

VILLAGE OF GLENCOE  
ZONING BOARD OF APPEALS

REGULAR MEETING  
FEBRUARY 6, 2017

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, February 6, 2017 in the Council Chamber of the Village Hall, Glencoe, Illinois.

2. ROLL CALL.

The following were present:

Howard Roin, Chair

Members: Deborah Carlson, Sara Elsasser, David Friedman (having filed the appropriate form participated electronically), Gail Lissner, Rick Richker and John Satter (7)

The following were absent:

None (0)

The following Village staff were also present:

John Houde, Building and Zoning Administrator

3. APPROVAL OF NOVEMBER 7, 2016 MINUTES.

The minutes of the November 7, 2016 meeting were approved by unanimous voice vote.

4. APPROVE WINEMAN APPEAL AT 100 HOGARTH.

The Chair stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by Nicole Wineman of a decision by the Building & Zoning Administrator in denying a permit to construct a two story bay addition on the east side of her home at 100 Hogarth in the "R-A" Residence District. The proposed addition requires a 14% reduction in the front yard building line setback from 41.75 feet to 36 feet. This variation is 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 January 19, 2017 GLENCOE ANCHOR and 9 neighbors were notified of the public hearing by mail. The Chair then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chairman asked Nicole Wineman and her architect, Mike Abraham, to proceed. Mr. Abraham noted:

1. The current residence at 100 Hogarth Lane is eighty years old and is tucked back at the end of the private drive. The surrounding homes and subsequent property lines have evolved over time and now its current property lines and street setback requirements create a very challenging zoning predicament.
2. When using the average front yard setback of 41'-9" on the existing property, a large portion of the home is already considered non-conforming. The positioning and angle of the house have created a circumstance when now almost half of the original home is thus considered entirely in the front yard setback, including the existing one story bay window on the east side of the home overlooking the back yard. In their design proposal they would be removing the existing one story bay off of the east side of the home and replacing it with a larger, two-story bay. This new bay would be in the same location as the existing bay and maintain no visibility from the street plane.
3. The owner understands that she is allowed to ask for a 20% reduction in front yard setback, which for this property would modify the front yard setback from 41 feet 9 inches down to 33 feet 4 inches. The owner is looking to decrease the front yard setback to convert the proposed bay window design which would only be a 14% decrease, bringing the setback down to a 36 foot front yard setback. This new setback would allow less of the back yard buildable area to be impacted by the front yard setback.
4. Staff noted the following historical background. A review of the site plan shows the front yard setback line intersecting the north wing of the existing home at 100 Hogarth. The original Rector home was built in 1935. In 1992 Hogarth Lane met Village requirements to become a public street. Prior to that it was a private street providing access to 6 lots on Hogarth. The home at 100 is the oldest home on the east- half segment of Hogarth Lane. Its access was likely with a private driveway across a large front yard from Sheridan Road. Thus at one time it had a complying front yard setback. As private Hogarth Lane was improved further east for access to 99, 110, 111, and 121, the required front yard setback line crossed over the existing older 1935 home at 100 Hogarth. Also when the lots at the east end of Hogarth became separate lots in 1913 and 1922, the lots themselves predated Village zoning setback requirements from 1927.

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 variance in the required front yard 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 14% reduction in the required front yard from 41.75 feet to 36 feet for the property at 100 Hogarth 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 Zoning Board of Appeals as follows:

AYES: Carlson, Elsasser, Friedman, Lissner, Richker, Satter, and Roin (7)

NAYS: None (0)

ABSENT: None (0)

5. APPROVE 57 MAPLE HILL APPEAL

The Chairman stated that the purpose of this portion of the meeting was to conduct a public hearing on the appeal by the owners (Chicago Land Trust Co #124676-01 u/a/d 11/201998) of a decision by the Building & Zoning Administrator in denying a permit to construct a new home for themselves at 57 Maple Hill in the "R-A" Residence District. The existing house would be demolished. The proposed southwest house wing requires a 20% reduction in the front yard building line setback from 50 feet to 40 feet for the "A" portion of the garage on the attached site plan and a variation for the "B" portion gable roof over the one story garage and room area located 30.8 feet front the front lot line. The first variation request is authorized by Section 7-403-E-1-(a) of the Zoning Code and the second is authorized by Section 7-403-E-1-(j).

