



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

Council Chambers at Glencoe Village Hall  
675 Village Court  
Monday, June 6, 2022 - 7:00 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 7:00 p.m. on June 6, 2022, held in the Council Chambers at Glencoe Village Hall.

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

**2. CONSIDERATION OF MINUTES OF THE MAY 2, 2022, ZBA MEETING**

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

**3. CONSIDER VARIATION REQUEST AT 252 WALDEN DRIVE**

Taylor Baxter gave a brief overview of the case, stating that the applicants are seeking approval for the same variations that they were approved for in April 2021, but since they did not begin construction within one year of the approval, they are required to get approval for the same

variations again. Mr. Baxter noted that the applicants are requesting two variations to allow for an addition to a single-family home at 252 Walden Drive:

1. *Section 3-111(C)(1) – To reduce the required front yard setback from 41.68 feet to 33.34 feet, a variation of 20%*
2. *Section 3-111(E) – To increase the allowable gross floor area from 4,171.78 to 4,425.94 square feet, a variation of 6.1%.*

Mr. Baxter explained that the requested variations were approved unanimously in April 2021 and the Village has not received any comments from the neighbors since those were approved. Mr. Baxter then swore in the applicant, Kathryn Roin of 252 Walden Drive. Ms. Roin noted that there are no changes from what was approved last year. Board Member Jake Holzman then asked if the Village does outreach again if a variation was already approved, and Mr. Baxter confirmed that neighbors are notified again as if it were a new application. Chairman Scott Novack asked Mr. Baxter to confirm if there was any support or opposition for the requested variances – Mr. Baxter confirmed the Village did not receive any public comments. Board Member Alex Kaplan asked Mr. Baxter if he recalls if there was any opposition and Mr. Baxter said that he does not recall but the April 2021 meeting minutes will reflect that.

#### PUBLIC COMMENT

Chairman Novack thanked the applicants 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 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 reduce the required front setback and to increase the allowable gross floor area at 252 Walden 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, Kaplan, Ruderman, Koppersmith, Holzman
<b>NAYS:</b>	None
<b>ABSENT:</b>	Fox

**4. CONSIDER VARIATION REQUEST AT 471 SOUTH AVENUE**

Mr. McGowan gave an overview of the case, stating that the applicants are seeking one variation to increase the gross floor area to allow for the construction of a screened porch addition at an existing single-family residence at 471 South Avenue:

1. *Section 3-111(E) - To increase the allowable gross floor area from 4,395.12 sq. ft. to 5,011.40 sq. ft., a variation of 14.03%.*

Mr. McGowan added the Village did receive one question from a neighbor who did not state support or opposition to the project, and that individual will also have an opportunity to speak during the public comment period tonight. Mr. McGowan added that the property does exceed the minimum 10,000 square-foot lot size requirement in the RC Zoning District, however, the existing residence exceeds the allowable gross floor area as a result of a code update in 1999 that made the home a legal nonconforming structure. Mr. McGowan added that the applicants had noted they are looking for a way to visit with family in the safest way possible, in a well-ventilated environment, with existing health concerns and the ongoing COVID-19 pandemic. Mr. McGowan noted that the addition would not be highly visible from the street but could potentially be visible from neighboring properties to the North, East, and West, and then proceeded to present elevations provided by the applicant.

Mr. Baxter then swore in the homeowners and applicants, Mark and Wendy Gale of 471 South Avenue. Mr. Gale noted that they are looking to enclose an existing outdoor patio area, which would be very beneficial for his family. Mr. Gale said that they have received eight letters of support from nearby neighbors. Mr. Gale also noted that there's a lot of tree coverage, so there's not a lot of their backyard that would be visible through their evergreen trees. Mr. Gale then mentioned that they do not intend to construct as much hardscape as what is shown in the site plan, although that is not why they need a variation. Ms. Gale said that they are basically enclosing a little nook where they already hang out and it might actually provide better privacy for neighbors. Chairman Novack acknowledged that the applicants were able to meet the setback requirements with their proposed addition and noted that this request is a little bit similar to a request that the ZBA reviewed last month. Chairman Novack also added that gross floor area variations should be carefully evaluated to avoid homes that are disproportionate to the size of the lot, but this one is a little different as the addition would not be highly visible from the street and the applicants are looking to make more efficient use out of a space they already use.

#### PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments.

Yin Go, the homeowner of 624 Grove Street, noted that she lives east of 471 South Avenue and she and her family moved to Glencoe in June of 2021. Ms. Go expressed concerns over their view and privacy for her daughter's bedroom, as well as the applicants potentially being closer to her home as a result of the addition. Ms. Go expressed a desire to require the applicants to plant more trees for privacy as a condition of the approval.

