



Village of Morton Grove
Zoning Board of Appeals Agenda

September 17, 2024 - 7:00 P.M.

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

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES OF:** August 20, 2024

III. **PUBLIC HEARINGS:**

CASE: ZBA 24-28

APPLICANT: Lydia Torrese
9024 Moody Avenue
Morton Grove, Illinois 60053

LOCATON: 9024 Moody Avenue
Morton Grove, Illinois 60053

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

CASE: ZBA 24-29

APPLICANT: Lattas Law Office, on behalf of the owner
5815 Monroe Street
Morton Grove, Illinois 60053

LOCATON: 5815 Monroe Street
Morton Grove, Illinois 60053

PETITION: Request for approval of variation from Section 12-2-5 to allow a driveway in a required setback.

CASE: ZBA 24-30

APPLICANTS: Michael and Leslie Craig
5634 Emerson Street
Morton Grove, Illinois 60053

LOCATON: 5634 Emerson Street
Morton Grove, Illinois 60053

PETITION: Request for approval of variation from Section 12-3-3 to allow a commercial vehicle to park in a front yard.

IV. OTHER BUSINESS None

V. CLOSE MEETING

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

Comments relating to this case may also be submitted no later than 12:00 p.m. on Tuesday, September 17, 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 AUGUST 20, 2024
MEETING OF THE ZONING BOARD OF APPEALS
VILLAGE HALL 6101 CAPULINA, MORTON GROVE, IL 60053**

Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Zoning Board of Appeals was called to order at 7:00 PM by Chairman Kintner. Secretary Kirchner called the roll.

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

Members Absent: Mohr with notice

Village Staff Present: Anne Ryder Kirchner, Planner/Zoning Administrator, and Secretary
Jim English, Manager Building Inspection and Services
Chris Tomich, Village Engineer
Chuck Meyer, Village Administrator
Terry Liston, Corporation Counsel

Trustees Present: Thill, Travis 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 6 Board members were present. Chairman Kintner noted the 5-year anniversary for Board member Mohr.

Chairman Kintner asked for approval of the July 16, 2024, meeting minutes. Board Member Dorgan moved to approve the amended minutes, Board Member Hussaini seconded the motion.

Chairman Kintner called for the vote.

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

Motion passes (4-0)

Chairman Kintner then called for the first case.

CASE ZBA 24-16

APPLICANTS: Wallin/Gomez Architects, on behalf of the owner of

8338 Austin Avenue
Morton Grove, Illinois 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 said 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 have one dedicated loading berth off Washington Court.

The proposed project is speculative in nature with no identified tenants for the smaller spaces. Approximately 80% of the building will continue to be occupied by current tenants and the semi-truck loading berths provided off the main parking lot would remain.

The proposed location of the loading berth within the required street side yard is not a permitted obstruction and a variation is needed. Variations are also 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.
- The proposed access fails to meet the standards set forth in Section 12-7-4:C that require adequate maneuvering area as the entire maneuvering area falls within the public right-of-way.

Per Section 12-7-4, it is necessary to ensure that trucks using the proposed loading berth in the future do not conflict with pedestrian and vehicular traffic on Washington Court.

Secretary Kirchner swore in the applicants, Joanna Ruiz of Wallin/Gomez Architects, and Alex Bernhardt, representing the owner of the property. Mr. Bernhardt described the new proposal for one loading berth and the elimination of parking areas, as well as, the history of the owner and business that shares the existing loading dock. The empty 35,000 square foot area is not viable without access to the current loading dock.

The applicant acknowledged the volumes of trucks further south on Austin which cause traffic conflicts. Their proposal is designed to accommodate a box truck and not semi's. They propose bollards to block a semi-truck from their driveway.

Ms. Ruiz described the differences from the original proposal. Mr. Liston asked what type of tenants they are seeking. The applicant mentioned a wholesale/warehouse use, not heavy industry. Mr. Dorgan asked how many trucks per day would use the berth.

Lynn Means, the traffic engineer, was sworn in. She said they expect one truck per day, the most intensive use would be 4 trucks per day. Mr. Dorgan asked where trucks would be staged if more than one truck arrived at the site. There is no parking on Washington Court. Employees and visitors would use the rear parking lot.

Mr. Stein asked if they need a variance for the height of the door. A variation would not be needed for their configuration. He asked if a semi-truck could parallel on Washington Ct. Parking is not permitted.

Mr. Hussaini asked if a civil engineering study was provided. A study was provided in the June meeting packet.

Chairman Kintner asked how the bollards could prevent a semi-truck from using the drive. The bollards limit the width and would be knocked down by a semi-trailer. The turning diagrams were shown for a semi-truck and a box truck. Discussion ensued regarding truck movements, semi-trucks do make 90 degree turns.

Chairman Kintner said the only sidewalk is on the north side of Washington Ct. The traffic study noted 12 pedestrians on Washington Ct. each hour. There are potential conflicts with pedestrians and trucks. He asked how the door would be controlled to minimize conflicts. The driveway length is 26 feet, allowing a 24 ft. box truck to be able to park within the property lines while waiting for the door to open.

The use of space was further discussed, noting that the spaces could be combined. The 14 feet high ceilings would limit most warehouse use. Mr. Dorgan asked if trucks would idle on the street and be unloaded. He also asked if the two trees to be removed could be replaced elsewhere in the Village.

Mr. Hussaini asked if the Appearance Commission has reviewed the design. Ms. Ruiz described the glazed garage door, landscaping and façade improvements. The Appearance Commission will consider the changes during plan review. Mr. Hussaini is concerned with the line of sight.

Ms. Kirchner described the terms of review and that this is a zoning case, not a request for a Special Use Permit.

There were no public comments.

Chris Tomich, Village Engineer, described the review by the Public Works department. He noted the industrial use is next to residential districts and a Village park. The current use does not have conflicts on Washington Ct. as it maintains all parking and deliveries at the rear of their property. The reversing movement of a truck creates conflicts.

Chairman Kintner acknowledged the work of the Village and applicant to find common ground during the review process.

Mr. Hussaini thanked Mr. Tomich.

Board member Dorgan made a motion to approve 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.

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

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

Motion does not pass (4-2)

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 said the applicant has withdrawn their application.

CASE ZBA 24-24

APPLICANT: George Van Zeven
5838 Capulina Avenue
Morton Grove, IL 60053

LOCATION: 5838 Capulina Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-4-2 and 12-15-4 to allow the construction of a detached accessory structure exceeding lot coverage on a nonconforming lot due to width and area.

Ms. Kirchner said the applicant is seeking approval of waivers to authorize the construction of a detached garage in the rear yard, which will exceed allowable impermeable lot coverage. 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.

Mr. Van Zeven was sworn in. He demolished his previous garage and did not know that he would need a variation. He will build the new garage to meet setback requirements and code requirements. Mr. Stein asked if the existing slab would be removed. The entire site will be cleaned up.

Ms. Kirchner confirmed the proposed setbacks as shown on the plat of survey. She noted that 2 letters of objection were received and presented to the Board. There was no further public comment.

Board member Liston made a motion to approve 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.

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

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

Motion passes (6-0)

CASE ZBA 24-25

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

LOCATION: 6044 Capulina Avenue

Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-2-6, 12-4-2, and 12-15-4 to allow a pave pad and a sidewalk encroachment on a nonconforming lot due to width and area.

Ms. Kirchner said the applicant is seeking approval of waivers to allow a paver pad in the rear yard and a sidewalk that encroaches in the east side yard. Both requests also 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.

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.

Tracy and David Balke were sworn in. They seek to improve the pad so it may also be used as a parking pad. The sidewalk and pad would be pavers. The sidewalk would be expanded so they have an accessible paved egress area outside the door.

There was no public comment.

Board member Stein made a motion to approve 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 pad and sidewalks 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.

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

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

Motion passes (5-1)

CASE ZBA 24-26

APPLICANTS: Burak Yurtsever and Rosaleyn Maldonado
8811 Central Avenue

Morton Grove, IL 60053

LOCATION: 8811 Central Avenue
Morton Grove, IL 60053

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

Ms. Kirchner said this is a request 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 side yard) of the rear building line. The maximum permitted height for street side yard fences is 4 feet and the minimum permitted transparency is 50%

Mr. Yurtsever and Ms. Maldonado were sworn in. They are seeking a privacy fence for the rear property line, it will only be along the alley side. They noted there is a lot of alley traffic and it is often used as a turn-around area. They have approval from the neighbors on the alley.

Chairman Kintner and Mr. Gabriel noted the traffic in the area and the need for privacy. The fence will not be in front of the garage and does not impede any sight lines.

There was no public comment.

Board member Liston made a motion to approve 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.

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

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

Motion passes (6-0)

CASE ZBA 24-27

APPLICANT: Holly Krevitz on behalf of the owner of
8617 Fernald Avenue

Morton Grove, IL 60053

LOCATION: 8617 Fernald Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-2-6 and 12-4-2 to allow an impermeable surface to exceed lot coverage and permitted obstruction requirements.

Ms. Kirchner noted this is a request 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 patio 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.

Ms. Krevitz and Mr. Bukowski were sworn in. Ms. Krevitz explained her work with turf installations. She provided advantages to synthetic turf. She said it is designed for soft landings, accidents can wash through, it is ideal for children for with allergies, rain keeps the turf clean, it is recyclable, and is not toxic.

