



VILLAGE OF MORTON GROVE

# Zoning Board of Appeals Agenda

**July 20, 2020 - 7:00 P.M.**

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

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES OF: June 15, 2020**

**III. ITEMS TO BE CONTINUED**

None

**IV. PUBLIC HEARINGS**

**CASE: ZBA 20-06**

**APPLICANT:** Mike Voitik  
8630 Fernald Avenue  
Morton Grove, IL 60053

**LOCATION:** 8630 Fernald Avenue  
Morton Grove, IL 60053

**PETITION:** Request for approval of a variation from Section 12-3-5 to construct a street side yard fence that is not behind the rear portion of the principal structure closest to the street

**CASE: ZBA 20-07**

**APPLICANT:** Ted Hajduk  
6627 Golf Road  
Morton Grove, IL 60053

**LOCATION:** 6627 Golf Road  
Morton Grove, IL 60053

**PETITION:** Request for approval of variations from Section 12-2-6:G to allow more than one driveway within a front yard and to allow driveway widths greater than 16 feet at the front lot line

**CASE: ZBA 20-08**

**APPLICANT:** Michael Bryant  
5624 Crain Street  
Morton Grove, IL 60053

LOCATION: 5624 Crain Street  
Morton Grove, IL 60053

PETITION: Request for variation from Section 12-2-6:G to allow stairs as a permitted encroachment within a required front yard and expansion of a non-conforming structure located on a non-conforming lot, pursuant to Section 12-15-4

CASE: **ZBA 20-09**

APPLICANT: Mahesh Patel  
5901 Keeney Court  
Morton Grove, IL 60053

LOCATION: 5901 Keeney Court  
Morton Grove, IL 60053

PETITION: Request for variations from Section 12-2-6:G to allow an open accessory parking spaces and more than one driveway within a street side yard, and driveway widths that exceed 16 feet at the street side lot line

**V. OTHER BUSINESS**

None

**VI. CLOSE MEETING**

*All interested parties are invited to attend. Social distancing measures will be in place to ensure the safety of the public and Village staff. **All persons attending the meeting in-person must wear a face covering.** All persons in attendance will have the opportunity to be heard during periods of public comment.*

***If you feel sick, please stay home.***

*Comments relating to the above cases may be submitted to the ZBA in advance, and will be read aloud at the public meeting by Village staff. Please send comments, along with your name and address, to [commdev@mortongroveil.org](mailto:commdev@mortongroveil.org) no later than 5:00 PM on Monday, July 20, 2020.*

**MINUTES OF THE JUNE 15, 2020  
MEETING OF THE ZONING BOARD OF APPEALS  
VILLAGE HALL 6101 CAPULINA, MORTON GROVE, IL 60053, AND VIRTUAL VIA ZOOM**

Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Plan Commission was called to order at 7:00 PM by Chairperson Blonz. Land Use Planner Zoe Heidorn called the role.

Members of the Board Present: Blonz, Dorgan, Gabriel, Gillespie, Khan, Kintner, Mohr

Village Staff Present: Zoe Heidorn, Land Use Planner, Rick Dobrowski, Fire Prevention Bureau, Jim English, Manager Building and Inspectional Services, Teresa Liston, Corporation Council, Ralph Czerwinski, Village Administer

Trustees Present: Gear, Minx, Thill

Chairperson Blonz described the procedures for the meeting. The Village and the applicant will present the case and the commission may ask questions of the applicant. Then anyone from the audience will be allowed to speak.

Chairperson Blonz proceeded to seek approval of the May 18, 2020 minutes. Commissioner Dorgan moved to approve the minutes of May 18, 2020 with an amendment to note that the meeting took place over zoom  
Commissioner Gabriel seconded the motion.

Chairperson Blonz called for the vote.

Commissioner Kintner voting aye  
Commissioner Dorgan voting aye  
Commissioner Gillespie voting aye  
Commissioner Gabriel voting aye  
Commissioner Khan voting aye  
Commissioner Mohr voting aye  
Chairperson Blonz voting aye

Minutes approved.

Chairperson Blonz called for the first case.

**CASE: ZBA 20-05**  
**APPLICANT:** Jerry Koziol, 8631 Ferris LLC  
**LOCATION:** 8631 Ferris Avenue  
Morton Grove, IL 60053

Zoe Heidorn, Land Use Planner, reviewed the request for approval of variations from Sections 12-2-5, 12-2-6, and 12-4-2 to allow the construction of a detached garage within a rear yard. She stated the applicant is seeking approval of multiple waivers for the construction of a five-car garage on a zoning lot improved with 3 townhomes. Mr. Koziol is requesting a waiver of .1 to maximum permitted floor area ratio of 0.6, a waiver of 1 foot to the minimum rear yard setback of 3 feet for detached accessory structures, a waiver of 2.21 feet to the minimum separation of 10 feet between a detached accessory structure and principal structure, and a waiver of 1.8% to the maximum rear yard coverage of 50%. The garage is proposed to be constructed in the location of an existing 5 car parking pad that was

approved by right. Staff recommends a requirement for 2 turning path plans reviewed and approved by the village engineer to verify that entering and reversing out of the proposed garage will not cause damage to private property, issues or trespass, or public concern.

The applicant, Jerry Koziol, was sworn in.

Mr. Koziol stated that the garage would be for use of his tenants.

Chairperson Blonz asked for questions or comments from the Commissioners.

Board Member Kintner asked village staff if there were any traffic studies for that particular alley. Ms. Heidorn state she was not aware of any data on file for that alley as such would require an independent study provided by the applicant.

Chairperson Blonz noted that the space was already being used for parking.

Board Member Kintner asked if there were any concerns from the Fire Prevention Bureau. Mr. Dobrowski stated that the provided plans did meet all fire codes.

Board Member Gabriel asked Mr. Koziol where residents planned to keep their trash bins. Mr. Koziol stated trash receptacles would be on the Northside property setback three feet.

Board Member Gabriel stated that the proposed space appears to be too tight for 5 vehicles pulling in and out of the alley.

Board Member Dorgan stated that he visited the site of the proposed structure earlier in the day and could not back his vehicle out of the center bay without colliding with the adjacent fence.

Board Member Gabriel asked if the parking spaces are currently deeded to each unit as the proposed garage states they would be. Mr. Koziol stated that they are not currently, but he was in the process of subdividing the lot.

Board Member Gabriel stated it would be extremely difficult to share spaces once a building is in place. Ms. Heidorn stated there would be no possibility for shared spots under the current subdivision proposal.

Chairperson Blonz stated that he also visiting the site and experienced difficulty pulling out of the space. He questioned if there was a planner survey in existence. Ms. Heidorn state the planner survey was on file and what the board had received was the draft plat of subdivision to avoid any confusion as the existing plat included the old structure.

Chairperson Blonz asked what the materials of the building and proposed garage would be. Mr. Koziol stated a mixture of brick and fiber cement siding and the two buildings would match.

Board Member Gabriel asked what the purpose was for zoning each spot within the garage as a different pin. Ms. Heidorn stated that the proposed subdivision was based only on the existing parking pad and the garage was not a guarantee.

No other members of the public came forward to provide comment.

Board Member Kintner asked for clarification on the turn path studies. Ms. Heidorn stated that these studies would

look at movement in and out of each of the 5 spaces. If the movement was shown to overlap with any private property line that is not the property owner's or hit any of the structures, the plans and approval would be deemed null and void.

Board Member Kintner asked if it would be possible for the distance between the principal structure and the proposed structure to decrease by one foot add more space in terms of turning radius. Ms. Heidorn stated this was possible and would not trigger extra fire rating requirements.

Chairman Blonz asked Mr. Koziol if it would be possible to move the garage one-foot further west. Mr. Koziol stated that would not be a problem.

#### Zoning Board Motion and Approval

Board Member Gabriel moved to approve case ZBA 20-05 variations from Sections 12-2-5, 12-2-6, and 12-4-2 to allow the construction of a detached garage within a rear yard subject to the following conditions:

1. Two turning path plans shall be submitted for the Village Engineer's review:
  - a. A turning path showing a design vehicle entering the garage parking spaces from the 16-foot-wide alley with a single forward maneuver into the proposed garage parking spaces without encroaching or hitting the garage wall at the entry point or the far side of the alley and without encroaching on surrounding private property.
  - b. A turning path showing a design vehicle reversing out of the garage parking spaces with a single reversing maneuver without encroaching or hitting the garage wall at the entry point or the far side of the alley and without encroaching on surrounding private property.If either turning path plan fails to demonstrate the maneuverability of vehicles entering and reversing out of the the proposed garage parking spaces without encroaching on the garage wall or surrounding private property, the approval of ZBA 20-05 shall be deemed null and void.
2. The proposed detached garage shall be built in accordance with the plans submitted by the applicant in application dated 05-05-2020 with the following exception: that it be located one foot further west than shown in those plans, as discussed at this meeting.
3. The applicant shall file all necessary plans and applications for review and approval, and secure all necessary building permits prior to the commencement of construction.

Board Member Kintner seconded the motion.

Chairperson Blonz called for the vote.

Commissioner Kintner voting	aye
Commissioner Dorgan voting	no
Commissioner Gillespie voting	aye
Commissioner Gabriel voting	aye
Commissioner Khan voting	aye
Commissioner Mohr voting	aye
Chairperson Blonz voting	aye

Motion passed.

Chairperson Blonz asked for any other business or discussion. Hearing none, Commissioner Kintner moved to adjourn the meeting and seconded by Commissioner Gillespie. The motion was approved unanimously pursuant to a voice vote at 7:30 PM.

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Minutes By: Jacqueline Meracle

DRAFT

# Village of Morton Grove

## Department of Community & Economic Development

**To:** Chairperson Blonz and Members of the Zoning Board of Appeals

**From:** Zoe Heidorn, Land Use Planner

**Date:** July 14, 2020

**Re:** **ZBA 20-06 – 8630 Fernald Avenue**  
**Request for approval of a variation from Section 12-3-5 to construct a street side yard fence that is not behind the rear portion of the principal structure closest to the street**

## STAFF REPORT

### Public Notice

The Village of Morton Grove provided public notice for the July 20, 2020, Zoning Board of Appeals public hearing for ZBA 20-06 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on July 2, 2020. The Village mailed letters on June 30, 2020, notifying surrounding property owners, and placed a public notice sign on the subject property on June 22, 2020.

### Request Summary

#### Property Background

The subject property at 8630 Fernald Avenue is a corner lot located at the northwest corner of Fernald and Capulina Avenues. The property is within an R3 General Residence District and is improved with a single-family dwelling and accessory detached garage. Properties in all directions are also zoned in the R3 General Residence District. To the north, west, and south are properties improved with single-family residences. To the east is property improved with a church and school occupied by Jerusalem Lutheran Church and School.

#### Application Overview

The Applicant and property owner, Mike Voitik, is requesting a waiver from Section 12-3-5 to allow the construction of a street side yard fence in a location that is not behind the rear portion of the principal structure closest to the street, as required by Section 12-3-5:C.2. The property qualifies for a street side yard fence, in accordance with the requirements of Section 12-3-5:C. The fence is proposed to comply with all other requirements of Section 12-3-5:C, including maximum height, minimum transparency, permitted materials, and sight line restrictions.

An existing section of chain link fencing with a height of four feet is proposed to remain in place along the rear lot line, which abuts an improved public alley. The proposed fencing will begin at the southwest corner of the property, providing a compliant ten-foot sight line triangle at the intersection of the public alley to the west and the Capulina Avenue sidewalk. The fence will continue east along the corner side lot line to a point approximately seven feet west of, or behind, the front building line, and continue north to enclose the rear yard and the

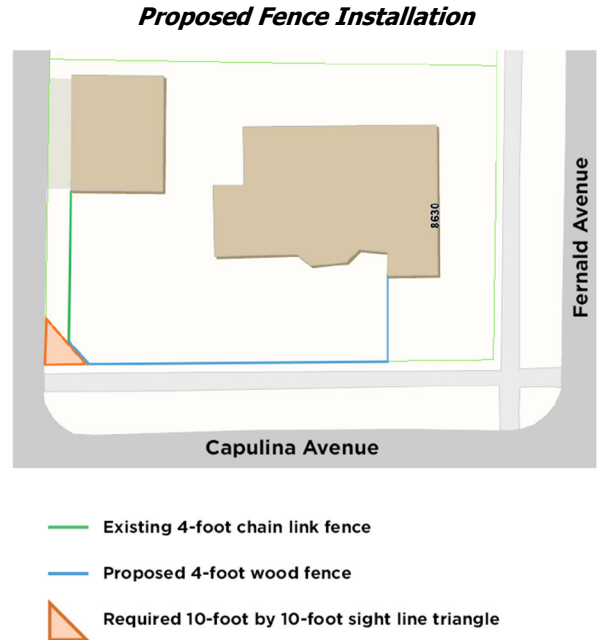


***Subject Property Map***

majority of the street side yard. The proposed fence will meet the southwest corner of a wrap-around porch located at the front of the home, extending approximately 48 feet east of the rear building line and rear portion of the structure closest to the street side yard. The fence will have a height of four feet and maintain at least 50% transparency, as required by Section 12-3-5:C.

