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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
January 23, 2019**

**1. CALL TO ORDER**

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, January 23, 2019 at 6:31 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, John Podliska and Chairman Bob Neiman

**Absent:** None

**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 December 19, 2018**

Following corrections to the draft minutes, member Giltner moved to **approve the minutes of the regular meeting of December 19, 2018, as amended.** Member Murphy seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

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

**5. RECEIPT OF APPEARANCES**

Court Reporter Kathy Bono 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 – None**

**8. PUBLIC HEARINGS**

a) **V-09-18, 306 North Garfield**

Chairman Neiman opened the public hearing and recused himself because of his home's proximity to the subject property. Vice-Chair Giltner assumed

1 responsibilities for conducting the hearing.

2 Mr. Bob O'Donnell, attorney representing home owners Ms. Dana Gapinski  
3 and Mr. John Wheeler, addressed the Board. He introduced Mr. Dennis  
4 Parsons, architect for the project. Mr. O'Donnell stated his clients are  
5 seeking a variation of the required corner setback, on Hickory Street. They  
6 would like relief to reduce the setback from the required 44.7' feet to 30.10'  
7 feet. Currently, the home has a detached garage located on the northwest  
8 corner of the subject property. The home fronts on Garfield; they are  
9 proposing a porte cochere and circular driveway on the Hickory Street  
10 elevation of the property. He referenced the plat of survey to illustrate the  
11 property details. He referenced the 43' foot building line noted on the plat, for  
12 which an agreement with the property owner to the west for a release of this  
13 property line has been recorded with the County Clerk. The porte cochere will  
14 cover the proposed circular driveway, and will allow covered access from  
15 vehicles to the residence. He believes it is a functional and attractive feature.  
16 This property is located in the R4 district; the average setback is 35' feet, but  
17 about 10' feet larger because of the other homes on Hickory. The Garfield  
18 setback is about 50' feet calculated including other properties on Garfield.  
19 No zoning relief is required for the circular drive. He noted that with the porte  
20 cochere the lot coverage is still only 81%. The impervious area, including the  
21 driveway and porte cochere is 83%. He added this is not an enclosed area  
22 and therefore not part of FAR calculation.

23 Input from neighbors includes a statement of approval signed by 10 of the  
24 properties in the vicinity.

25 Mr. O'Donnell addressed the standards for approval of variation:

26 The hardship results from the fact the home was constructed in 1876, and  
27 was formerly a larger property sited in a fashion where the setback was well  
28 off the streets. The detached garage is less than one foot off rear property  
29 line; significant zoning relief would be required to build an attached garage.  
30 The three properties on Hickory included in the calculations were all  
31 constructed after 2000. The porte cochere brings the property into  
32 consistence with modern living. Member Podliska asked about a portico, or a  
33 canopy between the garage and house. Mr. O'Donnell explained that would  
34 be the same type of structure as the proposed porte cochere, and would, in  
35 fact be a larger structure imposed on that setback. Mr. Parsons added that  
36 the door into the house is on the west side, and 7" feet above the ground. If  
37 you were to attach the garage, another variation would be required, and  
38 would not address the need of guests to get into the house. Mr. O'Donnell  
39 stated the alternative to what is proposed would require additional  
40 construction and would be less functional, less attractive, and require more  
41 zoning relief.

42 The unique physical condition results from how the house is sited on the lot,  
43 resulting in significant setbacks on both streets, and limiting the building  
44 envelope. This situation was not created by the owner. In terms of denial of  
45 a substantial right, they are currently only using 73% of allowable building  
46 coverage and increasing it to 81%; it would be a denial of their property rights  
47 to use as needed and desired. The proposed porte cochere does not

1 interfere with any codes and ordinances, and is well within that which is  
2 permitted. There is nothing proposed to detrimentally impact other neighbors  
3 or the public at large. There is no other remedy; any alternatives would still  
4 require zoning relief.

