

AGENDA VILLAGE OF GLENCOE ZONING BOARD OF APPEALS REGULAR MEETING

675 Village Court March 6, 2023 - 7:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Scott Novack, Chair Sara Elsasser Dena Fox Jake Holzman Alex Kaplan Michael Kuppersmith Debbie Ruderman

- 2. CONSIDER ADOPTION OF THE JANUARY 10, 2023 ZONING BOARD OF APPEALS MEETING MINUTES
- 3. PUBLIC HEARING AND CONSIDERATION OF A REQUEST FOR A VARIATION TO REDUCE THE REQUIRED COMBINED SIDE SETBACK FOR AN ADDITION TO A SINGLE-FAMILY RESIDENCE AT 789 GREENLEAF AVENUE.
- 4. PUBLIC HEARING AND CONSIDERATION OF A REQUEST FOR A VARIATION TO ALLOW AN AIR CONDITIONING UNIT WITHIN THE REQUIRED SIDE SETBACK AT AN EXISTING SINGLE-FAMILY RESIDENCE AT 466 ADAMS AVENUE.
- 5. PUBLIC COMMENTS ON NON-AGENDA ITEMS
- 6. 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

Council Chambers at Glencoe Village Hall 675 Village Court Monday, January 10, 2023 – 7:00 p.m.

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 January 10, 2023, 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 Kuppersmith	Member	Absent				
Jake Holzman	Member	Present				
Dena Fox	Member	Present				
	Village Staff					
Taylor Baxter	Development Services Manager	Present				
Richard McGowan	Planner	Present				

2. CONSIDERATION OF MINUTES OF THE DECEMBER 5, 2022, ZBA MEETING

RESULT: ACCEPTED

AYES: Novack, Elsasser, Kaplan, Ruderman, Fox

NAYS: None
ABSTAIN: Holzman
ABSENT: Kuppersmith

3. CONSIDERATION OF A VARIATION REQUEST AT 551 MONROE AVENUE

Richard McGowan gave a brief overview of the case, stating that the applicants are once again seeking a gross floor area variation for a sunroom addition to an existing single-family residence. Mr. McGowan explained that a gross floor area variation for a sunroom addition at 551 Monroe Avenue was previously approved by the ZBA in June 2021 and again on October 5, 2022. Because construction had not started within one year, re-approval was needed in October 2022. There were no changes to the proposal when it was approved in October 2022, but the applications have since modified their proposal, requiring approval of a new variation request. Mr. McGowan added that the applicants are still requesting a variation from the Zoning Code to increase the maximum allowable gross floor area to build a sunroom addition with a chimney onto an existing single-family residence at 551 Monroe Avenue, however, the footprint of the addition is larger than what was previously approved. While the previously approved addition is 300 square feet with a side setback of 12.83 feet, the proposed addition is now 382 square feet, with a side setback of 10 feet.

The requested variation is from the following standard in the Zoning Code:

1. Section 3-111(E) – To increase the maximum gross floor area from 4,428.58 sq. ft. to 5,062 sq. ft., a variation of 14.3%.

Mr. McGowan added that the applicants have stated that the addition will allow for more adequate living and working space as the homeowners are working from home due to the COVID-19 pandemic, and that it will be invisible from Monroe Avenue and not highly visible to neighbors due to landscaping and distance from nearby homes. The existing gross floor area appears to exceed the maximum allowable limit, but this is likely due to changes in the Village's Floor Area Ratio (F.A.R.) regulations since the last addition in 1997 by the former homeowners. No variances were necessary when this previous addition was approved. Regardless, the requested variance of 14.3% is within the maximum allowable limit of 15%.

Taylor Baxter then swore in the applicant and homeowner, John Collins of 551 Monroe Avenue. Mr. Collins said he is happy to answer any questions. Chairman Scott Novack asked Mr. Collins why this is now 85 square feet larger than what was previously approved and Mr. Collins stated that his Architect had misinterpreted the Floor Area Ratio (FAR) regulations and when he looked closer at the plans they realized that the FAR did not match what the ZBA had previously approved in October 2022. Chairman Novack asked if he intended on having a kitchen area and Mr. Collins stated that after they realized they may have additional square footage potentially available, they decided to get creative and expand the home further west and to create an area for a grill/outdoor kitchen area.

Chairman Novack asked Mr. Collins if he spoke with any neighbors recently and Mr. Collins stated that he did not but he gets along with all of his neighbors. Chairman Novack noted that FAR regulations are in place for a reason, but at the same time, there's a lack of opposition from neighbors. Board Member Sara Elsasser added that it's good that Mr. Collins is coming to the ZBA before construction and that there are no neighbors who are opposed. Board Member Debbie Ruderman noted that things happen and that it's a relatively small difference from what

was approved in October 2022, and it seems as though Mr. Collins came here with honest intentions and transparency. Chairman Novack noted that it was well thought out.

PUBLIC COMMENT

Chairman Novack thanked the applicant and asked the audience if there are any public comments. No additional comments or questions were made at this time. A motion was made and seconded to approve the requested variance as submitted.

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(E) 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 allowable gross floor area at 551 Monroe Avenue be granted in substantial conformity with 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

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

NAYS: None

ABSENT: Kuppersmith

4. CONSIDERATION OF A VARIATION REQUEST AT 348 W ELM CT

Mr. Baxter gave an overview of the case, stating that the applicants are seeking gross floor area and ground coverage variations for a shade structure at single-family residence currently under construction at 348 West Elm Court:

- 1. Section 3-111(D) To increase the allowable ground coverage from 3,443 square feet to 3,929 square feet, a variation of 14.1%.
- 2. Section 3-111(E) To increase the allowable gross floor area from 3,737 square feet to 3,728 square feet, a variation of 5.9%.

Mr. Baxter gave an overview of the case and plans and images of the proposed shade structure. Mr. Baxter noted that at its November 4, 2019, the ZBA unanimously approved a variation to allow a new home on the subject property to exceed the allowable ground coverage by 7.43% (256 square feet). The applicants stated that this request would allow for the construction of a one-story house that met the gross floor area requirement on the undersized property. Mr. Baxter continued, stating that at the November 16, 2020 ZBA meeting, the ZBA unanimously granted a one-year extension of this variation, as construction on the house had not yet begun.

Mr. Baxter further explained that the applicant has requested two variations from the Zoning Code to allow a 230-square-foot, at-grade patio to the rear of the house to be covered. The Zoning Code does not count uncovered, at-grade patios toward ground coverage or gross floor area totals. However, if patios are covered, they need to be included. Because the property has only 9.4 square feet of gross floor area available, based on the size of the approved house, covering the patio requires a variation. Likewise, covering the patio would increase the amount of ground coverage on the property over what was approved by the ZBA in 2019, requiring a new ground coverage variation.