The subject property is currently improved with a street side yard fence that is non-conforming with respect to transparency and sight line triangle restrictions. With 5.44-inch wide boards and 1.88-inch spacing, the existing fence has a transparency of approximately 25.6%. An existing gate located along the corner side lot line is almost fully opaque. The current fence also obstructs the required ten-foot by ten-foot sight line triangle required at the southwest corner of the property.

An image of the proposed fence type submitted by the Applicant depicts a wood fence with a height of four feet that seems to provide less than 50% transparency. However, the Applicant confirmed to staff that he fully intends to comply with the transparency requirement. Compliance will be verified by staff review through the standard permitting process.



**Existing Street Side Yard Fence**

#### Requested Waiver

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

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED VARIANCE
<b>Street Side Yard Fence</b>	<p>Maximum height: 4 ft.</p> <p>Minimum transparency: 50%</p> <p>Location must be behind the rear portion of the principal structure closest to the street side yard</p> <p>(12-3-5:B)</p>	<p>Height: 4 ft.</p> <p>Transparency: 50%</p> <p>Approximately 48 ft. past the rear portion of the structure closest to the street side yard</p>	<p><i>Compliant</i></p> <p><i>Compliant</i></p> <p><b><i>Waiver to allow a street side yard fence approximately 48 ft. past the rear portion of the structure closest to the street side yard</i></b></p>



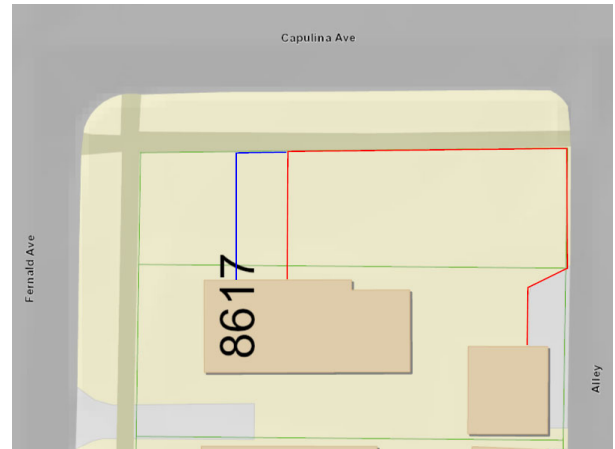
As shown in the table on the previous page, the following waiver is required in order to approve installation of a street side yard fence as proposed by the Applicant:

- Section 12-3-5:B: Waiver to allow a street side yard fence approximately 48 ft. past the rear portion of the structure closest to the street side yard.

#### Discussion

Staff found no Village record of approval of existing fencing located on the subject property. It can be assumed that the fencing was installed prior to current regulations or without Village approval. While the Applicant is requesting relief from one street side yard fence restriction, the Applicant is also correcting existing non-conformities relating to minimum transparency and the required sight line triangle.

Staff notes that similar applications were made and approved for 8617 Fernald Avenue, which is located at the southeast corner Fernald and Capulina Avenues and catty-corner to the subject property. Under Case ZBA 15-03, the Zoning Board of Appeals approved a street side yard fence with a height of 4.5 feet and a transparency of 25% in a location not to the rear of the rear building line. An expansion of the legal non-conforming fence was approved in 2018 under Case ZBA 18-16.



**Fence Approved at 8617 Fernald Avenue**  
(Red approved ZBA 15-03, blue approved under ZBA 18-16)

#### 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.

Additionally, Section 12-3-5:G establishes the following standards for variation for fences:

12-3-5:G. Any applications for variations to the fence requirements, included herewith, shall be reviewed based on the following:

1. The proposed fence variation shall meet with the intent of the design and development standards established in [Section 12-3-5];
2. The proposed fence variation shall not have an adverse impact on the immediate abutters or the character of the surrounding neighborhood; and

3. The proposed fence variation shall not create obstructions in required sight lines at areas where a pedestrian or vehicular ways intersect with driveways, streets, alleys, or other pedestrian or vehicular access way.

**Recommendation**

Should the Board approve Case ZBA 20-06, staff recommends the following motion and conditions:

*The Zoning Board of Appeals approves Case ZBA 20-06, a request for approval of a variation from Section 12-3-5 to construct a street side yard fence that is not behind the rear portion of the principal structure closest to the street, 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 06/02/2020.*
- 2) *The Applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of installation.*

**Attachments**

Application and related materials (submitted by Applicant)

## Zoe Heidorn

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**From:** Jonathan Locker <jonathanlocker@gmail.com>  
**Sent:** Monday, July 6, 2020 5:20 PM  
**To:** Zoe Heidorn  
**Subject:** ZBA 20-06 (8630 Fernald) - Comments from adjacent homeowner

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To the Zoning Board of Appeals:

This comment is regarding Zoning Board of Appeals Case Number ZBA 20-06.

I am the homeowner of 8638 Fernald Ave, Morton Grove, IL 60053, the property adjacent to the subject property on the North side.

I fully support this request for a variation, and do not feel that it would harm, damage, or detract from the subject property, adjacent properties, nor that of Morton Grove as a whole.

Thank you,

Jonathan Locker  
8638 Fernald Ave  
Morton Grove, IL 60053  
Phone: 773-757-9143



Incredibly Close ✿ Amazingly Oper

## VARIATION APPLICATION

Village of Morton Grove  
Department of Community Development  
6101 Capulina Avenue Morton Grove, Illinois 60053  
(847)470-5231 (p) (847)965-4162 (f)

CASE NUMBER: ZBA 20-016 DATE APPLICATION FILED: 6/2/2020

### APPLICANT INFORMATION

Applicant Name: Mike Voitik  
Applicant Address: 8630 Fernald Avenue  
Applicant City / State / Zip Code: Morton Grove, IL 60053  
Applicant Phone: (224) 622-6481  
Mobil / Other: ( )  
Applicant Email: mgr77@aol.com  
Applicant Legal Interest in Property (Owner, Tenant, Etc.): Owner  
Applicant Signature: [Signature]

### PROPERTY INFORMATION

Common Address of Property: 8630 Fernald Avenue  
Property Identification Number (PIN): 10-20-103-061-0000  
Zoning District: R3 Property's Current Use: Single-Family Residence

### APPLICANT'S REQUEST (ATTACH ADDITIONAL SHEETS AS NECESSARY):

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12-3-5 C. 2.

for the following: To construct a 48" high wood fence in front of the rear portion of the principal structure closest to the street side yard property line.

2. Please provide detailed information to explain why the variation is being requested:

We have a very wide street side yard that we would like to fence-in, in order to expand our backyard and protect our 5 and 8-year old children while they are playing there.

3. Provide responses to the Variation standards as listed in Section 12-16-3-A-2 of the Unified Development Code. The Variation standards are as follows:

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

The hardship is caused by the code. If this property were located within the interior of the block, a fence would be permitted within this area.

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.

The current code regulations deprive us of securing this area adjacent to our house.

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.

Our request for a variation will not be detrimental to the neighborhood or public welfare. The new fence will be adjusted to allow for a 10' x 10' sight distance triangle at the alley. The current fence is partially built within that area and creates an obstruction.

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

The proposed variation will not have a negative impact upon the neighborhood and our fence will meet all height and transparency requirements.

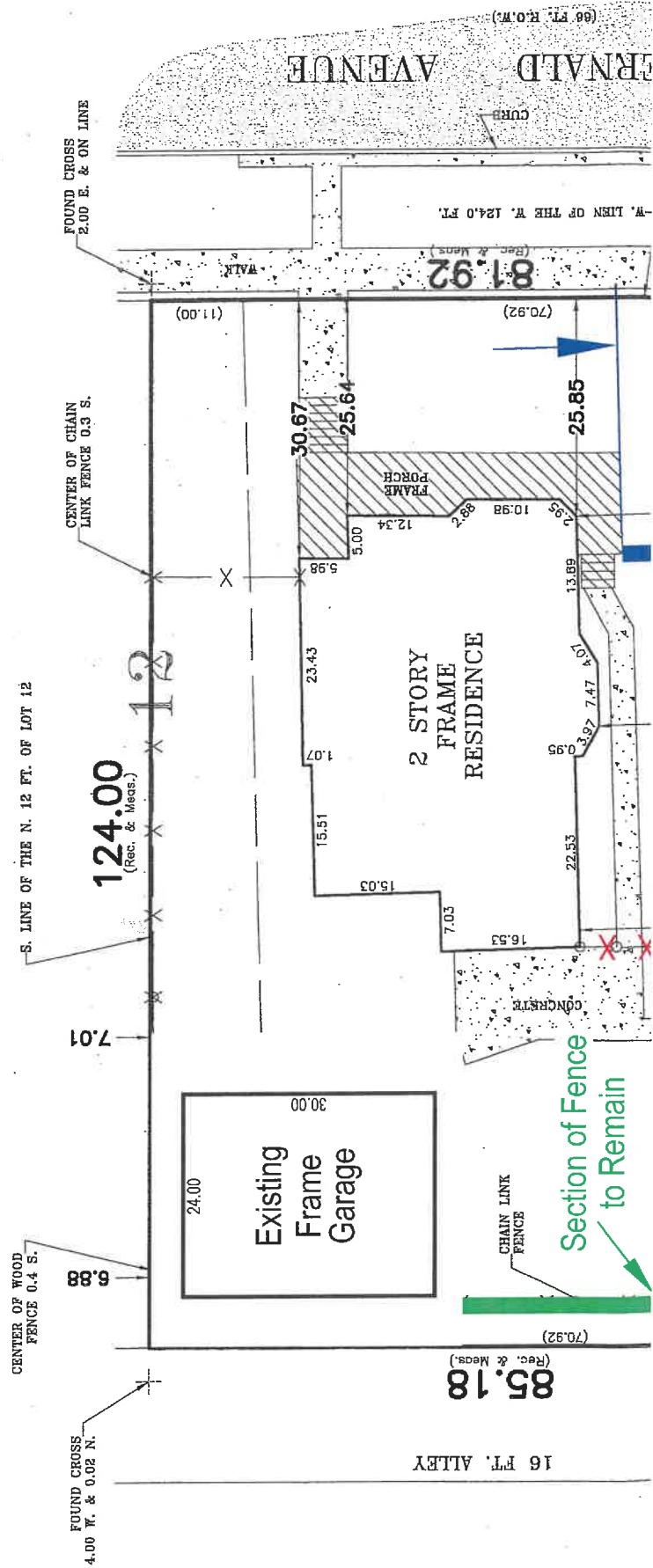
# PLAT OF SURVEY of

LOT 12 (EXCEPT THE NORTH 12 FEET THEREOF) IN BLOCK 2 IN AHNENFELD'S ADDITION TO MORTON GROVE, A SUBDIVISION OF LOT 41 OF THE COUNTY CLERK'S DIVISION IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN; ALSO THE SOUTH 70.92 FEET OF THE NORTH 370.92 FEET OF THE WEST 124 FEET OF THE EAST 487 FEET OF THE FOLLOWING DESCRIBED PREMISES; THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE EAST LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 24.76 CHAINS NORTH OF THE SOUTHEAST CORNER OF THE AFORESAID WEST HALF OF SAID NORTHWEST QUARTER, RUNNING THENCE WEST, 19.60 CHAINS; THENCE NORTH, 6.12 CHAINS; THENCE EAST, 19.60 CHAINS; AND THENCE SOUTH 6.12 CHAINS, TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ADDRESS: 8630 N. FERNALD AVENUE, MORTON GROVE, ILLINOIS



SCALE: 1"=20'







# Village of Morton Grove

## Department of Community & Economic Development

**To:** Chairperson Blonz and Members of the Zoning Board of Appeals

**From:** Zoe Heidorn, Land Use Planner

**Date:** July 14, 2020

**Re:** **ZBA 20-07 – 6627 Golf Road**  
**Request for approval of variations from Section 12-2-6:G to allow more than one driveway within a front yard and to allow driveway widths greater than 16 feet at the front lot line**

## STAFF REPORT

### Public Notice

The Village of Morton Grove provided public notice for the July 20, 2020, Zoning Board of Appeals public hearing for ZBA 20-07 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on July 2, 2020. The Village mailed letters on June 30, 2020, notifying surrounding property owners, and placed a public notice sign on the subject property on June 22, 2020.

