

VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS

REGULAR MEETING
December 2, 2013

1. CALL TO ORDER

A meeting of the Zoning Board of Appeals of the Village of Glencoe was called to order at 7:35 P.M. Monday, December 2, 2013 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Howard Roin, Chair

Members: Deborah Carlson, Trent Cornell, David Friedman, Ed Goodale, and Jim Nyeste

The following were absent:

Steve Ross

The following Village staff was also present:

John Houde, Building and Zoning Administrator

Phil Kiraly, Village Manager

Andrew Fiske, Assistant Village Attorney

3. APPROVAL OF THE NOVEMBER 4, 2013 MINUTES.

The minutes of the November 4, 2013 meeting were approved by unanimous voice vote.

4. APPROVE GONZALEZ APPEAL AT 1087 BLUFF.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Michelle and Michael Gonzalez of a decision by the Building and Zoning Administrator in denying a permit to make elevation revisions for a partial second floor addition at their home at 1087 Bluff in the "R-B" Residence District. The proposed addition is proposed to now follow the outline of the existing first floor of the house located 17 feet from the west Bluff Street lot line where a 25 foot setback is now required for this corner

side yard. On September 9, 2013 the same variation was approved by the ZBA but the 2nd floor addition walls were indented from the 1st floor walls below. The owners and their architect discovered that additional structural work would be needed if the walls were indented as originally planned. 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 November 14, 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 Michael Gonzalez and his architect to proceed. They noted:

1. The property sits on an odd shaped lot and in order to conform with the setbacks for the rest of the property, the second story addition is the only feasible means of expanding the livable area.

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 revised elevation plans for a variation approved on September 9, 2013 and again approved tonight 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 2nd floor addition to follow the first floor wall outline located 17 feet from the west Bluff Street lot line for the property at 1087 Bluff 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, Friedman, Goodale, Nyeste, and Roin (6)

NAYS: None (0)

ABSENT: Ross (1)

5. APPROVE STERNBERG APPEAL AT 1185 HOHLFELDER

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Rena and Daniel Sternberg of a decision by the Building and Zoning Administrator in denying a permit to continue construction at their home in the “R-B” Residence District.

Background: At the April 1, 2013 Zoning Board of Appeals meeting Rena and Daniel Sternberg were granted two variations from the Village’s side yard setback variations for the construction of one story additions to their future home at 1185 Hohlfelder: a 15.8% reduction in the required north side yard setback from 10 feet to 8.42 feet. (“North Side Yard Variation”), and a 16.8% reduction in the required south side yard from 12.83 feet to 10.67 feet. (“South Side Yard Variation”). The ZBA granted the North Side Yard Variation and South Side Yard Variation conditioned, in part, on the Sternbergs completing construction in accordance with the plans they submitted (“April ZBA Plans”). The minutes of the April 1, 2013 meeting were reviewed and approved by the ZBA on May 5, 2013.

Current request: During the Sternbergs’ construction of the additions, staff noted that the wall heights were constructed approximately 14 inches higher than the April ZBA Plans had originally portrayed. The increased wall heights do not encroach further into the side yard setbacks but are not depicted in the April ZBA Plans. Authorization to construct the increased wall heights therefore requires approval of amendments to the North Side Yard Variation and the South Side Yard Variation to condition those variations on compliance with revised elevation and site plans indicating the revised wall heights, which the Sternbergs have submitted to the Village (the “December ZBA Plans”).

The ZBA also is to consider the whether the increase in wall heights would require the Sternbergs to obtain a new zoning variation under Zoning Code Section 7-403-E-(j) to authorize an upward expansion of a ground floor nonconforming part of the house located within the North Side Yard Variation as depicted in the December ZBA Plans

The Chair reported that notice of the public hearing was published in the November 14, 2013 GLENCOE NEWS and 12 neighbors were notified of the public hearing by mail. The Secretary then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chair then asked attorney Daniel Shapiro, Robbins, Salomon & Patt, Ltd., appearing on behalf of the Sternbergs, to proceed. That person noted as follows:

- 1) The owners are requesting that the permitted height of the roof within the North Side Yard Variation and South Side Yard Variation areas be raised by not more than eighteen inches (18") to the heights depicted in the December ZBA Plans. They are making this request because the height of the rest of the house has been raised by a similar amount. The increase in the height of the house does not require a variation because the height of the structure will be within permissible limits. In general, the height is being raised because they were unable to save the walls that they originally anticipated saving due to the poor existing conditions of the structure, of which they were unaware at the time of their original application. Once the walls were demolished they were able to build the home with 9' ceiling heights, rather than 8' ceiling heights that they thought they were limited to originally when they sought to preserve the existing walls.

