



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

Village Hall Council Chamber and Videoconference
675 Village Court
Monday, September 14, 2020 – 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 the Chairman, at 7:30 p.m. on the 14th day of September 2020, held virtually via Zoom web video conference.

Attendee Name	Title	Status
Village Board		
Howard Roin	ZBA Chairman	Present
Sara Elsasser	Member	Present
David Friedman	Member	Present
Alex Kaplan	Member	Present
Scott Novack	Member	Present
John Satter	Member	Absent
Village Staff		
Taylor Baxter	Development Services Manager	Present
Rich McGowan	Planner	Present

2. CONSIDERATION OF MINUTES OF THE AUGUST 3, 2020 ZBA MEETING

RESULT:	MOTION TO AMEND MINUTES [UNANIMOUS]
AYES:	Roin, Elsasser, Friedman, Kaplan, Novack
NAYS:	None
ABSENT:	Satter

3. APPROVE VANNI & OTITOU APPEAL AT 1178 CAROL LANE

Chairman Roin stated that the purpose of this portion of the meeting was to conduct a virtual public hearing on the appeal by Ayo Otitoju and Barbara Vanni, homeowners of 1178 Carol Lane, of a decision by the Development Services Manager in denying a permit to exceed the maximum allowable gross floor area from 3,466.78 square feet to 3,628.12 square feet. This variation is authorized by Section 7-403-E-1 of the Zoning Code.

The Chair reported that notice of the public hearing was published in the August 27, 2020 Chicago Tribune and neighbors were notified of the public hearing by mail. Development Services Manager Taylor Baxter then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

Planner Rich McGowan began by providing an overview of the requested variance, stating:

- 1) The applicants are proposing a one-story addition to an existing single-family residence to accompany their family that lives outside of the country, resulting in a need for accessible space and longer visits.
- 2) The applicants are proposing to increase the maximum allowable gross floor area from 3,466.78 square feet to 3,628.12 square feet, a variation of 4.45%. This variation is authorized by Village Code Section 3-111 (E)(3).
- 3) The applicants will be removing an existing 210.94-square-foot pergola to build the addition. This removal does not impact gross floor area totals on the lot, as up to 250 square feet of pergolas can be excluded from gross floor area totals.

Mr. McGowan then proceeded by presenting a PowerPoint to highlight the existing and proposed conditions.

Mr. Baxter then confirmed that the Village had received two letters of support from nearby neighbors.

The homeowners' Architect, Scott Javore, then gave an overview of the requested variance, stating:

- 1) The homeowners' parents currently live in Italy and Nigeria, so their stays at 1178 Carol Lane are for extended periods of time.
- 2) The proposed variance is relatively compact and appears to be consistent with the make up and character of the neighborhood.

Homeowner Ayo Otitoju reiterated Mr. McGowan and Mr. Javore's presentations and then added that there is a pressing need to accommodate Mr. Otitoju's mother at their residence due to her knee issues and age.

Board Member Scott Novack thanked the applicants and stated that the proposed variance appears to fit with the existing character of the home and neighborhood.

PUBLIC COMMENT

Chairman Roin asked the audience if anyone had a public comment.

Mr. Brian Wegner of 1169 Carol Lane stated that he is fully in favor of the proposed variance at 1178 Carol Lane.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for variances be granted per the drawings presented, making findings and resolving as follows:

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 particular hardship in the way of carrying out the strict letter of Section 7-403-E-1 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 maximum allowable gross floor area at 1178 Carol Lane, 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:	ACCEPTED [UNANIMOUS]
AYES:	Roin, Elsasser, Friedman, Kaplan, Novack
NAYS:	None
ABSENT:	Satter

4. APPROVE RINKOV APPEAL AT 510 JEFFERSON AVENUE

Chairman Roin stated that the purpose of this portion of the meeting was to conduct a virtual public hearing on the appeal by Joshua and Beth Rinkov, homeowners of 510 Jefferson Avenue, of a decision by the Development Services Manager in denying a permit to exceed the maximum allowable gross floor area from 4,648 square feet to 4,893 square feet in order to build a pool house and pergola. This variation is authorized by Section 7-403-E-1 of the Zoning Code.

Chairman Roin clarified that the Board will need four out of five Board Members to vote yes for approval. Mr. Roin added that the Village has also received a letter of objection for the proposed variance at 510 Jefferson Avenue.

Mr. Baxter then gave an overview and background of the case, stating:

- 1) The applicants are seeking a variance to exceed the maximum allowable gross floor area from 4,648 square feet to 4,893 square feet in order to build a pool house and pergola.
- 2) The lot at 510 Jefferson Avenue was created through a two-lot subdivision with 481 Grove Street in the 2010's.
- 3) The conditions of the two-lot subdivision specially require stormwater management and infrastructure to be constructed to the proper engineering standards.
- 4) The Village has received a letter of objection from a neighbor.
- 5) 481 Grove Street applied for a gross floor area variance in 2018 for a detached garage and the Zoning Board of Appeals deferred the case. The case was never re-opened.

