



Village of Morton Grove
Zoning Board of Appeals Agenda

March 19, 2024 - 7:00 P.M.

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

I. **CALL TO ORDER**

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

III. **PUBLIC HEARINGS:**

CASE: ZBA 24-02

APPLICANTS: Absolute Garage Builders/Walid Barakat
3050 W. Irving Park Road
Chicago, Illinois 60618

LOCATON: 8519 School Street
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-4-2:D and 12-12-4:A to allow the construction of a detached accessory structure on a nonconforming lot due to width.

CASE: ZBA 24-03

APPLICANT: James E. Joseph
7935 Lotus Avenue
Morton Grove, Illinois 60053

LOCATON: 7935 Lotus Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-2-2 to allow more than 2 accessory structures on a zoning lot.

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, March 19, 2024, to akirchner@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 FEBRUARY 20, 2024
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 Kintner. Acting Secretary Heidorn called the roll.

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

Members Absent: Mohr with notice

Village Staff Present: Brandon Nolin, Community Development Administrator
Zoe Heidorn, Acting Secretary
Jim English, Manager Building Inspection and Services
Rick Dobrowski, Fire Prevention Coordinator
Ralph Czerwinski, Village Administrator

Trustees Present: Minx, Thill, and Witko

Chairman 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

Chairman Kintner asked for approval of the November 21, 2023, meeting minutes. Board Member Liston moved to approve the minutes of the November 21, 2023. Board Member Dorgan seconded the motion.

Chairman Kintner called for the vote.

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

Chairman Kintner then called for the case.

CASE ZBA 24-01

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

LOCATION: 8617 Fernald 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.

Mr. Nolin said the applicants and property owners are requesting variations to authorize the installation of a shadowbox privacy 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.

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.

The applicants were sworn in by Ms. Heidorn. Mr. Bukowski said the shadowbox fence creates more openness and provides security and privacy. Ms. Russell said the shadowbox would be effective.

Board member Gabriel said the plan submitted is difficult to read and not to scale. Discussion ensued regarding the fence location.

Chairman Kintner asked if the fence location has been changed. It has been moved further west to the front of the house. Board member Stein asked if 29 feet of fence will encompass the tree and the condensing units. The fence will be setback approximately 5 feet from the front of the house.

Board member Gabriel said dimensions of the fence and its relation to the alley and front yard should be included.

Board member Stein noted the sight line triangle is not measured correctly. The plan needs to change to meet the proper triangle.

Board member Hussiani asked for the depth of the fence poles. Discussion ensued regarding the framing, brackets, and depth.

Board member Dorgan wants a more transparent fence that is line with the back of the house.

Chairman Kintner is concerned with the long run of fencing along Capulina Avenue. A five-foot fence with zero transparency has already not been approved.

The applicants discussed the transparency of a shadowbox fence. They discussed how their home is an improvement to the neighborhood.

An email of public comment was read into the record:

Email communication received 02-19-2024:

To whom it may concern,

Since we live across the street from the home under review (8617 Fernald Avenue), we think the fencing height should stay at the limit set by the zoning ordinance, which states that a fence cannot be higher than 48 inches (4 feet). This is because the fence is situated on a corner lot. Only the height is a problem for us; transparency is not the problem. This is a genuine worry

regarding the fact that there is now a significant problem with drivers disobeying stop signs at the intersection of Fernald and Capulina. This seems to be a potential problem, especially because there are many pedestrians and the school is across the street. We think that the height of the fencing at the crossroads could make it difficult for drivers to see. We also would like to keep the aesthetic look the neighborhood currently has as it is pleasantly quaint.

Respectfully,

Residents of Morton Grove

Board member Liston made a motion to approve Case ZBA 24-01, a request for approval of variations from Section 12-3-5 to allow a fence in a street side yard exceeding the allowable height from 3 feet to 5 feet, with little or no transparency for the property commonly known as 8617 Fernald Street, subject to the following conditions:

- 1) The fence shall be installed with the plans submitted, with the exception that the sight line triangle shall have legs of 10 feet to observe the required sight line triangle, dated 1/5/24.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the installation of the fence on the subject property.

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

Board Member Dorgan voting	no
Board Member Gabriel voting	no
Board Member Hussaini voting	no
Board Member Liston voting	yes
Board Member Stein voting	no
Chairman Kintner voting	no

Motion does not pass (5-1)

Chairman 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 7:34 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.

To: Chairman Kintner and Members of the Zoning Board of Appeals

From: Brandon Nolin, Community Development Administrator
Anne Ryder Kirchner, Planner/Zoning Administrator

Date: March 12, 2024

Re: **ZBA 24-02: 8519 School Street (10-20-118-008-0000)**
Request for variations from Sections 12-2-6:G, 12-4-2:D, and 12-15-4:A to allow the construction of a detached accessory structure on a nonconforming lot due to width.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the March 19, 2024, Zoning Board of Appeals public hearing for ZBA 24-02 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on February 29, 2024. The Village mailed letters on February 29, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on February 29, 2024.

Request Summary

Property Background

The property at 8519 School Street ("subject property") is an interior lot located on the east side of School Street, between South Park and Lincoln Avenues. The 5,374-square-foot subject property is within the R-2 Single-Family Residence District and is improved with a single-family residence. An improved public alley abuts the subject property to the east. Surrounding properties are also zoned R-2 and are improved with single-family dwellings and detached garages. The C/R Commercial/Residential District is located to the south along Lincoln Avenue.



Subject Property Location Map

The applicant, Walid Barakat of Absolute Garage Builders, is requesting waivers from Section 12-4-2:D and 12-15-4:A to authorize the construction of a detached garage in the rear yard, which will increase the property's floor area as defined by Section 12-17-1. Pursuant to Section 12-15-4:A, the proposed garage requires ZBA approval because the property is a nonconforming lot with respect to lot width.

In terms of rear yard and lot coverage, the proposed 20-foot by 24-foot detached garage complies with requirements for rear yard impermeable coverage (maximum 50%), rear yard accessory structure coverage (maximum 30%), and overall lot impermeable coverage (maximum 60%). The proposed garage setbacks and separation from the principal structure are also compliant. The garage will be set back five (5) feet from each side lot line and five (5) feet from the rear lot line, where a minimum of three (3) feet is required by Code.

Requested Variations

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

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Minimum Lot Area (12-4-2:D)	5,000 sq. ft.	5,374 sq. ft.	No change	Compliant
Minimum Lot Width (12-4-2:D)	45 ft.	30.0 ft.	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>
Minimum Rear Yard (12-4-2:D)	30 ft.	118 ft.	No change	Compliant
Maximum Floor Area Ratio (12-4-2:D)	0.60	0.20	0.29	Compliant
Maximum Lot Coverage (12-4-2:D)	60%	21%	32%	Compliant
Detached Accessory Building Minimum Side & Rear Setback (12-2-5:B.2.b)	3 ft.	N/A	Sides: 5 ft. Rear: 5 ft.	Compliant
Detached Accessory Building Maximum Rear Yard Coverage (12-2-5:B.2.c)	30%	N/A	13%	Compliant
Detached Accessory Building Minimum Separation from Principal Structure (12-2-5:B.2.d)	10 ft.	N/A	89 ft.	Compliant
Detached Accessory Building Maximum Height (12-2-5:B.2.e)	17 ft., 1 story	N/A	13 ft. overall height	Compliant
Construction, Expansion, or Alteration of Structures on Nonconforming Lots (12-15-4:A)	Permitted if ZBA finds it meets variance standards and does not adversely affect adjoining property	Nonconforming lot width & area	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>

As shown in the table above, the following variations are required to approve construction of a detached garage as proposed by the applicant:

- Sections 12-4-2:D and 12-15-4:A: Waivers to allow the construction of a detached accessory structure on a nonconforming lot due to lot width.



Subject Property Rear View

Discussion

The subject property is nonconforming with respect to lot width. In accordance with Section 12-15-4:A, any modification of existing structures or construction of new structures on a nonconforming lot must be approved by the ZBA. The existing principal structure is nonconforming with respect to side setback, but the setback nonconformity is not being disturbed and is permitted to continue under protection of Chapter 12-15. For building permit purposes topographic information and a drainage plan are included as the garage exceeds 400 square feet.

If the ZBA chooses to approve the applicant's request, only the project proposed in the application will be authorized. The existing principal structure and lot will remain nonconforming, but are permitted to continue. Any future expansion or alteration of the principal structure or garage will require further review and approval by the ZBA.

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 provided the responses to these standards in the Variation Application.

Recommendation

Should the Board approve Case ZBA 24-02, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-02, a request for variations from Sections 12-4-2:D, and 12-15-4 to allow the construction of a detached accessory structure on a nonconforming lot due to width, subject to the following conditions:

- 1) *The proposed garage shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 2/12/2024.*
- 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@mortongrovel.org | 847-663-3063

Case Number: 24-02

Date Application Filed: 02/12/2024

APPLICANT INFORMATION

Applicant Name: ABSOLUTE GARAGE BUILDERS / WALID BARAKAT

Applicant Address: 3050 WIRTING PARK RD.

