



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

Council Chambers at Glencoe Village Hall
675 Village Court
Monday, July 11, 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 July 11, 2022, held in the Council Chambers at Glencoe Village Hall.

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

2. CONSIDERATION OF MINUTES OF THE JUNE 6, 2022, ZBA MEETING

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

The June 6th, 2022, meeting minutes were approved with two conditions. Board Member Debbie Ruderman noted that she abstained from the approval of the May 2nd, 2022, meeting minutes since she was not present for that meeting. Board Member Michael Koppersmith noted a grammatical error for the word “landscaper” in the middle paragraph. Both notes have been reflected in the revised June 6th, 2022 meeting minutes.

3. CONSIDER VARIATION REQUEST AT 150 LAKE STREET

Richard McGowan gave a brief overview of the case, stating that the applicants are seeking approval for four variations to allow for an addition to a single-family home at 150 Lake Street:

1. *Section 3-111(C) – To reduce the required front yard setback from 35 feet to 28.96 feet.*
2. *Section 3-111(C) – To reduce the required corner side yard setback from 15 feet to 7.92 feet.*
3. *Section 3-111(E) – To increase the allowable gross floor area from 2,813.9 sq. ft. to 3,061.8 sq. ft.*
4. *Section 3-111(G)(14) – To allow a structure to intersect with the setback planes to an extent greater than allowed by the Zoning Code.*

Mr. McGowan explained that part of the existing home was constructed in the early 1900s and an addition was built onto the home in 1985, and that the applicants have noted that the older portion of the home has a failing foundation and they are looking to address the needs of a growing family. Mr. McGowan also noted that the lot appears to be relatively undersized for the RC Zoning District, with a lot width of approximately 50 feet, whereas the minimum lot width is 60 feet in the RC District, and a lot area of approximately 7,034.7 square feet, whereas the minimum lot area in the RC District is 10,000 square feet. Mr. McGowan also noted that the setback plane encroachment on the west side of the home may impact the light to the neighboring property.

Chairman Scott Novack asked Mr. McGowan for north and south elevations for the front and rear elevations of the proposed addition, and then Mr. Taylor Baxter swore in the applicants. David Brown, the homeowner of 150 Lake Street, noted that he and his family recently moved to Glencoe and found their dream home. Mr. Brown noted that they have attempted to square off and simplify the structure to keep with the existing character of the home and neighborhood. Chairman Novack asked if the front setback will be further than what it is currently, and Mr. Brown confirmed it will be. Chairman Novack then asked if staff had heard from any neighbors and staff confirmed they did not. Chairman Novack also asked if they are currently encroaching in the setback plane and staff stated that they are, though they are allowed to encroach 20 linear feet due to their 50-foot lot width. Board Member Dena Fox asked the applicants if they had reached out to the neighbor to the west at 440 Drexel Avenue, and Mr. Brown said he believed so. Chairman Novack noted that he is concerned about the setback plane encroachment on the west side of the home, due to its proximity to 440 Drexel Avenue. The Architect for 150 Lake Street, Michael Aiello explained that because of the way the floor plan works, they could not build to the south because there are existing areas the homeowners want to keep while the structure is nonconforming, and that the interior ceilings proposed to be approximately 8.5 feet tall. Board Member Fox asked Mr. Aiello if they considered dormers, and Mr. Aiello said that they did but they did not match the existing rooflines, so it would not be aesthetically pleasing or practical.

