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Virtual Meeting Information

As the Village of Glencoe and its partner agencies continue to follow social distancing requirements and Governor Pritzker's *Restore Illinois* Plan, the February 22, 2021 Zoning Board of Appeals meeting will be held virtually via telephone and video conference (individuals may participate either by telephone or by video conference). Individuals may call the following to participate in the meeting:

By Telephone:

Phone Number: (312) 626-6799 Webinar ID: 922 5276 2658

By Zoom Video Conference:

Zoom video conference link: Click here

Video conference participants using a computer will be prompted to install the Zoom client; participants using smart phones or tablets must download the Zoom app from their app store.

Public Comment Submittal Options

Option 1: Submit Comments by E-Mail Prior to Meeting

Public comments can be submitted in advance of the meeting by e-mail to glencoemeeting@villageofglencoe.org. Public comments received by 6:30 p.m. or one hour before the start of the Zoning Board of Appeals meeting will be read during the ZBA meeting under Public Comment. Any comments received during the meeting may be read at the end of the meeting.

All e-mails received will be acknowledged. Public comment is limited to 400 words or less. E-mailed public comments should contain the following:

- The Subject Line of the e-mail should include the following text: "February 22nd ZBA Meeting Public Comment"
- Name of person submitting comment (address can be provided, but is not required)
- Organization or agency person is submitting comments on behalf of, if applicable
- Topic or agenda item number of interest, or indicate if the public comment is on a matter not listed on the ZBA meeting agenda

Option 2: Submit Comments by Phone Prior to Meeting

Individuals without access to e-mail may submit their comments through a voice message by calling (847) 461-1100. Verbal public comments will be read aloud during the meeting and will be limited to three minutes.



AGENDA VILLAGE OF GLENCOE ZONING BOARD OF APPEALS SPECIAL MEETING

Virtual Meeting February 22, 2021 7:30pm

1. CALL TO ORDER AND ROLL CALL

Howard Roin, Chair Sara Elsasser David Friedman Alex Kaplan Scott Novack John Satter

- 2. CONSIDER ADOPTION OF THE FEBRUARY 1, 2021 ZONING BOARD OF APPEALS MEETING MINUTES.
- 3. CONSIDER A REQUEST FOR A VARIATION TO REDUCE THE REQUIRED FRONT SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE AT 239 FRANKLIN ROAD.
- 4. ADJOURN

The Village of Glencoe is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend the meeting who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4114, or the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.



MINUTES VILLAGE OF GLENCOE ZONING BOARD OF APPEALS REGULAR MEETING

Village Hall Council Chamber and Videoconference 675 Village Court Monday, February 1, 2021 – 7:30 PM

MI1. 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 1st day of February 1, 2021, held virtually via Zoom web videoconference.

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	Present		
Village Staff				
Taylor Baxter	Development Services Manager	Present		
Rich McGowan	Planner	Present		

2. CONSIDERATION OF MINUTES OF THE DECEMBER 7, 2020 ZBA MEETING

RESULT: ACCEPTED

AYES: Roin, Elsasser, Friedman, Kaplan, Novack, Satter

NAYS: None ABSENT: None

3. CONSIDER VARIATION REQUEST AT 772 GROVE STREET

Taylor Baxter gave a brief overview of the case, stating that the applicants are seeking three variations from the zoning code to allow an attached garage addition to an existing single-family home:

1. Section 3-111(E) – To increase the allowable gross floor area from 3,718.44 square feet to 4,088.54 square feet, a variation of 9.95%.

- 2. Section 3-111(C) To reduce the required front yard setback from 50 feet to 40 feet, a variation of 20%.
- 3. Section 3-108(C)(1) To increase the allowable width of a garage door along a building front from 25% of lot width (13.53 ft.) to 29.56% lot width (16 ft.).