5 Mr. Parsons added that from time to time he rehabs old houses, and this one  
6 was brought back from the brink. The whole house was in various states of  
7 disrepair. He explained that lifestyles when this home was built are different  
8 than today; not a lot of thought was given to a large yard, or rear yards or  
9 garages. In this case, 10,000' square feet of front yard is out of play. A porte  
10 cochere is an aesthetically and contextually appropriate functional entrance to  
11 the home. The owners don't want an attached garage. He asked the ZBA  
12 members to help people preserve these older homes by granting the  
13 requested variation. He does not believe it will start a trend.

14  
15 Member Engel moved to **close the public hearing for V-09-18, 306 North**  
16 **Garfield**. Member Moberly seconded the motion.

17  
18 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel, Podliska and  
19 Chairman Neiman

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** None

23  
24 Motion carried.

## 25 26 D E L I B E R A T I O N S

27  
28 Member Moberly began deliberations stating he is in favor of the request; this  
29 is nice looking and improves the appearance of the home. Member Engel  
30 added there are no neighbor objections, and understanding the topography of  
31 the garage in back, it makes sense to build the porte cochere. Member Alesia  
32 said he is not sure about merely a special privilege or no other remedy, but  
33 feels other factors outweigh these concerns, especially the neighbor support.  
34 Member Engel added the way the building is structured and when it was built  
35 comes into play, but she doesn't think there is a good alternative. There were  
36 no additional Board concerns or objections.

37  
38 Member Murphy moved to approve the variation for **V-09-18, 306 North**  
39 **Garfield**. Member Engel seconded the motion.

40  
41 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel, Podliska and  
42 Chairman Neiman

43 **NAYS:** None

44 **ABSTAIN:** None

45 **ABSENT:** None

46  
47 Motion carried.

1  
2     **b) V-11-18, 118 North Monroe**

3     Chairman Neiman opened the hearing.

4     Mr. Joe Gent, applicant, introduced his wife, Marylou, his architect, Patrick  
5     Plunkett, and Peter Byrne, his builder. Mr. Gent explained they are  
6     requesting a variance at 118 N. Monroe, to reduce the side yard setback from  
7     the required 20' feet to 15' feet. This property is similar to other lots in the R3  
8     and R4 districts. They are currently planning to put the building 6' feet off the  
9     north lot line, and 9' feet off the south lot line. They are proposing a side-  
10    loading garage, and orienting the house as such, so the south side will have  
11    windows to enjoy the seasons. Their offer to purchase is not contingent on  
12    approval of the variance. The current home sits 4' feet off the north lot line,  
13    and the attached garage is about 7' feet off the south property line. They  
14    hope to create a home to fit their lifestyle, to age in place in charming  
15    Hinsdale, and to be close to their grandchildren. He added that he  
16    appreciates the help they have received from staff through this process.

17    Mr. Patrick Plunkett, architect for the applicant, explained they are trying to  
18    create a home with the minimum side yard setback in order to accommodate  
19    a 35' foot wide house on a 50' foot wide lot. He explained there are only  
20    seven 50' foot wide lots in the R2 district, they are the exception. He  
21    reviewed the exhibits provided to the Board in the packet. The plat shows the  
22    existing house predates current zoning, and the proposed house would  
23    improve the setback on the north side by 2' feet. The regulations for an R3  
24    zone would be more accommodating to a 50' foot lot. All other zoning  
25    requirements would be met. This is a non-conforming R2 legal lot of record.

26    Chairman Neiman referenced neighbor concerns about water runoff. Mr.  
27    Plunkett explained a longer narrower house might relate to how the water  
28    flows, and be a greater obstruction. Mr. Gent added that he had talked to Mr.  
29    McGinnis about a solution, and was told there is a separated storm water  
30    system on Monroe, and he can tie all downspouts and sump into the  
31    stormwater system, eliminating water that is on the property. He noted the  
32    current house is not tied-in. Mr. Byrne explained the calculation on the  
33    impervious area of the current home; the new home would be about the same,  
34    and would not increase the impervious area on the lot. Whatever drainage  
35    issues exist would not be added to, and with the tie-in to the storm sewer,  
36    water drainage in the area would improve. The rear of the proposed building  
37    on the west side would not be as far back as the existing building. Member  
38    Podliska mentioned that one of the neighbors is concerned about sight lines,  
39    and confirmed that this will not affect the neighbor. They will make a wider  
40    house, not a longer house, said Mr. Plunkett, and confirmed there will be 139'  
41    feet from the current lot line. There would not be a substantial change in this  
42    neighbor's line of sight.

