



To: **Members of the Zoning Board of Appeals**

From: **Nancy Radzevich, AICP, Community & Economic Development Director
Dominick Argumedo, AICP, Zoning Administrator/Land-Use Planner**

Date: **October 11, 2016**

Re: **ZBA 16-08 – 8947 Central
Request for waivers from Section 12-3-5:A and Section 12-3-5:B of the
Unified Development Code to allow for a fence in the front and street side
(front) yards of a lot with multiple front yards**

STAFF REPORT

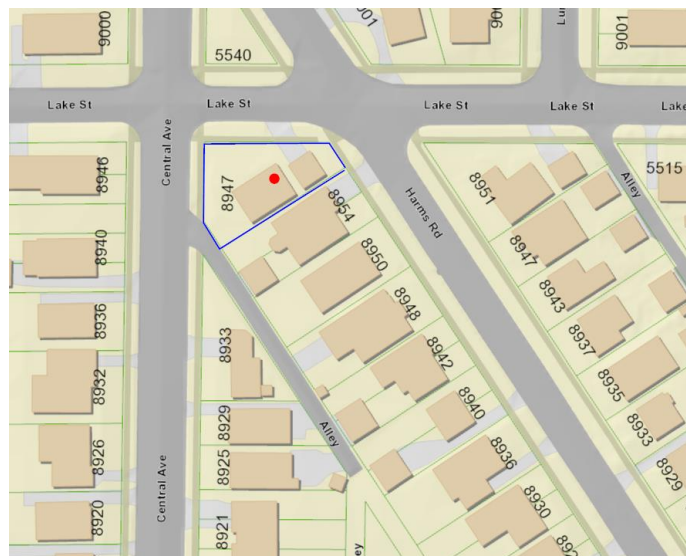
Public Notice

The Village of Morton Grove provided Public Notice for the October 17, 2016 Zoning Board of Appeals public hearing for ZBA 16-08 in accordance with the Unified Development Code. The *Pioneer Press* published the public notice on September 29, 2016, and the Village mailed letters on September 30, 2016 notifying surrounding property owners and placed a public notice sign on the subject property on October 7, 2016.

Request Summary

Property Background

The pentagon shaped subject property is bounded by Central Avenue and the public alley to the west, Lake Street to the north, Harms Road to the east, and residential properties to the south. The property is in the R2 Single Family Residence District zoning district and improved with a single family residence. Although the actual front yard is along Central Avenue, per the Unified Development Code, the lot must comply with the front yard setback requirements along Lake Street and Harms Road as well as Central Avenue (Section 12-2-6:F).



Map #1: Property Location and Context Map

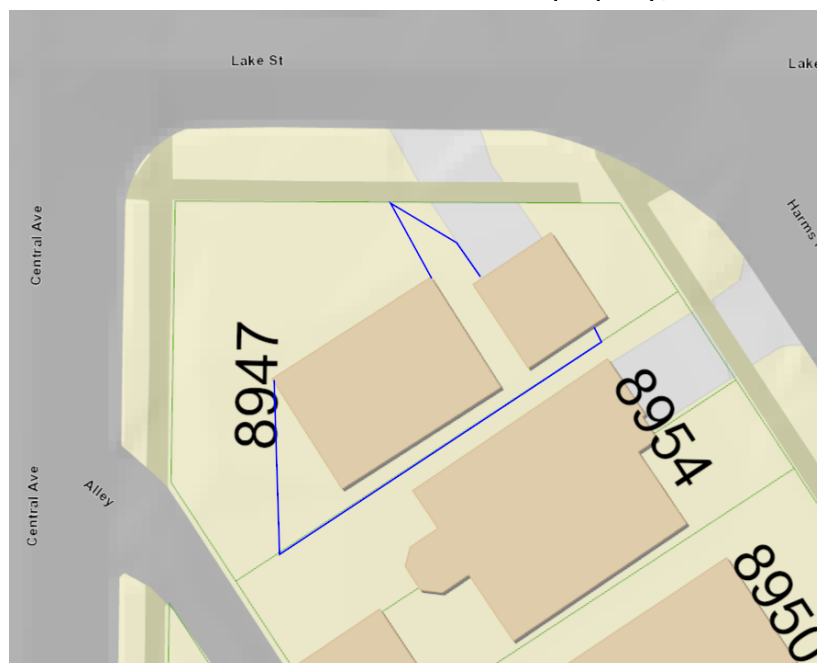
The applicant, Mr. Emanuel Bucu, is seeking waivers to allow for a solid wood fence within the front and street side (front) yards along Central Avenue and Lake Street, respectively. The majority of the fence is proposed to be 5 ft. high, while the segment along the alley is proposed to be 6 ft. high. The proposed fence includes a 10 ft. x 10 ft. sight line triangle at the intersection of the sidewalks at Central Avenues and Lake Street and would be setback at least 10 ft. from the intersection of the sidewalk and driveway along Lake Street.



