



**AGENDA  
VILLAGE OF GLENCOE  
ZONING COMMISSION  
REGULAR MEETING**

**Village Hall Council Chambers  
675 Village Court  
June 5, 2023  
7:00 p.m.**

**1. CALL TO ORDER AND ROLL CALL**

*Scott Novack, Chair  
Sara Elsasser  
Dena Fox  
Jake Holzman  
Michael Kuppersmith  
Debbie Ruderman  
Michael Zuckerman*

**2. CONSIDER ADOPTION OF THE MAY 1, 2023 ZONING COMMISSION MEETING MINUTES**

**3. PUBLIC HEARING AND CONSIDERATION OF A REFERRAL FROM THE VILLAGE BOARD OF A PROPOSED AMENDMENT TO THE ZONING CODE TO AMEND THE HEIGHT AND RAILING REQUIREMENTS FOR INCLUDING DECKS IN GROSS FLOOR AREA CALCULATIONS**

**4. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

**5. ADJOURN**

*The Village of Glencoe is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend the meeting who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4114, or the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.*



**MINUTES  
VILLAGE OF GLENCOE  
ZONING COMMISSION  
REGULAR MEETING**

Village Hall Council Chamber  
Tuesday, May 1, 2023 – 7:00 p.m.

**1. CALL TO ORDER AND ROLL CALL**

The Regular Meeting of the Commission of the Village of Glencoe was called to order by the Chair, at 8:36 p.m. on May 1, 2023, held in the Village Hall Council Chamber.

Attendee Name	Title	Status
<b>Zoning Commission (ZC)</b>		
Scott Novack	ZC Chairman	Present
Sara Elsasser	Commissioner	Present
Alex Kaplan	Commissioner	Absent
Debbie Ruderman	Commissioner	Present
Michael Kuppersmith	Commissioner	Present
Jake Holzman	Commissioner	Present
Dena Fox	Commissioner	Absent
<b>Village Staff</b>		
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

**2. CONSIDERATION OF MINUTES OF THE APRIL 4, 2023 ZONING COMMISSION MEETING**

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Kuppersmith, Ruderman, Holzman
<b>NAYS:</b>	None
<b>ABSENT:</b>	Kaplan, Fox

**3. PUBLIC HEARING AND CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR FRONT SETBACK RELIEF FOR A PORTABLE TOILET SCREENING ENCLOSURE AT LAKEFRONT PARK, 38 PARK AVENUE**

Taylor Baxter explained that this is a Special Use Permit (SUP) request to allow a permanent screening enclosure for a portable toilet within the required front setback. Mr. Baxter noted that this is a SUP because it is a setback reduction of more than 20%, which is allowed to exceed the setback variation limit of 20% because it is for public use. Mr. Baxter briefly explained some of the proposed improvements to Lakefront Park and noted that the only

necessary request tonight is for the screened enclosure. Mr. Baxter shared site plans and elevations of the proposed enclosure, as well as a picture of the existing portable toilet at Lakefront Park. Mr. Baxter explained the SUP process and clarified that the Zoning Commission (ZC) would need the majority vote (at least 3-2) to recommend approval.

Chairman Novack asked if the Park District could leave the existing portable toilet on the property if they wanted to and Mr. Baxter noted that the toilet has been on the property for the past three years, off and on, and the Village has never determined that it needs to be removed. Commissioner Debbie Ruderman noted that it has been at various locations at Lakefront Park.

Mr. Baxter then swore in the applicant, Kyle Kuhs, the Director of Parks and Planning with Glencoe Park District. Mr. Kuhs offered to go into detail or answer any questions that the ZC may have. Chairman Novack asked if the side facing Longwood Avenue would be entirely enclosed and Mr. Kuhs confirmed that is correct and the only opening would be facing the lake. Commissioner Sara Elsasser asked what the rationale is for having a bathroom at this specific location and Mr. Kuhs noted that his understanding is that there didn't use to be a portable toilet at Lakefront Park and they had issues with people urinating in public and traversing down to the beach when access is limited to passholders only, and noted that this would be a more aesthetically pleasing solution. Commissioner Elsasser asked if a bathroom facility was explored and Mr. Kuhs said that it would be cost prohibitive alongside complications with the Village's water storage tank. Commissioner Debbie Ruderman disclosed that she lives across the street and she thinks it's OK and noted that it's currently situated nicely behind bushes, and asked if it would be staying in that location. Mr. Kuhs noted that it will be moved a few feet to the east, closer to the tennis courts, and a bit closer to Park Avenue, and that the landscaping there will remain.

#### **PUBLIC COMMENT**

Chairman Novack asked the audience if there are any public comments. No public comments were made.

