



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

Council Chambers at Glencoe Village Hall
675 Village Court
Monday, August 1, 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 August 1, 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	Present
Alex Kaplan	Member	Present
Debbie Ruderman	Member	Present
Michael Koppersmith	Member	Present
Jake Holzman	Member	Present
Dena Fox	Member	Present
Village Staff		
Caitlyn Culbertson	Village Attorney	Present
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

Board Member Michael Koppersmith attended the meeting remotely by phone and Board Member Sara Elsasser recused herself from the 1060 Oak Ridge variation request and was present for the other variation requests.

2. CONSIDERATION OF MINUTES OF THE JULY 11, 2022, ZBA MEETING

RESULT:	ACCEPTED
AYES:	Novack, Kaplan, Ruderman, Koppersmith, Holzman, Fox
NAYS:	None
ABSENT:	Elsasser (arrived late)
RECUSED:	Elsasser

Due to Board Member Sara Elsasser's early absence and desire to be recused from the 1060 Oak Ridge variation request, Chairman Scott Novack decided that the agenda should be reconfigured so that the 1060 Oak Ridge variation request is first on the agenda. Chairman Novack thanked everyone in the audience for attending and for their continued participation. Chairman Novack stated that there will be time limits for comments, where applicants will have five minutes and public comments will be limited to three minutes for each property. Chairman Novack reiterated that the comments should be directed at the ZBA and not the applicant, and once the public comment period is closed it will not re-open. Chairman Novack then introduced the Village Attorney in attendance, Caitlyn Culbertson.

3. CONTINUED CONSIDERATION OF A VARIATION REQUEST AT 1060 OAK RIDGE DRIVE

Taylor Baxter gave a brief overview of the case, stating that this variation request is a continuation from the July 11, 2022 ZBA meeting. Mr. Baxter explained that the applicants have been working with staff on solutions to resolve their gross floor area limit and they may not need a variation for the gross floor area. He stated that the gross floor area variation was already denied. Mr. Baxter also confirmed that as of today, the chimney has been removed. Mr. Baxter then explained what may happen if the variation is approved or denied:

- If approved, the addition may remain in place as constructed with chimney removed and FAR reduced.
- If denied, part of the addition (southwest corner) will need to be reduced in size by ~5". This would be measured to the wall, not roof/eaves.

Mr. Baxter then clarified that the staff memorandum on the requested variation did not include draft plans for the applicant's attic to address the gross floor area limit, which have yet to be reviewed and approved by staff, but if the plan review shows that they will not bring the property into compliance with FAR requirements, there may be other options available to the applicant to reduce FAR without reducing the visible size of the addition.

Chairman Novack asked the ZBA if they had any questions at this point. No questions were made at this time. Chairman Novack stated that as ZBA, we must evaluate the standards stipulated in the code, and one of the standards is regarding whether the requested variation is self-created. Chairman Novack added that the addition was built with plans outside of the code, the lot has a unique configuration, the ZBA does not take neighbor opinions lightly, and that he wants to emphasize that neighbor support and neighbor opposition are very important. Board Member Jake Holzman asked what would happen if there was a tie with the votes and Mr. Baxter clarified that you need four votes in favor to approve the requested variation.

Mr. Paul Elia of 1060 Oak Ridge Drive stated that he did not know what else to say other than they removed the chimney and that they're just asking for five inches. Mr. Elia added that it was a mistake by his contractor and by the Village's Inspector and that the mistake was not caught during the first inspection, which created more of a hardship for Mr. Elia. Mr. Elia concluded that they are doing everything they can to make this work.

Chairman Novack asked Mr. Elia if the primary bedroom was removed from the plans for the addition. Mr. Elia confirmed that will be the case if the F.A.R. revisions are approved by the

Village. Mr. Elia added that he is not a General Contractor like people are saying he is. Chairman Novack added that this is something the ZBA has not dealt with before. Board Member Dena Fox asked if the primary bedroom is what is being considered for the conversion to attic space and asked about the bathroom space. Mr. Elia clarified that as part of this project, they've added a master bathroom and master bedroom, and now the master bedroom will need to be converted into attic space with a ceiling height of four feet and eleven inches due to issues with the gross floor area. Chairman Novack clarified that the ZBA will have to assume that they are going to meet the gross floor area requirements because they are no longer requesting a variation for it. Chairman Novack added that he is still struggling with the neighbor opposition and asked Mr. Elia what has been done since the last meeting on July 11, 2022. Mr. Elia noted that they spoke for about an hour and the Officers at 590 Sunset Lane had complaints about the chimney, which has now been removed. Mr. Elia also noted that he offered to bring the Officers along to pick out appropriate landscaping. Chairman Novack asked Mr. Elia what kind of solution he had in mind. Mr. Elia said that the Officers wanted blinds, trees, no chimney, and that they told him he should move, although Mr. Elia stated he plans on staying here.

