

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
JANUARY 15, 2020**

**1. CALL TO ORDER**

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, January 15, 2020 at 6:33 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 and Village Clerk Christine Bruton

**3. APPROVAL OF MINUTES**

a) **Meeting of December 18, 2019**

Following changes to the draft minutes, Member Podliska **moved to approve the draft minutes of December 18, 2019, as amended.** Member Engel seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Giltner

Motion carried.

**APPROVAL OF FINAL DECISIONS – None**

**5. RECEIPT OF APPEARANCES –** The court reporter administered the oath to those persons 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 HEARING**

a) **V-06-19, 908 N. Elm Street**

Chairman Neiman opened the public hearing. Mr. Jim Doyle and Mr. Ryan DeBari, architects for the project, addressed the Board. Mr. DeBari gave an

1 overview stating the main entrance at 908 N. Elm Street has a single  
2 revolving door, two manual doors and a covered portico. The primary  
3 businesses in the building are medical offices, and many patrons have  
4 wheelchairs and walkers. They cannot use the revolving door, so they use  
5 the manual doors which then stay open too long. It is not possible to control  
6 the temperature in the vestibule, creating an uncomfortable situation for those  
7 persons waiting in that area. They want to install bi-parting doors which  
8 provide greater ease for people coming in and out. The current building  
9 exceeds floor area ratio (FAR) as it was built prior to current regulations.  
10 Closing in this portico area results in an increase to FAR of 300' square feet  
11 or 1%.

12  
13 Mr. DeBari reviewed the criteria for approval of a variation:

14 **Unique physical condition:** This building is located in an office park and the  
15 parking is underneath the building. The only entrance is on the south side,  
16 there is a large circular drop-off, with ADA parking at the entrance.

17 **Not-self created:** this entrance situation has been in existence since the  
18 building was built, it was not created by the applicant.

19 **Denied substantial rights:** Other buildings in the office park had similar  
20 entrance conditions, but have been enclosed, although there may not have  
21 been an impact to FAR. The applicant is requesting the same benefits as  
22 others enjoy.

23 **Not merely special privilege:** The purpose of the request is to create a nicer  
24 functioning entrance for the building and improve the welfare of the public.  
25 There is no profit for the applicant.

26 **Code and plan purposes:** The temperature control would result in a property  
27 that is more energy efficient and additionally better serves the public.

28 **Essential character of the area:** The proposed design archways are  
29 consistent with the existing architecture of this building and others in the  
30 office park.

31 **No other remedy:** This is the main accessible entrance, vehicular and  
32 pedestrian traffic cannot be directed to another entrance. This is the best  
33 way to fill the need.

34  
35 Member Moberly asked for a rendering, Mr. DeBari said construction drawings  
36 are included in the packet, but not a rendering. He illustrated what the north  
37 side atrium looks like, and stated this will match that design. There will be  
38 one fixed archway, and one with bi-parting doors. Member Moberly confirmed  
39 that this request will be forwarded to the Plan Commission for appearance  
40 review. The ZBA is making a recommendation only to the Village Board, and  
41 there have been no neighbor comments.

42  
43 Member Podliska moved to **close the public hearing for V-06-19, 908 N.**  
44 **Elm Street.** Member Moberly seconded the motion.

45  
46 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman  
47 Neiman

1           **NAYS:** None  
2           **ABSTAIN:** None  
3           **ABSENT:** Member Giltner

4  
5           Motion carried.

6  
7   **DELIBERATIONS**

8  
9           Member Murphy began deliberations stating that from personal experience he  
10           can attest to the fact that the current entrance does not function well, and the  
11           proposed change is a good idea. Member Engel agreed the wind is  
12           problematic getting in and out of the building, and agrees the safety and  
13           welfare of patients will be enhanced with the proposed changes. All other  
14           Board members concur.

15           Member Murphy moved to **recommend Village Board approval of the**  
16           **variation known as V-06-19, 908 N. Elm Street.** Member Alesia seconded  
17           the motion.

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

21           **NAYS:** None  
22           **ABSTAIN:** None  
23           **ABSENT:** Member Giltner

24  
25           Motion carried.

26  
27           b) **V-05-19, 5500 South Grant Street, Hinsdale Central High School**

28           Mr. Nick Graal, project architect for Hinsdale Central High School, addressed  
29           the Board regarding the five different requests for relief included in this  
30           application.

31  
32           **Requests #1 & #2:** Quantity of off street parking and landscaping screening  
33           requirements.