Chairman Roin stated that it seemed interesting that there is a stormwater management condition as part of a subdivision, and that he is inclined to not approve this variance until he knows that the water would not be a problem.

Homeowner Joshua Rinkov then thanked the staff and Board members for their time. He proceeded with an overview and background of the case, stating:

- 1) His family purchased this property in 2014.
- 2) He currently has three children.
- 3) His family never considered a pool previously, but COVID-19 has affected their ability to accommodate family and friends in a safe and comfortable manner.
- 4) The neighbors at 481 Grove Street who had previously requested a variance in 2018 decided to not go through with their proposed plans for a garage.

The homeowners' Architect, Steve Kleineman, then gave an overview of the existing conditions and requested variance, stating:

- 1) The applicants have been evaluating the existing conditions of the lot, and the original Civil Engineer who drew the plans has since passed away.
- 2) The applicants have hired "Greengard" as their engineering firm to thoroughly assess existing and proposed conditions and ensure that the grading and drainage are adequate.
- 3) The existing conditions have not changed since the home was built.
- 4) The applicants feel as though the need for additional shade from the sun is important.
- 5) There would be very little to no visual impact on neighbors with proposed trees to screen the backyard, a relatively flatter roof that would be shorter than the proposed screening.
- 6) There are multiple catch basins on the property, and they will add more if necessary.
- 7) He is proposing approval for the variances requested tonight with engineering stipulations.
- 8) Greengard (engineering) is in the process of designing a system to ensure that the water is properly taken care of.

Mr. Kleineman then asked Louis Goldman, the neighbor in attendance who lives at 465 Grove Street, if he has experienced any issues with drainage on his property. Mr. Goldman did not comment at this time.

Chairman Roin then asked if any Board Members had any questions.

Board Member Scott Novack asked the applicants if all of the trees presented on their plan are proposed trees. Mr. Kleineman confirmed that trees to screen the proposed structures are proposed along the south (rear) property line, and there is quite a bit of trees screening both sides of the backyard (east and west). Mr. Rinkov then confirmed that the plan is to completely enclose the backyard with screening.

Board Member Novack then asked if the proposed Floor Area Ratio (FAR) is all for the pool house. Mr. Kleineman then clarified that it is also for the open-air pergola structure, and Mr. Rinkov stated the homeowners would like more sun coverage from the west. Mr. Kleineman clarified that part of the proposed pergola structure can be excluded from the FAR calculations.

Board Member David Friedman asked Village staff if the scope of work is reviewed prior to reviewing plans. Mr. Baxter stated that he would defer this to the Village's Engineer.

Mr. Baxter then proceeded to read a comment submitted from Louis Goldman, a neighbor who lives at 465 Grove Street:

"I am submitting this comment in connection with the Variance Application for 510 Jefferson. I live at 465 Grove Street and our property abuts the rear of the 510 Jefferson lot.

I am the immediate past President of the Glencoe Library Board and was a Commissioner on the Glencoe Plan Commission for 8 years (through May 2019) including when the subdivision of the

Mack property at 481 Grove was approved by the Plan Commission which led to the creation of the lot/property which is the subject of the current application.

I am opposed to the granting of the requested variance at this time for several reasons:

- 1) When the Mack property was subdivided, there was extensive discussion of the need to address ground water/storm flooding. At that time as part of the subdivision approval or the permitting process the subject property was required to install an extensive underground storm water drainage system. Prior to the subdivision there has been regular flooding of the back yard of the Mack property. I witnessed the installation of many underground pipes and holding tanks prior to the construction of the two houses. I spoke with Taylor Baxter about the impact of the work requiring the requested variance on that storm water system and whether the current system would be sufficient. The addition of the pergola, pool house and the pool itself will clearly lead to much less permeable surface on the lot, leading me to wonder whether this will cause a flooding problem. In your packet is the response of the Village Engineer (copy attached) who was unable to address this issue at the time of his submission as final engineering plans for 510 Jefferson could not be located showing the as constructed capacity of the stormwater detention facility. He was awaiting certain field survey work to determine whether expansion of the detention facility would be required as a result of the proposed construction. I would ask the ZBA to not approve the variance until this matter is clarified and presented to the relevant adjacent property owners for response.*
- 2) 510 Jefferson is a large recently constructed home, apparently constructed at that time to the maximum FAR. It strikes me that permitting a variance for additional FAR (5.3%) would be contrary to the spirit of the FAR regulation. I would also note that at the October 1, 2018 ZBA meeting the owner of the other Mack subdivided lot (481 Grove) sought a similar FAR variance of 6.54% to construct an additional garage on the property which request following objections (including from the owner of 510 Jefferson) was continued. ('Josh Rinkov of 510 Jefferson Avenue stated his concerns with the proposed variation, including lack of hardship, fourth garage and associate driveway negatively impact aesthetics, loss of open space due to garage addition, and the additional curb cut on Jefferson Avenue that will diminish street parking availability.' Emphasis added). Certain of the things stated there seem true here."*

Chairman Roin then asked Mr. Goldman if he had any additional comments.

