



Village of Morton Grove  
**Zoning Board of Appeals Agenda**

**September 19, 2022 - 7:00 P.M.**

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

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I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES OF:** August 15, 2022

III. **ITEMS TO BE CONTINUED:**

**CASE:** ZBA 22-19\*\*

**APPLICANT:** Elvira Pintilie  
8700 Major Avenue  
Morton Grove, Illinois 60053

**LOCATON:** 8700 Major Avenue  
Morton Grove, Illinois 60053

**PETITION:** Request for variations from Section 12-3-5:C to maximum height, minimum transparency, and sight line triangle requirements for a street side yard fence

**\*\*Staff requests a continuation to the October 17, 2022, meeting of the ZBA to allow additional time for review.**

IV. **PUBLIC HEARINGS**

**CASE:** ZBA 22-20

**APPLICANT:** Eugenia and Valeriu Morariu  
9201 Marmora Avenue  
Morton Grove, IL 60053

**LOCATION:** 9201 Marmora Avenue  
Morton Grove, IL 60053

**PETITION:** Request for approval of a variation from Sections 12-2-6:G to replace an attached patio within a required side yard

**CASE:** ZBA 22-21

**APPLICANT:** Jordan Freeman  
7100 Greenwood Avenue  
Morton Grove, IL 60053

**LOCATION:** 7100 Greenwood Avenue  
Morton Grove, IL 60053

PETITION: Request for variations from Sections 12-2-6 and 12-4-2:D to legalize a deck and stairs in a required street side yard

V. OTHER BUSINESS None

VI. CLOSE MEETING

Note that all persons are welcome to attend the public meeting in-person as regularly scheduled. All persons in attendance will have the opportunity to be heard during periods of public comment

Comments relating to this case may also be submitted no later than 12:00 p.m. on Monday, September 19, 2022, to [zheidorn@mortongroveil.org](mailto:zheidorn@mortongroveil.org). All comments received in relation to this case will be read at the public hearing for consideration by the Zoning Board of Appeals.

**MINUTES OF THE AUGUST 15, 2022  
MEETING OF THE ZONING BOARD OF APPEALS  
VILLAGE HALL 6101 CAPULINA, MORTON GROVE, IL 60053**

Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Zoning Board of Appeals was called to order at 7:00 PM by Chairman Blonz. Secretary Kirchner called the roll.

Members of the Board Present: Blonz, Dorgan, Kintner, Liston, Mohr and Stein

Members Absent: Gabriel (with notice)

Village Staff Present: Zoe Heidorn, Community Development Administrator  
Anne Ryder Kirchner, Assistant Land Use Planner & Secretary  
Jim English, Manager Building and Inspectional Services  
Rick Dobrowski, Fire Prevention  
Ralph Czerwinski, Village Administrator

Trustees Present: Minx, Thill and Travis

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

Chairman Blonz proceeded to seek approval of the July 18, 2022, meeting minutes.

Board Member Dorgan moved to approve the minutes of the July 18, 2022. Board Member Kintner seconded the motion.

Chairman Blonz called for the vote.

Board Member Dorgan voting	abstain
Board Member Kintner voting	aye
Board Member Liston voting	aye
Board Member Mohr voting	abstain
Board Member Stein voting	aye
Chairman Blonz voting	aye
Minutes approved.	

Chairman Blonz then called for the first case.

#### **CASE ZBA 22-15**

APPLICANTS: Andrei Fedur  
9350 Oketo Avenue  
Morton Grove, IL 60053

LOCATION: 9350 Oketo Avenue  
Morton Grove, IL 60053

PETITION: Requesting variation from Section 12-2-5 and 12-2-6 to allow the replacement and expansion of a driveway and open accessory parking area with a setback less than 3 feet.

Community Development Administrator Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-15, the applicant is requesting variations to allow the in-kind replacement of a driveway with a non-conforming width of 17 feet at the front lot line that leads to a conforming attached garage and a non-conforming accessory parking area within a front yard. The applicant is requesting a variation to allow the open accessory parking space to be located 1 foot from the interior side lot line, where a minimum of 3 feet are required by Code. The request is made to allow on-site parking for the family's private vehicles. Due to the narrow width of the interior side yard, the construction of additional on-site parking would likely need to occur to the rear of the principal structure with vehicular access provided from Lyons Avenue.

Secretary Kirchner swore in the applicant, Andrei Fedur.

Mr. Fedur explained that he would like to improve the deteriorating blacktop double driveway that serves his one-car garage. He said there are many similar double driveways in the neighborhood that serve one-car garages. The new drive will be concrete and will not be larger than the existing.

Board Member Dorgan asked if he will be using this as a parking area if it were similar to a previous case on Long Avenue. Ms. Heidorn said the Oketo property will use the drive as a parking area. The Long Avenue case had additional parking behind the home, so the circumstances were different.

Chairman Blonz noted that each zoning case is unique and reviewed on its own merits.

Chairman Blonz asked if the sidewalk along the house will be added. Mr. Fedur said that it is proposed. Discussion ensued about existing sheds located on the property, which were presumed not to be compliant or permitted.

Chairman Blonz asked about the shrubs along the patio that may grow to be considered a fence. Ms. Heidorn said staff will visit the site for a determination. She summarized the Code definition for fencing and how that definition is interpreted on-the-ground.

Board Member Stein asked if the footprint would be expanded. Mr. Fedur said it will not be enlarged.

Chairman Blonz asked for public comment.