### Request Summary

#### Property Background

The subject property at 6627 Golf Road is an interior lot located on the south side of Golf Road, between Normandy and Nashville Avenues. The property is within an R1 Single Family Residence District and is improved with a single-family dwelling with an attached garage. Because the property does not abut a public alley, vehicular access is provided along Golf Road.

Properties to the immediate west, south, and east are also zoned in the R1 Single Family Residence District and are improved with single-family residences.

Property to the north, across Golf Road, is located in the Village of Golf, Illinois, and is zoned in an A Residence District, which is a single-family zoning district. Properties located across Golf Road are also improved with single-family residences.



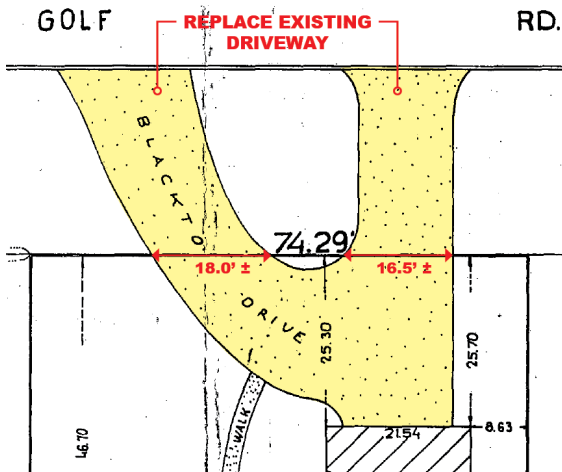
*Subject Property Map*

### Application Overview

The Applicant and property owner, Ted Hajduk, is requesting waivers from Section 12-2-6:G to allow more than one driveway within a front yard and to allow driveway widths greater than 16 feet, measured at the front lot line. Approval will authorize the in-kind replacement of an existing asphalt horseshoe driveway, which provides two points of vehicular access from Golf Road and leads to an attached garage located to the front of the principal structure. The existing driveway complies with setback requirements and overall, the property complies with maximum impervious coverage restrictions.

Horseshoe driveways were recently prohibited under Ordinance 20-01, approved in January of 2020, which amended Section 12-2-6:G to limit any yard to no more than one driveway. The ordinance also adopted a maximum driveway width of 16 feet at the front lot line. Currently, the horseshoe driveway's east drive measures approximately 16.5 feet in width and the west drive measures approximately 18 feet in width.





*Proposed Driveway Replacement*



*Existing Horseshoe Driveway*

#### Requested Waiver

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

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED	REQUESTED VARIANCE
<b>Driveway</b>	Min. width: 9 ft.	Width:	<i>Width: Waiver to allow driveways with widths of 18.0 feet and 16.5 feet at the front lot line</i>
	Max. width: 16 ft. at front or street side lot line	East: 16.5 ft. West: 18.0 ft.	
	Min. 3 ft. side setback (may be reduced based on side yard)	Setback:	<i>Setback: Compliant</i>
	Max. 1 driveway per yard	East: 11.4 ft. West: 18.3 ft.	
	(12-2-6:G)	2 driveways within front yard	<i>Quantity: Waiver to allow 2 driveways within a front yard</i>

As shown in the table on the previous page, the following waivers are required in order to approve the in-kind replacement of the existing horseshoe driveway as proposed by the Applicant:

- Section 12-2-6:G. Waiver to maximum driveway width of 16.0 feet to allow driveway widths of 18.0 feet and 16.5 feet, measured at the front lot line.
- Section 12-2-6:G. Waiver to maximum number of driveways permitted per yard to allow two driveways within a front yard.

#### Discussion

Prior to the adoption of Ordinance 20-01, which added new restrictions on the dimensions and siting of driveways, the in-kind replacement of the horseshoe driveway at the subject property would have been permitted by-right. When the Plan Commission reviewed the text amendment adopted under Ordinance 20-01, the Commissioners and staff discussed the proposed prohibition on horseshoe driveways. It was understood that any new horseshoe driveway or replacement of an existing horseshoe driveway would be subject to review and approval by the Zoning Board of Appeals. As such, consideration could be given to property size and traffic volumes on abutting roadways on a case-by-case basis. While some existing horseshoe driveways are appropriate for safety reasons, others might be deemed unnecessary and even detrimental.

In the case of ZBA 20-07, the subject property measures 74.29 feet in width and abuts Golf Road, which is a four-lane roadway with a maximum speed limit of 35 miles per hour in this location, though vehicles are known to

travel faster than permitted by law. At the subject property, Golf Road has an average daily traffic (ADT) count of 36,700 vehicles in this location (Illinois Department of Transportation). By comparison, Waukegan Road (at Dempster Street) has an ADT of 26,200 vehicles, Lincoln Avenue (at Austin Avenue) has an ADT of 6,750 vehicles, and Austin Avenue (at Beckwith Road) has an ADT of 3,850 vehicles. In short, the ADT count at the subject property is high. In Morton Grove, higher traffic counts than those along Golf Road are only found along Dempster Street.

Considering the subject property's lot width is 14.29 feet wider than required by Code, and that the property's only vehicular access is provided along Golf Road, where the traffic volumes and speeds are much higher than along a traditional residential street, staff does not object to the proposed waiver to allow a horseshoe driveway at the subject property. Backing out a vehicle along Golf Road in this location could endanger both drivers exiting the property and drivers along Golf Road. The horseshoe driveway will allow safe ingress and egress, without reversing or providing a turn-around area within a front yard.

While horseshoe driveways have been prohibited because they increase impervious area, conflict with pedestrian accommodations, and reduce on-street parking facilities, they are suitable for larger properties and beneficial to properties located along a busy road. Chris Tomich, Village Engineer, reviewed the application and was supportive of the request to replace the horseshoe driveway.

While minor reduction of the driveway widths to 16 feet would eliminate the need for a second waiver, the Applicant is requesting the waiver to maximum driveway width to allow in-kind replacement. Per the Applicant, the existing geometry and dimensions are the most suitable for continued use.

### **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 20-07, staff recommends the following motion and conditions:

*The Zoning Board of Appeals approves Case ZBA 20-07, a request for approval of variations from Section 12-2-6:G to allow more than one driveway within a front yard and to allow driveway widths greater than 16 feet at the front lot line, 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 06/05/2020.*
- 2) *The Applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.*

### **Attachments**

Application and related materials (submitted by Applicant)



Incredibly Close ✧ Amazingly Oper

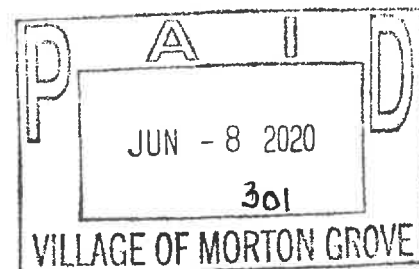
## VARIATION APPLICATION

Village of Morton Grove  
Department of Community Development  
6101 Capulina Avenue Morton Grove, Illinois 60053  
(847)663-3063(p) (847)965-4162 (f)

CASE NUMBER: 7BA 20-07 DATE APPLICATION FILED: 06/05/2020\_\_

### APPLICANT INFORMATION

Applicant Name: Ted Hajduk  
Applicant Address: 6627 Golf Road  
Applicant City / State / Zip Code: Morton Grove / IL / 60053  
Applicant Phone: (847) 323-8168  
Mobil / Other: ( )  
Applicant Email: thajduk@yahoo.com  
Applicant Legal Interest in Property (Owner, Tenant, Etc.): Owner



Applicant Signature: Ted Hajduk

### PROPERTY INFORMATION

Common Address of Property: 6627 Golf Road / Morton Grove / IL / 60053  
Property Identification Number (PIN): 10-18-201-015-0000  
Zoning District: R1 Property's Current Use: SF RESIDENTIAL

### APPLICANT'S REQUEST (ATTACH ADDITIONAL SHEETS AS NECESSARY):

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12-2-6:9

for the following:

- We need to re-pave (using asphalt) the "Horseshoe" shaped driveway in the front of our house.
- The shape of the driveway is the original shape from the time we bought the house (and also from the time the house was built).
- The driveway is currently asphalt and it will be re-paved with asphalt.

**2. Please provide detailed information to explain why the variation is being requested:**

- The current driveway surface is broken up and sunken (below the original grade) in spots. We need to re-grade (to the original grade) and re-pave to restore the driveway surface to its original usability.
- We are on a Main Road (Golf) with high-speed traffic. Backing up onto the road would present a danger to the driver as well as interfere with the flow of traffic. The horseshoe shape allows us to drive forward onto Golf Road which is safer for us and easier for the traffic flow.

---

**3. Provide responses to the Variation standards as listed in Section 12-16-3-A-2 of the Unified Development Code. 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 driveway being sunken in spots was caused by deep excavations next to both "ends" of the horseshoe - the west end for sewer line repair - the east end for the Village repair of the water main - the subsidence of the fill after the excavation over time, caused the sinking.
- The driveway surface being broken was caused by natural weathering of the original asphalt surface over a period of 35+ years.
- The alleged difficulty or hardship is caused by this title's location (and time), 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.

- Strict application of the provisions of this title would prevent the re-grading and re-paving of the driveway in its current configuration (horseshoe).
- Part of the driveway would continue to deteriorate - and the remainder of the driveway would only support access to Golf Road by backing onto it (unsafe - as detailed above).
- This would deprive us of the reasonable use of the land that we have enjoyed for the past 35+ years.

---

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

- The granting of this variation is in harmony with the general purposes and intent of this title - this restores the title appearance and usability to what it originally was when it was purchased.
- The granting of this variation will not be detrimental to the public welfare or to other property or improvements in the neighborhood. It will maintain the current public welfare, by continuing to allow access to and from the title in a safe and unimpeded manner. It will not be detrimental to other property or improvements
  - It will maintain the current public welfare, by continuing to allow access to and from the title in a safe and unimpeded manner.
  - It will not be detrimental to other property or improvements because it restores the driveway to its original appearance and usability and it has no other effect on the surrounding 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.

