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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE SPECIAL MEETING
FEBRUARY 2, 2017**

1. CALL TO ORDER

Chairman Bob Neiman called the specially scheduled meeting of the Zoning Board of Appeals to order Wednesday, February 2, 2017 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

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

Absent: None

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

3. RECEIPT OF APPEARANCES

The Court Reporter administered the oath to all persons intending to speak during one of the scheduled public hearings.

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

5. PUBLIC HEARINGS

a) **V-06-16, 727 S. Stough Street**

Mr. Paul Constantino, applicant, introduced his wife Julie and their architect Mr. Dan Bryan.

Mr. Bryan began by stating there are two items for the Board to consider as hardships. He believes that having a fourth bedroom is not unlike the 'right' to have a two-car garage. It is expected and customary in this area.

In order to accommodate the Constantino's third child, the family would like to build a fourth bedroom in the attic. However, to do so increases the maximum elevation of the building to beyond what the code allows. The maximum height is still within the appropriate limits.

The second hardship is the extreme slope of the property. If the cupola is no larger than 9' x 9' it is allowed to project through the elevation, but that size is not sufficient for a bedroom. The proposed cupola is larger at 9' x 12.2', for structural and visual reasons, and to give better headroom and space in the bedroom.

The Constantino's next door neighbors have submitted letters of support for the record. One of their neighbors was present at the last meeting to testify, but is out of town for this special meeting.

Mr. Bryan reviewed the seven criteria necessary for Board approval; the

1 property has a unique physical condition, because of the slope, this is not a
2 self-created problem, again because of the slope, is not a special privilege,
3 will blend with the surrounding area, thereby adhering to the essential
4 character of the area, and will result in no materially detrimental effect to
5 the public welfare. He does not believe there is any other remedy for his
6 clients.

7 Mr. McGinnis confirmed, with respect to the cupola, that if it were slightly
8 smaller it would not require a variance. It was confirmed that the south
9 side neighbor is in favor of the request; and without the slope of the lot this
10 request would conform to the code.

11 Mr. Constantino pointed out that the house next door will still be taller than
12 his even after this addition is built.

13 Member Moberly moved to close the public hearing for **V-06-16, 727 S.**
14 **Stough Street V-06-16, 727 S. Stough Street.** Member Connelly
15 seconded the motion.

16
17 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
18 Chairman Neiman

19 **NAYS:** None

20 **ABSTAIN:** None

21 **ABSENT:** None

22
23 Motion carried.

24 25 26 **DELIBERATIONS**

27
28 Member Giltner began discussion stating he is in favor of this request. In his
29 opinion the hardship isn't the fourth bedroom, but the unique physical condition of
30 the lot. Member Podliska agreed; he looked at the property and confirmed it is
31 very steep and unusual, and does not think the homeowner should be harmed by
32 the unnatural configuration of the property. Member Connelly agreed.

33 Member Moberly moved to **approve the variation for V-06-16, 727 S. Stough**
34 **Street.** Member Connelly 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

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42 Motion carried.

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2 **b) V-07-16, 100 S. Garfield (Hinsdale Middle School)**

3 Chairman Neiman noted there are three variances being requested. He
4 asked the Board if, from a procedural standpoint, it made more sense to go
5 through each variation one by one, or all three at once. He noted that the
6 rear yard setback request and the parking request are within the jurisdiction
7 of the ZBA, but the FAR question will be a recommendation only to the
8 Village Board. The Board agreed to hear the arguments as one public
9 hearing, but to deliberate and vote on each variation request separately.

10
11 Mr. Brian Kronewitter, architect for the middle school project, addressed the
12 Board. He said the rear yard setback request is for a two foot variation
13 along Washington Street, and will reduce the required 25' rear yard to 23'.
14 He noted that the biggest challenge of this project is to build the new
15 school around the existing building. Due to the proposed length of the
16 building, they opted to push it west to Washington Street.

17 There was discussion regarding the safety of students crossing the street to
18 get to the athletic field. Superintendent White pointed out that this field is
19 currently used regularly, there is no change of usage, and staff is very
20 diligent about safety. The area across the street will still be used after
21 construction; Mr. Kronewitter noted this is the primary outdoor gym facility.

22 Mr. Kronewitter reviewed each of the criteria necessary for approval.

23
24 With respect to the request for Floor Area Ratio (FAR) relief, Mr.
25 Kronewitter stated the code requires .5 (50%). The current building is
26 already slightly over the allowable FAR, and in order to allow for some
27 growth in the size of the student body, and to provide a modern school
28 environment, the FAR for new building will increase to 0.64 or 137,000'
29 square feet. He does not believe there is any other remedy.

30 Member Podliska remarked that he is impressed with the facility, but if the
31 proposed building were to be put on a lot that complies with the code
32 requirements, the lot would have to be twice the size of the facility. The lot
33 is more than 59,000' square feet too small for the structure as the code
34 requires.

