

**MINUTES OF THE AUGUST 19, 2025
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, Hussaini, Ingram, Kintner, and Stein

Members Absent: Liston and Mohr with notice

Village Staff Present: Brandon Nolin, AICP, Community Development Administrator
Anne Ryder Kirchner, Planner/Zoning Administrator, and Secretary
James English, Building and Inspectional Services

Trustees Present: Minx

Chairman Kintner described the procedures for the meeting. The Village and the applicant will present the case and the Zoning Board of Appeals (ZBA) may ask questions of the applicant. Then, anyone from the audience will be allowed to provide comment to the ZBA on the case. Four votes are required for approval, the Board decision is final and no request that is not significantly different may be submitted for one year after the decision. It was noted that 5 Board members were present.

Chairman Kintner asked for approval of the July 15, 2025, meeting minutes. Board Member Dorgan moved to approve the minutes, Board Member Hussaini seconded the motion. Chairman Kintner called for the vote.

Board Member Dorgan voting	aye
Board Member Hussaini voting	aye
Board Member Ingram voting	aye
Board Member Stein voting	aye
Chairman Kintner voting	aye

Motion passes (5-0)

Chairman Kintner then called for the case.

CASE ZBA 25-10

APPLICANTS: Joseph and Julie Polanski
6716 Maple Street
Morton Grove, IL 60053

LOCATION: 6716 Maple Street
Morton Grove, IL 60053

PETITION: Request for approval of variations from Sections 12-2-5 and 12-4-2 of the Unified Development Code to allow a deck that exceeds maximum rear yard and impermeable coverage.

Ms. Kirchner said the applicants are seeking to replace the deck with a reconfigured deck that observes the required side yard setback, but exceeds allowable rear yard and total lot coverage. The existing deck supports and deck boards are deteriorating, the applicants attempted to replace the decking which would have been allowed for zoning purposes, but determined the whole structure needed replacement. The proposed deck would be similar in dimensions to the existing deck and would not expand existing nonconformities.

Chairman Kintner asked for staff to comment on the detention facility for the adjoining subdivision to the north of the applicant's property. Ms. Kirchner acknowledged the detention system to the north which was required as part of the subdivision approval.

The applicants were sworn in. Mr. Polanski said they intended to replace the deck boards of the deck, but realized the footing were deteriorating and needed to be replaced. Th deck and stairs provide access to the back yard and detached garage. The deck would be replaced in-kind.

Staff noted that replacing the decking would not require a variation, but replacing the entire structure would. Board member Stein asked if the deck would have been allowed prior to the impermeable lot coverage requirements of 2020. The deck would have been allowed prior to 2020.

Board member Hussaini asked if the deck has a step down to the pool. The step allows access to the pool stair. More detailed plans will be submitted for a building permit.

Mr. Polanski noted four letters of approval from neighbors were submitted.

There was no further public comment.

Board member Dorgan made a motion to approve Case ZBA 25-10, a request for approval of a variations from Sections 12-2-5:B and 12-4-2:D, to allow a deck that exceeds maximum rear yard and impermeable lot coverages, for the property commonly known as 6716 Maple Street subject to the following conditions:

- 1) The deck shall be installed in accordance with the plans submitted by the applicant in the Variation Application dated 7/10/2025.
- 2) The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits.

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

Board Member Dorgan voting	yes
Board Member Hussaini voting	yes
Board Member Ingram voting	yes
Board Member Stein voting	yes
Chairman Kintner voting	yes

Motion passes (5-0)

CASE ZBA 25-11

APPLICANT: Shambhu Shah
9356 Shermer Road
Morton Grove, IL 60053

LOCATION: 9356 Shermer Road
Morton Grove, IL 60053

PETITION: Requesting for approval of a variation from Section 12-2-5 of the Unified Development Code for an accessory structure located less than 10 feet from the principal structure.

Ms. Kirchner said the applicant is requesting a waiver from the ZBA to place a pergola over an existing attached patio. The structure will cover almost the entire width of the patio and will observe a 9.41-foot setback from the side property line. Pergolas and other accessory structures are required to be separated from the principal structure by 10 feet. The applicant does not wish to attach a pergola/structure to the house, but prefers the proposed detached style.

Board member Stein asked if a variation would be required if the pergola were attached to the home. Attached pergolas are allowed.

