



MEETING AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, July 20, 2022

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 15, 2022
4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT
 - a) V-03-22, 933 South Grant Street
 - b) V-01-22, 527 – 541 Kensington Court Subdivision
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
 - a) APP-01-22, 110 East Ogden Avenue - Status
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 15, 2022

1
2
3
4
5
6 **1. CALL TO ORDER**

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

10
11 As Chairman Neiman is unable to attend this meeting, Village Clerk Christine
12 Bruton asked for a **motion and a second to appoint Member Keith Giltner**
13 **Chairman Pro Tem for tonight's proceedings**. So moved by Member Murphy,
14 seconded by Member Moberly. Voice vote taken, all in favor, motion carried.
15

16 Chairman Pro Tem Giltner welcomed Mr. Gannon O'Brien as a new member to the
17 Zoning Board of Appeals.
18

19 **2. ROLL CALL**

20 **Present:** Chairman Pro Tem Keith Giltner, Members Gary Moberly, Gannon
21 O'Brien, Tom Murphy, Leslie Lee, and John Podliska
22

23 **Absent:** Chairman Neiman
24

25 **Also Present:** Village Attorney Michael Marrs, Director of Community
26 Development/Building Commissioner Robb McGinnis and Village Clerk Christine
27 Bruton
28

29 **3. APPROVAL OF MINUTES**

30 a) **May 18, 2022**

31 Following changes to the draft minutes, Member Podliska **moved to approve**
32 **the minutes of May 18, 2022, as amended**. Member Lee seconded the
33 motion.
34

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

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** Chairman Neiman
40

41 Motion carried.
42

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

44
45 **5. RECEIPT OF APPEARANCES**

46 Court Reporter Kathy Bono administered the oath to all persons intending to speak
47 at these proceedings.
48

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 boarder 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.

3. **Essential character of area:** With respect to congestion, this will decrease congestion because pulling out straight will be more efficient, it will improve public safety and reduce the risk of traffic accidents.

There being no further questions for the applicant, Member Moberly moved to **close the public hearing for V-03-22, 933 South Grant Street**. Member Podliska 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.

DELIBERATION

Member Moberly began deliberation stating he is okay with the request. He checked the traffic yesterday at 5:00 p.m. and agrees it is significant. He believes this request meets the approving standards no matter how many cars they have.

Member Podliska agrees, noting the unique physical condition, and that this situation is not self-created.

Chairman Pro Tem Giltner added as there is no parking on Grant Street, family and visitors would be required to back out. This speaks to the matter of safety.

Member Moberly moved to **approve the variation request known as V-03-22, 933 South Grant Street**. 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.

b) V-01-22, 527 – 541 Kensington Court Subdivision

Ms. Julie Laux, applicant, and her attorney Mr. Tom Jackson, addressed the Board. Ms. Laux noted that they have adjusted their design following suggestions from the Board. Most notably, the gate is now an 'open' design. She still needs relief on the height of the walls adjacent to the gate. She believes the main consideration for approval is that residents would look at an unattractive commercial property.

Mr. Tom Jackson noted that the conditions for approval are in the application, but he wants to address some of the more critical items, and the issues raised by the Board. With respect to unique condition, unlike most Hinsdale residents, these residents would have an unattractive view of a commercial parking lot

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 are only want to provide
5 the homeowners an appropriate suburban residential view similar to what 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
21 argued that landscaping can grow taller than the fence, and possibly provide a
22 better barrier for residents, especially from their second story windows.
23 Discussion followed regarding the fence and the gate. Ms. Laux contends that
24 her plan is 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.
41

42 Chairman Pro Tem Giltner declared the meeting adjourned at 8:08 p.m.
43
44
45

46 _____
47 Christine M. Bruton

Approved: _____

FINAL DECISION

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

Zoning Calendar: V-03-22

Petitioner: Nathan Lucht

Meeting held: Public Hearing was held virtually on Wednesday, June 15, 2022 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 February 24, 2022.

Premises Affected: Subject Property is commonly known as 933 S. Grant Street, Hinsdale, Illinois and is legally described as:

Permanent Index Numbers 09-12-321-005

THE WEST 154.42 FEET OF THE NORTH 120 FEET OF LOT 10 IN T. H. AND R. W. WILLIS' ADDITION TO HINSDALE, A SUBDIVISION OF THE EAST 1398.54 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the driveway width requirements set forth in section 9-104(F)(3)(C) of the Code in order to construct a circular driveway. The specific request is for an increase of 7' over the 20' permitted by code.

Facts: This property is a non-conforming lot located in the R-2 Residential District in the Village of Hinsdale and is located on the east side of Grant Street between Ninth Street and 55th. The property is approximately 120'x154.42' for approximately 18,530 square feet of lot area. The maximum permitted lot coverage is 50% or 9,265sf., the existing lot coverage is 6,840sf., and the proposed lot coverage is 7,307sf.

Action of the Board: Members discussed the request and agreed that the standards for variation had been met primarily due to the location of the existing driveway and the proximity to the intersection at Grant and 55th Street and the similar nature of previous approvals. A motion to approve the request was made by Member Moberly and seconded by Member Lee.

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

NAYS: None

ABSTAIN: None

ABSENT: Chairman Neiman

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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

FINAL DECISION

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

Zoning Calendar: V-01-22

Petitioner: J Jordan Homes LLC

Meeting held: Public Hearing was held virtually on Wednesday, June 15, 2022 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 February 24, 2022.

Premises Affected: Subject Property is commonly known as 527&541 Kensington Court, Hinsdale, Illinois and is legally described as:

Permanent Index Numbers 09-02-213-001 and 09-02-405-030
LOTS 2 AND 9 IN THE KENSINGTON SUBDIVISION BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THRID PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the fence requirements set forth in 9-12-3 and 7-1D-4 of the municipal code in order to construct a 6' solid fence in the corner side yard on lots 9 & 2 in the Kensington Court Subdivision.

Facts: This property is located in the R-4 Single Family Residential District in the Village of Hinsdale and is located on the east side of Monroe Street between Ogden Avenue and North Street. The lots each have a frontage of approximately 80.50', an average depth of approximately 129', and a total square footage of approximately 10,384. The maximum FAR is approximately 3,692 square feet, the maximum allowable building coverage is 25% or approximately 2,596 square feet, and the maximum lot coverage is 50% or 5,192 square feet.

Action of the Board: Members discussed the request and agreed that the standards for variation from 9-12-3 and 7-1D-4 of the Municipal Code had been met in part. A motion to approve the request to install a 6' tall wall running parallel to either side of the open 6' gate was made by Member Podliska and seconded by Member O'Brien.

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

NAYS: None
ABSTAIN: None
ABSENT: Chairman Neiman

Discussion then turned to the balance of the fence and whether it was appropriate to have something taller than 4' in the corner side yard. A motion to approve a 6' tall fence was made by Member Podliska and seconded by Member Moberly.

AYES: Members O'Brien, Murphy, Lee
NAYS: Members Moberly, Podliska, Chairman Pro Tem Giltner
ABSTAIN: None
ABSENT: Chairman Neiman

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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