Chairman Novack thanked the applicants for their effort in exploring different options to renovate the home and noted that it may be a good sign that no neighbors are here to oppose. Chairman Novack then asked the Board if there were any questions. Board Member Jake Holzman asked the applicants if the costs are too much for rehabbing this area rather than tearing it down and building a new addition. Mr. Brown responded that they have explored rehabbing and it would not make sense financially. Mr. Aiello noted that it has a stone

foundation, the floor joists are warped, and so rehabbing the existing structure would not be the smartest solution. Mr. Brown also noted that they would hate to demolish the portion of the home that was constructed in 1985 as they like the layout and farmhouse character, and they explored several options to mimic the existing look and maximize its potential. Board Member Michael KupperSmith asked if it was possible to build a new portion and meet the gross floor area requirements. The applicants had previously noted a need to address a growing family. Board Member Fox asked if there would be a basement area and Mr. Brown noted it would have an unfinished basement area primarily for utilities. Board Member Fox asked if the basement area is currently useable and if it is proposed to change and Mr. Brown said it would not be useable for living space as it would primarily be used for utilities, though they could potentially explore finishing the basement later. Board Member Novack noted that sometimes a finished space can be used an area for gross floor area exclusions, and Mr. Brown clarified that they are requesting variations for space above the basement as it is more so for financial reasons. Chairman Novack stated that his suggestion to Mr. Brown is to table this and see what they can come up with, as he does not get the sense that the Board Members inclined to vote in favor, and to potentially reduce the scope of the requested variations. Board Member Alex Kaplan noted that he thinks the proposed addition looks nice and that it is difficult to balance the zoning code with an older home. Board Member Kaplan added that it is a nice sized addition, but not abnormally big, and if he was his neighbor he would support it, so he is inclined to vote in favor. Board Member Fox asked Mr. Brown if any questions regarding variations were asked during the sale process, and Mr. Brown responded that they were very set on this house and Glencoe as a whole, that he knew there were issues with the existing foundation, that he did not think he was misled during the sale, and that he worked with Mr. Taylor Baxter to keep the structure as low as possible, without changing the look of the house. Board Member Fox noted that it would be helpful to get more details on the existing and proposed floor plans, and more pictures of the exterior. Board Member Holzman asked if the applicant comes back and runs into issues, would the ZBA be in a different position. Mr. Baxter clarified that the ZBA can add conditions to requested variations that they deem appropriate, and that they may approve some variations and not others.

Mr. Aiello noted that the setback plane and gross floor area seem to be areas of concern from the ZBA, but he is concerned that if they come back in a month with revised plans and less gross floor area and other areas have not changed, so he requested clarification to know what the ZBA is looking for. Chairman Novack also noted that he is struggling with a decision without seeing different options and that it is hard to picture what is proposed, but his instinct is gross floor area and he would be more conducive to hearing that out. Board Member Fox noted that gross floor area is less of a concern than the setback plane encroachment to the west. Board Member Debbie Ruderman noted that she agrees with Board Member Fox that the western edge of the proposed addition is closest to 440 Drexel Avenue and that she is also concerned about the proximity. Chairman Novack asked if the only way to solve the west side setback plane encroachment would be to shrink the house and Mr. Brown confirmed that is correct. Chairman Novack asked staff if the west side of the home is already encroaching into the setback plane greater than what is allowed by the zoning code and Mr. McGowan confirmed that it is currently encroaching by approximately 2.5 feet. Board Member KupperSmith noted that he is a little concerned about the gross floor area. Board Member Holzman noted that he is a bit torn because of the thoughtful research and options the

applicants have considered and appreciates how they are looking to match the existing structure. Chairman Novack asked staff if the applicants could defer the requested variations and Mr. Baxter confirmed that is correct.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. Michael Daniels of 1087 Hohlfelder Road noted that it would be a lot more helpful to see 3-D renderings of the proposed addition rather than the drawings and elevations that were presented. Mr. Aiello noted that it could be done, and then asked if each variation would be a separate vote. Chairman Novack noted that the renderings could help the ZBA be more to equipped to make a decision and to better visualize what is proposed. Mr. Brown stated that he would be happy to explore more options, but it would not be helpful to vote on the requested variations separately as it would just cause confusion, and that perhaps him and Mr. Aiello can go back and provide a better depiction. Chairman Novack noted that his recommendation is for a deferral so that the applicants can come back with more information and details.

