

#### 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

<u>PETITION:</u> 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

<u>PETITION:</u> 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 <a href="mailto:akirchner@mortongroveil.org">akirchner@mortongroveil.org</a>. 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

<u>PETITION:</u> 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.



Incredibly Close & Amazingly Open

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

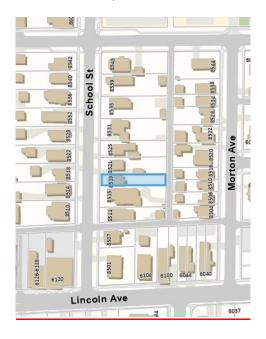
#### **Public Notice**

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<br>(12-4-2:D)  | 5,000 sq. ft.   | 5,374 sq. ft.                  | No change                      | Compliant  |
| Minimum Lot Width<br>(12-4-2:D)   | 45 ft.  | 30.0 ft.                       | No change                      | Approval of the construction of a structure on a nonconforming lot (12-15-4:A)       |
| Minimum Rear Yard<br>(12-4-2:D)   | 30 ft.  | 118 ft.                        | No change                      | Compliant  |
| Maximum Floor Area Ratio<br>(12-4-2:D)  | 0.60  | 0.20                           | 0.29                           | Compliant  |
| Maximum Lot Coverage<br>(12-4-2:D)  | 60%   | 21%                            | 32%                            | Compliant  |
| Detached Accessory Building<br>Minimum Side & Rear Setback<br>(12-2-5:B.2.b)                    | 3 ft.   | N/A                            | Sides:<br>5 ft.<br>Rear: 5 ft. | Compliant  |
| Detached Accessory Building<br>Maximum Rear Yard Coverage<br>(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<br>height       | Compliant  |
| Construction, Expansion, or<br>Alteration of Structures on<br>Nonconforming Lots<br>(12-15-4:A) | Permitted if ZBA finds it<br>meets variance<br>standards and does not<br>adversely affect<br>adjoining property | Nonconforming lot width & area | No change                      | Approval of the construction<br>of a structure on a<br>nonconforming lot (12-15-4:A) |

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

 <u>Sections 12-4-2:D and 12-15-4:A:</u> 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. <u>Not Self-Imposed:</u> 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. <u>Nonmonetary Considerations</u>: 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. <u>Not Detrimental to Public Welfare</u>: 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. <u>Not Detrimental to Neighborhood</u>: 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)



X

## **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: Date Application Filed: OZ (ZOZY   |
|----------|---|
|          | APPLICANT INFORMATION   |
|          | Applicant Name: ABSOLUTE CHRAGE BUILDERS / WALTO BARAKAT  |
|          | Applicant Address: 3050 WIRVING PARK Rd.  |
|          | Applicant City / State / Zip Code: CHTCAGO TO GOG 8   |
|          | Applicant Phone: Cell # 708-205-2882  |
|          | Applicant Email: wabarakate yahoo.com   |
|          | Applicant Relationship to Property Owner: GAKACE Contractor   |
|          | Applicant Signature:  |
|          | PROPERTY CHARLED INFORMATION (************************************  |
|          | PROPERTY OWNER INFORMATION (# DEFERENT FROM APPLICANT)  |
|          | Owner Name: CHRISTOPHER HANRAHAN  Owner Address: 8518 School St. MORTON GROVE P1.                               |
|          | Owner City / State / Zip Code: MORTON GROVE P2 (5053  |
|          | 01.15 01.11 ACS 1.46  |
|          |   |
|          | Owner Email: Chrish 3373 e gmail. Com Owner Signature:  |
| <u>(</u> | Owner Signature:  |
|          | PROPERTY INFORMATION  |
|          | Common Address of Property: 8519 School Street  |
|          | Property Identification Number (PIN): /0-20-118-008-0000  |
|          | Property Square Footage: 5372.5 Sg. Fr  |
| (        | Property Zoning District: 53 73.5 Sp. 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 966 to Build a detected a care                         |
| X        | garage on the about 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 Left is a 30' Left and can not be charged. It a 45' Left and can not be charged.                          |
|----|--|
|    | THE EXISTING LOT 13 4 STEEL GITTE CHANGE OF CHANGES, I. T.   |
| b. | of this title would deprive the applicant of a reasonable use of their land. Mere loss in value shall not justify a variation.   |
|    | Street 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  |
|    | in the weighborhood. It will not charge the Chargete of the grea.  |
| 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. |
|    | Supply of light & and to adjacent property. It will not increase Consider  |
|    | to the public & will keep In character with the neighborhood,  |
|    | to the public & will keep on courseld with the neighbor how,   |

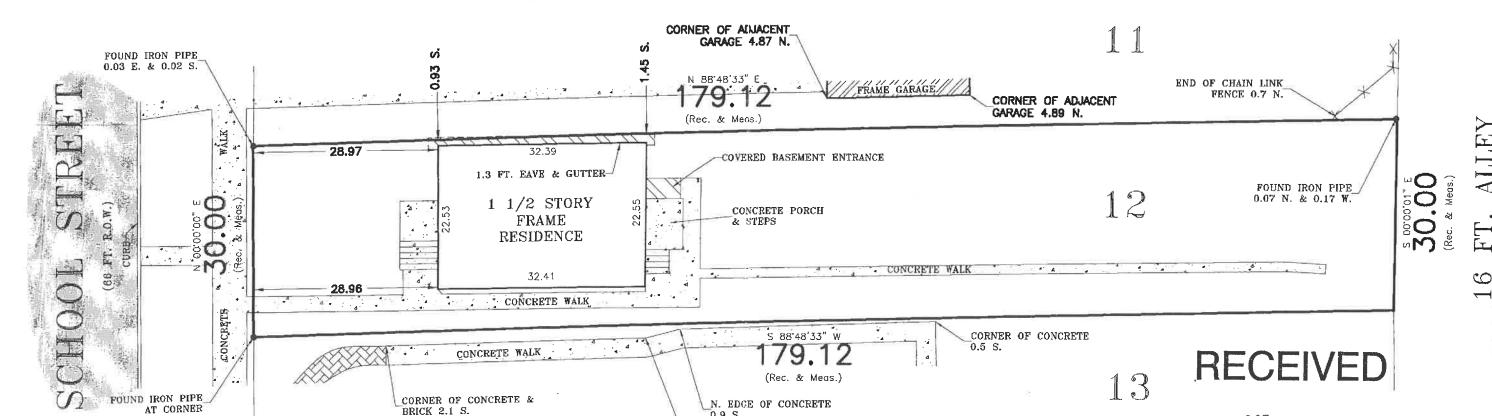
## **PLAT OF SURVEY**

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'



## **EXISTING** N'LY LINE OF LINCOLN AVENUE SITE PLAN

N. EDGE OF CONCRETE

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.