43    Mrs. Gent said their thoughts are to age in place, and thinking for the future,  
44    they are looking to attach a side-loading garage forward out to Monroe for  
45    safety issues. The master bedroom would be on the main level, all the living  
46    spaces would be on the first floor. There would be three bedrooms and two  
47    baths upstairs. There will be a downstairs walk-out basement, hoping to

1 create a courtyard effect on the south side. They won't have to go down a  
2 flight of stairs, their outdoor living will be out the side, and therefore there will  
3 be no decks or patios in the back yard.

4 Discussion followed regarding additional solutions for drainage relief. Mr.  
5 Plunkett said they would be willing to consider a permeable surface for the  
6 driveway. Chairman Neiman recommended approval of the variance with the  
7 caveat the driveway be a permeable surface; not concrete, but brick pavers or  
8 gravel. The applicants agreed.

9 In terms of the criteria necessary for approval, the unique physical condition  
10 is that the lot is very narrow and unusual in this district, and creates a  
11 hardship as a result. This is not self-created, this is an old lot. They would  
12 be denied substantial rights if they were required to have two 10' foot  
13 setbacks, as this is disproportionate to other lots and residences. This is not  
14 a special privilege; this is an improvement over the non-conforming setbacks  
15 of the existing home. It is compliant with code and plan purposes and in  
16 harmony with the community and other Village ordinances. The proposed  
17 home would be in line with the character of the neighborhood, and will look  
18 better if wider, instead of a tall, narrow home, which would create more  
19 drainage problems.

20 The Gents are not contemplating a third floor.

21  
22 **Mr. Eric Bilenko of 122 N. Monroe** addressed the Board. He and his wife  
23 Diane live north of the subject property. They built their home seven years  
24 ago on a 57' foot wide lot, and had to conform to the 10' foot required  
25 setbacks. Upon notification of the Gents proposal, they spoke with various  
26 experts, real estate agents, their builder and Mr. John Bohnen of County Line  
27 Properties to help them figure this out. They were confused by the presented  
28 site plan. Mr. Bohnen is asking what the hardship is. Given there is only a  
29 site map, he does not feel it is adequate to endorse. They asked for more  
30 than a site plan, but the Gents did not want to provide full drawings. They are  
31 worried about sight lines, gables and that the garage would be in their sight  
32 line.

33 Discussion followed regarding the location of the proposed garage.

34 **Ms. Sarah Tims of 111 N. Adams** addressed the Board stating she has not  
35 seen the plans, but anytime there is a teardown situation she is interested  
36 because Hinsdale is exceptional and should be protected. With regard to the  
37 storm sewer, she shared that the storm drain at the corner of Maple and  
38 Monroe is already one that frequently overflows in the neighborhood.  
39 Additionally, the neighbors directly to the south of the property closed on their  
40 property 14 days ago, and probably haven't had a chance to think about this  
41 proposal. As to the line of sight problem, she believes there is a difference  
42 between a detached garage with space between it and the home, and an  
43 attached garage.

44 **Ms. Meg Fletcher of 621 W. Maple** addressed the Board and stated she had  
45 given the variation letter to the new people. She is concerned about  
46 stormwater. She believes there were times when people wanted to tie into  
47 storm sewers, but were not allowed to do so. Mr. McGinnis explained that

1 one third of Hinsdale still has combination sewers, but where they are  
2 separated, staff encourages people to tie in. Ms. Fletcher wants the Board to  
3 consider a retention basin, or an underground holding tank. She does not  
4 oppose the setback request, as she does not see a marked impact.

5  
6 Mr. Plunkett responded to the neighbor to north to point out there is a  
7 substantial difference between the home that can be built on a 50' foot lot as  
8 opposed to a 57' foot lot. Mr. Byrne noted there is no increase to the FAR  
9 with this request, and if the variance is not granted, a potential buyer would  
10 likely build a longer and/or taller house having a more significant impact on  
11 neighbor sight lines.