James Heliard of 9354 Oketo Avenue stated that he has no objection to the driveway and said Mr. Fedur is a very good neighbor and has made many improvements to the property. He noted that there are many double driveways in the neighborhood.

Chairman Blonz asked for Board comments and questions.

Board Member Kintner asked if the apron will be improved.

Mr. Fedur responded that it will be replaced.

Chairman Blonz called for a motion.

Board Member Kintner made a motion to request approval of a variations from Sections 12-2-5:B.5 and 12-2-6:G to allow the replacement and expansion of a driveway and open accessory parking area with a setback less than 3 feet for the property commonly known as 9350 Oketo Avenue, 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 7/5/2022.
- 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.

The motion was seconded by Board Member Dorgan.

Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Liston voting	aye
Board Member Stein voting	aye
Chairman Blonz voting	no

Motion passes (5-1)

#### CASE ZBA 22-16

APPLICANT: Shobha Dass  
9100 Cherry Avenue  
Morton Grove, IL 60053

LOCATION: 9100 Cherry Avenue  
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-3-5:C to maximum height, minimum transparency, and sight-line triangle requirements for a fence within a street side yard.

Community Development Administrator Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-16, the applicant is requesting variations to authorize the installation of a 6-foot-tall privacy fence within a street side yard, approximately 5 feet from the street side lot line. A sight-line-triangle is not proposed. The applicant indicated in the application that the purpose of the fence is to enclose a concrete pad upon which trash receptacles are stored and to keep dogwalkers from using said receptacles. Staff does not find the concrete pad, for which no permit can be located, to be a permitted obstruction of the side yard considering it was not designed as and not being used as a walkway.

Secretary Kirchner swore in the applicants, Mrs. Dass and Mr. Dass.

Mr. Dass is the son of the owner, Mrs. Dass. He explained that dog walkers continually use their garbage cans for disposing feces. They added that their new trash enclosure has not stopped people from using the cans and now

they wish to enclose their street side yard. The additional fenced area would also provide a safe area for his children to play in. Mr. Dass said he has the support of his neighbors. His neighbor has a similar fence.

Chairman Blonz asked for public comment. No one from the public came forward.

Board Member Kintner asked if they could keep the cans in the garage, behind the garage, or behind the fence.

Mr. Dass said it is inconvenient to move the cans and that when placed behind the fence, people still used the cans. He is seeking a higher fence for that reason.

Chairman Blonz noted that most all residents in Morton Grove do not keep their garbage in front of their homes.

Mr. Dass said this is the most appropriate place for their cans.

Commissioner Dorgan asked if a gate could be added to the fence to allow access to the cans behind the fence.

Mr. Dass said that would not work with a 4-foot-high fence. They have security cameras that have captured the undesired use of their trash cans.

Chairman Blonz noted the application is incomplete and does not address that the condition is self-imposed.

Mr. Dass said that the issue is with the wrongful disposal. He apologized for not completing the application.

There was no comment from the audience.

Board Member Kintner commented that movement of the cans is possible and this is not a question for the Board.

Board Member Kintner made a motion to approve case ZBA 22-16, a request for variations from Section 12-3-5:C to maximum height, minimum transparency, and sight line triangle requirements for a fence within a street side yard for the property commonly known as 9100 Cherry Avenue, 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 7/15/2022.
- 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.

This was second by Board Member Liston.

Chairman Blonz called for the vote.

Board Member Dorgan voting	no
Board Member Kintner voting	no
Board Member Mohr voting	no
Board Member Stein voting	no
Board Member Liston voting	no

Chairman Blonz voting no

Motion does not pass (6-0)

Board Member Kintner made a motion to approve Case ZBA 22-16, a request for variations from Section 12-3-5:C to increase the maximum height for a fence within a street side yard from 4 feet to 5 feet, with 50% transparency, and a waiver to allow a sight line triangle of 5 feet subject to the following conditions:

- 1) 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.

This was seconded by Board Member Dorgan.

Chairman Blonz called for the vote.

Board Member Dorgan voting	no
Board Member Kintner voting	no
Board Member Mohr voting	no
Board Member Stein voting	no
Board Member Liston voting	no
Chairman Blonz voting	no

Motion does not pass (6-0)

Board Member Kintner made a motion to approve Case ZBA 22-16, a request for variation from Section 12-3-5:C to a waiver to allow a sight line triangle of 5 feet subject to the following conditions:

- 1) 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.

This was seconded by Board Member Dorgan.

Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye

Motion passes (6-0)

## CASE ZBA 22-17

APPLICANT: Christopher Bobek  
8635 School Street  
Morton Grove, IL 60053

LOCATION: 8635 School Street  
Morton Grove, IL 60053

PETITION: Requesting variation from Section 12-3-5 to install fencing without required sight line triangles.

Community Development Administrator Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-17, the applicant is requesting variations to allow the installation of fencing within a rear yard without required 10-foot sight line triangles at the intersection of the private driveway and public alley. The proposed cedar privacy fencing will measure between 4 and 5 feet in height and will be installed to meet an existing vehicular gate along the rear lot line. Staff is concerned that the lack of sight line triangles in this location in combination with the proposed privacy fencing will limit visibility to the north and south for vehicles exiting the property. That the private driveway leads to a T-shaped alley intersection should also be considered.

Mr. Bobek was sworn in by Secretary Kirchner.