Board member Ingram asked what is the intent of the ten-foot offset, a shade structure would be welcome near the home. Ms. Kirchner said it is to eliminate the crowding of structures on a lot and it is not a fire code regulation. She noted that Mr. Dobrowski, Fire Prevention Coordinator, did not have an objection to the separation. It was noted that when the code was written, pergolas were not as prevalent as today. Board member Ingram noted that a pergola observing the 10-foot setback would add more surface area.

Board member Hussaini asked how the pergola would be attached to the ground. It needs to be secured and meet building code requirements.

Ms. Kirchner read Mr. Dobrowski's review statement, noting no open flame should be allowed under the pergola.

The applicant was sworn in. Mr. Shah said he would like to cover the patio for an external seating area.

Board member Stein asked if the applicant was concerned that water would flow to the house off of the pergola roof. Mr. Shah said there are gutters for the pergola roof that can be directed away from the house to the yard.

There was no public comment.

Board member Ingram made a motion to approve Case ZBA 25-11, a request for approval of a variation from Section 12-2-5:B.2 to allow a pergola to be less than ten feet from the principal structure for the property commonly known as 9356 Shermer Road, subject to the following conditions:

- 1) The proposed pergola shall be installed in accordance with the plans submitted by the Applicant in the Variation Application dated 7/11/2025.
- 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.
- 3) No open flames shall be used under the pergola.

Board member Dorgan seconded the motion with the addition of no open flames shall be used under the pergola. Chairman Kintner called for the vote on the modified motion.

Board Member Dorgan voting	yes
Board Member Hussaini voting	yes
Board Member Ingram voting	yes
Board Member Stein voting	no
Chairman Kintner voting	yes

Motion passes (4-1)

CASE ZBA 25-12

APPLICANT: Bobby S. Chirayil
5920 Monroe Street
Morton Grove, IL 60053

LOCATION: 5920 Monroe Street
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-4-2 and 12-2-6 of the Unified Development Code for to allow an addition to exceed the maximum floor area ratio, lot coverage and is a rear yard obstruction.

Ms. Kirchner said the applicant is seeking to retain a sunroom addition that was installed without a permit on top of an existing attached garage. Plans submitted for review show the property is nonconforming as it currently exceeds maximum allowable lot coverage and maximum floor area. The sunroom addition will further exceed maximum floor area and the stairs will further exceed lot coverage and the allowable encroachment of 5 feet in the required rear yard.

The owner's application asks for waivers to allow both the sunroom and the stairs. The drawings submitted for permit review and for the variation application indicate the stairs will be removed. The owner should confirm the waivers that are being requested

Board member Ingram asked if the sunroom is considered a livable space. It is a livable space.

Board member Stein asked if the home exceeded lot coverage prior to building the sunroom. The property exceeded maximum impermeable coverage and did not have a variation.

Chairman Kintner asked if the original building plans exceeded the allowable 60% coverage. Ms. Kirchner said the patio area may have been added after the remodeling permit. At that time the Village did not have impermeable surface permits. He noted the existing FAR exceeds the maximum allowable without the sunroom addition.

Board member Hussaini asked if there was any heating or cooling of the sunroom. Staff does not have that information. Board member Stein said the architectural drawings are dated March 2, 2025, he asked if they were produced after the fact. They were produced after the fact for a building permit.

The applicant was sworn in. Mr. Chirayil said his original home was 1,200 square feet and he added a second floor and extended the rear of the home by 18 feet in 2012. He disputed the staff and architect's calculations and said his current home measures 3,098 square feet. He said his architect is out of town and miscalculated the area, the attic area and portions of the basement should not be counted. The applicant said he added the sunroom to stop water leaks on his flat roof and deck over the garage. He said his neighbor's do not object.

Chairman Kintner asked staff how to resolve the difference in calculations. Ms. Kirchner said she relies on the architect's stamped drawings and noted that the applicant's interpretation of FAR is incorrect. Mr. Chirayil said the architect was going to review his numbers.

Chairman Kintner said it is the architect's responsibility to provide the correct square footage calculations. Board members Stein and Ingram asked for the architect to provide calculations that follow the Unified Development Code. Staff and the applicant/architect should be in alignment with code interpretation. Discussion ensued regarding FAR and building a structure without a permit. It was noted that the application was not complete as it did not address the required four standards for a variation. Ms. Kirchner said staff will work with the applicant and architect prior if the case in continued.

Chairman Kintner asked if the stairs would require a variation or would be modified. Mr. Chirayil said the stairs will be modified.

