

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
49

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
May 20, 2020**

1. CALL TO ORDER

The regularly scheduled meeting of the Hinsdale Zoning Board of Appeals (conducted electronically via Zoom) was called to order by Chairman Bob Neiman on Wednesday, May 20, 2020 at 6:36 p.m., roll call was taken.

2. ROLL CALL

Present by telephone: Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy (*arr. 6:38 p.m.*), 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

Chairman Neiman read the following for the record:

“This open meeting of the Zoning Board of Appeals of the Village of Hinsdale is being conducted remotely consistent with Governor Pritzker’s Executive Order of March 16, 2020, due to the current State of Emergency in the State of Illinois given the outbreak of the novel coronavirus.

In order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, we have been advised and encouraged by the State to postpone consideration of public business where possible, and where a meeting is necessary, to limit public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Act that members of the public body be physically present. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order allows public bodies to meet remotely and encourages public bodies to ensure that the public may monitor the meeting.”

He also set ground rules to minimize issues for the video conferencing.

3. APPROVAL OF MINUTES

a) **Meeting of February 19, 2020**

Following changes to the draft minutes, Member Alesia **moved to approve the draft minutes of February 19, 2020, 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 **4. APPROVAL OF FINAL DECISIONS – None**

2
3 **5. RECEIPT OF APPEARANCES – None**

4
5 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**
6 **PUBLIC COMMENT OF A GENERAL NATURE – None**

7
8 **7. PUBLIC HEARING**

9 a) **V-01-20, 32 Blaine**

10 Mr. Tom Hawbecker applicant and owner of 32 Blaine, addressed the Board and
11 explained that they acquired the building in October 2019, with the intent to use it
12 as a law office for two attorneys and one paralegal. This property was used as a
13 law office before, but under the home occupation provision of the code. They are
14 making the necessary changes to get their Certificate of Occupancy (CO) as a
15 non-home occupation law office. Parking is the main issue. He explained that
16 properties are residential in character in this area. They intend to maintain the
17 style of the original structure, while making the necessary code changes. They
18 will add interior stairwells, two means of ingress and egress, and expand the
19 existing dormers to accommodate these additions. There is a handicap accessible
20 ramp in the rear of the house. They will rebuild the front porch, install a new
21 stairwell in the rear of the building, and pave the parking area. The parking area
22 only allows for seven spaces, including one ADA compliant spot. In the end, every
23 single structure in O-1 District cannot meet parking requirements of the code. As
24 parking congestion was a concern of the Board at prehearing, he elaborated there
25 are seven parking spaces on site, one of which is a handicap spot. They will house
26 the estate planning portion of their business at this location and are confident this
27 is ample parking. However, there is additional parking on Blaine and they are only
28 a block away from the new parking deck.

29 Chairman Neiman asked Mr. Hawbecker to review all the approving criteria one by
30 one and explain why this application meets the criteria.

31
32 *(The court reporter administered the oath, Mr. Hawbecker confirmed his previous*
33 *testimony was the truth.)*

34
35 Mr. Hawbecker explained the home was built in the early 1900's, this is the existing
36 structure on the existing lot; all homes in the area are similar. There is no
37 detriment, as it has been the same for the last 100 years. The proposed
38 improvements will not impair light or air in the area. It will not increase congestion,
39 there is parking on the property. They will install a French drain to improve water
40 drainage in the area, but not increase the footprint of the existing building. It will
41 not endanger health or safety. The proposed updates will create a positive visual
42 impact for the area. They have met with the Plan Commission and received
43 unanimous approval from them. He added it is impossible to meet code
44 requirements and keep the O-1 classification intact. He referenced one of the
45 drawings in the packet that illustrates where the parking spaces will be located.
46 Member Engel stated she is familiar with the subject property, and the applicant's
47 other offices. She does not believe they are seeking special privilege, and doesn't

1 believe there is any way to make 11 parking spaces available. She has no
2 additional questions or concerns. She believes preserving the homes on the street
3 is good for the Village, and no neighboring residents or businesses have raised
4 objections. Member Murphy stated he had nothing to add, and agrees with
5 Member Engel's remarks. Member Alesia confirmed with Mr. Hawbecker that there
6 have been no neighbor objections. Member Giltner and Member Podliska agree
7 the applicant has met the standards for approval. Member Moberly said this is a
8 straightforward request, he had watched the Plan Commission hearing and
9 supports the request. Chairman Neiman agreed with the other members, and
10 commented the parking is driven by ADA requirements, and there is plenty of street
11 parking based on projected activity in the office.