Mr. Bobek thanked the Board and described his unique property, garage, and gates. He described the difficulty he would have in providing the required sight line triangles, and why they would not provide much relief to the sight line conditions. There is a nuisance tree to the south which will be taken down and is more of a sight line hazard than the fence. The proposed fence is an in-kind replacement intended to secure the property.

Board Member Dorgan asked about the sight lines and the Code requirements. Discussion ensued regarding the neighbor's fence, the placement of the gates, and the abutting alley.

Mr. Bobek said the neighbors are in support.

Board Member Dorgan said he could not support a fence without it being four feet in height and with 50% transparency.

Chairman Blonz asked for public comment. No one from the public came forward.

Board Member Liston moved to approve Case ZBA 22-17, a request for variation from Section 12-3-5 to install fencing without required sight line triangles for the property commonly known as 8635 School Street in Morton Grove, Illinois, 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 7/15/2022.
- 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.
- 3) The obstructive, nuisance tree be removed from the alley.



The motion was seconded by Board Member Mohr.

Chairman Blonz called for the vote.

Board Member Dorgan voting	no
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye

Motion passes (5-1)

## CASE ZBA 22-18

APPLICANT: Amela Hukic  
8339 Central Avenue  
Morton Grove, IL 60053

LOCATION: 8339 Central Avenue  
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-2-5 and 12-2-6 to authorize a nonconforming driveway and open accessory parking area within a front yard.

Community Development Administrator Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-18, the applicant is requesting variations to replace an existing nonconforming driveway and accessory parking space within a front yard, both of which abut an improved public alley. The Department of Public Works has denied a request to replace the existing public ROW apron, and the ZBA has no authority to modify that determination. The property owner still seeks to install the driveway up to the front lot line, which will create a non-conforming parking area within the front yard. Staff is concerned that a driveway leading to the public sidewalk only will appear incongruent and result in undesirable parking within a front yard. Because the geometry of the existing detached garage does appear to make two-car parking difficult, staff would support the request for replacement of the nonconforming driveway and parking area within the constrained side yard, but behind the front building line.

Ms. Hukic were sworn in by Secretary Kirchner.

Ms. Hukic noted they want to replace the existing driveway in-kind. They would like a new asphalt drive startong from the front lot line to the rear yard garage.

Board Member Liston asked where the household's cars are parked.

Ms. Hukic responded that they have a car parked back by the garage and a car parked in the driveway in front of the house.

Discussion ensued regarding parking locations, side drives, and front yard parking. Board Member Mohr asked if they could have the garage access be from the rear alley. He would prefer the drive to start from behind the front of the house.

Mr. Bracken said the neighbors have no objections and believe the existing driveway is in disrepair.

Chairman Blonz asked for public comment.

Mr. Whiter of the same address explained that all driveways on the block start from the front lot line and continue to garages in the rear yard. He does not understand why they cannot be provided the same access and area for parking.

Mr. Mohr asked if it is a nonconforming driveway or garage. Ms. Heidorn said the driveway width is nonconforming as presented on the plans.

Board Member Kintner made a motion to request for a waiver from Section 12-2-6 of the Unified Development Code to allow for a parking space within a required front yard, with the following conditions:

1. The parking space shall be in the location with the plans submitted by the applicants in the Variation Application dated 6/13/2022;
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.

This was seconded by Board Member Dorgan.

Chairman Blonz called for the vote.

Board Member Dorgan voting	no
Board Member Kintner voting	aye
Board Member Mohr voting	no
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye

Motion passes (4-2)

## CASE ZBA 22-19

APPLICANT: Elvira Pintilie  
8700 Major Avenue  
Morton Grove, IL 60053

LOCATION: 8700 Major Avenue  
Morton Grove, IL 60053

PETITION: Requesting variations from Section 12-3-5:C to maximum height, minimum transparency, and sight line triangle requirements for a street side yard fence.

Community Development Administrator Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-19, the applicant is seeking variations to legalize an existing 6-foot-tall privacy fence within a street side yard that does not provide a required 10-foot sight line triangle at the intersection of the abutting public sidewalk and alley. The fencing in question was approved by Building Department staff and installed under a valid fence permit issued on September 28, 2021. The Applicant is not at fault for the installation of nonconforming fencing. Staff was made aware of the zoning nonconformity and requested that the Applicant submit a Variation Application to request legalization of the nonconforming fencing after-the-fact. The Applicant has been fully cooperative, and the Village assumes full responsibility for the error. I'd like to note that the fact that the Village is at fault should not serve as a basis for approving any variation.

Board Member Stein asked if a sight line triangle would be needed at the alley and the driveway.

Ms. Heidorn responded that sight line triangles would be required at both locations.

Secretary Kirchner swore in the owner Mr. Pintilie.

Mr. Pintilie said he is surprised by the need for a variation. It was approved by the Village. It is a very expensive fence that cost him \$26,000. He simply replaced an existing fence. He added that none of his neighbors object to the fence. He would like to keep the fence to protect his property from the alley and public.

Chairman Blonz asked for public comment, none was noted.

Board Member Dorgan said there is a panel missing along the alley. He asked if the applicant and Board would be accepting of a 5 feet sight line triangle instead of a 10 feet triangle.

Board Member Mohr asked if they could have a 5-foot sight line triangle at the driveway too.

Discussion ensued regarding modifying the fence. It would be difficult to modify the size of this double-faced fence.

Mrs. Pintilie was sworn in. She does not want to lose the money spent on the fence. She notes it is not their fault.