Board member Stein made a motion to continue Case ZBA 25-12, Board member Dorgan seconded the motion. Chairman Kintner called for the vote.

Board Member Dorgan voting	yes
Board Member Hussaini voting	yes
Board Member Ingram voting	yes
Board Member Stein voting	yes
Chairman Kintner voting	yes

Motion passes (5-0)

CASE ZBA 25-13

APPLICANT: Lara Lester
9201 Austin Avenue
Morton Grove, IL 60053

LOCATION: 9201 Austin Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of a variation from Section 12-3-5 of the Unified Development Code to allow a fence in a street side yard

Ms. Kirchner said the Unified Development Code allows street yard fencing that is a maximum of 4 feet and height with 50 % transparency. The Applicant is requesting the variation in order to replace an existing fence which provides a secure yard, with the north portion allowing access from their side door. The southern portion is behind the principal structure, but angles into the street side yard. Staff acknowledges the unique lot shape with street frontage on all three sides of the property.

Board member Ingram asked where a six feet high fence would be allowed. Ms. Kirchner indicated the areas where a six feet high fence would be allowed. The property is a through lot with a front yard facing Austin, and street side yards facing Beckwith and Church.

Chairman Kintner noted a discrepancy in the staff report with the height of the north fence being 5 feet.

The applicants, Lara and Paul Lester, were sworn in. They noted the north fence will be 4 feet and 50% transparent, they will need a variation to have the fence ahead of the rear yard. She is asking to have the privacy fence along Church Street.

Board member Stein asked if the bushes on the north side would remain. They will be trimmed for the fence installation and will remain.

Susan Cipriani of 9143 Austin said she is in favor of the variation.

Board member Ingram made a motion to approve Case ZBA 25-13, a request for approval of a variation from Section 12-3-5 to allow fences in street front yards exceeding maximum height and transparency subject to the following conditions:

1. The proposed fences shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 07/21/2025; and
2. The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.

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

Board Member Dorgan voting	yes
Board Member Hussaini voting	yes
Board Member Ingram voting	yes
Board Member Stein voting	yes
Chairman Kintner voting	yes

Motion passes (5-0)

CASE ZBA 25-14

APPLICANT: Archadeck of Chicagoland

395 A W. Northwest Highway
Palatine, IL 60067

LOCATION: 8609 Callie Avenue
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-2-6, 124-2 and 12-15-4 of the United Development Code to allow replacement of an open sided porch and stairs in a required setback on a nonconforming lot due to width and area.

Ms. Kirchner said the existing porch and stairs are nonconforming with respect to side setback and front setback. The applicant is retaining the roof and replacing the footings, deck, stairs, railings and columns all of which are deteriorating. The subject property is also 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.

Chairman Kintner said the nonconforming lot size would require a variation for any building permit. He asked how the front setback was determined. Ms. Kirchner explained the average of the block calculation.

The applicant, Andrew Berryhill of Archadeck, was sworn in. The porch is to be replaced in-kind and not expanded. Chairman Kintner asked for clarification of a plan sheet depicted a bay window. The applicant explained this is a generic plan sheet and the dimensions for the rail placement are shown on this page.

There was no public comment.

Board member Hussaini made a motion to approve Case ZBA 25-14, a request for variations from Sections 12-2-6, 12-4-2:D, and 12-15-4 to allow the reconstruction of an open sided porch and stairs as encroachments in side and front yards on a nonconforming lot due to width and area, subject to the following conditions:

- 1) The proposed open sided porch and stairs shall be constructed in accordance with the plans submitted by the applicant in the Variation Application dated 7/23/2025.
- 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 Stein seconded the motion. Chairman Kintner called for the vote.

Board Member Dorgan voting	yes
Board Member Hussaini voting	yes
Board Member Ingram voting	yes
Board Member Stein voting	yes
Chairman Kintner voting	yes

Motion passes (5-0)

Motion does not pass (3-2)

Chairman Kintner asked if case 25-16 could be heard in front of case 25-15 as the applicant of case 25-16 made both installations of pavers on the two properties.

CASE ZBA 25-16

APPLICANTS: Shajehan Baig and Sanah Kaleem
5904 Warren Court
Morton Grove, IL 60053

LOCATION: 5904 Warren Court
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Sections 12-2-6 and 12-4-2 of the Unified Development Code to install a driveway in a required setback and exceeds maximum impermeable lot coverage.

