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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE SPECIAL MEETING  
September 26, 2018**

**1. CALL TO ORDER**

Chairman Bob Neiman called the specially scheduled meeting of the Zoning Board of Appeals to order on Wednesday, September 26, 2018 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, Joseph Alesia, Keith Giltner, Tom Murphy, Kathryn Engel and Chairman Bob Neiman

**Absent:** Member John Podliska

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

**3. APPROVAL OF MINUTES**

a) **Regular meeting of August 15, 2018**

Following corrections to the draft minutes, Member Murphy moved to **approve the draft minutes of August 15, 2018, as amended.** Member Alesia seconded the motion.

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

**NAYS:** None

**ABSTAIN:** Member Giltner

**ABSENT:** Member Podliska

Motion carried.

**4. APPROVAL OF FINAL DECISIONS – None**

**5. RECEIPT OF APPEARANCES**

The Court Reporter administered the oath to all those intending to speak during these proceedings.

**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-09-18, 306 N. Garfield**

Mr. Bob O'Donnell, attorney representing Ms. Dana Gapinski and Mr. John Wheeler, owners of subject property, addressed the Board. His client is asking for relief from the minimum corner sideyard. In the R4 zoning district, the required 35' feet is calculated by the 44' feet required off Hickory and the 50' feet required off Garfield. This significantly reduces the building

1 envelope. The homeowners want to construct a porte cochere on the  
2 Hickory side, which would require a reduction of almost 14' feet. The property  
3 has an existing detached garage; given the setbacks an attached garage  
4 cannot be built. The porte cochere finishes the house and allows for a  
5 covered area for people exiting and entering their vehicles. Building coverage  
6 and FAR are still significantly under what is allowed. The impervious surface  
7 ratio is still within the code for a circular driveway.

8 It was noted on the site plan, there is a building line private agreement with  
9 the neighbor. Mr. O'Donnell explained the neighbor has agreed to vacate this  
10 piece of property; the deed was recorded at the County today.

11 Chairman Neiman noted he will recuse himself, as he is a neighbor to the  
12 subject property.

13 The Public Hearing was set for the next scheduled meeting of the Zoning  
14 Board of Appeals.

## 15 16 **8. PUBLIC HEARINGS**

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

18 Chairman Neiman opened the public hearing and notified the Board that the  
19 parties have agreed to a continuance of the hearing.

20 Member Alesia moved to **continue the public hearing for V-06-18, 330**  
21 **Chestnut**. Member Murphy seconded the motion.

22  
23 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
24 Neiman

25 **NAYS:** None

26 **ABSTAIN:** None

27 **ABSENT:** Member Podliska

28  
29 Motion carried.

### 30 31 b) **V-08-18, 321 S. Garfield** (*Transcript on file*)

32 Mr. Jim Prisby, architect with Caprio Prisby, representing property owners  
33 Amy and Christopher Elder, addressed the Board. His client is requesting  
34 relief from the minimum front yard setback requirements for the reconstruction  
35 of a front porch. Mr. Elder confirmed the house was built in 1865, long before  
36 existing zoning code. Mr. Prisby explained they need 9" inches of relief from  
37 the required setback to build the new porch in exactly the same location as  
38 the original porch. Discussion followed regarding the rights of principle  
39 structures and footnotes that provide for encroachments of a front porch. The  
40 zoning code definitions are unclear.

41 Chairman Neiman asked Mr. Prisby to review each of the approving criteria.

42 Mr. Prisby explained the unique physical condition is because the home dates  
43 to 1862, long before the present zoning code existed. This is not self -  
44 created, because the porch existed before the current homeowner owned the  
45 property. They would be denied their substantial rights if prevented from  
46 building a new porch; and a key feature of the historic property would be  
47 eliminated. This is not special privilege as they only seek to replace the

1 existing porch, creating a new porch consistent with the intent of the code.  
2 The new porch will potentially extend the life of the home, and is consistent  
3 with the essential character of the area. It will not endanger the public  
4 welfare, will not impair an adequate supply of light and air, nor will it increase  
5 congestion in the public streets. Further, there will be no increase in the  
6 danger of flood, fire or stormwater issues, no increase in the use of public  
7 utilities, and no endangering of public health or safety.

8 There is no other remedy; the porch is in dire need of replacing, it cannot be  
9 repaired anymore, as it is sinking and pulling away from the house.