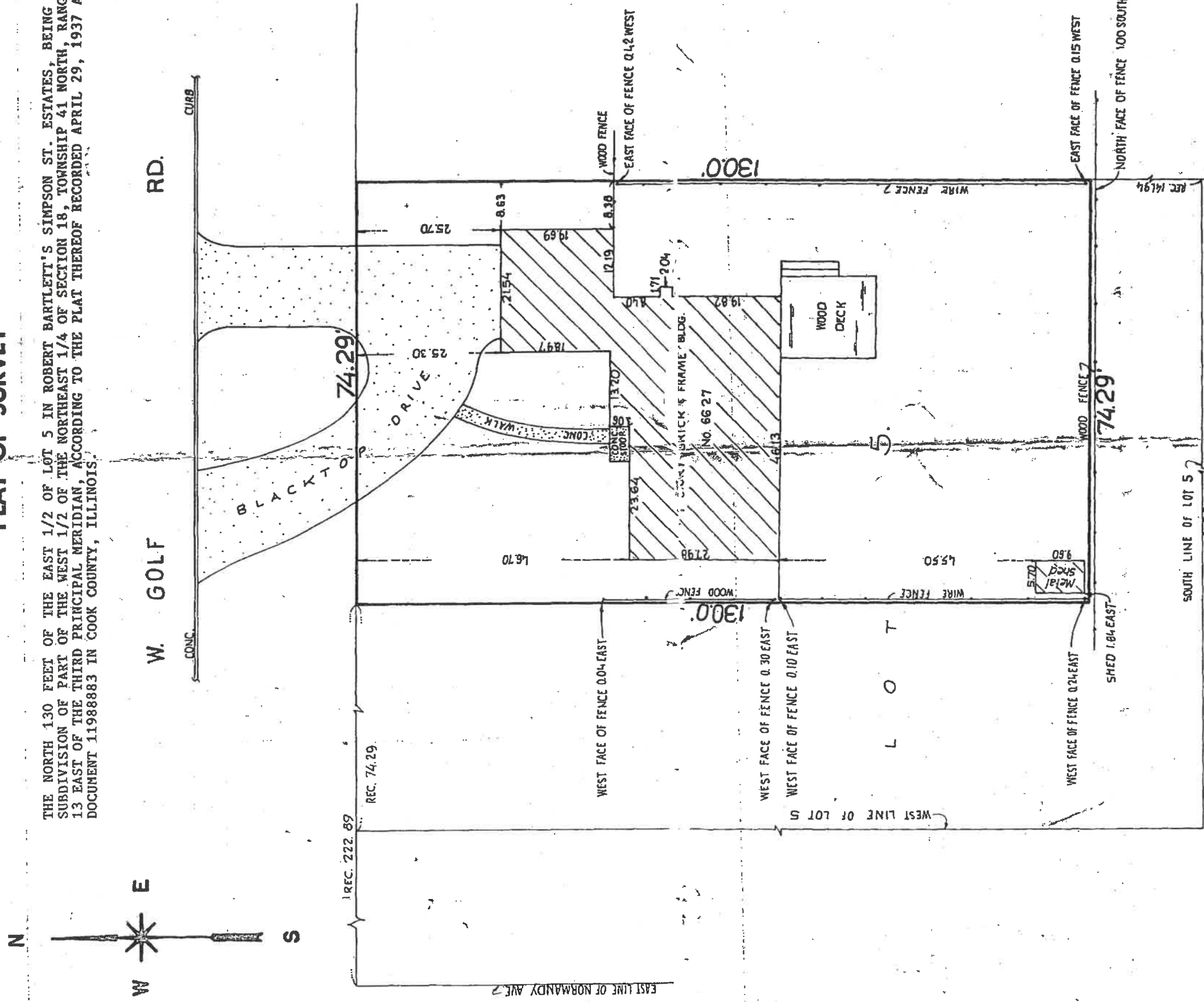
- The proposed variation will not impair an adequate supply of light and air to adjacent property - all work being done will be at ground level.
- The proposed variation will not substantially increase congestion in the streets - after the work is completed, it will have no effect on traffic in the area.
- The proposed variation will not increase the potential damage of fire - the work being done will not affect the occurrence of or the management of any fire - no accesses will be changed
- The proposed variation will not endanger the public safety - by continuing to support drive-forward entrance to and egress from the title, the variation will support public safety.
- The proposed variation will not alter the character of the neighborhood - the character of the neighborhood

5740 NORTH ELSTON AVENUE  
CHICAGO, ILLINOIS 60646

**CERTIFIED SURVEY CO.**  
**PLAT OF SURVEY**

**Phone:** (312) 775-7755  
**Fax:** (312) 775-2855

THE NORTH 130 FEET OF THE EAST 1/2 OF LOT 5 IN ROBERT BARTLETT'S SIMPSON ST. ESTATES, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 29, 1937 AS DOCUMENT 11988883 IN COOK COUNTY, ILLINOIS.



☒ CHECK (✓) IN BOX MEANS THIS SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS. OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

**COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.**

Decimals of a foot and their equivalent in inches and fractions thereof.

.01 = 1/8"	.07 = 7/8"	.50 = 6"
.02 = 1/4"	.08 = 1"	.58 = 7"
.03 = 3/8"	.17 = 2"	.67 = 8"
.04 = 1/2"	.25 = 3"	.75 = 9"
.05 = 5/8"	.33 = 4"	.83 = 10"
.06 = 3/4"	.42 = 5"	.92 = 11"
		1.00 = 12"

Order No. 921621

Scale: 0' 15' 30' feet

Date 9-11-1992

Ordered by TED HAJDUK

We, CERTIFIED SURVEY CO. do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Paul F. Misturak

REG. ILL. Land Surveyor



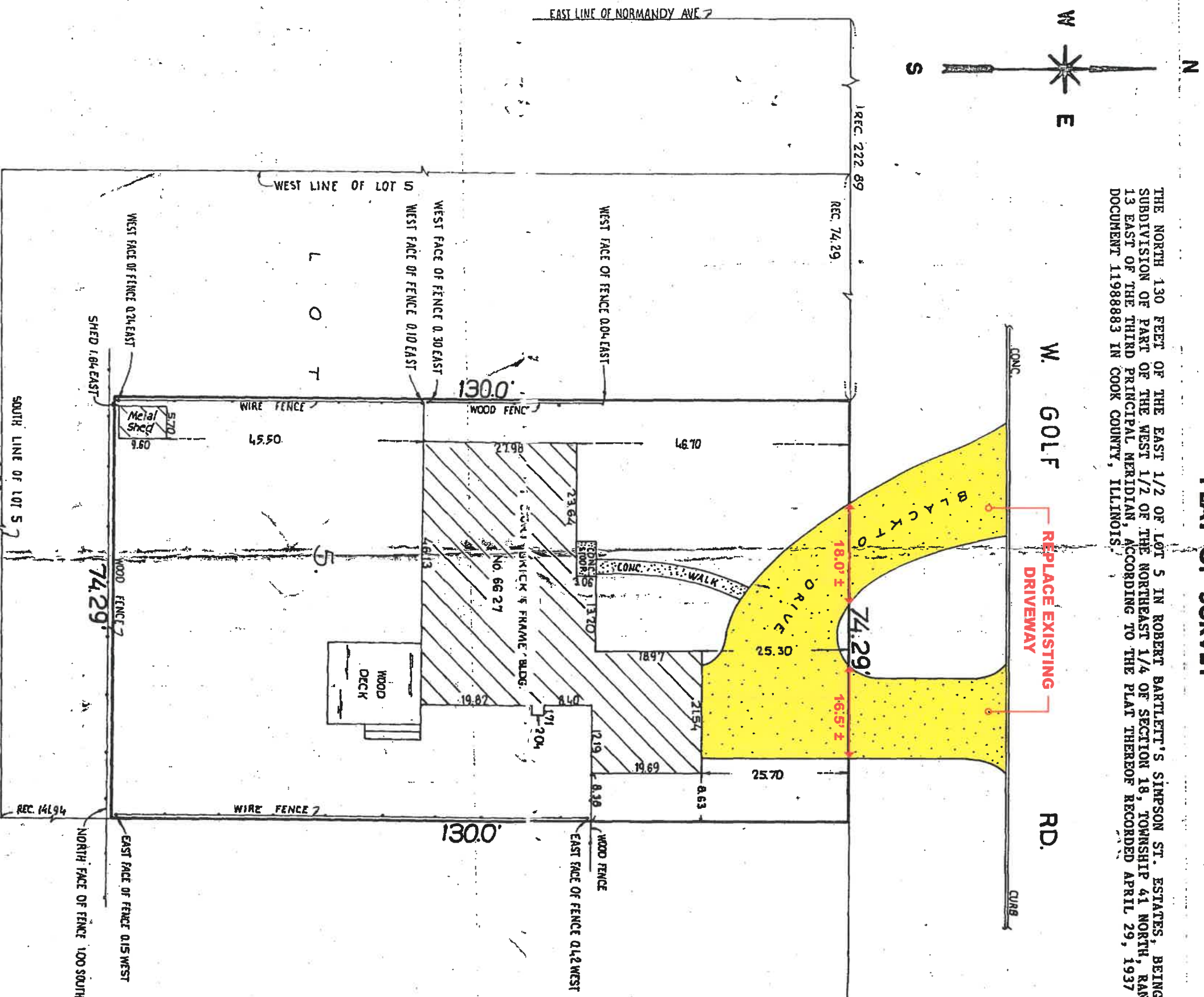
PROPOSED

5740 NORTH ELSTON AVENUE  
CHICAGO, ILLINOIS 60646

CERTIFIED SURVEY CO.  
PLAT OF SURVEY

Phone: (312) 775-7755  
Fax: (312) 775-2855

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Order No. 921621

Scale: 0' 15' 30' feet

Date 9-11-1992

Ordered by JED HAJDUK

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.06 = 3/4"	.42 = 5"	.92 = 11"
		1.00 = 12"

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois } ss.  
County of Cook }

We, CERTIFIED SURVEY CO. do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

*Paul F. Pristawski*

REG. ILL. Land Surveyor

# Village of Morton Grove

## Department of Community & Economic Development

**To:** Chairperson Blonz and Members of the Zoning Board of Appeals

**From:** Zoe Heidorn, Land Use Planner

**Date:** July 14, 2020

**Re:** **ZBA 20-08 – 5624 Crain Street**  
**Request for variation from Section 12-2-6:G to allow stairs as a permitted encroachment within a required front yard and expansion of a non-conforming structure located on a non-conforming lot, pursuant to Section 12-15-4**

## STAFF REPORT

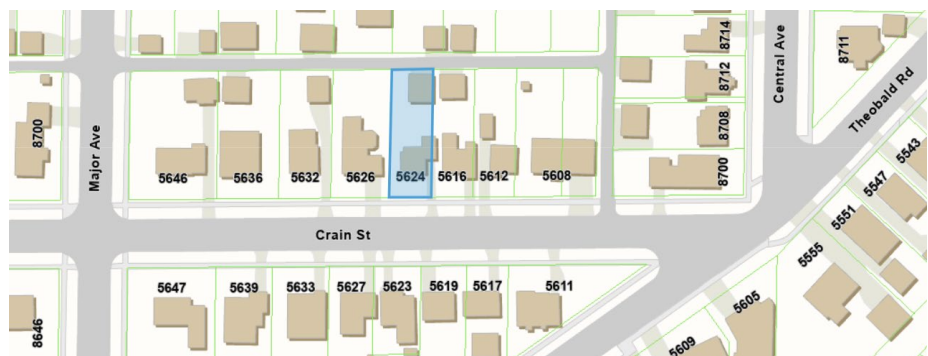
### Public Notice

The Village of Morton Grove provided public notice for the July 20, 2020, Zoning Board of Appeals public hearing for ZBA 20-08 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on July 2, 2020. The Village mailed letters on June 30, 2020, notifying surrounding property owners, and placed a public notice sign on the subject property on June 22, 2020.

### Request Summary

#### Property Background

The subject property at 5624 Crain Street is an interior lot located on the north side of Crain Street, between Major Avenue and Central Avenue/Theobald Road. The property is within an R2 Single Family Residence District and is improved with a single-family dwelling and an accessory detached garage within the rear yard. Two vehicular



*Subject Property Map*

access points serve the subject property: (1) a driveway located along Crain Street that leads to a non-conforming parking space partially located within a front yard and (2) an apron located along the rear lot line that leads from an improved public alley to a detached garage within the rear yard. With a lot width of 40 feet and a lot area of 4,970 square feet, the subject property is non-conforming with regard to lot width and area. With an east side setback of 1.41 feet, the principal structure is non-conforming with regard to interior side setback.

Surrounding properties are also zoned within the R2 Single Family Residence District and are improved with single-family dwellings.

### Application Overview

The Applicant and property owner, Michael Bryant, is requesting a waiver from Section 12-2-6:G to allow the replacement of open stairs located within a required front yard that do not meet the requirements of a permitted encroachment. Per Section 12-15-4:A.2, a non-conforming structure located on a non-conforming lot may be expanded and altered, provided that the expansion or alteration meets the criteria of an authorized variation by the Zoning Board of Appeals, and that the Board finds that an undue hardship is imposed on the owner of the structure and does not adversely affect the adjoining property.