Ms. Heidorn responded that the Village is not in the business of creating financial burdens for residents as the result of its own mistakes. She said that staff expects the applicants to seek reimbursement for damages, but that the question at hand is the location of the fencing.

Discussion ensued regarding taking out horizontal boards to increase visibility but not creating sight line triangles.

Mrs. Pintilie said she will make the changes but will not pay for the changes.

Mr. Czerwinski, Village Administrator, asked if the case could be tabled to allow for further investigation and staff discussion with the applicants.

Board Member Dorgan made a motion to continue the case until the September 19, 2022, meeting.

The motion was seconded by Board Member Kintner.

Chairman Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Board Member Liston voting	aye
Chairman Blonz voting	aye

Motion passes (6-0)

Chairman Blonz asked for any other business or discussion. Hearing none, Board Member Liston moved to adjourn the meeting, seconded by Board Member Stein. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 8:48 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.

# Village of Morton Grove

## Department of Community & Economic Development

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

**From:** Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

**Date:** September 12, 2022

**Re:** **ZBA 22-20 – 9201 Marmora Avenue (10-17-209-050-0000)**  
Request for approval of a variation from Sections 12-2-6:G to replace an attached patio within a required side yard

## STAFF REPORT

### Public Notice

The Village of Morton Grove provided public notice for the September 19, 2022, Zoning Board of Appeals public hearing for ZBA 22-20 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on September 1, 2022. The Village mailed letters on August 31, 2022, notifying surrounding property owners within 100 feet of the subject property, and placed a public notice sign on the property on September 1, 2022.

### Request Summary

#### Property Background

The subject property is a 6,805-square-foot corner lot located on the northeast corner of Marmora Avenue and Church Street. The property is zoned R-1 Single Family Residence and is improved with a single-family dwelling. Properties to the north, east, and west are also within the R-1 District and improved with single-family residences. Properties to the south, across Church Street, are zoned R-2 Single Family Residence.



***Subject Property Context Map***

### Application Overview

The applicant and subject property owner, Eugenia Morariu, is seeking approval of a waiver to authorize the replacement of an attached patio within a required interior side yard. The proposed patio will extend from the east side of the home to the east lot line, providing a setback of zero feet from the adjacent property to the east, and extend from the front building line to the rear building line. The patio will measure 6.19 feet in width at the front building line and 11.80 feet in width at the rear building



line. The current patio ends approximately 12 feet north of the front building line, but the owner is proposing to extend the patio to the front building line. Per Village Code Section 12-2-6:G, an attached patio must comply with the side setback requirement applicable to the principal structure, which is a minimum of 6 feet for the yard in question. The proposed plan is compliant with the maximum impermeable lot coverage permitted in the R-1 District.



***Subject Property Street Views***

The following table provides an overview of the applicable dimensional requirements and waiver requested to allow the replacement patio as presented:

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
<b>Minimum Side Yard</b> (12-2-6:G, 12-4-2:D)	6 ft.	0 ft.	0 ft.	<b><i>Waiver of 6 ft. requested</i></b>
<b>Maximum Lot Coverage</b> (12-4-2:D)	55.0% (3743 sq. ft.)	45.9% (3,121 sq. ft.)	46.9% (3,194 sq. ft.)	Compliant

As indicated in the table, the following waiver is required to authorize the proposed project:

- **Section 12-2-6:G** - Waiver of 6 feet to the minimum side yard to allow a side yard of 0 feet.

### **Discussion**

The applicant is requesting the ZBA's approval to replace an existing patio along the house which does not meet interior side yard setback requirements. The applicant is seeking to expand the patio by approximately 12 feet to the south to meet the front building line.

Typically, attached patios are located to the rear of a principal structure and must comply with the minimum side setback requirement. In this case, the patio is located to the side of the home and extends to the interior side lot line. A side setback is required for attached patios in order to (1) buffer adjacent property from activity that may take place on a patio, such as dining,

conversation, and gatherings, and (2) provide an area for stormwater drainage so that water is not diverted to an adjacent property.

The applicant indicated to staff that her situation is unique because she owns the property abutting the subject property to the east at 5836 Church Street. The abutting property to the east has a large west side yard, which provides a considerable buffer between the proposed patio and residence, and a large area for stormwater to drain to. She reported to staff that she and her family have no intention of selling the subject property or the property at 5836 Church Street, which she currently leases.

### **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 responses to these standards in the Variation Application.

### **Recommendation**

Should the Board approve Case ZBA 22-20, staff recommends the following motion and conditions:

*The Zoning Board of Appeals approves Case ZBA 22-20, a request for approval of a variation from Section 12-2-6:G to replace an attached patio within a required side yard, subject to the following conditions:*

- 1) *The proposed addition shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 08/08/2022; and*
- 2) *The applicant shall file all necessary plans and applications, for review and approval, and secure all necessary building permits prior to the commencement of construction.*

### **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 22-20 DATE APPLICATION FILED: August 8, 2022

### APPLICANT INFORMATION

Applicant Name: Eugenia & Valeriu Morariu  
Applicant Address: 9201 Marmora Avenue  
Applicant City / State / Zip Code: Morton Grove, Illinois 60053  
Applicant Phone: ( ) 847-966-0537  
Mobil / Other: ( ) \_\_\_\_\_  
Applicant Email: N/A  
Applicant Legal Interest in Property (Owner, Tenant, Etc.): Owner  
Applicant Signature: Eugenia Morariu

### PROPERTY INFORMATION

Common Address of Property: 9201 Marmora Avenue  
Property Identification Number (PIN): 10-17-209-050-0000  
Zoning District: R-1 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: 12-2-6:G

for the following: Seeking to replace an attached patio without the required side setback  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

I want to replace the existing patio because it is damaged and needs replacement.

