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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
July 15, 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, July 15, 2020 at 6:31 p.m., roll call was taken.

Chairman Neiman read the following statement:

Due to the ongoing public health emergency, and based on the authority provided by Executive Order 2020-07, issued by Governor Pritzker on March 16, 2020, as most recently extended by Executive Order 2020-33, dated April 30, 2020, and Executive Order 2020-32, issued by Governor Pritzker on April 30, 2020, limiting public gatherings and suspending the Open Meetings Act physical presence requirement, this meeting will be conducted electronically. The meeting will still be broadcast live on Channel 6 and the Village website.

Public comments are welcome on any topic related to the business of the Zoning Board of Appeals at Regular and Special Meetings when received by email or in writing by the Village Clerk prior to 4:30 p.m. on the day of the meeting. Emailed comments may be sent to Village Clerk Christine Bruton at cbruton@villageofhinsdale.org. Written comments may be submitted to the attention of the Village Clerk at 19 E. Chicago Avenue, Hinsdale, Illinois 60521. While emailed or written comments are encouraged, public comment may also be made by phoning into the meeting at 312.667.4792 Conference Code 581537. If you have questions regarding communication to the Board during the meeting, please contact Assistant Village Manager/Director of Public Safety Brad Bloom at 630.789.7007.

2. ROLL CALL

Present by telephone: Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy (arr. 6:49) Leslie Lee, 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) Meeting of June 17, 2020

Following changes to the draft minutes, Member Podliska **moved to approve the draft minutes of June 17, 2020, as amended.** Member Giltner seconded the motion.

AYES: Members Moberly, Alesia Giltner, Lee, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Member Murphy

Motion carried.

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4. APPROVAL OF FINAL DECISIONS - None

5. RECEIPT OF APPEARANCES – The court reporter administered the oath to all persons intending to speak during the public hearings

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-04-20, 318 South Garfield Street** (*A transcript of the following proceedings is on file with the Village Clerk.*)

Mr. Thomas Prame, property owner and applicant, addressed the Board. Chairman Neiman asked him to summarize his request, and explain why he meets the applicable standards for approval. Mr. Prame stated the request is for a modest extension to the existing kitchen into what was a four season’s room that collapsed last fall into itself. The foundation was gone. Their architect recommended extending the home 8’ feet to square off the building, which would address his water issues. He noted there is no foundation under the southwest side of the kitchen either. He explained there would be no change to the appearance or the architecture of the home, and there would be no visual impact to his neighbors. This addition results in a 96’ foot increase in the floor area ratio (FAR) of the home. The footprint is the same as the porch that was there, but because this area will now be enclosed, it increases the FAR. He noted that there were no negative comments from his neighbors; in fact, they were supportive of his request.

Regarding the standards for variation, Mr. Prame stated the following:

Unique physical condition: The home was constructed in the 1920’s, and was not designed to drain water away from the home. Water collects in the corner of the home as a result, and a new home next door causes more water to collect. The solution is to extend the roofline to get water away from the corner and foundation.

Not Self-created: This water/foundation issue is not a result of their renovations to the home, but was inherited with the purchase of the property.

Denied Substantial Rights: This relates only to the longevity and safety of the home. It adds no monetary value to the home; he just wants it to last another 100 years.

Not Merely Special Privilege: This is only to ensure the safety and soundness of the structure.

Code and Plan Purposes: This property is his primary home and personal residence, and as such is not detrimental to the public welfare or injurious to the civic enjoyment of surrounding properties. This proposed change is located at the back corner of their home. It cannot be seen from the street, nor does it impose restrictions to the neighbor’s property. There is no impact to light and air or increase in parking congestion. There is no increased danger of flood or

1 fire, or burden to public utilities or danger to public health or safety.
2 No Other Remedy: He believes this to be the only long-term remedy.
3

4 Chairman Neiman asked if Board had any questions. Member Alesia asked
5 what would happen to the water now that it will not collect at the corner of his
6 property. Are their plans to protect the neighbors? Mr. Prame said the water
7 runs well between his property and 320 S. Garfield. The new roof will direct
8 water to the existing drainage between the two properties. Following a question
9 from Member Podliska, Mr. Prame confirmed that the lot was subdivided around
10 1972, long before they bought the property in 2014. Chairman Neiman
11 confirmed that the FAR increase is indirectly related to the sale of the land, and
12 the subsequent subdivision. There were no more questions or comments from
13 the Board.
14

