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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
February 17, 2021**

1. ROLL CALL

Present electronically: 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 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, February 17, 2021 at 6:32 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 anyone wishing to make public comment to identify themselves.

3. APPROVAL OF MINUTES

a) Meeting of January 20, 2021

There being no changes to the draft minutes, Member Podliska **moved to approve the draft minutes of January 20, 2021, as presented.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

1 **4. APPROVAL OF FINAL DECISIONS**

2 a) **Final Decision for V-06-20, 5500 South Grant Street (Hinsdale Central High**
3 **School)**

4 There being no changes to the draft final decision, Member Podliska **moved to**
5 **approve the Final Decision for V-06-20, 5500 South Grant Street (Hinsdale**
6 **Central High School), as presented.** Member Alesia seconded the motion.

7
8 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
9 Neiman

10 **NAYS:** None

11 **ABSTAIN:** None

12 **ABSENT:** None

13
14 Motion carried.

15
16 b) **Findings of Fact and Recommendation to the Village Board for V-06-20,**
17 **5500 South Grant Street (Hinsdale Central High School)**

18 There being no changes to the draft findings of fact and recommendation,
19 Member Alesia **moved to approve the Findings of Fact and**
20 **Recommendation to the Village Board for V-06-20, 5500 South Grant Street**
21 **(Hinsdale Central High School), as presented.** Member Podliska seconded
22 the motion.

23
24 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
25 Neiman

26 **NAYS:** None

27 **ABSTAIN:** None

28 **ABSENT:** None

29
30 Motion carried.

31
32 **5. RECEIPT OF APPEARANCES**

33 Court reporter, Ms. Kathy Bono, administered the oath to all persons intending to
34 speak during the proceedings.

35
36 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**
37 **PUBLIC COMMENT OF A GENERAL NATURE – None**

38
39 **7. PRE-HEARING AND AGENDA SETTING**

40 a) **V-03-21, 505 South County Line Road**

41 Mr. Robert O'Donnell, attorney for the applicant, addressed the Board. He
42 explained that this property consists of four lots within the Village. The relief
43 requested requires two variations for rear yard setback. This is not a request
44 for new construction, but a matter of future estate planning. The family intends
45 that the existing home will remain on Lot 7 and Lot 8, but Lot 6 and Lot 9 will
46 ultimately create separate buildable lots. The property is currently before
47 Landmarks Illinois for an historic designation, noting that David Adler was the

1 home's architect. Mr. O'Donnell provided additional details regarding collateral
2 issues including driveways, and the existing stairs and patio. They will be
3 asking, as a condition of the granting of these variances, that because the stairs
4 cross property lines, they must be removed. There is no new construction
5 attendant to this request. This request is occasioned by the reconfiguration of
6 the properties.

7 Mr. O'Donnell said he is familiar with the neighbors contact request, and will do
8 so in advance of the hearing.

9 It was confirmed this variation request is being made for estate planning
10 purposes, that the two subdivided lots could potentially be put up for sale. Mr.
11 O'Donnell said that is the option the Kreihbiel's want to create, and confirmed
12 these would be legal non-conforming lots. Discussion followed regarding the
13 legal recording of this. Mr. O'Donnell suggested the removal of the stairs be a
14 condition and be recorded for a new buyer. A new owner would know the
15 conditions of the property they are purchasing at the time of sale.

16 Chairman Neiman asked Mr. O'Donnell and Board members to give thought to
17 the approving criteria regarding special privilege; specifically 'not merely an
18 ability to make more money'. Member Podliska added, in that regard, the
19 request would make it more likely the structure will not be torn down. Mr.
20 O'Donnell said that is the purpose of the entire plan, to make it more
21 economically feasible for future owners to be able to keep the landmarked
22 structure, by confining the structure to only those two lots. He acknowledged
23 that could create profit, but it makes it more feasible to maintain the historic
24 structure. It was not known where the underground utilities are located, or
25 whether they cross lot lines.

