



MINUTES
VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS
REGULAR MEETING

Village Hall Council Chamber and Videoconference
675 Village Court
Monday, February 7, 2022 – 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 6:30 p.m. on February 7, 2022, held virtually via Zoom web videoconference.

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

2. CONSIDERATION OF MINUTES OF THE JANUARY 24, 2022, ZBA MEETING

Chairman Scott Novack abstained since he was not present for the January 24th, 2022, meeting.

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

3. CONSIDER VARIATION REQUEST AT 264 DENNIS LANE

Taylor Baxter gave a brief overview of the case, stating that the applicants are seeking three variations to allow for an addition to an existing single-family home to encroach into the side setback and to exceed the allowable gross floor area at 264 Dennis Lane:

1. Section 3-111(C) - To reduce the required west side setback from 12 feet to 7.1 feet;
2. Section 3-111(C) - To reduce the required combined side setback from 16.5 feet to 14.2 feet; and
3. Section 3-111(G) - To increase the allowable gross floor area from 3,464 square feet to 3,984 square feet.

Mr. Baxter explained that the ZBA can typically only grant setback variations up to 20%, this limit does not apply to additions directly above an existing non-conforming structure. Mr. Baxter noted that the existing two-story house is 7.1 feet from the west side property line, which does not meet the required 12-foot side setback., and the required combined side setback on the property is 25% of average lot width, or 16.5 feet. Mr. Baxter added that the existing house has a combined side setback of 14.2 feet, which would not change with the proposed addition and that the applicant is proposing an addition directly above the existing footprint of the house. Mr. Baxter then swore in the Architect, Glenn Zagon of 3614 N. Belle Avenue in Chicago.

Mr. Zagon gave an overview of the project and noted that part of the reason why they are requesting variances is because the homeowner has chronic back issues which makes doing laundry in the basement level very difficult. Mr. Zagon added that the new laundry room would be at ground level and easier for the homeowner to access. Mr. Zagon also noted that the addition will have a low roofline, it won't be visible from the street, and will match the existing character of the home.

Mr. Baxter then swore in one of the homeowners, Mark Lubbat. Mr. Lubbat noted that the main goal is for them to continue to be able to take care of their family and to alleviate stress on back issues. Chairman Novack thanked everyone for sharing and asked the ZBA if they had any questions. Board Member Michael Kuppersmith asked if there had been any outreach to the neighbors and Mr. Lubbat said he had not. Chairman Novack asked staff if they had received any comments from the public and Mr. Baxter confirmed that the Village did not. Chairman Novack added that it looks to have minimal impact, but the ZBA does encourage outreach to neighbors. Board Member John Satter added that the location of the addition is helpful for the family, and it does not expand the existing footprint, so he is inclined to support the requested variances. Chairman Novack agreed and stated that it is clear that the applicants have made the effort to minimize the impact of this addition and that he is inclined to agree with Board Member Satter.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. No public comments were made for this case. 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 letters of Sections 3-111(C) and 3-111(G) 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 west setback, reduce the required combined setback, and to increase the allowable gross floor area at 264 Dennis Lane be granted as shown in the drawings or plans submitted by the owner and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Development Services Manager is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period a building permit is issued, and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

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

4. CONSIDER VARIATION REQUEST AT 732 WOODRIDGE LANE

Richard McGowan gave a brief overview of the case, stating that the applicants are seeking one variation to allow for the replacement of an air conditioning unit to encroach into the required side yard setback at an existing single-family residence at 732 Woodridge Lane in the RA zoning district:

1. Section 3-111(C)- To reduce the required side yard setback from 12 feet to 4 feet, a variation of 66.6%;

Mr. McGowan explained that typically, the ZBA may only grant setback variations by up to 20% but the Zoning Code states that a nonconforming accessory structure may be replaced in the same location if the ZBA grants a variation. Mr. McGowan noted that the air conditioning unit has already been replaced/installed due to miscommunication from the original building permit applicant, ABC Plumbing, who told the homeowners of 732 Woodridge Lane that they had received a building permit when they had not. Mr. McGowan noted that the lot is relatively undersized for the RA district and that the homeowners have noted that the previous air conditioning unit had been in the same location for nearly 30 years.

Mr. Baxter then swore in the homeowner, Lynn Friedman. Ms. Friedman reiterated that the air conditioning unit has been there for a very long time and the neighbors have never complained about it. Ms. Friedman added that it would also not be cost or energy-efficient to relocate the unit as it is currently near their interior furnace. Chairman Novack stated that he appreciated the homeowner for sharing her side of the story and added that air conditioning units are an unusual part of the zoning code. Chairman Novack concluded that he does not see an issue with this variance given the backstory of how it happened and where the unit has been. Board Member Debbie Ruderman stated that she agrees with Chairman Novack's assessment.