A motion was made and seconded to defer the requested variance as submitted, and for the applicants to seek approval for the requested variation(s) at the next ZBA meeting, August 1st, 2022.

RESULT:	MOTION TO DEFER
AYES:	Novack, Kaplan, Ruderman, Koppersmith, Holzman, Fox
NAYS:	None
ABSENT:	Elsasser

4. CONSIDER VARIATION REQUEST AT 1060 OAK RIDGE DRIVE

Mr. Baxter gave an overview of the case, stating that the applicants are seeking two variations to increase the gross floor area and to reduce the required side yard setback to allow for the continued construction of an addition at an existing single-family residence at 1060 Oak Ridge Drive:

1. *Section 3-111(C)(1) – To reduce the required side yard setback from 10 feet to 8 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 stated that the property is in the RB Zoning District, and then gave a background of the requested variations, noting that the applicant brought a request for a rear setback variation to the ZBA in 2020. After objections from neighbors at the public hearing, the applicant withdrew the request and submitted plans for an addition that met zoning requirements. A building permit was issued for the addition in 2021. Revisions were approved for interior changes and to add a chimney on the west side of the addition. Mr. Baxter continued with the background, explaining that in the spring of 2022, the Village received notice that the partially

construction chimney may be encroaching into the required 10-foot side setback. Upon inspection, staff discovered that the addition was being built larger than what was shown on approved plans. Plans were revised during the permit review process to meet zoning requirements, and it appears that the addition as constructed did not take all of these revisions into account.

Mr. Baxter clarified that the addition is approximately three feet wider and longer than what was approved, and that required minimum side setback is 10 feet. At its closest point, the addition, which is not parallel to the property line, has a setback of 9.55 feet at its southwest corner. Mr. Baxter added that the addition angles away from the property line, with a setback of 10.65 feet at its northwest corner. The chimney attached to the addition has a setback of 7.53 feet. Because the ZBA cannot reduce the side setback by more than 20%, the applicant has requested a variation to reduce the size of the chimney but allow it to remain in place with a setback of 8.0 feet.

Chairman Novack asked to clarify if it was three feet longer than what was approved to the north and the west, and Mr. Baxter confirmed that is correct, and clarified that the chimney was shown on the plans as being consistent with zoning requirements.

Mr. Baxter then swore in applicants for 1060 Oak Ridge Drive. Paul Kolpak, the Attorney representing Mr. Paul Elia and Pauline Atou of 1060 Oak Ridge, noted that he has spoken with staff and the plans for the addition were inspected and the measurements were made with the plans on site, not the approved plans. Mr. Elia noted that the Building Inspector was going off of the plans on site, approving them, and that Mr. Elia was under the impression that everything was fine until the project was nearly complete when the project was stopped. Mr. Elia added that it was an honest mistake by both parties, they are not trying to flip the house, and that they are unfortunately having a hard time with some of the neighbors. Mr. Elia also noted that since it is under construction and cannot proceed at this time, there is no air conditioning on the second floor where his daughter sleeps, they are living with temporary plywood doors, and that he has added about \$15,000 worth of trees to give his neighbors more privacy. Mr. Kolpak asked Mr. Elia if he estimated it would cost about \$20,000 to remove the chimney, and Mr. Elia stated that with everything tied to removing the chimney, such as the slab foundation, revising the constructed addition and chimney could add up to about \$90,000. Board Member Kaplan asked where the plans without a stamp came from if the Village approved a different set of plans. Mr. Kolpak stated that they came from an Architect who they are currently in litigation with. Mr. Baxter clarified that the Building Inspector was reviewing the plans at the construction site and there were at least four revisions to the original set of approved plans. Mr. Kolpak clarified that the contractor on site assumed that the plans on site were approved and he does not know how he got ahold of them. Chairman Novack stated that this is a very difficult discussion as it is a corner lot that abuts another corner lot, and the home is much closer to its neighbor to the west at 590 Sunset Lane than a typical backyard because the zoning code defines the west side of the property as a side yard. Chairman Novack added that the ZBA has already seen Mr. Elia and Ms. Atou when they had requested variations in 2020, though the proposed addition did not request relief for the side yard setback, and clarified that the ZBA's job is to not be a judge of historic events or disputes between neighbors, but the ZBA has to evaluate what is in front of them, the variation percentage, neighbor input, and knowing

that there were strong neighbor opinions expressed when the applicants previously requested variations.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. Mr. Baxter swore in those looking to speak on this case.

