



VILLAGE OF MORTON GROVE
Zoning Board of Appeals Agenda
December 20, 2021 - 7:00 P.M.

Flickinger Municipal Center, 6101 Capulina Avenue, Morton Grove, IL 60053

I. CALL TO ORDER

II. APPROVAL OF MINUTES OF: October 18, 2021

III. ITEMS TO BE CONTINUED: None

IV. PUBLIC HEARINGS

CASE: ZBA 21-11

APPLICANTS: 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.

CASE: ZBA 21-12

APPLICANTS: 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.

CASE: ZBA 21-13

APPLICANTS: 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.

V. OTHER BUSINESS None

VI. CLOSE MEETING

Note that all persons are welcome to attend the public meeting in-person as regularly scheduled. Social distancing measures will be in place to ensure the safety of the public and Village staff. **All persons attending the meeting in-person must wear a face covering.** All persons in attendance will have the opportunity to be heard during periods of public comment. *We ask that individuals not attend public meetings if they have within the past 14 days, tested positive for COVID-19, have been in contact with another person who has tested positive for COVID-19 during the past 14 days, or have any symptoms associated with COVID-19.*

Comments relating to this case may also be submitted no later than 5:00 p.m. on Monday, December 20, 2021, to zheidorn@mortongroveil.org. All comments received in relation to this case will be read at the public hearing for consideration by the Zoning Board of Appeals.

**MINUTES OF THE OCTOBER 18, 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 Jacqueline Meracle called the roll.

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

Members Absent:

Village Staff Present:

Zoe Heidorn, Community Development Administrator
Anne Ryder Kirchner, Assistant Land Use Planner
Jim English, Building Department Director
Rick Dobrowski, Fire Prevention Coordinator

Trustees Present:

Bill Grear, Rita Minx, John Thill

Chairperson Blonz described the procedures for the meeting. The Village and the applicant will present the case and the board may ask questions of the applicant. Then anyone from the audience will be allowed to speak.

Chairperson Blonz proceeded to seek approval of the September 20, 2021 minutes. Board Member Liston moved to approve the minutes of September 20, 2021. Board Member Dorgan 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 Liston 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 21-10

APPLICANT: Rowland Banini
5623 Crain Street
Morton Grove, IL 60053

LOCATION: 5623 Crain Street
Morton Grove, IL 60053

PETITION: Request for variation from Sections 12-2-5 and 12-4-2:D to allow a detached accessory structure that exceeds the maximum allowable floor area ratio (FAR) to be located less than ten feet from the primary structure on a lot that is non-conforming with respect to area and width, in accordance with Section 12-15-4.

Community Development Administrator Zoe Heidorn reviewed the request stating the subject property is an interior lot located on the south side of Crain Street, between Major Avenue and Central Street. The property is zoned in an R-2 Single Family Residence District and is improved with a single family home. With a lot width of 40 feet and a lot area of 3,422 square feet, the subject property is nonconforming with regard to lot width and area. Properties in all immediate directions are also within the R-2 District and improved with single-family residences.

The applicant, Rowland Banini, was sworn in. Mr. Banini stated that the request was to replace an old structure to be used for storage as opposed to converting the garage. The structure would be a simple shed and the previous structure had to be removed due to a rodent infestation.

Board Member Dorgan asked what type of base would be underneath the shed.

Mr. Banini stated that he was working with ToughShed and there would be a concrete base with steel and wood materials in order to prevent another infestation.

Board Member Dorgan asked the applicant if he had spoken to any neighbors.

Mr. Banini stated he had.

Board Member Liston asked if the applicant knew what the fire rating of the proposed structure was.

Mr. Banini stated that he did not know but ToughShed would provide all of that information to the building department and they are bonded and licensed properly.

Zoning Board Motion and Approval

Board Member Kintner then moved to approve a request for variations from Sections 12-2-5 and 12-4-2:D to allow a detached accessory structure that exceeds the maximum allowable floor area ratio (FAR) to be located less than 10 feet from a principal structure on a lot that is non-conforming with respect to area and width, in accordance with Section 12-15-4, for the property commonly known as 5623 Crain Street, Morton Grove, Illinois, subject to the following conditions:

1. The proposed detached shed shall be built in accordance with the plans submitted by the applicant in the Variation Application dated 09/17/2021; 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.

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 Liston voting | aye |
| Board Member Mohr voting | aye |
| Board Member Stein voting | aye |
| Chairperson Blonz voting | aye |

Motion passed 7-0.

Chairperson Blonz asked for any other business or discussion.

Hearing none business, Board Member Gabriel moved to adjourn the meeting, seconded by Board Member Liston .

The motion to adjourn the meeting was approved unanimously pursuant to a roll call at 7:15 pm.

Minutes By: Jacqueline Meracle

Village of Morton Grove

Department of Community & Economic Development

To: Chairperson Blonz and Members of the Zoning Board of Appeals

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: November 9, 2021

Re: **ZBA 21-11 – 9232 Maple Court**
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

STAFF REPORT

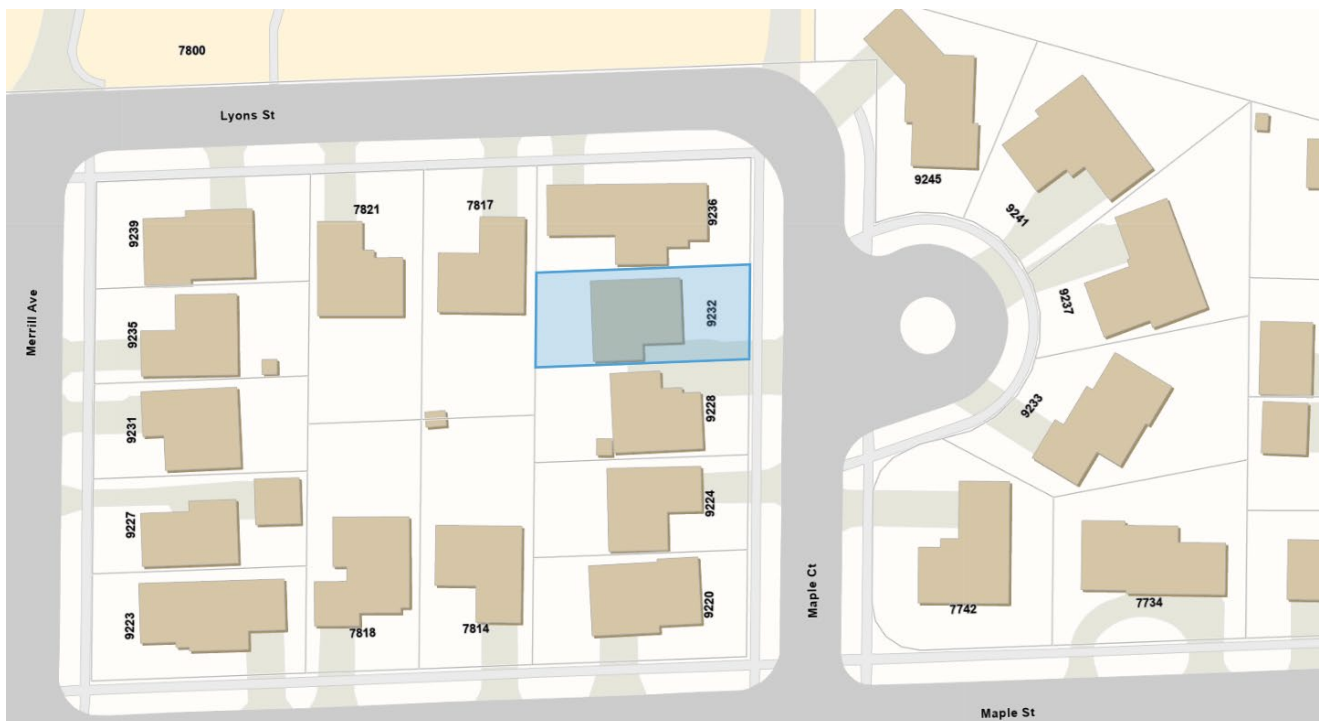
Public Notice

The Village of Morton Grove provided public notice for the November 15, 2021, Zoning Board of Appeals public hearing for ZBA 21-11 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on October 28, 2021. The Village mailed letters on October 26, 2021, notifying surrounding property owners, and placed a public notice sign on the subject property on October 26, 2021.

Request Summary

Property Background

The subject property at 9232 Maple Court is an interior lot located on the west side of Maple Court, between Lyons and Maple Streets. The property is within an R-2 Single Family Residence District and is improved with a single-family dwelling. Surrounding properties are also zoned in the R-2 Single Family Residence District and are improved with single-family residences. The subject property and the neighboring property to the south do not have garages.



Subject Property Location Map

Application Overview

The Applicants and property owners, Abulmasih Warda and Varna Talo, are requesting waivers from Section 12-2-6:G to allow a driveway setback less than 3 feet from the side lot line and expansion of the driveway to create an open accessory parking space in the front yard. The existing driveway measures approximately 10 feet at the front lot line, tapers to a maximum width of 15.36 at the front building line, and is set back 0.7 feet from the south side lot line. The proposed driveway will measure 15.36 feet at the front lot line and front building line, and be set back 0.7 feet from the south side lot line. No work is to be done to the apron located within the public right-of-way.

