

**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.