Sandra Officer, one of two homeowners of 590 Sunset Lane, provided and read a letter of opposition to the ZBA which read:

"Hello! I'm Sandy Officer. My husband Lawrence and I have been residents of Glencoe for 31 years...we raised two boys here, and hopefully the ZBA will not let builders come into our beloved village and build whatever they please, and then ask for variations!

My question is, why allow any variances when the building plans, approved by our village, say one thing, and the builder to it upon himself to do what he wants and intrude even more on our property.

Paul Elia, the homeowner, is a professional builder...how could he make such mistakes? He is known for flipping houses and we'll probably be here long after he sells his house.

Contrary to Mr. Elia's statement in his appeal application, he never told us he was going to build anything, let alone the chimney...we never spoke to him about the addition or the chimney until after the work stoppage - he came pleading to us to allow his 'mistakes'. Contrary to what Mr. Elia wrote, that nearby property owners were notified of the variations in person, that's totally false. We never gave positive feedback, let alone had a chance to object, because we were never notified about variations.

When I questioned Mr. Elia a few years ago, he told me he was taking down all of the dozens of beautiful trees because they were dead, never anything about an addition.

On April 22, I informed the village officials that the addition and the chimney looked way too close to our property line and pleaded with them to come over and take measurements...it took until May 9 to get a response that the chimney is very likely too close! It turned out that, even without the chimney, the construction intrudes on the property to 9.5 feet rather than the allowable 10 feet.

We don't care about more construction, because we've lived through two years of intermittent building and a little longer wouldn't matter to us if you vote against his variations...after all, the construction will be temporary...if you allow the variations, it's a permanent fixture and an eyesore. We are the neighbors most affected, and we wouldn't mind more construction if you vote against the variations!

Either way, our property value has been reduced, especially when the Village determined Mr. Elia could build 10 feet from the property line rather than 30...as the construction site was

pronounced a side yard rather than the rear (or backyard), even though it's opposite of the front door!

It seems to us this is a no brainer...that you will deny the variations and not put up any more with this nonsense! How would you or your parents like living under these conditions? Thank you!"

Lawrence Officer, the other homeowner of 590 Sunset Lane, stated that he too would like to provide comment. Mr. Officer noted that he knows the economic aspects of this situation, but not the legal aspects. Mr. Officer noted that he and his wife, Sandra, were first aware of the proposed addition in 2020, and then they learned that the backyard is the side yard, but it is actually called the 'rear' in Mr. Elia's application. Mr. Officer explained that when he spoke with staff, they told him to suggest an Appeal, so he and his wife then sent a memorandum to the Village President requesting that the 30' rear yard setback for this area, where they were then told what they were requesting would take too long. Mr. Officer stated that the approved plans should be the only plans that are used and that they were given no notice and it's a significant distance between the two homes, and added that this addition has been against their interests from the beginning. Mr. Officer noted that it is unfair that the Officers were not given a chance to appeal when Mr. Elia is here tonight, and that Mr. Elia noted it was a small variation but half a foot is significant. He added that he believed that the variation percentage given by staff was smaller than the actual variation, as it should be calculated based on the approved plans rather than on the minimum allowable setback. Mr. Officer asked the ZBA if they believe the construction error was a mistake, because they have seen Mr. Elia on the roof. Mr. Officer stated that Mr. Elia is a builder. Mr. Officer stated that landscaping would not alleviate his or his wife's concerns, and that if perfume is thrown into a cesspool, that cesspool does not turn into 'Chanel Number 5'. Mr. Officer then added that they did not object to the variation, but they did not state support either, so if Mr. Elia lied on his ZBA application document, then he may not be truthful otherwise. Mr. Officer asked the ZBA to pay attention to his family's needs and that the existing approved plans be complied with. Chairman Novack thanked the Officers and said that he understands this is not easy to discuss.