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 patio was existing when we purchased the home.

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 patio is for our own personal use and not for monetary gain.

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.

We own the property to the east, which is adjacent to the patio. Our family plans to keep both properties.

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 patio is not visible from the street. We own the property to the east, so any water will still drain onto our property.

B. H. SUHR  
F. G. SUHR  
H. R. SMITH

# PLAT OF SURVEY

B. H. SUHR & COMPANY

ESTABLISHED IN 1911

527 DEMPSTER ST., EVANSTON, ILLINOIS

CHICAGO TELEPHONE BR 3-5315

EVANSTON TELEPHONE UN 4-6315

BOOK 61

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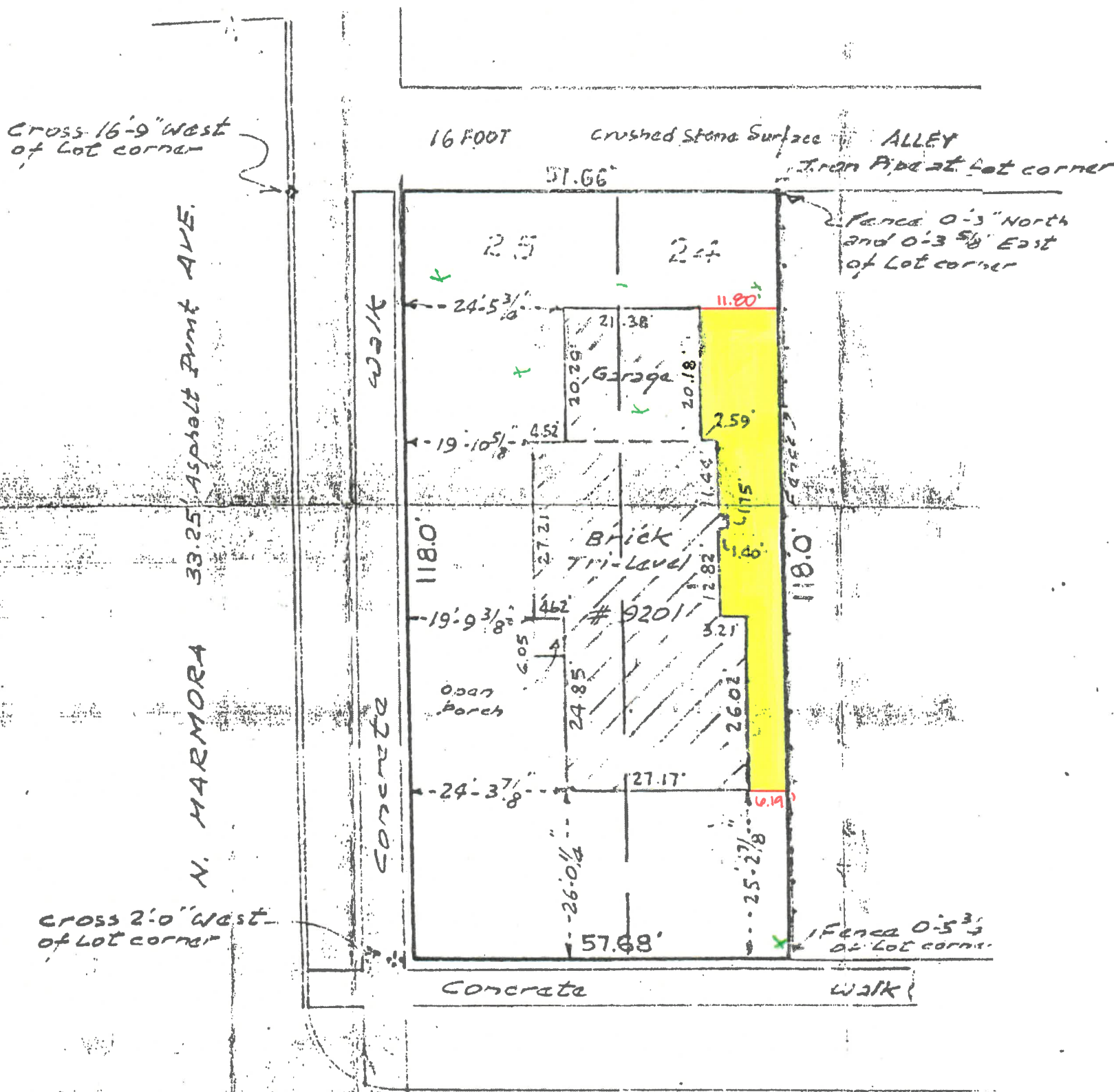
ORDER NO. 64-774

EVANSTON, May 14 1964

ORDERED BY Mr. & Mrs. Arthur Sage

FOR \_\_\_\_\_

Lots 24 and 25 in Block 8 in North Austin Avenue Gardens, a subdivision in the NE 1/4 of Section 17, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois  
Commonly known as 9201 N. HARMORA Ave., Morton Grove, Illinois.



Scale, 1" = 20 ft.  
TOP OF PLAT IS NORTH.

CHURCH 43' Asphalt Paved ST.