Mr. Baxter added that the Village received two letters from nearby neighbors regarding the requested variation; one neighbor who is opposed and one who is in support:

Letter of Opposition

"My name is Gerald Angst. I live at 349 W. Elm Ct. Per my voicemail message, I am unable to attend the hearing on Jan 10, 2023, but I oppose the zoning variances being sought. The structure at 348 is already far too large and not in keeping with the once quiet cul-de-sac on which it sits. The construction, which is not consistent with what I was told at the time of the last requested variance, has gone on for almost 2 years, leaving the street frequently filled with mud and debris and often blocking ingress and egress to my property. This oversize structure already blocks light and air to adjacent houses and should not be permitted to exacerbate the problems it has already created. I affirm that the statements herein are true and correct based on my personal knowledge and authorize them to be read to the Zoning Board of Appeals."

Letter of Support

"Allan and I received the Village of Glencoe Zoning Board of Appeals Variation Public Hearing for 348 W. Elm Court. We have reviewed the requested two variations from the Zoning Code. Allan and I are in total support of you and Scott's proposal/request to add a cover to the backyard porch. We look forward to having you at your new home in the near future and our permanent neighbors! Should you have any questions, please feel free to contact me directly.

Warmest regards,

Honorable Allan W. Masters (Retired) & Linda W. Masters 341 West Elm Court"

Chairman Novack asked if the tent structure will be enclosed and Mr. Baxter stated that is is understanding. Mr. Baxter then swore in Cal Bernstein, the Attorney representing the homeowners Scott and Evie Rooth of 348 West Elm Court. Mr. Bernstein stated that this is a field change, and the home is anticipated to be complete in Spring 2023. Mr. Bernstein stated that the homeowners originally intended on having a large umbrella in this area, but since the area is surrounded by walls and will not add any additional bulk to the home, it would really help activate the outdoor space for the homeowners' use. Mr. Bernstein added that Gerald Angst of 349 West Elm Court would not be able to see the shade structure and it will have a relatively low profile. After staff presented aerial imagery, Chairman Novack added that it looks like the area to the south has significant vegetative cover, so it's possible that the immediate neighbors would not be able to see it either, especially since it is tucked in between two walls of the home.

PUBLIC COMMENT

Chairman Novack thanked the applicants and asked the audience if there are any public comments. Mr. Baxter then swore in Joyce Brennan, the homeowner of 340 West Elm Court, which directly abuts 348 West Elm Court to the east. Ms. Brennan stated that she lives in a 2,000-square-foot ranch, and all of the homes on her block were similar size until the Rooths demolished the old home at 348 West Elm Court in 2019. Ms. Brennan continued to elaborate

on the previously approved ground coverage variation and her frustrations with construction activity such as site conditions, street congestion, and the longevity of the project. Ms. Brennan added that the home is right up on the lot line and she's already losing light because the home is not the same size as the home that was there previously. Ms. Brennan concluded that seeking another variation is excessive and she is opposed. Staff clarified that the home could have been built taller than what it is currently at. Board Member Alex Kaplan stated that he completely understood Ms. Brennan's concerns and he appreciates her providing public comment, but the ZBA cannot do much about construction noise, and that the ZBA has to focus on the area they are seeking a variation for. Board Member Fox asked if the shade structure would have a flat or pitched roof and Mr. Baxter added that it will have a slight slope. Ms. Brennan then proceeded to reiterate Mr. Angst's opposition (at 349 West Elm Court) as previously noted. Board Member Kaplan then asked staff to point out the area of the shade structure on a shared aerial view. Chairman Novack added that it looks like an outdoor area with no exterior wall, and the stormwater impacts would be reviewed by the Village Engineer during the plan review process.

Chairman Novack thanked Ms. Brennan for providing public comment, and noted that it is not uncommon for neighbors to run out of patience when a new home is being built next door to them. Chairman Novack added that he too has run out of patience with construction at times, but the key factor here is that the only people that would be impacted by this are the applicants as it is nearly or entirely invisible from adjacent properties. Board Member Ruderman added that she is inclined to be in support of the requested variation, and that the letters and comments of opposition are more so related to the overall construction process, rather than the requested variation. Board Member Kaplan added that this is very unique to this property and this particular place on the property, so it is not setting any precedent as it's a nuance that the ZBA will probably never hear about again. Mr. Sanford Kowan if 1091 Old Elm Lane noted that the house is quite obtrusive and asked if there will be a fourth wall in the area that the applicants are seeking a variation for the shade structure, and Chairman Novack confirmed that there is no additional wall proposed. Mr. Kowan asked if they enclose the space with a wall would they need another variation and Chairman Novack stated that is correct.

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 approve the requested variance as submitted.

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(D) and 3-111(E) 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 allowable gross floor area and allowable ground coverage at 348 West Elm Court be granted in substantial conformity with 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

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

NAYS: None

ABSENT: Kuppersmith

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Novack asked the audience if there were any public comments on non-agenda items. No public comments on non-agenda items were made.

6. ADJOURN

The meeting adjourned at 8:06 p.m.

RESULT: ACCEPTED

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

NAYS: None

ABSENT: Kuppersmith



VILLAGE OF GLENCOE MEMORANDUM

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Zoning Board of Appeals Memorandum - 789 Greenleaf

DATE: February 24, 2023

TO: Zoning Board of Appeals

FROM: Taylor Baxter, AICP, Development Services Manager

Rich McGowan, Planner

SUBJECT: Consideration of variation to reduce the required combined side setback for an

addition to an existing single-family home

Background: The applicant has requested a reduction in the required combined setback to allow a porte cochere addition to an existing single-family residence. The applicant is also proposing an enclosed addition, which does not encroach into the required setback.

The required combined setback is 25% of average lot width. The existing home has a 7.3-foot south side setback, which does not meet the minimum 12-foot setback requirement. This smaller-than-typical side setback results in a larger-than-typical north side setback requirement of 19.8 feet. The applicant is proposing an open, roofed porte cochere on the north side of the house with a side setback of 16 feet.

Variation Request:

The requested variation is from the following standard in the Zoning Code:

1. Section 3-111(C) – To reduce the required combined side setback from 27.1 feet to 23.3 feet, a variation of 14%.

The ZBA may grant variations to reduce setbacks by no more than 20%.

	Existing	Required	Proposed	Variation %
Combined Side Setback	37.54 ft	27.1 ft	23.3 ft	14%

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 applicants have stated that the variation would allow them to update their home to a more usable standard by adding a porte cochere and mudroom, as the existing garage is in the rear of the lot, over 60 feet from the house.

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 location of the house within the south side setback creates a physical condition in which a larger-than-typical north side setback is required to meet combined side setback requirements.

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 aforesaid unique physical condition is not the result of any action of the owner.

