



Village of Morton Grove
Zoning Board of Appeals Agenda

May 21, 2024 - 7:00 P.M.

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

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES OF:** April 16, 2024

III. **PUBLIC HEARINGS:**

CASE: ZBA 24-06

APPLICANT: Faissal Ligali
9432 Sayre Avenue
Morton Grove, Illinois 60053

LOCATON: 9432 Sayre Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-2-5 and 12-2-6 to allow expansion of a driveway and open accessory parking area.

CASE: ZBA 24-07

APPLICANT: Garik Kaufman
9222 Merrill Avenue
Morton Grove, Illinois 60053

LOCATON: 9222 Merrill Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-2-6 and 12-3-5 to replace a sidewalk in a required setback, and allow a fence in a street side yard exceeding the allowable height and transparency.

CASE: ZBA 24-08

APPLICANTS: Silviu and Flavius Strain
9226 Merrill Avenue
Morton Grove, Illinois 60053

LOCATON: 9226 Merrill Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Section 12-2-6 to replace a sidewalk in a required setback.

CASE: ZBA 24-09

APPLICANT: Kame Kuqo
5924 Carol Avenue

Morton Grove, Illinois 60053

LOCATON:

5924 Carol Avenue
Morton Grove, Illinois 60053

PETITION:

Request for approval of variations from Sections 12-2-5 and 12-4-2 to allow additions to a principal structure in required yards and exceed allowable rear yard coverage.

CASE:

ZBA 24-10

APPLICANT:

Fred Wilson, on behalf of the owner of
8822 Sayre Avenue
Morton Grove, Illinois 60053

LOCATON:

8822 Sayre Avenue
Morton Grove, Illinois 60053

PETITION:

Request for approval of variations from Sections 12-2-6, 12-4-2 and 12-15-4 to allow a chimney in a required side yard, and an eave in a required front yard on a non-conforming lot due to width.

CASE:

ZBA 24-11

APPLICANT:

Adem Vulic
8935 Major Avenue
Morton Grove, Illinois 60053

LOCATON:

8935 Major Avenue
Morton Grove, Illinois 60053

PETITION:

Request for approval of variations from Sections 12-2-5 and 12-2-6 to allow expansion of a driveway and open accessory parking area.

CASE:

ZBA 24-12

APPLICANT:

Thu Nguyen
7006 Church Street
Morton Grove, Illinois 60053

LOCATON:

7006 Church Street
Morton Grove, Illinois 60053

PETITION:

Request for approval of variations from Sections 12-2-5, 12-2-6, 12-4-2 and 12-15-4 to allow replacement of a walkway, steps and patio in a required setback exceeding lot and yard coverage on a non-conforming lot due to width and area.

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, May 21, 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 APRIL 16, 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. Secretary Kirchner called the roll.

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

Members Absent: Hussaini and Liston with notice

Village Staff Present: Brandon Nolin, Community Development Administrator
Anne Ryder Kirchner, Planner/Zoning Administrator, and Secretary
Jim English, Manager Building Inspection and Services

Trustees Present: 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. It was noted that 5 Board members were present.

Chairman Kintner asked for approval of the March 19, 2024, meeting minutes. Board Member Dorgan moved to approve the minutes, Board Member Stein seconded the motion.

Chairman Kintner called for the vote.

Board Member Dorgan voting	aye
Board Member Gabriel voting	abstain
Board Member Mohr voting	aye
Board Member Stein voting	aye
Chairman Kintner voting	aye

Chairman Kintner then called for the first case. The applicant was not present, therefore the next case was called.

CASE ZBA 24-04

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

LOCATION: 8617 Fernald Avenue

Morton Grove, IL 60053

PETITION:

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

Ms. Kirchner said this is a new, third request by applicants and property owners, Krzysztof Bukowski and Kelly Russell, for variations from Section 12-3-5:C of the Morton Grove Unified Development Code to authorize the installation of a shadowbox fence (0% transparency) with a height of 5 feet in a street side yard that is not behind the rear portion of the principal structure closest to the street. The fencing will be located approximately 13.5 feet west (toward the front yard) of the rear building line.

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.

Ms. Kirchner swore in the applicants, Krzysztof Bukowski and Mario Bartucci. Mr. Bukowski said they have shortened the fence length to 60 feet from the alley west. He acknowledged they have a unique lot and did site their home to the south to create more yard to the north. As a proud Morton Grove property owner, they wish to enjoy their yard space with a fence that provides privacy. They have modified the fence application considering the past comments from the Board.

Board member Dorgan said he does like the lack of transparency. Mr. Bukowski said he understands a shadow box fence does not have 50% transparency, but animals on either side of the fence need less transparency for safety concerns. The shadowbox fence allows for some sight between boards.

Board member Stein asked if he would be willing to modify the fence from 6-inch boards with a 5-inch space between, to stretch the space, to a 7-inch space between the 6-inch boards. Providing a half inch of daylight.

Board member Dorgan said the spacing will soften the look of the fence.

Mr. Bukowski said they could modify the fence. They want to keep their dog and others safe.

Board member Mohr thanked the applicant and noted corner lots are restrictive. An applicant's dog is not considered a hardship. Mr. Bukowski said he understands the limitations of a corner lot.

Chairman Kintner asked about the sight line triangle dimensions. They are compliant.

Chairman Kintner said he appreciates the applicant's revisions, he said the shadowbox is not ideal, but understands the applicants request for more privacy.

Discussion ensued regarding the 7-inch spacing. A specific approval must be given to a specific motion.

Chairman Kintner asked for public comment. There were no comments.

Board member Stein made a motion to approve Case ZBA 24-04, a request for variations from Section 12-3-5:C to increase the maximum height for a fence within a street side yard from 4 feet to 5 feet, located 13.5 feet in front of the rear portion of the principal structure, and provide little or no transparency, subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with the plans submitted by the applicant in the Variation Application dated 03/14/2024, with the modification of 7 inch on-center board spacing.

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

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

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Chairman Kintner voting	aye

Motion passes (5-0)

CASE ZBA 24-05

APPLICANT: Barbara Connolly
7905 Foster Street
Morton Grove, Illinois 60053

LOCATION: 7905 Foster Street
Morton Grove, IL 60053

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

Ms. Kirchner said this is a request by applicant and property owner, Barbara Connolly, for variations from Section 12-3-5:C of the Morton Grove Unified Development Code to authorize the installation of a solid fence (0% transparency) with a height of 6 feet in a street side yard that is not behind the rear portion of the principal structure closest to the street. The fencing will be located approximately 38.5 feet north of the rear building line.

A sight line triangle is not required for this installation, as there is not a vehicular access way intersection.

The lot is unique with frontage on a dead-end street, and street side frontage along the adjacent non-intersecting street. Staff notes the right-of-way along Merrill street is maintained by Morton Grove Department of Public Works, it is not subject to Section 4-5-4 of Village Code requiring the abutting owner to maintain the easement.

Chairman Kintner clarified that the easement is maintained by the Village. The easement has been cleared and re-planted.

Ms. Kirchner swore in the applicant. Ms. Connolly said there is a chain link fence that she would like to replace with a more private fence. The easement plantings no longer provide a privacy buffer. She noted that adjacent buckthorn would be restrained with a solid fence.

Board member Dorgan asked if the small retaining wall belonged to the Village. Ms. Connolly said yes.

Chairman Kintner said it is a unique property. Board member Gabriel said the privacy fence would be appropriate for the site.

Board member Stein said the fence is not a welcoming fence, he cannot support an opaque fence in this location. Ms. Connolly said she would like to match her current fence.

Chairman Kintner said the natural fence has been removed from the easement, the continuation of the opaque fence seems appropriate.

Chairman Kintner asked for public comment. There were no comments.

Board member Mohr made a motion to approve Case ZBA 24-05, a request for variations from Section 12-3-5:C to increase the maximum height for a fence within a street side yard from 4 feet to 6 feet, located 38.5 feet in front of the rear portion of the principal structure, and provide no transparency, subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with the plans submitted by the applicant in the Variation Application dated 03/12/2024.
- 2) The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.

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

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	nay
Chairman Kintner voting	aye

Motion passes (4-1)

CASE ZBA 24-03 - Continued

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

LOCATION: 7935 Lotus Avenue
Morton Grove, IL 60053

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

Ms. Kirchner said the applicant 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 existing pergola will be reconstructed to meet the 5-foot side yard, 8-foot height to top of beam, and 30% yard coverage requirements. The applicant is to provide revised drawings of the pergola at this continuation. The drawings were distributed to the Board members.

A pool and deck building permit has not been approved as Mr. Joseph is required to reduce the rear yard coverage of impermeable surfaces to comply with Section 12-2-5.

Staff asks that a time limit be placed for the pergola to be reconstructed and the rear yard impermeable surfaces to be removed in order to come into compliance.

The applicants, Mr. and Mrs. Joseph, were sworn in by Secretary Kirchner. Chairman Kintner asked if there was any new information since the continuance from last month. Mr. Joseph provided a petition from surrounding neighbors in favor of the pergola.

The final plan for the pergola was discussed, slats have been added, the height and setbacks are conforming. All impermeable surfaces that are required to be removed will be. Mr. Joseph noted the light in the pergola has been removed.

Board member Gabriel asked if any other coverage would be placed on top of the pergola. He asked if any lighting would be on the pergola, and if grass would replace the pea gravel under the pergola. The applicants said they will not have lighting, there will be no additional coverage on top, and there will only be grass under the pergola.

Mrs. Joseph asked what is considered an impermeable surface other than grass. Discussion ensued regarding the Municipal Code and impermeable surfaces.

Board member Dorgan asked about the garage electrical service and garage permits.

Board member Gabriel said the pergola would not be a detriment to the neighborhood.

Chairman Kintner said the Board must consider the possible precedent of having more than 2 accessory structures.

Board member Gabriel noted that this is a large property that can support the variation for number of structures.

Chairman Kintner asked if the permitting process had specific timeframes. Permits have varying expiration dates of 6 months to 1 year. Mr. Nolin said this case is dependent on removal of impermeable surfaces prior to a permit being issued for the pergola.

Chairman Kintner asked the applicant what amount of time is needed for the removal of surfaces and repositioning of the pergola. The contingencies must not continue.

Chairman Kintner asked for public comment, none was given.

Board member Gabriel made a motion to approve 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, with a timeline for completion of the work proposed for two months from approval tonight.
2. The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.

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

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Chairman Kintner voting	aye

Motion passes (5-0)

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 8:07 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.

Village of Morton Grove

Department of Community & Economic Development

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

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

Date: May 14, 2024

Re: ZBA 24-06 – 9432 Sayre Avenue (10-18-114-034-0000)
Request for approval of variations from Sections 12-2-5:B.5 and 12-2-6:G to allow the replacement and expansion of a driveway and open accessory parking area

STAFF REPORT

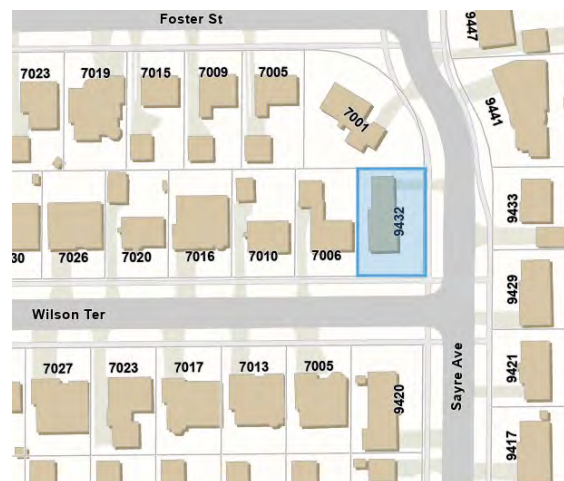
Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-06 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on May 2, 2024.

Request Summary

Property Background

The subject property at 9432 Sayre Avenue is a 6,537-square-foot corner lot located on the west side of Sayre Avenue at the intersection of Wilson Terrace. The property is within an R-2 Single Family Residence District and is improved with a single-family dwelling. Surrounding properties are also zoned in the R-2 Single Family Residence District and are improved with single-family residences.



Subject Property Location Map

Application Overview

The Applicant and property owner, Faissal Ligali, is requesting waivers from Sections 12-2-5:B.5 and 12-2-6:G to allow an existing driveway that exceeds the maximum interior driveway width, and creates an open accessory parking space in the front yard. The drive was installed without a permit and the applicant was issued a citation.

The maximum interior driveway width is determined by the exterior width of the garage, as measured from no more than two (2) feet outside the garage door edges. The previous driveway measured approximately 8.5 feet at the front lot line. The new driveway has approximately 9.5 feet of width leading to a conforming one-car attached garage. The remaining width of approximately 6.5 feet does not lead to a conforming parking space within the side or rear yard and is therefore considered an

open accessory parking space in the front yard. The applicant indicated the driveway is 15 feet wide, staff visited the site and measured the width as 16 feet.

The property complies with maximum impervious lot coverage restrictions for the R-2 District.

Requested Waivers

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

DIMENSIONAL CONTROL	CODE REQUIREMENT	PROPOSED	REQUESTED WAIVERS
Driveway Maximum Width 12-2-5:B	Maximum interior driveway width shall be determined by the exterior width of the garage, as measured from no more than two feet (2') outside the garage door edges	16 ft. (0 ft. on left, 9.5 ft. garage door, 6.5 ft. on right)	<i>Waiver of 4.5 feet</i>
Open Accessory Parking Area 12-2-6:G	Min. 3 ft. from all lot lines, not permitted in front or street side yards	<5 ft. from side lot line; Open accessory parking area in front yard	<i>Waiver to allow an open accessory parking area in a front yard</i>

As shown in the table, the following waivers are required to authorize the replacement and expansion of the existing driveway, as proposed by the Applicant:

- Section 12-2-5:B: Waiver of 4.5 feet to allow a driveway width of 16 feet at the front lot line.
- Section 12-2-6:G: Waiver to allow an open accessory parking area in the front yard.



Subject Property Street View

Discussion

The applicant is now requesting waivers from the ZBA to allow the existing driveway creating an accessory parking space within a front yard to ensure adequate off-street parking for their family's use. The owner has a commercial vehicle that may not be parked on the street, and an additional three (3) cars.

With an interior side yard measuring 7.25 feet, the yard does not provide enough space to fit a conforming parking space or driveway with a minimum width of 8.5 feet within the side yard.

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 incomplete responses to these standards in the Variation Application and is expected to discuss how the project meets the standards at the ZBA hearing.

Recommendation

Should the Board approve Case ZBA 24-06, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-06, a request for approval of variations from Sections 12-2-5:B.5 and 12-2-6:G to allow the replacement and expansion of a driveway and open accessory parking area for the property commonly known as 9432 Sayre Avenue, subject to the following conditions:

- 1) *The proposed driveway shall be installed in accordance with the plans submitted by the Applicant in the Variation Application dated 3/29/2024.*
- 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@mortongroveill.org | 847-663-3063

Case Number: 

Date Application Filed: ~~3/28/2024~~
3/29/2024



APPLICANT INFORMATION

Applicant Name: FAISSAL LI GALI
Applicant Address: 9432 SAYRE AVE
Applicant City / State / Zip Code: MORTON GROVE IL 60053
Applicant Phone: 773 499 3502
Applicant Email: FAISSALLIGALI@GMAIL.COM
Applicant Relationship to Property Owner: OWNER
Applicant Signature: Faissaligali

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

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

PROPERTY INFORMATION

Common Address of Property: 9432 SAYRE AVE
Property Identification Number (PIN): 10-18-114-034-000
Property Square Footage: 6537 SQ FT
Property Zoning District: 
Property Current Use:  RESIDENCE

APPLICATION INFORMATION

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

10-1-3- BUILDING PERMIT PROVISIONS 

Purpose of requested variation (attach as needed): WE ARE ASKING FOR OUR DRIVE WAY EXTENTION

RESPONSES TO STANDARDS FOR VARIATION

Provide responses to the four (4) Standards for a Variation as listed in Section 13-16-3-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.

