

VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS

MONDAY, February 6, 2012

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 DECEMBER 5, 2011 FENCE BOARD OF APPEALS.

3. PUBLIC COMMENT TIME.

4. PUBLIC HEARING TO CONSIDER A REQUEST OF MERRICK ELFMAN, 600 SHERIDAN, FOR A VARIATION TO FILL A 5 FOOT 8 INCH HIGH BRICK WALL FENCE SECTION AT THE SOUTH DRIVEWAY OPENING AND TO MAKE REPAIRS TO SECTIONS OF THE LEANING WALL.

The Agenda Supplement is attached.

5. ADJOURNMENT

VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS

REGULAR MEETING

December 5, 2011

1. CALL TO ORDER.

A meeting of the Fence Board of Appeals of the Village of Glencoe was called to order at 9:13 p.m. Monday, December 5, 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 were also present:

John Houde, Building & Zoning Administrator

APPROVE BONNEL APPEAL AT 604 WOODLAWN.

The Chairman stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Tom and Kathleen Bonnel of a decision by the Building & Zoning Administrator to replace an existing fence along a portion of the west and south lot lines. The proposed fence requires an increase in the allowable fence height from 4 feet to 6 feet. There are no percentage limits on variations the Fence Board of Appeals can grant.

The Chairman reported that notice of the public hearing was published in the November 17, 2011 GLENCOE NEWS and 8 neighbors were notified of the public hearing by mail and that one letter in favor of the variation was received from Debra and Richard Kotz, 330 Skokie Lane North had been received. The Chairman then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chairman read the following items which the applicants previously submitted. That person noted:

1. The property is unusual in that it has three street frontages. It is a double frontage lot on the east and west sides, with a corner side yard on the north side. The house entrance is on the north side. The garage and driveway access are on the east side, and the house rear yard is situated on the west side where the proposed fencing is planned.
2. If granted the variation will not alter the essential character of this locality as the current fence has existed there for over 12 years in its current state. It would change the character of the locality to force the fence to conform to the new guidelines, altering the character of the streetscape along Grove Street.
3. Granting this variation is still in harmony with the general purpose and intent of the fence ordinance. It still maintains the reduced height of the fence to increase visibility for traffic approaching the intersections of Woodlawn Avenue and Grove Street.
4. This variation will not set any unfavorable precedents because it is only allowing for the replacement of the existing conditions with new materials to prevent failure. This variance will not create new non-conformities, just allow for existing conditions to remain with newer and safer materials.
5. This variation will not affect public safety as it is just replacing the existing failing fence with a more stable product in the same conditions as currently exists. The current fence condition is safe, even though it does not conform to the new fence ordinances.
6. The most visible north Woodlawn side of the fence would be a conforming 4-foot height.

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 allowed fence height to 6-feet be granted per the drawings presented, making findings and resolving as follows:

FINDINGS

1. The requested variation is within the jurisdiction of the Fence Board of Appeals.

2. Based on the totality of the relevant and persuasive testimony heard and presented, the Fence Board finds that it has been established that the request meets the standards necessary to permit the granting of a variation in that it would not:
 1. Alter the essential character of the locality;
 2. Be out of harmony with the general purpose and intent of the fence ordinance;
 3. Set an unfavorable precedent whether to the immediate neighborhood or to the Village as a whole; and
 4. Affect public safety.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request, for an increase in the allowed fence height along a portion of the west and south lot line from 4 feet to 6 feet, be granted as shown in the drawings or plans submitted by the owners and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Building & 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 following vote:


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

NAYS: None (0)

ABSENT: None (0)

There being no further business to come before the Fence Board of Appeals,

the meeting adjourned at 9:20 p.m.


Secretary



Village of Glencoe

Fence Board of Appeals Memorandum

TO: Fence Board of Appeals

MEETING DATE: February 6, 2012

SUBJECT: Consideration of Added Variation to January 3, 2011
Elfman Fence Variation Approval

FROM: John Houde, Building & Zoning Administrator

Merrick Elfman has requested permission to construct a 5 foot 8 inch fence infill at the south driveway which is now planned to be removed from the property at 600 Sheridan Road and repair sections of the leaning masonry wall. The proposed request requires an increase in the allowable fence height from the 4 foot maximum. There are no percentage limits on variations the Fence Board of Appeals can grant. Attached are minutes of the previously approved fence variation.