12  
13 Member Podliska moved to **close the public hearing for V-11-18, 118 North**  
14 **Monroe**. Member Giltner seconded the motion.

15  
16 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel, Podliska and  
17 Chairman Neiman

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** None

21  
22 Motion carried.

## 23 24 **DELIBERATIONS**

25  
26 Member Podliska began discussion, stating that with conditions, he believes the  
27 applicant has satisfied the requirements for approval of a variation, and the  
28 concerns of neighbors, regarding sight lines and water issues. He added there is a  
29 substantial difference between a 57' foot lot and 50' foot wide lot, as it results in a  
30 20% decrease in the width of the home. Member Moberly said he would not want  
31 the home closer than 10' feet. He feels this protects the property rights for the  
32 surrounding neighbors. Member Podliska pointed out the existing house is closer  
33 than 10' feet. Theoretically, they paid more for the land, said Member Moberly, and  
34 there is an expectation of more space between the homes in the R2 district.

35 Member Giltner said this decision is more difficult than he thought; without neighbor  
36 objection, he would agree with the setbacks, but this home will be a larger portion of  
37 the lot. Although the applicant has gone out of their way to address the water  
38 issues, he is not convinced based on neighbor objections. Member Alesia echoed  
39 Member Podliska's remarks stating the big issue is water, but feels that will be  
40 alleviated. Further, the sight lines could potentially be worse if another buyer builds  
41 on this property in terms of length and height of the home. Member Engel added  
42 the water issue has been addressed, and overall the new build will be better than  
43 what is there. Member Murphy added the proposed home will be further back than  
44 the existing house which is likely to be taken down in any case. And although there  
45 is neighbor concern regarding the length of the house, he has not heard anyone say  
46 they are opposed to the requested side yard setback relief. He wondered if it would  
47 be possible to defer a decision, and get a more substantive plan to give everyone an

1 idea what this would look like. Mr. McGinnis explained this is not a requirement,  
2 this is an interior side yard setback request, fairly detailed site plans have been  
3 provided, and there is testimony that it will be limited to two stories, but it is the  
4 Board's prerogative to continue the decision so that some additional details could be  
5 refined. Chairman Neiman added that more drawings might provide the neighbors  
6 some comfort, but that is not part of the variance as requested. And while it may be  
7 the prerogative of the Board to defer, the applicants have a right to a decision. He  
8 stated he agrees with Member Podliska, based upon the applicants having  
9 addressed the approving criteria, and the issues of neighbors, he believes this  
10 variance should be approved with the provisions that runoff water be tied into the  
11 sewer system, and the driveway be made of pervious material. Discussion followed  
12 regarding the possible height of the garage and the 139' foot setback on the site  
13 plan. Mr. and Mrs. Gent requested an opportunity to make further comments;  
14 however, the hearing is closed. Member Moberly believes the applicant has had a  
15 fair hearing and that the house shouldn't be designed from the dais.

16 Member Podliska moved to **approve the variation for V-11-18, 118 North Monroe,**  
17 **with the conditions previously discussed with respect to water runoff and the**  
18 **permeable surface for the driveway.** Member Alesia seconded the motion.

19  
20 **AYES:** Members Alesia, Engel, Podliska and Chairman Neiman

21 **NAYS:** Members Moberly, Giltner, Murphy

22 **ABSTAIN:** None

23 **ABSENT:** None

24  
25 Motion carried.

26  
27 **9. NEW BUSINESS** – None

28  
29 **10. OLD BUSINESS** – None

30  
31 **11. ADJOURNMENT**

32 With no further business before the Zoning Board of Appeals, Member Giltner  
33 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**  
34 **January 23, 2019.** Member Podliska seconded the motion.

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

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** None

41  
42 Motion carried.

43  
44 Chairman Neiman declared the meeting adjourned at 8:06 p.m.

45  
46 \_\_\_\_\_  
47 Christine M. Bruton

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

1 Village Clerk