



**MINUTES  
VILLAGE OF GLENCOE  
ZONING BOARD OF APPEALS  
REGULAR MEETING**

Village Hall Council Chamber and Videoconference  
675 Village Court  
Monday, October 4, 2021 - 6:30 PM

**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 7:57 p.m. on October 4, 2021, held virtually via Zoom web videoconference.

Attendee Name	Title	Status
<b>Zoning Board of Appeals</b>		
Scott Novack	ZBA Chairman	Present
Sara Elsasser	Member	Present
David Friedman	Member	Present
Alex Kaplan	Member	Present
John Satter	Member	Present
Debbie Ruderman	Member	Present
Michael Koppersmith	Member	Present
<b>Village Staff</b>		
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

**2. CONSIDERATION OF MINUTES OF THE SEPTEMBER 13, 2021 ZBA MEETING**

Taylor Baxter clarified that Village Staff met with the Village Attorney to discuss the ownership and decision to approve the requested variance for 275 Greenwood Avenue at the September 13, 2021, ZBA meeting since the property changed ownership during the ZBA application process. Mr. Baxter confirmed that the ZBA was able to approve the request and Village Staff has been instructed to collect additional paperwork from the owner.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Satter, Ruderman, Kuppersmith
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

**3. CONSIDER VARIATION REQUEST AT 290 VERNON AVENUE**

Richard McGowan gave a brief overview of the case, stating that the applicants are seeking one variation to allow an air conditioning unit to encroach into the side setback at an existing single-family residence at 290 Vernon Avenue:

1. Section 3-111(C)- To reduce the required side yard setback from 8 feet to 6 feet, a variation of 25%.

Mr. McGowan explained that is an existing single-family residence on a corner lot that is undersized for the RC zoning district. Mr. McGowan clarified a minor discrepancy on the site plan from the actual location of the air conditioning unit that does not change the requested variance or the fact that the applicants are replacing an air conditioning unit from its current location. Mr. McGowan noted that the air conditioning unit is allowed to be replaced in the same location it currently is at with an approved variance, so long as they do not increase the degree or create any new nonconformities.

Chairman Scott Novack asked if this unit has been replaced yet. Mr. McGowan confirmed it has not yet been replaced. Board Member Kuppersmith asked if the air conditioning unit was approved with a variance. Mr. Baxter then swore in the homeowner of 290 Vernon Avenue, Michael Mills. Mr. Mills stated that the only other option to install the unit without a variance would be with a roof extension, which he did not think the neighbors would like. Mr. McGowan concluded that to the best of his knowledge, Village Staff did not receive any comments or letters from neighbors.

**PUBLIC COMMENT**

Chairman Scott Novack thanked Mr. McGowan and asked the audience if there are any public comments. No questions or comments were made. 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(C) 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 reduce the required side yard at 290 Vernon 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.

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

#### 4. CONSIDER VARIATION REQUESTS AT 354 WOODLAWN AVENUE

Mr. McGowan gave a brief overview of the case, stating that the applicants are two variations to allow for the replacement of an existing front porch at an existing single-family residence at 354 Woodlawn Avenue:

1. Section 3-111(C)- To reduce the required front yard setback from 27.67 feet to 22.18 feet, a variation of 19.8%.

2. Section 3-111(C)- To reduce the required side yard setback from 8 feet to 7.23 feet, a variation of 9.63%.

Mr. McGowan explained that is an existing single-family residence on an interior lot that is undersized for the RC zoning district, and since the front setback of the existing house at 350 Woodlawn Avenue is, per Village records, 17.67 feet, the required front setback at 354 Woodlawn Avenue is 27.67 feet, as the Zoning Code states that *'in no case shall the front of a building be required to set back more than 10 feet deeper than the front of an existing principal building on an immediately adjacent lot'*. Mr. McGowan then presented drawings and elevations provided by the Architects which depicted the existing and proposed conditions of the front porch.

Chairman Novack thanked Mr. McGowan and then Mr. Baxter swore in the homeowner of 354 Woodlawn Avenue, Janet Eden, and her Architects, Scott Javore and Michael Muenchow. Mr. Javore added that you cannot have a front porch on this house without a variance due to its existing location and elevations and added that they are only moving the front porch about an inch forward.

Mr. Baxter then read two letters of support from nearby neighbors.