10 The Board had no additional questions for the applicant.

11 Member Giltner moved to **close the Public Hearing for V-08-18, 321 S.**  
12 **Garfield.** Member Engel seconded the motion.

13  
14 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
15 Neiman

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** Member Podliska

19  
20 Motion carried.

## 21 **DELIBERATION**

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23  
24 Members agreed the criteria for approval have been met, and expressed no  
25 additional concerns regarding the reconstruction of the existing front porch.  
26 Member Moberly moved to **approve the variation known as V-08-18, 321 S.**  
27 **Garfield.** Member Giltner seconded the motion.

28  
29 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
30 Neiman

31 **NAYS:** None

32 **ABSTAIN:** None

33 **ABSENT:** Member Podliska

34  
35 Motion carried.

### 36 37 c) **V-10-18, 536 The Lane** (*Transcript on file*)

38 Mr. Peter Coulis, representing homeowners Linda and Mark Berlin, addressed  
39 the Board. He stated the house has always been there, and the owners  
40 wanted to remodel the structure. The builder was supposed to leave the west  
41 wall up, so as to avoid the need for a variance and preserve the rights to  
42 existing non-conformities. The foundation of the home has never been  
43 touched. The owners were never told by the builder that there was a stop  
44 work order on the project. Mr. Coules noted that the homes on both sides of  
45 the subject property have been remodeled since the 1950's. Further, the  
46 house meets the code, but the foundation does not nor has it ever. The  
47 owners have added French drains to the property, neighbors have been

1 informed and there have been no objections. There is no increase to Floor  
2 Area Ratio (FAR) or lot coverage. Mr. McGinnis confirmed the builder took  
3 down too much of the existing structure, so the homeowner lost the rights to  
4 the non-conformities. He explained that the Village building inspector  
5 discovered the problem. It was noted that the contractor's name is Mr. Chris  
6 Walker. Mr. McGinnis explained that the Board could make a  
7 recommendation to suspend or revoke his license.

8 Mr. Coules reviewed the criteria for approval and explained this is a unique  
9 situation because the existing foundation predates the 1989 code, this is not  
10 self-created, the contractor created the problem, they would be denied their  
11 substantial rights if they had to remove the home. Other people have  
12 renovated their properties, this is not special privilege. Notice was sent to 68  
13 households, and no objections have been filed. The proposed home is in  
14 harmony with other houses in the area, they are not adding anything to the  
15 block, simply repairing and fixing an old house. The essential character of  
16 the neighborhood is maintained, and there is no other remedy other than to  
17 tear down the house.

18 Member Alesia **moved to close the public hearing for V-10-18, 536 The**  
19 **Lane.** Member Engel seconded the motion.

20  
21 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
22 Neiman

23 **NAYS:** None

24 **ABSTAIN:** None

25 **ABSENT:** Member Podliska

26  
27 Motion carried.

## 28 29 **DELIBERATION**

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31 Member Moberly began by stating he doesn't want to see the house torn  
32 down, but added the ZBA is not designed to provide relief for bad contractors.  
33 He doesn't want to force that kind of hardship on this family, other than public  
34 shaming of contractor. Chairman Neiman agreed, and added the criteria is  
35 met and the neighbors don't object. Member Murphy added if what had  
36 happened benefited the homeowner, he might feel differently, but this seems  
37 to be a legitimate mistake. Member Giltner noted the original foundation  
38 indicates the home was closer to the lot line in the past.

39 Member Moberly moved to **approve the variation know as V-10-18, 536 The**  
40 **Lane.** Member Giltner seconded the motion.

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

44 **NAYS:** None

45 **ABSTAIN:** None

46 **ABSENT:** Member Podliska

47

1 Motion carried.  
2

3 d) **V-07-18, 336 East Ogden Avenue** (*Transcript on file*)

4 Mr. Kevin Jacobs and Mr. Jerry Mortier were present and addressed the  
5 Board. Mr. Jacobs acknowledged the work done with the neighborhood  
6 group, and stated everything before the Board tonight comes with their  
7 support. The Plan Commission met last night; there was great support from  
8 neighbors. Mr. Jacobs thanked the neighbors for working with him.