Applicant City / State / Zip Code: CHICAGO, IL 60618

Applicant Phone: Cell # 708-205-2882

Applicant Email: wabarakat@yahoo.com

Applicant Relationship to Property Owner: GARAGE Contractor

Applicant Signature: [Signature]

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: CHRISTOPHER HANRAHAN

Owner Address: 8519 School St. MORTON GROVE, IL

Owner City / State / Zip Code: MORTON GROVE, IL 60053

Owner Phone: 847-345-5228

Owner Email: Chris3373@gmail.com

X Owner Signature: [Signature]

PROPERTY INFORMATION

Common Address of Property: 8519 School Street

Property Identification Number (PIN): 10-20-118-008-0000

Property Square Footage: 5372.5 Sq. Ft.

X Property Zoning District: 5372.5 Sq. Ft.

Property Current Use: Residential

APPLICATION INFORMATION

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

X 12-14-2, 12-16-3-A-2

Purpose of requested variation (attach as needed): To Be able to Build a detached 2-CAR

X garage on the above listed non conforming 30' Lot

RESPONSES TO STANDARDS FOR VARIATION

Provide responses to the four (4) Standards for a Variation as listed in Section 12-16-3-A-2 of the Village of Morton Grove Unified Development Code. The applicant must present this information for the official record of the Zoning Board of Appeals. 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.

The existing lot is a 30' lot and can not be changed to a 45' lot.

- 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 their land. Mere loss in value shall not justify a variation.

Strict application of the provisions would not allow for the building of a garage to store & protect vehicles, which most homes have.

- 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.

The granting of any variation will allow the building of a garage which would be similar to what other neighbors have & would not be detrimental to the public welfare or to other property or improvements in the neighborhood. It will not change the character of the area.

- 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 variation to build a garage will not impair an adequate supply of light & air to adjacent property. It will not increase congestion because less vehicles will be parked on the street. It will not cause a danger to the public & will keep the character with the neighborhood.

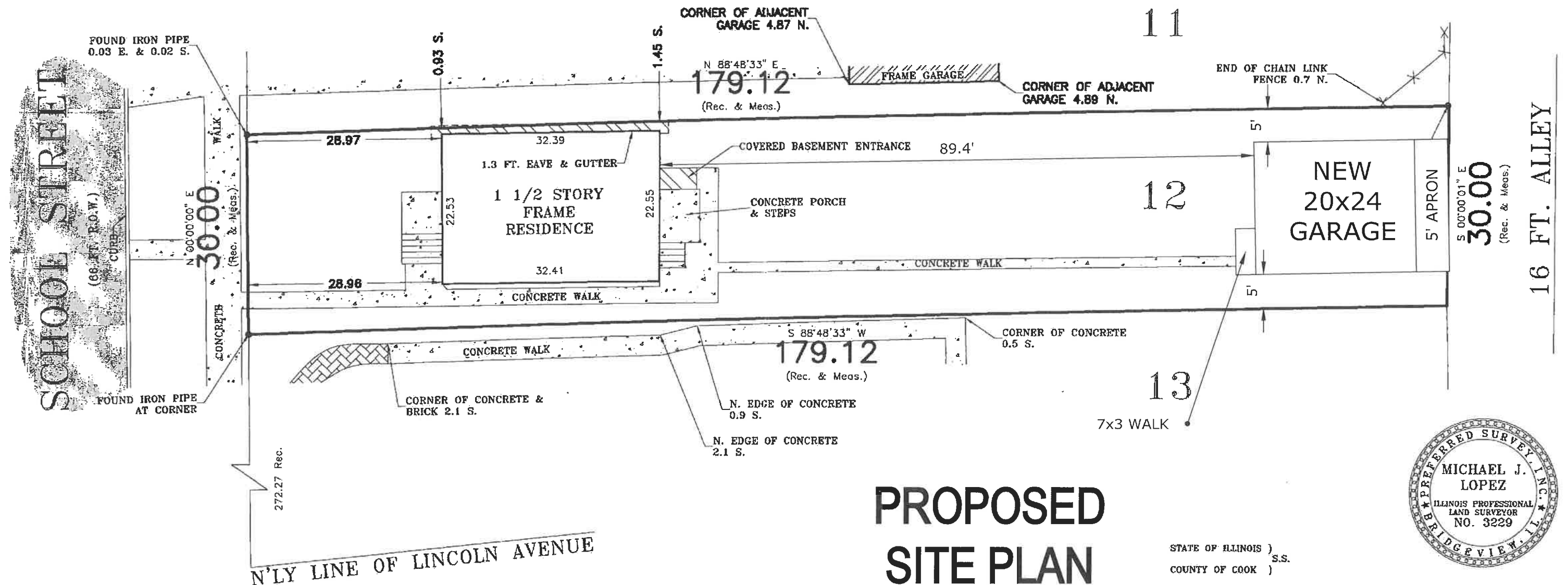
PLAT OF SURVEY of

LOT 12 IN MARKWARDT'S SUBDIVISION OF LOTS 3 AND 10 IN THE CIRCUIT COURT PARTITION OF LOTS 19 AND 24 IN THE COUNTY CLERK'S DIVISION OF SECTION 20 AND THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 19 AND THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, LYING BETWEEN AND BOUNDED BY THE SOUTH LINE OF SAID LOT 24, IN COUNTY CLERK'S DIVISION AND THE NORTHERLY LINE OF MILLER'S MILL ROAD, ALL IN TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 8519 SCHOOL STREET, MORTON GROVE, ILLINOIS
P.I.N. 10-20-118-008



SCALE: 1"=15'



PROPOSED SITE PLAN



STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

SURVEY ORDERED BY: LAW OFFICE OF TERESA HOFFMAN LISTON

I, MICHAEL J. LOPEZ, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS
21ST DAY OF SEPTEMBER A.D. 2020

MY LICENSE EXPIRES ON 11/30/20

P.S.I. NO. 202507



GENERAL NOTES:

- 1) THE LEGAL DESCRIPTION HAS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- 2) THIS SURVEY SHOWS THE BUILDING LINES AND EASEMENTS AS INDICATED BY THE RECORDED PLAT. THIS PLAT DOES NOT SHOW ANY RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES UNLESS SUPPLIED BY THE CLIENT.
- 3) BASIS OF BEARING FOR THIS SURVEY IS AS ASSUMED NORTH.
- 4) MONUMENTS WERE NOT SET PER THE CLIENT REQUEST.
- 5) LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY. NO INTERPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN HEREON.
- 6) ONLY COPIES WITH AN ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL DOCUMENTS. ALL SURVEYS ARE COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.

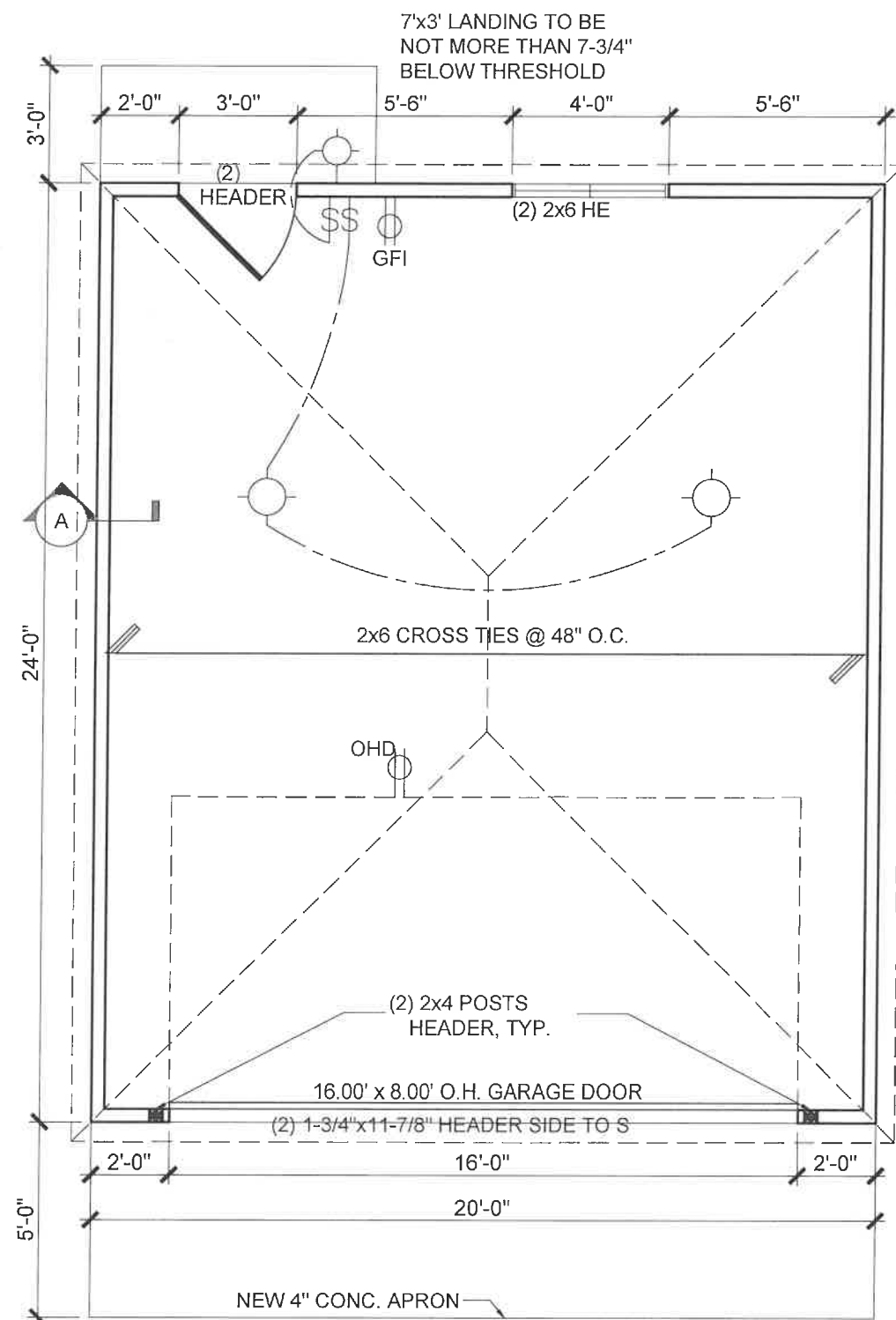
Professional Design Registration #184-002795