Michael Daniels of 1087 Hohlfelder Road stated that he has never had any contact or reason to criticize the construction at 1060 Oak Ridge regarding the setbacks and dimensions, and that he is sympathetic to the way it matches the existing home. Mr. Daniels continued, stating that the arborvitae in the area of the new addition is very dense, he does not think the addition is an eyesore, that there may be a material difference in the sale through compensations, and they are not opposed to the addition if it's denied and takes more time to finish, but if it is approved then he also will be seriously opposed.

Bob Strauss of 1097 Hohlfelder Road stated that he is a longtime resident and is familiar with working with regulations, so he is concerned because if a different plan was approved for a smaller home then he would've done everything possible to get what was intended and approved. Mr. Strauss added that he understands all the factors that come into play for construction, and he does not understand how the homeowner is not upset for something being built larger than was approved.

Matthew Koukios of 1111 Hohlfelder added that he was hoping this discussion tonight would not be a character assassination as some things were said about the applicant that he was not pleased with. Mr. Koukios stated that this should have been fixed early on when the footings were poured, and that Mr. Elia has lost 30 pounds because of stress, and that multiple parties made a mistake. Mr. Koukios added that changes to the partially constructed addition will not make a significant difference and that we live in a world where there's no compromise and we ought to have a bit more compromise. Mr. Koukios also noted that he is tired of seeing police in front of the Elia's house due to construction complaints.

Paulina Atou, one of two homeowners at 1060 Oak Ridge, stated that since the construction began, they haven't had adequate space, rain has been coming into their home, they have been sleeping in different places, and they haven't been able to enjoy their yard. Ms. Atou also noted that there has been a lot of hatred from the neighbors, and she wishes they could talk in normal way instead of arguing and getting the middle finger from them. Ms. Atou added that the applicants also received four letters of support.

Stacey Birndorf of 1115 Oak Ridge Drive stated that she is a longtime resident and a commercial real estate broker, so she understands a lot about construction and knows what a good construction team is. Ms. Birndorf added that she does not think this is something anyone here would want to live by as it is a huge addition. She has seen people working at inappropriate times, and the construction has been going on far more than 14 months.

Judie Freilich of 1052 Oak Ridge Drive stated that she lives directly south of 1060 Oak Ridge, she is a longtime resident, and that all homes around them have done something that annoys her family, but it's more important that we have good neighbors, and that it's hard to sit here and listen to this, and that she hopes we can move ahead and enjoy our neighbors because although it is Glencoe, things are not perfect.

Dave Sach of 1069 Hohlfelder said that he and his wife introduced themselves to the Elias because they wanted to a build a relationship, but the issue for him is that the Elias did not follow the rules and questioned the precedent that would set. Mr. Sach clarified that the issue is not about personalities but rather about following requirements.

Edyssa Elia, the daughter of Paul Elia and Pauline Atou and resident of 1060 Oak Ridge Drive, provided and read a letter of support to the ZBA which read:

"My name is Edyssa Elia, the daughter of Paul and Pauline, and I currently reside in 1060 Oak Ridge Dr., the property in question. Initially, I was excited to be a part of a tight knit community and a wonderful school district. The Village of Glencoe is filled with beautiful properties, many of which have been remodeled to meet today's trends, and scenic beauties that cannot be found in other parts of Illinois. Many residents talk of how thrilling it is to have new neighbors, and how the love they have for Glencoe has only grown with its developments.

We have been trying to build this house into a home, renovating it to modern standards, and put our own personal touches to the neighborhood. Nearby homeowners have come to us and expressed their happiness that a family is finally settling into this property, and because of the value increasements their homes now have.