Sue Fishbein of 361 Woodlawn Avenue wrote:

*"I like the proposed plan for this property. It makes sense and looks good. I am looking forward to seeing the upgrade from my house."*

Susan Charles and Jerry Rosenband of 344 Woodlawn Avenue wrote:

*"Susan Charles and Jerry Rosenband have no objection to our neighbor's request for variations at their 354 Woodlawn Ave. residence."*

### **PUBLIC COMMENT**

Chairman Scott Novack thanked staff and stated that it was important to reflect on the existing conditions and letters of support from neighbors. Chairman Novack then asked the audience if there are any public comments. No questions or comments were made. 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(C) 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 reduce the required side yard and to reduce the required front yard setback at 354 Woodlawn 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.

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Satter, Ruderman, Koppersmith
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

**5. CONSIDER VARIATION REQUESTS AT 1111 ELM RIDGE DRIVE**

Mr. Baxter gave a brief overview of the case, stating that the applicants are two variations to allow for a new front porch at an existing single-family residence at 1111 Elm Ridge Drive:

- 1. Section 3-111(C)- To reduce the required combined side yard setback from 22.82 feet to 18.27 feet, a variation of 19.9%.

2. Section 3-111(E)- To increase the allowable gross floor area from 4,786.01 square feet to 4,878 square feet, a variation of 1.9%.

Mr. Baxter then presented aerials and a proposed site plan with the audience and explained that in addition to the standard side yard setback requirement, there is a combined side yard setback for primary structures, which this new porch would need to meet. Mr. Baxter added that there is a gross floor area exclusion for front porches up to 8 feet in depth along the building front, and since a portion of the porch wraps around a portion of the north side of the home, a variation is required for the gross floor area as well.

Mr. Baxter then swore in the applicant's Architect, Omar Gutierrez. Mr. Gutierrez stated that the presentation was thorough and is happy to answer any questions. No questions were asked of the Architect at this time.

Mr. Baxter added that there are three letters of support from neighbors:

Jason LaBelle and Sally Moeller of 1122 Elm Ridge Drive wrote:

*"I am writing regarding the two variance requests and plans for a front porch made by my neighbors at 1111 Elm Ridge Drive. My wife and I wish to express our support for their project. We've seen the plans and believed it would make a very nice addition to the home. We expect it to only improve the view out our front windows and make Elm Ridge Drive an even nicer street."*

Genevieve and Step Tokic of 1119 Elm Ridge Drive wrote:

*"We are neighbors of Maggie Mueller and Tyler Knudsvig, as we own the property immediately to the north of theirs. We are aware of their request to the Village of Glencoe for two variances with respect to their home at 1111 Elm Ridge Drive. We have reviewed their plans for a new front porch and are supportive of their plans. We have no objection to the variances. If you have any questions or require additional information from us, we can be reached at the contact information below"*

Sue Folkoff of 1101 Elm Ridge Drive wrote:

*"I am writing about approval for the variance for property at 1111 Elm Ridge Dr. in Glencoe for the Tyler Knudsvig family home. I am the next-door neighbor at 1101 Elm Ridge Dr. in full support of the request of 1111 to build the porch. This request is for 2 minimal variances- especially on this very large open piece of land. I think the porch will be a wonderful source of pleasure for the property owner and the plan looks like it totally belongs as an extension on the front of the home and will be a major property enhancement for them --and to all of the properties on Elm Ridge Dr."*

Chairman Novack thanked staff and noted that the proposed variance seemed to be designed carefully and that the combined side yard setback is unique. Chairman Novack added that with the thoughtful design and letters of support from neighbors, he is inclined to be in favor of the requested variance.

## PUBLIC COMMENT

Chairman Scott Novack thanked Mr. Baxter and asked the audience if there are any public comments. No questions or comments were made. 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(C) and 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 reduce the required combined side yard setback and to increase the maximum gross floor area at 1111 Elm Ridge Drive 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.

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

**6. CONSIDER VARIATION REQUEST AT 228 MARY STREET**

Mr. Baxter gave a brief overview of the case, stating that the applicants are a variation to allow for the construction of a new single-family residence at 228 Mary Street:

1. Section 3-111(C)- To reduce the required side yard setback from 12 feet to 9.6 feet, a variation of 20%.

Mr. Baxter then presented aerials and a proposed site plan with the audience and explained that the Zoning District changes as you head further west, just a few lots down from 228 Mary Street. Mr. Baxter added that the existing home at 228 Mary Street is approximately 3.31 feet from the west side lot line and the applicants are proposing to be 9.6 feet from the side lot line (further than the existing location), but a variance is required.

