



Village of Morton Grove
Zoning Board of Appeals Agenda

February 20, 2024 - 7:00 P.M.

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

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES OF:** November 21, 2023

III. **PUBLIC HEARINGS:**

CASE: ZBA 24-01

APPLICANTS: Krzysztof Bukowski and Kelly Russell
8617 Fernald Street
Morton Grove, Illinois 60053

LOCATON: 8617 Fernald Street
Morton Grove, Illinois 60053

PETITION: Request for approval of variation from Section 12-3-5 to allow a fence in a street side yard exceeding the allowable height and transparency.

IV. **OTHER BUSINESS** None

V. **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, February 20, 2024, to bnolin@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 NOVEMBER 21, 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, Liston, and Stein

Members Absent: Mohr with notice

Village Staff Present: Zoe Heidorn, Community Development Administrator
Anne Ryder Kirchner, Assistant Land Use Planner & Secretary
Rick Dobrowski, Fire Prevention
Theresa Liston, Corporation Counsel

Trustees Present: Thill, Travis and Witko

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 recognized the fifth anniversary as Board Member of Vice Chairman Chris Kintner.

Chairman Blonz asked for approval of the October 17, 2023, meeting minutes.

Board Member Dorgan moved to approve the minutes of the October 17, 2023. Board Member Kintner seconded the motion.

Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner	aye
Board Member Gabriel	abstain
Board Member Liston	aye
Board Member Stein voting	aye
Chairman Blonz voting	aye

Chairman Blonz then called for the first case.

CASE ZBA 23-18

APPLICANT: Ali and Masooma Hussain

9020 Neenah Avenue
Morton Grove, IL 60053

LOCATION: 7014 Church Street
Morton Grove, IL 60053

PETITION: Requesting approval of a variation from Section 12-3-5 to legalize a fence without a required sight line triangle.

Ms. Kirchner stated the case is continued from the September 19th and October 17th meetings. The applicants are requesting a variation to reinstall 6-foot tall horizontal board fencing enclosing a rear yard that does not provide required sight line triangles at the west property line adjacent to the neighbor's driveway and at the east termination of the fence along the applicant's driveway. Staff continues to be concerned with the lack of visibility caused by the fencing in question for drivers exiting the subject property and using the public alley. The reinstallation will correct the location out of the public right -of-way and correct the rough part of the fence.

Mr. Kahn, father of the applicant was sworn in by Secretary Kirchner. He acknowledged the fence must be moved out of the Village right-of-way and must be modified to face any rough part of the fence, posts and supporting members to the owner's side. He asked to reduce the sight line triangle to 6 feet from 10 feet.

Board member Kintner thanked Mr. Kahn and staff for the review of blind spot mirrors. The importance of sight line triangles at both corners of the property was discussed.

Chairman Blonz asked for public comment. Cynthia Camacho of 7022 Church said she is concerned the fence will encroach on her property when the panels are corrected. She is not in favor of any variation to the sight line triangles that are required.

Sue Pelicano of 9327 National said the alley is dangerous for cars and walkers if the sight line triangles are not observed.

George Mail, formerly of 7012 Church, expressed concern with the lack of sight line triangles and the fence design.

Read into the record were emails not in favor of the fence variation from Joan Goldstein of 7017 Church, Katie Leslie of 9213 National, and Cindy Tanaka of 7009 Church.

Chairman Blonz thanked the audience members and asked for comments from the Board members.

Board member Kintner made a motion to approve Case ZBA 23-18, a request for approval of a variation from Section 12-3-5 to correct fencing without required sight line triangles for the property commonly known as 7014 Church Street in Morton Grove, Illinois, subject to the following conditions:

- 1) The fence shall be installed in accordance with final approved plan as specified by the Zoning Board of Appeals.
- 2) The applicants shall modify the fence to face the any rough part of the fence, the posts, and any supporting members to the owners' side in accordance with Morton Grove Municipal Code Section 10-9-3:B.

- 3) The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of fence modification.

Board member Dorgan seconded the motion. Chairman Blonz called for the vote.

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

Motion does not pass (6-0)

CASE ZBA 23-21

APPLICANT: Frank Georgekos
404 Industrial Drive
Bensenville, Illinois 60106

LOCATION: 8617 Fernald Street
Morton Grove, IL 60053

PETITION: Requesting approval of a variation from Sections 12-2-5 and 12-2-6 to allow a patio exceeding maximum impermeable coverage and a front sidewalk exceeding maximum width.

Ms. Kirchner stated the applicant and contractor, on behalf of the property owners, is requesting waivers to legalize a front sidewalk that exceeds the maximum width allowable as a permitted obstruction and paved areas in the rear yard that exceed allowable impermeable surfaces. The areas in question were not authorized by the building permit issued for construction of the new detached single-family residence at the subject property. The applicant is seeking legalization of these structures after the fact.