Background: Our fence ordinance provides that the Fence Board may grant fence variations provided that such variations would **NOT**:

- 1) Alter the essential character of the locality.
- 2) Be out of harmony with the general purpose and intent of the fence ordinance.
- 3) Set an unfavorable precedent either to the immediate neighborhood or to the Village as a whole; or
- 4) Affect public safety.

A history of the fence ordinance follows: Prior to a 10 September 1981 amendment to the fence ordinance, the Village Board acted as the Fence Board of Appeals. Prior to 1952 a number of 6, 8, and 10-foot high fences had been erected in Glencoe without any regulations by the Village. The Village Board at

that time had received a number of complaints about the potential traffic and pedestrian hazards caused by high fences and about their unsightliness. The Village Board recognized that these fences were detrimental to public safety.

Previous example of reasons that have led to a finding to grant variations included the following:

- (1) To screen a nonconforming business use from a single-family residential property;
- (2) To screen backyards and corner side yards (not front yards) of single-family residences from heavily traveled three-lane highways (such as Green Bay Road north of Maple Hill Road and Dundee Road west to Forestway Drive) where the back yards of residences are adjacent to the highway pavements;
- (3) To screen parking areas, such as those that might be adjacent to a place of worship, theater, business, or another residence;
- (4) To screen Commonwealth Edison electrical distribution and transformer stations;
- (5) To enclose tennis courts;
- (6) To allow higher than 4 foot entry columns but not higher perimeter fences in front yards;
- (7) To install a wrought iron fence having historical significance.
- (8) To restore 75+ year old masonry brick fences.

Previous Examples of requests with insufficient reasons for findings consistent with Section 9-79 include the following:

- (1) Desire to have a higher fence to provide greater privacy to houses, to patios and to other outside recreational and leisure areas on private property.
- (2) Desire to have a higher fence to screen out street noises and lights;
- (3) Desire to screen front yards from streets; and

- (4) Desire to have a higher fence to provide security and safety for children playing in a yard area.

Advantages. Granting the variation would have the following ADVANTAGES:
The owners note the following in favor of their request:

1. Two variances were granted on January 3, 2011 for the following modifications to the east garden wall:
 - a. The north point of access would be in-filled with a new garden wall. The wall would be 5' 8" tall (to the top of the concrete gap).
 - b. A new central point of entry would be added, which would require the removal of a section of the existing garden wall.
2. Following further design development of the site, as well as several discussions with Village staff, it was decided to eliminate the existing south driveway access to Sheridan Road. The obvious gain is a significant reduction in impermeable surface through the removal of the driveway that provides access to that point of egress. Once that is removed, it is the desire of the owners to seamlessly continue the existing masonry wall, by infilling the current south opening. The garden infill will be designed and detailed to match the existing one in height, materials, and detailing, the wall will be 5'-8" tall to the top of the concrete cap.
3. The variation, if granted, will not alter the essential character of the locality; the existing garden wall, which runs from the north end of 614 Sheridan to the south end of 600 Sheridan, will be maintained aside from the proposed modifications and repairs to portions of the leaning wall. Any changes will match the existing wall in height and detailing.
4. The variation will be in harmony with the general purpose and intent of the Fence Ordinance; the request does not include any unusual, unattractive variation in height. It will be a very consistent in-fill, along with a new opening, which will hardly be discernable to a passerby, once the changes have been made.
5. The variation will set no unfavorable precedent either in the immediate neighborhood, or to the Village as a whole; the request is similar to any variation request to rebuild an existing garden wall that exceeds current height limitations. It does not seem as though this request will establish any particular precedent.
6. The variation will not affect public safety; the access to and from Sheridan Road remains as it was approved in January, 2011.

Staff notes that granting the variation would result in the following DISADVANTAGES:

1. None noted.

The January 5, 2012 Glencoe News contained the notice of public hearing and 13 neighbors were notified. No letters or verbal inquiries have been received.

The Notice of Appeal dated October 31, 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 fence variation request of Merrick Elfman be reviewed.

Motion: If the Fence Board of Appeals agrees with the recommendation of staff, a motion may be made as follows:

Move to accept/deny the variation request of Merrick Elfman for fence alterations per submitted plans and site plan for his home at 600 Sheridan Road.

VILLAGE OF GLENCOE
GLENCOE, ILLINOIS

Notice of Appeal

10.31.11
Date

Fence Board of Appeals
Village of Glencoe
Glencoe, IL 60022

Dear Fence Board of Appeals Member:

I have been aggrieved by the Officer charged with the enforcement of the Glencoe Fence Code.