OUR PROPERTY IS A SINGLE ATTACH CAR GARAGE WITHOUT AN ALLEY. BUT AS AN OWNER OF ONE COMMERCIAL CAR THAT WE CAN'T PARK ON THE STREET.

- 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. The circumstances will not justify a variation.

ADDITIONAL TO THE COMMERCIAL CAR WE OWN THREE MORE CARS. THE LACK OF EXTENSION WOULD NOT ALLOW US TO COMFORTABLE UTILIZE OUR OWN FRONT YARD

- c. **Not Detrimental to Public Welfare:** The granting of any variation is in conformity 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 DRIVEWAY AND EXTENSION WILL BE BUILT IN CONCRET CEMENT WHICH WILL IMPROVE THE AREA AND LAND VALUE

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

THERE WOULD BE NO IMPAIRMENTS WITH ADEQUATE SUPPLY OF LIGHT & AIR TO ADJACENT PROPERTIES. THERE IS NO RISK OF ADDITIONAL CONGESTION OR ALTER THE CHARACTER OF THE NEIGHBORHOOD

of

ADDRESS: 9432 SAYRE AVENUE, MORTON GROVE, ILLINOIS
P.I.N. 10-18-114-034

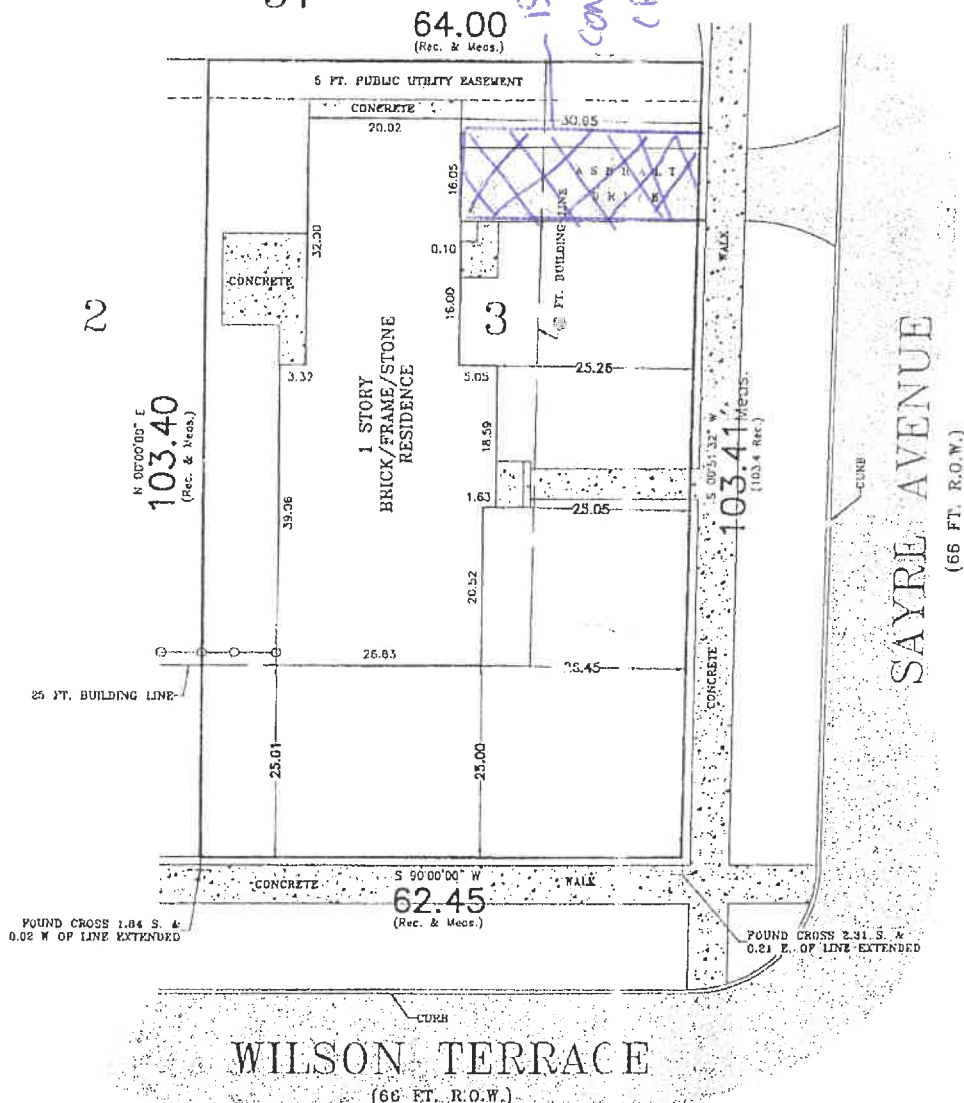
57

64.00
(Rec. & Meas.)

15/30
CONCRETE
CENET



SCALE: 1"=15'



- 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 RECORDING 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.



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

SURVEY ORDERED BY: LHM ENTERPRISES

1. 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 DO NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PART THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS
10TH DAY OF MARCH A.D. 2022

NY LICENSE RETIRE ON 11/30/22

P.S.L. NO. 220484



Preferred
SURVEY, INC.

7845 W. 70TH STREET, BRIDGEVIEW, IL, 60455
Phone 708-458-7845 / Fax 708-458-7855
www.paisurvey.com



Field Work Completed	03/10/2022	FLD CREW:	WR/PW
Land Area Surveyed	6,537.5 Sq. Ft.	CAD:	EC
Drawing Revised			

BILL OF SALE

Sellers, Okwudili Okeke and Nnenna Okore, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, do hereby sell, assign, transfer, and set over Faissal Ligali, the following personal property, if any, located at 9432 Sayre Ave., Morton Grove, IL 60053:

All personal property set forth in the Residential Real Estate Purchase and Sale Contract with an Acceptance Date of February 27, 2022.

Permanent Real Estate Index Number: 10-18-114-034-0000

Sellers hereby represent and warrant to Buyer that Sellers are the absolute owners of said property, that said property is free and clear of all liens, charges, and encumbrances and that Sellers have full rights, powers, and authority to sell said personal property and to make this Bill of Sale. *All warranties of quality, fitness, and merchantability are hereby excluded.*

If this Bill of Sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

SIGNATURE(S) TO FOLLOW:

Village of Morton Grove

Department of Community & Economic Development

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

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

Date: May 14, 2024

Re: ZBA 24-07 – 9222 Merrill Avenue (09-13-118-022-0000)
Request for approval of variations from Sections 12-2-6:G to replace a sidewalk within a required side setback, and allow a fence in a street side yard exceeding allowable height and transparency.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-07 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners within 100 feet of the subject property, and placed a public notice sign on the property on May 2, 2024.

Request Summary

Property Background

The subject property is a 6,657-square-foot corner lot located on the west side of Merrill Avenue at the intersection of Merrill Avenue and Maple Street. The property is zoned R-2 Single Family Residence and is improved with a single-family dwelling. Surrounding properties are also within the R-2 District and improved with single-family residences. St. Mary's Knanaya Catholic Church is located at the intersection of Merrill Avenue and Lyons Street.



Subject Property Location Map

Application Overview

The applicant and subject property owner, Garik Kaufman, is seeking approval of waivers to authorize the replacement of a sidewalk within the required side setback and replace an existing fence in a street side yard exceeding allowable height and transparency.

Sidewalk Waiver

The sidewalk will extend from the rear of the home to the Merrill Avenue public sidewalk, and have no setback from the north side lot line. The sidewalk will measure approximately three (3) feet in width and 50 feet in length. Per Village Code Section 12-2-6:G, a sidewalk is a permitted obstruction of a required side yard but must provide a minimum setback of three (3) feet in typical side yards, the three (3) feet setback may be reduced to allow a sidewalk width of three (3) feet if the yard is less than 6 feet. The subject property has a north side yard width of 5.5 feet which means a 2.5 foot setback is required along the side yard the home, while a 3foot setback is required in the street front yard portion of the side yard.

The proposed site plan is compliant with the maximum impermeable lot coverage permitted in the R-2 District.



9222 (left) and 9226 (right) Merrill Avenue sidewalks

Requested Variation

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

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Minimum Side Setback (12-2-6:G)	2.5 ft. in side yard	0 ft.	0 ft.	<i>Waiver of 2.5 ft.</i>
	3 ft. in front portion of side yard	0 ft.	0 ft.	<i>Waiver of 3 ft.</i>

As indicated in the table, the following waivers are required to authorize the walk:

- **Section 12-2-6:G** - Waiver of 2.5 ft. to allow a side setback adjacent the primary structure of 0 ft .
- **Section 12-2-6:G** - Waiver of 3 ft. to allow a side setback in the street front yard of 0 ft.

Discussion

The applicant is requesting the ZBA's approval to replace a recently removed existing sidewalk along the side of his single-family residence that does not meet the minimum sidewalk setback requirement of 3 feet. A sidewalk was about to be installed without a permit, replacing a similar non-conforming sidewalk. The building department issued a stop work order and the applicants consulted with staff regarding compliance.

Current code requires the sidewalk to be setback 3 feet from the side property line in front of the home. A 2.5 feet setback is required from the side property line in the 5.5 side yard along the south side of the home.

Staff notes that a side setback is required for sidewalks in order to provide an area for stormwater drainage so that water is not diverted to an adjacent property.

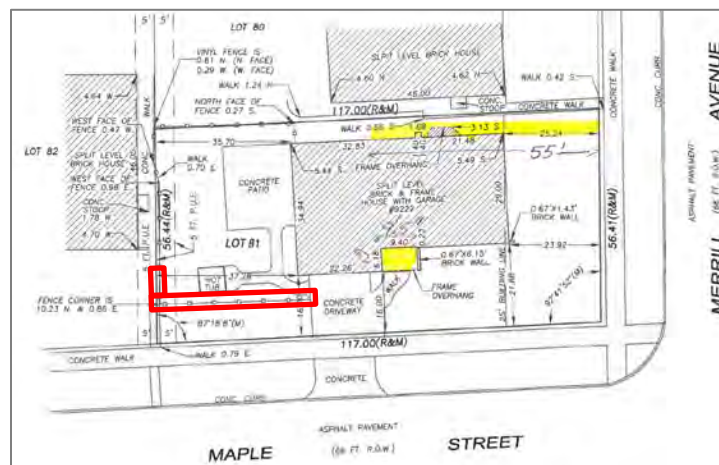
Fence Waiver

The Applicant is requesting waivers from Section 12-3-5 to allow a new installation of fencing within a street side yard along Maple Street. Section 12-3-5:C allows for the installation of fences within portions of certain street side yards on corner lots. However, the subject property's street side yard along Crain Street does not qualify for such fencing because the street side yard is along a block face that includes one or more front yards (there are 13 front yards on this block of Maple Street). The proposed fencing also does not meet the height and transparency requirements for street side yard fencing.

The proposed fencing will enclose an area of street side yard extending 6 feet south from the southwest corner of the home and 36 feet west along the southern street side lot line. The proposed fencing will turn north along the rear lot line and east to fully enclose the property's rear yard. The fence location meets sight line triangle requirements.



Maple Street front yard fence



Street Side Yard Fence Location

Requested Variation

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

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED VARIATIONS
Street Side Yard Fencing (12-3-5:C)	Block face: Cannot include 1 or more front yards Maximum height: 4 ft. Minimum transparency: 50% Sight Line Triangle: Fences shall not be located within a 45-degree 10-foot by 10-foot sight line triangle at any point where the vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way.	Block face: Contains 13 front yards Height: 6 ft. Transparency: 0% Sight Line Triangle: Not provided	<i>Variation to allow a street side yard fence along a block face with 1 or more front yards</i> <i>Variation of 2 feet to allow a street side yard fence with a height of 6 feet</i> <i>Variation of 50% to allow a street side yard fence with 0% transparency</i> <i>Sight Line Triangle: Not required by fence*</i>

*See discussion below

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

- Section 12-3-5:C.1: Variation to allow a street side yard fence along a block face with one or more front yards.
- Section 12-3-5:C.3: Variation of 2 feet to the maximum height restriction of 4 feet to allow a street side yard fence with 6 feet in height.
- Section 12-3-5:C.4: Variation of 50% to the minimum transparency requirement of 50% to allow a street side yard fence with 0% transparency.

Discussion

The Unified Development Code does not allow for street side yard fencing along block faces with one or more front yards due to the concern that such fencing will impede sight lines and potentially reduce the aesthetic appeal of properties located along the block face.

The Applicants are requesting the variations to various street side yard fencing requirements in order to replace an existing fence that will enclose a hot tub in an existing non-conforming location.

Staff notes that a hedge, meeting the definition of fence, is an existing non-conformity in the street side yard. Per Section 12-17-1, a fence is defined as, "a structure, series of trees or hedge which is a barrier and used as a boundary or means of protection or confinement."

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:

- 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.
- 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.
- Not Detrimental to Public Welfare: The granting of any variation is in harmony with the general purposes and intent of this title and will not be detrimental to the public welfare or to other property or improvements in the neighborhood.

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

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

Recommendation

Should the Board approve Case ZBA 24-07, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-07 a request for approval of a variations from Sections 12-2-6:G to replace a sidewalk within a required side setback, and allow a fence in a street side yard exceeding allowable height and transparency subject to the following conditions:

- 1) *The proposed walk and fence shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 04/02/2024; and*
- 2) *The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.*

Attachments

Application and related materials (submitted by applicant)



Incredibly Close ✧ Amazingly Open

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: 24-07 Date Application Filed: 4-2-2024

APPLICANT INFORMATION

Applicant Name: Garik Kaufman
Applicant Address: 9222 Merrill Ave
Applicant City / State / Zip Code: Morton Grove IL 60053
Applicant Phone: 224-392-1294
Applicant Email: Garik Kaufman@gmail.com
Applicant Relationship to Property Owner: Owner
Applicant Signature: Garik Kaufman

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Garik Kaufman
Owner Address: 9222 Merrill Ave
Owner City / State / Zip Code: Morton Grove IL 60053
Owner Phone: 224-392-1294
Owner Email: Garik Kaufman@gmail.com
Owner Signature: Garik Kaufman

PROPERTY INFORMATION

Common Address of Property: 9222 Merrill Ave. Morton Grove IL 60053
Property Identification Number (PIN): 09-13-118-022-0000
Property Square Footage: 6500 sq ft.
Property Zoning District: Single Family Residential Home R-2
Property Current Use: Primary Residence

APPLICATION INFORMATION

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

12-2-6 and 12-3-5

Purpose of requested variation (attach as needed): To replace a sidewalk in a required setback, and allow a fence in a in a street side yard exceeding the allowable height and transparency

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.

