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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
September 18, 2019**

**1. CALL TO ORDER**

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, September 18, 2019 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, Keith Giltner, Kathryn Engel, and Chairman Bob Neiman

**Absent:** Members Tom Murphy and John Podliska

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

**3. APPROVAL OF MINUTES**

a) **Meeting of August 21, 2019**

There being no changes or corrections to the draft minutes, Member Moberly moved to **approve the minutes of the regular meeting of August 21, 2019, as presented.** Member Giltner seconded the motion.

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

**NAYS:** None

**ABSTAIN:** Member Engel

**ABSENT:** Members Murphy and Podliska

Motion carried.

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

**5. RECEIPT OF APPEARANCES**

Court Reporter Kathy Bono administered the oath to all persons intending to speak at 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 HEARING**

a) **V-02-19, 11 West Sixth Street**

Chairman Neiman opened the public hearing and clarified a procedural issue raised in a letter from Mr. Tom Panoff regarding the newspaper publication and certified mailing for this hearing. He checked with Village counsel, who confirmed

1 that although the notice for the hearing was published in July, it is not necessary  
2 to republish the notice when the hearing is continued to a future date. With  
3 respect to the notification, the mailing date of the notice must be within the  
4 prescribed time frame, not the date the notice is received. Mr. Panoff wanted to  
5 separate these issues and argue his point, but Chairman Neiman suggested  
6 getting to the substance of the variation request. Mr. Panoff asked for the name  
7 of the law firm the Village uses.

8 Ms. Mary Jawor, homeowner and applicant, approached the lectern to address  
9 the Board. She explained that in 1994 when she and her husband purchased the  
10 home, there was parking in front of the house. However, in 1999 a home in the  
11 area was renovated, and as a result of neighbor complaints about construction  
12 vehicles parking in the area, the Village eliminated the parking in front of her  
13 home. The loss of spots due to Village error is about ten spaces. She pointed  
14 out that hers is the only house that faces 6<sup>th</sup> Street between Washington and  
15 Lincoln.

16 Chairman Neiman asked whether she would consider a parking pad, if the answer  
17 is no to a circle driveway. She said the pad does not solve the problem because  
18 cars will block others in. She added they would not have purchased this home if  
19 parking had not been allowed.  
20

- 21 1. Unique physical condition – Ms. Jawor explained that her property is a legal  
22 non-conforming lot as it was subdivided years ago. She said 6<sup>th</sup> Street is very  
23 busy. Member Moberly said he checked this on Friday at 3:00 p.m. and can  
24 confirm it is very busy with lots of foot traffic, too. Ms. Jawor added her guests  
25 do park on Lincoln and Washington, but then they are walking on a very busy  
26 street with no sidewalks. This is a very narrow street.
- 27 2. Not self-created – When they purchased the home it had on-street parking,  
28 and they assumed it would continue to have on-street parking.
- 29 3. Denied substantial rights – She feels her family and guests should have safe,  
30 easy access to their cars; it is unsafe walking on 6<sup>th</sup> Street.
- 31 4. Not merely Special Privilege – She is trying to partner with the Village to  
32 increase convenient parking on her property.
- 33 5. Code and Plan purposes – The driveway would not be dis-harmonious with the  
34 current homes in the area. In addition, theirs is the only house facing the  
35 street, and therefore has no visual impact to the neighboring residences.
- 36 6. Essential character of the area – Having more parking on her property is a  
37 benefit to her neighbors as these additional cars will not be parked in front of  
38 their homes. This will give her the ability to pull through, rather than back out  
39 onto 6<sup>th</sup> Street. It will be safer to pull out instead of backing out, and there will  
40 be fewer pedestrians in the street. They will not reduce vegetation; they have  
41 already installed buried drainage to drain the water into the sewer. The  
42 proposed driveway is within the code for percent of coverage. This will not  
43 unduly tax a public utility.  
44

45 Chairman Neiman referenced the code with respect to unique physical condition,  
46 it must be a topographical feature and noted the personal situation or  
47 inconvenience of the owner does not create a unique physical condition. Mrs.

1 Jawor commented it is dangerously inconvenient.

2 Member Giltner asked, with respect to the safety factor, do we know if there are  
3 regular accidents in the area. Director of Community Development Robb  
4 McGinnis reported he did not have that information.  
5

6 **Mr. Tom Panoff, 518 S. Washington**, addressed the Board stating he and his  
7 wife Christy live next door to the subject property. They have a six year-old and a  
8 15 month old, and one on the way. Safety is a key concern as they lost a child  
9 last year.

10 The Jawors currently have six available parking spots, two in the garage and four  
11 in the driveway, to add more would be a mini-parking lot by his home, inches from  
12 his property line. His children play in the side yard. Member Moberly pointed out  
13 the code only requires one foot from the lot line. Mr. Panoff stated he has a lot of  
14 issues with their circle driveway. He has a circle driveway and has spent a great  
15 deal of money repairing the landscaping when people drive over it. He believes  
16 hers would be a public safety issue because their driveway would empty out by  
17 the alley. He pointed out seven other neighboring properties have signed his  
18 petition opposing this variation. Member Moberly wondered why anyone else  
19 would care about this. Mr. Panoff doesn't believe the Jawors are currently using  
20 the spaces they have, but he believes adding spaces would increase vehicular  
21 traffic. Further, they will have no front lawn, and the rainwater will go on his  
22 property. He noted that 30% of the people who received the notice are opposed  
23 to the variation. He refuted her testimony regarding the criteria for approval as  
24 follows:  
25

