



MEETING AGENDA

ZONING BOARD OF APPEALS
WEDNESDAY, August 18, 2021
6:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
19 East Chicago Avenue, Hinsdale, IL
(Tentative & Subject to Change)

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a) June 16, 2021
- 4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT**
 - a) V-05-21, 218 West Ogden Avenue
 - b) V-06-21, 20 Charleston Road
- 5. RECEIPT OF APPEARANCES**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
- 8. PUBLIC HEARING**
- 9. NEW BUSINESS**
- 10. OLD BUSINESS**
- 11. ADJOURNMENT**

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the ADA Coordinator Brad Bloom at 630-789-7007 or by TDD at **630-789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

www.villageofhinsdale.org

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 if the applicant wishes to continue the hearing, they
32 have the right to do so. Mr. McGinnis declined to continue the hearing.

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

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

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

47 Chairman Neiman asked Mr. Pat McGinnis to elaborate on the self-created

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

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

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

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

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

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

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

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

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

45 **Ms. Ingrid Niinemae**, 606 N. Grant Street, the author of the letter on this
46 matter, addressed the Board. She believes there would be more profit with
47 three houses rather than two. She said this is a block where there are currently

1 11 houses and three of them are complete rebuilds, so she believes it would
2 be hard to do something that maintains the character of the neighborhood. She
3 and her husband are against granting the variance, and she has not heard a
4 valid reason for granting the variation.

5
6 Member Podliska moved to **close the public hearing for V-05-21, 218 West**
7 **Ogden Avenue**. Member Murphy seconded the motion.

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

11 **NAYS:** None

12 **ABSTAIN:** None

13 **ABSENT:** Member Alesia

14
15 Motion carried.

16 17 **DELIBERATIONS**

18
19 Member Moberly began deliberations stating his biggest issued with the request is
20 increasing the density. He does not know about whether more money will be made,
21 or the cost of materials. He thinks the character of the neighborhood will remain
22 essentially the same either way, however, they can do two homes without permission.
23 Member Podliska expressed concern that because the two properties adjacent to the
24 subject property are vacant, the Board has no input from these neighbors. He is also
25 concerned about moving to more density instead of less, and not setting the standard
26 for future development.

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

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

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

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

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

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** Member Alesia

41
42 Motion carried.

43 44 a) **V-06-21, 20 Charleston Road**

45 Chairman Neiman opened the public hearing on the matter. Mr. Jon Daly,
46 representing the applicant, addressed the Board. He explained the applicant
47 is requesting 2.23' feet of interior lot relief to consolidate 20 and 22 Charleston

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

Mr. Jon Green, architect for the project, addressed the Board. He said this is a pre-existing condition, and the current home will remain. It has been there for many decades. This is a consolidation with the adjacent vacant lot where the house on that property was previously demolished. The consolidated lot will be wider, and when a lot gets wider, the interior side yard requirements change, resulting in the need for a variation. It is a housekeeping request; otherwise, the house would have to be moved three feet over. This will result in less area density, and there is no economic gain. Member Moberly added this seems straightforward. There were no further questions from the Board. Member Murphy moved to **close the public hearing for V-06-21, 20 Charleston Road**. Member Podliska seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Alesia

Motion carried.

DELIBERATIONS

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

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

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

NAYS: None

ABSTAIN: None

ABSENT: Member Alesia

Motion carried.

9. NEW BUSINESS – None

10. OLD BUSINESS – None

1 **11. ADJOURNMENT**

2 With no further business before the Zoning Board of Appeals, Member Podliska
3 made a motion to **adjourn the regularly scheduled meeting of the Zoning**
4 **Board of Appeals of June 16, 2021.** Member Giltner seconded the motion.
5

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

7 **NAYS:** None

8 **ABSTAIN:** None

9 **ABSENT:** Member Alesia

10
11 Motion carried.

12
13 Chairman Neiman declared the meeting adjourned at 7:16 p.m.
14

15
16 _____
17 Christine M. Bruton
18
19

Approved: _____

FINAL DECISION**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
PETITION FOR VARIATION**

ZONING CALENDAR: V-05-21

PETITIONER: Kal Development Group LLC

APPLICATION: For a variation of seven (7) feet from the seventy (70) foot lot width requirement for lots in the R-4 Single-Family Residential Zoning District in Section 3-110(C)(3) of the Hinsdale Zoning Code in order to allow the subdivision of an existing single lot located at 218 W. Ogden Avenue, Hinsdale, Illinois, into three (3) lots for single-family residential development. The variation sought is for the interior lot, which would have a width of sixty three (63) feet.

MEETING HELD: A Public Hearing was held virtually on Wednesday, June 16, 2021 at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on April 29, 2021.

PROPERTY: The subject property (the "Property") is commonly known as 218 W. Ogden Avenue, Hinsdale, Illinois and is legally described as follows:

LOTS 1, 2, 10 AND 11 IN BLOCK 6 IN LANSING'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1891 AS DOCUMENT 45718, IN DUPAGE COUNTY, ILLINOIS

Permanent Index Numbers 09-01-117-001, 09-01-117-005, 09-01-117-006, 09-01-117-002

SUMMARY OF REQUEST:

In this application for variation, the Petitioner requests relief from the minimum lot width requirement in the Hinsdale Zoning Code ("Zoning Code") in order to subdivide the Subject Property into three (3) buildable single family lots. The Property was formerly an animal hospital. The Petitioner intends to demolish the existing structures and associated improvements and subdivide the Property into three parcels; one code compliant lot on Vine Street, one code compliant corner lot on Grant and Ogden, and one interior lot on Grant Street short of the minimum lot width requirement set forth in 3-110(C)(3) of the Zoning Code.

The specific relief sought by Petitioner is a variation of seven (7) feet from the seventy (70) foot lot width requirement for lots in the R-4 Single-Family Residential Zoning District in Section 3-110(C)(3) of the Zoning Code, in order to allow the creation of an interior lot with a width of sixty three (63) feet. The Zoning Board of Appeals (ZBA) has final authority on various requested variations, including requests for lot width variations of less than 10%, pursuant to Section 11-501(E)(1)(b) of the Zoning Code.

The Property is located in the R-4 Single-Family Residential Zoning District in the Village of Hinsdale and is located on the south side of Ogden Avenue between Vine and Grant Street. The property has a frontage of approximately 106', a depth of approximately 353', and a total square footage of approximately 47,222. The maximum FAR is 20% +2,000 square feet or approximately 11,444 square feet. The maximum building coverage is 25% or approximately 11,805 square feet. The Total Lot Coverage is 50% or approximately 23,611 square feet.

PUBLIC HEARING:

At the public hearing before the Zoning Board of Appeals ("ZBA"), Shabbir Karimi, a representative of the Petitioner, Jon Green, the Petitioner's engineer, and Patrick McGinnis, Petitioner's attorney, testified. Petitioner's attorney represented that the diagonal lot line created by Ogden Avenue was a unique physical condition, that the need for a variation was not self-created due to the current layout of the property, that the applicant would be denied substantial rights if they could only build one or two single-family homes, and that granting the variation would not be a special privilege because there were nearby residential lots with only fifty (50) foot widths. Petitioner's attorney also asserted that residential development was more in keeping with the current character of the neighborhood than the former non-conforming commercial use, and would not change the essential character of the neighborhood, given the residential nature of surrounding properties.

When questioned by Member Moberly as to why Petitioner could not just develop two (2) houses on the Property instead of three (3), Petitioner's attorney responded that having two (2) lots on Grant Street (and an additional lot on Vine) would be more in keeping with the lot width of other properties on Grant.

Chairman Neiman questioned as to how the need for a variation was not self-created given that the lot could be subdivided and redeveloped into two (2) code compliant lots without a variation. Petitioner's attorney responded that it would be a substantial hardship if the Petitioner were not able to redevelop the Property with a lot that was less than the lot width required by the Zoning Code when there were nearby lots with a fifty (50) foot width. Staff explained that the nearby fifty (50) foot lots referred to by Petitioner's attorney had been created long ago, and well before the adoption of the current Zoning Code in 1989.

Member Podliska questioned how the variation would not be a special privilege which would merely enable the Petitioner to make more money from the Property. Petitioner's attorney asserted he did not know if the Petitioner would make more money by developing three (3) lots as opposed to one (1) or two (2), and that it was important to blend in with the neighborhood as opposed to redeveloping larger lots. Member Podliska noted that the trend in Hinsdale for several decades has been lot consolidation and larger lots, rather than feeling bound to create smaller lots based on subdivisions that were platted many decades ago.

Further discussion was had about various issues related to the Property and nearby properties, as set forth in the Public Hearing and Deliberation Transcripts attached hereto as **Exhibit 1** and made a part hereof.

One nearby neighbor testified that he had no objection to the proposed subdivision and variation. Another nearby neighbor testified that she was opposed to the variation, did not see a valid basis for it, that redevelopment with three (3) houses as opposed to two (2) would clearly generate more profit for the developer, and that as the neighborhood is a mix of older homes and teardown/rebuilds, it would be hard to make an argument that it was necessary to build three (3) homes to maintain the character of the neighborhood.

There being no further questions or members of the public wishing to speak on the Variations, the Public Hearing was closed.

ACTION OF THE BOARD:

Members discussed the request and determined that the standards for approving a variation set forth in 11-503(F) of the Hinsdale Zoning Code had not been met. Concerns expressed by members included the unnecessary increase in density, that the variation was unnecessary in order to maintain the character of the neighborhood, that granting the variation would amount to a special privilege when two (2) code compliant lots could be redeveloped without any zoning relief, that the trend in the community was towards less density, with larger lots and lot consolidation, that allowing a variation simply because older platted lots existed nearby would be contrary to that development trend and would set a poor standard for future redevelopment in the neighborhood, and that the variation seemed premised on making more profit. Member Murphy made a motion to **DENY** the variation, which was seconded by Member Podliska. The vote on the Motion to **DENY** the variation was as follows:

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

NAYS: None

ABSENT: Member Alesia

In support of its Decision to **DENY** the requested variation, the ZBA makes the following findings:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below: The members of the ZBA do not find this standard to have been met, based on the failure of Petitioner to satisfy the standards set forth below.*

2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal*

situation of the current owner of the lot. The members of the ZBA do not find this standard to have been met. Despite the diagonal lot line noted by Petitioner, the Property can be redeveloped with two (2) code compliant lots without any zoning relief. The desire to redevelop the property with (3) lots as opposed to two (2) is the personal decision of the current owner which is not based on a physical condition.

3. Not Self-Created: *The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. The members of the ZBA do not find this standard to have been met. As noted above, the ZBA finds that the desire to redevelop the property with (3) lots as opposed to two (2) is the personal decision of the current owner which is not based on a physical condition.*

4. Denied Substantial Rights: *The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. The members of the ZBA do not find this standard to have been met. The property is capable of being redeveloped with three (3) lots as opposed to two (2). The existence of narrower lots nearby that were platted many decades ago and prior to the adoption of the current zoning code in 1989 does not obligate the ZBA to grant relief contrary to development trends in the Village and that would unnecessarily create more density.*

5. Not Merely Special Privilege: *The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The members of the ZBA do not find this standard to have been met. The requested variation amounts to a special privilege that would assumedly allow the Petitioner to make more money from the redevelopment of the Property as opposed to redevelopment with two (2) code compliant lots.*

6. Code And Plan Purposes: *The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The members of the ZBA find this standard to have been met to the extent the proposed redevelopment is residential in nature, but not met to the extent that the variation seeks to unnecessarily create additional density.*

7. Essential Character Of The Area: *The variation would not result in a use or development on the subject property that:*

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity;

or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety. **The members of the ZBA find this standard to have been met to the extent the proposed redevelopment is residential in nature, consistent with the surrounding neighborhood.**

8. *No Other Remedy: There is no means other than the requested variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.* **The members of the ZBA do not find this standard to have been met. Redevelopment of the Property with two (2) code compliant lots provides a reasonable use of the Property without the need for a variation.**

EXHIBITS:

The Public Hearing and Deliberation Transcripts are attached to this Decision as **Exhibit 1**, and the public hearing notice, application and related supporting materials are attached to this decision as **Group Exhibit 2**.

FINAL DECISION:

Based on the Findings set forth above and in the Public Hearing and Deliberation Transcripts attached as **Exhibit 1**, the ZBA, by a vote of six (6) in favor, zero (0) opposed and one (1) absent, **DENIES** the requested seven (7) foot lot width variation, as described in the Application, a copy of which is attached hereto as part of **Group Exhibit 2**, for property located in the R-4 Single-Family Residential Zoning District at 218 W. Ogden Avenue, Hinsdale, Illinois.

The request by Petitioner for a seven (7) foot lot width variation as part of a proposed three (3) lot subdivision of the Property located at 218 W. Ogden Avenue, Hinsdale, Illinois, is hereby DENIED.

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

Filed this ____ day of _____, _____, with the office of the Building Commissioner.

EXHIBIT 1

PUBLIC HEARING AND DELIBERATION TRANSCRIPTS

(ATTACHED)

STATE OF ILLINOIS)
)
 COUNTY OF DU PAGE) ss:

BEFORE THE HINSDALE ZONING BOARD OF APPEALS

In the Matter of:)
)
)
 V-05-21,)
 218 West Ogden Avenue.)

REPORT OF PROCEEDINGS had and testimony
 taken via Zoom at the hearing of the above-
 entitled matter before the Hinsdale Zoning Board
 of Appeals, at 19 East Chicago Avenue, Hinsdale,
 Illinois, on June 16, 2021, at the hour of 6:30
 p.m.