12
13 Member Engel moved to **close the public hearing for the case known as V-01-**
14 **20, 32 Blaine.** Member Giltner seconded the motion.

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

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** None

21
22 Motion carried.

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

DELIBERATIONS

Chairman Neiman opened deliberations on V-01-20, 32 Blaine.

Member Murphy moved to **approve the variation request know as V-01-20, 32
Blaine, for the reasons previously stated.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

8. PRE-HEARING AND AGENDA SETTING

a) V-03-20, 329 East Sixth Street

Persons participating electronically on this matter introduced themselves: Mr. Neil Reenan and Mrs. Jen Reenan, Mr. Dave Knecht, contractor, Mr. Michael Abraham and Mr. Joel Rafferty, architects for the project.

Ms. Reenan addressed the Board stating theirs is the Orland P. Basset house which suffered a significant fire during roof repair two years ago. Since that time they have been restoring and rebuilding the home. In addition to the main house, there is a carriage house built in 1898. There are a number of concerning issues with this structure that need to be addressed. The building encroaches on the neighboring property line, and it is difficult to access the utility pole. They are

1 asking for a variation to relocate the building within the appropriate boundaries.
2 There are preservation issues; there is no foundation, the building sits on rotten
3 railroad ties, and siding and gutter work is necessary. They hope to rebuild it so
4 it will last 100 more years, but they are reluctant to invest hundreds of thousands
5 dollars unless they can move it.

6 They have talked to their neighbors to the north, the Duggan's, who have no
7 reservations about the proposed project. Their neighbors to the west, the
8 Lauermands, have understandable concerns, however, they are having good
9 dialogue to address their concerns.

10 Chairman Neiman stated he understands there have been discussions with the
11 Lauermands, who have submitted a document listing their objections to the project.
12 He advised that whatever the Reenan's can do to address these concerns before
13 the hearing would be best. Their main objection is water drainage; he asked does
14 the existing plan address or minimize the flow of water to the Lauermand property.
15 It is in the Reenan's best interest to incorporate in detail a drainage solution.

16 Mr. Reenan said the proposal is set up not to increase water flow, and noted the
17 Lauermands have an existing drainage issue. A small part of their issue comes
18 from the existing properties, but their contribution is below the specified 10%. He
19 said he talked to Mr. Lauermand and said they want to add a drain across the back
20 of the property to divert water to Elm Street. Mr. Lauermand is trying to collect
21 money from neighbors to pay for this, and he has explored the idea of a pump on
22 his property, which the Reenan's have offered to help fund. They would be willing
23 to make their parking area a permeable surface, and replace the patio with
24 permeable flagstones. Mrs. Reenan said they are sensitive to Lauermand's
25 drainage issues, but she understands this is not part of the variation request, and
26 the structure is within the allowable coverage. Chairman Neiman explained if a
27 neighbor is going to be affected adversely from the granting of the variance,
28 several of the criteria to be met imply the Board can't approve the request.
29 Chairman Neiman again urged the Reenan's to try to resolve the Lauermand's
30 concerns, and asked if the applicants would be interested in continuing the public
31 hearing to a later date to firm up the plans that will address their concerns. Mr.
32 Reenan said he is open to that, but pointed out their experts are saying this will
33 not create additional water flow to the neighbor's property.

34 Mr. Abraham asked for the Board's concerns with the application, and pointed out
35 that they are not going to be able to solve the Lauermand's entire problem with
36 water. Mrs. Reenan pointed out the engineering report indicates the proposed
37 project does not make their water worse. They are not increasing their runoff. Mr.
38 Abraham said a comprehensive solution for that area will take a long time and is
39 a project in and of itself. Mr. Reenan said they want to be good neighbors and
40 help with a solution.