Board Member Michael KupperSmith asked for clarification on "self-created" hardship standard. The Village Attorney, Caitlyn Culbertson, stated that it is at the ZBA's discretion if the hardship is solely created by the applicant or if there were other contributing factors.

PUBLIC COMMENT

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

Lawrence Officer of 590 Sunset Lane stated that Mr. Elia stated has an issue with the Village and his contractor, after last month Mr. Elia said that he had an issue with his Architect but couldn't get ahold of his Architect due to telephone issues. Mr. Officer stated that the code exists to protect citizens and that we are entitled to the required setbacks and the zoning code, and that we do not have to support this, and that he and his wife were assaulted by the applicant.

Mrs. Officer of 590 Sunset Lane spoke and read a letter that she submitted to the ZBA at the meeting, which read:

"Hello Again! I'm Sandy Officer. My husband Lawrence & I have lived at 590 Sunset Lane for 31 years and are the innocent victims suffering from the addition at 1060 Oak Ridge.

- 1) We thank Mr. Baxter to initiating a police response to the assault that occurred after the July 11th meeting. Mr. Elia closely followed us down the steps without his family or lawyer and kept swearing at us as we were leaving Village Hall. Indeed, we were the victims of aggravated assault, because the assault took place on public property against three senior citizens. We believe the Board should be informed of this intimidation.*
- 2) We oppose any intrusion inside the 10-foot setback. The building permit on file with the Village involved 12 to 13 feet from the property line. We believe the builders should*

build according to the official plan and follow the zoning rules before requesting variations.

- 3) The 278-square-foot excess gross floor area footage should be actually reduced – rather than only nominally reduced by modifying a bedroom so that it may be called an attic. Turning the top floor of the addition into an attic is ridiculous; it can still be used as a bedroom...and when the Elia sell their home, the new owner can turn the so-called attic back into a bedroom! We would still have this giant addition hovering over us without its volume reduced.*
- 4) The other side keeps saying it's only a few inches that the addition would protrude over the 10-foot line. Would a surgeon operate inches away from her plan? Would airplane or shopping center builders veer away from approved plans? The red tape on this ruler shows the extra five inches over the code, which is still substantial. And any intrusion into the 10-foot setback is unacceptable.*
- 5) Mr. Elia should be required to reconstruct the addition strictly in accordance with the Village-stamped plans, and afterwards ask the ZBA to approve variations.*
- 6) Our property value will certainly be reduced with this addition.*
- 7) We have nothing personal against the Elia family. If our relatives or friends built such an addition – we would still be here in protest and hope you would deny these variations.*
- 8) If the Board allows the remaining variations, it will be a free-for-all for builders...come to our beloved Village, get a permit approved, the build as you want while ignoring the Village-stamped plans, and afterwards ask the ZBA to approve variations.*
- 9) Mr. Elia states his addition is a 'mistake'. Was it a mistake to build a giant chimney 7.5 feet from our property line? Or build 278 square feet more than the building permit allowed? Or come within 9.5 to 10 feet from our property line when the approved plans call for 12 to 13 feet? Or take down over 30 trees without getting a permit from the Village? Was it a mistake to never discuss anything with us even though this application states he discussed the variations with the neighbors, who only gave positive feedback?*
- 10) We believe that our personal and property rights should be fully upheld by the Village, and Mr. Elia should not be granted the privilege of violating these rights.*
- 11) We beg the Board to deny the new requested variations, as we are the primary victims and are totally innocent victims."*

Gail Donnelly of 1069 Hohlfelder Road stated that they bought their house in 2020 and then one day all of the trees screening her house were gone, so they could clearly see the ongoing construction at 1060 Oak Ridge Drive. Ms. Donnelly then shared pictures from her phone with some Board Members to help explain the amount of privacy that her family lost when these trees were removed. Ms. Donnelly added that when she spoke with Mr. Elia, Mr. Elia said that she's lucky he doesn't tear down his house, and then she asked that since Mr. Elia doesn't have sympathy for her or her concerns for privacy, then why should she have empathy for him in this situation? Board Member Alex Kaplan asked Ms. Donnelly if the trees that were removed were on her property. Ms. Donnelly stated that she believes two trees were on her property, but the others she is uncertain about because the trees are now gone. Ms. Donnelly concluded that 1060 Oak Ridge is a beautiful house, but she wants more privacy.

