

**MINUTES OF THE DECEMBER 19, 2016
MEETING OF THE ZONING BOARD OF APPEALS
VILLAGE HALL 6101 CAPULINA, MORTON GROVE, IL 60053**

Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Plan Commission was called to order at 7:30 pm. by Chairperson Blonz. Blonz called the role.

Members of the Commission Present: Blonz, Dorgan, Gabriel, Khan, Farkas

Members of the Commission Absent: Gillespie, Shimanski

Village Staff Present: Nancy Radzevich, Director of Community and Economic Development, Dominick Argumedo, Zoning Administrator/Land Use Planner, Bill Porter, Director of Fire Safety, John Komorowski, Building Official

Trustees Present: Rita Minx

Chairperson Blonz described the procedures for the meeting. Anyone from the audience will be allowed to speak after the commission asks questions of the applicant. After residents comments, discussion and voting will take place.

Chairperson Blonz proceeded to seek approval of the November 21, 2016 minutes.

Commissioner Gabriel moved to approve the minutes of November 21, 2016. Commissioner Dorgan seconded the motion.

Commissioner Farkas asked for clarification on page 2, second paragraph from the bottom, for the case being referred to as a special use in a generic sense. Argumedo agreed this will be corrected and capitalized. Farkas also pointed out spelling correction below this paragraph for the word "noted". Also adding on page 4 second paragraph from the bottom, questioned applicants' agreement to the roof overhang as 12" soffit and it is not noted in the minutes. Argumedo stated the applicant has modified this in the application.

Commissioner Gabriel approved the revisions and Commissioner Dorgan seconded.

Chairperson Blonz called for the vote.

Commissioner Dorgan voting	aye
Commissioner Gabriel voting	aye
Commissioner Farkas voting	aye
Commissioner Khan voting	abstain

Chairperson Blonz voting aye

Chairperson Blonz called for the first case.

CASE ZBA 16-10

APPLICANT: Mr. Kris Chlanda
 9130 New England Avenue
 Morton Grove, IL 60053

LOCATION: 9130 New England Avenue
 Morton Grove, IL 60053

PETITION: Request for approval for the expansion of an existing non-conforming structure to increase the building footprint and convert the 1-½ story single-family residence into 2-stories, on a non-conforming lot, in accordance with Sections 12-15-4 and 12-15-5 of the Unified Development Code

Mr. Argumedo reviewed the subject property which is located on the west side of New England Avenue, midblock between Church and Davis Streets and is improved with a 1-½ story single family residence. The property is in the R2 Single Family Residence District zoning district and is surrounded by single family residences to the north and east and is abutted by a single-family residence to the south. The properties to west and further south are zoned for and improved with commercial uses.

The existing structure is non-conforming with respect to the north side yard setback, which is 2.5 ft., where the Unified Development code requires a 5 ft. setback. In addition, the existing lot is non-conforming with respect to the lot width and area.

The applicant and property owner is proposing to expand the building footprint and convert the existing 1-½ story structure into a 2-story residence. Although a portion of the existing structure encroaches into the north side yard setback, the proposed ground floor and 2nd floor additions will be stepped back from the north property line such that the new building additions comply with all of the setback requirements, and the overall expanded residence will comply all the R2 District bulk and height requirements. The applicant also proposes to demolish the existing detached garage as the proposed expansion of the single-family residence includes a new attached garage.

In order to complete the project, the owner is requesting approval from the ZBA to allow for the alteration and expansion of a non-conforming structure on a non-conforming lot. The applicant is seeking approval per Section 12-15:4 to allow for the expansion or alteration of a non-conforming structure due to the north side yard setback and approval per Section 12-15:5 to allow for the expansion or alteration of a structure on a non-conforming lot.

Chairperson Blonz asked if there were any questions from staff for Mr. Argumedo. Hearing none, the applicant, Mr. Kris Chlanda was sworn in.

Mr. Chlanda explained when he purchased the property for the intent of rebuilding the house he was unaware of the zoning requirements. When the plans for the house with a 2 car attached garage was submitted, he did not include the square footage of the garage to the FAR of the building. Mr. Arumedo explained the plans needed revisions to include the FAR to meet the zoning requirements. It was then discovered that the property was on a non-conforming lot.

