



**MINUTES  
VILLAGE OF GLENCOE  
ZONING BOARD OF APPEALS  
REGULAR MEETING**

Village Hall Council Chamber  
675 Village Court  
Monday, April 9, 2018 - 7:30 PM

**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 the Chair, at 8:01 p.m. on the 9<sup>th</sup> day of April, 2018, in the Village Hall Council Chamber.

Attendee Name	Title	Status
<b>Zoning Board of Appeals</b>		
Howard Roin	Chair	Present
Deborah Carlson	Member	Absent
Sara Elsasser	Member	Present
David Friedman	Member	Present
Alex Kaplan	Member	Present
Scott Novack	Member	Present
John Satter	Member	Present
<b>Village Staff</b>		
Nathan Parch	Planning & Development Administrator	Present
Stewart Weiss	Village Attorney	Present

**2. CONSIDERATION OF MINUTES OF THE DECEMBER 4, 2017 ZONING BOARD OF APPEALS MEETING**

<b>RESULT:</b>	<b>APPROVED</b>
<b>AYES:</b>	Elsasser, Friedman, Kaplan, Novack, Roin, & Satter (6)
<b>NAYS:</b>	None (0)
<b>ABSENT:</b>	Carlson (1)

**3. APPROVE DONIN/HUH APPEAL AT 1005 FORESTWAY DRIVE**

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on an appeal of Alla Donin and Marian Huh from a decision by the Community Development Administrator in denying a permit for the construction of a second floor addition over the existing one story garage of their home at 1005 Forestway Drive. The appeal requests that approval be granted to reduce by 17.5% the required south side yard setback from 10.0 feet to 8.25 feet and for portions of the exterior wall and roof of the second floor addition to intercept the setback plane. The subject property is located in the R-B Single Family Residential Zoning District. The variations are authorized by Section 7-403(E)(1)(a) and Section 7-403(E)(1)(n) of the Zoning Code.

The Chair reported that notice of the public hearing was published in the March 22, 2018 issue of the Glencoe Anchor. Staff noted that four letters of support from the residents of 628 Dundee Road, 989 Forestway Drive, 976 Oak Drive, and 980 Oak Drive were received. Mr. Parch noted that he spoke by phone to the south neighbor at 999 Forestway Drive in advance of the meeting and she raised no objections.

Staff swore in those in attendance expecting to provide testimony on this matter.

#### SUMMARY OF TESTIMONY

Property owners Alla Donin and Marian Huh were in attendance and provided an overview of the requested variation. The following points were noted in favor of their request:

1. The 57 year old home lacks a master bedroom suite, which is proposed to be built above the existing one story garage's flat roof.
2. At the time the home was built, in 1961, the required side yard setback was 8 feet. The garage was built 8.25 feet from the south property line in full conformance with Village regulations at the time.
3. Aesthetically, and structurally, it is most desirable for the addition to match the same footprint of the garage below versus being shifted 1.75 feet inward in order to meet the 10-foot side yard setback required today.
4. Relief from the setback plane is also triggered by the desire to maintain the existing footprint of the garage upward to the proposed addition. Doing so causes portions of the addition to intercept the setback plane.
5. The garage height is a fixed condition and lowering ceiling heights within the addition to comply with the setback plane is problematic in terms of meeting current building code requirements.

Chairman Roin stated that the north neighbor at 1015 Forestway Drive was opposed to the variations and her concerns were raised in conversations with him and with Mr. Parch. Chairman Roin summarized her concerns as follows:

- The neighbor works from home and the noise associated with the construction project will be disruptive.
- In February, applicants Alla Donin and Marian Huh asked for her signature on a form letter they prepared stating she had no objections to the variation requests. The wrong meeting date of March 4, 2018 was noted on the form letter. This date was a Sunday and, further, there was no Zoning Board of Appeals meeting held in March.

Village Attorney Weiss advised against Chairman Roin providing further verbal summary of the neighbor's objections and noted that such objections were required to be provided in person or in writing directly from the objector. Mr. Roin stated that the neighbor did not want any of her emails shared with members of the Board, but she did ask that two documents be distributed, both of which were. One was a blank copy of the form letter the applicants asked her to sign and the second was an email she received from the applicant dated February 26, 2018.

