required site line triangles as the fence edges would be located 30 ft. from the northeast corner of the property along Palma Lane and Normandy Avenue and 45 ft. from the driveway to the west.

Concluding, the applicant is seeking waivers for height, opacity and location.

Commissioner Dorgan asked for explanation of the easement on Palma Lane.

Mr. Argumedo stated that each of the properties along Palma Lane have property lines that go to the center of Palma Lane. There is a 15 ft. easement that allows for the improved roadway that goes to the center of Palma Lane. Nothing can be built within that easement because of the roadway that is maintained by the Village of Morton Grove Public Works Department.

Chairperson Farkas asked if there is any significance to the fact that the property line goes to the middle of Palma Lane.

Mr. Argumedo explained this is unusual, but the Unified Development Code has an averaging factor. Viewing this property, the setback is 15 ft. which starts in the center of Palma Lane and

moves all the way back. This impacts the properties along Palma Lane and they would all have a setback of greater than 25 ft, which is the standard setback.

The applicant, Eugene Hargus was sworn in.

Mr. Hargus explained the stop sign on the corner of Normandy and Palma Lane is being blocked by the bushes that have fallen over on his property due to the winter snow. Hargus would like to remove the bushes and put up a fence not only for the safety factor with the stop sign but also for his privacy. Hargus continued describing the vinyl fence that would be a 5 ft solid wood grained color fence with lattice on the top.

Chairperson Farkas asked why there is a need for a fence. Mr. Hargus explained it is for privacy otherwise it is like living in a fishbowl.

Commissioner Blonz asked if the neighbors had been notified of the plans for the fence. Mr. Hargus said they had been contacted and there were no objections.

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

Commissioner Shimanski asked if the fence would be running only along the Palma Lane street side.

Lenore Pearson, 9113 New Castle, daughter of Mr. Hargus, was sworn in.

Ms. Pearson explained the fence would cover only half of the property; the other half would remain open with green space. Continuing, she added her father is getting elderly and it takes 3 days to trim the bushes.

Commissioner Khan asked why the need for a fence after living there for 28 years. Mr. Hargus explained that he cannot maintain the bushes any longer and they have become a safety issue.

Commissioner Shimanski asked if the fence was far enough away from the site triangle. Mr. Argumedo stated this is 30 ft. away from the site triangle and 45 ft. away from the driveway. Argumedo also added that because of the easement, there cannot be a sidewalk added along the fence.

Chairperson Farkas asked if there any other questions for the applicant. There was no response.

Chairperson Farkas called for a motion.

Commissioner Dorgan moved to approve Case ZBA 16-03 for a request for waivers to Section 12-3-5:B.c and Section 12-3-5:B.d to allow a 6 ft. high wood fence with the 0% opacity within the street side (front) yard at 9516 Normandy Avenue, with the following condition:

The new fence shall be constructed and located in accordance with the plans submitted by the applicant in the Variance application dated 3/31/2016

Commissioner Khan seconded the motion.

Chairperson Farkas called for the vote.

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

Motion was passed.

Chairperson Blonz asked about the language on the Zoning board of Appeals Agenda and did not recall seeing this as it states:

All persons in attendance at the hearing shall have the opportunity to be heard. Any person who appears shall have the right to cross-examine others, and be cross-examined at the hearing.

Mr. Argumedo explained while updating the Village's logo, an old agenda might have been used and the information was older language. The cross-examining is in the code and as Chairperson Farkas states a written request has to be submitted 3 days prior to the meeting to cross-examine someone.

Blonz asked if there needs to be a current plat of survey when applying for a zoning variance. Mr. Argumedo replied it is a requirement to have a current plat of survey and staff works with the community as best as possible.

Chairperson Farkas asked for a motion to adjourn the Zoning Board of Appeals. Commissioner Blonz moved to adjourn the meeting. The motion was seconded by Commissioner Dorgan and unanimously approved by voice vote 7:57 pm.

Minutes by: Janet Sheehan

APPROVED