

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
April 20, 2022**

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, April 20, 2022 at 6:31 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

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

Absent: None

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

3. APPROVAL OF MINUTES

a) **February 16, 2022**

Member Murphy asked the Clerk to verify the contents of the minutes as there appears to be conflicting statements made by persons testifying on the matter of APP-01-22. The minutes will be brought back to the Board for approval at their meeting in May.

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 during these proceedings.

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-03-22, 933 South Grant Street**

Mr. John Green, civil engineer, and Mr. Nathan Lucht, applicant and homeowner, addressed the Board. Mr. Green stated the Village has ordinance requirements regulating the width of aprons for circular driveways. They are requesting relief from this requirement to increase the total width from the allowable 20' feet to 27' feet.

There are some large existing trees in front yard, the choices were either to cut down the trees, build a driveway much closer to the house where the existing landscaping beds are located, or for consideration by the ZBA, construct a small circular driveway on west side of the over-story trees. He explained that passenger automobiles need to begin their turning radii within the public right-of-way. He noted there is no discernable demarcation of public right-of-way,

1 there is no sidewalk. The total requested variation would be 7' feet. He pointed
2 out that on the southerly entrance of the apron, they can do a 20' foot width
3 total maximum, but not at the front lot line. They believe this proposal will
4 minimize impervious surface, preserve mature landscaping, minimize lot
5 coverage in the front yard, minimize stormwater run-off and preserve the
6 character of neighborhood. He also pointed out this is a dangerous location for
7 young children as there is significant traffic on 55th Street.

8 Member Podliska asked if all three trees would have to come down. Mr. Green
9 responded that only two would need to be removed. He said these are healthy
10 trees, and although the house is twelve years old, he suspects the trees are
11 older than the house. Discussion followed regarding the possible installation
12 of a sidewalk. Mr. Lucht said there is a sidewalk across the street from his
13 home. He said Grant Street runs into Hinsdale Central High School resulting
14 in significant bumper to bumper traffic. He explained that five of his children
15 will be driving within the next few years, and safety is the biggest concern. He
16 pointed out that only one other house on the block does not have a circular
17 driveway. Mr. McGinnis confirmed that if at some future time the Village should
18 install a sidewalk in this area, it would not impact this variation.

19 Chairman Neiman asked if there was somewhere in the front yard where a pad
20 could be installed for a three-point turn. Mr. McGinnis said this would require
21 a variation in the front yard, but it could be done by right in the back yard. Mr.
22 Lucht anticipates too many cars to use the existing driveway to turn around.
23 Discussion followed regarding alternative locations for a circular driveway.
24 Chairman Neiman asked the applicant to be prepared to review the approving
25 criteria at the public hearing.

26 The public hearing was set for the next meeting of the Zoning Board of Appeals
27 on May 18, 2022.

28 29 **8. PUBLIC HEARING**

30 a) **V-01-22, 527 – 541 Kensington Court Subdivision**

31 Chairman Neiman opened the public hearing. Mr. Dave Hellyer, Construction
32 Manager for J. Jordan Homes, Ms. Julie Laux, owner of J. Jordan Homes, and
33 Mr. Patrick Fortelka, architect, approached the podium.

34 Mr. Hellyer began asking the Board if they had any questions about the new
35 drawings that were provided since the pre-hearing. Chairman Neiman
36 commented the gate appears that light will get through. Mr. Hellyer confirmed
37 this is the case.

38 Member Giltner said he wants to understand generally what is being proposed,
39 and is trying to understand the hardship. Mr. Hellyer responded that they are
40 trying to block the Hinsdale Orthopedic parking lot, to create a sense of
41 community that does not feel like a business district. Mr. McGinnis added the
42 intention is to create a private street with private utilities and a gated entrance,
43 similar to Woodland Park Court across from KLM. He also noted that final
44 approval would be given by the Village Board of Trustees. They would consider
45 whether or not to permit the gated entrance, but as this will all be private
46 property, the ZBA has authority over the fence height variation. The Village
47 Board will consider the gate as a major adjustment to the site plan.

1 Ms. Laux reiterated the unusual location. They are trying to create a luxury
2 experience, in a somewhat non-residential area. This is an unusual
3 circumstance because no other residential area looks at a business the same
4 way. She believes the fence and gate are important to the viability of
5 neighborhood. She wants the gate, but the purchase of the property is
6 contingent on approval of the variance for fence height. In her opinion a
7 landscaping barrier is not economically viable. Mr. Hellyer added there is a
8 sense of security with a fence, as opposed to trees.

