

**MINUTES OF THE OCTOBER 17, 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. Chairperson Farkas asked for a vote to appoint Commissioner Blonz as Chairperson Pro Tem. Commissioner Gabriel moved to appoint Commissioner Blonz as Chairperson Pro Tem. Commissioner Shimanski seconded the motion and approved unanimously by voice vote.

Members of the Commission Present: Blonz, Khan, Shimanski, Gabriel, Gillespie, Farkas

Members of the Commission Absent: Dorgan

Village Staff Present: Nancy Radzevich, Director of Community and Economic Development, Dominick Argumedo, Zoning Administrator/Land Use Planner, John Komorowski, Building Official
Bill Porter, Director of Fire Safety

Trustees Present: Rita Minx

Chairperson Pro Tem Blonz 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 Pro Tem Blonz proceeded to seek approval of the June 20, 2016 minutes.

Commissioner Farkas moved to approve the minutes of June 20, 2016. Commissioner Gillespie seconded the motion.

Chairperson Pro Tem Blonz called for the vote.

Commissioner Shimanski voting	aye
Commissioner Gabriel voting	aye
Commissioner Farkas voting	aye
Commissioner Gillespie voting	aye
Commissioner Khan voting	abstain
Chairperson Pro Tem voting	aye

CASE ZBA 16-07

APPLICANT: Mr. Mike Bryant
5624 Crain Street

Morton Grove, IL 60053

LOCATION: 5624 Crain Street
Morton Grove, IL 60053

PETITION: Request for approval to expand an existing non-conforming structure, in accordance with Section 12-15-4 and 12-15-5 and waiver to Sections 12-4-2:D3 and 12-2-6:G of the Unified Development code, to allow a second story addition and encroachment of a gutter into the side setback, and to approve a detached garage after the fact on a non-conforming lot.

Mr. Argumedo reviewed the background of the property located between Major Avenue to the north and an alley to the east, with Central Avenue being the next main street to the east. The property is in the R2 Single Family Resident District and improved with a single family residence which is surrounded by other single family residences. He continued, this property is non-conforming with respect to the east side yard setback, which is 1.41 ft, where the Unified Development code requires a 5 ft setback. This lot is non-conforming with respect to the lot width which is 40 ft where the code requires a minimum 45 ft for lots recorded before August 4, 1959 and 50 ft for lots recorded after. This lot area is 4,960 sq ft where the code requires a minimum of 5,000 sq ft for lots recorded before August 4, 1959 and 5,900 sq ft for lots recorded after.

Mr. Argumedo reviewed the request for approval from the ZBA to allow for the alteration and expansion of an existing non-conforming structure in order to convert the existing attached garage, with a 1.41 ft setback to be converted to living space and to construct a second story addition above the garage. The 2nd floor addition has been designed to match the rest of the existing two story residence and the eastern edge of the addition would align the existing structure below and is proposed to be 1.41 ft from the east side property line. There would also be a new gutter which is proposed with the new addition and would encroach 6 inches further into the side yard setback and as a result would be approximately 1 ft. from the east side lot line. The proposed additional and overall expanded structure would meet all other dimensional controls.

The conversion of the attached garage is possible because the property includes a 22 ft X 22 ft detached garage which was built in May of 2014. The permit for the garage was approved by the Village based on compliance with all the dimensional controls. When the application for the expansion of the principal residence was reviewed, staff noted that due to the non-conformity of the lot, the application for the garage should have been reviewed by the Zoning Board of Appeals. The applicant sought approval of this structure after the fact.

Mr. Argumedo summarized the request for the four waivers:

1. 12-15-4: Approval to allow for the expansion or alteration of a non-conforming structure
2. 12-15-5: Approval to allow for the expansion or alteration for the detached garage on

a non-conforming lot

3. 12-4-2D.3.a: 3.59 ft. waiver to the side yard setback for construction of the 2nd story addition
3. 12-2-6:G: Approval for a 3 ft. waiver to allow for a gutter that encroaches 6 inches into the setback

Chairperson Pro Tem Blonz asked if there were any questions from the staff.

Commissioner Gillespie asked if there needs to be approval of the waivers individually. Mr. Blonz replied no, they can be approved all together, unless there is an objection to a single waiver, it could be voted on separately.

Commissioner Gabriel asked about the current application to request for approval for the garage in the back and the conversion of the existing garage. Mr. Argumedo replied this was the original application for the 2nd story addition and the conversion when it was discovered that the garage that was previously built was on a non-conforming lot. The application was then amended so that all waivers could be reviewed.

