

**MINUTES OF THE JANUARY 17, 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 Board Members Kintner, Mohr and Stein. Secretary Liston called the roll.

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

Members Absent: Blonz, Gabriel, Liston absent with notice

Village Staff Present: Terry Liston, Corporation Counsel (Acting Secretary)
Jim English, Manager Building and Inspectional Services

Trustees Present: Connie Travis, John Thill, Rita Minx

Prior to the approval of the minutes, a motion was made by Board Member Dorgan to appoint Mr. Kintner as Chairman Pro-Tem. This was seconded by Board Member Stein. Secretary Terry Liston called vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	abstain
Board Member Mohr voting	aye
Board Member Stein voting	aye

Chair Pro-Tem Kintner recognized the anniversaries of service for Chairman Blonz (37 years) and Board Member Gabriel (18 years).

Chair Pro-Tem Kintner 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. With four members present, there is a quorum, but applicants may choose to wait for the full Board membership of seven to be present.

Chair Pro-Tem Kintner proceeded to seek approval of the December 20, 2021, meeting minutes.

Board Member Dorgan moved to approve the minutes of the December 20, 2021, meeting as amended. Board Member Mohr seconded the motion.

Chair Pro-Tem Kintner called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye

Minutes approved.

Chair Pro-Tem Kintner then called for the first case.

CASE ZBA 22-01

APPLICANT: Judy Garcia
8510 Georgiana Avenue
Morton Grove, IL 60053

LOCATION: 8510 Georgiana Avenue
Morton Grove, IL 60053

PETITION: Request for approval of a variation from Section 12-3-5 to construct a fence in a front yard without a required sight line triangle

Building Department Director James English reviewed the request as follows: In the case of ZBA 22-01, the applicant is seeking variations to allow the installation of a 4-foot fence with 50% transparency within a front yard and without the required 10-foot sight line triangle at the intersection of the public alley and sidewalk. The proposed fence is an in-kind replacement of a fence that was recently removed due to dilapidation. Staff acknowledges the unique shape and size of the lot, which limits usable yard area, but is concerned that a lack of visibility at the southeast corner of the property could create a public safety hazard.

Chair Pro-Tem Kintner asked if the applicant would like to proceed, restating that 4 positive votes are needed to approve, all members present would have to agree and approve.

The applicant said she would like to proceed, she is sure that the fence should be approved.

Secretary Liston, stated for record, that two variations are required. One for front yard fencing and the other for the required sight line triangle. She referred to sections 12-3-5: A and B of the Unified Development Code.

Secretary Liston swore Ms. Garcia in.

Board member Dorgan asked if she had contacted her neighbors regarding the case.

Ms. Garcia said that her neighbors did not object, some questioned why she needs variation. She believes the fence has been in place for fifty years. Her neighbor to the north, prefers a fence to keep in her dog and cats.

Board member Dorgan asked if the garage is used.

Ms. Garcia said it is used for storage, it does not have an apron or entrance from the alley.

Ms. Garcia said her new neighbor to the south helped pull out the rotted posts and overgrown landscaping. She was going to replace the fence, but when she came in for permit, she was told it was not allowed.

Secretary Liston explained the difference between replacement and minor repair.

Board member Mohr, noted the photos showing the conforming fence along the alley and the remaining gate in the front yard. He asked if the shrubs were new and noted that the tree may be in the required sight triangle.

Ms. Garcia said she planted new shrubs for privacy and kept the gate hoping to attach it to the new fence. She took out the fence before she found her plat of survey required to get a fence permit.

Board member Mohr asked the applicant to describe the replacement location.

Chair Pro-tem Kintner, noted that bushes cannot be used as a fence either.

Ms. Garcia said the fence has been there for 50 years, a sight triangle will need to watch the tree roots. She questioned if there could be triangle not including the tree. She needs place for her chairs and table, and to keep her animals in her yard.

Board member Stein said given nature of property, he could support fence in front yard, but it must have a sight triangle. Alley and sidewalk traffic safety necessitate the triangle.

Chair Pro-tem Kintner, asked if the tree interferes in a sight line triangle.

Board member Mohr, asked if the size of the triangle could be reduced? He supports the front yard variation, but is concerned about safety. Discussion ensued about a reduction in the sight line triangle.

Chair Pro-Tem Kintner asked for public comment.

Paul Berg, 8511 School Street, noted that Ms. Garcia had a recent knee replacement and does not need to be injured while walking her dog. She needs the fenced area for her dog. He asked if there are there accidents at this corner, and said we should do whatever we can to have a safe corner.

Robert Weinberg 6144 Crain, said Georgiana is a one-way street going north. He said there are similar fences at Fernald and Capulina.

Chair Pro-Tem asked for motion.

Board member Dorgan, asked if the sight triangle could be shortened?

Secretary Liston said the Board could approve the variation from section 12-3-5 b with conditions, and can refer the dimension of the sight triangle back to staff for their review.

Mr. English said the dimension depends on the tree location.

Secretary Liston, offered that the fence design be amended to provide most amount of sight line. The Board can send the application back to have applicant work with staff for an appropriate sight line triangle dimension. The case can come back to the ZBA if staff cannot approve a triangle.

Board member Mohr noted the tree is may still an obstruction even if fence is inside the tree. He said he is comfortable with a staff review and approval.

Board member Mohr offered a motion to approve Case ZBA 22-01, a request for approval of variations from Section 12-3-5 to construct a fence in a front yard with a revised sight line triangle less than 10 by 10, for the property commonly known as 8510 Georgiana Avenue in Morton Grove, Illinois, subject to the following conditions:

- 1) The proposed fence shall be revised with the plans for a sight line triangle approved by staff and otherwise installed in accordance with the plans submitted by the Applicant in the Variation Application dated 11/15/2021.
- 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 sight line triangle will be reviewed by Staff and approved to maximize the triangle area.
- 4) If not approved by Staff, the case will return to the ZBA.

The motion was seconded by Board member Dorgan.

Chair Pro-Tem Kintner called for the vote.

Board Member Dorgan voting	aye
Board Member Kintner voting	aye
Board Member Mohr voting	aye
Board Member Stein voting	aye

The motion passed 4-0

Chair Pro-Tem Kintner asked for a motion to continue case 22-02 to the February 21, 2022, meeting if a sight line triangle could not be administratively approved by staff, pursuant to the approved condition. Board Member Stein made the motion, it was seconded by Board Member Dorgan. Motion passed unanimously by voice vote.

Acting Chair Pro-Tem Kintner asked for any other business or discussion. Hearing none, Board Member Dorgan moved to adjourn the meeting, seconded by Board Member Mohr. The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 7:40 p.m.

Minutes from voice recording respectfully submitted by Anne Ryder Kirchner.