VILLAGE OF MORTON

STATE OF ILLINOIS ) COUNTY OF COOK )

SURVEY ORDERED BY: LAW OFFICE OF TERESA HOFFMAN LISTON

0CT - 3 2023

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

21ST A.D 2020 MY LICENSE EXPIRES ON 11/30/20

P.S.I. NO. 202507



Drawing Revised

SURVEY, INC 7845 W. 79TH STREET, BRIDGEVIEW, IL, 60455 Phone 708-458-7845 / Fax 708-458-7855

www.psisurvey.com 09/16/2020 FLD CREW: BL/TT Field Work Completed 5,372.5 Sq. Ft. CAD: Land Area Surveyed

Professional Design Registration #184-002795

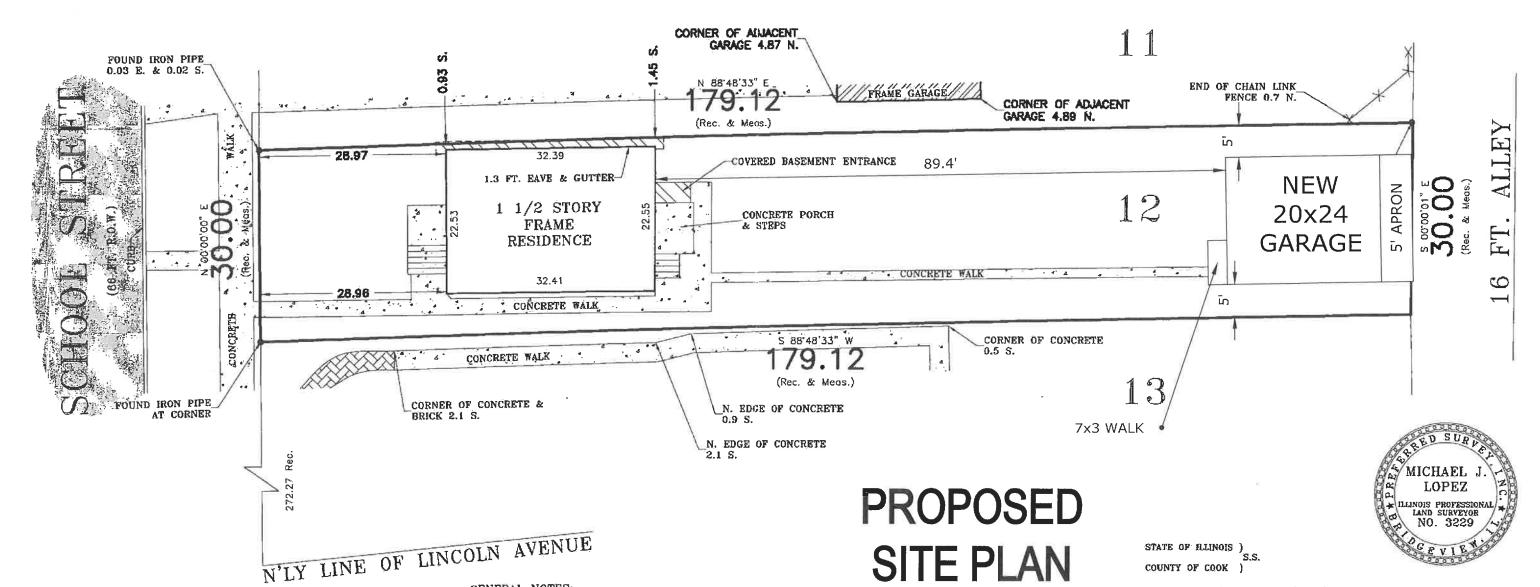
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ADDRESS: 8519 SCHOOL STREET, MORTON GROVE, ILLINOIS P.I.N. 10-20-118-008



SCALE: 1"=15



#### Professional Design Registration #184-002795



## Preferred

SURVEY, INC

7845 W. 79TH STREET, BRIDGEVIEW, IL, 60455 Phone 708-458-7845 / Fax 708-458-7855 www.psisurvey.com

| Field Work Completed | 09/16/2020      | FLD CREW: | BL/11 |
|----------------------|-----------------|-----------|-------|
| Land Area Surveyed   | 5,372.5 Sq. Fl. | ĆAD:      | EG    |
| Drawing Revised      |                 |           |       |

#### GENERAL NOTES:

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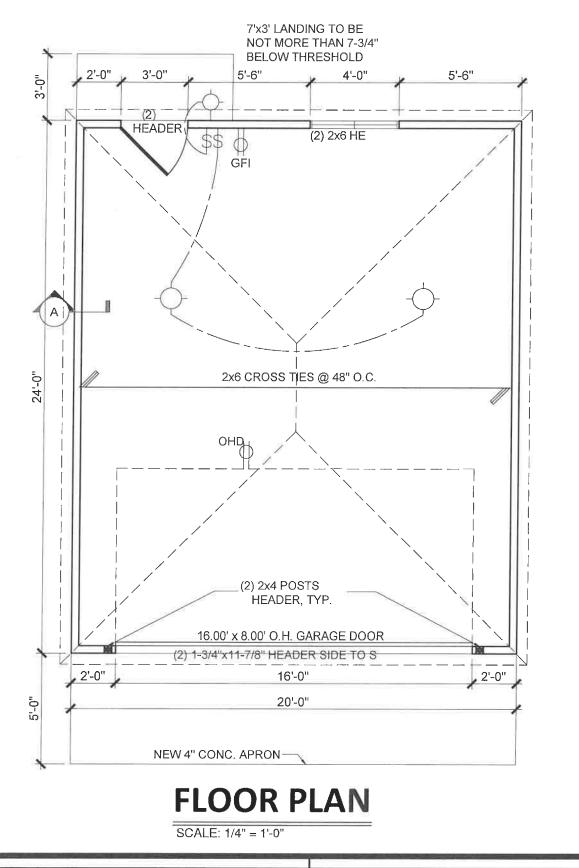
COUNTY OF COOK )

