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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
July 19, 2017**

**1. CALL TO ORDER**

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, July 19, 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 Bruton

**3. APPROVAL OF MINUTES**

**a) Regular meeting of June 21, 2017**

Due to the late distribution of the lengthy minutes from the June 21<sup>st</sup> meeting, the Board agreed to defer approval to their next meeting. It was confirmed that this would have no adverse effect on the applicant.

**4. APPROVAL OF FINAL DECISION**

**a) APP-01-17, 444 East Fourth Street/435 Woodside Avenue**

There were no changes to the draft final decision; Member Podliska moved to **approve the final decision for APP-01-17, 444 East Fourth Street/435 Woodside Avenue, as presented.** Member Alesia seconded the motion.

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

**NAYS:** None

**ABSTAIN:** Member Engel

**ABSENT:** None

Motion carried.

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

Member Podliska had several suggestions to the draft final decision, which Chairman Neiman reviewed for the Board. The Board concurred on each suggested change. Member Alesia moved to **approve the draft final decision of the regular meeting of May 17, 2017, as amended.** Member Giltner seconded the motion.

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

1           **NAYS:** None  
2           **ABSTAIN:** Member Engel  
3           **ABSENT:** None

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5           Motion carried.

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7   **5. RECEIPT OF APPEARANCES – None**

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9   **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**  
10 **PUBLIC COMMENT OF A GENERAL NATURE – None**

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12 **7. PRE-HEARING AND AGENDA SETTING**

13   a) **V-06-17, 19 Lansing Street**

14       Ms. Susan Phillip, property owner, addressed the Board, stating she wants to  
15       rebuild her one-car garage and make it a little wider. She provided a more  
16       current plat of survey on the property to the Board. The request is for inches  
17       of relief.

18       Chairman Neiman confirmed Ms. Phillip needs a small variance from the lot  
19       line, but asked if it is possible to rebuild the garage facing the other direction,  
20       so the variance is not necessary. Ms. Phillip said yes, but the sunroom is 10'  
21       feet from garage, which was done to meet code requirements. If the garage  
22       was moved closer, they would have to move a grill with a gas line, and various  
23       other features in their yard. She wants to build the garage exactly where it is  
24       on the west and a few inches bigger on the east. Mr. McGinnis explained the  
25       fire separation regulations for structures closer than 10' feet to a principal  
26       structure, but confirmed there are no regulations between garages.

27       Chairman Neiman recapped stating the proposed garage could be a little  
28       closer to the sunroom without a variance, but this would create some  
29       inconvenience to the applicant.

30       Member Giltner confirmed the closest neighbor has provided a letter of  
31       support; Ms. Phillip added that she has spoken with the rest of her neighbors,  
32       and there was no objection.

33       Chairman Neiman set the public hearing for the next meeting of the Zoning  
34       Board of Appeals.

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36 **8. PUBLIC HEARINGS – None**

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38 **9. NEW BUSINESS**

39   a) **Discussion and Approval of Proposed Rules for Written Submissions**

40       Chairman Neiman introduced the item for discussion and stated he had asked  
41       for responses from the Board members regarding the draft rules in accordance  
42       with the Open Meetings Act. He said the input he received has been included  
43       in the document. He referenced a comment from Member Moberly regarding  
44       the 21 day requirement for a submittal of a brief, wherein Member Moberly  
45       suggested that 21 days might be too long, and could potentially delay a  
46       hearing until the following month. Discussion followed, and the Board agreed  
47       that 14 days would be adequate, and even a week in advance with page  
48       limitations would be doable. Member Podliska pointed out that the pre-hearing

1 process dovetails with this very well because if an applicant needs an  
2 extension of the page limit or something of that nature, it can be addressed at  
3 pre-hearing. Chairman Neiman reported that Village Attorney Michael Marrs  
4 had confirmed that the Zoning Board has the authority to adopt rules of  
5 procedure for themselves of this nature.

6 Chairman Neiman pointed out that these rules are not codified, and asked  
7 about distribution to applicants. Village Clerk Bruton explained that she and  
8 Mr. McGinnis had discussed this, and recommended that a new application for  
9 variation be developed to include this material, as well as other  
10 enhancements. She said she would draft a new application for Board review.

11 Member Connelly suggested the Board consider time limits for comment and  
12 rebuttal. Chairman Neiman agreed, but recalled that with the recent Amlings  
13 case, the Circuit Court had focused on the limited testimony. There was some  
14 contention there was not adequate time to call witnesses for a complete record  
15 in the specified time format. Discussion followed; it was suggested the ZBA  
16 could adopt a rule that distinguishes between testimony and arguments, and  
17 exceptions for evidentiary testimony. Discussion of acceptable time limits  
18 followed for attorney arguments, and the Board agreed as long as there is a  
19 mechanism to request more time when necessary, and all persons have  
20 advance notice of the time limits, this is a reasonable proposition.

21 Member Moberly commented that if the person presenting the case knows  
22 they have ten minutes to make their argument, it could result in the benefit of  
23 self-editing.

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25 **10. OTHER BUSINESS – None**

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27 **11. ADJOURNMENT**

28 With no further business before the Zoning Board of Appeals, Member Engel  
29 made a motion to **adjourn the meeting of the Zoning Board of Appeals of July**  
30 **19, 2017**. Member Podliska seconded the motion.

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32 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and Chairman  
33 Neiman

34 **NAYS:** None

35 **ABSTAIN:** None

36 **ABSENT:** None

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38 Motion carried.

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40 Chairman Neiman declared the meeting adjourned at 7:03 p.m.

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44 Christine M. Bruton  
45 Village Clerk

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