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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
June 15, 2022**

**1. CALL TO ORDER**

Vice-Chairman Keith Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, June 15, 2022 at 6:33 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

As Chairman Neiman is unable to attend this meeting, Village Clerk Christine Bruton asked for a **motion and a second to appoint Member Keith Giltner Chairman Pro Tem for tonight's proceedings**. So moved by Member Murphy, seconded by Member Moberly. Voice vote taken, all in favor, motion carried.

Chairman Pro Tem Giltner welcomed Mr. Gannon O'Brien as a new member to the Zoning Board of Appeals.

**2. ROLL CALL**

**Present:** Chairman Pro Tem Keith Giltner, Members Gary Moberly, Gannon O'Brien, Tom Murphy, Leslie Lee, and John Podliska

**Absent:** Chairman Neiman

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

**3. APPROVAL OF MINUTES**

a) **May 18, 2022**

Following changes to the draft minutes, Member Podliska **moved to approve the minutes of May 18, 2022, as amended**. Member Lee seconded the motion.

**AYES:** Members Moberly, O'Brien, Murphy, Lee, Podliska, and Chairman Pro-Tem Giltner

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Chairman Neiman

Motion carried.

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

**5. RECEIPT OF APPEARANCES**

Court Reporter Kathy Bono administered the oath to all persons intending to speak at these proceedings.

1 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**  
2 **PUBLIC COMMENT OF A GENERAL NATURE**

3 **Mr. Greg Peters of 118 Fuller Road**, addressed the Board to refute a remark  
4 made by Dr. Cara Hartman, owner of 110 E. Ogden Avenue, at the May 18 meeting  
5 of the ZBA. She believes that Mr. Peters indicated he would attend meetings of  
6 the Plan Commission, but did not.

7 He explained that he stands by his neighbors on Fuller Road that border Dr.  
8 Hartman's business with respect to the screening between her property and theirs.  
9 The neighbors are concerned about safety, screening, and noise. He described  
10 his contact with Village staff on these matters.

11 He hopes there will be a continuation of a fence and proper dense screening.

12 Chairman Pro Tem Giltner explained there is a status meeting next month, and  
13 invited Mr. Peters to attend.

14  
15 **7. PRE-HEARING AND AGENDA SETTING – None**

16  
17 **8. PUBLIC HEARING**

18 Chairman Pro Tem Giltner explained to those persons whose public hearing is  
19 scheduled, that we have only six members present tonight, and offered them the  
20 option to defer if they would prefer a full Board. Member Gannon confirmed that  
21 he has taken the time to read the minutes and watch all the videos on these  
22 matters. He is fully abreast of each case and will be happy to vote on either matter.  
23 Representatives for each public hearing elected to continue.

24  
25 a) **V-03-22, 933 South Grant Street**

26 Chairman Pro Tem Giltner opened the public hearing. Mr. Nathan Lucht,  
27 property owner and applicant, addressed the Board. He explained that in order  
28 to install a circular driveway on his property, he needs 7' feet of relief from the  
29 code maximum of 20' feet. He is making this request to address the safety  
30 issue on Grant Street by Hinsdale Central High School. He described the  
31 intense traffic in this area, stating that backing out of their driveway is often  
32 impossible at certain times of the day. He noted that at the pre-hearing it was  
33 suggested that he was looking to solve a parking issue because of the number  
34 of drivers in his household, but this is not the case. There are three full grown  
35 trees that limit the location of a circular driveway, and there is no on street  
36 parking on either side of Grant Street.

37 Of the seven standards necessary to approve a variation, he specifically  
38 addressed the three that most concerned the Board at the pre-hearing.

39 1. **Not merely special privilege:** He wants to correct the safety issue that  
40 exists when pulling out of his driveway. There are seven other homes on  
41 his block that already have circular driveways. He provided the Board with  
42 a handout from the University of Minnesota to illustrate the statistical  
43 dangers of backing up. He also provided a letter from his neighbor to the  
44 north in support of this request.

45 2. **No other remedy:** The only other remedy is to push the driveway closer to  
46 the house and garage, but this will increase the amount of concrete, reduce  
47 the grass, and tear up his stone sidewalk and landscaping.



1 directly across the street. His client, based on Board input, has reduced the  
2 solid portion of the fence to approximately 25-30' feet facing Monroe on either  
3 side of the driveway gate. The fence then transitions to an open 6' foot fence.  
4 They are not seeking a special privilege because they only want to provide the  
5 homeowners an appropriate suburban residential view similar to that of most  
6 other Hinsdale residents. The materials used are those used in most of the  
7 homes in Hinsdale.

8 This is in harmony with the code and fence ordinance, as it is consistent with  
9 architectural designs in a suburban community such as Hinsdale, and will not  
10 impair the values of other homes in the area. The brick fence could be softened  
11 with some landscaping.

12 There is no other remedy but the four feet of additional height on the brick fence  
13 to provide appropriate screening of the parking lot. They don't believe that  
14 landscaping is the answer because different plants might not survive.

15 With respect to the fence standards it is, again, the unique physical condition  
16 of the property, and the hardship is the owners views looking at commercial  
17 property. They do not believe this will create any unfavorable precedent. When  
18 asked why a brick fence is preferable to landscaping, Ms. Laux explained they  
19 always use a layered approach, so even with a fence there will be plantings in  
20 front of the fence. The fence is a more consistent look. Member Podliska noted  
21 that landscaping can grow taller than the fence, and possibly provide a better  
22 barrier for residents, especially from their second story windows. Discussion  
23 followed regarding the fence and the gate. Ms. Laux contends that her plan is  
24 good for the Village, and she will beautify the neighborhood with this  
25 development. She believes people are moving out of the Village to find this  
26 type of property. There is no other eight lot situation in Hinsdale like this.  
27 Discussion followed regarding property development in Hinsdale.

