

**MINUTES OF THE DECEMBER 20, 2021
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 Chairperson Steve Blonz. Secretary Zoe Heidorn called the roll.

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

Members Absent: Liston

Village Staff Present: Zoe Heidorn, Community Development Administrator
Jim English, Building Department Director
Rick Dobrowski, Fire Prevention Coordinator

Trustees Present: Saba Khan, Connie Travis, John Thill

Chairperson 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.

Chairperson Blonz proceeded to seek approval of the October 18, 2021, meeting minutes.

Board Member Kintner moved to approve the minutes of the October 18, 2021, meeting. Board Member Gabriel seconded the motion.

Chairperson Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Chairperson Blonz voting	aye

Minutes approved.

Chairperson Blonz then called for the first case.

CASE ZBA 21-11

APPLICANT: Abdulmasih Warda and Varna Talo
9232 Maple Court
Morton Grove, IL 60053

LOCATION: 9232 Maple Court
Morton Grove, IL 60053

PETITION: Request for approval of variations from Section 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 to create an open accessory parking area within a front yard

Community Development Administrator Zoe Heidorn reviewed the request, explaining that the applicants are requesting variations to allow the replacement and expansion of an existing driveway in a manner that will create a non-conforming front yard parking area. The proposed driveway will be set back 0.7 feet from the side lot line, where 3 feet are required by Code, and the driveway will extend 3.36 feet in front of the home, where driving areas are not permitted to be located unless they lead to a conforming parking area. The applicant is clear that the intent of the requested variations is to allow additional parking spaces within the front yard due to the lack of on-site parking.

The applicant, Abdulmasih Warda, was sworn in. Mr. Warda explained that he moved into the house two years ago and has a six-year-old child and two vehicles. He explained that the current driveway only fits one car and that it's not only difficult to park on the street, but dangerous because of his child. He is requesting a variation so that the driveway may be widened so that two vehicles can park side-by-side in front of the home. He noted that his neighbor has a similar driveway. Mr. Warda explained that he wants to replace the driveway and improve its appearance. He thanked the ZBA for their consideration.

Chairperson Blonz asked the ZBA members if they had any questions.

Board Member Kintner asked if Mr. Warda had spoken to his neighbors about the request.

Mr. Warda responded that he had and that his neighbor does not mind. He did not have any objection and was supportive of a safer driveway.

Board Member Kintner noted that there is a small gap between the proposed driveway and the neighbor's driveway. He asked if the gap would be paved, which would include the 0.7-foot setback proposed on the submitted plan.

Mr. Warda responded that he wants to keep the driveway as-is along the side lot line, but that he would like to eliminate the gap and pave up to the property line.

Board Member Kintner clarified that the requested setback should be updated to zero feet to reflect the applicant's desire to fill the gap up to the property line.

Chairperson Blonz called for public comment. There was no public comment.

Chairperson Blonz asked Ms. Heidorn if this variation would create two parking spaces in the front yard.

Ms. Heidorn responded that, per the parking stall standards established by Code, the variation would result in two accessory parking spaces located within or partially within the front yard.

Board Member Mohr stated that the applicant would only be able to pave up to the property line and may not be able to fill the entire gap between his driveway and his neighbor's driveway. He suggested working with the neighbor if needed.

Chairperson Blonz asked the applicant if he already parked vehicles in the front yard.

Mr. Warda responded that yes, he parks vehicles in the front yard, but that tandem parking is difficult with the household's schedules. The ability to park side-by-side is more desirable.

Chairperson Blonz asked Mr. Warda how many vehicles he owns.

Mr. Warda stated that he owns two vehicles.

Board Member Mohr clarified that the street curb line would not be changing.

Board Member Gabriel stated that the line of sight along the blockface helps the applicant's request. The applicant's front yard is deeper than his neighbor's, meaning that the side-by-side parking of two vehicles in the front yard will be relatively unobtrusive.

Chairperson Blonz asked staff to clarify that the driveway is not extending into the public right-of-way.

Ms. Heidorn responded that under the current proposed plan, no public right-of-way work is proposed. However, the Department of Public Works will authorize an expansion of the apron to align with the approved driveway width if it is replaced in the future.

