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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
March 20, 2019**

**1. CALL TO ORDER**

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 20, 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 and Village Clerk Christine Bruton

**3. APPROVAL OF MINUTES**

a) **Regular meeting of January 23, 2018**

Following corrections to the draft minutes, Member Alesia moved to **approve the minutes of the regular meeting of January 23, 2019, as amended.** Member Podliska 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**

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

Following corrections to the draft final decision, Member Podliska moved to **approve the final decision for V-09-18, 306 North Garfield, as amended.** Member Engel seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

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

2           Chairman Neiman began discussion explaining that following the public  
3           hearing and the Board's vote to approve the variation request, the architect  
4           brought plans into the building department for permit, and the house was  
5           situated in a different place than originally indicated on the application. To his  
6           mind, the issue is that the neighbors received notice of the application so they  
7           could voice objections or support if they wanted. The neighbors were notified  
8           of a proposed variation, the house was situated in one place, but now the  
9           house is in a different place. If the notice is designed for due process, to give  
10          neighbors a meaningful opportunity to be heard on whether or not to approve  
11          a variation, the information was not accurate. He thought it was important to  
12          notify the immediate neighbors most affected by this change to give them  
13          another chance to be heard. It is his understanding that with one exception,  
14          none of the neighbors are opposed to the new location. The objecting  
15          neighbor is to the south of the subject property. Chairman Neiman asked the  
16          owner to explain what happened.

17          Mr. Joe Gent, applicant, addressed the Board and stated the explanation  
18          centers on the fact that the site exhibit that was submitted with the variation  
19          application has a dimension for the front property line to the front building  
20          wall, and the building and dimension to the rear property line. These numbers  
21          add up to the overall length of the property. They put 40' feet from the  
22          property line to the front of the building 'to be determined'. Village code  
23          requires the front yard setback be the average setback of adjoining homes on  
24          street. They had not done this survey work prior to the variation because they  
25          did not yet own the property. However, following purchasing the property, the  
26          surveyor determined that slightly less than 43' feet is the required setback on  
27          Monroe. Therefore, the building needs to be moved back 3' feet to meet the  
28          code requirement. Chairman Neiman pointed out this issue could not have  
29          been determined with certainty without the surveyor. Director of Community  
30          Development Robb McGinnis stated an applicant is not required to have a  
31          survey for a zoning application. Member Alesia suggested estimates could be  
32          presented with the application. Mr. Gent explained they were focused on the  
33          width issue, not the length, because according to code, a 200' foot house  
34          could be built on this property and still comply with front and rear setback  
35          requirements. This was not an issue they felt they had to tie down for the  
36          variance. Member Moberly confirmed that the house is only moving back 3'  
37          feet, and that is the only change. It was noted that this will further affect the  
38          sight lines which were a concern voiced by neighbors at the public hearing,  
39          nevertheless, the house is code compliant when moved back 3' feet.

40          Ms. Marylou Gent explained that she did the sketch based on their first  
41          meeting with the architect. The architect took her sketch for the house, on a  
42          297' foot lot, and determined there was no problem with the length of the  
43          house. She said the 3' foot change is the culmination of inches on various  
44          interior walls. She noted the exhibit does say the 40' feet measurement is 'to  
45          be determined'. She said they would like more than the 3' feet they are  
46          requesting, and agreed that sight lines are a wonderful thing, but we live in a  
47          Village with people next to us or behind us. Member Moberly pointed out that

1 a code compliant house could go further back than what is proposed.  
2 Member Podliska said the concern is that people can be heard. The  
3 movement of the house 3' feet further back doesn't appear to have generated  
4 any new concern with the request. There was a general issue of line of sight,  
5 which the Board took into consideration when making the original decision.  
6 Chairman Neiman stated he understands now the application says 'to be  
7 determined'; that info was available to neighbors, everyone was aware of this  
8 possibility. It didn't occur to anyone, but it was noticed properly. Mr.  
9 McGinnis explained that a current plat of survey is required and was provided  
10 with this application, but that would not solve the problem in this case,  
11 because it shows the current house. In his opinion, if the 139' foot  
12 measurement was marked with a plus or minus or marked as tentative, we  
13 wouldn't be having this conversation.

14 Mrs. Gent asked if the language that specifies the 139' feet off the rear yard  
15 lot line in the final decision will have any ramifications for any use of that rear  
16 area in the future. Member Podliska pointed out the final decision sets out  
17 the conditions under which the variation was approved with respect to the  
18 width of the home, and does not specify any condition with regard to the rear  
19 yard length. The conditions in this case reference a pervious driveway and  
20 drainage management. Discussion followed regarding the conditions of the  
21 approval, and the matters discussed in the hearing. Member Podliska pointed  
22 out the conditions for approval, as stated in the final decision, do not include  
23 reference to the rear setback, therefore there is no future limitation to how the  
24 yard can be used.

25 Member Murphy commented on the lack of specificity in the initial submission,  
26 suggesting, as he said last time, he would like to have seen more than  
27 blocking out. He would like to see this reopened, and see what the house  
28 really looks like. Chairman Neiman's issue is the applicant is not required to  
29 provide more than they did. The Board voted on something that was an  
30 estimate, but was published. The Village might want to close a loophole in  
31 the code separately, but the Gents application did not require the survey. He  
32 wondered if this would have changed anyone's vote. Mr. McGinnis explained  
33 that this case was different in that the Gents were contracted buyers not  
34 property owners; how much money can the Village expect them to spend on a  
35 property they don't own. A straw poll was taken; none of the members would  
36 have changed their original vote.

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38 Following corrections to the final decision, Member Podliska moved to  
39 **approve the final decision for V-11-18, 118 North Monroe, as amended.**  
40 Member Engel seconded the motion.

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

44 **NAYS:** Member Murphy

45 **ABSTAIN:** None

46 **ABSENT:** None  
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1 Motion carried.  
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3 **5. RECEIPT OF APPEARANCES – None**

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

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8 **7. PRE-HEARING AND AGENDA SETTING – None**

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10 **8. PUBLIC HEARING – None**

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12 **9. NEW BUSINESS**

13 Member Alesia wondered if it is worth asking Village counsel to make a change  
14 to what is required for submission to ZBA. Mr. McGinnis noted the code requires  
15 certain submissions; the question is what level of detail is preferred by the  
16 Board. Discussion followed. Chairman Neiman suggested Mr. McGinnis convey  
17 the Board's concerns, and report back to the Board.

18 Mr. McGinnis noted that if the conditions were in the motion the applicant would  
19 have been bound. It was noted that certain assurances were given under oath.  
20 Member Podliska added the Board needs to be careful not to be 'super planners'  
21 for somebody else's property. The Board agreed to discuss this matter at their  
22 next meeting.

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24 **10. OLD BUSINESS – None**

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26 **11. ADJOURNMENT**

27 With no further business before the Zoning Board of Appeals, Member Alesia  
28 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**  
29 **March 20, 2019.** Member Giltner seconded the motion.

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

33 **NAYS:** None

34 **ABSTAIN:** None

35 **ABSENT:** None

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37 Motion carried.

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39 Chairman Neiman declared the meeting adjourned at 7:29 p.m.

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41 \_\_\_\_\_  
42 Christine M. Bruton

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