



MINUTES
VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS
SPECIAL MEETING

Village Hall Council Chamber and Videoconference
675 Village Court
Monday, February 22, 2021 – 7:30 PM

MI1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Fence Board of Appeals of the Village of Glencoe was called to order by the Chairman, at 7:30 p.m. on the 22nd day of February 2021, held virtually via Zoom web videoconference.

Attendee Name	Title	Status
Fence Board of Appeals		
Howard Roin	FBA Chairman	Present
Sara Elsasser	Member	Present
David Friedman	Member	Present
Alex Kaplan	Member	Present
Scott Novack	Member	Present
John Satter	Member	Present
Village Staff		
Taylor Baxter	Development Services Manager	Present
Rich McGowan	Planner	Present

2. CONSIDERATION OF MINUTES

Village Staff informed the Board that there were no previous Fence Board of Appeals minutes to approve.

3. CONSIDER VARIATION REQUEST AT 391 SHERIDAN ROAD

Taylor Baxter then swore in the applicants presenting. Rich McGowan then gave a brief overview of the case, stating that the applicants are seeking three variations from the zoning code to allow for a taller and opaquer fence on a single-family residential lot:

1. Section 9-75(a)(2): To increase the maximum allowable fence height from four feet to six feet in a front yard (along Sunrise Circle);
2. Section 9-75(a)(4): To increase the maximum allowable fence height from five feet to six feet in a corner side yard (along South Avenue); and

3. Section 9-76(b): To increase the maximum fence density for a fence above four feet in a front and corner side setback from 25% to approximately 95%.

Mr. McGowan stated that 391 Sheridan Road is a unique lot as it is considered a “corner lot” and a “through lot” according to the Village code definitions. A through lot means that it has two front yards – one abutting Sheridan Road and the other abutting Sunrise Circle – which also means the fence height is generally limited to four feet in both front yards.

Erin Canterbury, the homeowner’s Landscape Designer with “Rocco Fiore & Sons”, stated that it is a unique lot, whereas the back of the home faces Sunrise Circle, and all the other homes on Sunrise Circle have front yards that face Sunrise Circle.

Mr. Rocco Fiore then gave details of the existing landscaping at 391 Sheridan and stated that he has not seen a lot with restrictions like this before. He stated that due to the proximity to Sheridan Road and the shade on the property, a lot of the existing trees are dying. Mr. Fiore continued, stating that since the property is on a hill, a four-foot fence (permitted outright by code) would not do anything for the homeowner’s privacy and screening. Mr. Fiore concluded that this fence will not even be noticeable in a few years as it will be far enough from the street and will be complimented by additional landscaping.

The homeowner, Meredith Katz, stated that even though she is a Real Estate Attorney, she had assumed that her lot had a rear yard like most Glencoe residents. She mentioned that she grew up in Glencoe and plans on living in this home for many years, and the original plan was to have arborvitaes in the areas where the fence is proposed, however, the conditions are not suitable for the reasons Mr. Fiore had mentioned.

Chairman Howard Roin thanked the applicants and stated that he is hesitant to approve the variance and is leaning towards voting in opposition. Chairman Roin then asked the Board Members if they had any questions. No questions were asked at this time.

PUBLIC COMMENT

Chairman Roin then asked if Village Staff received any comments from the public. Mr. McGowan then proceeded to read the two letters of support the Village received in response to the requested variances:

Gary Ruben of 356 Sunrise Circle e-mailed Mr. McGowan on February 17, 2021, stating:

“Rich, it was nice speaking with you this afternoon. This will confirm that we (my wife and I) are the neighbors immediately to the south of the subject property and we support our neighbors' request for the variances needed to erect the proposed privacy fence. If you need anything else from us, please just let us know. Please share this with the board.”

Jessica and Ryan Turf of 350 Sunrise Circle e-mailed Mr. McGowan on February 18, 2021, stating:

"I wanted to reach out to let you know that Ryan and I are completely fine with the fence variance for the Katz Residence at 391 Sheridan Road! I am sure what the Katz Family is doing will be a great improvement to the way it is now."

Chairman Roin then asked if anyone in the audience would like to comment on the requested variances.

Mr. Warren Katz of 130 Wentworth Avenue stated that as a neighbor and longtime resident of Glencoe, he is in full support of the requested variances. No additional public comments were made at this time.

Chairman Roin then asked the applicants why a four-foot fence would not work.

Joey Katz, the other homeowner of 391 Sheridan Road, stated that a four-foot fence would not work because of the slope/hill of this lot, and that the homeowners attempted to do this without obtaining a variance before realizing the fence would not make much of a difference. Mr. Katz continued, stating that the lot directly south is the lot that is most affected by the proposed variances, and they are in support. Meredith Katz added that anyone driving by this fence would not even think twice about it.

