

VILLAGE OF GLENCOE  
ZONING BOARD OF APPEALS

MONDAY, SEPTEMBER 12, 2011

7:30 P.M.

Regular Meeting

Village Hall Council Chamber

675 Village Court

The Village of Glencoe is subject to the requirements of the Americans With Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and 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) 835-4111, or please contact the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.

A G E N D A

1. CALL TO ORDER AND ROLL CALL

Barbara Miller, Chair  
James Clark  
David Friedman  
Ed Goodale  
Jim Nyeste  
Howard Roin  
Steve Ross

2. CONSIDERATION OF THE MINUTES OF THE MEETING OF THE MARCH 7, 2011 ZONING BOARD OF APPEALS.

A copy of the March 7, 2011 meeting minutes is attached on yellow paper.

3. PUBLIC COMMENT TIME

4. PUBLIC HEARING TO CONSIDER A REQUEST OF MR. AND MRS. JEFFREY WILLIAN, 455 WASHINGTON, TO ALLOW THE EXISTING DETACHED GARAGE TO BE REBUILT WITH A HIGHER ROOF DESIGN REQUIRING SIDEYARD AND SETBACK PLANE VARIATIONS.

The Agenda Supplement for this request is attached on goldenrod paper.

5. ADJOURNMENT

VILLAGE OF GLENCOE  
ZONING BOARD OF APPEALS

REGULAR MEETING  
March 7, 2011

1. CALL TO ORDER

A meeting of the Zoning Board of Appeals of the Village of Glencoe was called to order at 7:35 P.M. Monday, March 7, 2011 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Barbara Miller, Chair

Members: James Clark, David Friedman, Ed Goodale, Jim Nyeste,  
Howard Roin and Steve Ross

The following were absent:

None.

The following Village staff was also present:

John Houde, Building and Zoning Administrator

3. APPROVAL OF JANUARY 3, 2011 MINUTES.

The minutes of the January 3, 2011 meeting were approved by unanimous voice vote.

4. APPROVE CARROLL APPEAL AT 670 SHERIDAN.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Brendan Carroll of a decision by the Building and Zoning Administrator in denying a permit to construct a garage extension and room addition at his home at 670 Sheridan in the "R-A" Residence District. The proposed south addition requires a variation be granted reducing the required total sideyard by 19.2% from 21.9 feet to 17.7 feet resulting in a south sideyard setback of 10.7 feet instead of 14.9 feet. A variation is also being requested to increase the allowed floor area ratio (F.A.R.) by 8.3% from 4111.1 square feet to 4452.1 square feet. The sideyard variation is authorized by Section 7-403-E-1-(a) of the Zoning Code and the F.A.R. variation is authorized by Section 7-403-E-1-(i).

The Chair reported that notice of the public hearing was published in the February 17, 2011 GLENCOE NEWS and 10 neighbors were notified of the public hearing by mail and that no letters were received. The Chair then swore in those in attendance who were expecting to testify.

#### SUMMARY OF TESTIMONY

The Chair then asked Brendan Carroll and his architects Howard Hirsch and Nick Norman to proceed. They noted:

- 1) The side property line steps inward 20 feet midway through the property significantly narrowing the properties width at this point. Because of this jog in the side property line, they are unable to extend the existing building footprint without violating the setback requirement. Also, because of this jog, the site area is less than a standard lot with the same frontage requiring the F.A.R. variation. The shape of the site itself presents a hardship not typical of a rectilinear site.
- 2) The area that they are proposing for the addition is not visible from the street or neighboring properties which share the property line which will not cause a hardship to their neighbors.
- 3) Due to the larger size of vehicles these days, the current garage does not fit the resident's current vehicle. The extension of the garage and the added F.A.R. is needed to properly and comfortably fit the resident's vehicle.

The Chair made part of the record, as additional testimony the Agenda Supplement which the Secretary was directed to preserve as part of the record in this matter.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for a variance in the total sideyard and floor area ratio 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-(a) and 7-403-E-1-(i) 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 for a 19.2% reduction on the required total yard from 21.9 feet to 17.7 feet resulting in a south sideyard setback of 10.7 feet and for a 8.3% floor area ratio variation from 4111.1 square feet to 4452.1 square feet for the property at 670 Sheridan Road 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 Building and Zoning Administrator 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.

