



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

Village Hall Council Chamber and Videoconference
675 Village Court
Monday, October 5, 2020 - 7:30 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 the Chairman, at 7:30 p.m. on the 5th day of October 2020, held virtually via Zoom web video conference.

Attendee Name	Title	Status
Village Board		
Howard Roin	ZBA 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 OF THE SEPTEMBER 14, 2020 ZBA MEETING

RESULT:	MOTION TO APPROVE MINUTES
AYES:	Roin, Elsasser, Friedman, Kaplan, Novack
NAYS:	None
ABSTAIN:	Satter (absent from previous meeting)
ABSENT:	None

3. SWEARING IN ATTENDEES FOR PUBLIC COMMENT

Taylor Baxter swore in those attendees wishing to provide comments during the meeting. Chairman Roin stated that because one member of the Board would need to be recused during the second variation case (1060 Oak Ridge Dr.), that case would need four affirmative votes for the variation to be approved.

4. APPROVE VARIATION REQUEST AT 613 LINCOLN AVE.

Taylor Baxter gave a brief overview of the facts of the case, describing the one variation for a side setback reduction needed for the construction of a porch. Chairman Roin asked if there were any objections from neighbors, and Mr. Baxter responded that there were not.

Applicant Daniel Hindin provided the Board with a justification for the variation, including that it would allow the homeowners to enjoy their back yard and provide shade, that the lot is uniquely shaped, and that it would be consistent with the character of the neighborhood.

Chairman Roin asked for any question from the Board. Board Member Kaplan asked why the lot has an unusual shape. Mr. Hindin responded that he believes that the lot is not perpendicular to the main road due to the location of a private drive present in the neighborhood. Mr. Baxter responded that the Village wasn't aware of any drainage or other issue on the property.

Chairman Roin asked if there was a motion on the variation request. Mr. Kaplan made a motion to approve, seconded by Board Member Novack. Mr. Baxter called roll, and the motion passed unanimously.

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)(2) 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 encroach into the required side yard setback at 613 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 [UNANIMOUS]
AYES:	Roin, Elsasser, Friedman, Kaplan, Novack, Satter
NAYS:	None
ABSENT:	None

4. VARIATION REQUEST AT 1060 OAK RIDGE DRIVE WITHDRAWN BY APPLICANT

Chairman Roin stated that the purpose of this portion of the meeting was to conduct a virtual public hearing on a request for a variation by Paul Elia, homeowner of 1060 Oak Ridge Drive, to allow for an addition to a single-family home to extend into the required rear yard setback. This variation is authorized by Section 7-403-E-1 of the Zoning Code.

Board Member Elsasser recused herself from the case due to a conflict of interest. Chairman Roin clarified that this means that the applicant would need four of five of the remaining Board Members to vote to approve the variation for it to be approved. He stated that the applicant could request a postponement of the case if desired. Mr. Baxter stated that Ms. Elsasser should mute her line and turn off her video.

Mr. Baxter then gave an overview and background of the case, stating:

- 1) The applicants are seeking a variance to allow an addition to an existing home to encroach 4.99 feet into the required 30-foot rear yard setback.
- 2) Per the zoning code, the front property line is the north property line because it's the shorter of the two street frontages.
- 3) The south property line is the rear property line and the west property line is an interior side property line.
- 4) The back of the house faces the side property line.
- 5) The proposed addition is further from the rear property line than the closest point of the existing home but is still in the rear setback and does not require a variation.

- 6) The proposed addition is not in the required side setback.
- 7) The corner side setback line shown on the site plan is not correct. The required setback is approximately 25' from the corner side property line.
- 8) The proposed addition is two stories in height and would attach to the two-story part of the existing split-level home.
- 9) Neighbors have raised concerns about tree removal. The Village believes that several trees were removed, but does not have evidence that trees requiring a tree removal permit were removed.
- 10) Neighbors have raised concerns about stormwater. Village staff believes that this project is not likely to cause or worsen stormwater issues.