EVANSTON, May 14 1964

EVANS

STATE OF ILLINOIS,  
COUNTY OF COOK, ss.

We hereby certify that the buildings on lot shown are within property lines and that the adjoining improvements do not encroach on said premises.

B. H. Suhr  
SURVEYOR

STATE OF ILLINOIS,  
COUNTY OF COOK, ss.

This is to certify that we have surveyed the above described property according to the Official Records and the above plat correct.

By B. H. Suhr & Co.  
SURVEYOR

Compare the description in this plat with your deed, abstract or certificate of title, also compare all points before building lines are shown only where they are so recorded in the maps. Refer to your deed or abstract.

This survey has been made for use in connection with a mortgage loan transaction and is not to be used for any other building by same, and

# Village of Morton Grove

Department of Community & Economic Development

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

**From:** Zoe Heidorn, Community Development Administrator  
Anne Ryder Kirchner, Assistant Land Use Planner

**Date:** September 12, 2022

**Re:** ZBA 22-14 – 7100 Greenwood Avenue (10-18-325-012-0000)  
Request for variations from Sections 12-2-6 and 12-4-2:D to legalize a deck and stairs in a required street side yard

## STAFF REPORT

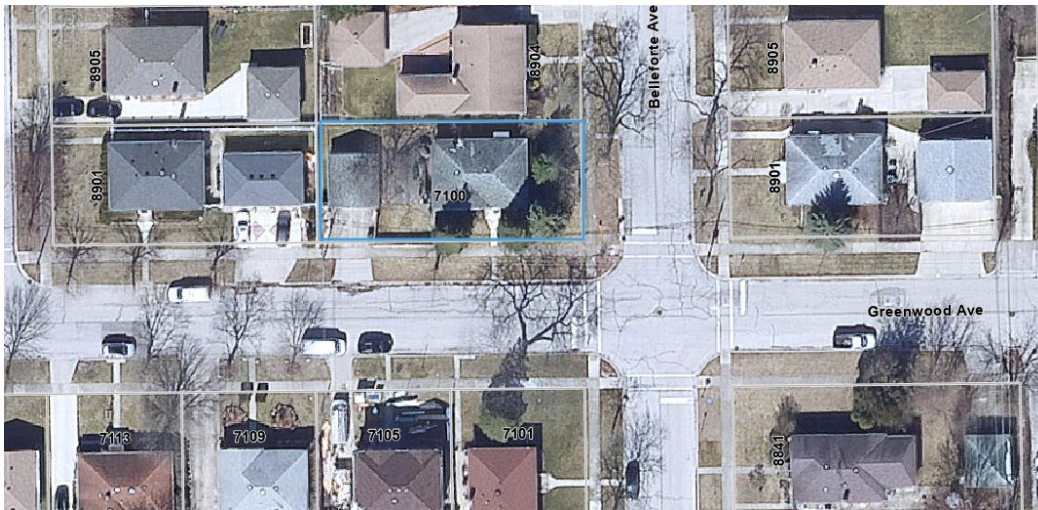
### Public Notice

The Village of Morton Grove provided public notice for the September 19, 2022, Zoning Board of Appeals public hearing for ZBA 22-21 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on September 1, 2022. The Village mailed letters on August 31, 2022, notifying surrounding property owners, and placed a public notice sign on the subject property on September 1, 2022.

### Request Summary

#### Property Background

The subject property at 7100 Greenwood Avenue is a corner lot located on the northwest corner of Greenwood Avenue and Belleforte Avenue. The subject property is within an R-2 Single Family Residence District and is improved with a single-family residence. Surrounding properties are also zoned within the R-2 Single Family Residence District and are improved with single-family dwellings.



***Subject Property Location Map***

### Application Overview

The applicant, Jordan Freeman, is requesting waivers from Sections 12-4-2:D and 12-2-6:G to legalize a deck and stairs that encroach into a required street side yard. Per Section 12-2-6:F, "the side yard abutting a street on a corner lot shall be considered a front yard for the purposes of the applicable setback requirements of the zoning district in which it is located." Section 12-2-6:D.1 permits a front (street side) yard less than the standard 25-foot minimum if lots comprising 50% or more of the frontage on a block are developed with buildings having a front yard setback less than 25 feet. The front (street side) setback is then determined by the average setback of adjacent existing buildings one hundred feet in each direction of the subject property. In this case, the minimum required street side setback was determined by the existing setbacks of structures



at 8901 Marion Avenue and 8901 Belleforte Avenue, which provide an average setback of 15.91 feet. The principal structure has an existing street side setback of 16.95 feet, which leaves the applicant with 1.04 feet of buildable street side yard depth. A short brick wall that protrudes from the south building line by 2.00 feet, just west of the entrance, was not considered in determining the existing street side setback.

In July 2022, the applicant was issued a citation for work without a permit for the construction of a 5.00-foot by 17.50-foot wood deck and stairs within the street side yard. Because a deck is not a permitted encroachment of a street side yard, it is required to comply with the minimum street side setback applicable to the principal structure, pursuant to Section 12-2-5:B.1. The deck encroaches 3.96 feet into the required 15.91-foot street side yard, providing a setback of 11.95 feet from the street side lot line.

The stairs, measuring 3.50 feet in depth, are located 8.45 feet from the street side lot line. Stairs are permitted a maximum encroachment of 5.00 feet into the street side yard, or a setback of 10.91 feet from the street side lot line. The constructed stairs encroach by 7.46 feet, or 2.46 feet more than permitted by Code.

