

**MINUTES OF THE APRIL 18, 2022
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 Zoning Board of Appeals was called to order at 7:00 PM by Chairman Blonz. Secretary Kirchner called the roll.

Members of the Board Present: Blonz, Gabriel, Kintner, Liston, Mohr, Stein

Members Absent: Dorgan (with notice)

Village Staff Present: Zoe Heidorn, Community Development Administrator
Anne Ryder Kirchner, Assistant Land Use Planner & Secretary
Jim English, Manager Building and Inspectional Services
Rick Dobrowski, Fire Prevention
Ralph Czerwinski, Village Administrator

Trustees Present: Greer, Khan, Minx, Thill, Travis, and Witco

Chairman Blonz introduced the board members and recognized the one-year anniversary of service for Board Members Liston and Stein. The Chairman also recognized the presence of the entire Board of Trustees.

Chairman Blonz described the procedures for the meeting. The Village and the applicant will present the case and the Zoning Board of Appeals (ZBA) may ask questions of the applicant. Then, anyone from the audience will be allowed to provide comment to the ZBA on the case. Four votes are required for approval, the Board decision is final and no request that is not significantly different may be submitted for one year after the decision.

Chairman Blonz proceeded to seek approval of the March 21, 2022, meeting minutes.

Board Member Kintner moved to approve the minutes of the March 21, 2022, meeting. Board Member Liston seconded the motion.

Chairman Blonz called for the vote.

Board Member Gabriel voting	abstain
Board Member Kintner voting	aye
Board Member Liston voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Chairman Blonz voting	aye

Minutes approved.

Chairman Blonz then called for the first case.

CASE ZBA 22-07

APPLICANTS: Benjamin Tullman and Rachel Flink
5 Reba Court
Morton Grove, IL 60053

LOCATION: 5 Reba Court
Morton Grove, IL 60053

PETITION: Request for approval of a variation from Section 12-3-5 to allow a fence exceeding maximum allowable height.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-07, the applicants are requesting a waiver to the maximum fence height of 6 feet within an interior side yard to legalize a non-conforming fence installation measuring 10 feet in height along the property's west lot line. Approximately 40 linear feet of 4-foot high paneling was installed without a fence permit on top of a conforming 6-foot fence to mitigate light trespass from a nearby industrial property. Staff relayed the applicant's concerns with light trespass to the Department of Building and Inspectional Services. The Manager of Building and Inspectional Services is actively working with the industrial property owner to bring the lighting sources into compliance with Village Code requirements.

Per Section 12-4-3:B.5, lighting of parking and loading areas must be a minimum of one foot-candle on the surface. However, such lighting must be confined to the property boundary and reach as close to zero illumination at the property boundaries as possible. Glare may not be evident from surrounding properties or adjacent public rights of way.

Staff views correction of the non-conforming light sources on the industrial property as a more desirable outcome than approval of a 10-foot-high fence installation, which would create new precedent for residential properties that do not directly abut non-residentially zoned property.

Chairman Blonz asked if the light is shining onto the applicant's property.

Ms. Heidorn said it is shining on the abutting property and the applicant's property. The Manager of building inspections and services has notified the property owner and expects compliance.

Board Member Kintner asked if we have established a deadline for compliance.

Mr. English said he has given the commercial property owner two weeks to comply.

Board member Mohr noted that the southern bay of the commercial property comply, and the north need to comply.

Secretary Kirchner swore in Mr. Tullman.

Mr. Tullman said the high winds blew the lattice down, he would like to put it back up, and will conform to the wishes of the Zoning Board.

Board member Liston asked if the lattice is just to block the light.

Mr. Tullman said it is about the light, but he does also grow grapes on the lattice.

Mr. Rosen of 5927 Cleveland lives directly behind 5 Reba Ct. He remembers that large trees were supposed to be planted to screen the commercial building. The trees were never planted. The commercial building was built around 1976. He expressed concerns with delivery noise in the early morning hours.

Chairman Blonz asked Mr. Tullman if he spoke to his neighbor at 6 Reba regarding the lattice installation.

Mr. Tullman said he has the approval of his neighbor.

Chairman Blonz asked Mr. English if we have records for the development requirements.

Mr. English and Ms. Heidorn noted that an immediate search provided no results.

Board member Gabriel said the Village has no tolerance for light and noise pollution.

Chairman Blonz asked Mr. English if he took his measurements at the property line. Mr. English said it was more than obvious.

Board member Kintner asked if the light is measured at the lot line or at the height of the fence.

Chairman Blonz asked if a motion could reflect that if the lighting wasn't corrected, Mr. Tullman could install the lattice.

Ms. Heidorn said a motion could be made to that effect.

Chairman Blonz asked Mr. Tullman if he would not install the lattice if the lighting was corrected.

Chairman Blonz asked for a motion.

Board member Gabriel offered a motion to approve Case ZBA 22-07, Motion to approve Case ZBA 22-07, a request for approval of a variation from Section 12-3-5 to legalize a fence exceeding the allowable maximum height, for the property commonly known as 5 Reba Court in Morton Grove, Illinois, subject to the following conditions:

The fence shall be maintained in accordance with the plans submitted by the applicants in the Variation Application dated 3/14/2022.

The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits for the installed fence.

The motion was seconded by Board Member Stein.

Chairman Blonz called for the vote.

Board Member Gabriel voting	no
Board Member Kintner voting	no
Board Member Mohr voting	no
Board Member Liston voting	no
Board Member Stein voting	aye
Chairman Blonz voting	aye

The motion did not pass (4-2)

Board member Stein said the light should be shielded to help with the glare.