15 Member Podliska moved to close the public hearing for **V-04-20, 318 South**
16 **Garfield Street. Member Moberly seconded the motion.**
17

18 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
19 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 Podliska began deliberations stating this is a large house and this request is
29 only a 96' square foot increase. The house is already in excess of the allowable FAR
30 and maximum lot coverage; however, it was the subdivision of the property that made
31 the numbers in excess. On the original lot, this would not have been an issue.
32 Therefore, he concluded that if Mr. Prame was the owner at the time of the
33 subdivision, the problem would be self-created, but Mr. Prame purchased the house
34 long after the subdivision. For that reason, he thinks it is appropriate to recommend
35 approval. Additionally, Member Moberly pointed out that the code was not the same
36 in the 1970's. All other members agreed with the rationale presented by Member
37 Podliska.

38 Member Podliska moved to **approve a recommendation for approval to the Village**
39 **Board of Trustees in the matter known as V-04-20, 318 South Garfield Street.**
40 Member Moberly seconded the motion.
41

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

44 **NAYS:** None

45 **ABSTAIN:** None

46 **ABSENT:** None
47

1 Motion carried.
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3 b) **V-03-20, 329 East Sixth Street** (*A transcript of the following proceedings is*
4 *on file with the Village Clerk.*)

5 Chairman Neiman opened the public hearing. Mr. Michael Abraham, architect
6 for the project, summarized the variation request stating they want to move a
7 110-year-old carriage house off the neighbor's property to the north and add a
8 concrete foundation. They are asking for a variation for height, as the existing
9 historic structure exceeds allowable height, and 12' square feet of lot coverage
10 relief, which is the square footage that is currently on the neighbor's property.
11 As stated in their application, they are currently 3,400' square feet over on lot
12 coverage with the house and driveway as is. The proposed exterior stairway
13 and the carriage house are fully within allowable setbacks, and no setback relief
14 is required.

15 Ms. Jen Reenan stated they received the online material, and noted a letter
16 from the Lauerman's attorney that, according to the ZBA rules, was submitted
17 late. They felt they have had productive and lengthy discussions with the
18 Lauerman's, however, Mr. Lauerman's first concern was light, and then it was
19 water, now it is the staircase. They have tried to find solutions, at considerable
20 cost. With regard to the proposed exterior staircase, she believes Mr. Klein
21 has incorrectly applied the code section. The staircase is within the buildable
22 space. In fact, they could build an outside staircase on the existing building.
23 She does not think it should be a concern of the ZBA. She made note of the
24 National Landmark status of the building. Further, if they want to use the
25 property for something, it is not the Lauerman's concern; it will not be habitable
26 space. Under no circumstances will they pour a foundation on the Dugan's
27 property. They only want a safe and secure structure, with a code compliant
28 foundation on their property. The alternative is to tear it down and rebuild in
29 the proposed location, which is a less costly alternative. The foundation needs
30 to be on their property, and not crossing the Dugan's property line.

31 Regarding the standards for variation with respect to height, Mrs. Reenan
32 presented the following:

33 Unique Physical Condition: The building cannot be restored in the current
34 location as it straddles the lot line of the adjacent property. The north side of
35 the building cannot be maintained without asking the neighbor for access, as
36 there is a pre-existing fence. Moving the structure will provide more direct
37 access to the utility lines. This home is an historic pre-code structure, one of
38 48 properties on the National Register for Historic Places in DuPage County.
39 They could lose this designation if they have to tear down the coach house.

40 Not Self-created: This building was constructed 120 years ago, well prior to
41 their ownership. She stated a change in use is not relevant to their request.
42 The 4.7' feet excess height encompasses the hip roof and the cupola.

43 Denied Substantial Rights: They would be denied the right to improve and
44 save their historic carriage house by preserving its height, and to move the
45 structure onto their property within the allowable setbacks. They would also be
46 denied the right to use their property in the same way others enjoy their
47 secondary structures.

1 Not Merely Special Privilege: By virtue of this request, they are only asking for
2 the right to move the building onto their property, to secure, maintain and utilize
3 the building safely.

4 Code and Plan Purposes: They want to use the upper level for storage and
5 personal family space, not for habitation. They may want more space and
6 privacy, but the property lines are what they are mainly addressing.

7 Essential Character of the Area: The proposed project will enhance the
8 character of the area, and will not cause injury to the Lauermands.

9 No Other Remedy: Restoring the garage in the current location is not feasible,
10 as it is not on their property. The staircase and the use of the space is not a
11 subject for the ZBA to consider.

