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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE SPECIAL MEETING
January 22, 2015**

1. CALL TO ORDER

Chairman Bob Neiman called the specially scheduled meeting of the Zoning Board of Appeals to order on Thursday, January 22, 2015 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Chairman Bob Neiman, Members, Gary Moberly, Keith Giltner, Kathryn Engel and John Podliska

Absent: Members Marc Connelly and Rody Biggert

Also Present: Director of Community Development/Building Commissioner Robb McGinnis

3. APPROVAL OF MINUTES

a) **November 19, 2014**

Member Engel moved to approve the minutes of the meeting of **November 19, 2014, as presented.** Member Podliska seconded the motion.

AYES: Members Giltner, Engel and Podliska and Chairman Neiman

NAYS: None

ABSTAIN: Member Moberly

ABSENT: Members Connelly and Biggert

Motion carried.

b) **December 17, 2014**

There were not enough eligible voting members present to approve. Chairman Neiman asked that the minutes be moved to the next regularly scheduled meeting for approval.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES

All persons intending to speak were sworn in by the court reporter.

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

1 **7. PRE-HEARING AND AGENDA SETTING**

2 a) **V-01-15, 321 East Ninth Street**

3 Mr. Paul Poloz, architect on the project, addressed the Board. He
4 explained that his client received a permit to build, but because of a
5 miscommunication between the contractor and the Deputy Building
6 Commissioner the project was stopped. Too much (of the existing
7 structure) was demolished and the setbacks are now an issue. Mr.
8 McGinnis explained that more than 50% of the walls were removed which
9 by definition is a demolition. Therefore, the owner loses their right to
10 maintain existing non-conformities.

11 Mr. Poloz explained that they intend to build it back the same way it was.
12 They disassembled the walls and intended to put them back in the same
13 place, but work was stopped by the Village. The heights and square
14 footage are the same, he is asking that his client be allowed to build exactly
15 the same house with existing setbacks.

16 Chairman Neiman asked him to explain the miscommunication, to which he
17 replied that he thought they had permission to do what they did. Chairman
18 Neiman suggested that the Deputy Building Commissioner be present at
19 the Public Hearing and he encouraged the applicant to be prepared to
20 explain why this request for variation isn't self-created.

21
22 **8. PUBLIC HEARINGS**

23 a) **V-08-14, 4 North Oak Street**

24 Mr. Brent Sherman, homeowner, addressed the Board and explained that
25 he had a two-car garage planned as part of an addition to his home.
26 However, due to the Oak Street Bridge project, the grade of the road in
27 front of his house is being raised about 3' feet so can no longer put the
28 garage on the north side of his property as he intended. In order to put the
29 garage on the south side of the property he needs a variance from the front
30 yard setback. He reported no feedback from neighbors. Chairman Neiman
31 walked the applicant thru the criteria necessary for approval, noting that
32 this is certainly not self-created. Mr. Sherman added that the existing
33 garage is a one-car with a storage area, but needs about two feet more to
34 fit a second car in the structure.

35 Member Engel moved **to close the public hearing on V-08-14, 4 North**
36 **Oak Street.** Member Podliska seconded the motion.

37
38 **AYES:** Members Moberly, Giltner, Engel and Podliska and Chairman
39 Neiman

40 **NAYS:** None

41 **ABSTAIN:** None

42 **ABSENT:** Members Connelly and Biggert

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44 Motion carried.
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DELIBERATION

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3 Member Giltner said the hardship is that the owner has to deal with Oak Street
4 Bridge project thru no fault of their own and the variance would not have been
5 required otherwise. Member Podliska agrees and although the garage will be
6 slightly larger, doesn't see that as a reason not to approve. Member Moberly
7 moved to **approve the variation request known as V-08-14, 4 North Oak**
8 **Street. Member Podliska** seconded the motion.
9

10 **AYES:** Members Moberly. Giltner, Engel and Podliska and Chairman Neiman

11 **NAYS:** None

12 **ABSTAIN:** None

13 **ABSENT:** Members Connelly and Biggert

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15 Motion carried.

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17 **b) V-09-14, 312 Phillippa Street**

18 Mr. Matthew Klein, attorney for owners Howard and Amy Kim, addressed
19 the Board. He explained that if the house and garage which was permitted
20 in May 1950, had been permitted a few months earlier, no variation would
21 be required. Mr. Klein stated the Kim's have spoken with the neighbors
22 and he provided letters of support from the three adjacent neighbors to the
23 Board. Ordinance revisions have added the concept of Floor Area Ratio
24 (FAR) to which this home/garage proposal is compliant. Due to storm
25 drainage requirements the Village added a lot coverage requirement, to
26 which the proposed garage complies with lot coverage of less than 60%.
27 However, the proposed garage does not comply with building coverage
28 requirements. He suggested that a two-car garage is consistent with
29 quality of life expectations and the hardship comes from the changes in the
30 ordinance in 1950. He asked for the Board's recommendation to the
31 Village Board. Chairman Neiman noted the criteria for approval is well
32 spelled out in the application. Member Engel asked if the lots on either
33 side of the subject property have two-car garages. Mr. Klein said most do,
34 but there are still some one-car garages in the area. He also noted that
35 many of the homes in the area have been torn down. Member Podliska
36 moved to **close the public hearing for the matter know as V-09-14, 312**
37 **Phillippa Street.** Member Moberly seconded the motion.
38 .

39 **AYES:** Members Moberly. Giltner, Engel and Podliska and Chairman
40 Neiman

41 **NAYS:** None

42 **ABSTAIN:** None

43 **ABSENT:** Members Connelly and Biggert

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45 Motion carried.

DELIBERATION

The Board agrees the criteria for approval of a variation has been met by the applicant. Member Podliska moved to **recommend to the Village Board of Trustees that the variation know as V-09-14, 312 Phillipa Street be approved.** Member Moberly seconded the motion.

AYES: Members Moberly, Giltner, Engel and Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly and Biggert

Motion carried.

9. NEW BUSINESS – None

10. OTHER BUSINESS – None

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the meeting of the Zoning Board of Appeals of December 17, 2014.** Member Connelly seconded the motion.

AYES: Members Moberly, Giltner, Engel and Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly and Biggert

Motion carried.

Chairman Neiman declared the meeting adjourned at 7:00 p.m.

Christine M. Bruton
Village Clerk

Approved: _____