



Village of Morton Grove
Zoning Board of Appeals Agenda

July 18, 2023 - 7:00 P.M.

Flickinger Municipal Center, 6101 Capulina Avenue, Morton Grove, IL 60053

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES OF:** June 20, 2023

III. **PUBLIC HEARINGS:**

CASE: ZBA 23-09

APPLICANT: Tom Andriopoulos
7443 Emerson Street
Morton Grove, Illinois 60053

LOCATON: 7443 Emerson Street
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-2-6 to allow a sidewalk in a required side yard.

IV. **PUBLIC HEARINGS** None

V. **OTHER BUSINESS** None

VI. **CLOSE MEETING**

Note that all persons are welcome to attend the public meeting in-person as regularly scheduled. All persons in attendance will have the opportunity to be heard during periods of public comment

Comments relating to this case may also be submitted no later than 12:00 p.m. on Tuesday, July 18, 2023, to zheidorn@mortongroveil.org. All comments received in relation to this case will be read at the public hearing for consideration by the Zoning Board of Appeals.

**MINUTES OF THE JUNE 20, 2023
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, Mohr and Stein

Members Absent: Liston with notice

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

Trustees Present: Thill and Shiba

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 asked for approval of the May 16, 2023, meeting minutes.

Board Member Dorgan moved to approve the minutes of the May 16, 2023. Board Member Gabriel seconded the motion.

Chairman Blonz called for the vote.

Board Member Dorgan Voting	aye
Board Member Gabriel voting	aye
Board Member Kintner 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 23-06

APPLICANT: Kari Kennedy and Joseph Ruel
8618 Georgiana Avenue
Morton Grove, IL 60053

LOCATION: 8618 Georgiana Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-4-2, 12-15-5, to allow the construction of a detached accessory structure on a nonconforming lot due to area and width.

Ms. Kirchner explained the applicants are requesting variations to legalize an existing shed built in the street side yard on a lot with a nonconforming width and area. The minimum street side setback for the subject property is 16.2 feet based on an average calculation. The shed provides a street side setback 4 feet, requiring approval of a waiver of 12.2 feet from the minimum 16.2-foot requirement.

The shed is attached to a detached garage and is treated as one structure, meaning a 3-foot minimum separation between structures is not required.

The proposed project complies with all other applicable dimensional regulations. Any addition in floor area on a nonconforming lot must be authorized by the ZBA prior to permit issuance.

If the variations are approved, staff requires a complete permit application for the shed and a sight line triangle be provided where the existing shrubs meet at the northwest corner of the lot line and public sidewalk.

Kari Kennedy and Joseph Ruel were sworn in by Secretary Kirchner.

The applicants note that a corner lot has more restrictions for shed placement and they use their shed to store lawn equipment and a snowblower. They are caretakers of a busy corner sidewalk, and also help their neighbors with snow removal. Their garage stores a contracting truck and business items.

Chairman Blonz asked when the shed was built. A shed permit was denied in 2019 and the shed was built after.

Commissioner Kintner asked if there are any concerns with the shed being close to the garage. There is not a problem as the shed is attached to the garage.

Chairman Blonz asked if the bushes near the shed could be considered a fence. Discussion ensued about a sight line triangle at the alley and the edge of the bushes.

There were no comments from the audience.

Board member Stein said he is concerned that a sight line triangle is not provided. Ms. Heidorn said the bushes would be considered a non-conforming fence in a street side yard. The applicant said they would remove a bush in the sight line triangle.

Board member Dorgan

Board member Kintner made a motion to approve Case ZBA 23-06, a request for variations from Sections 12-2-5, 12-4-2 and 12-15-4 to allow an accessory structure to encroach in a street side yard on a nonconforming lot due to area and width, subject to the following conditions:

- 1) The proposed detached shed shall be built in accordance with the plans submitted by the applicants in the Variation Application dated 05/09/2032;
- 2) The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits after the fact;
- 3) Removal of shrubs near the rear of the shed to provide a sight line triangle.

Board member Gabriel seconded the motion.

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
Chairman Blonz voting	aye

Motion passes (5-1)

CASE ZBA 23-07

APPLICANT: Vasile Cirdei
8945 Mansfield Avenue
Morton Grove, IL 60053

LOCATION: 8945 Mansfield Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-3-5 to allow a fence in the front yard exceeding the allowable height and transparency.

In the case of ZBA 23-07, the applicant is requesting variations to construct a fence that exceeds the maximum height and reduced transparency with a street side yard. The property qualifies for street side yard fencing due to its orientation to the block face. Proposed is a fence height of 6 feet, with 0 transparency. A sight line triangle will be provided and the fence will not encroach in the public alley to the east.