It is my desire to (detail your request _____

I require a fence variation increasing the allowable fence height from 4.0' feet to 5'-4" feet.

Therefore, I desire a variation in the application of the regulations of this code and I note the following reasons for seeking this variation.

- (1) PLEASE REFER TO ATTACHMENT "A"
- (2) _____
- (3) _____
- (4) _____

The permanent real estate index number (from real estate tax bill) for this property is _____

847.835.4442
Telephone

R. SCOTT JAVORE + ASSOCIATES, LTD.
Appellant
333 PARK AVENUE, SUITE 300
Address GLENCOE, IL 60022



Attachment A
October 28, 2011

1. Location of Property: 600 Sheridan Road, Glencoe, Illinois
2. Background: Two variances were granted on January 3, 2011 for the following modifications to the east Garden Wall of the above-referenced property:
 - a. The north point of access will be in-filled with a new Garden Wall. The wall will be 5'-8" tall (to the top of the concrete cap).
 - b. A new central point of entry will be added, which will require the removal of a section of the existing Garden Wall.
3. Size of proposed Fence for the new Variation Request:
 - a. Following further design development of the site, as well as several discussions with Village staff, it was decided to eliminate the existing south driveway access to Sheridan Road. The obvious gain is a significant reduction in impermeable surface through the removal of the driveway that provides access to that point of egress. Once that is removed, it is the desire of the owners to seamlessly continue the existing masonry wall, by infilling the current south opening.
 - b. The Garden Wall infill will be designed and detailed to match the existing one in height, materials, and detailing. The wall will be 5'-8" tall to the top of the concrete cap.
4. The following items are to be considered:
 - a. The variation, if granted, will not alter the essential character of the locality; the existing Garden Wall, which runs from the north end of 614 Sheridan to the south end of 600 Sheridan, will be maintained aside from modifications noted above. Any changes will match the existing wall in height and detailing.
 - b. The variation will be in harmony with the general purpose and intent of the Fence Ordinance; the request does not include any unusual, unattractive variation in height. It will be a very consistent in-fill, along with a new opening, which will hardly be discernible to a passerby, once the changes have been made.
 - c. The variation will set no unfavorable precedent either in the immediate neighborhood, or to the Village as a whole; the request is similar to any variation request to rebuild an existing Garden Wall that exceeds current height limitations. It does not seem as though this request will establish any particular precedent.
 - d. The variation will not affect public safety; the access to and from Sheridan Road remains as it was approved in January, 2011.

VILLAGE OF GLENCOE
FENCE BOARD OF APPEALS

REGULAR MEETING
JANUARY 3, 2011

1. CALL TO ORDER

A meeting of the Fence Board of Appeals of the Village of Glencoe was called to order at 7:40 p.m. Monday, January 3, 2011 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

James Clark, Acting Chair

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

The following were absent:

Barbara Miller and Jim Nyeste

The following Village staff was also present:

John Houde, Building and Zoning Administrator

3. APPROVAL OF DECEMBER 7, 2010 MINUTES.

The minutes of the December 7, 2010 meeting were approved by unanimous voice vote.

4. APPROVE ELFMAN APPEAL AT 600 SHERIDAN.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal of Merrick Elfman who has requested permission to construct 5 foot-9 inch brick entry posts where a fence section will be removed for a new center driveway opening and a 5 foot-4 inch brick wall in-fill where the north driveway will be removed on the property at 600 Sheridan. The proposed requires an increase in the allowable fence height from the 4 foot maximum. There are no percentage limits on variations the Fence Board of Appeals can grant. Staff recommends that if this variation is approved, that approval be conditioned on staff approval of final driveway plans and on recommendations of the Contextual Design Review Commission.

The Chair reported that notice of the public hearing was published in the December 16, 2010 GLENCOE NEWS and 13 neighbors were notified of the public hearing by mail and that no letters or verbal inquiries had been received. The Chair then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chair read the following items which the applicant previously submitted. The

owner's architect, R. Scott Javore, noted:

- 1) The variation, if granted, will not alter the essential character of the locality; the existing garden wall, which runs from the north end of 614 Sheridan to the south end of 600 Sheridan, will be maintained aside from modifications noted; any changes will match the existing wall in height and detailing.
- 2) The variation will be in harmony with the general purpose and intent of the Fence Ordinance; the request does not include any unusual, unattractive variation in height. It will be a very consistent in-fill, along with a new opening, which will hardly be discernable to a passerby, once the changes have been made.
- 3) The variation will set no unfavorable precedent either in the immediate neighborhood, or to the Village as a whole; the request is similar to any variation request to rebuild an existing garden wall that exceeds current height limitations. It does not seem as though this request will establish any particular precedent.
- 4) The variation will not affect public safety; the access to and from Sheridan Road remains as it is, simply in a different location. Since this is not a corner property, intersection visibility is not an issue.