She said the turf is not a patio or sport court which are not designed for drainage. The grade 9 organic gravel used as a base provides permeability as it holds and releases water.

She described her installations in surrounding communities and Wilmette. She said permits are not typically required for a turf installation. In the Staff Report, it is noted that the Village of Wilmette does require permits for any synthetic turf installation and it is considered non-permeable.

She said she does not see Morton Grove having many turf installations in the future, but the Village should be open to this installation as it is a new home with a large lot. The turf will not be visible from the street, as it is located behind a fence. She said young families are looking for year-round yards. She provided photos of other installations and noted that she has never had a drainage problem with the synthetic turf. She provided a permeability test report from the turf manufacturer.

Mr. Liston asked about the hold and release mechanism or structure of the gravel. Ms. Krevitz provided a sample of the gravel in a plastic bag that she shook up because she said it had gotten hard and rocky. She said the turf and gravel are impermeable. The gravel is chunky, contains no limestone, and is sculpted on the site.

Chairman Kintner asked if the hold and release is related to the turf and gravel, she said it is both.

Mr. Bukowski said the grade 9 gravel was installed in his yard before the 4th of July, and a portion of turf was laid out for the 4th of July weekend. He noted there was no gravel or water run-off and no pooling of water at his property after the heavy rains before the holiday. He said his family is seeking a low maintenance yard to complement the other landscape installations and the new fence.

Ms. Krevitz said synthetic turf installations do well if correctly installed, she said her crews do good work. She also noted that rats do not tunnel in synthetic turf.

Mr. Stein asked for the depth of the gravel. Ms. Krevitz said it is 3 inches deep, to meet the original grade. Mr. Stein asked what the turf will do to the large tree's roots. She said they do not install up to the tree, but provide a 3-4 inch tree ring. Chairman Kintner asked if she meant 4-5 feet. She said the gravel will not hurt the tree.

Mr. Stein asked how the synthetic turf permeability compared to regular grass turf. She said no one can answer about regular grass. Mr. Stein noted that regular turf is not good in tree root zones.

Mr. Gabriel asked now the turf is anchored. It is nailed in and seams seal it. He asked if you can squeegee the turf after a rain. Ms. Krevitz said you probably could use a squeegee.

Mr. Hussaini asked if there were any conditions tied to the fence variation that should be considered with this case. Ms. Kirchner said there were no conditions related to the use of the rear and street side yards. He next asked if there were any stipulations with the stop work order. Ms. Kirchner said the contractor became licensed with the Village, applied for a flatwork/impermeable surface permit and stopped the installation, except for the partial installation made around the time of the 4th of July.

Chairman Kintner asked Mr. English if the grade 9 gravel is permeable. Mr. English said he believes all gravel is permeable. Chairman Kintner asked if too much permeability is a concern. The control of water flow is desired. Discussion ensued regarding ASTM standards and that the applicants turf product flows at a higher rate than others in the market.

Chairman Kintner noted the applicant previously received a variation for rear lot coverage and that a rear yard on a corner lot does not include the street side yard that is to the rear of the home. He noted they are seeking relief for total coverage and rear yard coverage.

Mr. Gabriel discussed water drainage and grading angles. The water can filter through but must not flow onto neighbor's properties. He asked that the Village create standards for synthetic turf installations.

Mr. Hussaini asked what are the disadvantages to synthetic turf. He said it is not biodegradable and there could be possible contamination from chemicals. The Village needs to address sustainability and pollution.

Mrs. Krevitz said there is no leaching from synthetic turf. Her product is made in the United States and does not contain harmful chemicals. She said Morton Grove will not have too many synthetic turf installations. She notes that her turf is recyclable but it has to be done properly.

Chairman Kintner requested that synthetic turf be defined for zoning purposes and regulations and specifications be included for installations.

Chairman Kintner asked for public comment. Judy Garcia of 8510 Georgiana Avenue said she is in favor of the installation.

Mr. Liston asked when the definitions of impermeable and permeable were last visited by the Village.

Ms. Kirchner said they have not been updated in the Municipal Code in the recent past. She noted that questions have been asked regarding the permeability of paver installations during recent Zoning Board of Appeals meetings and with flatwork applications. She said Staff and Administration is happy to look into the definitions of permeable and impermeable with regard to flatwork applications and further research synthetic turf regulations for the Village.

Board member Liston made a 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.

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

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

Motion passes (4-2)

Chairman Kintner and Board Members Hussaini and Stein asked that the Village develop standards for synthetic turf installations and monitor the condition of the grade 9 gravel installation to assure its continuing permeability.

Chairman Kintner asked for any other business or discussion. Hearing none, Board Member Dorgan moved to adjourn the meeting, seconded by Board Member Hussaini. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 9:16 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.

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: September 10, 2024

Re: **ZBA 24-28 – 9024 Moody Avenue (10-17-306-125-0000)**
Request for approval of a variation from Section 12-2-6:G to allow the replacement of an open accessory parking area.

STAFF REPORT

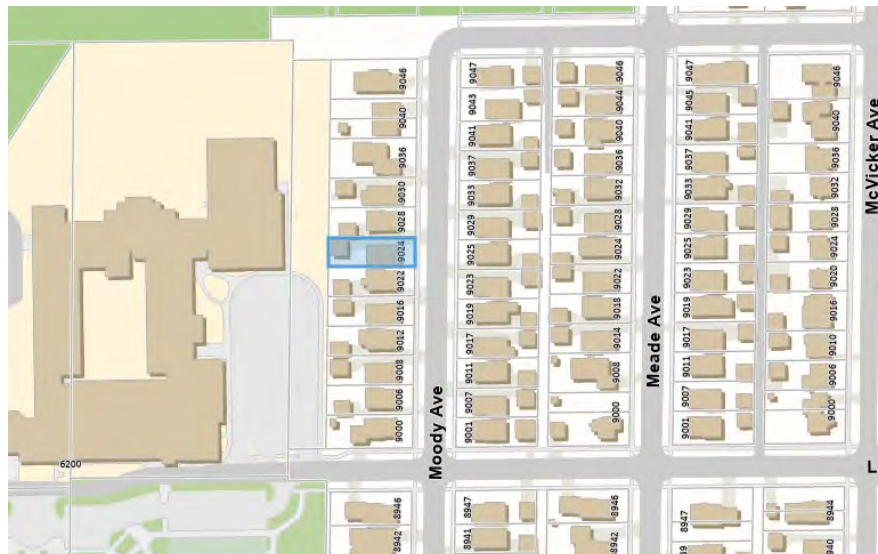
Public Notice

The Village of Morton Grove provided public notice for the September 17, 2024, Zoning Board of Appeals public hearing for ZBA 24-28 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on August 29, 2024. The Village mailed letters on August 29, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on August 28, 2024.

Request Summary

Property Background

The subject property at 9042 Moody Avenue is a 5,931-square-foot lot located on the west side of Moody Avenue between Lake Street and Davis Street. The property is within an R-2 Single Family Residence District and is improved with a single-family dwelling and detached garage. Surrounding properties are also zoned in the R-2 Single Family Residence District and are improved with single-family residences. Parkview school is adjacent to the rear of the property.



Subject Property Location Map

Application Overview

The Applicant and property owner, Lydia Torrese, is requesting a waiver from Section 12-2-6:G to replace an existing open accessory parking space in the front yard.

A 2 feet wide portion of the replacement concrete does not lead to a conforming parking space within the side or rear yard and is therefore considered an open accessory parking space in the front yard. The applicant is not replacing the entire driveway, only the section noted and a portion of the concrete walk and stairs to the side door.

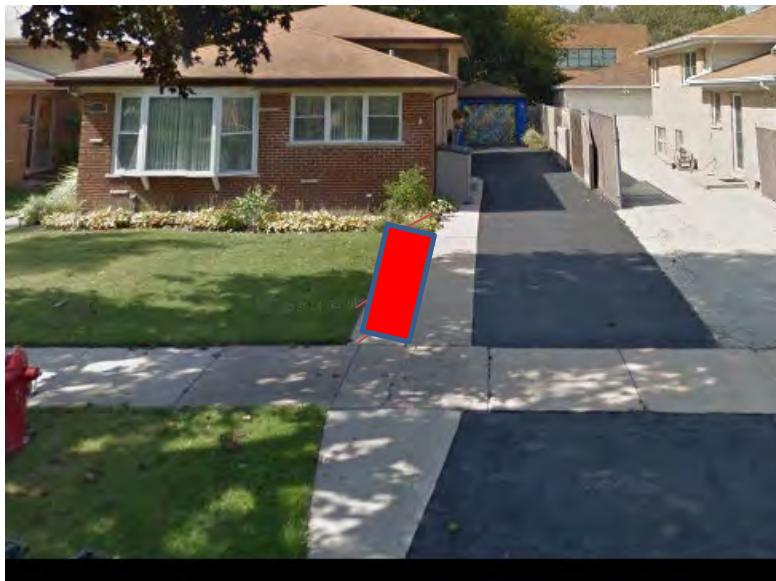
Requested Waivers

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

DIMENSIONAL CONTROL	CODE REQUIREMENT	PROPOSED	REQUESTED WAIVERS
Open Accessory Parking Area 12-2-6:G	Min. 3 ft. from all lot lines, not permitted in front or street side yards	Open accessory parking area in front yard	<i>Waiver to allow an open accessory parking area in a front yard</i>
Driveway Width 12-2-5:b.i	Driveways shall be limited to a maximum width of 16 ft. and any front lot line.	14 ft. at front lot line	Compliant

As shown in the table, the following waiver is required to authorize the replacement of the existing driveway section as proposed by the Applicant:

- Section 12-2-6:G: Waiver to allow an open accessory parking area in the front yard.