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 proposed variation would not merely be to make more money from the subject property and is not merely due to economic hardship.

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 addition would not result in a development significantly out of harmony with the purpose of the code. The north side setback would exceed the minimum one-side setback of 12 feet, and the fact that the porte cochere would be open on three sides would help mitigate negative impacts of the structure extending into the required combined setback.

- 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



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Zoning Board of Appeals (ZBA) Application

Section A: Application Information

Request for variation(s) from the zoning code	
Request for variation(s) from the zonning code	
Appeal of an order, determination, or decision n	
Subject property address: 789 Greenleaf Ave, Glenc	oe IL 60022
Applicant name: Michael Shively	Applicant phone: 773-578-9496
Applicant email: mike@designenmasse.com	
Owner name (if different from applicant): Brett Saltzm	an
0.47 507 0004	Owner email: brett.saltzman@gmail.com
Brief description of project:	
Renovation of an existing single family home in include a proposed small mudroom addition and	a R-A zoning district at 789 Greenleaf Ave to diporte cochere on the north side of the property.
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.

1. Why are the requested variations necessary? What hardship or practical difficulty would result if they are not approved? Include a description of any exceptional physical characteristics of the property (for example, unusual size, shape, topography, existing uses or structures, etc.), if applicable.

The existing property currently does not abide by Glencoe's side yard minimum setback standards of 12'-0". The corner of the chimney of the subject property is 7.3 feet from the existing property line to the south. The combined total setback necessary on the property is 27.1 feet leaving us with a larger than average north side setback of 19.8 feet. We are seeking the 20% reduction variance for our northern side yard setback to be 16 feet. This reduction will provide us with enough space for a comfortable porte cochere and mudroom. The home was built in an era where coach houses were more common and the home's garage is currently a grandfathered structure towards the rear of the property. The new addition will provide convenience and better access to our clients family for daily transit.



