

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
January 19, 2022**

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, January 19, 2022 at 6:30 p.m., roll call was taken.

2. ROLL CALL

Present electronically: Members Gary Moberly (*Due to technical difficulties, Member Moberly's audio was unavailable*), Joseph Alesia, Keith Giltner, Tom Murphy, Leslie Lee, John Podliska, and Chairman Bob Neiman

Absent: None

Also Present: Director of Community Development/Building Commissioner Robb McGinnis and Village Planner Bethany Salmon

3. APPROVAL OF MINUTES

a) **December 15, 2021**

There being no changes or corrections to the draft minutes, Member Podliska **moved to approve the draft minutes of December 15, 2021, as presented.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT

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

There being no changes or corrections to the draft Findings of Fact, Member Podliska **moved to approve the Findings of Fact for V-08-21, 5515 and 5517 South Elm Street, as presented.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

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

2 There being no changes or corrections to the draft Final Decision, Member Murphy
3 **moved to approve the Final Decision for V-09-21, 332 and 328 North Oak**
4 **Street, as presented.** Member Giltner seconded the motion.

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

7 **NAYS:** None

8 **ABSTAIN:** None

9 **ABSENT:** None

10
11 Motion carried.

12
13 **5. RECEIPT OF APPEARANCES – None**

14
15 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**
16 **PUBLIC COMMENT OF A GENERAL NATURE – None**

17
18 **7. PRE-HEARING AND AGENDA SETTING – None**

19
20 **8. PUBLIC HEARING**

21
22 **9. NEW BUSINESS**

23 a) **Discussion of Zoning Code**

24 Chairman Neiman introduced the matter explaining that the Village zoning code
25 can be challenging to interpret, and amendments are necessary to bring clarity. In
26 2009, the Village had hired a consultant to make suggestions for zoning code
27 improvements, reports were produced, but the project was shelved at the time.
28 Personally, he would like amendments written in plain English, so that
29 professionals, amateurs and the public can use the code.

30 Director of Community Development Robb McGinnis referenced the Camiros
31 report and the extensive work that had been done in conjunction with the Zoning
32 Re-write Task Force. He introduced Ms. Bethany Salmon, Village Planner, who
33 also deals with the reoccurring problems of the code. Ms. Salmon said she
34 repeatedly hears from applicants that they do not understand our zoning code, and
35 added it is written with a legal mind-set, instead of plain English. She added the
36 Camiros document is good resource, because it identifies issues including cross-
37 referencing, language, lack of tables and illustrations, and conflicting and unclear
38 definitions.

39 Chairman Neiman asked for Board input. Member Murphy suggested starting
40 with a narrative document that outlines those items that are easier to implement
41 and have less consequence, something less specific than a redline document.

42 Mr. McGinnis pointed out the Camiros document is not a wholesale rewrite of the
43 code, but focuses on removing the existing contradictions. He explained that it is
44 common for municipalities to use different sections of each others codes as they
45 might apply, and that 35 years ago, Hinsdale relied heavily on Highland Park's
46 zoning code. He believes the bulk zoning standards were written in response to
47 the tear down mentality of the time, resulting in many legal non-conforming lots.

48 With respect to a 'model' code, Ms. Salmon confirmed they exist, but they are not
49 tailored enough for the individual community.

1 Member Podliska asked if legal non-conforming lots of record are unique to
2 Hinsdale. Mr. McGinnis explained that in most towns the goal is to eliminate non-
3 conformities over time. However, in Hinsdale the bulk standards were designed
4 around the non-conformities. He added he gets calls every week from appraisers
5 to confirm if a house can be rebuilt on a legal non-conforming lot. It is unclear
6 whether the code was written with a vision for the future that lots would all be
7 bigger.

8 Discussion followed on the best and easiest way to proceed. Suggestions included
9 identifying another similar community that may have a better code example,
10 identifying the scope of the project, differentiating between controversial items,
11 and those that could be more easily addressed. Mr. McGinnis described the
12 process for advancing a text amendment to the zoning code. Ms. Salmon pointed
13 out there is new case law since 2009 that would need to be considered.

14 **Mr. Matt Bousquette, Hinsdale resident**, applauded the ZBA for this effort. He
15 acknowledged the project is daunting, but speaking from personal experience,
16 deconstructing the code would be helpful for residents. He believes the code is a
17 complex group of rules, written to deal with specific cases resulting in unintended
18 consequences creating cost and complexity for users. He believes the code
19 should explain why a rule exists, what is trying to be achieved, and why. The
20 language of the code is hard to read. Controversial changes should be reviewed
21 in a transparent, open way. With respect to the bulk zoning regulations, 83% of
22 the lots in the R1 do not conform. This seems inherently unfair. He added a
23 resident should not need a lawyer to show up before the ZBA for a side yard
24 setback.

25 Chairman Neiman stated he has concluded this will be more difficult than
26 anticipated. The Board agreed to let staff come up with next steps, identify and
27 organize the issues, and describe the problems and offer solutions.

28
29 **10. OLD BUSINESS – None**

30
31 **11. ADJOURNMENT**

32 With no further business before the Zoning Board of Appeals, Member Murphy made
33 a motion to **adjourn the Zoning Board of Appeals of January 19, 2022**. Member
34 Giltner seconded the motion.

35
36 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
37 Neiman

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** None

41
42 Motion carried.

43
44 Chairman Neiman declared the meeting adjourned at 8:02 p.m.

45
46
47
48 _____
49 Christine M. Bruton

Approved: _____