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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
March 15, 2017**

**1. CALL TO ORDER**

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 15, 2017 at 6:34 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

**2. ROLL CALL**

**Present:** Members Gary Moberly, Marc Connelly, Keith Giltner, Joseph Alesia, John Podliska, Kathryn Engel and Chairman Bob Neiman

**Absent:** None

**Also Present:** Village Manager Kathleen Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom, Director of Community Development/Building Commissioner Robb McGinnis and Village Clerk Christine Bruton

**3. APPROVAL OF MINUTES**

**a) Regular meeting of December 21, 2016**

There being no changes or corrections to the draft minutes, Member Giltner moved to **approve the minutes of the regular meeting of December 21, 2016, as presented.** Member Engel seconded the motion.

**AYES:** Members Moberly, Giltner, Alesia and Chairman Neiman

**NAYS:** None

**ABSTAIN:** Members Connelly, Engel and Podliska

**ABSENT:** None

Motion carried.

**b) Regular meeting of January 18, 2017**

There being no changes or corrections to the draft minutes, Member Podliska moved to **approve the minutes of the regular meeting of January 18, 2017, as presented.** Member Giltner seconded the motion.

**AYES:** Members Moberly, Giltner, Podliska and Chairman Neiman

**NAYS:** None

**ABSTAIN:** Members Connelly, Alesia and Engel

**ABSENT:** None

Motion carried.

1  
2 c) **Regular meeting of February 15, 2017**

3 There being no changes or corrections to the draft minutes, Member Engel  
4 moved to **approve the minutes of the regular meeting of February 15,**  
5 **2017, as presented.** Member Alesia seconded the motion.

6  
7 **AYES:** Members Moberly, Alesia, Engel, Podliska and Chairman Neiman

8 **NAYS:** None

9 **ABSTAIN:** Members Connelly and Giltner

10 **ABSENT:** None

11  
12 Motion carried.

13  
14 **4. APPROVAL OF FINAL DECISION**

15 a) **V-05-16, 631 S. Garfield Street**

16 Corrections were made to the draft final decision. Member Podliska moved  
17 to **approve the Final Decision for V-05-16, 631 S. Garfield Street, as**  
18 **amended.** Member Giltner seconded the motion.

19  
20 **AYES:** Members Moberly, Giltner, Engel, Podliska and Chairman Neiman

21 **NAYS:** None

22 **ABSTAIN:** Members Connelly and Alesia

23 **ABSENT:** None

24  
25 Motion carried.

26  
27 **5. RECEIPT OF APPEARANCES –** All persons intending to speak during the  
28 public hearing were sworn in by the court reporter.

29  
30 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO**  
31 **MAKE PUBLIC COMMENT OF A GENERAL NATURE –** None

32  
33 **7. PRE-HEARING AND AGENDA SETTING**

34 a) **V-03-17, 100 South Garfield Avenue (Hinsdale Middle School)**

35 Village Manager Kathleen A. Gargano addressed the Board as joint  
36 applicant with the Hinsdale Middle School. She explained this application  
37 relates to the building of a parking deck. She explained the school passed  
38 a referendum for a new school, and the construction of a surface parking lot  
39 might be a community opportunity to relieve congestion in the central  
40 business district. She noted a Chicago Metropolitan Agency for Planning  
41 (CMAP) study which indicated the Village is at 100% capacity in terms of  
42 parking. The school agreed to work together with the Village to solve the  
43 parking problem, to which there has been no public opposition to the  
44 construction; the only opposition was to building too small a structure. Part  
45 of the impetus to move forward is due to the design of the school, which will  
46 exacerbate an existing problem because an additional 50 spaces will be  
47 lost.

48 Mr. Brian Kronewitter, architect for the Middle School project, briefly

1 reviewed the six requested variances, which include a reduction in the front  
2 yard setback, the interior side yard setback, an increase in floor area ratio  
3 (FAR), occupying more than 35% of the side yard with a permanent  
4 structure, allowing off-street parking in the required front yard, and  
5 reduction of minimum perimeter landscape buffer.

6 Chairman Neiman commented that while this is a unique situation, the  
7 necessity for six variations is problematic and the applicant should be  
8 prepared to explain why all of these are required, and no other design  
9 would eliminate or reduce the number or severity. Member Connelly noted  
10 that two of the six items are recommendations for approval only. Director  
11 of Community Development Robb McGinnis said based on the  
12 improvements, three of these will be reduced. Ms. Gargano said every  
13 effort will be made to minimize the requests. Mr. Weise, representing the  
14 school, provided some detail regarding the landscape materials to be used  
15 surrounding the parking deck.

