

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

**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE SPECIAL MEETING  
Wednesday, July 17, 2013**

**1. CALL TO ORDER**

Chairman Debra Braselton called the special meeting of the Zoning Board of Appeals to order on Wednesday, July 17, 2013 at 7:01 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

**2. ROLL CALL**

**Present:** Chairman Debra Braselton, Members Keith Giltner, Gary Moberly, Bob Neiman and John Callahan

**Absent:** Members Marc Connelly and Rody Biggert

**Also Present:** Director of Community Development/Building Commissioner Robb McGinnis, Village Clerk Christine Bruton, Court Reporter Tara Zeno

**3. APPROVAL OF MINUTES – May 15, 2013**

There being no changes or corrections to the draft minutes, Member Moberly moved to **approve the minutes of the Meeting of May 15, 2013**. Member Connelly seconded the motion.

**AYES:** Members Moberly, Neiman, Callahan and Chairman Braselton

**NAYS:** None

**ABSTAIN:** Member Giltner

**ABSENT:** Members Biggert and Connelly

Motion carried.

**4. APPROVAL OF FINAL DECISION**

**a) APP-01-13, 735 and 739 Phillippa**

There being no changes or corrections to the draft final decision, Member Giltner moved to **approve the Final Decision, APP-01-13, 735 and 739 Phillippa, as presented**. Member Moberly seconded the motion.

**AYES:** Members Moberly, Neiman, Callahan and Chairman Braselton

**NAYS:** None

**ABSTAIN:** Member Giltner

**ABSENT:** Members Biggert and Connelly

1 Motion carried.  
2

3 **5. RECEIPT OF APPEARANCES**

4 Chairman Braselton commented all appearances will be received as the  
5 case is called.  
6

7 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**  
8 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None**  
9

10 **7. PRE-HEARING AND AGENDA SETTING (AUGUST 21<sup>ST</sup>)**

11 a) **V-06-13, 14 Glendale Avenue**

12 Mr. Mark Marcucci, applicant and owner of the property, stated that he  
13 is asking for a variance for roof height. In 2010 they took water all the  
14 way to the first floor. They have spent \$20,000 to \$30,000 to mitigate  
15 the problem. On April 17, 2013 water backed up from Salt Creek again  
16 and they lost the contents of the basement. He has built a retention  
17 tank, among other things, but feels that the only solution left is to raise  
18 the house. He is asking for 3 to 3½ feet of relief. He noted that he  
19 currently does not have a third story on his home nor is he currently on  
20 the same level as his neighbors. He believes this is the only viable  
21 solution to take the first floor of the home out of jeopardy. Chairman  
22 Braselton recommended his professionals address where the water will  
23 go when it doesn't go into his basement and to solicit his neighbors for  
24 their favorable input, if possible.

25 The hearing was set for August 21, 2013.  
26

27 b) **V-07-13, 330 Chestnut Street**

28 Mr. Dave Habiger, applicant and owner of the property, addressed the  
29 Board stating that this parcel has a long history of being a wasteland  
30 and an eyesore behind Grant Square. He bought the property six  
31 months ago and hired an architect to try to do something with this  
32 property to make it beautiful. He would like to build a low density,  
33 green building. The current B3 zoning requirements would result in a  
34 long, thin building.

35 The hearing was set for August 21, 2013.  
36

37 c) **V-08-13, 5526 S. Washington Street**

38 Mr. Tom Angell, applicant and owner of the property, stated that he was  
39 before the ZBA in 2009 for this very request and was granted approval  
40 at that time; however, he did not proceed with the work and therefore  
41 must come before the ZBA again. He wants to keep his garage with the  
42 current setback asking for exact same relief as the first application.

43 The hearing was set for August 21, 2013.

1           d) **V-09-13, 421 E. Ogden Avenue**

2           Mr. John George, attorney representing Adventist Hinsdale Hospital,  
3           stated they are before the ZBA for signage relief for the new cancer  
4           center to be built on Ogden Avenue. The zoning code does not account  
5           for campus type signage. They are requesting five different types of  
6           variances; to allow nine monument signs in lieu of the one permitted  
7           with a total square footage of 375 sq. feet in lieu of the 50 sq. feet  
8           permitted; for wall signs to allow a total of 120 sq. feet in lieu of the 100  
9           sq feet permitted, to allow a wall sign at a height of 39 feet in lieu of the  
10          20 feet or no higher than the bottom of any second story window,  
11          whichever is less, and to allow off premises identification signs.

12          Member Neiman asked about the 375 sq. foot sign instead of a 50 foot  
13          one, noting that one of the criteria which needs to be met is a minimum  
14          variation possible to achieve stated goal. He would like to hear how a  
15          sign more than seven times stated standard meets that criteria.