Chairperson Blonz asked if there were any questions for the applicant.

Commissioner Gabriel asked if the applicant purchased the property with the intent to rebuild and will this require a demolition permit. Mr. Chlanda stated he intended to rebuild when he purchased the property. There is only one wall that is structurally stable and the foundation is collapsing on the inside of the building. A demolition permit will be filed with the county.

Chairperson Blonz asked that according to the survey the wall remaining is 2 ½ ft off the property line and this is the only wall that will remain. Mr. Chlanda stated this is the only part of the structure that can be saved and the new addition of the house is designed according to the zoning code.

Chairperson Blonz asked if Chlanda spoke to the neighbor to the north. Chlanda replied no. Argumedo stated that there were signs posted, mailings to surrounding residents and printed in the newspaper and there was no response.

Commissioner Farkas asked for clarification on the one wall remaining. Chlanda explained when he purchased the house the owner had shelving up against the wall and did not see the foundation was unstable. After purchase and moving things in the basement it was discovered that the foundation on the southside along the garage was damaged and needed to be replaced.

Chairperson Blonz asked if there was anyone present that wanted to be heard. There was no response.

Chairperson Blonz asked for questions from Commissioners.

Commissioner Gabriel asked if this could be possible by right to have designs on a 40 ft lot that were approved as opposed to having it deteriorate and have a vacant lot.

Ms. Radzevich stated if the applicant had taken down the entire structure, he would have to come to the ZBA anyway because of the non-conforming lot. Thru out the country where there is a substandard lot it requires approval either thru the ZBA or PC. If the lot was conforming and all the dimensional controls were met and the applicant tried to do something like this,

then it would be by right. A text amendment was passed several years ago stating if there is a non-conforming structure and its going to expand or be altered but not expand or alter that non-conformity then it is acceptable. Radzevich continued stating the new structure is in compliance with the set-back requirements and the one wall remaining that is not in compliance is not being altered.

Commissioner Farkas stated there is a provision in the code for casualties to non-conforming structures. If there is a casualty and certain percentage of the house is destroyed, what is that percentage in which they are allowed to rebuild? Argumedo replied 50%, and it is not by right so the owner would have to come back for a review.

Chairperson Blonz asked Mr. Argumedo about the accessory structure lot coverage. It is 27% and proposed is 20%. Argumedo explained that is because the garage is being removed and the deck is being included in the calculations.

Chairperson Blonz called for a motion to approve Case ZBA 16-10.

Commissioner Farkas moved to approve Case ZBA 16-10 request for the expansion of an existing non-conforming structure to increase the building footprint and convert the 1 ½ story single-family residence into 2 stories, on a non-conforming lot, in accordance with Sections 12-15-4 and 12-15-5 of the Unified Development Code with the following recommendations:

1. The new addition and modification shall be constructed and located in accordance with the plans prepared by ABD & Associate date 10/16/2016 unless noted:
 - a. Site Plan, sheet T2;and
 - b. Elevations, A5
 - c. Plat of survey, 09/149/2016, Spiewak Consulting
2. The applicant shall file all necessary plans for review and approval, and secured all necessary building permits prior to the commencement of construction.

Commissioner Khan seconded the motion.

Chairperson Blonz called for the vote.

Commissioner Dorgan voting	aye
Commissioner Gabriel voting	aye
Commissioner Farkas voting	aye
Commissioner Khan voting	aye
Chairperson Blonz voting	aye

Motion passed.

CASE: ZBA 16-11

APPLICANT: Mr. Yousef Abdulah and Ms. Fatima Khan
8511 Mango Street
Morton Grove, IL 60053

LOCATION: 8511 Mango Street
Morton Grove, IL 60053

PETITION: Request for a waiver to 12-7-2:F of the Unified Development Code to allow a new garage with tandem parking, where the 2nd required parking space does not open directly onto an aisle or driveway.