28  
29 Member Podliska moved to **close the public hearing for V-01-22, 527 – 541**  
30 **Kensington Court Subdivision**. Member Murphy seconded the motion.

31  
32 **AYES:** Members Moberly, O'Brien, Murphy, Lee, Podliska, and Chairman Pro-  
33 Tem Giltner

34 **NAYS:** None

35 **ABSTAIN:** None

36 **ABSENT:** Chairman Neiman

37  
38 Motion carried.

## 39 40 **DELIBERATION**

41  
42 Member Murphy began discussion stating he believes this variation should be  
43 approved otherwise these properties will sit vacant, and will become an eyesore. He  
44 believes this is minor concession, and is not worried about precedent. He believes  
45 the project is a good idea, and looks good. He also noted that the ZBA is not the last  
46 decision on the property anyway, the Village Board can decide not to do it. Mr.  
47 McGinnis added that Village Board may decide to refer it to the Plan Commission for

1 further review as well. Member Podliska agreed those are effective arguments, but  
2 all the conditions for approval of a variance have to be met for approval. He stated  
3 it is a unique physical condition and it is not self-created in terms of the parking lot  
4 across the street, but when you shift over to the security issue, there is the problem  
5 of whether this is going to be a compound, and then it is matter of special privilege.  
6 He believes a wrought iron fence with border evergreens is sufficient to address the  
7 visual barrier concerns, and would be more inviting to the homeowners and the  
8 neighborhood than a 6' foot brick wall. He does not believe the petitioner has carried  
9 the burden to show there is not another remedy.

10 Member Moberly commented the gate is much improved, but the wall in front is a  
11 problem. He, too, agrees that really dense evergreens is preferable to a wall.

12 Member Gannon asked for confirmation that this is a recommendation only to the  
13 Village Board. Mr. McGinnis confirmed, and added the ZBA has final authority over  
14 the increase in height of the wall.

15 Chairman Pro Tem Giltner believes a 6' foot white brick wall is very imposing, and he  
16 believes there are other alternatives. Additionally, he thinks it is outside the character  
17 of area. There is nothing like this in the Village, and even if it is one-off, it is going to  
18 stick out.

19 Member Gannon pointed out the renderings illustrate the great view into the property,  
20 but does not illustrate the view from the inside out. He is concerned a 6' foot wall will  
21 not obscure the view as much as anticipated.

22 Member Lee has no issue with the proposal, the applicant has made concessions,  
23 and she understands the gate needs something to open out to. She drives down  
24 Monroe every day, and understands this property is unique. There is nothing else  
25 like this in our town, and it would be great to have someone with a wonderful  
26 reputation improve the property.

27 There being no more comments, Member Murphy moved to **approve the variation**  
28 **known as V-01-22, 527 – 541 Kensington Court Subdivision. Member Moberly**  
29 **seconded the motion.**

30  
31 Chairman Pro Tem Giltner said the Board can either vote yes or no, but wondered  
32 about options or conditions. Mr. McGinnis confirmed the Board can modify the  
33 request, and approve the variation with conditions. He also explained that if this  
34 variation is denied, the applicant would have to wait two years to reapply, and then  
35 only if the application was significantly different.

36 The motion on the table was withdrawn, and Member Murphy moved **to reopen the**  
37 **public hearing.** Member Lee seconded the motion. Voice vote taken, all in favor,  
38 motion carried.

39  
40 **The Public Hearing continued as follows:**

41  
42 The Board discussed the specifics of the wall proposed and the necessary variation  
43 for height as dependent on the material used for the fence. They differentiated  
44 between the section of fence necessary for the gate, and the remaining fence as  
45 proposed.

46 Member Podliska moved to **grant a partial variance for the 6' foot brick wall**  
47 **adjoining the gate.** Member O'Brien seconded the motion.

1  
2 **AYES:** Members Moberly, O'Brien, Murphy, Lee, Podliska, and Chairman Pro-  
3 Tem Giltner

4 **NAYS:** None

5 **ABSTAIN:** None

6 **ABSENT:** Chairman Neiman  
7

8 Motion carried.  
9

10 Member Murphy moved to **grant a variance for a 6' foot tall open fencing for**  
11 **the balance of the proposed fence, that does not support the gate..**  
12 Member Lee seconded the motion.  
13

14 Discussion followed regarding the height of this portion of the fence. Member  
15 Podliska pointed out a 4' foot fence would not require a variation, and he would  
16 still encourage border evergreens that could grow as tall as 12' feet.  
17

18 **AYES:** Members O'Brien, Murphy and Lee

19 **NAYS:** Members Moberly, Podliska and Chairman Pro-Tem Giltner

20 **ABSTAIN:** None

21 **ABSENT:** Chairman Neiman  
22

23 Motion denied.  
24

25 **9. NEW BUSINESS** – None  
26

27 **10. OLD BUSINESS** – None  
28

29 **11. ADJOURNMENT**

30 With no further business before the Zoning Board of Appeals, Member Podliska  
31 made a motion to **adjourn the Zoning Board of Appeals of June 15, 2022.**  
32 Member Lee seconded the motion.  
33

34 **AYES:** Members Moberly, O'Brien, Murphy, Lee, Podliska, and Chairman Pro-Tem  
35 Giltner

36 **NAYS:** None

37 **ABSTAIN:** None

38 **ABSENT:** Chairman Neiman  
39

40 Motion carried.  
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42 Chairman Pro Tem Giltner declared the meeting adjourned at 8:08 p.m.  
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46 \_\_\_\_\_  
47 Christine M. Bruton

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