16          The hearing is set for August 21, 2013.

17  
18       **8. PUBLIC HEARINGS**

19           a) **V-04-13, 800 Merrill Woods Road**

20          Mr. & Mrs. Juozas Gurevicius, homeowners and applicants addressed  
21          the Board stating that this is an old house built in the 1900's and they  
22          would like to build new house. They are asking for relief from the front  
23          yard setback. The existing code would require a new house to be pushed  
24          into the yard over 20 feet. Additionally, because of the topography of  
25          Merrill Woods a future house would be narrow, resulting in an unused  
26          large front yard and very small back yard. This would not conform to  
27          traditions in the neighborhood. The requested setback would be aligned  
28          with 6 out of the 9 other properties on the block. They have spoken to  
29          some neighbors whose concerns are about drainage, they will have civil  
30          engineers address this issue.

31  
32          **Mr. A. B. Malik of 821 Merrill Woods** verbalized his objections to this  
33          proposal. He believes this is an elegant house, former Village president  
34          John Merrill built the house and Mr. Malik thinks the house should be  
35          preserved. He believes this is the largest lot on the cul de sac, and there  
36          is no reason for a setback. It should be maintained in the current  
37          setback, anything else will compromise the whole cul de sac. It is the  
38          highest property in Hinsdale and if it is too close to the street it will  
39          compromise the cul de sac. He urged the Board to maintain the  
40          aesthetic of the neighborhood; he doesn't want to lose the history or the  
41          trees. A new house would create run off issues and tearing down this  
42          one will create dust storms and affect the children and elderly in the  
43          neighborhood.

1       **Ms. Lynn Gianfilippo of 830 Merrill Woods** stated she is not opposed  
2 to what they want to do with the house, but worried about water flow  
3 and flooding. She doesn't want to lose the value of her home because of  
4 new water problems on her property. She wants the Village to work  
5 hand in hand with the current residents to insure there will be no  
6 impact on the other neighbors. Director of Community Development  
7 Robb McGinnis explained the Village always does a comprehensive  
8 drainage review with the construction of a new single family home. He  
9 cautioned there is serious topography in this area irrespective of this  
10 home. Discussion followed regarding the location of the proposed house.  
11

12       **Ms. Kelly Abbot of 840 Merrill Woods** talked extensively about her  
13 water issues. She said engineering must be involved and thinks the tear  
14 down of this property will be different because of the thick concrete  
15 walls.  
16

17       Mr. Gurevicius stated the existing house has problems, he too gets  
18 flooded when it rains. He said they considered remodeling, but the  
19 house has mold in it. He is asking for relief to keep the same setback  
20 and promised to do the civil engineering necessary to provide better  
21 drainage. He further stated the home is small, has very low ceilings  
22 and does not meet current living standards and styles.  
23

24       Member Callahan commented that a property owner has a right to tear  
25 down their house. He asked Mr. Gurevicius if the house is torn down  
26 and the setback is the same, will the new house be a lot bigger. Mr.  
27 Gurevicius explained there are limitations to the size of a new house,  
28 but he is not planning on building a giant house. They are asking to  
29 move it deeper into the lot by a few feet and the code permits an 8,000  
30 square feet home on the lot which is irrespective of the requested  
31 variance. The neighbors continue to express their personal concerns.  
32

33       **Mr. Charles Hartley of 33 W. Birchwood** commented that children  
34 come to Merrill Woods to skateboard. He remarked that this house has  
35 a garage underneath and there is hose already draining water. He is  
36 concerned about existing and future drainage problems.  
37

38       Mr. McGinnis again explained what is required for new owners to  
39 address flooding and again stated there are already drainage issues in  
40 this area. Village engineers are keenly aware of these problems, but  
41 until we have separate storm sewers, there will be a problem. He stated  
42 there are 3-4 engineering reviews when a new house is built; it is a very  
43 comprehensive review. Mr. McGinnis also noted that the DuPage

1 County storm ordinance sets the bar high as well. Member Callahan  
2 moved **to close the public hearing for V-04-13, 800 Merrill Woods**  
3 **Road.** Member Moberly seconded the motion.  
4

5 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman  
6 Braselton

7 **NAYS:** None

8 **ABSTAIN:** None

9 **ABSENT:** Members Biggert and Connelly

10  
11 Motion carried.

12  
13 D E L I B E R A T I O N S  
14

15 Member Moberly stated that he wished he had a picture of where the house  
16 will be and is struggling to find the hardship issue. Member Giltner asked if  
17 we have granted setbacks based on standards without house plans in the past.  
18 Chairman Braselton confirmed that we often have and commented further  
19 that the relief requested is modest and in line with setbacks on the block. She  
20 also noted that they are entitled to build what they want if they follow the  
21 code. Member Callahan remarked about the hardship of a small back yard,  
22 this is a large lot,  $\frac{3}{4}$  acre lot, and space to play with. Chairman Braselton said  
23 the shape of the lot increases the hardship because of the very odd shape.  
24 Member Giltner stated he is swayed by the argument of the block average of  
25 the setbacks and further noted that the water issues are not relevant to this  
26 Board. He believes this is a reasonable request. Member Neiman said his  
27 initial instinct is to approve because it is in the middle of all other setbacks.  
28 He is further persuaded by the limitations of the odd-shaped lot. Member  
29 Callahan suggested the variance be granted subject to water displacement net  
30 zero, as in the Seibold case some time back. Mr. McGinnis described the  
31 ongoing concerns with water, noting this area is exacerbated by the  
32 topography. He also stated that full out retention is not required.  
33