34  
35           **Unique physical condition:** The high school has been in this location since  
36           1948; the existing parking does not have landscape screening or islands and  
37           does not meet the current zoning requirements for number of parking spaces.

38           **Not self-created:** The school has expanded over the years, and acquiring  
39           land is cost prohibitive. The demand for student requests for parking far  
40           outweigh the supply, and although the size of the school is not expanding, he  
41           would expect the current demand for parking to continue. They do not want  
42           to sacrifice athletic fields to create more parking. He explained the residential  
43           parcels on the southwest portion of the site are not really feasible to acquire  
44           and would not provide a lot more space. Even if they eliminated the junior  
45           varsity ballfield for parking, they would still be shy of the required parking. It  
46           is not feasible to meet the letter of the code. The staff is accommodated for  
47           parking. Member Moberly pointed out 'need' is subjective for student parking.

1           **Denied substantial rights:** They would not be able to provide the same level  
2 of service to the community, and a parking garage would be a detrimental  
3 impact to surrounding properties.

4           **Not merely special privilege:** They want to maintain the status quo and the  
5 current level of athletics on site.

6           **Code and plan purposes:** These variations sought are in line with current  
7 parking.

8           **Essential character of the area:** There is no material detriment to the public  
9 welfare, will not impair adequate light and air, as it is a surface lot; will not  
10 increase congestion, they are adding some spaces, no danger of fire or flood,  
11 storm water management regulations will apply, and will not tax the public  
12 utilities or endanger the public health, safety or welfare.

13           **No other remedy:** They are maximizing the available space on site without  
14 eliminating a baseball field.

15  
16           **Requests #3 & #4:** Fencing for tennis courts, track fields, baseball backstop and  
17 miscellaneous fencing. All are currently on site, and only being replaced, with  
18 the exception of safety sports netting at the junior varsity field to address  
19 community concerns about foul balls.

20  
21           **Unique physical condition:** The junior varsity field is located adjacent to  
22 residential property.

23           Member Alesia asked about community feedback for these projects. Mr. Graal  
24 responded that Mr. John Ochoa contacted them and asked them to look at  
25 softening the edge of the parking lot expansion, and proposed some landscaping  
26 at the eastern edge of the property. They will plant arborvitae at this location,  
27 and try to provide as much landscaping as is feasible. This application is also  
28 before the Plan Commission, and there were some concerns raised about  
29 communication during construction and the possible amount of construction  
30 traffic. They are looking at ways to keep the community and surrounding  
31 neighbors informed on a timely basis. Other than these, there have been no  
32 negative responses.

33           **Not self-created:** These are existing fields and fencing, and the safety netting  
34 for foul balls will protect neighbors.

35           **Denied substantial rights:** In order to carry out the letter of the law, the school  
36 would be prevented from providing athletic fields of the same standard as other  
37 schools. The safety netting addresses community concerns.

38           **Not merely special privilege:** The safety netting is in response to community  
39 safety concerns, and chain link fencing is according to general athletic field  
40 standards.

41           **Code and plan purposes:** They are not changing any current use of the fields,  
42 these are primarily maintenance items.

43           **Essential character of area:** The proposed fences and netting will increase area  
44 safety, and will not impact the air and light, traffic or parking, increase the danger  
45 of flood, tax utilities or endanger public health or safety.

46           **No other remedy:** Other fencing types would impair viewing of the athletic fields.  
47

1       **Request #5:** Soccer field accessory structures. Currently there are two player  
2 shelters of a wood stud and siding construction, as well as storage and a press  
3 box building in the center of those.

4  
5       **Unique physical condition:** The current location of the soccer fields cannot be  
6 shifted any further east due to issues with surrounding fields.

7       **Not self-created:** These structures would be replaced one for one in the existing  
8 locations.

9       **Denied substantial rights:** Without the requested relief, they cannot demolish  
10 and rebuild, and could not provide player shelters or a press box. Also, they are  
11 proposing better aesthetic quality materials matching the softball field  
12 administration building. Those player shelters are a more decorative painted  
13 masonry.

14       **Not special privilege:** It is common for soccer fields to have these structures.

15       **Code and plan purposes:** This request is a one to one replacement; there is no  
16 change to what the field currently is.

17       **Essential character:** There will not be a material detriment to the public or  
18 surrounding properties. Light and air will not be impaired; these structures  
19 screened by existing tall evergreen trees and existing grading. The proposed  
20 press box is a standard size. There will be no increase in traffic or parking, will  
21 not increase the danger of flood, tax utilities or endanger public health or safety.

