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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
June 16, 2021**

**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, June 16, 2021 at 6:32 p.m., roll call was taken.

**2. ROLL CALL**

**Present electronically:** Members Gary Moberly, Keith Giltner, Tom Murphy, Leslie Lee, John Podliska, and Chairman Bob Neiman

**Absent:** Member Joseph Alesia

**Also Present:** Director of Community Development/Building Commissioner Robb McGinnis and Village Clerk Christine Bruton

Chairman Neiman - Opening Remarks:

*Due to the ongoing public health emergency, and consistent with the Governor's most recent emergency declaration, various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, the Village President has determined that an in-person meeting is not practical or prudent at this time, and this meeting will therefore be conducted electronically.*

*Public comment is permitted during the public hearing portions of the meeting. I will ask persons wishing to make public comment to identify themselves before speaking, spelling their last name and stating their address.*

**3. APPROVAL OF MINUTES**

a) **May 19, 2021**

There being no changes to the draft minutes, Member Podliska moved to **approve the draft minutes of May 19, 2021, as presented.** Member Moberly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Alesia

Motion carried.

**4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT – None**

**5. RECEIPT OF APPEARANCES**

The court reporter administered the oath to all persons intending to speak at either

1 of the public hearings on the agenda.  
2

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

5  
6 **7. PRE-HEARING AND AGENDA SETTING – None**  
7

8 **8. PUBLIC HEARING**

9 a) **V-05-21, 218 West Ogden Avenue**

10 Mr. Patrick McGinnis, attorney for the applicant, addressed the Board. This is  
11 a property located in the R4 zoning district on the south side of Ogden Avenue  
12 between Vine and Grant Streets. They are seeking a variance from the  
13 minimum lot width requirement, from the 70' foot requirement to 63' feet at the  
14 setback line. The property is currently zoned as one lot, the applicant is  
15 seeking to subdivide the property into three zoning lots, two of which would be  
16 code compliant. The interior lot on Grant Street would allow for a 63' foot lot  
17 width at the property setback line and 67.99' feet along the street. He noted  
18 the length requested is still greater than the 50' foot lot width of the four lots  
19 that are to the south of the property on Grant Street. He pointed out that the  
20 interior lot requires the least amount of variance. Mr. McGinnis reviewed the  
21 approving criteria stating the unique physical condition of the property is that  
22 Ogden Avenue along the property line goes diagonal so it impacts the setback  
23 requirements. It is not self-created due to the current layout of the properties.  
24 The applicant would be denied their substantial rights because they would only  
25 otherwise be able to have one home built on Grant Street, and it is not merely  
26 special privilege because the average lot width in the area is 50' feet. It meets  
27 code and planning purposes as it will preserve the housing types and  
28 residential character of the Village. This was previously a commercial use  
29 property, homes are more in line with the neighborhood.

30 Chairman Neiman pointed out that there are only six members of the Board  
31 present this evening, and four affirmative votes are required for approval. If  
32 the applicant wishes to continue the hearing, they have the right to do so. Mr.  
33 McGinnis declined to continue the hearing.

34 At Member Giltner's request, Mr. Robb McGinnis confirmed that the Zoning  
35 Board has final authority in this matter, however, the Village Board would need  
36 to get the subdivision approved. That would require Plan Commission review,  
37 and final approval by the Village Board.

38 Member Moberly asked Mr. Robb McGinnis to confirm the current zoning. Mr.  
39 McGinnis explained that the former use was a legal non-conforming use in the  
40 R4 residential district.

41 Member Moberly asked why the applicant would not just build two nice houses,  
42 and not force three into the lot. Mr. Patrick McGinnis explained that having two  
43 lots on Grant Street is more in conformity with the rest of the properties on  
44 Grant Street. A single property on Grant Street would result in a lot width that  
45 was almost three times the width of the other properties on the street.  
46 Discussion followed regarding the pros and cons of a third house and buffering  
47 on Ogden Avenue.

1 Chairman Neiman asked Mr. Pat McGinnis to elaborate on the self-created  
2 criteria; although it is true that the applicant did not create the angle of Ogden  
3 Avenue, but by wanting a third lot isn't that self-created? Mr. McGinnis stated  
4 they are attempting to build properties that are in substantial conformity with  
5 the other properties on the block, and reiterated his client would be denied their  
6 substantial rights if all the other lots are 50' feet wide, and they are required to  
7 have a 70' foot lot.

8 Member Murphy asked Mr. Robb McGinnis if the houses in the area were built  
9 before there was any zoning in the Village. Mr. McGinnis confirmed that this  
10 neighborhood was established well before the zoning code was adopted.

11 Member Podliska pointed out that the Zoning Board is not allowed to grant a  
12 variance where the request is merely an inability to make more money from the  
13 use of the subject property. He asked Mr. Patrick McGinnis if a third home  
14 would not result in an opportunity to make more money. Mr. McGinnis  
15 responded stating he does not know whether two lots makes more money than  
16 one, but again, two lots would blend with the neighborhood more than a 120'  
17 foot lot. Member Podliska commented that the existing homes are non-  
18 conforming, so it might not be a move in the right direction to have more non-  
19 conforming properties. He imagines that these 50' foot lots might simply be  
20 teardowns, and would be consolidated to 100' foot lots. Mr. McGinnis pointed  
21 out that some of the homes on 50' foot lots have already been torn down and  
22 reconstructed on the 50' foot lot.

23 Mr. Robb McGinnis, when asked about the impact of three lots on floor area  
24 ratio (FAR), said the formula to calculate allowable FAR is different than for two  
25 lots and marginally better, but the total developed area, building coverage, is  
26 less with two lots.

