



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

Village Hall Council Chamber and Videoconference  
675 Village Court  
Monday, June 7, 2021 - 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 Chairman Scott Novack at 7:30 p.m. on June 7th, 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
Rich McGowan	Planner	Present

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

Taylor Baxter read the following comments that were provided by email prior to the meeting.

1. Dear Zoning Board Members,

I look forward to attending the Zoning Board Meeting on the 7th, but wanted to share these concerns with you first.

I live 30 feet from the proposed Poppy's Social Restaurant outside patio. It is also surrounded on three sides by 30-40 feet to homes, townhouses, and apartments. Families and residents are very concerned about:

Loud conversations, noise, music, ping pong, live music 6 times a year, ALL being 30 feet from our bedroom windows and backyards. Please ask yourself if you'd be willing to have noise 30 feet from your home for upwards of 30-40 hours a week.

Please zone this for a use that doesn't intrude on homeowners and residents. There is a risk of devaluing homes abutting this patio. That is contrary to Glencoe's strong character of respect for home values.

Please note:

In the Downtown Plan "Tune up": Protect the Value and Desirability of Surrounding Uses. The activities within Downtown must be careful to respect the edges, the transitions between Downtown and the surrounding residential neighborhoods."

Thank you for your time. See you, along with other residents, on the 7th.

Respectfully,  
David Ellzey  
373 Hazel Avenue.

2. Thank you for taking my comments this evening.

I am a homeowner on the 600 block of Greenwood. I am writing into this meeting to express concerns about a patio that is under development at 668 Vernon Ave.

While the patio is not on the agenda for this evening, it is my understanding that it's development has only been temporarily delayed, and that it will be up for review shortly.

Village Staff previously decided the patio application could skip Zoning and proceed directly to Planning. I want to take this opportunity to urge Village Staff and the Zoning Committee to reconsider this decision.

The historic use of 668 Vernon, to my knowledge, was an auto shop and an art gallery. It is now under development as a restaurant.

The outdoor patio at the back sits directly against residences on all three sides. With close to 100 diners eating, drinking alcohol, playing music etc, the development of the patio as a restaurant space stands to cause extreme distress and nuisance to my home as well as the entire block.

Please, take a moment out of your week. Walk the space at the back of 668 Vernon. Look at how close it is to homes and apartments on all three sides. Ask yourself if the appropriate use of this space truly is as a restaurant patio.

When the application for a patio at 668 Vernon comes through, I urge you to require Zoning review. The back patio should not be used for outdoor dining. Please take this opportunity to revisit appropriate uses for this space.

Thank you,

Nicole Downie

3. Dear Zoning Commission of Glencoe,

I am writing to express my concern about the proposed outdoor dining patio at the new Poppy's Social restaurant. Because the patio is surrounded by residential property, some of which are 30' or less away. My concerns include:

- Noise level of diners, cleanup, and live music
- Seating of up to 84 people
- Late hours -- proposed till 11:00pm!
- Outdoor liquor service and second bar inside that faces the exterior and has multiple tv's for sports viewing)
- Live music

The builders have already been working earlier and later than what is allowed by law in Glencoe, and it has been LOUD.

While I support a family-friendly restaurant in downtown Glencoe, I do not support the increased noise and congestion of this proposed back-of-building patio. It will disrupt multiple residents who live in the downtown area on all four sides of the patio. With the surrounding concrete and brick buildings, the noise already bounces around loudly. It will greatly disrupt families' daily lives and people who work from home.

Thank you for your consideration.

Beth Peterson

4. Hi Zoning Commission,

I'm emailing today to express my deep concern regarding the proposed plans for the development of the back patio at 668 Vernon Ave (aka Poppy's Social). I currently reside with my mom at 672 Vernon Ave, and the construction of the interior alone has been a major disruption to our day-to-day lives as we both work from home. I could not imagine living next to a back patio that is proposed to seat over 80 people till 11:30pm on a regular night.

My mom and I do not believe this proposal aligns with the calm (yet active) community that has been fostered in downtown Glencoe. We are thrilled to see another restaurant in the community, but it should not come at the expense of all

the adjacent neighbors including numerous individuals who work from home and families with little children.

If we wanted a more festive living environment with live music and drinking, we would live in Chicago, but the reality is we live in Glencoe. Ultimately, we would hope the zoning commission takes action to rezone the backlot of 668 Vernon Ave, and ensure that Poppy’s Social does not build a back patio for diners. Thank you for your consideration.

Best Regards,  
Andrew Rice

Peter Downey provided comment by Zoom in which he expressed his concerns with the proposed patio at 668 Vernon Avenue.