BOARD MEMBERS PRESENT: VIA ZOOM

MR. ROBERT NEIMAN, Chairman;
 MS. LESLIE LEE, Member;
 MR. TOM MURPHY, Member;
 MR. JOHN F. PODLISKA, Member;
 MR. KEITH GILTNER, Member; and
 MR. GARY MOBERLY, Member.

1 ALSO PRESENT VIA ZOOM:

2 MS. CHRISTINE BRUTON, Deputy Village
3 Clerk;

4 MR. ROBB MCGINNIS, Director of
5 Community Development;

6 MR. PATRICK MCGINNIS, Attorney for
7 Petitioner;

8 MR. SHABBIR KARIMI, Petitioner;

9 MR. JON GREEN, Engineer for Petitioner.

10 (WHEREUPON, the oath was
11 administered en masse.)

12 CHAIRMAN NEIMAN: Let's move to the
13 first Public Hearing Case No. V-05-21, 218 West
14 Ogden Avenue.

15 MR. P. MCGINNIS: Good evening. My
16 name is Patrick McGinnis. I'm an attorney with
17 Donatelli & Coules in Hinsdale and we represent
18 the applicant of this subject property, which is
19 218 West Ogden. It's in the R-4 zoning district
20 and it's on the south side of Ogden between Vine
21 and Grant Street.

22 The applicant is seeking a variance
from the minimum lot width requirement in the

1 code Section 3-110-C(3)(a) for a reduction from
2 the 70-foot lot requirement to 63 feet at the
3 setback line.

4 The property is currently zoned as
5 one lot. Applicant is seeking to subdivide the
6 property into three zoning lots, two of which
7 would be code compliant. They would be -- those
8 two lots would be located at the corner of Ogden
9 and Vine Street and then the corner of Ogden and
10 Grant.

11 The lot that they are seeking the
12 variance from is on the interior on Grant Street
13 and the proposed variance would be to allow for
14 a 63-foot lot width at the property setback line
15 and 67.99 feet along the street. It is the
16 length that's being requested is still greater
17 than the 50-foot lot width of the four lots that
18 are to the south of the property on Grant Street
19 and without the variance they would be unable to
20 have three code compliant lots.

21 The reason they chose this lot of
22 the three is that it is the lot that's on the

1 interior and required the least variance.

2 The unique physical conditions of
3 the property that require the variance to be
4 sought is that Ogden Avenue along the property
5 line goes diagonal so it causes the lots to be
6 such that the corner lots wouldn't otherwise
7 meet the requirements.

8 It's not self-created because it's
9 due to the current layout of the properties.
10 The applicant without the variance would be
11 denied their substantial rights because they
12 would only otherwise be able to have one home
13 built on the Grant Street side of the property
14 and it would not be merely a special privilege
15 because as indicated the lots to the south of
16 the property have an average of about 50-foot
17 lot width.

18 It would meet the code and planning
19 purposes, which were obviously intended to
20 preserve the housing types and the residential
21 character of the village and what we are seeking
22 to do is to change the property from what was

1 previously a commercial use to have homes built
2 on the property to be more in line with the
3 current character of the neighborhood.

4 And that falls in line, again, that
5 this variance will allow the property to be
6 developed in conjunction -- or with the
7 essential character of the area because again,
8 rather than it being used for commercial
9 purposes, it will be residential like the
10 surrounding properties.

11 CHAIRMAN NEIMAN: So Mr. McGinnis, at
12 the outset here let me point out that there are
13 six members of the Zoning Board of Appeals in
14 attendance this evening rather than seven.

15 You have the option, if you wish,
16 to continue this to next month or we can take a
17 vote tonight, keeping in mind that you need four
18 votes regardless of how many members are
19 attending this evening to have your variance
20 granted and so there's the -- a threshold
21 question is: Do you wish to proceed with six
22 members or do you want to continue this until we

1 hopefully have seven next month? It's your
2 call.

3 MR. P. McGINNIS: I think I would be
4 fine proceeding. I do think that the variance
5 is -- the application is a strong application,
6 so I would be fine with proceeding with six
7 members.

8 CHAIRMAN NEIMAN: Okay.

9 Do any of the board members have
10 any questions of Mr. McGinnis?

11 MR. GILTNER: Yes. Robb, can you
12 clarify, or Bob, this is a recommendation to the
13 board of trustees? It says we have jurisdiction
14 over the variance but then it's a recommendation
15 to the board.

16 MR. McGINNIS: No. No. You have final
17 authority on the variation request. They would
18 still need to get the subdivision approved and
19 that would go to plan commission and then to the
20 board but the variation request is yours.

21 MR. MOBERLY: I have a question for
22 Robb as well.

1 The existing property, as it stands
2 today, it's zoned R-4, is it not? It's not
3 zoned commercial, it's zoned -- when the animal
4 hospital moved out, it reverted back or it
5 became R-4.

6 MR. McGINNIS: Yes, it was a legal
7 nonconforming use in the R-4.

8 MR. MOBERLY: Okay. It is currently
9 R-4. Thank you, sir.

10 MR. McGINNIS: Yes.

11 CHAIRMAN NEIMAN: Any other questions
12 from the board members?

13 MR. MOBERLY: If I could ask the
14 applicant a question. This kind of gets to the
15 heart of many of us who may have any objections.

16 Why don't you just build one house
17 on Grant and one house on Vine and just have two
18 nice size, appropriately developed houses? You
19 have a lot of room for landscaping there on
20 Ogden, you could buffer the house with a fence
21 or plant trees or what have you and just put up
22 two nice houses rather than having, you know,

1 kind of cramming two in there on Grant and
2 having another one on Vine. That's the crux of
3 my issue with this thing.

4 MR. P. McGINNIS: Sure. I think the
5 idea is that having two lots on Grant Street
6 that would be buildable would be more in
7 conformity with the rest of the properties that
8 are on Grant Street.

9 As previously indicated, the
10 average lot width of the other properties is
11 about 50 feet. If the owner was only to build a
12 single property on Grant Street, you would have
13 a lot width that was almost three times the
14 length of the other properties on the street so
15 you would have more conformity within the
16 neighborhood by allowing them to seek a variance
17 to have two lots rather than one.

18 MR. MOBERLY: Is it a bad thing to have
19 a lot that's -- especially when you are on Ogden
20 and it's noisy and what not, is that necessarily
21 a bad thing? I'm thinking more in terms of
22 people who are going to be living there

1 eventually.

2 MR. P. McGINNIS: Sure. I mean, I
3 think it's -- part of also the reason that they
4 chose to have the smallest lot be the interior
5 along Grant Street is that it allows for more
6 size on that corner lot, so that there already
7 is a substantial buffer between where the house
8 is going to be built and Ogden. I don't
9 necessarily think that there needs to be, you
10 know, what would otherwise be a full lot between
11 where a house could be built and Ogden for it to
12 provide that buffer.

13 CHAIRMAN NEIMAN: I'm going to ask a
14 follow-up question along the same lines.

15 While I understand that your client
16 didn't create the angle of Ogden Avenue and so
17 on, help me get around the issue of the not
18 self-created criteria? Because no, you didn't
19 create the lot, the angle along Ogden Avenue or
20 anything else that has to do with the physical
21 nature of the lot, but by proposing -- by
22 applying for the variance and requiring a

1 variance where you wouldn't otherwise if you
2 were only putting up two houses, isn't that --
3 haven't you self-created the issue?

4 MR. P. MCGINNIS: I mean I don't think
5 they are self-creating. Again, they are
6 attempting to build lots on properties that are,
7 you know, in substantial conformity with the
8 other properties that are on the block.

9 I think there would be a good
10 argument for a substantial hardship if they were
11 denied the ability to have a 63-foot lot width
12 when all of the surrounding properties have a
13 50-foot lot width.

14 MR. MURPHY: Question for Robb.

15 Robb, were all those houses built
16 before there was any zoning in the village?

17 MR. MCGINNIS: Certainly. I mean, a
18 number of them have been rebuilds, you know,
19 post '89 ordinance, but that neighborhood was
20 established well before the zoning code was ever
21 adopted.

22 CHAIRMAN NEIMAN: Tom, you have to

1 start over, you were frozen for a while.

2 MR. MURPHY: Okay. Sorry.

3 My question was whether or not
4 those had been -- whether those houses had all
5 been built, those lots had all been built out
6 before we had a zoning ordinance. I mean, to
7 the extent that we are stuck with those, we are
8 stuck with those, and that makes a difference
9 whether those narrower lots came about because
10 of variances or just because they have been
11 there so long.

12 MR. MCGINNIS: And my response was that
13 that subdivision, that neighborhood, is precode.
14 There may be some homes that have been -- or
15 some of those lots have been redeveloped since
16 the '89 ordinance was adopted but the
17 neighborhood existed well before '89.

18 MR. MURPHY: Okay.

19 CHAIRMAN NEIMAN: Any more questions
20 from the board?

21 MR. PODLISKA: Yes. Mr. McGinnis, let
22 me direct your attention to that requirement to

1 not merely be a special privilege. Under that
2 requirement, it does say that we can't grant a
3 variance where this is merely an inability to
4 make more money from the use of the subject
5 property.

6 Now, do you see the three homes
7 that would be built here as not creating more
8 money for the property owner than if there were
9 only two homes built there?

10 MR. P. MCGINNIS: I personally don't
11 know if it would necessarily provide them with
12 an opportunity to make more money with two lots
13 instead of one lot. And then an argument was
14 made earlier that a single lot might be more
15 desirable for potential owners than two smaller
16 lots.

17 I think the idea is again to keep
18 the lots more in conformity with the surrounding
19 homes and to make them -- make it so that the
20 neighborhood -- it blends more in with the
21 neighborhood than what a 120-foot lot would
22 provide.

1 MR. PODLISKA: But those homes are
2 nonconforming to the code, so I don't know that
3 we are necessarily moving in the right direction
4 here to have more homes that are not conforming
5 with the code. Eventually those lots -- in
6 fact, as has happened over several decades now
7 in Hinsdale, we are having teardowns, we are
8 having lots being consolidated. So it's quite
9 possible that some of these 50-foot lots are
10 simply going to be teardowns where there's going
11 to be 1, 100-foot lot in place of 2, 50-foot
12 lots.

13 So back to my question though. Can
14 you show us that the purpose here is not to have
15 three homes built where there's a greater income
16 going to be coming in, a greater profit from the
17 building and sale of those homes, than if there
18 were only two? Can you help us on that?

19 MR. P. MCGINNIS: Yes. I guess again,
20 my position would be that the rationale for
21 three lots rather than two is not to
22 specifically make more money off of lots but

1 rather to develop properties that are -- blend
2 in more with the surrounding neighborhood.
3 Rob McGinnis I think indicated
4 there had been properties with the 50-foot lot
5 widths that have been torn down and rebuilt on
6 and obviously they maintained that 50-foot lot
7 width in order to keep the neighborhood character
8 and the conformity of the surrounding properties.

9 MR. PODLISKA: Robb, if there are three
10 homes built on this parcel of property, would
11 the FAR for those three homes be different than
12 the total FAR if there were only two homes?

13 MR. MCGINNIS: Yes, it would. Hold on
14 one second and I'll let you know. The formula
15 changes, so bear with me. The day I have all
16 this memorized, I'm retiring.

17 So lots with a lot area of less
18 than 10,000 square feet, the formula is .25 plus
19 1,100 square feet. And then on lots greater
20 than 10,000 but not -- over 10,000 but under
21 20,000, it goes to .24 plus 1,200 square feet.
22 So marginally better.

1 MR. PODLISKA: It would be marginally
2 better to have three homes, the FAR would be
3 marginally greater for three homes on that
4 property than for two?

5 MR. MCGINNIS: Right. But your total
6 developed area would be less with 2 lots. So
7 you could end up with marginally bigger homes on
8 two lots but when you look at the total lot
9 area, you would end up with less building
10 coverage, less lot coverage with 2. Does that
11 make sense?

12 MR. PODLISKA: Yes. I'm moving in the
13 right direction, I think.

14 Mr. McGinnis, do you have any
15 calculation for us in the plans as to what's
16 going to be put on this property that would help
17 us try to figure out if there's a factor here
18 that we need to think about in terms of the
19 profit that's going to be gained by building
20 three houses instead of only two?

21 MR. P. MCGINNIS: I don't have that
22 information in front of me. The owner is on the

1 hearing, I don't know if he has any of that
2 specific information that he can add.

3 MR. KARIMI: Good evening, Shabbir
4 Karimi, one of the owners.

5 I do not have that calculation in
6 front of me. We have not proceeded to design
7 the specific developments yet until the
8 subdivision was approved. We are working with
9 Jim Prisby, an architect in Hinsdale, on kind of
10 moving forward on that but it's just a pre-step
11 prior to that.

12 CHAIRMAN NEIMAN: And forgive me, sir.
13 For the record, could you state your name again
14 and spell your name?

15 MR. KARIMI: Sure. Shabbir,
16 S-h-a-b-b-i-r, last name K-a-r-i-m-i.

17 CHAIRMAN NEIMAN: Thank you, sir. Okay.

18 Further questions from the board?

19 MR. PODLISKA: I have one other
20 question.

21 Mr. McGinnis, there's a property
22 that's directly south of the property that's

1 before the board now on Vine and it's up for
2 sale. Does the applicant have any connection to
3 that purchase and sale or not?

