

**MINUTES OF THE MARCH 21, 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, Stein

Members Absent:                                   Gabriel

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

Trustees Present:                               Connie Travis, John Thill

Chairman Blonz introduced the board members and recognized the anniversary of service for Board Member Dorgan (33 years).

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 January 17, 2022, meeting minutes.

Board Member Dorgan moved to approve the minutes of the January 17, 2022, meeting as amended. Board Member Kintner seconded the motion.

Chairman Blonz called for the vote.

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

Minutes approved.

Chairman Blonz then called for the first case.

**CASE ZBA 22-03**

**APPLICANT:**                   Sam Kang, agent for Betty and Francis Joseph

7421 Emerson Street  
Morton Grove, IL 60053

LOCATION: 7421 Emerson Street  
Morton Grove, IL 60053

PETITION: Request for approval of variations from Section 12-2-6 and 12-4-2 to allow a garage addition to encroach in the side and front yards.

Community Development Administrator, Zoe Heidorn reviewed the request as follows: In the case of ZBA 22-03, the applicant is requesting approval of variations to replace an existing non-conforming attached garage with an expanded non-conforming attached garage and room addition. The existing principal structure is non-conforming with respect to front and side yard setbacks. As proposed, the principal structure will obstruct the required front yard by 3.32 feet and the required side yard by 2.81 feet. Staff recommends discussion of why the attached garage cannot be set back to the existing front building line and why other conforming, or more conforming scenarios for providing enclosed garage access are not feasible.

Secretary Kirchner swore in the agent and applicants.

Mr. Kang said the home was purchased in 2003 by his clients. They wish to age in place and would like to rebuild their existing garage that currently has not direct access into the house, with a handicap accessible garage. This requires the garage being pulled forward and making it wider to allow wheelchair radius inside the garage. They also propose adding another room behind the garage that can easily be converted to a first floor bedroom when needed.

Providing a garage with direct access into the house out of the weather is a very important feature for accessibility. A garage wide enough to provide wheelchair access require a side yard setback variation. Moving the garage for access will also be an improvement to the existing façade and harmonious with the neighborhood.

The average of the block for the front setback is greater than the normal 25 feet setback. The neighbor to the east is on a corner, with a rear yard abutting the applicant.

Six surrounding neighbors support the variation.

Board member Dorgan asked why the garage and addition could not be pulled back into the rear yard.

Mr. Kang said that could be an option, but the added gable adds to the front aesthetics and lining up with the existing door is important.

Board member Stein asked why the five feet radius is necessary.

Mr. Kang said it is for maneuverability while opening the car door.

Board member Stein asked about a step or curb. He likes the idea of aging in place but notes that most of the by-level house is inaccessible.

Mr. Kang noted that a portable ramp will be used in the future and adaptable wheelchairs fit through smaller doorways. The garage and new room are just the first steps in planning to age in place.

Board member Stein asked if the neighbor to the east was contacted. Mr. Kang said they were not able to contact the east neighbor.

Board member Mohr said the neighbor to the east is most affected. Asking for 4 feet is too much, 5 feet would be more acceptable. He has no problem with the front setback and like the improved elevation.

Board member Dorgan asked that front landscaping be added to the approval, as required by Section 12-11 of the Unified Development Code.

Chairman Blonz asked for the size of the garage, some dimensions are missing. He asked for the sizes of the doors to the home and the kitchen.

Mr. Kang gave the updated dimensions and noted that the doors could be modified for wheelchair use and a lift system could provide access to the lower level.

Board member Kintner asked if the corner home to the east was used in the average setback calculation. He questioned the accuracy of using GIS for measurement.

Ms. Heidorn said it was and further described her calculations.

Chairman Blonz asked if there was anyone in the audience that wished to speak.

Carlos Mendez of 6320 Capulina said aging in place is noble and he approves of the project.

Board member Mohr and Chairman Blonz questioned if the car door would be able to open if the car were not backed in.

Chairman Blonz asked for a motion.

Board member Dorgan offered a motion to approve Case ZBA 22-03, a request for approval of variations from Sections 12-2-6:D and 12-4-2:D to construct an addition to a nonconforming principal structure within a required front yard and 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 02/14/2022; 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.
- 3) Front yard landscaping to be provided and maintained per 12-11-1.

