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

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, November 17, 2021 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

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

Absent: Member John Podliska

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

3. APPROVAL OF MINUTES

a) **October 20, 2021**

There being no changes or corrections to the draft minutes, Member Giltner **moved to approve the draft minutes of October 20, 2021, as presented.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Podliska

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 the public hearing.

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

7. PRE-HEARING AND AGENDA SETTING

a) **V-08-21, 5515 and 5517 South Elm Street**

Mr. Matthew Klein, attorney representing the applicant, Mr. Alan Berger, addressed the Board. Mr. Klein stated that Mr. Berger owns two lots on Elm Street, each are about 17,000' foot lots. The zoning district requires 15,000' foot lots. Additionally, lots are required to be 70' feet wide, these lots are 60' feet wide. The Village believes the two lots are one zoning lot, his client

1 disagrees. The variance requested would reduce the required lot width to 60'
2 feet, and treat each lot as a legal non-conforming lot of record. He noted the
3 ZBA has limited authority in this matter, and the Village Board of Trustees would
4 have final approval of the request. Mr. Klein confirmed the lots on the same
5 side of Elm Street as the subject properties are 60' feet wide. On the opposite
6 side of the block, lots are permissible width, but smaller square footage on
7 many. Between 55th and 57th Streets about two thirds of the lots are legal non-
8 conforming lots of record on which a house can be rebuilt. The lots predate the
9 zoning code, but many homes have been rebuilt recently. The subject lots are
10 currently vacant. Member Moberly cautioned Mr. Klein that approval of a
11 request to subdivide a lot is an uphill climb, and Mr. Klein should focus on the
12 hardship aspect. Mr. Klein said he has had this argument with the Village for
13 many years, and the concept of legal non-conforming lots is unique to Hinsdale.
14 He described what he knows of the history of buildings on these properties, but
15 from the 1950's there has been one house on the lots. Mr. McGinnis said the
16 ZBA would have to grant 10' feet of relief for each underlying lot of record to
17 make them separate conforming lots of record. Mr. Klein believes this is a
18 matter of equity for the property owner.

19 Chairman Neiman asked Mr. Klein to be prepared to take the Board through
20 the approving criteria, and if possible demonstrate neighbor support.

21 The public hearing was set for the December meeting of the Zoning Board of
22 Appeals.

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24 **b) V-09-21, 332 and 328 North Oak Street**

25 Mr. Eric Johnson, architect representing the homeowners, Ms. Katelyn and Mr.
26 Blake Geoffrion, addressed the Board to request a variance to combine two lots
27 and build an addition on the existing home. Currently, the house conforms to
28 side yard requirements. If a variance is granted, the current home will not
29 conform to new larger side yard requirements. They are asking to maintain the
30 existing 5.85' foot side yard for the existing house. He noted the new addition
31 would expand north and potentially west, and clarified that the variance is
32 required not for the future addition, but because of the combining of the lots.
33 The combining of lots increases the width of the lot from 56' feet to 112' feet,
34 and as a result the side yards are recalculated. The new addition would not
35 encroach into the 12.2' foot new side yard requirement.

36 Chairman Neiman asked Mr. Johnson to be prepared to take the Board through
37 the approving criteria, and if possible demonstrate neighbor support.

38 The public hearing was set for the December meeting of the Zoning Board of
39 Appeals.

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41 **8. PUBLIC HEARING**

42 **a) V-07-21, 31 Blaine Street** *(A transcript of the following proceedings is no file*
43 *with the Village Clerk.)*

44 Chairman Neiman opened the public hearing. Mr. Sean Taylor and Ms. Janelle
45 Taylor addressed the Board. Mr. Taylor began by stating that the house was
46 built in 1893; their goal is to modernize the home and add a main bedroom on
47 the second floor with en suite above the existing first floor. The addition would

1 conform to the existing first floor. They are requesting relief from the side yard
2 vertical extension requirement. The house is currently 3.75' feet off the lot line,
3 and to build up, they need 2.25' feet of relief. He reviewed the following
4 criteria:

- 5 1 Unique physical condition: The existing structure was built within 3' feet of
6 the lot line at a time when it was allowable by code. They could tear it down,
7 but would prefer to keep it. They 'inherited' these restrictions.
- 8 2 Not self-created: The house was built this way when code allowed, they did
9 not alter the property.
- 10 3 Denied substantial rights: The code supports non-conforming extensions, it
11 is not feasible to tear it down and rebuild.
- 12 4 Not merely special privilege: They love the old home, but would like to make
13 it more usable. They would like laundry and bedrooms on the same floor to
14 create a normal primary suite that will last the test of time.
- 15 5 Essential character of the area: They will make the addition fit the historic
16 Robbins district. This would be more in keeping with the house,
17 aesthetically pleasing, and more becoming to the house and neighborhood
- 18 6 No other remedy: They looked at other options, including cutting into the
19 existing house, but would lose the functional space of their den. Otherwise,
20 they would have to go back into the property creating an unfortunate look
21 on the exterior. They don't want to upset the original four square aspect of
22 house. Economic factors were a problem, too.

23 Mr. Taylor referenced letters of support from the surrounding neighbors that
24 have been provided to the Board.

25 **Ms. Caitlin Klein, 34 S. Park**, addressed the Board stating she is the neighbor
26 directly next to the future addition, and is supportive of this request.

27 Member Lee pointed out that the property is not square with the property line
28 and a slightly larger relief might be necessary. Mr. Taylor said he understands,
29 and wondered if extra cushion should be added to the request.

30 Mr. McGinnis said the intent is to stack the addition over the existing first floor,
31 and the code instructions are that the variation should be limited to the minimum
32 relief needed. However, in this case it wouldn't hurt to increase the request
33 slightly for extra cushion. The Board agreed to increase the requested relief
34 from 2.25' feet to 2.75' feet in the event it should be necessary. The Clerk
35 confirmed that the language of the public notice allows for this type of
36 modification.

37 There were no further questions from the Board.

38 Member Murphy moved to **close the public hearing for V-07-21, 31 Blaine**
39 **Street**. Member Giltner seconded the motion.

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

42 **NAYS:** None

43 **ABSTAIN:** None

44 **ABSENT:** Member Podliska

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46 Motion carried.
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DELIBERATIONS

Member Moberly began deliberations stating he believes the Zoning Board of Appeals is sensitive to the considerations of historic homes, and this is a well thought out variation request. He agrees it is a good idea to request the minimum variance, and is in support of granting this variation. All other Board Members agree.

Chairman Neiman recounted a personal story about a friend of his who believes that inanimate objects have a soul, and following care and renovations over many years on Chairman Neiman's home, the friend remarked 'the house is now everything it always wanted to be'. Chairman Neiman commented the Taylors are undertaking a similar journey with their home on Blaine.

Member Moberly moved to **approve the variation known as V-07-21, 31 Blaine Street**. Member Murphy seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Podliska

Motion carried.

9. NEW BUSINESS – None

10. OLD BUSINESS – None

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Murphy made a motion to **adjourn the Zoning Board of Appeals of November 17, 2021**. Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Podliska

Motion carried.

Chairman Neiman declared the meeting adjourned at 7:11 p.m.

Christine M. Bruton

Approved: _____