Chairman Novack and Mr. Baxter stated that while comments on non-agenda items are welcome, the proposed restaurant at 668 Vernon Avenue is not proposed to come before the ZBA or the Zoning Commission and that as currently proposed there would be no role for these bodies in its approval process.

**3. CONSIDERATION OF MINUTES OF THE MAY 3, 2021 ZBA MEETING**

<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 551 MONROE AVENUE**

Rich McGowan gave a brief overview of the case, stating that the applicants are seeking one variation from the zoning code to allow an addition to an existing single-family home at 551 Monroe Avenue:

1. Section 3-111(E) – To increase the maximum gross floor area from 4,428.58 sq. ft. to 4,977 sq. ft., a variation of 11.02%.

Mr. McGowan stated that the applicants are seeking this variance for an addition in their rear yard as their living and working situations have changed since the COVID-19 pandemic, and that it will not be highly visible to neighbors due to landscaping and distance from nearby homes. Mr. McGowan clarified that the existing gross floor area appears to exceed the maximum allowable limit, but this is likely due to changes in the Village’s Floor Area Ratio (F.A.R.) regulations since the last addition in 1997 by former homeowners. No variances were necessary when this previous addition was approved, and that the requested variance of 11.02% is within the maximum allowable variance limit for gross floor area of 15%. Mr. McGowan concluded that the lot appears to be in compliance from a lot width and lot area standpoint, though it is relatively smaller in comparison to the six lots it abuts.

Taylor Baxter then swore in the applicant, Isaac Plumb, who is the Architect for the homeowners of 551 Monroe Avenue. Due to technical difficulties, Mr. Plumb could not get his microphone to work via Zoom videoconference.

Board Member John Satter then asked for clarification on the chimney that is attached to the proposed sunroom addition. Staff clarified that the proposed chimney is in compliance with the zoning code and does not require a variance or approval from the ZBA.

#### **PUBLIC COMMENT**

Chairman Novack asked if Village Staff received any comments from the public. No comments were initially made, but Michael Hering of 425 Grove Street was not previously seen on the Zoom videoconference. After this was recognized, Chairman Novack gave Mr. Hering the opportunity to provide comment. Mr. Hering's concerns were primarily for the impact on drainage and stormwater. Mr. Baxter clarified that if the ZBA's decision tonight does not mean the project is permitted outright, and that the plans will still need to go through an extensive engineering and stormwater review with Village Staff prior to the applicants receiving the building permit.

Chairman Scott Novack stated that without any objections from the neighbors or community, the proposed addition does not seem controversial.

#### **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 maximum gross floor area at 551 Monroe 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 [UNANIMOUS]</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Satter, Ruderman, Koppersmith
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

**4. CONSIDER VARIATION REQUEST AT 921 SHERIDAN ROAD**

Mr. Baxter provided a brief overview of the case, stating that the applicants are requesting one variation to build a new single-family residence at 921 Sheridan Road:

1. Section 3-111(G)(15) - To increase the maximum gross floor area from 4,898 square feet to 5,632 square feet, a variation of 15%.

Mr. Baxter then swore in the applicants, Jon Splitt and Emily Hoogesteger, the Architects representing the owner of 921 Sheridan Road. Mr. Splitt stated that the lot is undersized and that the proposed home meets the setbacks and height requirements, but due to the lot size and the way the Village of Glencoe includes areas such as under eaves in gross floor area calculations, they were unable to meet the design criteria outlined by the owner and save the existing trees on the lot. Mr. Splitt concluded that he had contacted all of the neighbors to discuss the project on April 22, 2021. Mr. Baxter then provided a written comment by Steven Balsamo of 110 Maple Hill Road:

The General Standard for a variation approval is that carrying out the strict letter of the Code would create a particular hardship or a practical difficulty for the applicant. The primary hardship in this case is that the existing Code does not permit the size/design of the house that the applicant would like to build. While the lot is +/- 15% smaller than the current RA District standard, this is not

uncommon in the RA District. Hundreds of "non standard" small lots dot Glencoe's RA District including 6 of the 10 properties within 200 feet of 921 Sheridan and more than 20 in a two block radius. The applicant was aware of the exact dimensions of the lot at time of purchase and the house size implications. To essentially approve this variation request on the basis that lot is smaller than the current RA standard seems a low bar to meet particularly given that this condition would apply just as easily to so many other RA District properties. There are approximately 158 non standard small properties in the RA zone north of Park Avenue alone. 921 Sheridan is not a unique situation.