Chairman Roin stated that public comment would be taken at a later point in the meeting. He invited the applicant to present their case to the Board. Paul Elia, applicant, presented his case to the Board, stating:

- 1) He is planning on having his in-laws live in this house with his family;
- 2) The house was not maintained before he purchased it and the trees that were removed were dying or "bushes". He wanted to clean up the back yard to prepare for the addition;
- 3) He has a goal to plant bushes or trees to provide privacy once the addition is built;
- 4) He apologized to neighbors if he caused them offense by removing trees;
- 5) He has a goal of making the house look better than it has and to make sure that trees are provided.

Chairman Roin stated that he found this situation to be unusual due to the confusion about lot lines. It creates a potential hardship for the homeowner and for neighbors. He asked if screening is planned for the west property line. Mr. Elia replied that he has plans for planting evergreens where the shrubs were removed.

Board Member Novack stated that Google imagery shows that trees were removed and asked if there was a plan to plant all the way to the south property line. Mr. Elia responded that this is correct.

Mr. Novack stated that arborvitaes do an excellent job of screening and over time they will grow to a height that would be of similar size to those removed.

Mr. Elia introduced his architect, Firmin Senga. Mr. Senga stated that the applicant had no choice but to request a variation due to the highly unusual lot layout and the applicable code requirements. There are no other options.

Chairman Roin stated that he understands that it is an unusual lot and is terrible for the neighbors. This is a problem and a difficult request. He asked the neighbors in attendance if new screening trees would impact their comments.

Mr. Baxter read an email provided by Sandy & Lawrence Officer, 590 Sunset Lane:

Hello to the Zoning Commissioners!

We are senior citizens who have lived at 590 Sunset Lane for 29 years. Our house and backyard face the rear of the vacant home at 1060 Oak Ridge Drive. We have had multiple disturbances since the house changed ownership a year and a half ago.

Possibly without a permit, the owner removed over 30 healthy trees, claiming they were dying. We haven't recovered from the destruction of the beautiful arborvitae trees that were close to our property, and now realize that they were in the path of the requested home additions!

Our peace and tranquility no longer exist.

We are disturbed at all hours by noise, lights turning on and off, and workers hammering in the dark, long past normal hours.

The proposed additions would destroy the harmony in Glencoe of the last existing years of our lives. The new structures and lengthy construction will interfere with sunlight, create an eyesore within 10 feet of our property and reduce the property value of our home when it comes time to sell.

The entire experience with the new owner has been demoralizing. We never know what to expect next, since he does not bother informing us of upcoming projects on the home. We've had gatherings in our back yard - especially with Covid - that have been disrupted.

As a minimum, the owner should NOT BE ALLOWED to build a two-story addition and any new structure should be much further than 10 feet from our property line. Also the trees should be restored. Right now, the light disturbances should end because it's unfair to keep us up at night. unnecessarily.

Thanks for your consideration,

*Sandy & Lawrence Officer
590 Sunset Ln*

Mr. Officer stated that this proposal has negative externalities and that their neighbor never gave them a chance. Putting up trees would not be sufficient. Mrs. Officer stated that no trees on the property were dying and that the new structure would be too close to her home.

Chairman Roin asked the Board if there were any questions for the Officers. He asked what they thought about the applicant's proposal to replant screening trees. Mrs. Officer said that the trees were healthy and that the new construction should be put on the north side of the house.

Dave Sack and Gail Donnelly, 1069 Hohlfelder Road, stated that they live southwest of the subject property and share part of a property line. They reiterated the Officers' concerns. Ms. Donnelly stated that motion lights shine into their house and that their windows face the newly vacant area of the subject property.

Chairman Roin stated that the Board takes neighbor concerns seriously and that this is a difficult case. He asked for questions from the Board.

Mr. Kaplan asked about a condition that the applicant immediately put up arborvitaes. Mr. Elia responded that he would absolutely do so.