4 MR. P. MCGINNIS: If You can speak to
5 that, I don't have knowledge about that.

6 MR. KARIMI: No, we do not have any
7 connection.

8 MR. PODLISKA: Okay. Thank you.

9 MR. MOBERLY: I live in the area,
10 that's been for sale for I think 10 years, at
11 least 8 to 10 years, so I don't know what they
12 are looking to do there but that's been for
13 sale, vacant cleared lot been for sale for a
14 very long time.

15 MR. PODLISKA: Thank you.

16 CHAIRMAN NEIMAN: Any further questions?

17 MS. LEE: I have a quick question for
18 Robb.

19 Robb, if you look at the plat of
20 survey that shows the three lots, I'm just
21 wondering what the minimum width is for lot 1?
22 It's showing -- I think it says 83 point

1 something on the plat.

2 MR. MCGINNIS: It does, but keep in
3 mind that the -- that your minimum lot width is
4 measured at block average, it's measured at the
5 building setback line. So I know it's tough to
6 read on an 8 and a half by 11, or at least it is
7 for me, but we have 83 feet approximate front
8 yard for a front yard width and on a corner,
9 bear with me here, on a corner lot we need
10 80 feet.

11 So it appears what they tried to do
12 was, you know, dedicate as much lot width to the
13 corner lot as possible to try and keep that one
14 conforming.

15 MS. LEE: Could they hypothetically
16 move the dividing line between lot 1 and lot 2 3
17 feet closer to Ogden and lot 1 would remain
18 conforming and lot 2 would get 3 feet wider?

19 MR. MCGINNIS: Yes, theoretically, that
20 would work. I think that the -- in fact, I
21 think Jon Green is on.

22 Jon, you are on, and I know this

1 was approximate, but theoretically there's no
2 magic to that lot line, you could move that
3 over, keep lot 1 code compliant and then just
4 allocate that 3 feet, or dedicate that 3 feet to
5 lot 2, correct, assuming that your calculations
6 were correct.

7 MR. GREEN: Yes, Robb, I'm listening
8 in. This is Jon Green. I'm driving now so I'm
9 not fully prepared with the numbers in front of
10 me, but yes, there was no science to that line,
11 it could shift one way or the other, yes.

12 MS. LEE: It seems like even still if
13 that shifted let's say 3 feet closer to Ogden,
14 lot 2 is still going to have a shortfall of 4
15 feet as opposed to 7 feet; right?

16 MR. MCGINNIS: That's correct.

17 MR. P. MCGINNIS: I don't believe
18 there's any way with the measurements that are
19 there to have three compliant lots without a
20 variance.

21 CHAIRMAN NEIMAN: Any additional
22 questions from the board?

1 MR. MURPHY: I have one.

2 Robb, to divide it into two lots is
3 there anything required from us? That still
4 needs to be approved by the village; right?

5 MR. MCGINNIS: Correct. Yes. They
6 would still need to do a plat of subdivision, it
7 would still need to go to plan commission with a
8 recommendation to the village board.

9 MR. MURPHY: But we wouldn't have
10 anything to do with that as long as it --

11 MR. MCGINNIS: Correct.

12 MR. MURPHY: Okay. That's what I
13 thought. Okay.

14 MR. PODLISKA: Mr. McGinnis, let me
15 just clear up one further point.

16 The other house that's south of
17 your client's property, the one on Grant, it's
18 just been sold apparently so let me just cover
19 that base, too.

20 I take it that your client has not
21 purchased that property; correct?

22 MR. P. MCGINNIS: Correct.

1 CHAIRMAN NEIMAN: Okay. Any final
2 questions from the board?

3 MR. GILTNER: I guess just one thing.

4 I know we saw a letter about one of
5 the neighbors. Are there any other neighbors
6 who have weighed in on this particular variance
7 request? I guess that's for Chris or Robb or
8 anyone.

9 MR. MCGINNIS: Not that I received.

10 MS. BRUTON: No, haven't received
11 anything except that letter today.

12 CHAIRMAN NEIMAN: Are there any
13 neighbors on the call who would like to address
14 the board?

15 MR. VERBISCHER: Yes.

16 CHAIRMAN NEIMAN: Okay. So before we
17 move to the neighbors, just to make sure, do any
18 of the zoning board members have any further
19 questions for Mr. McGinnis?

20 (No response.)

21 Hearing none, will whomever the
22 neighbor is who wishes to address the board,

1 state your name and spell your last name before
2 you begin speaking.

3 MR. VERBISCER: Yes. My name is Bob
4 Verbiscer, last name is spelled V, like in
5 Victor, e-r-b-i-s-c-e-r, at 215 Center, so the
6 southwest corner of the block that we are
7 talking about.

8 CHAIRMAN NEIMAN: Great. And
9 Mr. Verbiscer, were you on the line when the
10 court reporter administered the oath?

11 MR. VERBISCER: I believe I was but I
12 didn't hear what the oath was about so I didn't
13 respond to anything.

14 CHAIRMAN NEIMAN: Okay. Kathy, could
15 you administer the oath to Mr. Verbiscer,
16 please.

17 (WHEREUPON, Mr. Verbiscer was
18 sworn in to testify.)

19 CHAIRMAN NEIMAN: Okay, the floor is
20 yours.

21 MR. VERBISCER: Just wanted to say that
22 I, again, live on the southwest corner of the

1 lot in question and I have no objections to the
2 subdivision that is proposed.

3 CHAIRMAN NEIMAN: Okay. Thank you.

4 Any other neighbors on the line who
5 wish to address the board?

6 MS. NIINEMAE: Yes. Hi. Can you hear
7 me?

8 CHAIRMAN NEIMAN: Yes.

9 MS. NIINEMAE: My name is Ingrid
10 Niinemae. That's N-i-i-n-e, m, as in Mary, a-e.
11 And I'm the person who wrote the letter, I hope
12 that's the one that you were referring to.

13 I guess just to say at the meeting
14 again, pretty sure that there would be more
15 profit with three houses rather than two.
16 Keeping the character of the neighborhood is a
17 little funny. This is a block where we have
18 currently 11 houses on the Grant Street block
19 and 3 of them are complete rebuilds, 1 had a
20 second story on it, so we actually have -- it
21 would be really hard to do something that
22 maintains the character of the neighborhood.

1 I don't know, that just seems like
2 an interesting reason for wanting the variance
3 and my husband and I are definitely against
4 granting a variance just because someone asks.
5 I don't really understand a valid reason for
6 granting the variance. Thanks.

7 CHAIRMAN NEIMAN: Ma'am, were you on
8 the line when the court reporter administered
9 the oath?

10 MS. NIINEMAE: I was. I raised my
11 hand, although you couldn't see me, and I said,
12 yes.

13 CHAIRMAN NEIMAN: Okay. Fair enough.
14 Thank you.

15 Did you have anything else?

16 MS. NIINEMAE: No, thanks.

17 CHAIRMAN NEIMAN: Thank you.

18 Any other neighbors who wish to
19 address the board?

20 (No response.)

21 Okay. Hearing none, do we hear a
22 motion to close the public hearing in Case No.

1 V-05-21, 218 West Ogden Avenue?

2 MR. PODLISKA: So moved.

3 MR. MURPHY: Second.

4 CHAIRMAN NEIMAN: Roll call, please,
5 Chris?

6 MS. BRUTON: Member Moberly?

7 MR. MOBERLY: Yes.

8 MS. BRUTON: Member Giltner?

9 MR. GILTNER: Yes.

10 MS. BRUTON: Member Murphy?

11 MR. MURPHY: Yes.

12 MS. BRUTON: Member Lee?

13 MS. LEE: Yes.

14 MS. BRUTON: Member Podliska?

15 MR. PODLISKA: Yes.

16 MS. BRUTON: Chairman Neiman?

17 CHAIRMAN NEIMAN: Yes.

18 (WHICH, were all of the
19 proceedings had, evidence
20 offered or received in the
21 above entitled cause.)
22

STATE OF ILLINOIS)

) ss:

COUNTY OF DU PAGE)

I, KATHLEEN W. BONO, Certified Shorthand Reporter, Notary Public in and for the County DuPage, State of Illinois, do hereby certify that previous to the commencement of the examination and testimony of the various witnesses via Zoom, they were duly sworn by me to testify the truth in relation to the matters pertaining hereto; that the testimony given by said witnesses was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affix my electronic signature this 25th day of June 2021.

A handwritten signature in cursive script, reading "Kathleen W. Bono", written in black ink.

KATHLEEN W. BONO

C.S.R. No. 84-1423

Notary Public, DuPage County

	63-foot [2] - 3:14, 10:11 67.99 [1] - 3:15 6:30 [1] - 1:12	15:6, 15:9, 17:9 argument [2] - 10:10, 12:13 assuming [1] - 19:5 attempting [1] - 10:6 attendance [1] - 5:14 attending [1] - 5:19 attention [1] - 11:22 Attorney [1] - 2:5 attorney [1] - 2:15 authority [1] - 6:17 Avenue [7] - 1:6, 1:11, 2:13, 4:4, 9:16, 9:19, 25:1 average [3] - 4:16, 8:10, 18:4	built [11] - 4:13, 5:1, 9:8, 9:11, 10:15, 11:5, 12:7, 12:9, 13:15, 14:10	Community [1] - 2:4 complete [2] - 23:19, 26:14 compliant [4] - 3:7, 3:20, 19:3, 19:19 conditions [1] - 4:2 conforming [3] - 13:4, 18:14, 18:18 conformity [5] - 8:7, 8:15, 10:7, 12:18, 14:8 conjunction [1] - 5:6 connection [2] - 17:2, 17:7 consolidated [1] - 13:8 continue [2] - 5:16, 5:22 corner [9] - 3:8, 3:9, 4:6, 9:6, 18:8, 18:9, 18:13, 22:6, 22:22 correct [8] - 19:5, 19:6, 19:16, 20:5, 20:11, 20:21, 20:22, 26:14 Coules [1] - 2:16 County [2] - 26:5, 26:21 COUNTY [2] - 1:2, 26:2 court [2] - 22:10, 24:8 cover [1] - 20:18 coverage [2] - 15:10 cramming [1] - 8:1 create [2] - 9:16, 9:19 created [3] - 4:8, 9:18, 10:3 creating [2] - 10:5, 12:7 criteria [1] - 9:18 crux [1] - 8:2 current [2] - 4:9, 5:3	
'89 [3] - 10:19, 11:16, 11:17	7		C		
1	7 [1] - 19:15 70-foot [1] - 3:2		C.S.R [1] - 26:21 calculation [2] - 15:15, 16:5 calculations [1] - 19:5 Case [2] - 2:12, 24:22 causes [1] - 4:5 Center [1] - 22:5 certainly [1] - 10:17 Certified [1] - 26:3 certify [1] - 26:6 Chairman [2] - 1:16, 25:16 CHAIRMAN [24] - 2:11, 5:11, 6:8, 7:11, 9:13, 10:22, 11:19, 16:12, 16:17, 17:16, 19:21, 21:1, 21:12, 21:16, 22:8, 22:14, 22:19, 23:3, 23:8, 24:7, 24:13, 24:17, 25:4, 25:17 change [1] - 4:22 changes [1] - 14:15 character [6] - 4:21, 5:3, 5:7, 14:7, 23:16, 23:22 Chicago [1] - 1:11 chose [2] - 3:21, 9:4 Chris [2] - 21:7, 25:5 CHRISTINE [1] - 2:2 clarify [1] - 6:12 clear [1] - 20:15 cleared [1] - 17:13 Clerk [1] - 2:2 client [2] - 9:15, 20:20 client's [1] - 20:17 close [1] - 24:22 closer [2] - 18:17, 19:13 code [8] - 3:1, 3:7, 3:20, 4:18, 10:20, 13:2, 13:5, 19:3 coming [1] - 13:16 commencement [1] - 26:6 commercial [3] - 5:1, 5:8, 7:3 commission [2] - 6:19, 20:7		
1 [6] - 13:11, 17:21, 18:16, 18:17, 19:3, 23:19 1,100 [1] - 14:19 1,200 [1] - 14:21 10 [2] - 17:10, 17:11 10,000 [3] - 14:18, 14:20 100-foot [1] - 13:11 11 [2] - 18:6, 23:18 120-foot [1] - 12:21 16 [1] - 1:12 19 [1] - 1:11	8		B		
2	8 [2] - 17:11, 18:6 80 [1] - 18:10 83 [2] - 17:22, 18:7 84-1423 [1] - 26:21	bad [2] - 8:18, 8:21 base [1] - 20:19 bear [2] - 14:15, 18:9 became [1] - 7:5 BEFORE [1] - 1:3 begin [1] - 22:2 better [2] - 14:22, 15:2 between [4] - 2:19, 9:7, 9:10, 18:16 bigger [1] - 15:7 blend [1] - 14:1 blends [1] - 12:20 block [5] - 10:8, 18:4, 22:6, 23:17, 23:18 BOARD [2] - 1:3, 1:15 board [16] - 6:9, 6:13, 6:15, 6:20, 7:12, 11:20, 16:18, 17:1, 19:22, 20:8, 21:2, 21:14, 21:18, 21:22, 23:5, 24:19 Board [2] - 1:10, 5:13 Bob [2] - 6:12, 22:3 BONO [2] - 26:3, 26:20 BRUTON [8] - 2:2, 21:10, 25:6, 25:8, 25:10, 25:12, 25:14, 25:16 buffer [3] - 7:20, 9:7, 9:12 build [3] - 7:16, 8:11, 10:6 buildable [1] - 8:6 building [4] - 13:17, 15:9, 15:19, 18:5			
2 [7] - 13:11, 15:6, 15:10, 18:16, 18:18, 19:5, 19:14 20,000 [1] - 14:21 2021 [2] - 1:12, 26:18 215 [1] - 22:5 218 [4] - 1:6, 2:12, 2:18, 25:1 24 [1] - 14:21 25 [1] - 14:18 25th [1] - 26:18	A				
3	a-e [1] - 23:10 ability [1] - 10:11 able [1] - 4:12 add [1] - 16:2 additional [1] - 19:21 address [4] - 21:13, 21:22, 23:5, 24:19 administer [1] - 22:15 administered [3] - 2:10, 22:10, 24:8 adopted [2] - 10:21, 11:16 affix [1] - 26:17 aforesaid [1] - 26:15 allocate [1] - 19:4 allow [2] - 3:13, 5:5 allowing [1] - 8:16 allows [1] - 9:5 almost [1] - 8:13 ALSO [1] - 2:1 angle [2] - 9:16, 9:19 animal [1] - 7:3 APPEALS [1] - 1:3 Appeals [2] - 1:11, 5:13 applicant [6] - 2:17, 2:21, 3:5, 4:10, 7:14, 17:2 application [2] - 6:5 applying [1] - 9:22 appropriately [1] - 7:18 approved [3] - 6:18, 16:8, 20:4 approximate [2] - 18:7, 19:1 architect [1] - 16:9 area [5] - 5:7, 14:17,				
3 [6] - 18:16, 18:18, 19:4, 19:13, 23:19 3-110-C(3)(a) [1] - 3:1				D	
4				decades [1] - 13:6 dedicate [2] - 18:12, 19:4 definitely [1] - 24:3 denied [2] - 4:11, 10:11 Deputy [1] - 2:2 design [1] - 16:6 desirable [1] - 12:15 develop [1] - 14:1 developed [3] - 5:6, 7:18, 15:6	
4 [1] - 19:14					
5					
50 [1] - 8:11 50-foot [7] - 3:17, 4:16, 10:13, 13:9, 13:11, 14:4, 14:6					
6					
63 [1] - 3:2					