34 Member Callahan moved **to approve the requested variation for V-04-13,**  
35 **800 Merrill Woods Road.** Member Moberly seconded the motion.  
36

37 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman Braselton

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** Members Biggert and Connelly

41  
42 Motion carried.  
43

1  
2     **b) V-05-13, 1 S. Monroe**

3     Ms. Marina Zouzias, applicant and owner, addressed the Board stating  
4     she wants to replace the existing 6' fence with another 6' fence, but the  
5     code only permits a 4' fence. The process started when she called  
6     vendors to replace the fence, but they reported they could not. She  
7     provided emails of support from her neighbors. She wants a 6' fence  
8     again because of privacy and safety issues. She pointed out that on  
9     Chicago between Monroe and Thurlow, 6 of the 12 houses have 6' fences.  
10    Member Callahan moved to **close the public hearing for V-05-13, 1 S.**  
11    **Monroe.** Member Moberly seconded the motion.

12  
13    **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman  
14    Braselton

15    **NAYS:** None

16    **ABSTAIN:** None

17    **ABSENT:** Members Biggert and Connelly

18  
19    Motion carried.

20  
21                                    D E L I B E R A T I O N S

22  
23    Member Callahan remarked that we approved a similar case on Thurlow  
24    and as the neighbors have no concerns in this case, he is ok with the  
25    request. Member Moberly **moved to approve the variation**  
26    **requested for V-05-13, 1 S. Monroe.** Member Giltner seconded the  
27    motion.

28  
29    **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman  
30    Braselton

31    **NAYS:** None

32    **ABSTAIN:** None

33    **ABSENT:** Members Biggert and Connelly

34  
35    Motion carried.

36  
37     **c) V-03-13, 218 Ogden Avenue**

38     Mr. Tony Kremer, applicant and owner, addressed the Board stating  
39     that he purchased the Hinsdale Animal Hospital in 2007, with the  
40     thought he would turn it around and provide a world class facility to  
41     Hinsdale. Although he has had support from community, the support is  
42     not there from the Village Board at that location. The hospital is a non-  
43     conforming use in the R4 district. He is diligently trying to move to

1 another spot on Ogden Avenue, but wants to re-subdivide the current  
2 property and sell a couple of lots to fund another location. Mr. Dennis  
3 Kulak, architect, explained to the Board how the property would be  
4 subdivided and why that results in a necessary variance.

5  
6 Chairman Braselton asked why they don't rebuild and Mr. Kramer  
7 explained that he had reached out to the Trustees, but the area is zoned  
8 residential. Mr. McGinnis explained they would need a map  
9 amendment to rezone the property for a commercial use. This property  
10 is grandfathered in, but the Ogden Avenue Task Force recommended  
11 this revert to residential stated Member Moberly. Mr. McGinnis further  
12 stated that the code says you can't make improvements to a legal non-  
13 conforming use. The hospital is on half an acre, but he needs relief on  
14 lot width to subdivide, he cannot create a legal non-conforming lot.  
15 Member Neiman moved to **close the public hearing for V-03-13, 218**  
16 **Ogden Avenue.** Member Callahan seconded the motion.

17  
18 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman  
19 Braselton

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** Members Biggert and Connelly

23  
24 Motion carried.

25  
26  
27 **DELIBERATIONS**

28  
29 Board members had no additional concerns with respect to the variation  
30 as requested. Member Neiman moved to **approve the variation**  
31 **requested for V-03-13, 218 Ogden Avenue.** Member Moberly  
32 seconded the motion

33  
34 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman  
35 Braselton

36 **NAYS:** None

37 **ABSTAIN:** None

38 **ABSENT:** Members Biggert and Connelly

39  
40 Motion carried.

41  
42 **9. NEW BUSINESS - None**

43

1 **10. UNFINISHED BUSINESS - None**

2

3 **11. ADJOURNMENT**

4 With no further business before the Zoning Board of Appeals, Member  
5 Callahan made a motion to **adjourn the meeting of the Zoning Board**  
6 **of Appeals of May 15, 2013.** Member Moberly seconded the motion.

7

8 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman  
9 Braselton

10 **NAYS:** None

11 **ABSTAIN:** None

12 **ABSENT:** Members Biggert and Connelly

13

14 Motion carried.

15

16 Chairman Braselton declared the meeting adjourned at 8:58 p.m.

17

18

19

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

20

Christine M. Bruton

21

Village Clerk