

**MINUTES OF THE FEBRUARY 15, 2015  
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 Plan Commission was called to order at 7:30 pm. by Chairperson Farkas. Secretary Sheehan called the roll.

Members of the Commission Present: Farkas, Gabriel, Gillespie, Khan

Members of the Commission absent: Blonz, Dorgan, Shimanski

Village Staff Present: Nancy Radzevich, Director Economic Development,  
Dominick Argumedo, Zoning Administrator/Land  
Use Planner, John Komoroski, Building Official

Trustees Present: Rita Minx

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 proceeded to seek approval of the December 21, 2015 minutes. Commissioner Gabriel moved to approve the minutes of December 21, 2015. Commissioner Khan seconded the motion.

Chairperson Farkas called for the vote.

Commissioner Gillespie voting	aye
Commissioner Khan voting	aye
Commissioner Gabriel voting	aye
Chairperson Farkas voting	aye

Minutes were approved.

Chairperson Farkas called for the first case.

**CASE ZBA 16-01**

<b><u>APPLICANT:</u></b>	Mr. Ashoor Shammass 5901 Madison Street Morton Grove, IL 60053
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<b><u>PROPERTY LOCATION:</u></b>	5901 Madison Street
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PETITION: Request for a waiver from Section 12-3-5:B for the Unified Development Code to allow for a fence in the street side (front) yard of a corner lot that exceed the maximum height and opacity requirements and encroaches into the required 10 ft. X 10 ft. sight line area.

Dominick Argumedo reviewed the petition application.

The subject property is located at the southwest corner of Madison Street and Marmora Avenue in the R2 Single Family Residence District zoning district. The property is improved with a single family residence. As the property is a corner lot, per the Unified Development Code, it has two required front yard setbacks (Section 12-2-6-F).

The applicant, Mr. Ashoor Shammas, is seeking waivers after the fact for a six (6) ft. high board-on-board wood fence constructed in the street side yard 0 feet from the front property line along Marmora Avenue. The built fence continues along the side property line to the rear property line where it then extends past the attached garage.

The applicant advised staff that he bought the subject property two (2) years ago and states that a 6 ft. high, 0% opacity fence existed in the same manner and location when he purchased the property. The applicant states that he replaced the previous fence due to its poor condition. A Village property maintenance inspector noticed a new fence had been constructed without a permit and advised the home owner, who subsequently applied for the fence permit after the fact. Because the existing non-conforming fence was removed, any new fence needs to comply with the current code requirements.

Mr. Argumedo explained the applicant is requesting waivers to the following variances:

- Section 12-3-5:B.c.: A 2'-6" (30") waiver to allow for a fence within a corner side (front) yard to exceed the maximum permitted height of 42 inches. The applicant is proposing a 6 ft. (72") high fence; and
- Section 12-3-5:B.d.: A waiver from the 50% minimum opacity requirement. The applicant is seeking a complete waiver to this provision to allow for a solid, board-on-board fence; and
- Section 12-3-5:B.e.: A waiver from the 10 ft. x 10 ft. sight line triangle where vehicular/pedestrian access ways intersect. The applicant is seeking a complete waiver to this provision where the driveway meets the public sidewalk.

Argumedo stated that staff did not find a permit for the previous fence in the Village files; however, the files did include a Plat of Survey from 1996 that showed a wood fence in the same location as the new fence.

Argumedo asked if staff had any questions.

Chairperson Farkas asked for clarification on a board on board fence. Argumedo replied the newly constructed fence is a solid stockade fence which still meets the same waiver as requested.

Mr. Ashoor Shammass was sworn in.

The applicant explained that the existing fence was replaced, nothing was added and the posts were placed in the same holes as the old fence. Shammass owns dogs and the fence keeps the dogs in the yard and not a hazard to the neighborhood.

Chairperson Farkas asked if there was anyone present that wanted to be heard. There was no response.

Chairperson Farkas asked if there was any discussion of the commissioners.

Commissioner Khan asked if this could be grandfathered in.

Chairperson Farkas stated this is what the applicant is asking to do, but this is not being grandfathered in because the fence has already been replaced. The factors involved are the placement, the site line and height of the fence which is 6 ft, and the ordinance allows a maximum of 42". Chairman Farkas noted his concern with the height at 6 ft.

Commissioner Gillespie stated there is no site line when backing out of the garage as the fence is within the 10 ft. by 10 ft. sight line triangle.

Mr. Argumedo suggested with the limited quorum present, the option could be given to the applicant to continue the case until there is a full board present.

Chairperson Farkas explained to the applicant that there must be four votes to pass this application. The discussion of the commissioners had some negative feedback and he could request a continuation until the next meeting when there is a full quorum of commissioners.

Mr. Shammass asked to continue the case to the next meeting.

Chairperson Farkas asked for a motion to continue the case to the next meeting.

Commissioner Gabriel moved to continue case ZBA 16-01 to the March 21, 2016 meeting. Commissioner Gillespie seconded the motion.

Chairperson Farkas called for the vote.

Commissioner Khan voting	aye
Commissioner Gabriel voting	aye
Commissioner Gillespie voting	aye
Chairperson Farkas voting	aye

Motion was passed.