Development [1] - 2:4 developments [1] - 16:7 diagonal [1] - 4:5 difference [1] - 11:8 different [1] - 14:11 direct [1] - 11:22 direction [2] - 13:3, 15:13 directly [1] - 16:22 Director [1] - 2:3 district [1] - 2:18 divide [1] - 20:2 dividing [1] - 18:16 Donatelli [1] - 2:16 down [1] - 14:5 driving [1] - 19:8 DU [2] - 1:2, 26:2 due [1] - 4:9 duly [1] - 26:8 DuPage [2] - 26:5, 26:21	feet [15] - 3:2, 3:15, 8:11, 14:18, 14:19, 14:21, 18:7, 18:10, 18:17, 18:18, 19:4, 19:13, 19:15 fence [1] - 7:20 figure [1] - 15:17 final [2] - 6:16, 21:1 fine [2] - 6:4, 6:6 first [1] - 2:12 floor [1] - 22:19 follow [1] - 9:14 follow-up [1] - 9:14 foregoing [1] - 26:13 forgive [1] - 16:12 form [1] - 26:13 formula [2] - 14:14, 14:18 forward [1] - 16:10 four [2] - 3:17, 5:17 front [5] - 15:22, 16:6, 18:7, 18:8, 19:9 frozen [1] - 11:1 full [1] - 9:10 fully [1] - 19:9 funny [1] - 23:17	hand [2] - 24:11, 26:17 hard [1] - 23:21 hardship [1] - 10:10 hear [3] - 22:12, 23:6, 24:21 hearing [5] - 1:9, 16:1, 21:21, 24:21, 24:22 Hearing [1] - 2:12 heart [1] - 7:15 help [3] - 9:17, 13:18, 15:16 hereby [1] - 26:5 hereto [1] - 26:10 hereunto [1] - 26:17 hi [1] - 23:6 HINSDALE [1] - 1:3 Hinsdale [5] - 1:10, 1:11, 2:16, 13:7, 16:9 hold [1] - 14:13 home [1] - 4:12 homes [15] - 5:1, 11:14, 12:6, 12:9, 12:19, 13:1, 13:4, 13:15, 13:17, 14:10, 14:11, 14:12, 15:2, 15:3, 15:7 hope [1] - 23:11 hopefully [1] - 6:1 hospital [1] - 7:4 hour [1] - 1:12 house [6] - 7:16, 7:17, 7:20, 9:7, 9:11, 20:16 houses [8] - 7:18, 7:22, 10:2, 10:15, 11:4, 15:20, 23:15, 23:18 housing [1] - 4:20 husband [1] - 24:3 hypothetically [1] - 18:15	instead [2] - 12:13, 15:20 intended [1] - 4:19 interesting [1] - 24:2 interior [3] - 3:12, 4:1, 9:4 issue [3] - 8:3, 9:17, 10:3	letter [3] - 21:4, 21:11, 23:11 line [12] - 3:3, 3:14, 4:5, 5:2, 5:4, 18:5, 18:16, 19:2, 19:10, 22:9, 23:4, 24:8 lines [1] - 9:14 listening [1] - 19:7 live [2] - 17:9, 22:22 living [1] - 8:22 located [1] - 3:8 look [2] - 15:8, 17:19 looking [1] - 17:12
E	G	I	J	M
East [1] - 1:11 electronic [1] - 26:17 en [1] - 2:10 end [2] - 15:7, 15:9 Engineer [1] - 2:7 entitled [2] - 1:10, 25:21 ERBISCHER [1] - 22:5 especially [1] - 8:19 essential [1] - 5:7 established [1] - 10:20 evening [4] - 2:14, 5:14, 5:19, 16:3 eventually [2] - 9:1, 13:5 evidence [1] - 25:19 examination [1] - 26:7 except [1] - 21:11 existed [1] - 11:17 existing [1] - 7:1 extent [1] - 11:7	gained [1] - 15:19 GARY [1] - 1:21 Giltner [1] - 25:8 GILTNER [4] - 1:20, 6:11, 21:3, 25:9 given [1] - 26:10 Grant [13] - 2:20, 3:10, 3:12, 3:18, 4:13, 7:17, 8:1, 8:5, 8:8, 8:12, 9:5, 20:17, 23:18 grant [1] - 12:2 granted [1] - 5:20 granting [2] - 24:4, 24:6 great [1] - 22:8 greater [5] - 3:16, 13:15, 13:16, 14:19, 15:3 Green [2] - 18:21, 19:8 GREEN [2] - 2:7, 19:7 guess [4] - 13:19, 21:3, 21:7, 23:13	idea [2] - 8:5, 12:17 ILLINOIS [2] - 1:1, 26:1 Illinois [2] - 1:12, 26:5 IN [1] - 26:16 inability [1] - 12:3 income [1] - 13:15 indicated [3] - 4:15, 8:9, 14:3 information [2] - 15:22, 16:2 Ingrid [1] - 23:9	Jim [1] - 16:9 JOHN [1] - 1:19 JON [1] - 2:7 Jon [2] - 18:21, 19:8 jon [1] - 18:22 June [2] - 1:12, 26:18 jurisdiction [1] - 6:13	ma'am [1] - 24:7 magic [1] - 19:2 maintained [1] - 14:6 maintains [1] - 23:22 marginally [4] - 14:22, 15:1, 15:3, 15:7 Mary [1] - 23:10 masse [1] - 2:10 Matter [1] - 1:4 matter [1] - 1:10 matters [1] - 26:9 McGinnis [1] - 16:21 McGinnis [34] - 2:3, 2:5, 2:14, 2:15, 5:11, 6:3, 6:10, 6:16, 7:6, 7:10, 8:4, 9:2, 10:4, 10:17, 11:12, 11:21, 12:10, 13:19, 14:3, 14:13, 15:5, 15:14, 15:21, 17:4, 18:2, 18:19, 19:16, 19:17, 20:5, 20:11, 20:14, 20:22, 21:9, 21:19 mean [4] - 9:2, 10:4, 10:17, 11:6 means [1] - 26:11 measured [2] - 18:4 measurements [1] - 19:18 meet [2] - 4:7, 4:18 meeting [1] - 23:13 Member [9] - 1:17, 1:18, 1:19, 1:20, 1:21, 25:8, 25:10, 25:12, 25:14 member [1] - 25:6 members [7] - 5:13, 5:18, 5:22, 6:7, 6:9, 7:12, 21:18 MEMBERS [1] - 1:15 memorized [1] - 14:16
F	H	L	K	
fact [2] - 13:6, 18:20 factor [1] - 15:17 fair [1] - 24:13 falls [1] - 5:4 FAR [3] - 14:11, 14:12, 15:2	half [1] - 18:6	landscaping [1] - 7:19 last [3] - 16:16, 22:1, 22:4 layout [1] - 4:9 least [3] - 4:1, 17:11, 18:6 Lee [1] - 25:12 LEE [5] - 1:17, 17:17, 18:15, 19:12, 25:13 legal [1] - 7:6 length [2] - 3:16, 8:14 LESLIE [1] - 1:17 less [4] - 14:17, 15:6, 15:9, 15:10	K-a-r-l-m-i [1] - 16:16 KARIMI [4] - 2:6, 16:3, 16:15, 17:6 Karimi [1] - 16:4 KATHLEEN [2] - 26:3, 26:20 Kathy [1] - 22:14 keep [5] - 12:17, 14:7, 18:2, 18:13, 19:3 keeping [2] - 5:17, 23:16 KEITH [1] - 1:20 kind [3] - 7:14, 8:1, 16:9 knowledge [1] - 17:5	

