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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
November 18, 2020**

1. ROLL CALL

Present by telephone: Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy, Leslie Lee, John Podliska, and Chairman Bob Neiman

Absent: None

Also Present: Director of Community Development/Building Commissioner Robb McGinnis (by telephone) and Village Clerk Christine Bruton

2. 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, November 18, 2020 at 6:38 p.m., roll call was taken.

Chairman Neiman Opening Remarks:

“On September 18, 2020, Governor Pritzker entered the latest in a string of emergency declarations related to the COVID-19 pandemic. In light of that declaration, and consistent with various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, it is not practical or prudent to conduct an in-person meeting. This Open Regular Meeting of the Zoning Board of Appeals of the Village of Hinsdale is therefore being conducted remotely. Public Act 101-640 allows public bodies to meet remotely during public health disasters, so long as the public is able to monitor the meeting, and certain other conditions are met. Public comment is permitted during the Receipt of Requests, Motions, Pleadings, or Requests to Make Public Comment of General Nature portion of the meeting, and during any public hearing. When we get to those portions of the meeting, I will ask persons wishing to make public comment to identify themselves.”

3. APPROVAL OF MINUTES

a) Meeting of October 21, 2020

There being no changes or corrections to the draft minutes, Member Giltner moved to approve the draft minutes of October 21, 2020, as presented. Member Podliska seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

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2 **4. APPROVAL OF FINAL DECISIONS- None**
3

4 **5. RECEIPT OF APPEARANCES**

5 The Court Reporter administered the oath to those persons intending to testify
6 during the public hearing.
7

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

10
11 **7. PRE-HEARING AND AGENDA SETTING – None**
12

13 **8. PUBLIC HEARING**

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

15 Chairman Neiman introduced the matter, stating the applicant requests another
16 continuance. The Board will agree to continue once more, but this matter will
17 be heard in January 2021. No further continuances will be considered absent
18 good cause shown.
19

20 b) **V-05-20, 448 East Fourth Street**

21 Chairman Neiman opened the public hearing and invited the applicant, Mr.
22 Matthew Bousquette, to address the Board.

23 Mr. Bousquette stated he is the owner of 444 East Fourth Street and 448 East
24 Fourth Street. He is seeking the ability to add a small amount of square footage
25 to the westerly side of 448 E. Fourth from the lot on 444 E. Fourth.
26 Understanding there are newer ZBA members, he provided background relative
27 to these properties. In 2017, upon completing the remodeling of 448 E. Fourth
28 Street, his family moved out of the 444 E. Fourth Street Zook property. He
29 found a buyer for the Zook home who planned to renovate and landmark the
30 property, however, they only wanted half the lot in order to reduce the tax
31 burden. In order to save the home, he agreed to apply for a variance to split
32 the property, noting it would still be the two largest lots on Fourth Street and
33 Woodside.

34 The ZBA heard the case in March and June of 2017, resulting in a unanimous
35 approval to split the property, and save the Zook house. This was a
36 recommendation to the Village Board, who overturned the ZBA decision and
37 rejected the request. The night before the Village Board meeting, the Village
38 President received notice of an offer from an LLC for the home; because of this
39 pending offer to buy the property as is, the Board did not approve the variance.
40 At no time was his realtor contacted with the offer, nor did the proposed buyers
41 ask to see the house. Upon denial by the Village Board, the offer disappeared.
42 He asked for a copy of the offer through the Freedom of Information Act, nothing
43 was produced. Mr. Bousquette stated he was left with two choices, either tear
44 it down, or find another buyer. He has listed the home for three years, and has
45 had no offer. Therefore, in the spring of 2020 he obtained a demolition permit.
46 The home is currently being deconstructed carefully to donate architectural
47 content to good causes.

1 Regarding the matter before the Board this evening, Mr. Bousquette explained
2 that at one time a public road ran between the two properties called Oakwood
3 Place. He did not know, nor was it noted on the survey or the title report, that
4 there is a private sewer line to a home on Woodside. This line failed, resulting
5 in open sewage on his property. The DuPage County Health Department
6 required he fix the problem. He dug it up, fixed the driveway and improved the
7 drainage in this area. He wants to add the square footage where this line is
8 located to his 448 E. Fourth property, for clarity and ease of future
9 maintenance. He is seeking a variance of 2.6' feet to the interior side yard
10 setback to the property at 448 E. Fourth. The westerly property line would be
11 moved 10.9' feet at the median measured location, adding 3,526' square feet
12 to 448 E. Fourth from 444 E. Fourth. There is negligible impact to the 444 E.
13 Fourth Street lot, that will still be 47,960' square feet in size, and comply with
14 all zoning regulations for an R-1 lot in the Village. Mr. Bousquette stated he
15 has no intention of moving or altering the location of the house at 448 East
16 Fourth Street. He discussed the code requirements for side yard setbacks, but
17 asserted that since this is not new construction, this situation may run counter
18 to the intent. He only wants his property to encompass the area of the improved
19 storm drainage system.