12
13 Chairman Neiman asked if any Board members had any questions relative to
14 the height request. Member Podliska asked about the cupola, relative to the
15 15' foot permitted roof height. It was explained that the cupola is not included
16 in the height of the roof calculation, and that the roof is 4.7' feet higher than
17 allowed without the cupola. Member Moberly understands the Reenan's desire
18 to move the structure onto their property, but wondered why not move it 2-3'
19 feet south, as opposed to west toward the Lauermands. Mr. Reenan said they
20 would have to move the garage a minimum of 4' feet south in order to
21 accommodate the existing porte cochere, and provide a comfortable turning
22 radius for today's vehicles. He mentioned that he takes issue with the assertion
23 regarding the loss of light. He said if you look at the project as a whole, the
24 light has been increased as they have removed a significant tree already, and
25 will remove two more if the variations are approved. He thinks that is a fair
26 compromise for both parties, and noted that his last conversation with Mr.
27 Lauermand indicated that they were in agreement on light, privacy and drainage.
28 Chairman Neiman asked why not install an internal staircase. Mr. Reenan said
29 their contractor and architects have said that it would take up too much space,
30 reducing their 3-car garage to a 2-car garage, and lost space upstairs. Mr.
31 Abraham added that the exterior staircase creates an additional buffer,
32 because without it they could move the house farther west. Mr. Reenan said
33 a variation is not required for the staircase, and they did not think it would be
34 an issue, because it is allowed. Member Podliska asked if the maximum
35 accessory coverage includes the staircase. Mr. Joel Rafferty said no because
36 it has no roof, it is an external uncovered stair. Member Moberly said the
37 Historic Preservation Commission (HPC) looked at this matter, and he
38 wondered how they felt about the stairs, and does it destroy an historic element
39 of the structure. Mr. Jim Prisby, representing the HPC, said they had zero issue
40 with stairs. Chairman Neiman asked that Mr. Prisby hold his comments until the
41 Reenan's are finished with their presentation.

42 Mrs. Reenan said they have had an historic consultant since the beginning of
43 the project, who reviewed the plans, and has advised the staircase cannot be
44 on the south or east side because of the streetscape. The consultant was
45 supportive of the stairs on the west side. Mr. Reenan believes everything has
46 been done with historical preservation in mind, and the stairs will be attractive,
47 and an improvement over the Lauermands' current view. Member Alesia asked

1 what the current access to the upper level is. Mrs. Reenan explained there is
2 a trap door in the ceiling, and a pull down ladder. Currently, it is a three-car
3 garage. Member Alesia confirmed they would lose a garage space with an
4 internal staircase. Member Murphy asked Mr. McGinnis if it is accurate that the
5 garage could be moved, and the staircase could be added later by right. Mr.
6 McGinnis said the request before the ZBA includes plans for the staircase, if
7 the construction varied from the plans, it would be flagged and have to go back
8 to the ZBA. Mr. Abraham said the stairs do not need a variation. Mr. Reenan
9 said they could have applied without the staircase, and then would not have
10 had to go back to the ZBA for the staircase because it would not be necessary.
11 The staircase does not increase the height or the building coverage. Mr.
12 McGinnis confirmed that if the drawings had not originally included the stairwell,
13 they could have installed the staircase without a variation. Member Murphy
14 feels this speaks to how concerned the ZBA should be with the stairs.
15 There were no further questions from the Board regarding the height.

16
17 With respect to the maximum building coverage, Mr. Abraham said the
18 responses are the same as those included in the record. They are requesting
19 an increase in square footage by approximately 1%. Mrs. Reenan said this is
20 12' square feet, the additional surface that is on the Dugan's property. The
21 staircase does not increase the building coverage, nor encroach in any side or
22 rear yard.

23 The Board had no further questions about this maximum building coverage
24 request.

25
26 Mr. and Mrs. Lauerman, addressed the Board, stating they would give some of
27 their time to their attorney, Mr. Matthew Klein. Mr. Klein acknowledged that
28 there has been a lot of agreement between the Reenan's and the Lauerman's
29 on this project, and acknowledged the merits of the Reenan's restoration of
30 their home. With respect to the garage, it is very large and tall, and he made
31 the case that the addition of an exterior staircase and second floor balcony
32 create an even more imposing structure for the Lauerman's. At the increased
33 elevation, these elements are higher than they would be on a conforming
34 garage. He disagrees with the Reenan's architect that the staircase and
35 balcony create a buffer, but rather increase the impact. He also believes the
36 code would require the staircase to be on the east side of the garage, if it were
37 permissible at all. The Lauerman's do not object to the continuation of the
38 existing building, or the relocation of the structure. They object to the additional
39 elements that further reduce the distance from their home and structure.

