



**MINUTES
VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS**

Village Hall Council Chamber and Videoconference
Monday, November 1, 2021 - 6:30 PM

MI1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Fence Board of Appeals (FBA) of the Village of Glencoe was called to order by the Chairman, at 6:30 p.m. on the 1st day of November 2021, held virtually via Zoom web videoconference.

Attendee Name	Title	Status
Fence Board of Appeals		
Scott Novack	FBA Chairman	Present
Sara Elsasser	Member	Absent
Alex Kaplan	Member	Present
John Satter	Member	Present
Debbie Ruderman	Member	Present
Michael Kuppersmith	Member	Present
Village Staff		
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

2. CONSIDERATION OF FEBRUARY 22, 2021 MEETING MINUTES

Village Staff informed the Board that Board Member Debbie Ruderman and Board Member Michael Kuppersmith were not yet Members of the Fence Board of Appeals during the February 22, 2021, FBA meeting. Village Staff confirmed that three votes would be the majority to approve the minutes.

RESULT:	ACCEPTED
AYES:	Novack, Kaplan, Satter
NAYS:	None
ABSENT:	Elsasser
RECUSED:	Ruderman, Kuppersmith

3. CONSIDER VARIATION REQUEST AT 325 LINCOLN AVENUE

Richard McGowan then gave a brief overview of the case, stating that the applicant is seeking one variation from the Buildings and Construction code to allow for a taller fence along the rear lot line on an existing single-family residential lot:

- 1) Section 9-75(a)(5): To increase the maximum allowable fence height from six feet to eight feet along the rear lot line.

Mr. McGowan stated that the applicant has requested an eight-foot-high fence along their rear lot line along the north side of the property, which abuts 840 Glencoe Drive, and added that the existing fence has several sections that are in disrepair and have fallen over, leaving significant gaps between the two properties. Mr. McGowan added that the Village reached out to 840 Glencoe Drive and 325 Lincoln Avenue to repair the fence, however, there was no definitive evidence or files with the Village that indicated who owns the fence. Mr. McGowan also noted that the applicant has stated that the variation would address a long-running conflict with the occupant of the neighboring property to the north and that there is documented history of the neighboring owner making what appears to be unfounded criminal complaints against the petitioner. Mr. McGowan added that Staff has received reports from Glencoe Public Safety that the neighboring property apparently has directed spot/floodlights into the 325 Lincoln Avenue's windows, which appear to be in violation of Village code.

Board Member Michael Kuppersmith asked Village Staff if there are any standards to consider for a fence variance, similar to the Zoning Board of Appeals. Mr. McGowan added that the FBA can consider:

- 1) The variation if granted will not alter the essential character of the locality;
- 2) The variation will be in harmony with the general purpose and intent of the fence ordinance;
- 3) The variation will set no unfavorable precedent either to the immediate neighborhood or to the village as a whole; and
- 4) The variation will not affect public safety.

Taylor Baxter then swore in the applicant, Kevin Kustra, the homeowner of 325 Lincoln Avenue. Chairman Novack asked about the neighbor's lighting and if there was an ordinance that could come into play. Staff noted that it could not be directed at an adjacent property, and Mr. Kustra added that the homeowner will turn it off when Public Safety arrives, but the eight-foot-tall fence would at least block the neighbor's bottom spotlight.

Board Member Kuppersmith stated that he understood it was a sensitive situation but wanted to see if the applicant had spoken to the neighbor. Mr. Kustra confirmed that he did not speak to his neighbor about this, and staff added that all neighbors within 200 feet of 325 Lincoln Avenue were notified. Board Member Debbie Ruderman added that this is not an ideal situation for anyone to be in and due to the sensitivity of the situation, she does not see any reason why the FBA should not approve it. Board Member John Satter stated that after hearing

the presentation, his only concern is for the impacts to sunlight and added it is an unfortunate situation and that he is conflicted on this one. Mr. Kustra shared existing conditions of the properties and noted that there is existing vegetation that appears to be blocking the area of concern. Board Member Kuppersmith added that he is conflicted since the FBA could be setting a precedent, though he is very sympathetic to Mr. Kustra's situation. Board Member Kaplan stated that precedent is very important, however, this is a unique and colorful issue with several intangibles. He added that given the context of the situation, existing location of the fence, nuances, and lack of opposition, he is inclined to vote yes. He also added that if the neighbor was opposed to the requested variance, the Village likely would have heard from them or they would have showed up to tonight's meeting.

Chairman Novack stated that this is the way the process is set up and that precedent is not a huge consideration for him as the FBA evaluates each case separately and individually. Chairman Novack added that Board Member Satter brought up a good point about impacts to sunlight and the FBA now has to evaluate the request based on the information presented and available. Following Chairman Novack's comments was a discussion regarding the number of votes needed to approve the variance since Board Member Sara Elsasser was absent. Mr. Baxter and Board Member Satter confirmed that the FBA will need a simple majority to vote yes.

PUBLIC COMMENT

Chairman Novack then asked if Village Staff received any comments from the public. Mr. McGowan stated that the Village did not receive any support or opposition from the public.

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 request to increase the maximum allowable fence height from six feet to eight feet along the rear lot line at 325 Lincoln Avenue 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:	Novack, Kaplan, Ruderman, Koppersmith
NAYS:	Satter
ABSENT:	Elsasser

5. ADJOURN

Chairman Novack asked if there was any further public comment. Hearing none, the meeting was adjourned at 7:35 p.m.