26 The public hearing was set for the next meeting of the Zoning Board of Appeals.
27

28 8. PUBLIC HEARING

29 a) V-07-20, 425 & 417 Elm Street

30 *(A transcript of the following proceedings is on file with the Village Clerk.)*

31 Ms. Jenna Edelmayer, from Michael Abraham Architecture, addressed the Board
32 stating the homeowners are looking to purchase the vacant lot next to their
33 property and consolidate the lots. They currently own 425 Elm Street. The vacant
34 lot next door is 417 Elm Street. Due to the existing conditions of the location of
35 the principal structure, they are asking for relief from Section 3-110 for bulk
36 requirements. The existing property meets the zoning requirements for an R-1
37 property; it is under on building coverage, and slightly over on FAR, because of a
38 screened in porch. All the setback requirements are met, but consolidating the
39 lots creates a new minimum interior side yard setback. The owners are not
40 planning any new construction, and will need 5' feet 10" inches of relief so the
41 house can remain in its current location. Mr. Steve Groetsema, homeowner, said
42 they purchased the property in November 2019, and since then have been
43 extensively renovating the interior and exterior. They like the idea of consolidating
44 to create open green space, and not overbuilding the lot. They reached out to all
45 neighbors, and have received unanimous support from all. Ms. Edelmayer
46 reviewed each of the approving criteria pointing out that with respect to the
47 character of the neighborhood, this would preserve an historic home, prevent

1 overcrowding, and would result in a lot that is more in keeping with the R1 district
2 requirements. Member Moberly pointed out it is easier to combine lots than
3 separate them at some point in the future. Mr. Groetsema said he understands
4 this is a permanent solution.

5 There was no one on the line waiting to speak, and there were no further questions
6 from the Board.

7 Member Podliska moved to **close the public hearing for V-07-20, 425 & 417**
8 **Elm Street.** Member Giltner seconded the motion.

9
10 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
11 Neiman

12 **NAYS:** None

13 **ABSTAIN:** None

14 **ABSENT:** None

15
16 Motion carried.

17
18 **DELIBERATIONS**

19
20 Member Podliska began discussion stating he is in favor of approving this request,
21 because by doing so the property is more in compliance with the code in terms of
22 lot coverage and FAR, it will facilitate more open space, and the location of the
23 house will not be changed. Board members concurred.

24
25 Member Moberly moved to **approve the variation request in case V-07-20, 425**
26 **& 417 Elm Street.** Member Giltner seconded the motion.

27
28 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
29 Neiman

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** None

33
34 Motion carried.

35
36 **b) V-02-21, 33 South Garfield Avenue**

37 *(A transcript of the following proceedings is on file with the Village Clerk.)*

38 Ms. Jamie Zaura, project architect, and Mr. Kevin Flynn, homeowner, were
39 present, summarizing their request for lot coverage relief and a reduction in the
40 parking requirement. The main building is currently office space, the former
41 barn on the property is the residence. The parking requirement is for nine
42 spaces, they can only provide four, including an ADA compliant spot. The
43 allowable lot coverage is 80%, the property requires 86.3%. Ms. Zaura
44 addressed the approving criteria, noting the 118 year old home was built before
45 the current zoning regulations, and the lot is unusually small relative to others
46 in the area. They have spoken to the neighbors, two of which have written
47 letters of support. The current tenants will remain, and clients will park on the

1 street as occurs now.

2 There was no one on the line waiting to speak, and there were no further
3 questions from the Board.

4 Member Moberly moved to **close the public hearing for V-02-21, 33 South**
5 **Garfield Avenue.** Member Alesia seconded the motion.

6
7 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
8 Neiman

9 **NAYS:** None

10 **ABSTAIN:** None

11 **ABSENT:** None

12
13 Motion carried.