At this point, living in Glencoe has not been how I imagined it to be, I do not feel accepted. Our house should have been completed, and I should have had a bedroom by now. I am graduating from New Trier High School in 3 years instead of 4, and I must admit that having to study for tests and do my homework in the dining room has been extremely hard. But the dining room is not just my place for schoolwork, it has also become the area where I sleep.

I do not understand why the Officer family has been so adamant on not allowing us to complete this project when, with every inspection, we have been approved, and every concern that was made, we addressed. Mrs. Officer has continuously harassed the workers and us, screaming and yelling at them for no reason and throwing up middle fingers when I smile and say hi. My family and I have been nothing but respectful to them and all our neighbors, but this lady just is plain rude. I really do not understand why they are so concerned with our property and us, as a family. They have expressed their hatred over us being in this neighborhood, saying we should sell, when all we have been trying to do is make ourselves comfortable.

We have been working for around 14 months, and our lives have been flipped upside down with the many stop work orders. I do not think the neighbors that have been complaining understand the financial troubles we have been and would be put in. I have been witnessing how much this has affected my parents, the stress overtaking them and causing illness. If this addition must be adjusted and taken down, I do not know how we would find the financial means and be able to recover to complete this project."

Emma Elia, a niece of the applicants, stated that she frequently visits 1060 Oak Ridge Drive and has noticed how much anxiety the issue with the partially constructed addition has caused Paul and Pauline, and that she knows that they would never do this intentionally, that it was an honest mistake, and that they are trying to finish the addition as soon as possible.

Board Member Fox asked if there was a way for everyone to see a comparison of the required variations versus what was approved and what is allowed. Mr. Baxter noted an approximation from memory, that the approved side yard setback was around 13 feet, but the required side yard setback in this location is 10 feet. Board Member Fox then asked for clarification on how neighbors are notified, and Mr. Baxter noted that in addition to the public notice published in the paper, neighbors within 200 feet of the property are notified for proposed variations, but not for revisions to approved plans without a variation. Chairman Novack then asked about the existing rear setback at 590 Sunset Lane, and Mr. Baxter noted that it appears to be within the 30-foot required rear yard setback.

Board Member Holzman asked the Officers if there was anything that could be done here in the spirit of compromise. Ms. Officer noted that it would be nice for them to put back the trees that were there and since the chimney is a giant, she would love for the chimney to come down. Chairman Novack noted that at the very least the chimney will need to be shrunk. Brad Alshup, the contractor who built the chimney, then shared pictures from his phone with some ZBA Members and said it is not a monstrosity, especially compared to other chimneys in the area. Board Member Fox asked what the process would be to make the chimney slimmer, and Mr. Alshup stated that it would have to be completely demolished and the flue would need to be relocated. Board Member Kaplan asked what the repercussions would be for the rest of the

home if the variation is granted for the chimney and Mr. Alshup stated that the chimney would need to be moved inside of the house. Chairman Novack noted that this case is not tied to any other case, however, gross floor area is a sensitive topic, so if this were a fresh application without neighbor support, I do not think any of us would support this. Board Member Fox asked if the two-story addition has anything below it and Mr. Alshup stated that the addition is on a slab and the chimney is tied to the foundation and everything inside. Board Member Ruderman expressed concerns about setting a precedent. and asked if the chimney has to be reduced no matter what, and Mr. Baxter confirmed that is correct.

Ms. Officer noted that if this were approved, it would be a “free-for-all” for builders in Glencoe. Mr. Kolpak stated that he respects everyone’s views and that he wants to come up with a solution that works and noted that they could adjust their plans to be 10 feet (away from the side lot line) and they would be approved. Chairman Novack noted that there would still be about 250 square feet of gross floor area that would need to be approved. Mr. Kolpak agreed, and noted that from what he’s seen, the ZBA has approved gross floor area variations for greater percentages than what is being requested. Chairman Novack added that the precedent bothers him and that he’s never seen a case like this, in addition to a neighbor who has expressed their concerns from the beginning in 2020. Board Member Fox asked if there was an opportunity to make gross floor area adjustments of the chimney is removed or altered, and Mr. Baxter clarified that the chimney was added as part of revisions to approved plans. Mr. Kolpak asked if the Board is saying that the chimney is what affects the neighbors the most, and added that the distinction is the uniqueness of the lot, where the rear yard is actually a side yard.

