

**MINUTES OF THE SEPTEMBER 19, 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, Dorgan, Gabriel, Kintner, Liston, Mohr and Stein

Members Absent: None

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

Trustees Present: 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 August 15, 2022, meeting minutes. Board Member Dorgan moved to approve the minutes of the August 15, 2022. Board Member Kintner seconded the motion.

Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
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.

APPLICANT: Elvira Pintilie
8700 Major Avenue
Morton Grove, IL 60053

LOCATION: 8700 Major Avenue
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-3-5:C to maximum height, minimum transparency, and sight line triangle requirements for a street side yard fence.

** Staff request a continuation to the October 17, 2022 meeting of the ZBA to allow additional time for review.

Board Member Dorgan made a motion to continue the case until the October 17, 2022, meeting.

The motion was seconded by Board Member Gabriel.

Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye

Motion passes (7-0)

CASE ZBA 22-20

APPLICANT: Eugenia and Valeriu Morariu
9201 Marmora Avenue
Morton Grove, IL 60053

LOCATION: 9201 Marmora Avenue
Morton Grove, IL 60053

PETITION: Requesting variation from Section 12-2-6:G to replace an attached patio within a required side yard.

Zoe Heidorn presented the case of ZBA 22-20. The applicant is requesting a variation to the minimum setback of 5 feet for an attached patio to allow the in-kind replacement and expansion of an existing patio with a setback of 0 feet from the interior side lot line. The applicant owns the property directly east of the interior side lot line, which is a double-lot that is improved with a single-family residence with a generous interior side yard abutting the nonconforming patio.

Mr. Morariu was sworn in by Secretary Kirchner. He requested to replace his patio in-kind. He owns the property to the east and feels the patio will not harm the adjacent property.

Board member Dorgan asked if the adjacent property could be subdivided. He is worried that any future owners of the lot would be impaired by a non-conforming patio.

Mr. Morariu said it is a large lot. He wants to replace a broken patio in-kind. He purchased the property in 1974 with the patio in this location.

The Board discussed the required setback and the need to not affect the adjacent property.

Mr. Morariu offered to remove the patio when and if he sold his property and his property to the east.

Board member Stein asked how the Village would enforce such a removal.

Ms. Heidorn noted the removal could be a condition of the Board's approval. She said a requirement to remove the patio would need to be recorded on the property deed.

Discussion ensued regarding the required setback for a patio versus a sidewalk. A sidewalk is allowed to be 3 feet from the property line.

Board member Gabriel asked the applicant if he would place a 3 feet sidewalk adjacent to the home and stones from the walk to the fence line.

Mr. Morariu said he does not want to lose the patio area.

Ms. Heidorn noted that she had met with Mrs. Morariu, whom also did not want to lose the patio.

Mr. Morariu said he does not want to violate the zoning, but does not want to lose the patio.

Board member Kintner made a motion to approve Case ZBA 22-20, a request for approval of a variation from Section 12-2-6:G to replace an attached patio within a required side yard, subject to the following conditions:

- 1) The proposed patio shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 08/08/2022; and
- 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.

Board member Gabriel seconded the motion.

Chairman Blonz called for the vote.

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

Motion does not pass (6-1)

The Board and Mr. Morariu noted that the existing patio is non-conforming and can not be replaced in-kind. It was re-affirmed several times before the next case was called.

CASE ZBA 22-21

APPLICANT: Jordan Freeman
7100 Greenwood Avenue
Morton Grove, IL 60053

LOCATION: 7100 Greenwood Avenue
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-2-6 and 12-4-2:D to legalize a deck and stairs in a required street side yard.

Zoe Heidorn provided the following introduction: In the case of ZBA 22-21, the applicant is requesting the legalization of a nonconforming deck and stairs that encroach into a required side yard. The structure was constructed without a permit and a citation was issued against the applicant in July. Decks are not a permitted encroachment of the front yard, so the applicant is requesting a waiver of 3.97 feet to reduce the minimum street side yard from 15.91 feet to 11.95 feet. The stairs leading to the deck encroach 7.46 feet into the required street side yard, where a maximum of 5 feet are permitted by Section 12-2-6:G. The deck and stairs will be required to comply with all applicable building code requirements through the permitting process.

Mr. Freeman was sworn in. He apologized to the Board and his neighbors for not understanding the permitting process. The project started as a replacement of the broken concrete stairs and an improvement to the access of his home. He wanted to take advantage of the space in front of his home to provide safe access for all who come to his front door. After constructing the deck, he did apply for a permit and was given approval for a much narrower deck. He is seeking approval for the existing deck. He provided signatures from all surrounding neighbors, approving the existing deck. He showed a photo of a similar deck in Morton Grove.

Mr. Freeman thanked the Board for their consideration.

Chairman Blonz asked the Board for questions.

Board member Dorgan asked if Mr. Freeman used a contractor, because a contractor should know to get a permit.

Mr. Freeman said he constructed the deck with a friend.

Board member Gabriel asked how this was considered an emergency exit, as it serves the front door.

Mr. Freeman said a slider door also opens to the deck from the home.

Chairman Blonz asked why the applicant noted he is not imposing the non-conformity.

Mr. Freeman and staff noted the home does not meet the typical setback.

Board member Dorgan asked where the similar deck in the photo is located. It is 6010 Capulina.

Chairman Blonz asked for the photo to be shown to the Board members, and noted that many unique property conditions exist in the Village. All applications for variations are treated separately.

Chairman Blonz asked if anyone in the audience wished to speak.

Mr. Ichiban of 8909 Belleforte said he is interested in putting a similar patio on his home. It is his wife's dream to have a front porch. He is in favor of the deck.

Mr. Patel of 7105 Greenwood is in favor of the deck.

Chairman Blonz asked for the Board's comments.

Board member Stein said there is a hardship based on the site, the topography and the need to have access to the home. The previous stair would have also been a non-conformity. If this had come to the Board before it was installed, he feels it would have been approved.

Chairman Blonz asked what stairs were there originally.

Mr. Freeman said there were deteriorated concrete stairs and a landing.

Chairman Blonz agreed they would have been non-conforming as Board member Stein noted.

Board member Mohr asked if the existing fence had a permit? The fence seems to be non-conforming.

Ms. Heidorn noted the fence has not been cited.

Chairman Blonz asked the applicant when the fence was constructed.

Mr. Freeman said the fence replaced another in its place that had blown down in 2016.

Chairman Blonz said the 2012 plat of survey is hard to read and know if a fence was located at that time.

Ms. Kirchner said the dimensions for the fence are on the plat of survey in 2012.

Board member Gabriel noted that most homes on the north side of Greenwood have a smaller setback.

Chairman Blonz asked for the Village to address the fence.

Board member Stein made a motion to approve Case ZBA 22-20, a request for approval of a variation from Section 12-2-6:G to replace an attached patio within a required side yard, subject to the following conditions:

- 3) The proposed addition shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 08/08/2022; and
- 4) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits.

The motion was seconded by Board member Gabriel.

Chairman Blonz called for the vote.

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

Motion passes (6-1)

Chairman Blonz asked for any other business or discussion. Hearing none, Board Member Liston moved to adjourn the meeting, seconded by Board Member Stein. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 7:48 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.