



Village of Morton Grove
Zoning Board of Appeals Agenda

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

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

I. **CALL TO ORDER**

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

III. **ITEMS TO BE CONTINUED:**

CASE: ZBA 24-16

APPLICANT: Wallin/Gomez Architects Ltd. On behalf of the owners of
8338 Austin Avenue
Morton Grove, Illinois 60053

LOCATON: 8338 Austin Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-2-6 and 12-7-4 to allow an open accessory parking space and loading berth in a required side yard.

CASE: ZBA 24-18

APPLICANT: Hameed Imran Syed
9401 Washington Street
Morton Grove, Illinois 60053

LOCATON: 9401 Washington Street
Morton Grove, Illinois 60053

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

IV. **PUBLIC HEARINGS:**

CASE: ZBA 24-24

APPLICANT: George Van Zevern
5838 Capulina Avenue
Morton Grove, Illinois 60053

LOCATON: 5838 Capulina Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Sections 12-4-2, and 12-15-4 to allow a garage exceeding lot coverage on a nonconforming lot due to width and area

CASE: ZBA 24-25

APPLICANT: David Balke
6044 Capulina Avenue
Morton Grove, Illinois 60053

LOCATON: 6044 Capulina Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variations from Section 12-2-6, 12-4-2, and 12-15-4 to allow a concrete pad and a sidewalk encroachment on a nonconforming lot due to width and area

CASE: **ZBA 24-26**

APPLICANTS: Burak Yurtsever and Rosaleyn Maldonado
8811 Central Avenue
Morton Grove, Illinois 60053

LOCATON: 8811 Central Avenuet
Morton Grove, Illinois 60053

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

CASE: **ZBA 24-27**

APPLICANT: Holly Krevitz on behalf of the owners of.
8617 Fernald Avenue
Morton Grove, Illinois 60053

LOCATON: 8617 Fernald Avenue
Morton Grove, Illinois 60053

PETITION: Request for approval of variation from Section 12-2-6 and 12-4-2 to allow an impermeable surface to exceed lot coverage and permitted obstruction requirements

V. OTHER BUSINESS None

VI. CLOSE MEETING

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

Comments relating to this case may also be submitted no later than 12:00 p.m. on Tuesday, August 20, 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 JULY 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, Stein, and Mohr

Members Absent: Liston and Hussaini with notice

Village Staff Present: Brandon Nolin, AICP, 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. 4 affirmative votes are required to grant a variation.

Chairman Kintner asked for approval of the June 18, 2024, meeting minutes. Board Member Dorgan moved to approve the minutes, Board Member Mohr seconded the motion.

Chairman Kintner called for the vote.

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

Motion passes (4-0)

Chairman Kintner called for the first case, which was continued from last month's meeting.

CASE ZBA 24-16

APPLICANT: Wallin/Gomez Architects, on behalf of the owner of
8338 Austin Avenue
Morton Grove, IL 60053

LOCATION: 8338 Austin Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-2-6 and 12-7-4 to allow an open accessory parking space and loading berth in a required side yard.

Ms. Kirchner stated the applicant is seeking to continue the case at the August meeting.

Board member Gabriel moved to continue Case ZBA 24-13 to the August meeting of the ZBA, the motion was seconded by Board member Dorgan.

Chairman Kintner called for the vote.

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

Motion passes (5-0)

CASE ZBA 24-18

APPLICANT: Hameed Imran Syed
9401 Washington Street
Morton Grove, IL 60053

LOCATION: 9401 Washington Street
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Section 12-3-5 to allow a fence in a street side yard exceeding allowable height and transparency, and enclose a portion of the street side yard not in line with and behind the rear portion of the principal structure for a fence with a street side yard.

Ms. Kirchner stated the applicant is not present and they have not returned emails or phone calls. Chairman Kintner asked to continue the case at the August meeting.

Board member Gabriel moved to continue Case ZBA 24-18 to the August meeting of the ZBA, the motion was seconded by Board member Stein.

Chairman Kintner called for the vote.

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

Motion passes (5-0)

CASE ZBA 24-20

APPLICANTS: Lazarus and Angela Miller
8928 Oswego Avenue
Morton Grove, Illinois 60053

LOCATION: 8928 Oswego Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Section 12-2-6 to allow a patio in a required setback.

Ms. Kirchner introduced the case. The owners are seeking approval of a waiver to authorize the replacement of an attached patio within a required interior side yard. The proposed patio will extend from the south side of the home to the south lot line, providing a setback of zero feet from the adjacent property to the south. The patio will measure 17 feet in width and 21.5 feet in length, replacing and not expanding the current patio. The proposed plan is compliant with the maximum impermeable lot coverage permitted in the R-2 District.

The applicants were sworn in. They wish to keep the patio in the same location that it has been for over 30 years. They described their efforts at repairing the patio and the support of their adjacent neighbor at 8924 Oswego. The new patio will provide proper drainage. The existing arbor will be removed and not replaced.

Chairman Kintner asked staff if Uni-lock pavers were considered permeable. They are considered an impermeable surface, but properly installed will not let water drain to the neighbor's property.

Chairman Kintner asked for public comment. There was no public comment.

Board members Gabriel and Mohr noted they appreciated the support of the neighbor and that the drainage would be an improvement.

Board member Mohr made a motion to approve Case ZBA 24-20, a request for approval of a variation from Section 12-2-6.G to replace an attached patio within a required side yard, subject to the following conditions:

- 1) The proposed patio shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 06/06/2024; and
- 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.

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

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

Motion passes (5-0)

CASE ZBA 24-21

APPLICANT: Rahim Amlani
6429 Lyons Street
Morton Grove, Illinois 60053

LOCATION: 6429 Lyon Street
Morton Grove, IL 60053

PETITION: Requesting for approval of variation from Section 12-3-5 to allow a fence is a street side yard, exceeding allowable height and transparency, ahead of the rear portion of the principal structure.

Ms. Kirchner introduced the case. The applicant requests the installation of a solid cedar fence (0% transparency) with a height of five (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 17 feet north (toward the front yard) of the rear building line. The subject property does not qualify for street side yard fencing due to there being 9 front yards on the block face. The proposed fence will be 10 feet from the west lot line where the neighboring property to the south has a driveway, thus a sight line triangle is not required at the property line.

The applicant was sworn in. Mr. Amlani noted that safety of his children is why he would like the fence. He is a 20-year resident of Morton Grove and would like to make this improvement. He has letters of support for the fence and support from the Delaine Farm HOA. The solid fence would provide privacy and is a requirement of the HOA.

He noted that the southeast corner of his property is a drainage swale and cannot be properly used for backyard play space. Staff noted there is a drainage easement on the property.

Board member Dorgan said he did not see any similar fences in the subdivision. Staff provided an overview of the area in Google maps to look at fencing. There are only two fences on corner lots with fencing, each on block faces without front yards.

Discussion ensued regarding the fence being beyond the backyard. The applicant noted a patio area would be cut off if the fence did not come toward the street side yard. Board member Dorgan said the fence should be behind the home. Board member Mohr said he could support a fence behind the home and not encroaching all the way to the west lot line, similar to the other fences in the subdivision.

The applicant said the fence would not go all the way to the sidewalk and he would be happy to plant greenery if front of the fence. Chairman Kintner noted the application shows a 14 feet encroachment to the west. Board member Stein asked for the rationale for extending the fence north along the house. The applicant said they want to enclose a window area on that side of the house.

Board member Gabriel does not want the fence to be north of the rear yard. Board member Stein said he could support a fence that is behind the home and accommodates a gate on the north.

Chairman Kintner asked for public comment. Ms. Kirchner read an email from the owner of 6433 Albert in opposition of the variation. Discussion ensued regarding what is permitted by right. A fence that encloses the patio, provides a gate to the north and does not encroach west by more than 7-9 feet would be acceptable. It was noted that the proposed fence would be 5 feet in height and have 0 transparency.

Chairman Kintner asked the applicant what style of fence is being proposed. The applicant said the style, height and color are all regulated by the HOA. Discussion ensued regarding the Village ordinance and the HOA requirements. Staff reminded the Board that the home does not qualify for street yard fencing.

The applicant asked if he could have a 4 feet gate section with an additional 5 feet wide panel.

Board member Stein made a motion to approve Case ZBA 24-21, 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 at of the rear portion of the principal structure, extending 9 feet to the west and continuing to south property line, with no transparency, subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with the modified plans submitted by the applicant in the Variation Application dated 06/09/2024.
- 2) The applicant shall seek approval of the Delanie Farms Homeowners Association;
- 3) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.

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

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Stein voting	aye
Board Member Mohr voting	aye
Chairman Kintner voting	no

Motion passes (4-1)

CASE ZBA 24-22

APPLICANT: Don Allen Worley
7547 Emerson Street
Morton Grove, IL 60053

LOCATION: 7547 Emerson Street
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Section 12-3-5 to increase the maximum height, reduce minimum transparency, and enclose a portion of the street side yard not in line with and behind the rear portion of the principal structure for a fence within a street side yard.

Ms. Kirchner introduced the case. The applicant is requesting variations from Section 12-3-5:C of the Morton Grove Unified Development Code to authorize the installation of a board-on-board cedar fence with a lattice top that is six (6) feet in height with 0% transparency, 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 35.1 feet north (toward the front yard) of the rear building line.

The applicant was sworn in. Mr. Worley noted they just moved in the house and have a small child and a baby on the way. He has removed the existing fence and would like to install a fence that allows them to secure their backyard. The new fence would not encroach over the property line and would enclose the side of the carport. They do not have a backdoor, so enclosing the side of the carport would allow them to use the side door into a fenced yard. He noted they live across from the elementary school and have a lot of traffic at all times of the day on Oriole Avenue.

Board member Mohr asked if there is a back door by the patio. Mr. Worley said you have to go through the garage/workshop to use the rear off the garage. He noted the home has water problems and the attached garage enclosed part of the carport.

Board member Dorgan said street yard fences are allowed at 4 feet in height and 50% transparency. Mr. Worley noted that neighbors have solid fences that are 6 feet high. Board member Dorgan said he would be in favor of a 5-foot high fence. Mr. Worley said that would not provide privacy. He said the proposed fence of 5 feet with 1 foot of lattice on top provides some transparency.

Chairman Kintner and Mr. Worley discussed board on board and shadow box fences. Mr. Worley wants overlapping board on board for privacy. He wants a quality cedar privacy fence.

Board member Gabriel said the property is different than most as the school and park is across the street.

Neighboring fences were viewed on Google maps. Board member Mohr noted the shadow box fences to the north that are 5 or 6 feet in height, and start at the rear of the house. He acknowledged the need for privacy due to the school location. He said he is not sure he could support the fence enclosing the entire carport.

Chairman Kintner said he is not in favor of the fence being 6 feet tall all the way north along the sidewalk. He explained that the Board does not discuss the case with each other before the meeting and are now trying to explain what each member may favor for the case. He said he understands wanting to move the fence 14 feet north to enclose the carport and the uniqueness of the property with the school as a neighbor.

Mr. Worley said the fence would be an improvement to the property. Discussion ensued regarding shrubs as fences. He asked what the problem would be to have a fence as he is requesting. Chairman Kintner said they are considering the case and possible alternatives that may be favorable, it is part of the hearing process.

Board member Mohr asked if the street side yard fence must be at the rear of the home. The former fence was in front of the rear portion. Mr. Worley said the former fence was there for over 30 years. Board member Mohr acknowledged the former fence location and said the Board has heard many fence variations and all are unique. He said the Board may not be in favor of the fence being moved further north.

Mr. Worley said the fence has to be moved north as he does not have a back door. He needs an enclosed yard which can be accessed by the side door. He asked if the issue was that the fence is too close to the sidewalk. Chairman Kintner said that is an issue for him.

Board member Gabriel acknowledged the traffic and bus traffic, but that it is not an all-day event. Mr. Worley said there are pick-ups all day long. Board member Gabriel asked if any of the alternatives discussed would work for the applicant. Mr. Worley said a shadow box fence would not work. Their little dogs would not be kept in the yard.

Mr. Worley said that pulling back the fence would mean he is giving up the use of a lot of his property. Board member Gabriel said the Board does want to work with the applicant. He asked if a 5 feet high fence without lattice would work. Discussion ensued regarding zoning ordinance and their purpose.

Chairman Kintner asked for public comment. Mr. Sewani, of 7546 Lyons, is the neighbor to the rear of the property and is in favor of the proposed fence. He is very happy to have a new neighbor who is taking great care of the property. He acknowledged the rules for street side yards and corner lots. He discussed the traffic and school hours. He appreciates the need for privacy and safety. The fences to the north along Oriole were also discussed.

Board member Dorgan asked what type of fences are installed on Oriole. They are shadowbox.

Board member Mohr asked what would be allowed by right. The former fence encroached over the property line.

Mr. Sewani described bad behavior at the school parking lot after school hours. Chairman Kintner said the Board recognizes the school activity as not always neighborly.

Board member Mohr said he is in favor of a 5 feet high fence with no transparency, but is concerned with the fence moving 14 feet further north than the former fence.

Chairman Kintner said he has less concern with the north expansion.

Board member Mohr made a motion to approve Case ZBA 24-22, 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 19 feet in front of the rear portion of the principal structure where the current north position of the fence is located, and provide no transparency, subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with revisions to the plans submitted by the applicant in the Variation Application dated 06/12/2024.

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

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

Board Member Dorgan voting	no
Board Member Gabriel voting	aye
Board Member Stein voting	aye
Board Member Mohr voting	aye
Chairman Kintner voting	no

Motion does not pass (3-2)

The applicant asked to have the fence moved forward to the middle post of the carport to be able to enclose the yard and have access from the side door.

Board member Dorgan made a motion to approve Case ZBA 24-22, 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 approximately 28 feet in front of the rear portion of the principal structure where the second or middle supporting post of the carport is located, and provide no transparency, subject to the following conditions:

- 1) The proposed fence shall be installed in accordance with revisions to the plans submitted by the applicant in the Variation Application dated 06/12/2024.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.

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

Board Member Dorgan voting	no
Board Member Gabriel voting	aye
Board Member Stein voting	aye
Board Member Mohr voting	no
Chairman Kintner voting	aye

Motion does not pass (3-2)

CASE ZBA 24-23

APPLICANT: Milovan Dacic
8939 Shermer Road
Morton Grove, IL 60053

LOCATION: 8939 Shermer Road

Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Section 12-2-5 to allow a driveway in a required side setback

Ms. Kirchner introduced the case. This is a request by the applicant for a waiver from Section 12-2-5 to replace an existing nonconforming driveway. The driveway is set back 0 feet from the side lot line. For constrained side yards such as this one with a yard depth of 9 feet, the minimum 3-foot setback typically required can be reduced to allow a driveway with a 9-foot width. The applicant is requesting a waiver of 3 feet to allow a setback of 0 feet from the side lot line to be continuous to the garage entrance, rather than tapering and meeting the required setback. A minimum of 3 feet is required where the yard depth is greater than 12 feet.

The applicant was sworn in. Mr. Dacic said he wants to replace the driveway with pavers. The additional 3 feet would enable him to maneuver into the garage. He would not want to drive on the grass.