Chairman Roin then asked the applicants about the area along South Avenue. Ms. Katz stated that she is O.K. with a five-foot fence on the side yard along South Avenue.

Board Member Scott Novack then stated that he understands Chairman Roin's concerns and added that he thinks this is a unique circumstance. Mr. Novack continued, stating that the reality of this lot is that the yard abutting Sunrise Circle is the backyard to the home, and people like to enclose their backyards for several reasons. Mr. Novack stated that he does not believe this will create a snowball effect and is supportive of the requested variances as is.

Chairman Roin stated that he understands it is a unique circumstance and he is not worried about precedent, but he is worried about fences in general. Chairman Roin continued, stating that he believes a four-foot fence would be just fine, and that four feet to six feet is a huge increase and more than what our code typically allows. Chairman Roin then clarified that he is not in support of the requested variances, and the Fence Board of Appeals has seven members, so the applicants need four votes to win, and the votes now appear to be 1-1.

Board Member John Satter then asked how far the fence will be off the lot line. Ms. Canterbury then confirmed that it is proposed to be at least 18 feet off South Avenue and about four feet west of the lot line along Sunrise Circle. Board Member Satter then stated that he sees the hardships and that he is more in favor of the variance along Sunrise Circle rather than South Avenue because of the sightlines and for people driving and walking in the area.

Board Member Sara Elsasser stated that she agrees with Board Member Novack and that the proposed variance along Sunrise Circle from four feet to six feet may seem like a lot, but it is different due to the elevation of the lot at 391 Sheridan Road.

Board Member David Friedman stated that he has a difficult time determining what is considered a front yard or a backyard, and that he does not generally come to these meetings as a part of a negotiation. Board Member Friedman stated that he is inclined to vote “no” but the applicants could also come back at a later date.

Chairman Roin then clarified that it appears as though the vote is currently 2-2.

Board Member Alex Kaplan stated that he is in Board Member Elsasser’s and Board Member Satter’s camp. Board Member Kaplan added that he has some reservations, but he does not see the proposed variances as a huge burden to the neighbors, and that the proposed fence appears classy and non-obtrusive –he concluded that he would be inclined to vote in favor of the requested variances.

Chairman Roin then clarified that it appears as though the vote is currently 3-2, leaning in favor of the requested variances.

Chairman Roin added that in light of a unique situation of the property, and because a five-foot fence is allowed along South Avenue, that he would be O.K. with granting a five-foot fence height variance along Sunrise Circle, but the applicants do not have to agree with that. Chairman Roin clarified that he will drop his objection if they decrease their requested variance from six-foot fence height along Sunrise Circle to a five-foot fence height along Sunrise Circle. Board Member Satter added that he would support this as well. Chairman Roin added that it does not make sense for a fence to change height along a street.

Mr. and Ms. Katz appeared to partially agree with Chairman Roin’s most recent comments. The homeowners added that they want to be good neighbors and will make sure the fence looks as though it had been there all along.

Chairman Roin stated that it appears as though the applicants are backing off the six-foot fence height request along South Avenue and are sticking with their proposed six-foot fence height along Sunrise Circle and along the side yard abutting Mr. Ruben’s property at 356 Sunrise Circle.

Board Member Novack then made a motion to:

1. To allow the applicants to increase the maximum allowable fence height from four feet to six feet in a front yard (along Sunrise Circle);
2. To not allow the applicants increase the maximum allowable fence height from five feet to six feet in a corner side yard (along South Avenue); and
3. To allow the applicants to increase the maximum fence density for a fence above four feet in in a front and corner side setback from 25% to approximately 95%.

Following consideration of the testimony and discussion, the motion seconded, that the variance request be granted per the drawings presented, making findings, and resolving as follows:

FINDINGS

1. The requested variation is within the jurisdiction of the Fence Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, the Fence Board determines that:
 - a) The variation if granted will not alter the essential character of the locality;
 - b) The variation will be in harmony with the general purpose and intent of the fence ordinance;
 - c) The variation will set no unfavorable precedent either to the immediate neighborhood or to the village as a whole; and
 - d) The variation will not affect public safety.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the requests to increase the maximum allowable fence height from four feet to six feet in a front yard and to increase the density of a fence at 391 Sheridan Road be granted as shown in the drawings or plans submitted by the owner and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Development Services Manager 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.

RESULT:	ACCEPTED
AYES:	Elsasser, Kaplan, Novack, Satter
NAYS:	Roin, Friedman
ABSENT:	None

5. ADJOURN

Chairman Roin asked if there was any further public comment. Hearing none, the meeting was adjourned at 8:45 p.m.