FORMS & APPLICATIONS

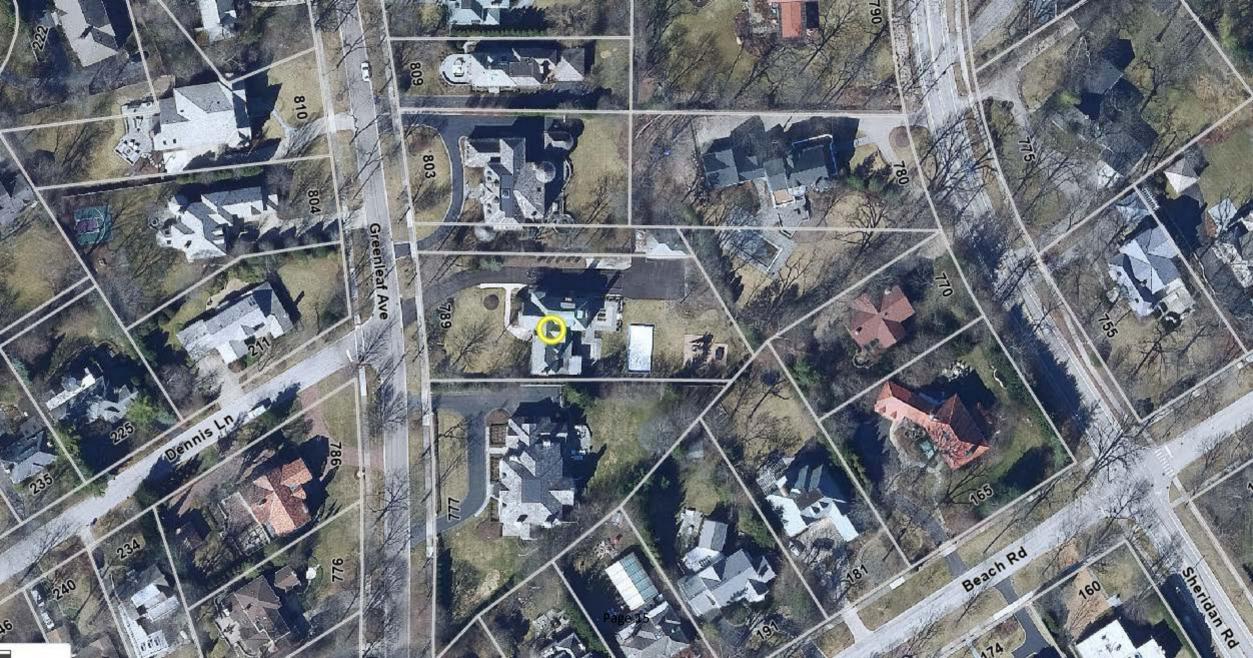
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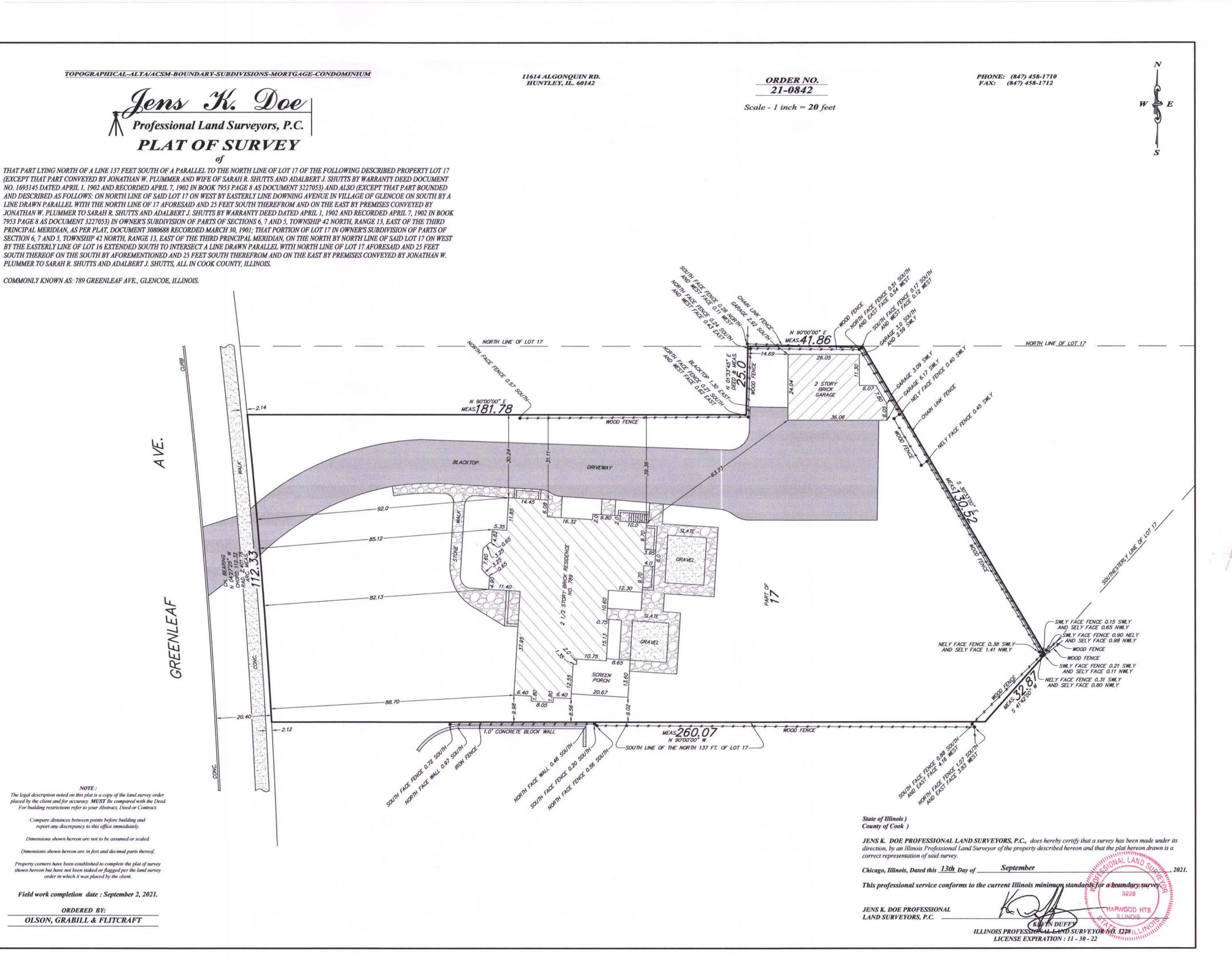
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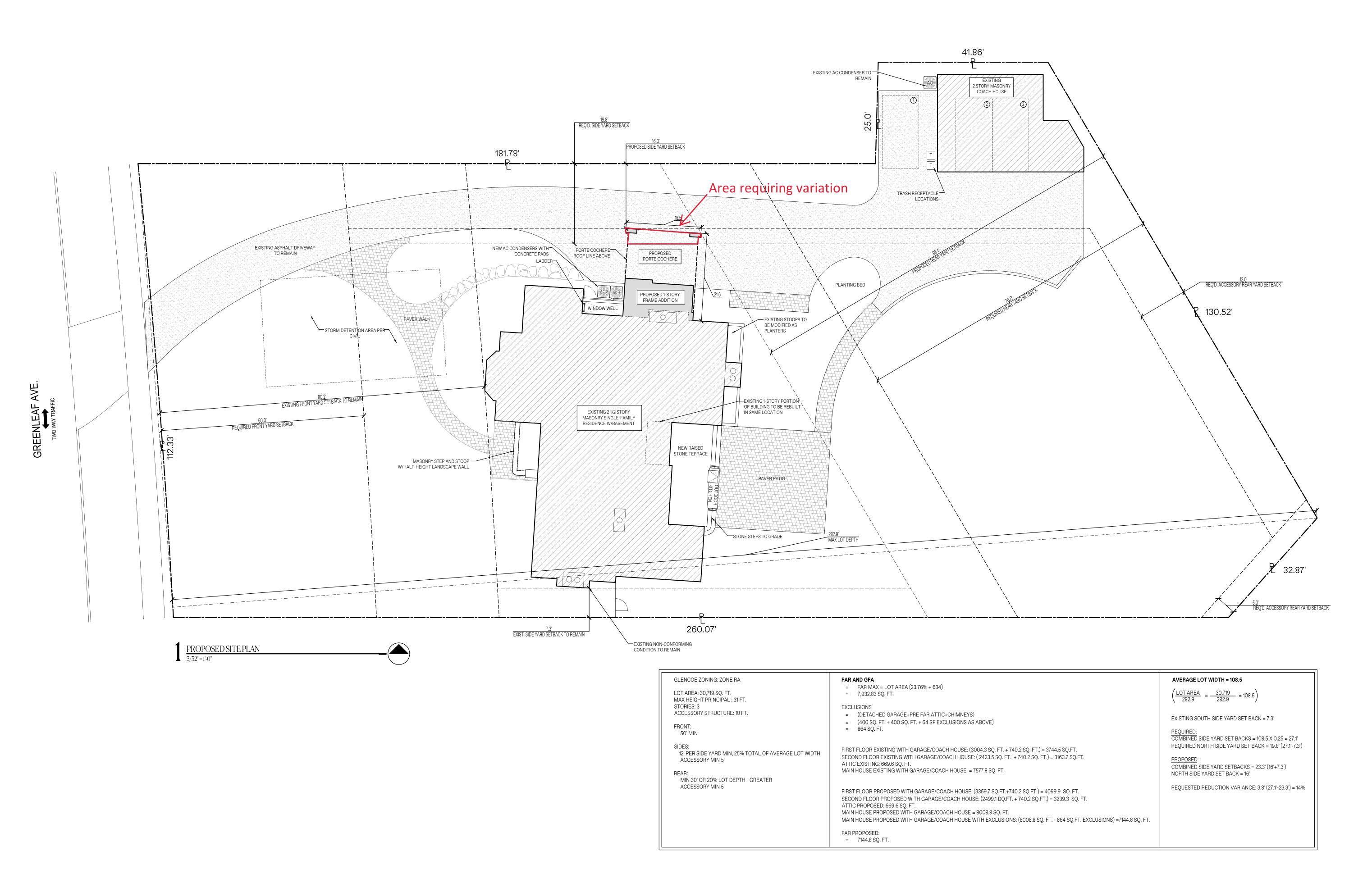
2. Describe how the proposed variations would result in a development that is not detrimental to adjacent or nearby properties or the public good.
The proposed variation would follow standard side yard setback practices if the property were to be rebuilt. The historical charm of the home is what our client appreciates and the addition is designed to keep within character of the property. The new porte cochere addition is positioned towards the rear of the home to have minimal impact neighboring property's visibility. The new addition is also kept to one story in height to keep a lower profile.
3. Describe any efforts the applicant has made to solicit feedback on the proposed variations from neighboring or nearb property owners or residents. What was the result of these efforts?
The applicant has let the neighbor to the south know about their renovation plans and plans to let the neighbor to the north know prior to the hearing. We will also mail a letter with our proposal to the neighbor explaining what variance we are seeking.

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.







