



MINUTES
VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS
REGULAR MEETING

Council Chambers at Glencoe Village Hall
675 Village Court
Monday, November 7, 2022 – 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 November 7, 2022, held in the Council Chamber at Glencoe Village Hall.

Attendee Name	Title	Status
Zoning Board of Appeals		
Scott Novack	ZBA Chairman	Present
Sara Elsasser	Member	Present
Alex Kaplan	Member	Absent
Debbie Ruderman	Member	Absent
Michael Koppersmith	Member	Present
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 OCTOBER 3, 2022, ZBA MEETING

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

3. CONSIDERATION OF A VARIATION REQUEST AT 1085 BEINLICH COURT

Richard McGowan gave a brief overview of the case, stating that the applicants are once again seeking a variation for an in-ground pool to encroach into the required front yard setback.

1. *Section 3-111(C) – To reduce the required front setback from 50 feet to 15 feet, a variation of 70%.*

Mr. McGowan explained that this applicant was granted a front yard setback reduction in June 2021, however, there are now greater variation allowances for corner lots and through lots that were not available in June 2021. In June 2021, the applicants were granted a 40-foot front yard setback reduction (20% was the maximum reduction at the time, whereas a 50-foot front yard setback is required). After the Village had approved plans for the pool with a 40-foot front yard setback, the applicants informed the Village that they did not believe it was adequate for their needs. Mr. McGowan stated that since this is a corner lot, the shorter lot frontage is defined as the front yard, regardless of the orientation of the home, and because of the unique existing physical conditions and orientation of the lot, the property is significantly limited with where they can construct an accessory structure without a variation. Mr. McGowan added that in June 2021, the applicants received letters of support from neighbors to the north, east, and west, and the Village did not receive any letters of opposition in June 2021 or for tonight's hearing. Mr. McGowan noted that the ZBA may attach screening conditions for the pool if appropriate.

Chairman Scott Novack thanked staff and added that the change in the Zoning Code to allow greater front setback variations for corner lots and through lots was intended to correct situations exactly like this one. Although the front yard is already significantly screened along Dundee Road, Chairman Novack and Board Member Michael Kuppersmith both stated that they would like to add a condition that the screening along Dundee Road for the in-ground pool remains, in case the current homeowners ever sell the property.

Taylor Baxter then swore in the homeowner, Brad Friedman of 1085 Beinlich Court. Mr. Friedman stated that the greater setback variation allowance for corner lots is a huge help due to the existing conditions of the lot and the orientation of his home. Mr. Friedman stated that he spoke with neighbors and did not receive any opposition. Board Member Kuppersmith noted that he likes that he spoke with neighbors.

PUBLIC COMMENT

Chairman Novack thanked the applicant and asked the audience if there are any public comments. No public comments were made.

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, with the condition that the existing screening along Dundee Road be maintained.

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 front yard setback at 1085 Beinlich 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, Kuppersmith, Holzman, Fox
NAYS:	None
ABSENT:	Kaplan, Ruderman

4. CONSIDERATION OF A VARIATION REQUEST AT 364 JACKSON AVENUE

Mr. McGowan gave an overview of the case, stating that the applicants are seeking to add an addition and deck to an existing single-family residence to encroach into the required side yard setback at 364 Jackson Avenue:

1. *Section 3-111(C) – To reduce the required side yard setback from 10 feet to 8.65 feet, a variation of 13.5%.*

Mr. McGowan noted that the existing home is nonconforming with regards to the side yard setback, as it is approximately 4.25 feet away from the east side lot line, and the applicants are not seeking to encroach into the required side yard setback any more than they already are. Mr. McGowan shared elevations of the proposed addition and added that the applicants do not need any variations for the rear setback or gross floor area. Mr. McGowan stated that the lot is relatively undersized for the RB Zoning District in terms of lot width and lot area, which is a unique physical condition.

Mr. McGowan shared a letter of support from the neighbors closest to the proposed addition and deck, to the east:

"We are Jack and Lauren's neighbor to the East at 362 Jackson Avenue. My husband Steve and I have reviewed the plans from their architect in detail on the impending improvements. We are completely in favor of them completing the project and have no issues with the plans at all. We wish the Peirce's the best in their construction project and are excited to see the house grow to accommodate their family better. Please feel free to contact us directly should you need anything further."

-Kristin and Steve Trovillion of 362 Jackson Avenue.