Subject Property Street View

Discussion

The applicant is requesting a waiver from the ZBA to replace a portion of the existing walk and driveway creating an open accessory parking space within a front yard to ensure adequate off-street parking for her family's use. The space adjacent to the drive has been on the property since the owner purchased the property in 2008.

Variation Standards

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

- a. Not Self-Imposed: The alleged difficulty or hardship is caused by this title and has not been created by any persons presently having an interest in the subject property.

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

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

Recommendation

Should the Board approve Case ZBA 24-28, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-28, a request for approval of variation from Section 12-2-6:G to allow the replacement of an open accessory parking area for the property commonly known as 9024 Moody Avenue, subject to the following conditions:

- 1) *The proposed driveway shall be installed in accordance with the plans submitted by the Applicant in the Variation Application dated 8/6/2024.*
- 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: 24-28

Date Application Filed: 8/6/2024

APPLICANT INFORMATION

Applicant Name: Lydia Torrese
Applicant Address: 9024 Moody Ave
Applicant City / State / Zip Code: Morton Grove, IL 60053
Applicant Phone: 224-558-0834
Applicant Email: lydiat9024@att.net
Applicant Relationship to Property Owner: self
Applicant Signature: Lydia Torrese

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: 9024 Moody Ave, Morton Grove, IL 60053
Property Identification Number (PIN): 10-17-306-025-0004
Property Square Footage: ~ 5,930 sq. feet
Property Zoning District: R-2
Property Current Use: principle (only) residence

APPLICATION INFORMATION

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

ONLY want to re-pave existing inset at base of driveway from lilac
Purpose of requested variation (attach as needed): back to sidewalk. This is used for
elderly relatives (espec. sister) +/or friend who uses rolling walker. Able to
allow other guests to pull around + up driveway, e.g. July 4th gathering.

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 concrete "inlet" is pre-existing (see photo from 7/2008 on real estate sheet).

- 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.

I simply want to repair the existing concrete (my own expense)

- 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.

Neighbors/Friends/Family have commented how nice it must be to have purchased a home with this "inlet." Nobody has ever complained.

- 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.

There has been no detriment. In repairing this, the uneven surface/gaps will be repaired - with decrease risk of someone tripping - or of damage to blades on a snowblower.

The primary use of the "inlet" is for Family (sister) and friends who visit when I host annual July 4th celebration - My sister uses a Rollator (seated, wheeled walker) and arrives & leaves early. Thus other guests (all getting older - Now in 70's - early 80's) can pull around my sister's car & park in my driveway.

Of

-CHAIN LINK FENCE IS 0.9'
WEST OF PROPERTY LINE



(R/M) — RECORD / MEASURED
L — ARC LENGTH
R — RADIUS
CH — CHORD

AREA = 5,930 SQ. FT.
MORE OR LESS

MORE OR LESS

08-06-0177R

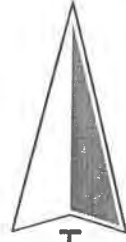
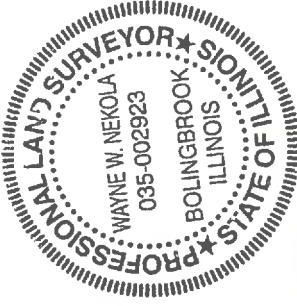
NEKOLA SURVEY, INC.

226-1530 PHONE (630) 226-1433

(630) 226-1530 PHONE (630) 226-1430 FAX

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT **ALONE**. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

NOTE:
ALLEY VACATED PER DOCUMENT NO. 8569094 AS NOTED IN DEED
DOCUMENT NO. 95106202. HOWEVER, SEARCH RETURN STATES THAT
DOCUMENT NO. 8569094 IS MISSING AND NOT AVAILABLE.



JUL 19 2024

SCALE: 20'

REVISED ON THE 24TH DAY OF FEBRUARY, 2017.

FIELD WORK COMPLETED ON THE 17TH DAY OF JULY, 2008.

(STATE OF ILLINOIS) SS
(COUNTY OF WILL)

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 21ST DAY OF JULY, 2008.

DAY OF JULY, 2008.

Sam Wink

LICENSE RENEWAL DATE: 30 NOVEMBER 2018.



Village of Morton Grove
Department of Buildings
6101 Capulina Avenue, Morton Grove, IL 60053
Phone: 847-470-5214 | Fax: 847-663-6185
Bldg-permits@mortongroveil.org

FLAT WORK APPLICATION

All information below must be filled in prior to submission (please print):

Date Filed: 7/19/24

Project Address: 9024 Moody Ave, Morton Grove Unit #

Area (sq. ft.): _____ Value of Work: 3425

(Please Circle all that Apply)

DRIVEWAY

PARKING PAD

STAIRS

SIDEWALK

PATIO

OTHER _____

Property Owner: Lydia Torrese

Address: 9024 Moody Ave

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

Phone #: 224-558-0834

Email: lydia19024@aatt.net

Contractor: Kelvin Company LLC

Address: (No P.O. Box) 2150 Ashland Ave Unit 7

City / State / Zip Code: Evanston, IL 60201

Phone #: 847-869-4094 License No.: _____

Email: kelvincompany.com
www.kelvincompany.com

Requirements:

Required Submissions - This application must be accompanied by the following:

- Plat of Survey (3)
- Construction Plans (3 sets)

Required Approvals -

Before a Permit is granted, approval is required for the following:

- Building Zoning

Required Inspections - When this permit is approved, the following inspections will be made.

The applicant is required to request these inspections at least (24) twenty four hours in advance and their

Authorized agent must be present.

- Concrete Pre-Pour
- Final - Building

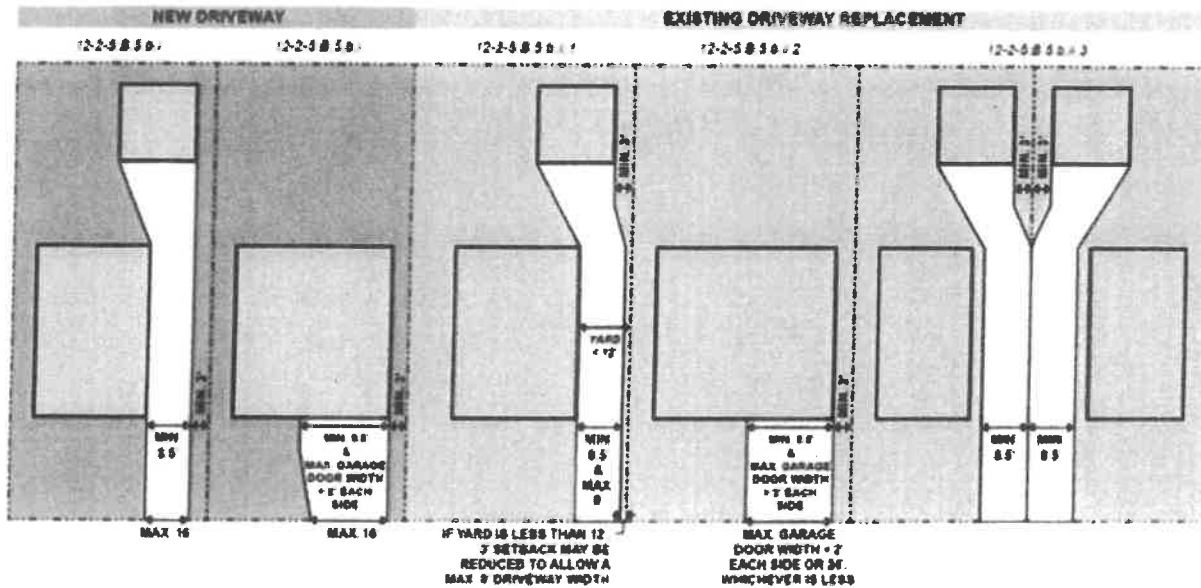
RECEIVED

JUL 19 2024

VILLAGE OF MORTON GROVE

J.U.L.I.E.

Arrangements shall be made for adequate protection against interference with underground utilities by calling J.U.L.I.E. 1-800-892-0123 or 811 and MORTON GROVE PUBLIC WORKS 847/ 470-5235 AT LEAST 48 HOURS BEFORE EXCAVATING OR DIGGING.



The undersigned hereby makes application for a permit to erect a building / structure, etc. In the Village of Morton Grove and in accordance with the ordinances of the Village of Morton Grove and in accordance with the plans and specifications herewith submitted and filed in consideration of the issuance of this permit, and other good and valuable considerations the receipt of which is hereby acknowledged, we/I do hereby agree and covenant to forever hold harmless the Village of Morton Grove, its agents and employees, and to save them from all costs, claims, suits, demands, and actions arising from or through or because of or in any way connected with any work performed or being done in the excavation, construction, building, or finishing of the premises for which this permit is issued.

