

**MINUTES OF THE JUNE 20, 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 Farkas. Secretary Sheehan called the roll.

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

Members of the Commission Absent: Khan, Shimanski

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

Trustees Present: John Pietron

Chairperson Farkas 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 Farkas proceeded to seek approval of the April 20, 2016 minutes.

Commissioner Blonz moved to approve the minutes of April 20, 2016. Commissioner Dorgan seconded the motion.

Chairperson Farkas called for the vote.

Commissioner Gillespie voting	abstain
Commissioner Gabriel voting	abstain
Commissioner Blonz voting	aye
Commissioner Dorgan voting	aye
Chairperson Farkas voting	aye

CASE PC16-02

APPLICANT: Mr. Conceicao & Mrs. Sunita Mesquita
7151 Church Street
Morton Grove, IL 60053

PROPERTY LOCATION: 7151 Church Street

PETITION: Request for approval to expand an existing non-conforming structure, in accordance with Section 15-12-4 of the Unified Development Code and waivers to Sections 12-4-2:D.3. and 12-2-6:G to allow a second story addition and open covered stairway within the required front yard setback of 25 ft. and waivers from Sections 12-3-5 and 12-4-2 to allow for a fence in the street side (front) yard of a corner lot that exceeds the maximum height and opacity requirements.

Dominick Argumedo reviewed the subject property that is located at the southeast corner of Harlem Avenue and Church Street in the R2 Single Family Residence District . The property is improved with a single family residence. As the property is a corner lot, per the Unified Development Code, it has two required front yards, along Harlem Avenue and Church Street. The existing single-family residence is non-conforming with respect to the front (street side) yard setback along Harlem Avenue. The existing residence is setback 19.27 ft. from the Harlem Avenue property line, where a 25 ft. setback is required.

Mr. Argumedo explained the applicants, Mr. Conceicao & Mrs. Sunita Mesquita, are seeking approval from the ZBA to allow for the expansion and alteration of an existing non-conforming structure. They are proposing to construct a second story addition above the existing non-conforming single story residence. The second story addition would be setback 19.27 ft. from the property line along Harlem Avenue. In addition, the owners are proposing to construct a new 10 ft. x 4 ft. open, covered stairway, which would be 15.5 ft. from the street side yard property line. This is part of an overall site plan project where they would also be demolishing the garage and rebuilding and relocating the driveway. These changes comply with all the dimensional controls and lot coverage requirements.

The applicants are also seeking waivers to allow for a five (5) ft. high fence (solid wood) in the street side yard along the Church Street side (front) property line. The location of the fence would be compliant with Village regulations. However, the applicant is seeking waivers to the 42" maximum height and 50% minimum opacity requirements.

Summarizing, Mr. Argumedo reviewed the 4 waivers that the applicant is seeking:

1. Approval to allow for the expansion or alteration of a non-conforming structure
2. 5.73 ft. waiver for the second story addition
3. 4.5 ft. waiver to allow for a covered stairway that encroaches in the front yard
4. waivers to allow for a fence in height & opacity

The applicants were represented by their attorney Larry Berg, and architect Nathan Kriska. Both were sworn in.

Mr. Berg explained his clients have owned their home since 2003 and are looking to remain in Morton Grove and need to expand with the addition in order to do so. The proposed 2nd floor addition and new garage and alley access will enhance the neighborhood. The neighbors that are located at 7149 Church, immediately next door, sent a letter indicating their support for the proposed addition.

Mr. Kriska, explained he was the architect when there was an addition in 2003 and this addition is going over the existing structure. The request for the fence variance is for privacy as along Harlem Ave the yard is sunken down from the top of the street level. This fence would be far enough from the sidewalk to not impede sightlines.

Commissioner Blonz asked how this fence request is not self-imposed. Mr. Kriska explained Harlem Av is very busy and this is for protection and privacy.

Commissioner Gabriel asked about the relocation of the existing sewer. Mr. Kriska stated the applicants are in contact with Public Works.

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

Commissioner Blonz asked if Harlem Av. was the front yard. Mr. Argumedo replied this is 2 front yards along Harlem and Church St.

Commissioner Gabriel asked if this is two lots, lots 11 and 12, and if this would still be considered as one lot. Mr. Argumedo explained this is one zoning lot, which is a lot for development when abutting lots are under the same ownership. Continuing, if they were to tear down the existing residence and sell those two lots, they would be sub-standard lots.

Chairperson Farkas explained his hesitation for the fence with the opacity and height. This is where the applicant purchased this home on a busy street and agrees with the implications from Commissioner Blonz that this is self-imposed.

Commissioner Blonz asked if these could be voted on separately so if there is denial on one of the items. Chairperson Farkas agreed that these could be voted on separately.

Chairperson Farkas asked for a motion.

Commissioner Blonz moved to approve Case ZBA 16-05, request for approval to expand an existing non-conforming structure, in accordance with Section 15-12-4 of the Unified Development Code, and waivers to Sections 12-4-2:D.3. and 12-2-6:G to allow a second story addition and open, covered stairway within the required front yard setback of 25 ft. The extension and alternation of a non-conforming structure to allow a second story addition, aligned with the existing structure, 5.73 ft. within the required street side (front) yard setback along Harlem Avenue, in accordance with Sec. 12-4-2:D.3.a, (2) a 4.5 ft. waiver to the setback

requirements to allow a 10 ft. x 4 ft. open, covered stairway to be located 15.5 ft. from the front property line along Harlem Avenue, in accordance with Sec. 12-2-6:G

- a. Cover Sheet/Site Plan (Sheet T-1), NK Architects, 5/13/2016
- b. Proposed Floor Plans (Sheet A-1), NK Architects, 5/13/2016
- c. Proposed Elevations (Sheet A-2), NK Architects, 5/13/2016; and

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

The motion was seconded by Commissioner Gabriel.

Voting as follows:

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

Chairperson Blonz moved to approve ZBA 16-05 waivers from Sections 12-3-5 and 12-4-2 to allow for a fence in the a street side (front) yard of a corner lot that exceeds the maximum height and opacity requirements and an 18" waiver to the maximum permitted height, in accordance with Sec. 12-3-5:B.c. and a 100% waiver to the 50% minimum opacity requirement, in accordance with Sec. 12-3-5:B.d, to allow for a 5 ft. high solid wood fence within the street side (front) yard along the Harlem Avenue, at 7151 Church Street with the following conditions:

- a. Cover Sheet/Site Plan (Sheet T-1), NK Architects, 5/13/2016

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

Motion seconded by Commissioner Dorgan.

Commissioner Gabriel asked the applicant revise their request for opacity. Mr. Berg stated the applicant is willing to amend their request to 50% opacity.

Commissioner Blonz would like to revise his motion.

Commissioner Blonz moved to approve Case ZBA 16-05 for the property at 7151 Church St, to allow for a fence in the street side yard of a corner lot that exceeds the maximum height, with the following revisions:

(3) an 18" waiver to the maximum permitted height, in accordance with Sec. 12-3-5:B.c. and a waiver to the 50% opacity requirement, in accordance with Sec. 12-3-5:B.d, to allow for a 5 ft.

high solid wood fence within the street side (front) yard along the Harlem Avenue, at 7151 Church Street with the following conditions:

- a. Cover Sheet/Site Plan (Sheet T-1), NK Architects, 5/13/2016

Chairperson Farkas called for the vote:

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

Motion passed.

Chairperson Farkas 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 8:05 pm.

Minutes by: Janet Sheehan