

## COURTS MAY UNRAVEL GLENCOE ZONE SNARL

### Petitions Prepared for Signatures and Money Pledges to Test One-Fifth Acre Clause

The controversy which has long been before the people of Glencoe as to whether an owner of a lot which has been regularly zoned and platted but which contains less than the present ordinance requirements whereby only five houses to the acre are permissible, is entitled to a permit to build, may yet go to the courts for decision.

If plans, which are now underway proceed to completion, and it is said they will be carried to that extent unless the village shall change front in the stand which it now takes, there will be mandamus proceedings instituted, very shortly.

Petitions have been prepared and it is said are ready for circulation among the property owners in what is known as the Chicago North Shore Land Company's sub-division in Glencoe, which includes practically all the property bounded by Jackson, Scott and Greenwood avenues and Lake street.

#### Many Already Built

The petition sets forth that something like fifty homes have been erected in this sub-division, in the past, on lots which do not come up to the requirements of the zoning ordinance, but the village now refuses to issue further permits to build in this section on the grounds that it is illegal to issue such permits.

The lots, in this section, or most of them, it is pointed out, are under the one-fifth of an acre requirement included in the ordinance passed by the village, in May, 1921. It is further indicated that this subdivision was platted and regularly accepted by the village many years before the passage of the May, 1921 ordinance.

The result has been that in recent years, especially, when demand for vacant lots for building purpose in Glencoe is increasing all the time, the Building Commissioner and the Village Board are constantly confronted with the problem.

At a recent meeting of the village board the matter was referred to Village Attorney Alexander H. Marshall for an opinion. This he rendered to the village board at its meeting Friday evening of last week. The report was published in full in GLENCOE NEWS the following morning. It sustains the present ordinance, with suggestions that such cases of dispute should be referred to a zoning board of appeals.

#### Attorneys' Opinions

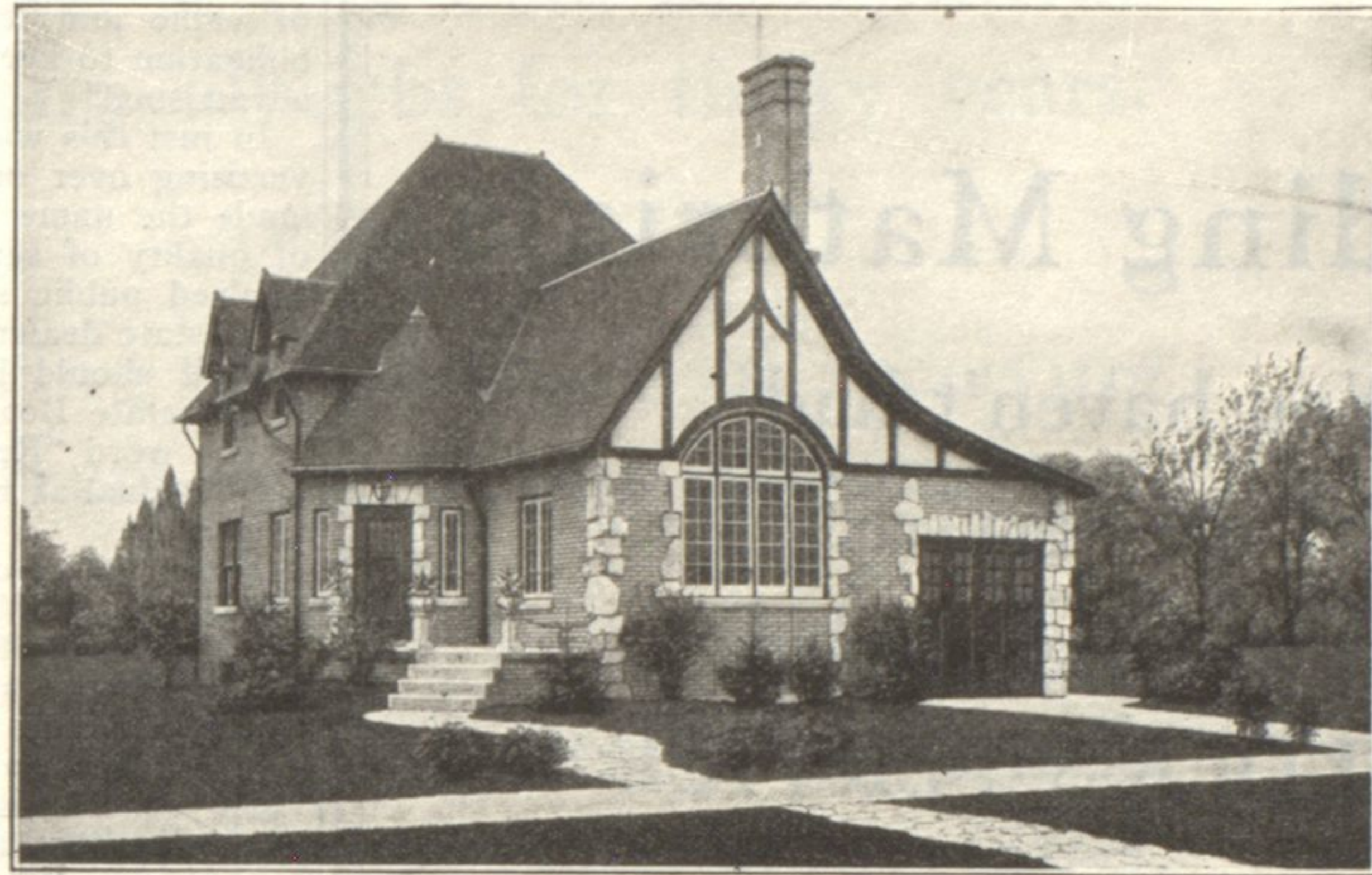
At the meeting at which this decision was rendered, Max Murdock, of Winnetka, an official of the Illinois State Real Estate Board and attorney for the North Shore Real Estate board, was present, and he and Village Attorney Marshall took occasion for a most friendly discussion of the point at issue which, it was explained, has not been passed upon by the higher courts, and on which there is divided legal opinion.

Village Attorney Marshall said he felt that if a person who owned a lot which comprised an area less than one fifth of an acre, before the passage of the ordinance referred to in the foregoing, he cannot be prevented from building on it.

Attorney Murdock said he felt the same way about the matter, except, that in addition, he insists that the rights which the owner had prior to the passage of the one-fifth of an acre zoning, pass on to succeeding owners, when the lot is sold.

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