SURVEY ORDERED BY: LAW OFFICE OF TERESA HOFFMAN LISTON

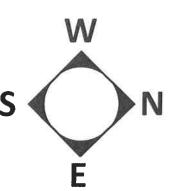
I, MICHAEL J. LOPEZ, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS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

GIVEN UNDER MY WAND AND SEAL PAIS A.D 2020 MY LICENSE EXPIRES ON 11/30/20

P.S.I. No. 202507

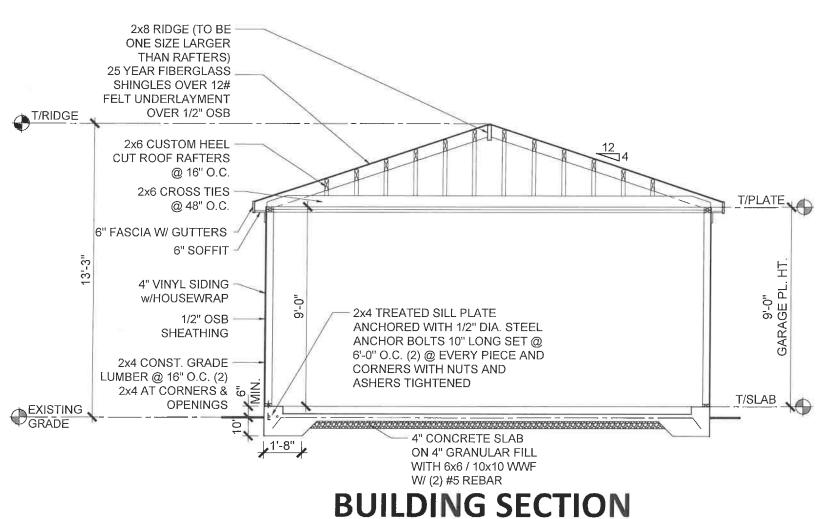


GARAGE BUILDERS



#### **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



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

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

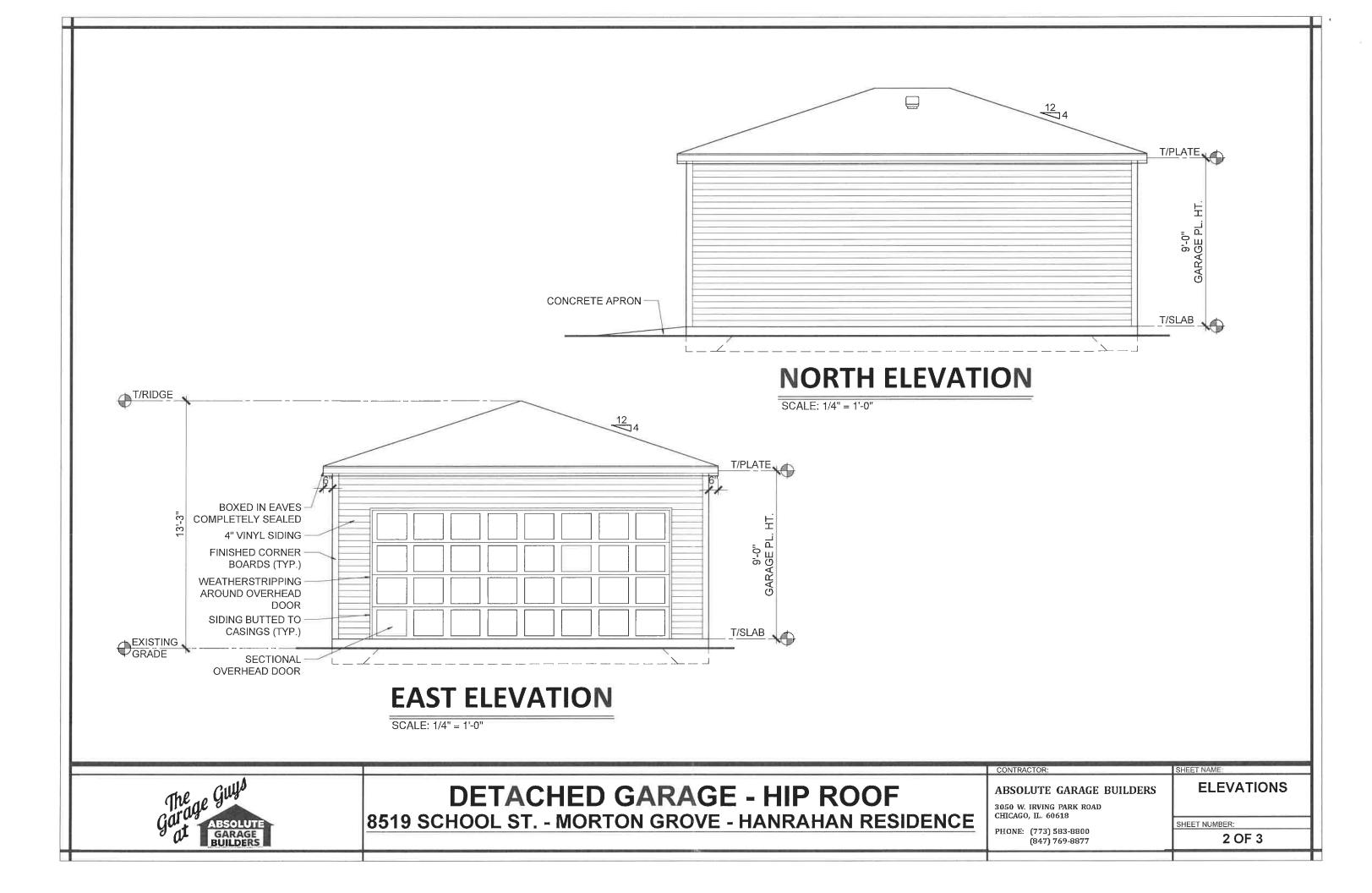
ABSOLUTE GARAGE BUILDERS

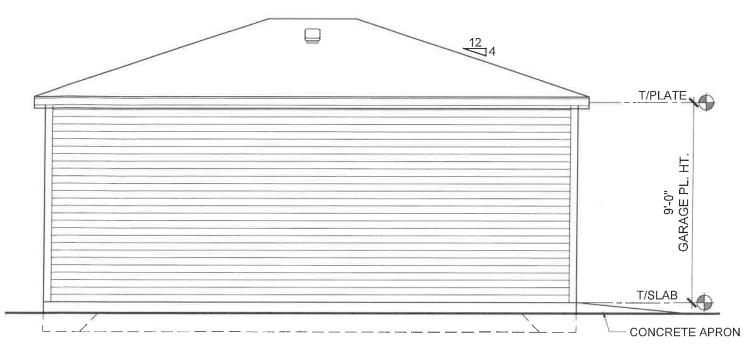
3050 W. IRVING PARK ROAD CHICAGO, IL. 60618