Frank Georgekos, the applicant's contractor, was sworn in by Secretary Kirchner. He apologized for incorrectly measuring the rear yard area and installing the concrete. He noted it is a corner lot with a large street side yard that is not included in the rear yard calculation. He also noted that the front walk is one foot wider than allowed and he feels it is more in keeping with the porch and entryway.

There was no public comment.

The Board discussed the retainment of the original garage and the backyard tree being preserved.

Board member Gabriel mad a motion to approve Case ZBA 23-21, a request for approval of variations from Sections 12-2-5:B.3 and 12-2-6:G to legalize a patio, sidewalk, and open accessory parking area not meeting width and coverage requirements for the property commonly known as 8617 Fernald Avenue, subject to the following conditions:

- 1) The parking pad and walks are maintained in accordance with the plans submitted by the applicant in the Variation Application dated 10/6/2023.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits.

Board member Liston seconded the motion. Chairman Blonz called for the vote.

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

Motion passes (6-0)

CASE ZBA 23-22

APPLICANT: Juan Torres
8039 Parkside Avenue
Morton Grove, IL 60053

LOCATION: 8039 Parkside Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of a variation from Section 12-2-6 to allow an open accessory parking space in a front yard.

Ms. Kirchner stated the applicant is seeking waivers to legalize a nonconforming driveway and open accessory parking space in a front yard. The preexisting driveway leads from Parkside Avenue to an open accessory parking area in front of a one-car attached garage that was converted to living space without a building permit. The space currently serves as a bedroom and bathroom. If the ZBA chooses to support the legalization of the nonconforming driveway and open accessory parking space in the front yard, staff recommends requiring the installation of a landscape area along the front building line measuring at least three feet in width to soften the appearance of the garage conversion.

Secretary Kirchner swore in the applicant Juan Torres and his son Rogelio Torres. His son apologized for not securing a building permit for converting the garage to living space. They did not know that the driveway would become non-conforming. His father does not want to lose space in the backyard for his grandchildren and family to use. They wish to keep the driveway as is.

There were no public comments. Board member Gabriel asked if there is enough room in the rear yard for a garage or parking pad. Board member Stein discussed placement of a parking pad relative to the outdoor patio. Chairman Blonz noted the alley provides access to the rear yard.

Board member Dorgan made a motion to approve Case ZBA 23-22, a request for waivers from Sections 12-2-5 and 12-2-6 of the Unified Development Code to legalize a driveway and open accessory parking space in a front yard that exceed the maximum width, subject to the following conditions:

1. The driveway and open accessory parking space shall be maintained in accordance with the plans submitted by the applicants in the Variation Application dated 10/06/2023. However, a portion of the paved area shall be removed to provide a landscape buffer with a minimum width of three feet along the full length of the front building line of the converted attached garage. The landscape area shall be planted with evergreen shrubs no less than three feet in height at planting.
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 Kintner voting	no
Board Member Gabriel voting	aye
Board Member Liston voting	aye
Board Member Stein voting	aye
Chairman Blonz voting	no

Motion does not pass (3-3)

CASE ZBA 23-23

APPLICANT: Bela and Amita Gallagher
8319 Central Avenue
Morton Grove, IL 60053

LOCATION: 8319 Central Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of a variation from Section 12-3-5 to allow a fence in a street side yard.

Ms. Kirchner stated the applicants and property owners are requesting variations to authorize the installation of fencing within a street side yard along Washington Street. Section 12-3-5:C allows for the installation of fences within portions of certain street side yards on corner lots. However, the subject property's street side yard along Washington Street does not qualify for such fencing because the street side yard is along a block face that includes one or more front yards. The proposed fence is also proposed to be in front of the rear portion of the principal structure closest to the street side yard, which is prohibited. The fencing is proposed to extend to the front building line facing Central Avenue. The fencing is proposed to connect to existing fencing located on the abutting property to the south. As a

condition of approval, staff recommends requiring connection as deemed appropriate by staff and the abutting property owner.

The applicants, Bela and Amita Gallagher were sworn in. Mrs. Gallagher explained she would like a 4-foot high fence with 50% transparency for the safety of her children. They are seeking a 6-foot high fence in their rear yard for privacy along the alley. Letters of support from surrounding neighbors had been provided to the Board.

Board member Gabriel and Liston acknowledged the letters of support.

There was no public comment.

The Board discussed the placement, height and transparency.

Board member Kintner made a motion to approve Case ZBA 23-23, a request for variations from Section 12-3-5 to construct a fence along a block face that includes one or more front yards, is located 36 feet in front of the rear portion of the principal structure, and has portions not meeting height and 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 10/10/2023.
- 2) The proposed fence shall connect to existing fencing located on property commonly known as 8315 Central Avenue as deemed appropriate and approved by the Community Development Administrator and, if needed, the owner of property at 8315 Central Avenue.
- 3) The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.