Board Member Kintner then moved to approve the request for approval of variations from Section 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 to create an open accessory parking area within a front yard for the property commonly known as 9232 Maple Court, subject to the following conditions:

- 1) The proposed driveway shall be installed in accordance with the plans submitted by the Applicants in the Variation Application dated 10/21/2021.
- 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.
- 3) The driveway shall be permitted a further reduced setback of 0 feet from the south side lot line.

Board Member Gabriel seconded the motion.

Chairperson Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye

Board Member Stein voting aye
Chairperson Blonz voting aye

Motion passed 6-0.

CASE ZBA 21-12

APPLICANT: Joseph and Donna Hedrick
 9011 Mango Avenue
 Morton Grove, IL 60053

LOCATION: 9011 Mango Avenue
 Morton Grove, IL 60053

PETITION: Request for approval of variations from Sections 12-2-5:B and 12-2-6:G to allow an accessory structure to encroach into a required side yard.

Community Development Administrator Zoe Heidorn reviewed the request. She explained that the applicants are requesting variations to legalize the installation of a 14-foot by 10-foot shed within a required 5-foot side yard. A shed permit was erroneously approved in 2020 for installation of the shed 3 feet off the side lot line. However, a minimum requirement of 5 feet should have been applied due to the shed's unique location on the zoning lot. The shed was incorrectly installed with a setback of 0.71 feet from the side lot line. The owners are seeking the ZBA's authorization to leave the shed in the current non-conforming location.

The applicant, Joe Hedrick, was sworn in. He stated that he obtained a Building Permit from the Building Department for installation of the shed in question. He called the Department for a pre-inspection, but no one came to visit the property. His contractors then started installing the shed a couple of feet from the property line. A couple of months later, Jim English, Manager of Building and Inspectional Services, contacted Mr. Hedrick to inform him that someone complained about the shed being too close to the lot line. Mr. Hedrick tried a couple of times to get a contractor to the property to move the shed, but no one would show up. He decided to let it stay there, but then received a citation from the Village several months later for having installed a non-conforming structure. The Building Department suggested that he seek a variation from the ZBA.

Chairperson Blonz stated that the applicant was doing the right thing in trying to fix the situation. He asked staff to clarify that the actual setback of the shed was 0.71 feet.

Ms. Heidorn responded that the setback had been measured by staff to be 0.71 feet.

Mr. Hedrick noted that the property just next door has a garage that is practically on the lot line.

Chairperson Blonz responded that the ZBA is not discussing the property next door.

Board Member Kintner asked if the fence depicted in the subject property photo belonged to the applicant.

Mr. Hedrick responded that the fence was his and that it was propped up against the shed because it fell down earlier in the year. He plans to install a fence around the entire rear yard in 2022.

Board Member Kintner stated that he was worried about how the fence footings would be installed so close to the shed. He asked if Mr. Hedrick had received any comments from his neighbors.

Mr. Hedrick responded that the next-door neighbor has no issue with the shed. He has not heard any negative comments about the shed's location.

Board Member Mohr asked Mr. Hedrick to discuss how he had tried to have the shed moved.

Mr. Hedrick explained that he talked to the company that installed the shed, but that no one ever came to the property to do the work.

Board Member Gabriel stated that the shed was moveable and could easily be relocated. Based on the availability of space, the shed should be moved to a conforming location.

Chairperson Blonz called for public comment.

Katherine Newton of 9007 Mango Avenue stated that she is the neighbor to the south of the subject property. She allowed the Hedricks to use her driveway to install the shed and originally thought that the shed would be set back to align with her detached garage in the rear yard. When the shed was in the process of being installed, she notified the contractor of her concern. She was told that trees were in the way of a location to the rear of the lot and that they were following the direction of their client. She explained that the shed is large and that she fears its location will impact the future sale of her property.

Chairperson Blonz asked if the location in the middle of the lot is acceptable to the property owner.

Ms. Newton responded that she would prefer to see the shed along the rear lot line.

Board Member Gabriel stated that because the shed is moveable, it should conform to the Code requirements. He discussed the site and determined that the shed could be placed in multiple conforming locations.

Ms. Heidorn stated that she has two comments for consideration by the ZBA. The first comment was submitted by email from a resident who requested to be anonymous but lived in the area surrounding the subject property. Ms. Heidorn read the following statement:

The neighbor directly affected by the shed placement (neighbor is to the south) had a verbal explanation that the shed was being put in a different spot than where it currently resides. When she questioned the people installing it, she was told the owners changed their mind on placement. She objected at the time but the shed was installed at its current location anyway. This does not seem very neighborly. It affects the neighbor to the south by adversely affecting her view from her patio as well as causing potential issues if she chooses to sell her house.