**Preferred
SURVEY, INC**

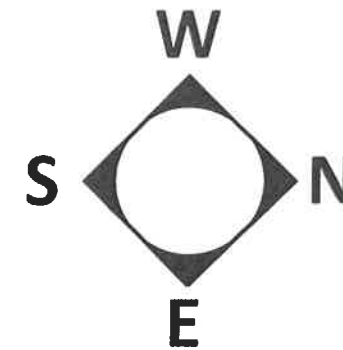
7845 W. 78TH STREET, BRIDGEVIEW, IL, 60455
Phone 708-458-7845 / Fax 708-458-7855
www.psisurvey.com

Field Work Completed	09/16/2020	FLD CREW:	BL/TT
Land Area Surveyed	5,372.5 Sq. Ft.	CAD:	EG
Drawing Revised			



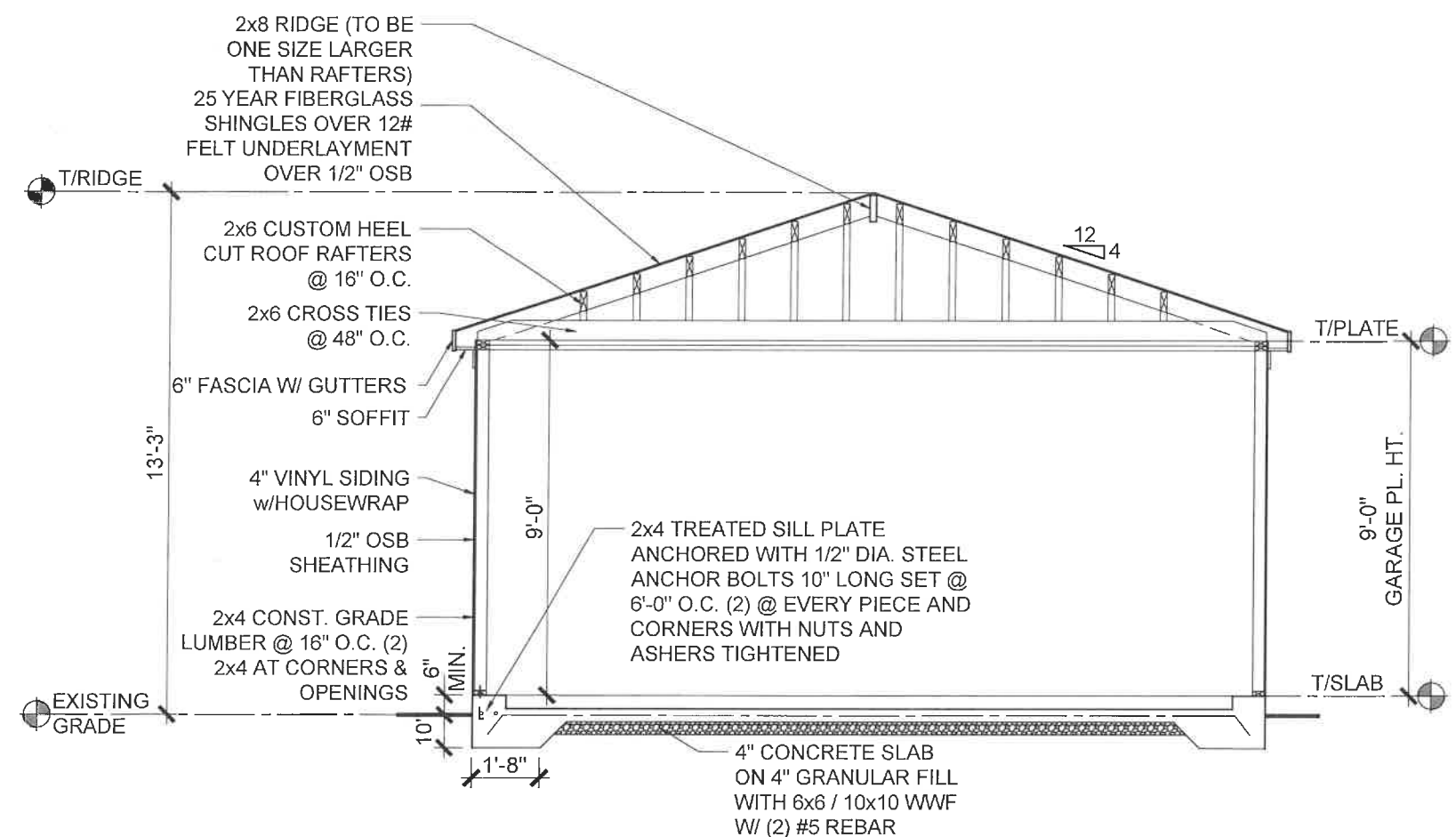
FLOOR PLAN

SCALE: 1/4" = 1'-0"



ELECTRICAL DETAILS

- CIRCUITS: (1) 20 AMP. #12 GA. (1) 15 AMP. #14 GA.
- CONTAINED IN 1/2" RIGID STEEL CONDUIT
- BURIAL DEPTH: 18 INCHES
- WIRING: SEPARATE CIRCUITS TO ELECTRICAL PANEL



BUILDING SECTION

SCALE: 1/4" = 1'-0"



DETACHED GARAGE - HIP ROOF
8519 SCHOOL ST. - MORTON GROVE - HANRAHAN RESIDENCE

CONTRACTOR:

ABSOLUTE GARAGE BUILDERS
 3050 W. IRVING PARK ROAD
 CHICAGO, IL. 60618

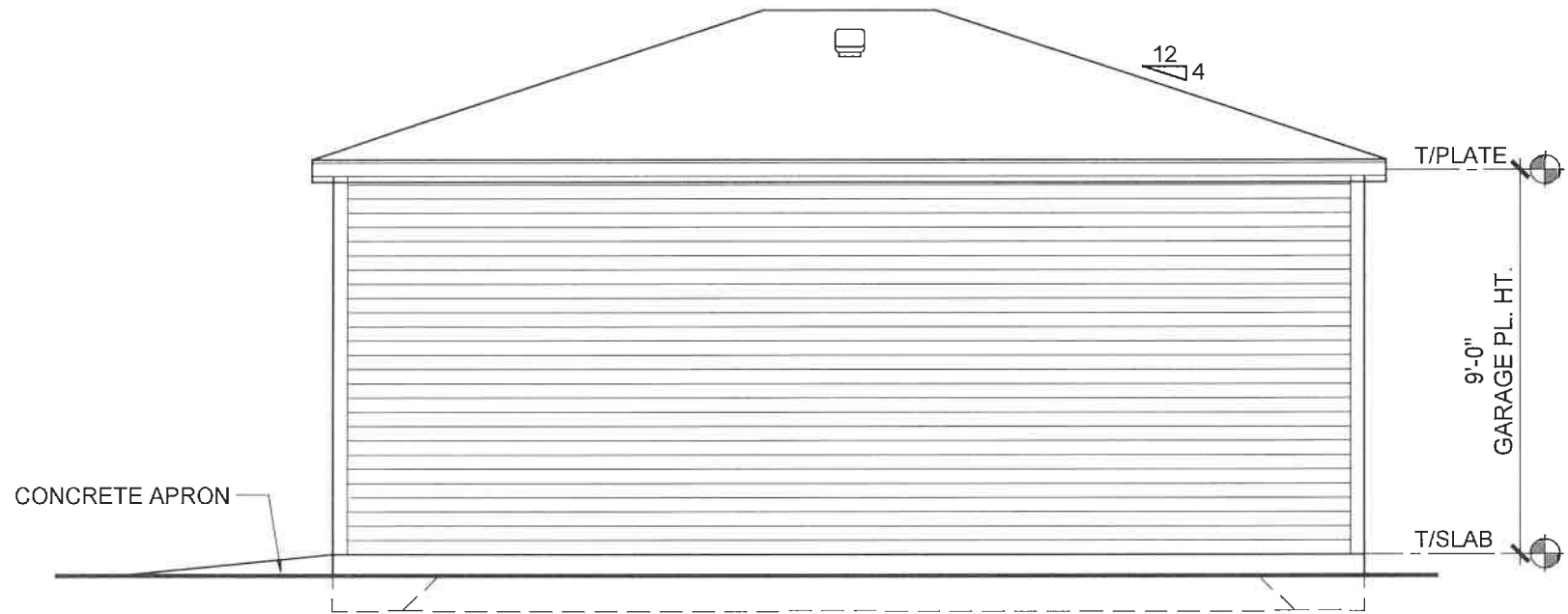
PHONE: (773) 583-8800
 (847) 769-8877

SHEET NAME:

**FLOOR PLAN &
 BUILDING SECTION**

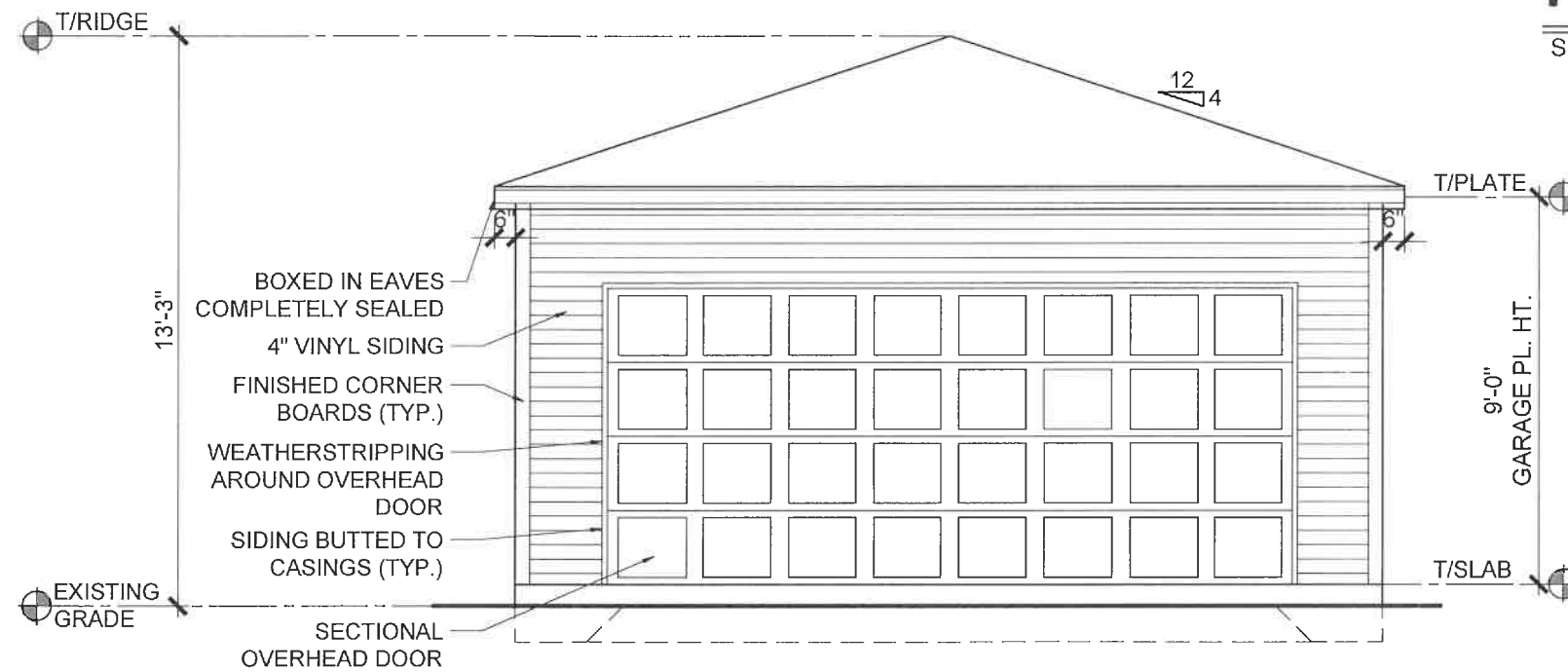
SHEET NUMBER:

1 OF 3



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"



DETACHED GARAGE - HIP ROOF
8519 SCHOOL ST. - MORTON GROVE - HANRAHAN RESIDENCE

CONTRACTOR:

ABSOLUTE GARAGE BUILDERS

3050 W. IRVING PARK ROAD
 CHICAGO, IL. 60618

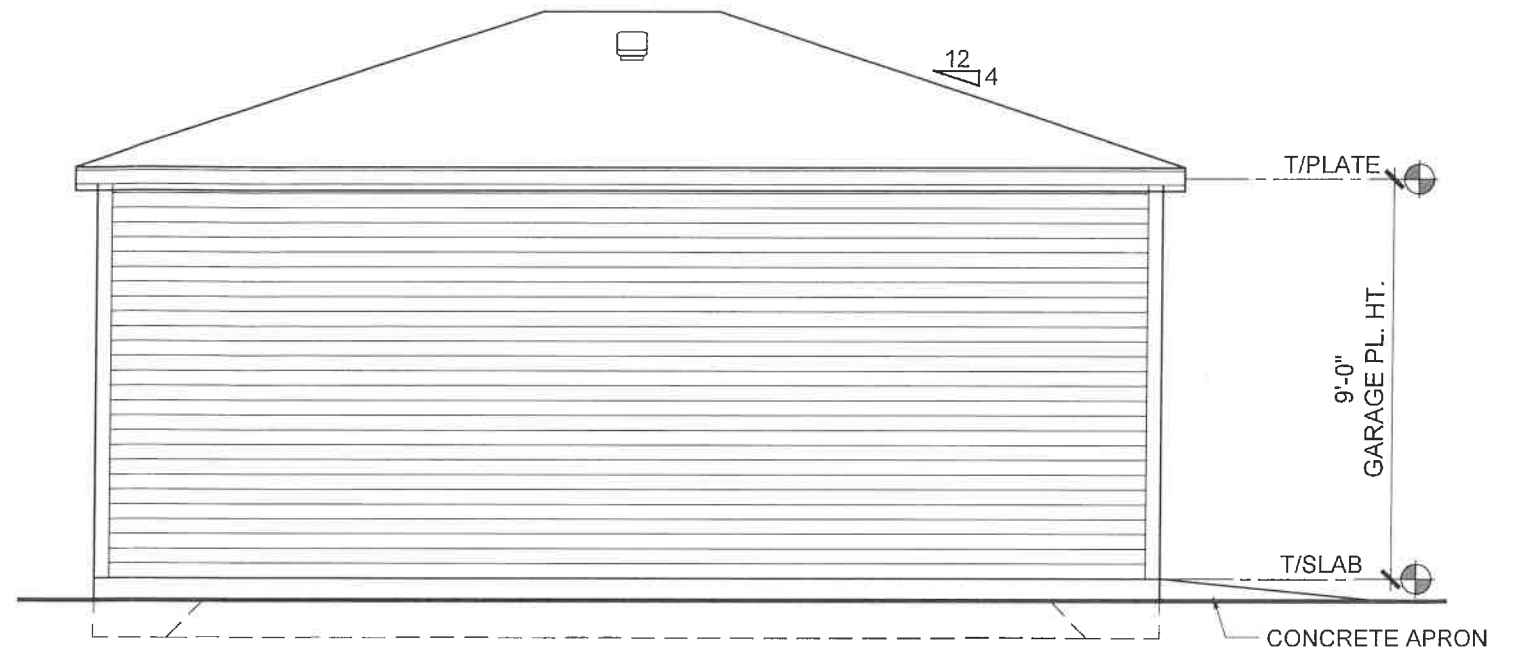
PHONE: (773) 583-8800
 (847) 769-8877

SHEET NAME:

ELEVATIONS

SHEET NUMBER:

2 OF 3



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"



DETACHED GARAGE - HIP ROOF
8519 SCHOOL ST. - MORTON GROVE - HANRAHAN RESIDENCE

CONTRACTOR:

ABSOLUTE GARAGE BUILDERS

3050 W. IRVING PARK ROAD
 CHICAGO, IL. 60618

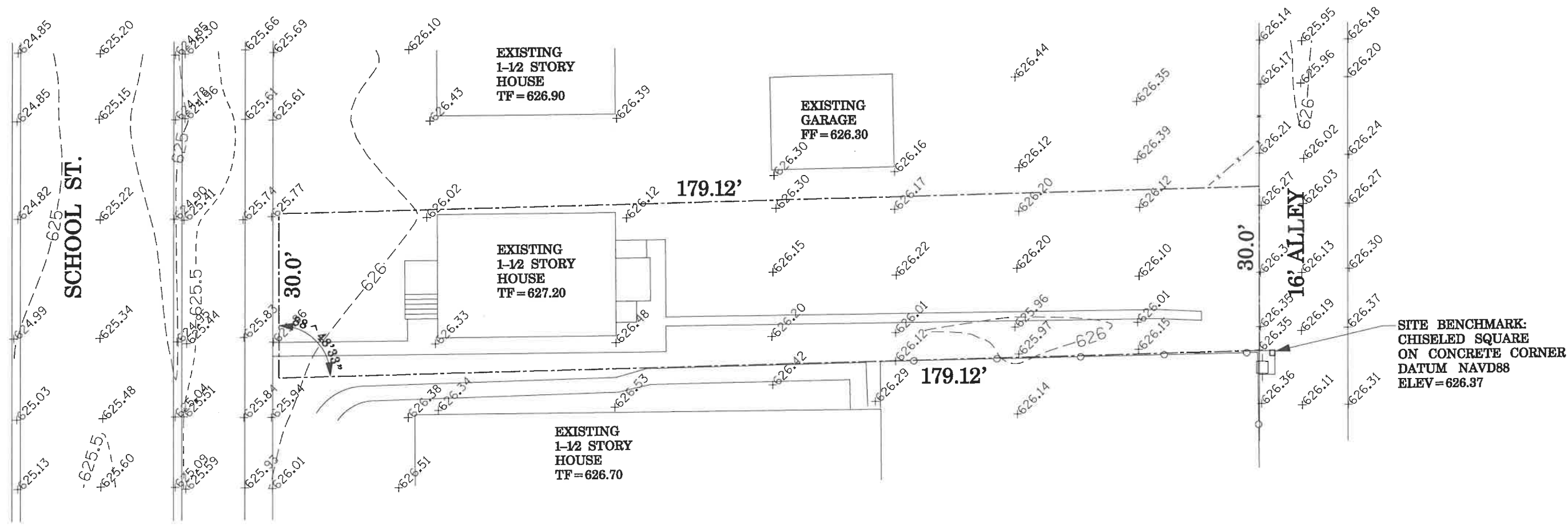
PHONE: (773) 583-8800
 (847) 769-8877

SHEET NAME:

ELEVATIONS

SHEET NUMBER:

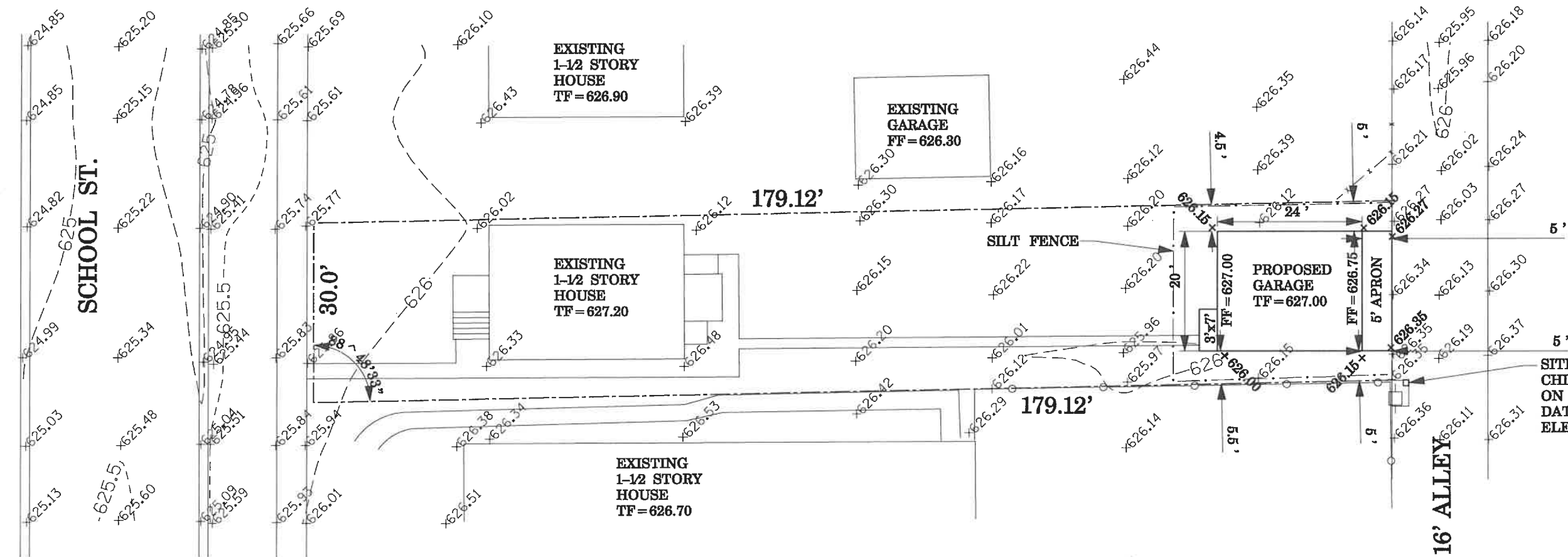
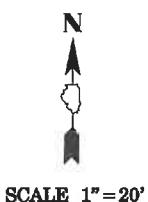
3 OF 3



EXPIRES 11/30/23

Victor Cardona

NO.		DATE
8519 SCHOOL ST. MORTON GROVE, IL		
		DATE
		10/2/23
VICTOR CARDONA, P.E. 3529 OAKHILL LN. LONG GROVE, IL 60047		
847-323-2686 cel		
AVILAONE@HOTMAIL.COM		
EXISTING CONDITIONS		

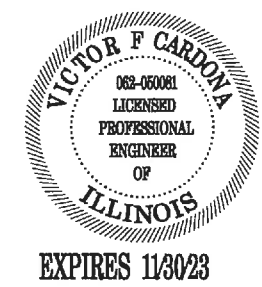


SITE BENCHMARK:
CHISELED SQUARE
ON CONCRETE CORNER
DATUM NAVD88
ELEV = 626.37

IMPERVIOUS AREAS (SF)		
	PRE	POST
HOME	730	730
WALKs	478	443
PORCHs	128	128
DRIVEWAY	0	100
GARAGE	0	480
TOTAL	1336	1881

NET GAIN = 545 SF

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THIS PROJECT OR ANY PART THEREOF, OR IF THAT SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO THE SUBJECT PROPERTY TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION.



Victor Cardona

CALL JULIE TOLL FREE
1(800)892-0123
OPERATES 24 HOURS A
DAY 365 DAYS A YEAR

WARNING

CALL BEFORE
YOU DIG

CALL
1(800)892-0123
48 HOURS BEFORE
YOU DIG

NO.	DATE
8519 SCHOOL ST. MORTON GROVE, IL	
DATE 10/2/23	
VICTOR CARDONA, P.E. 3529 OAKHILL LN. LONG GROVE, IL 60047	
847-323-2686 cel	
AVILAONE@HOTMAIL.COM	
PROPOSED CONDITIONS	

To: Chairman Kintner and Members of the Zoning Board of Appeals

From: Brandon Nolin, Community Development Administrator
Anne Ryder Kirchner, Planner/Zoning Administrator

Date: March 12, 2024

Re: ZBA 24-03: 7935 Lotus Avenue (10-28-103-011-0000, 10-28-103-012-0000, 10-28-103-013-0000)
Request for variation from Section 12-2-2:B to allow more than 2 accessory structures on a zoning lot.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the March 19, 2024, Zoning Board of Appeals public hearing for ZBA 24-03 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on February 29, 2024. The Village mailed letters on February 29, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on February 29, 2024.

Request Summary

Property Background

The property at 7935 Lotus Avenue ("subject property") is an interior lot located on the east side of Lotus Avenue, between Oakton and Kirk Streets. The 11,214 -square-foot subject property is within an R-2 Single-Family Residence District and is improved with a single-family residence, garage, shed, above ground pool and deck. An unimproved public alley abuts the subject property to the north, which provides access to the applicant's garage. Surrounding properties are also zoned R-2 and are improved with single-family dwellings.



Subject Property Location Map

Application Overview

The applicant, James E. Joseph, is requesting waivers from Section 12-2-2:B to authorize the construction of a pergola in the side yard which exceeds the maximum allowable number of accessory structures permitted on a zoning lot. There are currently 2 structures, a detached garage and shed, on the property. The shed and fence along the east property line were approved as encroachments in an unimproved alley.

In terms of all other unified development code (UDC) requirements, the property will be compliant. Specifically, lot and yard coverage, floor area ratio, yard setbacks, and height. Staff worked closely with the applicant to decrease the number of waivers to be considered from seven (7) to one (1).

Requested Variations

The following provides a summary of the requested variation based on Unified Development Code requirements (not including current installation of non-permitted pergola:

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Number of Structures Allowed on a Zoning Lot (12-2-2:B)	Maximum of 2 Accessory Structures	2 Accessory Structures	2 Accessory Structures	Approval of a third accessory structure
Minimum Lot Area (12-4-2:D)	5,000 sq. ft.	11,214 sq. ft.	No change	Compliant
Minimum Lot Width (12-4-2:D)	45 ft.	90.0 ft.	No change	Compliant
Minimum Rear Yard (12-4-2:D)	30 ft.	51 ft.	No change	Compliant
Maximum Floor Area Ratio (12-4-2:D)	0.60	0.25	0.25	Compliant
Maximum Lot Coverage (12-4-2:D)	60%	53%	56%	Compliant
Permitted Obstruction: Pergolas Attached & Detached 12-2-6:G	Maximum 8 feet height Not a permitted obstruction is side yard Maximum 30% yard coverage (361 sq. ft)	N/A	8 feet to top of beam 5 ft. side yard 355 sq. ft.	Compliant
Detached Accessory Building Minimum Separation from Principal Structure (12-2-5:B.2.d)	10 ft.	N/A	10.25 ft.	Compliant

As shown in the table above, the following variation is required to approve construction of a pergola as proposed by the applicant:

- Section 12-2-2:B Waiver to allow the construction of more than two (2) accessory structures on a zoning lot, provided they meet all of the regulations of section 12-2-5, "Accessory Building and Uses", of the Unified Development Code.