Board member Gabriel seconded the motion. Chairman Blonz called for the vote.

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

Motion passes (6-0)

CASE ZBA 23-24

APPLICANT: Krzysztof Bukowski and Kelly Russell
8617 Fernald Street
Morton Grove, IL 60053

LOCATION: 8617 Fernald Street
Morton Grove, IL 60053

PETITION:

Requesting for approval of variations from Section 12-3-5 to allow a fence in a street side yard exceeding the allowable height and transparency.

Ms. Kirchner stated the applicants and property owners are requesting variations to authorize the installation of a privacy fence (0% transparency) with a height of 6 feet in a street side yard that is not behind the rear portion of the principal structure closest to the street. The fencing will be located approximately 29 feet west of the rear building line. The maximum permitted height for street side yard fences is 4 feet and the minimum transparency is 50%. The subject property qualifies for street side yard fencing due to its orientation to the block face. The proposed fence will be installed to provide the required 10-foot by 10-foot sight line triangle at the intersection of the alley and the public sidewalk along Capulina Avenue.

The applicants were sworn in. They described the installation and need for a privacy fence. They are concerned that their dog and small child would be vulnerable with a more transparent fence at a busy corner location. Photos of corner homes with fences in the surrounding area were shown. The applicants noted privacy as their biggest concern, and said that non-corner lots are afforded privacy in the rear yard.

Public comment was read into the record from Riley Missing of 8610 Georgiana. She is concerned that a solid fence near the alley would prevent people and cars from being seen at the alley.

Staff noted that the required sight line triangle would be observed at the alley.

Board members and staff noted the fence examples show fences installed prior to changes in the fence regulations of the municipal code. Discussion ensued regarding transparency. The Board discussed allowing a higher fence.

Board member Kintner made a motion to approve Case ZBA 23-24, 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 5 feet, located 35 feet in front of the rear portion of the principal structure, and provide fifty percent 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 10/10/2023.
- 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 installation.

Board member Gabriel seconded the motion. Chairman Blonz called for the vote.

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

Motion passes (6-0)

APPLICANT: Mohammed A. Hussain
8544 Morton Avenue
Morton Grove, IL 60053

LOCATION: 8544 Morton Avenue
Morton Grove, IL 60053

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

Ms. Kirchner stated the applicant and property owner is requesting variations to permit a privacy fence (0% transparency) with a height of 6 feet within a street side yard. The maximum permitted height for street side yard fences is 4 feet and the minimum transparency is 50%. Sight line triangles will be observed. The subject property qualifies for street side yard fencing due to its orientation to the block face. The Village issued the subject property a fence permit for a conforming 4-foot-tall fence with 50% transparency on August 31, 2023. However, the applicant then decided that he would prefer a 6-foot-tall solid fence to provide a protected area with more privacy for his family.

Dr. Hussain was sworn in. He noted privacy for his family is his main concern. He said there are no residential neighbors facing his home, so the height and transparency will not impact a neighbor.

Chairman Blonz asked for public comment. Mr. Burkhart of 6034 Grove Ct. said he has no objections. The Cole and Hoffman family at 6023 South Park had no objections.

The Board discussed the permitted location of a 6-foot high fence with no transparency and the fence that is installed. They noted the neighboring fence at 8543 School Street is 5 feet in height with 50% transparency per a 2017 variation. Sight line triangles would be required at the alley and driveway.

Board member Gabriel made a motion to approve Case ZBA 23-25, 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 and provide 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 10/19/2023.
- 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.

Board member Gabriel Liston the motion. Chairman Blonz called for the vote.

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

Motion does not pass (3-3)

The applicant asked if he could seek a lower height but maintain no transparency. He suggested a 5-foot high fence.

Board member Kintner made a motion to approve Case ZBA 23-25, a request for variations from Section 12-3-5:C to provide a four-foot fence 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 10/19/2023.
- 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.

Board member Dorgan seconded the motion. Chairman Blonz called for the vote.

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

Motion passes (6-0)

CASE ZBA 23-26

APPLICANT:

Kunj Patel
7800 Linder Avenue
Morton Grove, IL 60053

LOCATION:

7800 Linder Avenue
Morton Grove, IL 60053

PETITION:

Requesting for approval of variations from Sections 12-2-5, 12-2-6, and 12-4-2 to allow an attached patio, sidewalk, and open accessory parking area not meeting setback and coverage requirements.

Ms. Kirchner stated applicant appeared before the ZBA to request variations to legalize the structures in question under Case ZBA 23-11, but that application was denied. This case is a new application submittal for an existing patio, sidewalk, and parking pad that were constructed without a flatwork permit. The applicant is proposing the removal of some nonconforming paved area and is presenting a more compliant plan, but the applicant is still requesting variations to legalize nonconforming impermeable rear yard coverage and nonconforming impermeable lot coverage.