The motion was seconded by Board member Liston.

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

The motion passed 5-1

**CASE ZBA 22-04**

APPLICANT: Adis Cesir  
6316 Capulina Avenue  
Morton Grove, IL 60053

LOCATION: 6316 Capulina Avenue  
Morton Grove, IL 60053

PETITION: Request for approval of variations from Section 12-3-5 to construct a fence in a front yard with a reduced sight line triangle.

Secretary Kirchner called for the three townhome cases together. Chairman Blonz said the three will be discussed together but voted upon separately.

In the cases of ZBA 22-04, 22-05, and 22-06, the applicants are requesting approval of variations to install a 4-foot metal fence with 50% transparency within front yards along Ferris and Capulina Avenues. The fencing will continue across three townhome lots, which must be considered under separate applications. The applicants are also requesting waivers to allow reduced sight line triangles at the intersection of a driveway and public sidewalk along Ferris Avenue and at the intersection of a public alley and public sidewalk along Capulina Avenue.

Staff is concerned with the proposed installation of fencing within the Ferris Avenue front yard because no other fencing is installed in front yards along the block face. Staff is also concerned that the proposed reductions in sight line triangle dimensions at the driveway and alley will create public safety hazards, especially when transparency has not been increased above 50% to enhance visibility. Staff recommends as conditions of approval that the fencing must be maintained continuously across all three properties and that gates are installed to allow access within the easement.

Zoe Heidorn read an anonymously emailed comment from a resident: "I am strongly opposed to such a fence. There are no front yard fences along Ferris and granting this would set a bad precedent. While there are several fences as you move east along Capulina, those are on large lots. Putting up a setback fence on a small lot, especially on such a busy corner is not a good look for the village or the townhomes."

Secretary Kirchner swore in the applicants, Carlos Mendez, Adis Cesir and Galina Ganakovska.

Mr. Mendez described the submittal. The three homes have concerns for the safety of their nine children with the high speeds of traffic along Lincoln and Capulina Avenues. He thanked the Traffic Safety Committee for promptly providing signage to slow traffic. Fencing would stop trespassers, dog waste, littering and would help define their property. He is requesting a five foot sight triangle, as he has an extended driveway that would not need the required ten feet triangle.

Mr. Cesir noted alley traffic that speeds and often drives across his yard. He is concerned for his children playing in the yard. A fence would provide some privacy and deter excessive littering. His number one concern is the children.

Ms. Ganakovska said she would like a fence for safety reasons and agrees with her neighbors.

Board member Stein asked if the current wood fence along Ferris would stay. It will be removed.

Board member Liston asked if there was a homeowner's association. It is fee simple.

Board member Kintner asked if they would consider a fence similar to the property to the east on Capulina.

Mr. Mendez said the fence photos in the application represent a style they like but may not depict the 50 percent transparency.

Board member Dorgan said he is concerned with children walking on the sidewalk, could have very poor visibility at the corners with horizontal fencing. He notes that neighboring townhome developments have no fencing. Allowing front yard fencing would provide a bad precedent. Front yard fencing distracts from appearance.

Mr. Cesir said they could match the fence to the east on Capulina. Our children play and need this safety.

Chairman Blonz asked if a sight line triangle was required at the street intersection. Ms. Heidorn said it is not required.

Mr. Cesir noted that they bought their homes knowing they had small backyards and further described the promises made by the developer to provide garages and fencing for the front yards.

Chairman Blonz said the fence to the east is more than 50 percent open, would that be acceptable for the applicant?

Mr. Cesir said that type would be fine. His neighbor to the east is in favor of their application.

Chairman Blonz asked if anyone in the audience would like to speak, none were noted.

Board member Stein said he can support a 4 feet high fence with greater transparency like the neighboring fence to the east. He cannot support a fence without the required sight line triangles.

Board member Kintner said the maintenance of the northwest corner would be difficult if the sight line triangle were larger than 5 feet. He is comfortable with transparency being 80 to 90 percent.

Board member Mohr is not in support of front yard fencing and setting a bad precedent.

Board member Kintner made a motion to approve Case ZBA 22-04, a request for approval of variations from Section 12-3-5 to construct a fence in a front yard with a 5-foot by 5-foot sight line triangle for the property commonly known as 6316 Capulina Avenue 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 2/14/2022.

