

**MINUTES OF THE DECEMBER 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 Vice Chair Kintner. Secretary Kirchner called the roll.

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

Members Absent: Blonz (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  
Chris Tomich, Village Engineer  
Ralph Czerwinski, Village Administrator

Trustees Present: Minx and Thill

Ms. Heidorn announced that the Village Board of Trustees officially appointed Chris Kintner as Vice Chairperson of the Zoning Board of Appeals and Plan Commission as required by code.

Vice Chair Kintner 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.

Vice Chair Kintner proceeded to seek approval of the September 19, 2022, meeting minutes.

Board Member Dorgan moved to approve the minutes of the September 19, 2022. Board Member Gabriel 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

Minutes approved.

Vice Chair Kintner then called for the first case.

## CASE ZBA 22-22

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 for maximum height, minimum transparency, and sight line triangle requirements for a street side yard fence.

Ms. Heidorn noted the applicant is returning to the ZBA seeking variations to legalize an existing 6-foot-tall privacy fence within a street side yard that does not provide required 10-foot sight line triangles where a public sidewalk intersects with a private driveway and public alley at the property commonly known as 8700 Major Avenue. The applicant is now proposing the removal of certain fence panels where two sight line triangles are required by Code in order to provide better visibility and enhance public safety. The applicant is proposing a fence transparency of approximately 37.78% in these two locations, within sight line triangles measuring an average of 7.34 feet at the driveway and 6.43 feet at the alley. The triangles were determined by the placement of existing fence posts. The fencing as it is installed today was approved by Building Department staff and installed under a valid fence permit issued in September 2021. Staff was made aware of the zoning nonconformity and is continuing to work with the applicant to bring the fencing into compliance through zoning relief and ensure it does not pose a public safety hazard.

The applicants were sworn in by Secretary Kirchner.

Mr. Pintilie said the fence is was very expensive to construct, but he understands the safety requirements and the need to modify the fence. He appreciated the effort of staff to work on changes to the fence that he finds acceptable and would like the Board to accept this variation request.

Board member Liston asked if the sight line triangles will allow enough visibility for cars and pedestrians. He thanked the applicant for working with the Village.

Ms. Heidorn said it will improve visibility, but it does not meet code requirements.

Mr. Dorgan said this is a very nice fence and he thanked the applicant for working with the Village.

Acting Chair Kintner asked if the fence as presented this evening is what the applicant is proposing.

Mr. Pintilie agreed with the fence as presented. Discussion ensued regarding the position of the small boards being removed. This meeting is to seek a variation and the topic of monetary reimbursement is not part of this meeting.

Mrs. Pintilie asked why a neighboring fence was allowed without a variation. Staff notes that a property on Carol has been issued a citation for installing a fence without a permit.

Vice Chair Kintner asked for public comment.

Mrs. Paly of 5706 Crain said she has no objections to the fence, she said the dead-end alley traffic is minimal. She acknowledged the high quality of the fence and the owner's home. She said she is not sure the variation is even needed, a mirror could be installed at the edge of the alley fence.

Board Member Mohr made a motion for Case ZBA 22-19, that was corrected to reflect the motion listed below.

Board Member Mohr made a motion to approve Case ZBA 22-22, a request for variations from Section 12-3-5 for maximum height, minimum transparency, and sight line triangle requirements for a street side yard fence for the property commonly known as 8700 Major Avenue, subject to the following conditions:

- 1) The proposed fence shall be maintained in accordance with the plans submitted by the applicants in the Variation Application dated 11/14/2022.

The motion was seconded by Board Member Stein.

Vice Chair Kintner called for the vote.

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Vice Chair Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye

Motion passes (6-0)

Vice Chair Kintner asked for any other business or discussion. Hearing none, Board Member Gabriel moved to adjourn the meeting, seconded by Board Member Dorgan. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 7:30 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.