Discussion

The applicant constructed a 2-story addition to the home, a pool with deck, and a pergola without securing building permits. Mr. Joseph has been working with the building department, code enforcement, and community and economic development to secure the proper permits, inspections and compliance. The zoning variance application site plan depicts reduction in the size of the pergola and its location relative to the front and side lot lines to meet impermeable surface coverage and setback

requirements. Removal of the gravel material beneath the pergola and installation of sod or similar groundcover is a condition of a variation and building permit approval.

The existing pergola and impermeable surface underneath, will be reconstructed to meet the 5-foot side yard, 8-foot height to top of beam, and 30% yard coverage requirements.



Subject Property Showing Current Pergola Location

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 provided the responses to these standards in the Variation Application.

Recommendation

Should the Board approve Case ZBA 24-03, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-03, a request for variations from Sections 12-2-2:B to allow more than two (2) accessory structures on a zoning lot subject to the following conditions:

- 1) *The proposed pergola shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 2/13/2024.*
- 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)

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

Case Number: 24-03 Date Application Filed: 2/13/24

APPLICANT INFORMATION

Applicant Name: James E Joseph
Applicant Address: 7935 Lotus Ave
Applicant City / State / Zip Code: Morton Grove IL 60053
Applicant Phone: 773 920-8876
Applicant Email: James-Joseph2000@yahoo.com
Applicant Relationship to Property Owner: _____
Applicant Signature: James Joseph

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: James E Joseph
Owner Address: 7935 Lotus Ave
Owner City / State / Zip Code: Morton Grove IL 60053
Owner Phone: 773 920-8876
Owner Email: James-Joseph2000@yahoo.com
Owner Signature: James Joseph

PROPERTY INFORMATION

Common Address of Property: 7935 Lotus Ave
Property Identification Number (PIN): 10-28-103-011, 012, 013
Property Square Footage: 11,214 sqft
Property Zoning District: R-2
Property Current Use: _____

APPLICATION INFORMATION

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

12-2-2: Number of Structures Allowed on a Zoning Lot
Purpose of requested variation (attach as needed): Installation of a Pergola (3rd Structure on zoning lot)

RESPONSES TO STANDARDS FOR VARIATION

Provide responses to the four (4) Standards for a Variation as listed in Section 12-16-3-A-2 of the Village of Morton Grove Unified Development Code. The applicant must present this information for the official record of the Zoning Board of Appeals. 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.

No this hardship is not being caused by any persons
presently having 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 their land. Mere loss in value shall not justify a variation.

We have 3 lots of land and would like to use
the additional space for our children and grand-
children to be outside during the summer months

- 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.

No, our request would not be detrimental to
the public, other neighbors, or any other
properties in the neighbors.

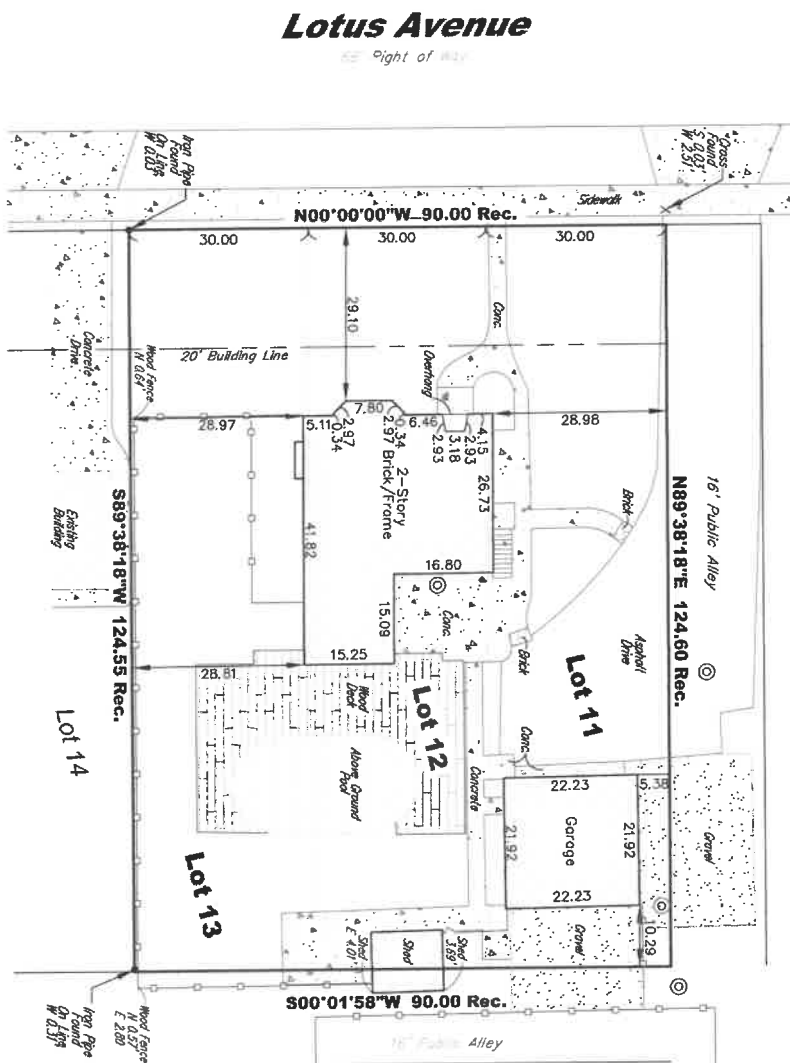
- d. **Not Detrimental to Neighborhood:** The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire, endanger the public safety, or alter the character of the neighborhood.

No we would not be encroaching on any
entity within our neighbors or neighborhood.



PLAT OF SURVEY

LOTS 11, 12 AND 13 IN BLOCK 1 IN OLIVER SALINGER AND COMPANY'S DAKTON STREET SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



State of Illinois)
County of Lake)

- Legend:
O Set 1/2" Iron Pipe
● Found Iron Pipe
X Found Cross
- Surveyor Notes:
1. Field Work Completed on 07-31-2023
2. Prepared for Little Firm, LLC.
3. Site Address: 7935 Lotus Avenue, Morton Grove IL 60053
4. Plot No.: 10-28-103-013
5. The easements shown hereon are provided from the recorded subdivision plat. No search of the records for easements or encumbrances was made as part of this survey.
6. Compare a deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once.
7. Audio CD's will not be released under this contract.
8. No boundary corners were set at time of field survey of the subject property by client agreement.
9. The utilities as shown on this drawing were developed from the information available. This is not implied nor intended to be the complete inventory of utilities in this area. It is the clients responsibility to verify the location of all utilities (whether shown or not) and protect said utilities from any damage.
10. All building dimensions and this are to the current siding material and not to the foundation.
11. This plat was prepared without the aid of a title commitment. Refer to a current title commitment for any building lines or easements not shown on this plat.

Wm. Land Surveying Services, Inc. do hereby state that we have surveyed the above described property and that this is the Plat that represents the conditions found on the day of the survey. Given under my hand and seal this 31st day of July, A.D. 2023 in Cook County, Illinois.
Gloria Jean Koter, Surveyor
Illinois Professional Land Surveyor License Number 035-003323
Date 11-30-24

STATE OF ILLINOIS
COUNTY OF LAKE
Gloria Jean Koter
035-003323
11-30-24

This professional service conforms to the current Illinois minimum standards for a plat of survey.

Survey Number
PLAT OF
SURVEY

Job Number
LS170585-1



Land Surveying Services, Inc.

1182 Heather Drive Lake Zurich, Illinois 60047
Ph. (847)847-1079 Fax. (847)847-1279
Professional Design Firm License No. 184-003632

Field Work Completed: 07-28-2023
Scale: 1" = 20' Date: 07-31-2023

Site Address:

7935 Lotus Avenue
Morton Grove, Illinois

Drawn By: LR Field Work By: DH

Drawing Revisions

REVISION	Date	Drawn	Checked

- 5

Floor - 40 # 10 I# all typical all areas
 Deck - 40 # p.f. or actual load
 Balcony - 40 # 10 I# all exterior
 Deck - 40 # 10 I# all exterior
 Stairwell - 40 # 10 I# all
 Snowload - 25 p.s.f.

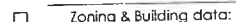
Soil bearing capacity - 1500 p.s.f.
 Concrete compressive strength - 3000 p.s.i.
 for floor work - 4000 p.s.i.
 Reinforcing steel: A.S.T.M. A615 - Grade 60
 Structural steel: A992 - 50 ksi. for "W" Sections
 Py = 46 ksi. for Tube Sections. A 36 for all other sections

Structural Framing Lumber:
 Grade #2 south SPF Canadian base BF = 875
 Grade #1 species SYP domestic base BF = 875 (local)
 Grade #1 species hem - fir base BF = 1050

- * see details for additional information

concrete foundation wall
masonry wall
brick veneer wall
frame exterior wall
object to be removed
beam/ header
steel column/ wood post
concrete pier/ pad
Deck/ landing: (v.i.t.)

* Pressure treated wood or approved composite decking materials.