(847) 769-8877

**FLOOR PLAN & BUILDING SECTION** 

1 OF 3





## **SOUTH ELEVATION**

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



## **WEST ELEVATION**

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



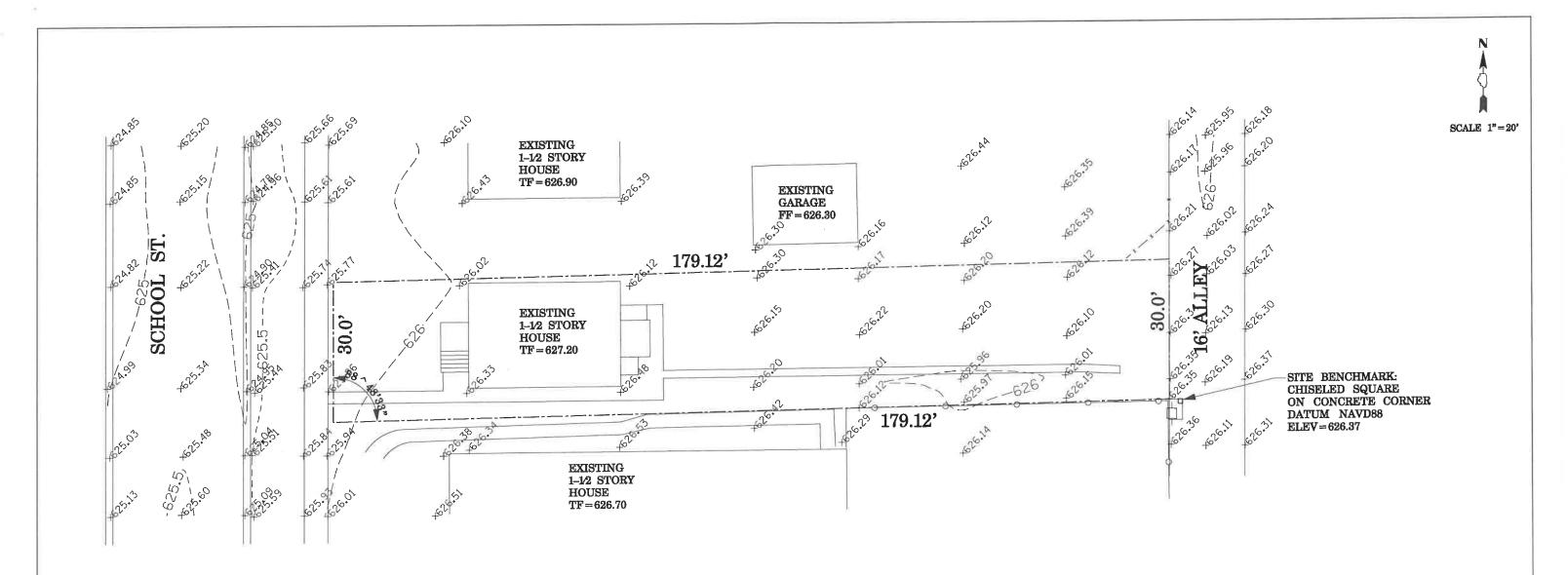
## DETACHED GARAGE - HIP ROOF 8519 SCHOOL ST. - MORTON GROVE - HANRAHAN RESIDENCE

ABSOLUTE GARAGE BUILDERS

3050 W. IRVING PARK ROAD CHICAGO, IL. 60618 DERS ELEVATIONS

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

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EXPIRES 11/30/23

| NO. | DATE |  |
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8519 SCHOOL ST. MORTON GROVE, IL