Mr. Baxter clarified that the ZBA may grant garage door width variations not to exceed 27 feet in width, and then provided pictures and a table of the existing front setbacks along the block of Grove Street:

Address		Front Setback
720	Grove Street	44.08′
730	Grove Street	50.1′
742	Grove Street	67.13′
746	Grove Street	~48′ (no survey)
750	Grove Street	50′
760	Grove Street	66.05′
766	Grove Street	61.43′
772	Grove Street	51.21' (subject property)
780	Grove Street	50.16′
790	Grove Street	50.75′
800	Grove Street	52.1′
808	Grove Street	50.0′
814	Grove Street	51.92′

Mr. Baxter then proceeded to swear in Scott Javore, the Architect representing the homeowner of 772 Grove Street, Michael Teplitsky. Chairman Howard Roin then asked Mr. Javore to proceed with his presentation.

Mr. Javore stated that their goal was to design an attached garage to match the existing character of the neighborhood, with an intentional flat roof to make it as unobtrusive as possible. Mr. Javore continued, stating that the hardships include the practical difficulty of accessing their existing, detached one-car garage with a narrow driveway and tight turning radius, limited space in the rear yard, and their legal non-conforming lot size. Mr. Javore then brought up general examples from past ZBA meetings where a one-car garage had been determined to be a hardship. Per Mr. Javore, the applicants also dropped off informational packets to neighbors at 775, 776, 779, and 780 Grove Street.

PUBLIC COMMENT

Chairman Roin then asked if Village Staff received any comments from the public. Mr. Baxter confirmed that the Village had not received any public comments, though there were members of the public in attendance. Chairman Roin then opened the discussion up for public comment, and Mr. Baxter then swore in those who would be speaking.

John Lindauer of 789 Grove Street asked the applicants why the garage couldn't be built in the rear yard of the home. Mr. Javore replied that it would eliminate significant living space in the

home and rear yard, and it would be difficult to maneuver with a tight turning radius. Mr. Lindauer then asked what the distance of the existing home to the rear/west property line. Mr. Baxter stated that he is not certain but estimated it to be about 100 feet. Mr. Javore added that there is a curved room in the rear of the home that also makes it difficult to reconfigure and accommodate a tight squeeze. Mr. Lindauer then asked the applicants if there is room in the rear yard. Mr. Javore confirmed that from a setback perspective, there is room. Mr. Lindauer stated that he is concerned about the proximity (of the proposed garage) to the street, and that he would like to maintain the existing consistency of the front yard setbacks.

Mr. Baxter then swore in the homeowner of 772 Grove Street, Michael Teplitsky. Mr. Teplitsky stated that had there been enough room in the rear yard then he would not be here tonight, and he noted that part of the issue is getting out of the garage and turning around to exit the property. Mr. Teplitsky also added that there is an existing deck, patio, fire pit, detached garage, landscaping, and green space that they would have remove in order to construct a new garage in the rear.

Mr. Baxter then swore in the applicant's other Architect, Karl Sponholtz. Mr. Sponholtz then proceeded to share his screen with visuals of the existing interior layout and property at 772 Grove Street, providing an example of how 24 feet is needed for a turning radius, and how difficult it would be to maneuver a vehicle with the existing conditions.

Board Member Scott Novack then asked if this variation request would be necessary if there were two smaller garage doors proposed instead of one, or perhaps if the proposed structure was shifted over the basement. Mr. Javore responded that they did assess this option but ultimately it could increase the overall size of the garage, it would be tough structurally, and much more expensive. Board Member Novack then noted that if the neighbor to the south is supportive and the neighbor to the north is silent, he is surprised that a neighbor would be silent to this. Chairman Roin mentioned that the Village also notifies all neighbors within 200 feet in addition to a public notice.