Yes. The difficulty is caused by the strict adherence to the provision/title.

- 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.

Application of the provisions deprive applicant of reasonable use and means a change of precedent from previously existing straight and clear walkway to one that would zigzag across the front yard and in front of the house. This means changing landscaping, previously existing precedent, and the decline of general appeal to the neighborhood due to unsightly accommodations.

- 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.

This is a replacement of existing concrete and is not changing anything that has not already pre-existed and therefore not detrimental to public welfare because it is not a creation of any new work.

- 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.

This is concrete and will not impair any supply of light or air to adjacent property nor will it affect other public safety concerns. In fact, it relieves public safety concerns due to the fact that the previous walkway was a walking hazard.

PLAT OF SURVEY

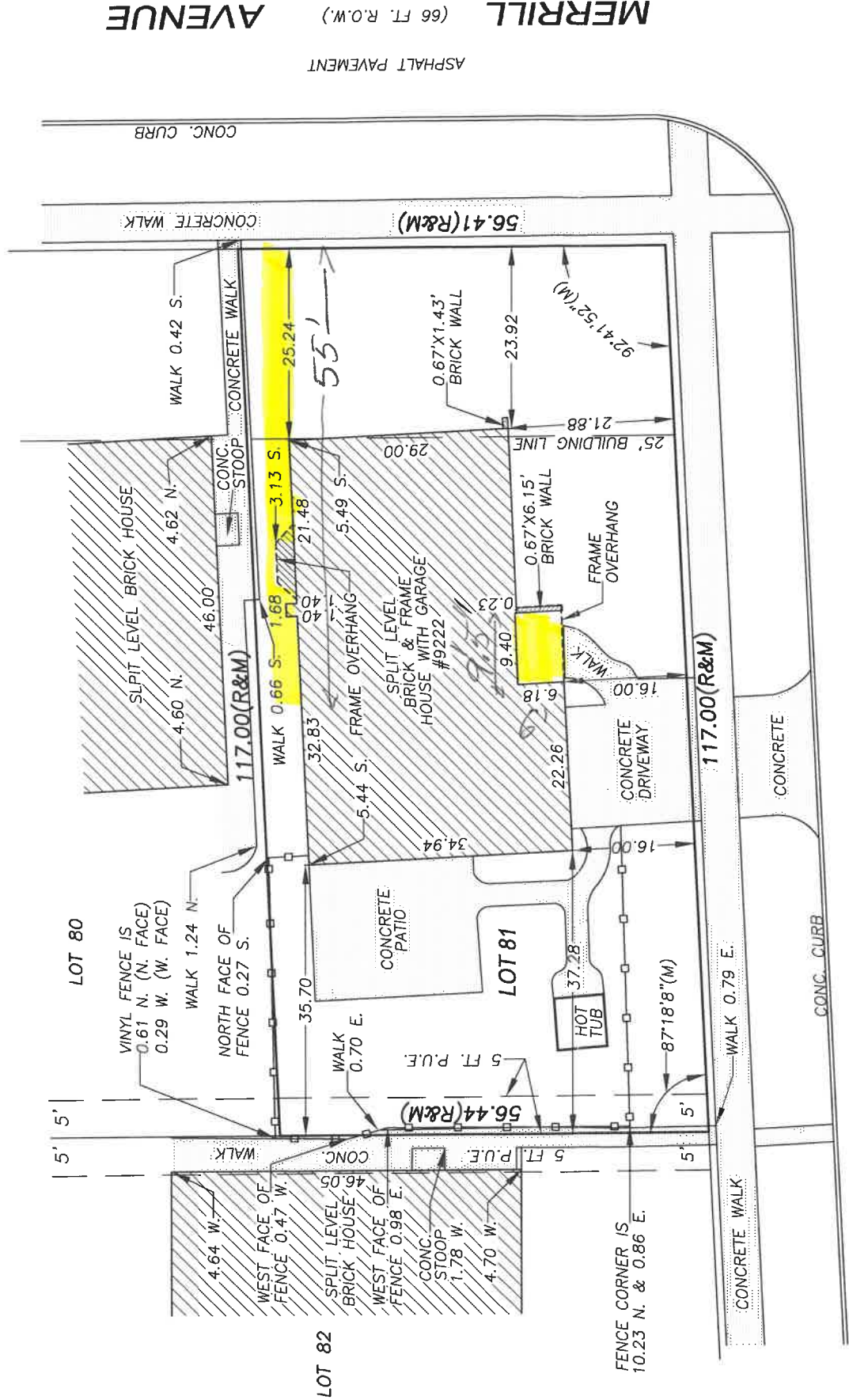
OF

LOT 81 IN SECOND ADDITION TO MORTON AIRE, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-13-118-022-0000 TOTAL LAND AREA: 6,594 SQ.FT.

COMMONLY KNOWN AS: 9222 MERRILL AVENUE, MORTON GROVE, ILLINOIS 60053

SCALE: 1 INCH = 20 FEET



RECEIVED

MAR 18 2024

VILLAGE OF MORTON GROVE

- LEGEND:
- (R) = Subdivision Record
 - (M) = Measured
 - (D) = Deed
 - N. = North
 - S. = South
 - W. = West
 - E. = East
 - NW'y = Northwesterly
 - NE'y = Northeasterly
 - SW'y = Southwesterly
 - SE'y = Southeasterly
 - Conc. = Concrete
 - Vinyl Fence = —□—□—□—
 - Chain Link Fence = —x—x—x—
 - Iron Fence = —○—○—○—
 - P.U.E. = Public Utility Easement

ORDER NO.: 24-045
ORDERED BY: GARIK KAUFMAN

PREPARED BY:
GEODETIC SURVEY, LTD.
PROFESSIONAL DESIGN FIRM NO. 184-004394
CONSTRUCTION & LAND SURVEYORS
200 WAUKEGAN ROAD, GLENVIEW, IL 60025
TEL. (847) 904-7690; FAX (847) 904-7691
info@gsurvey.net www.gslandsurveying.com

GENERAL NOTES:

- PROPERTY CORNERS ARE NOT FLAGGED AND STAKED PER CLIENT REQUEST.
- ACAD FILE WILL NOT BE RELEASED UNDER THIS CONTRACT.
- FOR EASEMENTS, BUILDING LINES AND OTHER RESTRICTIONS NOT SHOWN ON THE PLAT OF SURVEY REFER TO YOUR ABSTRACT, DEED, TITLE POLICY, CONTRACT AND LOCAL BUILDING LINE/SETBACK REGULATIONS.
- COMPARE ALL POINTS BEFORE BUILDING AND AT ONCE REPORT ANY DISCREPANCIES, WHICH YOU MAY HAVE FOUND, TO THIS OFFICE, BEFORE DAMAGE IS DONE.
- DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE NOT TO BE ASSUMED FROM SCALING.
- BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.
- THE LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND FOR ACCURACY SHOULD BE COMPARED WITH DEED AND/OR TITLE INSURANCE POLICY.

STATE OF ILLINOIS
COUNTY OF COOK SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

FIELD WORK COMPLETED: MARCH 12, 2024
DATED THIS 14th DAY OF MARCH, 2024.

BY: *Thomas R. Krohn*
PROFESSIONAL ILLINOIS LAND SURVEYOR NO.3000
LICENSE EXPIRES 11/30/2024





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

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

Date: May 14, 2024

Re: ZBA 24-08 – 9226 Merrill Avenue (09-13-118-021-0000)
Request for approval of a variation from Sections 12-2-6:G to replace a sidewalk within a required side setback

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-08 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners within 100 feet of the subject property, and placed a public notice sign on the property on May 2, 2024.

Request Summary

Property Background

The subject property is a 5,850-square-foot lot located on the west side of Merrill Avenue between Lyons Street and Maple Street. The property is zoned R-2 Single Family Residence and is improved with a single-family dwelling. Surrounding properties are also within the R-2 District and improved with single-family residences. St. Mary's Knanaya Catholic Church is located at the intersection of Merrill Avenue and Lyons Street.



Subject Property Location Map

Application Overview

The applicants and subject property owners, Silviu and Flavius Strain, are seeking approval of a waiver to authorize the replacement of a sidewalk within the required side setback. The sidewalk extends from the public sidewalk at the front of the home to the attached rear patio. It has no setback from the south side lot line, until reaching an attached gas meter, where it then has a setback of approximately two (2) feet from the side lot line until connecting with the rear patio. The sidewalk measures 3 feet in width and is approximately 87 feet in length. Per Village Code Section 12-2-6:G, a sidewalk is a permitted obstruction of a required side yard but must provide a minimum setback of three (3) feet in typical side yards, the three (3) feet setback may be reduced to allow a sidewalk width of three (3) feet if the yard is less than six (6) feet. The subject property has

a south side yard width of 5.1 feet which means a 2.1-foot setback is required along the side yard adjacent the home, while a 3-foot setback is required in the front yard portion of the side yard.

The proposed site plan is compliant with the maximum impermeable lot coverage permitted in the R-2 District.



9226 Merrill Sidewalk

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

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Minimum Interior Side Setback (12-2-6:G)	2.1 ft. in side yard	0 ft.	0 ft.	<i>Waiver of 2.1 ft.</i>
	3 ft. in front portion of side yard	0 ft.	0 ft.	<i>Waiver of 3 ft.</i>

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

- **Section 12-2-6:G** - Waiver of 2.1 ft. to allow a side setback adjacent the primary structure of 0 ft.
- **Section 12-2-6:G** - Waiver of 3.0 ft. to allow a side setback in the front yard of 0 ft.

Discussion

The applicants are requesting the ZBA's approval to allow an existing sidewalk along the side of their single-family residence that does not meet the minimum sidewalk setback requirement of 3 feet. The sidewalk was installed without a permit, replacing a similar non-conforming sidewalk. The building department issued a stop work order and the applicants consulted with staff regarding compliance.

Current code requires the sidewalk to be setback 3 feet from the side property line in front of the home. A 2.1 feet setback is required from the side property line in the 5.1 side yard along the south side of the home.

Staff notes a side setback is required for sidewalks in order to provide an area for stormwater drainage so that water is not diverted to an adjacent property.

Variation Standards

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

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

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

Recommendation

Should the Board approve Case ZBA 24-08, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-08 a request for approval of a variation from Section 12-2-6:G to replace a sidewalk within a required side setback, subject to the following conditions:

- 1) *The proposed walk shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 04/02/2024; and*
- 2) *The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.*

Attachments

Application and related materials (submitted by applicant)



VARIATION APPLICATION

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

Case Number: 24-08

Date Application Filed: 4/2/2024

APPLICANT INFORMATION

Applicant Name: Silviu Strain and Flavius Strain
Applicant Address: 9226 Merrill Ave.
Applicant City / State / Zip Code: Morton Grove, IL, 60053
Applicant Phone: 312-804-6322 (Silviu)
Applicant Email: Silviu.strain@gmail.com flaviusstrain@gmail.com
Applicant Relationship to Property Owner: Property Owners
Applicant Signature: [Signature] [Signature]

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Silviu Strain and Flavius Strain
Owner Address: 9226 Merrill Ave.
Owner City / State / Zip Code: Morton Grove IL, 60053
Owner Phone: 312-804-6322
Owner Email: Silviu.strain@gmail.com flaviusstrain@gmail.com
Owner Signature: [Signature] [Signature]

PROPERTY INFORMATION

Common Address of Property: 9226 Merrill Ave. Morton Grove IL, 60053
Property Identification Number (PIN): 09-13-118-021-0000
Property Square Footage: 5,850 sq ft. (111 x 50)
Property Zoning District: Residential - Single Family home **R-2**
Property Current Use: Primary home / Primary Residence

APPLICATION INFORMATION

Applicant is requesting a variation from the following section(s) of the Morton Grove Unified Development Code:
12-2-6

Purpose of requested variation (attach as needed): To replace a sidewalk in a required setback

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.

Yes. The difficulty is caused by the strict adherence to the
Provision/Title.

- 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.

Application of the provisions deprive applicant of reasonable use and means a change of precedent
from previously existing straight and clear walkway to one that would zig zag across the front
Yard and in front of the house. This means changing landscaping, previously existing precedent,
and the decline of general appeal to the neighborhood due to unsightly accommodation.

- 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.

This is a replacement of existing concrete, and is not changing anything that
has not already pre-existed and therefore not detrimental to public welfare
because it is not a creation of any new work.

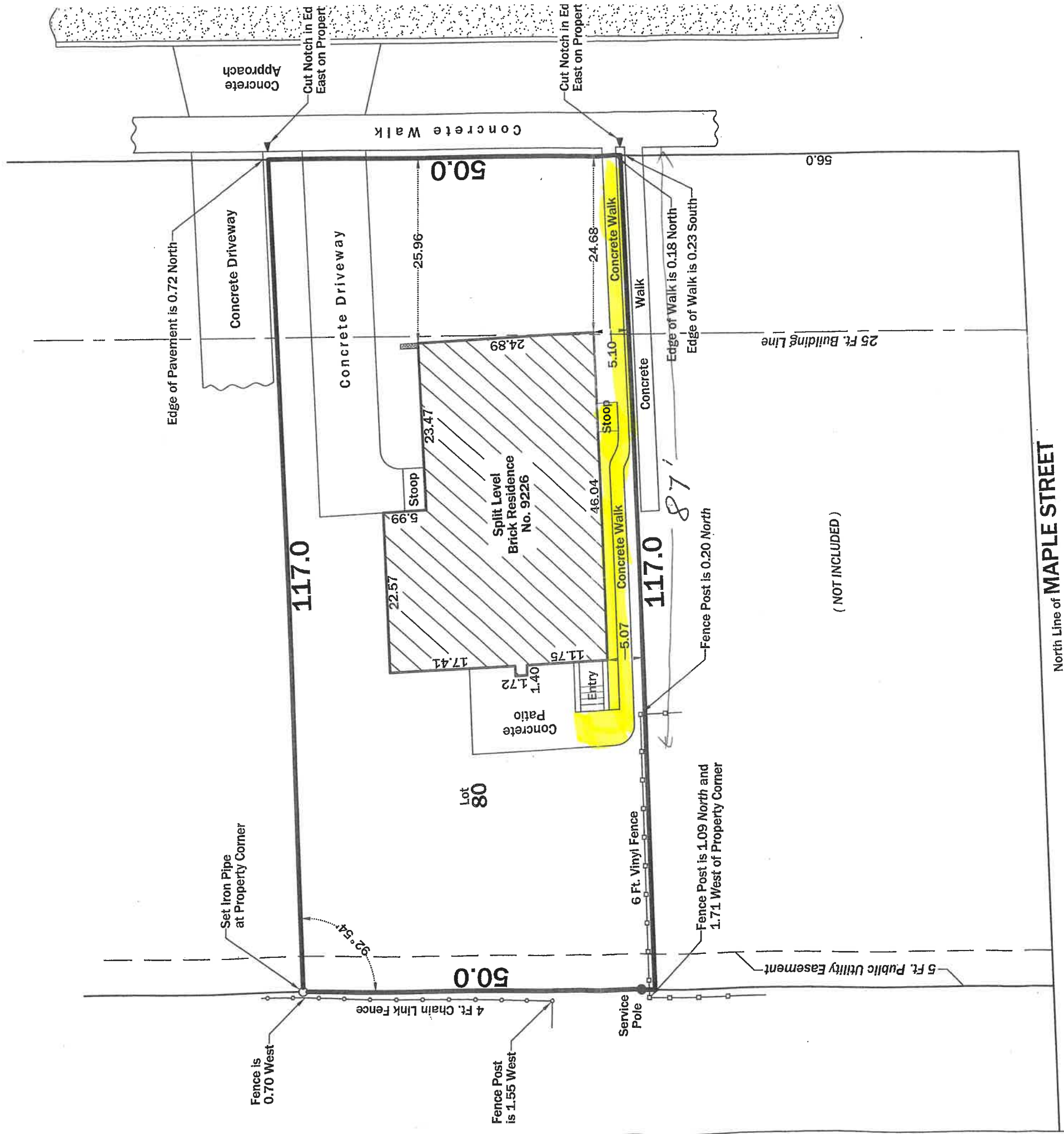
- d. **Not Detrimental to Neighborhood:** The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire, endanger the public safety, or alter the character of the neighborhood.