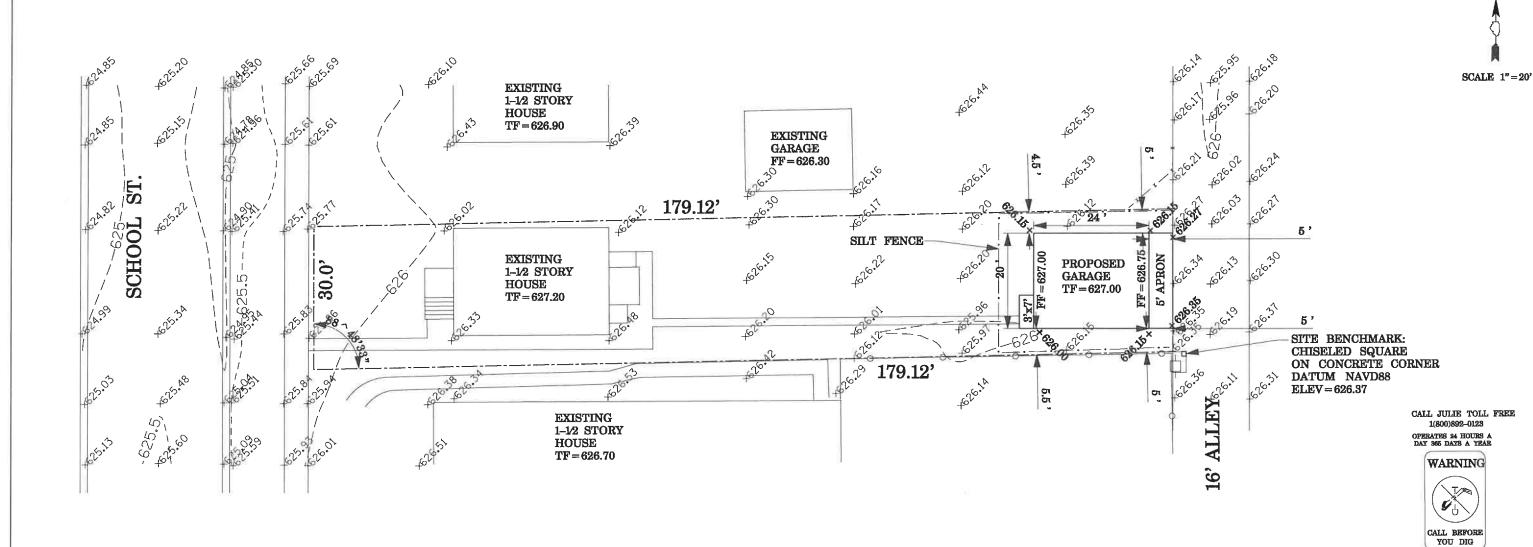
> DATE 10/2/23

VICTOR CARDONA, P.E. 3529 OAKHILL LN. LONG GROVE, IL 60047

847-323-2686 cel

AVILAONE@HOTMAIL.COM

EXISTING CONDITIONS



OS2-050081
LICENSED
PROFESSIONAL
ENGINEER
OF
LINOTS

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.

EXPIRES 11/30/23

VICTOR CARDONA, P.E. 3529 OAKHILL LN. LONG GROVE, IL 60047

CALL 1(800)892-0128 48 HOURS BEFORE YOU DIG

847-323-2686 cel

NO. DATE

AVILAONE@HOTMAIL.COM

8519 SCHOOL ST. MORTON GROVE, IL

DATE

10/2/23

PROPOSED CONDITIONS

IMPERVIOUS AREAS (SF)
PRE POST

HOME 730 730 WALKs 478 443 **PORCHs** 128 128 DRIVEWAY 0 100 GARAGE 480 TOTAL 1336 1881

NET GAIN = 545 SF



Incredibly Close & Amazingly Open

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<br>on a Zoning Lot<br>(12-2-2:B)                                   | Maximum of 2<br>Accessory Structures   | 2 Accessory<br>Structures | 2 Accessory<br>Structures                           | Approval of a third accessory structure |
| Minimum Lot Area<br>(12-4-2:D)  | 5,000 sq. ft.  | 11,214 sq. ft.            | No change   | Compliant                               |
| Minimum Lot Width<br>(12-4-2:D)   | 45 ft.   | 90.0 ft.                  | No change   | Compliant                               |
| Minimum Rear Yard<br>(12-4-2:D)   | 30 ft.   | 51 ft.                    | No change   | Compliant                               |
| Maximum Floor Area Ratio<br>(12-4-2:D)  | 0.60   | 0.25                      | 0.25  | Compliant                               |
| Maximum Lot Coverage<br>(12-4-2:D)  | 60%  | 53%                       | 56%   | Compliant                               |
| Permitted Obstruction: Pergolas Attached & Detached 12-2-6:G                                    | 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<br>Minimum Separation from<br>Principal Structure<br>(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:

<u>Section 12-2-2:B</u> 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. <u>Not Self-Imposed:</u> 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. <u>Nonmonetary Considerations</u>: 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. <u>Not Detrimental to Public Welfare</u>: 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. <u>Not Detrimental to Neighborhood</u>: 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)



## **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:   | Date Application Filed:               |
|--|---------------------------------------|
| APPLICANT INFORMATION  |                                       |
| Applicant Name: James & Joseph                                       |                                       |
| Applicant Address: 7935 Lotus Ave                                    |                                       |
| Applicant City / State / Zip Code: Morton Grove                      | e IL 60053                            |
| Applicant Phone: 773 920-8876  | · · · · · · · · · · · · · · · · · · · |
| Applicant Email: James Joseph 2000                                   | a yahoo.com                           |
| Applicant Relationship to Property Owner:                            | C C                                   |
| Applicant Signature:   |                                       |
| PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICA                | INT)                                  |
| Owner Name: James E Joseph   |                                       |
| Owner Address: 7935 Lotus Ave  |                                       |
| Owner City / State / Zip Code: Monton Grove                          | 11 60053                              |
| Owner Phone: 773 920 - 8876  |                                       |
| Owner Email: James - Joseph 2000@                                    | yahoo.com                             |
| Owner Signature: January Joseph                                      |                                       |
| PROPERTY INFORMATION   |                                       |
| Common Address of Property: 7935 Lotus I                             | que                                   |
| Property Identification Number (PIN): 10-28-103-0                    | 11,012,013                            |
| Property Square Footage: 11, 214 sqf+                                |                                       |
| Property Zoning District: R-2  |                                       |
| Property Current Use:  |                                       |
| APPLICATION INFORMATION  |                                       |
| Applicant is requesting a variation from the following section(s) of |                                       |
| 12-2-2: Number of Structur   | lation of a Pergola (3rd Structure    |
| Purpose of requested variation (attach as needed): <u>Insta</u>      | llation of a Kergola (3 mg/structure  |
| on zoning lot)   |                                       |

### RESPONSES TO STANDARDS FOR VARIATION

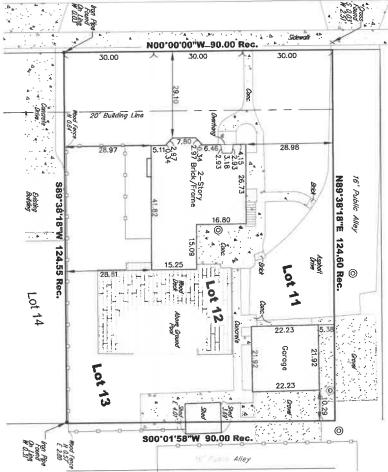
Provide responses to the four (4) Standards for a Variation as listed in Section 12-16-3-A-2 of the Village of Morton Grove Unified Development Code. The applicant must present this information for the official record of the Zoning Board of Appeals. The Variation Standards are as follows:

| Vari | ation 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 neighborhood.                       |



#### Lotus Avenue

Pight of



# 9 SURVEY

LOTS 11, 12 AND 13 IN BLOCK 1 IN OLIVER SALINGER AND COMPANY'S OAKTON 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 Itinols)

 This piet 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. All building dimensions and ties are to the current siding materia and not to the foundation.