Chairman Novack thanked staff and asked for clarification on where the deck will be. Mr. McGowan shared elevations and a site plan and noted that it will be a low-profile deck. Board Member Dena Fox asked if the applicants are in compliance with gross floor area and Mr. McGowan confirmed that they are.

Mr. Baxter then swore in the applicant, Vince Weber with Normandy Remodeling. Mr. Weber stated that he is happy to answer any questions any one may have. Chairman Novack stated that it is nice that the neighbor's closest to the proposed addition are in support of the requested variation, and added that the fact that the existing home is encroaching into the required side yard setback is also worth noting. Chairman Novack then asked for clarification on why the addition would need to encroach into the required setback and Mr. Weber stated that because of the kitchen floorplan and layout, it makes the most sense to locate the addition where it is

currently proposed, and that they are trying to manage the bulk and height of the structure. Mr. Weber noted that the homeowner is available for questions as well.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. No comments were made at this time.

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 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 at 364 Jackson 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, Koppersmith, Holzman, Fox
NAYS:	None
ABSENT:	Kaplan, Ruderman

5. CONSIDERATION OF A VARIATION AT 707 BLUFF STREET

Taylor Baxter gave an overview of the requested variation, explaining that the applicants are proposing to encroach into the required front yard setback to allow for an attached pergola at 707 Bluff Street:

1. *Section 3-111(C)(1) – To reduce the required front setback for an attached pergola from 41.4' to 37.32', a variation of 9.9%.*

Mr. Baxter explained that this pergola is part of a new home that is currently under review, however, the home itself meets code and does not need any variations. Mr. Baxter stated that since this is a corner lot, the shorter lot frontage along Park Avenue is defined as the front yard by the Zoning Code, although the applicants have stated that this yard will function as the homeowner's backyard. Mr. Baxter clarified that corner lots have greater variation allowances for front yards, up to 12 feet from the front lot line, whereas this applicant is proposing to be 37.32 feet from the front lot line, and the required front yard setback is 41.4 feet. Mr. Baxter added that the existing home that is proposed to be demolished is closer to the front lot line than this pergola would be, as the existing home is 29.15 feet from the front lot line. Mr. Baxter then shared renderings of what the proposed home and pergola will look like.

Mr. Baxter then swore in the applicant, Steve Aisen of Newgard Custom Homes. Mr. Aisen reiterated that functionally, this area is going to be used as a side and rear yard for the future homeowners. Chairman Novack asked if Mr. Aisen has spoken with neighbors and Mr. Aisen said that he has rung the doorbell but did not have any luck getting in contact with neighbors. Mr. Baxter noted that the Village has not received any letters of support or opposition for the pergola.

Board Member Koppersmith asked for clarification on the existing home's location and Mr. Baxter said that it is currently closer to Park Avenue than what the applicants are proposing. Chairman Novack said that the requested variation makes sense for the most part, but the only difference here is that it's for a new home that's starting with a blank slate. Board Member Fox

asked what the setback is from Bluff Street and Mr. Baxter stated that it is 25 feet for the house, but due to the side lot line and orientation of the neighboring property directly north, an accessory structure would have to be further from the corner side lot line than the house, which is where the detached garage is proposed to be.

Chairman Novack asked if the applicant is maxed out on gross floor area and Mr. Aisen said that they are pretty close, but they are not requesting any variations for the gross floor area. Mr. Aisen noted that they felt as though the pergola would be better in this location due to the proposed layout and because it is further away from the neighbor immediately to the east. Mr. Baxter clarified that the area to the east would not require a variation.

PUBLIC COMMENT

Chairman Novack thanked staff and asked the ZBA Members if they had any questions. Mr. Jason Jones of 487 Park Avenue was then sworn in by Mr. Baxter.

Mr. Jones stated that he is the immediate neighbor to the east and he is concerned with the proposed pergola and has not had any conversations with the developer. Mr. Jones stated that he is primarily concerned with light, and impacts to his home and vegetation with the new home. Mr. Jones noted that the rendering appears to show a wall around the property, rather than a fence, that would impede upon his plot and vegetation.