Mr. Patel's son Kunj Patel was sworn in.

They have revised their plan to observe the side yard setback to the north, and a 3 feet side yard to the south. They will require a coverage variation to keep the parking pad. The pad is necessary due to the number of vehicles owned by the applicant.

Board members discussed drainage and the more conforming application. There should not be water run-off to the adjacent neighbors.

Board member Stein made a motion to approve Case ZBA 23-26, a request for approval of variations from Sections 12-2-5:B.3 and 12-4-2:D to legalize a patio, walkway, and open accessory parking area not meeting coverage requirements for the property commonly known as 7811 Linder Avenue, subject to the following conditions:

- 1) Within thirty days of ZBA approval, the walkway and open accessory parking area shall be modified to provide a setback of three feet from the south lot line.
- 2) Within thirty days of ZBA approval, the attached patio shall be modified to provide a setback of five feet from the north lot line (with the exception of the air conditioner pad).
- 3) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the modification of paved areas on the subject property.

Board member Liston seconded the motion. Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Gabriel voting	aye
Board Member Liston 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 Dorgan 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 8:43 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: Brandon Nolan, Community Development Administrator; Anne Ryder Kirchner, Planner/Zoning Administrator

Date: February 13, 2024

Re: **ZBA 2 – 8617 Fernald Avenue (10-20-114-001-0000, 10-20-114-002-0000)**
Request for variations from Section 12-3-5:C to increase the maximum height, reduce minimum transparency, and enclose a portion of the street side yard not in line with and behind the rear portion of the principal structure for a fence within a street side yard.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the February 20, 2024, Zoning Board of Appeals public hearing for ZBA 24-01 in accordance with Unified Development Code requirements. The *Morton Grove Champion* published a public notice on February 1, 2024. The Village mailed letters on January 31, 2024, notifying surrounding property owners within one-hundred feet, and placed a public notice sign on the subject property on February 1, 2024.

Application

Property Background

The subject property at 8617 Fernald Avenue in Morton Grove, Illinois, is a 10,433-square-foot corner lot located at the southeast corner of the Fernald Avenue and Capulina Avenue intersection. The subject property is zoned R-2 Single Family Residence and is improved with a new single-family residence and a detached garage to the rear. The subject property abuts an improved public alley to the east. Surrounding properties are also zoned within the R-2 District and are improved with single-family residences. Jerusalem Lutheran Church is across Capulina Avenue to the north.



Subject Property Location Map

Application Overview

This is a new request by applicants and property owners, Krzysztof Bukowski and Kelly Russell, for variations from Section 12-3-5:C of the Morton Grove Unified Development Code to authorize the installation of a shadowbox fence (0% transparency) with a height of 5 feet in a street side yard that is not behind the rear portion of the principal structure closest to the street. The fencing will be located approximately 29 feet west of the rear building line. The maximum permitted height for street side yard fences is 4 feet and the minimum transparency is 50%. The subject property qualifies for street side yard fencing due to its orientation to the block face. The proposed fence will be installed to provide the required 10-foot by 10-foot sight line triangle at the intersection of the alley and the public sidewalk along Capulina Avenue, and will meet sight line requirements where the garage meets the alley.

The applicants were granted a variation last year in case ZBA 23-24, to increase the maximum height for a fence within a street side yard from 4 feet to 5 feet, located 35 feet in front of the rear portion of the principal structure, with 50 percent transparency. They have not applied for a fence permit with this variation.

Requested Variation

The following chart provides a summary of the requested variations based on Unified Development Code requirements:

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED VARIATION
Street Side Yard Fencing (Section 12-3-5)	Maximum height: 4 ft.	Height: 5 ft.	<i>Height: Waiver of 1 ft. to increase the maximum height to 5 ft.</i>
	Minimum transparency: 50%	Transparency: 0%	<i>Transparency: Waiver of 50% to allow 0% transparency</i>
	Location must be behind the rear portion of the principal structure closest to the street side yard	Location: Behind the rear portion of the structure closest to the street side yard	<i>Location: Waiver of 29 ft. to allow street side yard fencing in front of the rear portion of the structure</i>
	Sight line triangle: Fences shall not be located within a 45-degree 10-foot by 10-foot sight line triangle at any point where the vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way.	Sight line triangle: 1 required, 1 proposed	<i>Sight line triangle: Compliant</i>

As shown in the table above, the following variations are required in order to approve installation of a street side yard fence as proposed by the applicants:

- Section 12-3-5.C.3: Variation of 1 foot to increase the maximum permitted height of a street side yard fence from 4 feet to 5 feet.
- Section 12-3-5.C.4: Variation of 50% to allow a fence with 0% transparency in the street side yard.
- Section 12-3-5.C.2 Variation of 29 feet to allow a fence that is not in line with and behind the rear portion of the principal structure closest to the street side yard property line.