Board member Liston asked if the applicant could take down the lattice/fence and reappear before the ZBA within 60 to 90 days to request a variation if the lighting problem still existed.

Board Member Mohr made a motion to allow the applicant to appear before the Zoning Board of Appeals at the July 18, 2022 meeting with the same request for variation as ZBA 22-07, provided that the property, 8105-8149 Austin, does not comply with all applicable Village restrictions.

The motion was seconded by Board Member Liston.

Chairman Blonz called for the vote.

Board Member Gabriel voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Liston voting	aye
Board Member Stein voting	aye
Chairman Blonz voting	aye
Motion passes (6-0)	

CASE ZBA 22-08

APPLICANTS: Nafisa Mohammad & Azhar Malik
6027 Dempster Street
Morton Grove, IL 60053

LOCATION: 6015-6049 Dempster Street
Morton Grove, IL 60053

PETITION: Request for approval of a variation from Section 12-7-3 for off-street parking.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-08, the applicants are requesting a waiver to the minimum requirement for off-street parking for a combination of commercial uses to allow on-premises dining for an existing catering establishment. The subject property at 6015-49 Dempster Street has 32 on-site parking spaces. Per Village Code, 42 required for the combination of proposed uses. Applying the shared parking calculation set forth in Village Code, the requirement drops to 37 spaces. However, per the submitted parking impact study prepared by Kimley-Horn, the final peak demand for the combination of uses is 42 spaces. In addition to the 32 on-site spaces, the study notes that 22 additional off-street parking spaces are available for use by the business's employees and customers in a Village-owned and operated public parking lot abutting the subject property to the west. Any future occupancy of currently vacant units would require further variation by the ZBA.

Staff recommends as a condition of approval that indoor seating be limited to 24 persons, but that this maximum capacity may be increased by the Village Administrator based on the submission of parking data collected during operation of the business that demonstrates off-street parking availability exceeds parking demand.

Bill Grieve of Kimley-Horn available by Zoom, will respond to questions relating to the submitted parking study.

Board member Kintner noted that some of the parking calculations included rounding up, making a need of 3 additional spaces. He also noted that vacant spaces are being marketed and will effect the parking needs. He also asked if the 4 accessible spaces exceed the requirements.

Ms. Heidorn will check the ADA requirements.

Mr. Mohammad Moten and Ms. Mohammad of 7931 Maple were sworn in.

Ms. Mohammad said they are mostly a catering business, with a maximum of 25-28 people in the space. They spoke with adjoining businesses who agreed that parking should not be a problem. They need the restaurant business to support the catering operation in order for the businesses to survive. She is speaking on behalf of her mother, who is the chef of Nafisa's Kitchen, and has been catering and cooking for the MEC for over 20 years. The space can hold close to 50 people, but they are asking for 25-28 people capacity due to the parking requirements.

Board member Liston asked how they could serve 10 families with only 6 tables, as listed in the application.

Ms. Mohammad said that additional chairs will be placed at the tables and will not exceed 25-28 at one time.

Board member Kintner asked about the parking lot and garage behind the building.

Ms. Mohammad said this parking is available. Their employees, other than the 2 owners, will not be using the parking spaces.

Mr. Grieve was sworn in. He was asked to provide an overview and summary of the study.

The study is consistent with the Village parking requirements and the American Planning Association parking study of 10-11 spaces for the restaurant use. It also is consistent with restaurant industry standards for sit down restaurants with less than 30-minute stays. He believes that the amount of ADA spaces may be excessive.

Chairman Blonz asked if the parking examples from other states are relevant.

Board member Kintner expressed that the report shows stays over 30-minutes require 15 spaces.

Mr. Marag of 9906 Crawford, Skokie is a customer and likes the proximity of this restaurant.

Ms. Marinkolic from Chicago comes many times a week, there is plenty of parking and more parking than in Chicago.

Ms. Alia of 8837 Menard is a customer and has enjoyed Nafisa's food for over 20 years. Many customers are ready to support this variation.

Ms. Heidorn read an email that was submitted in support of the variation by Mr. Nagori.

Board member Gabriel suggested valet parking could be helpful.

Chairman Blonz asked for a motion.

Board Member Stein offered a motion to approve Case ZBA 22-08, a request for approval of a variation from Section 12-7-3 off-street parking requirements, subject to the following conditions:

- 1) The applicant's business shall operate in accordance with the plans submitted by the applicant in the Variation Application dated 03/30/2022; and
- 2) Indoor seating for on-premises dining shall be limited to 24 seats. However, maximum occupancy of the dining area may be increased by the Village Administrator based on the submission of parking data collected during operation of the business that demonstrates off-street parking availability exceeds parking demand; and
- 1) Employees shall park within rear parking areas located on the subject property. If spaces are not available within the rear parking areas, employees shall park in the municipal parking lot located at 6055 Dempster Street; and
- 2) Should impacts of the parking variation be determined by the Village Administrator to be inconsistent with the representations and assertions contained in the Variation Application and provided by the applicant's testimony, such inconsistencies may serve as the basis for further review by the Zoning Board of Appeals and a requirement for additional measures to reduce parking demand.
- 3) The Village should determine if fewer ADA parking spaces are required on site.

The motion was seconded by Board Member Gabriel.

Chairman Blonz called for the vote.

Board Member Gabriel voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Liston voting	aye
Board Member Stein voting	aye
Chairman Blonz voting	aye
Motion passes (6-0)	

Chairman Blonz asked for any other business or discussion. Hearing none, Board Member Kintner moved to adjourn the meeting, seconded by Board Member Gabriel. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 8:00 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.