Ms. Heidorn read a second statement provided by Rick Dobrowski, Fire Prevention Bureau Coordinator:

Per the International Residential Code, 2003 Edition, exterior walls with a fire separation distance less than 3 feet (914 mm) shall have not less than a one-hour fire resistive rating with exposure from both sides. Projections shall not extend to a point closer than 2 feet from the line used to determine the fire separation distance. Projections extending into the fire separation distance shall have not less than one - hour fire resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

Mr. Dobrowski clarified that the current position does not meet the minimum setback for fire separation of 3 feet.

Board Member Kinter noted that if the shed were to be pushed back to the rear yard, a 3-foot setback could be applied from the side lot line. He stated that the site seemed to provide enough room for a compliant location.

Board Member Kintner then moved to approve the request for approval of variations from Sections 12-2-5:B and 12-2-6:G to allow an accessory structure to encroach into a required side yard for the property commonly known as 9011 Mango Avenue, Morton Grove, Illinois, subject to the following conditions:

- 1) The shed may not be expanded, altered, or replaced without prior approval from the Zoning Board of Appeals.

Board Member Gabriel seconded the motion.

Chairperson Blonz called for the vote.

Board Member Dorgan voting	nay
Board Member Gabriel voting	nay
Board Member Kintner voting	nay
Board Member Mohr voting	nay
Board Member Stein voting	nay
Chairperson Blonz voting	nay

Motion denied 6-0.

CASE ZBA 21-13

APPLICANT: Thomas Karagiannis and Yoradyl Bendebel
5913 Capulina Avenue
Morton Grove, IL 60053

LOCATION: 5913 Capulina Avenue
Morton Grove, IL 60053

PETITION: Request for variation from Section 12-4-2:D to allow an addition in a required side yard.

Community Development Administrator Zoe Heidorn reviewed the request. She explained that the applicants are requesting a variation to authorize the construction of a second-story addition directly above and inline with an existing first floor, which has a non-conforming side yard of 3.6 feet from the east side lot line. All other dimensional requirements of the R-2 District are being met. Staff notes that properties located east along the same block face are similar in having non-conforming side yards. The applicants have submitted renderings of the proposed addition for the ZBA's review.

The applicant, Thomas Karagiannis, and architect Andrew Ivari, Andrew Ivari Architects, were sworn in. Mr. Karagiannis explained that his family closed on the home this year. They find Morton Grove to be a great community that has great diversity and schools. His goals for the project were to maintain the historic appearance of the facade and to modify the home to meet the family's needs.

Mr. Ivari explained that the proposed variation to allow the second story to align with the first is for structural integrity and to maximize the second story footprint. He noted that he lowered the height of the second floor wall to 6 feet and set up dormers for the bedrooms to keep the scale of the building respectful to surrounding homes.

Chairperson Blonz stated that the architect did a nice job of meeting the owner's goals.

Board Member Gabriel asked if the chimney was going to be removed.

Mr. Karagiannis responded that they hoped to keep the chimney.

Mr. Ivari noted that the chimney complies with building code requirements.

Board Member Stein stated that the architect did a nice job of maintaining the home's aesthetic and that the request is a good example of where a variation is justified.

Board Member Gabriel noted that the use of fiber cement to reduce flame propagation was a good idea.

Board Member Kintner inquired about the mature tree on the side of the property.

Mr. Ivari responded that the goal is to just trim the tree to allow the second story addition.

Board Member Mohr stated that he appreciated that the second story sidewalls are not a standard 8 feet. The design is a good example of respectful architecture.

Mr. Karagiannis stated that he spoke to the neighbors on the east side of the property and that they are fully supportive of the project.

Chairperson Blonz called for public comment. There was no public comment.

Board Member Mohr then moved to approve the request for approval of variation from Section 12-4-2:D to allow an addition in a required side 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 11/12/2021.
- 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.

Board Member Gabriel seconded the motion.

Chairperson Blonz called for the vote.

Board Member Dorgan voting	aye
Board Member Gabriel voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye
Chairperson Blonz voting	aye

Motion passed 6-0.

Chairperson Blonz asked for any other business or discussion.

Hearing none, Board Member Dorgan 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 8:03 p.m.

Minutes by: Zoe Heidorn