The applicant is seeking the ZBA's approval of the structure after-the-fact. This case does not address other non-conforming aspects of the property, which include the street side yard fence and the setback of the driveway leading to the rear yard detached garage. The property remains compliant with respect to maximum impermeable lot coverage.

#### Requested Variation

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

Dimensional Control	Code Requirement	Existing	Proposed	Waiver Request
<b>Minimum Street Side Yard</b> (12-4-2:D, 12-2-6:D.1)	15.91 ft. (average)	16.95 ft.	11.95 ft.	<b>Waiver of 3.96 ft. to reduce the minimum street side yard from 15.91 ft. to 11.95 ft.</b>
<b>Permitted Encroachment, Stairs</b> (12-2-6:G)	Max. 5 ft. encroachment, unroofed only	N/A	7.46 ft. encroachment	<b>Waiver of 2.46 ft. to allow an encroachment of 7.46 ft.</b>
<b>Maximum Impermeable Lot Coverage</b> (12-4-2:D)	60.0%	25.0 %	27.0%	Compliant

As shown in the table above, the following variations are required to legalize the deck and stairs as built by the applicant:

- Sections 12-4-2:D, 12-2-6:D.1: Waiver of 3.96 feet to reduce the minimum street side yard from 15.91 feet to 11.95 feet to allow an attached deck with a setback of 11.95 feet.
- Section 12-2-6:G: Waiver of 2.46 feet to the maximum encroachment of 5.00 feet to allow an encroachment of 7.46 feet into a required 15.91-foot required street side yard and an overall setback of 8.45 feet.

#### Discussion

The applicant is seeking variations to legalize a deck and stairs that were constructed without a permit in 2022. The applicant first sought to modify the deck to work within the Code's parameters, but then elected to pursue a variation from the ZBA. Staff notes that a mature tree on the property provides some screening of the deck and any activities that may occur on the deck from view of the public right of way.

The applicant purchased the property in 2012. Staff could not locate any permit records for the nonconforming street side yard fence currently in-place. The last permit issued for fencing, based on Building Department records, was in 1999. Based on Google Street View, installation of the existing fence occurred some time between October 2012 and October 2016. The fence

will not be permitted to be replaced in-kind due to its height, opacity, and lack of a sight line triangle at the intersection of the driveway and sidewalk.

For the purpose of discussion, the following definitions are established in Section 12-17-1:

*BALCONY: An unroofed platform enclosed by a railing or parapet that projects from the wall of a building for the use of the building's occupants and/or for exterior access to living units located above grade.*

*DECK: An exterior floor supported on at least two (2) opposing sides by an adjacent structure, posts, piers or other independent supports.*

*PORCH: A roofed over structure, projecting out from the wall or walls of a main structure and open to the weather.*



**Subject Property Views**

### **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 provided responses to these standards in the Variation Application.

### **Recommendation**

Should the Board approve Case ZBA 22-21, staff recommends the following motion and conditions:

*The Zoning Board of Appeals approves Case ZBA 22-21, a request for variation from Section 12-2-6: to allow a deck in a required front yard subject to the following conditions:*

- 1) *The proposed addition shall be constructed in accordance with the plans submitted by the applicants in the Variation Application dated 8/12/2022.*
- 2) *The applicants 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 applicants)



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

## APPLICANT INFORMATION

## PROPERTY INFORMATION

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

for the following: An additional 18 inches in depth for a balcony which provides emergency egress from the home. Balcony sizing would not be detrimental to the neighborhood or public welfare.

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

Seeking an improvement.

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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.

Homeowner has not created this hardship, the property setbacks are existing  
non-conformities

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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.

Homeowner is seeking a reasonable use of property by adding a balcony / porch

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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 additional request will not impose on the welfare of the occupants of the neighborhood  
or cause any hardships. In actuality, the improvement could increase property values in the  
area to the benefit of neighboring properties and their owners