A motion was made and seconded to recommend approval of a Special Use Permit for front setback relief for a permanent screening enclosure for a portable toilet at Lakefront Park (38 Park Avenue).

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Kuppersmith, Ruderman, Holzman
<b>NAYS:</b>	None
<b>ABSENT:</b>	Kaplan, Fox

#### **4. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were no public comments on non-agenda items.

**5. MOTION TO ADJOURN**

The meeting was adjourned at 8:49 p.m.

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Kuppersmith, Ruderman, Holzman
<b>NAYS:</b>	None
<b>ABSENT:</b>	Kaplan, Fox



# VILLAGE OF GLENCOE MEMORANDUM

675 Village Court, Glencoe, Illinois 60022  
p: (847) 835-4111 | info@villageofglencoe.org | Follow Us: @VGlencoe

[www.villageofglencoe.org](http://www.villageofglencoe.org)

## Zoning Commission Memorandum

**DATE:** May 25, 2023

**TO:** Zoning Commission

**FROM:** Taylor Baxter, AICP, Development Services Manager  
Rich McGowan, Planner

**SUBJECT:** Public hearing regarding a proposed amendment to the Zoning Code to address issues with counting decks towards Gross Floor Area ("FAR")

### BACKGROUND AND ANALYSIS:

That Zoning Code's definition of "gross floor area" includes language that has caused issues for property owners and Architects applying for building permits for new decks or to repair or expand existing decks. Per this definition, uncovered decks are included in gross floor area totals when at least one of two conditions is met:

1. "A floor at least 3.5 feet above grade", or
2. "Protective, decorative, or ornamental appurtenances (such as hand railings, benches, and the like) at least 3.5 feet above the deck floor".

The Village's Building Code also includes an amendment to the 2015 International Building Code (IBC), Section 312.2(B), which requires a minimum 42-inch-tall guard/railing for decks that are at least 2.5 feet above grade. This Building Code amendment means that any deck with a floor at least 2.5 feet above the adjacent ground requires protective railings at least 3.5 feet in height, which, per condition #2 listed above, requires inclusion in gross floor area totals. Therefore, irrespective of condition #1 listed above requiring decks at least 3.5 feet above grade to be included in gross floor area totals, decks at least 2.5 feet above the adjacent ground must be included in gross floor area totals because of their required rail height.

It is worth noting that Winnetka, Highland Park, Northbrook, and Northfield do not appear to require gross floor area/FAR calculations for any open deck.

Many decks in the Village of Glencoe are between 2.5 and 3.5 feet in height, and many such decks have 3.0-foot-high railings, which would be the required rail height per the building code, except for the Village code amendment requiring 3.5-foot-high railings on such decks. If a property owner with a deck between 2.5 and 3.5 feet in height with 3.0-foot-high railings applies for a permit to repair or replace old railings or to repair the deck structure, the Village would require new railings to be at least 3.5 feet in height. In such a case, an existing deck that was not previously included in gross floor area totals would then need to be included, due to having railings at least 3.5 feet in height. This could mean that a zoning

variation would be needed to repair or replace what may be unsafe railings on an existing deck. On at least one property that has applied for a permit, bringing deck railings on a 2.5-foot-high deck into compliance with the Village's building code would increase the gross floor area on the property to an extent that the Zoning Board of Appeals could not consider a gross floor area variation, meaning that the Village is unable to grant a permit to repair or replace the railings on an existing deck. These issues may lead to property owners avoiding applying for building permits or to decks falling into disrepair.

While not conclusive, there is evidence in property files and old versions of gross floor area guidance documents that Village staff may in the past have interpreted the Zoning Code to only include decks with a height between 2.5 feet and 3.5 feet above adjacent grade in gross floor area totals if their railings exceeded 3.5 feet in height. Staff believes that from a policy standpoint this interpretation makes sense, as the separate provisions in the definition of "gross floor area" related to deck height and railing height suggest that the intent of the code may have been to include decks higher than 3.5 feet or those with excessively high railings. This interpretation would also allow owners of existing decks to repair or replace existing railings per building code requirements without increasing the amount of gross floor area on the property. However, staff is of the opinion that if this is the desired policy, then the code language should be updated accordingly.

Staff is requesting that the Village Board consider updating the definition of "gross floor area" to include decks with railings "higher than" 3.5 feet, rather than "at least" 3.5 feet. This would mean that existing decks between 2.5 feet and 3.5 feet in height could be brought into compliance with rail height requirements without triggering the need for inclusion in gross floor area totals. The Board should also consider the fact that such an amendment would mean that new or expanded decks between 2.5 feet and 3.5 feet in height would not be included in gross floor area totals unless railings are higher than required by code. Decks at least 3.5 feet in height would continue to be included in gross floor area totals. As noted above, there is inconclusive evidence that this may have been a prior code interpretation by Village staff.