This is concrete and will not impair any supply of light or air to adjacent property nor
will it affect other public safety concerns. In fact, it relieves public safety concerns due to
the fact that the previous walkway was a walking hazard.

PLAT OF SURVEY

LOT 80 IN SECOND ADDITION TO MORTON AIRE, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS # 9226 MERRILL AVENUE, MORTON GROVE, ILLINOIS.



PREPARED FOR: NORM PADNOS, ATT.
PURPOSE: MORTGAGE / SALE
FIELD DATE: 12-23-19
DELIVERY DATE: 12-30-19
FORMATS: BOND & PDF

Information hereon is not sufficient nor guaranteed for new construction, unless property corners noted. Distances and angles may not be assumed by scaling. Distances noted hereon are in feet and decimals. Building Lines & Easements per title, if provided.

*State of Illinois }
County of Cook } SS*

WE, North Shore Survey, Ltd., do hereby certify that we have surveyed as described in the above caption in accordance with official records and that the plat hereon drawn is a correct representation of

SCALE: 1" = 15'

SCALE: 1" = 15'

PROFESSIONAL ILLINOIS LAND SURVEYOR
LICENSE NO. 35-2232 EXP. 11-30-2020

Village of Morton Grove

Department of Community & Economic Development

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

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

Date: May 14, 2024

Re: ZBA 24-09 – 5924 Carol Avenue (10-20-200-024-0000, 10-20-200-025-0000)
Requesting approval of variations from Sections 12-2-5 and 12-4-2 to allow for an addition to a principal structure within required yards.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-09 in accordance with the Unified Development Code. The *Morton Grove Champion* published a notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on May 2, 2024.

Request Summary

Property Background

The subject property is an interior lot located on the north side of Carol Avenue between Austin and Marmora Avenues. The subject property is within a R-2 Single Family Residence District and is improved with a single-family residence. The property's lot size is 8,470 square feet.

Properties to the east, south, and west are also located within the R-2 District. Properties to the north across the alley are in the C-1 General Commercial District along Dempster Street. The applicant and property owner, Kame Kuqo, is requesting a variance to allow one and two-story additions to the existing home within the 30-foot required rear yard, and a new wood deck in the six (6)-foot required west side yard. The existing detached garage and shed are to be demolished.



Subject Property Location Map

Application Overview

The applicant is requesting waivers from Sections 12-2-5:B and 12-4-2:D, to allow the remodel the existing home, adding one and two-story additions to the west. The existing deck will be replaced in the same non-conforming location in the east side yard.

Requested Waivers

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

Dimensional Control	Requirement	Existing	Proposed	Waiver Request
Front Yard (12-4-2:D)	Min. 25 ft.	81.8 ft.	74.6 ft.	<i>Compliant</i>
Side Yard (12-4-2:D)	Min. 5 ft.	1.2 ft. (east) 15.1 ft. (west)	1.2 ft (east) 6.4 ft. (west)	<i>New deck maintaining same no-conformity, waiver of 3.9 ft.</i> <i>Compliant</i>
Rear Yard (12-4-2:D)	Min. 30 ft.	2.2 ft.	5.0 ft.	<i>Waiver of 25 feet to allow a principal structure within a required rear yard</i>
Total Lot Coverage (12-4-2:D)	Max. 60%	2,273 sq. ft. / 8,470 sq. ft. = 26.8%	2,761 sq. ft. / 8,470 sq. ft. = 32.6%	<i>Compliant</i>

As shown in the table, the following waivers are required to authorize the one and two-story additions with deck as proposed by the Applicant:

- Section 12-4-2:D: Waiver of 3.9 feet to allow east side yard of 1.2 feet.
- Section 12-4-2:D: Waiver of 25 feet to allow a principal structure within a required rear yard.



Subject Property Street View

Discussion

The applicant is seeking variations to expand the existing non-conforming home at the rear of their lot. The remodel and expansion will keep the front of the lot in the same use. The current garage, concrete pad, and shed will be demolished and a new three-car attached garage will be constructed such that the property will continue to be accessed by the alley to the north.

Given that the existing structure's location only 2.2 feet from the rear property line creates a unique nonconforming condition, Staff is providing the following explanation of rear yard coverage requirements. Such coverage is regulated under 12-2-5:B which states that in no event may the total of accessory structures and impermeable surfaces combine to exceed fifty (50) percent of a rear yard. The "rear yard" is defined not as a "required rear yard" which is 30 feet, but as the open space measured from the rear property line to the closest point of the principal structure. In this case, the rear yard is the two-foot by 70-foot (140-square-feet) area behind the existing non-conforming home. As presented, the rear yard coverage does not require a variation. No variation is required for total yard coverage.

Staff notes that the site plan and elevation renderings depict different locations for proposed walkways and possibly a patio in the front of the home. While these would be allowed in either of the proposed locations and will meet the maximum impermeable coverage requirement, the applicant should speak to which location is proposed for a building permit.

The property received a variation (ZBA 21-06) for a front yard fence in 2021.

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.

Recommendation

Should the Board approve Case ZBA 24-09, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-09, a request for approval of a variation from Sections 12-2-5 and 12-4-2 to allow for an addition to a principal structure within required yards, subject to the following conditions:

- 1) *The addition shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 04/10/2024.*
- 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 installation.*

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: 4-00 Date Application Filed: 4/20/24

APPLICANT INFORMATION

Applicant Name: Kame Kugo
Applicant Address: 5924 Carol Ave
Applicant City / State / Zip Code: Morton Grove, IL 60053
Applicant Phone: 312-709-4746
Applicant Email: AKgersch@gmail.com
Applicant Relationship to Property Owner: Self
Applicant Signature: Kame Kugo

RECEIVED

APR 10 2024

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: same
Owner Address: VILLAGE OF MORTON GROVE
Owner City / State / Zip Code:
Owner Phone:
Owner Email:
Owner Signature:

PAID

APR 10 2024

PROPERTY INFORMATION

Common Address of Property: 5924 Carol Ave Morton Grove, IL 60053
Property Identification Number (PIN): 10-20-200-025-0000 10-20-200-024-0000
Property Square Footage: 864 sq. ft house (70 x 121 lot size)
Property Zoning District: 2
Property Current Use: Residence

APPLICATION INFORMATION

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

Purpose of requested variation (attach as needed): Building an addition to current house
+ 3 car garage
one rear yard cover

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.

Being able to keep the property where it is allows my children to be safe from pollution, noise and any dangers that might come from having a backyard that faces a commercial building w/ busy parking 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.

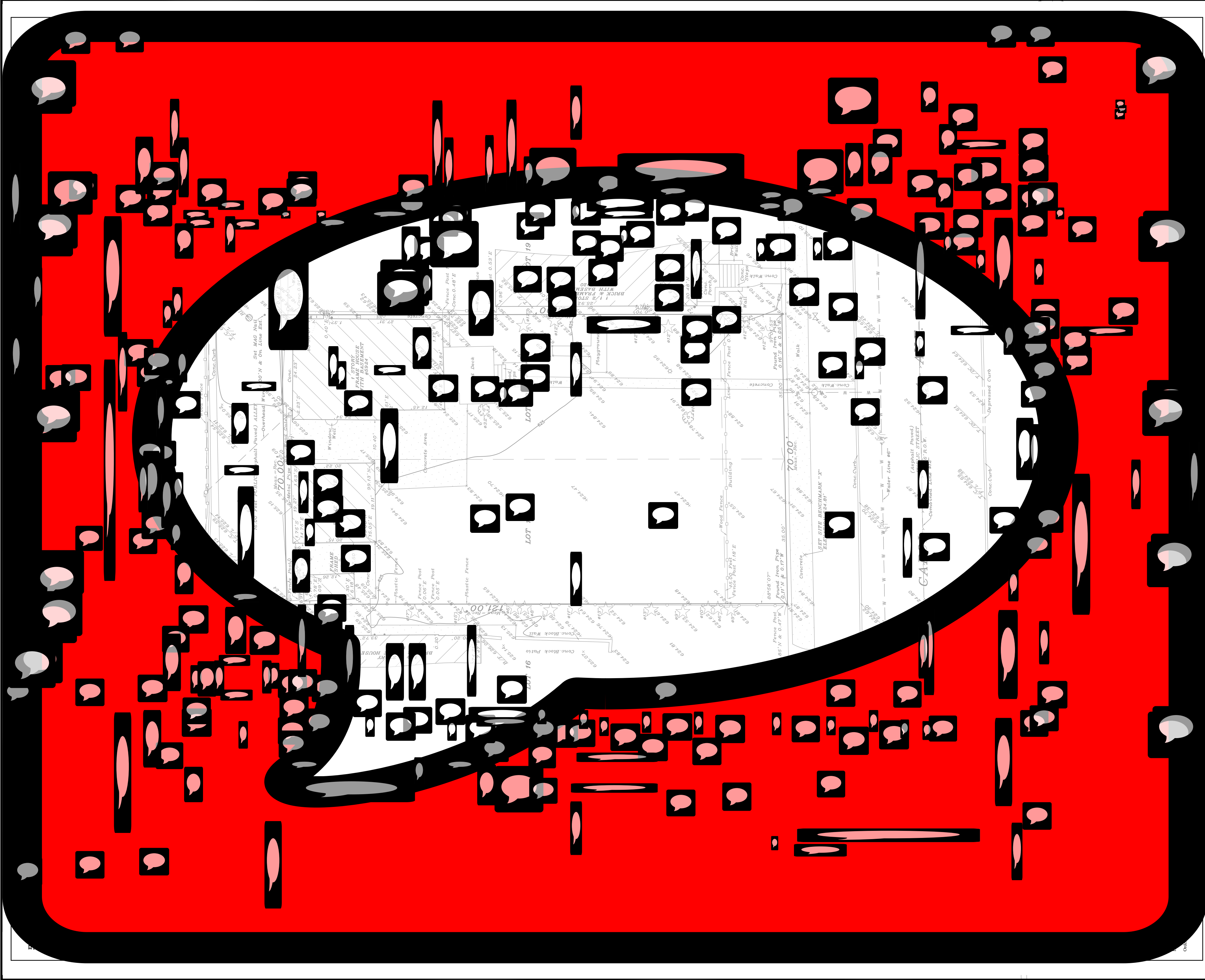
Having the property be built up front would not allow us to create a pollinator sanctuary due to lack of light coming into the yard. If house is set back like currently we will get sufficient light for pollinator/native flowers.

- 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.

Granting this variation would mean that the public welfare would be improved because of the beautification of the current property.

- 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.

Both east & west neighbors are in agreement with site plan. No light or air is blocked to adjacent properties & the changes proposed will not increase traffic or alter the character of the neighborhood.



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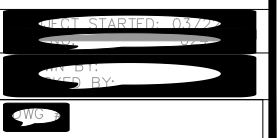
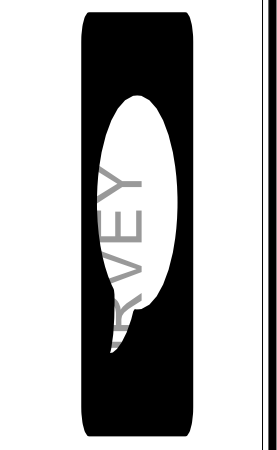
Consultant

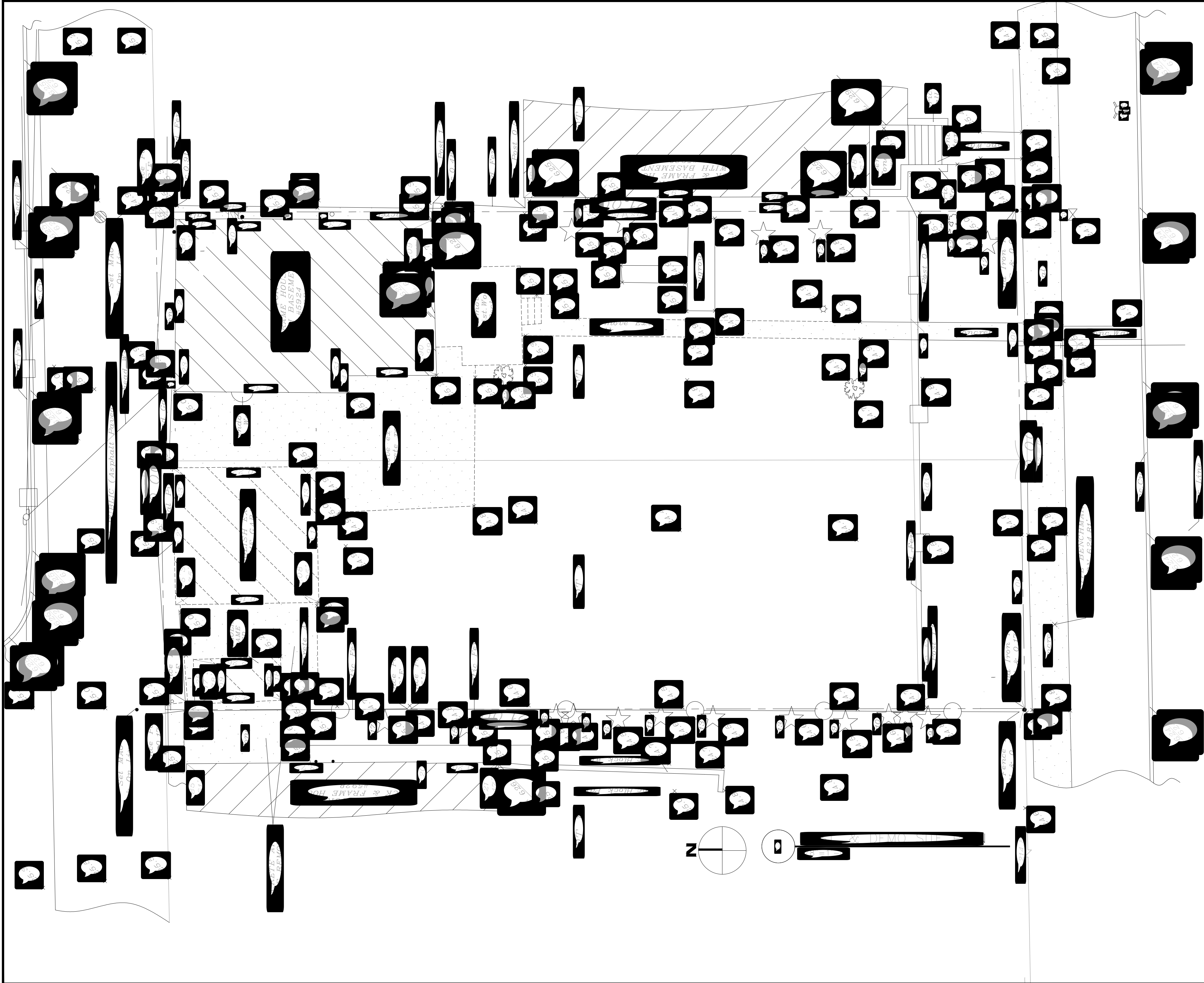
Submittals

Revisions

PROJECT TITLE:
**NEW 2 STORY ADDITION
TO EXISTING RESIDENCE**

ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL





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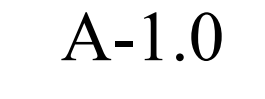
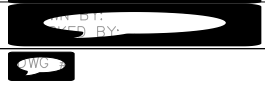
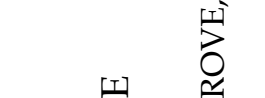
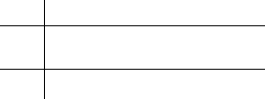
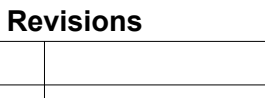
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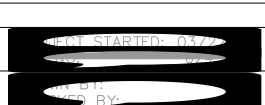
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PROJECT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE
ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