40 In terms of the approving standards, the hardship is the underlying element,
41 and there is justification for replacing the foundation, and their property rights
42 would include replacing it in its current location, but when there is an imposition
43 to the neighbors, he contends more hardship should be shown. They do not
44 have an obvious right to further use of the second floor, because the structure
45 is non-conforming. They are asking for discretion to use it to a greater extent
46 than a conforming garage. There is no denial of right or special privilege, as
47 the garage can be reconstructed in the current location. The historic nature of

1 this project does not justify the imposition on neighbors. Further, there are
2 reasons for height limits on accessory structures, and added the additional
3 elements to the building are not within the primary elements of the code, and
4 plan and purposes of the code.

5 With respect to the loss of a parking bay to move the stairway inside, modern
6 life allows exceptions to get people to a two-car garage, but a three-car is not
7 an absolute or legal necessity. The alternatives are to rebuild in the current
8 location, relocate with an interior staircase, or relocate with a three-car space
9 and the existing access to the second floor. This two-story structure is larger
10 than many houses in Hinsdale. The negative effect on the Lauermands cannot
11 justify the suggested hardships on the Reenans.

12 Mrs. Lauerman stated hers was a personal statement, thanking her attorney
13 and the Board, and saying they stand by their conclusion they will bear the
14 hardship of this project. She said the building has always been used as a barn
15 or garage, it is not a coach house, and has never been used for recreation.
16 This is not an historic preservation project, but a rebuild wrapped in an historic
17 preservation package that seeks special consideration to the detriment of the
18 neighbors. She clarified that they have never 'ranked' their concerns about
19 light, water and the stairs; they are a package deal. They have tried to focus
20 on each, one at a time, addressed in order of the application. She reiterated
21 their objections to the height and size of the building, as well as the location
22 that will be three feet closer to them. The addition of a 15-foot high staircase
23 and a 9-foot balcony creates more bulk. The Reenan's will not see people
24 going up and down the stairs, but they will. She said they appreciate the
25 Reenan's kind offer to help with water mitigation, but reiterated the problem
26 with the loss of light. The staircase causes a loss of privacy and security and
27 reduces the enjoyment of their property. In addition, there could be a potentially
28 negative impact on the value of their home.

29 Member Giltner asked for clarification regarding the Reenan's proposed
30 landscaping. Mr. Reenan explained they proposed adding an arborvitae screen
31 all the way up to the balcony and privacy fencing, providing a green view, and
32 completely masking the staircase. They intend to remove the two existing
33 spruce trees at a cost of \$12,000 that will improve the light at the front of their
34 house. Mr. Dave Knecht, builder, explained that removing the trees and moving
35 the building still provides a net gain in of sunlight to the Lauerman's east
36 elevation. Mr. Reenan said the cost of all the compromises for the Lauerman's
37 total \$75,000; they tried to find other practical solutions, but since there weren't
38 any, they were willing to spend the money. Mr. Lauerman said removal of trees
39 on the front is good, but is offset by moving the garage south, with a staircase,
40 that will be right in their face. It is a generous offer, but not the solution.

41 Member Podliska asked a question regarding the height of the balcony. Mr.
42 Abraham said the ceiling height of the first floor is 10' feet, and the balcony
43 would be at about 11' feet, not the 15' feet Lauerman's are suggesting.

44 Chairman Neiman suggested that a 9' foot landing or balcony lends itself to
45 sitting outside, and asked the Lauerman's how much of their concern relates to
46 the staircase as opposed to the size of the landing. Mr. Lauerman said he
47 asked the Reenans about using the balcony for sitting, but they said that would

1 not happen. He said their issue is with the stairway, and the comings and
2 goings of people. Mrs. Lauerman said with respect to the balcony, there is no
3 assurance that it will not be used for sitting, and she reiterated her concern
4 about their privacy.