Chairman Roin then added that he cannot remember the last time there was a requested variance for a garage door, but he is persuaded that it is a small and narrow lot and that people ought to have room in their backyards. Board Member John Satter stated that if we breach the standard front yard setback requirements, the trend could become that it is a less honored design element for the Village. Board Member Satter then asked what the maximum eligible width the ZBA can grant for garage doors. Mr. Baxter confirmed that it is 27 feet. Board Member Satter then stated that there is a clear hardship and that he is inclined to vote yes.

Board Member David Friedman stated that he understands the concerns brought forward by the neighbor and appreciates the thought that went into the feasibility of a garage in the rear yard, and that he is in support of the proposed variance.

Board Member Sara Elsasser stated that she is in support of the proposed variance.

Board Member Novack stated that he is uncomfortable trying to persuade people on this proposed variance, and that we have setbacks for a reason. Board Member Novack continued,

stating that he understands the hardship, but the proposed garage is significantly closer to the street than the other homes on the block. Board Member Novack stated that he is hesitant to set a precedent and that he does not think this is an easy variance request.

Chairman Roin stated that Board Member Novack and Mr. Lindauer both bring up great points, but every decision the ZBA makes is an individual decision and that he does not want to make any decisions bound by precedent. Chairman Roin added that the applicants also agreed this one was tough, that there is no magic to a 50-foot front yard setback, and that once it has been built it will be hardly noticeable.

Board Member Novack added that a sight line rendering of how the proposed garage would look in comparison to the adjacent homes on Grove Street would be beneficial.

Mr. Lindauer then followed up with his previous public comment and asked Mr. Teplitsky to not think of him as the devil, and that he is not opposed to the proposed variance. Mr. Lindauer added that moving this front yard setback up may allow for his family to move their front yard setback up in the future. Mr. Lindauer concluded that he just wants to make sure everyone is thinking collectively.

Chairman Roin thanked Mr. Lindauer for his comments and stated that the ZBA is interested in making life better for residents without trampling on their neighbors. Board Member Friedman added that he did not take this decision lightly, and also appreciates Mr. Lindauer's input.

Mr. Sponholtz then provided a zoning map for a better visual to help everyone see that 772 Grove Street is one of the narrowest lots in the area.

Following consideration of the testimony and discussion, a motion was made and seconded, that the variance request 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 hardship in the way of carrying out the strict letter of Section 3-111(C)(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 increase the maximum allowable gross floor area, reduce the required front yard setback, and to increase the allowable width of a garage door along a building front at 772 Grove Street, 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, Satter

NAYS: None ABSENT: None

5. ADJOURN

Chairman Roin asked if there was any further public comment. Hearing none, the meeting was adjourned at 8:34 p.m.



VILLAGE OF GLENCOE MEMORANDUM

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Zoning Board of Appeals Memorandum

DATE: February 15, 2020

TO: Zoning Board of Appeals

FROM: Taylor Baxter, AICP, Development Services Manager

Rich McGowan, Planner

SUBJECT: Consideration of one variation to reduce the required front setback to allow a

new single-family residence at 239 Franklin Road

Background: The applicant is requesting one variation from the Zoning Code to allow for the construction of a new single-family residence.

The subject property is in the R-A single-family Residential Zoning District. The requested variation is from the following standard in the Zoning Code:

1. Section 3-111(C) – To reduce the required front yard setback from 50 feet to 40 feet, a variation of 20%. The ZBA may grant front setback variations up to 20%.

	Existing	Allowed/Required	Proposed	Variation %
Front Setback (min.)	N/A	50 ft.	40 ft.	20%

The 14,087.6-square-foot subject property is undersized for the R-A district, which has a minimum lot size of 20,000 square feet. At approximately 83 feet in width, the lot does not meet the 100-foot minimum lot width for the district.

The required front setback for this lot is the average existing front setbacks on the block face. The required setback cannot be less than 40 feet or more than 50 feet. Existing front setbacks on the block are:

		Existing Front	
Address		Setback (feet)	
211	Franklin Rd.	55	
221	Franklin Rd.	59.44	
231	Franklin Rd.	66.84	
245	Franklin Rd.	49	

247	Franklin Rd.	57.27
253	Franklin Rd.	50.1
257	Franklin Rd.	50.22
261	Franklin Rd.	52.76
1101	Meadow Rd.	47.0 (approx.)