- 26 1. Unique physical condition – This is a personal situation for family parties, and  
27 an inconvenience only.
- 28 2. Not Self-created – They are not using the existing spots. He provided pictures  
29 taken of their driveway at various times to prove this.
- 30 3. Denied Substantial rights – The Jawors have lived with this situation for 20  
31 years. It is only an issue now since their children started driving.
- 32 4. Code and plan purposes – They should preserve natural resources and he  
33 provided pictures to illustrate the removal of 3-4 pine trees on their property  
34 since 2016. There will be only concrete in the front of their house.
- 35 5. Public health – This will create additional egress by the alley and more traffic  
36 creating a danger to pedestrians.
- 37 6. Essential character – He believes this will be detrimental to neighbors'  
38 property values. Workers and snowplows will be within inches of their  
39 property.
- 40 7. No alternative remedy – He believes their visitors should park on Lincoln and  
41 Washington. The Jawors could petition for sidewalks, or have the Police  
42 install a stop sign.  
43

44 Mr. Panoff believes they have not proven all the criteria, and since they haven't it  
45 is fatal to the variation. He added that a lot of the same concerns would apply to  
46 the parking pad request.

47 Mrs. Jawor referenced the side-yard picture she provided the Board, noting the

1 Panoff's left 20' feet open in the side yard, but could have had the fence come  
2 forward to within 6' feet of the lot line, providing additional protection for his  
3 children if they were playing in the area. She pointed out her guests already park  
4 on Lincoln and Washington, but she would like them to be able to park in front of  
5 her house, a right enjoyed by other residents. She believes it is illogical to think  
6 there would be nine cars parked in her driveway all the time just because the  
7 spots were available. Member Giltner clarified that they are asking for the  
8 variation so that they can pull out of the driveway facing forward.  
9

10 Before closing the hearing, Chairman Neiman suggested getting a consensus of  
11 the Board as to whether they would approve this request; the case can be  
12 continued. The Board commented they would like to see other alternatives  
13 explored, and for the applicant to focus on the safety issue. If there is another  
14 remedy, such as a turn-around, this should be explored. Chairman Neiman  
15 agreed, and asked Mrs. Jawor if she would like to continue the hearing and  
16 introduce information for the Board's consideration regarding a turn-around. She  
17 agreed; Chairman Neiman reminded her that additional documentation should be  
18 available to the public, and the neighbor should have the information.  
19

20 Member Moberly moved to continue the hearing on **V-02-19, 11 West Sixth**  
21 **Street to the October meeting of the zoning Board of Appeals.** Member  
22 Giltner seconded the motion.  
23

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

25 **NAYS:** None

26 **ABSTAIN:** None

27 **ABSENT:** Members Murphy and Podliska  
28

29 Motion carried.  
30

31 **b) V-03-19, 400 S. Pamela Circle**

32 Chairman Neiman opened the public hearing. Ms. Karen Eck, homeowner and  
33 applicant, addressed the Board and explained the purpose for the variation is to  
34 install a sport court to replace an existing playset. She explained that because  
35 theirs is a through lot, it has two front yards, one of which functions as a back  
36 yard. The front yard faces Pamela Circle; the back yard faces Oak Street. Oak  
37 School and the Safety Village are behind her property. A through lot requires a  
38 35' foot setback for the sport court. A regular property only requires 10' feet.  
39 Their yard can accommodate the 10' foot requirement, but not the 35' foot  
40 requirement. She referenced pictures to illustrate her yard. In 2003, she got a  
41 variation to approve a 6" foot fence on her property. She added the yard is highly  
42 landscaped along the fence. She submitted a letter from their next door neighbor  
43 who is in support of their request.  
44

- 45 1. Unique physical condition – Mrs. Eck stated theirs is one of only three houses  
46 where the back yard faces the street.
- 47 2. Not self-created – They didn't create the through lot.

3. Denied substantial rights- If not granted, they would be denied their substantial rights, as other people have sport courts. They are only asking for the same 10' foot regulation of a regular lot. Additionally, their children would be safer in their fenced yard than on the street; and their backyard is screened by a fence and landscaping.
4. Not merely special privilege – They only want to utilize their property as others do.
5. Code and plan purposes – Not a problem because the code protects the front yard. It is already confirmed this is a unique situation by the previous ZBA approval for the fence.
6. Essential character of the area – They are installing a smaller, attractive court.
7. No other remedy – The only way to fit the court in the yard is with the requested variation. She added the court will not be illuminated at night, and this is one of the smallest courts available. She doesn't want to take up any more green space.

Member Giltner moved to close the public hearing known as **V-03-19, 400 S. Pamela Circle**. Member Engel seconded the motion.

- AYES:** Members Moberly, Alesia, Giltner, Engel and Chairman Neiman
- NAYS:** None
- ABSTAIN:** None
- ABSENT:** Members Murphy and Podliska

Motion carried.

**DELIBERATION**

Member Moberly began deliberation stating he has no issue with the request, and believes the criteria for approval has been met. Additionally, there are no issues with the neighbors. Members Alesia and Giltner agree, and added the 2003 ZBA case ruling indicates this is a back yard; the applicant has the right to use the back yard as they see fit. Member Engel agreed. Chairman Neiman agrees the unique two front yard aspect sways him to treat this as a back yard. Member Alesia moved to **approve the variance known as V-03-19, 400 S. Pamela Circle**. Member Giltner seconded the motion.

- AYES:** Members Moberly, Alesia, Giltner, Engel and Chairman Neiman
- NAYS:** None
- ABSTAIN:** None
- ABSENT:** Members Murphy and Podliska

Motion carried.

- 9. NEW BUSINESS** – None
- 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 18, 2019**. Member Giltner seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Murphy and Podliska

Motion carried.

Chairman Neiman declared the meeting adjourned at 8:02 p.m.

\_\_\_\_\_  
Christine M. Bruton

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