

**MINUTES OF THE JULY 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, Kintner, Gabriel, Liston, and Stein

Members Absent:                                   Dorgan and Mohr (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  
Terry Liston, Corporation Counsel

Trustees Present:                               Minx and Thill

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 June 20, 2022, meeting minutes.

Board Member Gabriel moved to approve the minutes of the June 20, 2022, meeting as amended. Board Member Stein seconded the motion.

Chairman Blonz called for the vote.

Board Member Kintner voting               abstain

Board Member Gabriel voting               aye

Board Member Liston voting                aye

Board Member Stein voting                 aye

Chairman Blonz voting                      aye

Minutes approved.

Chairman Blonz then called for the first case.

**CASE ZBA 22-09**

APPLICANTS:                   Noman Syed and Asma Norman  
5717 Crain Street  
Morton Grove, IL 60053

LOCATION:                       5717 Crain Street

Morton Grove, IL 60053

PETITION: Requesting variation from Section 12-4-2 to allow an addition which exceeds maximum impermeable lot coverage.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-09, the applicants are requesting the ZBA's approval of a variation to maximum impermeable lot coverage to allow the construction of a 168-square-foot addition to the rear of the principal structure, which will replace an existing 255-square-foot wood deck. Impermeable coverage of the lot will be reduced from 67.4% to 65.5%, which is 5.5% more than the maximum lot coverage of 60% for the R-2 District. The deck was constructed prior to the 2020 ordinance establishing lot coverage restrictions for residential zoning lots, which was intended to reduce stormwater runoff and flooding. Staff encourages the applicant to address how strict application of the Code will deny them reasonable use of the property for single-family residential purposes.

Secretary Kirchner swore in the applicants, Noman Syed and Asma Noman.

The Chairman asked if the applicants had anything to add to the background provided by Ms. Heidorn.

Ms. Noman noted they would like to add a small three-season room to be a family room at the rear of their house. This would replace the existing wood deck.

Board members Stein asked if the deck is considered impermeable.

Ms. Heidorn said they are considered impermeable.

Board member Kintner asked if the applicant is considering removing part of the driveway. The applicant said they could consider removal.

Board member Liston asked if they had problems with water in the basement. The applicant noted they have a drain-tile system that prevents flooding.

Chairman Blonz asked if they are considering permeable pavers. The applicant would not want to remove any of the drive.

Mr. Noman said they talked to their neighbors who had no objections. He said they will also remove the shed to further lessen the impermeable lot coverage.

Chairman Blonz asked if the shed was included in the zoning calculation.

Chairman Blonz asked for public comment, none was noted.

Chairman Blonz asked for Board comments and questions.

Board member Stein asked if the driveway was going to be re-configured.

Board member Kintner asked if the driveway calculations include any removal of the drive.

Ms. Heidorn noted that the driveway calculations do not represent removal of the drive.

M. Noman said they would consider removal of part of the drive.

Board member Gabriel said the area is prone to flooding and the hardship is self-imposed.

Chairman Blonz called for a motion.

Board Member Liston made a motion to request approval of a variation to maximum impermeable lot coverage to allow an addition to the principal structure, subject to the following conditions:

- 1) The proposed addition shall be built in accordance with the plans submitted by the Applicants in the Variation Application dated 05/09/2022.
- 2) The Applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.

The motion was seconded by Board Member Kintner.

Chairman Blonz called for the vote.

Board Member Kintner voting	no
Board Member Gabriel voting	no
Board Member Stein voting	no
Board Member Liston voting	no
Chairman Blonz voting	aye
Motion does not pass (4-1)	

#### CASE ZBA 22-11

APPLICANT: Angel Toma  
9305 Marion Avenue  
Morton Grove, IL 60053

LOCATION: 9305 Marion Avenue  
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-3-5:C to increase the maximum height and reduce minimum transparency for a fence within a street side yard.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-11, the applicant is requesting a variation to allow a six-foot tall wood privacy fence within a street side yard that qualifies for street side yard fencing. The proposed fence will be located to the rear of principal structure and will be installed to provide the required 10-foot sight line triangle at the intersection of the driveway and Marion Avenue public sidewalk. Tall and dense hedging provided enclosure of the rear yard until 2021, when the Village required its removal due to noncompliance with the Section 12-3-5:C. The applicant is expected to verbally respond to each standard for variation set forth by Code.