- 2) The fence shall be maintained in accordance with the approved site plan. Any removal of fencing within 6316, 6318, or 6320 Capulina Avenue shall trigger the requirement to remove all fencing from the aforementioned lots authorized under ZBA 22-04, ZBA 22-05, and ZBA 22-06.
- 3) A gate or alternative means of ingress and egress shall be provided within the ingress and egress easement along the west lot line of 6320 Capulina Avenue and the east lot line of 6316 Capulina Avenue, subject to final review and approval by the Community Development Administrator.
- 4) The approval of ZBA 22-04 shall not take effect until the Zoning Board of Appeals has approved ZBA 22-05 and ZBA 22-06. Should the Zoning Board of Appeals vote to deny either ZBA 22-05 or ZBA 22-06, the approval of ZBA 22-04 shall be deemed null and void.
- 5) 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.

The motion was seconded by Board member Dorgan.

Chairman Blonz called for the vote.

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

The motion was not approved 5-1

**CASE ZBA 22-05**

APPLICANT: Roman Ganakovskyy  
6318 Capulina Avenue  
Morton Grove, IL 60053

LOCATION: 6318 Capulina Avenue  
Morton Grove, IL 60053

PETITION: Request for approval of variations from Section 12-3-5 to construct a fence in a front yard.

Board member Kintner made a motion to approve Case ZBA 22-05, a request for approval of a variation from Section 12-3-5 to construct a fence in a front yard for the property commonly known as 6318 Capulina Avenue 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 2/14/2022.

- 2) The fence shall be maintained in accordance with the approved site plan. Any removal of fencing within 6316, 6318, or 6320 Capulina Avenue shall trigger the requirement to remove all fencing from the aforementioned lots authorized under ZBA 22-04, ZBA 22-05, and ZBA 22-06.
- 3) A gate or alternative means of ingress and egress shall be provided within the ingress and egress easement along the west lot line of 6320 Capulina Avenue and the east lot line of 6316 Capulina Avenue, subject to final review and approval by the Community Development Administrator.
- 4) The approval of ZBA 22-05 shall not take effect until the Zoning Board of Appeals has approved ZBA 22-04 and ZBA 22-06. Should the Zoning Board of Appeals vote to deny either ZBA 22-04 or ZBA 22-06, the approval of ZBA 22-05 shall be deemed null and void.
- 5) 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.

The motion was seconded by Board member Dorgan.

Chairman Blonz called for the vote.

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

The motion was not approved 4-2

#### CASE ZBA 22-06

APPLICANT: Carlos Mendez  
6320 Capulina Avenue  
Morton Grove, IL 60053

LOCATION: 6320 Capulina Avenue  
Morton Grove, IL 60053

PETITION: Request for approval of variations from Section 12-3-5 to construct a fence in a front yard with a reduced sight line triangle in a street side yard on a block face with more than one front yard.

Board member Kintner made a motion to approve Case ZBA 22-06, a request for approval of variations from Section 12-3-5 to construct a fence in a front yard and a fence in a street side yard with a 5-foot by 10-foot sight line triangle on a block face with more than one front yard, for the property commonly known as 6320 Capulina Avenue 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 2/14/2022.
- 2) The fence shall be maintained in accordance with the approved site plan. Any removal of fencing within 6316, 6318, or 6320 Capulina Avenue shall trigger the requirement to remove all fencing from the aforementioned lots authorized under ZBA 22-04, ZBA 22-05, and ZBA 22-06.
- 3) A gate or alternative means of ingress and egress shall be provided within the ingress and egress easement along the west lot line of 6320 Capulina Avenue and the east lot line of 6316 Capulina Avenue, subject to final review and approval by the Community Development Administrator.
- 4) The approval of ZBA 22-06 shall not take effect until the Zoning Board of Appeals has approved ZBA 22-04 and ZBA 22-05. Should the Zoning Board of Appeals vote to deny either ZBA 22-04 or ZBA 22-05, the approval of ZBA 22-06 shall be deemed null and void.
- 5) 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.

The motion was seconded by Board member Dorgan.

Chairman Blonz called for the vote.

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

The motion was not approved 5-1

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 8:20 p.m.

Minutes respectfully submitted by Anne Ryder Kirchner.