<p>merely [3] - 4:14, 12:1, 12:3</p> <p>might [1] - 12:14</p> <p>mind [2] - 5:17, 18:3</p> <p>minimum [3] - 2:22, 17:21, 18:3</p> <p>Moberly [1] - 25:6</p> <p>MOBERLY [7] - 1:21, 6:21, 7:8, 7:13, 8:18, 17:9, 25:7</p> <p>money [4] - 12:4, 12:8, 12:12, 13:22</p> <p>month [2] - 5:16, 6:1</p> <p>motion [1] - 24:22</p> <p>move [4] - 2:11, 18:16, 19:2, 21:17</p> <p>moved [2] - 7:4, 25:2</p> <p>moving [3] - 13:3, 15:12, 16:10</p> <p>MR [69] - 1:16, 1:18, 1:19, 1:20, 1:21, 2:3, 2:5, 2:6, 2:7, 2:14, 6:3, 6:11, 6:16, 6:21, 7:6, 7:8, 7:10, 7:13, 8:4, 8:18, 9:2, 10:4, 10:14, 10:17, 11:2, 11:12, 11:18, 11:21, 12:10, 13:1, 13:19, 14:9, 14:13, 15:1, 15:5, 15:12, 15:21, 16:3, 16:15, 16:19, 17:4, 17:6, 17:8, 17:9, 17:15, 18:2, 18:19, 19:7, 19:16, 19:17, 20:1, 20:5, 20:9, 20:11, 20:12, 20:14, 20:22, 21:3, 21:9, 21:15, 22:3, 22:11, 22:21, 25:2, 25:3, 25:7, 25:9, 25:11, 25:15</p> <p>MS [17] - 1:17, 2:2, 17:17, 18:15, 19:12, 21:10, 23:6, 23:9, 24:10, 24:16, 25:6, 25:8, 25:10, 25:12, 25:13, 25:14, 25:16</p> <p>Murphy [1] - 25:10</p> <p>MURPHY [9] - 1:18, 10:14, 11:2, 11:18, 20:1, 20:9, 20:12, 25:3, 25:11</p>	<p>nature [1] - 9:21</p> <p>necessarily [4] - 8:20, 9:9, 12:11, 13:3</p> <p>need [6] - 5:17, 6:18, 15:18, 18:9, 20:6, 20:7</p> <p>needs [2] - 9:9, 20:4</p> <p>neighbor [1] - 21:22</p> <p>neighborhood [11] - 5:3, 8:16, 10:19, 11:13, 11:17, 12:20, 12:21, 14:2, 14:7, 23:16, 23:22</p> <p>neighbors [6] - 21:5, 21:13, 21:17, 23:4, 24:18</p> <p>NEIMAN [25] - 1:16, 2:11, 5:11, 6:8, 7:11, 9:13, 10:22, 11:19, 16:12, 16:17, 17:16, 19:21, 21:1, 21:12, 21:16, 22:8, 22:14, 22:19, 23:3, 23:8, 24:7, 24:13, 24:17, 25:4, 25:17</p> <p>Neiman [1] - 25:16</p> <p>next [2] - 5:16, 6:1</p> <p>nice [2] - 7:18, 7:22</p> <p>NIINE [1] - 23:10</p> <p>NIINEMAE [4] - 23:6, 23:9, 24:10, 24:16</p> <p>Niinemae [1] - 23:10</p> <p>noisy [1] - 8:20</p> <p>nonconforming [2] - 7:7, 13:2</p> <p>none [2] - 21:21, 24:21</p> <p>Notary [2] - 26:4, 26:21</p> <p>notes [1] - 26:15</p> <p>number [1] - 10:18</p> <p>numbers [1] - 19:9</p>	<p>one [18] - 3:5, 4:12, 7:16, 7:17, 8:2, 8:17, 12:13, 14:14, 16:4, 16:19, 18:13, 19:11, 20:1, 20:15, 20:17, 21:3, 21:4, 23:12</p> <p>opportunity [1] - 12:12</p> <p>opposed [1] - 19:15</p> <p>option [1] - 5:15</p> <p>order [1] - 14:7</p> <p>ordinance [3] - 10:19, 11:6, 11:16</p> <p>otherwise [4] - 4:6, 4:12, 9:10, 10:1</p> <p>outset [1] - 5:12</p> <p>owner [3] - 8:11, 12:8, 15:22</p> <p>owners [2] - 12:15, 16:4</p>	<p>18:13</p> <p>post [1] - 10:19</p> <p>potential [1] - 12:15</p> <p>pre [1] - 16:10</p> <p>pre-step [1] - 16:10</p> <p>precode [1] - 11:13</p> <p>prepared [1] - 19:9</p> <p>PRESENT [2] - 1:15, 2:1</p> <p>preserve [1] - 4:20</p> <p>pretty [1] - 23:14</p> <p>previous [1] - 26:6</p> <p>previously [2] - 5:1, 8:9</p> <p>Prisby [1] - 16:9</p> <p>privilege [2] - 4:14, 12:1</p> <p>proceed [1] - 5:21</p> <p>proceeded [1] - 16:6</p> <p>proceeding [2] - 6:4, 6:6</p> <p>proceedings [1] - 25:19</p> <p>PROCEEDINGS [1] - 1:8</p> <p>profit [3] - 13:16, 15:19, 23:15</p> <p>properties [11] - 4:9, 5:10, 8:7, 8:10, 8:14, 10:6, 10:8, 10:12, 14:1, 14:4, 14:8</p> <p>property [23] - 2:17, 3:4, 3:6, 3:14, 3:18, 4:3, 4:4, 4:13, 4:16, 4:22, 5:2, 5:5, 7:1, 8:12, 12:5, 12:8, 14:10, 15:4, 15:16, 16:21, 16:22, 20:17, 20:21</p> <p>proposed [2] - 3:13, 23:2</p> <p>proposing [1] - 9:21</p> <p>provide [3] - 9:12, 12:11, 12:22</p> <p>public [1] - 24:22</p> <p>Public [3] - 2:12, 26:4, 26:21</p> <p>purchase [1] - 17:3</p> <p>purchased [1] - 20:21</p> <p>purpose [1] - 13:14</p> <p>purposes [2] - 4:19, 5:9</p> <p>put [2] - 7:21, 15:16</p> <p>putting [1] - 10:2</p>	<p>7:11, 11:19, 16:18, 17:16, 19:22, 21:2, 21:19</p> <p>quick [1] - 17:17</p> <p>quite [1] - 13:8</p>
<p>N</p>	<p>O</p>	<p>P</p> <p>p.m [1] - 1:13</p> <p>PAGE [2] - 1:2, 26:2</p> <p>parcel [1] - 14:10</p> <p>part [1] - 9:3</p> <p>particular [1] - 21:6</p> <p>PATRICK [1] - 2:5</p> <p>Patrick [1] - 2:15</p> <p>people [1] - 8:22</p> <p>person [1] - 23:11</p> <p>personally [1] - 12:10</p> <p>pertaining [1] - 26:10</p> <p>Petitioner [3] - 2:5, 2:6, 2:7</p> <p>physical [2] - 4:2, 9:20</p> <p>place [1] - 13:11</p> <p>plan [2] - 6:19, 20:7</p> <p>planning [1] - 4:18</p> <p>plans [1] - 15:15</p> <p>plant [1] - 7:21</p> <p>plat [3] - 17:19, 18:1, 20:6</p> <p>plus [2] - 14:18, 14:21</p> <p>Podliska [1] - 25:14</p> <p>PODLISKA [12] - 1:19, 11:21, 13:1, 14:9, 15:1, 15:12, 16:19, 17:8, 17:15, 20:14, 25:2, 25:15</p> <p>point [3] - 5:12, 17:22, 20:15</p> <p>position [1] - 13:20</p> <p>possible [2] - 13:9,</p>	<p>Q</p> <p>questions [8] - 6:10,</p>	<p>R</p> <p>R-4 [5] - 2:18, 7:2, 7:5, 7:7, 7:9</p> <p>raised [1] - 24:10</p> <p>rather [7] - 5:8, 5:14, 7:22, 8:17, 13:21, 14:1, 23:15</p> <p>rationale [1] - 13:20</p> <p>read [1] - 18:6</p> <p>really [2] - 23:21, 24:5</p> <p>reason [4] - 3:21, 9:3, 24:2, 24:5</p> <p>rebuilt [2] - 10:18, 23:19</p> <p>rebuilt [1] - 14:5</p> <p>received [3] - 21:9, 21:10, 25:20</p> <p>recommendation [3] - 6:12, 6:14, 20:8</p> <p>record [1] - 16:13</p> <p>redeveloped [1] - 11:15</p> <p>reduced [1] - 26:11</p> <p>reduction [1] - 3:1</p> <p>referring [1] - 23:12</p> <p>regardless [1] - 5:18</p> <p>relation [1] - 26:9</p> <p>remain [1] - 18:17</p> <p>REPORT [1] - 1:8</p> <p>Reporter [1] - 26:4</p> <p>reporter [2] - 22:10, 24:8</p> <p>represent [1] - 2:16</p> <p>request [3] - 6:17, 6:20, 21:7</p> <p>requested [1] - 3:16</p> <p>require [1] - 4:3</p> <p>required [2] - 4:1, 20:3</p> <p>requirement [4] - 2:22, 3:2, 11:22, 12:2</p> <p>requirements [1] - 4:7</p> <p>requiring [1] - 9:22</p> <p>residential [2] - 4:20, 5:9</p> <p>respond [1] - 22:13</p> <p>response [3] - 11:12, 21:20, 24:20</p> <p>rest [1] - 8:7</p> <p>retiring [1] - 14:16</p>

reverted [1] - 7:4 rights [1] - 4:11 rob [1] - 14:3 Robb [10] - 6:11, 6:22, 10:14, 10:15, 14:9, 17:18, 17:19, 19:7, 20:2, 21:7 ROBB [1] - 2:3 ROBERT [1] - 1:16 roll [1] - 25:4 room [1] - 7:19	smallest [1] - 9:4 sold [1] - 20:18 someone [1] - 24:4 sorry [1] - 11:2 sought [1] - 4:4 south [5] - 2:19, 3:18, 4:15, 16:22, 20:16 southwest [2] - 22:6, 22:22 speaking [1] - 22:2 special [2] - 4:14, 12:1 specific [2] - 16:2, 16:7 specifically [1] - 13:22 spell [2] - 16:14, 22:1 spelled [1] - 22:4 square [3] - 14:18, 14:19, 14:21 ss [2] - 1:1, 26:1 stands [1] - 7:1 start [1] - 11:1 State [1] - 26:5 STATE [2] - 1:1, 26:1 state [2] - 16:13, 22:1 step [1] - 16:10 still [7] - 3:16, 6:18, 19:12, 19:14, 20:3, 20:6, 20:7 story [1] - 23:20 Street [10] - 2:20, 3:9, 3:12, 3:18, 4:13, 8:5, 8:8, 8:12, 9:5, 23:18 street [2] - 3:15, 8:14 strong [1] - 6:5 stuck [2] - 11:7, 11:8 subdivide [1] - 3:5 subdivision [5] - 6:18, 11:13, 16:8, 20:6, 23:2 subject [2] - 2:17, 12:4 substantial [4] - 4:11, 9:7, 10:7, 10:10 surrounding [5] - 5:10, 10:12, 12:18, 14:2, 14:8 survey [1] - 17:20 sworn [2] - 22:18, 26:8	terms [2] - 8:21, 15:18 testify [2] - 22:18, 26:9 TESTIMONY [1] - 26:16 testimony [3] - 1:8, 26:7, 26:10 THE [1] - 1:3 theoretically [2] - 18:19, 19:1 thereafter [1] - 26:12 thinking [1] - 8:21 three [15] - 3:6, 3:20, 3:22, 8:13, 12:6, 13:15, 13:21, 14:9, 14:11, 15:2, 15:3, 15:20, 17:20, 19:19, 23:15 threshold [1] - 5:20 today [2] - 7:2, 21:11 TOM [1] - 1:18 tom [1] - 10:22 tonight [1] - 5:17 torn [1] - 14:5 total [3] - 14:12, 15:5, 15:8 tough [1] - 18:5 transcribed [1] - 26:12 transcript [1] - 26:14 trees [1] - 7:21 tried [1] - 18:11 true [1] - 26:14 trustees [1] - 6:13 truth [1] - 26:9 try [2] - 15:17, 18:13 two [19] - 3:6, 3:8, 7:17, 7:22, 8:1, 8:5, 8:17, 10:2, 12:9, 12:12, 12:15, 13:18, 13:21, 14:12, 15:4, 15:8, 15:20, 20:2, 23:15 types [1] - 4:20 typewritten [1] - 26:13	V V-05-21 [2] - 1:6, 2:12 v-05-21 [1] - 25:1 vacant [1] - 17:13 valid [1] - 24:5 variance [20] - 2:21, 3:12, 3:13, 3:19, 4:1, 4:3, 4:10, 5:5, 5:19, 6:4, 6:14, 8:16, 9:22, 10:1, 12:3, 19:20, 21:6, 24:2, 24:4, 24:6 variances [1] - 11:10 variation [2] - 6:17, 6:20 various [1] - 26:7 VERBISCER [4] - 21:15, 22:3, 22:11, 22:21 Verbiscer [3] - 22:4, 22:15, 22:17 verbiscer [1] - 22:9 via [2] - 1:9, 26:8 VIA [2] - 1:15, 2:1 Victor [1] - 22:5 village [4] - 4:21, 10:16, 20:4, 20:8 Village [1] - 2:2 Vine [5] - 2:19, 3:9, 7:17, 8:2, 17:1 vote [1] - 5:17 votes [1] - 5:18	writing [1] - 26:11 wrote [1] - 23:11
S	T	U	W	Y
sale [6] - 13:17, 17:2, 17:3, 17:10, 17:13 saw [1] - 21:4 science [1] - 19:10 second [3] - 14:14, 23:20, 25:3 Section [1] - 3:1 see [2] - 12:6, 24:11 seek [1] - 8:16 seeking [4] - 2:21, 3:5, 3:11, 4:21 self [4] - 4:8, 9:18, 10:3, 10:5 self-created [3] - 4:8, 9:18, 10:3 self-creating [1] - 10:5 sense [1] - 15:11 set [1] - 26:17 setback [3] - 3:3, 3:14, 18:5 seven [2] - 5:14, 6:1 several [1] - 13:6 Shabbir [2] - 16:3, 16:15 SHABBIR [2] - 2:6, 16:16 shift [1] - 19:11 shifted [1] - 19:13 shortfall [1] - 19:14 Shorthand [1] - 26:4 shorthand [2] - 26:12, 26:15 show [1] - 13:14 showing [1] - 17:22 shows [1] - 17:20 side [2] - 2:19, 4:13 signature [1] - 26:18 simply [1] - 13:10 single [2] - 8:12, 12:14 six [3] - 5:13, 5:21, 6:6 size [2] - 7:18, 9:6 smaller [1] - 12:15	teardowns [2] - 13:7, 13:10	unable [1] - 3:19 under [2] - 12:1, 14:20 unique [1] - 4:2 up [7] - 7:21, 9:14, 10:2, 15:7, 15:9, 17:1, 20:15	weighed [1] - 21:6 West [4] - 1:6, 2:12, 2:18, 25:1 WHEREOF [1] - 26:16 WHEREUPON [2] - 2:9, 22:17 WHICH [1] - 25:18 wider [1] - 18:18 width [13] - 2:22, 3:14, 3:17, 4:17, 8:10, 8:13, 10:11, 10:13, 14:7, 17:21, 18:3, 18:8, 18:12 widths [1] - 14:5 wish [4] - 5:15, 5:21, 23:5, 24:18 wishes [1] - 21:22 witnesses [2] - 26:8, 26:11 wondering [1] - 17:21	yard [2] - 18:8 years [2] - 17:10, 17:11
			Z	
			zoned [4] - 3:4, 7:2, 7:3 ZONING [1] - 1:3 zoning [6] - 2:18, 3:6, 10:16, 10:20, 11:6, 21:18 Zoning [2] - 1:10, 5:13 Zoom [2] - 1:9, 26:8 ZOOM [2] - 1:15, 2:1	

1 ALSO PRESENT VIA ZOOM:

2 MS. CHRISTINE BRUTON, Deputy Village
3 Clerk;

4 MR. ROBB MCGINNIS, Director of
5 Community Development;

6 MR. PATRICK MCGINNIS, Attorney for
7 Petitioner;

8 MR. SHABBIR KARIMI, Petitioner;

9 MR. JON GREEN, Engineer for Petitioner.

10 CHAIRMAN NEIMAN: Okay. Now the board
11 gets to deliberate and ultimately we will call a
12 vote.

13 Who would like to begin the
14 discussion? Tom? Gary?

15 MR. MOBERLY: Well, I'll start out. I
16 want somebody smarter than me to finish up.

17 I guess my biggest issue with this
18 is increasing density. I think that's always a
19 big ask in this town.

20 I don't know if they will make more
21 money or not. Boy, I wouldn't want to be where
22 concrete and lumber and steel and copper are
today without money for three houses and who

1 knows what's going to happen in a couple, three
2 years. Hopefully, interest rates will still be
3 low and the stock market will still be booming
4 but it's a risk either way. Again, that's
5 really not our issue per se, worrying about how
6 much money the developer is making.