9 Member Podliska pointed out that the second floor windows will look at the
10 parking lot. Ms. Laux said the fence provides a compelling illusion. Mr.
11 Fortelka said solid fences are limited to two feet, for the closed portion of the
12 proposed fence they need 4' feet of relief, and for the open portion of the fence
13 they need 2' feet of relief.

14
15 Mr. Hellyer reviewed each of the approving criteria as follows:

16 Unique Physical Condition – created by the grade and proximity to a
17 commercial parking lot.

18 Not Self-Created – other high-end residential areas do not look at commercial
19 property, they are trying to work within the existing lot configuration and
20 location.

21 Denied Substantial Rights – they believe it is an implied right to look at
22 residential not commercial property.

23 Not Merely Special Privilege – they are trying to create the same perspective
24 as other properties in Hinsdale, meeting the standards expected in Hinsdale.

25 Code and Plan Purposes – these luxury code compliant houses will provide the
26 security and beauty expected in Hinsdale.

27 Essential Character of the Area – would not negatively impact the area in any
28 way

29 Chairman Neiman questioned whether a gated community is consistent with
30 Hinsdale. Mr. Hellyer said there is one in Hinsdale as a standard. Member
31 Podliska noted a Madison cul de sac with a similar layout that has no fencing
32 or gates. They do have a better view across the street, but he does not believe
33 the fence will fix this. Further, although there is a focus on security, he does
34 not agree that what is proposed is in character with the community or the
35 neighborhood. Ms. Laux pointed out that the other cul de sacs do not face a
36 commercial parking lot. This is an unusual location as there is commercial to
37 the west and a school to the north.

38 Mr. Fortelka explained these are small parcels, and tight by Hinsdale standards,
39 however, they are designed for empty nesters and include ground floor main
40 suites.

41 Member Giltner asked if there were meetings or approvals from the Plan
42 Commission or Village Board on this concept. Mr. McGinnis said this proposal
43 has not been contemplated by any other Board. The Kensington project was
44 platted and approved. The current seller is working to get the residential
45 properties sold. The Board would consider this proposal as a major adjustment.
46 Mr. Hellyer noted they have had no input from any neighbors, and Mr. Fortelka
47 reiterated this project would be an asset for the neighborhood.

1 Member Podliska moved to **close the public hearing for V-01-22, 527 – 541**
2 **Kensington Court Subdivision.** Member Moberly seconded the motion.

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

6 **NAYS:** None

7 **ABSTAIN:** None

8 **ABSENT:** None

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10 Motion carried.

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13 **DELIBERATIONS**
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15 Chairman Neiman began deliberations and asked for comments from the Board.
16 Member Podliska began stating that the parking lot across street is beyond the control
17 of the applicant and therefore not self-created. The need for a certain appearance or
18 security to market the homes is a special privilege. There is no reason why this wall
19 has to go up that is dictated by circumstances at the location, nor is he convinced a
20 fence will achieve the desired result. This would be a gated community, and he is
21 inclined to vote no.

22 Member Giltner said the gate is not typical and does not happen that often. His initial
23 response is this is a bit of a red flag, and agrees the high wall has a prison look.
24 However, the development is a good thing, so he is up in the air.

25 Member Moberly feels the proposed fence is out of character for the area. It would
26 be good for their clients, perhaps, but it does not address the look for the neighbors
27 who are already there. He believes other remedies are available, so he would not be
28 in favor.

29 Member Lee also believes there may be another remedy. She understands
30 landscaping is expensive, but so is a wall and a gate.

31 Member Murphy said he doesn't feel as strongly that the look is offensive, and accepts
32 the parking lot argument, but gated communities are few and far between. It seems
33 out of keeping with neighborhood.

34 Chairman Neiman asked if there is some background on the proposal; has there been
35 any discussion at the Plan Commission or the Village Board regarding fencing and a
36 gated community. Mr. McGinnis said there has been no other discussion by any other
37 Board or Commission.

38 Chairman Neiman wondered if there is any desire of the Board to allow the applicant
39 to continue their application and take into account what has been said to develop an
40 alternative plan. The Board agreed to this proposal.

41 Member Podliska moved to **reopen the public hearing for V-01-22, 527 – 541**
42 **Kensington Court Subdivision.** Member Giltner seconded the motion.

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

45 **NAYS:** None

46 **ABSTAIN:** None

47 **ABSENT:** None

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Motion carried.

Chairman Neiman asked Ms. Laux if she would like to continue this matter and bring this to the Board next month. She said she would and thanked the Board for the option to do so.

