AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES OF: November 18, 2019

III. ITEMS TO BE CONTINUED

None

IV. PUBLIC HEARINGS

CASE: ZBA 20-01

APPLICANT: Wanda and Stanislaw Gajowniczek
9242 Shermer Road
Morton Grove, IL 60053

LOCATION: 9242 Shermer Road
Morton Grove, IL 60053

PETITION: Request for a waiver from Section 12-4-2:D of the Unified Development Code to allow a principal structure within a required side yard

V. OTHER BUSINESS

None

VI. CLOSE MEETING

All persons in attendance at the hearing shall have the opportunity to be heard.
All interested parties are invited to attend.
To: Chairperson Blonz and Members of the Zoning Board of Appeals
From: Zoe Heidorn, Land Use Planner
Date: January 14, 2020
Re: ZBA 20-01 – 9242 Shermer Road
Request for waivers from Section 12-4-2:D of the Unified Development Code to allow a principal structure within a required side yard

STAFF REPORT

Public Notice
The Village of Morton Grove provided public notice for the January 20, 2020, Zoning Board of Appeals public hearing for ZBA 20-01 in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on December 26, 2019. The Village mailed letters on December 26, 2019, notifying surrounding property owners and placed a public notice sign on the subject property on December 23, 2019.

Request Summary
Property Background
The subject property is an interior lot located on the west side of Shermer Road, between Church Street and Beckwith Road. The property is zoned in an R1 Single Family Residence District and is improved with a single family residence. Properties in all immediate directions are also improved with single family residences. St. Luke’s Church is located across Shermer Road and slightly south of the subject property.

Application Overview
The applicants, Wanda and Stanislaw Gajowniczek, are seeking a waiver to allow the reconstruction and expansion of an attached garage with a non-conforming interior side yard. Per Section 12-4-2:D of the Unified Development Code, interior lots in an R1 District are required to provide a minimum side yard of 6 feet and a minimum of 14 feet for both side yards combined. The existing principal structure provides a side yard of 6.04 feet to the north and 6.92 feet to the south, with a combined yard depth of 12.96 feet. Individually, the existing
side yards conform to the minimum side yard requirement but combined, the side yards fall short 1.04 feet of the minimum combined side yard requirement of 14 feet.

The applicants are requesting a waiver from section 12-4-2:D to allow reconstruction of the attached garage and a reduced side yard of 6.61 feet to the south of the principal structure, resulting in a combined side yard of 12.65 feet. The proposed expansion in the footprint of the attached garage will require a waiver of 1.35 feet from the minimum combined side yard requirement of 14 feet. All other aspects of the proposed garage expansion comply with the dimensional requirements of the R1 District.

**Previous Zoning Relief Applications**

**ZBA 1530:** In September of 2010, the applicants requested and were granted waivers for the side yard and combined side yard requirements to allow the construction of a two-car attached garage. The proposed addition was to be located 3.17 feet from the south property line, where a 6-foot side yard is required, and would reduce the combined side yard to 9.21 feet, where 14 feet are required. The approved garage addition was never constructed. The minutes from the meeting at which ZBA 1530 was heard are included in the hearing packet.

**ZBA 14-18:** In January of 2015, the applicants requested and were granted waivers for the side yard and combined side yard requirements to allow the construction of a larger two-car attached garage. Similar to the previously approved plan, the garage was to be located 3.17 feet from the south property line, where a 6-foot side yard is required, and would reduce the combined side yard to 9.21 feet, where 14 feet are required. The garage addition approved in 2015 was also never constructed. The minutes from the meeting at which ZBA 14-18 was heard and the ZBA determination are included in the hearing packet.

In accordance with Section 12-16-3:B of the Unified Development Code, an approved variation is valid for a period of no longer than one (1) year from the date of approval, unless a building permit is issued and construction commences within that period and is thereafter actively pursued to completion, or unless the applicant applies for and the Zoning Board of Appeals grants an extension of time. Because the applicants did not secure a building permit, begin construction, or obtain an extension within one year of the previous approval dates, both variances expired.

**Discussion**

The existing non-conforming combined side yard is protected under Section 12-15-4, Nonconforming Structures, of the Unified Development Code. However, when the attached garage is demolished, the nonconformity loses the authority to continue and may not be rebuilt in the same location or expanded without waivers approved by the Zoning Board of Appeals.

