



MINUTES
VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS
REGULAR MEETING

Council Chambers at Glencoe Village Hall
675 Village Court
Monday, January 10, 2023 – 7:00 p.m.

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Zoning Board of Appeals of the Village of Glencoe was called to order by Chairman Scott Novack at 7:00 p.m. on January 10, 2023, held in the Council Chambers at Glencoe Village Hall.

Attendee Name	Title	Status
Zoning Board of Appeals		
Scott Novack	ZBA Chairman	Present
Sara Elsasser	Member	Present
Alex Kaplan	Member	Present
Debbie Ruderman	Member	Present
Michael Koppersmith	Member	Absent
Jake Holzman	Member	Present
Dena Fox	Member	Present
Village Staff		
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

2. CONSIDERATION OF MINUTES OF THE DECEMBER 5, 2022, ZBA MEETING

RESULT:	ACCEPTED
AYES:	Novack, Elsasser, Kaplan, Ruderman, Fox
NAYS:	None
ABSTAIN:	Holzman
ABSENT:	Koppersmith

3. CONSIDERATION OF A VARIATION REQUEST AT 551 MONROE AVENUE

Richard McGowan gave a brief overview of the case, stating that the applicants are once again seeking a gross floor area variation for a sunroom addition to an existing single-family residence. Mr. McGowan explained that a gross floor area variation for a sunroom addition at 551 Monroe Avenue was previously approved by the ZBA in June 2021 and again on October 5, 2022. Because construction had not started within one year, re-approval was needed in October 2022. There were no changes to the proposal when it was approved in October 2022, but the applications have since modified their proposal, requiring approval of a new variation request. Mr. McGowan added that the applicants are still requesting a variation from the Zoning Code to increase the maximum allowable gross floor area to build a sunroom addition with a chimney onto an existing single-family residence at 551 Monroe Avenue, however, the footprint of the addition is larger than what was previously approved. While the previously approved addition is 300 square feet with a side setback of 12.83 feet, the proposed addition is now 382 square feet, with a side setback of 10 feet.

The requested variation is from the following standard in the Zoning Code:

1. *Section 3-111(E) – To increase the maximum gross floor area from 4,428.58 sq. ft. to 5,062 sq. ft., a variation of 14.3%.*

Mr. McGowan added that the applicants have stated that the addition will allow for more adequate living and working space as the homeowners are working from home due to the COVID-19 pandemic, and that it will be invisible from Monroe Avenue and not highly visible to neighbors due to landscaping and distance from nearby homes. The existing gross floor area appears to exceed the maximum allowable limit, but this is likely due to changes in the Village's Floor Area Ratio (F.A.R.) regulations since the last addition in 1997 by the former homeowners. No variances were necessary when this previous addition was approved. Regardless, the requested variance of 14.3% is within the maximum allowable limit of 15%.

Taylor Baxter then swore in the applicant and homeowner, John Collins of 551 Monroe Avenue. Mr. Collins said he is happy to answer any questions. Chairman Scott Novack asked Mr. Collins why this is now 85 square feet larger than what was previously approved and Mr. Collins stated that his Architect had misinterpreted the Floor Area Ratio (FAR) regulations and when he looked closer at the plans they realized that the FAR did not match what the ZBA had previously approved in October 2022. Chairman Novack asked if he intended on having a kitchen area and Mr. Collins stated that after they realized they may have additional square footage potentially available, they decided to get creative and expand the home further west and to create an area for a grill/outdoor kitchen area.

Chairman Novack asked Mr. Collins if he spoke with any neighbors recently and Mr. Collins stated that he did not but he gets along with all of his neighbors. Chairman Novack noted that FAR regulations are in place for a reason, but at the same time, there's a lack of opposition from neighbors. Board Member Sara Elsasser added that it's good that Mr. Collins is coming to the ZBA before construction and that there are no neighbors who are opposed. Board Member Debbie Ruderman noted that things happen and that it's a relatively small difference from what

was approved in October 2022, and it seems as though Mr. Collins came here with honest intentions and transparency. Chairman Novack noted that it was well thought out.

PUBLIC COMMENT

Chairman Novack thanked the applicant and asked the audience if there are any public comments. No additional comments or questions were made at this time. A motion was made and seconded to approve the requested variance as submitted.

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 hardship in the way of carrying out the strict letter of Section 3-111(E) 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 to increase the allowable gross floor area at 551 Monroe Avenue be granted in substantial conformity with 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, Elsasser, Kaplan, Ruderman, Holzman, Fox
NAYS:	None
ABSENT:	Kuppersmith

4. CONSIDERATION OF A VARIATION REQUEST AT 348 W ELM CT

Mr. Baxter gave an overview of the case, stating that the applicants are seeking gross floor area and ground coverage variations for a shade structure at single-family residence currently under construction at 348 West Elm Court:

1. *Section 3-111(D) – To increase the allowable ground coverage from 3,443 square feet to 3,929 square feet, a variation of 14.1%.*
2. *Section 3-111(E) – To increase the allowable gross floor area from 3,737 square feet to 3,728 square feet, a variation of 5.9%.*

Mr. Baxter gave an overview of the case and plans and images of the proposed shade structure. Mr. Baxter noted that at its November 4, 2019, the ZBA unanimously approved a variation to allow a new home on the subject property to exceed the allowable ground coverage by 7.43% (256 square feet). The applicants stated that this request would allow for the construction of a one-story house that met the gross floor area requirement on the undersized property. Mr. Baxter continued, stating that at the November 16, 2020 ZBA meeting, the ZBA unanimously granted a one-year extension of this variation, as construction on the house had not yet begun.