Approval of the request as presented will authorize the in-kind replacement of the existing concrete driveway and extend the driveway north by approximately 5.36 feet at the front lot line. Because the proposed driveway does not lead directly to a conforming parking area located behind the front building line, the proposed driveway creates an open accessory parking area within the front yard, which is prohibited by Section 12-2-6:G. The property complies with maximum impervious lot coverage restrictions for the R-2 District.

Requested Waiver

The following chart provides a summary of the requested waivers based on Unified Development Code requirements:

| DIMENSIONAL CONTROL | ORDINANCE REQUIREMENT | PROPOSED | REQUESTED WAIVERS |
|--|---|---|---|
| Driveway Setback 12-2-6:G | Min. 3 ft. side setback (may be reduced if yard is less than 12 ft. in width) | 0.7 ft. at south side lot line, yard does not qualify for reduced setback | <i>Waiver of 2.3 ft. to allow setback of 0.7 ft. at south side lot line</i> |
| Driveway Maximum Width | Max. 16 ft. at front or street side lot line | 15.36 ft. at front lot line | <i>Compliant</i> |
| Open Accessory Parking Area 12-2-6:G | Min. 3 ft. from all lot lines, not permitted in front or street side yards | 0.7 ft. setback at south side lot line, open accessory parking area in front yard | <i>Waiver of 2.3 ft. to allow setback of 0.7 ft. at south side lot line, waiver to allow an open accessory parking area in a front yard</i> |

As shown in the table, the following waivers are required to authorize the replacement and expansion of the existing driveway, as proposed by the Applicant:

- Section 12-2-6:G. Waiver of 2.3 feet to the minimum 3-foot side setback for driveways to allow a setback of 0.7 feet from the south side lot line.
- Section 12-2-6:G. Waiver of 2.3 feet to the minimum 3-foot side setback for open accessory parking spaces to allow a setback of 0.7 feet from the south side lot line and waiver to allow an open accessory parking area in the front yard.



Subject Property Street View

Discussion

The Applicants are requesting waivers from the ZBA to allow the replacement of an existing driveway, which currently leads to a legal nonconforming parking space located behind the front building line. With a side setback of 13.76 feet, as measured within the parking area, the Applicant would be able to construct a 10.76-foot-wide parking area and driveway, while providing the 3-foot side setback required by Code. However, the Applicant is seeking to maintain the existing 0.7-foot setback and expand the driveway north to a width of 15.36 feet. The intent of the proposed project is to create additional parking area within the front yard.

Section 12-7-3 requires a minimum of 2 off-street parking spaces for single-family detached dwellings, and the subject property currently has only 1 legal nonconforming parking space. While the proposed project increases parking area for the residence, the additional parking area is to be located within a front yard.

The Applicant is not proposing replacement of any portion of the driveway with the public right-of-way at this time, but when the property owner does decide to replace the apron, the Public Works Department is expected to authorize an expansion of the apron to meet the northern edge of the driveway.

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 Applicants have provided their responses to these standards in the Variation Application.

Recommendation

Recommendation: Should the Board approve Case ZBA 21-11, staff recommends the following motion and conditions:

Motion to approve Case ZBA 21-11, a 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, 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.*

Attachments

Application and related materials (submitted by Applicants)



Incredibly Close Amazingly Open

VARIATION APPLICATION

Village of Morton Grove
Department of Community Development
6101 Capulina Avenue Morton Grove, Illinois 60053
(847)470-5231 (p) (847)965-4162 (f)

CASE NUMBER: 21-11 DATE APPLICATION FILED: 10/21/21

APPLICANT INFORMATION

Applicant Name: ABDULMASIH WARDA / VARNA TALO

Applicant Address: 9232 MAPLE COURT

Applicant City / State / Zip Code: MORTON GROVE , IL 60053

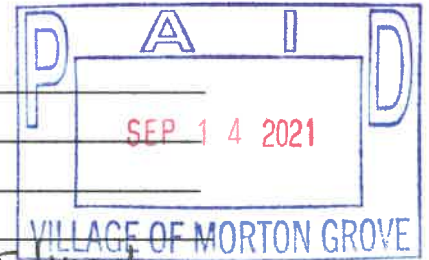
Applicant Phone: (847) 361 - 4443

Mobil / Other: (847) 834 - 5442 773 616 8244 - Edward

Applicant Email: amsy_bazz@yahoo.com - vtalo@hotmail.de

Applicant Legal Interest in Property (Owner, Tenant, Etc.): owner

Applicant Signature: abdulmasih Warda



PROPERTY INFORMATION

Common Address of Property: 9232 MAPLE COURT, MORTON GROVE, IL 60053

Property Identification Number (PIN): 09-13-119-011-0000

Zoning District: R-2 Property's Current Use: MAIN RESIDENCE

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

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12.2.6 (OPEN ACCESSORY PARKING SPACE) and DRIVEWAY SETBACK

for the following: REPLACEMENT OF DRIVEWAY and expansion

2. Please provide detailed information to explain why the variation is being requested:

I NEED TO EXTEND WIDTH OF MY DRIVEWAY TO BE 15.35 FOOT TO BE ABLE TO PARK
TWO CARS SIDE BY SIDE ,SIMILAR TO MY NEIGHBOR, AS IT'S RISKY TO PARK IN THE
STREET CLOSE TO THE CURB .

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.

IT IS ALLOWED BY ZONING

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.

NO

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.

SEEKING A SAFER ARRANGEMENT OF PARKING IN AND OUT OF MY DRIVEWAY

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.

NO

Village of Morton Grove

Department of Community & Economic Development

To: Chairperson Blonz and Members of the Zoning Board of Appeals

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: December 14, 2021

Re: **ZBA 21-12 – 9011 Mango Avenue (10-17-413-038-0000)**
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

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the December 20, 2021, Zoning Board of Appeals public hearing for ZBA 21-12 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on December 2, 2021. The Village mailed letters on November 30, 2021, notifying surrounding property owners, and placed a public notice sign on the subject property on November 30, 2021.

Request Summary

Property Background

The subject property is an interior lot located on the east side of Mango Avenue, between Davis and Lake Streets. The property is zoned in an R-2 Single Family Residence District and is improved with a single-family home. Properties in all immediate directions are also within the R-2 District and improved with single-family residences.



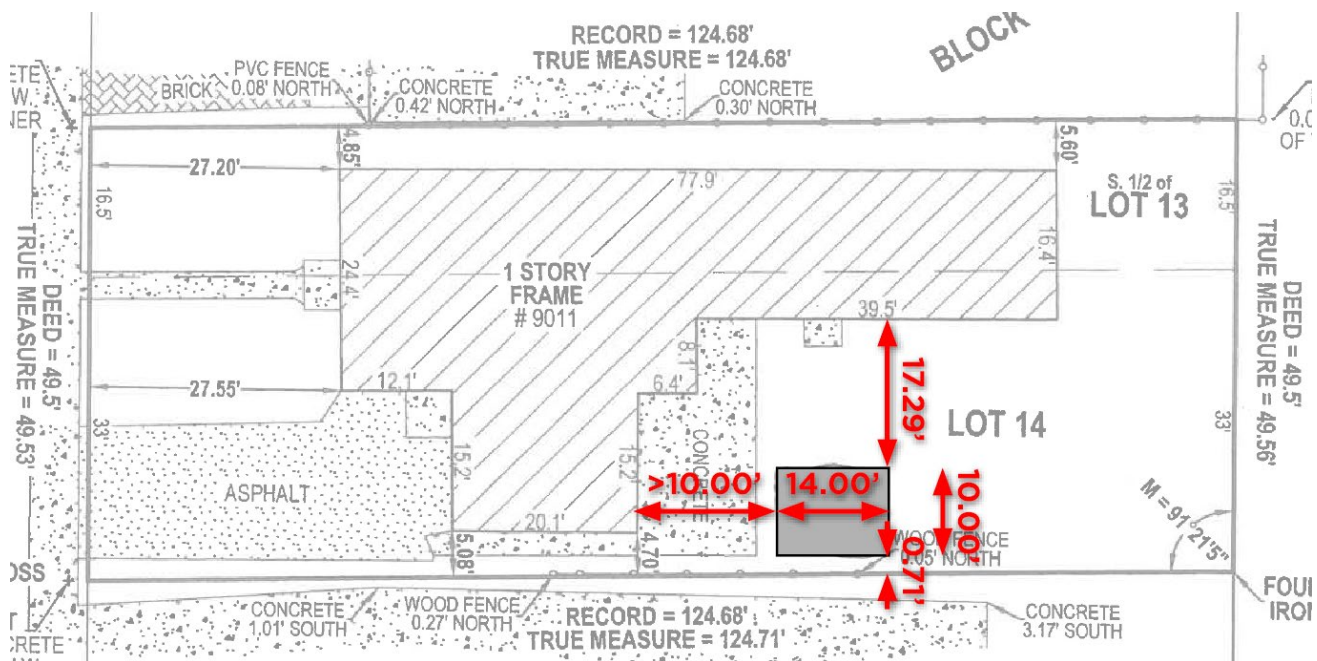
Subject Property Context Map

Application Overview

The applicants and property owners, Joseph and Donna Hedrick, are requesting waivers to legalize the installation of a 14-foot by 10-foot shed within a required 5-foot side yard along the south side lot line. The shed currently provides a 0.71-foot setback from the south side lot line, as measured by staff.

