



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

Village Hall Council Chamber and Videoconference
675 Village Court
Monday, September 13, 2021 – 6:00 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 6:00 p.m. on September 13, 2021, held virtually via Zoom web videoconference.

Attendee Name	Title	Status
Zoning Board of Appeals		
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 Kuppersmith	Member	Present
Village Staff		
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present
Stewart Weiss	Village Attorney	Present

2. CONSIDERATION OF MINUTES OF THE AUGUST 2, 2021 ZBA MEETING

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Novack, Elsasser, Friedman, Kaplan, Satter, Ruderman, Kuppersmith
NAYS:	None
ABSENT:	None

3. CONSIDER VARIATION REQUEST AT 275 GREENWOOD AVENUE

Richard McGowan gave a brief overview of the case, stating that the applicants are seeking two variations to allow two air conditioning units to encroach into the side setback and to be closer than one-half lot depth at a new single-family residence:

1. Section 3-111(C)- To reduce the required side yard setback from 8 feet to 6.4 feet, a variation of 20%;
2. Section 5-101(E) - To allow an accessory structure to be nearer to the street than one-half of the lot depth, from 69.84 feet to 61.25 feet.

Mr. McGowan explained that this new single-family residence recently received a temporary certificate of occupancy and is situated on a corner lot that is undersized for the RC zoning district. Mr. McGowan clarified that the plans for the new home depicted the air conditioning units on the south side of the home, in a location that would not require a variance, but the General Contractor relocated the units to the side of the home during construction. Mr. McGowan added that since this lot is a corner lot, the front yard as defined by code is on the north side along Oakdale Avenue, which triggered the second variation request to allow an accessory structure to be nearer to the street than one-half of the lot depth.

Chairman Scott Novack thanked Mr. McGowan and asked if the applicant is available for comment. Mr. Baxter then swore in the applicant, Andzelika Gorczyk. Ms. Gorczyk stated that Mr. McGowan covered most of the talking points and that her husband, Jerry, was unable to attend tonight's meeting due to an emergency and that she hopes everything will be O.K. with the new location of the air conditioning units due to the lack of space on the south side of the home.

Board Member Michael Koppersmith then asked if the neighbors are O.K. with the location. Mr. McGowan stated that the applicant has noted that they have spoken with the neighbor but the Village of Glencoe has not received any comments for this prior to tonight's meeting. Board Member David Friedman asked if there were any other locations for the air conditioning units that would not require a variance and Taylor Baxter noted that it is limited due to the existing conditions, corner lot setback requirements, and an undersized lot. Board Member Friedman then asked why the air conditioning units were not installed in a location that would not require a variance in the first place. Chairman Novack noted that this has been a trend in recent ZBA applications but noted it would be good to know why the applicant installed the air conditioning units in a different location than the location they were approved in and perhaps it may be best to defer this meeting since the General Contractor is not available for tonight's meeting. Board Member Alex Kaplan reiterated that he would like a response from the General Contractor as to why the decision for this location was made. Ms. Gorczyk stated that they originally wanted the units to be placed on the north side of the property but the space was limited in the backyard because it is a very small yard and this new location was the best place for them. Board Member Friedman asked if the units were already installed and Ms. Gorczyk confirmed they were. Board Member Friedman agreed with Chairman Novack that it may be best to defer this meeting. Chairman Novack noted that there is clearly a hardship with an undersized lot and limited outdoor private space, but it would be ideal that this discussion took place before the air conditioning units were installed. Board Member John Satter added that he does not like how this happened but recognized the ZBA has granted variances similar to this request tonight. Board Member Sara Elsasser reiterated that this request is more complicated because of how it happened and noted that if the applicants came to the ZBA before the units were installed they typically would have approved this. The ZBA then discussed possibly attaching screening conditions for the air conditioning units - Board Member Friedman and

Board Member Satter disagreed that screening requirements are within the scope of the ZBA. Board Member Kaplan asked if this home is a spec home and Chairman Novack asked if the buyers are living in the home at 275 Greenwood Avenue. Ms. Gorczyk stated that it is a spec home and the buyers are living in the home. Board Member Kaplan stated that he does not like how this has played out and that the process in which this was done sets a blatant precedent for future builders, so he is inclined to vote no. Ms. Gorczyk stated that they are willing to plant bushes or any type of screening. Chairman Novack disagreed that it would set a bad precedent and that he is inclined to vote yes with screening requirements. Board Member Satter noted that the staff memorandum states that the applicant will screen the air conditioning units with landscaping and based on that he would be in support of tonight's request.

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS

PUBLIC COMMENT

Chairman Novack asked if there are any questions or comments from the public. No questions or comments were made.

A motion was made and seconded to approve the requested variance on the condition that the applicants follow through with their intent to provide landscape screening for both air conditioning units.

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(C) of the Glencoe Zoning Code as applied to the lot in question.
 - c. The plight of the owner is due to unique circumstances.
 - d. The requested variation will not alter the essential character of the locality.
 - e. The requested variation will not set a precedent unfavorable to the neighborhood or to the Village as a whole.
 - f. The spirit of the Zoning Code will be observed, public safety and welfare will be secured, and substantial justice will be done if the requested variation is granted.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request to reduce the required side yard setback and to allow an accessory structure to be nearer to the street than one half of the lot depth at 275 Greenwood Avenue be granted as shown in the drawings or plans submitted by the owner and made part of the record, with the condition that the units will be screened by landscaping.

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

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

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

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

5. ADJOURN

The meeting adjourned at 6:44 p.m.

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Novack, Elsasser, Friedman, Kaplan, Satter, Ruderman, Kuppersmith
NAYS:	None
ABSENT:	None