9 Regarding the change to the site plan of a horizontal building addition, the  
10 change to the setback from Ogden Avenue is less than the existing building.  
11 Mr. Mortier confirmed the building was 60' feet off Ogden Avenue, the  
12 proposed building will move it to 75' feet from Ogden. The request is an  
13 additional 30' feet necessary to accommodate the dual showrooms. He said  
14 the unique physical condition with the setback is because the existing building  
15 has been there for decades; denial of the variance would necessitate  
16 significant redevelopment. This is not a special privilege; the existing non-  
17 conformity is being reduced. The property will have the same use as it was  
18 originally zoned for. The essential character of the area will remain the same;  
19 there is a benefit to the neighborhood. There is no other remedy; this is the  
20 smallest thing they can do.

21 Chairman Neiman made one general observation, stating he understands as a  
22 matter of reality the manufacturers demand certain things, but this would be  
23 the definition of self-created. However, regarding code and plan purpose, the  
24 fact that facility will be used in the same way as the Board approved, is an  
25 indication of meeting the code. The training facility was used to train and  
26 repair vehicles. The property was zoned as a car dealership and car repair  
27 facility, the renovation of the existing building makes it function as it was  
28 intended, explained Mr. Jacobs.

29 Regarding the circulation aisle; this idea came up through discussion with the  
30 neighborhood group. There is enough room for a drive. One of their largest  
31 concerns of neighbors was noise and traffic. This will help, so that customers  
32 from Ogden won't have to go to the south, residential side of the building. In  
33 order to make this a two-way drive aisle; a variance is required to reduce the  
34 24' foot requirement to 19' feet to stay within the setback. Discussion  
35 followed regarding clarification of drawings. Mr. Mortier confirmed the  
36 impervious area is within the allowable limits. Additional landscape was  
37 added to the rear of the property, and the off-street parking is for the display  
38 of eight vehicles.

39 **Mr. Michael Stick and Ms. Debra Braselton of 802 Franklin**, addressed the  
40 Board. Ms. Braselton said the resident concerns were the fence,  
41 landscaping, lighting and noise. The agreements previously arranged are not  
42 changed with the change to the setback on Ogden and the extension to the  
43 west. There were some changes made to the interior design and ingress and  
44 egress changes; these have been addressed. Land Rover has been very  
45 responsive, and neighbors are pleased with their response. The one concern  
46 they had with the changes was the egress and ingress on the western side of  
47 the building. To remedy these concerns, residents suggested adding a

1 driveway on the north side to reduce traffic on south. By doing a two-lane on  
2 the north, some percentage of people from Ogden Avenue will use this drive  
3 aisle instead of the south. The other benefit, is customers exiting the site can  
4 go east on Ogden, reducing the number of exits onto Oak Street.

5 Member Giltner moved **to close the public hearing with respect to the**  
6 **setback and circulation aisle variation requests, for V-07-18, 336 East**  
7 **Ogden Avenue.** Member Moberly seconded the motion.

8  
9 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
10 Neiman

11 **NAYS:** None

12 **ABSTAIN:** None

13 **ABSENT:** Member Podliska

14  
15 Motion carried.

### 16 17 **DELIBERATION**

18  
19 Member Giltner began deliberation asking if the five foot reduction on the two-  
20 way drive aisle is an issue. Mr. McGinnis said they will have to self-regulate  
21 to avoid tie-ups. It was noted a standard parking space is 9' feet; a car is  
22 about 7.5' feet wide. Member Engel said any exiting onto Ogden Avenue will  
23 require extra caution, but if this solution helps residents, she can support it.  
24 Member Murphy asked if the curb cut on Ogden Avenue is wide enough for  
25 egress and ingress. It was confirmed it is wide enough but only right hand  
26 turns are allowed. Additionally, curb cuts on Ogden Avenue are an Illinois  
27 Department of Transportation (IDOT) issue. Member Giltner commented,  
28 although not in the purview of this Board, the potential of cars backed up on  
29 Ogden Avenue could be a safety issue.

30 Member Murphy moved to **approve the variation request known as V-07-**  
31 **18, 336 East Ogden Avenue, for front yard setback, off street parking and**  
32 **the reduction in the width of a two-way drive aisle.** Member Alesia  
33 seconded the motion.

34  
35 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
36 Neiman

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** Member Podliska

40  
41 Motion carried.

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1 Chairman Neiman asked for a **motion to re-open the hearing for V-07-18,**  
2 **for the discussion of requested sign code variations.** So moved by  
3 Member Engel, seconded by Member Moberly.