Stacey Birndorf of 1115 Oak Ridge Drive noted that she is surrounded by several split-level homes, that the Village takes their zoning ordinances seriously, and that most homes around

her are teardowns. Ms. Birndorf added that gross floor area revisions may call the second-story bedroom an attic, but from the exterior it is still a two-story addition and makes no difference. Ms. Birndorf added that you cannot paint stripes on a horse and call it a zebra, and that the addition is also an intrusion on two other backyards.

Lois Rifkin of 1151 Skokie Ridge Drive stated that she is a longtime resident and that whenever she has applied for a permit, they followed the setback codes each time.

Chairman Novack noted that he thinks the applicant can have three additional minutes to speak. Edyssa Elia, the daughter of Paul Elia of 1060 Oak Ridge Drive, stated that she forgot what she wanted to say at the July 11, 2022, ZBA meeting. Ms. Edyssa Elia stated that it is a bit confusing because the purpose of the ZBA is to consider variations from the zoning code, and that her parents are not contractors and that her parents did not direct the contractors to build the addition differently. Ms. Edyssa Elia also asked if the Elias are not residents as well, and that her family has been met with discrimination since they moved in as her grandfather was walking around the neighborhood and someone called the police on him. Ms. Edyssa Elia stated that she was unsure if it was because of the color of their skin, that they cannot live normally because of discrimination and ongoing construction conditions, and that when they attempted to communicate with the Officers, they were given the middle finger. Ms. Edyssa Elia concluded that Mr. Koukios of 1111 Hohlfelder was present during the discussion after the July 11, 2022, ZBA meeting with Paul Elia and the Officers and Mr. Koukios can confirm that there was no assault, and then questioned why Sandy Officer is bringing these allegations up today, at the day of the meeting.

Chairman Novack thanked all of those who spoke and asked if there were any additional public comments. No additional public comments were made at this time, and Chairman Novack clarified that this will now close the public hearing. Chairman Novack added that the ZBA cannot speak for staff or the Village as a whole, but as the ZBA it is difficult to hear those comments, and as the ZBA we have a narrow task to evaluate the standards of the requested variation, and the ZBA cannot take narratives into account of things that happened in the past that aren't directly tied to this. Chairman Novack reiterated that it is a unique situation where plans were not stamped.

Board Member Debbie Ruderman stated that the ZBA's task is narrow, and she does not see a way to make everyone satisfied, but she also does not see a situation where that would work. Board Member Ruderman added that she does not see how the ZBA can approve the requested variation tonight when the gross floor area revisions have yet to be approved by staff. Chairman Novack added that the ZBA can condition certain items in response to a previous comment about the addition being a two-story structure, but added the gross floor area is not meant to allow someone to build as big as possible, so it's not really about the five inches because the master bedroom wouldn't normally be converted into attic space, and the fact of the matter is it's a large addition that is very close to the neighbors. Board Member Kuppersmith brought up the "not self-created" variation standard again and stated that Architects and contractors are agents of the owner, so I struggle to see how they wouldn't be responsible. Board Member Fox asked Mr. Elia if the trees go along the south lot line and Mr. Elia stated

they go along the rear lot line and showed some of the Board Members pictures from his phone of some of the trees that have been planted.

Chairman Novack added that it appears that Ms. Donnelly and the Officers would not be as alarmed if the structure met the gross floor area requirements, and while some of the interior changes may help reduce the gross floor area, it will not help with the neighbors' concerns. Chairman Novack noted that he believes there could be a way to try to make with work with the neighbors. Board Member Holzman noted that it is difficult to hear these comments, that the whole situation is difficult, and that he believes everyone here has already been impacted in a negative way. Board Member Kaplan added that he does not think that blaming the Village is right in this situation, and that zoning laws were created to protect the neighbors, and although five inches may sound de minimis and less than previously requested variations, but those previous requests did not come with a heavy flow of neighbor objections, and that the Officers are entitled to that same five inches, so he is inclined to vote against the requested variation. Board Member Fox responded to an earlier comment about the property value and noted that a plan to decrease the gross floor area, such as converting the primary bedroom to attic space, could potentially decrease the property value, so it may be easier to meet the setback requirement and appease the neighbors.