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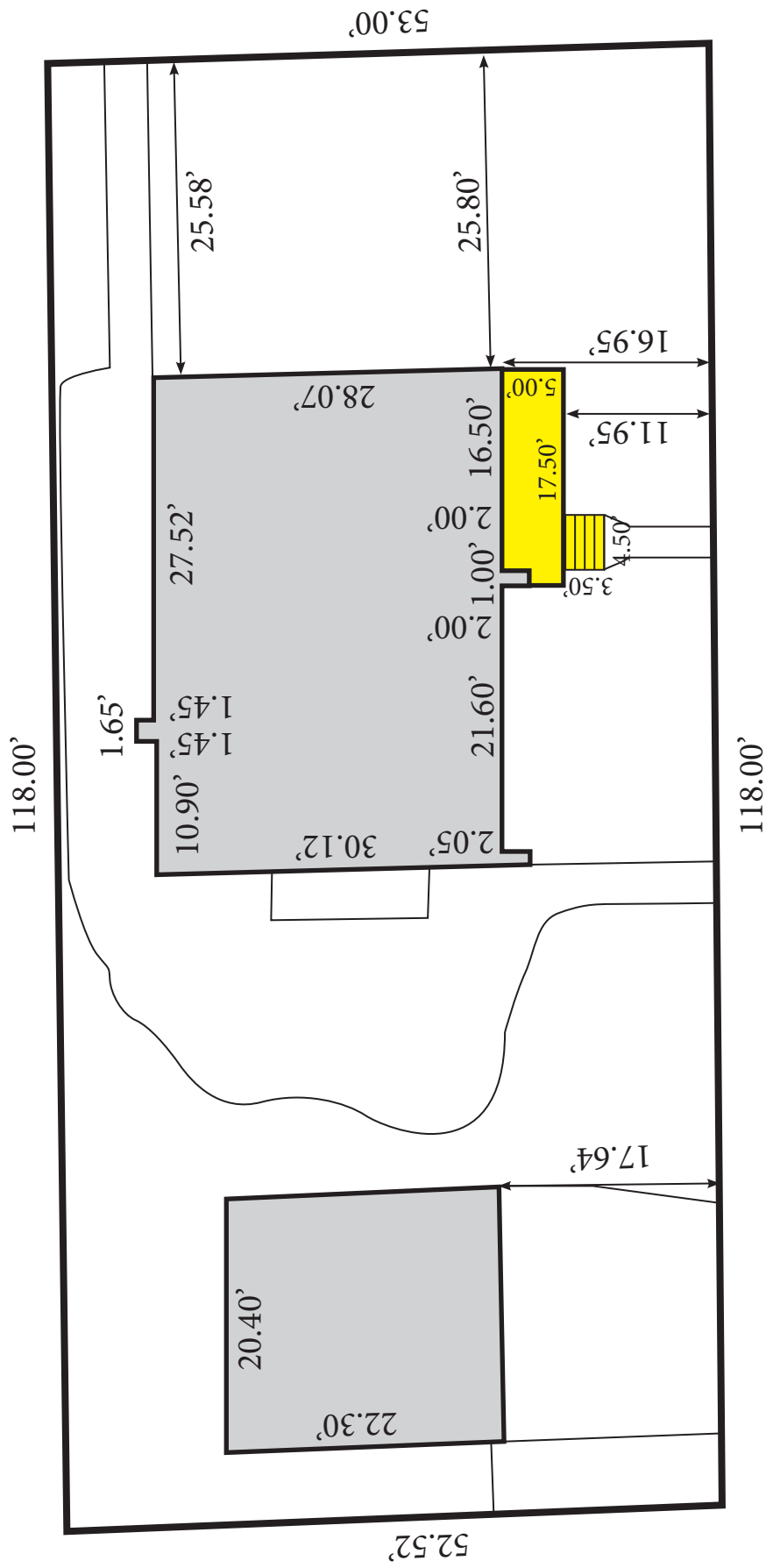
d. Not Detrimental to Neighborhood: The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire, endanger the public safety, or alter the character of the neighborhood.

The proposed variation is in a location which will not hinder the neighborhood, impair  
light or air to adjacent property. The addition will not increase potential for fire damage or  
public safety. Property is a corner unit and does not pose a threat of congestion.

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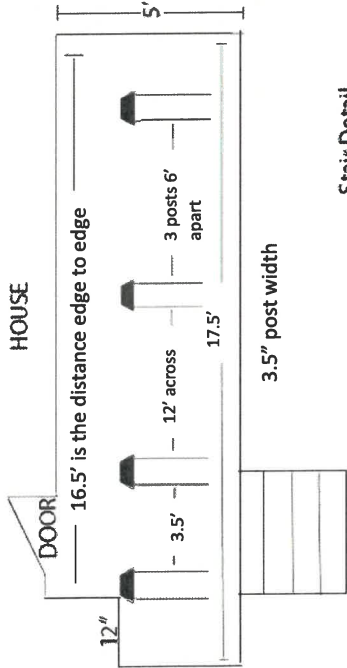
Site Plan Based on Plat of Survey  
7100 Greenwood Street



7100 Greenwood  
Morton Grove, IL 60053

- All wood material will be treated lumber
- Support deck boards spaced 16" on center not to exceed 24" on center
- All screws coated deck material
- All spindles not to exceed 4" on center
- Trex Hideaway Fastening System

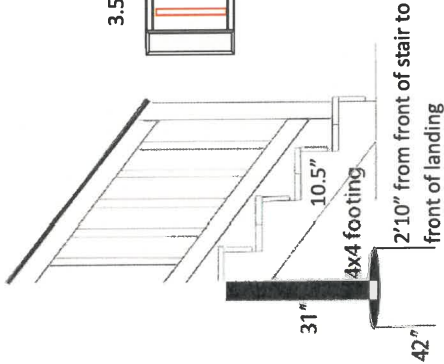
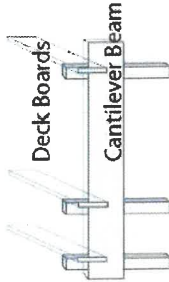
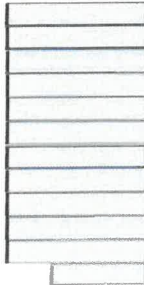
Date	Rev No.	Title of Revision
07/29/2022	Rev02 - Dimension	Updated Dimensions
07/20/2022	Rev01 - Dimension	Updated Dimensions
07/20/2022	Rev01 - Connection	Connection to Structure Details
07/20/2022	Rev01 - Stair	Stair Details



Stair Detail

Stair Detail (front)

Deck Boards  
16 boards across, 2x8 treated wood



3.5" post width

3.5' post to post

10.5" depth of stair  
9.5" under support

4.5' stair length  
4.3' under stair  
wood support

#### Connection to Structure Details

- Ledger Board lag bolted to structure in between each deck board
- .5" lag bolts with washers

