

VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS

REGULAR MEETING
September 9, 2013

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 9, 2013 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Howard Roin, Chair

Members: Deborah Carlson, Trent Cornell, Ed Goodale, Jim Nyeste, and Steve Ross

The following were absent:

David Friedman

The following Village staff was also present:

John Houde, Building and Zoning Administrator

3. APPROVAL OF JULY 1, 2013 MINUTES.

The minutes of the July 1, 2013 meeting were approved by unanimous voice vote.

4. APPROVE PATEL APPEAL AT 110 CRESCENT.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Samit Patel of a decision by the Building & Zoning Administrator in denying a permit to construct an open front porch, a garage, and a side entry addition at his home at 110 Crescent in the "R-A" Residence District. The proposed garage and open porch requires a 20% reduction in the required front yard building line setback from 50 feet to 40 feet. The west side entry addition requires a west side yard 20% variation from 12 feet to 9.6 feet. These variations are authorized by Section 7-403-E-1 (a) of the Zoning Code.

The Chair reported that notice of the public hearing was published in the August 22, 2013 GLENCOE NEWS and 9 neighbors were notified of the public hearing 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 then asked Mr and Mrs. Patel to proceed. They noted:

1. The steep slope ordinance prevents the owner from building a structure further back on his property as it backs up to a ravine. (Staff notes this house could be at least 20 feet further south with no steep slope ordinance impact.)
2. The irregular lot shape handcuffs owner from being able to build a side by side garage due to the fact that it would be less than 3 feet from his neighbor's property line.
3. There is limited parking on his narrow street, so he needs to ensure that he can park his vehicles in the garage and on his property.

The Chair made as part of the records, 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 front and west side yard setbacks 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) 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 20% reduction in the required front yard from 50 feet to 40 feet and for a 20% reduction in the required west side yard from 12 feet to 9.6 feet for the property at 110 Crescent be granted as shown in the drawing or plans submitted by the owner and made part of the record and with the previously noted conditions;

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 following vote of the Zoning Board members present:

AYES: Carlson, Cornell, Goodale, Nyeste, Ross and Roin (6)

NAYS: None (0)

ABSENT: Friedman (1)

5. APPROVE MACK APPEAL AT 481 GROVE STREET.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Erminia Mack, 481 Grove Street, of a decision by the Building & Zoning Administrator in denying a permit for a floor area ratio variation that could result in her existing north house parcel being subdivided from the vacant south area of her property. In order for the F.A.R. on her house lot to comply with a 14.6% F.A.R. variation, the east enclosed swimming pool wing will be demolished and the 2nd floor above her attached garage will be removed and the roof rebuilt at a lower height. Plan Commission and Village Board approval will still be required for the subdivision into two lots conforming in width and area. The remaining altered house requires a 14.6% increase in the allowed floor area ratio from 5416.20 square feet to 6206.2 square feet. This variation is authorized by Section 7-403-E-1-(i) of the Zoning Code.

The Chair reported that notice of the public hearing was published in the August 22, 2013 GLENCOE NEWS and 10 neighbors were notified of the public hearing and that no letters or verbal inquiry had been received. The Chair then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chair then asked Erminia and Edward Mack and their architect, R.Scott Javore to proceed. They noted:

1. With the subdivision of the property, which will create two conforming lots, the existing home will exceed the allowable FAR by 789.96 SF or 14.6%.
2. To reduce the existing residence to the above-stated size, the following alterations are being made:
 - a. The 1,805.87 SF pool structure is being removed.
3. The permanent exterior stair to the living space above the garage is being removed and the 2nd floor is also being removed and the roof being rebuilt. The intent of the subdivision is to create a fully conforming, buildable lot, and to maintain the existing Italian revival residence, which was built in 1927, whereas two recent subdivisions in Glencoe did not attempt to save the existing historic homes on each site respectively. This request has been built around maintaining the existing house in an appropriate setting by minimizing the size of the new lot and maximizing the size of the corner lot. This will allow the existing residence to retain its stately street presence.

The Chair made as part of the records, as additional testimony the Agenda Supplement and a letter from Colette and Dave Hays, 508 Jefferson, opposing the variation request which the Secretary was directed to preserve as part of the record in this matter. The contents of the letter were reviewed in detail by members of the Board.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for a variance in the 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-(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 14.6% increase in the allowed floor area ratio from 5416.20 square feet to 6206.2 square feet for the future north house lot retaining the existing house as modified for the property at 481 Grove be granted as shown in the drawing or plans submitted by the owner and made part of the record and with the previously noted conditions;

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 following vote of the Zoning Board members present:

AYES: Carlson, Cornell, Goodale, Nyeste, Ross and Roin (6)

NAYS: None (0)

ABSENT: Friedman (1)

6. APPROVE GONZALEZ APPEAL AT 1087 BLUFF.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Michelle Gonzalez, 1087 Bluff, of a decision by the Building & Zoning Administrator in denying a permit for a 2nd floor room addition at her house at 1087 Bluff in the "R-B" Residence District. The proposed addition will follow the outline of the existing first floor of the house located 17 feet from the west Bluff Street lot line where a 25 foot setback is now required for this corner side yard. This variation is authorized by Section 7-403-E-1-(j) of the Zoning Code.

The Chair reported that notice of the public hearing was published in the August 22, 2013 GLENCOE NEWS and 7 neighbors were notified of the public hearing and that no letters or verbal inquiry had been received. The Chair then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chair then asked Michelle and Michael Gonzalez, and Jeremiah Pasculado, their architect to proceed. They noted:

1. The property sits on an odd shaped lot and in order to conform with the setbacks for the rest of the property, the second story addition is the only feasible means of expanding the livable area.

The Chair made as part of the records, as additional testimony the Agenda Supplement which the Secretary was directed to preserve as part of the record in this matter. The contents of the letter were reviewed in detail by members of the Board.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for a variance in the westerly corner sideyard 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-(j) 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 westerly corner side yard following the outline of the existing first floor of the house located 17 feet from the Bluff Street lot line where a 25 foot setback is now required for the property at 1087 Bluff be granted as shown in the drawing or plans submitted by the owner and made part of the record and with the previously noted conditions;

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 following vote of the Zoning Board members present:

AYES: Carlson, Cornell, Goodale, Nyeste, Ross and Roin (6)

NAYS: None (0)

ABSENT: Friedman (1)

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 8:15 p.m.

Secretary
John Houde