Chairman Novack asked the ZBA if they had any additional questions or comments. No additional comments or questions were made at this time. A motion was made and seconded to deny the requested variance as submitted.

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

4. CONTINUED CONSIDERATION OF A VARIATION REQUEST AT 150 LAKE STREET

Board Member Elsasser was present for this portion of the meeting. Mr. McGowan gave an overview of the case, stating that the applicants had requested four variations at the July 11, 2022 ZBA meeting. Mr. McGowan noted that at the July 11 meeting, the applicants requested the following variations (presented as "Option A") to allow an addition to an existing single-family home:

- 1) *Section 3-111(C) – To reduce the front yard setback from 35 feet to 28.96 feet.*
- 2) *Section 3-111(C) – To reduce the 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 noted the applicants have made several changes to their plans and are now requesting the following variations (presented as "Option B") to allow an addition to an existing single-family home:

- 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 2,962.2 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 clarified that the difference between “Option A” and “Option B” is that the applicants have reduced their gross floor area request and the setback plane encroachment on the west side of the proposed addition, and then presented site plans, elevations, and pictures of the existing home and proposed addition from different perspectives. Chairman Novack thanked staff and then asked the applicants if they would like to add anything.

David Brown of 150 Lake Street stated that he and his Architect documented the ZBA comments that were made at the July 11, 2022, ZBA meeting and were presented with challenges since the home is already nonconforming with regards to some of the requested variations due to its existing location. Mr. Brown added that they have added a double-gable roof to reduce the setback plane encroachment, their neighbor to the west at 440 Drexel Avenue provided a letter of support, and they have reduced the gross floor area without reducing the functionality of the home. Chairman Novack added that he appreciates Mr. Brown and his Architect taking the ZBA’s comments seriously, and the thoughtful effort that went into this project. Chairman Novack asked Mr. Brown if it was painful to reduce this and noted it would not impact his decision. Mr. Brown said it was not too painful but did involve a lot of creativity. Chairman Novack added that with neighbor support and a lack of opposition is very helpful. Board Member Kaplan asked if the neighbor’s letter of support was for “Option A” or “Option B”, and staff stated that the letter of support did not specify. Mr. Brown clarified that he is confident that the support was for the entire addition, not necessarily for one option over the other. Chairman Novack asked Mr. Brown if his scope was reduced at tonight’s meeting because the original request was deferred. Mr. Brown said they took the ZBA comments seriously and asked if they could now be allowed 28 additional square feet to accommodate their stairway. Mr. Baxter noted that if the 28 additional square feet is not an increase from the square footage presented as “Option A” at the July 11, 2022, ZBA meeting, then it can be a part of the decision. Board Member Ruderman thanked the applicant and noted that she appreciates that he took the ZBA comments into consideration.

A motion was made and seconded, to approve the encroachment into the setback plane to a greater extent than the zoning code allows (“Option B”), and to approve the requested gross floor area of 2,962.2 square feet (“Option B”), plus to approve an additional 28 square feet for the stairway (“Option C”).

PUBLIC COMMENT

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

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), 3-111(E), and 3-111(G)(14) 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 and corner side yard setbacks, to allow a setback plane to encroach at an extent greater than the Zoning Code allows, and to increase the allowable gross floor area at 150 Lake Street be granted as shown in the drawings or plans submitted by the owner, and reflected in the meeting minutes, 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: MOTION TO APPROVE SETBACK PLANE ENCROACHMENT, APPROVE "OPTION B" GROSS FLOOR AREA, AND APPROVE 28 ADDITIONAL SQUARE FEET FOR THE STAIRWAY

AYES: Novack, Elsasser, Kaplan, Ruderman, KupperSmith, Holzman, Fox

NAYS: None

ABSENT: None

5. CONSIDERATION OF A VARIATION AT 332 ADAMS AVENUE

Mr. Baxter gave an overview of the requested variation, explaining that it is for a new detached garage and part of a new construction permit. Mr. Baxter explained that the applicant is requesting one variation to allow a 400-square-foot two-car detached garage at a new single-family residence to exceed the allowable 6% accessory building ground coverage limit:

1. *Section 3-111(D)(2) – To increase the allowable accessory building ground coverage from 6% (354.73 square feet) to 6.8% (400 square feet), a variation of 11.3%.*

Mr. Baxter also explained that a 400 square-foot garage seems to be the standard or typical size of a detached garage to accommodate two vehicles, partly due to the 400 square-foot gross floor area allowance for detached garages in the Village. Mr. Baxter stated that the lot was self-created by the applicant as part of a lot line reconfiguration with 409 Randolph Street, and prior to the reconfiguration of the rear lot line, the property was large enough to accommodate the garage as proposed.

Chairman Novack thanked staff and asked the ZBA Members if they had any questions. No questions were asked at this time.

PUBLIC COMMENT

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

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(D)(2) 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 exceed the allowable accessory building ground coverage at 332 Adams 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.

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

6. CONSIDER APPEAL OF A STAFF DETERMINATION AT 391 ADAMS AVENUE

Mr. Baxter explained that the applicant is appealing a determination by staff to deny a building permit for the replacement and enlargement of front steps at a single-family residence at 391 Adams Avenue in the RC zoning district. Mr. Baxter clarified that if the appeal is granted, the applicant will be able to construct the steps as proposed, and if the appeal is denied, the applicant has requested a variation from the zoning code to reduce the required front setback for the proposed stoop and steps. However, the steps as proposed would reduce the required setback more than can be granted by the ZBA. If the ZBA grants the requested variation, the applicant can construct a modified version of the proposed stoop and steps. Mr. Baxter then explained that there are existing front steps within the setback, which could be replaced without a variation so long as they are not expanded or brought any closer to the front or side

property lines, but the steps as currently constructed and as proposed extend approximately 12 feet into the required front setback and slightly into the required side setback.

Mr. Baxter elaborated, stating that stoops and steps can be within a required front setback if certain conditions are met, specifically, Section 3-111(G)(5), lists allowable structures in required yards, including:

“Outside stairways and ramps to first floors; provided that any platforms therefor shall not project more than four feet from an exterior wall, exceed four feet in height, or extend more than one foot on either side of the door opening; provided further that no stairways or ramps shall be wider than such platform”.

Mr. Baxter clarified that since the steps as proposed are wider than the platform, they would not be allowed within the setback under this provision.

Additionally, Mr. Baxter referenced Section 3-111(G)(21) which includes “Special Front Yard Setbacks for Certain Covered Entryways”:

“Special Front Yard Setback for Certain Covered Entryways.

Notwithstanding the setback requirements otherwise applicable to structures accessory to a single family dwelling, not more than one covered entryway may be erected and maintained in the required front yard on a zoning lot, but only in accordance with the terms and conditions of this Paragraph.

(a) The covered entryway shall be open on three sides, except for column supports.

(b) The covered entryway shall be one-story; shall not exceed 13 feet in height, nor 12 feet in width, nor 6 feet in depth; and shall consist of no more than 72 square feet in area.

No variation shall be permitted from any of the foregoing conditions. Any covered entryway constructed in accordance with the reduced front yard setback authorized pursuant to this Paragraph shall not subsequently be eligible for a variation with respect to such front yard setback.”

Mr. Baxter stated that the steps as proposed meet all these requirements, except for the fact that they are not covered, so staff has determined that to be granted for this setback allowance, the stoop and steps must be covered. Mr. Baxter concluded that the lot is shallower, undersized, and the ZBA has the ability to override staff’s decision, and that the applicant is challenging the requirement for a covered entryway in order to rebuild the front steps in the proposed location.

Board Member Kaplan then asked if this specific appeal is granted would it set precedent and Mr. Baxter confirmed that is correct. Board Member Ruderman noted that this situation is kind of like the letter of the law versus the intent of the law. Chairman Novack added that the ZBA should first discuss the appeal of the zoning code, and then consider the variation request. Board Member Holzman asked what a code amendment would look like and Mr. Baxter explained that it could come from staff, residents, and is typically a three-step process. Mr. Baxter then swore in those who would be speaking.