16 The public hearing was set for April 19, 2017.

17  
18 **b) V-04-17, 435 Woodside**

19 Mr. Matthew Bousquette, property owner, addressed the Board. He  
20 clarified that 435 Woodside would be the new address, he resides at 448 E.  
21 4<sup>th</sup> Street. Also present was Mr. Kris Parker, current resident of the Zook  
22 house located at 444 E. 4<sup>th</sup> Street. Mr. Bousquette explained these  
23 addresses encompass six lots, or a little over two acres. These lots are  
24 slightly larger than the others on the block. He described the 400 block of  
25 Woodside, and the current homes on the block. The lot they want to build  
26 on is the second largest, and the same as the other homes on the block,  
27 except the one right next door. The Zook house is a 4,100' square foot  
28 home. To the best of his knowledge, there are no lots in the R-1 area of  
29 this size that have never been built on before. Additionally, 90% of the  
30 existing homes in the R-1 do not conform to the 30,000' square foot  
31 requirement. The lot and the house fit with character of the neighborhood;  
32 he would like to save the house. The lot where the Zook house would be is  
33 the second largest on the block; resulting in three houses on two acres. He  
34 explained that he has been working on this for eight months, and it is  
35 becoming financially difficult; he is looking for an expeditious way to resolve  
36 this.

37 Mr. Parker added when people see the facts, they are in favor of this  
38 request. He believes the home is part of Hinsdale's look, feel and heritage.  
39 Mr. Parker is under contract to buy the home, contingent on being able to  
40 move it.

41 The public hearing was set for April 19, 2017.

42  
43 **c) V-02-17, 724 North York Road (Hinsdale Animal Hospital)**

44 Mr. Mike Mathys, architect, Dr. Tony Kremer, owner, and Mr. Tim Burke,  
45 management company representative, addressed the Board. Mr. Mathys  
46 explained the project originally started as a redevelopment of the existing  
47 building, but the Village Board, while receptive to the location, encouraged  
48 them to demolish and rebuild. They are working with a slightly smaller

1 footprint than the existing building. The setback on York Road would be  
2 the same, the building would be a brick and stone style, with a tower  
3 feature. Dr. Kremer commented he is under contract with the current  
4 owner, pending approvals. It was noted the property was re-zoned B-1 by  
5 the current owner, but the surrounding area is O-2. Discussion followed  
6 regarding the tower.

7 Chairman Neiman is concerned there are so many variations requested,  
8 especially so when the existing building is being torn down, creating a  
9 'blank slate'. He asked the applicant to address whether the issues are  
10 self-created; could the architecture be changed to eliminate or reduce the  
11 scope of the variances requested, and bring it closer to what is permitted.

12 Dr. Kremer said they are working on trying to redevelop the business,  
13 however, they know they need this square footage. Mr. Mathys explained  
14 the lot is misshapen, and partly unusable, which has created the need for a  
15 variance. There are issues with the lot width, and providing the proper  
16 parking. If the property was still zoned O-2, as the surrounding area, a  
17 couple of the variances, including FAR relief would not be necessary. It  
18 was noted they plan to eliminate existing on-street parking, thereby  
19 improving the look of York Road.

20 The public hearing was set for April 19, 2017.  
21

## 22 **8. PUBLIC HEARINGS**

### 23 a) **V-01-17, 26 East Sixth Street**

24 Mr. Bob O'Donnell, attorney representing Janice MacLeod, independent  
25 executor of Mr. Vincent Petrovsky's estate, addressed the Board stating  
26 they are seeking a single variation from the minimum lot area requirement  
27 in the R-4 zoning district for a property which currently does not have an  
28 address. Section 3-110-C of the Village code states the minimum lot size  
29 for a lot in the R-4 district is 10,000' square feet; however Section 10-105-A  
30 addressed the use of nonconforming lots of record for use as a single-  
31 family home. If this variation is granted, the new lot would be used for a  
32 single-family home. A legal nonconforming lot of record must have a  
33 minimum lot area of 7,000' square feet. The subject lot is 400' square feet  
34 less than the minimum required. However, Section 11-503 of the code  
35 permits a variation of up to 10% of the required lot area, and as such is  
36 within the Board's authority to grant.