Mr. Baxter added that this lot is undersized and significantly narrower for the RA Zoning District, and then provided the existing side setbacks for 10 homes on Mary Street, most of which were nonconforming to the applicable Zoning District. He added that there has been inquiries and concern for a large Oak tree that is near the property line of 232 and 228 Mary Street, and the Village's Arborist provided initial feedback to staff but would need more information to determine if the tree would be impacted.

Mr. Baxter added that the Village Engineer stated that we do not have engineering plans for this proposed home yet, but the construction of a new residence would trigger new stormwater management system, which at a minimum would require a conveyance pipe into the public storm system along Mary Street, and if the impervious surface exceeds a certain amount, then stormwater detention would also be required, which will all be reviewed as part of the permitting process whether a variation is granted for the setback requirements or not.

Chairman Novack thanked Mr. Baxter and then Mr. Baxter swore in the applicants, Jack and Max Kruszewski. Jack Kruszewski stated that they have no intent of cutting down the Oak trees on the west side of the property, and that they would instill some tree protection fencing for them. Jack Kruszewski added that those two Oak trees are close to the property line and should not be impacted as they are nearest to the proposed garage as there would be no basement or foundation in the area of the Oak trees' roots. Max Kruszewski added that because of the side yard setbacks, they did not have enough driveway space to make an appropriate turnaround, and if they are not granted a variance they will need to move the house further back on to the lot. Chairman Novack clarified that it seems as though the applicants have evaluated other options.



Mr. Baxter added that there were also inquiries and concern regarding stormwater drainage in the back of the home:

Brad Haber of 231 Woodlawn Avenue wrote:

*"I live at 231 Woodlawn Avenue which is an adjacent lot (backyards) to 228 Mary Street which is asking for a variance. On 10/4 there is a meeting for the above referenced property for a new construction looking for relief on a setback. To be clear, I am fully supportive of all re-development, but want to make sure one very valid concern is addressed and put in the file. Flooding is a problem in the area and the back property line tends to get a lot of standing water that never gets displaced and can be standing there for weeks / months at a time. I realize this is a stormwater management issue, and maybe not zoning, but all variances that can increase the footprint of the house can impact permeable area and therefore water control. I also want to make sure that any elevation changes are addressed / not allowed as right now ALL of that water remains standing on the other side of my property line and I want to make sure there are no changes that allow that water to infiltrate onto my property. We spent a lot of energy when developing my home to make sure my lot remains dry which is exactly how it works even during very heavy rains.*

*I would ask that this is addressed in the meeting as variances can have an impact, and also passed onto stormwater management so they can address this issue as a new home is built. I am in a newer construction home and the stormwater management requirements were strict and this needs to be addressed as that lot is redeveloped. Once again, the variance (as well as stormwater management approvals) is directly related to that issue and needs to be discussed and put in the file. I believe you probably understand the issue and I hope this is ample explanation, but if not, please feel free to contact me to discuss should you have any questions."*

Jim Carroll of 214 Old Green Bay Road wrote:

*"We live at 214 Old Green Bay. Our back lot line is along the north 100+ feet of the east boundary of 228 Mary. We have enjoyed the Mary Street community for 33 years. It is friendly with neighbors generally getting along and being sensitive to one another's property. In that spirit I comment on the variance application.*

*First, there are four large trees bordering within inches of 228 Mary, two are ours, two are on 232. All four are at considerable risk from this project. I hope Glencoe's Arborist will comment on protection of the trees and the permeability of the proposed construction. The construction as proposed will obviously affect the great oaks on 232 and that must be considered with regard to the requested variance. The driveway as drawn will require our hedge to be severely pruned or killed and removed. I doubt that is ideal for the applicant but maybe that's okay.*

*Second, the idea that the variance is not for economic reasons seems odd. This lot was purchased this year by the applicant. He must know the rules. So, as drawn this seems to be either the right house for a different lot or the wrong house for this lot. I'm not an architect but it doesn't look particularly difficult to narrow this house a bit to fit the rules. I hope the applicant's architect can modify the plan to conform.*

*Third, there seems some confusion about 232 Mary. 232 does not have a detached garage, nor are other details correct about that property, which are apparent from the aerial photos. In the same vein it is error*

*to say that neighbors within 200 feet received notice of this meeting. We did not receive mailed notice. I learned about it from the owner of 232. (Nor apparently did the applicant attempt to talk with me)."*

Mr. Baxter added that some residents noted they did not receive a notice for the requested variance, although they were mailed out and there is not a legal requirement for the notices to be mailed out, it is a courtesy, and he is not sure why some residents apparently did not receive the notice from the Village.