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 requested variation for the south side yard setback and setback plane intercepts 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 Section 7-403(E)(1)(n) of the 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; and
  - 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 reduce by 17.5% the required south side yard setback from 10.0 feet to 8.25 feet and for portions of the exterior wall and roof of the second floor addition to intercept the setback plane be granted for the property at 1005 Forestway Drive 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 Community Development 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 Zoning Board of Appeals and shall become a public record.

<b>RESULT:</b>	<b>APPROVED</b>
<b>AYES:</b>	Elsasser, Friedman, Kaplan, Novack, Roin, & Satter (6)
<b>NAYS:</b>	None (0)
<b>ABSENT:</b>	Carlson (1)

**4. APPROVE GOLD APPEAL AT 60 BRENTWOOD DRIVE**

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on an appeal of William Gold from a decision by the Community Development Administrator in denying a permit for the construction of first floor and second floor additions to his home at 60 Brentwood Drive. The appeal requests that approval be granted to reduce by 10.5% the required front yard setback from

50.0 feet to 44.75 feet and to reduce by 14.0% the total required side yard setback from 28.0 feet to 24.25 feet. The subject property is located in the R-A Single Family Residential Zoning District. Both 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 March 22, 2018 issue of the Glencoe Anchor. Staff noted that one letter of support from the resident of 1045 Hillcrest Drive had been received. Staff then swore in those in attendance expecting to provide testimony on this matter.

Mr. Parch explained that the public notice published in the Glencoe Anchor and mailed to neighbors included a third variation requesting portions of the exterior wall and roof of the addition to intercept the setback plane. Upon further evaluation, staff determined that this variation was not needed. There is a small portion of second floor roof overhang and gutter related to the addition that intercept the setback plane, however such encroachments are permitted encroachments and do not require a variation.

#### SUMMARY OF TESTIMONY

Property owner William Gold and his architect, John Hanna, were in attendance and provided an overview of the requested variation. The following points were noted in favor of the request:

1. The existing one story home was built in 1964. The floorplan includes a two car garage, kitchen, living, and dining areas on the first floor with the master bedroom and three additional bedrooms located together on the lower (basement) floor.
2. The proposed plans include first floor additions for a master bedroom suite, sunroom, and two car garage and a second floor addition for two bedrooms and exterior deck areas.
3. At the time the home was built the required front yard setback was 40 feet. The current home is 43.65 feet from the front property line at its closest point. The front yard setback required today is 50 feet, and thereby the existing garage encroaches into this setback.
4. The current home meets both the minimum side yard setback of 12 feet and the total required side yard setback of 28.0 feet. However, the proposed first floor additions will be 11.67 feet from the north property line and 12.58 feet from the south property line at their closest points. The second floor addition will meet all setback requirements.
5. The lot is pie shaped. It is narrow at the front and widens toward the rear. A significant portion of the property at the rear is ravine and the existing house is positioned very close to the edge of the tableland. Together, the narrow shape of the lot at the front and the ravine at the rear limit the buildable area of the property, which is why the front and total side yard variations are being requested.
6. Further, the current requirement for determining the front yard setback is the average distance of existing homes on the same side of the street/block (minimum 40 feet, maximum 50 feet). Staff has determined the average front yard setback for this property to be 50 feet. This requirement further restricts where building footprints can be located on the lot.

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 requested variations for the required front yard setback and total required side yard setback 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 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; and
  - 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 reduce by 10.5% the required front yard setback from 50.0 feet to 44.75 feet and to reduce by 14.0% the total required side yard setback from 28.0 feet to 24.25 feet be granted for the property at 60 Brentwood Drive 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 Community Development 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 Zoning Board of Appeals and shall become a public record.

<b>RESULT:</b>	<b>APPROVED</b>
<b>AYES:</b>	Elsasser, Friedman, Kaplan, Novack, Roin, & Satter (6)
<b>NAYS:</b>	None (0)
<b>ABSENT:</b>	Carlson (1)

**5. ADJOURN**

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 8:38 p.m.