EXISTING &
DEMO SITE PLAN
SCALE: 1/8"=1'-0"



A-1.0



submittals

Revisions

PRODUCT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE

ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

PROPOSED
SITE PLAN
SCALE: $\frac{1}{8}" = 1'-0"$

A-1.1



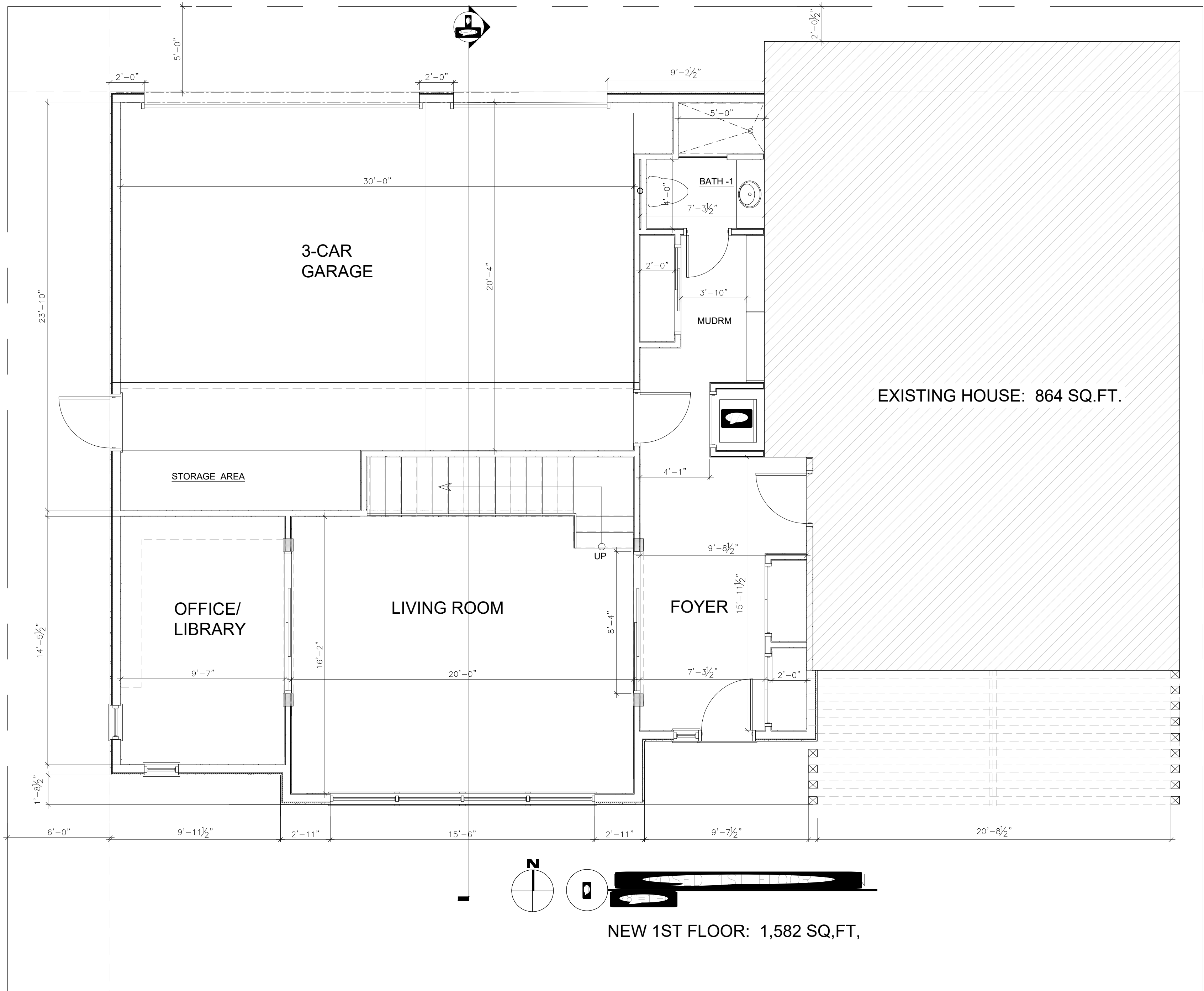
PROJECT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE

ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

PRELIMINARY
LANDSCAPING PLAN

SCALE: $\frac{1}{8}" = 1'-0"$

L-1.0



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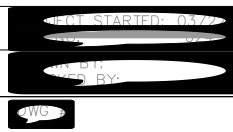
Consultant

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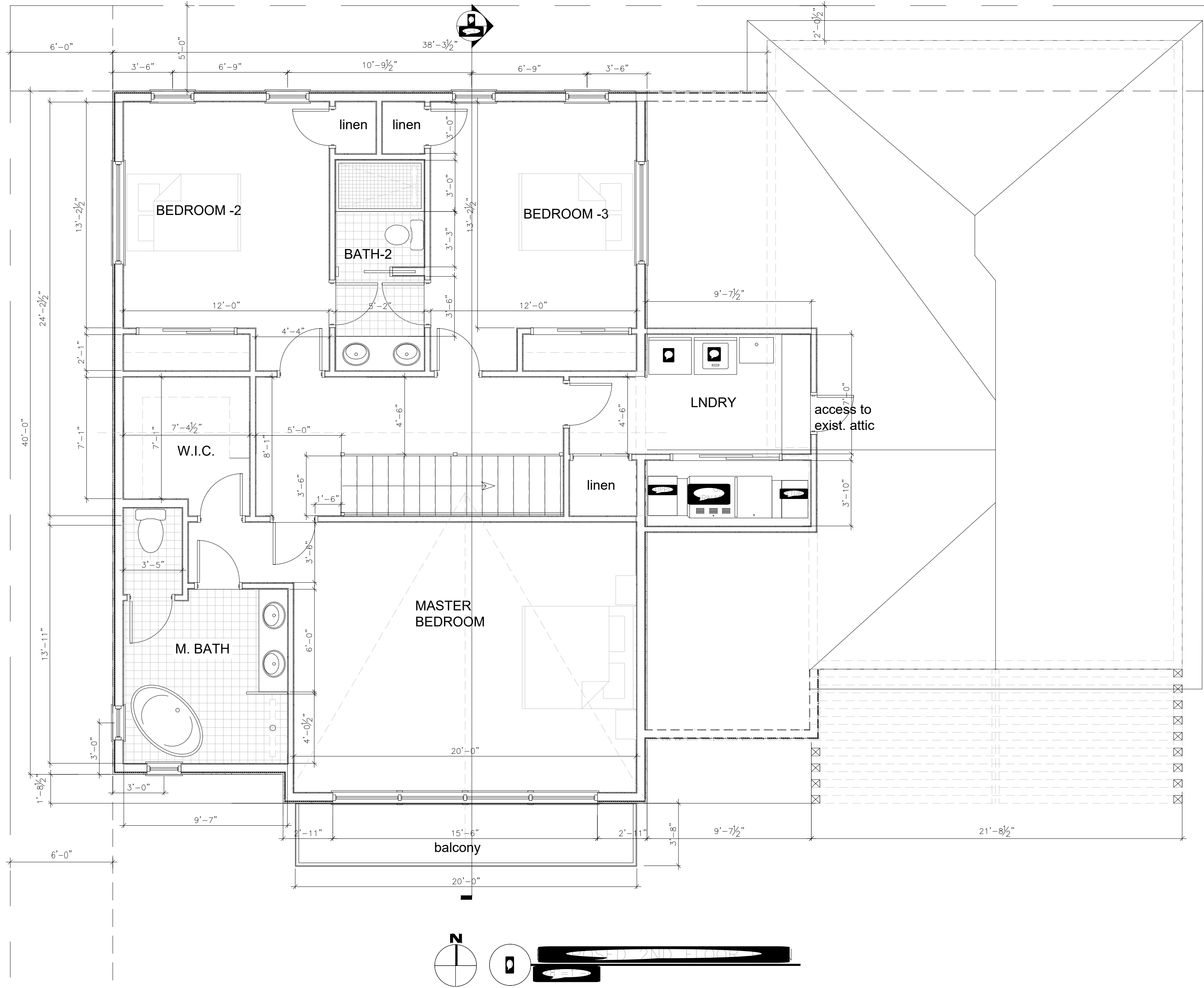
Revisions

PROJECT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE
ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

PROPOSED
1ST FLOOR PLAN



A-2.0



NEW 2ND FLOOR: 1,285 SQ.FT,



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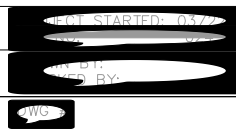
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Revisions

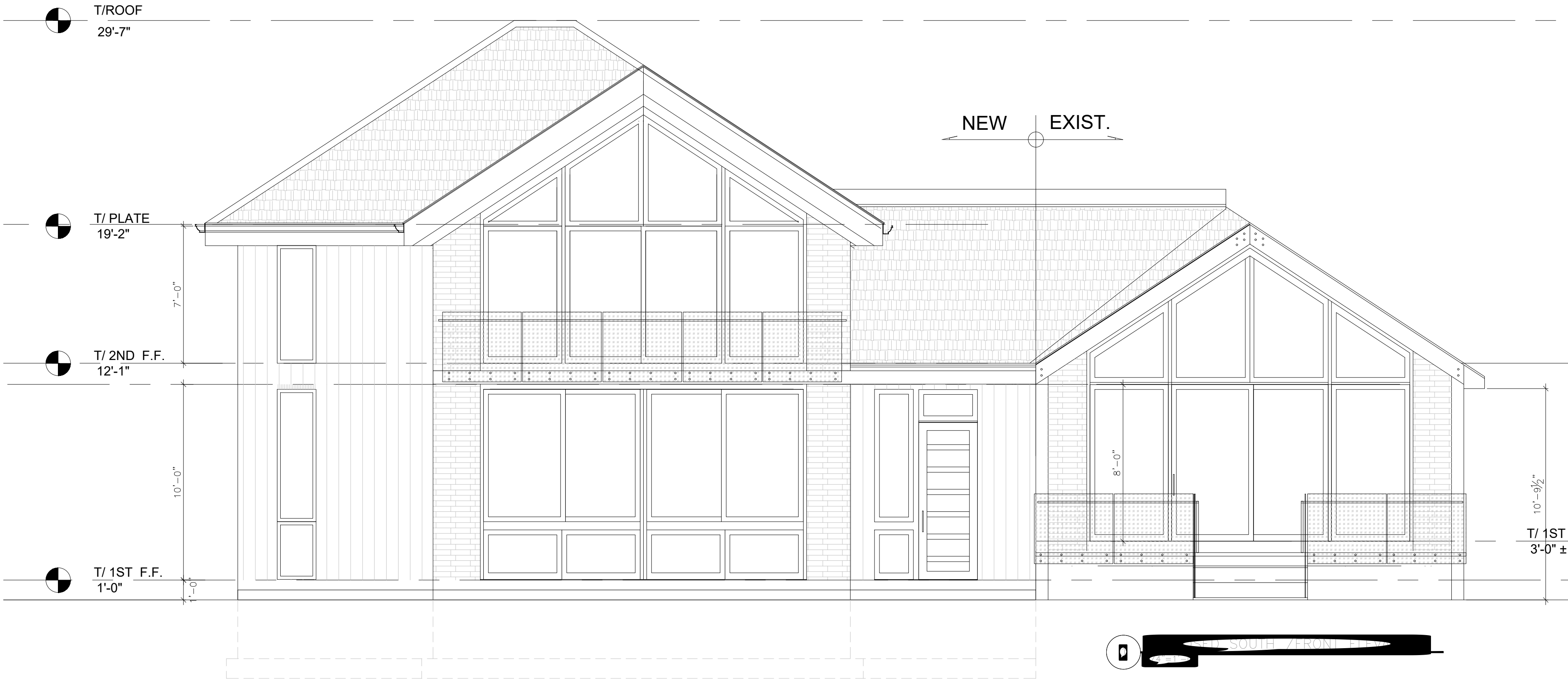
PROJECT TITLE:
**NEW 2 STORY ADDITION
TO EXISTING RESIDENCE**
ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

**PROPOSED
2ND FLOOR PLAN**



A-2.1

PROPOSED MODEL OF NEW 2-STORY RESIDENCE



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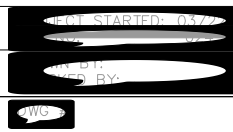
PROJECT TITLE:

NEW 2 STORY ADDITION
TO EXISTING RESIDENCE

ADDRESS:

5924 CAROL AVE, MORTON GROVE, IL

PROPOSED
FRONT ELEVATION



A-3.0



T/ROOF
29'-7"

T/ PLATE
19'-2"

T/ 2ND F.F.
12'-1"

T/ 1ST F.F.
1'-0"



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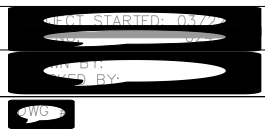
Consultant

Submittals

Revisions

PROJECT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE
ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