Secretary Kirchner swore in the applicants, Ms. Toma and Mr. Sargool.

Ms. Tomas said they are seeking privacy for their daughter. They live adjacent to a busy park and they wish to keep the privacy that has been provided by the tall shrubs.

Chairman Blonz asked for public comment, none was noted.

Board member Kintner asked if they would lower the fence height by the sidewalk.

The applicants said the height provides the most privacy.

Board member Stein made a motion to approve Case ZBA 22-11, a request for variations from Section 12-3-5:C to increase the maximum height for a fence within a street side yard from 4 feet to 6 feet, with no transparency subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with the plans submitted by the applicant in the Variation Application dated 6/06/2022.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.

This was second by Board member Liston.

Chairman Blonz called for the vote.

Board Member Kintner voting	no
Board Member Gabriel voting	no
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye
Motion does not pass (3-2)	

Board member Kintner made a motion to approve Case ZBA 22-11, a request for variations from Section 12-3-5:C to increase the maximum height for a fence within a street side yard from 4 feet to 6 feet, with no transparency subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with the plans submitted by the applicant in the Variation Application dated 6/06/2022.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.
- 3) The fence will be no closer than 10 feet from the sidewalk and therefore will not need to observe the 10-foot sight -line triangle.

This was seconded by Board member Gabriel.

Chairman Blonz called for the vote.

Board Member Kintner voting	aye
Board Member Gabriel voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye
Motion passes (5-0)	

**CASE ZBA 22-12**

APPLICANT: Adrian Peter Rosu  
6619 Maple Street  
Morton Grove, IL 60053

LOCATION: 6619 Maple Street  
Morton Grove, IL 60053

PETITION: Requesting variation from Section 12-4-2 to allow an addition to encroach in a required rear yard.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-12, the applicant is requesting a variation to allow a 517-square-foot addition to a principal structure within a required rear yard on a 9,685-square-foot trapezoidal lot. The addition is proposed to be set back 21.75 feet from the rear lot line and will not encroach on a 10-foot public utility easement located within the rear yard. The addition will not cause the floor area ratio (FAR) to exceed 0.6, the maximum ratio permitted by Code, and will comply with all other applicable dimensional requirements. Staff notes that railroad right-of-way abuts the subject property to the rear. The applicant should speak to why a similarly sized addition could not be designed to comply with the required rear setback.

Mr. Rosu and his architect, Mr. Genster were sworn in by Secretary Kirchner.

Mr. Genster explained that the large lot can support the addition, but the lot's unique shape requires an encroachment into the required rear yard.

Board member Kintner asked if Mr. Rosu had support of his neighbors. Mr. Rosu said his neighbor at 6615 Maple knows of the project.

Chairman Blonz asked for public comment, none was noted.

Board member Gabriel acknowledged the difficulty of the lot's shape.

Board member Kintner moved to approve Case ZBA 22-12, a request for approval of a variation from Section 12-4-2 to allow for an addition to a principal structure within a required rear yard, subject to the following conditions:

- 1) The addition shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 6/06/2022.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.

The motion was seconded by Board member Gabriel.

Chairman Blonz called for the vote.

