

VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS

REGULAR MEETING
November 4, 2013

1. CALL TO ORDER

A meeting of the Zoning Board of Appeals of the Village of Glencoe was called to order at 7:30 P.M. Monday, November 4, 2013 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Howard Roin, Chairman

Members: Deborah Carlson, Trent Cornell, Ed Goodale, Jim Nyeste and Steve Ross

The following were absent:

David Friedman

The following Village staff was also present:

John Houde, Building and Zoning Administrator

3. APPROVAL OF OCTOBER 7, 2013 MINUTES.

The minutes of the October 7, 2013 meeting were approved by unanimous voice vote.

4. REVIEWS COMPREHENSIVE PLAN PROCESS.

Plan Commission Chair, Caren Thomas, reviewed the planned upcoming process for the review and updating of the Village's 1996 Comprehensive Plan. In response to questions Ms. Thomas also reviewed the Glencoe Water Plant's aging facility and discussions that are taking place for a possible new water plant cooperative project with the Northwest Water Commission.

5. APPROVE BERLIN APPEAL AT 10 MAPLE HILL.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Andrew Berlin, 20 Maple Hill, of a decision by the Building and Zoning Administrator in denying a permit to

construct a new residence at 10 Maple Hill in the “R-A” residence District. The existing residence would be demolished and a new smaller residence would be constructed. Part of the new residence would follow the nonconforming required front yard setback encroachment of the existing house for its higher pitched roof ridge which would be 27 feet 11¼ inches above grade where the existing house roof is 17 feet-3inches above grade. This consists of a smaller triangular area that is higher than the existing flat-roof house. This variation is authorized by Section 7-403-E-1-(j) of the Zoning Code.

The Chair reported that notice of the public hearing was published in the October 17, 2013 GLENCOE NEWS and 7 neighbors were notified of the public hearing and that no letters or verbal inquiries had been received. The Chair then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chair then asked Mr. Berlin and his attorney, Dan Shapiro, to proceed. They noted:

1. The owner desires to construct an approximately 1,800 square foot residential structure on the lot immediately adjacent to the property he currently owns at 20 Maple Hill. The new residential structure to be located at 10 Maple Hill will be approximately 80% smaller than the current structure and will therefore increase the pervious area, provide better drainage as well as promote environmental and ecological benefits. The footprint for the proposed residence is entirely contained within the footprint of the existing structure and will not deviate from existing setbacks. However, in order to build a home which is architecturally consistent and compatible with the home at 20 Maple Hill, the owner seeks an approximate 10’ 8” height variation to be consistent with the shape of the existing home. Allowing this height increase will provide relevance and compatibility to the adjacent properties. In addition, the proposed site plan reduces the existing encroachment from 758’ square feet to 65 square feet and enhances the front yard setback by an additional 6 feet.
2. The topography of the 20 Maple Hill and 10 Maple Hill properties are such that they both include a slope/ravine to Lake Michigan. Pursuant to the village’s desire to preserve the slope and to maintain, to the extent possible, the integrity of the ravine and scenic views to Lake Michigan, the owner seeks to place his house at 10 Maple Hill as far west as possible while still within the building footprint. A copy of the site plan shows a location of the proposed home which maintains ample space between it and the ravine while permitting the construction of a driveway.

3. The hardship for seeking a 10' 8" variance is not for a special privilege for the owner not otherwise available to owners or occupants of other lots.
4. Allowing a 10' 8" height increase will not result in a use or development at 10 Maple Hill, which would be inharmonious with the general and specific purposes for which the zoning code was enacted. In fact, it will create better harmony and compatibility given the small total area of the height variation in light of the positive attributes 10 Maple Hill will offer. It is clear that granting the variation will promote the nearby area generally and the subject property specifically.
5. Allowing a 10' 8" height variation will not be detrimental or materially injurious to the enjoyment or the value of nearby property nor will it increase congestion, the danger of flood nor endanger the public health, safety or welfare.

The Chair made as part of the records, as additional testimony the Agenda Supplement which the Secretary was directed to preserve as part of the record in this matter.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for a variance in a portion of the building roof area be granted per the drawings presented, making findings and resolving as follows:

FINDINGS

1. The requested variation is within the jurisdiction of the Zoning Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, the Zoning Board determines that:
 - a. The requested variation is in harmony with general purpose and intent of the Glencoe Zoning Code.
 - b. There are practical difficulties and there is a particular hardship in the way of carrying out the strict letter of Section 7-403-E-1-(j) of the Glencoe Zoning Code as applied to the lot in question.
 - c. The plight of the owner is due to unique circumstances.
 - d. The requested variation will not alter the essential character of the locality.
 - e. The requested variation will not set a precedent unfavorable to the

neighborhood or to the Village as a whole.

- f. The spirit of the Zoning Code will be observed, public safety and welfare will be secured, and substantial justice will be done if the requested variation is granted.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request for a variation for a triangular portion of the roof height located in an area above a portion of the existing house located in the legal non-conforming front yard setback for the property at 10 Maple Hill be granted as shown in the drawing or plans submitted by the owner and made part of the record and with the previously noted conditions;

BE IT FURTHER RESOLVED that the decision of the Building and Zoning Administrator is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period a building permit is issued and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

Adopted by the following vote of the Zoning Board members present:

AYES: Carlson, Cornell, Goodale, Nyeste, Ross and Roin (6)

NAYS: None (0)

ABSENT: Friedman (1)

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 7:38 p.m.

Secretary
John Houde