PROPOSED
ELEVATIONS



A-3.1



REAR/NORTH
ELEVATION

FRONT/SOUTH
ELEVATION



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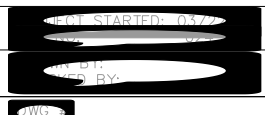
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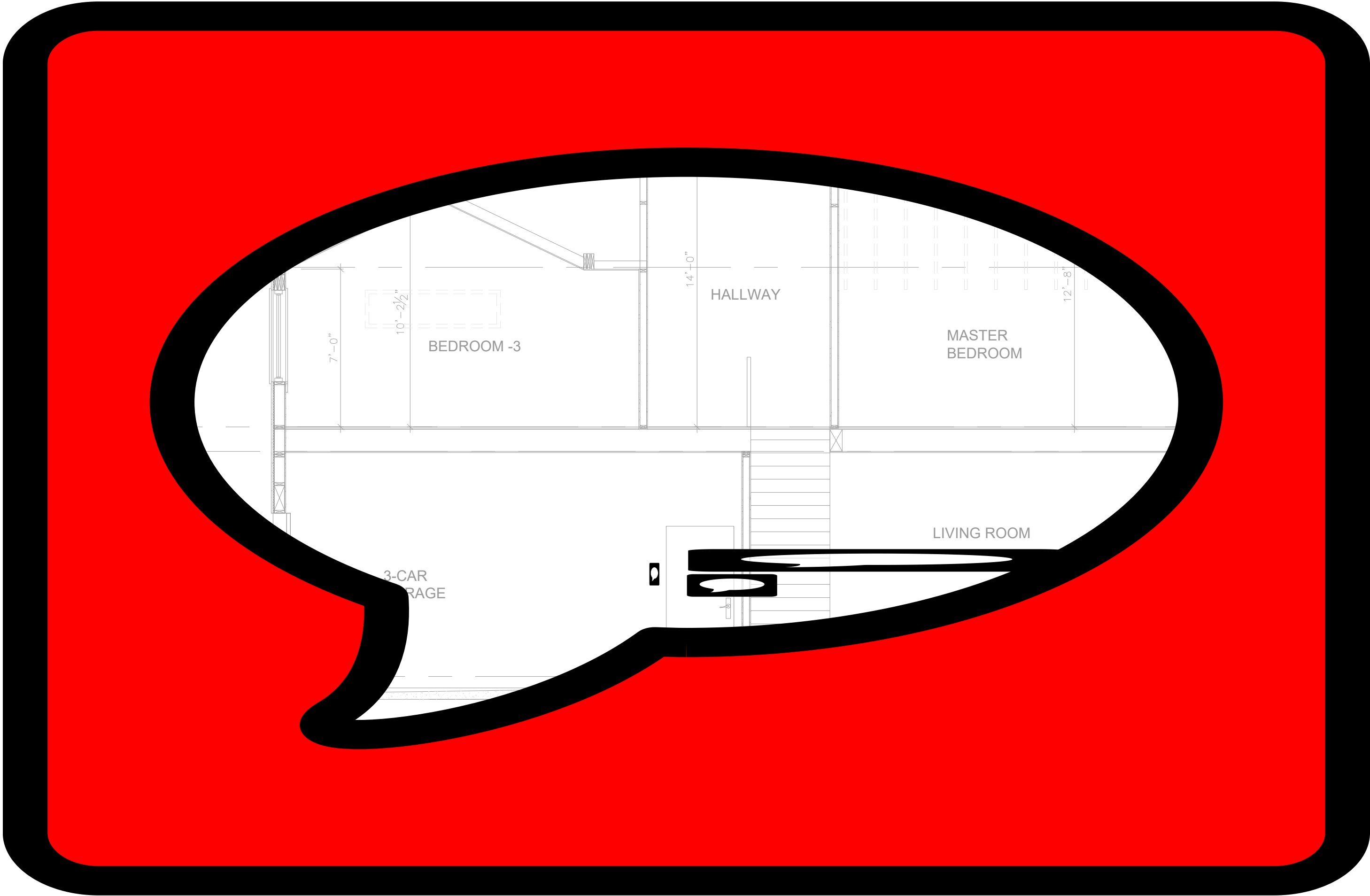
Revisions

PROJECT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE
ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

PROPOSED
ELEVATIONS



A-5.2



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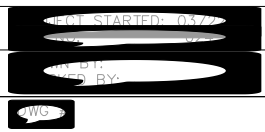
Consultant

Submittals

Revisions

PROJECT TITLE:
NEW 2 STORY ADDITION
TO EXISTING RESIDENCE
ADDRESS:
5924 CAROL AVE, MORTON GROVE, IL

PRELIMINARY
BUILDING SECTION



A-4.0

Village of Morton Grove

Department of Community & Economic Development

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

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

Date: May 14, 2024

Re: ZBA 24-10 – 8822 Sayre Avenue (10-18-319-019-0000)
Request for variations from Sections 12-2-6, 12-4-2:D, and 12-15-4:A to allow a chimney in a required side yard, and steps and an eave in a required front yard on a non-conforming lot due to width.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-10 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on May 2, 2024.

Request Summary

Property Background

The subject property at 8822 Sayre Avenue is a 5,186-square-foot lot located on the west side of Sayre Avenue, between Dempster Street and Greenwood Avenue. The subject property is within a R-2 Single Family Residence District and is improved with a single-family residence. Surrounding properties are also zoned within the R-2 Single Family Residence District and are improved with single-family dwellings.



Subject Property Location Map

Application Overview

The applicant, Fred Wilson, on behalf of the owner, is requesting waivers from Sections 12-2-6:G, 12-4-2:D, and 12-15-4:A to construct a chimney, porch, and stairs that do not meet the following code requirements: (i) the chimney will encroach into a required side yard, (ii) the porch and stairs will have eaves and gutters encroach in the front yard and north side yard; (iii) the stairs will encroach in the front yard, and (iv) the lot does not meet the minimum lot width. The open sided porch addition is a permitted encroachment in the front yard as it does not exceed twenty (20) percent of the yard depth.

Section 12-2-6:D.1 requires a front yard greater than the standard 25-foot minimum if lots comprising 50% or more of the frontage on a block are developed with buildings having a front yard setback greater than 25 feet. The front setback is then determined by the average setback of adjacent existing buildings one hundred feet in each direction of the subject property. In this case, the minimum required front setback was determined by the existing setbacks of structures at 8814, 8820, 8826, and 8830 Sayre Avenue, which provide an average setback of 34.45 feet. The principal structure has an existing street side setback of 35.0 feet.

The chimney, which is not a permitted encroachment in an interior side yard, will encroach 1 foot into north side yard.

The eaves and gutters, will project 1.5 feet from the roof lines of the new open porch roof, creating nonconforming encroachments in the front and north side yard.

The stairs serving the open sided porch, measuring 4.3 feet in depth, are located 27.5 feet from the front lot line.

The property remains compliant with respect to maximum impermeable lot coverage. Staff notes that a variation has not been sought for the proposed front walk that exceeds the maximum width of 4 feet, the applicant will need to comply for building permit.

Requested Variation

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

Dimensional Control	Code Requirement	Proposed	Waiver Request
Permitted Encroachment, Chimney (12-2-6:G)	Not a permitted encroachment in an interior side yard	1 ft.	<i>Waiver to allow a chimney to encroach in an interior side yard</i>
Permitted Encroachment, Roof Eaves & Gutters (12-2-6:G)	Max. 20% of yard depth, Max. 2 ft. encroachment	1.5 ft. 8.4 ft. including permitted porch encroachment	Waiver of .5 ft. Waiver of 26.0 ft.
Permitted Encroachment, Stairs (12-2-6:G)	Max. 5 ft. encroachment, unroofed only	11.3 ft. Including permitted front porch encroachment	<i>Waiver of 23.0 ft.</i>
Maximum Impermeable Lot Coverage (12-4-2:D)	60.0%	47.3%	Compliant

Minimum Lot Width (12-4-2:D)	45 ft.	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>
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	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>

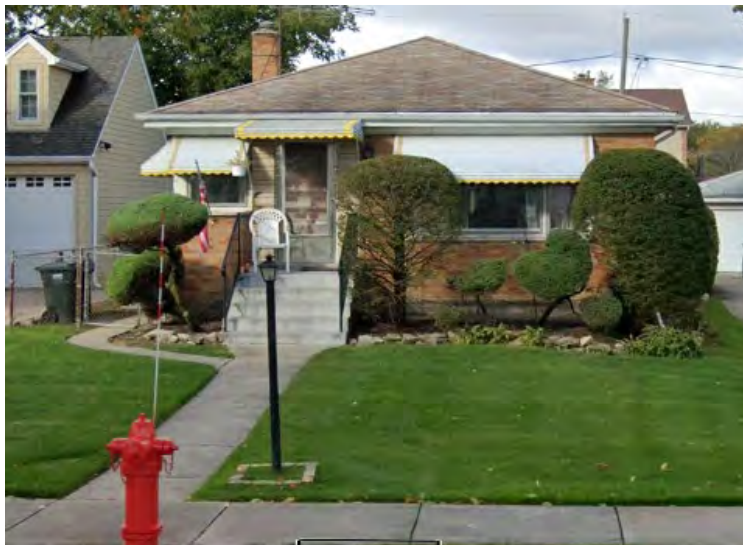
As shown in the table above, the following variations are required to approve construction of a chimney, porch and stairs as by the applicant:

- Section 12-2-6:G: Waiver to allow a chimney to encroach in an interior side yard
- Section 12-2-6:G: Waiver of .5 ft. to allow eave and gutter to encroach in required side yard
- Section 12-2-6:G: Waiver of 26.0 ft. to allow eave and gutter to encroach in required front yard
- Section 12-2-6:G: Waiver of 23.0 ft. to allow front stairs to encroach in required front yard
- Sections 12-4-2:D and 12-15-4:A: Waivers to allow stairs, walks and patio replacement on a nonconforming lot due to lot width and area.

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 north side eaves and gutters are nonconforming with respect to side setback, and are permitted to continue under protection of Chapter 12-15.

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.



Subject Property View

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 responses to these standards in the Variation Application.

Recommendation

Should the Board approve Case ZBA 24-10, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-10, a request for variations from Sections 12-2-6, 12-4-2:D, and 12-15-4:A to allow a chimney in a required side yard, and an eave in a required front yard on a non-conforming lot due to width, subject to the following conditions:

- 1) *The proposed addition shall be constructed in accordance with the plans submitted by the applicants in the Variation Application dated 4/09/2024.*
- 2) *The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.*

Attachments

Application and related materials (submitted by applicants)



VARIATION APPLICATION

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

Case Number:

4510

Date Application Filed:

4/20/22

APPLICANT INFORMATION

Applicant Name: FRED WILSON, MORGANTE WILSON ARCHITECTS, LTD.

Applicant Address: 2834 CENTRAL ST.

Applicant City / State / Zip Code: EVANSTON, IL 60201

Applicant Phone: (847) 332-1001

Applicant Email: FWILSON@MORGANTEWILSON.COM

Applicant Relationship to Property Owner: ARCHITECT OF RECORD

Applicant Signature:

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: NEAL KAPLAN

Owner Address: 8820 SAYRE AVE.

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

Owner Phone: (708) 602-8820

Owner Email: NEAL@FPP123.COM

Owner Signature:

PROPERTY INFORMATION

Common Address of Property: 8822 SAYRE AVE.

Property Identification Number (PIN): 10-18-319-019-0000

Property Square Footage: 5,186

Property Zoning District: R-2

Property Current Use: RESIDENCE

APPLICATION INFORMATION

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

12-2-6(G) PERMITTED OBSTRUCTIONS

12-2-5-4, nonconforming lot area

Purpose of requested variation (attach as needed): 1) CHIMNEY TO PROJECT INTO INTERIOR A SIDE YARD. 2) PORCH STEPS TO PROJECT INTO A FRONT YARD. 3) PORCH EAVE AND GUTTER TO PROJECT INTO A FRONT YARD. REFER TO DRAWINGS PROVIDED.

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.

[REDACTED] purchased the house as-is and did not create the hardship.

- 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.

[REDACTED]

- c.

[REDACTED]

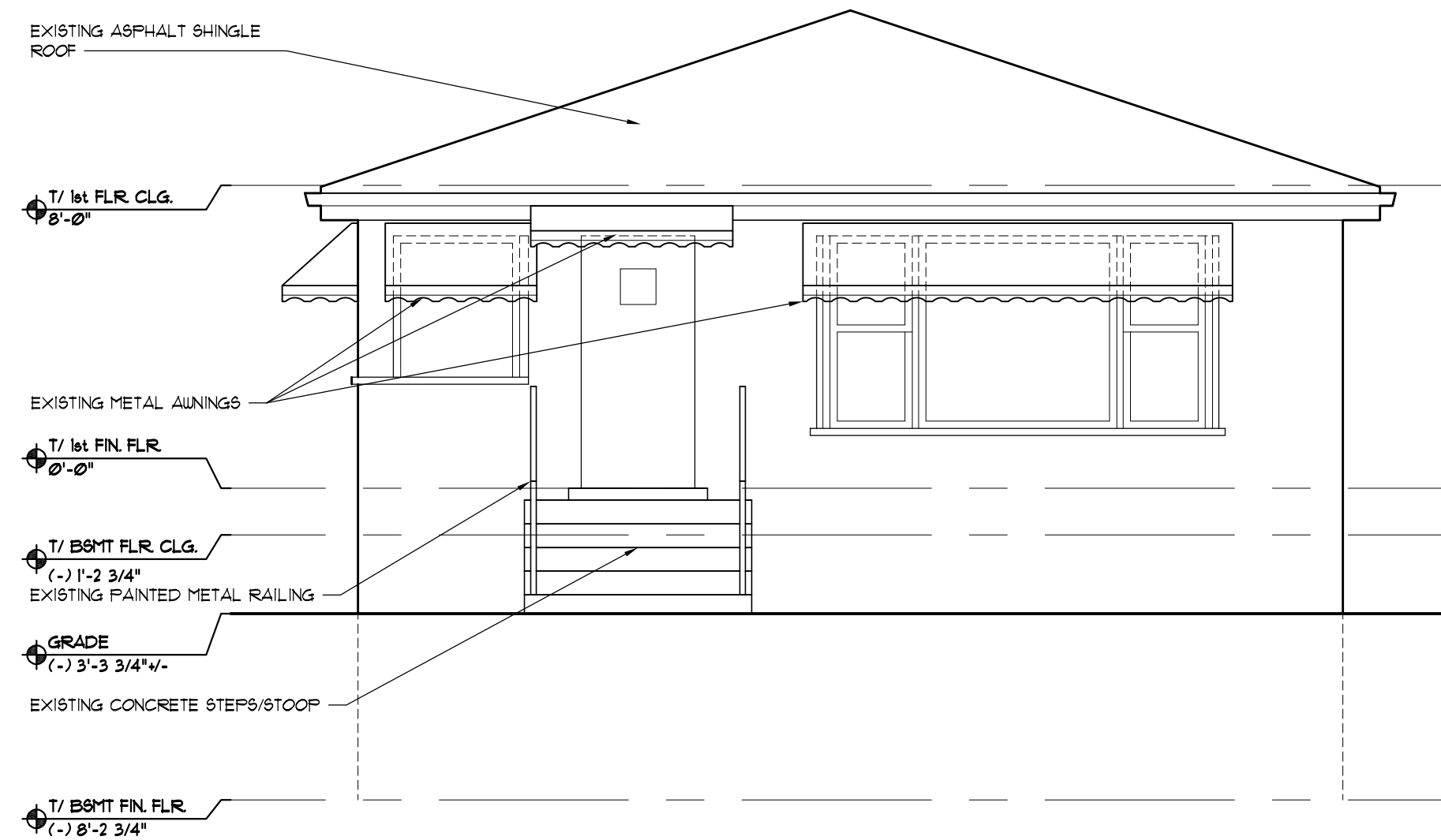
- d. **Not Detrimental to Neighborhood:** The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire, endanger the public safety, or alter the character of the neighborhood.