Board member Gabriel asked if the van was considered a commercial van. He parks the van in the garage or behind the home. Discussion ensued on the setback requirements.

Chairman Kintner asked for public comment. The neighbor, Julie Calimag, at 8943 Shermer, said they have no objection as long as the new driveway does not encroach on their property.

Board member Gabriel made a motion to approve Case ZBA 24-23, a request for a waiver from Section 12-2-5 of the Unified Development Code to allow the replacement of a nonconforming driveway, subject to the following conditions:

1. The driveway shall be in the location with the plans submitted by the applicants in the Variation Application dated 6/17/2024.
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.

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

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

Motion passes (5-0)

Chairman Kintner asked for any other business or discussion. Hearing none, Board Member Dorgan moved to adjourn the meeting, seconded by Board Member Stein. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 9:09 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, AICP, Community Development Administrator;
Anne Ryder Kirchner, Planner/Zoning Administrator

Date: August 13, 2024

Re: ZBA 24-16 – 8338 Austin Avenue (PIN 10-20-301-024-0000 and 10-20-301-026-0000)
Request for variations from Sections 12-2-6 and 12-7-4 to allow open accessory parking spaces and loading berths in a required side yard.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the August 20, 2024, Zoning Board of Appeals public hearing for ZBA 24-16 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on August 1, 2024. The case was continued from June 18, 2024 and the Village mailed letters on May 30, 2024, notifying surrounding property owners, and placed a public notice sign on the property on May 30, 2024.

Property Background

The subject property at 8338 Austin Avenue is a 7.4-acre (324,195 sq. ft.) site located on the northwest corner of the intersection of Austin Avenue and Washington Court. The property is within the M-2 General Manufacturing zoning district and is improved with an industrial building that is 152,745 sq. ft. in area. The block to the south across Washington Court is also zoned M-2 and improved with industrial buildings of varying size. To the north and east are properties zoned R-2 Single-family Residence and improved with single-family homes. Austin Park of the Morton Grove Park District is located across Austin Avenue to the east. The properties to the west are zoned R-3 General Residence and improved with townhomes belonging to the Trafalgar Square subdivision.

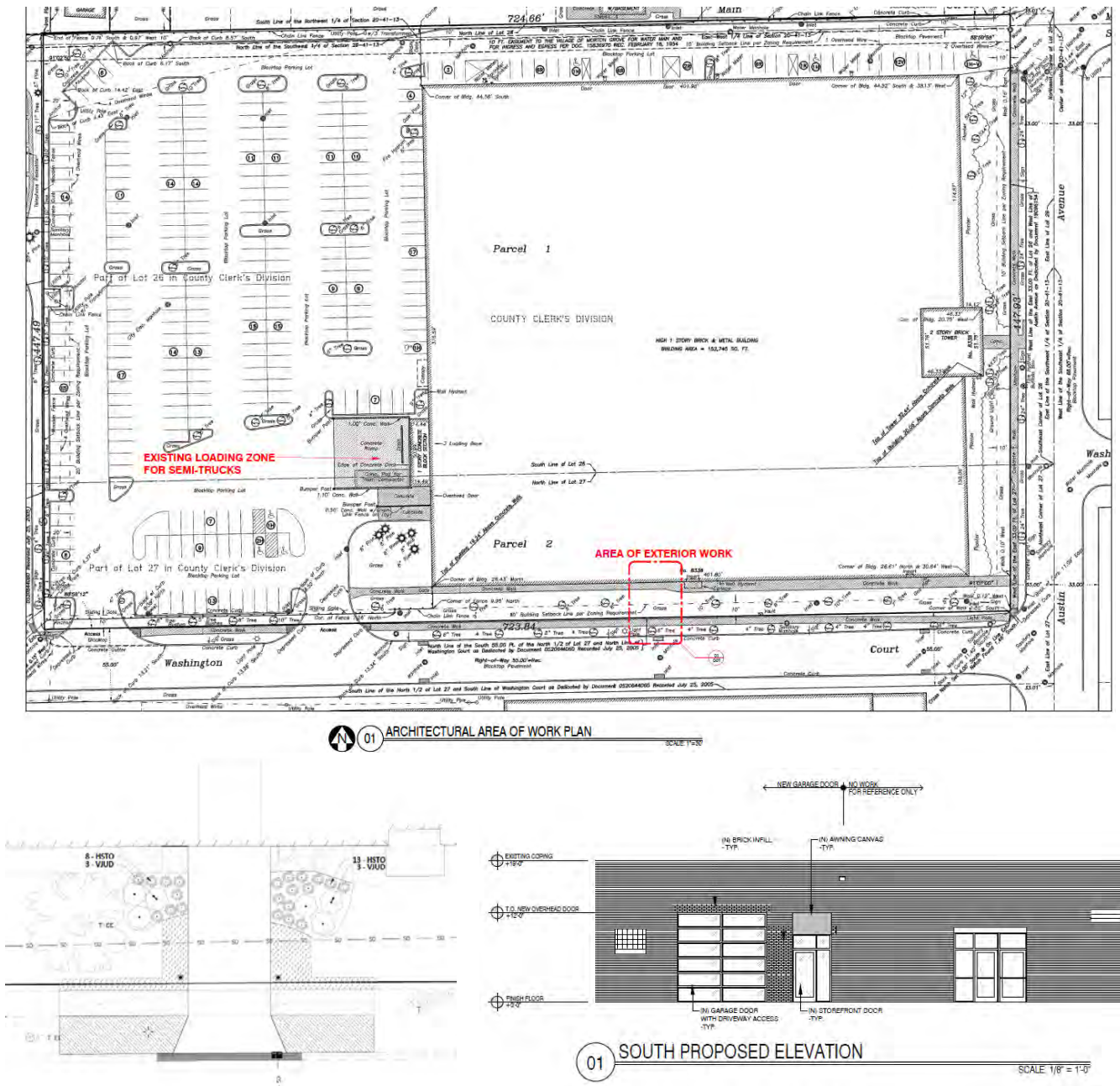


Subject Property Location Map

Application Overview

The applicant, Wallin/Gomez Architects Ltd., is seeking approval of variations from Sections 12-2-6 and 12-7-4 to allow a loading berth in a required side yard for the industrial property at 8338 Austin Avenue. The applicant is seeking to modify the industrial building to accommodate multiple smaller users in addition to larger tenants using the northern and western portions of the building. The three (3) smaller spaces resulting from the proposed renovation would share a loading berth off Washington Court. Two shade trees (One Maple in the parkway, One Honey Locust on the subject property) would be removed to accommodate the proposed driveway and apron.

The proposed project would occupy a total of 31,203.6 sq. ft. and create three (3) new leasable spaces that would range in size from as 8,388 to 11,070 sq. ft. Approximately 121,541.4 sq. ft. of the building is not within the proposed scope. The semi-truck loading berths provided off the main parking lot would remain as part of the proposed renovation for use by existing larger tenants at the site. The proposed project is speculative in nature with no identified tenants for the smaller spaces.



Proposed Loading Berth Location (Top), Landscape Plan (Bottom Left), and Building Elevation (Bottom Right)

Loading Berth Design Standard Variations

The required parking and loading berths for the existing building are located in the lot on the west side of the building. Pursuant Section 12-7-2:L, the proposed loading space must adhere to the regulations governing the location, design and operations of such facilities even though they are in excess of the minimum number required.

Section 12-7-4 of the Unified Development Code includes design standards for off-street loading berths including specifications regarding location, size, and access as follows:

Section 12-7-4:A. Location:

- 1. All required off street loading berths shall be located on the same zoning lot as the use to be served.*
- 2. No portion of the vehicle shall project into a street, alley, access drive or parking area.*
- 3. No permitted or required loading berth shall be located within twenty five feet (25') of the nearest point of intersection of any two (2) streets.*
- 4. No loading berth shall be located in a required front yard or side yard.*
- 5. In the manufacturing zoning district, loading berths shall be located a minimum of fifty feet (50') from the boundary of any residential zoning district.*

Section 12-7-4:B. Size: A required off street loading berth shall be at least twelve feet (12') in width by at least fifty feet (50') in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen feet (15').

Section 12-7-4:C. Access:

- 1. Each required off street loading berth shall have an adjacent open paved area, other than a street or public way, of adequate size and so located as to provide for all required maneuvering for truck access to the loading berth.*
- 2. Each required off street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner so as to provide for safe traffic movements.*
- 3. All plans for maneuvering areas and vehicular access shall be reviewed and approved by the Village engineer.*

Variations are needed to provide relief from requirements in all three subsections of Section 12-7-4. A variation from Section 12-7-4:A is needed to allow for location of the loading berth in the required street side yard. A variation is also needed from Section 12-7-4:B to allow a loading berth less than 50 ft. in depth. Furthermore, the proposed access fails to meet the standards set forth in Section 12-7-4:C.

Location

Loading berths are not permitted to be located in a required street side yard and a variation waiver for that requirement is needed. Section 12-7-4:A also requires that no portion of the vehicle shall project into a street, alley, access drive or parking area. With a loading berth depth of 28 ft., only straight trucks with a maximum length of 26 ft. would be able to access the loading berths without projecting into the adjacent public sidewalk and right-of-way.

The applicant has indicated that only shorter tractor trailers would use the site per the proposed design, but it is not clear to Staff how such assurances can be made in perpetuity so as to ensure future owners or tenants do not use the loading berths to receive shipments from larger truck trailers. Based on previous communications with third-party logistics providers ("trucking companies") operating at other businesses in the Village, Staff are unsure as to how the Owner or future tenants could ensure the use of the proposed loading berths by only shorter trucks. In response to Staff comments, the applicant has proposed the installation of bollards on either side of the driveway near the public sidewalk to provide a physical barrier to larger trucks using the loading berth in the future. **The applicant should speak how the use of the loading berth by larger trucks would be regulated at the Subject Property.**

Size

The applicant is proposing a loading berth that is 16.0 ft. wide and 28.0 ft. long. Pursuant Section 12-7-4:B, a waiver of 22.0 ft. is needed from the required length of 50 ft. (exclusive of maneuvering space). It is unclear from the information provided as to whether the minimum vertical clearance of 15 ft. is being met, but the building height is 19 ft., so the required height would be feasible. At the public hearing on June 18, 2024, the applicant indicated that the minimum clearance requirement would be met.

Access

The applicant is proposing the installation of a 28-foot apron with depressed curb and gutter along Washington Court. All of the required adjacent open paved area meant to accommodate required maneuvering for proposed truck access would be located within the public right-of-way and a waiver from the requirements of Section 12-7-4:C.1 is required.

The applicant provided turning movement diagrams for both an interstate semi-trailer (WB-65) truck and a shorter 26-foot straight truck. The diagrams demonstrate that it is not feasible for a WB-65 to maneuver into place, using Washington Court to use the proposed loading berth. The loading berth will be designed with sufficient interior space to accommodate the parked 26-foot truck completely on the subject property without overlapping into the public right of way and adjacent sidewalk.

Staff has concerns regarding the potential for vehicular and pedestrian traffic conflicts to occur during extensive truck maneuvers. Washington Court serves as the only southerly access route to and through the Trafalgar Square subdivision consisting of a 143-unit townhome community and 75-unit condominium building. No sidewalk exists on the south side of Washington Court to otherwise accommodate pedestrian traffic. **The applicant should speak to the potential for pedestrian conflicts with trucks using the proposed loading berths and maneuvering on the proposed apron adjacent a public sidewalk.**

Traffic Study

In response to discussion with the ZBA on June 18, 2024, the applicant contracted with traffic engineer BLA, Inc. to undertake a traffic study for the subject property to evaluate existing vehicular and truck traffic characteristics and projected impacts of the proposed development. The findings of the study are briefly summarized below and are provided as an attachment to this report (see "**Attachment A**").

BLA, Inc. observations and conclusions include that:

- During peak hours, Washington Ct. there at most two bicycles on the road and two to 12 pedestrians on the sidewalk per hour.
- If it is assumed that all vacant space within the subject property were to be leased to light industrial uses, the subject property would generate an additional 17-25 vehicles and up to one additional truck per hour.
- The Austin and Washington Ct. intersection operates at an "A" level of service and the additional traffic generated by the subject property would not impact intersection operations.
- The anticipated movements of one truck per hour are not anticipated to impact level of service along Washington Ct.
- Bollards or an alternative physical barrier can be installed to prohibit large trucks from using the proposed loading berth, and audible and visible warning systems can be used to alert passing traffic and pedestrians as to when the berth is in use.

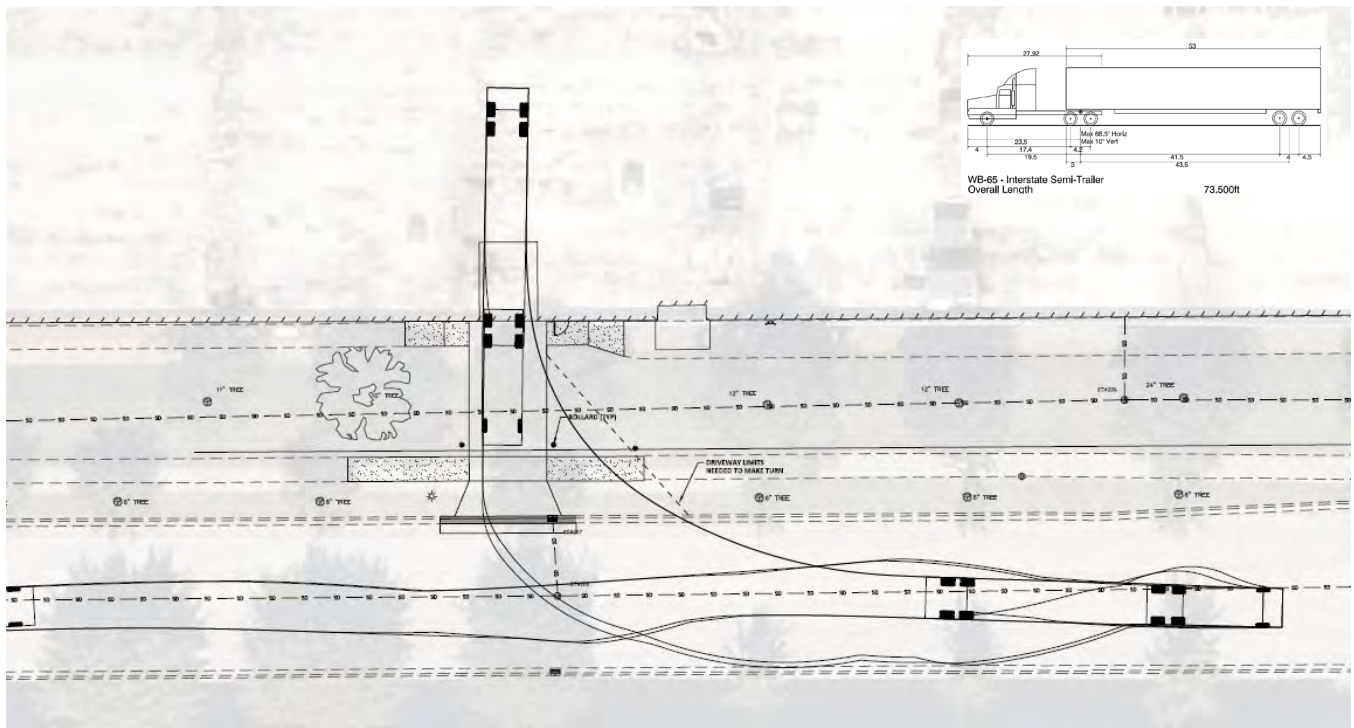
Staff generally agree with the findings of the traffic study, however concerns remain regarding the use of Washington Court public right of way to accommodate truck movements for private property. Furthermore, the traffic study documents a level of pedestrian activity in keeping with a low-volume residential street and reinforces Staff concerns regarding the subject property's location between the Trafalgar Square subdivision and Austin Park.