5 Chairman Neiman asked why the balcony or landing needs to be 9' feet wide,
6 and why not install a circular staircase inside the garage. Mr. Reenan said the
7 circular staircase is not as safe for kids to use, nor does it allow for easy access
8 for storage. The size of the balcony is what it is because of the windows
9 underneath, and the historic nature of the property. He assured the Board that
10 they have looked at all of these alternatives, and have spent money on
11 architects and contractors to help them think through how to move the staircase
12 to the inside of the building, but this resulted in significant detriments to their
13 ability to use their space. He added a security camera will be installed. Mr.
14 Abraham confirmed these choices are strictly access considerations.

15 Member Lee verified the current garage has no dormer, but one is being added
16 on the non-visible side. Mr. Abraham said the dormer is not a variable in
17 calculating the height. The dormer relates to the installation of a bathroom.
18 Member Lee confirmed no bathroom currently exists, stating she is trying to
19 understand the current use of the second floor, versus the future use of the
20 upper level. Mr. Abraham said the use is not part of the variation request. Mr.
21 Reenan said the future use is storage, but since they are redoing it, they want
22 to have some flexibility. The house itself is big enough for gatherings, so that
23 is not the intended use of the second floor of the garage.

24 **Mr. Jim Prisby, representing the Historic Preservation Commission,** said
25 the HPC is an advisory board working to protect historic homes, and with their
26 expertise, they would be able to contribute an independent perspective to the
27 task at hand. They met on July 1 and the Commission created and unanimously
28 approved findings and recommendations. They concluded the National
29 Register of Historic Places documents clearly indicate the carriage house was
30 built in 1899, and is a key element to the historic designation bestowed upon
31 the property. However, the wood foundation is crumbling and a proper
32 foundation must be provided to save the structure. They recommend the ZBA
33 consider doing whatever is necessary to allow this structure to be saved for
34 generations to come.

35 Mr. Lauerman responded stating that without the staircase they have no
36 problem.

37 **Ms. Nan Dugan, 540 S. Oak,** addressed the Board stating they fully support
38 the Reenans pulling the building off their property, but they are also concerned
39 about the loss of privacy with the dormer and window, as well as the staircase.
40 Trees might help to mitigate this problem. She would prefer they keep the
41 integrity of the structure as is, and does not understand why they cannot change
42 the two windows underneath the staircase, but can change the upper windows
43 to doors. She also noted the Reenan's enjoy a significant tax benefit, and
44 would encourage them to move the garage off their property, and leaving the
45 space as it is.

46
47 **Member Alesia moved to close the public hearing for V-03-20, 329 East**

1 suggested solutions with vegetation, there is a logical solution for compromise that
2 we have not yet seen.

3 Chairman Neiman acknowledged that taking the staircase into account, other than the
4 effect on the Lauermans, is not part of the variation request, but he, too, is still
5 struggling with alternative solutions. He asked the Reenans, based on what they have
6 heard if they would like to reopen the hearing and ask for a continuance to address
7 the Board's concerns. The Reenans responded they would.

8 Chairman Neiman commended their commitment to preservation, and recognizes
9 there have been many concessions, as do the Lauermans. He said it is not the
10 Board's intent to frustrate their good work. He said he understands how hard it is to
11 rehab on older home, and how much money, time, attention, and love is required.
12 The Board members recognize this, but they have a responsibility to look at the code
13 and find a way to allow what is being asked for, but also address neighbor concerns
14

15 Chairman Neiman asked for a **motion to reopen the Public Hearing on Sixth Street**
16 **to allow the Reenans to request a continuance of the case to see if thy and the**
17 **Lauermans can work together to come up with a different solution.** So moved
18 by Member Podliska. Seconded by Member Moberly.

19
20 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
21 Neiman

22 **NAYS:** None

23 **ABSTAIN:** None

24 **ABSENT:** None

25
26 Motion carried.

27
28 Mr. Reenan requested a continuance of their hearing.

29
30 Member Podliska moved **to approve the Reenan's' request for a continuance.**
31 Member Giltner seconded the motion.

32
33 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
34 Neiman

35 **NAYS:** None

36 **ABSTAIN:** None

37 **ABSENT:** None

38
39 Motion carried.

40
41 Chairman Neiman said this matter will be put on our agenda again, and appreciates
42 everyone's efforts to work together to solve the problems. The Board is very
43 interested in historic preservation, but have a duty to follow the code.
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45 **9. NEW BUSINESS**

46 **10. OLD BUSINESS**

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11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Podliska made a motion to **adjourn the Zoning Board of Appeals of July 15, 2020.** Member Moberly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Neiman declared the meeting adjourned at 8:54 p.m.

Christine M. Bruton

Approved: _____