Member Giltner moved to **continue the public hearing for V-01-22, 527 – 541 Kensington Court Subdivision**. Member Podliska seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

a) **V-02-22, 307 South Lincoln Street**

Member Podliska asked to confirm the accurate floor area ratio (FAR) number. Mr. McGinnis said the as-built condition of the property is currently code compliant, and not over allowable FAR. The application asks for 353.71' square feet of additional FAR.

Mr. Scott Day, attorney representing the homeowners, addressed the Board. Also present is Mr. Bruce George, architect, and the homeowners, Nathan and Natalie Saegesser. Mr. Day explained this variation requests relief from Section 3-110 which sets forth allowable FAR in the R-4 residential district.

The subject property is a corner lot, and has front yard on Third Street, but is located on Lincoln Street. He referenced illustrations provided in the packet to show the one-story area between the garage and the home that is the proposed location for the second floor addition. He described the historic home built in 1894, that although it is 6,000' square foot home, it only includes three bedrooms in the main cluster. The inside floor plans are not designed for the current generation, and a four bedroom cluster is ideal for three children. The proposed design will enhance and maintain the fidelity of the current structure, and the variation request will preserve the residence and the architecture. He pointed out that the Village is currently looking hard at FAR and impact its impact on historic preservation. Although this is a parallel element, they are seeking a variation at this time.

The hardship is related to the interior of the home, the three bedroom configuration does not work for this family. This is not self-created as they are respectful of historic preservation, but would like a livable floor plan. Whether or not they would be denied their substantial rights is a judgement decision of the Board. It is not merely special privilege to create a family friendly fourth floor sleeping cluster. This will not result in a use that isn't in harmony with the code or its intent. He believes this is an appropriate circumstance to grant this variance.

Member Podliska suggested if the goal is to have the children and parents on the same floor, maybe the third floor would work. Mr. Day explained the third

1 floor rooms are compromised as it is a converted attic, with the limitations of
2 ceiling height and dormers.

3 Ms. Lee asked about any other remedy. Mr. George said the separation of the
4 spaces is a problem even though there is good square footage. The second
5 floor is limited, with a detached second floor addition. As the current structure
6 is maxed out on FAR the only solution would be to tear down a portion of the
7 coach house and add that FAR to the house. There would be a way to do this,
8 but it is not economically feasible. Discussion followed.

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10 Member Podliska moved **to close the public hearing for V-02-22, 307 South**
11 **Lincoln Street.** Member Giltner seconded the motion.

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

15 **NAYS:** None

16 **ABSTAIN:** None

17 **ABSENT:** None

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19 Motion carried.
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22 DELIBERATIONS

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24 Member Moberly began discussion stating he would be in favor of this request, and
25 believes the applicant has made their case. He believes the addition looks nicer than
26 the current property, and added this Board is sensitive to historic preservation.
27 Member Podliska stated he would be in favor, as the ceiling issues on the third floor
28 eliminate it as a viable alternative. Member Giltner stated he is in favor of an
29 improvement to a house of this age and character. Member Lee agrees, this is
30 centralized to this property, and does not negatively impact the neighbors.

31 Member Murphy pointed out this is already a six bedroom house, and expressed
32 concern about setting precedent going over allowable floor area ratio. Member
33 Moberly said he thought about that, too, but the footprint of the house remains the
34 same. If the applicant wanted to expand into the yard he would be opposed. Member
35 Podliska agrees with that argument.

36 Chairman Neiman agrees Member Murphy's concern is valid, but the fact that the
37 proposed addition is confined to the existing building, and understanding the odd
38 configurations of old houses, this seems like an ideal solution to an antiquated floor
39 plan.
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41 Member Podliska moved to **recommend approval to the Village Board of V-02-22,**
42 **307 South Lincoln Street.** Member Moberly seconded the motion.

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

45 **NAYS:** None

46 **ABSTAIN:** None

47 **ABSENT:** None

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Motion carried.

9. NEW BUSINESS – None

10. OLD BUSINESS – None

Member Giltner asked if APP-01-22, 110 East Ogden Avenue will be before the Board next month, and will there be anything new. Mr. McGinnis explained it is too early to say. The Village sent a letter to the property owner regarding the need for a major adjustment, and that no occupancy permit will be issued until that is done. He is not aware of any communication between the parties, but there is still time as the project will not be ready for occupancy very soon.

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Podliska made a motion to **adjourn the Zoning Board of Appeals of April 20, 2022.** Member Moberly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Neiman declared the meeting adjourned at 8:17 p.m.

Christine M. Bruton

Approved: _____