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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
November 18, 2015**

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Monday, November 18, 2015 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois. On behalf of the Board, Chairman Neiman sent best wishes for a speedy recovery from a recent illness to Member Gary Moberly.

2. ROLL CALL

Present: Members Marc Connelly, Keith Giltner, Rody Biggert, Kathryn Engel, John Podliska and Chairman Bob Neiman

Absent: Member Gary Moberly

Also Present: Director of Community Development/Building Commissioner Robb McGinnis and Village Clerk Christine Bruton

3. RECEIPT OF APPEARANCES

Court Reporter Kathy Bono administered the oath to all those wishing to speak during the public hearing.

4. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE – None

5. PUBLIC HEARINGS

a) **V-05-15, 718 W. 4th Street**

Mr. Pat Magner, architect for the project, and Mr. Brett Conway, homeowner, addressed the Board.

Mr. Conway stated his is a family of five and when they bought the home in 2001, he and his wife had no children. He said this is a three bedroom English Tudor built in the 1920's that he would like to expand to accommodate his growing family. He will keep the architectural details of the structure and has provided the Board with evidence of neighbor support for the project.

Mr. Magner explained the issue is meeting building coverage. This is a pre-code structure, built before the zoning ordinance was in existence. The existing lot area is 5,781 square feet. Allowable building coverage is 1,445' square feet; the existing building and garage already cover 1,360' square feet. The lot is non-conforming in that the setback on the corner side yard is 10.5' feet, and the ordinance requires 20' feet. The Bruner side is 35' feet and meets requirements. The building can maintain a 6' foot setback

1 on the south side; they would like to extend the second level cantilever. He
2 described the existing layout of the 1,877' square foot home. They are
3 requesting an increase of 263' square feet of building coverage.

4 Mr. Magner addressed the required standards for approval. He said there
5 are only six houses with lots of this size within a multiple block radius, the
6 lot was platted over 90 years ago and the house is similarly old. The
7 requested building coverage is not out of character to other area properties,
8 and the proposed addition will be in harmony with the surrounding
9 neighborhood. This project is not detrimental to the public welfare and
10 won't impair an adequate supply of light or air to the properties in the
11 vicinity; congestion in the public streets will not be affected. There is no
12 increase of danger from flood or fire; public utilities will not be taxed.

13
14 Mr. Michael Parks of 405 S. Bruner, addressed the Board. He stated he is
15 the next door neighbor and supports these positive improvements, his only
16 concern is drainage. He understands a tree will be removed and he wants
17 to make sure there is a drainage plan. Mr. Magner said the Building
18 Department has a requirement that if 10% or more of footprint of the
19 existing building is added or changed, they are required to provide a
20 grading and drainage plan prepared by a civil engineer that indicates the
21 direction of storm water. This is to ensure water run-off does not go on
22 neighboring property. When the final grading is done, the contractor has to
23 shoot the grades and provide an as-built drawing to make sure it's done
24 properly.

25 Mr. Parks said he is comforted by the as-built requirement. Chairman
26 Neiman asked about the removal of the tree. Mr. Conway said it is an
27 older, large tree, but is on the east side of the house on the lower end of a
28 slope. Mr. McGinnis noted there is a requirement for a tree plan, too.

29
30 Member Engel moved to **close the Public Hearing for V-05-15, 718 W.**
31 **Fourth Street.** Member Connelly seconded the motion.

32
33 **AYES:** Members Connelly, Giltner, Biggert, Engel, Podliska and Chairman
34 Neiman

35 **NAYS:** None

36 **ABSTAIN:** None

37 **ABSENT:** Member Moberly

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39 Motion carried.
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DELIBERATIONS

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3 Chairman Neiman reminded the Board that this is a recommendation to the
4 Village Board, not a ZBA approval. Mr. McGinnis explained the ZBA has
5 limited authority with respect to building coverage, and four positive votes
6 are required to move this matter forward.

7 Member Biggert commented that he believes the applicant has done a nice
8 job with the architectural layout for the house and appreciates that this is a
9 remodel, not a tear-down. Member Engel believes the standards for
10 approval have been met sufficiently. Member Giltner agreed, and noted the
11 unique size of the lot. Member Connelly moved to **approve the**
12 **recommendation to the Village Board of Trustees the variation request**
13 **known as V-05-15, 718 W. Fourth Street.** Member Engel seconded the
14 motion.

15
16 **AYES:** Members Connelly, Giltner, Biggert, Engel, Podliska and Chairman
17 Neiman

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** Member Moberly

21
22 Motion carried.

23
24 Chairman Neiman reiterated the standards for approval and why the Board
25 believes they have been met as follows:

- 26
27 1. **Unique physical condition:** the subject property lot dimensions are
28 smaller than most in the surrounding area.
- 29 2. **Not self-created:** the lot has existed for 60-70 years, before the current
30 owner lived there.
- 31 3. **No denial of any substantial right:** given smaller lot size, to deny a
32 requested increase of only 4%, would be to deny the owner his
33 substantial right
- 34 4. **Not merely a special privilege:** the limitations created by Village Code
35 does not allow for the expansion of this smaller lot to what would be
36 allowable with a bigger lot.
- 37 5. **Variation consistent with code and planning purposes, not out of**
38 **character:** This small 400 square foot addition will not result in the
39 development of the site in a manner that would be out of character with
40 the neighborhood and has been designed to be consistent with the
41 existing building.
- 42 6. **Consistent w/ character of area:** Yes, for the same reasons as cited
43 above.
- 44 7. **No other remedy:** The Board does not believe there is any other
45 remedy that would allow the expansion of this home.
- 46

1 Chairman Neiman also noted the lack of opposition from neighbors. For
2 those reasons this Board recommends the Village Board of Trustees
3 approve this variation.
4

5 **b) MIH v Anglin –Remand from Circuit Court of DuPage County**

6 Chairman Neiman noted the Board is still awaiting annotated briefs from
7 the parties, and will schedule another meeting upon receipt of those briefs.
8

9 **6. NEW BUSINESS – None**

10
11 **7. OTHER BUSINESS – None**

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13 **8. ADJOURNMENT**

14 With no further business before the Zoning Board of Appeals, Member Engel
15 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
16 **November 18, 2015.** Member Podliska seconded the motion.
17

18 **AYES:** Members Connelly, Giltner, Biggert, Engel, Podliska and Chairman
19 Neiman

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** Member Moberly
23

24 Motion carried.
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26 Chairman Neiman declared the meeting adjourned at 6:57 p.m.
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29 _____
30 Christine M. Bruton
31 Village Clerk
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Approved: _____