Adopted by the unanimous vote of all the Zoning Board members present:

AYES: Clark, Friedman, Goodale, Nyeste, Roin, Ross, and Miller (7)

NAYS: None (0)

ABSENT: None (0)

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 8:05 p.m.

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Secretary  
John Houde



## Village of Glencoe

### Zoning Board of Appeals Memorandum

**TO:** Zoning Board of Appeals

**MEETING DATE:** August 1, 2011

**SUBJECT:** Consideration of 455 Washington Variation Request

**FROM:** John Houde, Building & Zoning Administrator

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**Background:** Mr. and Mrs. Jeffrey Willian have requested permission to reconstruct a detached garage at the northeast corner of their home at 455 Washington in the “R-B” Residence District. The existing garage would be rebuilt at the same location but would have a higher roof design requiring a setback plane variation.

The proposed garage restoration requires a reduction in the required building line setback from 10 feet to the existing 2.0 feet. This variation is authorized by Section 7-403-E-1-(f) of the Zoning Code. The garage also requires a setback plane variation from the allowed 10 foot height two feet from the east lot line to 11.2 feet high where the top of the roof meets the east exterior wall of the garage. This variation is authorized by Section 7-403-E-1-(h).

**Analysis:** Granting the variation would result in certain advantages and the owners note the following in favor of their request:

#### FOR THE SIDEYARD SETBACK VARIATION:

- 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 F. Implementing the current side yard setback at a minimum of 10 feet would create the following conditions of impracticality and hardship.
  - a. Force the resulting garage space available in its current location to be less than a two care garage, which, for this neighborhood and for practical standards would be a detriment to home and property.

- b. Force the detached garage to be significantly farther back in the property and create more paved surfaces and less green space. Farther from the existing home would prove more impractical than current location.
    - c. Relocating the garage to the opposite west side of the property would be impractical as for distance to existing mud room spaces, kitchen, side entry, etc., as this end of the home is a library, living room, etc.
- 2) Unique Physical Condition: The unique physical lot conditions are as follows:
  - a. The lot is quite wide across the front, however the remaining space that exists from the east façade of the dining room and kitchen leave only 17.5 feet at the dining room and 21 feet at the kitchen wall remaining side yard space. If they deduct the minimum required 10 foot side yard setback that leaves the homeowner with 7.5 feet and 11.0 feet to construct a detached two car garage.
- 3) Not Self Created: The current owners, not previous owners, have knowingly created the current building footprint and garage footprint that is now considered non-conforming. Based on file exploration, the existing kitchen, dining room, and two care detached garage were original to the home circa 1914. The condition is due to more detailed and changed zoning regulations since the home's construction.
- 4) Not merely a Special Privilege: As previously mentioned in the attached project description, this variation is to replace an existing structure in its existing footprint. The current structure is a two car garage and the proposed is the same size two care garage (with the exception of the conforming storage space behind). No aspect of the requested variation involves investment, return, or requesting special privileges not extended to other properties. It is a practical imposition and difficulty that the existing two car garage cannot be built in its current position and replaced as such and all other code complaint options create a worsening difficulty and impracticality.
- 5) Code and Plan Purposes: The proposed variation would not result in a subsequent use or development of the property that would be inharmonious with the intent of this code. The proposed variation would only allow the existing use, character and fabric of the site and neighborhood to be continued as it has been since the original structures were built in circa 1914. It would not create any less green space, any additional paved area nor change any current landscaping, height restrictions, etc.
- 6) Essential Character of the Area:
  - a. The proposed variation would not be materially detrimental to the public welfare in any way, shape or form. It would be strictly a continuation of its current use and footprint (with a slightly steeper pitched roof) and would maintain the value of the current and adjacent properties and neither raise or lower any.

- b. Would not change the existing light and ventilation between the property to the east, not any impact on those north and south.
- c. Would actually decrease the amount of parking both in the existing driveway and on the street as the new garage could safely hold two cars as opposed to none or one it currently holds. There would be no impact on traffic congestion.
- d. Would not have any impact on flood or fire and, in fact, garage will be two hour fire rated wall and finish construction which is an increase from existing structure.
- e. Would have no impact on either taxation of public utilities or facilities.
- f. Would have no impact on the danger to public health or safety.

FOR THE STBACK PLANE VARIATION:

- 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 F.