4  
5 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
6 Neiman

7 **NAYS:** None

8 **ABSTAIN:** None

9 **ABSENT:** Member Podliska

10  
11 Motion carried.

12  
13 Mr. McGinnis reported that the Plan Commission approved the signs, but  
14 made some comments about the size and number, and asked the Zoning  
15 Board to review this.

16 Regarding the number of wall signs, Mr. Jacobs explained that the  
17 requirement from the manufacturer is extensive; he and Mr. Mortier reviewed  
18 these and whittled it down to what they believe is essential. The  
19 manufacturer recommends 18 signs, they have reduced the number to four.  
20 He wants the Board to know this is the minimum for their operations. This  
21 includes four branded wall signs, two on the front and one on each side of the  
22 showroom. Discussion followed regarding the actual number of signs  
23 requested relative to the number allowed. Mr. McGinnis added the west side  
24 signs were of primary concern of the Plan Commission. It was noted these  
25 signs are illuminated. Chairman Neiman asked if the signs on the east and  
26 west side could be turned off when the dealership is closed. Mr. Mortier said  
27 yes, and went on to explain the size of the signs are driven by the overall  
28 massing of the building. The proposed signs are under the 300' square feet  
29 allowed by code. It was suggested that certain signs be turned off; this would  
30 cut down on light pollution without affecting then underlying purpose for which  
31 the signs are designed.

32 It was noted that most of their customers come from outside Hinsdale, but  
33 there are other ways to find businesses. Discussion followed; Member  
34 Murphy added that the signs don't look that big, relative to the size of the  
35 entire wall.

36 Ms. Braselton addressed the Board, and commented that neighbors haven't  
37 talked about the signs at all, but speaking for herself, she likes the suggestion  
38 of turning off the signage at night.

39 Member Engel moved to **close the public hearing for V-07-18, 336 East**  
40 **Ogden Avenue, relative to requested signage.** Member Alesia seconded  
41 the motion.

42  
43 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel and Chairman  
44 Neiman

45 **NAYS:** None

46 **ABSTAIN:** None

47 **ABSENT:** Member Podliska

1  
2 Motion carried.  
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4  
5 **DELIBERATION**  
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7 Chairman Neiman began discussion, and suggested the signage be approved  
8 if certain lighting be turned off during non-business hours. Member Engel  
9 expressed concern about signage on all sides, because other businesses will  
10 want similar signage. She believes signage on the front of the building is  
11 sufficient. Member Alesia agrees, and asked who will monitor the lights off  
12 condition. Member Moberly has some concerns about the number of signs  
13 and appearance, but does not want to restrict a business so they can't be  
14 successful. Member Giltner is concerned about the signs on the sides of the  
15 building, and doesn't think the success of the business hinges on these signs.  
16 Member Murphy is not troubled by the signs if they are off at night, and  
17 doesn't think they are garish on a corridor like Ogden Avenue. Chairman  
18 Neiman is not concerned about the precedential aspect, as all cases are  
19 unique. Discussion followed; Member Murphy suggested eliminating the sign  
20 on the west side of the building, but not the east side. The east side sign may  
21 be important for traffic that exits I-294, and may well serve the purpose for  
22 which it was intended.  
23

24 Member Engel moved to **approve a recommendation to the Village Board**  
25 **of Trustees to approve the variation request known as V-07-18, 336 East**  
26 **Ogden Avenue, relative to requested signage to reduce the number of**  
27 **signs from four to three, but to approve the size of the signs as**  
28 **requested.** Member Alesia seconded the motion.  
29

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

32 **NAYS:** None

33 **ABSTAIN:** None

34 **ABSENT:** Member Podliska  
35

36 Motion carried.  
37

38 Chairman Neiman complimented the applicant and neighbors for their  
39 successful collaboration, and wished Mr. Jacobs success.  
40

41 **9. NEW BUSINESS – None**

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43 **10. OLD BUSINESS – None**  
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**11. ADJOURNMENT**

With no further business before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the meeting of the Zoning Board of Appeals of September 26, 2018**. Member Engel seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Podliska

Motion carried.

Chairman Neiman declared the meeting adjourned at 8:43 p.m.

\_\_\_\_\_  
Christine M. Bruton  
Village Clerk

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