The Chairman made as 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.

The Chair opened the discussion to public comment: Debbie Dresner, 614 Sheridan, provided background on the history of her house and that of 600 Sheridan. She spoke in favor of the proposed variations.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for a variance in the fence height as previously described be granted per the drawings presented, making findings and resolving as follows:

FINDINGS

1. The requested variation is within the jurisdiction of the Fence Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, the Fence Board finds that it has been established that the request meets the standards necessary to permit the granting of a variation in that it would not:

1. Alter the essential character of the locality;
2. Be out of harmony with the general purpose and intent of the fence ordinance;
3. Set an unfavorable precedent whether to the immediate neighborhood or to the Village as a whole; and
4. Affect public safety.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request for an increase in the allowed fence height as previously described 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 the variation is conditioned by staff approval of final driveway plans and on recommendations of the Contextual Design Review Commission.

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

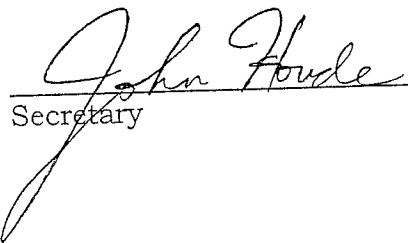
Adopted by the unanimous vote of all the five Fence Board members present:

AYES: Friedman, Goodale, Roin, Ross, and Clark (5)

NAYS: None (0)

ABSENT: Miller and Nyeste (2)

There being no further business to come before the Fence Board of Appeals the meeting was adjourned at 7:55 p.m.