The subject property is located on the west side of Mango Avenue, just north of the intersection of Lee Street and Mango Avenue and is improved with a single-story, single family residence with a detached garage. The property is in the R2 Single Family Residence District and surrounded by single family residences on all sides.

The applicant proposes to modify the single-story residence by adding a 12.4 ft. wide by 39.5 ft. long attached, 2-car garage along the north side of the existing structure, a second story addition over the existing residence and proposed attached garage, and a 14.5 ft. x 18.4 ft. single-story family room addition at the rear of the existing structure. The existing two car detached garage would be demolished. The design of the proposed attached garage includes the two required parking spaces as tandem parking, which requires approval of a variation from the Zoning Board of Appeal. The proposed expanded structure otherwise meets all bulk, height, and dimensional requirements for the R2 district.

Argumedo concluded that the applicant is requesting a variance waiver to allow for tandem parking, where the 2nd required parking space does not open directly onto an aisle or driveway.

Commissioner Farkas asked if there were any questions for Mr. Argumedo. Hearing none, the applicant's architect Beata Kociuba was sworn in.

Ms. Kociuba reviewed the application for an attached tandem garage in order to give the owner more yard space for the five children.

Commissioner Khan asked if the neighbors have been contacted. Mr. Argumedo stated that there were signs posted, mailings to surrounding residents and printed in the newspaper and there was no response.

Chairperson Blonz asked if there was anyone present that wanted to be heard. There was no response.

Chairperson Blonz asked for questions from the commissioners.

Commissioner Gabriel asked if the common wall between the new garage and the house is fire rated. Ms Kociuba stated that there are two layers of dry wall and it is fire rated.

Commissioner Farkas asked what is the village's rational for prohibiting tandem parking spaces. Argumedo replied the tandem parking is a blanket requirement across all the districts here in the village. Tandem parking would not be acceptable in commercial or manufacturing areas. This is a blanket under the general parking revisions that opens up onto a driveway or an aisle. Tandem parking is something that needs to be reviewed in the code as this is the second case in couple of months that has come before the board.

Commissioner Gabriel asked how long the applicant has lived there. Mr. Khan stated they just recently purchased the property with the intent of adding an attached garage.

Commissioner Khan added that her family lived at the property across the street at 8514 Mango and there is a neighbor at 8515 Mango with a landscaping business that parks the trucks from the business on the street. Adding a garage will help this resident avoid any parking problems.

Chairperson Blonz asked for questions from Commissioners.

Chairperson Blonz called for a motion to approve Case ZBA 16-11.

Commissioner Khan moved to approve Case ZBA 16-11 request for a waiver to 12-7-2:F of the Unified Development Code to allow a new garage with tandem parking, where the 2nd required parking space does not open directly onto an aisle or driveway with the following recommendations:

1. The new attached garage addition shall be constructed and located in accordance with the plans prepared by Beata Kociuba, Architect, dated 07/25/2016 unless noted:
 - a. Proposed Site Plan,
 - b. Proposed Basement Plan,
 - c. Proposed First Floor Plan,
 - d. Proposed Front Elevation
 - e. Proposed South Elevation, and
 - f. Proposed Rear, Left and Right Elevation
 - g. Plat of Survey, 4/26/2016, Central Survey LLC
2. The applicant shall file all necessary plans for review and approval, and secured all necessary building permits prior to the commencement of construction.

Seconded by Commissioner Dorgan.

Chairperson Blonz called for the vote.

Commissioner Dorgan voting	aye
Commissioner Gabriel voting	aye
Commissioner Farkas voting	aye
Commissioner Khan voting	aye
Chairperson Blonz voting	aye

Motion passed.

Chairperson Blonz asked for approval for the dates proposed for ZBA meetings for 2017 calendar year.

Commissioner Dorgan moved to approve the ZBA meeting calendar for 2017. Motion seconded by Commissioner Gabriel and approved unanimously pursuant to a voice vote.

Chairperson Blonz asked for any other business or discussion. Hearing none, Commissioner Gabriel moved to adjourn the meeting. The motion was seconded by Commissioner Dorgan and approved unanimously pursuant to a voice vote at 8:21 pm.

Minutes By: Janet Sheehan