14
15 **DELIBERATIONS**

16
17 Member Moberly began discussion stating he is in favor of approving this request.
18 He drove by the property and observed there is not much room for parking, and
19 does not believe it is necessary, as he had no difficulty parking on the street.
20 Board members agreed. Member Podliska confirmed the Zoning Board has final
21 authority on parking, but it is a recommendation only on lot coverage. He believes
22 with respect to both variances, it is important to maintain a building such as this,
23 to preserve the atmosphere and character of the area.

24 Member Podliska moved to **approve the variation request known as V-02-21,**
25 **33 South Garfield Avenue.** Member Lee seconded the motion.

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

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** None

32
33 Motion carried.

34
35 c) **V-01-21, 428 East 55th Street** (*Item taken out of order*)

36 (*A transcript of the following proceedings is on file with the Village Clerk.*)

37 Mr. Mahesh Patel, homeowner, and his neighbor to the south, Dr. Jim Murray
38 were present. Mr. Patel explained he wants to build a house on the vacant lot
39 behind his 5500 County Line property. To build a custom home he needs
40 variances for total lot area, lot depth and front yard setback.

41 Unique physical condition: Mr. Patel said these lots are oriented 90 degrees,
42 and most face 55th Street. The required lot width and depth are not met. This
43 is a larger lot, but because of the orientation it is considered short. It was done
44 this way deliberately, he believes, but given 55th Street is a four lane road, it is
45 preferable to exit to less-trafficked County Line Road.

46 Not self-created: Both lots were conveyed in the title as Lot 1 and Lot 2. The
47 purchase of the properties was a single transaction.

1 Denied substantial right: In his mind these are two lots, not allowing him to build
2 a house a second lot would deny his substantial rights. He believes it was
3 always meant to be built.

4 Special privilege: If you look at the back yard of all properties in area, it makes
5 no sense to have this massive back yard. Half of the lot is wooded. Mr. Patel
6 said the two lots create an unusually large back yard that is a hardship to
7 maintain. Member Podliska pointed out that Mr. Patel has a larger back yard,
8 but other homes in the area have a larger front yard. Mr. Patel said the homes
9 facing 55th Street are smaller lots because of economic reasons. A million
10 dollar home would not be justified at this location because of traffic. He
11 believes his home is more comparable to the lots facing 55th Street than the
12 homes facing County Line Road. Discussion followed regarding the size of
13 area lots.

14 Code and plan purposes: Other than the three requested variances, all other
15 building code requirements would be met.

16 Essential character of the area: It is not detrimental to the public welfare, it
17 does not impair light and air, nor does it increase any condition on the road.
18 There is enough parking within the property line. It does not present a danger
19 of flood or fire, unduly tax public utilities or injure the public health or safety.
20 Member Podliska commented on the matter of public safety, and expressed
21 concerns about the driveway exiting onto 55th Street. A circular driveway was
22 discussed, and Mr. McGinnis confirmed that any curb cuts would ultimately be
23 a County decision. Discussion followed regarding the left turn lane in front of
24 the house. Mr. Patel said there is a property at Garfield and 55th Street with a
25 similar situation, but he acknowledged this will be a challenge. Chairman
26 Neiman pointed out that none of the homes that front 55th Street can make a
27 left, as there is a double yellow line. Member Giltner asked if the existing front
28 yard setback might have been allowed in anticipation of having a house built in
29 the backyard. Mr. McGinnis could not confirm. Mr. Patel stated the existing
30 house was built in 1970, and discussed a 1956 survey that indicates there were
31 no homes built close to 55th Street.

32 No other remedy: There is no other remedy for him other than granting these
33 variances, because the house is rotated 90 degrees, there is no way to match
34 lot depth. It meets the setback, but not the block average.

35 Mr. Patel confirmed there are no objecting neighbors.

36 Dr. Murray stated the Patels are excellent neighbors and he is fortunate they
37 want to stay here. He is excited for the new construction, and hopes the Board
38 will allow this to take place.

39 Member Podliska moved to **close the public hearing for V-01-21, 428 East**
40 **55th Street**. Member Giltner 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.