In submissions to neighbors and the ZBA, applicant has emphasized that the need for a variation has come about largely because of an "interpretation" of the Code with respect to the area under an overhanging second floor in the proposed new house design. In fact, this is not an interpretation but the clear language of the Code. The FAR packet defines an Under-bay area as "any area not within the exterior walls of a building but lying directly beneath other gross floor area of the building". The definition of Gross Floor Area specifically includes any under bay area in the gross floor area for the floor below the overhang. Such under-bay and under-eave inclusions in FAR calculations are common in area building codes like Glencoe's Code. They are there for a reason. It seems a bit disingenuous to portray this as a mere "interpretation" which implies a question of legitimacy or fairness.

I am not sure that the applicant has met the "particular hardship" burden of proof in this instance and the ZBA should consider denying the request. The situation of 921 Sheridan is not unusual or unique in the RA District. Given that hundreds of nearly identical potential requests of this nature may come in future years, some consideration of any precedent being established should be taken into account. Developers should be encouraged to design houses to meet the Zoning Code rather to just request variations to meet their goals.

Thank you.

Bart Przemski, the owner of 921 Sheridan Road, stated that Mr. Balsamo's concern comes from the neighbor in the rear and that they are not impacting him in any way. Mr. Splitt reiterated that he does believe the applicants have a legitimate hardship with the lot size and area, and that many municipalities recognize that there can be living space above a driveway or garage area, and that they are not setting a precedent by doing so.

Chairman Novack stated that he appreciates the compliance with setbacks, saving trees, thoughtful design, and input from the neighbor.

Board Member David Friedman then asked the applicants if a home in compliance with the zoning code be built on this lot. Mr. Splitt responded, stating that the applicants would lose a lot of living space, would have to remove trees, and that the under eave is a modest space that most municipalities do not count as livable space. Mr. Splitt concluded the request for a

variance is not sellable square footage, and that anything is possible. Board Member Friedman stated that his point of view is to vote 'no' on the request.

Chairman Novack asked about the walkway between the pool house and house, and if it counts towards the gross floor area. Ms. Hoogesteger stated that it does. Board Member John Satter inquired about the possibility of rotating the garage to be below the second floor, under the under eave. Mr. Splitt stated that it would be difficult to maneuver a vehicle on a side-loading garage, and that it is not necessarily buildable underneath the second floor. Mr. Przemski added that they wanted to design something different because the lot is on Sheridan Road. Board Member Friedman stated that 925, 909, and 887 Sheridan Road are similar widths, if not smaller, than 921 Sheridan Road. Mr. Splitt stated that the other homes are much closer to the existing lot lines.

Board Member Alex Kaplan stated that the issue of precedent is colorfully unpredictable, and that every issue that the ZBA looks at sets somewhat of a precedent, and that the ZBA is called to balance the possible objections with the applicants' desire, and that ultimately the applicant is looking for an increased amount of air. Board Member Kaplan concluded that he respects the input from the neighbor, but there appears to be very minimal impact on 110 Maple Hill Road and that given the thoughtful design considerations, he is inclined to vote for the requested variance.

Board Member Michael Koppersmith asked for clarification on the landscaping and screening. Mr. Splitt provided a visual aid for the audience to depict the existing/proposed landscaping, and stated that they are saving trees in the rear and will plant more if necessary.

Board Member Sara Elsasser noted that the requested variance does not seem egregious, she does not believe this would set any precedent, and that she is inclined to vote 'yes'.

Board Member Debbie Ruderman stated that the requested variance will enhance the existing character on Sheridan Road and that she is also inclined to vote 'yes'.

Chairman Novack said that he will echo Board Member Elsasser's comment and he appreciates that the ZBA is having a thoughtful discussion, including the opposition from Board Member Friedman. Board Member Friedman concluded that aesthetic is not the job of the ZBA, and that is why his stance on approving a gross floor area variance for an under eave is the way it is.

#### **PUBLIC COMMENT**

Chairman Novack asked there were any additional public comments, and concluded that the ZBA appreciates and encourages comments from the public. No additional comments were made. A motion was made and seconded to approve the requested variance.

#### **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(G)(15) 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 maximum allowable gross floor area at 921 Sheridan Road 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
<b>NAYS:</b>	Friedman, Satter
<b>ABSENT:</b>	None

#### **5. ADJOURN**

Prior to adjourning, Chairman Novack thanked the audience and stated that next month's meeting on July 12, 2021, will be held at 6:00 p.m. due to the packed agenda.

After further discussion, the ZBA also agreed to a new start time of 6:30 p.m. rather than 7:30 p.m., effective for the August 2, 2021 ZBA meeting and every meeting thereafter. This excludes next month's meeting on July 12, 2021, which will begin at 6:00 p.m.

The meeting adjourned at 8:56 p.m.