Date: ___ / ___ / ___

General Contractor Signature: _____

Date: 7/19/24

Property Owner Signature: *Lydia Torrese*

Date: ___ / ___ / ___

Building Official: _____

Applications will not be accepted for review without a signature from the property owner and contractor.

All contractors must register with Village of Morton Grove prior to issuance of any permits.

Kelvin Company L.L.C.

Contract

2150 Ashland Ave Unit 1
Evanston, IL 60201
(847)-869-4094 Fax: (847)-869-4027
info@kelvincompany.com
www.kelvincompany.com

DATE July 17, 2024
Quotation # 9987
Customer ID

Job:
Lydia Torrese
9024 Moody Ave
Morton Grove, IL 60053
224-558-0834
lydiat9024@att.net

Contact:

Quotation valid until: September 17, 2024
Prepared by: Paul Boynton

Description

Sawcut, demo, remove, replace approximately 115 sq.ft (8'x2'-6", 19'x5') of existing partial concrete sidewalk, parking area along South side of existing asphalt driveway using existing gravel base. Demo, remove, replace existing 18 sq.ft (5'x3'-6") of side door concrete stoop, replace 21 sq.ft (4'x3'-6", 2'-6"x2'-6") existing partial concrete sidewalk at side door stoop using existing gravel base below concrete.

Alternate #1: If there is not a minimum of 4" of existing gravel base below existing concrete description, excavate existing spoils by hand, haul offsite, install 4" or recycled gravel and compact for new sub-base (this process is a requirement of the Village of Morton Grove Building Department) if needed.
Additional Cost: \$540.00 (not included in contract price).

Install New Diamond Drive, 6.5 bag 4500 psi. premium mix to above partial concrete parking area, sidewalk, stoop description, this mix creates a denser, more durable concrete with greater resistance to water penetration, cracking and pop out which has structural stone, fiber mesh and Intregal Sealer in mix (mix is recommended for the Midwest climate).

Fabricate new single grab handrail and install into new concrete sidewalk at side door stoop.

RECEIVED

All new concrete installed will consist of 6 bag, 4000 psi. mix with 6x6 w.w.f in concrete parking area and #4 rebars in concrete stoop for reinforcing.

Patch existing asphalt driveway if hot asphalt patch is available at plant other wise use cold patch.

JUL 19 2024

Below is the link for the Diamond Drive product:

<http://www.prairie.com/en-us/Pages/Media%20Center/News/From-Wacker-Drive-to-Your-Drive.aspx>

We at Kelvin Company are working diligently to install our current projects, it is our intent to install your project in a timely matter, if your work is not installed this year there could be additional charges if material cost increases in 2024.

Exclusions: Pulling or applying for any type of permits, or any violation fees obtained from the Village for not having permit.

It is understood that CONCRETE CONTRACTOR will not be liable for damage caused by backfill, water pressure, or other acts beyond his control.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Three Thousand Four Hundred Twenty Five & 0 Dollars (\$3,425.00 With payments made as follows. Down payment of \$1,000.00 is due before job is started
2nd payment of \$1,000.00 is due before concrete is poured and balance upon completion.

Seven days after completion of work there will be 1.5% interest charged per day for outstanding balance. And effective rate of 12% interest rate will be added after 30 days and there on per month.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over above cost.

Acceptance of contract

Signature Lydia Torrese

Kelvin Company LLC

Paul Boynton _____

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: September 10, 2024

Re: ZBA 24-29 – 5815 Monroe Street (10-20-411-027-0000)
Request for a waiver from Section 12-2-5 of the Unified Development Code to allow a driveway in a required setback.

STAFF REPORT

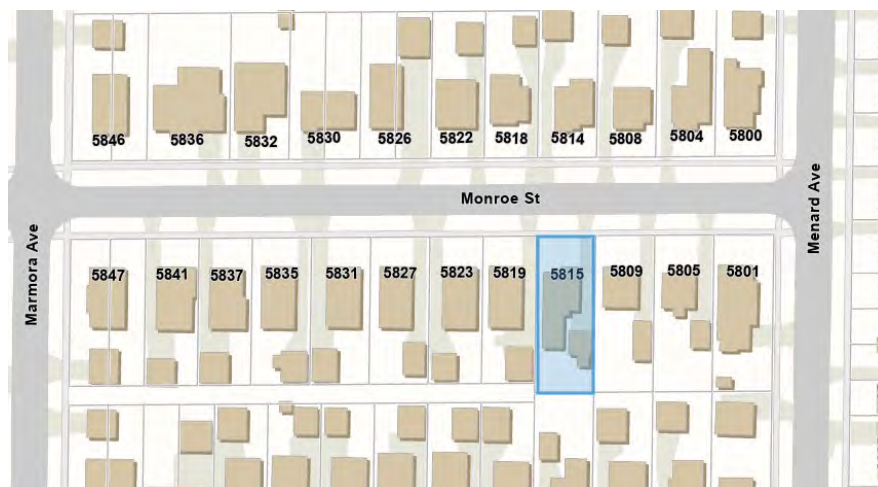
Public Notice

The Village of Morton Grove provided public notice for the September 17, 2024, Zoning Board of Appeals public hearing for ZBA 24-29 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on August 29, 2024. The Village mailed letters on August 29, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on August 28, 2024.

Request Summary

Property Background

The subject property is a 6,598-square-foot lot located on the south side of Monroe Street in between Marmora Avenue and Menard Avenue. The property is zoned in a R-2 Single Family Residence District and improved with a single-family residence and detached garage in the rear yard. The properties to the north, south, east and west are also zoned R-2 Single Family Residence and improved with single-family residences.



Subject Property Context Map

Application Overview

The applicant, Lattas Law Office, on behalf of the owner, Jalal Nasir, is seeking a waiver after the fact to expand a driveway. The driveway is set back 0 feet from the east side lot line. The applicant is requesting a waiver of 3 feet to allow a setback of 0 feet from the side lot line, a minimum of 3 feet is required where the yard depth is greater than 12 feet.

Requested Waivers

The following table provides an overview of the requested waiver for the driveway:

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
Driveway Setback (12-2-5:B.5.b.i)	Driveways shall be a minimum width of eight and one-half feet (8.5'), shall be set back a minimum of three feet (3') from any non-driveway approach lot line, and shall be limited to a maximum width of sixteen feet (16') at any front or street side lot line.	Driveway 0 ft. from side lot line 15.2 ft width at front lot line	Driveway 0 ft. from side lot line 15.2 ft. width at front lot line	<i>Waiver of 3.0 ft. to allow a setback of 0 ft. for the entire driveway and curbing</i> Compliant



Subject Property Street View

Discussion

The Building Department issued a stop work order on May 20, 2024 for the expansion of the driveway without a permit. Mr. Nasir continued the work installing the 4.9 feet driveway extension and curbing. The work was completed by May 23, 2024, violating the stop work order. The drive would have permitted to be expanded east by 1.9 feet while still observing the required 3 feet setback, giving additional space for the vehicle.



Photos on May 20, 2024 (left) and May 23, 2024 (right) with stop work order posted on window

Variation Standards

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

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

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

Recommendation

Should the Board approve Case ZBA 24-29, staff suggests the following motion and conditions:

Motion to approve Case ZBA 24-29, a request for a waiver from Section 12-2-5 of the Unified Development Code to allow a driveway in a required setback, subject to the following conditions:

1. *The driveway shall be in the location with the plans submitted by the applicant in the Variation Application dated 8/9/2024.*
2. *The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits.*
3. *[Other conditions as required by the ZBA.]*

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: CE-2400109 24-29 Date Application Filed: 8/9/2024

APPLICANT INFORMATION

Applicant Name: Lattas Law Office
Applicant Address: 3660 W. Irving Park Rd., FL 2
Applicant City / State / Zip Code: Chicago, IL 60618
Applicant Phone: 312-610-1800
Applicant Email: samson@lattaslaw.com
Applicant Relationship to Property Owner: Attorney
Applicant Signature: Samson Waisman

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Jalal Nasir
Owner Address: 5815 Monroe St.
Owner City / State / Zip Code: Morton Grove, IL 60053
Owner Phone: 773-988-0897
Owner Email: autopalsolutions@gmail.com
Owner Signature: J A K

PROPERTY INFORMATION

Common Address of Property: 5815 Monroe St., Morton Grove, IL 60053
Property Identification Number (PIN): 10-20-411-027-0000
Property Square Footage: Approximately 2,227 Sq Ft
Property Zoning District: R-2 Single family residence
Property Current Use: Primary place of Residence for Jalal Nasir

APPLICATION INFORMATION

Applicant is requesting a variation from the following section(s) of the Morton Grove Unified Development Code:
Local Ordinance 12-2-5:5 — 3 foot set back minimum requirement from any non-driveway approach lot line.
Purpose of requested variation (attach as needed): See Attachment A

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.

See Attachment A

- 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.

See Attachment A

- 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.

See Attachment A

- 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.