The following table provides an overview of the requested waivers for the proposed garage reconstruction and expansion:

<table>
<thead>
<tr>
<th>Dimensional Control</th>
<th>Code Requirement</th>
<th>Existing Principal Structure</th>
<th>Proposed Principal Structure</th>
<th>Waiver Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard (12-4-2:D)</td>
<td>25 ft.</td>
<td>26.11 ft.</td>
<td>26.11 ft.</td>
<td>Compliant</td>
</tr>
<tr>
<td>Minimum Combined Side Yard (12-4-2:D)</td>
<td>14 ft.</td>
<td>12.96 ft.</td>
<td>12.66 ft.</td>
<td>Waiver of 1.34 ft. to minimum combined side yard requested</td>
</tr>
<tr>
<td>Minimum Rear Yard (12-4-2:D)</td>
<td>30 ft.</td>
<td>52.5 ft.</td>
<td>52.5 ft.</td>
<td>Compliant</td>
</tr>
</tbody>
</table>
In the case of ZBA 20-01, the applicants are returning to the Zoning Board of Appeals to request a modified waiver to allow the reconstruction and expansion of the non-conforming attached garage. The current proposal includes a conforming south side yard of 6.61 feet, which is significantly larger than the 3.17-foot south side yard approved in 2010 and 2015. Overall, the applicants are proposing a project that conforms more to the dimensional standards of Section 12-4-2:D than the previously approved project.

Per the project architect at BAU Design & Development, the proposed south side yard is being reduced from 6.92 feet to 6.61 feet to accommodate an interior clearance of 13 feet within the garage, which is the minimum acceptable interior width for a one-car garage.

Currently, the driveway leading to the attached garage is non-conforming as its width significantly exceeds the widths of the attached garage and that portion of driveway within public right-of-way. Because the applicant is not proposing a full removal of the driveway as part of the proposed project, staff recommends including as a condition of approval that either (1) a portion of the non-conforming driveway be removed so that the width of the driveway does not exceed the width of the garage or (2) that a demarcation be provided by saw-cut, change in material, or an alternate technique approved by staff so as to achieve a conforming driveway width.

Neither the Fire Department nor Building Department had any comments or concerns to relay to the Zoning Board of Appeals regarding this case.

**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 their responses to these standards in the Variation Application.
Recommendation
Should the Board approve Case ZBA 20-01, staff suggests the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 20-01, a request for waivers from Section 12-4-2:D of the Unified Development Code to allow a principal structure within a required side yard, with the following conditions:

1) (1) A portion of the non-conforming driveway shall be removed so that the width of the driveway does not exceed the width of the garage or (2) a demarcation shall be provided by saw-cut, change in material, or an alternate technique approved by staff so as to achieve a conforming driveway width;

2) The attached garage shall be built in accordance with the plans submitted by the applicants in the Variation Application dated 12/09/2019; and

3) 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

MORTON GROVE
Incredibly Close & Amazingly Oper

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 20-01  DATE APPLICATION FILED: 12-9-19

APPLICANT INFORMATION

Applicant Name: Wanda Gajawiczek, Stanislaw Gajawiczek
Applicant Address: 9242 Shermer Rd
Applicant City / State / Zip Code: Morton Grove, IL 60053
Applicant Phone: (747) 894-6379
Mobil / Other: (847) 894-8987
Applicant Email: weml@stcglobal.net, wgajawiczek200@gmail.com
Applicant Legal Interest in Property (Owner, Tenant, Etc.): owner
Applicant Signature: ____________________________________________

PROPERTY INFORMATION

Common Address of Property: 9242 Shermer Rd
Property Identification Number (PIN): 09-13-202-042-0000
Zoning District: R1  Property's Current Use: residential

APPLICANT’S REQUEST (ATTACH ADDITIONAL SHEETS AS NECESSARY):

1. Applicant is requesting a Variation from the following section of the Unified Development Code:

for the following: Maintain side-yard to the south of the property as it currently is, so that the new garage can be the same width as the current one
2. Please provide detailed information to explain why the variation is being requested:

We would like to maintain width of the new garage to be the same as the old one so that we can fit a car and have enough space for storage and walking space on the sides.

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.

This is not self-imposed

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 the land. Mere loss in value shall not justify a variation.

This is a nonmonetary consideration

c. Not Detrimental to Public Welfare: The granting of any variation is in harmony with the general purpose and intent of this title and will not be detrimental to the public welfare or to other property or improvements in the neighborhood.