27 Mr. Shabbir Karimi, one of the property owners, addressed the Board stating  
28 he has not begun the design of the specific developments. They are waiting  
29 for subdivision approval. They are working with Mr. Jim Prisby, a Hinsdale  
30 architect, but do not have any information at this time on profitability. Mr.  
31 Karimi confirmed that he has no connection to another property currently for  
32 sale on Vine Street.

33 Member Lee asked whether the dividing line between lots one and two could  
34 be moved thereby making the interior lot three feet wider. Mr. Jon Green,  
35 architect on the project, confirmed there is no science to the location of that lot  
36 line, it could shift one way or the other. Mr. Patrick McGinnis added, however,  
37 there would still be no way to have three compliant lots on the parcel.

38 It was confirmed that two lots on the parcel would require no approval from the  
39 Zoning Board. It was confirmed that the house recently sold south of the  
40 subject property on Grant Street was not purchased by the applicant.

41 Village Clerk Bruton confirmed that only one letter has been received by the  
42 Village regarding this case.

43 **Mr. Bob Verbiscer**, 215 Center, addressed the Board stating he lives at the  
44 southwest corner of the block being discussed. He stated he has no objections  
45 to the subdivision that is proposed.

46 **Ms. Ingrid Niinema**, 606 N. Grant Street, the author of the letter on this  
47 matter, addressed the Board. She believes there would be more profit with

1 three houses rather than two. She said this is a block where there are currently  
2 11 houses and three of them are complete rebuilds, so she believes it would  
3 be hard to do something that maintains the character of the neighborhood. She  
4 and her husband are against granting the variance, and she has not heard a  
5 valid reason for granting the variation.  
6

7 Member Podliska moved to **close the public hearing for V-05-21, 218 West**  
8 **Ogden Avenue**. Member Murphy seconded the motion.  
9

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

12 **NAYS:** None

13 **ABSTAIN:** None

14 **ABSENT:** Member Alesia  
15

16 Motion carried.  
17

## 18 D E L I B E R A T I O N S

19  
20 Member Moberly began deliberations stating his biggest issue with the request is  
21 increasing the density. He does not know about whether more money will be made,  
22 or the cost of materials. He thinks the character of the neighborhood will remain  
23 essentially the same either way, however, they can do two homes without permission.  
24 Member Podliska expressed concern that because the two properties adjacent to the  
25 subject property are vacant, the Board has no input from these neighbors. He is also  
26 concerned about moving to more density instead of less, and not setting the standard  
27 for future development.

28 Member Giltner agrees higher threshold for density is necessary, and without  
29 neighbors, there is additional burden on the Board.

30 Member Lee agrees with previous comments. She lives close to this property, and  
31 appreciates the density concern with respect to kids in school. She does not believe  
32 it is prudent to allow three lots.

33 Member Murphy concurred adding it is hard to believe this is not about profitability.  
34 A variance to accommodate this is a special privilege.

35 Member Murphy moved to **deny the variation V-05-21, 218 West Ogden Avenue**.  
36 Member Podliska seconded the motion.  
37

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

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Member Alesia  
42

43 Motion carried.  
44

### 45 a) **V-06-21, 20 Charleston Road**

46 Chairman Neiman opened the public hearing on the matter. Mr. Jon Daly,  
47 representing the applicant, addressed the Board. He explained the applicant

1 is requesting 2.23' feet of interior lot relief to consolidate 20 and 22 Charleston  
2 Road. In so doing, the house that currently exists on 20 Charleston infringes  
3 on the interior lot setback by about 2.23' feet. So, the homeowner is looking  
4 for a variance for the interior lot to the existing property. Mr. Daly said there is  
5 no profit motive, and there is no adverse effect for any of the other property  
6 owners in the area.

7 Mr. Jon Green, architect for the project, addressed the Board. He said this is  
8 a pre-existing condition, and the current home will remain. It has been there  
9 for many decades. This is a consolidation with the adjacent vacant lot where  
10 the house on that property was previously demolished. The consolidated lot  
11 will be wider, and when a lot gets wider, the interior side yard requirements  
12 change, resulting in the need for a variation. It is a housekeeping request;  
13 otherwise, the house would have to be moved three feet over. This will result  
14 in less area density, and there is no economic gain. Member Moberly added  
15 this seems straightforward. There were no further questions from the Board.

16 Member Murphy moved to **close the public hearing for V-06-21, 20**  
17 **Charleston Road**. Member Podliska seconded the motion.

18  
19 **AYES:** Members Moberly, Giltner, Murphy, Lee, Podliska, and Chairman  
20 Neiman

21 **NAYS:** None

22 **ABSTAIN:** None

23 **ABSENT:** Member Alesia

24  
25 Motion carried.

## 26 27 **DELIBERATIONS**

28  
29 Member Murphy began deliberations stating he believes this request should be  
30 granted. Member Podliska added that to deny the variation and make them  
31 move the house three feet denies them their rights. All Board members agreed  
32 and had no concerns regarding the request.

33  
34 Member Giltner moved to **approve the variation request known as V-06-21,**  
35 **20 Charleston Road**. Member Murphy seconded the motion.

36  
37 **AYES:** Members Moberly, Giltner, Murphy, Lee, Podliska, and Chairman  
38 Neiman

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Member Alesia

42  
43 Motion carried.

44  
45 **9. NEW BUSINESS** – None

46  
47 **10. OLD BUSINESS** – None

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**11. ADJOURNMENT**

With no further business before the Zoning Board of Appeals, Member Podliska made a motion to **adjourn the regularly scheduled meeting of the Zoning Board of Appeals of June 16, 2021.** Member Giltner seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Alesia

Motion carried.

Chairman Neiman declared the meeting adjourned at 7:16 p.m.

\_\_\_\_\_  
Christine M. Bruton

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