Mr. Goldman stated that he would like engineering to ensure the capacity for stormwater is sufficient, and then asked if the proposed trees will be planted over a sewer line and if they will impact the shade on his property. Mr. Kleineman responded, stating that there will be no impact on the shade of Mr. Goldman's property due to the lot orientation and low height of the proposed structures.

Mr. Kleineman continued, stating that the applicants are aware of the stormwater detention and that they are willing to bring in adequate infrastructure to ensure it is up to code, and that Greengard (engineering) is currently assessing the existing conditions.

Mr. Goldman asked if the proposed trees will be similar to what is currently there now. Mr. Kleineman stated that it would most likely be Arborvitaes to protect the homeowners from sun coming from the south and west.

Homeowner Joshua Rinkov stated that they will happily share the engineering plans with the neighbor, or anyone interested.

Chairman Roin then asked the Board Members if there were any additional comments. Chairman Roin stated that he has not changed his general view of this proposed variance, and the pool house looks well-designed so if it were just this being proposed the Zoning Board of Appeals would likely approve it. Chairman Roin continued, stating that the water problem is unique due to the water management language in the subdivision agreement, and that he is inclined to defer this variance until the engineering and water issues have been addressed and solved.

Architect Steve Kleineman stated that the applicants are trying to avoid coming back to the Zoning Board of Appeals if they can address the issue and approve the variance with stipulations. Chairman Roin stated that he understood but did not know if the neighbors have any rights after the Zoning Board of Appeals has approved a requested variance, and that the issue is the specific engineering requirements and the water is a serious concern.

Mr. Rinkov stated that he agrees with Chairman Roin and the applicants will come back once the engineering and water concerns have been resolved.

Board Member Novack asked if the Board Members are telling the applicant that they would vote in favor of the proposed variance if the water issues were resolved. Chairman Roin confirmed, and stated that this is not a controversial proposal aside from the water issues, but ultimately there is no guarantee that the Village and Zoning Board of Appeals would approve it.

Board Member Alex Kaplan stated that he agrees with Chairman Roin.

Board Member David Friedman stated that he also agrees with Chairman Roin.

Board Member Novack continued, stating that the Zoning Board of Appeals is not an engineering body, and he is not entirely comfortable since this may not be in the Zoning Board of Appeals jurisdiction, and the Zoning Board of Appeals should leave that (engineering) to the experts. Board Member Novack stated that the Zoning Board of Appeals cannot be expected to wear an engineering hat.

Chairman Roin clarified that the Zoning Board of Appeals are not going to set a precedent with deferring this since the fact of the matter is that this is a unique circumstance.

Mr. Rinkov then added that today is the first they have heard of water flooding issues, and Mr. Kleineman clarified that they will continue to work with the neighbors and Greengard.

Chairman Roin then clarified that the Zoning Board of Appeals does not want to deny this proposal, and asked Taylor Baxter if the Board votes to postpone.

Mr. Baxter clarified that the motion would be to defer the meeting to a later date, but the Zoning Board of Appeals should instruct the applicants when and what they will be looking for.

Chairman Roin stated that he does not want to set a deadline for the applicants, but the Village engineering must be satisfied that the variance will meet the new subdivision engineering requirements.

Board Member Scott Novack then suggested a memorandum from the Village's Engineer stating that it would not cause stormwater issues, or perhaps approving the proposed variance with engineering conditions. Chairman Roin stated that he understood but did not know if the neighbors have any rights after the Zoning Board of Appeals has approved a requested variance.

Homeowner Joshua Rinkov stated that he has no issue with coming back to the Zoning Board of Appeals if that is what it takes to make everyone feel comfortable, and that he wants to be a good neighbor.

Scott Javore of 665 Greenleaf Avenue then stated that he can provide a historical context for this case since he is a local Architect and worked with the previous homeowners at 481 Grove Street (abutting 510 Jefferson to the west) dating back to 1993. Mr. Javore stated that 481 Grove Street did experience issues with standing water around the property line abutting 510 Jefferson Avenue, and that he is confident it was addressed when the new home was built at 510 Jefferson Avenue. He concluded that there was no storm water drainage on the property during his time working with the homeowners at 481 Grove Street.

Chairman Roin then asked the Board Members if there was a motion to defer the proposed variance at 510 Jefferson Avenue. Following consideration of the testimony and discussion, a motion was made and seconded, that the request for variances be deferred to a future Zoning Board of Appeals meeting at a date to be determined, in order to address and satisfy the engineering requirements in the existing subdivision agreement for 510 Jefferson Avenue.

RESULT:	DEFER TO A FUTURE ZBA MEETING [UNANIMOUS]
AYES:	Roin, Elsasser, Friedman, Kaplan, Novack
NAYS:	None
ABSENT:	Satter

Chairman Roin and Board Member Novack then confirmed that there is a vacancy in the Zoning Board of Appeals due to former Member Deborah Carlson joining the Glencoe Caucus.

5. ADJOURN

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 8:57 p.m.