The shed was installed with a permit issued on June 4, 2020, requiring a 3-foot setback from the south side lot line. The 3-foot setback was approved in error by staff. Typically, sheds are located within a rear yard, where a 3-foot setback from the rear and side lot lines applies. Because the shed on the subject property is not located behind the rear building line, the 5-foot side yard required in the R-2 District applies. Per Section 12-2-5:B.2.a, detached accessory structures “shall not be located in the front yard or required side yards.” The principal structure’s south side and rear yards are both nonconforming at 4.70 feet and 19.58 feet, respectively.

The applicants must secure a waiver of 4.29 feet from the required side yard to legalize the nonconforming shed. The detached accessory structure complies with the minimum 10-foot required separation from the principal structure.



Site Plan (Prepared by Staff)

The following table provides an overview of the applicable dimensional requirements and waivers requested to legalize the accessory structure:

| Dimensional Control | Code Requirement | Proposed | Waiver Request |
|--|------------------|----------|----------------|
| Maximum Lot Coverage (12-4-2:D) | 60.0% | 51.5% | Compliant |
| Minimum Separation Between Detached Accessory & Principal Structure (12-2-5:B.2.d) | 10 ft. | > 10 ft. | Compliant |

| | | | |
|--|------------------------------------|---------------------------------|-----------------------------|
| Minimum Detached Accessory Structure Side Setback (12-2-5:B.2.a) | 5 ft. | 0.71 ft. | <i>Non-Compliant</i> |
| Permitted Obstructions in Required Yards - Sheds (12-2-6:G) | Allowed in Required Rear Yard Only | Installed in Required Side Yard | <i>Non-Compliant</i> |

As indicated in the table, the following are required to authorize the proposed project:

- Section 12-2-5:B.2.a: Waiver of 4.29 feet to the required side yard of 5 feet to allow a setback of 0.71 feet.
- Section 12-2-6:G: Waiver to permit a shed as an obstruction of a required side yard.



Subject Property Street View and View of Shed (Both Looking East)

Discussion

The applicants are requesting a 4.29-foot reduction of the required side yard setback for a detached accessory structure to legalize a shed installed in 2020. A building permit for the shed was issued on June 4, 2020, approving a 3-foot setback along the south side lot line. Upon Building Department inspection on June 9, 2020, the shed was found to be installed in an unapproved location, 0.71 feet from the side lot line. The property owners repeatedly reported to staff that they intended to relocate the shed to the approved location, but the shed was never relocated.

By August 2021, the shed still had not been relocated and the Building Department issued a violation. Upon inspections in September and October, the shed had still not been relocated. The applicants reported to staff that

they found the shed to be too difficult to move and filed a Variation Application to legalize the shed in the existing location.

Upon closer inspection of the subject property and Village Code, staff determined that a 5-foot setback applies, as opposed to the 3-foot setback approved under the issued building permit. Staff would be supportive of a variation from the Zoning Board of Appeals to allow a 3-foot setback, as erroneously approved, but finds the 0.71-foot setback to be disrespectful of the abutting residential property to the south and its users.

Since the case was publicly noticed, staff has been contacted by at least two residents voicing concerns with the existing shed placement.

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 21-12, staff recommends the following motion and conditions:

Motion to approve a 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.*

Attachments

Application and related materials (submitted by applicant)



Incredibly Close ✨ Amazingly Open

VARIATION APPLICATION

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: 21-12 DATE APPLICATION FILED: 11/22/2021

APPLICANT INFORMATION

Applicant Name: JOSEPH + DONNA HEDRICK
Applicant Address: 9011 MANGO AVENUE
Applicant City / State / Zip Code: MORTON GROVE, IL, 60053
Applicant Phone: (847) 965 1774
Mobil / Other: (847) 212 5331
Applicant Email: HEDRICK@JUNO.COM
Applicant Legal Interest in Property (Owner, Tenant, Etc.): OWNER
Applicant Signature: _____

PROPERTY INFORMATION

Common Address of Property: 9011 MANGO AVENUE
Property Identification Number (PIN): 18-17-413-038-0000
Zoning District: R2 Property's Current Use: RESIDENCE

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: SHED BUILT 2 FEET FROM SOUTH PROPERTY
LINE INSTEAD OF 3 FEET

2. Please provide detailed information to explain why the variation is being requested:

WHEN THEY WERE BUILDING THE SHED I HAD
THE SHED IN FROM THE PROPERTY LINE BUT
DIDN'T KNOW

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.

YES

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.

SHED IS IN THE REAR YARD, IT IS LARGE AND
DIFFICULT TO MOVE AFTER CONSTRUCTION, GROUND
LAND IS STILL OPEN AND IF THE SHED COULD BE
MOVED NO ADDITIONAL LAND WOULD BE USED

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.

SHED ROAD STORAGE AREA AND IS NOT
VIEWED FROM THE STREET
NEIGHBORS DRIVEWAY IS LESS THAN 3 FEET
FROM PROPERTY LINE

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.

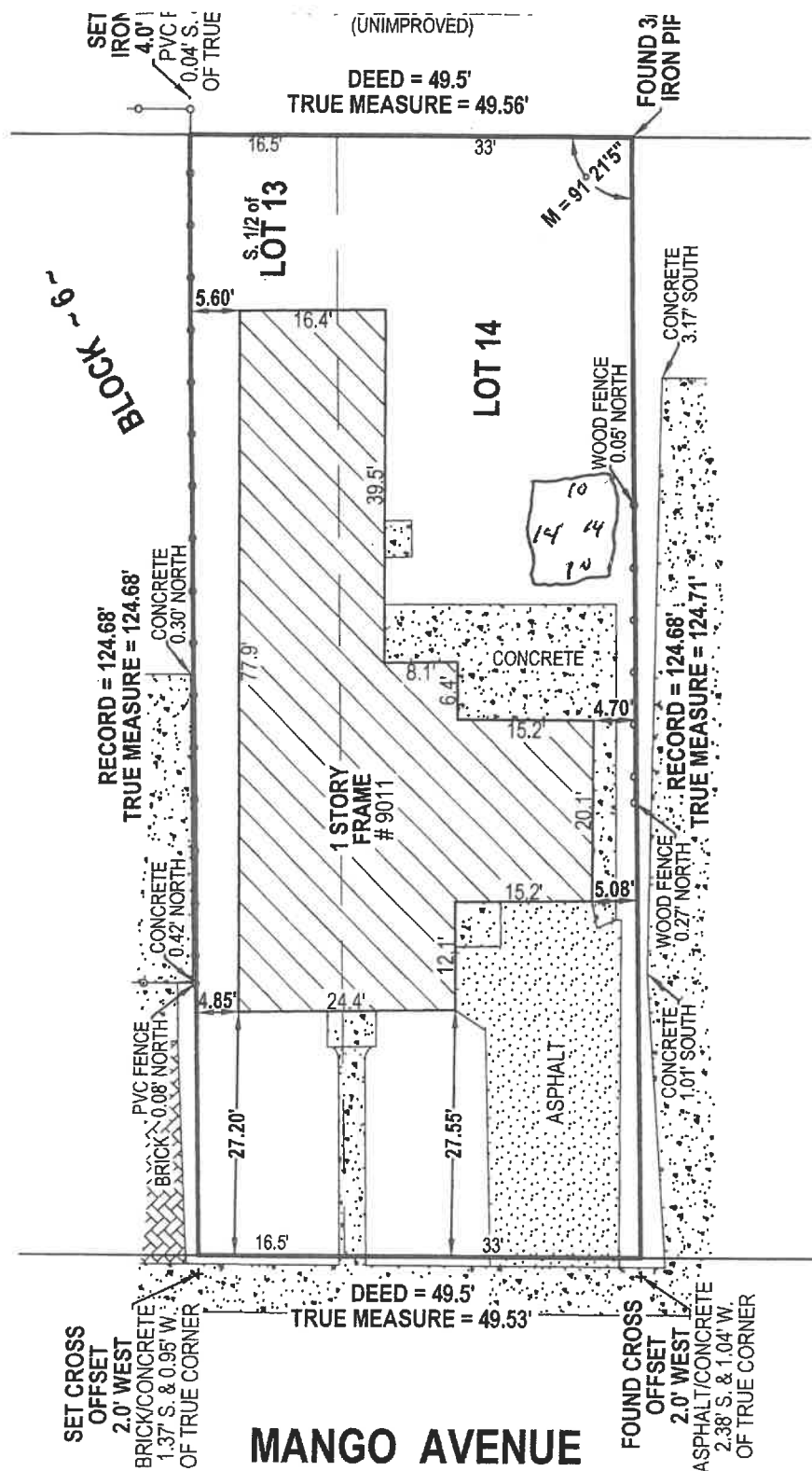
THE SHADOW OF THE SHED IS ON THE PROPERTY
AND DOES NOT BLOCK ANY NEIGHBORS LIGHT

MID LAKES SURVEY COMPANY

Illinois Professional Design Firm 184.006153

PLAT OF SURVEY

LOT 14 AND THE SOUTH 1/2 OF LOT 13 IN BLOCK 6 IN HIELD AND MARTIN'S DEMPSTER STREET TERMINAL SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 17 AND THE SOUTHEAST 1/4 OF SECTION 14 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



SURVEY AREA = 6,176 Sq.Ft.± 0.14 ACRES.

