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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
July 18, 2018**

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, July 18, 2018 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Gary Moberly, Joseph Alesia, Tom Murphy, Kathryn Engel, John Podliska and Chairman Bob Neiman

Absent: Member Keith Giltner

Also Present: Director of Community Development/Building Commissioner Robb McGinnis, Village Clerk Christine Bruton and Court Reporter Kathy Bono

3. APPROVAL OF MINUTES

a) **Regular meeting of May 16, 2018**

Following corrections to the draft minutes, Member Murphy moved to **approve the draft minutes of May 16, 2018, as amended.** Member Engel seconded the motion.

AYES: Members Alesia, Murphy, Engel, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: Member Moberly

ABSENT: Member Giltner

Motion carried.

4. APPROVAL OF FINAL DECISIONS – None

5. RECEIPT OF APPEARANCES – Court Reporter Kathy Bono administered the oath to those persons intending to speak to the Board.

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

7. PRE-HEARING AND AGENDA SETTING

a) **V-06-18, 330 Chestnut**

Mr. Bernie Bartelli, with Michael Abrams Architecture, representing property owners Dave & Sharon Habiger, addressed the Board. He explained they want to put a 676' square foot maintenance building on the property. They are again seeking a one foot rear yard setback that was granted when the building was built, a reduction in the required 10' foot side yard requirement to 2' feet, and an increase in permitted height for a retaining wall along the

1 railroad tracks from 15' feet to 18' feet. He explained the lot is very narrow
2 and oddly shaped, and this is the only spot available for the maintenance
3 building as the rest of the lot is heavily landscaped or parking area. The
4 maintenance building will only be used by the office building and the goal is
5 that it can only be seen from the office building. Mr. Bartelli confirmed that
6 area businesses will be contacted as part of the process.

7 Chairman Neiman instructed Mr. Bartelli to be prepared to address the
8 approving criteria.

9 Chairman Neiman set the public hearing for August 15, 2018.

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11 **b) V-07-18, 336 East Ogden Avenue**

12 Mr. Kevin Jacobs, applicant, and Mr. Jerry Mortier, of Redmond Group
13 Design, addressed the Board. Mr. Jacobs explained that he had approval for
14 a complete renovation for the new Landrover store, however, they have been
15 in negotiations with Jaguar Landrover to bring both brands to the site. With
16 the addition of Jaguar, they will need to widen the showroom portion of the
17 building along Ogden Avenue. Director of Community Development/Building
18 Commissioner Robb McGinnis explained this is a horizontal extension.
19 Moving the building back will reduce the existing non-conformity. Mr. Jacobs
20 explained the manufacturer requirements for a flat, flush front; the look and
21 materials have not changed. There will be two smaller showrooms, instead of
22 one large one. Chairman Neiman asked about neighbor opposition because
23 this is a commercial use abutting a residential use. Mr. Jacobs explained that
24 last Thursday there was a neighbor meeting. He said he wanted to work with
25 neighbors before this evening. He said there were about five residents
26 present whose main concern was noise and traffic. Mr. Jacobs believes they
27 have done everything they can to mitigate these concerns. The requested
28 variation has no impact on lighting, landscaping or the eight foot precast
29 sound wall on the south side of the property. He explained that with respect
30 to landscaping, they worked with the Village arborist to determine what will
31 look good and what will survive. They are keeping the existing trees. The
32 Jaguar addition will necessitate only one more service bay, and one more
33 technician, if operating at capacity. Neighbors were concerned with cars
34 driving, squealing tires, and inside service noises. The overhead doors were
35 decreased from ten (10) to six (6) resulting in less access to the exterior of
36 building. One entrance at the southwest corner was added, but there are no
37 service doors facing the residential properties on the south. There is a car
38 wash in the southeast corner, the same as before, but no dryer. There is an
39 air-conditioned and heated shop; doors will be primarily closed when work is
40 being done. There is a tube for exhaust fumes. The test drive routes have
41 not been planned; however, there will be a new left hand turn from Oak Street
42 to Ogden Avenue, making it easier to get onto Ogden.