The applicant Michael Bryant was sworn in.

Mr. Bryant gave a history from 2007 when the house was purchased to the current year with the intentions of expanding with a growing family and allow them to remain in this neighborhood. Mr. Bryant stated he wants to be compliant with all building and zoning codes. There are other houses in the area that have the same floor plan that have added a second floor on top of the garage and converted the garage into living space. The neighbors have been contacted and are in favor of this addition. The neighbor to the west, at 5626 Crain, submitted a letter supporting the approval of the addition.

Mr. Bryant explained the gutter that is hanging on the east side of the structure and will drain into the existing drainage. They are not changing the footprint of the structure and will not change the direction of the drainage.

Commissioner Gabriel asked for clarification on the request for side yard setback for the detached garage. Mr. Argumedo explained that the request for the detached garage side yard setback is 3 ft. and is allowed in the R2 district.

Commissioner Gillespie read the letter into the record from the neighbor at 5626 Crain. (see attached)

Commissioner Farkas asked for the clarification for the gutter if it is positioned on the 1st floor or 2nd floor. Mr. Bryant explained the gutter is on the 2nd floor and will tie into the edge of the roof line and extend down.

Chairperson Pro Tem Blonz asked if there was anyone present that wanted to be heard.

There was no response.

Chairperson Pro Tem Blonz asked if there would be any problems with the firefighting equipment with access to this property. Captain Porter explained all firefighting rigs and equipment would be in the street and there is room for hoses between houses. The building codes require proper fire ratings on the walls between the two structures. John Komorowski added that the garage would have to be dry walled on the interior with 5/8 drywall. Mr. Bryant added that it is currently not finished but would be compliant to code.

Commissioner Khan asked how many cars he owns and parked and if the attached garage was used for living space. Bryant replied the cars are currently parked in the detached garage and the attached garage is not being used for living space. Ms. Khan was concerned if the driveway that is currently in front of the property was going to impact the impervious surface area. Mr. Argumedo explained the Unified Development Code only regulates impervious surface for the rear of the yard. Front yard parking is not allowed but this is a driveway that leads to a space that is beyond the front yard setback and meets the parking space width and depth regulations and is a legal parking space.

Commissioner Farkas asked if any of the other homes that have the same design that is being proposed are also non-compliant. Mr. Argumedo replied some of these homes construction was done in 1977 and 1993. There were zoning requests to build a 2nd story addition above an existing attached garage.

Chairperson Pro Tem Blonz asked for a motion.

Commissioner Shimanski moved to approve Case ZBA 16-07 for the expansion/alteration of a non-conforming structure, on a non-conforming lot, in accordance with Section 12-15-4 and 12-15-5., and waivers to 12-4-2:D.3., and 12-2-6:G, as follows: (i) approving the alteration of the existing attached garage with a non-conforming 1.41 ft. side yard setback to be converted to living space; (ii) granting a 3.59 ft. waiver to the 5 ft. side yard setback requirement to allow the construction of a second story addition, aligned with the existing non-conforming structure; (iii) granting a 3 ft. waiver to the setback requirement for permitted obstructions, to allow a gutter to be approximately 1 ft. from the side property line; and legalizing the prior approval of a compliant detached garage on non-conforming lot at 5624 Crain Street, with the following conditions:

1. The new addition and modification shall be constructed and located in accordance with the plans prepared by Crotan Zakarija, architect, dated 9/27/2016 unless noted:
 - a. Site Plan, Sheet 1A
 - b. Existing South Elevation, Existing North Elevation, Sheet 2B
 - c. Existing East Elevation, Sheet 1C
 - d. Existing West Elevation, Sheet 2C
 - e. Proposed South Elevation, Sheet 1D
 - f. Proposed North Elevation, Sheet 2D

- g. Proposed East Elevation, Sheet 1E
- h. Proposed West Elevation, Sheet 2E
- i. Proposed Garage Renovation, Sheet 1F
- j. Proposed 2nd Floor Addition, Sheet 2F
- k. Plat of Survey, dated April 14, 2014, United Survey

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

Motion seconded by Commissioner Gillespie.

Commissioner Khan voting	aye
Commissioner Gillespie voting	aye
Commissioner Farkas voting	aye
Commissioner Gabriel voting	aye
Commissioner Shimanski voting	aye
Chairperson Pro Tem Blonz voting	aye

Motion passed.