The applicant and Diana Pintile were sworn in. The applicants said they have three boys who need a yard to play and have some privacy. They would replace an existing chain link fence.

Board member Dorgan asked if they could build a fence without a variation. The applicant notes that most corner lots near them have tall, private fences.

Board member Kintner notes the neighbor has a 4-foot fence with a 1-foot lattice top. He asked if this height would work for the applicant.

There were no comments from the audience. Secretary Kirchner read an e-mail in favor of the variation from Mr. Flink of 8939 Mansfield Avenue.

Board member Gabriel made a motion to approve ZBA Case 23-07, a request for variations from Sections 12-3-5 to increase the maximum height for fence with a street side yard from 4 feet to 6 feet and provide no transparency, for the property commonly known as 8945 Mansfield Avenue, Morton Grove, Illinois, subject to the following conditions:

- 1) The proposed detached fence shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 05/16/23;
- 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;
- 3) The fence height and lattice top shall match the neighboring fence, four-foot fence with a one-foot lattice top along Lake Street and a five-foot fence with a one-foot lattice top along the alley.

The motion was seconded by Board Member Stein.

Chairman Blonz asked if a sight-line triangle is required at the alley, it is not an improved alley and a triangle is not required.

Chairman Blonz called for the vote.

Board Member Dorgan Voting	aye
Board Member Gabriel voting	aye
Board Member Kintner voting	aye
Board Member Mohr 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 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 7:27 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.

Village of Morton Grove

Department of Community & Economic Development

To: Chairperson Blonz and Members of the Zoning Board of Appeals

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: July 11, 2023

Re: **ZBA 23-09 – 7443 Emerson Street (09-13-214-012-0000)**
Request for approval of a variation from Sections 12-2-6:G to replace a sidewalk within a required side setback

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the July 18, 2023, Zoning Board of Appeals public hearing for ZBA 23-09 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on June 29, 2023. The Village mailed letters on June 29, 2023, notifying surrounding property owners within 100 feet of the subject property, and placed a public notice sign on the property on June 27, 2023.

Request Summary

Property Background

The subject property is a 7,500-square-foot lot located on the south side of Emerson Street between Oriole and Osceola Avenues. The property is zoned R-1 Single Family Residence and is improved with a single-family dwelling. Surrounding properties are also within the R-1 District and improved with single-family residences.



Subject Property Location Map

Application Overview

The applicant and subject property owner, Tom Andriopoulos, is seeking approval of a waiver to authorize the replacement of a sidewalk within the required side setback. The sidewalk extends from the front of the home to the attached rear patio, providing a setback of 1 foot from the adjacent property to the west. The sidewalk measures 3 feet in width and is

approximately 35 feet in length. Per Village Code Section 12-2-6:G, a sidewalk is a permitted obstruction of a required side yard but must provide a minimum setback of 3 feet in typical side yards. The subject property has a west side yard width of 6.95 feet. If the 3-foot-wide sidewalk were to be aligned with a gas meter projecting 1.33 feet (16 inches) into the side yard, as may be authorized by staff, this would still allow a setback of 2.62 feet from the side lot line.

The proposed site plan is compliant with the maximum impermeable lot coverage permitted in the R-1 District.



Subject Property Street View

The following table provides an overview of the applicable dimensional requirements and waiver requested to allow the replacement patio as presented:

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Minimum Side Setback (12-2-6:G)	3 ft.	1 ft.	1 ft.	<i>Waiver of 2 ft. requested</i>
Maximum Lot Coverage (12-4-2:D)	55.0% (4125 sq. ft.)	43.0% (3,230 sq. ft.)	43.0% (3,230 sq. ft.)	Compliant

As indicated in the table, the following waiver is required to authorize the proposed project:

- **Section 12-2-6:G** - Waiver of 2 feet to the minimum side yard to allow a side setback of 1 foot.

Discussion

The applicant is requesting the ZBA's approval to replace an existing sidewalk along the side of his single-family residence that does not meet the minimum sidewalk setback requirement of 3 feet. In 2023, the applicant received a flatwork permit to install a 3-foot-wide sidewalk along the property's west building line. However, the contractor did not observe the 3-foot setback when preparing to pour the walk and installed the concrete forms 1 foot from the side lot line. A building department

staff member flagged the incorrect location at the prepour inspection. The applicant is seeking to maintain the existing forms installed by the contractor, which will require a revision to permit and the ZBA's authorization.