#### **ADDITIONAL CODE LANGUAGE CONSIDERATION:**

Per the definition of "gross floor area", a deck is included if it is "at least 3.5 feet above grade". Per the Zoning Code, "grade" is defined as the average ground level at the street, or, on sloped lots, at the front of the house. Per this definition, "grade" is an established elevation for an entire lot, and does not change as a lot slopes downward or upward. This means that on a lot that slopes significantly downward toward the rear, a deck attached to the back of the house could be at or even below "grade" per this definition while being significantly above the adjacent ground. Staff has adhered to the Village's longstanding interpretation of the code to include decks in gross floor area totals if they are at least 3.5 feet above the adjacent ground, rather than at least 3.5 feet above the ground level at the street or at the front of the house. If this is the desired policy, staff is of the opinion that the definition of "gross floor area" should be updated to clarify that decks with a floor at least 3.5 feet above the adjacent ground, rather than above grade, should be included.

#### **PROPOSED AMENDMENT:**

(Additions in **bold underline**; deletions ~~struck through~~)

#### **Sec. 8-302 (DEFINITIONS)**

**FLOOR AREA, GROSS.** *The sum of the gross horizontal areas of all floors of the buildings, on a lot measured from the exterior face of exterior walls of each such building. Gross floor area shall include areas such as basement floors (but not cellar floors , except that one-half of the gross horizontal area of any portion of a cellar and any accompanying extended window well in a single family dwelling that does not have at least one story directly above such portion of the cellar shall be included in gross*

*floor area ); elevator shafts and stairwells at each floor; floor spaces, and shafts used for mechanical, electrical, and plumbing equipment; penthouses, attic floors, except where the clear ceiling height is less than seven feet; interior balconies and mezzanines; atria; covered porches; bay overhangs; under bays; under eaves; sun decks; courtyards; decks having either a floor at least 3.5 feet above ~~grade~~ **adjacent ground** or protective, decorative, or ornamental appurtenances (such as hand railings, benches, and the like) ~~at least~~ **higher than** 3.5 feet above the deck floor; and floor space used for accessory uses. Gross floor area shall include floor area devoted to parking structures. Where any space has a floor to ceiling height of more than 14 feet, each 14 feet of height or fraction thereof shall be treated as a separate floor. For purposes of this definition, the clear ceiling height of an attic shall be measured from the top of the ceiling joists for the floor below to the underside of the roof rafters, notwithstanding any cross ties, trusses, or other building components that may interrupt such space.*

**AMENDMENT PROCESS:**

Zoning code amendments require initial review by the Village Board. On May 11, 2023 the Board referred the proposed amendment to the Zoning Commission for a public hearing and a recommendation. After this recommendation, the amendment will return to the Village Board for a final decision.

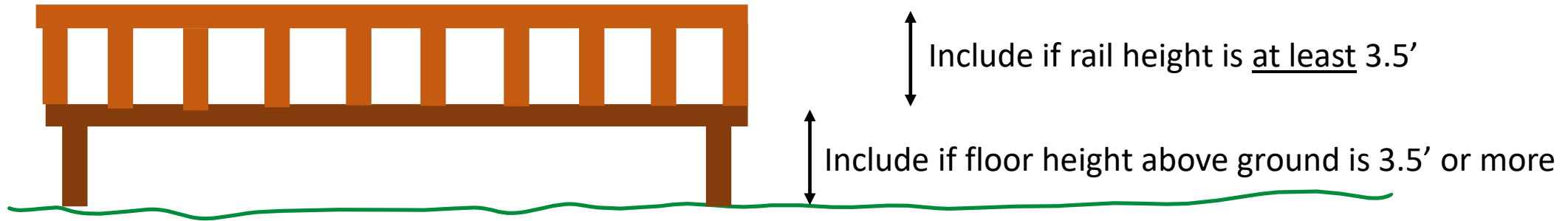
**RECOMMENDATION:**

The Village Board referred the proposed Zoning Code amendment to the Zoning Commission for a public hearing and a recommendation. This recommendation can be accomplished by a motion to do so. The Commission may make this recommendation by a simple motion, which will be recorded in the meeting minutes, or may direct staff to prepare a resolution for consideration and approval at a future Zoning Commission meeting.