Chairman Novack thanked Ms. Go for providing her comments and Board Member Elsasser asked staff if the applicants could make the patio go even closer to the lot line if they wanted to. Mr. McGowan clarified that's correct, that patios can often encroach into setback requirements depending on the elevation of the patio. Ms. Go stated that she understood that the patio would not be considered a structure and that the reason why the applicants would need to construct a new patio is because they are covering their existing one. Chairman Novack added that he is glad that the neighbors discussed this before tonight's hearing, and that the ZBA can possibly move to approve with a condition that there be some trees planted. Board Member Kaplan noted that it does not sound like this neighbor has objections to the patio or the proposed screened porch addition, she just wants to ensure that she has privacy from her land, and then asked staff if that is something that the ZBA can require or suggest. Mr. Baxter confirmed that the ZBA can add conditions of approval. Board Member Kaplan questioned that at the risk of continuing the hearing at a later date, is it something the neighbors can discuss amongst themselves to come to an agreement before the ZBA potentially approves the requested variation with conditions. Ms. Gale then shared views of the existing landscape screening in their backyard by presenting pictures from her phone and walking around the room. Ms. Gale explained that the majority of her backyard is screened by arborvitae but there is one small gap near Ms. Go's property where a tree may have died, so a bush was planted in its place, so it

makes perfect sense for the applicants to plant another arborvitae in that location in order to improve the beauty and privacy for both parties. Board Member Kaplan asked Ms. Go if she would be satisfied with one arborvitae tree planted in the area that Ms. Gale was describing. Ms. Go stated that she is not sure, maybe one or two, it is hard to tell what it would look like as it grows, and that they are hoping the tree would be at least one-story high. Ms. Gale noted that they would ask their landscaper what they recommend to screen that space. Chairman Novack noted that he thinks this may improve the privacy situation for both houses, and then asked the ZBA how they felt about a 6-foot-tall arborvitae. Board Member Kaplan said that he doesn't understand the difference between a 6-foot and a 10-foot-tall arborvitae if a 10-foot-tall arborvitae is something that is not available in the near future, or to satisfy what Ms. Go is requesting for privacy. Board Member Elsasser also mentioned that the ZBA does not want to establish a height that cannot be reached by the applicants, and that they should not specify the height of the tree. Board Member Kaplan stated that if height is not specified then it leaves a lot to interpretation as to what is appropriate, but whether it is 6 feet tall or 10 feet tall he does not think it is appropriate for the ZBA to make that determination, and that the meeting should be continued so that the parties can get together and come to an agreement as to what the appropriate height is to make both parties comfortable. Board Member Holzman asked if there was an agreement in place or recommendation from the landscaper then would it still be approved, or would it be better if the parties could come to an agreement tonight. Ms. Gale noted that a taller tree would be to their benefit as well, and that both parties want the privacy, and they will do the largest size possible with their Landscaper's recommendation. Chairman Novack added that the taller arborvitaes may not be as financially feasible so that is another thing to consider, and Board Member Kaplan added that that's why it is not appropriate for the ZBA to add any qualifier or condition of approval because the parties should discuss and come back to the ZBA with a resolution. Chairman Novack stated that he respectfully disagrees on one item, and that we can all recognize that everyone's time is important and that things such as permitting and trades take a long time, and that he does not like the idea of telling the Gales to come back to the ZBA at a later date. Board Member Alex Kaplan asked if there is the ability to call a special meeting as this is something that could come to a resolution relatively quickly, and Mr. Baxter noted that they would have to call for a special ZBA meeting. Board Member Elsasser noted that asking for this to be delayed is difficult, and Board Member Ruderman reiterated that the neighbor's concern is more so with the patio and not the screened in porch. Board Member Kaplan reiterated that he does not see any reason why this cannot wait a month, and if it cannot wait a month, then perhaps we give the applicant and neighbor two weeks to come to a fair agreement regarding the privacy screening rather than a governing body doing so. Board Member Elsasser stated that she did not think it would be appropriate to postpone the ZBA hearing due to a neighbor's concerns over a patio when that is not why the applicants are requesting a variation. Board Member Ruderman noted that she agrees with Board Member Elsasser and that based on what she has heard tonight, the neighbors came together in a neighborly way to discuss this, it seems like they are working together in good faith, and that she thinks it is feasible for the ZBA to add a condition of approval.

A motion was made and seconded to approve the requested variance as submitted, with the condition that a tree is planted in the area between 471 South Avenue and 624 Grove Street homes to ensure privacy for both homes.