Mr. Baxter further explained that the applicant has requested two variations from the Zoning Code to allow a 230-square-foot, at-grade patio to the rear of the house to be covered. The Zoning Code does not count uncovered, at-grade patios toward ground coverage or gross floor area totals. However, if patios are covered, they need to be included. Because the property has only 9.4 square feet of gross floor area available, based on the size of the approved house, covering the patio requires a variation. Likewise, covering the patio would increase the amount of ground coverage on the property over what was approved by the ZBA in 2019, requiring a new ground coverage variation.

Mr. Baxter added that the Village received two letters from nearby neighbors regarding the requested variation; one neighbor who is opposed and one who is in support:

Letter of Opposition

“My name is Gerald Angst. I live at 349 W. Elm Ct. Per my voicemail message, I am unable to attend the hearing on Jan 10, 2023, but I oppose the zoning variances being sought. The structure at 348 is already far too large and not in keeping with the once quiet cul-de-sac on which it sits. The construction, which is not consistent with what I was told at the time of the last requested variance, has gone on for almost 2 years, leaving the street frequently filled with mud and debris and often blocking ingress and egress to my property. This oversize structure already blocks light and air to adjacent houses and should not be permitted to exacerbate the problems it has already created. I affirm that the statements herein are true and correct based on my personal knowledge and authorize them to be read to the Zoning Board of Appeals.”

Letter of Support

“Allan and I received the Village of Glencoe Zoning Board of Appeals Variation Public Hearing for 348 W. Elm Court. We have reviewed the requested two variations from the Zoning Code. Allan and I are in total support of you and Scott’s proposal/request to add a cover to the backyard porch. We look forward to having you at your new home in the near future and our permanent neighbors! Should you have any questions, please feel free to contact me directly.

Warmest regards,

*Honorable Allan W. Masters (Retired) & Linda W. Masters
341 West Elm Court”*

Chairman Novack asked if the tent structure will be enclosed and Mr. Baxter stated that is understanding. Mr. Baxter then swore in Cal Bernstein, the Attorney representing the homeowners Scott and Evie Rooth of 348 West Elm Court. Mr. Bernstein stated that this is a field change, and the home is anticipated to be complete in Spring 2023. Mr. Bernstein stated that the homeowners originally intended on having a large umbrella in this area, but since the area is surrounded by walls and will not add any additional bulk to the home, it would really help activate the outdoor space for the homeowners’ use. Mr. Bernstein added that Gerald Angst of 349 West Elm Court would not be able to see the shade structure and it will have a relatively low profile. After staff presented aerial imagery, Chairman Novack added that it looks like the area to the south has significant vegetative cover, so it’s possible that the immediate neighbors would not be able to see it either, especially since it is tucked in between two walls of the home.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. Mr. Baxter then swore in Joyce Brennan, the homeowner of 340 West Elm Court, which directly abuts 348 West Elm Court to the east. Ms. Brennan stated that she lives in a 2,000-square-foot ranch, and all of the homes on her block were similar size until the Rooths demolished the old home at 348 West Elm Court in 2019. Ms. Brennan continued to elaborate

on the previously approved ground coverage variation and her frustrations with construction activity such as site conditions, street congestion, and the longevity of the project. Ms. Brennan added that the home is right up on the lot line and she's already losing light because the home is not the same size as the home that was there previously. Ms. Brennan concluded that seeking another variation is excessive and she is opposed. Staff clarified that the home could have been built taller than what it is currently at. Board Member Alex Kaplan stated that he completely understood Ms. Brennan's concerns and he appreciates her providing public comment, but the ZBA cannot do much about construction noise, and that the ZBA has to focus on the area they are seeking a variation for. Board Member Fox asked if the shade structure would have a flat or pitched roof and Mr. Baxter added that it will have a slight slope. Ms. Brennan then proceeded to reiterate Mr. Angst's opposition (at 349 West Elm Court) as previously noted. Board Member Kaplan then asked staff to point out the area of the shade structure on a shared aerial view. Chairman Novack added that it looks like an outdoor area with no exterior wall, and the stormwater impacts would be reviewed by the Village Engineer during the plan review process.

Chairman Novack thanked Ms. Brennan for providing public comment, and noted that it is not uncommon for neighbors to run out of patience when a new home is being built next door to them. Chairman Novack added that he too has run out of patience with construction at times, but the key factor here is that the only people that would be impacted by this are the applicants as it is nearly or entirely invisible from adjacent properties. Board Member Ruderman added that she is inclined to be in support of the requested variation, and that the letters and comments of opposition are more so related to the overall construction process, rather than the requested variation. Board Member Kaplan added that this is very unique to this property and this particular place on the property, so it is not setting any precedent as it's a nuance that the ZBA will probably never hear about again. Mr. Sanford Kowan of 1091 Old Elm Lane noted that the house is quite obtrusive and asked if there will be a fourth wall in the area that the applicants are seeking a variation for the shade structure, and Chairman Novack confirmed that there is no additional wall proposed. Mr. Kowan asked if they enclose the space with a wall would they need another variation and Chairman Novack stated that is correct.

Chairman Novack asked the ZBA if they had any additional questions or comments. No additional comments or questions were made at this time. A motion was made and seconded to approve the requested variance as submitted.

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 hardship in the way of carrying out the strict letter of Sections 3-111(D) and 3-111(E) 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 to increase the allowable gross floor area and allowable ground coverage at 348 West Elm Court be granted in substantial conformity with 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, Elsasser, Kaplan, Ruderman, Holzman, Fox
NAYS:	None
ABSENT:	Kuppersmith

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Novack asked the audience if there were any public comments on non-agenda items. No public comments on non-agenda items were made.

6. ADJOURN

The meeting adjourned at 8:06 p.m.

RESULT:	ACCEPTED
AYES:	Novack, Elsasser, Kaplan, Ruderman, Holzman, Fox
NAYS:	None
ABSENT:	Kuppersmith