22       **No other remedy:** Without setback relief, these structures will not be able to be  
23 replaced.

24  
25       There were no additional questions from the Board.

26  
27       **Mr. John Ochoa, of 5620 S. Washington,** addressed the Board stating he is in  
28 support of the variations requested. His house abuts the east side of teacher  
29 parking, and the alternatives are less appealing than granting the variations  
30 requested. The fencing on the east side of the parking lot brought this to his  
31 attention, because it borders residential property. He is glad the school district is  
32 proposing a solid fence. He believes the details matter here. He is glad to see  
33 some landscaping in some areas; the arborvitae provided will be beneficial to the  
34 residents. He suggested the school offer to put the landscaping on the  
35 residential side of the fence instead of the school side. Neighbors might actually  
36 appreciate this, and it would do a better job of screening, and not impinge on  
37 possible parking area.

38  
39       Member Alesia moved **to close the public hearing for V-05-19, 5500 South**  
40 **Grant Street, Hinsdale Central High School.** Member Engel seconded the  
41 motion.

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

44       **NAYS:** None

45       **ABSTAIN:** None

46       **ABSENT:** Member Giltner

47

1 Motion carried.  
2

3 Chairman Neiman called the Board's attention to the memorandum provided by  
4 Village counsel regarding limited level of deference applied to school district  
5 requests. Limited standard is that schools are subject to municipal regulations  
6 as long as the ZBA decision does not interfere with the school's ability to perform  
7 their statutory mission, or regulate educational activities.  
8

9 **DELIBERATIONS**

10  
11 Member Moberly began deliberation stating he supports these variation requests;  
12 the property is landlocked with limited opportunity for expansion, and the school  
13 gets a lot done within the constraints of the property they own. He doesn't  
14 believe there is another remedy, and cautioned Mr. Ochoa that the Zoning Board  
15 of Appeals may not have the authority to dictate where the school landscapes.  
16 The Plan Commission or Village Board might be able to help with that. Member  
17 Engel agrees with the requests for safety fencing, and believes the parking is  
18 sufficient as long as staff and faculty are accommodated. All other Board  
19 members concur. Chairman Neiman agreed and added that given time the  
20 arborvitae along the soccer field will get big enough to provide adequate  
21 screening. The variation standards have been met for each of the five requests.  
22

23 Mr. McGinnis reminded the Board which of these five requests are final  
24 approvals, and which are recommendations to the Village Board for final  
25 approval. The following motions of the Board reflect this distinction.  
26

27 Member Alesia moved to **recommend Village Board approval of the requests**  
28 **to allow a reduction in required parking and to waive the landscape island,**  
29 **open space buffer and loading space screening requirements.** Member  
30 Engel seconded the motion.  
31

32 AYES: Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman Neiman  
33 NAYS: None  
34 ABSTAIN: None  
35 ABSENT: Member Giltner  
36

37 Motion carried.  
38

39 Member Alesia moved to **recommend Village Board approval of the building**  
40 **height and screening requirements for the construction of two soccer field**  
41 **team shelters and a press box.** Member Engel seconded the motion.  
42

43 AYES: Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman Neiman  
44 NAYS: None  
45 ABSTAIN: None  
46 ABSENT: Member Giltner  
47

1 Motion carried.  
2  
3  
4  
5

6 Member Engel moved to **approve waiving the height limitation of fences for**  
7 **the construction of safety netting and replacement of existing chain link**  
8 **fencing, and to waive the building setback for construction of soccer field**  
9 **team shelters and a press box.** Member Murphy seconded the motion.

10  
11 AYES: Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman Neiman  
12 NAYS: None  
13 ABSTAIN: None  
14 ABSENT: Member Giltner  
15

16 Motion carried.  
17

18 **9. NEW BUSINESS** – None  
19

20 **10. OLD BUSINESS** – None  
21

22 **11. ADJOURNMENT**

23 With no further business before the Zoning Board of Appeals, Member Murphy  
24 made a motion to **adjourn the Zoning Board of Appeals of January 15, 2020.**  
25 Member Podliska seconded the motion.  
26

27 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman  
28 Neiman  
29 **NAYS:** None  
30 **ABSTAIN:** None  
31 **ABSENT:** Member Giltner  
32

33 Motion carried.  
34

35 Chairman Neiman declared the meeting adjourned at 7:31 p.m.  
36  
37  
38

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

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