43 **Mr. Michael Stick of 802 N. Franklin** addressed the board stating he was at
44 the neighbor meeting last Thursday. He explained that six months of
45 negotiations last year resulted in the resolution of most of the issues of the
46 neighbors. He complained there was only one day notice of the meeting last
47 week, and neighbors will continue to review revised plans, and will present

1 their concerns. He clarified that residents did not take the position issues can
2 be worked out after opening. The wall, landscaping and lighting haven't
3 changed, but ingress and egress have been changed on the east and west
4 sides, which might be a Plan Commission issue. Neighbors raised a concern
5 about increased traffic and the relocation of a compressor further south.
6 Noise on the south side of the building is a concern. He stated that he
7 personally is not concerned about the extension to the west unless it impacts
8 traffic redirected to the south.

9 Chairman Neiman advised both parties to work together to resolve these
10 issues, and advised the applicant to be prepared to address the seven
11 approving criteria. He noted that all the information presented to the Board
12 tonight does not directly affect this variance, but some of the seven elements
13 are indirectly impacted.

14 It was noted that the ZBA has final authority over the setback variance.
15 Chairman Neiman set the public hearing for August 15, 2018.
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17 **8. PUBLIC HEARINGS**

18 **a) V-04-18, 550 West Ogden Avenue**

19 Chairman Neiman informed the Board that the applicant has withdrawn this
20 application for variance.
21

22 **b) V-05-18, 842 West Seventh Street**

23 Chairman Neiman opened the public hearing. Mr. Dan Roberts, architect and
24 builder, addressed the Board on behalf of Mr. Frank Spirovski, property
25 owner. Mr. Roberts began stating this home is basically at the southeast
26 corner of Seventh Street and Jackson. The owner is building a home for his
27 son. They are requesting two variations. The first is a reduction in corner
28 side yard setback on the north side of the property from the 15' feet required
29 to 11.6' feet because of the narrow lot. The second is for lot coverage. They
30 are asking for approval of an increase from 25% or 1,406' square feet, to 26%
31 or 1,468' square feet. This is a 62' square foot increase.

32 Mr. Roberts explained that this particular lot is only a 45' foot lot, most of the
33 lots in the southwest quadrant of the Village are 47' foot lots. He believes this
34 may be the smallest lot in town. They are asking for the same setback and lot
35 coverage that would be allowed on a 47' foot lot. He pointed out this request
36 is less than if an allowable detached garage were constructed on the
37 property. They elected not to build the detached garage because it allows the
38 home to be closer to 2,800' square feet and for the garage to be less
39 noticeable.

40 Mr. Mike Spirovksi, son of the property owner, addressed the Board stating he
41 sent out the letters of notice and also went door to door to introduce himself
42 to the neighbors. There has been no negative response from the neighbors.

43 Mr. Roberts reviewed the criteria for approval. The lot is unique; it is the only
44 45' foot lot he could find, it is adjacent to Route 83. If built in compliance with
45 the code, the home could only be 24' wide. This is not self-created, other
46 than the purchase of the property; the lot size is what it is. He stated they are
47 not denied substantial rights, nor are they depriving the rights of the

1 community. With respect to drainage, they are increasing the lot coverage,
2 but not more than the lot coverage would be if they built a detached garage.
3 He believes because this is a corner lot with an alley, the property drains
4 easier, and that there is no impact to neighbors as a result of the proposed
5 construction. The increase above the existing coverage is only 1%. He said
6 they wanted to ask for more, but they are trying to be fair, and they can't
7 exceed the FAR no matter what. Discussion followed regarding the possibility
8 of a third floor. Mr. Roberts stated that even with a third floor, they would not
9 be able to achieve a 2,800' square foot home. He described the size of the
10 proposed rooms, and reiterated the advantages to the neighborhood of the
11 attached garage. He briefly reviewed the remaining standards for approval
12 stating this is in harmony with the code and the essential character of the
13 neighborhood because the home will be set back further than the current
14 house. There will be no effect on the public welfare, nor will it create
15 congestion, affect flooding or fire, or create an additional taxation on utilities.
16 Additionally, in his opinion, there is no other remedy, and they believe this is
17 a fair request.