Only those Building Lines and Easements shown on the Recorded Plat of Subdivision or disclosed on a current Title Policy are shown hereon. All Distances shown in feet and decimal parts thereof. No distances are to be determined by scaling. All Easements are located to each "Plat" of Subdivision.

ALL TENCES ARE LOCATED TO CELLULITES, UNLESS OTHERWISE
COPYRIGHT© 2020 - MID LAKES SURVEY COMPANY

Job no. 461379 P.I.N. 10-17-413-038 Scale 1" = 20'

Address 9011 MONGO AVENUE Township NILES Platted By JER/LR

MORTON GROVE, IL 60053-2543 Ordered By MORTON J. RUBIN, ESQ. Checked By NNM

STATE OF ILLINOIS)
) S.S.

On behalf of MID LAKES SURVEY COMPANY, I hereby certify that the above described property was st

correct representation of said survey. This professional service conforms to the current Illinois minim

Dated FEBRUARY 25, 2020

MID LAKES SURVEY COMPANY

By Nathaniel N. M.
Illinois Professional Land Surveyor. My license expires

Village of Morton Grove

Department of Community & Economic Development

To: Chairperson Blonz and Members of the Zoning Board of Appeals

From: Zoe Heidorn, Community Development Administrator
Anne Ryder Kirchner, Assistant Land Use Planner

Date: December 14, 2021

Re: **ZBA 21-13 – 5913 Capulina Avenue**
Request for variation from Section 12-4-2:D to allow an addition in a required side yard

STAFF REPORT

Public Notice

The Village of Morton Grove provided public notice for the December 20, 2021, Zoning Board of Appeals public hearing for ZBA 21-13 in accordance with the Unified Development Code. The *Chicago Tribune* published a public notice on December 2, 2021. The Village mailed letters on November 30, 2021, notifying surrounding property owners, and placed a public notice sign on the subject property on November 30, 2021.

Request Summary

Property Background

The subject property at 5913 Capulina Avenue is an interior lot located on the south side of Capulina Avenue, between Austin and Marmora Avenues. The subject property is within an R-2 Single Family Residence District and is improved with a single-family residence. Surrounding properties are also zoned within the R-2 Single Family Residence District and are improved with single-family dwellings.



Subject Property Location Map

Application Overview

The Applicants, Thomas Karagiannis and Yoradyl Bendebel, are requesting waivers from Section 12-4-2:D to authorize a second-floor addition and a first-floor open sided porch that encroach into the required 5-foot side yard. The variation will authorize the construction of a second-story addition to be built directly above and in line with the east building line of the existing first floor, which has an existing nonconforming setback of 3.6 feet from the east side lot line. The second story addition is proposed to overhang a new open sided porch on the first floor, which will also be set back 3.6 feet from the side lot line. The proposed second story addition will be stepped back from the front building line by about 15.4 feet, which will minimize visual impact from the street view.

With the exception of the 3.6-foot side setback, the proposed addition complies with all dimensional requirements of the R-2 District. If the applicants were to step the addition back by 1.4 feet from the east side lot line, the addition could be approved administratively. Section 12-15-4:A.1 allows the expansion of nonconforming structures only if the addition, in and of itself, complies with all applicable dimensional controls.

A minor projection along the existing east building line of 0.7 feet is a chimney that is not planned to be used in the future. Per the project architect, the projection will not be expanded vertically and may even be removed.



Proposed East Elevation

Requested Variation

The following provides a summary of the requested variation based on Unified Development Code requirements:

| DIMENSIONAL CONTROL | ORDINANCE REQUIREMENT | PROPOSED | REQUESTED VARIANCE |
|---------------------------------------|-----------------------|---------------------------------|-----------------------------------|
| R-2 District Requirements | | | |
| Front Yard (12-4-2:D) | Min. 25 ft. | 19.82 ft. | Existing nonconformity |
| Side Yards (12-4-2:D) | Min. 5 ft. | West 16.27 ft. East 3.60 ft. | Compliant <i>Non-Compliant</i> |
| Rear Yard (12-4-2:D) | Min. 30 ft. | 43.19 ft. | Compliant |
| Floor Area Ratio (12-4-2:D) | Max. 0.6 | 0.45 | Compliant |
| Building Height (12-4-2:D) | Max. 28 ft. | < 28 ft. | Compliant |

As shown in the table above, the following variation is required to approve construction of a second story addition and first floor covered porch, as proposed by the applicants:

- Section 12-4-2:D: Waiver of 1.4 feet to the minimum required side yard of 5 feet to allow an addition located 3.6 feet from the side lot line.

Discussion

The subject property is similar to properties located east along the same blockface, all of which have nonconforming interior side yards of between approximately 3 and 4 feet. The following side yards of nearby properties were determined based on plats on file (others could not be located):

5909 Capulina: 3.87 feet, 2.95 feet

5903 Capulina: 4.0 feet, 2.92 feet

5901 Capulina: 2.95 feet



The applicants submitted a Design Workbook in accordance with Section 12-12-1:B.7 demonstrating that the proposed exterior modification is compatible with homes in the surrounding neighborhood. Staff determined that review by the Appearance Commission is not required.



Subject Property Street View

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 applicants provided their responses to these standards in the Variation Application.

Recommendation

Should the Board approve Case ZBA 21-13, staff recommends the following motion and conditions:

The Zoning Board of Appeals approves Case ZBA 21-13, a request for 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.*

Attachments

Application and related materials (submitted by applicants)



Incredibly Close ✨ Amazingly Open

VARIATION APPLICATION

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: 21-13 DATE APPLICATION FILED: 11/12/2021

APPLICANT INFORMATION

Applicant Name: Thomas Karagiannis & Yoradyl Bendebel
Applicant Address: 5913 Capulina Avenue
Applicant City / State / Zip Code: Morton Grove, Illinois 60053
Applicant Phone: (773) 677-7702
Mobil / Other: ()
Applicant Email: tom.karagiannis@gmail.com; yoradyl@gmail.com
Applicant Legal Interest in Property (Owner, Tenant, Etc.): Owner
Applicant Signature:  

PROPERTY INFORMATION

Common Address of Property: 5913 Capulina Avenue Morton Grove, Illinois
Property Identification Number (PIN): 10-20-214-001-0000
Zoning District: R-2 Property's Current Use: Single Family Residence

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

1. Applicant is requesting a Variation from the following section of the Unified Development Code: 12-4-2: Residential Districts, D. Height and Bulk Regulations
for the following: Reduction of required 5.0' east side setback to 3.6' in order to allow
2nd story addition wall to be built directly above existing masonry 1st
floor wall.

2. Please provide detailed information to explain why the variation is being requested:

The variation is being requested to allow proper structural support, best aesthetic result, and maximum width for the proposed second story addition.

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.

Correct, because the existing house was built within the current required side setback many years ago. We are seeking to build the addition wall directly above the existing house wall.

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.

Correct, because strict application of the side setback provision would make the 2nd story addition, which is otherwise allowable by code, difficult to accomplish structurally, aesthetically, and would severely limit design solutions for the stair and second floor plan.

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.

Correct, because great care has been taken to limit the overall height of the addition and resolve the aesthetic within the context of the existing house and 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.

Correct, because the proposed side setback reduction is minimal and will allow adequate light and air to the adjacent property, as well as fire separation. The proposed addition will utilize fiber cement siding which is greatly fire resistant. The general size and style of the addition is compatible with the neighborhood aesthetic and scale, and will not increase density as the use of the property remains single family.