MASSE architecture and design

773 272 0022 designenmasse.com 2319 n california ave chicago il 60647

I hereby certify that these drawings were prepared in my office, under my direct supervision, and to the best of my knowledge conform with the codes and ordinances of Glencoe, Illinois

Illinois Licensed Architect License #001.020210 Expires 11.30.24



PROJECT NUMBER 2129

Saltzman Residence

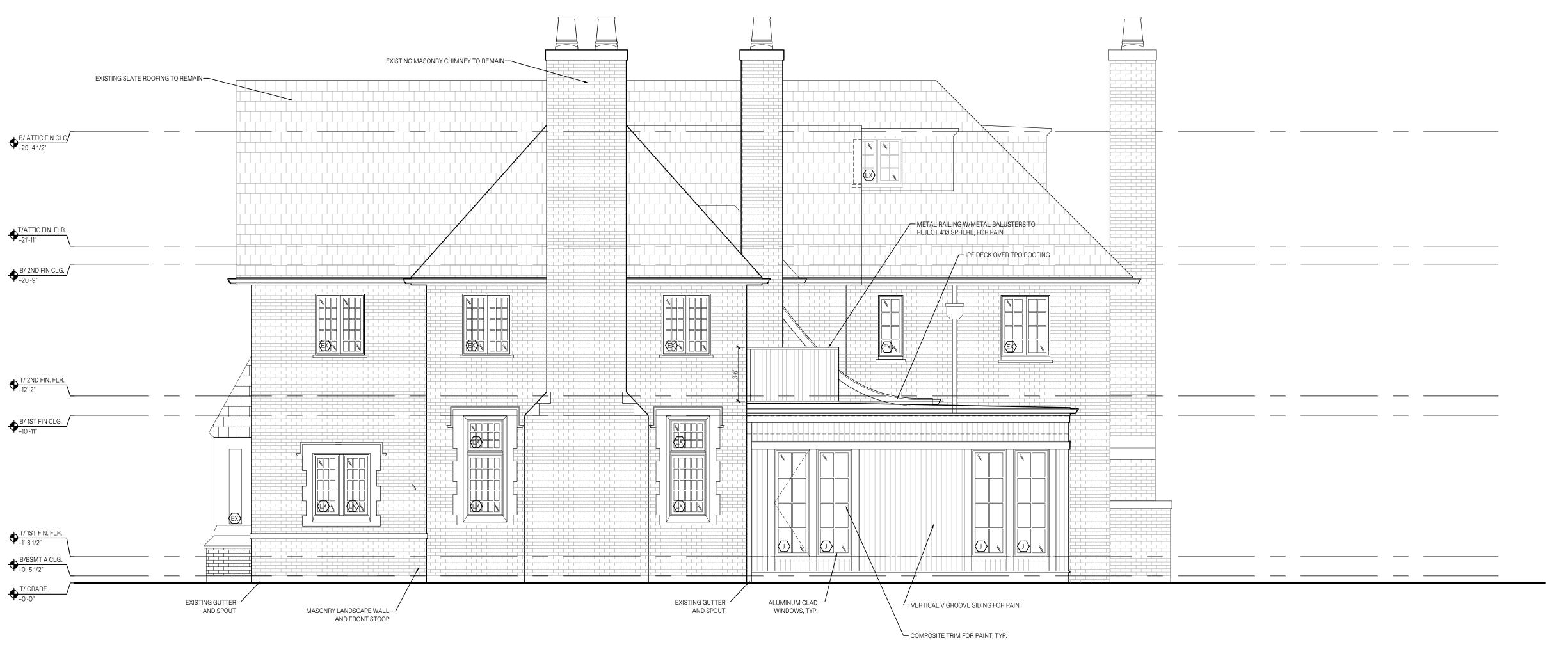
789 Greenleaf Ave. Glencoe, IL 60022

A1.1 Proposed Site Plan

Revisions

1. Permit Set
2. Permit Corrections
3.
4.
5.
6.
7.
8.
9.
10.
Plot Date:

02.02.2023





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I hereby certify that these drawings were prepared in my office, under my direct supervision, and to the best of my knowledge conform with the codes and ordinances of Glencoe, Illinois





PROJECT NUMBER 2129

Saltzman Residence

789 Greenleaf Ave. Glencoe, IL 60022

A4.0 Exterior Elevations

Revisions

1. Permit Set
2. Permit Set
02.02.2023
3.
4.
5.
6.
7.
8.
9.
10.
Plot Date:
02.02.2023

T/BSMT SLAB -6'-73/4"

 $2^{\frac{\text{WESTELEVATION}}{1/4"=1'-0"}}$





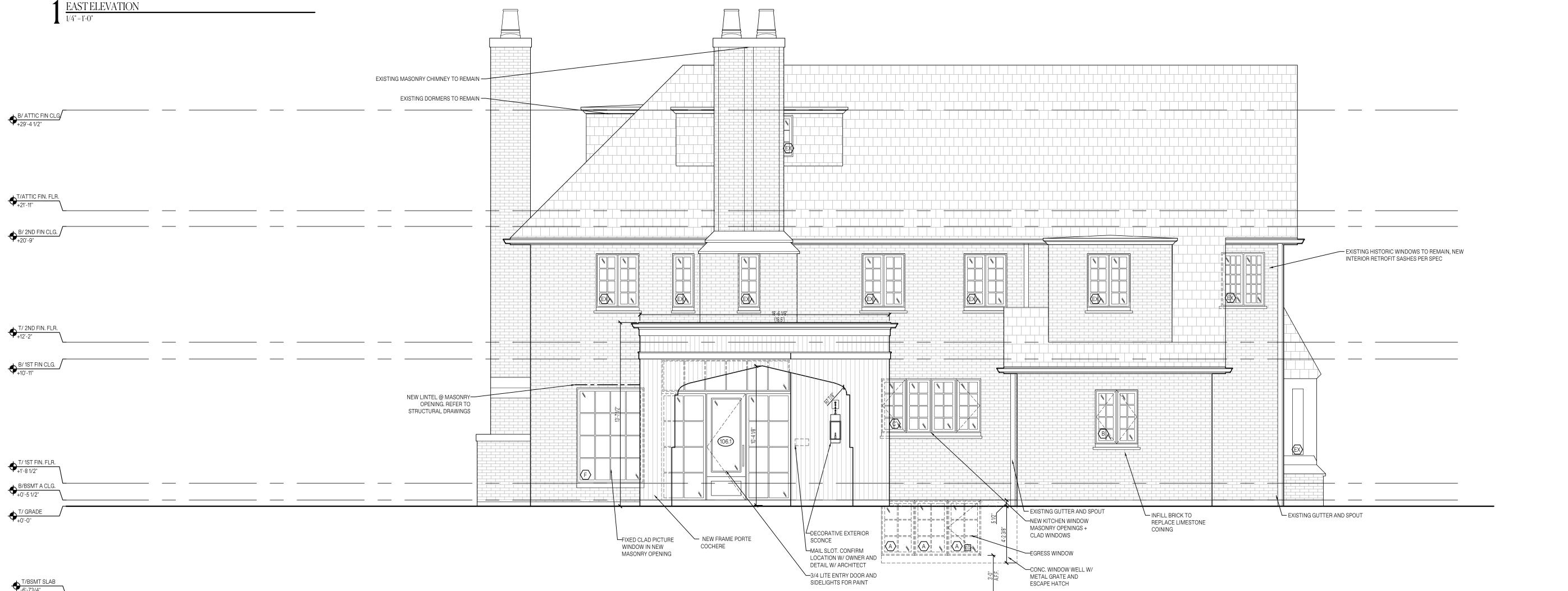
Illinois Licensed Architect License #001.020210

Expires 11.30.24

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PROJECT NUMBER 2129

Saltzman Residence

789 Greenleaf Ave. Glencoe, IL 60022

A4.1 Exterior Elevations

Revisions

1. Permit Set
12.20.2022
12. Permit Set
02.02.2023
3.
4.
5.
6.
7.
8.
9.
10.
Plot Date:
02.02.2023



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Zoning Board of Appeals Memorandum - 466 Adams Ave.