CASE ZBA 16-08

APPLICANT: Mr. Emanuil Butcu
8947 Central Avenue
Morton Grove, IL 60053

LOCATION: 8947 Central Avenue
Morton Grove, IL 60053

PETITION: Request for waivers from Section 12-3-5:A and Section 12-3-5:B of the Unified Development Code to allow for a fence in the front and street side (front) yard of a lot with multiple front yards.

Mr. Argumedo reviewed the request for a pentagon shaped subject property that is bounded by Central Avenue and the public alley to the west, Lake Street to the north, Harms Road to the east, and residential properties to the south. The property is in the R2 Single Family Residence District zoning district and improved with a single family residence. Although the actual front yard is along Central Avenue, per the Unified Development Code, the lot must comply with the front yard setback requirements along Lake Street and Harms Road as well as Central Avenue.

The applicant sought waivers to allow for a solid wood fence within the front and street side

(front) yards along Central Avenue and Lake Street, respectively. The majority of the fence is proposed to be 5 ft. high, while the segment along the alley is proposed to be 6 ft. high. The proposed fence includes a 10 ft. x 10 ft. sight line triangle at the intersection of the sidewalks at Central Avenues and Lake Street and would be setback at least 10 ft. from the intersection of the sidewalk and driveway along Lake Street.

Concluding, the property has solid 6 ft. high hedges along the alley, Central Avenue, Lake Street and Harms Road. Staff was unable to confirm whether the existing hedges are legally, non-conforming. Summarizing the application request as follows:

1. waiver to allow a fence in the required front yard;
2. waiver to allow a fence in the street side front yard that exceeds the maximum permitted height and opacity requirements and is located outside of the area that would be permitted by right.

Chairperson Pro Tem Blonz asked if there were any questions from staff.

The applicant, Emanuil Butcu, was sworn in.

Mr. Butcu explained there is no back yard for the children to play and there are concerns for their safety playing in the front yard with the traffic on Lake and Central Street. The lot has so many angles and corners due to the way the house was built on the back of the lot. Installing a fence would give the children an area to play in.

Commissioner Shimanski stated that this request is for twice as much as other applicant's have requested for a corner lot. Mr. Shimanski pointed out that it would be easier to consider if the request was for a fence was on Lake St or Central St and not the entire area. The code does not allow any fence in the front yard, although there has been some consideration for corner lots.

Ms. Radzevich asked if the board would consider the request by reducing the height to 42" and 50% opacity, which would be board on board and allow some spacing and not a solid fence.

Mr. Butcu remarked the 42" height is not tall enough for the children when they are playing in the yard. Currently the hedge that is along the street is 7 ft high and does not look attractive, and with a fence it would be a big improvement.

Commissioner Farkas added the bushes are not solid as compared to a solid 5 ft fence. Mr. Farkas stated he would be agreeable to the 42" height with the 50 % opacity.

Commissioner Gillespie agrees with the comments from Commissioner Farkas.

Commissioner Gabriel suggested having the fence begin from the behind the garage and continue behind the house to the other yard in the back and cornered off with 50% opacity at

that height it wouldn't be a problem. Mr. Gabriel added having the fence cover the entire lot is blocking off the whole corner. Mr. Gabriel then asked if Mr. Butcu would like the Board to rule on it as presented or change the request.

Ms. Radzevich pointed out to Mr. Butcu that there needs to be four yes votes to pass this application request. Currently there does not appear to be four Commissioners that would vote yes. Ms. Radzevich suggested that this case be continued so staff could work with Mr. Butcu to find some alternatives with consideration to the commissioner's comments and create a proposal that would work. Mr. Butcu agreed to have the case continued.

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

Chairperson Pro Tem Blonz asked for a motion to continue the case to the next ZBA meeting.

Commissioner Khan moved to continue Case ZBA 16-08 to the next Zoning Board of Appeals meeting on November 21, 2016. Commissioner Gabriel seconded the motion.

Commissioner Shimanski voting	aye
Commissioner Gillespie voting	aye
Commissioner Farkas voting	aye
Commissioner Gabriel voting	aye
Commissioner Khan voting	aye
Chairperson Pro Tem Blonz voting	aye

Case continued to November 21, 2016.

Chairperson Pro Tem Blonz asked for any other business or discussion. Hearing none, Commissioner Gabriel moved to adjourn the meeting. The motion was seconded by Commissioner Farkas and approved unanimously pursuant to a voice vote at 8:25 pm.

Minutes By: Janet Sheehan