1

APPLICABLE CODES :

- 2018 International Building Code
- 2018 International Residential Code
- 2018 International Existing Building Code
- 2018 International Fire Code

State & Federal agency requirements
Local AHJ ordinances


Approved Construction Documents
shall be on site for all inspections **

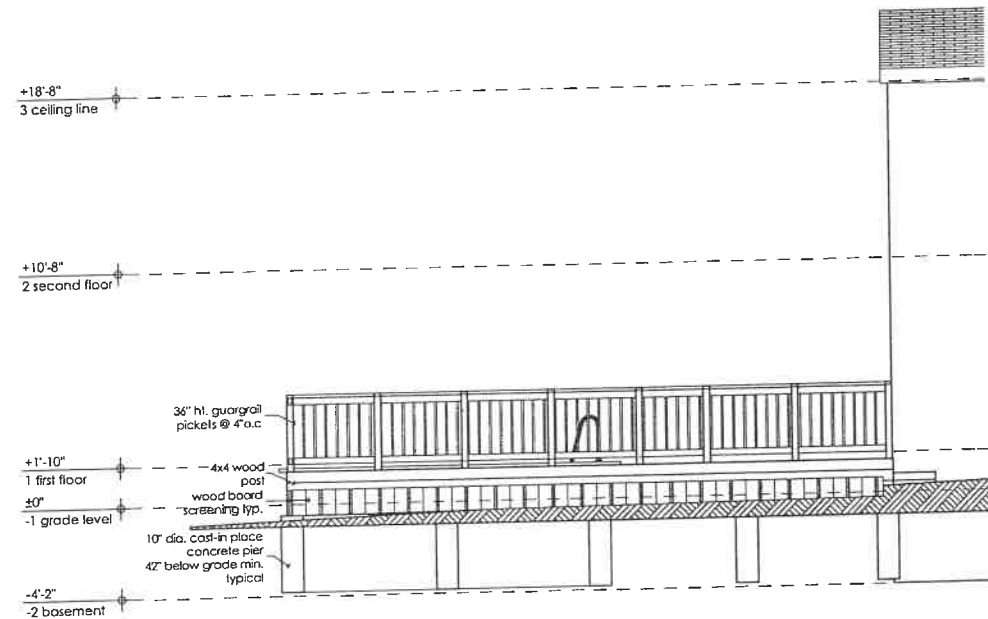
SCALE: 1" = 10'

A-1 Architectural site plan. Notes
A-2 Floor plans. Elevations. Details
A-3 Pergola plans, details

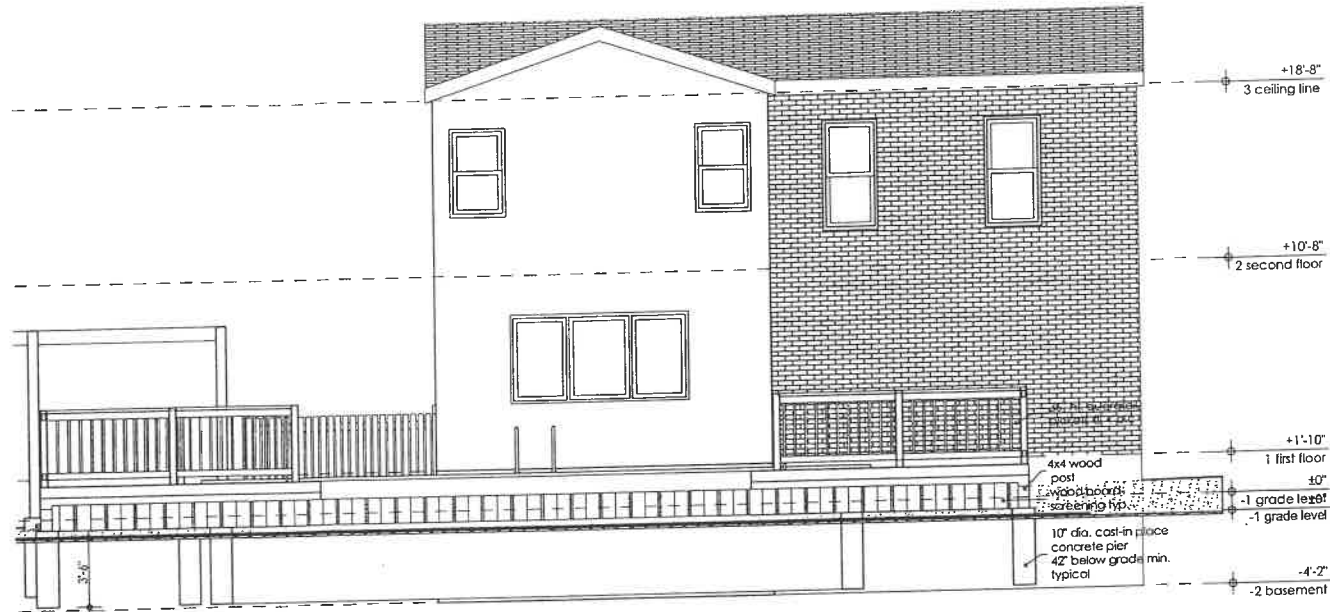
7935 N LOTUS AVE. MORTON
GROVE *** ILLINOIS

ITEM	BY	DATE	DESCRIPTION
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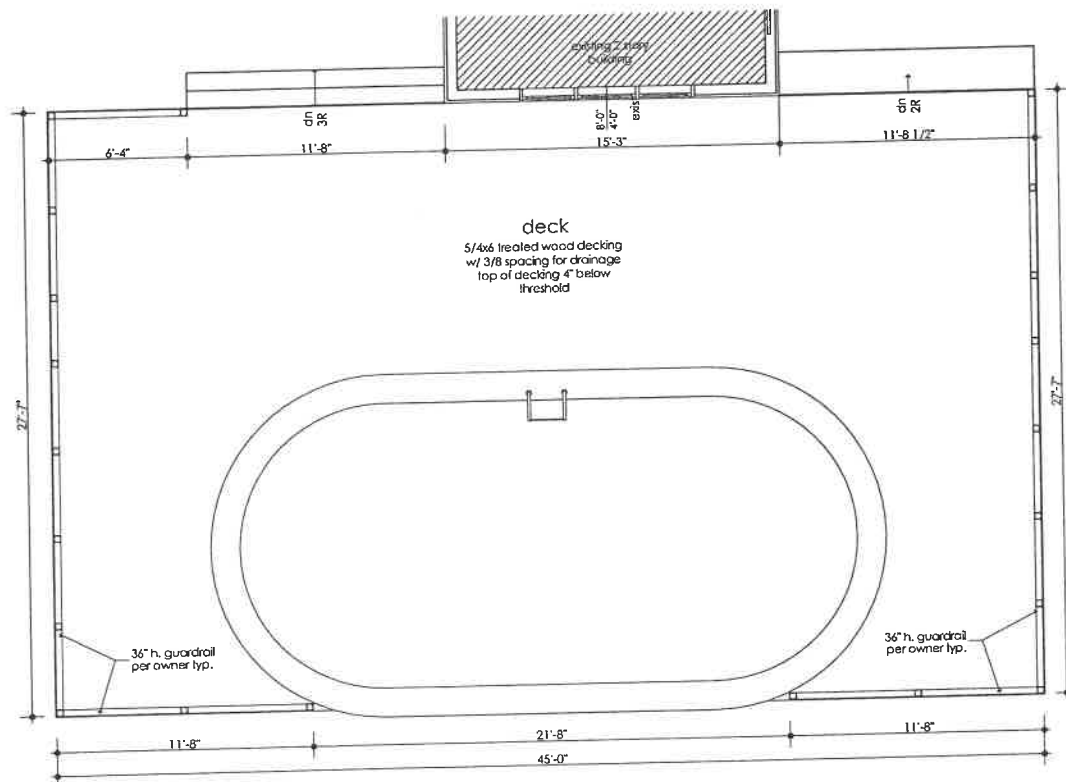
DATE: JAN 17, 2024	DESIGNED: —
	DRAWN: —
	CHECKED: —
	APPROVED: —
	DATE: —
	A3
	SHEET 0