Shirley Schlossman of 232 Mary Street wrote:

*"I am in agreement with every point raised by Jim Carroll in his message sent to this meeting under '228 Mary Street requested variance application.'*

*Preserving the two oak trees located immediately east of my house at 232, is of particular concern to me. They are close to my property line. I am hoping that Glencoe's Arborist will have inspected these trees before this meeting, as was suggested by Taylor Baxter.*

*Also, would it be possible to change the location of one or two of the planned air conditioning units from the west side to the east side of the house?"*

Cameron S. Avery of 278 Mary Street wrote:

*"The width of nine of the 11 lots on the south side of the block is 50 feet on the street side; one lot is slightly wider, and one is 100 feet. The lot at 228 is unusual in that it is trapezoidal and is nearly 100 feet wide on its southerly lot line. Consequently, it is considerably larger than all other lots except the double lot. Regarding the standards:*

- 1. General Standard. Denial of the requested variance should not create a particular hardship or practical difficulty for the owner, since the lot is considerably larger than 91% of the comparable lots on the south side of the block. There is plenty of space on the 228 lot to build a larger home without reducing the side setbacks by extending the house further south and/or siting the house further south on the lot.*
- 2. Unique Physical Condition. The only unique physical condition of 228 is that it is considerable larger than the comparable lots and therefore has plenty of space to locate a home with 12-foot side setbacks.*
- 3. Not Self-created. No comment.*
- 4. Not Merely Special Condition. Because of the size of the 228 lot, and the ability to site a house larger than the current home, it is difficult to understand how adherence to the zoning requirements would impose an economic hardship, especially when the purchaser had to know the zoning requirements before purchasing the property.*
- 5. Code and Plan Purposes. The purpose of the side setback requirement is to provide adequate space between adjacent residences. Reduction of that requirement would inevitably reduce that space and create an imposition on the adjacent lots, especially 234, which would be significantly shaded by having a house so much closer. Lot 228 is zoned RA, and that zoning requires 12-foot setbacks for a good reason.*
- 6. Essential Character of the Area. The character of the south side of the block is relatively narrow but deep lots. The homes on those lots tend to be deeper and less wide. The most compatible*

*character of a new home on 228 would be for it to be narrower and deeper, thereby conforming with the RA setback requirement without a variance.*

*In conclusion, I urge the Zoning Board of Appeals to deny the requested variance."*

Chairman Scott Novack thanked Mr. Baxter and asked the audience if there are any public comments at this time. No questions or comments were made from the public at this time. Board Member David Friedman asked what the rationale was for not siting the house further back on the lot. Max Kruszewski responded that to position a house 80 feet from the front lot line seems like a crazy approach as the front of the proposed 3-car garage would start where the neighboring home is ending.

Chairman Novack asked if anyone, including the neighbors who wrote letters, would like to provide any comments.

Jim Carroll of 214 Old Green Bay Road added that he doesn't know if the home needs to be any further back it just seems like the wrong design with a lot that widens towards the back. Mr. Carroll added that it does not seem to be an imposition of a problem since (the setback requirements) were known when the property was purchased. Chairman Novack asked if Mr. Carroll is concerned about this application or concerned about the notion that the ordinance that has been laid out is not being followed in this instance. Mr. Carroll responded that his concern is about this application and that more than anything else he is concerned about trees and the applicants building close to trees. Mr. Carroll added that they may have been interested in a permeable driveway if the applicants approached him, but he is concerned that the trees' roots will be covered in pavement and clarified that the Oak trees mentioned tonight are on his property. Chairman Novack then asked if the Village Arborist was present. Mr. Baxter confirmed she is not, and the Arborist has not been able to visit the site to this point, though based on preliminary conversations with the Arborist, she stated that she does not have enough evidence at this point to make an informed statement or determination about whether the difference of 12 feet versus 9.6 feet would have a significant impact on the trees. Max Kruszewski added that they are also not fully excavating near the garage as there is no foundation beneath it, and if they needed to move the home further back they would have a full foundation near the trees, at least 12 feet deep. Max Kruszewski added that that they are essentially replacing an existing driveway with a new driveway in this area of the lot. Mr. Carroll questioned the statement and stated that the applicants are going to pave an area that is currently not paved.