Chairman Roin stated that the variation is needed from the south property line, but most of the objections come from the west. He asked about the automatic sensor light. Mr. Elia responded that had he known about neighbor concerns, he would have removed the light.

Mr. Kaplan asked if he could remove the lights. Mr. Elia responded that he absolutely could.

Board Member Satter asked if the applicant could show the elevations to describe the need for a variation. Mr. Baxter displayed elevations and floor plans. Mr. Senga stated that the plan would improve access for in-laws to the living room and that the challenge is that to meet setback requirements, they would have to push everything to the north, which would make it difficult to keep things level. Doing so could make the hallway essentially go through the bedroom and it would be difficult to fit a bed in the room. The land is sloped, so the plans had to drop the floor, so if it was pushed to the north, the bedroom would shrink in size. The applicant wanted to go bigger but was prevented from doing so.

Mr. Satter stated that the Officers' home and the home on Hohlfelder also cluster toward the neighbors' homes. Mr. Kaplan asked what could be required as a condition of approval that would make the neighbors more comfortable. He stated that he was looking for some balance. Mrs. Officer responded that no conditions would make her comfortable and that the proposed addition is "on top of us". Mr. Kaplan asked about screening. Mr. Officer responded that this could potentially work if the addition was shorter and further away.

Ms. Donnelly stated that she sent letters to the applicant regarding the lights but got no response. She said that arborvitaes are not the best screening.

Mr. Novack stated that construction is never fun for anyone, but it happens often and there are hours that are strictly enforced. Mr. Baxter confirmed that construction hours are enforced by the Village. Mr. Novack stated that the Board could talk about lighting issues all night, but that there is a real hardship and that he was on the fence about his decision.

Mr. Kaplan stated that he was also trying to find balance and was weighing pros and cons.

Board Member Friedman stated that he was trying to find a solution, but that the Board had a meaningful variation request with very unhappy neighbors. He stated that based on the Board's historic practices he was unsure if he could support it.

Chairman Roin stated that if this were 30 years ago, the ZBA would not have granted the variation. He said that there are very serious objections and that he would be inclined to vote no. He mentioned the possibility of postponing the case.

Mr. Elia stated that he had agreed to accommodate neighbors' wish for screening trees. Chairman Roin stated that he would not hold the tree removal against him.

Mr. Senga stated that it sounded like the objection is all from neighbors to the west, but the variation request is to the south. An addition could still be built on the west side of the property without a variation.

Chairman Roin stated that the project could change the character of the neighborhood, leading to neighbor objections.

Mr. Kaplan stated that the applicant still has the ability to resubmit at a later date. Chairman Roin confirmed. Mr. Baxter stated that if denied, a similar request could not be brought back to the Board for a year. Krystofer Pinnock, applicant's architect, asked if the addition were moved five feet north, could it be built without a variation. Staff responded that this is correct.

Mr. Novack stated that the objectors' house may also be close enough to the property line that it too may have required a variation. Mr. Baxter showed aerial imagery showing that this may be the case. Mr. Novack stated that his advice to the applicant may be to defer the case to a later date. He sympathizes with the applicant but could vote tonight with conditions of approval.

Mr. Kaplan stated that he thought Mr. Novack made a good point, and that the applicant could possibly talk the case over with the neighbors and come back later.

Mr. Elia stated that he was considering withdrawing the application. Mr. Senga agreed. Chairman Roin stated that he hoped they could work it out with the neighbors and that he hoped the Village would reconsider this part of the zoning code.

Mr. Kaplan asked if those objecting to the variation had reconsidered any part of their comments due to statements made by the applicant. The Officers stated that the rear yard should be on the west. Chairman Roin explained that per the zoning code the west setback is only required to be 10'. The Village would have to change its zoning ordinance to change these setbacks, and that this would not be a simple fix and would not be done soon. The Officers reiterated that this should be a rear yard with a required rear setback.