7 I also think the character of the
8 neighborhood will be just fine either way. I
9 think it's on Grant, the one that Mr. Podliska
10 mentioned, beautiful white home that just sold,
11 that's obviously been a teardown, and I think
12 this builder will put up either two beautiful
13 homes or three beautiful homes, so I think both
14 the character of the neighborhood will probably
15 remain essentially the same. Whatever will be
16 there will fit in what's there today. I'm
17 convinced of that.

18 The biggest drawback to this for me
19 is just the idea of increasing density. At the
20 end of the day, it's currently they can do two
21 homes there today without asking for a lot of
22 special permission, special privileges. They

1 are really asking -- the variance seems small

2 though they are asking to go from two homes to
3 three homes and that's just difficult for me.

4 I'll be happy with the collective wisdom of this
5 group.

6 CHAIRMAN NEIMAN: Who wants to go next?

7 MR. PODLISKA: I'll go next.

8 As we were discussing, the two
9 properties unfortunately right next to the
10 property that we are talking about, one is
11 vacant and for sale and as Gary indicated,
12 apparently it's been for sale forever.

13 The other property is the home that
14 just sold, so the people who are there now are
15 the ones who are leaving and of course, the new
16 owners aren't there yet. So we are not getting
17 the input from the neighbors that we could
18 probably -- would probably be useful here; the
19 neighbors who are going to be right next to this
20 property when either two homes or three homes
21 are built.

22 We have two other neighbors that

1 have weighed in and that's sort of a split
2 decision there as to the two of them. So I'd be
3 more comfortable with this if we had more people
4 from the neighborhood who were accepting of
5 what's being requested. Without that, I'm
6 agreeing with Gary that I'm concerned about
7 moving to more density here rather than less.

8 Again, as I mentioned earlier, most
9 of the movement in the village now is toward
10 when homes are sold, there's consolidations of
11 1, 2 lots or more even, sometimes 3, to build a
12 single home. So these homes that are on these
13 very narrow lots may not be setting the standard
14 where this part of town is moving over the years
15 to come.

16 My inclination is to vote no on
17 this, but I want to hear what everybody else has
18 to say.

19 CHAIRMAN NEIMAN: Okay. Keith?

20 MR. GILTNER: Yes, this variance is
21 difficult. I agree with Gary and John that
22 there's -- that we have to have a higher

1 threshold I think with regards to sort of a
2 request for additional density and similar to
3 other cases we have heard, without having the
4 neighbors who are directly affected really being
5 able to weigh in, I think it adds additional
6 burden on us to maintain the code and so right
7 now I'm leaning towards not granting the
8 variance.

9 CHAIRMAN NEIMAN: Leslie?

10 MS. LEE: I fall in line with basically
11 all the comments that you have heard from the
12 other members.

13 I live quite close to this
14 property, a few blocks north of Ogden, and
15 having two small children who are in the school
16 systems, I definitely see the density issue as a
17 concern. We have had significant young families
18 moving in from the city of Chicago, so schools
19 are definitely being further taxed. And I
20 think, you know, the ability to have three homes
21 on this property when currently the zoning code
22 allows for two probably just is not the most

1 prudent decision for us to make. So I'm
2 definitely leaning towards no.

3 CHAIRMAN NEIMAN: Tom?

4 MR. MURPHY: Yes, I'm in agreement. I
5 find it hard to believe that this isn't just
6 about a more profitable development. I'm not
7 sure why anybody would undertake three projects
8 rather than two if they didn't think they were
9 going to make more money and in my experience,
10 that's pretty much always the case that if you
11 go with more density, you are likely to be able
12 to make more money overall and that sort of
13 feels then to me like any variance to
14 accommodate that is a special privilege as I
15 think John was sort of insinuating before and
16 that to me is exactly what that provision of the
17 code is to prevent. But I'm also inclined not
18 to grant the variance.

19 CHAIRMAN NEIMAN: Do we hear a motion?

20 MR. MURPHY: I move that the variance
21 be denied.

22 CHAIRMAN NEIMAN: Is there a second?

1 MR. PODLISKA: Second.

2 CHAIRMAN NEIMAN: Chris, roll call,
3 please?

4 MS. BRUTON: Member Moberly?

5 MR. MOBERLY: Yes.

6 MS. BRUTON: Member Giltner?

7 MR. GILTNER: Yes.

8 MS. BRUTON: Member Murphy?

9 MR. MURPHY: Yes.

10 MS. BRUTON: Member Lee?

11 MS. LEE: Yes.

12 MS. BRUTON: Member Podliska?

13 MR. PODLISKA: Yes.

14 MS. BRUTON: Chairman Neiman?

15 CHAIRMAN NEIMAN: Yes.

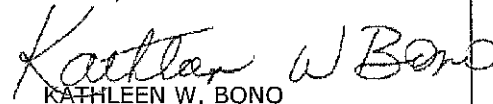
16 Okay. Mr. McGinnis, thank you for
17 your presentation. We appreciate it.

18 (WHEREUPON, the deliberations
19 ended.)
20
21
22

STATE OF ILLINOIS)
) ss:
COUNTY OF DU PAGE)

I, KATHLEEN W. BONO, Certified
Shorthand Reporter, Notary Public in and for the
County DuPage, State of Illinois, do hereby
certify that previous to the commencement of the
examination and testimony of the various
witnesses via Zoom, they were duly sworn by me
to testify the truth in relation to the matters
pertaining hereto; that the testimony given by
said witnesses was reduced to writing by means
of shorthand and thereafter transcribed into
typewritten form; and that the foregoing is a
true, correct and complete transcript of my
shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have
hereunto set my hand and affix my electronic
signature this 25th day of June 2021.


KATHLEEN W. BONO
C.S.R. No. 84-1423
Notary Public, DuPage County

1	3:12, 3:13 begin [1] - 2:12 big [1] - 2:18 biggest [2] - 2:16, 3:18 blocks [1] - 6:14 BOARD [2] - 1:3, 1:14 board [1] - 2:9 Board [1] - 1:10 BONO [2] - 9:3, 9:20 booming [1] - 3:3 boy [1] - 2:20 BRUTON [7] - 2:2, 8:4, 8:6, 8:8, 8:10, 8:12, 8:14 build [1] - 5:11 builder [1] - 3:12 built [1] - 4:21 burden [1] - 6:6	correct [1] - 9:14 COUNTY [2] - 1:2, 9:2 County [2] - 9:5, 9:21 couple [1] - 3:1 course [1] - 4:15	F	IN [1] - 9:16 inclination [1] - 5:16 inclined [1] - 7:17 increasing [2] - 2:17, 3:19 indicated [1] - 4:11 input [1] - 4:17 insinuating [1] - 7:15 interest [1] - 3:2 issue [3] - 2:16, 3:5, 6:16
2	2 [1] - 5:11 2021 [2] - 1:12, 9:18 218 [1] - 1:6 25th [1] - 9:18	D	J	
3	3 [1] - 5:11	decision [2] - 5:2, 7:1 definitely [3] - 6:16, 6:19, 7:2 deliberate [1] - 2:10 DELIBERATIONS [1] - 1:3 deliberations [2] - 1:9, 8:18 denied [1] - 7:21 density [6] - 2:17, 3:19, 5:7, 6:2, 6:16, 7:11 Deputy [1] - 2:2 developer [1] - 3:6 development [1] - 7:6 Development [1] - 2:4 difficult [2] - 4:3, 5:21 directly [1] - 6:4 Director [1] - 2:3 discussing [1] - 4:8 discussion [1] - 2:13 drawback [1] - 3:18 DU [2] - 1:2, 9:2 duly [1] - 9:8 DuPage [2] - 9:5, 9:21	G	
6	6:30 [1] - 1:12	E	K	
8	C.S.R [1] - 9:21 case [1] - 7:10 cases [1] - 6:3 Certified [1] - 9:3 certify [1] - 9:6 Chairman [2] - 1:15, 8:14 CHAIRMAN [9] - 2:9, 4:6, 5:19, 6:9, 7:3, 7:19, 7:22, 8:2, 8:15 character [2] - 3:7, 3:14 Chicago [2] - 1:11, 6:18 children [1] - 6:15 Chris [1] - 8:2 CHRISTINE [1] - 2:2 city [1] - 6:18 Clerk [1] - 2:2 close [1] - 6:13 code [3] - 6:6, 6:21, 7:17 collective [1] - 4:4 comfortable [1] - 5:3 commencement [1] - 9:6 comments [1] - 6:11 Community [1] - 2:4 complete [1] - 9:14 concern [1] - 6:17 concerned [1] - 5:6 concrete [1] - 2:21 consolidations [1] - 5:10 convinced [1] - 3:17 copper [1] - 2:21	East [1] - 1:11 either [4] - 3:4, 3:8, 3:12, 4:20 electronic [1] - 9:17 end [1] - 3:20 ended [1] - 8:19 Engineer [1] - 2:7 entitled [1] - 1:9 essentially [1] - 3:15 exactly [1] - 7:16 examination [1] - 9:7 experience [1] - 7:9	GARY [1] - 1:20 Gary [4] - 2:13, 4:11, 5:6, 5:21 Giltner [1] - 8:6 GILTNER [3] - 1:19, 5:20, 8:7 given [1] - 9:10 Grant [1] - 3:9 grant [1] - 7:18 granting [1] - 6:7 GREEN [1] - 2:7 group [1] - 4:5 guess [1] - 2:16	JOHN [1] - 1:18 John [2] - 5:21, 7:15 JON [1] - 2:7 June [2] - 1:12, 9:18
A	ability [1] - 6:20 able [2] - 6:5, 7:11 above-entitled [1] - 1:9 accepting [1] - 5:4 accommodate [1] - 7:14 additional [2] - 6:2, 6:5 adds [1] - 6:5 affected [1] - 6:4 affix [1] - 9:17 aforesaid [1] - 9:15 agree [1] - 5:21 agreeing [1] - 5:6 agreement [1] - 7:4 allows [1] - 6:22 ALSO [1] - 2:1 APPEALS [1] - 1:3 Appeals [1] - 1:10 appreciate [1] - 8:17 Attorney [1] - 2:5 Avenue [2] - 1:6, 1:11	H	L	
B	beautiful [3] - 3:10,	I	M	
		hand [1] - 9:17 happy [1] - 4:4 hard [1] - 7:5 hear [2] - 5:17, 7:19 heard [2] - 6:3, 6:11 hereby [1] - 9:5 hereto [1] - 9:10 hereunto [1] - 9:17 higher [1] - 5:22 HINSDALE [1] - 1:3 Hinsdale [2] - 1:10, 1:11 home [3] - 3:10, 4:13, 5:12 homes [10] - 3:13, 3:21, 4:2, 4:3, 4:20, 5:10, 5:12, 6:20 hopefully [1] - 3:2 hour [1] - 1:12 houses [1] - 2:22	leaning [2] - 6:7, 7:2 leaving [1] - 4:15 Lee [1] - 8:10 LEE [3] - 1:16, 6:10, 8:11 Leslie [1] - 6:9 LESLIE [1] - 1:16 less [1] - 5:7 likely [1] - 7:11 line [1] - 6:10 live [1] - 6:13 low [1] - 3:3 lumber [1] - 2:21	
		idea [1] - 3:19 ILLINOIS [2] - 1:1, 9:1 Illinois [2] - 1:11, 9:5	maintain [1] - 6:6 market [1] - 3:3 Matter [1] - 1:4 matter [1] - 1:9 matters [1] - 9:9 McGinnis [3] - 2:3, 2:5, 8:16 means [1] - 9:11 Member [9] - 1:16, 1:17, 1:18, 1:19, 1:20, 8:6, 8:8, 8:10, 8:12	