35 Dr. White explained that typically the athletic field is considered part of
36 property, and in that case the FAR would be fine, but because the athletic
37 field is not contiguous to the school property, the square footage of the field
38 is not included in the calculations. Dr. White confirmed the field to the west
39 of the school, although bisected by Washington Street, is part of the
40 district. If it were contiguous, they would meet the 50% FAR requirement.
41 It was pointed out that the State of Illinois requires this property be athletic
42 space for the school. Washington Street will be closed during construction,
43 but not permanently. Dr. White noted there have been no accidents or
44 close calls crossing the street, staff is very conscious of the safety
45 concerns. He anticipates improved safety following the completion of the
46 project, because of how cars will be funneled onto the property for student

1 drop-off. In December a resident expressed concerns about the bus drop-
2 off. Dr. White talked to all the neighbors about headlights and traffic, and
3 the new drop-off pattern will help the neighbors to the south.
4

5 Mr. Kronewitter addressed the variation request for off-street parking in the
6 required front yard. This is in regards to a surface parking lot, which has
7 also been discussed to be a parking deck with the Village. As it is currently
8 designed, the surface lot will sit where the old building is. The minimum
9 number of spaces necessary to accommodate all school staff, and get them
10 off the side streets and other non-school property, is 124 spaces. This lot
11 will also accommodate visitor parking. In order to reach the 124 space
12 total, 10 spaces along Garfield are required. It was noted that the
13 development to the north, has parking in the same setback, so there is
14 some precedence for this request.

15 Regarding the proposed parking deck, Mr. McGinnis explained the Village
16 Board is still reviewing the project, but it may come back to the ZBA with
17 the Village as co-applicant, at some future date.

18 Member Connelly asked about the traffic jams on Washington Street, and
19 Mr. Kronewitter replied they believe much of this congestion will be
20 alleviated due to a lengthened drop-off zone.

21 Chairman Neiman noted the criteria for approval is spelled out very well in
22 the application. Trustee Giltner asked if the school district had received
23 any resident comments on this particular request. Mr. Kronewitter
24 confirmed that there has been none.

25 Member Podliska moved to close the public hearing for **V-07-16, 100 S.**
26 **Garfield (Hinsdale Middle School)**. Member Moberly seconded the
27 motion.
28

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

31 **NAYS:** None

32 **ABSTAIN:** None

33 **ABSENT:** None
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35 Motion carried.
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38 **DELIBERATION**

39 Rear yard §7-310(C)(2)
40

41 Chairman Neiman began discussion stating he believes the applicant has met the
42 seven criteria for approval, largely due to the fact there is already a school on the
43 property that has to stay open. The result is a unique condition that is not self-
44 created. The school board has represented that there is no other location to build
45 the school, and a substantial right would be denied if the variation request is not
46 approved. He believes the applicant meets all necessary criteria. The Board

1 agrees.

2

3 Member Engel moved **to close discussion on Section 7-310-C-2, requesting**
4 **reduction of required 25' foot setback.** Member Moberly seconded the motion.

5

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

8 **NAYS:** None

9 **ABSTAIN:** None

10 **ABSENT:** None

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12 Motion carried.

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DELIBERATION

FAR §7-310(D)

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18 Member Moberly began by stating it is unfortunate that a larger site is not
19 available; this is a beautiful school and would benefit from a larger site. Member
20 Podliska noted his concerns about the lot size, but commented this is actually
21 more of technicality because of the athletic field.

22 Chairman Neiman confirmed with Ms. Bruton that the Village Board would have
23 benefit of an explanation of how the applicant met each of the necessary criteria
24 for approval. Mr. McGinnis pointed out that the Village Attorney will prepare the
25 Final Decision because this is a referral to the Village Board. They will be
26 provided a transcript of the public hearing and the deliberations.

27 Member Giltner moved **to close discussion on the FAR request.** Member
28 Engel seconded the motion.

29

30 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
31 Chairman Neiman

32 **NAYS:** None

33 **ABSTAIN:** None

34 **ABSENT:** None

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36 Motion carried.

37

38 Member Giltner moved **to recommend approval of the variation request under**
39 **Section 7-310(D) to the Village Board of Trustees.** Member Moberly seconded
40 the motion.

41

42 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
43 Chairman Neiman

44 **NAYS:** None

45 **ABSTAIN:** None

46 **ABSENT:** None

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2 Motion carried.

3 **DELIBERATION**
4 Off-street parking §9-104(G)(2)(b)

5
6 Chairman Neiman began discussion and stated that the reasons the applicant
7 stated in their application and the public hearing make it clear that the criteria for
8 approval are met. He believes the additional parking will benefit both the school
9 and the public.

10 Member Giltner moved **to close discussion on the off-street parking request.**
11 Member Engel seconded the motion.

12
13 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
14 Chairman Neiman

15 **NAYS:** None

16 **ABSTAIN:** None

17 **ABSENT:** None

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19 Motion carried.

20
21 Member Giltner moved **to recommend approval of the variation request under**
22 **Section 9-104(G)(2)(b) to the Village Board of Trustees.** Member Moberly
23 seconded the motion.

24
25 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
26 Chairman Neiman

27 **NAYS:** None

28 **ABSTAIN:** None

29 **ABSENT:** None

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31 Motion carried.

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33 **6. NEW BUSINESS – None**

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35 **7. OTHER BUSINESS – None**

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37 **8. ADJOURNMENT**

38 With no further business before the Zoning Board of Appeals, Member Moberly
39 made a motion to **adjourn the special meeting of the Zoning Board of**
40 **Appeals of February 2, 2017.** Member Connelly seconded the motion.

41
42 **AYES:** Members Moberly, Giltner, Alesia, Engel, Podliska and Chairman
43 Neiman

44 **NAYS:** None

45 **ABSTAIN:** None

46 **ABSENT:** Member Connelly

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Motion carried.

Chairman Neiman declared the meeting adjourned at 7:28 p.m.

Christine M. Bruton
Village Clerk

Approved: _____