This will not be detrimental to public welfare

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

This will not be detrimental to the neighborhood
PELLA 350 SERIES, OR EQUAL GLASS SIZES SHOWN ON ELEVATIONS
TEMPERED GLAZING SHALL BE PROVIDED IN WINDOWS THAT MEET:
A. GLASS GREATER THAN 9 S.F. IN AREA.
B. BOTTOM OF GLASS WITHIN 18" OF THE FLOOR.
• WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE. THE UNITS MUST BE OPERABLE FROM THE INSIDE TO A FULL FLOOR.
• WINDOWS ARE PROVIDED AS A MEANS OF EGRESS OR RESCUE THEY
• ALL EGRESS OR RESCUE WINDOWS FROM SLEEPING ROOMS MUST HAVE MINIMUM NET CLEAR OPENING OF 5.7 SQ. FT. THE MINIMUM NET CLEAR OPENING WIDTH DIMENSION SHALL BE 20".
• ALL ROOF VENTS AND THROUGH ROOF MECHANICAL TO BE LOCATED @ REAR OF HOME AND PAINTED TO MATCH ROOF.
• ALL D.S. LOCATIONS TO BE FIELD VERIFIED WITH OWNER PRIOR TO LEVEL 1
• PROVIDE COUNTER FLASHING, WHERE REQUIRED, INCLUDING ROOF-TO-WALL INTERSECTIONS, CHIMNEYS AND SADDLES 20 G.A. (MIN.)
• PROVIDE COUNTER FLASHING DIAGONALLY ACROSS MASONRY, STEP AND REGGLED INTO THE MORTAR
• PROVIDE FLASHING, COUNTER FLASHING AND CAULK AT ALL SKYLIGHTS, AS PER MANUFACTURERS SPECIFICATIONS
• "EGRESS"

SAFETY GLASS WINDOW

ROOF VENTS TO BE LOCATED ON BACK SLOPE OF THE ROOF. NUMBER

32" x 80"

THE FOLLOWING SHALL

A AIR BARRIER MATERIAL SUITABLE FILM OR SOLID MATERIAL; AND INSTALLED IN ACCORDANCE WITH MANUFACTURES INSTRUCTIONS:

3.

THE FIREPLACES SHALL HAVE GASKETED DOORS, TIGHT FITTING FLUE DAMPERS AND OUTDOOR COMBUSTION AIR. (SECTION R402.4.2)

4.

AT LEAST ONE THERMOSTAT SHALL BE PROVIDED FOR EACH SEPARATE PROGRAMMABLE. (SECTION R403.1.1)

115 DEGREES FAHRENHEIT SHALL BE INSULATED TO A MINIMUM R-3. (SECTION R403.3)

12.

ALL CIRCULATING SERVICE HOT WATER PIPING SHALL BE INSULATED TO A MINIMUM R-3 WITH A READILY ACCESSIBLE MANUAL SWITCH THAT CAN TURN OFF THE HOT WATER CIRCULATING PUMP WHEN THE SYSTEM IS NOT IN USE. (SECTION R403.4.1 AND 403.4.2)

13.

A MINIMUM OF 75 PERCENT (75%) OF THE LAMPS IN PERMANENTLY INSTALLED LIGHT FIXTURES SHALL BE HIGH EFFICIENCY LAMPS. (SECTION R404.1)

T.O. WALL

G. CRAWL SPACE WALLS

I. NARROW CAVATIES

J. GARAGE SEPARATION

K. RECESSED LIGHTING

O. HVAC REGISTER BOOTS

P. FIREPLACE

NOTE: REFER TO TABLE R402.4.1.1 FOR THE INSTALLATION CRITERIA FOR THE ABOVE BUILDING COMPONENTS.
REBUILD OF ATTACHED GARAGE
A107
3D VIEWS

1 3D View 1
2 3D View 2
3 3D View 3
Lot 2 in Block 9 in GROVEDALE HOMES UNIT NO. 3, being a Subdivision of the South 1/2 of the South 1/2 of the Northeast 1/4 of Section 13, Township 41 North, Range 12 East of the Third Principal Meridian, lying West of the center line of Shermer Road and North of the Right of Way of the Public Service Company of Northern Illinois, excepting therefrom that part of the South 418.90 feet thereof which lies East of a line drawn at right angles to the South line of the Northeast 1/4 of Section 13 aforesaid through a point 1100.20 feet West of the center line of Shermer Road.

ADAMS and ADAMS
Illinois Professional Land Surveyors

PLAT OF SURVEY
OF

STATE OF ILLINOIS
COUNTY OF COOK

We, ADAMS and ADAMS, Illinois Professional Land Surveyors, hereby certify that we have surveyed the property described above and that the plat herein drawn is a correct representation of said survey. Measurements are all corrected to a standard of 68 degrees, 40 minutes variation.