The previously approved North Side Yard Variation and South Side Yard Variation are unchanged. The Sternbergs request amendments to those variations to incorporate the December ZBA Plans. In addition the balance of the north side of the house which previously existed but was partially removed requires a variation to increase the wall height by not more than 18 inches. The existing house is located 8.42 feet from the north lot line. The required setback is 10 feet. The upward height change requires a variation as authorized under Zoning Code Section 7-403-E-1-(j), and the Sternbergs request that variation as well.

In addition to the presentation by Mr. Shapiro, testimony on behalf of the Sternbergs was also provided by their architect, Jenny Snider, and their builder, Oren Lavi. Mr. Shapiro, Ms. Snider, and Mr. Lavi entered the December ZBA Plans into the record and answered questions from ZBA members regarding the December ZBA Plans.

The south neighbors, Philip and Marianne Segal, 1179 Hohlfelder, were present and Mrs. Segal spoke in favor of all the variations being requested.

The north neighbor, Richard Zimring, 1193 Hohlfelder, provided testimony

opposing the variations being requested, including testimony that the building heights depicted in the December ZBA Plans were incorrect and that the constructed walls were actually of greater height. In addition to providing his own testimony, and pursuant to authorization of the Chair, Mr. Zimring conducted cross-examination and questioning of Ms. Snider and Mr. Lavi concerning the property and the requested variations. Mr. Zimring also provided written materials objecting to the requested variations that were incorporated into the hearing record.

The Chair made part of the record, as additional testimony, the Agenda Supplement and several exhibits and documents, including without limitation the written objections provided by Mr. Zimring, which the Secretary was directed to preserve as part of the record in this matter.

Following consideration of the December ZBA Plans, the hearing record, the testimony and discussion by ZBA members, and following the consideration and assessment by the ZBA members of the credibility of the witnesses and their testimony, including Mr. Shapiro, Ms. Snider, Mr. Lavi, and Mr. Zimring, a motion was made and seconded that the Sternbergs' request to amend the North Side Yard Variation and South Side Yard Variation to incorporate the December ZBA Plans be granted and that the Sternbergs be granted an additional variance to increase the height of the structure in the north and south side yards per the December ZBA Plans, making findings and resolving as follows:

FINDINGS

1. The requested variations are within the jurisdiction of the Zoning Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, and its assessment of the credibility of all witnesses, the Zoning Board determines that:
 - a. The requested variations are 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-(a) and 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 variations will not alter the essential character of the locality.
- e. The requested variations 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 variations are granted.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request for amendments to the variations granted by the ZBA on April 1, 2013 for a reduction in the required north side yard (“North Side Yard Variation”) and south side yards (“South Side Yard Variation”) for the property at 1185 Hohlfelder be granted and that such variations are hereby conditioned on compliance with the December ZBA Plans submitted by the owner and made part of the record, which are hereby incorporated into those variations, and compliance with all previously noted conditions not in conflict with the December ZBA Plans.

BE IT FURTHER RESOLVED that the request for a variation to increase the height of the walls of the structure on the property within the north side yard and south side yards be granted as shown in the December ZBA Plans submitted by the owner and made part of the record;

BE IT FURTHER RESOLVED that the decision of the Building and Zoning Administrator is hereby reversed insofar as he issued a stop work order for the project under construction on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that these variations shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period the building permit is revised to reflect the approved plans 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, Friedman, Goodale, Nyeste, and Roin (6)

NAYS: None (0)

ABSENT: Ross (1)

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 9:30 p.m.

Secretary
John Houde