[REDACTED]

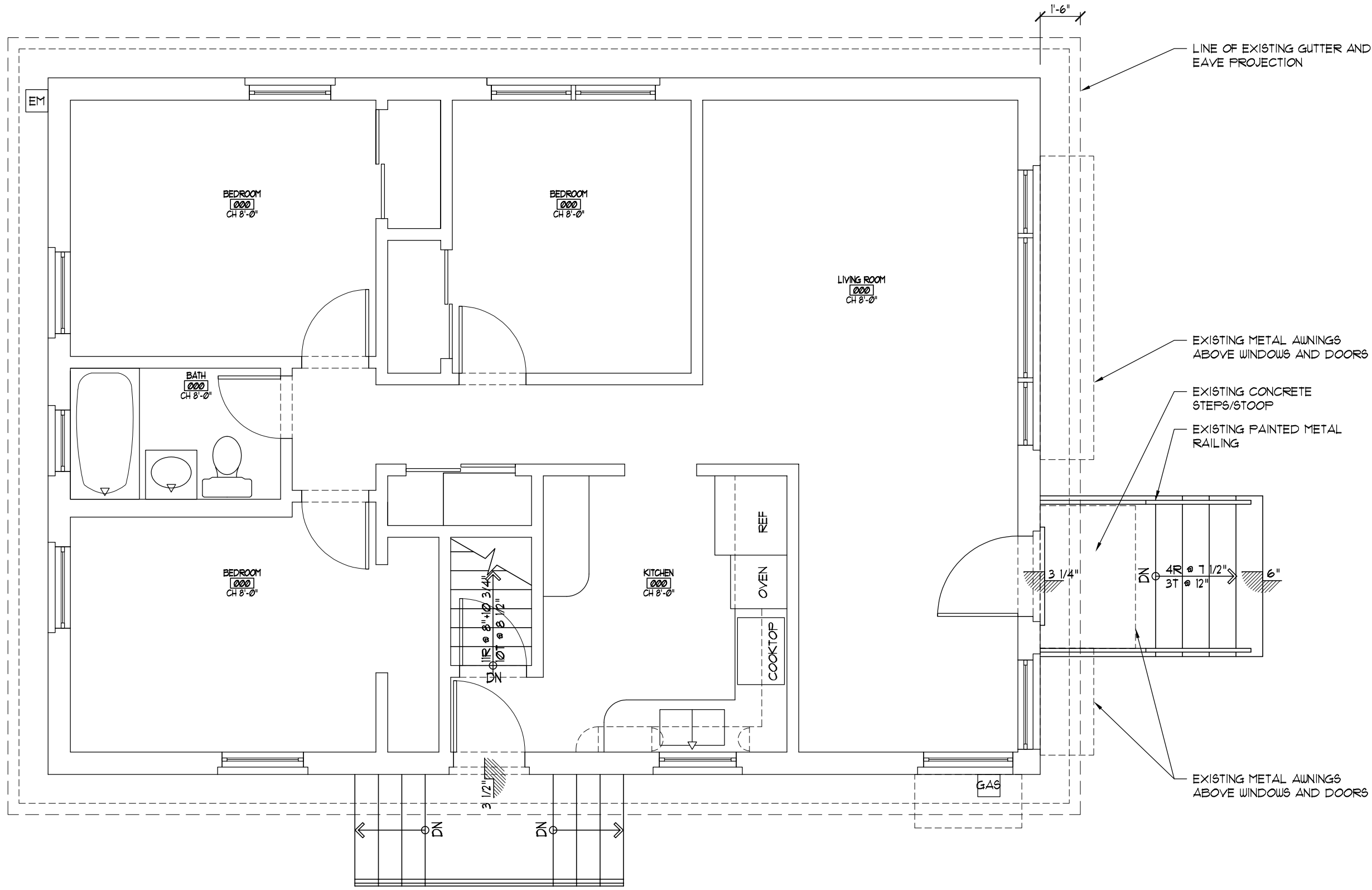
3/16" = 1' - Ø"

LOT AREA = 5,186.4 SF		
MAX ALLOWABLE IMPERMEABLE LOT COVERAGE = 60% X LOT AREA = 60%		
9,364.5 SF X 0.384 SF		
PROPOSED IMPERMEABLE LOT COVERAGE:		
A	EXISTING CONCRETE APRON	107.51
B	EXISTING 2'X2' BLOCK WALK	48.00
C	EXISTING DETACHED GARAGE	495.51
D	EXISTING 2'X2' BLOCK WALK	64.00
E	EXISTING CONCRETE PATIO	2,003.51
F	EXISTING HOVE	563.51
G	PROPOSED CONCRETE STEPS/STOOP AND WALK	163.50
H	EXISTING 2'X2' BLOCK WALK	28.00
I	EXISTING FRONT PORCH	19.45
J	PROPOSED FRONT PORCH	19.45
K	PROPOSED FRONT STEPS AND WALKS	173.51
L	PROPOSED CHIMNEY PROJECTION	8.51
TOTAL PROPOSED IMPERMEABLE :		7,419.51
7,419.51 SF / 5,186.4 SF = 47.28% PROPOSED IMPERMEABLE LOT COVERAGE		

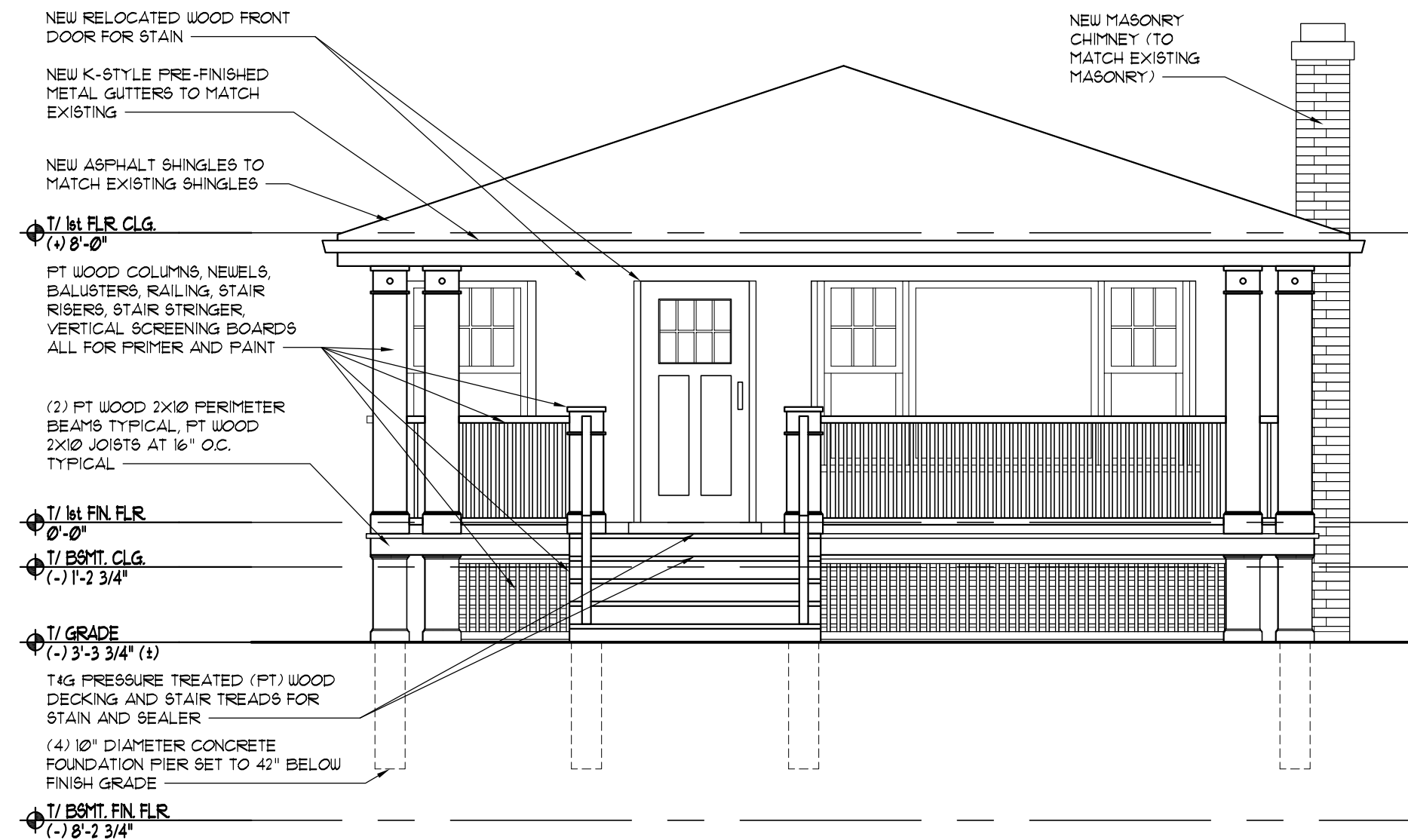
A1.1v



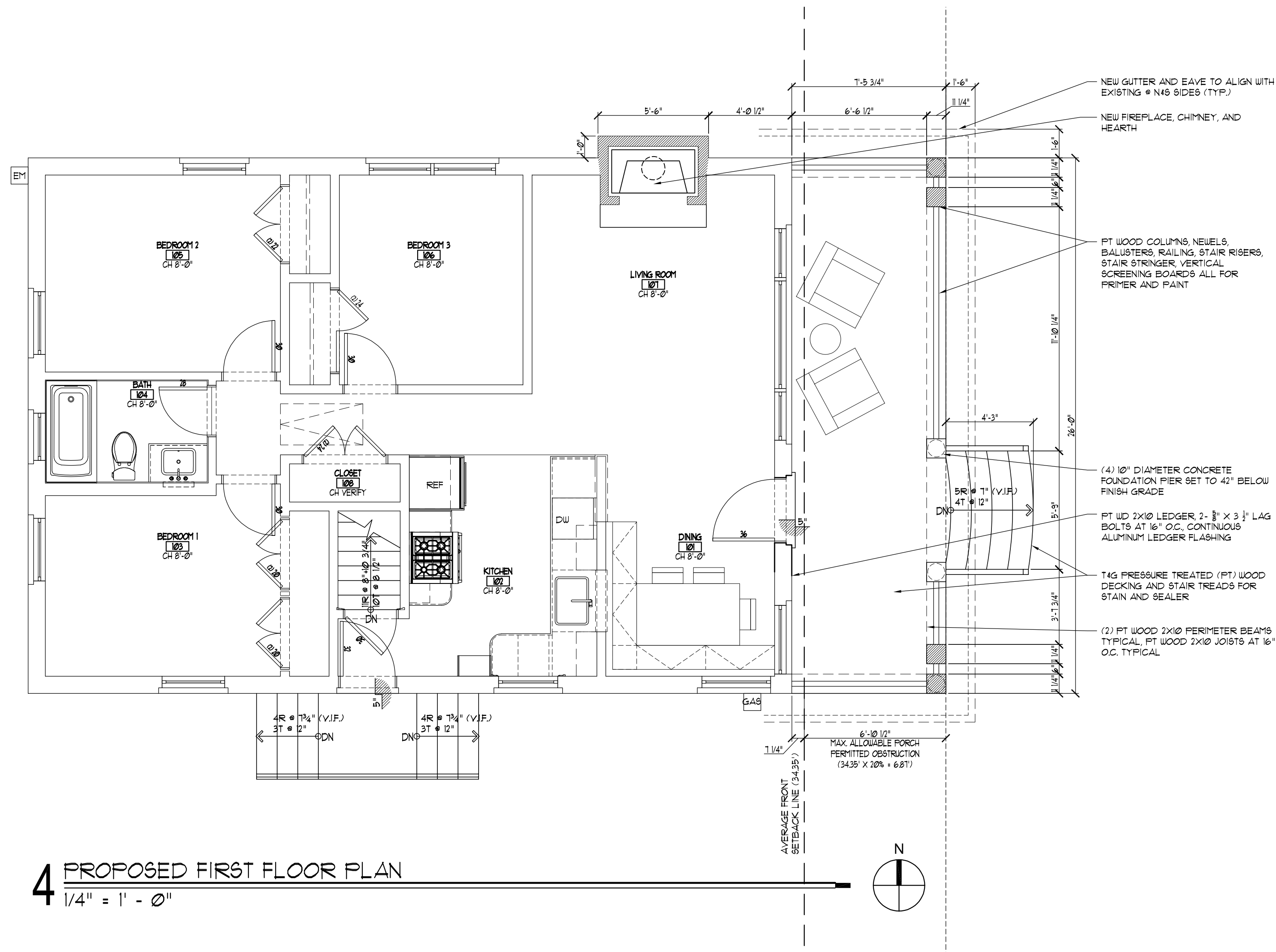
1 EXISTING EAST ELEVATION
1/4" = 1' - 0"



2 EXISTING FIRST FLOOR PLAN
1/4" = 1' - 0"



3 PROPOSED EAST ELEVATION
1/4" = 1' - 0"



4 PROPOSED FIRST FLOOR PLAN
1/4" = 1' - 0"

Village of Morton Grove

Department of Community & Economic Development

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

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

Date: May 14, 2024

Re: ZBA 24-11 – 8935 Major Avenue (10-17-422-005-0000, 10-17-422-006-0000)
Request for approval of variations from Sections 12-2-5:B.5 and 12-2-6:G to allow the replacement and expansion of a driveway and open accessory parking area

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-11 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on May 2, 2024.

Request Summary

Property Background

The subject property at 8935 Major Avenue is a 8,225-square-foot lot located on the east side of Major Avenue between Lake Street and Greenwood Avenue. The property is within a R-2 Single Family Residence District and is improved with a single-family dwelling. Surrounding properties are also zoned in the R-2 Single Family Residence District and are improved with single-family residences.



Subject Property Location Map

Application Overview

The Applicant and property owner, Adem Vulic, is requesting waivers from Sections 12-2-5:B.5 and 12-2-6:G to replace and expand an existing driveway that exceeds the maximum width determined by the exterior width of the garage, as measured from no more than two (2) feet outside the garage door edges, and an open accessory parking space in the front yard. The proposed driveway measures 17 feet at the front lot line and is located approximately three (3) feet from the south side lot line.

A width of 12.5 feet is permitted. The remaining width of approximately 4.5 feet does not lead to a conforming parking space within the side or rear yard and is therefore considered an open accessory parking space in the front yard.

The property complies with maximum impervious lot coverage restrictions for the R-2 District.