Ms. Kirchner said the applicants are seeking to maintain the 0-foot side setback for the driveway along the east property line to the garage. The pavers were installed by the applicant without a permit, replacing an unpaved planting area along the fence and in the front yard adjoining the neighbor to the east. The installation is related to Case ZBA 25-15, 5900 Warren Court, as the owner of 5904 Warren Court installed the driveway pavers on the neighbor's property serving as a walk and/or extension of the width of the 5904 Warren Court driveway. Staff is concerned the widened driveway and adjacent walkway will be used as a parking pad in the front yard which is not permitted.

Chairman Kintner said the scope of this case is the pavers to the lot line and any paver across the lot line is under case 25-15. Resident are not allowed to park on a neighboring lot, or straddle the lot line, nor have the creation of an open accessory parking space.

The applicant was sworn in. Chairman Kintner noted that Board member Hussaini is abstaining from the case, leaving 4 Board members to vote and all 4 votes are needed to vote aye to approve the variation. He asked Mr. Baig if he would like to continue the case to the September meeting, where more Board members may be present.

Board member Ingram made a motion to continue Case ZBA 25-16 due to lack of attendance, Board member Dorgan seconded the motion. Chairman Kintner called for the vote.

Board Member Dorgan voting	yes
Board Member Hussaini voting	abstain
Board Member Ingram voting	yes
Board Member Stein voting	yes
Chairman Kintner voting	yes

Motion passes (4-0)

CASE ZBA 25-15

APPLICANT: Peter Konstantos
5900 Warren Court

Morton Grove, IL 60053

LOCATION: 5900 Warren Court
Morton Grove, IL 60053

PETITION: Requesting for approval of variations from Section 12-2-6 and 12-4-2 of the Unified Development Code to install a sidewalk in a required setback and exceed maximum impermeable lot coverage.

Ms. Kirchner said the applicant is requesting the ZBA's approval to allow an existing sidewalk addition in the front yard that does not meet the minimum sidewalk setback requirement of 3 feet (3'). The paver sidewalk was installed by the adjacent neighbor replacing an unpaved planting area. The installation is related to Case ZBA 25-16, as the owner of 5904 Warren Court installed the driveway pavers on the neighbor's property serving as a walk and/or extension of the width of the 5904 Warren Court driveway. The nonconforming sidewalk that existed prior to the pavers travels to a gate with a connecting fence that was installed without permit at an unknown date. Refer to the highlighted blue area in the site plan below.

Staff is concerned the widened walkway and adjacent widened driveway will be used as a parking pad in the front yard of 5904 Warrant Court which is not permitted.

The applicant was sworn in. Chairman Kintner asked if the applicant would like to proceed, as the related case has been continued. It was confirmed that Board member Hussaini is not abstaining in this case. Mr. Konstantos proceeded to explain why the bushes were removed and why the pavers were installed to replace the empty planting area. He said Mr. Baig does not park his car on his property all of the time. The pavers provide a clean look for both properties. He said the bushes would clog his sewer line.

Board member Ingram asked if code enforcement notes cars parked on lot lines. Mr. English said it is very frequently enforced.

Board member Ingram asked if the fence is on the lot line. The fence is on 5904 Warren Ct. and the gate is on 5900 Warren Ct.

Board member Dorgan said there are car tire tracks on the parkway next to the apron, showing a car is parking on the paver sidewalk. Mr. Konstantos said he is asking for a sidewalk extension and not a driveway extension. Mr. Nolin said the Village could cite both homeowners for accessory parking space in a front yard. Mr. Konstantos said he is here for his case and not the driveway.

Chairman Kintner said there is a pretty clear relationship between the neighbor's case and the applicant's case

Ms. Flatley, daughter of the owner of 5908 Warren Ct., said they do not have a problem with the sidewalk as it is only slightly over the allowable impermeable coverage and does not impact 5905 Warren Ct.

Ms. Abraham, of 5905 Warren Ct., prefers the paved way instead of the bushes.

Board member Ingram made a motion to approve Case ZBA 25-15, a request for approval of a variation from Section 12-2-6:G to allow the installation of a sidewalk within a required side setback that exceed maximum allowable impermeable lot coverage, subject to the following conditions:

1. The proposed walk shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 06/18/2025; and

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

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

Board Member Dorgan voting	no
Board Member Hussaini voting	yes
Board Member Ingram voting	yes
Board Member Stein voting	yes
Chairman Kintner voting	no

The motion does not pass (3-2)

Chairman Kintner asked for any other business or discussion.

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 8:46 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.