PUBLIC COMMENT

Chairman Novack thanked the applicant 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 letters 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 732 Woodridge Lane be granted as shown in the drawings or plans submitted by the owner and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Development Services Manager is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period a building permit is issued, and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

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

5. CONSIDER VARIATION REQUEST AT 195 MARY STREET

Mr. McGowan gave a brief overview of the case, stating that the applicants are seeking two variations increase the allowable gross floor area and to reduce the required side yard setback to allow for a partial second-story addition at 195 Mary Street:

1. Section 3-111(E)- To increase the allowable gross floor area from 3,815.87 sq. ft. to 4,352 sq. ft., a variation of 12.32%;
2. Section 3-111(C)- To reduce the required side yard setback from 12 feet to 9.89 feet, a variation of 17.58%;

Mr. McGowan noted that specifically, the applicants are looking to construct a partial second floor addition above their existing attached garage which already encroaches into the required side yard setback. Mr. McGowan explained that the ZBA can typically only grant setback variations up to 20%, this limit does not apply to additions directly above an existing non-conforming structure, although the requested side yard setback variance is less than 20%. Mr. McGowan added that in addition to the lot being relatively undersized for the RA district, the applicants have noted that they are addressing a need with limited interior space and a growing family that wants to stay in Glencoe. Mr. McGowan concluded that the applicants will not be expanding the footprint of the home and that the Village received two public comments from Fred Benjamin of 245 Old Green Bay Road. The two comments were read to the audience and Board Members with concerns over the impacts to drainage and stormwater runoff as a result of the addition. Mr. Benjamin stated that he is not trying to prevent or delay the project but wants to make sure that there is accountability and acknowledgement to not impact the stormwater runoff or drainage since his property sits lower than 195 Mary Street.

Mr. Baxter then swore in the homeowners' Architect, Michael Freiburger from Newlook Design. Mr. Freiburger noted that they are not proposing any changes to the existing stormwater or drainage, impacts from the roof pitch and lot coverage, and if it does vary then they can assure Mr. Benjamin that it will not be directed towards any property greater than what the code allows. Mr. Freiburger also noted that the owner of 195 Mary Street, Chad Richman, has been living there for over 10 years and that his family has three growing boys that will be over 6 ft. tall, and that the addition will not be encroaching into the required side yard setback any further than the existing detached garage is now. Mr. Freiburger concluded that the addition will match the existing character of the home and that they walked through the property with the neighbors to the east at 187 Mary Street and that neighbor did not have any objections.

Chairman Novack added that the presentations and applicant responses were thorough and that he appreciates the outreach to the neighbor to the east. Chairman Novack noted that while drainage impacts are certainly important, the ZBA is not an engineering body, but luckily the Village of Glencoe will review this permit for stormwater all impacts to ensure it's not impactful to any neighbors. Board Member John Satter asked if the engineering standards for this plan review is the same as a new home plan review. Mr. Baxter and Mr. McGowan stated that they did not want to speak on behalf of the Village Engineer but assured the audience that this project will have a full engineering review to ensure there are no negative impacts to adjacent neighbors. Board Member Satter added that the proposed addition is symmetrical and looks like it has always been there. Mr. Freiburger added that the homeowners spoke with 187 Mary Street, and they are in full support of the requested variances. Mr. Baxter then swore in the homeowner of 195 Mary Street, Chad Richman. Mr. Richman reiterated that he walked his

property with his neighbor at 187 Mary Street and they support the requests. Chairman Novack reiterated that the ZBA has standards and a zoning code to assess, he appreciates that they spoke with the neighbors to the east, and especially if it helps people stay in our community. Board Member Alex Kaplan then added that it sounds like the Village is putting on layers of protection for water and flooding, which gives me more confidence that they will be able to address Mr. Benjamin's concerns.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. Mr. Benjamin of 245 Old Green Bay Road, who submitted the two comments to the Village, was then sworn in by Mr. Baxter. Mr. Benjamin reiterated that he has no intention of blocking the Richman's project, but he wants everyone to be aware that he was shocked when he originally received the letter from the Village a few days in advance of the meeting. Mr. Benjamin added that the late notice rubbed them the wrong way and they have a history of flooding issues with their former and current properties. Mr. Benjamin thanked Mr. McGowan for calling him on the day of the meeting to discuss what was being proposed. Mr. Benjamin stated that if there is a change to the roofline and it impacts the drainage, he wants to note that they have heavily invested in stormwater improvements on their property and does not want to spend anymore as a result of the requested variances. Mr. Benjamin reiterated that he wants to make sure his drainage will not be impacted and will seek commitment from the ZBA and the Richman's that drainage will not be impacted.

Chairman Novack thanked Mr. Benjamin and asked staff if downspouts would be able to change from their existing location, and Mr. Baxter responded that the Village Engineer would review any potential changes to ensure that it meets code. Chairman Novack then asked staff why the neighbor notification was received so late. Mr. Baxter responded that although there is a public notice published, the late neighbor notice can be attributed to the quick turnaround from last month's rescheduled meeting (January 24th). Board Member Kaplan then noted that it sounds like there are some reservations and asked everyone what would make Mr. Benjamin's concerns more at ease. Mr. Benjamin stated that he is not an obstructionist and does not want to delay the project, he just wants a commitment from the Village and the Richman's on impacts to drainage and flooding. Board Member Kaplan added that it is a very valid reservation and asked Mr. Benjamin what he would like to see the ZBA do to alleviate any anxiety for this project. Chairman Novack added that he would question the intent if the neighbor notice came in late to him too. Mr. Freiburger stated that it certainly will not adversely affect stormwater drainage on Mr. Benjamin's property, or the other neighbors, and that they will re-connect to the Village's utilities. Mr. Richman apologized to Mr. Benjamin for not reaching out and stated that he had no intention of disregarding his concerns, and that he cannot imagine how the second-story addition will create any additional stormwater runoff onto Mr. Benjamin's property. Chairman Novack asked if there were any additional questions from the ZBA. Board Member Debbie Ruderman added that it was a very thorough discussion and as a result of the information provided she is inclined to vote in favor of the requested variances. No additional questions 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 Sections 3-111(C) 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 to reduce the required side yard setback at 195 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.

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

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

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

6. ADJOURN

The meeting adjourned at 7:49 p.m.

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