MOUNT PROSPECT, ILLINOIS
May 1st
A.D. 19__

[Signature]

Note: All points before building by same and at once report any differing lines shown as only where they are so recorded in the maps.
Front of the garage.
We are rebuilding the garage because the foundation is sinking and walls are cracking.
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 7:30 pm by Chairperson Farkas. Chairperson Farkas lead the assemblage in the Pledge of Allegiance. Chairperson Farkas called the roll. In attendance were:

Members of Commission Present: Shimanski, Dorgan, Gabriel, Blonz, Roepenack, Farkas

Members of the Commission Absent: Gattorna

Chairperson Farkas announced the first order of business, which was to review the order of the meeting, detail the procedures to be followed during the course of the meeting, and introduce the members of the Board of Appeals, and Village Staff present at the meeting, Building Commissioner Ed Hildebrandt, and Trustees Toth and Thill.

Chairperson Farkas then proceeded to the approval of the August 16, 2010 meeting minutes.

Commissioner Shimanski moved to approve the minutes of the August 16, 2010 meeting as submitted. The motion was seconded by Commissioner Blonz. Chairperson Farkas called the roll. The vote was as follows:

Minutes of the August 16, 2010 meeting were approved by 5 “ayes” to approve and 0”nays” and 1 abstention and 1 absent; with

Commissioner Shimanski voting Aye
Commissioner Dorgan voting Abstain
Commissioner Gabriel voting Aye
Commissioner Blonz voting Aye
Commissioner Gattorna voting Absent
Commissioner Roepenack voting Aye
Chairperson Farkas voting Aye

CASE 1529

APPLICANT: George Metinidis
9450 Shermer Road
Morton Grove, IL 60053
PETITION: Requesting a variation from Section 12-3-5-A of Ordinance 07-07 (Village of Morton Grove Unified Development Code) to allow the following:

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fence in Front Yard</td>
<td>Not Allowed</td>
<td>Fence in Front Yard</td>
</tr>
</tbody>
</table>

The parcel is located in the R1 “Single-Family Residence District.”

Mr. Hildebrandt stated that it was brought to the Building Department’s attention that a wood fence was erected in the front yard at 9450 Shermer Rd. Mr. Metinidis related to staff that the three foot (3’) high split rail fences were installed in 2006. The fence along the north lot line was installed to keep Shermer Park patrons off his front lawn; the south lot line fence was installed to provide aesthetic balance to the front yard. The variation request also includes a proposal to extend the split rail fence parallel to the public sidewalk at the east property line enclosing the front yard.

A legal notice was printed in a local newspaper; neighbors within 100 feet were notified by mail; and a sign was posted in the front yard.

Commissioner Shimanski noted that the north and south lot line fences were not previously approved by the Zoning board of Appeals.

The applicant, Mr. Metinidis, was sworn in by Chairperson Farkas.

Mr. Metinidis stated the three foot (3’) high fence was needed due to the property location next to Shermer Park. Installation of the north fence stopped park patrons from using his property as a cut through. The south fence was installed to balance the front yard. Since he was asking for a variation for front yard fencing, he is also asking for the front closure along the east lot line to complete the balance. He feels this is a landscaping issue.

Commissioner Gabriel asked if the applicant had discussed this with the neighbors.

Mr. Metinidis stated he had not. He stated that the request can be viewed in three parts. The north fence is very important for safety; the south fence provides balance; and the east side completes the fence.

Chairperson Farkas asked if anyone in the audience wished to speak regarding the case. There was no response.

The Zoning Board of Appeals discussed the three part proposal. Commissioner Blonz supports the north fence due to the park location; he does not support the south and east fences.
Commissioner Dorgan agrees with Commissioner Blonz. He further hopes other front yard fences installed without a permit would come down. Commissioner Roepenack agrees with Commissioner Dorgan.

After discussion it was decided to vote on each of the three parts individually.

Motion was made by Commissioner Blonz to approve the three foot (3’) high split rail fence as installed on the north side only. The motion was seconded by Commissioner Gabriel with clarification that the vote was to keep the north side fence only at this time.

Motion was approved by the Commissioners with 6 Ayes, 0 Nays, 1 Absent.

Motion was made by commissioner Shimanski to approve the three foot (3’) high split rail fence as installed on the south property line. The motion was seconded by Commissioner Gabriel.

The motion was denied by the Commissioners with 2 Ayes, 4 Nays, 1 Absent.

Motion was made by Commissioner Gabriel to approve a three foot (3’) high split rail fence along the east property line in the front yard. The motion was seconded by Commissioner Shimanski.