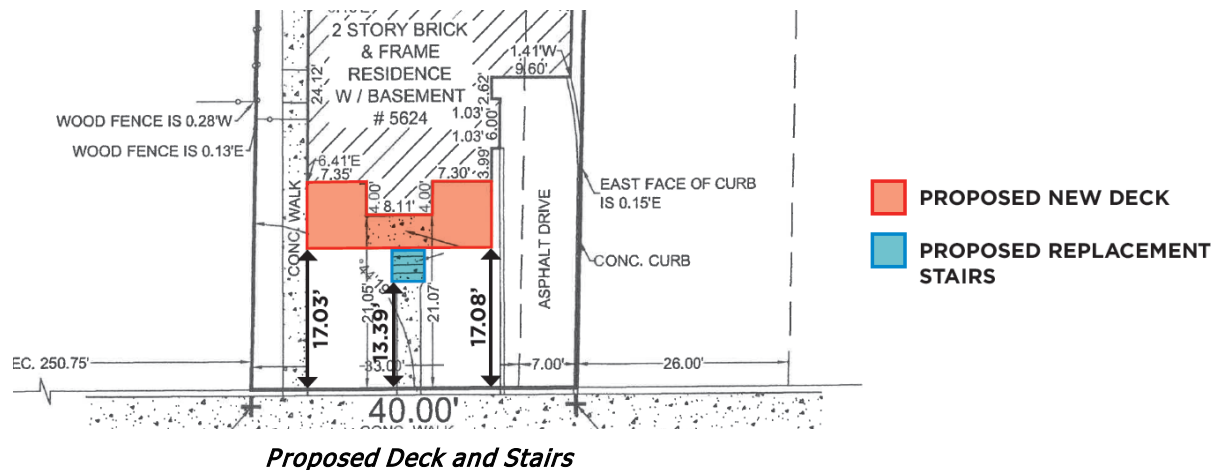
Per Section 12-2-6:D.1, on block faces where more than 50% of the lots have a front yard setback less than the district requirement, the front setback of a property is determined by calculating the average front setback of the adjacent existing buildings 100 feet in each direction of the subject property. In accordance with Section 12-2-



6:D.1, staff calculated the minimum front setback for the subject property to be 20.10 feet. With a front yard of 21.05 feet, the principal structure's front yard is compliant.

Section 12-2-6:G establishes permitted obstructions of required yards, and was recently amended to expand the list of permitted obstructions and provide additional citing and dimensional requirements. Per Section 12-2-6:G, open sided porches are permitted to encroach a maximum of 20% of the front yard depth. With a required front yard of 20.10 feet, maximum encroachment of the open sided porch into the required front setback is 4.02 feet. The Applicant is proposing a front porch setback of 17.03 feet (16.08 feet required), which complies with Section 12-2-6:G.

The Applicant is also proposing the reconstruction of existing stairs located within the required front yard, which will connect to the open sided porch at the front of the home. Per Section 12-2-6:G, stairs are permitted to encroach a maximum of five feet into the required front yard. With a required front yard of 20.10 feet, the minimum setback requirement for the stairs is 15.10 feet from the front lot line. In order to allow in-kind replacement of the stairs, which have an existing setback of 13.39 feet, the Applicant is requesting a waiver of 1.71 feet to the minimum setback for a permitted encroachment.



#### Requested Waivers

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

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	PROPOSED/EXISTING	REQUESTED VARIANCE
<b>Lot Area</b> (12-4-2:D)	Min. 5,000 sq. ft.	4,970 sq. ft. (existing)	<i>Approval of the expansion of a non-conforming structure (lot)</i>
<b>Lot Width</b> (12-4-2:D)	Min. 45 ft.	40 ft. (existing)	<i>Approval of the expansion of a non-conforming structure (lot)</i>
<b>Principal Structure Setback</b> (12-4-2:D)	Min. Front: 20.1 ft. Min. Side: 5 ft. Min. Rear: 30 ft.	Front: 21.05 ft. East Side: 1.14 ft. (non-conforming) West Side: 6.16 ft. Rear: 65.53 ft.	<i>Approval of the expansion of a non-conforming structure (east side setback)</i>
<b>Open Sided Porch</b> (12-2-6:G)	Permitted encroachment, Max. 20% required yard depth (Max. 4.02 ft.)	Encroachment of 3.07 ft.	<i>Compliant</i>
<b>Stairs/Steps</b> (12-2-6:G)	Permitted encroachment, Max. 5 ft. in required front yard	Encroachment of 6.71 ft.	<i>Waiver of 1.71 ft. requested</i>

As shown in the table on the previous page, the following waivers are required in order to approve construction of the open sided porch and replacement of the stairs, as proposed by the Applicant:

- Section 12-2-6:G. Waiver of 1.71 feet to maximum permitted encroachment of 5 feet to allow stairs to encroach 6.71 feet into a required front yard measuring 20.10 feet.
- Section 12-15-4:A.2. Waiver to allow the expansion of a non-conforming structure located on a non-conforming lot.

#### Discussion

The subject property is non-conforming with regard to lot width and lot area, and the existing principal structure is non-conforming with regard to side setback. Any expansion or alteration of the existing structure must be approved by the Zoning Board of Appeals (ZBA). If the ZBA chooses to approve the Applicant's request, only the project proposed in the application will be authorized. The existing principal structure and lot will remain non-conforming, but are permitted to continue under protection of Chapter 12-15, Nonconformities. Any future expansion or alteration of the principal structure will require further review and approval by the ZBA. Additionally, the existing Crain Street driveway, which leads to a non-conforming parking space located partially within the front yard, cannot be replaced without a request for variation from the ZBA.

Prior to Ordinance 20-01, which amended Section 12-2-6:G, stairs were not listed as a permitted encroachment of any yard. Because stairs were required to comply with principal structure setback requirements, the Applicant would have been required to obtain a waiver from the ZBA for stair siting prior to the adoption of Ordinance 20-01. Open sided porches were permitted and continue to be permitted a maximum encroachment of 20% of the required yard depth.

#### 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 20-08, staff recommends the following motion and conditions:

*The Zoning Board of Appeals approves Case ZBA 20-08, a request for variation from Section 12-2-6:G to allow stairs as a permitted encroachment within a required front yard and expansion of a non-conforming structure located on a non-conforming lot, pursuant to Section 12-15-4, subject to the following conditions:*

- 1) *The proposed open sided porch and stairs shall be installed in accordance with the plans submitted by the Applicant in the Variation Application dated 06/05/2020.*
- 2) *The Applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.*

#### Attachments

Application and related materials (submitted by Applicant)



Incredibly Close ✧ Amazingly Open

## VARIATION APPLICATION

Village of Morton Grove  
Department of Community Development  
6101 Capulina Avenue Morton Grove, Illinois 60053  
(847)663-3063(p) (847)965-4162 (f)

CASE NUMBER: ZBA 20-08 DATE APPLICATION FILED: 6-5-2020

### APPLICANT INFORMATION

Applicant Name: Michael J. Bryant  
Applicant Address: 5624 Crain St.  
Applicant City / State / Zip Code: Morton Grove, IL, 60053  
Applicant Phone: (847) 845-4777  
Mobil / Other: ( )  
Applicant Email: Beester15@hotmail.com  
Applicant Legal Interest in Property (Owner, Tenant, Etc.): owner  
Applicant Signature: Michael J. Bryant

### PROPERTY INFORMATION

Common Address of Property: 5624 CRAIN ST.  
Property Identification Number (PIN): 10-20-208-043-0000  
Zoning District: R2 Property's Current Use: Residential

### APPLICANT'S REQUEST (ATTACH ADDITIONAL SHEETS AS NECESSARY):

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12-4-2: D, 12-2-4: G

for the following: Replace crumbling front stairs and Porch with new front stairs and Porch I would also like to extend the Porch to the east and west to square off the footprint of the Porch and stoop.

2. Please provide detailed information to explain why the variation is being requested:

The front Stairs and Stoop are crumbling. 3 attempts over the years to repair them haven't worked. We would like to remove old & replace with wood. we would also like to extend Stoop to a porch to extend East & West to match the House.

3. Provide responses to the Variation standards as listed in Section 12-16-3-A-2 of the Unified Development Code. 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 are not original owners of home, home was built in the late 1940's & was grandfathered into current zoning code based on location of house on property line, no new stair design can meet zoning requirements

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.

If Stairs are not replaced, it will be a safety hazard to enter house from front main entrance. At a minimum we would like a safe entry way to our home

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

The proposed replace & improvement will bring our property to a more uniform conformity with the rest of the homes on the block

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

This proposal will not encroach any further on current property setbacks. In addition, the proposal will enhance the character of the neighborhood by replacing an entryway that is failing and on eyesore with an updated look that is safe.

**UNITED SURVEY SERVICE, LLC**  
CONSTRUCTION AND LAND SURVEYORS

CONSTRUCTION AND LAND SURVEYORS  
2100 N. 15th AVENUE, SUITE C, MELROSE PARK, IL 60160  
TEL.: (847) 299 - 1010 FAX: (847) 299 - 5887 FAX: (224) 633 - 5048  
E-MAIL: [USURVEY@USANDCS.COM](mailto:USURVEY@USANDCS.COM)

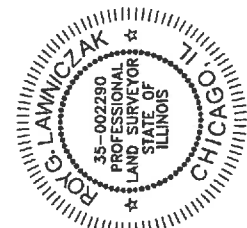
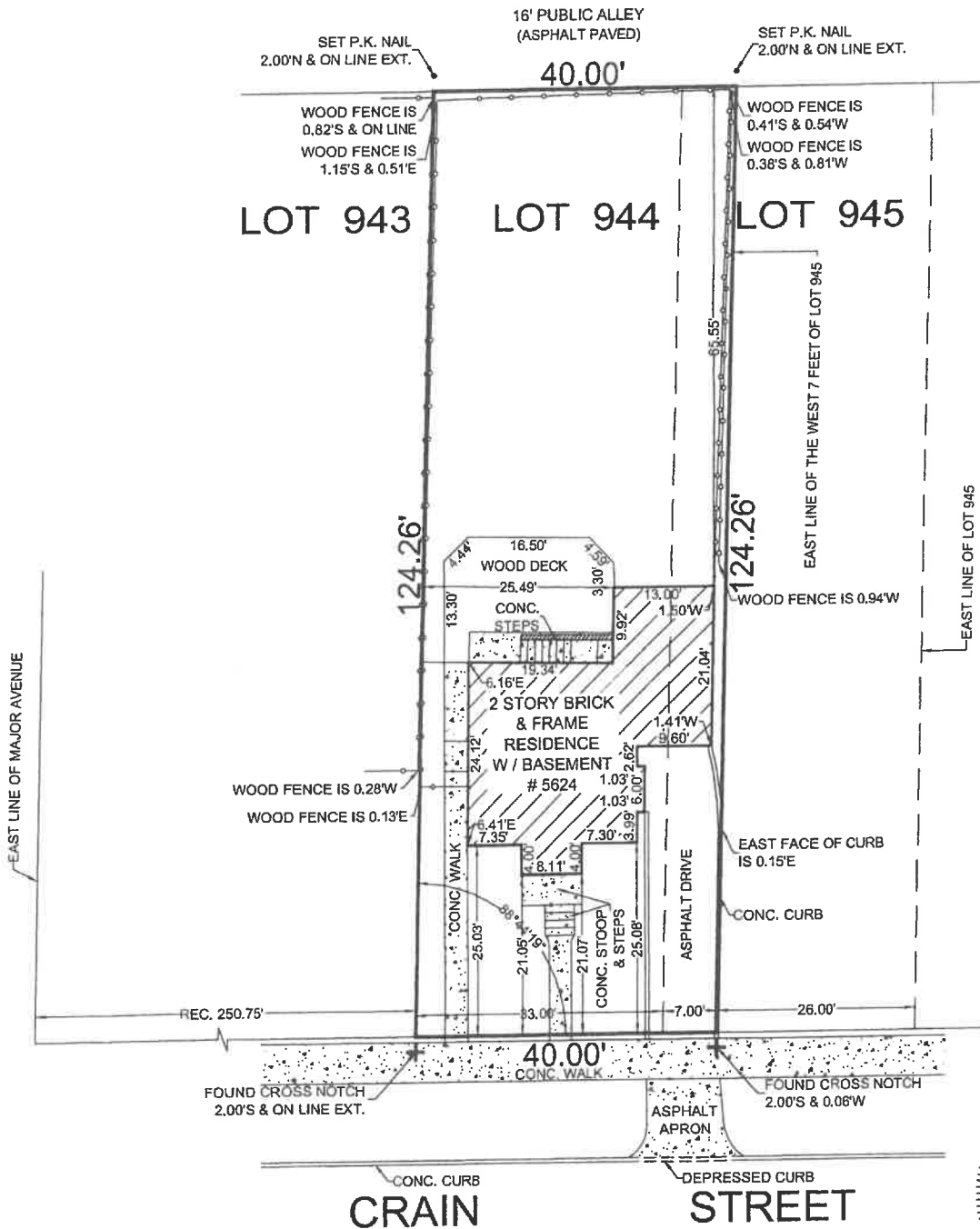
# PLAT OF SURVEY

OF

LOT 944 AND THE WEST 7 FEET OF LOT 945 IN KRENN AND DATO'S SECOND ADDITION TO DEMPSTER STREET "L" TERMINAL SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE EAST 13 ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CENTER LINE OF THEOBALD ROAD, IN COOK COUNTY, ILLINOIS.