Map #2: Proposed Fence Location (*By-right fence location, shown in Blue; Segments of fencing that would require waivers, shown in Red*)

Requested Waivers

Due to the shape of the property and because it is bounded on three sides by streets, the alternative by-right fence location would be limited to small areas of the property, as shown in Map#3 below:



Map #3: Potential By-Right Fence Location

The Unified Development Code prohibits all fences in the required front yard of a lot, but allows for limited fencing in portions of the street side (front) yards, by-right, as follows:

- The fence shall be located beyond the rear of the residence;
- The maximum height of the fence shall be no more than 42 inches;
- The fence shall have a minimum opacity of 50%;

The fence shall not be located in a 10 ft. x 10 ft. sight line triangle area at any point where a vehicular/pedestrian access way intersects a driveway, alley, sidewalk, or other vehicular/pedestrian access way. The following chart provides a summary of the proposed fence, based on the ordinance requirements:

<u>Dimensional Control</u>	<u>Ordinance Requirement</u>	<u>Proposed Fence</u>	<u>Requested Variance</u>
Fences in the required front yard	Not allowed (Sec. 12-3-5:A)	5 ft. solid wood fence in the required front yard along Central Avenue and Lake Street, with a 6ft. high segment along the alley	<i>Waivers to both these Sections of the code to allow for a 5 ft. high, solid wood fence within the front yard and street side (front) yard along Central and Lake and 6ft. high segment along the alley</i>
Fences in the street side yard	Fences up to 42" high, with 50% opacity are allowed in portions of the street side front yard. (Sec. 12-3-5)	5 ft. solid wood fence within portion of street side (front) yard that is not permitted by-right	

As shown above in the table above, in order to complete the proposed project, the following waivers would be required for the proposed fence:

- Section 12-3-5:A.: A waiver to allow a fence in the required front yard; and
- Section 12-3-5:B.: A waiver to allow a fence in the street side front yard that exceeds the maximum permitted height and opacity requirements and is located outside of the area that would be permitted by-right.

Discussion

Currently, the property has solid 6 ft. high hedges along the alley, Central Avenue, Lake Street and Harms Road. Staff was unable to confirm whether the existing hedges are legally, non-conforming.



Map #4: Location of Existing 6 ft. High Hedges

If the proposed fence is approved, the applicant would remove all the hedges along the property lines, including those that extend beyond the area defined by the proposed fences.

The configuration of the subject property – with the residence fronting Central Avenue/alley and the rear yard/garage along Harms Road – is opposite of the abutting properties to the south, which have their front yards along Harms Road and rear yards along the alley (See Map #1). The location of the proposed fence would be consistent with existing fencing along this block.

The applicant is requesting these waivers to replace some of the existing hedges with fencing, while maintaining a level of privacy and security for a portion of their property. The applicant believes the property will be improved by removing the hedges and opening view lines along Harms Road and creating sight line areas where the public sidewalks intersect each other and/or the existing driveway.

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, per 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 in the submitted application.

Recommendation

Should the Board approve ZBA Case#16-08, staff suggests the following motion and conditions:

The Zoning Board of Appeals approves Case #ZBA16-08, a request for waivers to Section 12-3-5:A and Section 12-3-5:B. to allow a 5 ft. solid wood fence within the front yard along Central Avenue and a portion of the street side front yard along Lake Street and a 6 ft. high segment of fence along the alley at 8947 Central Avenue, with the following conditions:

- 1. The new fence shall be constructed and located in accordance with the plans submitted by the applicant in the Variance application dated 9/26/2016;*
- 2. The new fence shall not be construction within the 10 ft. by 10 ft. sight line triangle areas where the sidewalks intersection at Central Avenue and Lake Street and where the sidewalk intersects the existing driveway along Lake Street.*
- 3. The existing 6 ft. hedges shall be permanently removed from all property lines along public rights-of-way. Any future plantings within the required front yards along Central Avenue, Lake Street, and/or Harms Road shall comply with current Code requirements.*
- 4. The applicant shall file all necessary plans 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)470-5231 (p) (847)965-4162 (f)

CASE NUMBER: ZBA 16-08 DATE APPLICATION FILED: 10-6-16

APPLICANT INFORMATION

Applicant Name: Emanuil Butcu
Applicant Address: 8947 Central Ave
Applicant City / State / Zip Code: MORTON GROVE, IL 60053
Applicant Phone: (773) 491 6240
Mobil / Other: ()
Applicant Email: chicagobestflooring@yahoo.com
Applicant Legal Interest in Property (Owner, Tenant, Etc.): owner
Applicant Signature: Butcu E.

PROPERTY INFORMATION

Common Address of Property: 8947 Central Ave
Property Identification Number (PIN):
Zoning District: R2 Property's Current Use:

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: B

for the following: fence in the front yard

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

The shape of the lot doesn't provide a rear yard for recreation space.

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.

This was the layout of the property when we bought it in August 2016.

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 the fence is denied we would not have any space for family time outside.

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.

It is not detrimental. Central ave. has a stop sign allowing the cars to see the oncoming traffic.

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

No. The fence is along the streets and not along the neighbours property. It will not impact neighbours.

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Emanuel Butcu
773.491.6240

LEGEND

(R/M) - RECORD / MEASURED

L - ARC LENGTH

R - RADIUS

CH - CHORD

AREA = 6,817 SQ. FT.
MORE OR LESS

16-08-0074

BOLINGBROOK, ILLINOIS 60440
(630) 226-1530 PHONE (630) 226-1430 FAX

— "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.

IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

DAY OF AUGUST, 2016.

IPIS No. 2923
LICENSE RENEWAL DATE: 30 NOVEMBER 2016.