The motion was denied by the Commissioners with 0 Ayes, 6 Nays, 1 Absent.
Commissioner Roepenack voting Nay
Chairperson Farkas voting Nay

CASE 1530

APPLICANT: Stanislaw Gajowniczek
9242 Shermer Rd
Morton Grove, IL 60053

PROPERTY LOCATION: 9242 Shermer Rd
Morton Grove, IL 60053

PETITION: Requesting a variation from Section 12-4-2-D-3 of
Ordinance 07-07 (Village of Morton Grove Unified
Development Code) to allow the following:

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard – South</td>
<td>8.0 ft</td>
<td>3.125 ft</td>
</tr>
</tbody>
</table>

The parcel is located in the R1 “Single-Family Residence District.”

Mr. Hildebrandt stated that Mr. Gajowniczek is proposing to convert the existing 1 ½-car attached garage into a storage area and workshop and construct a new two-car garage in front of the existing garage. The proposed garage is slightly wider than a standard two-car garage (20’x20’). The additional width will be used to access vehicles parked in the garage.

A legal notice was printed in a local newspaper; neighbors within 100 feet were notified by mail; and a sign was posted in the front yard.

Commissioner Blonz questioned the south side access to the rear yard due to the narrow side yard.

Mr. Hildebrandt stated he discussed this with Captain Porter and there was no problem.

Commissioner Blonz asked the size of a two-car garage and whether the dimensions were the inside or outside wall surface.

Mr. Hildebrandt stated a standard two-car garage was 20’x20’ to the outside.

The applicant, Mr. Stanislaw Gajowniczek, and his son Matt were sworn in by Chairperson Farkas.
Mr. Matt Gajowniczek stated that the exterior walls of the addition would be brick and block causing thicker and normal exterior walls (for a garage.) The interior garage width will be approximately 20'-6". The three-foot side yard would remain clear of obstructions. He stated that they did discuss the proposal with the neighbor to the south and there was no problem.

Commissioner Hildebrandt stated that the neighbor to the south called to question the proposal. She did not want the wall of the garage to be further forward (toward Shermer Rd) than her house.

Chairperson Farkas asked if anyone in the audience wished to speak regarding the case. There was no response.

Matt Gajowniczek stated that he and his father did a lot of woodworking; the existing overhead door would be removed.

Commissioner Shimanski questioned the fire separation between the attached garage and the house.

Commissioner Hildebrandt stated fire separation requirements are part of the building code and would be reviewed as part of the normal permit procedure.

Commissioner Shimanski asked about removing part of the existing fence to provide better emergency access on the Southside.

Matt Gajowniczek stated it is their fence. Before committing to removing part of it he would like to discuss the matter with his parents and the neighbor. All parties like the fence as is.

Motion was made by Commissioner Dorgan to approve a 3.125 ft side yard— south where 8 ft is required (4.875 ft variation.) The motion was seconded by Commissioner Gabriel.

The motion was approved by the Commissioners with: 6 Ayes, 0 Nays, 1 Absent.

Commissioner Shimanski voting Aye
Commissioner Dorgan voting Aye
Commissioner Gabriel voting Aye
Commissioner Blonz voting Aye
Commissioner Gattorna Absent
Commissioner Roepenack voting Aye
Chairperson Farkas voting Aye

There were no other cases on the Agenda.
There being no further business, Commissioner Dorgan moved to adjourn the meeting. The motion was seconded by Commissioner Gabriel and approved unanimously pursuant to a voice vote at 8:14 p.m.

Minutes by: Ed Hildebrandt, Building Commissioner
Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Zoning Commission was called to order at 7:30 pm. by Chairperson Farkas. Secretary Sheehan called the roll.

Members of the Commission Present:  Blonz, Dorgan, Gabriel, Gillespie, Shimanski, Farkas

Member of the Commission absent:  Khan

Village Staff Present:  Dominick Argumedo, Zoning Administrator/Land Use Planner, John Komorowski, Building Official, Bill Porter, Director of Fire Protection

Trustees Present:  Thill, Witko

Chairperson Farkas described the procedures for the meeting. Anyone from the audience will be allowed to speak after the commission asks questions of the applicant. After residents comments, discussion and voting will take place.

Chairperson Farkas then proceeded to seek approval of the minutes for September 15, 2014. Commissioner Blonz moved to approve the minutes of September 15, 2014. Commissioner Gillespie seconded the motion.

Commissioner Gabriel voting  Aye
Commissioner Dorgan voting  Abstain
Commissioner Shimanski voting  Abstain
Commissioner Gillespie voting  Aye
Commissioner Blonz voting  Aye
Chairperson Farkas voting  Aye

CASE ZBA 14-18

APPLICANT:  Stanislaw Gajowniczek
9242 N. Shermer Road
Morton Grove, IL 60053

PROPERTY LOCATION:  9242 N. Shermer Road
Morton Grove, IL 60053

PETITION:  Request for a variation from Section 12-4-2 of the Unified Development Code to allow for waiver to the side yard (Sec. 12-4-2-D) and combined side yard setback (Sec. 12-4-2-D) requirements to allow for the construction of a new two-car garage and storage space onto an existing single-family residence.