KNOWN AS: 5624 CRAIN STREET, MORTON GROVE, ILLINOIS

PERMANENT INDEX NUMBER: 10 - 20 - 208 - 043 - 0000



☒ CHECK IN BOX MEANS THAT SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION.

ORDERED BY:  
MIKE BRYANT

DATE : APRIL 19, 2014  
SCALE : 1" = 15'

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO  
RECORDED IN THE MAPS OTHERWISE REFER TO YOUR DEED OR ABSTRACT.  
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY  
DIFFERENCE.

STATE OF ILLINOIS )  
COUNTY OF COOK )

I, ROY G. LAWNICZAK  
LOCATED THE BUILDING ON THE ABOVE PROPERTY.

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68° FAHRENHEIT.

# PROPOSED DECK & STAIRS





6/2/2020

PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest. Menards is not responsible for any errors in the information on this estimate, Design Name: Deck Estimator Design ID: 35235270140 Estimate ID: 27291

## Dimensions

Height off the ground: 2' 8"  
Width: 23' 6"  
Depth: 8' 0"

## Additional Options

Deck Flashing: Deck Flashing  
Lattice: Treated Privacy

## Decking

Deck Board Material Type: UltraDeck Rustic  
Deck Board: Cedar  
Deck Board Fastener: UltraDeck T-Clip

## Framing

Framing Material Type: AC2 Green Treated  
Joist: 2x8  
Joist Spacing: 12" On Center  
Beam: 2x8  
Framing Post: 4x4 Framing Post  
Framing Fastener Type: Galvanized Framing Fastener  
Footing: 8" Poured Footing  
Footing Depth: 48" Footing Depth  
Joist Hanger Type: Galvanized Joist Hanger  
Joist Hanger Fastener Type: Joist Hanger Fastener Nail  
Cladding: Cladding

## Railing

Railing Material Type: AC2 Railing  
Railing Style: Traditional Railing  
Spindle: 2x2x36 Square  
Handrail: 2 x 4 Handrail



6/2/2020

Graspable Handrail: No Graspable Handrail

Design Name: Deck Estimator

Railing Post: 4 x 4 x 54 AC2 Treated Chamfered Deck Post

Design ID: 352354270140

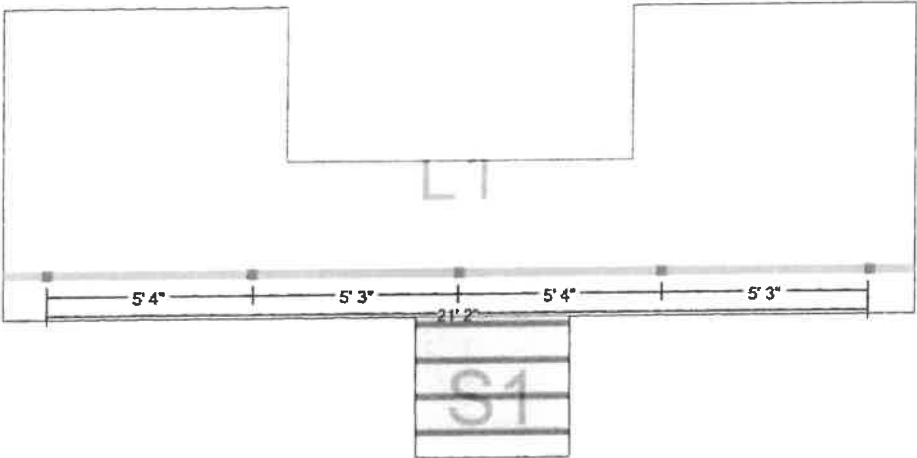
Base Ring: 27291 Treated Base Ring

Mounting Style: Joist Mount

MEWARDS

Design & Buy™ DECK

# L1 - Posts and Footings

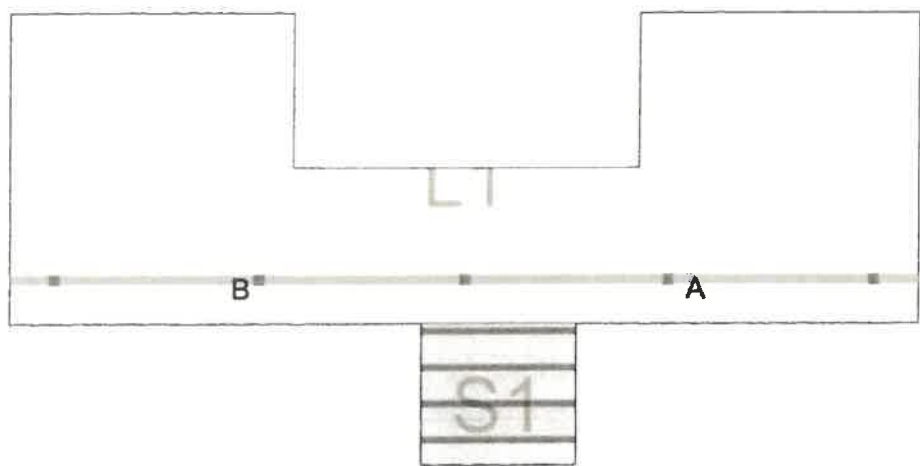


Dimensions displayed are from center of post to center of post.

**Design Name: Deck Estimator**  
**Design ID: 352354270140**  
**Estimate ID: 27291**



**L1 - Beams**



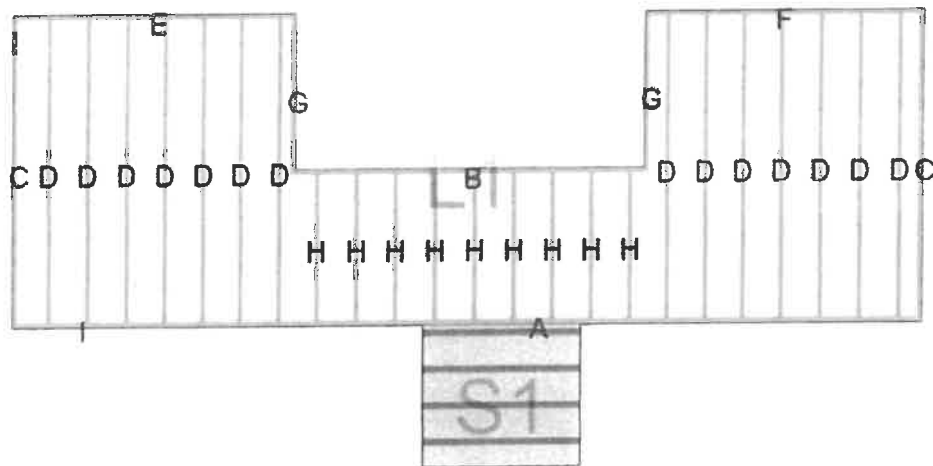
**Lumber: 2 x 8 AC2**

Label	Length	Count
A	11' 10"	1
B	11' 10"	1

**Design Name: Deck Estimator**  
**Design ID: 352354270140**  
**Estimate ID: 27291**

**MENARDS**  
**Design & Buy™ DECK**

## L1 - Joists



**Lumber: 2 x 8 AC2**

**Joist Spacing: 12" on center**

Label	Length	Count	Usage
A	20' 0"	1	Rim Joist
B	9' 0"	1	Ledger Joist
C	7' 10"	2	Rim Joist
D	7' 10"	14	Internal Joist
E	7' 5"	1	Ledger Joist
F	7' 3"	1	Ledger Joist
G	4' 0"	2	Ledger Joist
H	3' 10"	9	Internal Joist
I	3' 7"	1	Rim Joist

Design Name: Deck Estimator  
Design ID: 352354270140  
Estimate ID: 27291

**MENARDS**  
**Design & Buy™ DECK**

**L1 - Railing Posts**

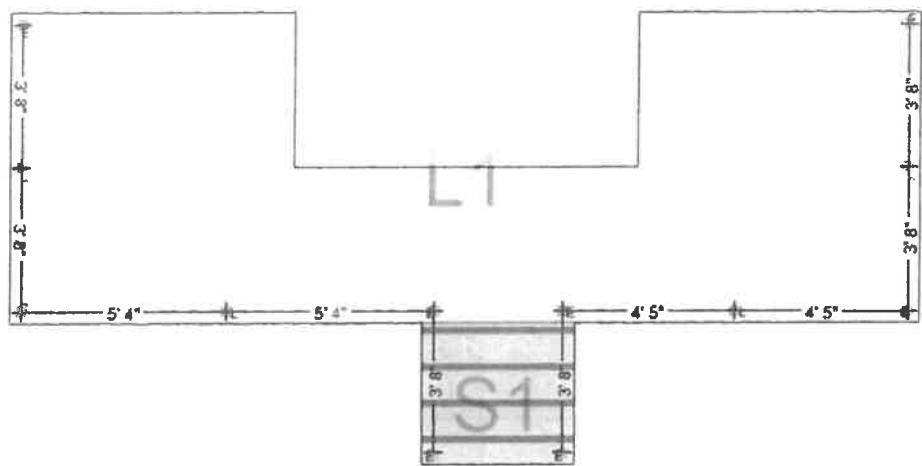


Illustration does not represent all available railing post placement options.  
Railing post dimensions are on center.

**L1**

Label	Count
E	2
L	4
C	2
E	2

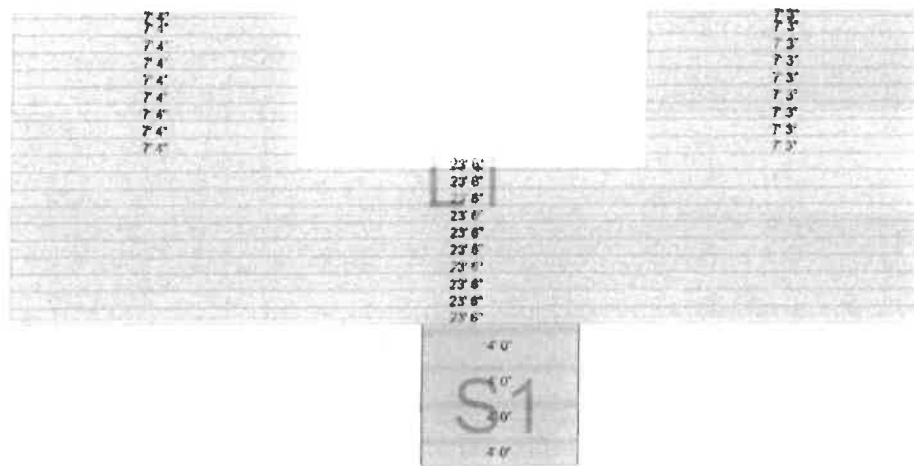
**S1**

Label	Count
E	2

Design Name: Deck Estimator  
 Design ID: 352354270140  
 Estimate ID: 27291

**MENARDS**  
**Design & Buy™ DECK**

## L1 - Deck Boards and Treads



The lengths and dimensions displayed are provided as a general guide and are not intended for actual construction. Confirm all of the actual dimensions of your project prior to cutting.