Staff notes that the required 3-foot setback may be reduced to allow a sidewalk width of 3 feet if the yard is less than 6 feet. The reduction is not applicable to the subject property as the side yard in question measures 6.95 feet. A side setback is required for sidewalks in order to provide an area for stormwater drainage so that water is not diverted to an adjacent property.

The property has a nonconforming driveway that creates a nonconforming open accessory parking area in the front yard. The applicant is not proposing to alter or replace the driveway area. Any future alteration or replacement of the nonconforming driveway would require ZBA approval.

Variation Standards

The Zoning Board of Appeals can approve the application as presented, approve it with conditions, or deny the application based on the following standards, established in Section 12-16-3:A:

- a. **Not Self-Imposed**: The alleged difficulty or hardship is caused by this title and has not been created by any persons presently having an interest in the subject property.
- b. **Nonmonetary Considerations**: The circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of a reasonable use of his land. Mere loss in value shall not justify a variation.
- c. **Not Detrimental to Public Welfare**: The granting of any variation is in harmony with the general purposes and intent of this title and will not be detrimental to the public welfare or to other property or improvements in the neighborhood.
- d. **Not Detrimental to Neighborhood**: The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire, endanger the public safety, or alter the character of the neighborhood.

The applicant has provided responses to these standards in the Variation Application.

Recommendation

Should the Board approve Case ZBA 23-09, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 23-09 a request for approval of a variation from Section 12-2-6:G to replace a sidewalk within a required side setback, subject to the following conditions:

- 1) *The proposed addition shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 06/13/2023; 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.*

Attachments

Application and related materials (submitted by applicant)



VARIATION APPLICATION

Village of Morton Grove
Department of Community Development
6101 Capulina Avenue, Morton Grove, Illinois 60053
commdev@mortongroveil.org | 847-663-3063

Case Number: 23-09 Date Application Filed: 6/13/23

APPLICANT INFORMATION

Applicant Name: TOM ANDRIOPOULOS
Applicant Address: 7443 EMERSON
Applicant City / State / Zip Code: MORTON GROVE IL. 60053
Applicant Phone: 630-278-9712
Applicant Email: RELIABLE 468 @ GMAIL.COM
Applicant Relationship to Property Owner: OWNER
Applicant Signature: Tom Andriopoulos

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: _____
Owner Address: _____
Owner City / State / Zip Code: _____
Owner Phone: _____
Owner Email: _____
Owner Signature: _____

PROPERTY INFORMATION

Common Address of Property: 7443 Emerson
Property Identification Number (PIN): 09-13-214-012-0000
Property Square Footage: 7500
Property Zoning District: R-1
Property Current Use: Single-family residence

APPLICATION INFORMATION

Applicant is requesting a variation from the following section(s) of the Morton Grove Unified Development Code:

WALKWAY NEXT TO GARAGE EXTENDED
Purpose of requested variation (attach as needed): TWO SMALL TO GET
EQUIPMENT THRU. GAS METER IN
THE WAY. ORIGINAL CONCRETE WALK
OVER

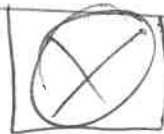
WAY WAS IN THE SAME AREA
ABOUT 12-14" FROM PROPERTY LINE
IM JUST REPLACING NEW
CONCRETE IN THE SAME SPOT.

BUILDER HAD WALKWAY THEIR
BECAUSE ITS A NARROW WALK
WAY.

THEIR IS ABOUT 5-6' OF EMPTY
LAND TO THE EAST. OF PROP LINE
TO THE NEIGHBORS GARAGE
WHERE HE KEEPS HIS GARBAGE
CANS. THEN HIS GARAGE
THEN HE HAS A WALKWAY FROM
HIS GARAGE TO HIS HOUSE.
ABOUT 3' FEET

GARAGE

~~HOUSE~~



= 16" STICKING OUT
GAS METER

DIRT. FOR PLANTING

28" = ?

CONCRETE 36"

DIRT. 12-14"

X X X X X X X X X X X X X X X X X X X X

FENCE PROP. LINE = ↑

NEIGHBORS

FENCE →

PAVERS.

