

VILLAGE OF GLENCOE  
ZONING BOARD OF APPEALS

REGULAR MEETING  
September 12, 2011

1. CALL TO ORDER

A meeting of the Zoning Board of Appeals of the Village of Glencoe was called to order at 7:30 P.M. Monday, September 12, 2011 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Barbara Miller, Chair

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

The following were absent:

James Clark

The following Village staff was also present:

John Houde, Building and Zoning Administrator

3. APPROVAL OF MARCH 7, 2011 MINUTES.

The minutes of the March 7, 2011 meeting were approved by unanimous voice vote.

4. APPROVE WILLIAN APPEAL AT 455 WASHINGTON.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Mr. and Mrs. Jeffrey Willian of a decision by the Building and Zoning Administrator in denying a permit to construct a detached garage with a higher roof pitch at their home in the "R-B" Residence District.

The proposed garage reconstruction 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).

The Chair reported that notice of the public hearing was published in the July 7, 2011 GLENCOE NEWS and neighbors were notified of the public hearing by mail and that 3 letters had been received. A letter from William and Sheila Weimer, 445 Washington and Robert J. Bates, Jr., 463 Washington were in favor of the variation. The third letter from Catherine Hurtgen, 573 Grove, opposed the variation. The Chair then swore in those in attendance who were expecting to testify.

### SUMMARY OF TESTIMONY

The Chair then asked the owners' architect, Jeff Harting, to proceed. That person noted that the owners had to be out of town for a last minute appointment. He then noted:

#### FOR THE SIDEYARD SETBACK VARIATION:

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 car 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.

1) 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.

2) Not Self Created: The current owners, not previous owners, have not 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 car 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.

- 3) 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 car 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 compliant options create a worsening difficulty and impracticality.
- 4) 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.
- 5) 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 nor 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 demand 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 SETBACK PLANE VARIATION:

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. Father 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.

1) 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 car 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.

2) Not Self Created:

- a. The current owners, not previous owners, have not 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 car 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.

- 3) 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 car 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 compliant options create a worsening difficulty and impracticality.
- 4) 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 plane 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.

- 5) 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 nor 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 demand 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.

The Chair made part of the record, as additional testimony the Agenda Supplement and previously noted neighbors' letters, 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 east side yard and setback plane 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-(f) and 7-403-E-1-(h) 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 reduction in the required east yard from 10 feet to the existing 2.0 feet and for the 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 for the property at 455 Washington 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: Friedman, Goodale, Nyeste, Roin, Ross, and Miller (6)

NAYS: None (0)

ABSENT: Clark (1)

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 8:00 p.m.

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Secretary  
John Houde