County of Lake ) SS)

We, Land Surveying Services, Inc. do hereby sale that we have survey out with Multiplication properly and that this is the Plant that represents the conditions found to the Conditions for the Conditions of Conditions for the Conditions

This professional service conforms to the current litinais minimum

LS170585-1 PLAT OF SURVEY Sheet Name

SURVEY



8. The stillines as shown on this drawing were developed from the information reveilable. This is not implication for intended to be the comprise inventory of utilities in this area. It is the claims responsibility to verify the location of all utilities (whether shown or not) and project and weights from any damage.

No boundary corners were set at time of field survey of the subjec property by client agreement. Auto Cad Files will not be released under this contract.

| Field Worl | c Complet | ted:  | 07-28-2023 |
|------------|-----------|-------|------------|
| Scale: 1°  | " = 20'   | Date: | 07-31-2023 |

3. Site Address: 7835 Lotus Avenue, Morton Grove IL 60053

4. Pin No.: 10-28-103-013

 Compare deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once. 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. 1. Field Work Completed on 07-31-2023

Surveyor Notes:

O-Set 1/2" fron Pipe

O-Found fron Pipe

X-Found Cross

Prepared for Little Fixes, LLC.

| 7935 Lotus Avenue      |
|------------------------|
| Morton Grove, Illinois |

| Drawn By: | LR     | Field Work By: DH |       | DH      |
|-----------|--------|-------------------|-------|---------|
| D         | rawing | Revision          | ons   |         |
| REVISIO:  | N      | Date              | Drawn | Checked |
|           |        | -                 | -     | _       |
|           | _      | _                 |       | _       |
|           |        |                   |       |         |

#### General requirements

- Al construction shall be performed to comply with opplicable national and state building codes, local orneratments, regulations having jurisdiction and generally accepted industry standards. Where discrepancies exist between requirements of AHJ, notes in this drawings or the code, the most restrictive shall
- 2. These drawings indicate the general scope of the project in terms of architectural design concept, major architectural elements, dimensions of the site and buildings. The drawings do not necessarily indicate oil work required for full performance and completion of all requirements of the control documents. Approach of design describe performance based building method, engineering & detailing and assume suitable soil condition.
- This set of drawings does not include building material list. The owner/contractor is to provide products & assembly selection and coordinate installation.
- The term "Contractor" referred to as the General contractor, prime contractor for separate trade or contractor's authorized representative.
- 5. Contractor are responsible to familiarize himself with local building codes, requirements for facese, insurance, existing underground utilities, other tactifies and current sof condition in the construction site.
- Contractors shall inspect the site, examine existing conditions, verify all dimensions of the proposed construction, protection of adjacent areas, trees, shubs, etc. The nature and location of the work and at malles which may in any way affect the work or its performance.
- 7. The Architect will review of notes, submitted given by the owner and incorporate frem into the construction documents. The esponsibility of the owner and contraction to efficial tierus on the chawings (sections, layout of walls, windows, features, etc.). Any discrepancy shall be insolved prior proceeding with construction.
- 8. Contractor shall have full responsibility for the coordination with mechanical electrical, plumbing drawings, other trades various underground utilities on the law with shall remain impact, expection and general supervision of all construction, accuracy, fill and stability of all parts of the work, all trades are to coordinate their work with the size and location of all equipment prior to restriction.
- P. The contractor shall be responsible to furnish all material required for the proper execution and completion of the work include any items which are not indicated an drawings but are implied and can be reasonable assumed.
- 10. All labor, malerials and indollations shall meet the requirements of all garrening codes, ordinances, low regulations and safetyle orders and declarive redding to the project. All work shall be performed in a good mon
- Mechanical, electrical, purmbing works, as practically in industry, to be done by design build entitly. Design-build controctor for specific orner shall calculate and verily for all demand of required sources, size of selected equipment, leavies, etc. for particular part of work.
- 12. Do not scale drawings. Written dimensions always take precedence over scaled dimensions. Verify all dimensions in the field, on the event of any discrepancies notify the architect and awner before proceeding with construction.
- 13. Drawing that represent existing plan conditions, if applicable, are shown diagrammaticatly. All dimensions shall be verified in the field and notified at any differences that will affect new work dimensions.
- 14. All transitions of newwork to existing wats, floor, ceiling parts shall be carefully executed. Disting construction shall be reported as needed and patched to match finishes of adjacent surfaces.
- 15. Before the start of any work the contractor shall notify utility companies (gas, water & sewer, electric, telephone etc.) for the location in the field of underground mains, cobies on conduits.
- 16. Contractor shall locate and do not disturb utility lines or disconnect some unless proper precoutions are taken to provide the same utilities on a temporary or permonent basis without loss of confinity, arrange for temporary water supply and electrical service to the project.
- 17. Owner's to conduct soi tests & dig pils to determine soit type and drainage properties of site. If any unforeseen circumstances occur which require work in addition to the scope as determined by the working drawings, additional time may be added to the controct.
- 18. Contractor shall remove and dispose of all loots, equipment, supplus materials and nubbish pertaining to his work and cooperate with owner in final cleaning of the site.
- 19. Contractor is responsible for scheduling and following up on all inspections.
- Contractor shall be responsible to carry sufficient increase for the duration of the project. At work of corrective work shall be warranted for one year from the date of occupancy.

#### Design criteria (pst. typical)

-40 # LL 10# dl typical all areas -60 p.l.f. or actual load -40 # LL 10# dl exterior -40 # LL 10# dl exterior -40 # LL 10# dl

Soil bearing capacity - 1500 pst.
Concrete compressive stength - 3000 pst.
Control work - 4000 pst.
Reinforcing steet: A.S.T.M. A.Al.5 - Grade 40
Stucturd steet: A.S.Z. - 50 kst. for "W. Sections pst - 46 kst. for Tube sections. A. 36 for all other sections.

- 25 p.s.f.