EXISTING FRONT ELEVATION

PROJECT: 5913 CAPULINA AVENUE

MORTON GROVE, ILLINOIS 60053
ADDITION & RENOVATION

CLIENT/OWNER:

THOMAS KARGIANNIS & YORADYL BENDEBEL
5913 CAPULINA AVENUE
MORTON GROVE, ILLINOIS 60053
773 677 7702 T
TOM_KARAGIANNIS@GMAIL.COM
YORADYL@GMAIL.COM

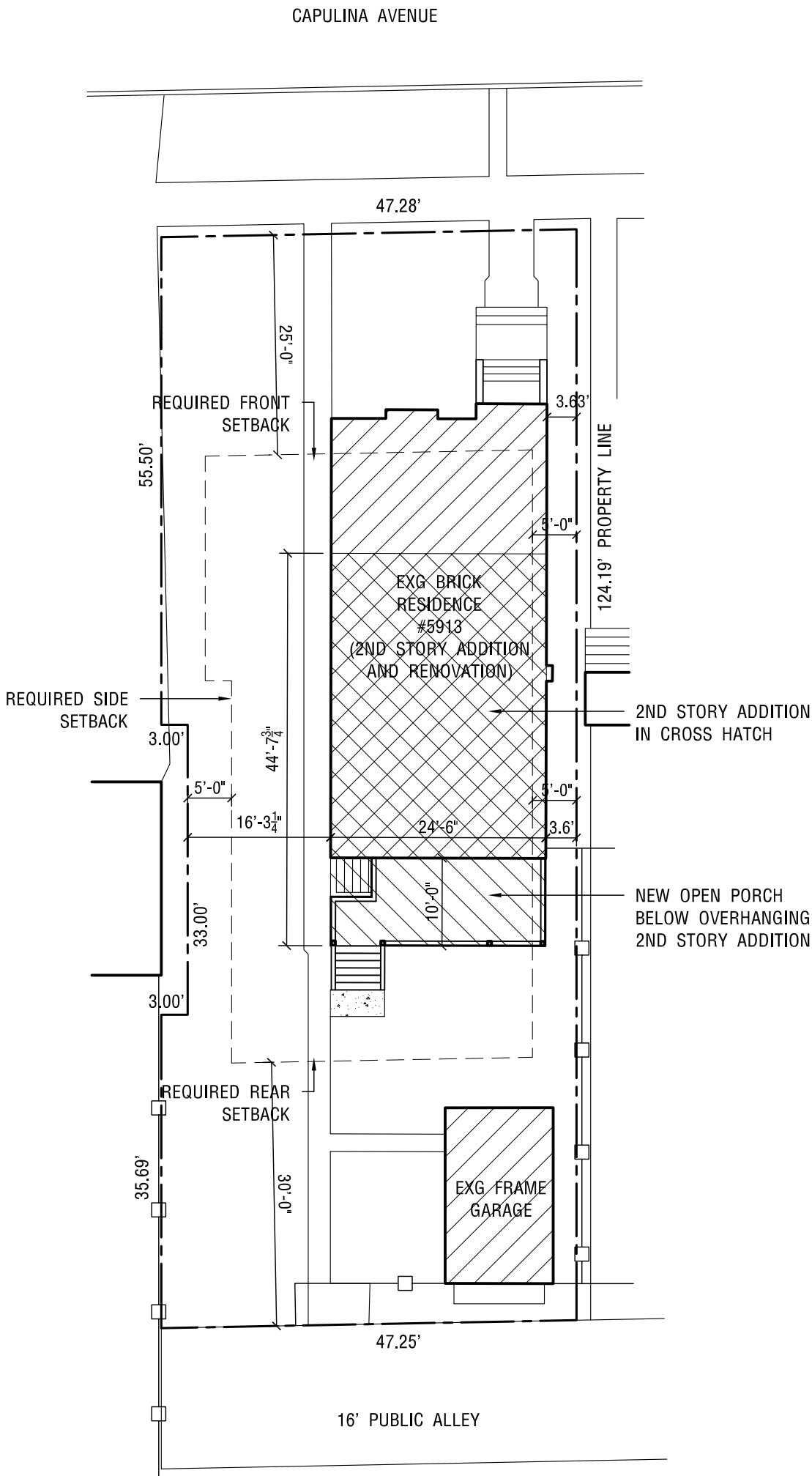
LIST OF DRAWINGS:

- 1 SITE PLAN & ZONING INFORMATION
- 2 FIRST FLOOR PLAN
- 2B FIRST FLOOR PLAN - SCHEME B
- 3 SECOND FLOOR PLAN
- 4 ROOF PLAN
- 5 BASEMENT PLAN
- 6 FRONT ELEVATION & SCHEMATIC SECTION
- 7 RIGHT ELEVATION
- 8 REAR & LEFT ELEVATIONS
- 9 EXISTING PLANS

DESIGN DEVELOPMENT: ISSUED 27 OCTOBER 2021

ANDREW IVARI
ARCHITECTS

4800 N MILWAUKEE AVENUE
SUITE 205B
CHICAGO, ILLINOIS 60630
773 940 0228 T
AIVARI@IVARIARCH.COM



N
1 SITE PLAN
1/16" = 1'-0"

ZONING INFORMATION

ZONED R-2 ONE FAMILY DWELLING DISTRICT

| | |
|---------------------------|------------|
| LOT AREA: | 5,764 SF |
| FLOOR AREA RATIO (F.A.R.) | |
| ALLOWABLE = 5764 x .6 | 3,458.4 SF |
| PROPOSED: | 2,626 SF |
| MAX BUILDING HEIGHT: | 28'-0" |
| PROPOSED: | <28'-0" |

F..A.R. CALCULATION

| | |
|----------------------------------|--------|
| EXISTING FIRST FLOOR SF: | 1,394 |
| EXISTING ENCLOSED PORCH REMOVED: | (156) |
| EXISTING BASEMENT SF: | 1,227* |
| EXISTING GARAGE SF: | 246 |
| SUBTOTAL: | 1,532 |

PROPOSED 2ND STORY ADDITION SF: 1,094

PROPOSED FLOOR AREA: 2,626 SF

*BASEMENT AREA NOT INCLUDED BECAUSE IT IS MORE THAN 50% BELOW GRADE

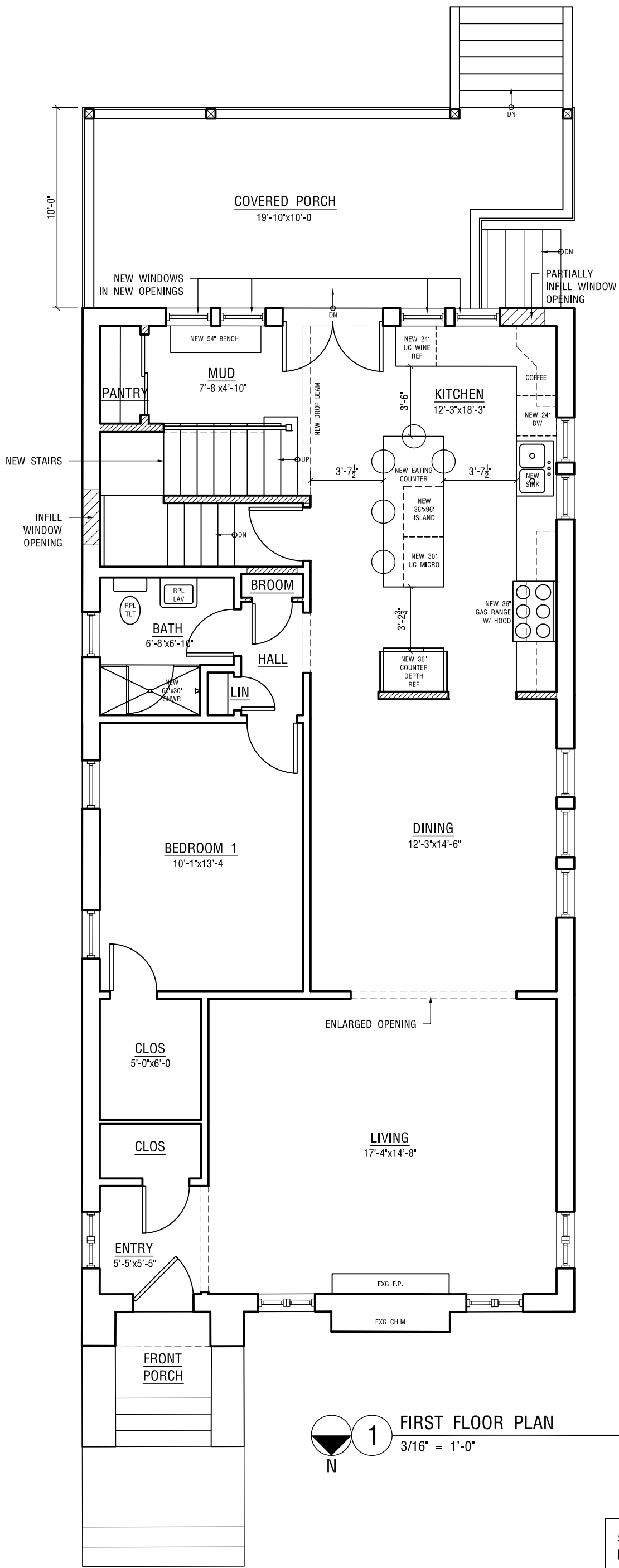
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MORTON GROVE, ILLINOIS
ADDITION AND RENOVATION
CLIENT: TOM KARAGIANNIS & YORADYL
BENDEBEL

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WALL TYPE KEY:

- NEW WALL
- EXISTING WALL TO REMAIN

DOOR KEY:

- EXISTING DOOR
- NEW DOOR

1 FIRST FLOOR PLAN
3/16" = 1'-0"

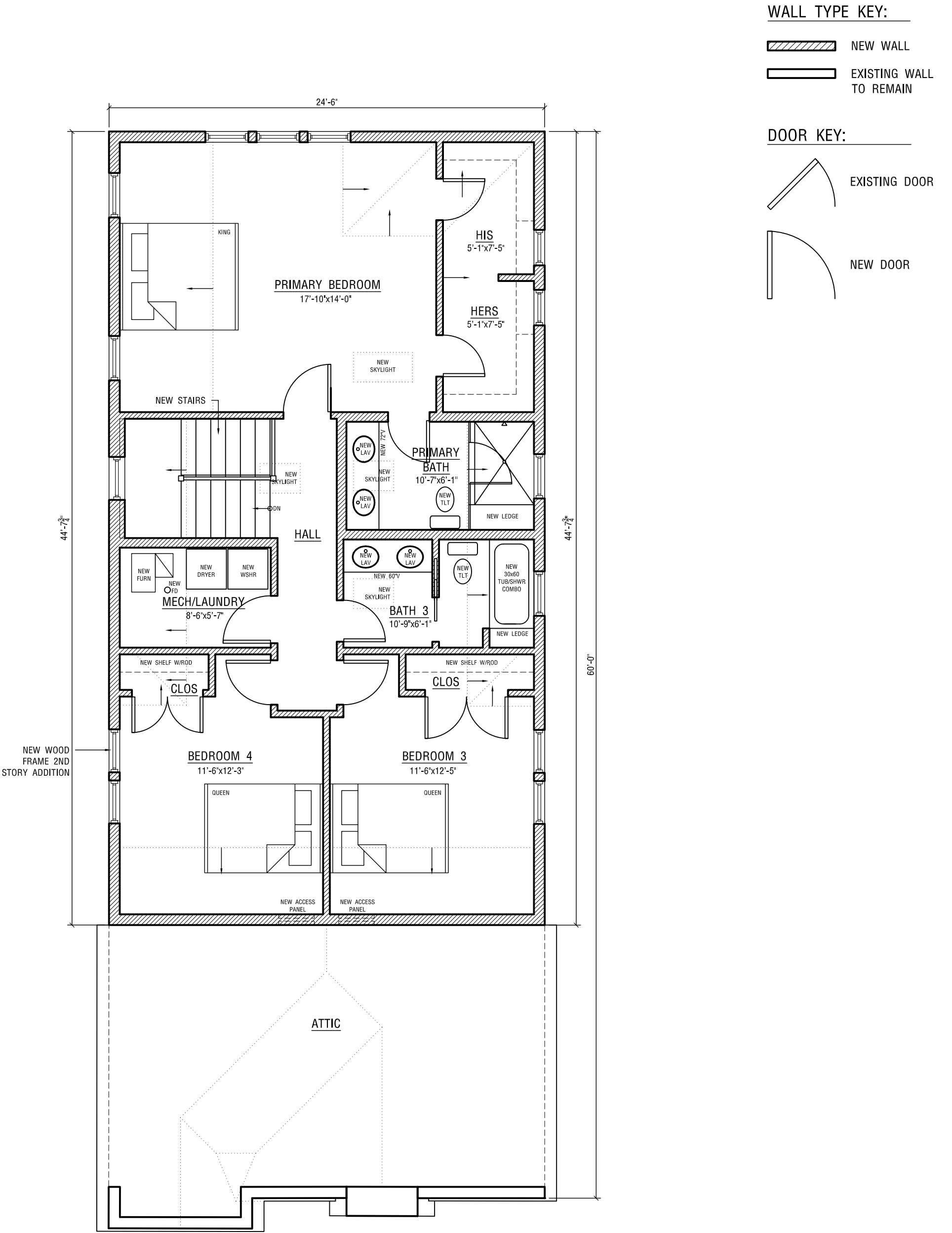
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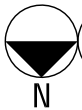
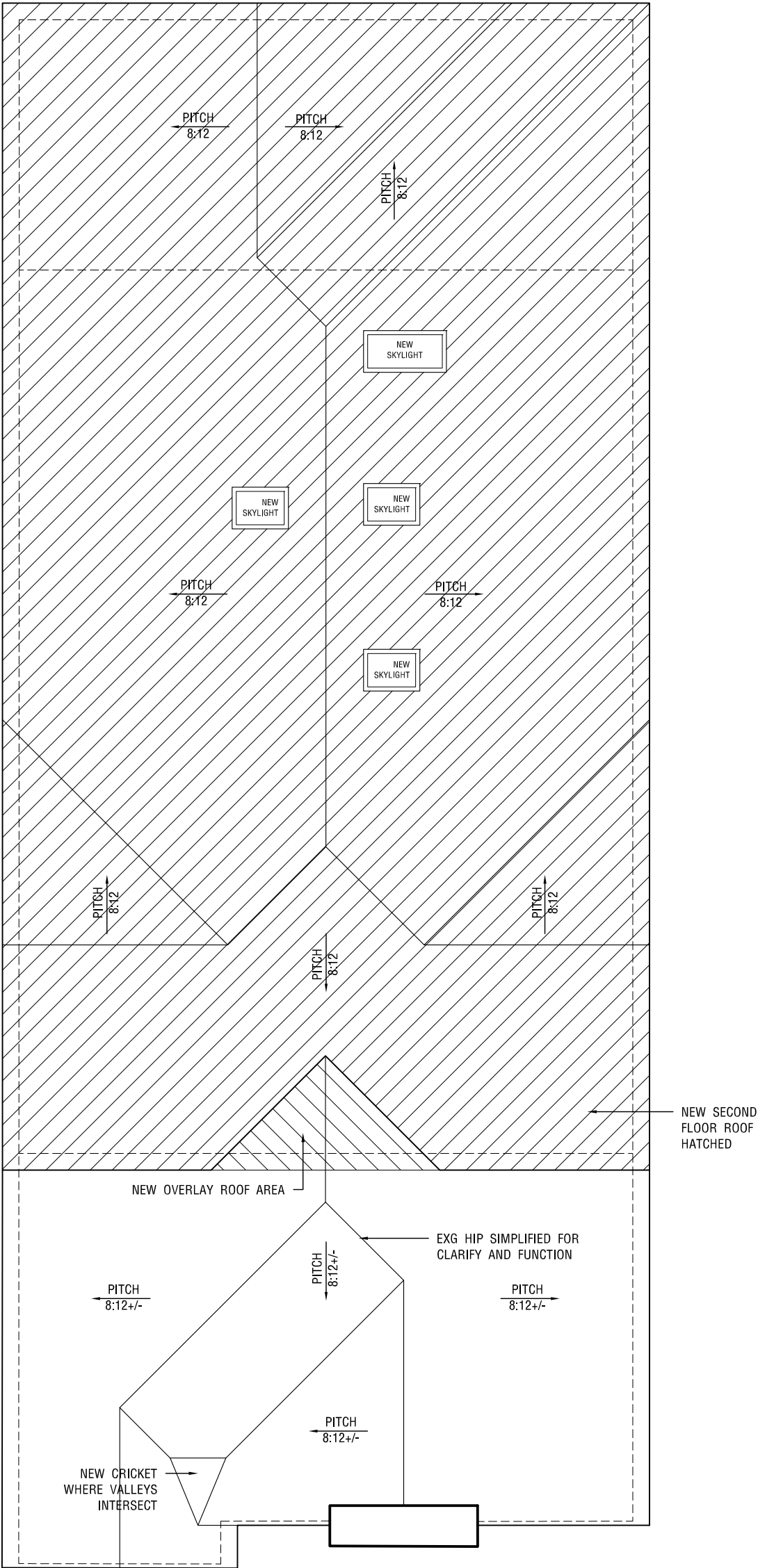


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SECOND FLOOR PLAN

3/16" = 1'-0"



1

ROOF PLAN

3/16" = 1'-0"

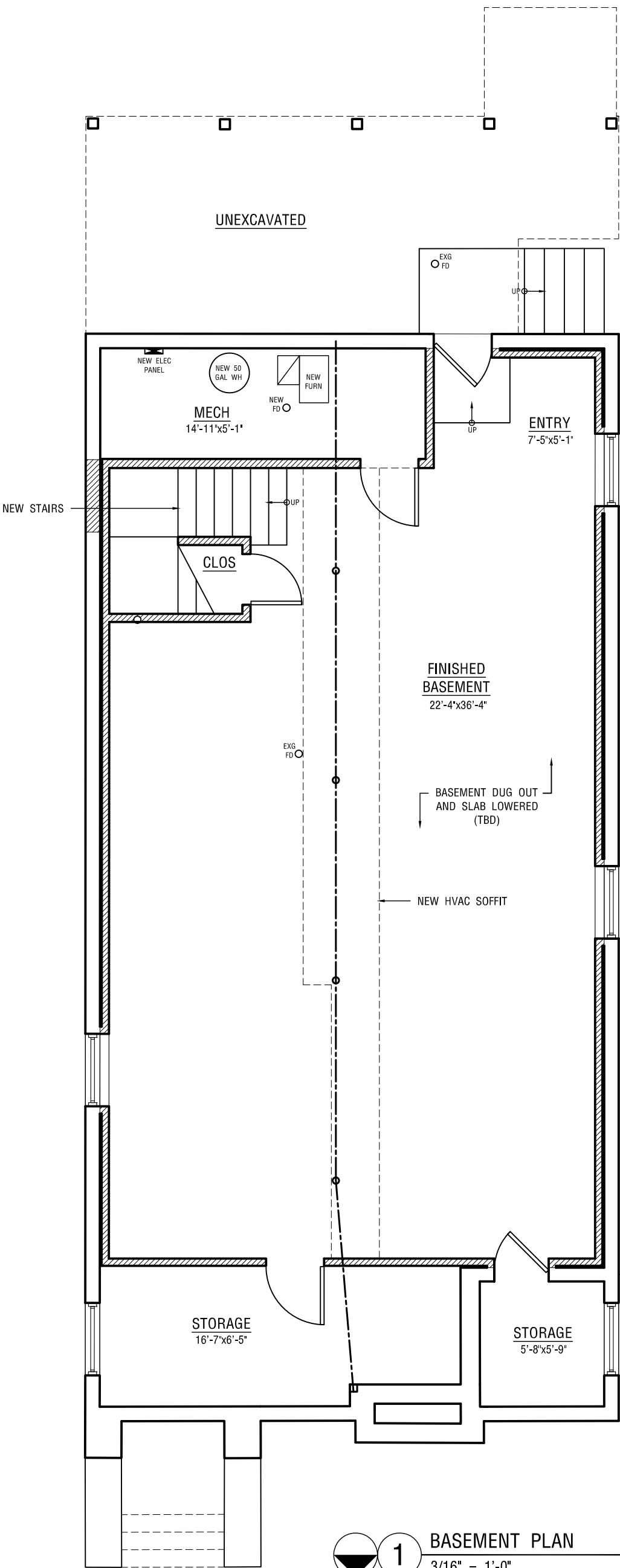
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1 BASEMENT PLAN
3/16" = 1'-0"