Betsy Handelman of 391 Adams then explained that their home is from the late 1800s and she was not aware that neighbor support was required in order to proceed. Ms. Handelman noted that the existing front steps are not functional and are falling apart and that she believes the code was implemented after the home and steps were built. Ms. Handelman also added that she did not know that the appeal would potentially change the code for everyone, and that her and her husband have been suffering through this process because the code has not been updated.

Board Member Fox asked if there was a way for the applicants to not to do the appeal but to allow them to encroach into the required front setback. Chairman Novack clarified that there is a way, however, they would be limited to a maximum variation percentage.

Ms. Culbertson noted that the text amendment would be the only thing that could change the code. Ms. Handelman explained that she thinks the proposed front steps are functional and also accomplishes the intent of a sense of community. Board Member Ruderman noted that she does not disagree, but the only way the ZBA can grant an appeal is if the ZBA believes there was a misinterpretation of the zoning code, and if that needs to be done it needs to be done through the appropriate avenues. Ms. Handelman asked if that was the point of this meeting. Board Member Holzman asked if the appeal were granted then would it take another appeal to be undone and Mr. Baxter explained that the ZBA can grant an appeal, and then you could incorporate new language in a code re-write. Board Member Fox asked if the ZBA could grant the appeal and then fix the language in the code, and Board Member Elsasser asked if there could be clarification of the intent of the code. Ms. Culbertson read Section 7-402 from the Village Code to clarify Appeals. Board Member Kaplan noted that he can't foresee many applicants building porches like this and Mr. Baxter explained that it's possible but it is not very common.

Mr. Baxter clarified that the ZBA can refer this to the Village Board who would then refer it to the Zoning Commission, and then back to the Village Board for a final decision, which could take several months. Board Member KupperSmith stated that he does not think there is an error with staff's interpretation, but perhaps an Appeal is not the best way forward if there is a better solution to address this. Board Member Elsasser stated that she agrees that an appeal should be done through the appropriate avenues. Board Member Ruderman agreed and noted that an appeal could potentially open up a can of worms. Board Member Kaplan told the applicants that the ZBA wants to help but they feel handcuffed by what they have authority to do, and that he has reservations granting an appeal. Board Member Kaplan then asked if there is a way that this can be expedited, and that he recommends that the ZBA makes a strong recommendation to the Village Board.

Board Member Ruderman noted that perhaps Section 3-111(G)(21) should simply just remove the word "covered" so that the exclusion can apply to both covered and uncovered front entryways, and potentially giving an option for a variation. Board Member Kaplan suggested perhaps a greater allowance for ZBA authority for similar physical conditions of a lot. Board Member Holzman asked what the most expedited way to accomplish this and Chairman Novack noted that the ZBA should recommend to remove the word "covered" and in the

meantime the ZBA should review Section 3-111(G)(21) so that they can give the Village Board a solid recommendation.

PUBLIC COMMENT

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

Chairman Novack asked the ZBA if they had any additional questions or comments. No additional comments or questions were made at this time. A motion was made and seconded to deny the Appeal as submitted.

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

7. CONSIDERATION OF A VARIATION AT 391 ADAMS AVENUE

Mr. Baxter explained that since the appeal described above was denied, the applicant is requesting a variation from the zoning code to reduce the required front setback for the replacement and expansion of a front stoop and steps. Mr. Baxter noted that the maximum setback reduction allowed on this property is to not less than 25% of lot depth, or 26.19 feet, and the requested variations are from the following standard in the Zoning Code:

- 1) Section 3-111(C)(1) – To reduce the required front setback from approximately 38 feet to 26.19 feet, a variation of approximately 31%.*

Mr. Baxter clarified that the applicants may withdraw their application at any time. Chairman Novack added that the ZBA wants to help the applicants accomplish their request. Board Member Ruderman asked the applicants if they could build the front porch partially and then continue at a later date. Mr. Jason Handelman of 391 Adams Avenue noted that they have been working on a plan for the front steps for eight months now and the code is messed up and nobody is doing anything.

Ms. Betsy Handelman stated that her and her husband are withdrawing their request. Chairman Novack asked the ZBA if they had any additional questions or comments. No additional comments or questions were made at this time. A motion was made and seconded to recommend that the Village Board reviews Section 3-111(G)(21) and considers the removal the word “covered” from Section 3-111(G)(21).

8. ADJOURN

The meeting adjourned at 9:50 p.m.

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