### Deck Board

Length	Count	Length	Count	Length	Count
23' 7"	10	7' 3"	9	7' 5"	9

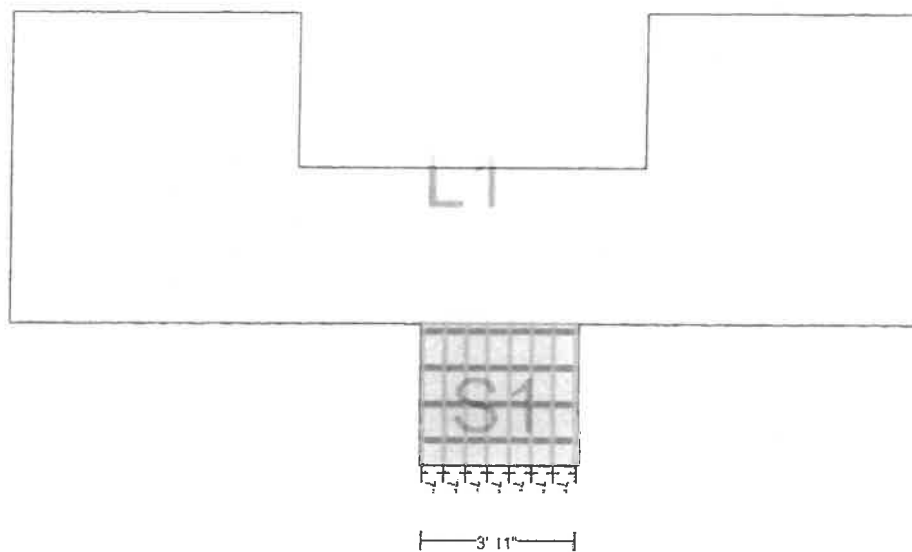
### Tread

Length	Count
4' 1"	4

**Design Name: Deck Estimator**  
**Design ID: 352354270140**  
**Estimate ID: 27291**

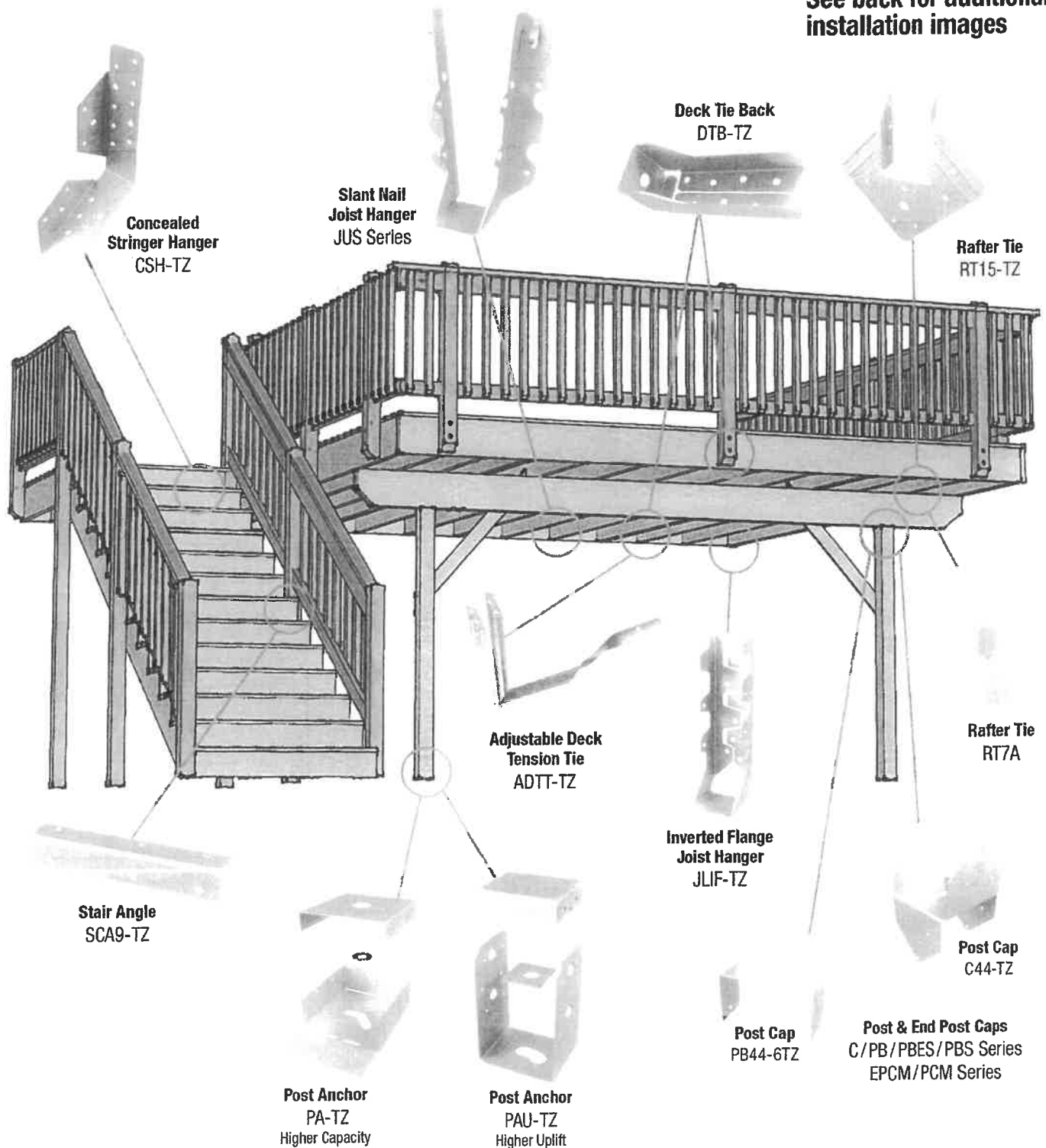
**MENARDS®**  
**Design & Buy™ DECK**

## L1 - Stringers



# Deck Hardware

See back for additional  
installation images

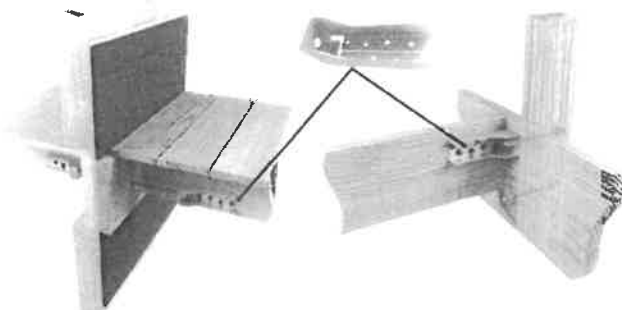


Disclaimer: Some of the products displayed  
are optional and not estimated

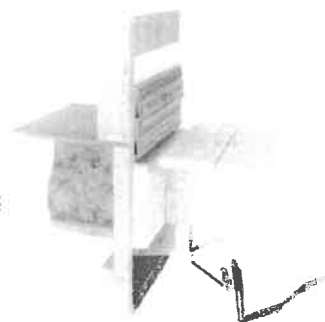
# Deck Hardware Installation



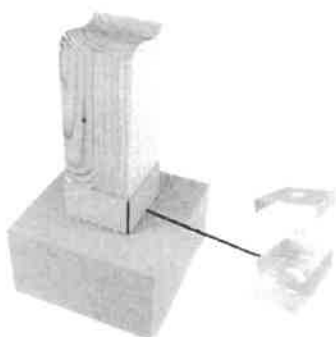
Typical CSH-TZ installation



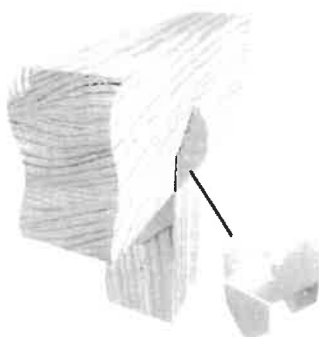
Typical DTB-TZ installations



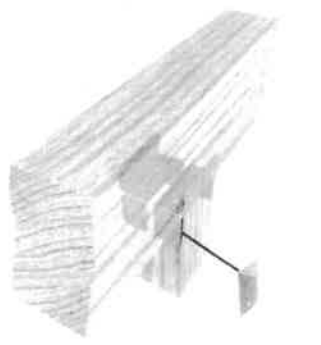
Typical ADTT-TZ installation



Typical PA-TZ installation



Typical C44-TZ installation



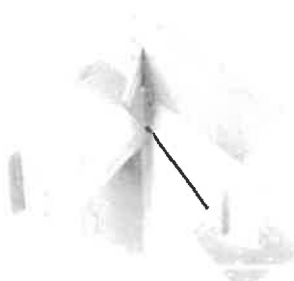
Typical PB44-6TZ installation



Typical RT7A installation



Typical SCA9-TZ installation



Typical RT15-TZ installation

The type and quantity of fasteners used to install MiTek USP products is critical to connector performance. MiTek has a full range of structurally-rated fasteners for wood frame structures. Hot-dip galvanized, stainless steel, and Gold Coat corrosion resistant finishes are available for exterior applications.



MiTek USP Deck Hardware is available in Triple Zinc (TZ) and Gold Coat (GC).



**TZ galvanizing** provides a prefabrication coating of 1.85 (G-185) ounces of zinc per square foot of surface area (both sides) measured in accordance with ASTM A 653. Use with Hot-dip galvanized fasteners.



**Gold Coat** is a proprietary multi-layer protection system. It is comprised of an organic top coat barrier layer and a zinc layer placed over a steel substrate. Use with Gold Coat or Hot-dip galvanized fasteners.



July 3, 2020

**Zoning Variance Appeal**

Stairs and Stoop Replacement and Porch Enhancement

Michael and Kristy Bryant

5624 Crain St

Morton Grove, IL 60053

Dear Morton Grove Zoning Board of Appeals,

We are writing this letter to seek approval to replace our front stairs and stoop which were made of concrete and are in the process of failing. Since we purchased the house in 2005, we have made 3 attempts at repairing the cracks and resurfacing them. Our attempts have not resulted in a long term fix. Over the years, we have obtain many different quotes from concrete contractors to repair the stairs and they have all indicated that the concrete foundation is cracked through and that the only true fix is to remove the existing structure and rebuild from clean flat surface.

While obtaining quotes, one contractor suggested that removing the stairs and stoop entirely and rebuilding an enhanced structure that would extend to the east and west of the current existing structure would be an option. This option would result in a front porch that would square off the outer perimeter of the house and provide a look that is consistent with the rest of the homes within our block. The material used for this project would be treated lumber and not poured concrete. Details of the proposed enhancement are located in the Variance Application.

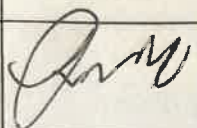



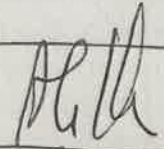
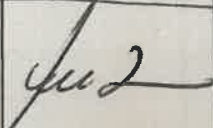

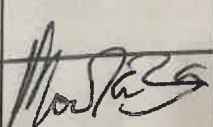
Additionally, we have spoken with our neighbors to the east, west and across the street to the south of our home. We have described that our variance application is for the replacement of the front steps and stoop with an additional request to build a porch along with it.

Please find the attached signature page(s) from our neighbors expressing their support and comments of the enhanced project and variance approval.

Thank you for your time and consideration in our appeal.

Michael and Kristy Bryant

July 3, 2020

Property Address	Name	Signature	Replace in Kind	Enhanced front porch	Comments
5619 Crain St	R. Link		YES	YES	Can't wait to see it!
5627 Crain St	Carmen & Jose Espinoza		YES	YES	Go for it!
5633 Crain St	Alan & Diane Kronlichski		yes	yes	Great home improvement
5626 Crain St	Al & Lisa Knorr		yes	yes	Enjoy!!
5616 Crain St	ALISA HUDNER		yes	yes	N/A
5617 Crain St	LUPS SUNCOR		Yes	Yes	N/A
5632 Crain	Chris Morzakis		Yes	Yes	Great improvement
5623 Crain	Ronald GANINI		Yes	Yes	Excellent Improvement

# Village of Morton Grove

## Department of Community & Economic Development

**To:** Chairperson Blonz and Members of the Zoning Board of Appeals

**From:** Zoe Heidorn, Land Use Planner

**Date:** July 14, 2020

**Re:** **ZBA 20-09 – 5901 Keeney Court**  
**Request for variations from Section 12-2-6:G to allow an open accessory parking spaces and more than one driveway within a street side yard, and driveway widths that exceed 16 feet**

## STAFF REPORT

### Public Notice

The Village of Morton Grove provided public notice for the July 20, 2020, Zoning Board of Appeals public hearing for ZBA 20-09 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on July 2, 2020. The Village mailed letters on June 30, 2020, notifying surrounding property owners, and placed a public notice sign on the subject property on June 22, 2020.