WALL TYPE KEY:

- NEW WALL
- EXISTING WALL TO REMAIN

DOOR KEY:

- EXISTING DOOR
- NEW DOOR

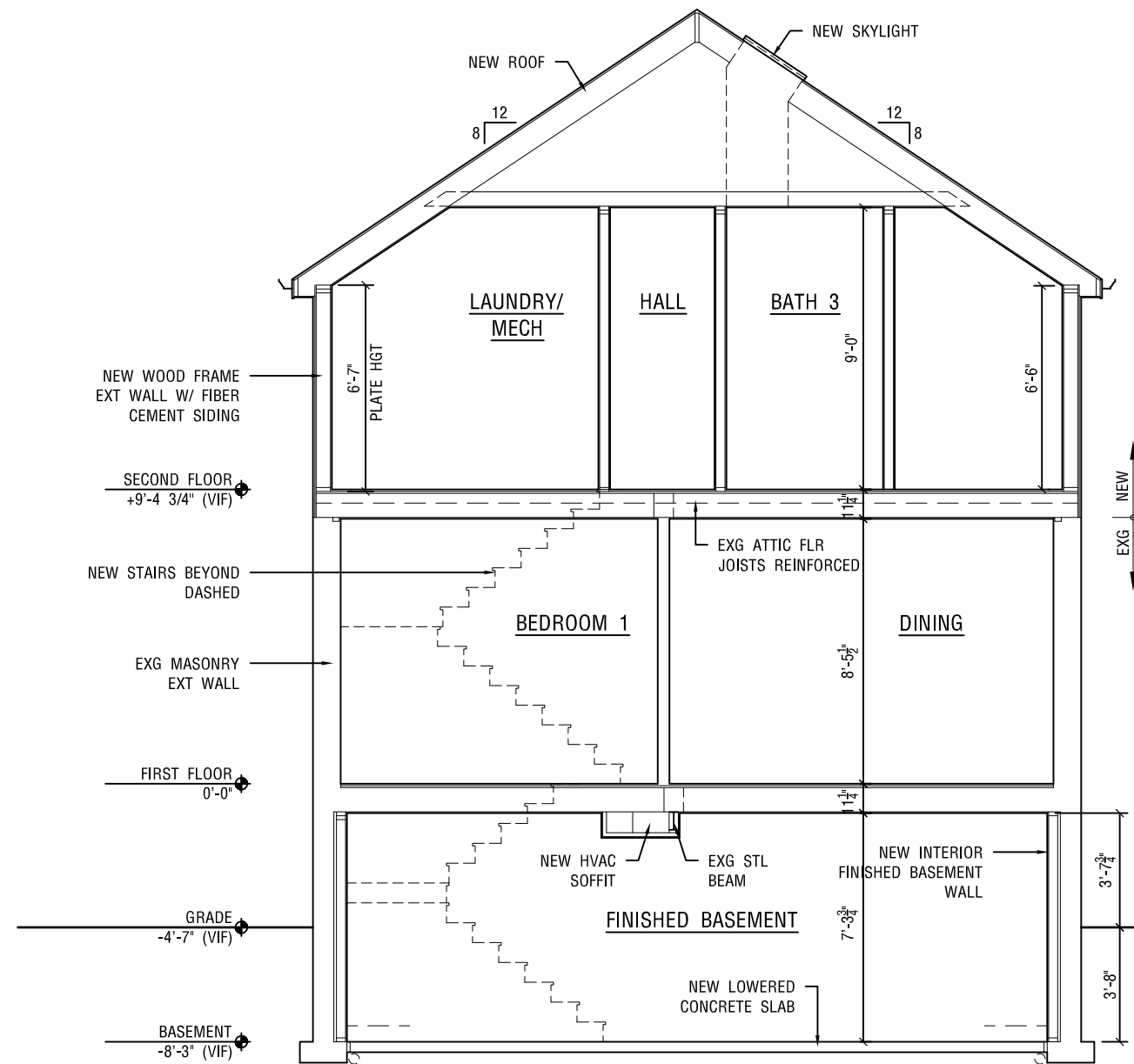
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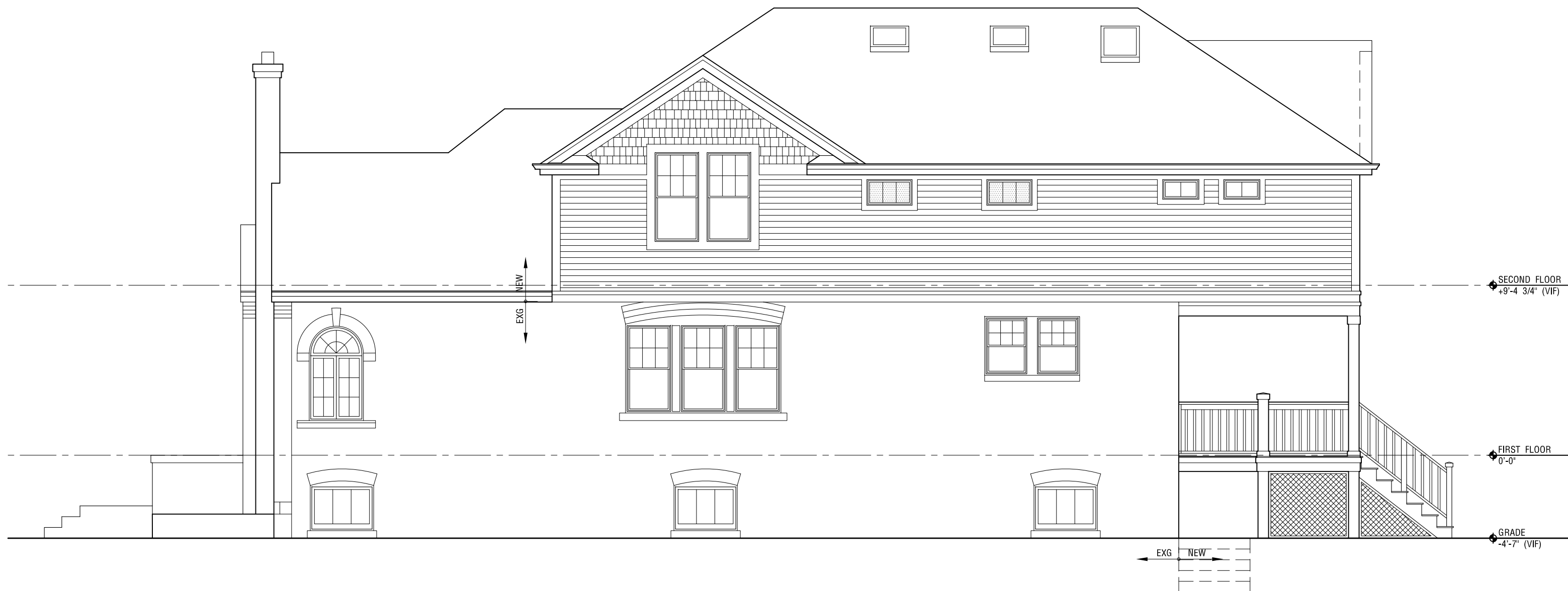
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2 SCHEMATIC TRANSVERSE SECTION
3/16" = 1'-0"



1 NORTH (FRONT) ELEVATION
3/16" = 1'-0"



1 WEST (RIGHT) ELEVATION
3/16" = 1'-0"

| | |
|--|--|
| 5913 CAPULINA AVENUE MORTON GROVE, ILLINOIS ADDITION AND RENOVATION CLIENT: TOM KARAGIANNIS & YORADYL BENDEBEL | ANDREW IVARI ARCHITECTS |
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| SHEET 7 | |



