



MEETING AGENDA

ZONING BOARD OF APPEALS
WEDNESDAY, November 16, 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) September 21, 2022
- 4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT**
 - a) V-05-22, 714 South Madison
- 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.

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VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
September 21, 2022

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Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, September 21, 2022 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

1. ROLL CALL

Present: Chairman Bob Neiman, Members Gary Moberly, Gannon O'Brien, Keith Giltner, Tom Murphy, and Leslie Lee

Absent: John Podliska

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

2. APPROVAL OF MINUTES

a) August 17, 2022

Following a correction to the draft minutes, Member Giltner moved to **approve the minutes of August 17, 2022, as amended.** Member Murphy seconded the motion.

AYES: Members Moberly, O'Brien, Giltner, Murphy, Lee, and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Member Podliska

Motion carried.

3. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT – None

4. RECEIPT OF APPEARANCES

Court Reporter Kathy Bono administered the oath to all persons intending to testify before the Board.

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

6. PRE-HEARING AND AGENDA SETTING – None

7. PUBLIC HEARING

a) V-05-22, 714 South Madison Street

Mr. Patrick McGinnis, attorney representing the homeowners, Kevin and Caroline Wolff approached the podium.

1 Chairman Neiman reminded the Board that this matter will go to the Village
2 Board for final approval and requires four affirmative votes from the Zoning
3 Board to move forward. Due to the absence of one the members, Chairman
4 Neiman asked Mr. McGinnis if his client wanted to proceed this evening.

5 Mr. McGinnis confirmed that they wanted to continue this evening. He then
6 proceeded to explain that they are seeking a variance from the floor area ratio
7 (FAR) and building coverage requirements of the zoning code in order to
8 construct a two car-garage. The Wolff's purchased the property in 2019. There
9 was no garage on the property at that time, and historic records of the Village
10 indicate there has never been a garage on the property.

11 The property is located in the R4 zoning district, there is a gravel parking pad
12 where the garage will be located, and it will face into the property instead of the
13 alley to allow paving for kids to play, additional parking, and safer access to the
14 garage. They plan to build the smallest two-car garage possible at 21' by 21'.
15 This will result in overage of 152.75' square feet of building coverage, or 9.77%.
16 The increase in FAR will be 22.56' square feet over allowable, or less than 1%.
17 He explained how this variation request meets all the standards for approval in
18 that the property is unique, as it has never had a garage, it is not self-created,
19 and they are seeking the smallest variations possible. No approving the
20 request will deny them their substantial rights. If there had been a two-car
21 garage on the property that was demolished, they would be able to re-build by
22 right. They are not seeking special privilege, only what other property owners
23 enjoy in the area. The proposal is consistent with code and plan purposes, and
24 the characteristics of the area. There is no other remedy that would allow them
25 to put up a two-car garage.

26
27 Member Murphy asked if this was properly noticed. Mr. McGinnis said it was,
28 by certified mail, and there was no response from any neighbors. He noted
29 that most of the lots with two-car garages on the block are the same size as
30 this one. Mr. Wolff confirmed there were no concerns from the immediate
31 neighbors

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33 Member Giltner moved **to close the public hearing for the matter known as**
34 **V-05-22, 714 South Madison Street.** Member O'Brien seconded the motion.

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36 **AYES:** Members Moberly, O'Brien, Giltner, Murphy, Lee, and Chairman
37 Neiman

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** Member Podliska

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42 Motion carried.

43 44 45 **DELIBERATIONS**

46
47 Member Moberly began deliberations stating he is okay with this request as it aligns
48 with the standards for approval and is a reasonable and fair request for this property.

1 He would recommend approval to the Village Board. All other Board members
2 agreed, although Member Murphy said he is a little concerned about the FAR, but
3 less concerned because this is a garage, as opposed to an addition to an already
4 large home.

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6 Member O'Brien moved to recommend approval by the Village Board of the
7 variations requested in V-05-22, 714 South Madison Street. Member Lee
8 seconded the motion.

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10 **AYES:** Members Moberly, O'Brien, Giltner, Murphy, Lee, and Chairman Neiman

11 **NAYS:** None

12 **ABSTAIN:** None

13 **ABSENT:** Member Podliska

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15 Motion carried.

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17 **8. NEW BUSINESS – None**

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19 **9. OLD BUSINESS**

20 Member Moberly asked about the Ogden Avenue matter. Mr. Robb McGinnis
21 noted the matter is up for status in October, and it is hoped that a draft plan and
22 an application will be before the Village Board in advance of the October meeting
23 of the Zoning Board.

24
25 **10. ADJOURNMENT**

26 With no further business before the Zoning Board of Appeals, Member Podliska
27 made a motion to **adjourn the Zoning Board of Appeals of September 21, 2022.**
28 Member Murphy seconded the motion.

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30 **AYES:** Members Moberly, O'Brien, Giltner, Murphy, Lee, and Chairman
31 Neiman

32 **NAYS:** None

33 **ABSTAIN:** None

34 **ABSENT:** Member Podliska

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36 Motion carried.

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39 Chairman Neiman declared the meeting adjourned at 6:45 p.m.

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43 _____
44 Christine M. Bruton

45 Approved: _____

**FINDINGS OF FACT AND RECOMMENDATION OF THE
VILLAGE OF HINSDALE ZONING BOARD OF APPEALS TO
THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES**

ZONING CASE NO: V-05-22

PETITIONER: Kevin and Caroline Wolff.

APPLICATION: For a Variation from the floor area ratio requirements set forth in Section 3-110(E)(1) of the Zoning Code of the Village of Hinsdale ("Zoning Code") and the maximum building coverage limitations set forth in Section 3-110(F)(1) of the Zoning Code, in order to add a detached two-car garage to an existing residence located at 714 S. Madison Street, Hinsdale, Illinois.