Discussion

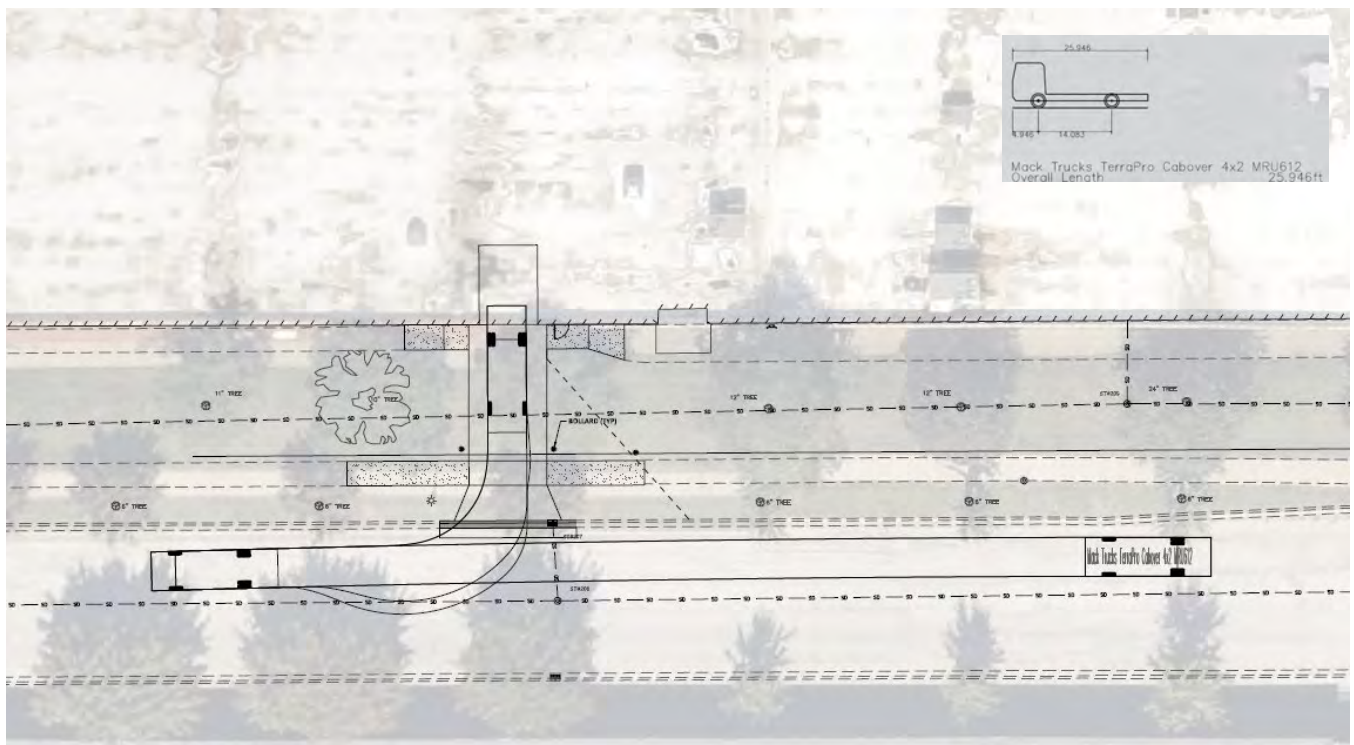
The applicant is requesting the ZBA's approval of a variation to allow a loading berth and related access drive to be located within a required street side yard. Considering the potential for conflict with pedestrian and vehicular traffic on Washington Court the proposed loading berths would create, the Director of Public Works and Village Engineer are not supportive of the requested variation.

Per Section 12-7-4, it is necessary to ensure that trucks using the proposed loading berths in the future do not project into the adjacent right-of-way including the public sidewalk. Should the Zoning Board of Appeals decide to grant the requested variations to accommodate the proposed loading berths, *Staff recommends as a condition of approval, that the Owner and all future Owners agree to include a clause within future lease agreements prohibiting the use of trucks longer than 26 ft. Staff works with prospective tenants applying for a Business Compliance Certificate (BCC) to ensure their business activities*

comply with Village Code requirements, particularly off-street parking and loading requirements, and can use the BCC process to track compliance with such a condition. Staff also recommend requiring installation of a low masonry wall as a condition of approval, rather than bollards, as a means of prohibiting large trucks from using the proposed berth.



Vehicle Turning Exhibit – WB-65 Interstate Semi-trailer



Vehicle Turning Exhibit – 26-foot Straight Truck

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

Recommendation

Should the Board approve Case ZBA 24-16, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-16, a request for approval of a variation Sections 12-2-6 and 12-7-4 to allow open accessory parking spaces and loading berths in a required street side yard, subject to the following conditions:

- 1) *As part of Zoning approval in the granting of Business Compliance Certificates for future businesses at the Subject Property, the Owner shall provide proof of lease agreement terms prohibiting the use of trucks longer than 26 ft at the Washington Court loading berths at the Subject Property. If the Owner is the business seeking Zoning approval, then a signed statement attesting to agreement with such prohibition shall be required.*
- 2) *Prior to the issuance of a building permit, the applicant shall submit revised plans that include low masonry walls on either side of the proposed loading berth to physically prohibit large trucks from using the berth, subject to review and approval of the Community Development Administrator.*
- 3) *Should impacts of the variation be determined by the Community Development Administrator or Village Engineer to be inconsistent with the representations and assertions contained in the Variation Application and provided by the applicant's testimony, such inconsistencies may serve as the basis for further review by the Zoning Board of Appeals and a requirement for additional measures to reduce negative impacts or revocation of the variation.*

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

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

Date: August 13, 2024

Re: ZBA 24-24: 5838 Capulina Avenue (10-20-211-022-0000)
Request for variations from Sections 12-4-2:D, and 12-15-4:A to allow the construction of a detached accessory structure exceeding lot coverage on a nonconforming lot due to width and area.

STAFF REPORT

Public Notice

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

Request Summary

Property Background

The property at 5838 Capulina Avenue ("subject property") is an interior lot located on the north side of Capulina Avenue, between Marmora and Menard Avenues. The 3,726-square-foot subject property is within the R-2 Single-Family Residence District and is improved with a single-family residence. An improved public alley abuts the subject property to the north. Surrounding properties are also zoned R-2 and are improved with single-family dwellings and detached garages.



Subject Property Location Map

Application Overview

The applicant and owner, George Van Zevern, is requesting waivers from Section 12-4-2:D to authorize the construction of a detached garage in the rear yard, which will exceed allowable impermeable lot coverage. Pursuant to Sections 12-4-2:D and 12-15-4:A, the proposed garage also requires ZBA approval because the property is a nonconforming lot with respect to lot width and area.

In terms of rear yard and lot coverage, the proposed 20 feet by 20 feet detached garage and related driveway apron complies with requirements for rear yard impermeable coverage (maximum 50%) and rear yard accessory structure coverage (maximum 30%). However, the proposed improvements would result in overall lot impermeable coverage in excess of the maximum 60% permitted.

The proposed garage setbacks and separation from the principal structure are compliant. The garage will be set back three (3) feet from the west side lot line, seven (7) feet from the east side lot line and five (5) feet from the rear lot line, where a minimum of three (3) feet is required by Code.

Requested Variations

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

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Minimum Lot Area (12-4-2:D)	5,000 sq. ft.	3,726	No change	<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.	30.0 ft.	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>
Minimum Rear Yard (12-4-2:D)	30 ft.	46 ft.	No change	Compliant
Maximum Floor Area Ratio (12-4-2:D)	0.60	47%	57%	Compliant
Maximum Lot Coverage (12-4-2:D)	2,235 sq. ft. 60%	1,991 sq. ft. 53%	2,491 sq. ft. 67%	<i>Waiver of 256 sq. ft. or 7%</i>
Detached Accessory Building Minimum Side & Rear Setback (12-2-5:B.2.b)	3 ft.	N/A	Sides: West 3 ft. East 7 ft. Rear: 5 ft.	Compliant
Detached Accessory Building Maximum Rear Yard Coverage (12-2-5:B.2.c)	30%	N/A	29%	Compliant
Detached Accessory Building Minimum Separation from Principal Structure (12-2-5:B.2.d)	10 ft.	N/A	21 ft.	Compliant
Detached Accessory Building Maximum Height (12-2-5:B.2.e)	17 ft., 1 story	N/A	13 ft. overall height	Compliant
Construction, Expansion, or Alteration of Structures on Nonconforming Lots (12-15-4:A)	Permitted if ZBA finds it meets variance standards and does not adversely affect adjoining property	Nonconforming lot width & area	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>

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

- Section 12-4-2:D: Waiver of 256 square feet or 7 % to exceed maximum allowable lot coverage of 60%.
- Sections 12-4-2:D and 12-15-4:A: Waivers to allow the construction of a detached accessory structure on a nonconforming lot due to lot width and lot area.



Subject Property Rear View

Discussion

The subject property is nonconforming with respect 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 proposed garage and apron will increase the impermeable lot coverage by 500 square feet, thus exceeding the allowable lot coverage by 256 square feet.

The existing principal structure is nonconforming with respect to side setbacks, but the setback nonconformities are not being disturbed 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.

Variation Standards

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

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

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

Recommendation

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

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

- 1) *The proposed garage shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 6/26/2024.*
- 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: 24-24 Date Application Filed: 6/26/2024

APPLICANT INFORMATION

Applicant Name: George Vanzevern
Applicant Address: 5838 Capulina
Applicant City / State / Zip Code: Morton Grove / IL / 60053
Applicant Phone: 847-966-0133
Applicant Email: garageplanner@gmail.com
Applicant Relationship to Property Owner: _____
Applicant Signature: [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: 5838 Capulina
Property Identification Number (PIN): 10-20-211-022-0000
Property Square Footage: 3726.30
Property Zoning District: R-2
Property Current Use: Residential

APPLICATION INFORMATION

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

12-4-2, 12-15-5
Purpose of requested variation (attach as needed): To build a detached garage 20x20

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 garage would be used for personal parking of my vehicle and used for my storage space.

- 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.

The detached garage is of reasonable size to accommodate parking for 2 cars.

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

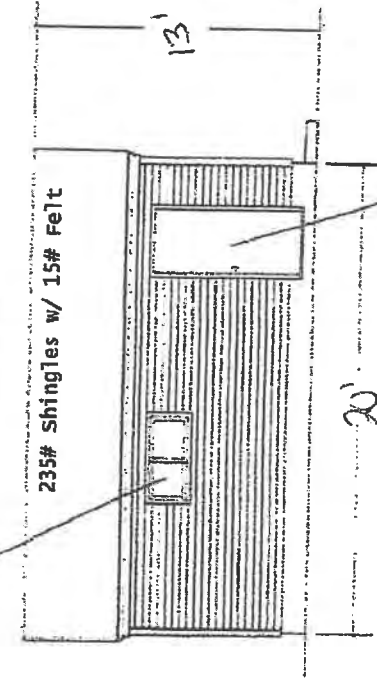
The garage will add value to the property and provide storage for yard supplies and car.

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

No, the detached garage will provide parking for cars to not have them parked on the street.

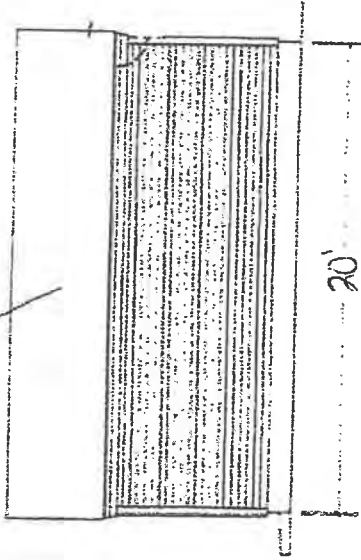
Window: Slider
48" x 24"

235# Shingles w/ 15# Felt

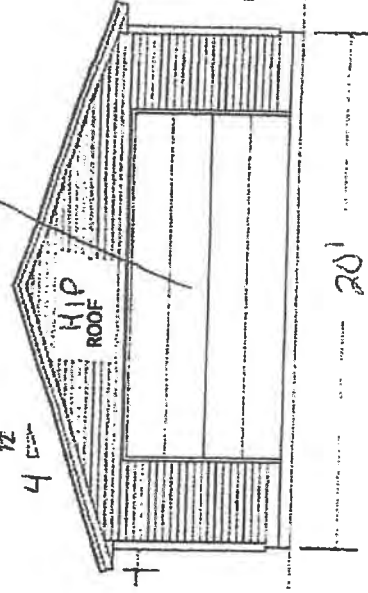


36" Steel
Primed
Service Door
w/ lock and
deadbolt

4x8 OSB

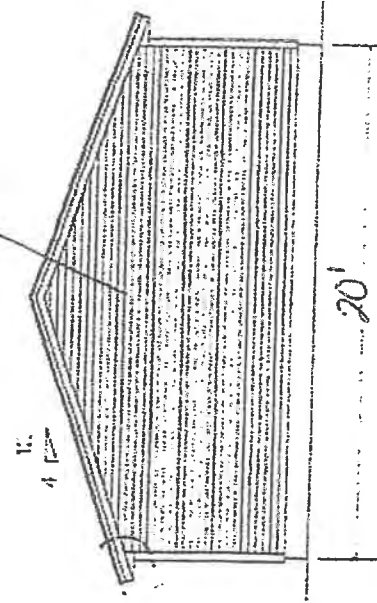


16'0" x 7'0" CEILING JOIST



Gutters &
Downspouts
will discharge to
alley.