## FINDINGS

1. The requested variation is within the jurisdiction of the Zoning Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, the Zoning Board determines that:
  - a. The requested variation is in harmony with general purpose and intent of the Glencoe Zoning Code.
  - b. There are practical difficulties and there is a hardship in the way of carrying out the strict letter of Section 3-111(E) of the Glencoe Zoning Code as applied to the lot in question.
  - c. The plight of the owner is due to unique circumstances.
  - d. The requested variation will not alter the essential character of the locality.
  - e. The requested variation will not set a precedent unfavorable to the neighborhood or to the Village as a whole.
  - f. The spirit of the Zoning Code will be observed, public safety and welfare will be secured, and substantial justice will be done if the requested variation is granted.

## RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request to increase the allowable gross floor area at 471 South Avenue be granted with the stipulation that a tree is planted in the area between 471 South Avenue and 624 Grove Street homes to ensure privacy for both homes, 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, Ruderman, KupperSmith, Holzman
<b>NAYS:</b>	Kaplan
<b>ABSENT:</b>	Fox

**5. CONSIDER VARIATION REQUEST AT 406 NORTHWOOD DRIVE**

Mr. McGowan gave an overview of the case, stating that the applicants are seeking one variation to increase the gross floor area to allow for the construction of an outdoor pavilion at an existing single-family residence at 406 Northwood Drive:

1. Section 3-111(E) – To increase the allowable gross floor area from 4,628.82 sq. ft. to 5,212.27 sq. ft., a variation of 12.6%.

Mr. McGowan noted that the property does exceed the minimum 15,000 square-foot lot size requirement in the RB Zoning District, however, it does appear to have a unique physical condition as the property became nonconforming because of a gross floor area code update in 1999, but before that update, the property was under the maximum allowable limit. Mr. McGowan also added that the applicants have intentions of improving the landscape buffer in the rear yard for their neighbors and possible future development to the south. Mr. McGowan then shared aerial views of the surrounding properties, and noted that the Village did receive four letters of support from neighbors. Mr. McGowan concluded that the applicants were unable to attend the ZBA meeting tonight but have provided the following statement:

*“Members of the Zoning Board of Appeals:*

*We first want to apologize for not being present this evening. We are out of state at a family gathering that was planned one year ago. We had hoped to appear before you virtually, but you resumed ‘in person’ meetings last month. Please do not misinterpret our physical absence as disrespect toward you, the Village, or the important process of public hearings on zoning matters. As 32-year residents of Glencoe, we are most appreciative of your service to our community.*

*We come before you to ask for your approval of a variance to the FAR requirements so that we can build a back yard pavilion. We believe that the pavilion that we desire to build is entirely consistent with the look and feel of our immediate neighborhood on Northwood Drive and with the entire Glencoe community. Our plans would require us to exceed the FAR allowance, but we would not exceed the allowable limit for our property in a material way.*

*We have shared our plans with our neighbors, and they are all very supportive of our plans to build a back yard pavilion. We have submitted letters of support from the four neighbors whose homes are closest to our property, along with our previously submitted materials.*

*The construction of a pavilion is part of a larger plan that would see us build a below-ground drainage system throughout our back yard that would improve our own rainwater retention*

*problem and ameliorate any rainwater seepage onto the property to our east (where we live, water flows east toward the lake). We also intend to remove a 'wild' area of invasive buckthorn on our property and replace it with much more attractive plantings, including species that would attract butterflies and hummingbirds.*

*We respectfully submit our request for a variance to you, and our architect, Tom Shafer, is here and available to answer any questions that you may have.*

*Thank you,*

*Emily and Jim Borovsky  
406 Northwood Drive"*

Mr. McGowan then shared aerial imagery and proposed elevations. Chairman Novack thanked staff and asked the Board Members if there were any questions. Board Member Kaplan asked if the Village received any opposition from the public, and Mr. McGowan stated that the Village did not receive any opposition. Chairman Novack added that with a gross floor area variation, it does not appear to be create an undue burden on the neighbors and residents, and it appears to be well-designed. Board Member Debbie Ruderman noted that it appears to be pretty straight-forward and that she would entertain a motion to approve this.

#### PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. No public comments were made for this requested variation.

#### 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 increase the allowable gross floor area at 406 Northwood 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, Kaplan, Ruderman, Kuppersmith, Holzman
<b>NAYS:</b>	None
<b>ABSENT:</b>	Fox

### 6. PUBLIC COMMENTS ON NON-AGENDA ITEMS

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

### 7. ADJOURN

The meeting adjourned at 7:49 p.m.

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