### Request Summary

#### Property Background

The subject property at 5901 Keeney Court is a corner lot located at the southwest corner of Marmora Avenue and Keeney Court. The property is within an R2 Single Family Residence District and is improved with a single-family dwelling and an attached garage. The property is served by two vehicular access points located along the Marmora Avenue street side lot line: (1) a driveway leading directly from the attached garage to the street and (2) a connecting driveway that leads through the street side yard and exits the property near the front building line. The result of the two connecting driveways, which together resemble a horseshoe driveway, is an open accessory parking space located within the street side yard.



***Subject Property Map***

Surrounding properties are also zoned within the R2 Single Family Residence District and are improved with single-family dwellings.

### Application Overview

The Applicant and property owner, Mahesh Patel, is requesting waivers from Section 12-2-6:G to allow full replacement of the secondary driveway, apron, and open accessory parking spaces located within the street side yard. Existing landscape areas located along both sides driveway will be maintained. Currently, all structures on the property provide 53.7% impervious lot coverage, which complies with the R2 District maximum of 60% impervious coverage. The proposed project will not increase impervious lot coverage.



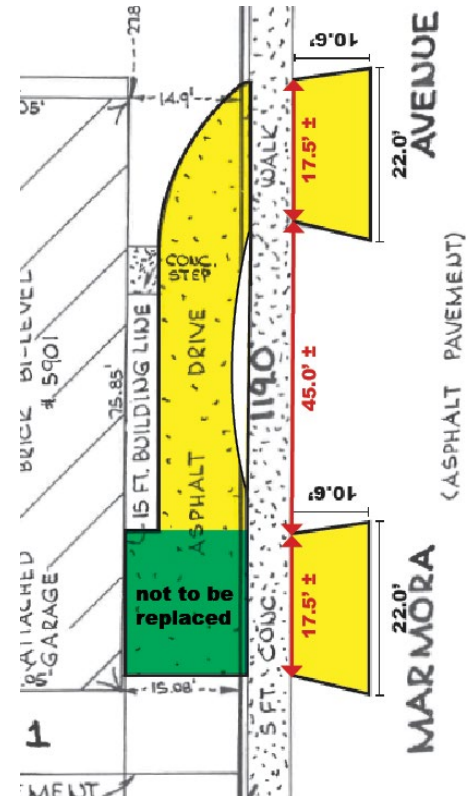
Per Section 12-2-6:G, Permitted Obstructions, no more than one driveway may be located within any yard, and the Applicant is requesting the approval of two driveways within the street side yard. Driveways are limited to a maximum width of 16 feet at any front or street side lot line. Because the existing driveway gradually becomes flush with the property line at both points of egress, making it difficult to determine an exact driveway width, staff applied the apron width at the street side face of the abutting sidewalk. With a proposed width of 17.5 feet for each apron, the proposed driveway widths exceed the maximum permitted width by 1.5 feet.

Section 12-2-6:G also prohibits open accessory parking spaces within a street side yard. The Applicant is proposing approximately 45.0 feet of paved area between aprons, effectively creating two conforming parking spaces within the street side yard, each measured at 8.5 feet in width by 18.0 feet in depth.

The Applicant proposes to replace all areas highlighted in **yellow** in the image to the right. According to the Applicant, the area in **green** was replaced by concrete approximately ten to fifteen years ago and remains in good shape. A permit for installation of the concrete driveway could not be located by staff, but the work would have been approved administratively because that portion of driveway would have complied with Unified Development Code requirements in place at the time.



*Subject Property Street View (From Marmora Avenue)*



#### Requested Waivers

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

DIMENSIONAL CONTROL	ORDINANCE REQUIREMENT	EXISTING/PROPOSED	REQUESTED VARIANCE
<b>Driveway Width</b> (12-2-6:G)	Max. 16 ft. at street side lot line	17.5 ft. (existing and proposed, measured at nearest apron)	<i>Waiver of 1.5 feet requested</i>
<b>Driveway Quantity</b> (12-2-6:G)	Max. 1 driveway per yard	2 driveways within street side yard (existing and proposed)	<i>Waiver of 1 driveway requested</i>
<b>Open Accessory Parking Spaces</b> (12-2-6:G)	Not a permitted obstruction of a street side yard	2 proposed within street side yard (existing and proposed)	<i>Waiver to allow open accessory parking spaces within a street side yard</i>

As shown in the table above, the following waivers are required in order to approve the in-kind replacement of the secondary driveway and aprons, and allow open accessory parking spaces within a street side yard, as proposed by the Applicant:

- Section 12-2-6:G. Waiver of 1.5 feet to maximum permitted driveway width of 16 feet at front lot line to allow a driveway width of 17.5 feet, measured at the nearest apron.

- Section 12-2-6:G. Waiver of one driveway to allow two driveways within a street side yard.
- Section 12-2-6:G. Waiver to allow two open accessory parking spaces within a street side yard.

#### Discussion

Staff would typically not support the requested waivers to allow replacement of the non-conforming secondary driveway, as proposed. However, special consideration should be given to the fact that the property abutting the subject property to the south at 5900 Warren Court was administratively approved for a nearly identical double driveway replacement in May of 2018. According to former staff, the driveway replacement at 5900 Warren Court was approved in error. Unfortunately, the Village has little recourse after a permit has been issued and work has been completed.

In this unique situation, approval of the requested variation would result in allowing the replacement of a non-conforming secondary driveway and open accessory parking spaces within a street side yard to be mirrored across both sides of a blockface. Considering both properties have had these driveways in place for decades with no record of safety issues, one could argue that the approval will not negatively impact public safety or the character of the neighborhood.

The property at 5900 Warren Court will not be permitted to replace the secondary driveway and accessory parking spaces in the future without prior approval by the Zoning Board of Appeals. To ensure equitable treatment moving forward, staff recommends only allowing a one-time in-kind replacement of the existing secondary driveway and open accessory parking spaces at 5901 Keeney Court.



*5900 Warren Court Street View (From Marmora Avenue)*



*5900 Warren Court & 5901 Keeney Court*

#### **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 20-09, staff recommends the following motion and conditions:

*The Zoning Board of Appeals approves Case ZBA 20-09, a request for variations from Section 12-2-6:G to allow an open accessory parking spaces and more than one driveway within a street side yard, and driveway widths that exceed 16 feet, subject to the following conditions:*

- 1) The Applicant shall be allowed a one-time in-kind replacement of the non-conforming secondary driveway and open accessory parking spaces. Any future replacement or alteration shall be required to conform to all Unified Development Code requirements, unless otherwise authorized by the Zoning Board of Appeals under a separate Variation Application.*
- 2) The proposed driveways and open accessory parking spaces shall be constructed in accordance with the plans submitted by the Applicant in the Variation Application dated 06/08/2020.*
- 3) The Applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of 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  
(847)663-3063(p) (847)965-4162 (f)

CASE NUMBER: ZBA 20-09 DATE APPLICATION FILED: June 8, 2020

### APPLICANT INFORMATION

Applicant Name: Mahesh Patel

Applicant Address: 5901 Keeney Court

Applicant City / State / Zip Code: Morton Grove, Illinois 60053

Applicant Phone: (\_\_\_\_) 224-399-7235

Mobil / Other: (\_\_\_\_) \_\_\_\_\_

Applicant Email: maheshpatel2849@icloud.com

Applicant Legal Interest in Property (Owner, Tenant, Etc.): Owner

Applicant Signature: Mahesh Patel

### PROPERTY INFORMATION

Common Address of Property: 5901 Keeney Court

Property Identification Number (PIN): 10-20-431-001-0000

Zoning District: R2 Property's Current Use: Single Family Residential

### APPLICANT'S REQUEST (ATTACH ADDITIONAL SHEETS AS NECESSARY):

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12-2-6:G

for the following: To allow an open accessory parking space and more than one driveway within a street side yard

2. Please provide detailed information to explain why the variation is being requested:

The current driveway has existed for more than 50 years. I have been a resident at this home for 28 years. The driveway is in disrepair and needs to be fixed as soon as possible. The driveway helps my wife get in and out of the car, especially when I take her to the hospital.

3. Provide responses to the Variation standards as listed in Section 12-16-3-A-2 of the Unified Development Code. 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 driveway has existed for many years and was constructed by previous owners.

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.

The driveway is for personal use and my family relies on it. I am not seeking to make money through this project. I plan to live at the home until the end of my life.

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

The driveway has existed for over 50 years. It has not caused any problems for the neighborhood. My neighbor has the same driveway that was approved by the Village.

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.

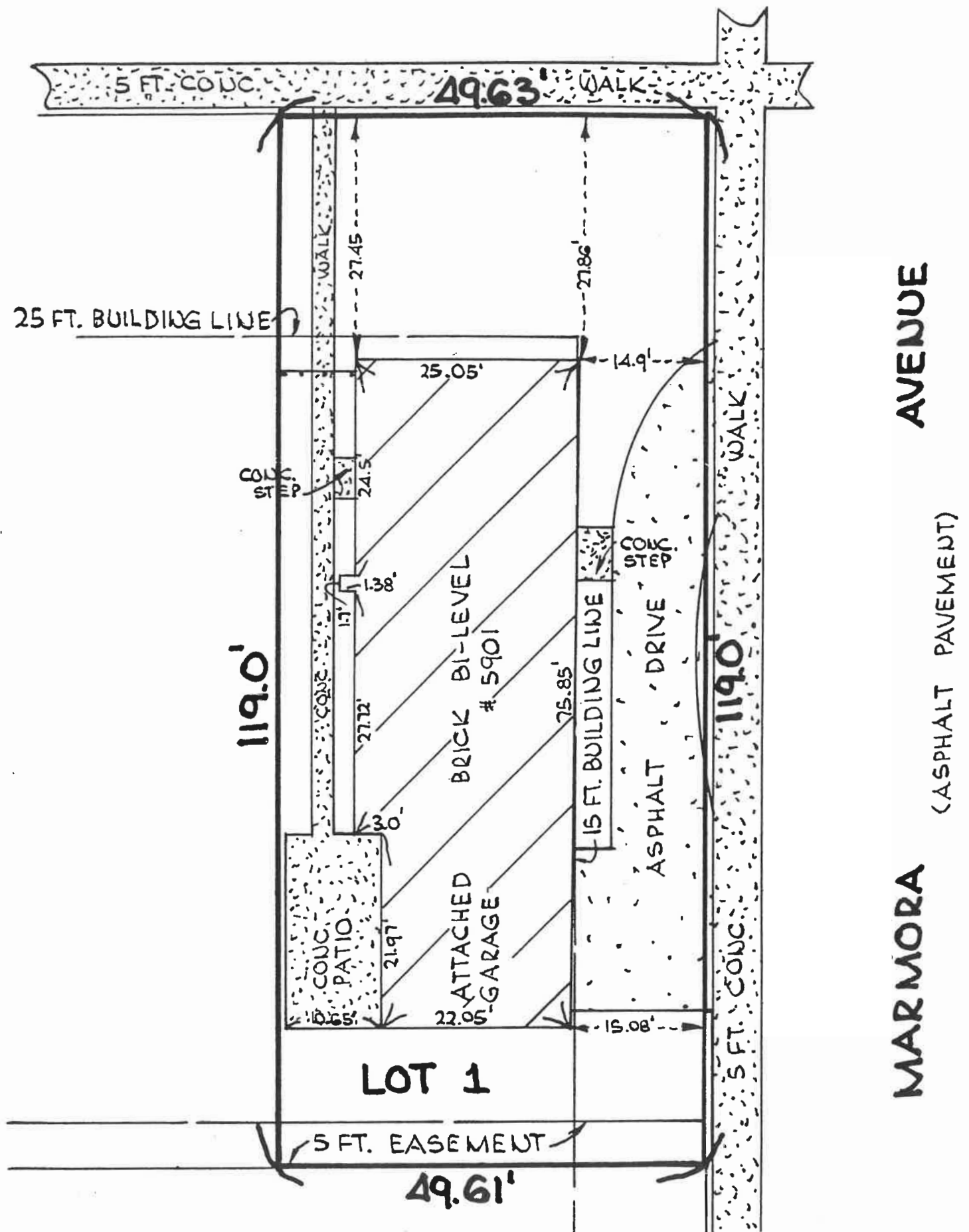
The driveway will be replaced in the same location. It currently causes no issues. It does not limit light or air, increase congestion, increase fire risk, or cause danger to the public.

The driveway is existing and replacement will not alter the neighborhood character.



**COURT**

# PLAT OF SURVEY



# KEENEY COURT

(ASPHALT PAVEMENT)

## PROPOSED PLAN