Chairman Novack thanked Mr. Jones and asked him to stay at the podium for questions. Chairman Novack asked what the height of the wall and Mr. Aisen stated that it depends on the code requirements, and Mr. Baxter explained that it would be a four-foot-tall fence in the front yard along Park Avenue, and a six-foot-tall fence would be permitted beyond the front yard along Park Avenue. Mr. Aisen noted that it is to be determined as to whether it will be a fence or a wall. Mr. Jones stated that the new home will be closer to Park Avenue, and the ZBA corrected him saying that the new home and pergola would actually be further from Park Avenue than the current home. Board Member Koppersmith asked about the height of the fence in the renderings of the home and pergola. Board Member Sara Elsasser said that she thinks that the renderings are a bit deceiving, but she completely understands the neighbor's concerns because of the renderings. Board Member Elsasser noted that the applicants will also need to meet the fence code which limits the height to no more than six feet beyond the front yard. Chairman Novack added that a six-foot-tall fence may actually help with privacy and Mr. Jones said that he understands that aspect but is still concerned with the light impacts to vegetation.

Cathie Dunal of 494 Park Avenue was then sworn in by Mr. Baxter. Ms. Dunal stated that she lives directly across the street from 707 Bluff Street and that she is a little bit dumbfounded that a new home cannot meet Village regulations, and why the Village regulations cannot be respected. Ms. Dunal stated that she has concerns about the bulk of the home and that open land is a lovely thing, and noted that she was curious about drainage impacts if a new fence is built along Park Avenue. Chairman Novack thanked Ms. Dunal and noted that the applicant is not seeking a variation for gross floor area, which contributes to the bulk, so in that sense, the applicant is meeting the code and not seeking a variation, however, they are requesting to reduce the required front setback. Chairman Novack said that he understands where she is

coming from and really appreciates her and Mr. Jones coming forward with their comments. Ms. Dunal concluded that she understands the needs for variations for people in existing homes, but does not understand the need for new homes. Chairman Novack thanked Ms. Dunal again.

Chairman Novack stated that they take neighbor concerns very seriously. Board Member Fox added that Mr. Aisen is a Glencoe resident. Mr. Aisen said that they try their best to meet code as he has been building homes in Glencoe for years and has rarely needed a variation, but this is a unique circumstance. Board Member Elsasser reiterated that it is a little different in terms of bulk since it is an open-sided pergola and will actually be further away from Park Avenue than the current home, and although she understands and respects the neighbors' concerns, the concerns are not necessarily directed at the pergola itself. Chairman Novack asked if the pergola will be visible from Park Avenue and Mr. Aisen stated that with a fence and maturation of the trees and screening, it eventually may not be visible from Park Avenue eventually. Board Member Fox stated that she is leaning towards approving the variation but with a stipulation that the fence around the property is a fence and not a wall.

Board Member Jake Holzman suggested that the ZBA asks the neighbor what his thoughts are on the fence. Chairman Novack asked Mr. Jones if the idea of a fence versus a wall interests him. Mr. Jones said that it does, and it comes down to light as his concern is the light impacts to his property. Mr. Jones said that he and his wife would prefer a non-opaque fence. Mr. Aisen said that it should not be an open fence as there should be a balance for privacy for the future homeowners of 707 Bluff Street.

Board Member KupperSmith said he is a bit hesitant to support this because he cannot conceptualize the hardship on this lot because it is new construction and is torn because of the impact to neighbors.

Mr. Baxter noted that the vote will need to be 4-1 in favor since there are two ZBA members absent. Board Member Fox added that the applicants could potentially have an opaque fence, but it could potentially be a bit more neighborly than a wall.

Mr. Aisen stated that if the variation is denied, then he would install the pergola on the east side of the house, closer to Mr. Jones at 487 Park Avenue. Chairman Novack noted that this area on the east side would not require a variation and asked Mr. Jones if he understood what the applicants could potentially do with out a variation. Mr. Jones stated that he would rather have the pergola in the position that it is proposed to be in now, and would rather not have it move closer to his property. Board Member KupperSmith noted that by hypothetically denying the requested variation, he would hate for it to inadvertently impact the neighbors in a negative way.

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, with the conditions that a privacy barrier along the east side property line would have to be a fence and not a wall, and that the front yard is

screened along the entirety of a fence along the front lot line along Park Avenue with six-foot-tall arborvitae trees or similar.

There was discussion and clarification that there is no required screening along the interior lot line as part of the conditions of approval, but the applicant may elect to do so if desired.

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)(1) 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 front yard setback at 707 Bluff Street 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, Koppersmith, Holzman, Fox
NAYS:	None
ABSENT:	Kaplan, Ruderman

6. 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.

7. ADJOURN

The meeting adjourned at 8:11 p.m.

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