55'

W/ches

25'

55"

BACK
YARD

CAR

WALKWAY

HOUSE

PLAT OF SURVEY

5323 W. MONROE STREET
SKOKIE, ILLINOIS

BY
W. L. SAMBORSKI
REGISTERED ILLINOIS LAND SURVEYOR

FILMED

TELEPHONE
ORchard 4-7373

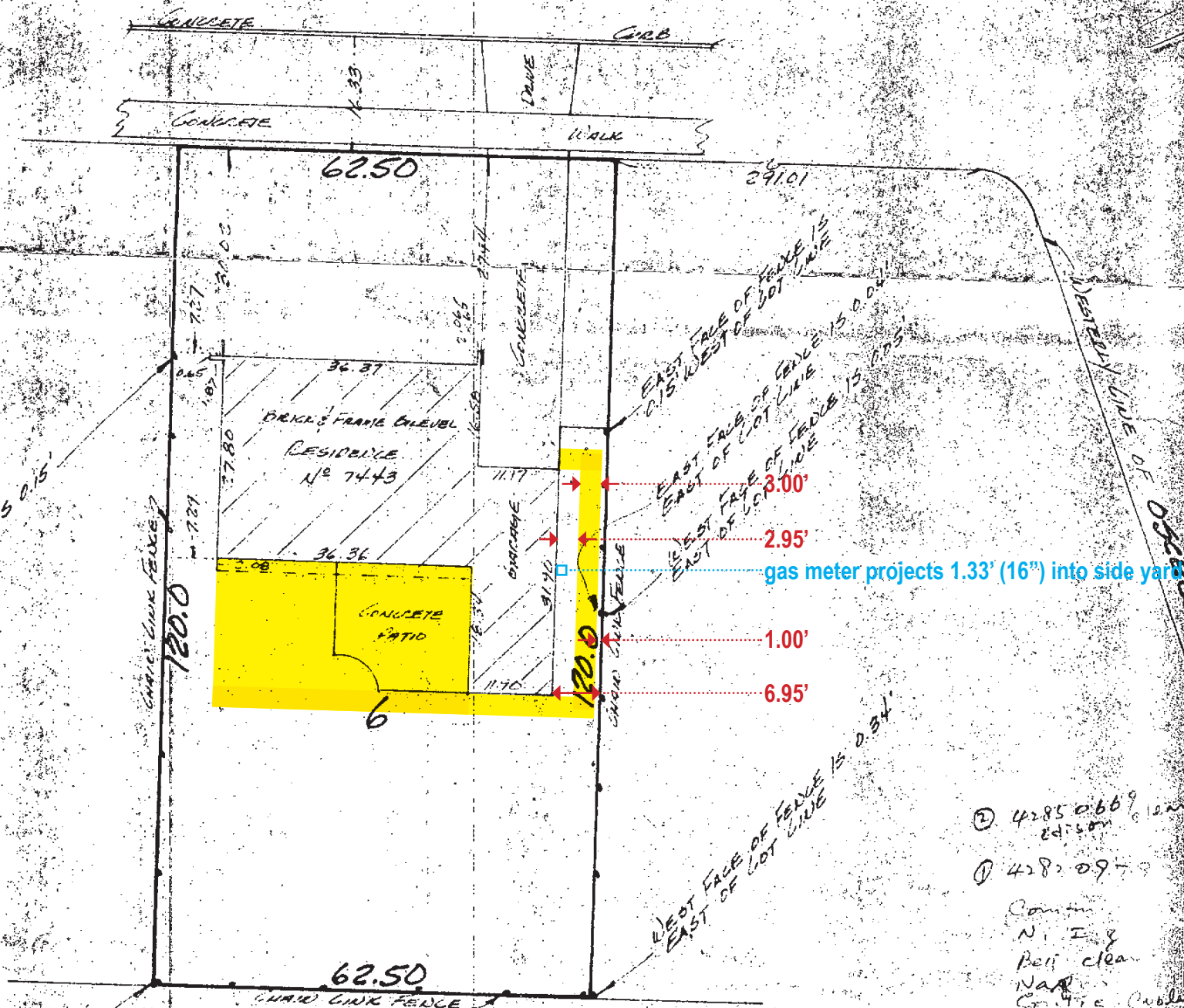
LOT 6 IN BLOCK L IN UNIT NO. 2 HARRIS PARK VISTA SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ AND PART OF THE NORTH $\frac{1}{2}$ ACRES OF THE SOUTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 27, 1955 AS DOCUMENT NUMBER 16250935, IN COOK COUNTY, ILLINOIS.



Proposed Flatwork

EMERSON

ST.



Measurements are shown in feet and decimals and are correct at 62 degrees Fahrenheit.

SCALE: 1 inch = 20 feet

ORDER No. 708-77

BOOK: 150 PAGE: 3

ORDERED BY: CHEZ & CHEZ

Order No. _____

BUILDING LOCATED _____ A.D. 19__

STATE OF ILLINOIS
COUNTY OF COOK

I, W. L. SAMBORSKI, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed the above described property and that the survey of same is correctly represented on the plat hereon drawn.