Subject Property Street View

Discussion

The owners are requesting a 5 foot-tall shadow box-style, privacy fence to enclose their rear yard and a portion of their street side yard. As part of the application, they submitted an image of similar street side yard fences, which was built prior to the 2014 and 2020 amendments to Section 12-3-5, which clarified and established new regulations pertaining to street side yard fencing. They state that the fence style offers approximately 35% transparency. Staff considers a shadow box fence to provide little or no transparency, due to the overlapping picket pattern with every other board attached to the opposite side of the fence.



Shadowbox fence at 6139 Crain Street

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 applicants have provided their responses to these standards in the Variation Application.

Additionally, Section 12-3-5:G establishes the following standards for variation for fences:

12-3-5:G. Any applications for variations to the fence requirements, included herewith, shall be reviewed based on the following:

1. The proposed fence variation shall meet with the intent of the design and development standards established in [Section 12-3-5];
2. The proposed fence variation shall not have an adverse impact on the immediate abutters or the character of the surrounding neighborhood; and

3. The proposed fence variation shall not create obstructions in required sight lines at areas where a pedestrian or vehicular ways intersect with driveways, streets, alleys, or other pedestrian or vehicular access way.

Recommendation

Should the Board approve Case ZBA 24-01, staff recommends the following motion and conditions:

Motion to approve Case ZBA 23-24, 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 5 feet, located 35 feet in front of the rear portion of the principal structure, and provide little or 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 01/05/2024.*
- 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 installation.*

Attachments

Application and related materials (submitted by applicants)



Incredibly Close ✨ Amazingly Open

VARIATION APPLICATION

Village of Morton Grove

Department of Community Development

6101 Capulina Avenue Morton Grove, Illinois 60053

(847)663-3063(p)

(847)965-4162 (f)

CASE NUMBER: _____ DATE APPLICATION FILED: 1/5/2024

APPLICANT INFORMATION

Applicant Name: Krzysztof Bukowski + Kelly Russell

Applicant Address: 5809 Crain St.

Applicant City / State / Zip Code: Morton Grove, IL 60053

Applicant Phone: (708) 334-2667 (Chris)

Mobil / Other: (847) 612-7138 (Kelly)

Applicant Email: KRUSSELL115@gmail.com

Applicant Legal Interest in Property (Owner, Tenant, Etc.): owner

Applicant Signature: [Signature] Kelly Russell

PROPERTY INFORMATION

Common Address of Property: 8617 Fernald Ave Morton Grove

Property Identification Number (PIN): 10-20-114-001-0000 + 10-20-114-002-0000

Zoning District: R-3

Property's Current Use: to be single family residence

APPLICANT'S REQUEST (ATTACH ADDITIONAL SHEETS AS NECESSARY):

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12-3-5 (12-7-1)

for the following: 5 ft. high shadowbox fence house + garage to sidewalk.

~ 35% transparency.

Continue to abide by the 45° 10ft x 10ft+ sight line triangle

2. Please provide detailed information to explain why the variation is being requested:

We have a young child & a dog and are across the street in direct line of vision of Jerusalem Lutheran and on a busy corner. There are safety concerns in this respect for not only us homeowners but also the community. A shadowbox fence would provide the necessary protection for all. Safety, security, boundaries & privacy are all the reasons this variance is being requested.

3. Provide responses to the Variation standards as listed in Section 12-16-3-A-2 of the Unified Development Code. The Variation standards are as follows:

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.

Residents not located on a corner are entitled to privacy in their own yards & we are requesting the same. The area is busy with schools, churches, bars, restaurants & parks & we would like to feel comfortable letting our daughter and her friends out in the yard without worry. Having a shadowbox fence would allow greenery to still be seen while walking and also provide the requested privacy & security.

b. Nonmonetary Considerations: The circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of reasonable use of his land. Mere loss in value shall not justify a variation.

The lack of privacy on a busy corner would not allow us to comfortably utilize our own yard. 50%+ transparency would not only put our dog in potential harm but others walking by who choose to stick their fingers through the slats.

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.

We will abide by the 45° 10ftx10ft sight line triangle where the alley and sidewalk meet. The fence would enclose a private yard to a newly constructed home, which only improves the area & land value. Shadowbox fencing would also not make the shared walkway feel like a tunnel as greenery would be viewed.

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 potential damage of fire, endanger public safety, or alter the character of the neighborhood.

There would be no impairments with adequate supply of light & air to adjacent properties. If anything, this should keep a very busy area more safe and secure. There is no increased risk of additional congestion, potential damage of fire, endangering public safety or changing the character of a family friendly neighborhood.