37 The lot is currently vacant, and the hardship in this case is the lot will not  
38 be buildable. The anomaly in the code is that if there were an existing  
39 single family home on the lot before 1981, a variation would not be required  
40 to tear down and rebuild. The unique physical condition is the property was  
41 platted in 1888, well before the code was adopted, it does not appear a  
42 home was ever constructed on the property. The problem is not self-  
43 created as these lots were platted separately a century before the code  
44 was adopted. The owner's substantial right is denied; they should have the  
45 right to sell the lot like any other lot in the area with a home on it. Those  
46 can be sold and redeveloped as a matter of right.

47 Discussion followed regarding the value in Hinsdale of a 13,000' square  
48 foot lot. Mr. O'Donnell stated there is more value in two separate lots; the

1 owner will suffer significant diminution by virtue of the fact there is no  
2 house on the lot. He also reiterated that the second lot would not be  
3 buildable; additionally this would be the only 13,000' square foot lot in a  
4 neighborhood of 7,000' square foot lots. He believes the essential  
5 character of the area would be negatively affected by the combining of the  
6 two lots. He pointed out that the contract purchaser of the lot intends to  
7 build a code compliant home on the property.

8 Mr. O'Donnell stated the ability to construct a home on a platted lot is not a  
9 special privilege, given all the other activity in the recent past in this area.

10 Granting this is in the spirit of the code, and consistent with what has  
11 occurred in the district. There is no other remedy, other than a variation, to  
12 use this lot for a single-family home. It is an atypical situation that requires  
13 the property owner to come before the Board simply because there is no  
14 house on the lot.

15 Member Podliska asked what efforts were made to reach out to neighbors  
16 for input. Mr. Luke Stifflear addressed the Board stating he has a contract  
17 to purchase the property. He also noted for full disclosure, that he is a  
18 Trustee on the Village Board. He sent out 36 notices to all the neighbors  
19 on February 28<sup>th</sup>, but there has been no response. He did not knock on the  
20 doors. (Mr. Stifflear was sworn in for prior testimony.)

21 Mr. McGinnis clarified there are lots of record all over town that do not meet  
22 the bulk regulations. When the code was adopted, a town of legal non-  
23 conforming lots was created. He noted that if a home straddles underlying  
24 lots it creates one zoning lot. There is no record of any improvement on  
25 this lot; therefore this is not a zoning lot of record.

26 **Ms. Maureen Walsh of 25 S. Ulm Place**, was sworn in. She expressed  
27 concerns about density and drainage. She is the resident behind the  
28 property in question, and hates to see the homes get smooshed together,  
29 so she opposes this request. Chairman Neiman explained the drainage  
30 issues would be addressed during the permitting process. Ms. Walsh  
31 stated she doesn't have drainage problems, but her neighbor does.

32  
33 Member Connelly moved to close the public hearing for **V-01-17, 26 East**  
34 **Sixth Street**. Member Alesia seconded the motion.

35  
36 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and  
37 Chairman Neiman

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** None

41  
42 Motion carried.

#### 43 44 **DELIBERATIONS**

45  
46 Member Podliska began deliberations stating he is satisfied with the discussion  
47 regarding the character of neighborhood if there was one big house; he is  
48 convinced the character would be adversely affected. Chairman Neiman agreed;

1 it was a good suggestion to combine the lots, but no one wants one big house in  
2 the middle of the block towering over all the others. Member Moberly stated he is  
3 convinced by the building activity in the area, Member Connelly believes all the  
4 necessary criteria for approval have been met. Chairman Neiman added the  
5 manner in which Mr. O'Donnell addressed the criteria was compelling, especially  
6 with the exhibits of like homes and like sized lots.

7  
8 Member Podliska moved to **approve the variation request known as V-01-17,**  
9 **26 East Sixth Street.** Member Engel seconded the motion.

10  
11 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and  
12 Chairman Neiman

13 **NAYS:** None

14 **ABSTAIN:** None

15 **ABSENT:** None

16  
17 Motion carried.

18  
19 **9. NEW BUSINESS – None**

20  
21 **10. OTHER BUSINESS – None**

22  
23 **11. ADJOURNMENT**

24 With no further business before the Zoning Board of Appeals, Member Engel  
25 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**  
26 **March 15, 2017.** Member Giltner seconded the motion.

27  
28 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and  
29 Chairman Neiman

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** None

33  
34 Motion carried.

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37 Chairman Neiman declared the meeting adjourned at 8:15 p.m.

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42 Christine M. Bruton  
43 Village Clerk

Approved: \_\_\_\_\_