Franklin Avenue curves slightly along this block, with lots on the west side of the street being deeper near the north and south ends and shallower near the middle of the block, where the subject property is located. The curving street and variety of lot depths may have helped lead to the variety of setbacks along the block. This lack of uniformity of setbacks exists on the west side of the block as well. The proposed setback of 40 feet would be the smallest on the block face.

The subject property was the site of the Frank-Lloyd-Wright-designed Booth Cottage, which was moved to a Glencoe Park District site in 2020. A building permit was issued for a new home on the property with a setback of 50 feet. However, this setback was incorrectly measured from the curb line, rather than the property line. The front wall of the house was approximately 36 feet from the front property line. After the foundation was constructed, Village staff reviewed a foundation survey and alerted the property owner of the incorrect setback. The property owner is removing the foundation and will relocate it further back on the lot to meet setback requirements. The property owner has also reduced the size of the front porch so it meets the criteria from the Zoning Code that would allow it to be in the front setback.

Analysis: The Zoning Code includes the following standards for the consideration of variation requests:

- 1.) General Standard. No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this subsection.
 - The applicant has stated that requiring a 50-foot setback on the subject property would create a hardship and a practical difficulty due to the non-conforming size and width of the lot, as well as the location of the foundation from the previously issued building permit.
- 2.) Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

The lot is undersized for the R-A zoning district and does not meet the minimum lot width standard.

3.) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

The size and width of the lot are not the result of any action of the owner. The location of the foundation, which is currently being removed and will be relocated, is the result of an incorrect front setback on the previously issued building permit.

4.) Not Merely Special Condition. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

The purpose of the variation is not based exclusively on a desire to make more money from the property and the granting of the requested variance would not be likely to constitute a special privilege or additional right not available to owners of other properties. While the requested setback would be the smallest on the block face, there are multiple properties with front setbacks less than the required 50 feet.

5.) Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted.

The proposed variation would not create a home with a setback significantly out of harmony with the intent of the zoning code, as the setbacks along the block vary in size. At the same time, the proposed setback would be the smallest on the block face.

- 6.) Essential Character of the Area. The variation would not result in a use or development on the subject property that:
 - (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
 - (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - (c) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (d) Would unduly increase the danger of flood or fire; or
 - (e) Would unduly tax public utilities and facilities in the area; or
 - (f) Would endanger the public health or safety.

The proposed home would not be out of keeping with others in the R-A district. While setback requirements are determined on a block-by-block basis, a 40-foot setback would not be unique in the zoning district. The proposed variation would not have any impact on congestion, flood or fire, utilities, or public health or safety.

This variation request received printed public notice at least 15 days prior to the public hearing. Additionally, owners of properties within 200 feet of the subject property were notified.

Recommendation: Based on the materials presented and the public hearing, it is the recommendation of staff that the variation request of be accepted or denied.

Motion: The Zoning Board of Appeals may make a motion as follows:

Move to <u>accept/deny</u> the request for a variation to reduce the required front setback for a new single-family residence at 239 Franklin Road.



FORMS & APPLICATIONS

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Zoning Board of Appeals (ZBA) Application

Section A: Application Information

Check all that apply:

Request for variation(s) from the zoning code

Appeal of an order, determination, or decision made by Village staff based on the zoning code

Subject property address:		
Applicant name:	Applicant phone:	
Applicant email:		
Owner name (if different from applicant):		
Owner phone:	Owner email:	
Brief description of project:		
Variation request(s):		

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Section B: Standards for Variations

For applications for variations, provide a brief response to the following prompts. Use this form or attach a separate letter to this application. The full text of the standards for the approval of variations can be found in Sec. 7-403(e) of the zoning code.