Board Member John Satter noted that it's a tough decision and he would be curious to see where the new house is proposed compared to the existing home from an aerial view. Board Member Satter then asked if there were any designs that would allow the applicants to move the garage into the rear yard and Max Kruszewski added that a garage in the rear yard would not alleviate any of the neighbor's concerns as the driveway would still be near the property line and the majority of the bulk of the house would be right by Mr. Carroll's Oak trees.

Chairman Novack then noted he would be in favor of something that protects the tree condition and asked Mr. Baxter if there would be a possibility to have a conditional approval subject to a tree assessment. Mr. Baxter responded that there will likely be tree protection conditions for the

trees anyway, and Jack Kruszewski added that the bulk of the danger would be during the demolition process which he can be present for to ensure a slow and careful demolition. Board Member Alex Kaplan stated that it appears the applicants have honest intentions, and the neighbors have valid concerns, and then questioned how it would be enforced if the applicants do not protect the trees. Board Member Kaplan added that he would like to hear from the Arborist regarding potential impacts and to what extent the trees health could potentially be compromised. Board Member Kaplan also noted that the ZBA is put into situations where they have to weigh the benefits and risks between two parties, and he thinks the applicants have done a credible job with their presentation and site plans and he would like to see the neighbors happy with this project as well, so he asked if it would be worth punting this discussion to see what an Arborist says. Chairman Novack added that he appreciates the input from neighbors and believes the applicants have shown their best efforts to mitigate neighbor concerns and prefers to vote on this variation today. Board Member Kaplan then asked what the resolution for neighbors would be if a tree was damaged. Jack Kruszewski added that they are happy to be present during the demolition and that him and his brother Max both reside in Glencoe and that they are trying to establish a respected reputation in Glencoe similar to the one they have in Winnetka and Northbrook, and that their current design is the least impactful to the two Oak trees. Board Member Kaplan asked the applicants if they can do anything prophylactic to try to preserve those trees in case something goes wrong. Max Kruszewski added there is also a financial incentive to protect those trees with measures such as "strapping" and fencing as the trees are approximately 36" in diameter which would be a sizeable deposit. Jack Kruszewski added that if the neighbor is willing to allow the contractors to install tree protection fencing around a portion of their property as well then they would be happy to do that as well.

Mr. Baxter then swore in Shirley Schlossman of 232 Mary Street and her son, Peter Schlossman of 4449 N. Mozart St. in Chicago. Ms. Schlossman noted that she feels very encouraged what the applicants are saying about protecting the two Oak trees because the applicants know how to protect the trees and they will do the very best they can. Ms. Schlossman added she would allow them to come onto her property to install tree protection. Board Member Friedman added that he is going to vote "no", although he believes the applicants are high integrity, but he was persuaded by Robert Weinstein's letter which was not read tonight. Board Member Friedman stated that most importantly, he is voting "no" because this is the second case that the ZBA has faced in a couple of months where a developer acquires a site and knows what they can build when they are able to build a smaller residence in compliance with the code, so he does not want to contribute to setting the precedent that developers come to the ZBA on a repeated basis because it sets bad precedent and bad policy, so he is drawn to encourage the applicants to design a residence that was more consistent with what the code provides. Chairman Novack stated that he understands what Board Member Friedman is saying and added that this is a tough case and he also read Mr. Weinstein's letter. Chairman Novack added that no decision the ZBA makes is setting a precedent as each case is unique and mentioned alternatives that need to be considered such as moving the home further back, about 76 feet, from the front lot line, and added that the existing home at 228 Mary is about 3 feet away from the western lot line.

Chairman Novack concluded that when he weighs the neighbors' concerns, alternatives if the variation was not approved, and the applicants' presentation, he is inclined to vote in favor of

the requested variance. Board Member Sara Elsasser noted that she thinks she is aligned and even if this was a smaller home, in order for it to be conforming it would have been pushed further back on the lot, so there are situations where building a new home within a lot can warrant a variation and given the shape of the lot and existing conditions she also is leaning towards supporting this.

### **PUBLIC COMMENT**

Chairman Scott Novack asked the audience if there are any public comments. No questions or comments were made. 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(C) 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 reduce the required side yard setback and at 228 Mary Street 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.

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Kaplan, Satter, Ruderman
<b>NAYS:</b>	Friedman, Koppersmith
<b>ABSENT:</b>	None

**7. PUBLIC COMMENT ON NON-AGENDA ITEMS**

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

**8. ADJOURN**

The meeting adjourned at 9:32 p.m.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Satter, Ruderman, Koppersmith
<b>NAYS:</b>	None
<b>ABSENT:</b>	None