### **CASE ZBA 16-02**

**APPLICANT:** Ms. Carris and Mr. Mike Kalodimos  
6801 Beckwith Road  
Morton Grove, IL 60053

**PROPERTY LOCATION:** 6801 Beckwith Road  
Morton Grove, IL 60053

**PETITION:** Request for approval to expand an existing non-conforming structure on a non-conforming lot, per Section 15-12-4 of the Unified Development Code, and approval of waivers to Sections 12-4-2:D.3.a and 12-4-2:D.3.b to allow for an addition to the principal structure to be located in the required front and side yard setbacks.

Mr. Argumedo reviewed the subject property that is located at the southeast corner of Beckwith Rd and Oak Park Avenue in the R1 Single Family Residence District. Single family residences abut the property to the north, south and west. An unimproved alley borders the property to the south.

The existing lot is a nonconforming lot; the lot width (32 ft.) and lot area (4,000 sq. ft.) are below the minimum requirements established in the ordinance – which are 55 ft. and 6,875 sq. ft., respectively, for lots created prior to 1959 and 60 ft. and 7,500 sq. ft., respectively, for lots created after 1959. As the subject property is a corner lot, per the Unified Development Code (Section 12-2-6-F), it has two required front yards.

In addition, the existing single-family residence is non-conforming with respect to the front (street side) yard setback along Oak Park and the interior side yard setback. The existing residence complies with all other aspects to the bulk and dimensional controls in the R1 District.

The applicants recently submitted an application for variations to allow for a new detached garage. At the November 18, 2015 Zoning Board of Appeals meeting, the ZBA granted them waivers to the front setback requirement and the regulation that prohibits accessory structures in the front yard to allow for the construction of a 20 ft. x 20 ft. detached garage at the rear of the 6801 Beckwith property.

After receiving the approval for the detached garage from the ZBA, the applicant subsequently submitted plans for the building permit. The building permit plans included a new, proposed 7 ft. x 9 ft. porch addition onto the back of the existing single family residence (this addition was not included on the plans for the previous application for the detached garage). Due to the non-conforming nature of the lot and existing residence and encroachments of the addition into the required side and front yard setbacks, the applicants are seeking additional approvals from the Zoning Board of Appeals to allow for this proposed building addition.

In order to construct the proposed rear porch, the applicant is seeking approval from the Zoning Board of Appeals for the expansion of a non-conforming structure, due to both the existing substandard lot and existing non-conforming residence. In addition, the applicant is seeking variations to allow for the addition to encroach into the required front and side yard setbacks.

Mr. Argumedo concluded this proposal does meet other bulk requirements on this lot such as FAR, height requirements and also the addition will not cause the previously approved garage to be in compliance with accessory lot coverage & rear lot coverage requirements.

Mr. Kalodimos was sworn in.

Mr. Kalidimos explained he is currently the owner of the 3 lots in a row at 6801 Beckwith Rd. His current residence is at 6805 Beckwith and purchased the house at 6813 Beckwith several years ago. The proposal is to put a small covered porch on the back of the house to correct the substandard height and width of the stairs. The current stairs are at different height and widths and the previous owner fell and broke his leg on these stairs due to the substandard overhang. The porch addition will add better lighting to the stairway.

Chairperson Farkas asked if there was anyone present that wanted to be heard. There was no response.

Chairperson Farkas asked if the stairs could just be replaced.

Mr. Kalodimos said it could be done, but that would not eliminate the ice in the winter and poor lighting on the stairs. There is no overhang and it can't be adequately lit. Mounting a light would only cast light on the staircase going down to the basement. Commissioner Gabriel said there is a lot of ways to light the staircase to navigate them.

Commissioner Gabriel said he does not see in the design a larger tread for the staircase. Mr. Kalodimos said the tread is 10 inches and is consistent with the current code. The roof would continue over the stairs and only the sides of the porch will be exposed and this would prevent any slip hazards due to weather conditions. This is going to be a screened porch with covered stairs that will be adequately lit. The basement stairs are remaining as is with an addition of a railing.

Mr. Gabriel asked if there is a drain at the bottom of the lower entry. Kalodimos said there is a drain there that empties right into the sump pit that has an ejector pump that exits into the back yard.

Chairperson Farkas asked if there was anyone present that wanted to be heard.  
There was no response.

Chairperson Farkas asked for any discussion.

Farkas continued stating he is not sympathetic about this request for a non conforming structure.

Commissioner Gabriel asked if the roof is changing in the front and the back. Kalodimos replied he is changing the front structure the same way and it does not affect the set back.

Chairperson Farkas asked if there were any more questions.  
There was no response.

Chairperson Farkas asked if the applicant would like to request to appear before the Zoning Board of Appeals when there is a full quorum next month.

Mr. Kalodimos asked if this case could be continued to the next meeting.

Chairperson Farkas asked for a motion to continue the case to the next meeting.

Commissioner Gillespie moved to continue case ZBA 16-02 to the March 21, 2016 meeting.  
Commissioner Khan seconded the motion.

Chairperson Farkas called for the vote.

Commissioner Gabriel voting	aye
Commissioner Gillespie voting	aye
Commissioner Khan voting	aye
Chairperson Farkas voting	aye

Motion was passed

Chairperson Farkas asked for a motion to adjourn the Zoning Board of Appeals. Commissioner Gabriel moved to adjourn the meeting. The motion was seconded by Commissioner Gillespie and unanimously approved by voice vote 8:30 pm.

Minutes by: Janet Sheehan