See Attachment A

Attachment A

Purpose of Requested Variation

Mr. Nasir drives a very large/long truck for work. Due to the current narrowness of his driveway, Mr. Nasir is forced to drive on the shoulders of the driveway from either direction when entering and exiting. This results in the edges of the driveway being ripped up and damaged on a continuous basis. This leads to dirt patches and turn into mud when it rains, and often leaves tire tracks from Mr. Nasir exiting and entering (See Image A for current condition). The driveway on Mr. Nasir's property was incredibly narrow, being roughly 10 feet in total width. This left him with at most a foot on either side of his truck to maneuver and attempt to avoid driving over the adjacent lawn area. In order to protect the integrity of the surrounding yard area and to improve the overall condition and appearance of the home, Mr. Nasir decided to expand the driveway so that his truck may properly enter and exit. Mr. Nasir did not believe this work was an issue as several of his neighbors up and down the street also have driveways that are less than three feet from adjacent non-driveway areas. While Mr. Nasir understands the desire to protect driveway and non-driveways by providing a setback requirement this three foot restriction should not be strictly enforced if the result is damage to the individual property.

In this instance, the adjacent property owner has a fence and row of bushes that runs the length of the property adjacent to Mr. Nasir's driveway. Because of the neighbor's choice in landscaping, there is little to no access provided to individuals, and it is unlikely that the owners or their guests would be in that area at all and so no enjoyment is lost by the addition of the driveway. Because of the distinct benefit not only to Mr. Nasir, but to the overall character of the neighborhood, that the clean and undamaged yard provides, and with the knowledge that the neighbor's use and enjoyment is unaffected, the variation should be granted and Mr. Nasir should be permitted to keep the expanded driveway as constructed.

Not Self-Imposed

The condition of Mr. Nasir's driveway existed at the time of his purchase as did the truck that he owns, which is the reason that this variation is required. Because the driveway was pre-existing, Mr. Nasir had no other alternatives to use his driveway and to avoid damaging his property. If another option was available to him, Mr. Nasir surely would have attempted that route.

Nonmonetary Consideration

The pre-existing driveway and this new expanded driveway have no monetary difference for Mr. Nasir. The sole consideration is the actual ability to safely use the driveway and the damage that the narrowness is currently causing. The driveway on Mr. Nasir's property was roughly 10 feet in total width. This left him with at most a foot on either side of his truck to maneuver and attempt to avoid driving over the adjacent lawn area. The only way to protect the integrity of the surrounding yard area and to improve the overall condition and appearance of the home, is to have an expanded driveway.

Not Detrimental to Public Welfare

The general purpose and intent of this title is ensure that the use and enjoyment of one person's property does not inhibit their neighbors or the community from properly enjoying their properties as well. In this situation the adjacent neighbor has a fence on the property line abutting Mr. Nasir's

driveway. As a result, the expansion of the driveway does not adversely affect Mr. Nasir's neighbor from using or enjoying his property. In fact, the concrete provide protection for the neighbor's fence as the inadequacy of the pre-existing driveway was forcing Mr. Nasir to use a portion of the grass to drive, on causing muddy conditions which could negatively impact the fence. Now that there is concrete, the fence is protected from any such damage.

Not Detrimental to Public Neighborhood

The addition made to the Property has not had any negative effects on the surrounding neighbors pertaining to the supply of light and air. The streets are no more congested than they were before the driveway was expanded. The risk of fire was not affected, and perhaps even reduced as a result of the expansion, as stone and rock are less likely to catch fire than grass. The public safety also was not impacted as the work was done wholly on Mr. Nasir's property and not anywhere near the public sidewalk or the street. Finally, the character of the neighborhood remains unchanged. There are numerous neighbors both to the right and left of Mr. Nasir that have driveways that do not comply with the three-foot setback requirement. While we aren't suggesting these neighbors are in violations of any codes or ordinances, the overall look of Mr. Nasir's modified driveway does not stick out from the surrounding properties. The expansion of Mr. Nasir's driveway is not out of place or abnormal on this street, and rather blends in nicely with Mr. Nasir's pre-existing driveway and the general look of driveways in the neighborhood.

Law Offices of
LAURENCE M. COHEN, P.C.

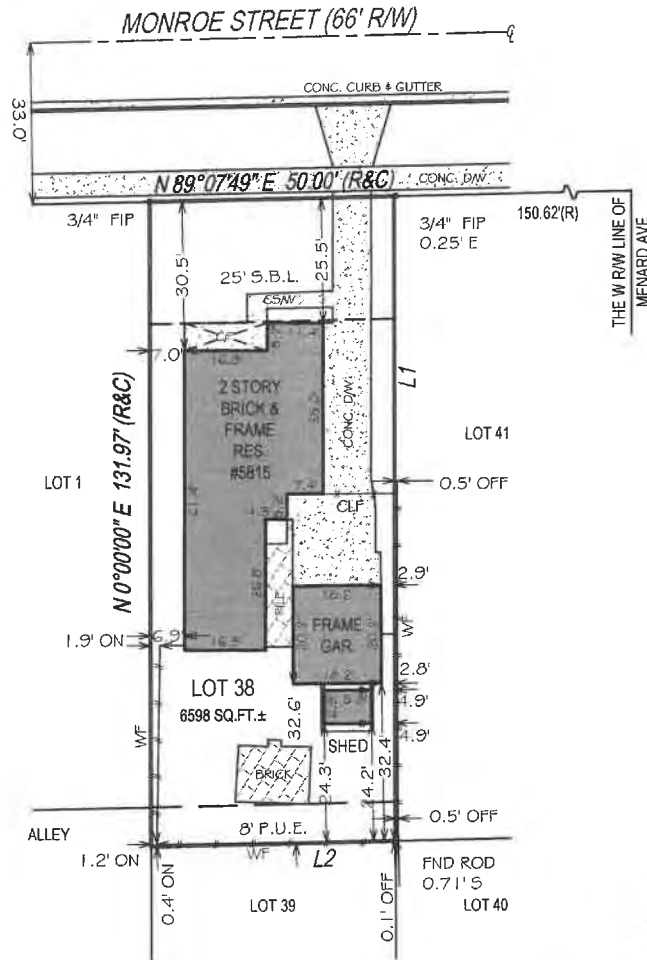
847.310.4700 LCOHENLAW@AOL.COM



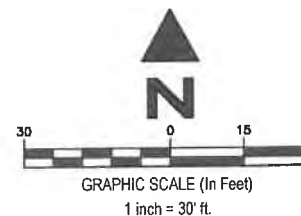
PROPERTY ADDRESS: 5815 MONROE STREET, MORTON GROVE, ILLINOIS 60053

SURVEY NUMBER: 2103.6431

2103.6431
BOUNDARY SURVEY
COOK COUNTY



LINE TABLE:
L1 S 0°00'00" W 131.98' (R&M)
L2 S 89°08'31" W 50.00' (R&C)



STATE OF ILLINOIS } SS
COUNTY OF GRUNDY

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



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

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
PLSF 184008059
or 773.305.4011
316 East Jackson Street | Morris, IL 60450



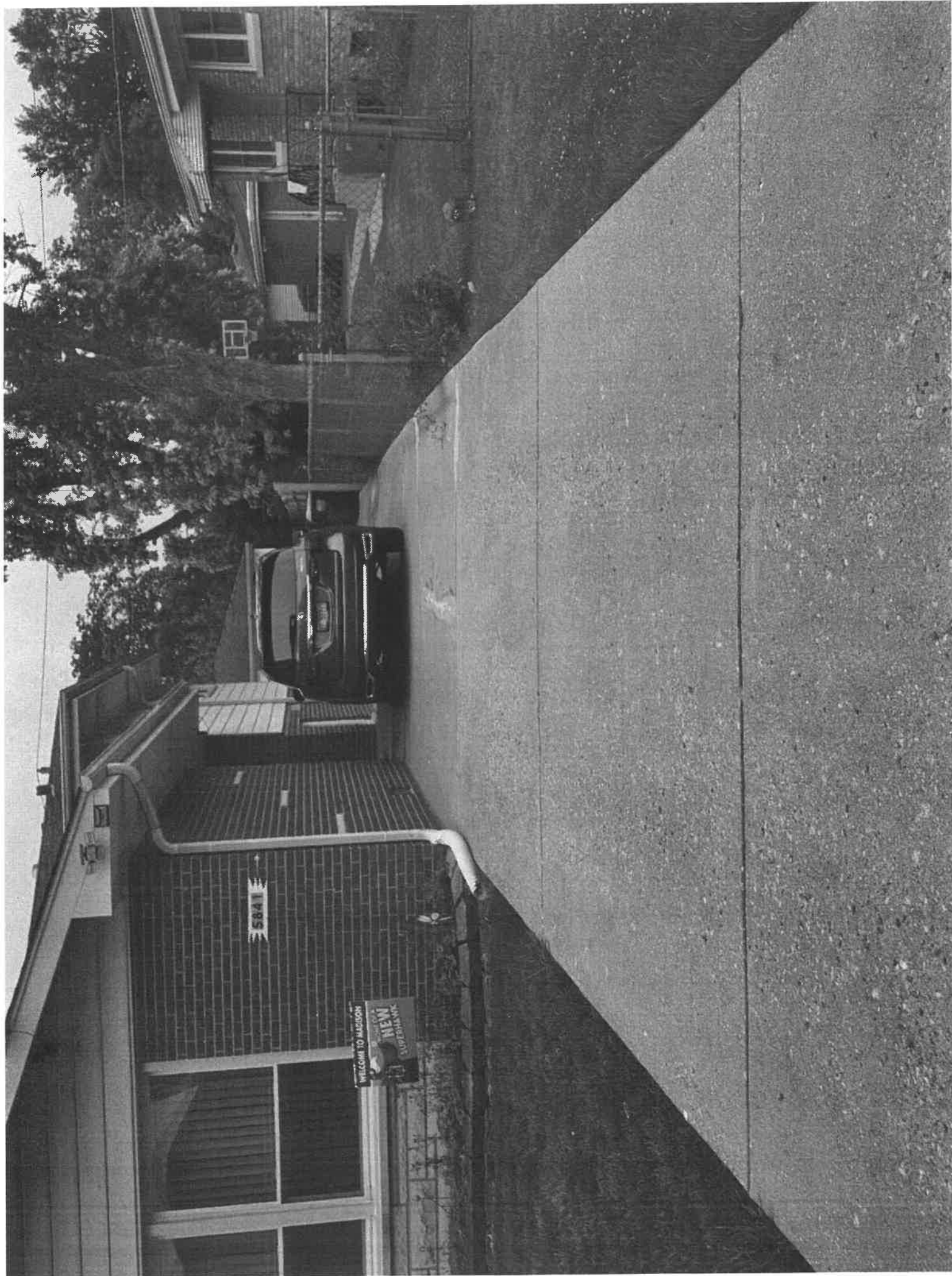
DATE OF SURVEY: 04/02/21
FIELD WORK DATE: 4/2/2021
REVISION DATE(S): (REV.1 4/3/2021)