Dominick Argumedo reviewed the request for 9242 Shermer Rd which is an improved single-story single-
family residence located in the R1 district. The existing residence is non-conforming with respect to the combined side yard setback requirement. The Unified Development Code in the R1 district states residential structures shall have a minimum of 6 ft. side yard setbacks on each side of the structure and total minimum side yard setback of 14 ft. The existing residence complies with all other bulk and dimensional controls.

Argumedo continued stating in September 2010, the applicant previously applied for a variation and ZBA granted waivers to the combined side yard setback requirement to allow the property owner to construct a new two car 21 X 20 ft. garage. The proposed addition was located in front of the existing 17'-3" X 17'-3"garage, which was to be converted into a storage area and workshop. The proposed addition was to be located 3'-2" from the side south property line, and 6 ft. is required, and would reduce the combined side yard setback to 9'-2", where 14 ft. is required. The approved garage addition was never constructed.

The current application proposes to demolish the existing garage structure and construct a larger, 21 ft. X 31 ft., two-car attached garage with expanded storage space on the south side of the existing residence. This is similar to the previous plan, where the proposed garage would be located 3'-2" from the south side property line, encroaching in the required 6 ft. side yard setback, and would reduce the combined side yard setback to 9'-2" versus the required 14 ft. This proposal would increase the depth of the structure within the required side yard setback from 20 ft. to 31 ft. in depth. The owner has advised staff the additional depth, which is not needed for parking, but is being requested to be used for storage. Because the current proposal is not in substantial compliance with the previously approved variation application, due to the increase in encroachment in depth, a new variation application is required.

Argumedo noted, although the existing structure is non-conforming, when the garage would be demolished, it would remove the non-conforming as there would be a side-yard setback. The application is solely for a variance for a minimum side yard setback and the combined side yard setback in the R1 district.

The applicant, Stanislaw Gatowniczek and his son Matthew Gatowniczek were sworn in.

Matthew Gatowniczek explained the current garage has a foundation issue and is collapsing on one side. It would be more economical to build a new structure than to replace the foundation of the existing structure. The addition would be built to match the style and materials of the existing property adding a two car garage. The neighbors closest to this addition were informed and they have no concerns.

Commissioner Blonz asked where the entrance is to the patio and would the patio be expanded. Blonz also inquired about the lot coverage requirements.

Gatowniczek explained the patio is accessible thru the garage and will be expanded by 2 ft.

Mr. Argumedo confirmed the lot coverage requirements have been met.

Commissioner Gabriel inquired why the garage that was approved four years ago was never completed.

Gatowniczek stated that there was some financial difficulty at the time and this new plan is more
Chairperson Farkas asked if there was anyone present that wanted to be heard.

There was no response.

Chairperson Farkas asked if there was any further discussion. No response.

Chairperson Farkas asked for a motion to approve Case ZBA 14-18.

Commissioner Shimanski made a motion to approve Case ZBA 14-18 Request for a variation from Section 12-4-2 of the Unified Development Code to allow for waiver to the side yard (Sec. 12-4-2-D) and combined side yard setback (Sec. 12-4-2-D) requirements to allow for the construction of a new two-car garage and storage space onto an existing single-family residence with the following recommendation:

1. The new building addition and site modifications shall be constructed in substantial compliance with respect to design, height, and location and setback dimensions of all structures with the plans submitted by Matt Gatowniczek, dated 8/4/2014.

   a. “Site Plan New Garage/Storage”
   b. “Front/Side Elevation”

The motion was seconded by Commissioner Dorgan.

Voting as follows:

Commissioner Gillespie voting Aye
Commissioner Blonz voting Aye
Commissioner Gabriel voting Aye
Commissioner Dorgan voting Aye
Commissioner Shimanski voting Aye
Chairperson Farkas voting Aye

The motion was passed.

CASE ZBA 14-23

APPLICANT: Paul J Krez Group
7831 N. Nagle Avenue
Morton Grove, IL 60053

PROPERTY LOCATION: 7831 N. Nagle Avenue
Morton Grove, Il 60053

PETITION: Request for approval of the expansion of a Nonconforming Structure, (Section 12-15-4) and for a variation from side yard setback requirement (Sec. 12-4-4-E) to allow for the construction of an
addition to an existing building.