**MOTION:**

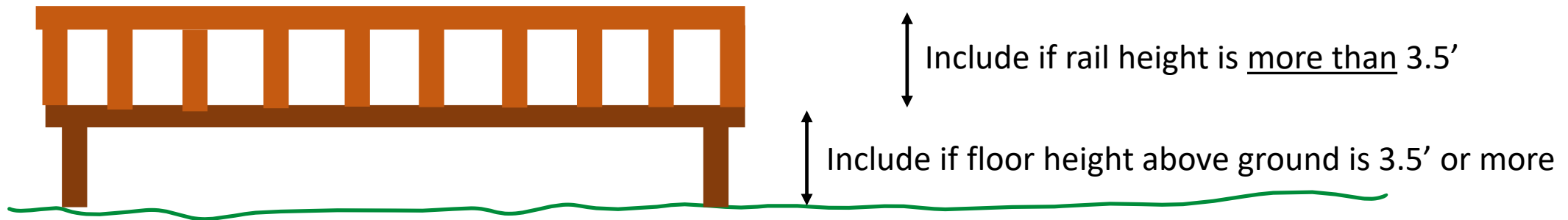
***Move to recommend approval/denial of the proposed Zoning Code amendment, with any changes determined to be appropriate by the Commission. The Commission may also move to direct staff to prepare a resolution regarding this recommendation for adoption at a later meeting.***

Current code:



In practice, rail height will always be 3.5' or more if floor height is 2.5' or more; Floor height 2.5' or more will always trigger inclusion

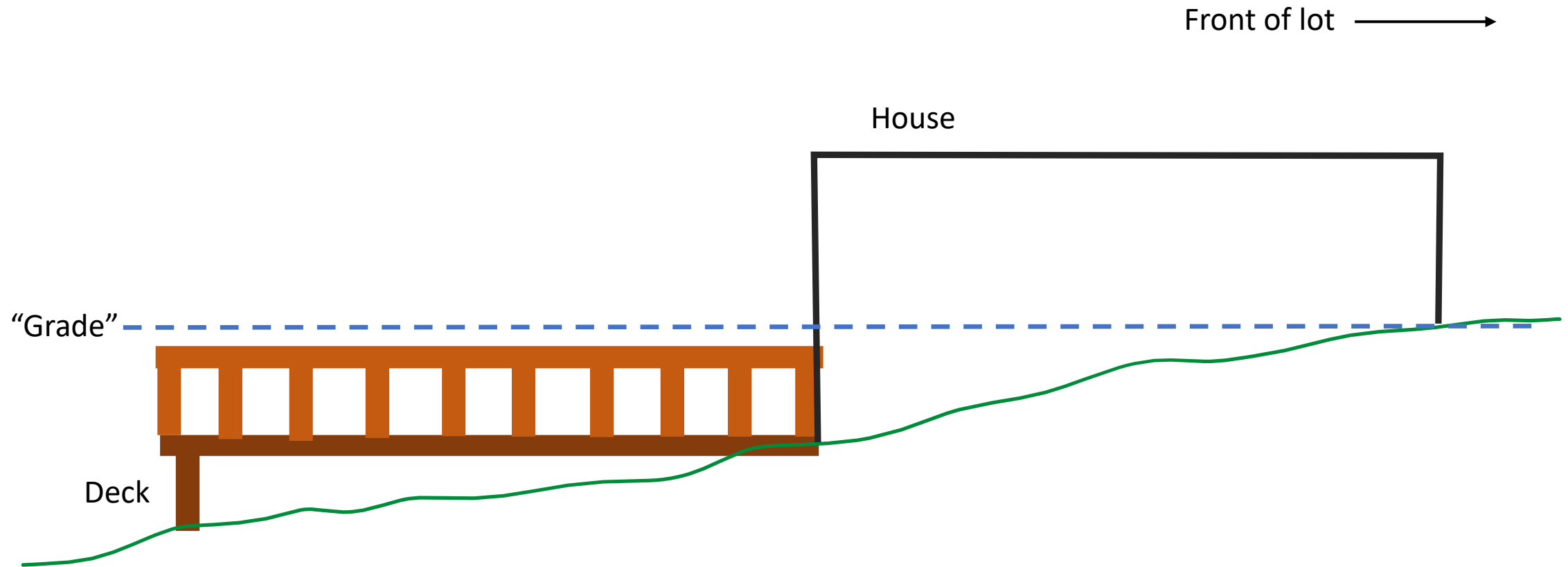
Proposed code:



Only decks 3.5'+ in height or that have excessively high railings will be included; Decks between 2.5' and 3.5' in height with code-compliant rail height will no longer be included



## “Grade” vs “Adjacent Ground”



Deck is below “grade” per the Zoning Code definition, but is above adjacent ground; Longstanding code interpretation for gross floor area inclusion is to consider height above adjacent ground, rather than “grade”.