Mr. Kaplan asked the Officer if they understood that the applicant could move the proposed addition from 25 feet to 30 feet from the rear property line and build it without a variation. Mrs. Officer stated that she understood did not care and that she wants the west property line redefined as a rear lot line. Chairman Roin stated that he believed this was a good point, but might not be sufficient or timely enough to prevent construction that doesn't require a variation. Mrs. Officer stated that the issue should be raised to a higher level in the Village. Chairman Roin stated that she could call the Village President or Village Board to express her concerns.

Mr. Novack stated that he agreed with Chairman Roin, but that a conditional approval might be in the neighbors' best interest. He wanted to make sure that the Officers were considering the fact that the architect could design an addition that doesn't require a variation. Chairman Roin stated that the Officers may be "winning a Pyrrhic victory". Mrs. Officer stated that there

should be “no construction back here at all.” Chairman Roin stated that he agreed but that this might not be enough to get what the Officers want.

Mr. Kaplan asked about the possibility of approving the application with “very mature” arborvitaes in an amount that would preserve the objectors’ privacy. Mrs. Officer stated that they would not accept the proposal. She stated that she could plant trees on her own. Mr. Kaplan responded that construction would be temporary and that the new trees could provide privacy. Mrs. Officer reiterated that she did not care about screening trees. She only cares about the construction being too close to her house. She acknowledged that she might not get what she wants, but she wants to make changes to prevent this from happening again.

Chairman Roin stated that it did not sound like there was going to be agreement between the parties. He recommended that the Officers appeal to a higher court. He asked that the applicants make their best attempt at working with the neighbors. Mr. Elia stated that he was willing to do whatever was asked as a condition of approval.

Mr. Novack stated that the best condition for all parties might be a variation with conditions of approval. Construction without screening that does not need a variation might look worse. He decided that the best outcome for all parties would be a variation with conditions of approval. Mr. Elia thanked him for his comment.

Mr. Kaplan asked if there were other Board Members that may have changed their mind. Chairman Roin stated that he thought the objectors had a legitimate point. He stated that it might not be the best strategy for the objectors, but he was not making a strategic decision.

Mr. Senga stated that Mr. Novack was looking out for the best interest of the neighbors. If it were redesigned, they would not have to get a variation. Chairman Roin stated that he understood and that no Board Members had changed their mind.

Mr. Baxter asked for confirmation that the applicants would be withdrawing their case. Mr. Elia and Mr. Senga confirmed. Mr. Baxter stated that new applications would have to go through the whole process again. Chairman Roin asked about the difference between a withdrawal and a deferral. Mr. Baxter stated that a deferral would come back as the same application. Chairman Roin recommended a deferral so that they could try to work out their differences and come back in a month. Mr. Elia agreed. Chairman Roin asked if the objectors had any comment. Ms. Donnelly stated that neighbors should be neighborly. She felt that she was being neighborly. Mr. Kaplan asked if she was withdrawing her objection. She responded that she was only partially withdrawing her objection.

Mr. Elia stated that he had waited months for the meeting and that he couldn’t wait another month or two for a deferral. He stated that hearing the Officers’ position made him want to withdraw the application, even though he felt that the conditions of approval would be better for the Officers than an addition built without a variation.

The Board and Mr. Elia discussed the benefits of withdrawal vs. deferral. The Board encouraged him to defer so that he could have a discussion with his neighbors. Chairman Roin and Mr. Friedman encouraged Mr. Elia to continue to reach out to his neighbors.

Mr. Baxter asked for confirmation that Mr. Elia was withdrawing his application. Mr. Elia stated that it would be difficult to change his neighbors' minds. Chairman Roin asked for confirmation that he was withdrawing his application. Mr. Elia confirmed.

5. ADJOURN

Chairman Roin asked if there was any further public comment. Hearing none, the meeting was adjourned at 10:07pm.