member [1] - 8:4 MEMBERS [1] - 1:14 members [1] - 6:12 mentioned [2] - 3:10, 5:8 Moberly [1] - 8:4 MOBERLY [3] - 1:20, 2:14, 8:5 money [5] - 2:20, 2:22, 3:6, 7:9, 7:12 most [2] - 5:8, 6:22 motion [1] - 7:19 move [1] - 7:20 movement [1] - 5:9 moving [3] - 5:7, 5:14, 6:18 MR [19] - 1:15, 1:17, 1:18, 1:19, 1:20, 2:3, 2:5, 2:6, 2:7, 2:14, 4:7, 5:20, 7:4, 7:20, 8:1, 8:5, 8:7, 8:9, 8:13 MS [10] - 1:16, 2:2, 6:10, 8:4, 8:6, 8:8, 8:10, 8:11, 8:12, 8:14 Murphy [1] - 8:8 MURPHY [4] - 1:17, 7:4, 7:20, 8:9	<p style="text-align: center;">P</p> <p>p.m [1] - 1:12 PAGE [2] - 1:2, 9:2 part [1] - 5:14 PATRICK [1] - 2:5 people [2] - 4:14, 5:3 per [1] - 3:5 permission [1] - 3:22 pertaining [1] - 9:10 Petitioner [3] - 2:5, 2:6, 2:7 PODLISKA [4] - 1:18, 4:7, 8:1, 8:13 Podliska [2] - 3:9, 8:12 PRESENT [2] - 1:14, 2:1 presentation [1] - 8:17 pretty [1] - 7:10 prevent [1] - 7:17 previous [1] - 9:6 privilege [1] - 7:14 privileges [1] - 3:22 PROCEEDINGS [1] - 1:8 profitable [1] - 7:6 projects [1] - 7:7 properties [1] - 4:9 property [5] - 4:10, 4:13, 4:20, 6:14, 6:21 provision [1] - 7:16 prudent [1] - 7:1 Public [2] - 9:4, 9:21 put [1] - 3:12</p> <p style="text-align: center;">Q</p> <p>quite [1] - 6:13</p> <p style="text-align: center;">R</p> <p>rates [1] - 3:2 rather [2] - 5:7, 7:8 really [3] - 3:5, 4:1, 6:4 reduced [1] - 9:11 regards [1] - 6:1 relation [1] - 9:9 remain [1] - 3:15 REPORT [1] - 1:8 Reporter [1] - 9:4 request [1] - 6:2 requested [1] - 5:5 risk [1] - 3:4 ROBB [1] - 2:3</p>	ROBERT [1] - 1:15 roll [1] - 8:2	<p style="text-align: center;">S</p> <p>sale [2] - 4:11, 4:12 school [1] - 6:15 schools [1] - 6:18 se [1] - 3:5 second [2] - 7:22, 8:1 see [1] - 6:16 set [1] - 9:17 setting [1] - 5:13 SHABBIR [1] - 2:6 Shorthand [1] - 9:4 shorthand [2] - 9:12, 9:15 signature [1] - 9:18 significant [1] - 6:17 similar [1] - 6:2 single [1] - 5:12 small [2] - 4:1, 6:15 smarter [1] - 2:15 sold [3] - 3:10, 4:14, 5:10 sometimes [1] - 5:11 sort [4] - 5:1, 6:1, 7:12, 7:15 special [3] - 3:22, 7:14 split [1] - 5:1 ss [2] - 1:1, 9:1 standard [1] - 5:13 start [1] - 2:14 State [1] - 9:5 STATE [2] - 1:1, 9:1 steel [1] - 2:21 still [2] - 3:2, 3:3 stock [1] - 3:3 sworn [1] - 9:8 systems [1] - 6:16</p> <p style="text-align: center;">T</p> <p>taxed [1] - 6:19 teardown [1] - 3:11 testify [1] - 9:9 TESTIMONY [1] - 9:16 testimony [2] - 9:7, 9:10 THE [1] - 1:3 thereafter [1] - 9:12 three [7] - 2:22, 3:1, 3:13, 4:3, 4:20, 6:20, 7:7 threshold [1] - 6:1</p>	today [3] - 2:22, 3:16, 3:21 TOM [1] - 1:17 tom [2] - 2:13, 7:3 toward [1] - 5:9 towards [2] - 6:7, 7:2 town [2] - 2:18, 5:14 transcribed [1] - 9:12 transcript [1] - 9:14 true [1] - 9:14 truth [1] - 9:9 two [10] - 3:12, 3:20, 4:2, 4:8, 4:20, 4:22, 5:2, 6:15, 6:22, 7:8 typewritten [1] - 9:13	<p style="text-align: center;">U</p> <p>ultimately [1] - 2:10 undertake [1] - 7:7 unfortunately [1] - 4:9 up [2] - 2:15, 3:12 useful [1] - 4:18</p> <p style="text-align: center;">V</p> <p>V-05-21 [1] - 1:6 vacant [1] - 4:11 variance [6] - 4:1, 5:20, 6:8, 7:13, 7:18, 7:20 various [1] - 9:7 via [2] - 1:8, 9:8 VIA [1] - 2:1 Village [1] - 2:2 village [1] - 5:9 vote [2] - 2:11, 5:16</p> <p style="text-align: center;">W</p> <p>wants [1] - 4:6 weigh [1] - 6:5 weighed [1] - 5:1 West [1] - 1:6 WHEREOF [1] - 9:16 WHEREUPON [1] - 8:18 white [1] - 3:10 wisdom [1] - 4:4 witnesses [2] - 9:8, 9:11 worrying [1] - 3:5 writing [1] - 9:11</p>	<p style="text-align: center;">Y</p> <p>years [2] - 3:2, 5:14 young [1] - 6:17</p> <p style="text-align: center;">Z</p> <p>zoning [1] - 6:21 ZONING [1] - 1:3 Zoning [1] - 1:10 Zoom [2] - 1:8, 9:8 ZOOM [1] - 2:1</p>

EXHIBIT 2

PUBLIC HEARING NOTICE, APPLICATION AND RELATED SUPPORTING MATERIALS

(ATTACHED)

V-05-21

Ad Cost: \$180.60

The Hinsdalean

One town. One paper.

Official Certificate of Publication as Required by
State Law and IPA By-Laws

Certificate of the Publisher

The Hinsdale Publishing Company certifies that it is the publisher of The Hinsdalean. The Hinsdalean is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City/Village of Hinsdale, County of DuPage, Township of Downers Grove, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published three times in The Hinsdalean, namely one time per week for three successive weeks. The first publication of the notice was made in the newspaper, dated and published on **April 29, 2021**, and the last publication of the notice was made in the newspaper dated and published on **April 29, 2021**. The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, the Hinsdale Publishing Company has signed this certificate by Jim Slonoff, its publisher, Hinsdale, Illinois, on **April 29, 2021**.

Hinsdale Publishing Company

By: Tina Wisniowicz

Publisher: Jim Slonoff

Village of Hinsdale
Attn: Accounts Payable
19 E. Chicago Avenue
Hinsdale, IL. 60521

VILLAGE OF HINSDALE NOTICE OF PUBLIC HEARING ZONING BOARD OF APPEALS

PUBLIC NOTICE IS HEREBY GIVEN to all persons that the Village of Hinsdale Zoning Board of Appeals shall conduct a public hearing electronically on Wednesday, May 19, 2021 at 6:30 p.m., for the purpose of considering an application filed with the Village for variations pursuant to the applicable provisions of the Hinsdale Zoning Code. Copies of the application, known as V-05/21 and the Zoning Code are on file with, and available for public inspection, during regular Village business hours in the Memorial Building.

This application requests relief from the minimum lot width requirement set forth in Section 3-110(C)(8) of the municipal code to subdivide the property into three buildable single-family lots. The applicant is requesting all other necessary and appropriate relief for the property commonly known as 218 West Ogden Avenue, Hinsdale, Illinois, and legally described as follows:

Permanent Index Numbers
09-01-117-001, 09-01-117-005, 09-01-117-006, 09-01-117-002

LOTS 1, 2, 10 AND 11 IN BLOCK 6 IN LANSING'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1891 AS DOCUMENT 45718, IN DUPAGE COUNTY, ILLINOIS

At said public hearing, the Zoning Board of Appeals shall accept all testimony and evidence pertaining to said application, and shall consider any and all possible zoning actions, the granting of any necessary special permits, variations, or other special approvals to the Zoning Code

8a

MEMORANDUM

TO: Chairman Neiman and Members of the Zoning Board of Appeals

FROM: Robert McGinnis MCP
Director of Community Development/Building Commissioner

DATE: April 13, 2021

RE: Zoning Variation – V-05-21; 218 W. Ogden Avenue

In this application for variation, the applicant requests relief from the minimum lot width requirement in the Code in order to subdivide the property into three buildable single family lots. The applicant intends to demolish the structures and associated improvements and subdivide the property into three parcels; one code compliant lot on Vine Street, one code compliant corner lot on Grant and Ogden, and one interior lot on Grant Street short of the minimum lot width requirement set forth in 3-110(C)(3).

The specific relief is for a reduction in minimum lot width for the interior lot from 70' to 63', for 7' of relief. It should be noted that the Zoning Board of Appeals (ZBA) has final authority on this request as it is within 10%. Should the ZBA grant the requested relief, the application will move on to the Plan Commission and Board of Trustees for consideration of the Subdivision Plat.

This property is located in the R-4 single-family zoning district in the Village of Hinsdale and is located on the south side of Ogden Avenue between Vine and Grant Street. The property has a frontage of approximately 106', a depth of approximately 353', and a total square footage of approximately 47,222. The maximum FAR is 20% +2,000 square feet or approximately 11,444 square feet. The maximum building coverage is 25% or approximately 11,805 square feet. The Total Lot Coverage is 50% or approximately 23,611 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-05-21



19 E. Chicago Avenue, Hinsdale, IL 60521

APPLICATION FOR VARIATION

COMPLETE APPLICATION CONSISTS OF (10) COPIES
(All materials to be collated)

FILING FEE: \$850.00

Name of Applicant(s): KAL DEVELOPMENT GROUP LLC

Shabbir Karimi, Manager and Abbas Al-Qamari, Manager

Address of Subject Property: 218 W. Ogden Avenue, Hinsdale, IL 60521

If Applicant is not property owner, Applicant's relationship to property owner:

FOR OFFICE USE ONLY

Date Received: 4/12/21 cc Zoning Calendar No. V-05.21

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION 1- NAME & CONTACT INFORMATION

1. **Owner.** Name, mailing address, telephone number and email address of owner:

Name: KAL DEVELOPMENT GROUP LLC

Address: 1835 Elmore Avenue, Downers Grove, IL 60515

Telephone: (630) 667-4428 email: shabbir@kaldevgroup.com

2. **Applicant.** Name, address, telephone number and email address of applicant, if different from owner:

Name: KAL DEVELOPMENT GROUP LLC

Address: 1835 Elmore Avenue, Downers Grove, IL 60515

Telephone: (630) 667-4428 email: shabbir@kaldevgroup.com

3. **Consultants.** Name and contact information (phone or email) of each professional consultant advising applicant with respect to this application:

a. Attorney: Peter Coules, Jr., Donatelli & Coules, Ltd. - peter@donatellicoules.com

b. Engineer: Brian Leprich, Engineering Resource Associates, Inc. - bleprich@eraconsultants.com

c. Architect: _____

d. Contractor: _____

e. Other: _____

4. **Trustee Disclosure.** In the case of a land trust provide the name, address, telephone number and email address of all trustees and beneficiaries of the trust:

Name: _____

Address: _____

Telephone: _____ email: _____

5. **Village Personnel.** Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

a. _____

b. _____

SECTION 2- REQUIRED DOCUMENTATION

1. **Subject Property.** Address, PIN Number, and legal description of the subject Property, use separate sheet for legal description, if necessary.
PIN Number: 09-01-117-001; 09-01-117-005; 09-01-117-006; 09-01-117-002
Address: 218 W. Ogden Avenue, Hinsdale, IL 60521
2. **Title.** Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.
3. **Neighboring Owners.** List showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
(Note: After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.)
4. **Survey.** Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
5. **Existing Zoning.** Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
6. **Conformity.** Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
7. **Zoning Standards.** Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. *(Section 4 of this application)*
8. **Successive Application.** In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

SECTION 3- ZONING RELIEF REQUESTED

1. **Ordinance Provision**. The specific provisions of the Zoning Ordinance from which a variation is sought: *(Attach separate sheet if additional space is needed.)*

See Attached.

2. **Variation Sought**. The precise variation being sought, the purpose therefore, and the specific feature or features of the proposed use, construction, or development that require a variation: *(Attach separate sheet if additional space is needed.)*

See Attached.

3. **Minimum Variation**. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: *(Attach separate sheet if additional space is needed.)*

See Attached.

SECTION 3- ZONING RELIEF REQUESTED

1. **Ordinance Provision.**

Sec. 3-110 (C)(3)(a) – Minimum Lot Area and Dimensions: Lot Width

2. **Variation Sought.**

The Applicant seeks a variation for a reduction of the minimum lot width for an interior lot in the R-4 Zoning District from 70' to 63'. The proposed lot would have a 67.99' lot width at the street, along Grant Street, and would have a 63' lot width at the property setback line. This 63' lot width at the building line is still greater than the average lot width of the four (4) lots to the south, along the same block on Grant Street, in which most houses are on 50' lots.

3. **Minimum Variation.**

The minimum variation of the lot width at the property setback that is necessary in order to achieve the desired zoning lots is a reduction of the 70' lot width requirement to 63'. Applicant is not seeking any additional variations beyond what is necessary to establish the new zoning lots.

**SECTION 4- STANDARDS FOR VARIATION
AS SET FORTH IN SECTION 11-503(F)
(Fence Applications – Section 5)**

Provide an explanation of the characteristics of the Subject Property that prevent compliance with the provisions of the Zoning Ordinance, and the specific facts you believe support the granting of the requested variation(s). In addition to your general explanation, you must specifically address each of the following conditions required for approval by the Zoning Board of Appeals. Attach a separate sheet of paper to your application marked Section 4 – Standards for Variation.

- (a) **Unique Physical Condition.** The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) **Denied Substantial Rights.** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (d) **Not Merely Special Privilege.** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
- (e) **Code and Plan Purposes.** The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

SECTION 4 - STANDARDS FOR VARIATION
AS SET FORTH IN SECTION 11-503(F)

Unique Physical Conditions.

The unique physical conditions of the subject property are the fact that Ogden Avenue is on an angle (also not excluded as a corner lot when homes are not oriented to face Ogden Avenue) and the width at the setback line is the issue and not at the street.

(a) Not-Self Created.

The Applicant purchased the property, which had previously been used for the Hinsdale Animal Hospital. Also the angle of Ogden Avenue creates an issue for the width at the building set back line.

(b) Denied Substantial Rights.

If the 70' lot width requirement is enforced and the variance not permitted, only one home can be built on Grant Street and that would be approximately three (3) times (most 50') the average lot on the block and would not be marketable and presently two (2) PIN's on Grant Street so contemplated to be two (2) homes on the subject property.

(c) Not Merely Special Privilege.