41 Member Giltner asked if the structure will have the same footprint, and are they
42 adding concrete driveway footage. Mr. Rafferty responded stating the driveway is
43 moved slightly, and a parking pad is added. Mr. Reenan said all those surfaces
44 will be permeable now, they are building in more cushion to deal with existing
45 problem, but they are not adding to their drainage issue.

46 Chairman Neiman is glad they are willing to work with the Lauermand's, and it is a
47 fair point that they are not responsible for drainage solutions for the Lauermand's.
48

1 Mr. Fred and Mrs. Janet Lauerma confirmed that they were present on the call.
2

3 Mr. Reenan confirmed that the relocated coach house would be 3' feet closer to
4 the Lauerma's property, but within the permitted area. Mr. Rafferty illustrated the
5 utility easement and buffer relative to the Lauerma's property, and pointed out it
6 is still almost 10' feet from their property.

7 Regarding the Lauerma's concern about privacy because of the location of the
8 proposed exterior stairway, Mr. Reenan said they explored other options for
9 locating the stairs. This is the only place that works and allows the stairs to be
10 within the required setbacks. Otherwise, they would have to move the structure
11 further south, and the third garage bay would not be accessible. Mr. Duggan, the
12 other impacted neighbor, was only concerned that the character of the building not
13 change dramatically. They will plant 6-8 16' feet tall arborvitae along the west lot
14 line or install a fence to screen the staircase. The Lauerma's letter states they
15 are concerned about people hanging out on the balcony, but Mr. Reenan said that
16 is not the intended use, and added that safety requires the stair be located outside
17 not inside. He believes the trees are a good solution.

18 Regarding the reduction of light, Mr. Reenan reported that the Lauerma's had
19 invited them to their home to experience the light situation. The Reenan's agreed
20 to remove two large pine trees and replace them with shorter species to allow more
21 light. Around the car park area, they plan to plant low growing bushes.

22 Mr. Rafferty said the new foundation will be poured footings and concrete per the
23 Village code, but will not affect water run-off, because they can store water under
24 the structure. Discussion followed regarding the height of the structure.

25 Mr. Rafferty said it is slightly higher than the allowable 15' feet, the pitch of the
26 roof is steep and matches that of the house. Further, this is dictated by the grade
27 of the property, if the garage were lowered it would likely increase water flow to
28 the west.

29 Mr. Abraham explained, relative to the water conversation, they can excavate all
30 the soil, and backfill with stone, making the three-car garage foundation area
31 compensatory storage for water. He said this will not cure Lauerma's water
32 problem, and this is not in the current plan, but will pursue this in the natural course
33 of discussion. No additional variance is required to do this.

34 It was confirmed that this variation approval is a recommendation only to the
35 Village Board.

36 Mr. Fred Lauerma addressed the Board and talked about the water problem. He
37 thinks storing water under the garage is a good idea, and that a permeable patio
38 and parking are also good. He said they can also do some grading on their
39 property. Regarding light, removing the trees will help, but moving the building 4'
40 feet closer will take away light.

41 He mentioned a potential increase of traffic to the front door on the west side of
42 the garage, and he thinks it's possible to install an internal staircase. He agreed
43 there have been good discussions with the Reenan's, and he appreciates their
44 willingness to accommodate some of their needs.

45 Mrs. Janet Lauerma said she echoes her husband's comments, and agrees the
46 meetings have been friendly so far. She said they purchased their home 33 years
47 ago, and the water problems started happening 10 years ago as patios and

1 swimming pools have been going in the area. She said she feels they are bearing
2 the hardship of this proposed project.
3

4 There was no one else on the telephone wishing to speak. Chairman Neiman
5 scheduled the public hearing for June. He asked Mr. McGinnis to provide the
6 procedural rules for time limits during public hearings to all parties.
7

8 **9. NEW BUSINESS – None**
9

10 **10. OLD BUSINESS – None**
11

12 **11. ADJOURNMENT**

13 With no further business before the Zoning Board of Appeals, Member Giltner made
14 a motion to **adjourn the Zoning Board of Appeals of May 20, 2020**. Member Alesia
15 seconded the motion.
16

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

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** Member Moberly
21

22 Motion carried.
23

24 Chairman Neiman declared the meeting adjourned at 7:58 p.m.
25
26
27

28 _____
29 Christine M. Bruton
30

Approved: _____