The Chairman reported that notice of the public hearing was published in the January 19, 2017 GLENCOE ANCHOR and 8 neighbors were notified of the public hearing by mail and that no letters had been received. The Chairman then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

The Chairman asked the owners, their architect Greg Howe, and their attorney Calvin Bernstein to proceed. Calvin Bernstein and Greg Howe noted:

1) The unique shape and context of the property results in a unique set of circumstances. The zoning ordinance defines the south side of the property as the front yard which is atypical for lakefront lots. In addition, the property is located at a dead end turn around which results in a condition distinct from houses with conventional street frontage. Finally, the property is edged on its south with a public right of way.

2) Given that the proposed fence is not positioned parallel to the street curb only a small portion of its overall length sits within the front yard setback.

3) The public right of way to the south of the property presents privacy concerns, a taller solid fence will provide the owners with a degree of privacy on par with similar lakefront properties of comparable scale.

4) The front yard of 57 Maple Hill faces across the right of way to 10 Maple Hill's side yard which is edged by a very tall retaining wall. Therefore, the visibility of the 6' tall fence on 57 would be very limited to the closest neighbor. Also, the fence would help to mask the view from 57 to 10's retaining wall.

5) The fence construction would be an improvement compared to the existing condition on the property. The existing 13'-6" tall garage at 57 Maple hill is

positioned far into the front yard setback. The new house and fence will be set considerably further back, creating more open space. The new 6' tall fence would sit 19'-11" further back from the south property line.

6) The requested variance is not the result of a self-created condition.

7) The request does not create a special privilege. In addition to the generous setback on the south side of the property, the fence would sit at its closest 44' back from the west side property line, further back than the minimum distance.

8) The proposed fence positioning would support the general intent and spirit of the Code. By positioning the fence as proposed, the wide and gracious shared driveway leading to 63 Maple Hill which is north of 57 is maintained. Furthermore, the proposed location maximized open space between 57 and the property to the west, 75 Maple Hill.

9) The proposed fence would be in harmony with the essential character of the area. The enclosed forecourt at 57 would be similar to the walled entries at the property immediately to the west at 75 Maple Hill and also at 110 Maple Hill. Both properties are among the most historically significant in the village and embody the essence of Glencoe's distinguished character.

10) The area enclosed by the fence together with the building and accessory structures occupies only 16.4% of the lot area, far below the 30% maximum. Therefore, a high degree of space, light, and privacy will be maintained between 57 and its neighbors.

11) Staff provided the following historical background. The existing house was built as a custom home by Harvey Kinzelberg in 1991. The original house at this location was demolished in 1991. The original house on this lot is believed to have been built prior to 1927 the date when setback requirements were first established after the Village's original 1921 Zoning Code. At that time the east/west segment of Maple Hill east of Sheridan Road was likely a private driveway leading to the oldest house on the lakefront at 57 Maple Hill. This would help explain why the current Maple Hill right-of-way going towards Lake Michigan resulted in a front setback line that cuts through the one-story garage portion of both the original pre-1927 house and the current 1991 house at 57 Maple Hill. The Zoning Code then and now permitted the rebuilding of the one story nonconformity in the front yard setback providing the nonconformity did not increase in outline or height. The area on the site plan identified as "B" required the current applicant to seek this variation because it had a gable roof element in the front yard setback that did not exist with the current southwest one story garage flat roof.

Madeline Halpern, 50 Maple Hill, spoke favorably on the siting of the proposed house. In response to questions, the 57 Maple Hill architect stated the new house A/C units and generator would be located away from the south side of the Maple Hill public access path as is currently the case. ZBA members inquired on south driveway gates shown located on public property on the 57 Maple Hill site plan. Staff noted that would be reviewed for Village Code compliance by engineering staff during the new house site plan review process..

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. Staff

noted four neighbors had called for clarifications on the request prior to the hearing but none indicated any opposition to the request.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for variance in the front yard setback be granted per the drawings presented, making findings and resolving as follow:

#### 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-(j) of the Glencoe Zoning Code.
  - 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 front yard building line setback from 50 feet to 40 feet for the "A" portion of the garage on the attached site plan and a variation for the "B" portion gable roof over the one story garage and room area located 30.8 feet front the front lot line for the property at 57 Maple Hill 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 Zoning Board of Appeals as follows:

AYES: Carlson, Elsasser, Friedman, Lissner, Richler, Satter, and Roin (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 8:20 P.M.

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Secretary