The Applicant is not seeking a special privilege in seeking the variance for a 63' lot width, as the four lots to the south have a lot width of approximately 50'.

(d) Code and Plan Purposes.

The Code and building requirements are intended to help preserve the housing types and residential character of the Village. The proposed variance would allow the Applicant to develop the lots in a manner which is consistent with the surrounding lots and help preserve the housing types and residential character of the area.

(e) Essential Character of the Area.

The variance sought by the Applicant would not have a detrimental effect on the essential character of the area or have a negative effect on the public welfare. Rather, the proposed variance will allow the Applicant to develop the property in a manner that is consistent with the essential character of the area, as Applicant will be developing single family residences, rather than the commercial use the property previously had (veterinary clinic), and will not only have a less intensive use and

noise, but will also increase the property taxes for the property, benefiting the Village and the community. Further, it should increase the value of the neighboring properties.

(f) **No Other Remedy.**

There is not another remedy which would allow the Applicant to develop two (2) lots along Grant Street without seeking a variance for one of the two lots. Applicant is seeking a variance of the interior lot in order to allow for the corner lot, which will be along Grant Street and Ogden Avenue, to have a greater lot width in order to provide a great buffer between the home and Ogden Avenue.

- (f) **Essential Character of the Area.** The variation would not result in a use or development of the Subject Property that:
- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
 - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - (3) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (4) Would unduly increase the danger of flood or fire; or
 - (5) Would unduly tax public utilities and facilities in the area; or
 - (6) Would endanger the public health or safety.
- (g) **No Other Remedy.** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.

<p style="text-align: center;">SECTION 5- STANDARDS FOR VARIATION – FENCES <i>AS SET FORTH IN SECTION 9-12-3(J)</i></p>

You must specifically address each of the following conditions required for approval of a fence by the Zoning Board of Appeals. Attach a separate sheet of paper to your application marked Section 5 – Standards for Variation - Fences.

- (a) Applicant is affected by unique circumstances which create a hardship justifying relief.
- (b) Will not alter the essential character of the locality.
- (c) Will be in harmony with the general purpose and intent of the code.
- (d) Will set no unfavorable precedent either to the locality or to the Village as a whole.
- (e) Will be the minimum necessary to afford relief to the applicant.
- (f) Will not adversely affect the public safety and general welfare.

6. STATEMENT OF CONFORMITY

The subject property is located within the R-4 Single Family Residential District within the Village. The Applicant seeks a variance pursuant to Section 11-503(E)(1)(a), which is a permitted variation in the R-4 Single Family Residential District. Therefore, granting the requested variations on the subject property would be in conformity with the Official Map and permissible under the Code.

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements.
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. If applicable, include any grading changes being proposed.

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE

1. **Application Fee and Escrow.** Every application must be accompanied by a non-refundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.
2. **Additional Escrow Requests.** Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.
3. **Establishment of Lien.** The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the application, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

By signing below, the owner or their authorized representative, states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.


Name of Applicant(s): KAL DEVELOPMENT GROUP LLC - Shabbir Karimi, Manager and Abbas Al-Qamari, Manager

Signature of Applicant:



Signature of Applicant:

Date: 04/12/2021

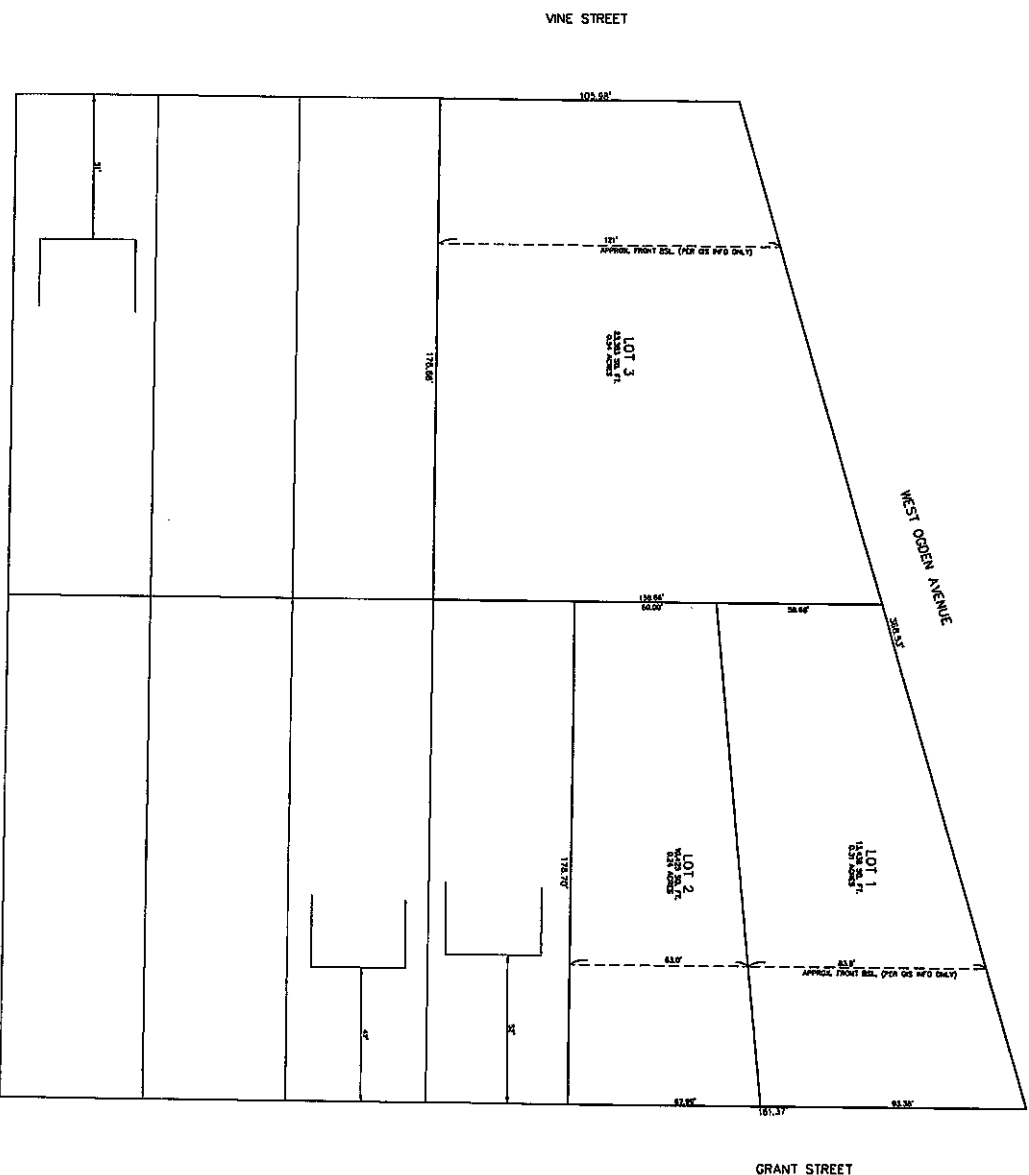

**Call before
you dig**
800.892.0123

DATE	DESCRIPTION	DATE	DESCRIPTION

SHEET NO. 1
 SHEET TOTAL 1
 PROJECT NO. 1
 PROJECT NAME
 PREPARED BY J.C.

ENGINEERING
RESOURCE ASSOCIATES
 3000 WEST AVENUE, SUITE 200
 CHICAGO, ILLINOIS 60658
 TEL: 312.333.3333
 FAX: 312.333.3333

SHAHEER KARIM
 PROFESSIONAL DESIGN FIRM NUMBER: 124-0018
CONCEPT PLAN-A
218 W. OGDEN AVENUE
HINSDALE, ILLINOIS
 SCALE: 1" = 20'
 SHEET 1 OF 1



[illegible]

SPECIAL WARRANTY DEED

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY ILLINOIS
03/10/2021 08:18 AM
RHSP
COUNTY TAX STAMP FEE 277.50
STATE TAX STAMP FEE 555.00

DOCUMENT # R2021-037978

Recording requested by, and
After recording return to:
Adnan Kagalwalla
KAL DEVELOPMENT GROUP LLC
1835 Elmore Avenue
Downers Grove, Illinois 60515

STATE OF ILLINOIS

§
§
§
§
§
§

KNOW ALL BY THESE PRESENTS:

COUNTY OF DUPAGE

THAT, ANTHONY T. KREMER, not individually, but solely as Trustee of the Anthony T. Kremer Trust dated January 15, 2003 ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration in hand paid to the undersigned by KAL DEVELOPMENT GROUP LLC, an Illinois limited liability company ("Grantee"), whose mailing address is 1835 Elmore Avenue, Downers Grove, Illinois 60515, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL, REMISE, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described on Schedule 1 attached hereto and made a part hereof for all purposes, together with all of Grantor's right, title and interest in and to the improvements and permanent fixtures situated thereon (collectively, "Property"); subject, however to the matters described on Schedule 2 attached hereto and made a part hereof for all purposes.

THE REMAINDER OF THIS PAGE WAS LEFT BLANK INTENTIONALLY.

TO HAVE AND TO HOLD, subject to the foregoing, the Property, together with all and singular the rights, hereditaments, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor but not otherwise.

EXECUTED this 5 day of March, 2021.

GRANTOR:

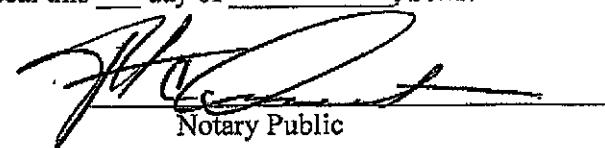
ANTHONY T. KREMER, not individually,
but solely as Trustee of the Anthony T.
Kremer Trust dated January 15, 2003

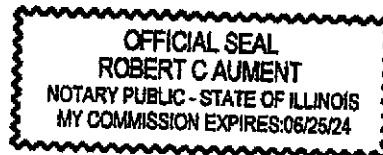
By: 

Anthony T. Kremer, Trustee

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Anthony T. Kremer, not individually, but solely as Trustee of the Anthony T. Kremer Trust dated January 15, 2003, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official notarial seal this 5 day of March, 2021.


Notary Public



SCHEDULE 1 TO DEED

LEGAL DESCRIPTION

Legal Description:

LOTS 1, 2, 10 AND 11 IN BLOCK 6 IN LANSING'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1891 AS DOCUMENT 45718, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-01-117-001; 09-01-117-005; 09-01-117-006; 09-01-117-002

218 W. Ogden Ave, Hinsdale IL 60521

SCHEDULE 2 TO DEED

EXCEPTIONS

[NOTE: TO BE FINALIZED UPON ISSUANCE OF PRO-FORMA.]

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
2. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
3. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
5. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
6. TAXES FOR THE YEAR 2020 AND 2021.
7. EXISTING UNRECORDED LEASES AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.
8. COVENANTS AND RESTRICTIONS CONTAINED IN AGREEMENT BETWEEN J.W. NEFF AND MARGUERITE NEFF, HIS WIFE, AS FOLLOWS: SAID LOT 11, AFORESAID, SHALL BE USED ONLY FOR AN ANIMAL HOSPITAL AND RESIDENT AND THAT IF, AT ANY TIME, THE USE OF SAID PREMISES AS AN ANIMAL HOSPITAL SHALL BE DISCONTINUED, THAT ALL RIGHT AND CLAIM OF RIGHT TO SAID PROPERTY FOR ANY NON-CONFORMING PURPOSE SHALL THEREUPON TERMINATE AND THE PROPERTY BECOME SUBJECT IN ALL RESPECTS TO THE PROVISIONS OF THE ZONING ORDINANCES OF THE VILLAGE OF HINSDALE THEN APPLICABLE TO THE DISTRICT IN WHICH SUCH PROPERTY MAY THEN BE LOCATED.

FINAL DECISION**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
PETITION FOR VARIATION**

Zoning Calendar: V-06-21

Petitioner: Kevin Keevil & Wendy Austin

Meeting held: The public hearing was held virtually on Wednesday, June 16, 2021 at 6:30 p.m., pursuant to a notice published in The Hinsdalean on May 20, 2021.

Premises Affected: Subject Property is commonly known as 20 Charleston Road, Hinsdale, Illinois and is legally described as:

Permanent Index Numbers 09-12-214-002 and 09-13-214-001
LOTS 12 & 13 IN CHANTICLEER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 25, 1962 AS DOCUMENT R62-24906, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the Interior Side Yard Setback set forth in section 3-110(D)(2)(b) of the Code in order to purchase the property located next door at 22 Charleston and consolidate the lots. The specific request is for 2.23' of relief.

The applicant in this case wants to purchase the vacant lot at 22 Charleston and consolidate it with the lot they currently own at 20 Charleston. Because the width of the 20 property would increase, the required side yard setbacks increase as well. Although the house is not moving on the 20 lot, the minimum side yard requirement would increase to 25.95'.

Facts: This property is located in the R-3 Single family Residential District in the Village of Hinsdale and is located on the south side of Charleston at the end of the block. Upon consolidation, the property will have a frontage of approximately 149.97', an average depth of approximately 222', and a total square footage of approximately 54,317. The maximum FAR is approximately 12,863 square feet, the maximum allowable building coverage is

25% or approximately 13,579 square feet, and the maximum lot coverage is 50% or 27,158 square feet.

Action of the Board: Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met, and recommended approval. A motion to approve the request was made by Member Giltner and seconded by Member Murphy.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Alesia

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

Filed this ____ day of _____, _____, with the office of the Building Commissioner.