DATE: February 20, 2023

TO: Zoning Board of Appeals

FROM: Rich McGowan, Planner

SUBJECT: Consideration of variation to reduce required side yard setback for two air

conditioning units at an existing single-family residence in the RB zoning district

Background: The applicant currently has two air conditioning units in their rear yard and would like to replace them and relocate them to their side yard.

The requested variation is from the following standard in the Zoning Code:

 Section 3-111(C) – To reduce the required side yard setback from 10 feet to 8.05 feet, a variation of 19.5%.

The ZBA may grant variations to reduce the side yard setback by up to 20%. Below is a summary of the request:

	Existing	Allowed	Proposed	
Side Yard	10.05' (from home)	10'	8.05'	
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 applicants have stated they currently have three children ages 4, 2, and 2 months old, and there have been multiple occasions where their son got too close to the air conditioning unit which can be hazardous for small children. Additionally, the applicants have stated that if they were to replace the existing units in their current location, they would need to rip out their lilac bushes next to the deck

since there is no other room. Lastly, the applicant stated that they have limited yard space with little flexibility for air conditioning units, and the current units are at risk of being damaged from a nearby Oak tree dropping a large amount of acorns into the unit. The units as proposed would be in an area that is adjacent to the driveway of the neighboring property to the east at 462 Adams Avenue. The house at 462 Adams is approximately 30 feet from the property line shared with the subject property at 466 Adams.

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 subject property is nonconforming in terms of lot size and lot width for the RB District, as it is approximately 9,125 square feet in area and 50 feet wide. The RB District requires a minimum 80 feet for lot width and 13,000 square feet for lot area.

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 lot size and width of the lot are not self-created.

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. However, the right to reduce the required side yard setback is not a right available to other property owners without the approval of a variance.

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 addition would likely not result in a development significantly out of harmony with the purpose of the code as there are many homes in the Village with air conditioning units in side yards. However, the Board should consider the potential noise impacts of locating AC units within required setbacks.

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 variation would have minimal impact on the essential character of the area as it is not unprecedented for air conditioning units to be placed in side yards. However, it does have potential to impact the adjacent property at 462 Adams Avenue, closest to the air conditioning units. It is worth noting that the location of the proposed air conditioning units would be abutting another side yard and driveway of 462 Adams Avenue; approximately 38 feet away from the nearest primary structure.

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 <u>accepted or denied</u>.

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 side yard setback at 466 Adams Avenue per the plans and unit specifications included with this application.



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.

1. Why are the requested variations necessary? What hardship or practical difficulty would result if they are not

ape, topography, existing u	ses or structures, etc.), if ap	pplicable.	operty (for example, unusual size



FORMS & APPLICATIONS

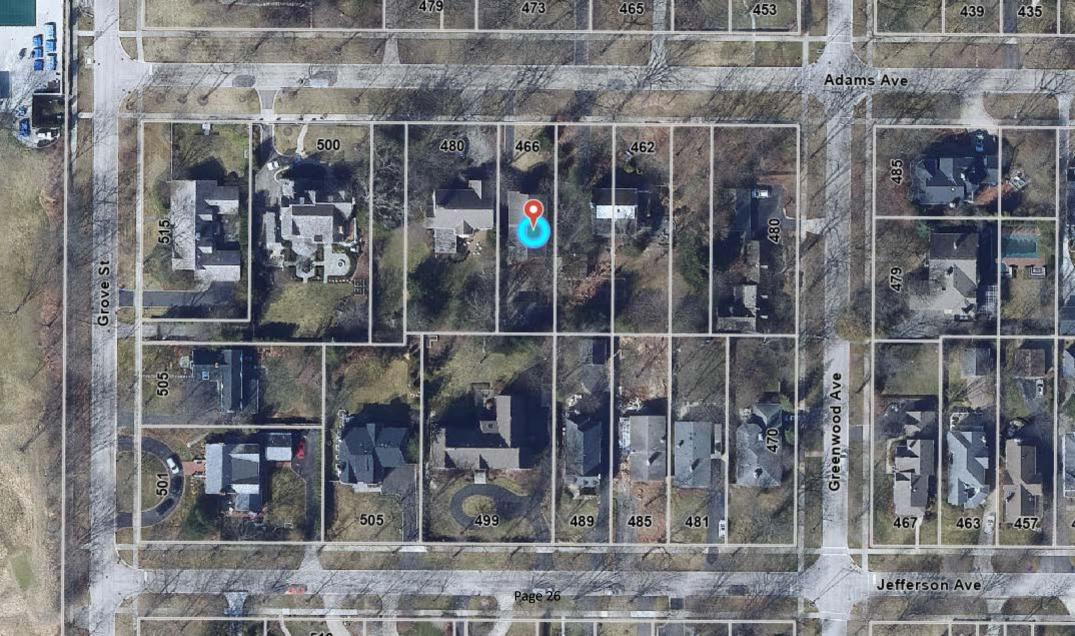
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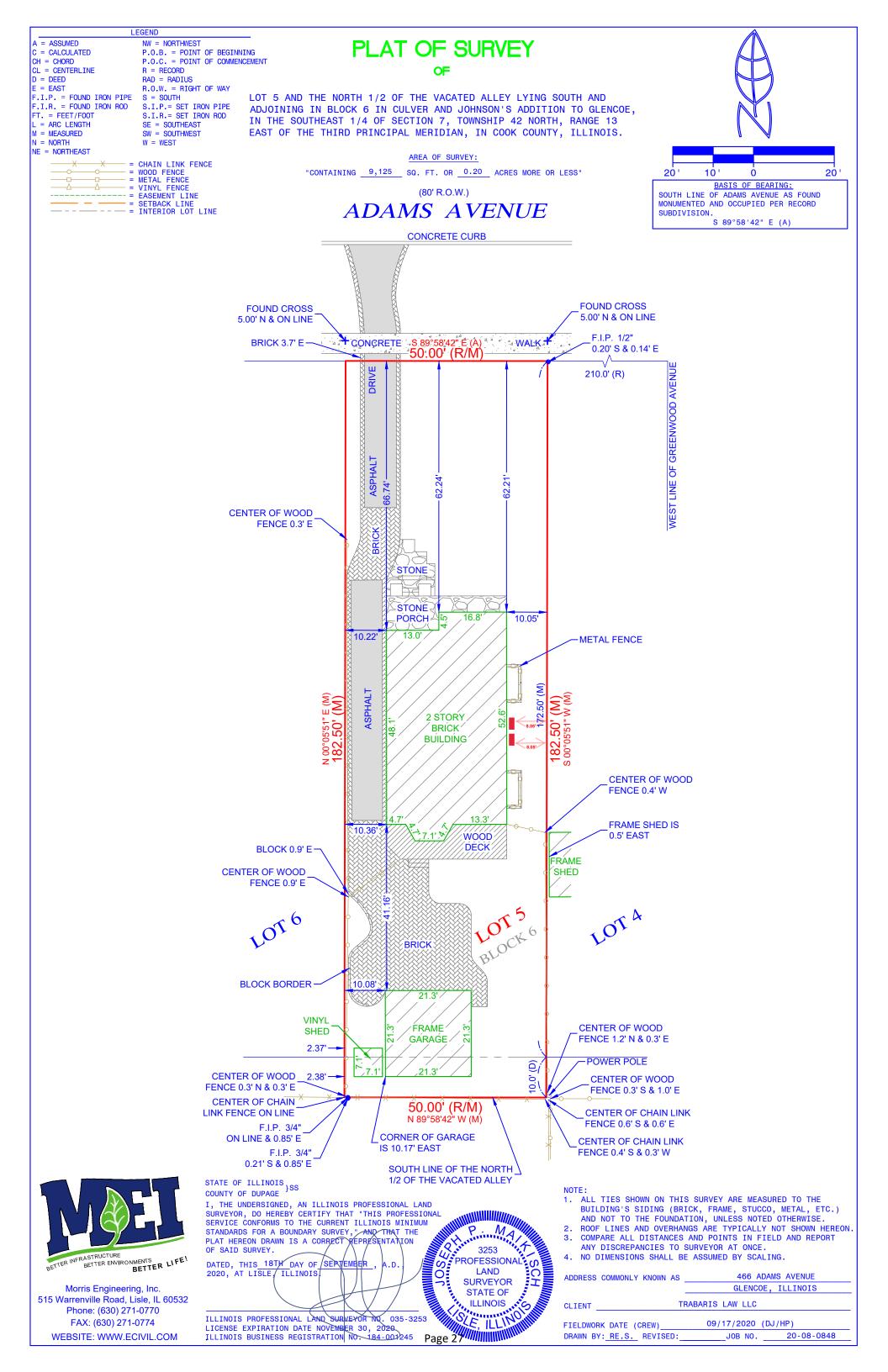
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Section C: Petition for Appeal