Structural froming tumber:
Grade #2 species SPF Condition
Grade #2 species SPF condition
Grade #1 species hem- fir
Base FB = 875
Base FB = 875
Base FB = 875
Base FB = 1050

#### General requirements wood parch design and construction

- . All work shall be performed to comply with applicable to comply with applicable to comply with applicable to comply with applicable. national, state & local building codes, amenorments a lor regulations having jurisdiction. I refer to local guide of porch and deck design and
- 2. These drowings indicate the general scope of the project in terms of architectural design concept, major architectural elements, dremsions of the site and butlering. The drowings do not necessarily indicate at work required for full performance and completion of at requirements of the control documents. Approach of design describe performance based building method, engineering and detailing.
- 3. Contractor are responsible to familiarize himself with local building codes, requirements for icense, insurance, estaining underground utilities, current soil condition in the construction site of the familiary of the conditionation expectation and general supervision of oil construction, accuracy, fit and stability of alphane to the wark.
- 4. Do not scale drawings. Witten aimensions always take precedence over scaled aimensions. Verify at aimensions in the field, on the event of any discrepancies notify the architect and owner before proceeding with construction.

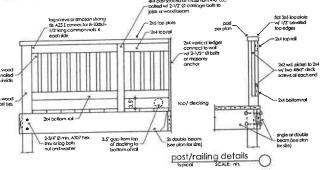
- Contractor: stall calculate and verify for all demand, required size and furnish all material for the proper execution and completion of the work include any items which are not indicated on drawings but are implied and can be instructed in assimed.
- inspect the site, examine existing conditions, verify all dimensions of the proposed construction, protection of adjacent areas, these, shrubs, etc. The nature and location of the work and all matters which may in any way affect the work or its performance.
- shall be responsible for adequately bracing and protecting oil parts of work during construction against damage, breakage colleges, from weither due to first, rich, wind, etc. and eppir any portion of existing and ne wy added the work. All work shall be performed in a good manner and to be complete and ready for use by the owner, remove and dispose of all looks equipment, supply materiests and authority partialing to his work and cooperate with owner in final cleaning of the site. Damaged or altered during construction shall be replaced or repaired to match existing.
- Parches shall not exceed three stories in height.
   shall not project more than ten feet from the building nor exceed 150 square feet in area per dwelling unit. nor exceed 150 square feet in area per aweing only exclusive of stairs.

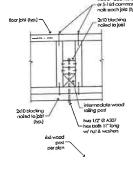
  - shall not be located less than six feet from an interior to:
  - Design loads: Deck and exterior stair 100 psf. live load Guardrai 50 plf. vertical & harizontal, 200 p.l.f. concentrated load any direction
- All lumber for porch 8, deck construction shall be southern Pine, Grade #-1 or #-2 with min. use category UC3 8, Edelor above ground, Uncoalled or Poor Water Runoff.
- 8. Install proprietary connections in conformance with manufactures installation requirements. Use fasteners of appropriate type and length, Space fasteners to comply with applicable codes and recommended nating schedule. The diff members when necessary to avoid splitting wood.
- Provide not dipped galvanized steel fasteners when it contact with pressure treated tumber
- Attach flashing with fasteners that will not cause corrosion and lop flashing in a fashion that will not allow water penetration but will conduct water to the exterior. Most penetration but will conduct water to the southern commonly flashing consists of formed light gage metal of a membrane. Flashing is commonly installed in beam
- Contractor shall verify existing underground utilities location before excavation.
- All concrete shall be 6 bags per cubic yards mix. concrete and shall be vibrated cast against soil or exposed to weather.
- A minimum compressive strength for concrete dations and slabs-on-grade 3000 to 3500 pounds
- When costing a footing, the entire volume must be filled with concrete in a continuous process.
- Concrete reinforcement steel for porch foundations -ASTM Standard A&15, Grade &0 with overlap min. of 30 times the har diameter (in inches).
- 13. Contractor is responsible for scheduling and following.

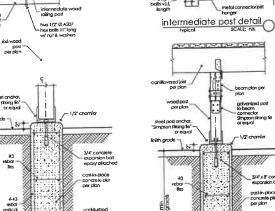
#### \* see details for additional information

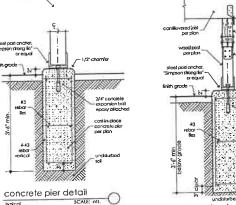
#### Typical indications concrete foundation wall Telebeleheb masonry wall brick veneer wall minim frame exterior wall object to be removed \_\_\_\_ beam/ header 4 steel column/ wood post concrete pier/ pad 1 Deak/ landing: (v.i.f.) Pressure treated wood or approve composite decking materials.

# 3:-0: min stair transverse 2x12 noiched stringer deck stair 2x6 carriage hypical SCALE; nls. All stairs shall have a max, 8" riser & 10" freads nose to nose & rolling 34"-36" athors notion









## 4#4 rebor vertical concrete pier detail SCALE: nls.

तंत्र्यञ्चा

THE WINDS

田

11.214 sf.

\* Lot area: \* Front yard (exist.) \* Side yard (exist.)
\* Rear yard (exist.) 29'.0' 51'.5' \* Building height \* F.A.R. ( lotx 0.6 ) 6.728 s.f. 870 s.f. \* Basement: Inot count.)

Zoning & Building data:

\* Zoning district: R-2

\* First floor:

\* Second floor:

\* Total: 1.100 s.f. 1 100 s f

\* Lot coverage: Main building Garage

Shed

Total:

Walkway

1,100 s.f. 489 s f 813 s.f. 2,350 s.f. Wood deck

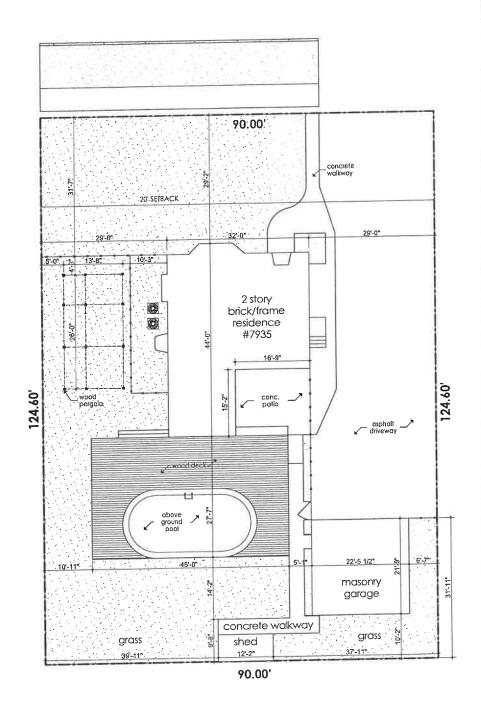
#### APPLICABLE CODES:

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

State & Federal agency requirements

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

#### LOTUS AVENUE



Architectural Site Plan N SCALE: 1" = 10"

> Architectural site plan. Notes Floor plans. Bevations. Details Pergola plans, details

William Warınan Architect

27 East Monroe Street Suite 11000 Chicago, Itlinois, 60603

1-312-310-2626 wwarchitects1@gmail.com

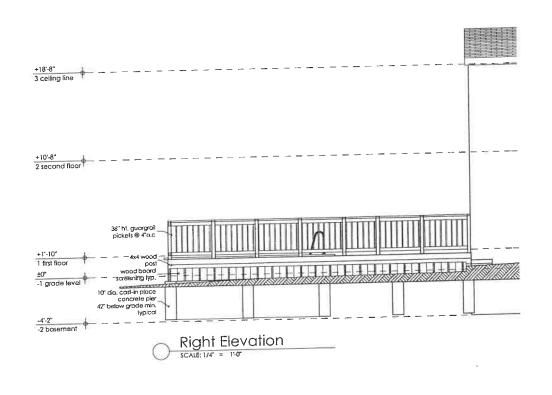
> DECK '935 N LOTUS AVE. GROVE \*\*\* ILLIN Ω WOOI

\_ \_ \_ ... ITEM BY DATE DESCRIPTION

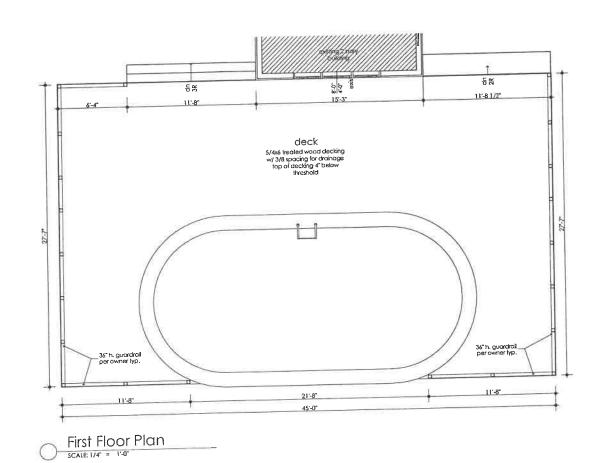
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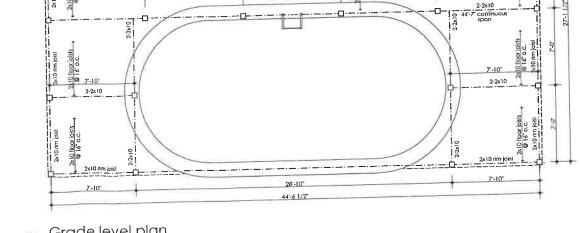
DATE: -Α3

SHEET OF









Grade level plan

William Warman Architect

27 East Monroe Street Suite 1100C Chicago, Winois 60803

1-312-310-2626 www.chitects1@gnrail.com

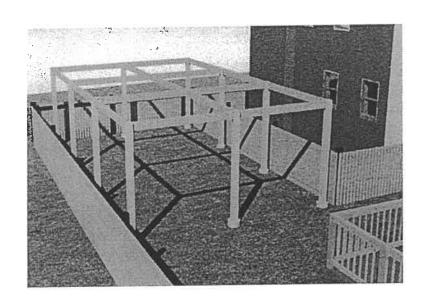
7935 N LOTUS AVE. MORT GROVE \*\*\* ILLINOIS WOOD DECK

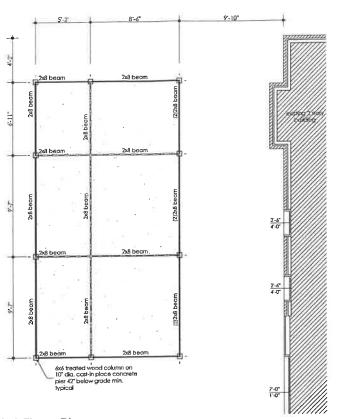
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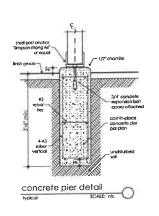
DESIGNED: ---DATE: JAN 17, 2024 DRAWN: -CHECKED: -APPROVED:-DATE: -A2

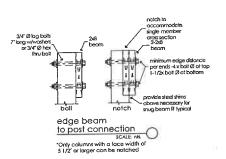
SHEET OF

10" dia, cast-in place concrete pier 3"-6" below grade min. lyp, for 22



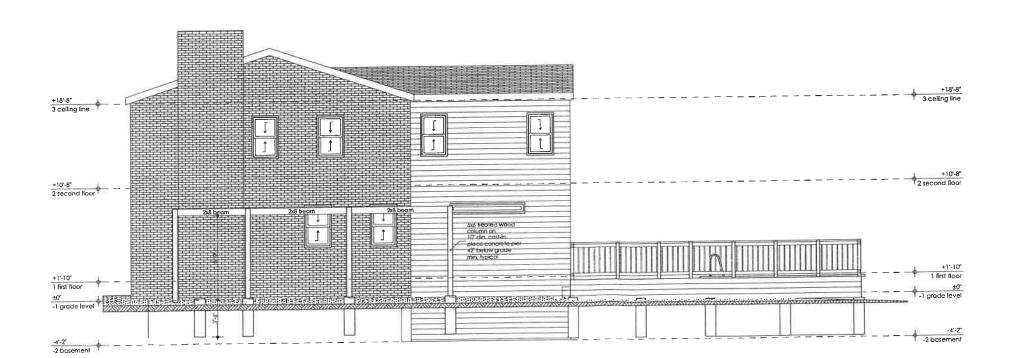






First Floor Plan

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



Left Elevation

William Warman Architect

27 East Marrae Street Suita 11000 Chicago, Illinois, 60603

1-312-310-2626 www.chitects16gmol.com

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

|      |     |      | ** ********************** |
|------|-----|------|---------------------------|
| -    | *** |      |                           |
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|      |     |      |                           |
| ITEM | BY  | DATE | DESCRIPTION               |

DATE JAN 17, 2024 DESIGNED: -DRAWN: -CHECKED: -APPROVED: -DATE: --

SHEET OF