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Section C: Petition for Appeal

Provide a separate letter describing the order, determination, procedures, or failure to act being appealed. <u>Applicants</u> only applying for variations from the zoning code do not need to provide this letter.

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FORMS & APPLICATIONS

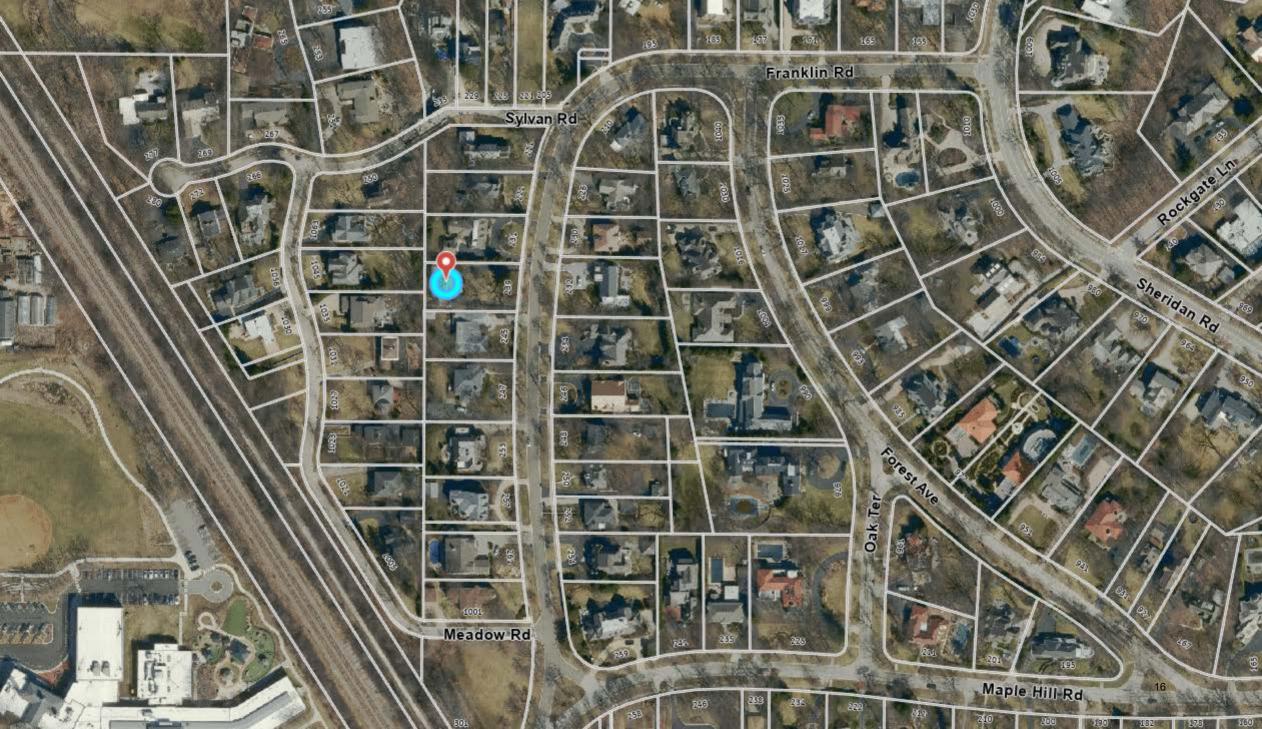