FINISHINGS PER OWNER'S SELECTION
(4" EXPOSURE VERTICAL SLAT)



OWNER: George Vanzeven

ADDRESS: 5838 Capulina
Morton Grove, IL

Jul 1971
Dig 4 61561271

10 E. Public Alley

new from 6/27/85

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2014

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Case 124
124
37208

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+ 60 + 372 WME

400
200
1676

3726

2235 60%

RECEIVED

Owner: George Kanzevern

Address: 5838 Capulina

Morton Grove

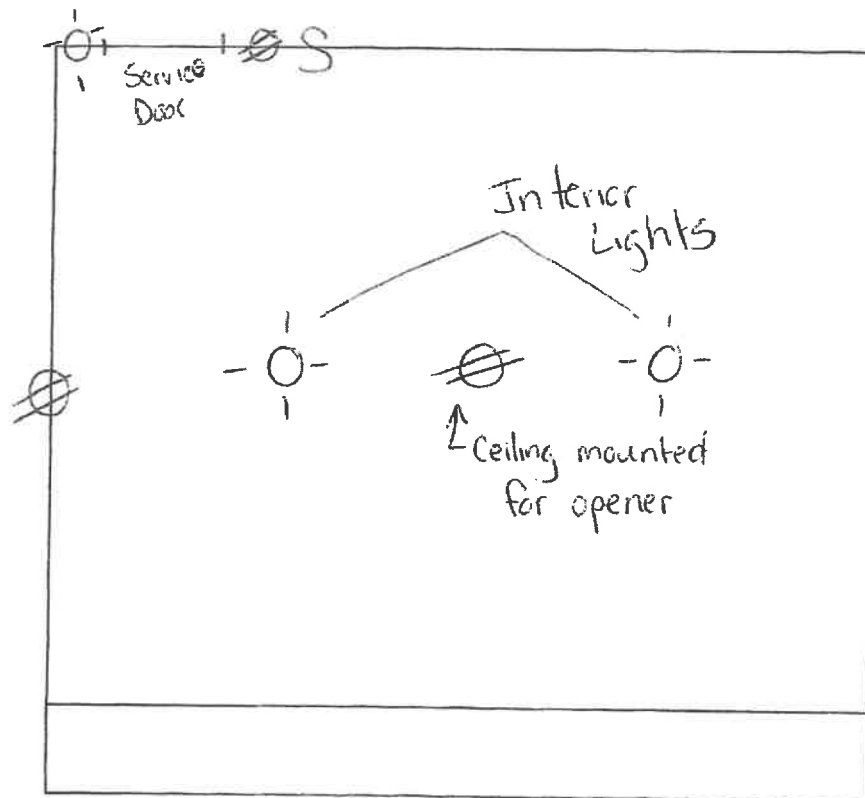
MAY 29 2024

VILLAGE OF MORTON GROVE

Electrical Layout

S- switch - 1
⊖ - double outlet (GFI) - 2
- ○ - Light - 2 inside type.
1 coach lt.

In compliance with codes: IECC 2021
State of Illinois Amendments



2 circuits -
One for garage door, one for rest.

3/4" Conduit

60 amp for car charging
12" deep

60 amp- 6 wire

Location- Underground from house to garage

Additional conduit from panel to garage terminated in a junction box for future EV charge unit.

OWNER:

George Vanzevern

5838 Capulina

Morton Grove

Hip Roof

2 Roof Vents

2"x 8" Ridge

12"

4

16" o.c.

235# Roof Shingles
15# Felt

Roof Sheathing
OSB

2" x 6" Rafters

2" x 6" Ties (5) total

2 - 2" x 4"

Boxed Eaves

6"

(2) 2" x 12" Header w/ 1/2" plywood
fitch plate for stiffner

2" x 4" - 16" o.c. wall studs

Wall Sheathing 4' x 8' OSB

Hurricane Ties

Contractor:

**BETTER BUILT
LUMBER
& SUPPLY, INC.**
26137 S. Ridgeland Avenue
Menomonee Falls, WI 53051

Vinyl

Wall Siding

1/2" anchor bolts 6' o.c.

2"x4" Galvanized Bottom Plates
Concrete Slab 5" Min.
Wire Mesh

Grade

10"

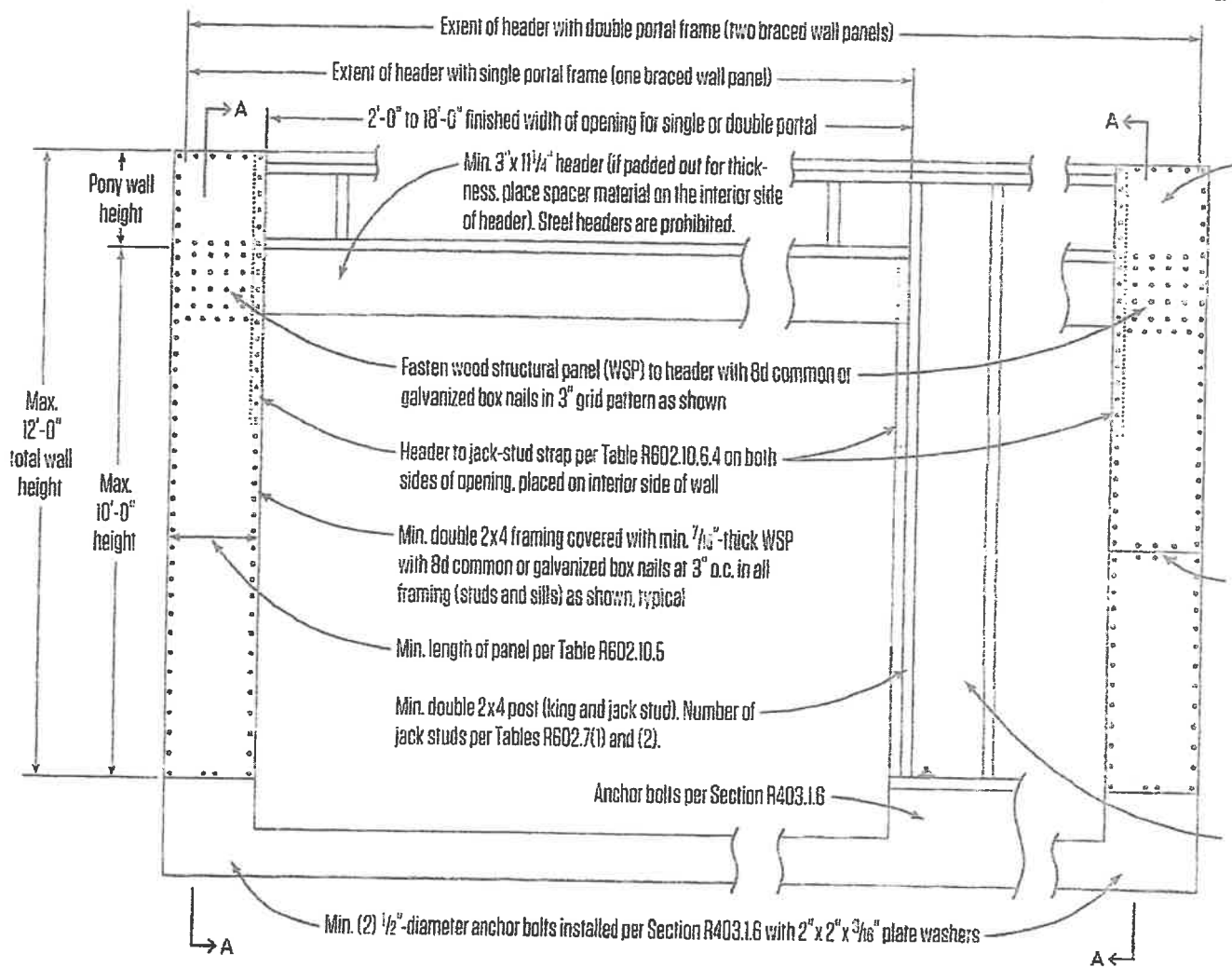
Concrete Footing

5" Gravel

20"

Front Elevation

Method PFG (Portal Frame at Garage Door Opening)



Contract



BETTER BUILT LUMBER AND SUPPLY, INC.

26137 South Ridgeland Avenue • Monee, Illinois 60449
Phone (708) 799-9393 • Fax (708) 235-5248

- 1 Yr. Guarantee On All BETTER BUILT GARAGES -
WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES

FOR 20'x20' Garage 4/12 Pitch

Roof: Hip Gable Other

Walls 16" O.C. Rafters 16" O.C.

Overhang 6" Boxed Eaves 4 Sides

Wood or Aluminum S+F+G (Brown)

Gutters ☒ Yes ☐ No - Hurricane ties

Ties 2x6 (5)

Water Ledge on Slab with Treated Bottom Plates yes

Window Slider (1)

Garage Door 16x7 non-insulated SFP (Brown)

Approx. Wall Height 8'6" Door Opener 1/2 hp opener 2 remble

Service Door 36" Steel Primed w/Dead Bolt yes

Roof Sheathing CDX Plywood OSE

Wall Sheathing CDX Plywood OSB

Headers to Code Double Header with 1/2 inch plate

Wire Mesh or Rebar in Concrete yes

Concrete is Not Guaranteed

CUSTOMER HAS RECEIVED GUARANTEE

Other Instructions

LICENSE #GC04791E

Date 5-15-24 Home Phone 847-9602-0133

Customer George Vanzeven

Job Address 5838 Capuling

City Morton Grove State IL Zip Code 60053

Work Phone _____ Cell Phone _____

Garage Size 20' x 20'

Apron Size 20' x 5'

Retaining Wall included IF OVER _____ IS _____ PER INCH

Thickened Edge Trench yes Wheeling ☐ Yes ☒ No

ADDITIONAL CONCRETE WORK

DESCRIPTION:	SIZES:	SQ. FT. OR NUMBER:
DRIVEWAY		
SIDEWALK	<u>3' x 7'</u>	Steps <input type="checkbox"/> Yes <input type="checkbox"/> No
PATIO		CEILING _____ POSTS _____
ELECTRIC:	<u>Basic Electric</u>	
	<u>2</u> LIGHTS	<u>1</u> COACH LIGHTS OWNER SUPPLIED
	<u>2</u> DOUBLE OUTLETS	
	<u>2</u> SWITCH	
SIDING COLOR	<u>Hearthstone</u> D4 OR DUTCH LAP	
ROOF COLOR	<u>Hearthstone Cedar</u> FELT #15	
ARCHITECTURAL OR 3 TAB	<u>Architectural</u>	
OR AS CLOSE AS POSSIBLE		2 ROOF VENTS
OBSTRUCTIONS		
TYPE:	WHO REMOVES:	SQ. FT. OR NO.:
TEARDOWN	<u>EB</u>	<u>20x20</u>
Contents Not Included		
CONCRETE REMOVAL	<u>EB</u>	<u>20x20</u>
FENCE & FENCE POSTS		<u>20x3</u>
OTHER		CUSTOMER TO RE-INSTALL

WE PROPOSE hereby to furnish materials and labor - complete in accordance with above specifications, for the sum of:

thirty three thousand eighty five dollars

DOLLARS \$ 33,085.00

Payment to be made as follows:

Down Payment: \$2,000.00

Concrete Completion: \$14,842.50

Lumber Delivery: \$14,842.50

Garage Carpentry: \$1,000.00

Electrical or Final Payment: \$1,000.00

*Certified or Cashier's Checks Only

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practice. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. 3% per month carrying charges will be added from the date of completion of the unpaid balance. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, windstorm and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above

Date of Acceptance: 5-15-24

Signature George Vanzeven

Signature _____

THE TERMS AND CONDITIONS STATED ON THE BACK OF THE CONTRACT ARE ALSO MADE A PART OF THIS CONTRACT. YOU, THE CONSUMER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

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

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

Date: August 13, 2024

Re: ZBA 24-25: 6044 Capulina Avenue (10-20-110-024-0000)
Request for variations from Sections 12-2-6, 12-4-2:D, and 12-15-4:A to allow the construction of a paver pad on a nonconforming lot due to width and area and a sidewalk in a required setback.

STAFF REPORT

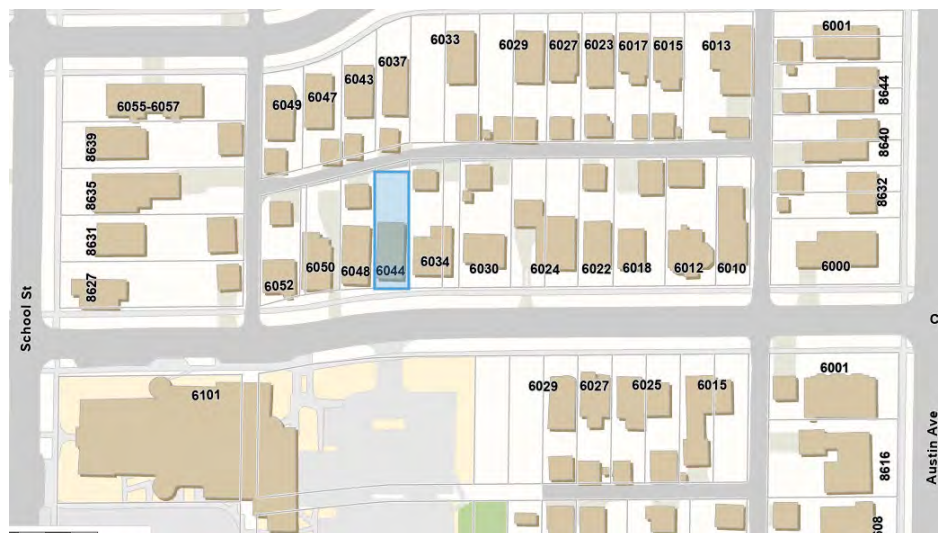
Public Notice

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

Request Summary

Property Background

The property at 6044 Capulina Avenue ("subject property") is an interior lot located on the north side of Capulina Avenue, between School Street and Austin Avenue. The 3,936-square-foot subject property is within the R-2 Single-Family Residence District and is improved with a single-family residence. An improved public alley abuts the subject property to the north. Surrounding properties are also zoned R-2 and are improved with single-family dwellings and detached garages. The Village of Morton Grove Police Department and parking lot are across the street.



Subject Property Location Map

Application Overview

The applicant and owner, David Balke, is requesting waivers from Sections 12-2-6, 12-4-2:D and 12-15-4:A to authorize the construction of a paver pad in the rear yard, and separately a sidewalk that encroaches in the east side yard. Pursuant to Section 12-15-4:A, both requests require ZBA approval because the property is a nonconforming lot with respect to lot width and area.

In terms of rear yard and lot coverage, the proposed 18 feet by 20 feet paver pad complies with requirements for rear yard impermeable coverage (maximum 50%) and overall lot impermeable coverage (maximum 60%). The pad also meets side and rear setback requirements.

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 within a side yard. The proposed sidewalk replacement of a 15 feet by 4 feet section and the expansion of 15 feet by 2.5 feet section require waivers of 3 feet.