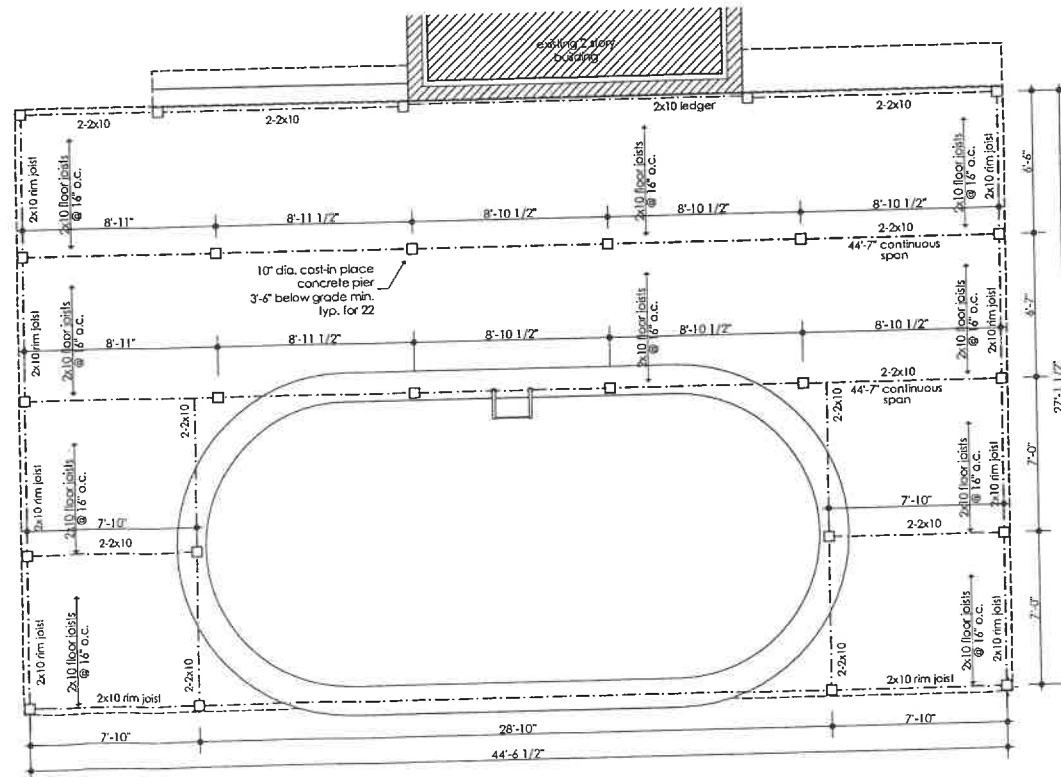
Right Elevation
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Rear Elevation
SCALE: 1/4" = 1'-0"



First Floor Plan
SCALE: 1/4" = 1'-0"



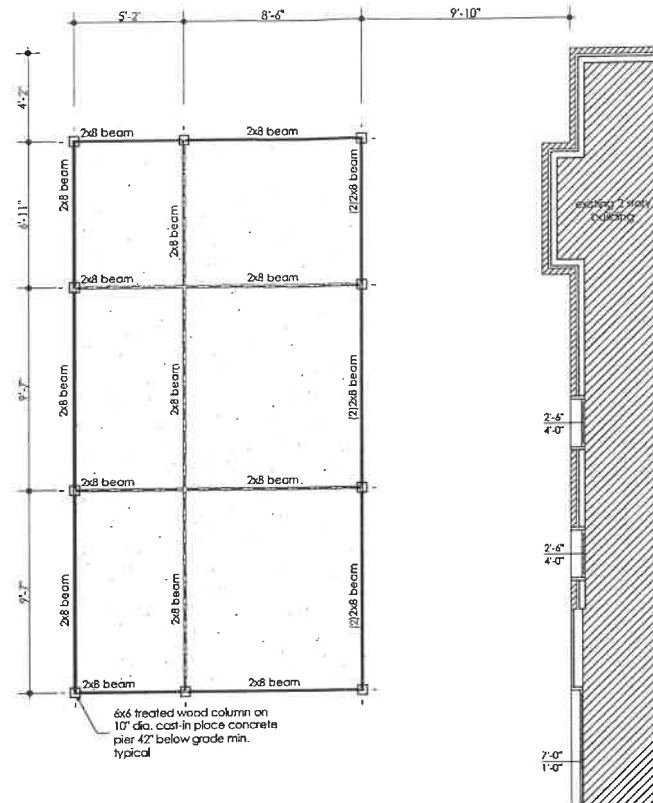
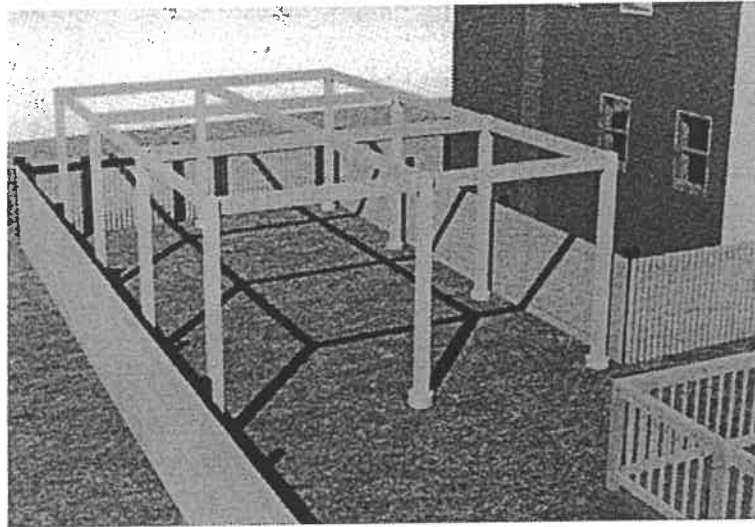
Grade level plan
SCALE: 1/4" = 1'-0"

William Warman Architect

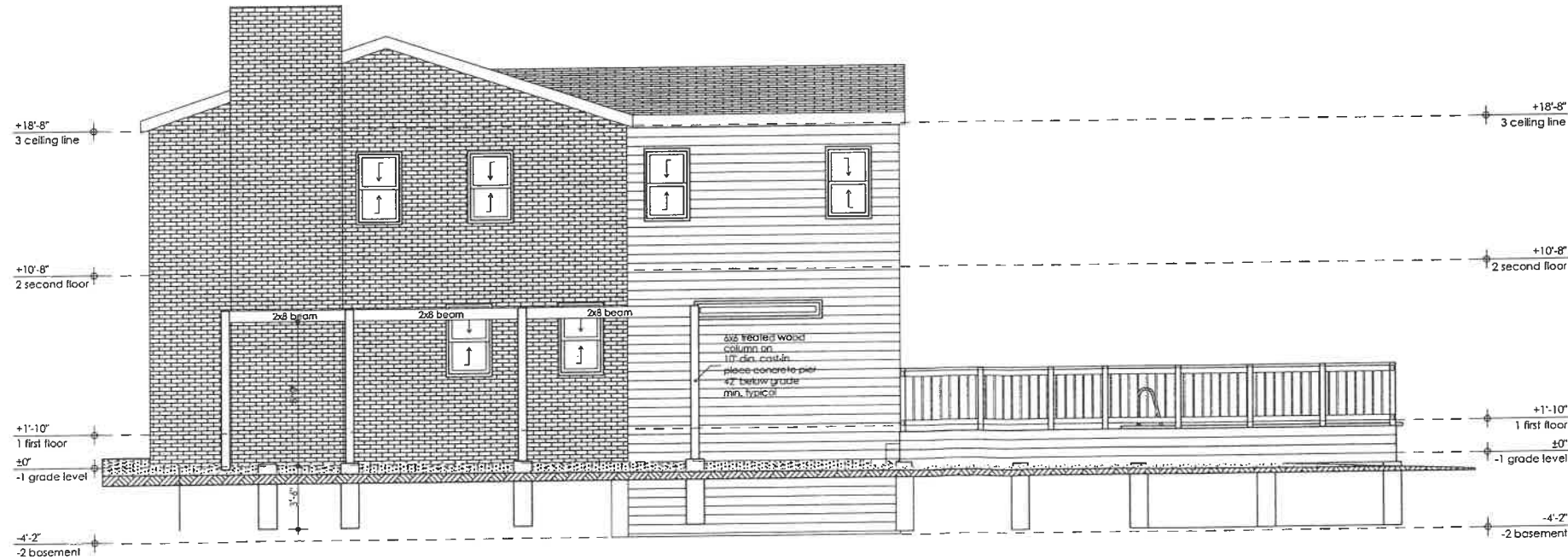
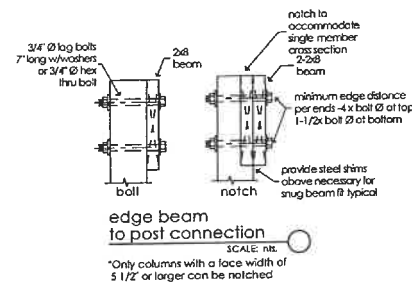
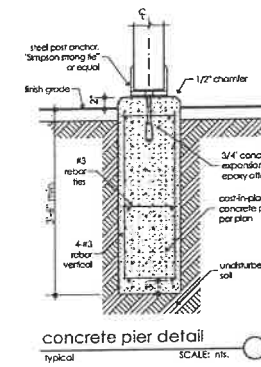
27 East Monroe Street
Suite 1100C
Chicago, Illinois 60603
1-312-310-2626
wwarchitects@gmail.com

WOOD DECK
7935 N LOTUS AVE. MORTON
GROVE *** ILLINOIS

DATE:	JAN 17, 2024	DESIGNED: --	DRAWN: --
CHECKED: --	APPROVED: --	DATE: --	
A2		SHEET OF	



First Floor Plan
SCALE: 1/4" = 1'-0"



Left Elevation
SCALE: 1/4" = 1'-0"

William Warman Architect

27 East Monroe Street
Suite 1100C
Chicago, Illinois 60603
1-312-310-2625
warmanarchitects@gmail.com

WOOD DECK
7935 N LOTUS AVE. MORTON
GROVE *** ILLINOIS

DATE	JAN 17, 2024	DESIGNED	---
DRAWN	---	CHECKED	---
APPROVED	---	DATE	---
A3			
SHEET OF			