2 EAST (LEFT) ELEVATION
1/8" = 1'-0"



1 SOUTH (REAR) ELEVATION
3/16" = 1'-0"

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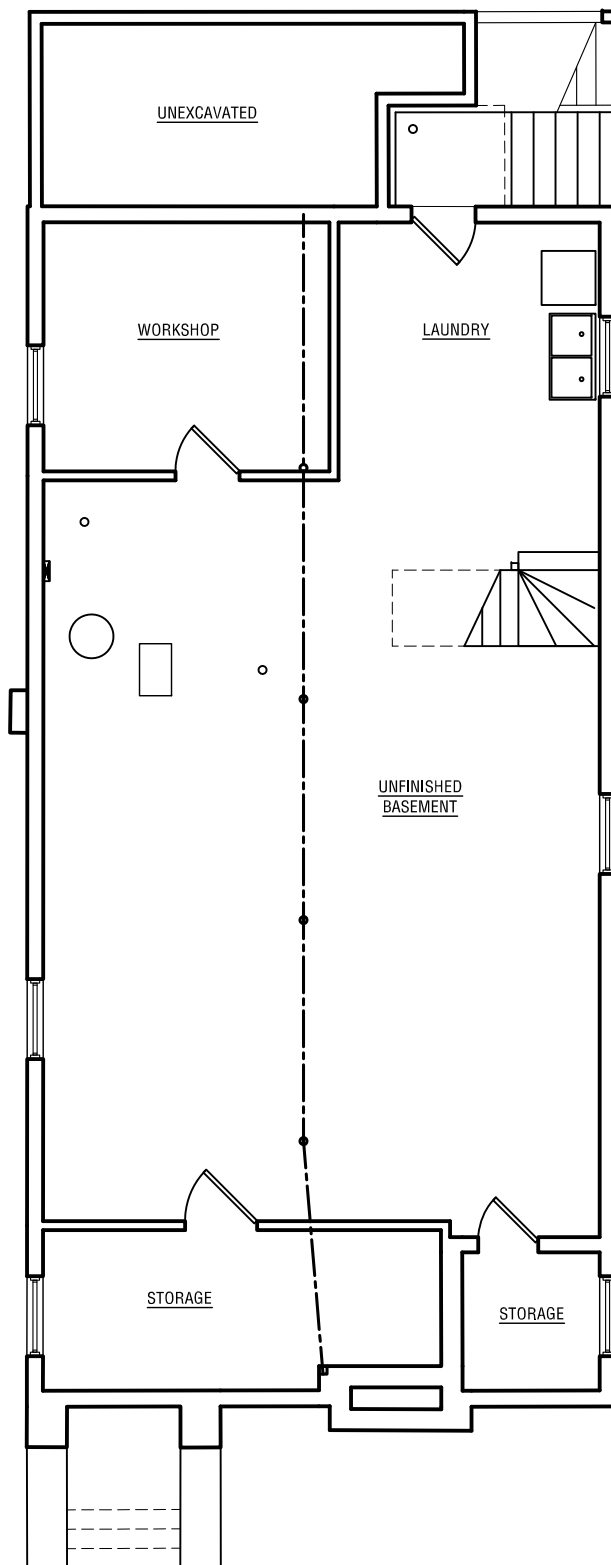
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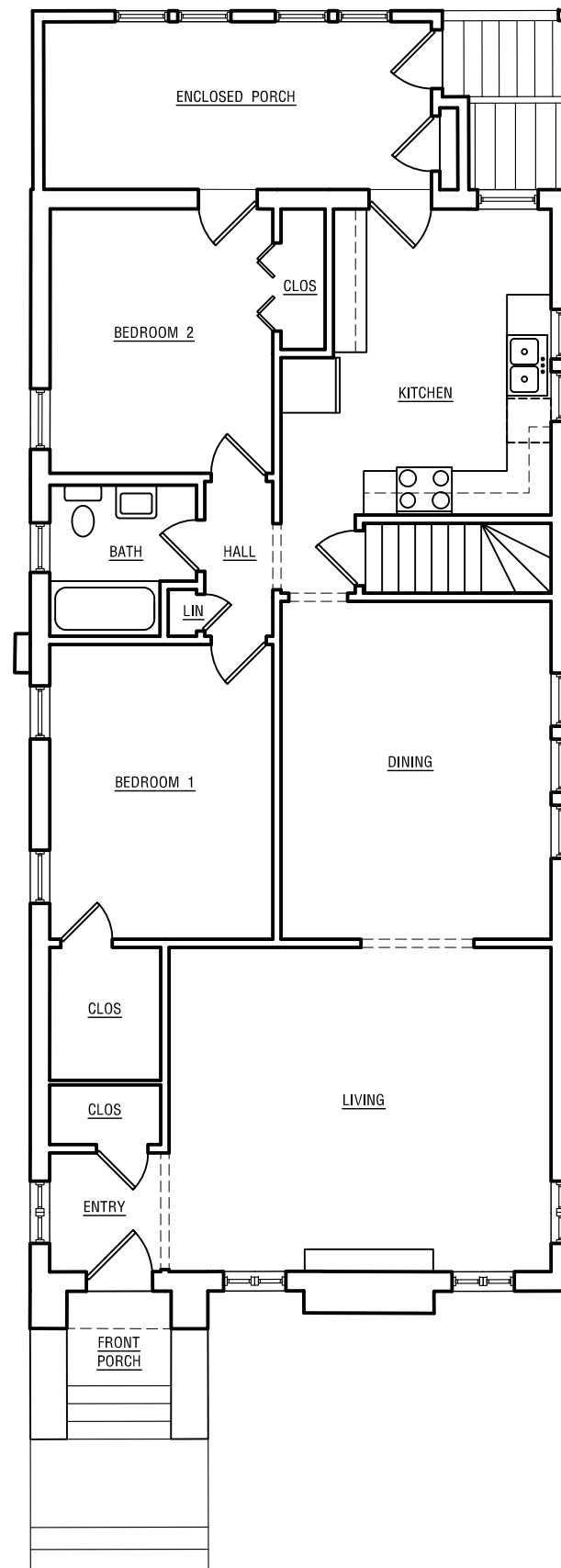
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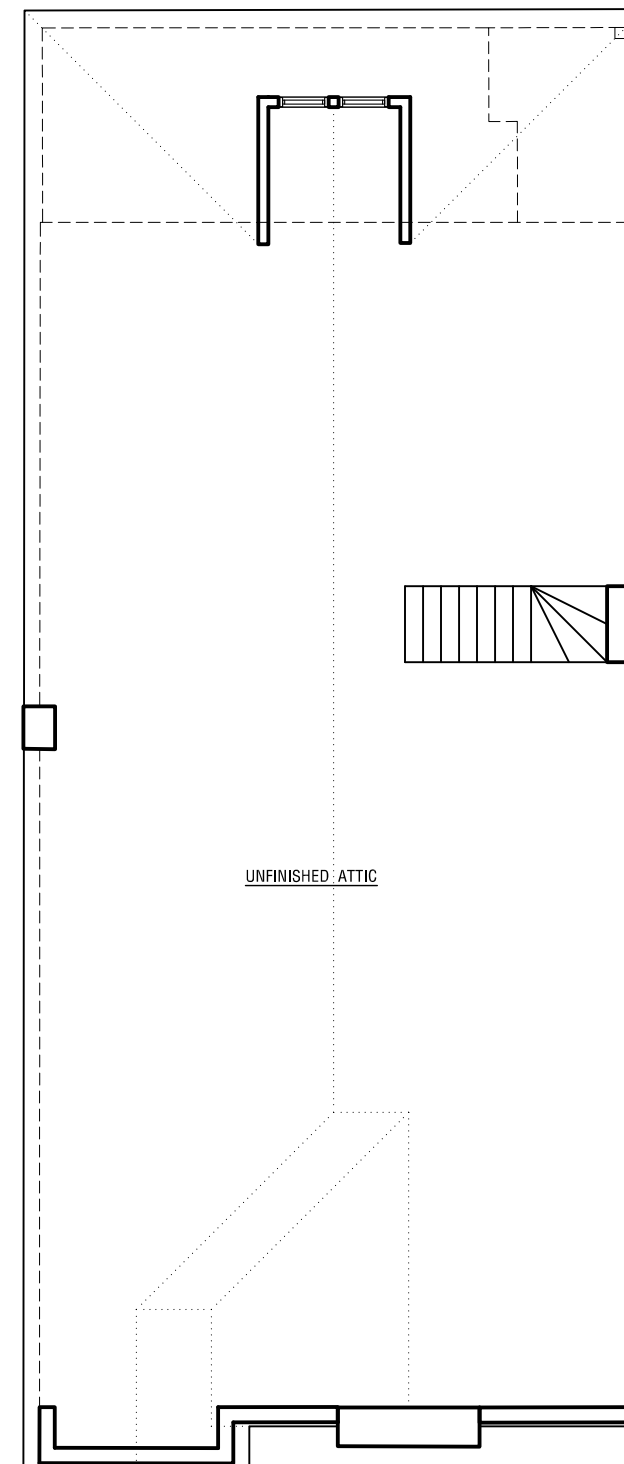
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1 EXISTING BASEMENT PLAN
1/8" = 1'-0"



2 EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"



3 EXISTING ATTIC PLAN
1/8" = 1'-0"

5913 CAPULINA AVENUE
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