Implementing the current light plane setback would create the following conditions of impracticality and hardship:

- a. Force the resulting garage space available in its current location to be significantly shorter and, with the existing grade conditions, impractical as to the usability of an overhead garage door that would be less than 7 feet in height.
  - b. Force the detached garage to be significantly farther back in the property and create more paved surfaces and less green space. Farther from the existing home would prove more impractical than current location.
  - c. Relocating the garage closer to the existing home (farther west, yet still non-conforming) and thus less maneuverable in and out, and, potentially more hazardous to negotiate with inexperienced or elderly drivers.
- 2) Unique Physical Condition: The unique physical lot conditions are as follows:
    - a. The lot is quite wide across the front, however the remaining space that exists from the east façade of the dining room and kitchen leave only 17.5 feet at the dining room and 21 feet at the kitchen wall remaining side yard space. If they deduct the minimum required 10 foot side yard setback, that leaves the homeowner with 7.5 and 11.0 feet to construct a detached two care garage.
    - b. The current lot conditions have the driveway slightly pitched up to the existing home. Conditions, either since construction or settling, have left the garage slab floor lower than the driveway by approximately 4 to 6 inches. To not allow the reconstruction of the garage with a floor higher than the current driveway would be inviting the same deteriorating problems plaguing the current structure with water and grade flowing into the building, not away.



3) Not Self Created:

- a. The current owners, not previous owners, have knowingly created the current building footprint and garage footprint that is now considered non-conforming. Based on file exploration, the existing kitchen, dining room, and two care detached garage were original to the home circa 1914. The condition is due to more detailed and changed zoning regulations since the home's construction.
- b. As previously stated, the current lot conditions have the driveway slightly pitched up to the existing home. Conditions, either since construction or settling, and not created by current or past owners that they are aware of, have left the garage slab floor lower than the driveway by approximately 4 to 6 inches. To not allow the reconstruction of the garage with floor higher than the current driveway would be inviting the same deteriorating problems plaguing the current structure with water and grade flowing into the building, not away.

4) Not merely a Special Privilege: As previously mentioned in the attached project description, this variation is to replace an existing structure in its existing footprint. The current structure is a two car garage and the proposed is the same size two care garage (with the exception of the conforming storage space behind). No aspect of the requested variation involves investment, return, or requesting special privileges not extended to other properties. It is a practical imposition and difficulty that the existing two car garage cannot be built in its current position and replaced as such and all other code complaint options create a worsening difficulty and impracticality.

5) Code and Plan Purposes: The proposed variation would not result in a subsequent use or development of the property that would be inharmonious with the intent of the code. The proposed variation would only allow the existing use, character and fabric of the site and neighborhood to be continued as it has been since the original structures were built in circa 1914. It would not create any less green space, any additional paved area nor change any current landscaping, height restrictions, etc. in fact, with the additional paved area nor change and current landscaping, height restrictions, etc. in fact, with the variation granted for this slight encroachment into the light plane, the detached garage would be more complimentary to the existing home. Even more so than the original structure.

Given the requirements for grading and drainage, in order to make the two car garage compliant in light plan and setback, it would have to be placed so far in the rear property that significant amounts of grade and retaining walls would have to be created in order to create the positive pitch needed to direct water away from the garage interior, as the existing property has a significant amount of pitch from front to back.

6) Essential Character of the Area:

- a. The proposed variation would not be materially detrimental to the public welfare in any way, shape or form. It would be strictly a continuation of its current use and footprint (with a slightly steeper pitched roof) and would maintain the value of the current and adjacent properties and neither raise or lower any.
- b. Would not change the existing light and ventilation between the property to the east, not any impact on those north and south.
- c. Would actually decrease the amount of parking both in the existing driveway and on the street as the new garage could safely hold two cars as opposed to none or one it currently holds. There would be no impact on traffic congestion.
- d. Would not have any impact on flood or fire and, in fact, garage will be two hour fire rated wall and finish construction which is an increase from existing structure.
- e. Would have no impact on either taxation of public utilities or facilities.
- f. Would have no impact on the danger to public health or safety.

Staff notes that granting the variation would result in the following disadvantages.

None noted.

The July 7, 2011 Glencoe News contained the notice of public hearing and 14 neighbors were notified. No letters or verbal inquiries have been received.

The Notice of Appeal dated June 28, 2011, the Notice of Public Hearing, a list of neighbors notified, a map of the immediate area and a site plan are attached for your review.

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

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

***Move to accept/deny the variation request of Mr. and Mrs. Jeffrey Willian to reconstruct a detached garage with a higher roof per plans reviewed for their garage at 455 Washington Avenue.***