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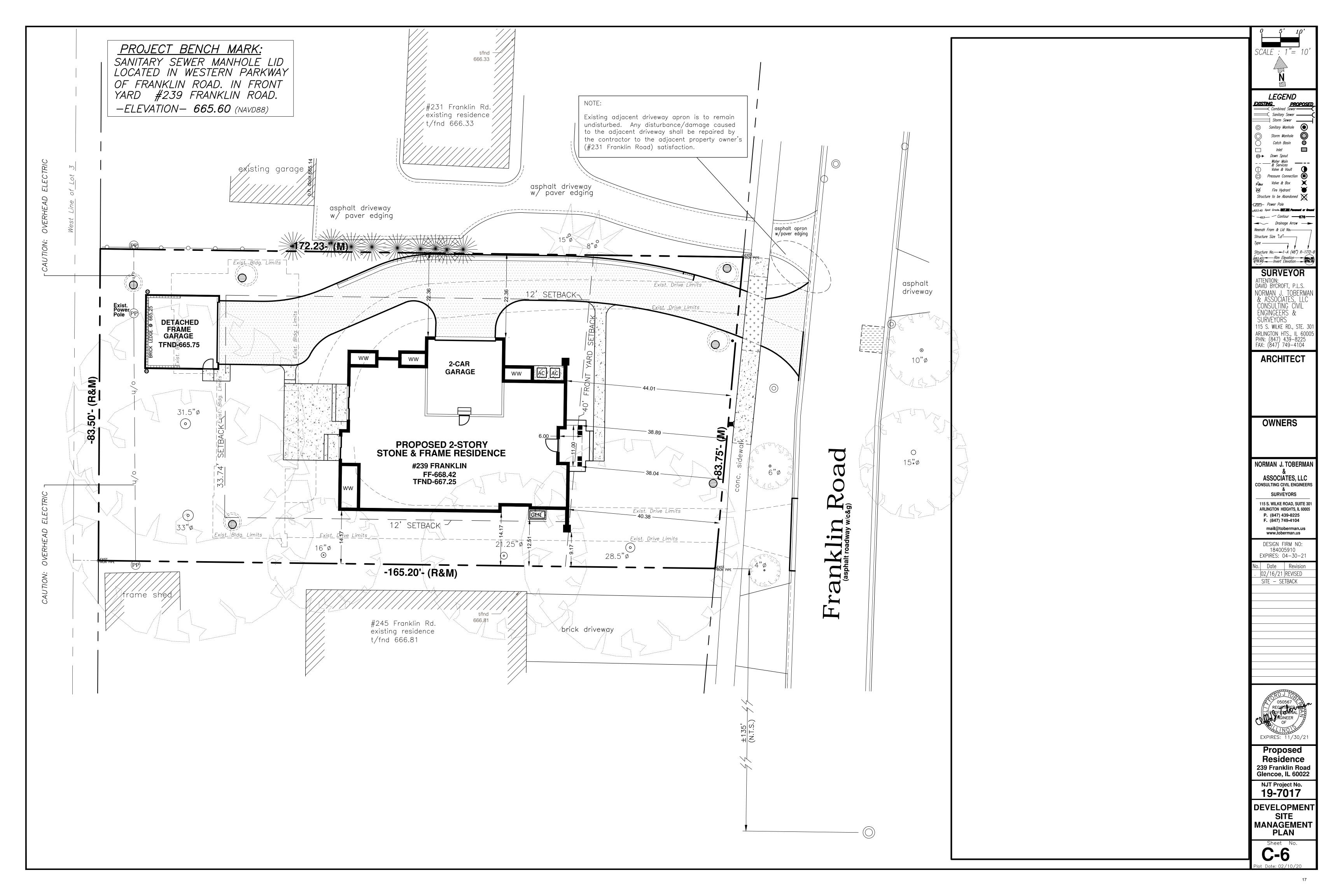
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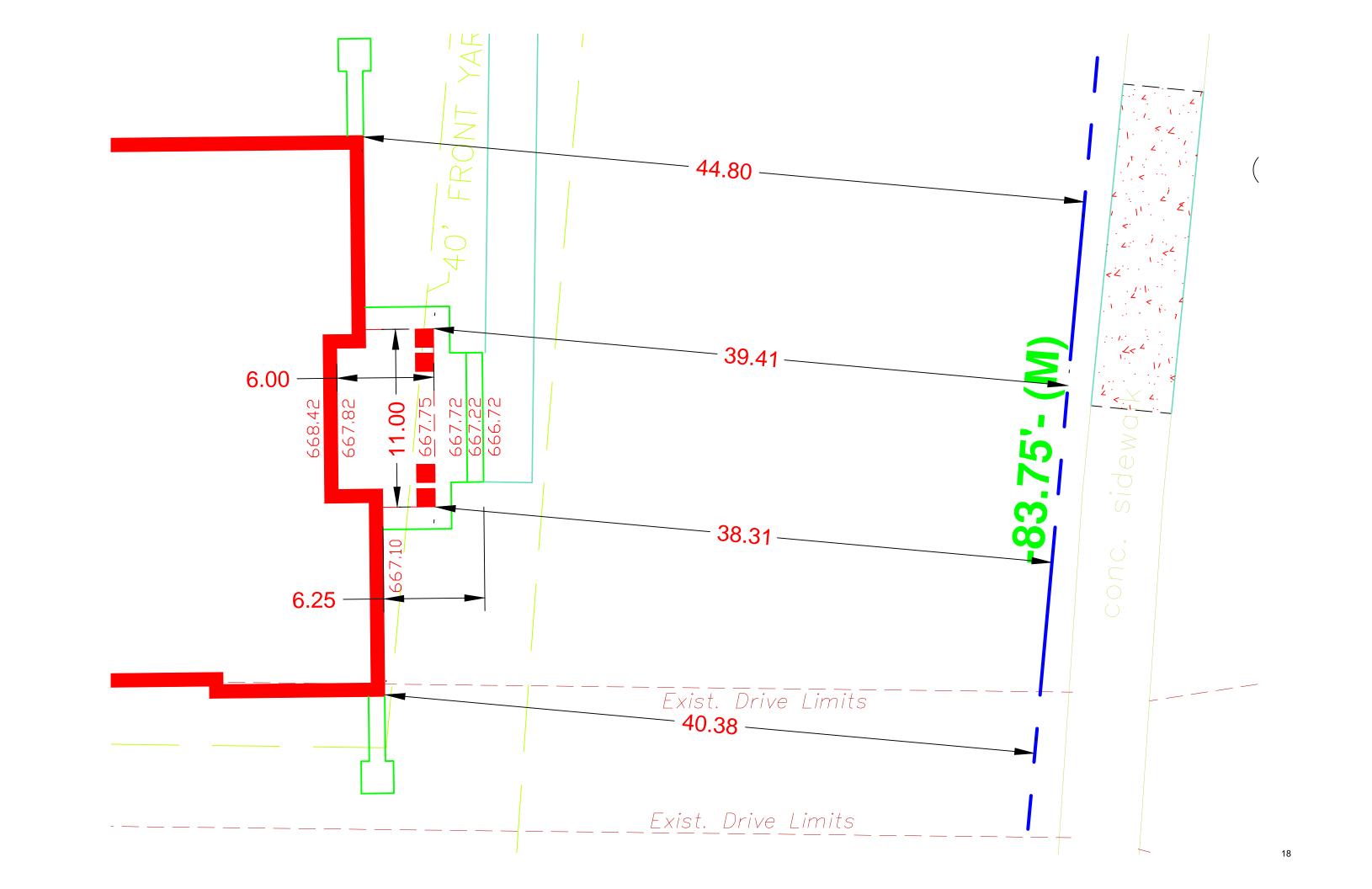
Section D: Acknowledgement and Signature