Requested Waivers

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

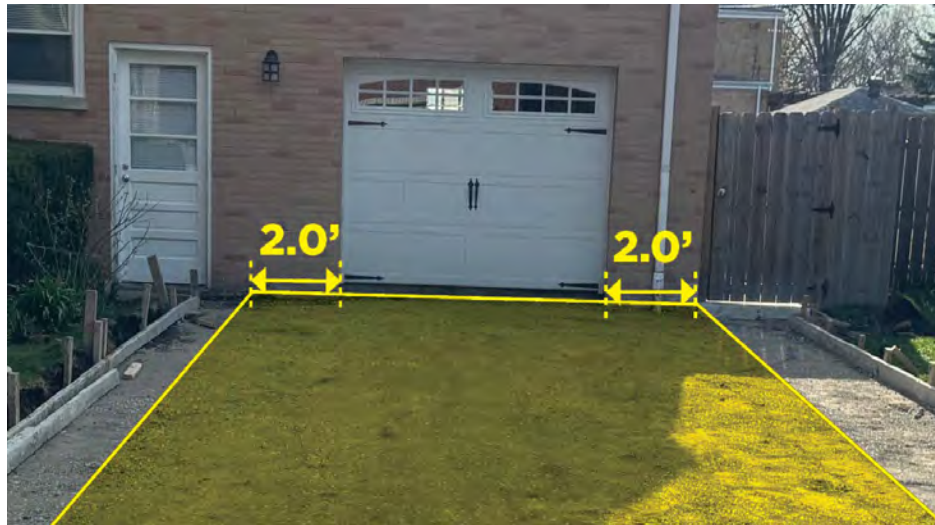
DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED WAIVERS
Driveway Maximum Width 12-2-5:B	Maximum width of 16 feet at any front lot line	17 feet	<i>Waiver of 1 foot to allow a 17 feet width at the front lot line</i>
	Maximum interior driveway width shall be determined by the exterior width of the garage, as measured from no more than two feet (2') outside the garage door edges	17 feet	<i>Waiver of 4.5 ft. to exceed the 12.5 feet allowed</i>
Open Accessory Parking Area 12-2-6:G	Min. 3 ft. from all lot lines, not permitted in front or street side yards	Open accessory parking area in front yard	<i>Waiver to allow an open accessory parking area in a front yard</i>

As shown in the table, the following waivers are required to authorize the replacement and expansion of the existing driveway, as proposed by the Applicant:

- Section 12-2-5:B: Waiver of 1 foot to allow a driveway width of 17 feet at the front lot line.
- Section 12-2-5:B: Waiver of 4.5 feet to allow a driveway width of 17 feet, exceeding the 12.5 feet allowed.
- Section 12-2-6:G: Waiver to allow an open accessory parking area in the front yard.



Subject Property Street View (before expansion)



Subject Property with Expansion Area framed and Allowable Area Highlighted

Discussion

The Applicant applied for a flat work permit and the permit was denied due to proposed width. The existing driveway was removed and work was started to expand the driveway without a permit being issued. The applicant is now requesting waivers from the ZBA to expand the driveway to 17 feet in width, while observing a three (3) feet side yard setback to the south.

The owner noted he may change the interior of his garage to allow the installation of a 2-car garage door in the future.

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 incomplete responses to these standards in the Variation Application and is expected to discuss how the project meets the standards at the ZBA hearing.

Recommendation

Should the Board approve Case ZBA 24-11, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-11, a request for approval of variations from Sections 12-2-5:B.5 and 12-2-6:G to allow the replacement and expansion of a driveway and open accessory parking area for the property commonly known as 8935 Major Avenue, subject to the following conditions:

- 1) *The proposed driveway shall be installed in accordance with the plans submitted by the Applicant in the Variation Application dated 4/11/2024.*

- 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: 451 Date Application Filed: 5/20/17

APPLICANT INFORMATION

Applicant Name: ADEM VULIC
Applicant Address: 8935 MAJOR AVE
Applicant City / State / Zip Code: MORTON GROVE, IL 60053
Applicant Phone: (847) 840-9593
Applicant Email: EVULIC@GMAIL.COM
Applicant Relationship to Property Owner: SELF
Applicant Signature: _____

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

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

PROPERTY INFORMATION

Common Address of Property: 8935 MAJOR AVE., MORTON GROVE, IL 60053
Property Identification Number (PIN): 10-17-422-005-0000 & 10-17-422-006-0000
Property Square Footage: 8,250
Property Zoning District: 451
Property Current Use: RESIDENTIAL / SINGLE-FAMILY

APPLICATION INFORMATION

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

5. and 12.

Purpose of requested variation (attach as needed): TO REPLACE EXISTING 14 FT. ^(WIDE) DRIVEWAY WITH A NEW DRIVEWAY WHILE ADDING 1/2 FOOT ON EACH SIDE FOR A 17 FT WIDE DRIVEWAY.

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 hardship is caused by the Statute requiring driveways be 12' feet while our last driveway was slightly less than 16' ft. We were unaware of the new Statute implemented in 2020.

- 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 are planning to replace our one-car garage with a two-car garage in the next year as there is sufficient space to do so.

- 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.

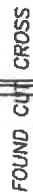
This plan is strictly for improvement to our own land and is not detrimental to the public welfare or other improvements in the neighborhood. In fact, all of our neighbors are surprised that we have been having such a hard time with this.

- 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.

Our plans will not adversely affect any of these. In fact, with one of our cars having to always be on the street with the old driveway, we have had our cars side-swiped, so this new driveway will enhance public safety. In addition, our cars will be parked on the driveway, so it will decrease congestion on the streets with this new plan.

~~MAJOR - 99 - AVENUE~~

31.0' BLACKTOP PAVING



Village of Morton Grove

Department of Community & Economic Development

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

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

Date: May 14, 2024

Re: ZBA 24-12 – 7006 Church Street (10-18-105-024-0000)
Requesting approval of a variations from Sections 12-2-5, 12-2-6, 12-4-2, and 12-15-4 to allow the replacement of a walkway, steps and patio in a required setback, exceeding lot and yard coverage on a non-conforming lot due to width and area.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the May 21, 2024, Zoning Board of Appeals public hearing for ZBA 24-12 in accordance with Unified Development Code requirements. The *Morton Grove Champion* published a public notice on May 2, 2024. The Village mailed letters on May 2, 2024, notifying surrounding property owners within one-hundred feet, and placed a public notice sign on the subject property on May 2, 2024.

Request Summary

Property Background

The subject property at 7006 Church Street in Morton Grove, Illinois, is a 2,950-square-foot lot located on the north side of Church Street in between of National and Sayre Avenues. The subject property is zoned R-2 Single Family Residence and is improved with a single-family residence and a detached garage to the rear. Surrounding properties are also zoned within the R-2 District and are improved with single-family residences.



Subject Property Location Map

Application Overview

The applicant and owner, Thu Nguyen, is requesting waivers from Sections 12-2-5:B.3, 12-2-6:G, 12-4-2:D, and 12-15-4:A to allow the replacement of a walkway, steps and patio that do not meet the following Code requirements:

- i. The total coverage of accessory buildings and impermeable surfaces combined exceeds fifty (50) percent of the rear yard.

- ii. The front yard sidewalk exceeds the maximum permitted width of four feet as a permitted obstruction.
- iii. The front walkway does not observe the required three (3) feet side yard setback.
- iv. The attached patio does not observe the required five (5) feet side yard setback.
- v. The lot does not meet the minimum lot width, and (vi) the lot does not meet the minimum lot area.

Requested Waivers

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

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED WAIVERS
Rear Yard Coverage 12-2-5:B	In no event may the total coverage of accessory structures and impermeable surfaces combined exceed 50% of a rear yard. (455 sq. ft.)	89% (814 sq. ft.)	<i>Waiver of 359 sq. ft. to allow rear yard impermeable coverage of 89%</i>
Permitted Obstruction: Sidewalk 12-2-6:G	Maximum 4 ft. width in front yards	7 ft. width	<i>Waiver of 3 ft. to allow sidewalk width of 7 ft.</i>
Permitted Obstruction: Sidewalk 12-2-6:G	Minimum setback of 3 ft. from side lot line	0 ft.	<i>Waiver of 3 ft. to allow 0 setback from side lot line (in front of house)</i>
Permitted Obstruction: Patio 12-2-6:G	Minimum side yard setback of 5 ft. for attached patio	2.1 ft.	<i>Waiver of 2.9 ft. to allow setback of 2.1 ft.</i>
Height and Bulk Regulations: 12-4-2:D	Maximum impermeable lot coverage 60%. (1,770 sq. ft.)	2,100 sq. ft (71%)	<i>Waiver of 330 sq. ft. to allow impermeable lot coverage of 71%</i>
Minimum Lot Area 12-4-2:D	5,000 sq. ft.	2,950 sq. ft.	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>
Minimum Lot Width 12-4-2:D	45 ft.	25 ft.	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>
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	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>

As shown in the table, the following waivers are required to authorize the replacement of the existing steps, walk and patio as proposed by the Applicant:

- Section 12-2-5:B: Waiver of 359 square feet to allow rear yard impermeable coverage of 89%.
- Section 12-2-6:G: Waiver of 3 feet to allow a sidewalk with a width of 7 feet as a permitted obstruction of the front yard.
- Section 12-2-6:G: Waiver of 3 feet to allow a sidewalk to be setback 0 feet from the side lot line.
- Section 12-2-6:G: Waiver of 2.9 feet to allow a patio to be setback 2.1 feet from the side lot line.
- Section 12-4-2:D: Waiver of 330 square feet to allow impermeable lot coverage of 71%.

- Sections 12-4-2:D and 12-15-4:A: Waivers to allow stairs, walks and patio replacement on a nonconforming lot due to lot width and area.



Subject Property Street View and Aerial Image

Discussion

The subject property is nonconforming due to lot width and area. 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 replacement of the concrete walks, stairs, and patio is considered a modification of existing structures.

The applicant is not expanding the impermeable coverage on the lot, but any replacement requires the extensive waivers due to the small lot size, and placement and widths of the concrete. Staff suggested removal of the patio, but the applicant prefers a surfaced area.

If the ZBA chooses to approve the applicant's request, only the project proposed in the application will be authorized. The existing principal structure, garage, 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:

- 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.
- 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.
- 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.
- 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.

Recommendation

Should the Board approve Case ZBA 24-12, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-12, a request for approval of variations from Sections 12-2-5, 12-2-6, 12-4-2, and 12-15-4 to allow the replacement of a walkway, steps and patio in a required setback, exceeding width of a permitted obstruction, and exceeding lot and yard coverage on a non-conforming lot due to width and area, for the property commonly known as 7006 Church Street, subject to the following conditions:

- 1) The parking pad and walks are maintained in accordance with the plans submitted by the applicant in the Variation Application dated 4/11/2024.*
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits.*

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: 151 Date Application Filed: 1/20/17

APPLICANT INFORMATION

Applicant Name: Thu Nguyen
Applicant Address: 7006 Church Street
Applicant City / State / Zip Code: Morton Grove, Illinois 60053
Applicant Phone: (773) 8379816 or (847) 7560563
Applicant Email: Bichthudanny@yahoo.com
Applicant Relationship to Property Owner: Wife and Owner
Applicant Signature: [Signature]

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Danny Vu and Thu Nguyen
Owner Address: 7006 Church Street
Owner City / State / Zip Code: Morton Grove, Illinois 60053
Owner Phone: (773) 8379816 or (847) 7560563
Owner Email: Bichthudanny@yahoo.com
Owner Signature: [Signature]

PROPERTY INFORMATION

Common Address of Property: 7006 Church Street
Property Identification Number (PIN): 105-024-100
Property Square Footage: 1,400 square ft
Property Zoning District: R2
Property Current Use: single family residence

APPLICATION INFORMATION

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

12-2-6, 12-4-2
Purpose of requested variation (attach as needed): Replacement of a walkway, steps and
replacing the existing lot and yard coverage on a nonconforming lot due to

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.

This is an existing issue that needs to be fixed for our children to enjoy our home. It is an existing nonconformity.

- 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.

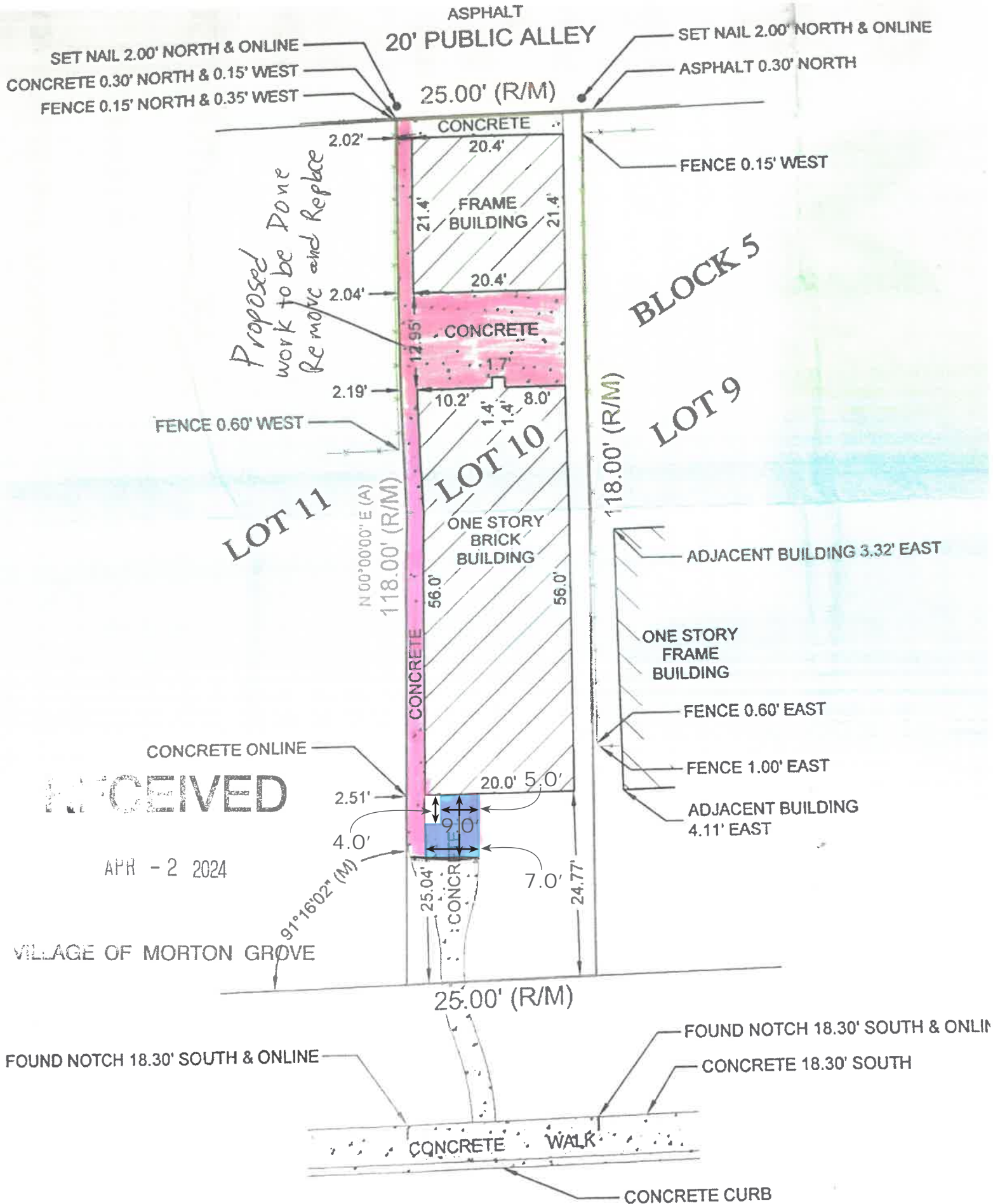
Our family is not looking to sell or make money on this. We plan to live and enjoy our space without the existing issue of cracked cement and water.

- c. **Not Detrimental to Public Welfare:** The granting of any variation is in harmony with the general purposes and intent of this title and will not be detrimental to the public welfare or to other property or improvements in the neighborhood.

We assure that no adjoining properties will be affected at all. We will follow all city codes and have all the proper drainage.

- 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.

This will not be affecting or hurting the neighborhood in Morton Grove or any of our neighbors. In fact my neighbors look at our property and tell us that we should fix it. Thank you.



RECEIVED

APR - 2 2024

VILLAGE OF MORTON GROVE

CHURCH STREET