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.







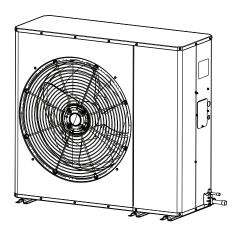
Submittal

Side Discharge AC Models

For coastal applications where units are installed within one (1) mile of salt water, epoxy coated models are recommended. These models have an 8 week lead time after order.

4TTL6036A1000A

Epoxy Coated Model 4TTL6036A1COTA



Note: "Graphics in this document are for representation only. Actual model may differ in appearance."





SAFETY SECTION

Important — This document contains service information. This is customer property and is to remain with this unit. Please return to service information pack upon completion of work.

A WARNING

HAZARDOUS VOLTAGE!

Failure to follow this Warning could result in property damage, severe personal injury, or death.

Disconnect all electric power, including remote disconnects before servicing. Follow proper lockout/tagout procedures to ensure the power cannot be inadvertently energized.

A WARNING

REFRIGERANT OIL!

Failure to follow this Warning could result in property damage, severe personal injury, or death.

These units use R-410A refrigerant which operates at 50-70% higher pressures than R-22. Use only R-410A approved service equipment. Refrigerant cylinders are painted a "Rose" color to indicate the type of refrigerant and may contain a "dip" tube to allow for charging of liquid refrigerant into the system. All R-410A systems use a POE oil that readily absorbs moisture from the atmosphere. To limit this "hydroscopic" action, the system should remain sealed whenever possible. If a system has been open to the atmosphere for more than 4 hours, the compressor oil must be replaced. Never break a vacuum with air and always change the driers when opening the system for component replacement. For specific handling concerns with R-410A and POE oil, reference Retrofit Bulletin TRN-APG02-EN.

A CAUTION

HOT SURFACE!

May cause minor to severe burning. Failure to follow this Caution could result in property damage or personal injury.

Do not touch top of compressor.

A CAUTION

CONTAINS REFRIGERANT!

Failure to follow proper procedures can result in personal illness or injury or severe equipment damage.

System contains oil and refrigerant under high pressure. Recover refrigerant to relieve pressure before opening system.

A CAUTION

GROUNDING REQUIRED!

Failure to inspect or use proper service tools may result in equipment damage or personal injury. Reconnect all grounding devices. All parts of this product that are capable of conducting electrical current are grounded. If grounding wires, screws, straps, clips, nuts, or washers used to complete a path to ground are removed for service, they must be returned to their original position and properly fastened.

A WARNING

SERVICE VALVES!

Failure to follow this warning will result in abrupt release of system charge and may result in personal injury and/or property damage.

Extreme caution should be exercised when opening the Suction and Liquid Line Service Valve. Turn valve stem counterclockwise only until the stem contacts the rolled edge. No torque is required.

A WARNING

BRAZING REQUIRED — IF USING MECHANICAL CONNECTIONS, ENSURE LEAK TEST IS NEGATIVE!

Failure to inspect lines or use proper service tools may result in equipment damage or personal injury.

if using existing refrigerant lines make certain that all joints are brazed, not soldered.

A WARNING

Warning!

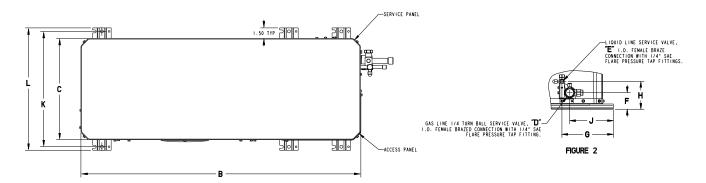
This product can expose you to chemicals including lead which are known to the State of California to cause cancer and birth defects or other reproductive harm.

For more information go to www.P65Warnings.ca.