18 Member Moberly asked about precedent in this case, to which Mr. Roberts
19 responded this is unique because of the size of the lot; they are only asking to
20 meet the allowances for a more typical 47' foot lot.

21 Mr. McGinnis clarified that terms are being used interchangeably. The
22 request before the Board is for building coverage, which is different than total
23 lot coverage, but both move to the Village Board of Trustees as a
24 recommendation.

25 Following a question from Member Podliska, Mr. Roberts described the effect
26 on the building should the variance not be granted in terms of room size and
27 usable space. He explained that a third floor would not solve the problem of a
28 usable, reasonable first floor that includes a living room, dining area, kitchen
29 and one more room, whether that is a study or a dining room. It was
30 suggested that the mudroom be eliminated, but Mr. Roberts said as an
31 architect, he would never take out the mudroom. Without these basics, he
32 would not recommend his client build this house. He added that he thinks the
33 neighbors would object to a larger house; the proposed house is the size of
34 the existing house.

35 There being no additional questions from the Board, Member Podliska moved
36 to **close the public hearing for V-05-18, 842 West Seventh Street**. Member
37 Engel seconded the motion.

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39 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman
40 Neiman

41 **NAYS:** None

42 **ABSTAIN:** None

43 **ABSENT:** Member Giltner

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45 Motion carried.
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DELIBERATION

Chairman Neiman asked the Board to keep in mind the building coverage variation is a recommendation to the Village Trustees, and the side yard setback request is final at the ZBA.

Side yard setback:

Member Moberly commented that he fails to see how a 2,600' square foot house is a hardship, as opposed to a 2,800' square foot house, but he understands that land is expensive. Chairman Neiman reminded the Board that ZBA decisions on variances have no precedential value. The Board is allowed to consider each application on its own merits.

Member Murphy said that he has driven by the property, and because there are many older homes in this area and its proximity to Route 83, he believes the proposed home would be a substantial improvement to the neighborhood. He believes granting this small variation is worth the improvement to the area. Chairman Neiman agreed, there are constraints on the lot, a home has been designed to fit the lot, and there is no neighbor opposition. He added that if the Board does not grant the variance to an applicant who is trying not to be greedy, it does not send a good message.

Mr. Moberly stated he is convinced, especially because if a legal detached garage was built, there would be more lot coverage than this request. He added that the code is just as important to enforce in neighborhoods near Route 83, but agrees this is a small request. Members Engel and Alesia struggle with the ability to design around the deficiencies of the lot. Member Podliska referenced the discussion about the impact of denying the variance and the change to the size of the rooms and the usability of the first floor. He defers to the architects view that this is a basic, functioning floor plan and no more.

Member Alesia moved to **approve V-05-18, 842 West Seventh Street, with respect to side yard setbacks**. Member Murphy seconded the motion.

AYES: Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

Building coverage:

The Board concluded that the matters are intertwined, and their rational for approving the setback apply to the building coverage, as do the seven standards for approval. Member Engel added that as this is a recommendation only, the Village Board will make the ultimate decision.

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2 Member Podliska moved to **approve V-05-18, 842 West Seventh Street,**
3 **with respect to building coverage.** Member Murphy seconded the motion.
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5 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman
6 Neiman

7 **NAYS:** None

8 **ABSTAIN:** None

9 **ABSENT:** Member Giltner

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11 Motion carried.
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14 **9. NEW BUSINESS** – None

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16 **10. OLD BUSINESS** – None
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18 **11. ADJOURNMENT**

19 With no further business before the Zoning Board of Appeals, Member Moberly
20 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
21 **July 18, 2018.** Member Podliska seconded the motion.
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23 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman
24 Neiman

25 **NAYS:** None

26 **ABSTAIN:** None

27 **ABSENT:** Member Giltner
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29 Motion carried.
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31 Chairman Neiman declared the meeting adjourned at 7:54 p.m.
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34 _____
35 Christine M. Bruton
36 Village Clerk
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Approved: _____