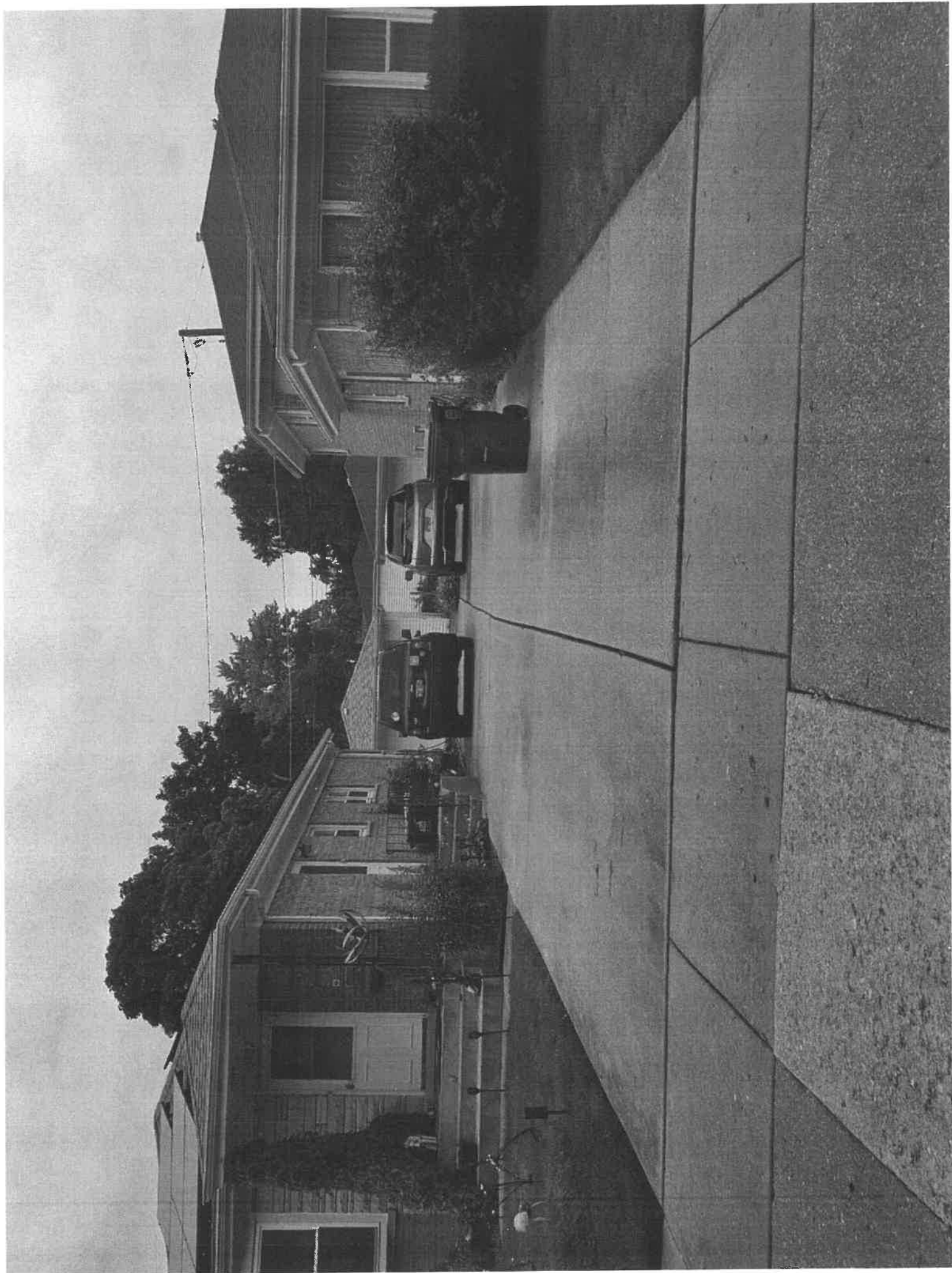
SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

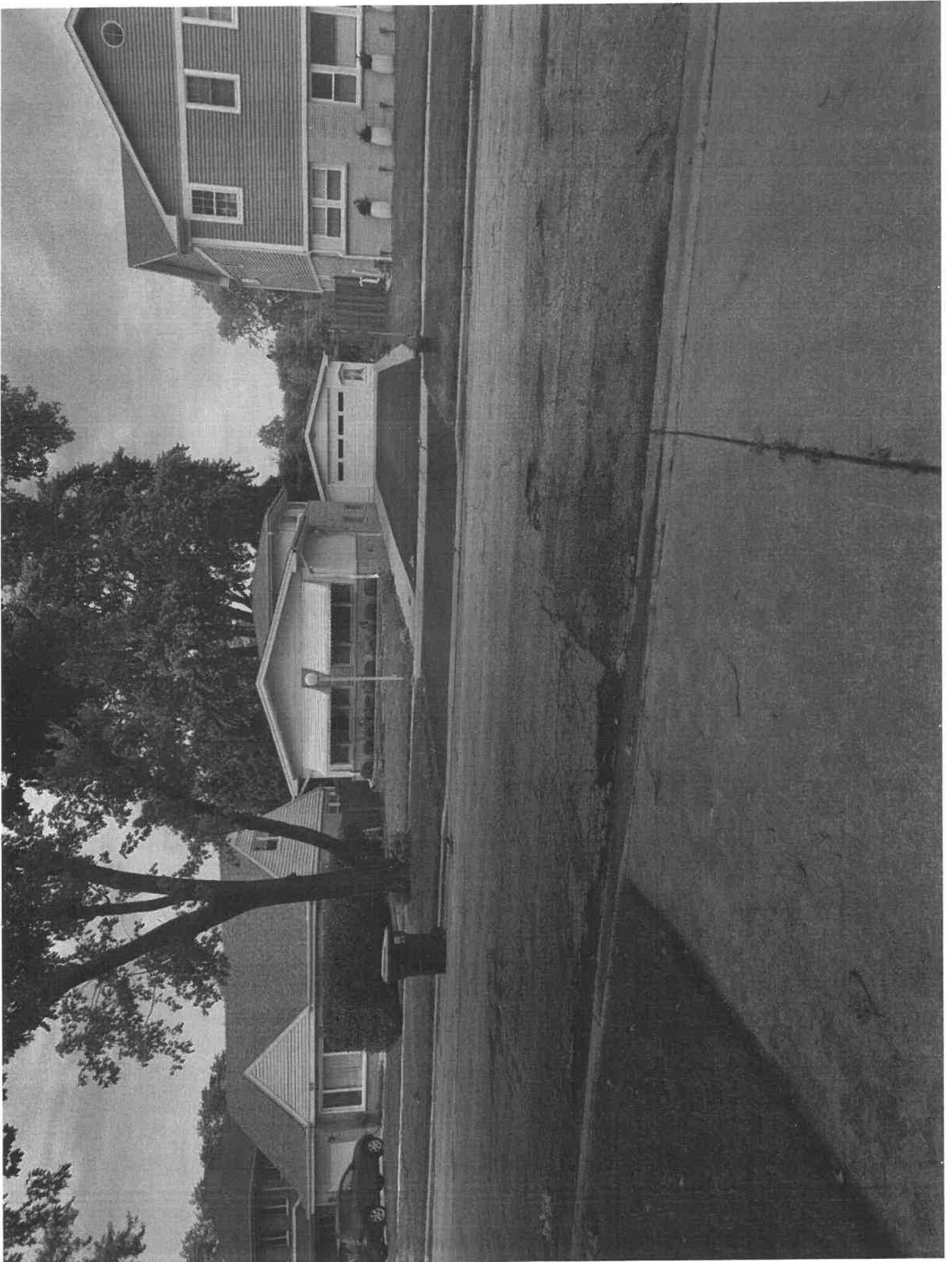


Image A - Mr. Nasir's driveway













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: September 10, 2024

Re: ZBA 24-30 – 5634 Emerson Street (10-17-219-050-0000)
Request for approval of a variation from Section 12-3-3:C to allow a commercial vehicle to park in a front yard.