Subject Property Rear View

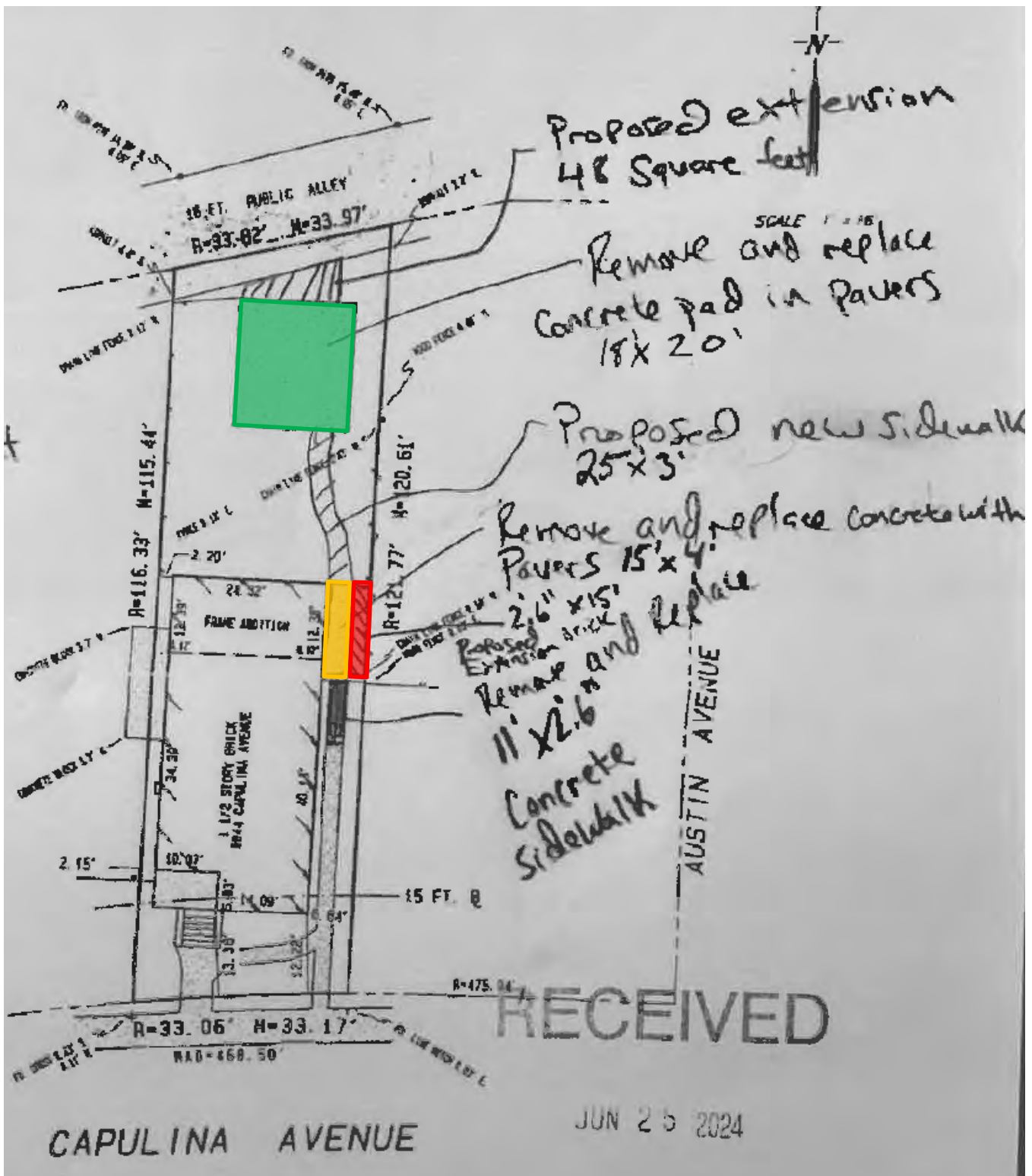
Requested Variations

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

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Minimum Lot Area (12-4-2:D)	5,000 sq. ft.	3936	No change	<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.	33.0 ft.	No change	<i>Approval of the construction of a structure on a nonconforming lot (12-15-4:A)</i>
Maximum Lot Coverage (12-4-2:D)	2,361 sq. ft. 60%	1,886sq. ft. 48%	2,046 sq. ft. 52%	Compliant
Minimum Interior Side Setback (12-2-6:G)	3 ft.	3 ft.	0 ft.	<i>Waiver of 3 ft.</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	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 paver pad and sidewalk as proposed by the applicant:

- Section 12-2-6:G: Waiver of 3 ft. to allow side setback of 0 ft.
- Sections 12-4-2:D and 12-15-4:A: Waivers to allow the construction of a detached accessory structure on a nonconforming lot due to lot width and lot area.



STAFF NOTES: RED – Proposed new 2.5 ft by 15 ft. brick expansion (no setback); YELLOW – Replacement of existing concrete with pavers (2.5 ft. setback); GREEN – 18 ft. by 20 ft. parking pad

Discussion

The subject property is nonconforming with respect 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 pad and extension, and the new sidewalk require said approval. The proposed extension and replacement of the sidewalk on the east side of the home also requires a waiver to encroach into the required setback.

The existing principal structure is nonconforming with respect to a side setback, but the setback nonconformity is not being disturbed and is permitted to continue under protection of Chapter 12-15.5.

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 will require further review and approval by the ZBA.

Variation Standards

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

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

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

Recommendation

Should the Board approve Case ZBA 24-25, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-25, a request for variations from Sections 12-2-6, 12-4-2:D, and 12-15-4 to allow a paver pad and a sidewalk encroachment on a nonconforming lot due to width and area, subject to the following conditions:

- 1) *The proposed garage shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 7/02/2024.*
- 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)



Incredibly Close & Amazingly Open

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: 24-25

Date Application Filed: 7/2/24

APPLICANT INFORMATION

Applicant Name: David Balke
Applicant Address: 6044 W. Capulina Ave
Applicant City / State / Zip Code: Morton Grove IL 60053
Applicant Phone: 847 877 9441
Applicant Email: balke.david@gmail.com
Applicant Relationship to Property Owner: Self
Applicant Signature: [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: 6044 W. Capulina Ave Morton Grove IL 60053
Property Identification Number (PIN): 10-20-110-024-0000
Property Square Footage: 3886 ft²
Property Zoning District: R2
Property Current Use: Single family dwelling

APPLICATION INFORMATION

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

12-4-2 12-15-4

Purpose of requested variation (attach as needed): Replace broken concrete pad with permeable pavers. Fill in grass area from fence to pad. Replace current stepping stone path from house to pad with proper walkway using pavers. Replace uneven concrete along side of house with new.

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 broken concrete pad is difficult to maintain. The current path from house to pad has poor footing and is difficult to maintain.

- 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.

The current walkway from house to alley has unsafe footing and

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

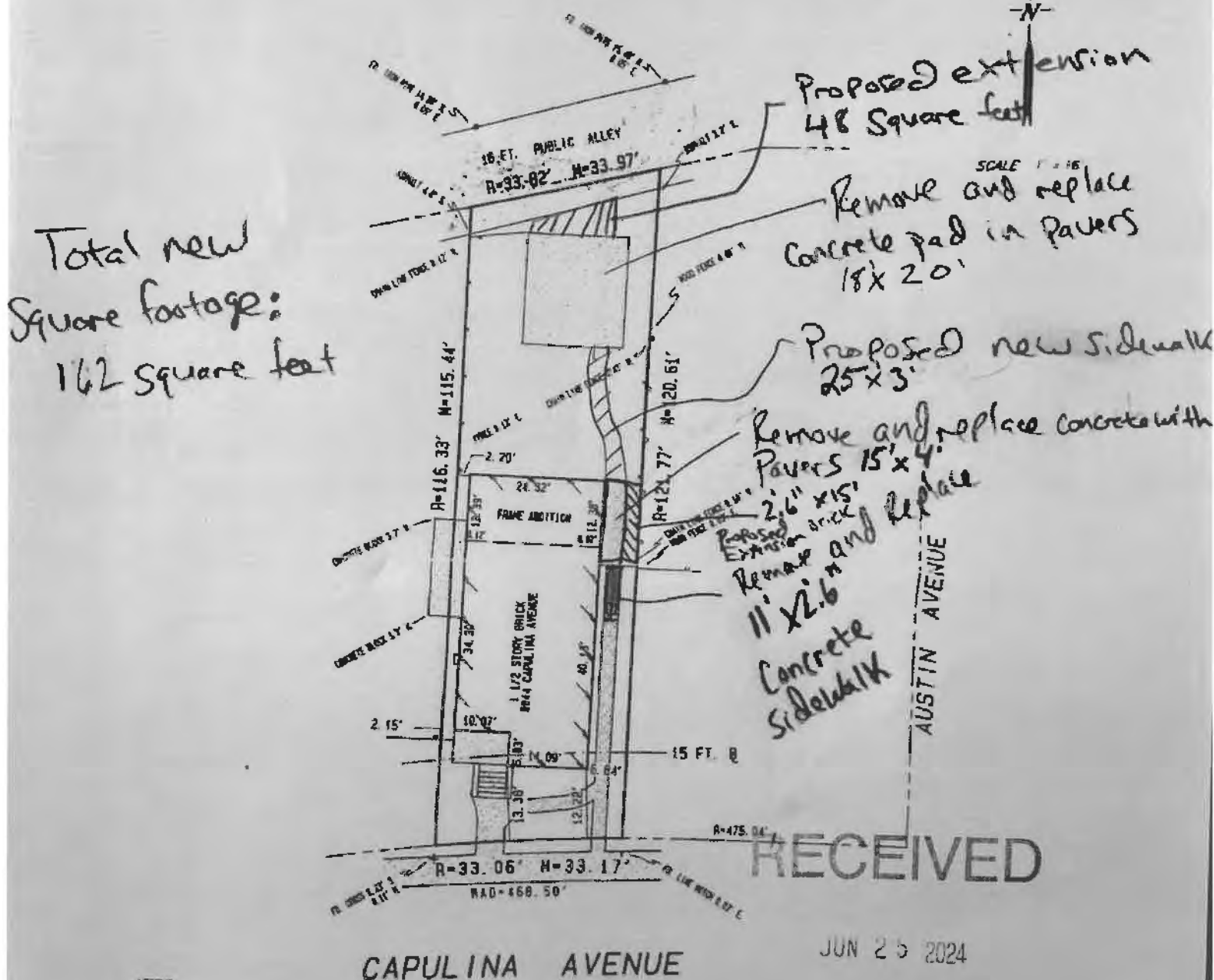
The replacement walkways and pad will increase safety for those on the property

- 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.



The proposed changes will not be detrimental to the neighborhood.

Order No. 97-12

LOT 35 IN BLOCK 3 IN DEMPSTER AUSTIN HIGHLANDS, BEING A SUBDIVISION IN THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



4520

LIMITS of BUILDING = 
 FENCES = 
 R = RECORD
 M = MEASURED
 D = DEED
 = FOUND IRON PIPE
 o = SET IRON PIPE



LAND DIVIDERS, INC.

Professional Surveying Service
P.O. Box 178
Cory, Illinois 60013
1200 Ramington Road
Schweinsburg, Illinois 60173
(847) 310-4380
(847) 310-4386 FAX



VILLAGE OF MORTON GROVE

WE, LAND DIVISORS INC. CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PROFESSIONAL SURFACE CONFORMS TO THE CURRENT APPLICABLE BLINDS PROFESSIONAL LAND SURVEYORS ASSOCIATION STANDARDS DATE OF SURVEY: MARCH 16, 1987

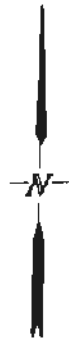
M. J. Connor

REFER TO TITLE INSURANCE POLICY AND LOCAL ESTATE ORDINANCES
FOR RESTRICTIONS NOT SHOWN. COMPARE DEED DESCRIPTION
AND S&P CONSIDERINGS WITH THE DATA GIVEN ON THIS PLAT
UNLESS THEY REFLECT ANY DISCREPANCIES FOUND.
ALL DISTANCES IN FEET AND DECIMAL PARTS THEREOF
THIS PLAT HAS BEEN PREPARED EXCLUSIVELY TO SUPPORT THE
REAL ESTATE CONTRACT BETWEEN HUBER AND GALLS

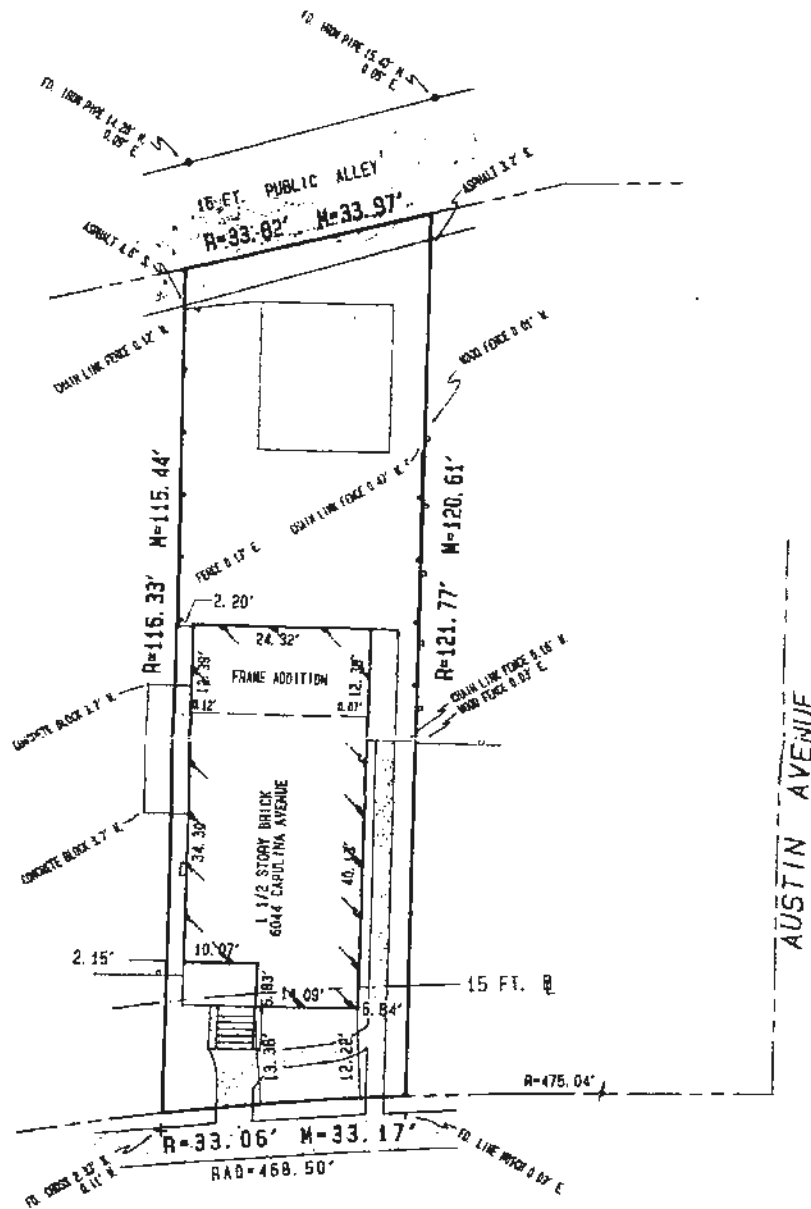
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COPYRIGHT © 1967 LION DANCERS, INC.

PLAT OF SURVEY

LOT 35 IN BLOCK 3 IN GEMPSTER AUSTIN HIGHLANDS, BEING A SUBDIVISION IN THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



SCALE 1" = 16'



CAPULINA AVENUE

LEND

UNITS OF BUILDING = 1 1
FENCES = • • • • •
R = RECORD
M = MEASURED
D = DEED
x = FOUND IRON PIPE
o = SET IRON PIPE



LAND DIVIDERS, INC.

Professional Surveying Services
P.O. Box 178
Cary, Illinois 60013
1200 Remington Road
Schaumburg, Illinois 60173
(847) 310-4380
(847) 310-4586 FAX



STATE OF ILLINOIS S.S.
COUNTY OF McHENRY

WE, LAND SURVEYORS INC. CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT APPLICABLE KANSAS PROFESSIONAL LAND SURVEYORS ASSOCIATION STANDARDS.
DATE OF SURVEY: MARCH 06, 1997

M. J. Connor

REFER TO TITLE INSURANCE POLICY AND LOCAL ZONING ORDINANCES FOR RESTRICTIONS NOT SHOWN. COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAN. UNWITTINGLY REPORT ANY DISCREPANCIES FOUND. ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF. THIS PLAN HAS BEEN PREPARED EXCLUSIVELY TO SATISFY THE REAL ESTATE CONTRACT BETWEEN MUEBA AND BALLE.

THIS PLAT IS NOT VALID WITHOUT ORIGINAL COLORED SEAL
COPYRIGHT © 1997 LAND DIVISION, INC.

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

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

Date: August 13, 2024

Re: ZBA 24-26: 8811 Central Avenue (10-16-325-016-0000, 10-16-325-017-0000, 10-16-325-018-0000)
Request for variations from Section 12-3-5:C to increase the maximum height, reduce minimum transparency, and enclose a portion of the street side yard not in line with and behind the rear portion of the principal structure for a fence within a street side yard.

STAFF REPORT

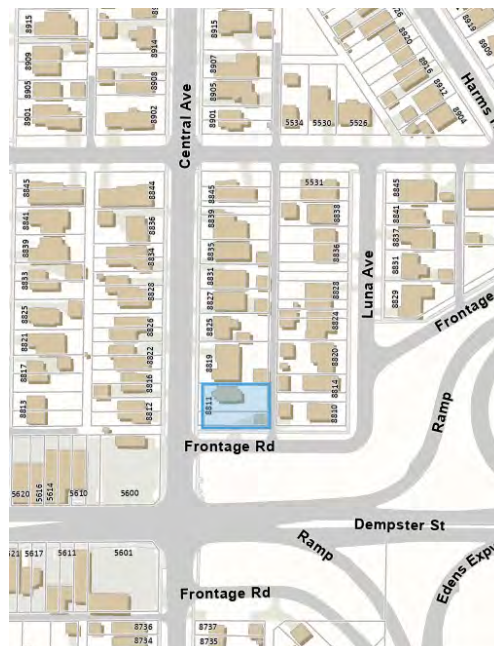
Public Notice

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

Request Summary

Property Background

The property at 8811 Central Avenue ("subject property") is a corner lot located on the north side of Frontage Road, and east side of Central Avenue. The 9,300-square-foot subject property is within the R-2 Single-Family Residence District and is improved with a single-family residence. An improved public alley abuts the subject property to the west. Surrounding properties are also zoned R-2 and are improved with single-family dwellings and detached garages. The Dempster Street Commercial District is directly southwest of the property.



Subject Property Location Map

Application Overview

The applicants and owners, Burak Yurtsever and Rosaleyn Maldonado, are requesting variations from Section 12-3-5:C of the Morton Grove Unified Development Code to authorize the installation of a board-on-board cedar fence that is six (6) feet in height with 0% transparency 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 25 feet south (toward the street sideyard) of the rear building line. The maximum permitted height for street side yard fences is 4 feet and the minimum permitted transparency is 50%

Requested Variations

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

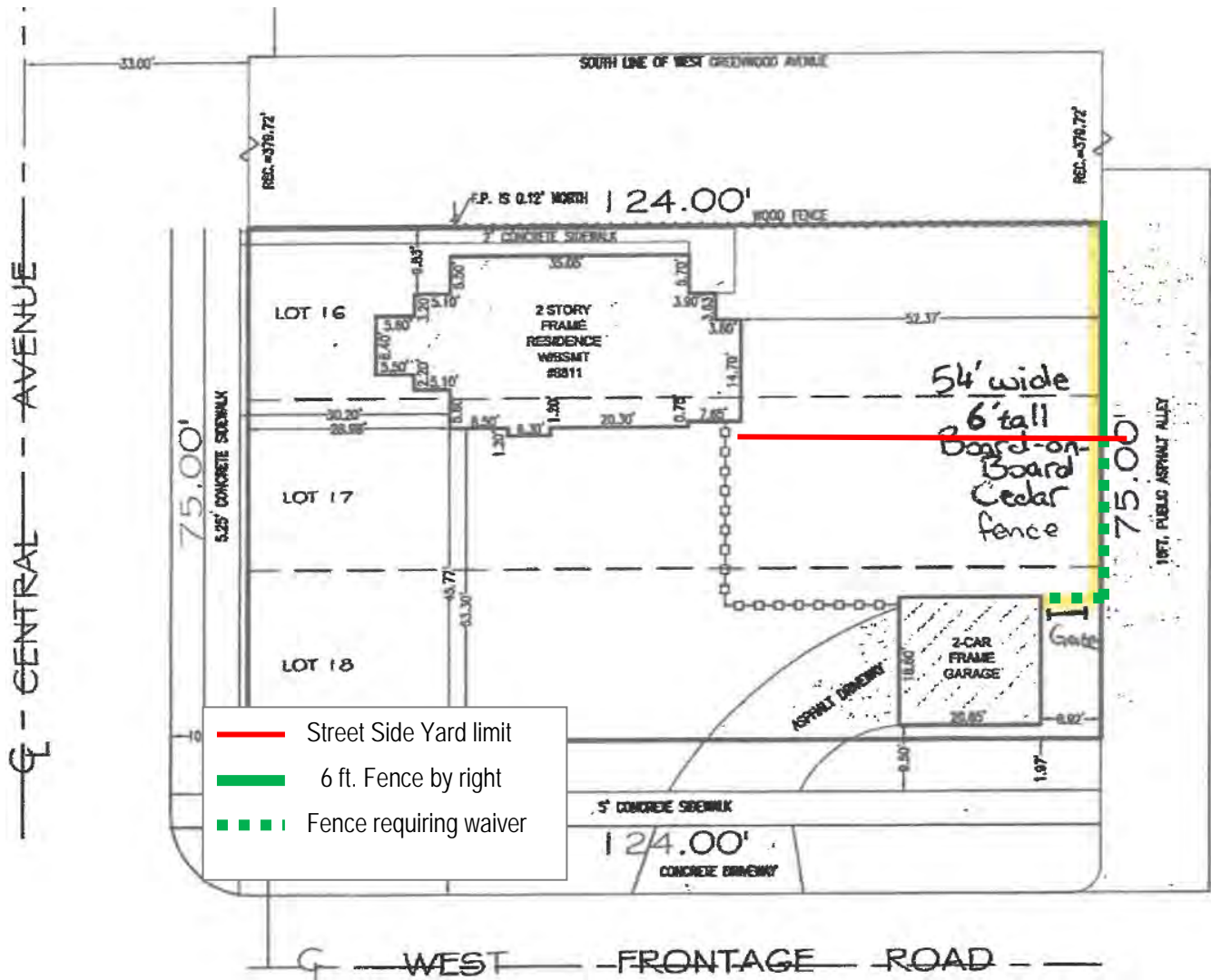
DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED VARIATION
Street Side Yard Fencing (Section 12-3-5)	Maximum Height: 4 ft.	Height: 6 ft.	<i>Height: Waiver of 2 ft. to increase the maximum height to 6 ft.</i>
	Minimum Transparency: 50%	Transparency: 0%	<i>Transparency: Waiver of 50% to allow 0% transparency</i>
	Location: Must be behind the rear portion of the principal structure closest to the street side yard	Location: 25 feet in front (south) of the rear portion of the structure closest to the street side yard	<i>Location: Waiver of 25 ft. to allow street side yard fencing in front of the rear portion of the structure</i>
	Sight Line Triangle: Fences shall not be located within a 45-degree 10-foot by 10-foot sight line triangle at any point where the vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way.	Sight Line Triangle: Fence ends 10 feet before driveway crosses property line	<i>Sight Line Triangle: Compliant</i>

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

- Section 12-3-5:C.2 Variation of 25 feet to allow a fence that is not in line with and behind the rear portion of the principal structure closest to the street side yard property line
- 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.



Subject Property View



Fence Plan with Staff Notes

Discussion

The owners are requesting a 6-foot-tall solid cedar, privacy fence to enclose the rear yard and a portion of the street side yard. The fence will run along the rear property line until it will connect with a gate to the rear northwest corner of the detached garage. The fence screens the rear property line.

The property is unique as the principal structure sits at the very north side of the corner lot and has a detached garage in the street side yard. The owners are not completely fencing in the rear 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 applicants provided the responses to these standards in the Variation Application.

Recommendation

Should the Board approve Case ZBA 24-26, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 24-26, 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 25 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 07/25/2024.*
- 2) *The applicants shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.*

Attachments

Application and related materials (submitted by applicant)



VARIATION APPLICATION

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

Case Number: 24-26 Date Application Filed: 7/25/2024

APPLICANT INFORMATION

Applicant Name: Burak Yurtsever & Rosaleyn Maldonado
Applicant Address: 8811 Central Ave.
Applicant City / State / Zip Code: Morton Grove, IL, 60053
Applicant Phone: 312-813-1590 & 847-903-9995
Applicant Email: Sbyurt@gmail.com & rosaleynmaldonado@gmail.com
Applicant Relationship to Property Owner: Property owner
Applicant Signature: [Signature] & [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: 8811 Central Ave.
Property Identification Number (PIN): 10163250160000 & 10163250170000 & 180000
Property Square Footage: 9,300 sq ft
Property Zoning District: R-2
Property Current Use: Residential

APPLICATION INFORMATION

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

12-3-5

Purpose of requested variation (attach as needed): _____

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.

Please attached explanations

- 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.

please see attached explanations

- 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.

please see attached

- 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.

Responses to:

Zoning Variation Application – Standards for Variations

No zoning variation application can be approved unless it meets the following criteria:

- A. 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.

1. Difficulty/Hardship:

i. Reasonable expectation of privacy in curtilage (includes spaces like **garages**, driveways, **backyards**, and patios) is a constitutionally protected right.

1. Our property is located in very close proximity to Dempster and Central, one of the busiest intersections around, which results in dozens of people per day using our driveway or the alley behind our yard to make U-turns.
2. We have had to stop using our backyard to have dinner due to the discomfort of constantly being seen by anyone who drives through the alley. The general public, as well as our neighbors who have the exact type of fence we would like to build, are able to see everything we do in our backyard. Even if we spent the money to build the fence that the current rules allow, the public would still be able to see us in our backyard constantly.

ii. Garbage flying into backyard from garbage collection activities in the alley would not be prevented by the 4 ft. tall and >50% transparency fence we are currently allowed to build on half of the border to the alley.

- B. 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.

1. Being able to barbecue or have dinner in our backyard without being watched, or communicated to by random passersby
2. Inability to fence as our neighbors have done so on their properties.
3. Privacy and ease of movement:

i. Inability to walk to and from my detached garage in privacy.

ii. Inability to have a private outdoor space, such as a backyard or patio, where we can relax, entertain, or engage in recreational activities without undue interference from neighbors and the public.

iii. Reasonable use encompasses activities that contribute to the overall livability of a home, such as maintaining a garden, installing a swing set for children, or having a barbecue area.

C. 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.

1. There is no detriment to the neighborhood. The proposed fence does not touch a street corner and does not block waterflow or any other utilities in any way.
2. The fence would contribute to the harmony of the neighborhood, as it would be consistent with the type of privacy fences the surrounding neighbors currently have.

D. 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.

1. The proposed variation does not border an adjacent property, it borders an alley.
2. The proposed variation would contribute to the character of the neighborhood due to the ability to add a fence matching those of the surrounding properties.

P.O. BOX 438607
 Chicago, IL 60643
 Office: 312-972-7185
 horizonsurveychicago@gmail.com

PLAT OF SURVEY

ATLANS/SPS
 CONDOMINIUMS
 LAND DEVELOPMENT

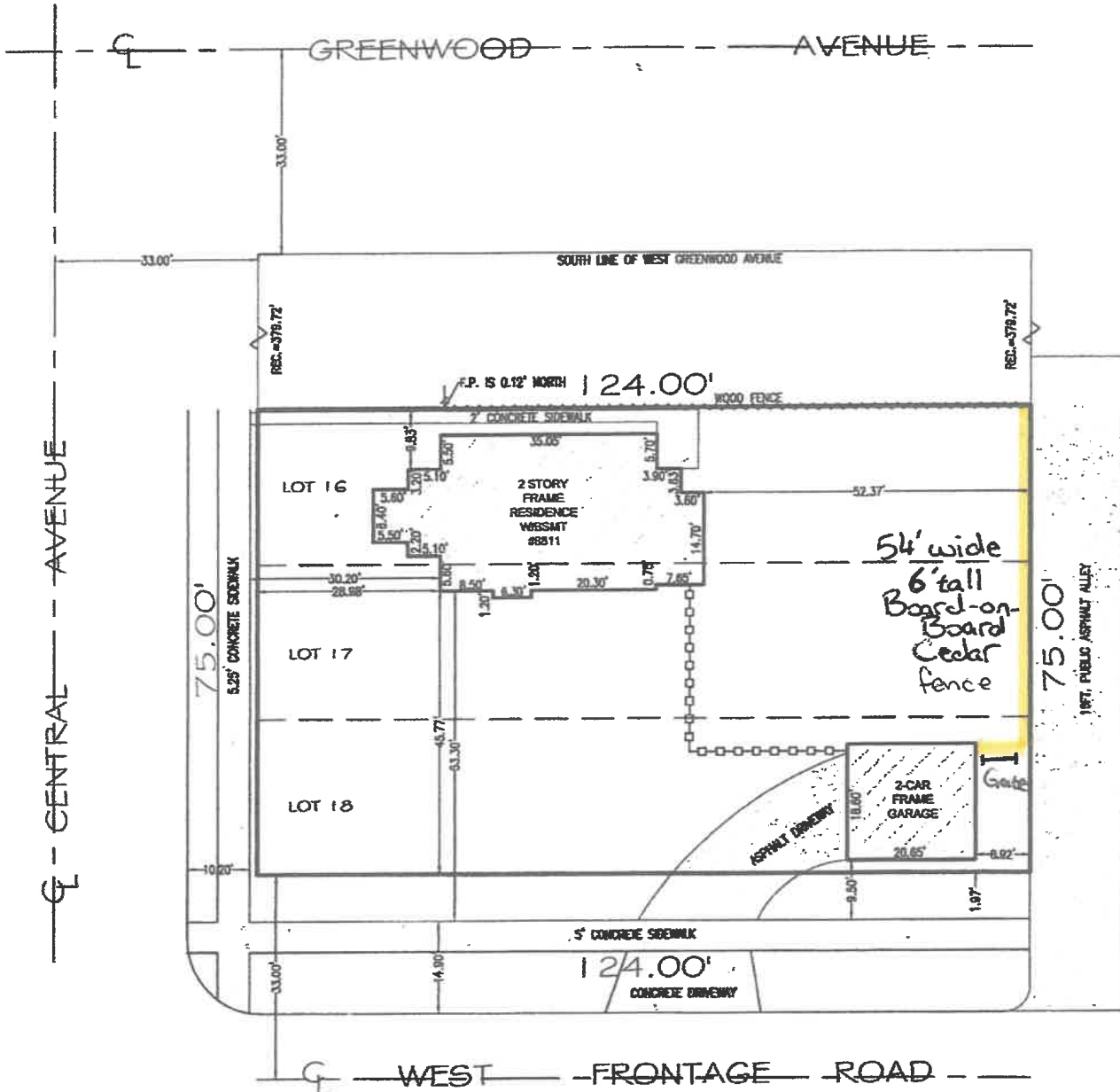


SCALE: 1" = 20'

LOTS 16, 17, AND 18 IN BLOCK 14 IN HEILD AND MARTIN'S DEMPSTER STREET TERMINAL SUBDIVISION, BEING A
 SUBDIVISION IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16 AND THE SOUTHEAST $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 41 NORTH,
 RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESS: 8811 CENTRAL AVE, MORTON GROVE, ILLINOIS.

* Site Plan



COMPARE ALL POINTS BEFORE BUILDING. NO IMPROVEMENTS SHOULD BE
 MADE ON THE BASIS OF THIS PLAT ALONE.
 CRITICAL FIELD MONUMENTATION SHOULD BE ESTABLISHED PRIOR TO THE
 COMMENCEMENT OF ANY AND ALL CONSTRUCTION.
 PLEASE REFER TO DEED, TITLE POLICY AND/OR LOCAL ORDINANCES FOR
 BUILDING LINE RESTRICTIONS AND/OR EASEMENTS NOT SHOWN HEREON.
 PLEASE CHECK LEGAL DESCRIPTION WITH DEED AND IMMEDIATELY
 REPORT ANY DISCREPANCY TO THE SURVEYOR FOR EXPLANATION

Village of Morton Grove

Department of Community & Economic Development

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

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

Date: August 13, 2024

Re: ZBA 24-27 8617 Fernald Avenue (10-20-114-001-0000, 10-20-114-002-0000)
Requesting approval of a variations from Sections 12-2-6:G and 12-4-2:D to allow an impermeable surface to exceed lot coverage and be a permitted obstruction in a street side yard.

STAFF REPORT

Public Notice

Request Summary

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

Property Background

The subject property at 8617 Fernald Avenue in Morton Grove, Illinois, is a 10,433-square-foot corner lot located at the southeast corner of the Fernald Avenue and Capulina Avenue intersection. The subject property is zoned R-3 Single Family Residence and is improved with a new single-family residence and a detached garage to the rear. The subject property abuts an improved public alley to the east. Surrounding properties are also zoned within the R-3 District and are improved with single-family residences. Jerusalem Lutheran Church is located across Capulina Avenue to the north.



Subject Property Location Map

Application Overview

The applicant and contractor, Holly Krevitz, on behalf of the property owners, is requesting waivers from Sections 12-4-2:D and 12-2-6:G to legalize an impermeable surface installation requiring a flatwork permit in the street side yard that does not meet the following Code requirements: (i) the total coverage of impermeable surfaces exceeds 60% of the total lot, and (ii) an impermeable surface or paved ground surface area is not a permitted obstruction in a street side yard. The gravel base was installed without a permit or authorization and a stop work order was issued prior to the artificial turf surface being installed. The added impermeable area was not authorized by the building permit issued for construction of the new detached single-family residence at the subject property. The applicant is seeking legalization of the installation after-the-fact.

The owners previously received a variation for rear yard coverage (ZBA 23-21) granting a waiver of 412 square feet to allow rear yard impermeable coverage of 68%, exceeding the maximum coverage allowed of 50%. The proposed addition of turf to the area surrounding the tree in the rear yard would violate that variation. Approving the rear yard portion of proposed turf would require a new waiver from Section 12-2-5:B to increase rear yard coverage by approximately 162 sq. ft. in addition to the waiver of 412 sq. ft. previously granted.

Requested Waivers

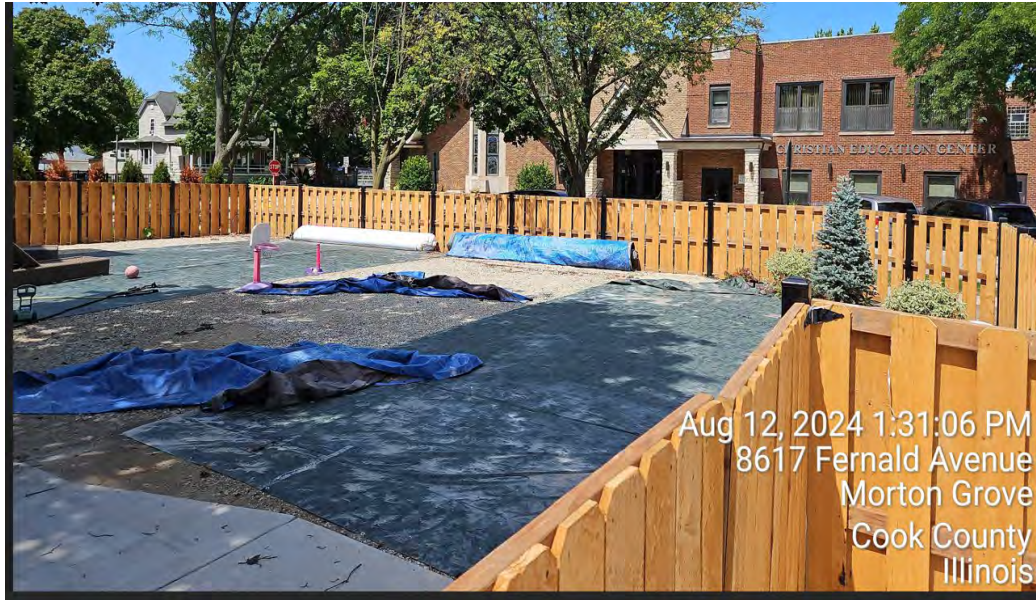
As turf is not defined with the Unified Development Code (UDC), the closest definition is a “detached patio” which is not permitted in the street side yard and would require a three (3) foot setback from rear and side yards. Alternatively, turf could be defined as a “sport court” which is also not permitted within a street side yard and would require 10-foot setbacks from rear and side yards.

The following chart provides a summary of the requested waivers based on UDC requirements:

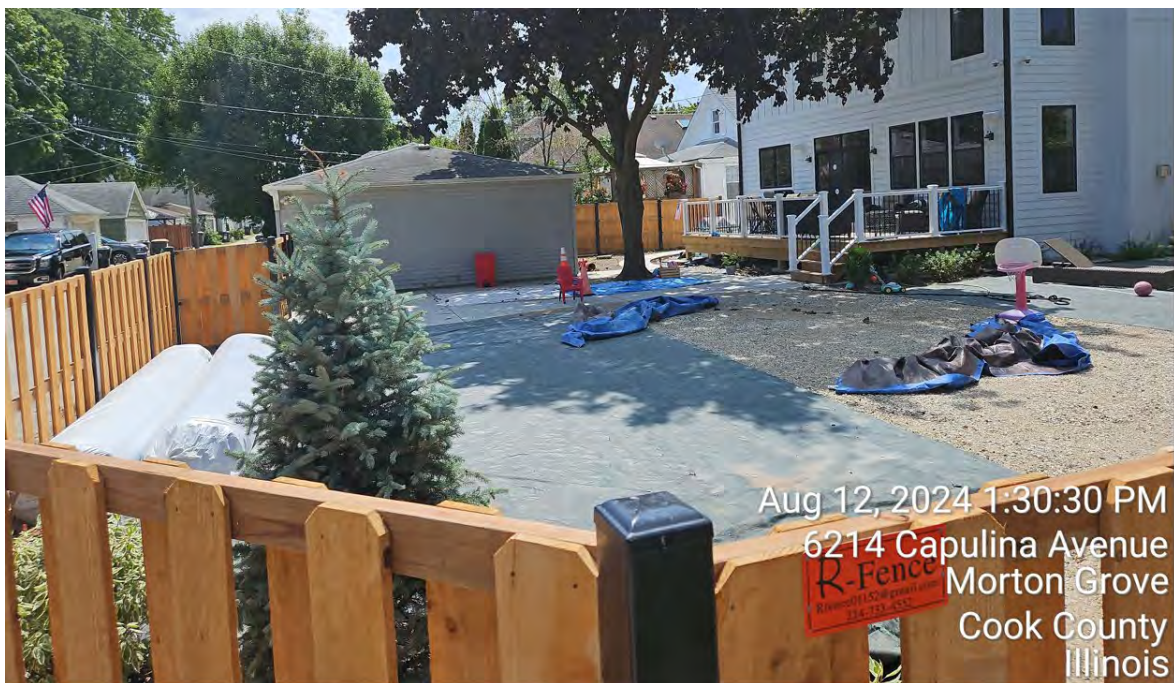
DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED WAIVERS
Permitted Obstruction: Patio, Detached 12-2-6:G	Not a permitted encroachment in a street side yard	2,100 sq. ft. Surface Area	<i>Waiver to allow the paved ground surface area as a permitted obstruction in a street side yard</i>
Impermeable Lot Coverage 12-4-2:D	Max. 60% Permitted 6,260 sq. ft.	66% 6,624 sq. ft.	<i>Waiver of 364 sq. ft. to allow total impermeable lot coverage of 62%</i>
Rear Lot Coverage 12-2-5:B	Max. 50% Permitted 1,224 sq. ft.	73.4% 1,798 sq. ft.	<i>Waiver of 574 sq. ft. to allow rear yard impermeable coverage of 73.4%</i>

As shown in the table, the following waivers are required to allow the installation of an impermeable surface/paved ground surface area as proposed by the Applicant:

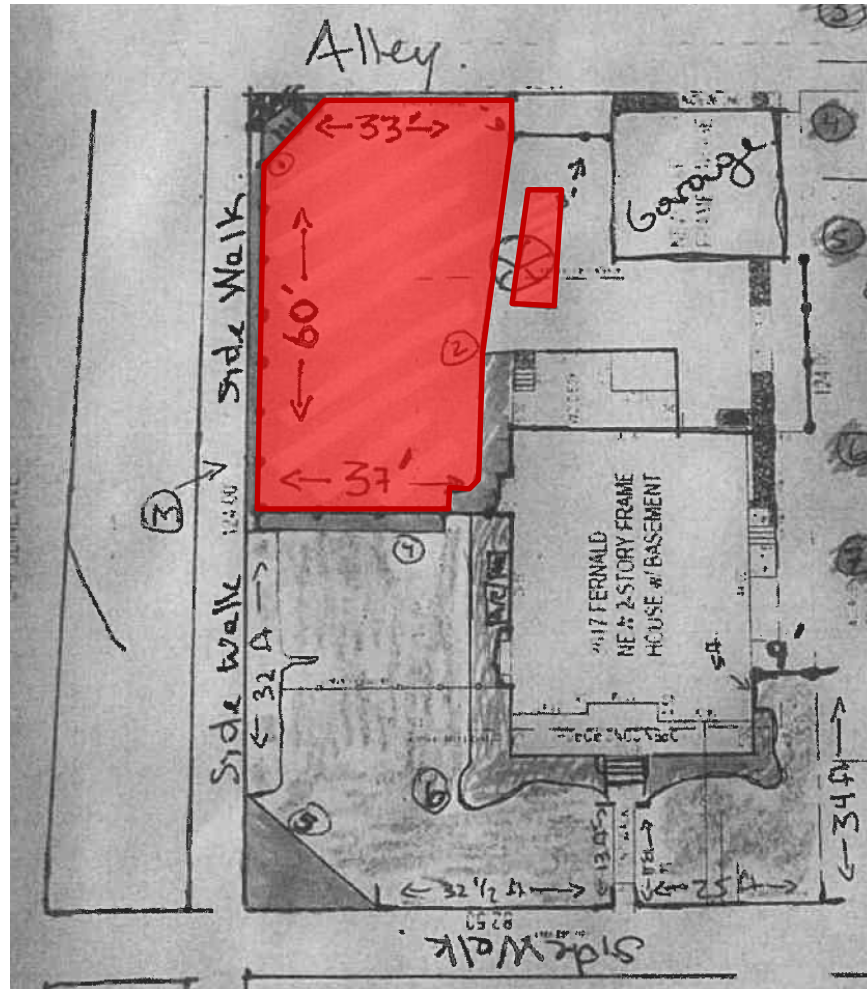
- Section 12-2-6:G: Waiver to allow the impermeable surface/paved ground surface area as a permitted obstruction in a street side yard.
- Section 12-4-2:D: Waiver of 364 square feet to allow impermeable lot coverage of 66%.
- Section 12-2-5:B: Waiver of 574 square feet to allow rear impermeable coverage of 73.4%.



Staff Photo of Gravel Installation Looking North



Staff Photo of Gravel Installation Looking South



Site Plan – Proposed turf areas in RED

Discussion

The Unified Development Code defines impermeable surface as: *A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of Portland cement, bituminous concrete, composed stone or gravel, or any other surface that allows no water penetration.* The Code does not define permeable surface.

The gravel base of the proposed turf installation is considered impermeable and the Village requires a flatwork permit for a paved ground surface area to be installed. While the installation of turf is not prohibited in the Village, it must be included in lot and rear yard coverage calculations.

Staff has researched codes in surrounding communities and has found no references to artificial turf except for Wilmette. Within the Village of Wilmette, turf is considered an impermeable surface and may not be located in a required front yard, street side yard, interior side yard, or a rear yard of a double frontage lot.

Staff are currently considering potential changes to Village Code to provide clear guidance on the installation of turf within the Village. However, Staff have concerns regarding the ability of turf systems to perform as-advertised regarding the volume/rate that rain can percolate into the ground. To put it simply, a turf lawn may function well at first, but the older a system gets, without proper maintenance, the subbase can become compacted and reduce porosity. Research has also identified potential issues regarding impacts to local wildlife and the sustainability of the manufacturing and transport of turf prior to install.

The applicant provided a test report indicating flow rate for rainfall through a submitted sample of the proposed product, but Staff concerns remain regarding the long-term performance of the installation. At this time, the Village does not have an adequate policy to ensure that turf is installed in a manner that does not have adverse effects, particularly as it relates to stormwater management. As such, Staff are not supportive of an application to install turf in excess of lot or yard coverage requirements until broader zoning updates have been implemented. If the ZBA desires to approve the application, Staff recommend that additional review by the Village Engineer be required as a condition similar to accessory structures exceeding 400 square feet in area.

Variation Standards

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

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

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

Recommendation

Should the Board approve Case ZBA 24-27, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-27, a request for approval of a variations from Sections 12-2-6:G and 12-4-2:D, to allow an impermeable surface that exceeds lot coverage and permitted obstruction requirements, for the property commonly known as 8617 Fernald Avenue subject to the following conditions:

- 1) *The patio shall be installed in accordance with the plans submitted by the applicant in the Variation Application dated 7/8/2024.*
- 2) *The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits.*
- 3) *Prior to the issue of a building permit, plans shall be submitted for review by the Village Engineer including a topographic survey, and the applicant shall agree to install additional stormwater management that may be required, subject to the review and approval of the Village Engineer.*

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: 24-27 Date Application Filed: 7/8/2024

CO-APPLICATION APPLICANT INFORMATION

Applicant Name: Holly Krevitz
Applicant Address: 728 Laramie Ave.
Applicant City / State / Zip Code: Wilmette, IL 60091
Applicant Phone: 847-287-4424
Applicant Email: hollykrevitz@aol.com
Applicant Relationship to Property Owner: installer / landscaper
Applicant Signature: Holly Krevitz

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Krzysztof Bukowski + Kelly Russell
Owner Address: 8617 Fernald Ave.
Owner City / State / Zip Code: Morton Grove, IL 60053
Owner Phone: 708-334-2667 / 847-612-7138
Owner Email: KRUSSELL15@gmail.com
Owner Signature: K. Bukowski / Kelly Russell

PROPERTY INFORMATION

Common Address of Property: 8617 Fernald Ave. Morton Grove
Property Identification Number (PIN): 10-20-114-001-0000 + 10-20-114-002-0000
Property Square Footage: 10,433
Property Zoning District: R-3
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:

12-16-3-A-2

Purpose of requested variation (attach as needed):

install permeable green synthetic turf grass yard behind a fenced in space



Village of Morton Grove
Department of Community & Economic Development
6101 Capulina, Morton Grove, IL 60053
847-671-0630

Impervious Area Zoning Compliance Application

Residential Districts Only

The Village of Morton Grove only issues Flatwork Permits for driveways, parking pads, and stairs. All other flatwork resulting in impervious area on a property located in a residential zoning district requires an Impervious Area Zoning Compliance Application to obtain zoning approval before work may proceed. All information below must be filled in prior to submission. **This application is not required if proposed work is included under a Building Permit Application.**

Project Address	8617 Fernald Ave	Contact Phone	847-287-4424
Date Filed	7/8/2024	Contact Email	hollykrevitz@aol.com
Property Owner	Chris Bukowski	Contractor	Krevitz Golf Turf Solutions
Address	8617 Fernald Ave	Address	728 Laramie Ave.
City, State	Morton Grove, IL	City, State	Wilmette, IL
Phone	708-334-2667	Phone	847-287-4424
Description of Work	landscape yard with synthetic grass - for new home construction no neighboring properties for side yard.		

Application Requirements

- ☐ 1 plat of survey that shows every **existing** structure, including garages, sheds, patios, walkways, and impervious areas.
- ☐ 1 plat of survey that shows every **proposed** structure, including garages, sheds, patios, walkways, and impervious areas.

All structures must be dimensioned and details must be legible.

Impervious Area Requirements *Other restrictions may apply.*

SETBACK: Patios that adjoin a dwelling must comply with the side yard setbacks of the zoning district. All other impervious areas must comply with the setback requirements for detached accessory structures.

COVERAGE: Patios that adjoin a dwelling may not exceed 30% of the rear yard. Detached garages and sheds may not exceed 30% of the rear yard. All impervious areas combined shall not exceed 50% of the rear yard (12-2-5, 12-2-6).

Building Department Guidelines

Concrete should be not less than 5 inches thickness with one layer of 6-inch by 6-inch wire mesh over a compacted granular fill (CA-6 or better) of not less than 4 inches thickness.

Concrete should have a minimum compressive strength of 4,000 psi at 28 days (6 bag mix).

Expansion joints should be provided wherever new concrete meets any existing concrete or masonry.

Control joints should be tooled or saw cut into the concrete.

OFFICE USE ONLY

Rear Yard Area	Approved
Existing Structures	Date
Proposed Structures	Comments
Total Impervious	
% Impervious	

July 4, 2024

Village of Morton Grove
Department of Community and Economic Development
Zoning Board of Appeals
Variation Application Packet

Re: Landscaping at 8617 Fernald Ave., Morton Grove, IL

VARIATION STANDARDS - Section 12-16-3-A-2

Dear Zoning Board of Appeals,

We respectfully ask for a variation to install a permeable green synthetic turf grass yard behind a fenced in space at 8617 Fernald Ave.

8617 Fernald Ave., - new home construction:

The homeowner is completing new home construction abiding with Morton Grove's requirements requiring completed landscaping. The homeowner with a dog, a young child, created a fenced in area for children, dogs and friends to play with security and privacy a priority. This unique corner yard with high traffic counts is a major thoroughfare. This cornerstone house represents Morton Grove moving forward. The amount of time, care and resources designated to 8617 Fernald Ave., is inviting to families to live in the Morton Grove community.

The variation within the fenced in yard space:

- a. Not self imposed:** The added benefit of creating a permeable green grass space in the fenced in yard will add benefit to all who use, visit and play . After covid, studies show people suffer when not outdoors, specifically children when restricted from outdoor play. This space will allow year round green space with no watering , no grass cutting and no allergies.
- b. Nonmonetary considerations:** Planning for new home construction, focus is on utilization for the next 30 years. The homeowner will not profit from the variation, instead investing in new technology for low maintenance and a green space for beauty.
- c. Not detrimental to public welfare:** This green permeable turf yard behind the fence will not detract or cause any harm to neighbors. This added permeable green turf yard will assist in drainage, keep the corner yard looking neat. This family is committed to the community, added benefit is more space for kids to play.
- d. Not detrimental to Neighborhood :** This added permeable green yard space will not impair supply of light and air to any adjacent properties, adds no congestion to the street or the alley. No potential damage of fire, or endanger public safety of alter the character of the neighborhood. Will not diminish or impair property values of any homes in Morton Grove.

It is our understanding the Village does not have a synthetic turf guideline in place. The guidelines they presently follow are based on anything gravel is a parking lot. As a landscaping company specializing in synthetic turf/grass for twenty years, we have met with Village Engineers and Community Development to share with them the steps we take for a permeable green solution for homeowners. The turf we use has a certified permeability study, built in heat and shine block and has recyclable components. The base for the turf is a grade 9 organic, which has a water draining capability and stable composition. The turf when put under a faucet, drains. We use no crumb rubber in this landscaping solution. Technology has improved, with myths circulating from the early years of synthetic grass with unskilled installers and some products imported from China. Our grass products do not have a bleed factor, and all of our turf products are from The Recreation Group, Dalton, Georgia and Made in the U.S.A.

Thank you for your assistance.

Holly Krevitz, Owner

Krevitz Golf & Synthetic Turf Solutions

hollykrevitz@aol.com

www.lakecountyputtinggreens.com

Wilmette, IL Cell 847.287.4424

Follow us:

www.instagram.com/krevitz_golf_turf_solutions/

www.facebook.com/KrevitzGolfTurf/

www.pinterest.com/hollykrevitz/synthetic-turf-is-beautiful-krevitz-golf-synthetic/

We have a turf solution for you!

(T) → Tree

Fence setback from Alley: Sidewalk

- Alley - 2ft Setback

- Sidewalk - 1ft set Back.

- SOD

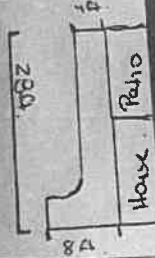


- Turf

7 plants



12 Plants

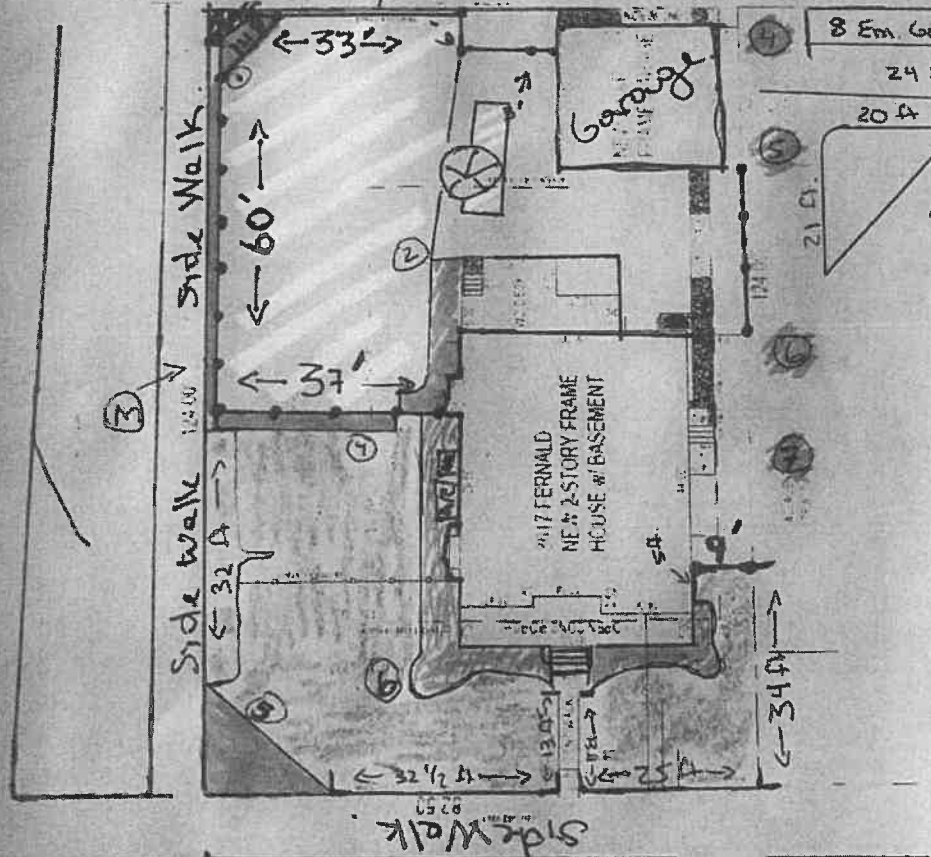


1 A x 60 ft
Bed w/ Pachysandra

8 Em. Green. Act. 24 ft

20 ft 9 plants
A lot of Pachysandra

Alley



PROPOSED SITE PLAN

Fernald Ave

LUXURY 1ST CUT

SPECIFICATIONS:

Face Weight: 65 oz

Pile Height: 1.25"

Color: Summer Blend

Thatch: Green

Secondary Backing: Urethane, 20.0 oz/yd

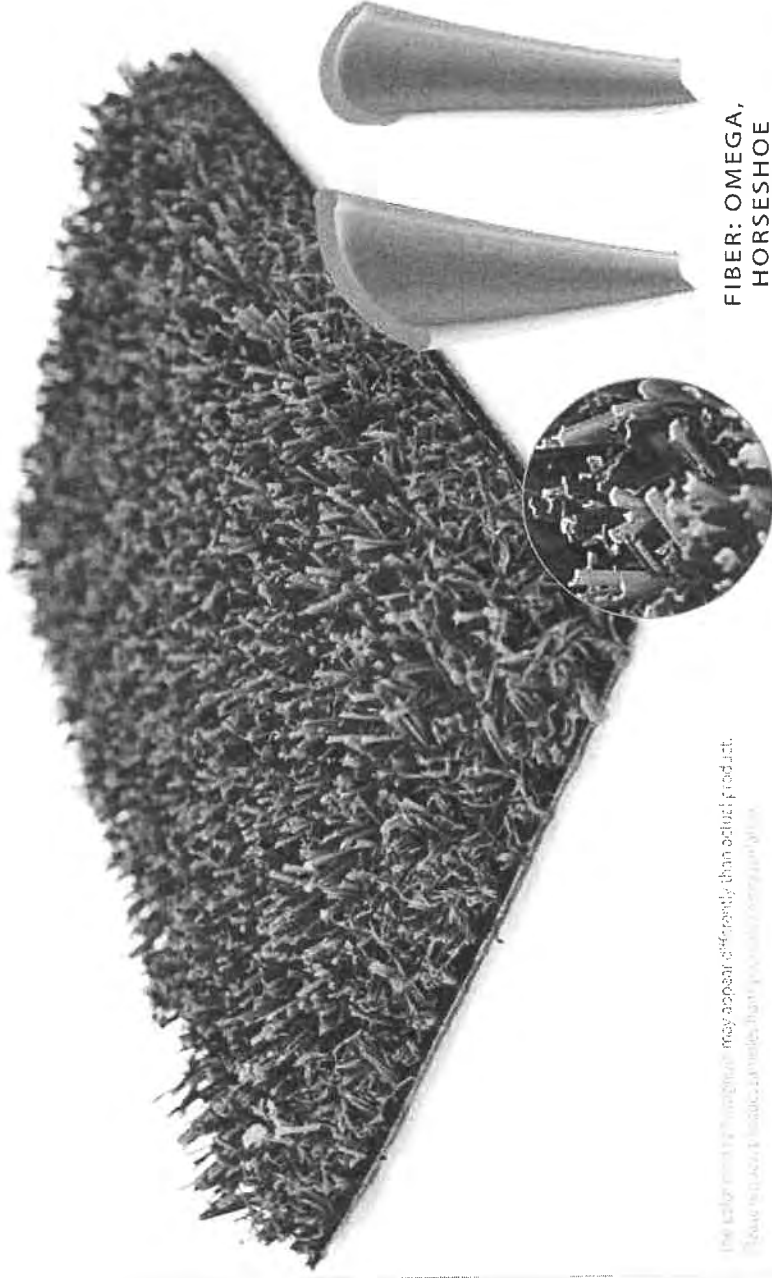
Fiber Type: Omega Horseshoe, 100% Polyethylene

Fiber Mass: 10800 Denier, 4400 Denier Thatch

Tufting Gauge: 3/8"

Primary Backing: 7.0 oz/yd²
Triple Layer Composite Backing

Total Weight: 92 oz/yd²



The color and texture of the turf may appear differently than actual product. Please refer to actual product for color and texture.

**FIBER: OMEGA,
HORSESHOE**



**BACKING:
URETHANE**



**RECYCLABLE
COMPONENTS**



HEAT BLOCK
With Heat Block color options, our turf is cooler than the competition's artificial grass systems.



SHINE BLOCK
Shine Block blade profiles reduce the reflective quality of the fiber allowing our grass to appear more like a healthy, well-trimmed, natural lawn.

* Specifications provided above are tufted measurements. Final measurements can change during backing processes. Thatch height may vary based on lot. XGrass is not responsible for typing errors on specifications listed above.

TEST REPORT

DATE: 01-31-2024

Page 1 of 1

TEST NUMBER: 0304671

CLIENT	Controlled Products
TEST METHOD CONDUCTED	ASTM F1551 Water Permeability of Synthetic Turf Systems and Permeable Bases, DIN 18-035
DESCRIPTION OF TEST SAMPLE	
IDENTIFICATION	XG Pet
REFERENCE	PO# CP-004931-1

GENERAL PRINCIPLE

The test procedure is used to determine the flow rate of rainfall through a material. A volume of water is poured through the surface and timed. Calculations are then made on the inches of water that would pass through the substrate per hour. The sample was tested as received.

TEST RESULTS

SAMPLE IDENTIFICATION	RESULTS
XG Pet	611.80 Inches/Hour
	10.13 Sec/6" zone
	199.41 Gal/min/yd ²

APPROVED BY:



This report is provided for the exclusive use of the client to whom it is addressed. It may be used in its entirety to gain product acceptance from duly constituted authorities. This report applies only to those samples tested and is not necessarily indicative of apparently identical or similar products.

This report, or the name of Professional Testing Laboratory, LLC, shall not be used under any circumstance in advertising to the general public.