20 Mr. Bousquette properly noticed, by certified mail, all neighbors within 250' feet.
21 He contacted the immediate neighbors on both sides of his properties by phone,
22 and they were supportive of his request. He did not receive any feedback from
23 any other noticed persons.

24 He addressed the requirements for approval as follows:

- 25 1. **Unique physical condition:** Unknown abandoned road and sewer line
- 26 2. **Not self-created:** House built prior to current code, no written easement
27 existed identifying the existence of the sewer line
- 28 3. **Denied substantial right:** denying the request would accomplish nothing
29 for the public benefit, adding the square footage to the 448 property
30 makes the home better situated on the lot, and it will appear more
31 harmonious with the surrounding neighborhood
- 32 4. **Not merely special privilege:** fixing the broken sewer line is hardly a
33 special privilege, and granting control over the new line has no impact on
34 anyone as he owns both parcels involved
- 35 5. **Code and plan purposes:** Requested variance is in the general spirit of
36 the Village code, promoting harmonious and appealing residential
37 neighborhoods
- 38 6. **Essential character:** Improve and balance lot sizes, no detriment to the
39 public welfare, or the enjoyment, use and value of the neighborhood;
40 public health and utilities have been improved, no effect on taxes or
41 utilities
- 42 7. **No other remedy:** Simply seeks to maintain control over improvements
43 on one legal property, nothing else makes sense

44
45 Chairman Neiman asked if there were additional questions from the Board, there
46 were none, and he confirmed that no one was on the line waiting to speak.

47 Member Moberly moved to **close the public hearing for the case known as V-**

1 **05-20, 448 East Fourth Street.** Member Podliska seconded the motion.
2

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

5 **NAYS:** None

6 **ABSTAIN:** None

7 **ABSENT:** None
8

9 Motion carried.

10
11 **D E L I B E R A T I O N S**
12

13 Member Moberly began deliberations stating he is in favor of the request; Mr.
14 Bousquette did a good job, and there are no neighbor objections. Member Alesia
15 agreed.

16 Member Podliska agreed with the stated points for granting the variance, and
17 commended the homeowner's efforts for setting it right; the sewer line should be
18 positioned on one piece of property. He added that those persons drafting the code
19 likely would not have contemplated this situation. He believes the applicant has met
20 the requirements for approval.

21 Members Murphy, Lee and Giltner concur adding the request makes sense and is
22 reasonable.

23 Member Podliska moved to **approve the variation request known as V-05-20, 448**
24 **East Fourth Street.** Member Murphy seconded the motion.

25
26 **AYES:** Members Moberly, Alesia Giltner, Murphy, Lee, Podliska and Chairman
27 Neiman

28 **NAYS:** None

29 **ABSTAIN:** None

30 **ABSENT:** None
31

32 Motion carried.
33

34 Chairman Neiman concluded stating that he appreciates Mr. Bousquette's efforts,
35 time and money to try to save the Zook house. He believes the Zoning Board got it
36 right in 2017, and regrets that the Village Board disagreed. Nevertheless, he is glad
37 that his request has been approved.
38

39 Director of Community Development Robb McGinnis informed the Board that a
40 contract is pending on the 444 E. Fourth property, and the applicant respectfully
41 requests the final decision be read into the record this evening so he can proceed
42 with the closing on the property.
43

44 Chairman Neiman said for all reasons stated on the record, and those detailed by Mr.
45 Bousquette, the Board has considered the matter and voted to approve the variance
46 application.
47

1 Member Alesia moved to approve the Final Decision for V-05-20, 448 East Fourth
2 Street, as read into the record. Member Giltner seconded the motion.

3
4 **AYES:** Members Moberly, Alesia Giltner, Murphy, Lee, Podliska and Chairman
5 Neiman

6 **NAYS:** None

7 **ABSTAIN:** None

8 **ABSENT:** None

9
10 Motion carried.

11
12 Mr. McGinnis said the written final decision will be prepared and included in the packet
13 of materials for the next meeting.

14
15 Mr. Bousquette thanked the Zoning Board of Appeals; this has been a frustrating
16 experience, but he appreciates that there are good citizens dedicated and working to
17 get it right. He is deeply grateful to members of the Zoning Board and staff that have
18 given their time and effort to help.

19
20 **9. NEW BUSINESS** – None

21
22 **10. OLD BUSINESS** – None

23
24 **11. ADJOURNMENT**

25 With no further business before the Zoning Board of Appeals, Member Podliska
26 made a motion to **adjourn the regularly scheduled meeting of the Zoning**
27 **Board of Appeals of November 18, 2020.** Member Alesia seconded the motion.

28
29 **AYES:** Members Moberly, Alesia Giltner, Murphy, Lee, Podliska and Chairman
30 Neiman

31 **NAYS:** None

32 **ABSTAIN:** None

33 **ABSENT:** None

34
35 Motion carried.

36
37 Chairman Neiman declared the meeting adjourned at 7:09 p.m.

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39
40
41 _____
42 Christine M. Bruton

Approved: _____