PROPOSAL & CONTRACT

R FENCE

Hainesville, IL

Edwin Romo

Residential • Commercial • Free Estimates • Fully Insured

PH: 224-733-4552 Email: rfence01152@icloud.com

Date 8-16-23

Customer Name Chris Bukowski

Contact _____

Address 8617 Fernald Ave

Job Address _____

City Morton Grove Zip Code _____

City _____ Zip Code _____

Home Phone 708-334-7627 Office Phone _____

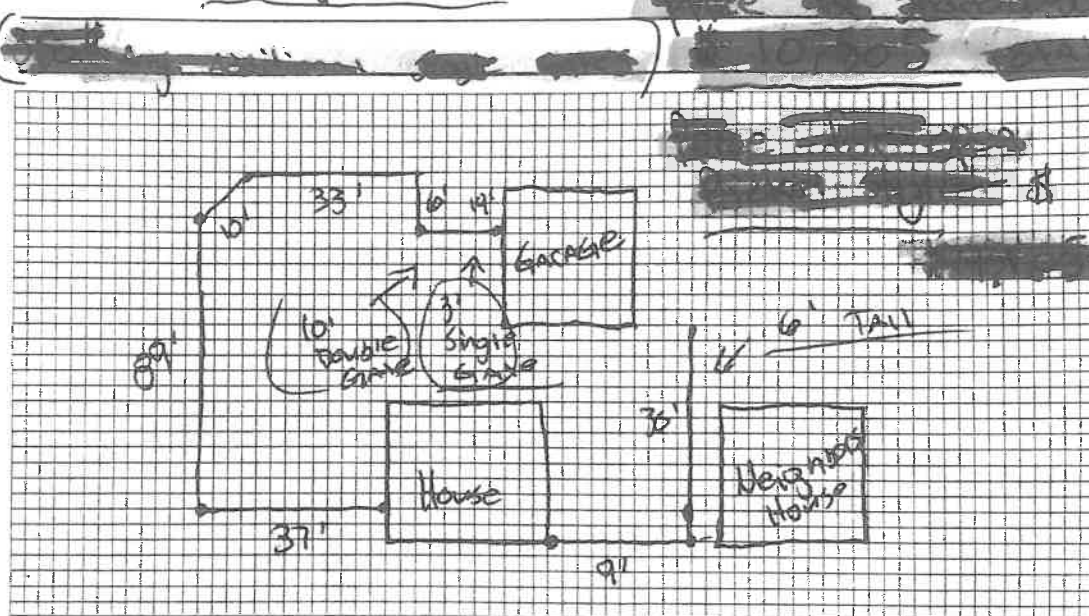
Cross Street _____

County COOK

NO. OF FEET	HEIGHT
	<u>5'6"</u>
GAUGE	GALVANIZE WIRE
FRAMEWORK GALVANIZED	VINYL WIRE COLOR
LINE POSTS	TOP RAIL
WALK GATES	DRIVE GATES
END POSTS	CORNER POSTS
GATE POSTS	TENSION WIRE
CONCRETE SET	DIRECT SET
PLAT OF SURVEY	STAKE VISIBLE
FOLLOW GROUND	STRAIGHT ON TOP
SOIL & EXISTING MATERIAL	HAUL AWAY
DIRT PICK UP	HAUL AWAY
CONCRETE BREAKS	ASPHALT BREAKS
ADDITIONAL WORK	
\$ _____	

FENCE LAYOUT and SPECIFICATIONS

203' of 5' TALL fence,
Steel posts & premium Treated wood
Pre-stained 3/4 inch thick wood. 1 Double
Gate 10' wide & 30' of 6' TALL between neighbors
3' single gates



All of the above work to be completed in a substantial and workmanlike manner according to standard premises to start within _____ week(s) for the sum of _____ dollars (\$ _____)

A deposit required of 50 % \$ _____ down upon signing contract and \$ _____ the remaining balance upon completion of installation. R FENCE GUARANTEES ALL MATERIALS TO BE OF THE HIGHEST QUALITY BY LEADING MANUFACTURERS AND ALL WORKMANSHIP TO BE OF THE HIGHEST STANDARDS BY THOROUGHLY SKILLED MECHANICS FOR _____ YEAR(S). Contractor is responsible for calling J.U.L.I.E. within 48 hours before installation to mark all underground utilities. An alteration or deviation of the above specifications involving extra cost of materials or labor will only be executed upon written orders for same and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing. ALL MATERIALS REMAIN PROPERTY OF CONTRACTOR, WHO RETAINS THE RIGHT TO REMOVE ALL MATERIALS UNLESS PAID FOR IN FULL. ALL FENCES INSTALLED WITHIN 6" OF PROPERTY LINES-FENCES SET TO PROPERTY STAKES-NOT RESPONSIBLE FOR PROPERTY LINES. A charge of 25% of cash contract price will be made in case of cancellation of this by property owner or agent, of which he or she agrees to pay upon demand after refusing to allow the work to proceed as within agreed terms. R Fence is not responsible for discoloration of wood from lack of weatherproofing by property owner or agent. This proposal is void if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal for which I agree to pay the amount mentioned in said proposal and in accordance with the terms thereof. I agree to pay all costs of collection including attorney fees and interest for sums which may become due under this contract. Purchaser agrees to obtain any construction permits that may be required and to supply contractor with current plat of survey.