Secretary

VILLAGE OF GLENCOE
GLENCOE, ILLINOIS
FENCE BOARD OF APPEALS

Notice of Public Hearing
February 6, 2012

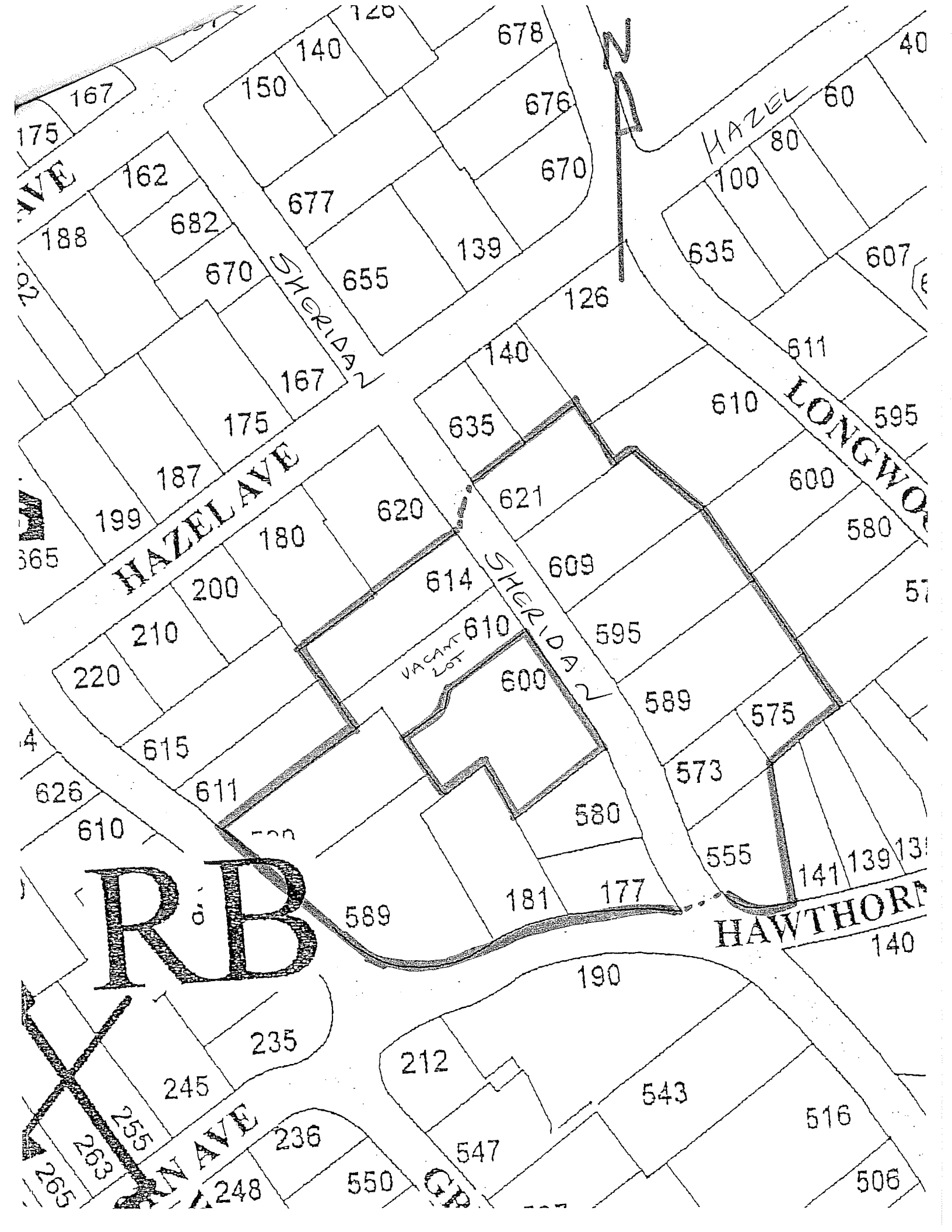
Notice is hereby given of a public hearing to be held by the Fence Board of Appeals of the Village of Glencoe, Cook County, Illinois at 7:30 P.M., local time on Monday, February 6, 2011 in the Council Chamber of the Village Hall, Glencoe, Illinois, to consider a request of Merrick Elfman, from a decision by the Building & Zoning Administrator in denying a permit for front brick wall alterations on an existing residence on Lot 2 in Mesopotamia Subdivision, in the northeast quarter of Section 7, Township 42 North, Range 13, East of the Third Principal Meridian, except that part of Lot 2 in Mesopotamia Subdivision, in the northeast quarter of Section 7, Township 42 North, Range 13, East of the Third Principal Meridian, described as follows: Beginning at the southwest corner of said Lot 2; thence westerly along the south line of Lot 2, a distance of 173.22 feet to the southwest corner of said Lot 2; thence north along the west line of said Lot 2, being a line forming an angle of 83 degrees, 48 minutes, 38 seconds, as measured east to north with the last described line, 32.19 feet; thence east along a line 32 feet north of and parallel with the south line of said Lot 2, a distance of 142.12 feet; thence southeasterly 33.71 feet to a point on the east line of Lot 2, at a point 19.00 feet (as measured along the arc) north of the southeast corner of Lot 2; thence southerly along the east line of said Lot 2, being a curve concave westerly and having a radius of 367.80 feet, 19.00 feet to the point of beginning, in Cook County, Illinois, commonly known as 600 Sheridan Road, Glencoe, Cook County, Illinois in the "R-A" Residence District (Permanent Real Estate Index Number 05-07-214-031).

The appeal requests that a variation be granted increasing the allowed fence height from 4 feet to 5 feet-8 inches to fill in the south driveway opening of the existing wall and to restore leaning sections of the masonry fence. A previous variation was granted on January 3, 2011 for a new center driveway opening and to fill in the north driveway opening of the existing brick wall.

All persons interested are urged to be present and will be given an opportunity to be heard.

Fence Board of Appeals
John Houde
Building & Zoning Administrator

Publication on January 5, 2012



175 167

188 162

199 187

220 210

626 610

615 611

610 589

235 245

248 236

265 263

268 248

150 140

682 677

670 655

175 167

200 180

615 611

610 589

235 245

248 236

268 248

126 678

676 670

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600 589

580 573

580 575

HAZEL 60

100 80

635 607

610 611

600 595

580 580

573 575

555 589

141 139 131

140 506

HAZEL AVE

SHERIDAN

SHERIDAN

LONGWOOD

HAWTHORNE

RB

VACANT LOT



VILLAGE OF GLENCOE
GLENCOE, ILLINOIS

List of Neighbors

GREENLEAF AVENUE

589 Joseph Kubert
599 Richard Melcher

HAWTHORN AVENUE

177 Mark Segal
181 Maggie Scheyer

SHERIDAN ROAD

555 Resident
573 M. Gac
580 John Seo
589 William Ettelson
595 Donald Manhard
600 Merrick Elfman
609 Dean Ameen
610 Resident
614 Steven Dresner
621 Charles Gately