Argumedo reviewed this case from the applicant, Paul J Krez Group, which owns and operates a 28,797 Sq. ft. warehouse complex at 7831 North Nagle Ave in the M2 General Manufacturing district. The existing building is located at the southeast corner of Kirk St and Nagle Ave with access to the property from Nagle Ave.

Per the Unified Development code Section 12-17-1, the lot line along Kirk St is the front lot line, the south property line is the rear property line, and the property line opposite Nagle Avenue is the side property line. Since this is a corner lot, the structures need to comply with front yard setback requirements along both Kirk and Nagle Ave.

Argumedo continued stating the structure is non-conforming as it encroaches in the required front and side yard setbacks. The existing structure encroaches 5'-5" in the required 10 ft. front (north) yard setback along Kirk Street and 8'-1" into the required 10 ft. side yard (east) setback (Section 12-4-4-E)

The applicant proposes to construct a 6,509 sq. ft. one (1) story addition to the rear (south) portion of their existing 28,797 sq. ft. facility. The proposed addition would extend back from the existing facility 78'-11" and is proposed to be 82'-6" wide. The height of the proposed addition, 17'-4", would match the existing structure. The proposed addition is to be located at an area currently used for outdoor storage. The proposed addition would be constructed in line with the existing structure along the east side of the building and, as such, is proposed to be setback 1'-11" from the east side property line. This property line is non-conforming per the Unified Development Code which allows structures in the M2 district to be zero ft. from the property line or if the side yard is provided then the structure must be setback not less than 10 ft. from the lot line. As the proposed addition would be in line with the east side of the existing structure, 1'-11" from the side (east) yard property line.

Argumedo explained the property directly to the east (6237 Kirk Street) of the subject property, which shares the side property line, is improved with a structure that is sited 50 ft. from the shared property line. This site has 38 spaces for parking which will be maintained with the building expansion.

Argumedo stated that the Appearance Commission reviewed the plans for the building addition at their January 5, 2015 meeting and voted unanimously to recommend the issuance of an Appearance Certificate for the proposed project.

Chairperson Farkas asked if any questions from staff for Mr. Argumedo.

The applicant and owner, Paul Helmer and architect Sara Gensburg were sworn in.

Ms. Gensburg explained the original building is on Kirk St and when constructed there were different zoning requirements on setbacks. The next addition made was close to the east property line, but not directly on the property line. Today's code does not allow the building to meet that same building line. Not only for esthetic reasons, but if the construction were to go right up to the property line it would impede the egress of people exiting the building and not go towards the Kirk St side. If the construction was to go up to the 10 ft lot line, and then parking spaces would be lost.

Mr. Helmer stated that the business has been located there since 1980 and the expansion over the
years has allowed them to expand the existing building to the current lot line. Behind this building is a
fence, and on the other side of the fence is a driveway that is used by Kraft. If coming further to the
west then the concern is parking. Helmer stated the proposal to honor the line of the last addition
would be their request.

Chairperson Farkas asked if staff had any questions.

Commissioner Shimanski asked the applicant why the fence is not removed and put the addition on the
zero lot line.

Helmer stated that going back up to the fence line would not conform to the rest of the building. If it
was moved 10 feet it would be going into the parking lot.

Argumedo stated that in the M2 district required side yard is either 10 ft. or 0 ft.

Mr. Komoroski stated there is an existing covered storage that doesn’t have walls but has a roof.
He inquired if this existing structure is part of the construction.

Helmer confirmed this storage area is in place and will be incorporated into this construction. He
continued stating that when this was built it was with the intentions that it could be enclosed with brick.
This is in place but does not go all the way to the south.

Komoroski added that this will be enclosed and add on another portion on to the existing roof structure
that is in place and would not be able to go to the property line.

Shimanski added that to tear down the existing structure and extend it 2 ft would be costly and not a
simple task just to extend the roof structure.

Blonz requested to view the plans with the covered structure. Gensburg displayed for all of the
commissioners.

Blonz directed the question to Argumedo inquiring how the existing code of 0 or 10 ft on the lot line
came about.

Argumedo stated that staff is not sure how this came about and it is being reviewed.

Farkas explained the last time this came up it was explained that if its 0 it is fine, but less than 0 has to
be wide enough so that it can be maintained.

Farkas asked what the board is being asked to approve.

Argumedo stated that the application is for variance to the side yard for the warehouse addition
to approve a side yard setback of 1' - 11" for the new 65 sq ft warehouse addition to the south of the
property. The proposal meets all other dimensional controls.

Farkas asked if there was anyone present that wanted to be heard. There was no response.
Blonz asked if the design went all the way to the lot line and moved it 1 ft. 11" would it be a problem.

Shimanski stated it would be complicated. It would require pushing the wall out which doesn’t have the roof structure and extending the deck and then there would be problems with the joists.

Farkas asked if the neighbor would maintain that 2 ft. area.

Gensburg stated the neighbor has maintained that area with no problems for many years.

Gabriel asked if the area is maintained from outside the fence and reaching in or are you able to get in between the building and the fence.

Helmer stated that there is adequate space to maintain the area.

Farkas stated that this request is the best result for the structure.

Farkas asked for a motion to approve Case ZBA 14-23.

Commissioner Dorgan moved to approve Case ZBA 14-23.

PETITION:

Request for approval of the expansion of a non-conforming structure (Section 12-15-4), and for a variation from side yard setback requirement (Sec 12-4-4-E) to allow for the construction of an addition to an existing building.

RECOMMENDATION:

Request for approval of the expansion of a non-conforming structure, in accordance with Section 12-15-4, anda 8’-1" variation from the 10 ft. required side yard setback, in accordance with Section 12-4-4-F, to allow for construction of a 6,509 sq ft. addition to an existing building at 7831 North Nagle Avenue, staff recommends the following conditions:

1. The new building addition and site modifications shall be constructed in substantial compliance with respect to design, height, location and setback dimensions of all structures with the plans submitted by Sara E.F. Gensburg, Ltd., dated 12/30/2014, as follows:

   a. “Floor Plan”
   b. “West Elevation”
   c. “North Elevation”
   d. “East Elevation”; and
   e. “Site Plan”

Commissioner Gabriel seconded the motion.

Voting as follows:
Commissioner Gillespie voting   Aye
Commissioner Blonz voting       Aye
Commissioner Shimanski voting   Aye
Commissioner Gabriel voting     Aye
Commissioner Dorgan voting      Aye
Chairperson Farkas voting       Aye

Motion passed. Chairperson Farkas asked for any other business or discussion. Hearing none, Commissioner Dorgan moved to adjourn the meeting. The motion was seconded by Commissioner Blonz and approved pursuant to voice vote at 8:30 pm.

Minutes by: Janet Sheehan
On January 19, 2015, the Zoning Board of Appeals held a public hearing on ZBA Case #14-18. The applicant, Mr. Stanislaw Gatowniczek, proposed to demolish the existing garage structure and construct a larger, 21 ft. x 31 ft. (651 sq. ft.), two-car attached garage with expanded storage space on the south side of the existing residence. The applicant sought variations and/or approval from two sections of the Unified Development Code as follows:

1. Section 12-4-2-D-3-B – the applicant sought a waiver from the code requirement of a 6 ft. minimum side yard setback in the R1 Single Family Residence District, the applicant proposes a 3’-2” side yard setback.

2. Section 12-4-2-D-3-B – the applicant sought a waiver from the code requirement of a combined 14 ft. side yards in the R1 Single Family Residence District, the applicant proposes a combined side yard setback of 9’-2”.

See conditions of approval below
<table>
<thead>
<tr>
<th>Regulation Type</th>
<th>Code Requirement</th>
<th>Existing Building</th>
<th>Proposed Garage Addition</th>
<th>Waiver Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard (Section 12-4-2-D-3-B)</td>
<td>6 ft.</td>
<td>South Property Line: 6’-11” (Existing); 24’-2” (after demolish of existing garage); North Property Line: 6 ft. (existing)</td>
<td>South Property Line: 3’-2” (Proposed)</td>
<td>South Property Line: 2’-10” waiver to minimum side yard setback requirement</td>
</tr>
<tr>
<td>Minimum Combined Side Yard (Section 12-4-2-D-3-B)</td>
<td>14 ft.</td>
<td>12’-11” (existing); 30’-2” (after demolition of existing garage)</td>
<td>9’-2”</td>
<td>4’-10” waiver to combined side yard setback</td>
</tr>
</tbody>
</table>

After hearing the Village staff’s report and recommendations, the applicant’s presentation of their variance request, and public testimony, the ZBA discussed the merits of the application and then voted to approve the application (6-0) to allow the construction of a new 21 ft. x 31 ft. (651 sq. ft.) with the following conditions:

1. The new building addition and site modifications shall be constructed in substantial compliance with respect to design, height, location and setback dimensions of all structures with the plans submitted by Matt Gajowniczek, dated 8/4/2014:

   a. "Site Plan New Garage/Storage”;
   b. "Front/Side Elevation”;

   No demolition or construction work shall commence until the applicant has filed for and been issued all necessary permits through the Building Department.

Dominick Argumedo, Zoning Administrator               Date