I hereby acknowledge that all information provided Vytautas Bickus	in this application is true and correc	t.
Applicant's signature Vytautas Bickus	Date	
Owner's signature (if different than applicant)		

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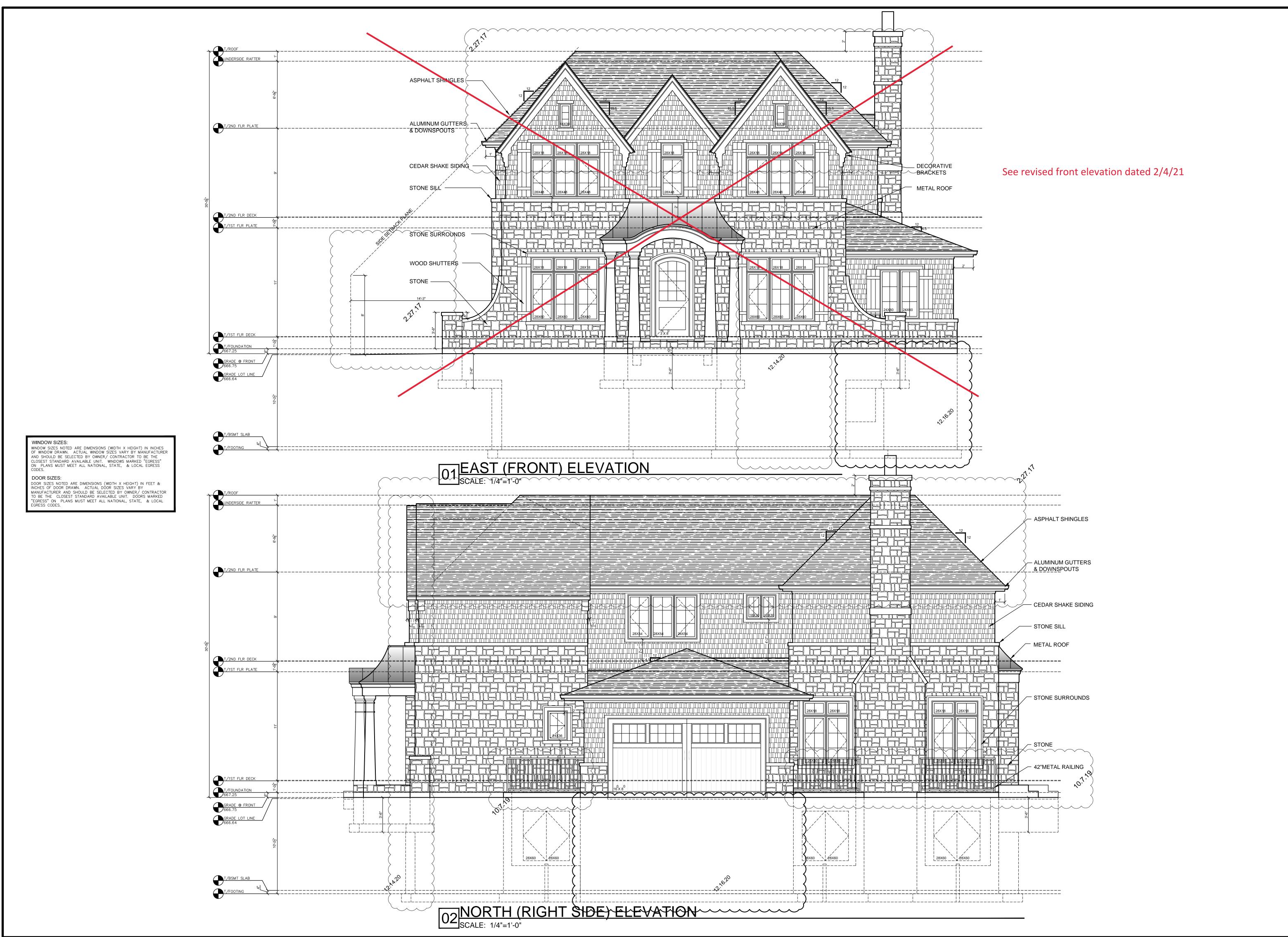






239 FRANKLIN ROAD, GLENCOE





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