MEETING HELD: A Public Hearing was held on Wednesday, September 21, 2022, in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on August 25, 2022.

PROPERTY: The subject property is commonly known as 714 S. Madison Street, Hinsdale, Illinois (the "Property") and is legally described in Exhibit A attached hereto and made a part hereof.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Petitioners Kevin and Caroline Wolff (collectively, the "Applicants") for a variation from the floor area ratio (FAR) requirements set forth in Section 3-110(E)(1) and the maximum building coverage limitations set forth in Section 3-110(F)(1) of the Zoning Code (the "Requested Variations") in order to add a detached two-car garage to their home located on the Property.

The Property is a conforming lot located in the R-4 Residential District in the Village of Hinsdale and is located near the southwest corner of 7th and Madison. The property is approximately 50' x 125' for approximately 6,250 square feet of lot area. The maximum permitted Floor Area Ratio ("FAR") is 2,800 sf. and the existing FAR is approximately 2,602.06 sf. The Applicants seek the first of the two Requested Variations to increase the FAR by 220.5 square feet, resulting in a FAR that is 22.56 square feet over the maximum FAR.

Additionally, the maximum building coverage is 1,562.5 square feet. The existing maximum building coverage is approximately 1,384.5 square feet. The Applicants seek the second of the two Requested Variations to increase the maximum building coverage by 330.75 square feet, resulting in a maximum building coverage that is 152.75 square feet over the allowed maximum building coverage.

The Board of Trustees, upon a recommendation from the Zoning Board of Appeals of the Village of Hinsdale ("ZBA"), has final authority over the Requested Variations.

The Requested Variations are described in more detail in the Application, a copy of which is attached hereto as **Exhibit B** and made a part hereof.

On September 21, 2022, following the conclusion of the public hearing on this matter, the ZBA recommended its approval of the Requested Variations on a unanimous vote of six (6) in favor and zero (0) opposed, and directed the preparation of this Findings and Recommendation.

PUBLIC HEARING: At the public hearing on the Requested Variations, Owner's representative Patrick McGinnis testified on behalf of the Applicants. He explained the history of the home and described the proposed detached two-car garage addition. Mr. McGinnis addressed the issue of hardship in this matter. He noted that the Property has never had a garage and how other properties in the neighborhood have two-car garages. The subject property currently has a gravel parking pad where the garage would be placed. Mr. McGinnis addressed the standards for receiving a variation and how, in the opinion of the Applicants, the standards had been met. In particular, he noted the hardship is related to the Village previously determining that allowing only a one-car garage is a hardship. Mr. McGinnis then addressed the remaining standards for receiving a variation and how, in the opinion of the Applicants, the standards had been met. Mr. McGinnis answered questions from the ZBA members.

No comments were received from neighbors. There being no further questions or members of the public wishing to speak on the application, the portion of the Public Hearing related to the Requested Variations was closed.

Members then discussed the Requested Variations and agreed that the standards for variations set forth in 11-503(F) of the Hinsdale Zoning Code had been met. A motion to approve the Requested Variations was made by Member Giltner and seconded by Member O'Brien.

AYES: Members Moberly, O'Brien, Giltner, Murphy, Lee and Chairman Neiman

NAYS: None

ABSENT: None

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variation:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:*

2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot. A hardship was found to exist based on the fact that unlike the vast majority of other residences in the community, the Property has never had a garage. The ZBA finds this standard to have been met.*

3. *Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. The need for the Requested Variation is not self-created, and is instead driven by the fact that the Property has never had a garage, and the Applicants are requesting the smallest two-car garage possible. The ZBA finds this standard to have been met.*

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. Unlike the vast majority of other residences in the community, the Property has never had a garage. The ZBA finds this standard to have been met.*

5. *Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The Requested Variations are sought for the Property to have a detached two-car garage rather than just a gravel parking pad. The majority of other properties on the block have two-car garages, and the Zoning Code authorizes persons with garages to demolish them and build a two-car garage; the Applicants cannot take advantage of that provision though, as they have never had a garage. The ZBA finds this standard to have been met.*

6. *Code and Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The Variations are consistent with the existing use and the Village's interest in preserving neighborhood aesthetics. The ZBA found this standard to have been met.*

7. *Essential Character of the Area: The variation would not result in a use or development on the subject property that:*

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

A majority of the residences in the neighborhood have detached two-car garages. The Requested Variation will not affect the neighbors, or endanger the public health or safety.

8. *No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.* The ZBA finds this standard to have been met.

RECOMMENDATION:

Based on the Findings set forth above, the ZBA, by a unanimous vote of six (6) in favor and zero (0) opposed, recommends to the President and Board of Trustees that the following Requested Variations relative to the FAR requirements set forth in Section 3-110(E)(1) of the Zoning Code, and the maximum building coverage limitations set forth in Section 3-110(F)(1) of the Zoning Code, in order to add a detached two-car garage to a home located in the R-4 Residence Zoning District on the Property at 714 S. Madison Street, be GRANTED:

- **A 22.56 square foot Variation from the FAR requirements set forth in Section 3-110(E)(1) of the Zoning Code.**
- **A 152.75 square foot Variation from the maximum building coverage limitations set forth in Section 3-110(F)(1) of the Zoning Code.**

Signed: _____

Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

LOTS 6 AND 7 IN THE RESUBDIVISION OF BLOCK 24 IN STOUGH'S SECOND ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE EAST ½ OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1875, AS DOCUMENT #20005, IN DU PAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 714 S. Madison Street, Hinsdale, Illinois

PINS: 09-11-415-013

EXHIBIT B

APPLICATION FOR VARIATION

(ATTACHED)