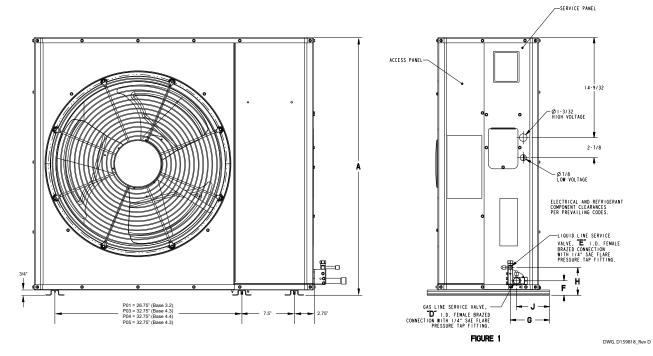
Important: If using other than copper pipe, follow manufacturer's installation instructions.
Joints must be brazed or other UL/IMC/
URMC approved joint that meets pressure requirements.



Outline Drawing



A SHOULD BE AT LEAST 152.4 (6 INCHES) FROM WALL AND 609.6 (2 FEET) FROM SURROUNDING SHRUBBERY ON ALL SIDES.



Model	Base	Α	В	С	D	Е	F	G	Н	J
4TTL6036A	4.3	934 (36-3/4)	1194 (47)	445 (17-1/2)	22 (7/8)	10 (3/8)	53 (2-1/16)	187 (7-11/32)	101 (3-31/32)	159 (6-1/4)

SOUND POWER LEVEL									
Model	Model A-Weighted Sound Full Octave Sound Power [dB]								
	Power Level [dB(A)]	63 Hz*	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
4TTL6036A	72 56 76 76 70 66 62 55 48					48			
Note: Rated in a	ccordance with AHRI S	tandard 27	70-2008 *Fo	r reference o	nly				

MODEL	Sound Pressure [dB(A)]					
	3 ft	5 ft	10 ft	15 ft		
4TTL6036A1	65	60	54	51		

Note: Rated in accordance with AHRI Standard 275



Product Specifications

OUTDOOR UNIT (a) (b)	4TTL6036A1XXXA
HIGH SPEED COOLING CAPACITY@ 80/67-95 (Btuh)	35000
POWER CONNS. — V/PH/HZ (c)	208/230/1/60
MIN. BRCH. CIR. AMPACITY	19
BR. CIR. PROT. RTG. — MAX. (AMPS)	30
COMPRESSOR	CLIMATUFF®- SCROLL
NO. USED — NO. STAGES	1 - 1
VOLTS/PH/HZ	208/230/1/60
R.L. AMPS (d) — L.R. AMPS	14.7 — 75
FACTORY INSTALLED	
START COMPONENTS (e)	NO (Uses BAYKSKT263)
INSULATION/SOUND BLANKET	NO
COMPRESSOR HEAT	NO
OUTDOOR FAN	PROPELLER
DIA. (IN.) — NO. USED	27 — 1
TYPE DRIVE — NO. SPEEDS	DIRECT — 1
CFM @ 0.0 IN. W.G. (f)	3150
NO. MOTORS — HP	1 — 1/8
MOTOR SPEED R.P.M.	850
VOLTS/PH/HZ	200/230/1/60
F.L. AMPS	0.67
OUTDOOR COIL — TYPE	PLATE FIN
ROWS — F.P.I.	2 — 16
FACE AREA (SQ. FT.)	12.88
TUBE SIZE (IN.)	5/16
REFRIGERANT	
LBS. — R-410A (O.D. UNIT) (9)	6 LBS., 3 OZ
FACTORY SUPPLIED	YES
LINE SIZE — IN. O.D. GAS (h)	3/4
LINE SIZE — IN. O.D. LIQ.	3/8
CHARGING SPECIFICATIONS	
SUBCOOLING	10°F
DIMENSIONS	HXWXD
CRATED (IN.)	40.88 x 54.5 x 23.0
WEIGHT	
SHIPPING (LBS.)	242
NET (LBS.)	215

- (a) Certified in accordance with the Air-Source Unitary Air-conditioner Equipment certification program, which is based on AHRI standard 210/240.
- (b) Rated in accordance with AHRI standard 270.
- (c) Calculated in accordance with Natl. Elec. Codes. Use only HACR circuit breakers or fuses.
- (d) This value shown for compressor RLA on the unit nameplate and on this specification sheet is used to compute minimum branch circuit ampacity and max. fuse size. The value shown is the branch circuit selection current.
- (e) No means no start components. Yes means quick start kit components.
- $\stackrel{\cdot}{\text{(f)}} \ \ \text{Standard Air} \text{Dry Coil} \text{Outdoor}$
- $\ensuremath{^{(g)}}$ This value approximate. For more precise value see unit nameplate.
- (h) Max. linear length 150 ft.; Max. lift Suction 50 ft.; Max. lift Liquid 50 ft. For greater length consult refrigerant piping software Pub. No. 32–3312–0* (* denotes latest revision).



Mechanical Specification Options

General

The outdoor condensing units are factory charged with the system charge required for the outdoor condensing unit, ten (10) feet of tested connecting line, and the smallest rated indoor evaporative coil match. This unit is designed to operate at outdoor ambient temperatures as high as 115°F. Cooling capacities are matched with a wide selection of air handlers and furnace coils that are AHRI certified. The unit is certified to UL 1995. Exterior is designed for outdoor application.

Casing

Unit casing is constructed of heavy gauge, galvanized steel and painted with a weather-resistant powder paint finish. The corner panels are prepainted. All panels are subjected to our 1,000 hour salt spray test.

Refrigerant Controls

Refrigeration system controls include condenser fan, compressor contactor and low and high pressure switches. A factory supplied, field installed liquid line drier is standard.

Compressor

The compressor features internal over temperature and pressure protection. Other features include: Centrifugal oil pump and low vibration and noise.

Condenser Coil

The outdoor coil provides low airflow resistance and efficient heat transfer. The coil is protected on all four sides by louvered panels.

Low Ambient Cooling

As manufactured, this system has a cooling capacity to 55°F. The addition of an evaporator defrost control permits operation to 40°F. The addition of an evaporator defrost control with TXV permits low ambient cooling to 30°F.

The addition of the BAYLOAM107A low ambient kit permits ambient cooling to 20°F.

Thermostats—Cooling only and heat/cooling (manual and automatic change over). Sub-base to match thermostat and locking thermostat cover.



Trane - by Trane Technologies (NYSE: TT), a global innovator - creates comfortable, energy efficient indoor environments for commercial and residential applications. For more information, please visit trane. com or tranetechnologies.com.





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Trane has a policy of continuous data improvement and it reserves the right to change design and specifications without notice. We are committed to using environmentally conscious print practices.