Board Member Kintner voting	aye
Board Member Gabriel voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye

Chairman Blonz voting  
Motion passes (5-0)

aye

### CASE ZBA 22-13

APPLICANT: Anna and Timothy Bracken  
9533 Oconto Avenue  
Morton Grove, IL 60053

LOCATION: 9533 Oconto Avenue  
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-2-5 and 12-2-6 to allow an open accessory parking space in the front yard and a reduced driveway setback

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-13, the applicant is requesting variations to authorize the in-kind replacement of a nonconforming driveway and open accessory parking space within a front yard. The existing driveway extends approximately 10 feet in front of the principal structure and does not lead to a conforming parking space, resulting in an open accessory parking space in a front yard, which is prohibited by the Unified Development Code. The applicant is also seeking a variation to allow a driveway setback less than 3 feet in locations where 3 feet are required by Code. Considering that ample off-street parking area can be provided on the subject property under strict application of the Unified Development Code, staff does not support this request for variation.

Mr. and Mrs. Bracken were sworn in by Secretary Kirchner.

Mrs. Bracken noted they want to replace in-kind the existing driveway. Their lot is oddly shaped, so the required setback could not be met. The drive is very narrow and the additional space in front of the home allows for protected parking. The cul-de-sac makes parking difficult, especially on garbage days and during the winter.

Mr. Bracken said the neighbors have no objections.

Chairman Blonz asked for public comment, none was noted.

Board member Kintner acknowledged that this is a difficult lot. He asked about having less than a 3 foot setback.

Ms. Heidorn said the 9 foot driveway can be reduced for a constrained side yard.

There being no further comment, Chairman Blonz asked for a motion.

Board member Gabriel made a motion to request for a waiver from Section 12-2-6 of the Unified Development Code to allow for a parking space within a required front yard, with the following conditions:

1. The parking space shall be in the location with the plans submitted by the applicants in the Variation Application dated 6/13/2022;

2. The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.

This was seconded by Board member Liston.

Chairman Blonz called for the vote.

Board Member Kintner voting	aye
Board Member Gabriel voting	aye, due to cul-de-sac
Board Member Stein voting	aye, due to replacement
Board Member Liston voting	aye, due to cul-de-sac
Chairman Blonz voting	aye
Motion passes (5-0)	

#### CASE ZBA 22-14

APPLICANT: Martin Flynn  
8609 Georgiana Avenue  
Morton Grove, IL 60053

LOCATION: 6047 Crain Street  
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-4-2 and 12-15-4 to allow an addition to encroach in the required side and front yards on a nonconforming lot due to area and width.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-14, the applicant is requesting variations to authorize the addition of second-story floor area and the modification of ground-floor porches for a single-family residence that has an existing nonconforming side setback of 1.4 feet, where 5 feet are required by Code, and sits on a lot with a nonconforming width and area. The proposed project will not exacerbate existing nonconformities. Staff notes that the properties to the east and west of the subject property feature similar nonconforming side setbacks. The subject property's west building line is 14 feet from the nearest residence to the west. Staff has no objections to the applicant's request.

Secretary Kirchner swore in the owner, Mr. Flynn.

Mr. Flynn said he is updating the home which is on an existing non-conforming lot. The new construction will not increase the footprint. The home will comply with all other zoning requirements. The neighbor to the west at 6049 Crain had no objections to the plans.

Board member Stein asked if the front porch would expand the footprint.

Mr. Flynn said the porch will now be an open porch with no change to the existing non-conforming front setback.

Chairman Blonz noted that page A-0.1 of the proposed plans does not reflect an open porch, this will need to be revised.

Chairman Blonz asked for public comment.

Mr. Pedroza, of 6050 Crain, asked if there is asbestos in the house and how it would be contained.

Chairman Blonz said the home may or may not have asbestos and the building department will require appropriate abatement.

Board member Liston made a motion to approve the request for variations from Section 12-4-2:D and 12-15-4:A.2 to allow an addition in a required front and side yard on a non-conforming lot due to area and width subject to the following conditions:

- 1) The proposed addition shall be constructed in accordance with the plans submitted by the applicants in the Variation Application dated 6/17/2022, with the porch being labeled as open on page A-0.1 of submitted plans
- 2) The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.

The motion was seconded by Board member Gabriel.

Chairman Blonz called for the vote.

Board Member Kintner voting	aye
Board Member Gabriel voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye
Motion passes (5-0)	

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 8:04 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.