2
3 **DELIBERATIONS**

4
5 Member Podliska began discussion stating he is on the fence on this matter, and
6 noted this is a recommendation to the Village Board. Member Moberly commented
7 the Village Board does not like separating lots, and two of the three ZBA
8 recommendations were reversed by Trustees. They are concerned with impact to
9 water and sewer and the effect on schools. The two that were overturned were
10 considerably larger lots than this one. He is concerned as to whether this request
11 meets the criteria of a true hardship. Member Giltner shared these concerns, and
12 added the conditions are harder to justify than previous ZBA recommendations. In
13 the spirit of the code and the role of the ZBA, he is leaning toward not approving.
14 Members Alesia concurred. Member Murphy agreed and added the requested
15 relief numbers are large, and it is a significant departure from the code to
16 accommodate the requests. Member Lee feels the overall size of the change
17 required makes it difficult to feel positively, and there is the safety consideration
18 and proximity to 55th Street. Member Podliska agreed with respect to the safety,
19 and said that 428 is too small a lot, and too far below the standards of the code.
20

21 Member Giltner moved to **reopen the public hearing for V-01-21, 428 East 55th**
22 **Street. Member Lee seconded the motion.**

23
24 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
25 Neiman

26 **NAYS:** None

27 **ABSTAIN:** None

28 **ABSENT:** None

29
30 Motion carried.

31
32 Mr. Patel pointed out the zoning map that indicates a house number is assigned
33 to this lot. Why would that be if it is not buildable. He believes his house was built
34 and located as it is in anticipation of building on the second lot. He does not
35 believe another home on this lot would increase the density of the area. Member
36 Murphy said when the property was subdivided the zoning requirements were
37 much different, and if a house had been built we would be stuck with that, but they
38 did not and now there are different zoning requirements. The Board has to be
39 guided by the current code. Mr. McGinnis confirmed that if a house had been built
40 on the second lot, it could be reconstructed, but because it was never improved it
41 has to meet the three-prong test for a legal nonconforming lot of record in the
42 zoning definitions, including the bulk regulations in Section 10-105. Chairman
43 Neiman offered an alternative suggestion to build one house on both lots, but Mr.
44 Patel said it is not economically feasible to tear down his house and build one. He
45 hears the concerns, but it does not sound fair to him. He has an address, and it
46 matches other lots on 55th Street. He does not believe anyone will buy this
47 property and build a larger house because of the location. He believes his is a

1 reasonable request.

2
3 Member Podliska moved **to re-close the public hearing for V-01-21, 428 East**
4 **55th Street.** Member Alesia seconded the motion.

5
6 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
7 Neiman

8 **NAYS:** None

9 **ABSTAIN:** None

10 **ABSENT:** None

11
12 Motion carried.

13
14 **FURTHER DELIBERATIONS**

15
16 Chairman Neiman asked if any Board members wanted to continue deliberations.
17 Hearing none, he pointed out that, as was raised in the pre-hearing tonight, with
18 respect to special privilege, a request cannot be approved to make money off the
19 property, selling the lot raises this question. He is in agreement with the other
20 Board members.

21 Member Moberly moved to **deny the recommendation of the variation request**
22 **to the Board of Trustees known as V-01-21, 428 East 55th Street.** Member
23 Giltner seconded the motion.

24
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 **9. NEW BUSINESS** - none

35
36 **10. OLD BUSINESS**

37
38 **11. ADJOURNMENT**

39 With no further business before the Zoning Board of Appeals, Member Podliska
40 made a motion to **adjourn the regularly scheduled meeting of the Zoning**
41 **Board of Appeals of February 17, 2021.** Member Murphy seconded the motion.

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

45 **NAYS:** None

46 **ABSTAIN:** None

47 **ABSENT:** None

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Motion carried.

Chairman Neiman declared the meeting adjourned at 8:16 p.m.

Christine M. Bruton

Approved: _____