Signature: _____

Respectfully submitted by: Chris Bukowski

* 203' of 5' tall fence (New fence)


* Steel Post

- * Premium treated wood

* Pre-Stained $\frac{3}{4}$ inch thick

* replace 20

Existing Fence

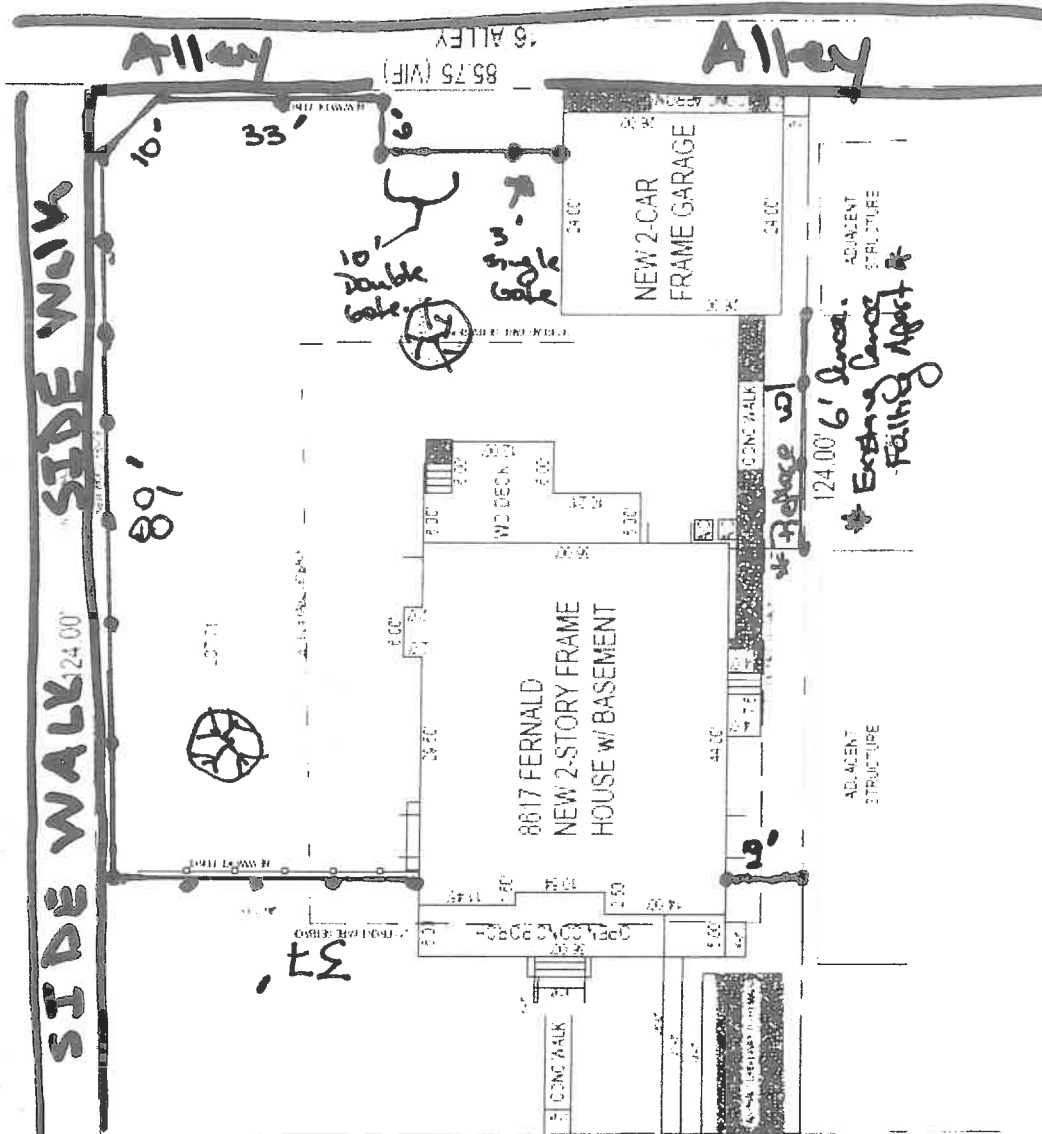
4 6' tall 

-0% trans.

- steel Post

- Prem. treated wood

- Pre-Skin
3/4 tick.