Chairman Novack stated that this is a unique situation for the applicant and a unique situation for the neighbor, and noted that he is having a difficult time accepting the additional square footage. Ms. Atou asked if changes in the attic would help subtract gross floor area. Board Member Kuppersmith added that if the applicants met the gross floor area requirements then it wouldn’t add to the bulk of the structure. Board Member Ruderman noted that a lot of the ZBA Members were not yet Members at the time the applicants originally applied for variations in 2020, and Chairman Novack noted that the applicants previously withdrew their application during the ZBA meeting. Mr. Elia clarified that they were requesting relief for an addition in a different location, further south and further away from the Officers. Board Member Kuppersmith added that he agrees with Chairman Novack with regards to precedent and gross floor area.

Board Member Kaplan added that he is not concerned with precedent because you can find the uniqueness in each case, but he is concerned about the gross floor area, and that it’s an unfortunate situation and he feels horrible for the applicants, but ultimately they have more control over the situation than their neighbors, and noted that he thinks the remedy is to apply the code, and then proceed with conversations with the architect and contractors that are allegedly responsible.

Mr. Koukios stated that he wants to hear from the Village about how the inspection went wrong, and how the footings passed their inspection. Board Member Kaplan noted hypothetically, even if it is the Village’s mistake, it does not remedy the concerns with the neighbors, and this is not necessarily the place to discuss that.

Board Member Ruderman added that she appreciates all the comments from the neighbors and that the ZBA has to figure out how we can move forward from here. Board Member Kaplan asked if there is a way for the applicants to come to an agreement on the discussion with the neighbors, noting that it does not have to be now, and noted that it is possible that the changes to gross floor area or setbacks may not be significant visually, and it could even potentially look the same. Mr. Kolpak stated that they are happy to meet with the neighbors and discuss. Mr. Elia added that he has met with the Officers and has planted 16 Arborvitaes between 1060 Oak Ridge and the Officers, and that he has planted 36 more on the other lot line. Mr. Elia also noted that if these variations are denied, it is going to put a large financial debt on him. Mr. Elia also clarified that he has a snow removal company and that he is not a builder and does not flip houses. Mr. Officer noted that the trust is not there and they would not be comfortable having a discussion with Mr. Elia.

Chairman Novack noted that this hearing has now been open for over two hours, and the ZBA can lay out options before a motion, and that it is unlikely the ZBA Members will be in favor of the chimney or gross floor area. Mr. Baxter noted that approving one variation and denying the other may change the outcome of both requested variations. Chairman Novack stated that he recommends deferral on the request to reduce the required side yard setback, and that he would be opposed on the chimney and gross floor area.

A motion was made and seconded to defer the request to reduce the required side yard setback, to deny the chimney in the required side yard setback, and to deny the request to increase the allowable gross floor area in order to allow for the continuation of the construction of the addition at 1060 Oak Ridge Drive. Village Attorney Stewart Weiss stated that if the request for the reduced side yard setback is deferred, then that would put the applicants on the August 1, 2022, meeting if the applicants decide to proceed at that time.

RESULT:	MOTION TO DEFER SIDE YARD SETBACK, DENY CHIMNEY IN SIDE YARD SETBACK, DENY GROSS FLOOR AREA
AYES:	Novack, Kaplan, Ruderman, Koppersmith, Holzman, Fox
NAYS:	None
ABSENT:	Elsasser

5. 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.

6. ADJOURN

The meeting adjourned at 10:26 p.m.

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