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the September 17, 2024, Zoning Board of Appeals public hearing for ZBA 24-28 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on August 29, 2024. The Village mailed letters on August 29, 2024, notifying surrounding property owners, and placed a public notice sign on the subject property on August 28, 2024.

Request Summary

Property Background

The subject property 5634 Emerson Street is a 7,501 square-foot lot located on the north side of Emerson Street between Menard Avenue and Parkside Avenue. The property is within an R-1 Single Family Residence District and is improved with a single-family dwelling and attached garage. Surrounding properties are also zoned in the R-1 Single Family Residence District and are improved with single-family residences.



Subject Property Location Map

Application Overview

The Applicants and property owners, Michael and Leslie Craig, are requesting a waiver from Section 12-3-3 to allow a vehicle with Illinois "D" Commercial license plates to park in the front yard on the driveway leading to the attached garage. Chapter 12-3 regulates specific uses in all zoning districts, namely the parking of recreational and commercial vehicles.

Requested Waivers

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

DIMENSIONAL CONTROL	CODE REQUIREMENT	PROPOSED	REQUESTED WAIVERS
Recreational and Commercial Vehicles 12-3-3:C.1.b	Parking and storage of vehicles shall be limited to side yards and rear yards, except in cases where front yard parking is allowed by variation approved by the zoning board of appeals as provided for in this title.	Commercial vehicle parked in front yard driveway leading to attached garage	<i>Waiver to allow commercial vehicle to be parked in front yard</i>
Recreational and Commercial Vehicles 12-3-3:C.2.a	Commercial vehicles with an Illinois license plate designation of "B" or "D" parked or stored in the open shall be limited to less than eight feet (8') in total height, including any roof mounted appurtenances.	6.8 ft total height	Compliant

As shown in the table, the following waiver is required to allow a commercial vehicle to be parked on the driveway leading to the garage as proposed by the Applicant:

- Section 12-3-3:C: Waiver to allow a commercial vehicle to park in a front yard.



Subject Property Street View

Discussion

The applicants are requesting a waiver from the ZBA to park their family vehicle in the driveway serving the attached garage. The dual-wheel truck is classified as a commercial vehicle and its parking and storage is limited to side yards and rear yards, except in cases where front yard parking is allowed by variation approved by the Zoning Board of Appeals. The vehicle has no advertising or business designations affixed to the vehicle. The vehicle fits completely in the driveway and allows for another vehicle to pass into the garage.

Variation Standards

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

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

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

Recommendation

Should the Board approve Case ZBA 24-30, staff recommends the following motion and conditions:

Motion to approve Case ZBA 24-30, a request for approval of a variation from Section 12-3-3 to allow for a commercial vehicle to be parked in the front yard for the property commonly known as 5634 Emerson Street, subject to the following conditions:

- 1) *The proposed driveway shall be used in accordance with the plans submitted by the Applicants in the Variation Application dated 8/16/2024.*
- 2) *The Applicants shall file all necessary plans and applications, for review and approval.*

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: 24-30

Date Application Filed: 8/16/2024

APPLICANT INFORMATION

Applicant Name: Michael & Leslie Craig
Applicant Address: 5634 Emerson St
Applicant City / State / Zip Code: Morton Grove, IL 60053
Applicant Phone: 360-434-2713 / 425-501-1746
Applicant Email: mwrcraig@gmail.com / leslieannecraig@gmail.com
Applicant Relationship to Property Owner: 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: 5634 Emerson St, Morton Grove, IL 60053
Property Identification Number (PIN): 10-17-219-049-0000 and 10-17-219-050-0000
Property Square Footage: 7500 SF.
Property Zoning District: _____
Property Current Use: Residential

APPLICATION INFORMATION

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

LD 5-9-3 C. 1. Double or triple rear wheels & 5. Any license plate
Purpose of requested variation (attach as needed): Permission to park our
personal vehicle in our driveway. other than B

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.

We own this vehicle in order to tow our utility trailer and 42' 5th wheel which is also the reason for the "D" licensing (weight loads)

- 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.

This is our family vehicle and having to park it offsite would be extremely inconvenient as well as a financial burden.

- 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.

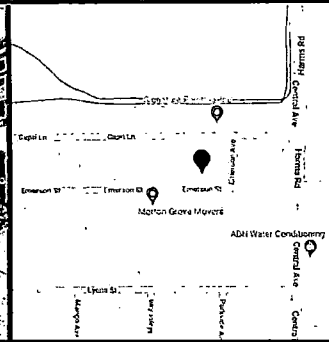
Parking in the driveway does not block the sidewalk or street in any way.

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

Our driveway is adjacent to our neighbors sideyard which is unused by them and would not block light or air. It's an open grassy area.



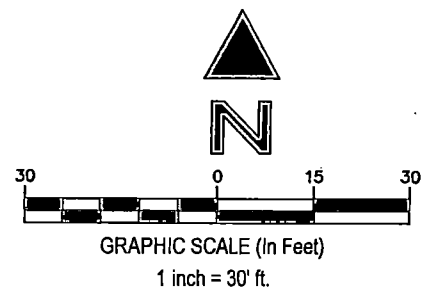
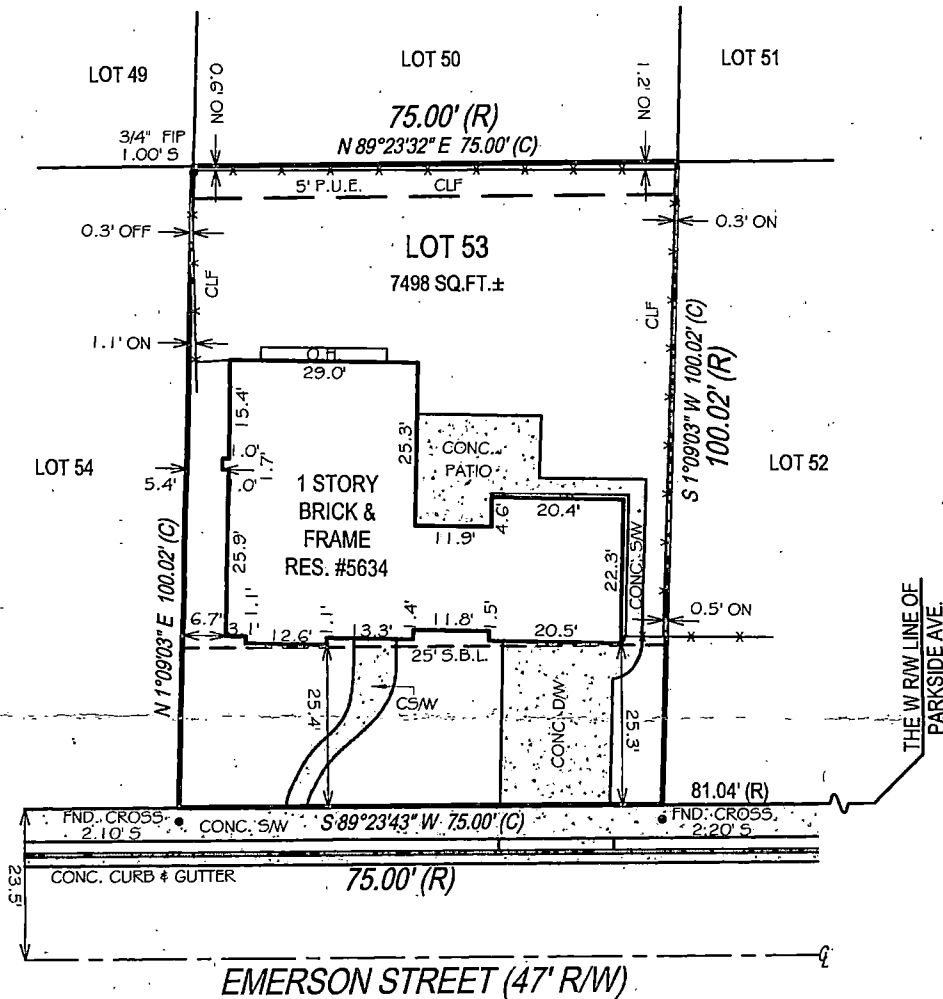
CLAS CLERKING
TRUSTED REAL ESTATE CLERKS



PROPERTY ADDRESS: 5634 EMERSON STREET , MORTON GROVE , ILLINOIS 60053

SURVEY NUMBER: IL2403.0367

IL2403.0367
BOUNDARY SURVEY
COOK COUNTY



STATE OF ILLINOIS } SS
COUNTY OF GRUNDY

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

Kenneth Kennedy
KENNETH A. KENNEDY
035-003403
PROFESSIONAL
LAND SURVEYOR
MORRIS, IL
STATE OF ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403
LICENSE EXPIRES 11/30/2024
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008

POINTS OF INTEREST:
NONE VISIBLE

EXACTA
Land Surveyors, LLC

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

SurveySTARS

DATE OF SURVEY: 03/07/24
FIELD WORK DATE: 3/6/2024
REVISION DATE(S): (REV.0 3/7/2024)

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

JOB SPECIFIC SURVEYOR NOTES:

LEGAL DESCRIPTION:

LOT 53 IN N.J. RIZZO'S CAPRI COVE, A SUBDIVISION IN THE EAST 1/2 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

GENERAL SURVEYOR NOTES:

1. The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.

2. The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.

3. If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.

4. This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.

5. Alterations to this survey map and report by other than the signing surveyor are prohibited.

6. Dimensions are in feet and decimals thereof.
7. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.

8. Unless otherwise noted "SIR" indicates a set iron rebar, 5/8 inch in diameter and twenty-four inches long.

9. The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.

10. Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.

11. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.

12. The information contained on this survey has been performed exclusively by and is the sole responsibility of Exakta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
13. Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.

14. Surveyor bearings are used for angular reference and are used to show angular relationships of lines only and are not related or orientated to true or magnetic north. Bearings are shown as surveyor bearings, and when shown as matching those on the subdivision plats on which this survey is based, they are to be deemed no more accurate as the determination of a north orientation made on and for those original subdivision plats. North 00 degrees East is assumed and upon preparation of this plat, the resulting bearing between found points as shown on this survey is the basis of said surveyor bearings as defined and required to be noted by Illinois Administrative Code Title 68, Chapter VII, Sub-Chapter B, Part 1270, Section 1270.56, Paragraph B, Sub-Paragraph 6, Item k.

15. THIS SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE PHONE NUMBER SHOWN HEREON.

SURVEYOR'S LEGEND

LINETYPES	
	Boundary Line
	Center Line
	Chain Link or Wire Fence
	Easement
	Edge of Water
	Iron Fence
	Overhead Lines
	Structure
	Survey Tie Line
	Vinyl Fence
	Wall or Party Wall
	Wood Fence
SURFACE TYPES	
	Asphalt
	Brick or Tile
	Concrete
	Covered Area
	Water
	Wood
SYMBOLS	
	Benchmark
	Center Line
	Central Angle or Delta
	Common Ownership
	Control Point
	Catch Basin

	Elevation
	Fire Hydrant
	Find or Set Monument
	Guywire or Anchor
	Manhole
	Tree
	Utility or Light Pole
	Well

ABBREVIATIONS

(C) - Calculated
(D) - Deed
(F) - Field
(M) - Measured
(P) - Plat
(R) - Record
(S) - Survey
A/C - Air Conditioning
AE - Access Easement
ANE - Anchor Easement
ASBL - Accessory Setback Line
B/W - Bay/Box Window
BC - Block Corner
BFP - Backflow Preventer
BLDG - Building
BLK - Block
BM - Benchmark
BR - Bearing Reference
BRL - Building Restriction Line
BSMT - Basement
C - Curve
C/L - Center Line

C/P - Covered Porch
C/S - Concrete Slab
CATV - Cable TV Riser
CB - Concrete Block
CH - Chord Bearing
CHIM - Chimney
CLF - Chain Link Fence
CME - Canal Maintenance Easement
CO - Clean Out
CONC - Concrete
COR - Corner
CS/W - Concrete Sidewalk
CUE - Control Utility Easement
CVG - Concrete Valley Gutter
D/W - Driveway
DE - Drainage Easement
DF - Drain Field
DH - Drill Hole
DUE - Drainage & Utility Easement
ELEV - Elevation
EM - Electric Meter
ENCL - Enclosure
ENT - Entrance
EOP - Edge of Pavement
EOW - Edge of Water
ESMT - Easement
EUB - Electric Utility Box
F/DH - Found Drill Hole
FCM - Found Concrete Monument
FF - Finished Floor
FIP - Found Iron Pipe
FIPC - Found Iron Pipe & Cap

FIR - Found Iron Rod
FIRC - Found Iron Rod & Cap
FN - Found Nail
FN&D - Found Nail & Disc
FRRSPP - Found Rail Road Spike
GAR - Garage
GM - Gas Meter
ID - Identification
IE/EE - Ingress/Egress Easement
ILL - Illegible
INST - Instrument
INT - Intersection
IRRE - Irrigation Easement
L - Length
LAE - Limited Access Easement
LB# - License No. (Business)
LBE - Limited Buffer Easement
LE - Landscape Easement
LME - Lake/Landscape Maintenance Easement
LS# - License No. (Surveyor)
MB - Map Book
ME - Maintenance Easement
MES - Mitered End Section
MF - Metal Fence
MH - Manhole
MHWL - Mean High Water Line
NR - Non-Radial
NTS - Not to Scale
NAVD88 - North American Vertical Datum 1988
NGVD29 - National Geodetic Vertical Datum 1929
OG - On Ground

ORB - Official Records Book
ORV - Official Record Volume
O/A - Overall
O/S - Offset
OFF - Outside Subject Property
OH - Overhang
OHL - Overhead Utility Lines
OHWL - Ordinary High Water Line
ON - Inside Subject Property
P/E - Pool Equipment
PB - Plat Book
PC - Point of Curvature
PCC - Point of Compound Curvature
PCP - Permanent Control Point
PI - Point of Intersection
PLS - Professional Land Surveyor
PLT - Planter
POB - Point of Beginning
POC - Point of Commencement
PRC - Point of Reverse Curvature
PRM - Permanent Reference Monument
PSM - Professional Surveyor & Mapper
PT - Point of Tangency
PUE - Public Utility Easement
R - Radius or Radial
R/W - Right of Way
RES - Residential
RGE - Range
ROE - Roof Overhang Easement
RP - Radius Point

S/W - Sidewalk
SBL - Setback Line
SCL - Survey Closure Line
SCR - Screen
SEC - Section
SEP - Septic Tank
SEW - Sewer
SIRC - Set Iron Rod & Cap
SMWE - Storm Water Management Easement
SN&D - Set Nail and Disc
SQFT - Square Feet
STL - Survey Tie Line
STY - Story
SV - Sewer Valve
SWE - Sidewalk Easement
TBM - Temporary Bench Mark
TEL - Telephone Facilities
TOB - Top of Bank
TUE - Technological Utility Easement
TWP - Township
TX - Transformer
TYP - Typical
UE - Utility Easement
UG - Underground
UP - Utility Pole
UR - Utility Riser
VF - Vinyl Fence
W/C - Witness Corner
W/F - Water Filter
WF - Wood Fence
WM - Water Meter/Valve Box
WV - Water valve

CERTIFIED TO:

MICHAEL CRAIG, LESLIE CRAIG; CT;

DATE SIGNED: 03/07/24

BUYER: MICHAEL CRAIG, LESLIE CRAIG

LENDER:

TITLE COMPANY: CT

COMMITMENT DATE:

CLIENT FILE NO: 24GST125611SK

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES

FLOOD ZONE INFORMATION:



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

Cristina Maria Vintila

5640 Emerson St

Morton Grove IL 60053

Maria_crys31@yahoo.com

Phone :7739080548

09/04/2024

To Zoning Board of Appeals;

I am writing to express my support for the variance request submitted by Michael and Leslie Craig, Case No. ZBA 24-30, concerning the property located at 5634 Emerson Street. As a resident of Morton Grove and the neighborhood in question, I believe that this requested variance should be approved.

Firstly, the Craigs have been good neighbors and since moving into the neighborhood in March of 2024, they have worked hard to improve their property and shown pride of ownership.

Secondly, the vehicle in question is clearly not a commercial vehicle, as there are no advertisements, nor equipment installed on it indicating it is used for any business purposes. This is a newer vehicle used for personal use in very good mechanical condition and does not cause any visual degradation of the community.

Lastly, the Craigs ensure that the vehicle is parked clearly within their driveway, and does not impede the sidewalk, nor provide any safety concern.

I believe that the variance will not negatively impact the surrounding properties or the community at large. The proposed variance is reasonable and considerate of the existing neighborhood. I respectfully urge the Zoning Board of Appeals to approve the variance request for Case No. ZBA 24-30.

Thank you for considering my perspective on this matter.

Sincerely,

Cristina Maria Vintila

From: [Rashad Choudhary](#)
To: [Anne Ryder Kirchner](#)
Subject: Zoning board appeal for the Craigs
Date: Wednesday, September 11, 2024 10:07:14 AM

Rashad & Tanzila Choudhary
5646 Emerson street
Morton Grove, IL 60053
cm_rashad@yahoo.com
773-306-8566

September 11, 2024

To Zoning Board of Appeals;

I am writing to express my support for the variance request submitted by Michael and Leslie Craig, Case No. ZBA 24-30, concerning the property located at 5634 Emerson Street. As a resident of Morton Grove and the neighborhood in question, I believe that this requested variance should be approved.

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Thank you for considering my perspective on this matter.

Sincerely,

Rashad and Tanzila Choudhary

From: [Adnan Hussain](#)
To: [Anne Ryder Kirchner](#)
Subject: Appeals Case No. ZBA 24-30 - Michael & Leslie Craig
Date: Monday, September 2, 2024 4:03:18 PM

To Zoning Board of Appeals;

I am writing to express my support for the variance request submitted by Michael and Leslie Craig, Case No. ZBA 24-30, concerning the property located at 5634 Emerson Street. As a resident of Morton Grove and the neighborhood in question, I believe that this requested variance should be approved.

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Thank you for considering my perspective on this matter.

Sincerely,

Adnan Hussain
5645 Emerson St.
Morton Grove, IL 60053
adnan.hussain@hotmail.com
847-924-5901