CAPULINE AVE

[illegible]

FERNALD AVE

PROPOSED SITE PLAN

1. \mathbb{R}^n is a vector space over \mathbb{R} .

2



6101 Crain St.

Shadowbox
example



www.exactaland.com | office: 773.305.4011

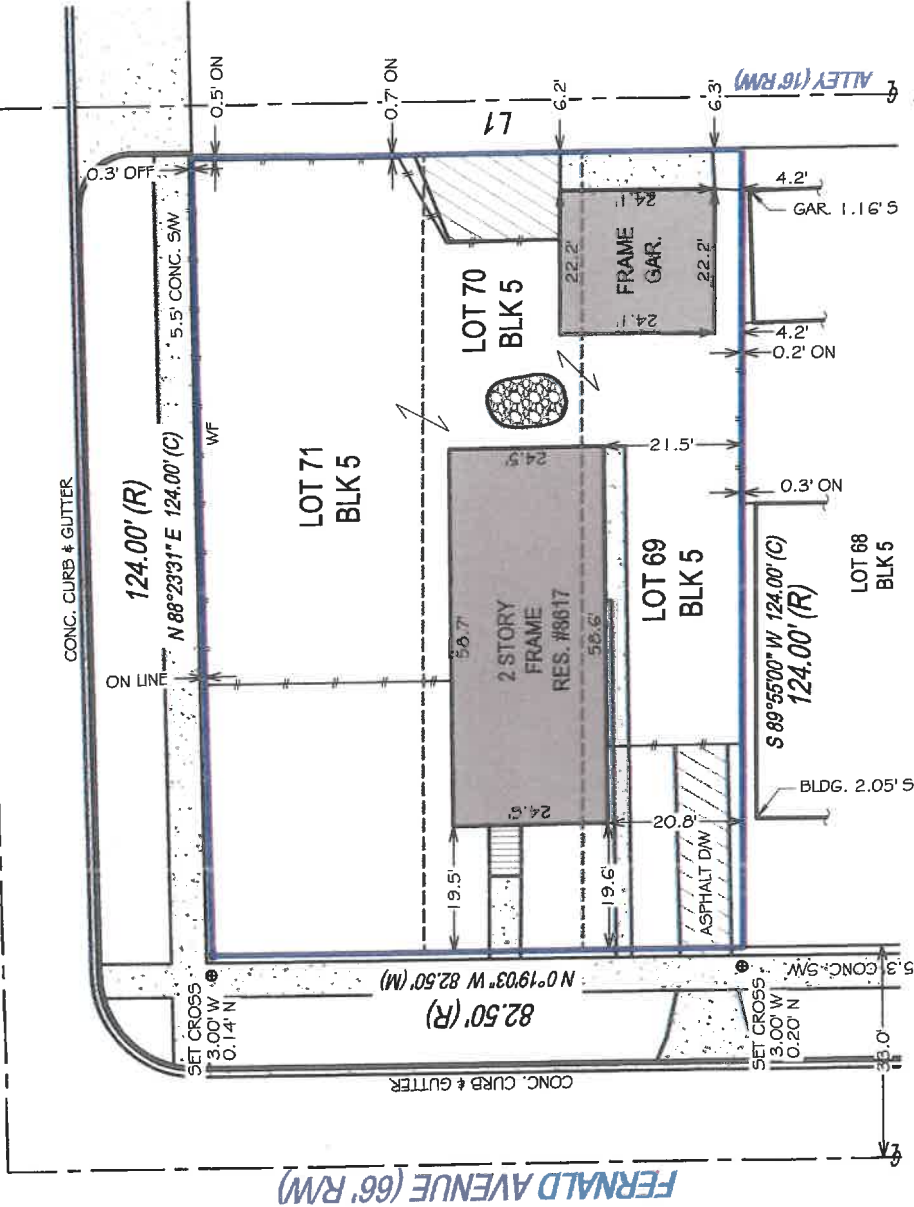


PROPERTY ADDRESS: 8617 FERNALD AVENUE, MORTON GROVE, ILLINOIS 60053

SURVEY NUMBER: 2202.5035

2202.5035
BOUNDARY SURVEY
COOK COUNTY

CAPULINE AVENUE (66' RM)



TOTAL AREA OF PROPERTY SURVEYED = 10433 SQ.FT.±

LINE TABLE:
L1 85.80' (R)
S 0°20'17\" E 85.80' (C)



GRAPHIC SCALE (in Feet)
1 inch = 30' ft.

STATE OF ILLINOIS
COUNTY OF GRUNDY } SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO
THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY
SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



Kenneth Kennedy

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403
LICENSE EXPIRES 11/30/2022
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008

DATE OF SURVEY: 03/01/22
FIELD WORK DATE: 3/1/2022
REVISION DATE(S): (REV.1 3/1/2022)

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES