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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
July 15, 2015**

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, July 15, 2015 at 6:35 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Marc Connelly, Gary Moberly, Kathryn Engel, Rody Biggert, John Podliska and Chairman Bob Neiman

Absent: Member Keith Giltner

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

3. APPROVAL OF MINUTES

a) **May 20, 2015**

A correction to the date of the draft minutes was made. Member Moberly moved **to approve the minutes of the meeting of May 20, 2015, as amended.** Member Podliska seconded the motion.

AYES: Members Connelly, Moberly, Biggert, Podliska

NAYS: None

ABSTAIN: Member Engel and Chairman Neiman

ABSENT: Member Giltner

Motion carried.

4. APPROVAL OF FINAL DECISION - None

5. RECEIPT OF APPEARANCES administer the oath

The court reporter administered the oath to those persons expecting to testify during the public hearing.

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

Mr. Larry Thompson, an attorney appearing at the request of Mr. Mark Daniel the attorney in the MIH v Anglin (Amlings) matter, addressed the Board. He explained that Mr. Daniel understood the ZBA might undertake the matter regarding 530-540 W. Ogden; Mr. Daniel is out of town and cannot participate in the scheduling of the matter tonight, but can be here next month if the ZBA so desires.

1 Chairman Neiman clarified that after the circuit court remanded the matter
2 back to the ZBA, he anticipated a status meeting of the parties. He was
3 informed that Mr. Daniel would be unavailable tonight, therefore the matter will
4 be taken up next month.

5
6 **7. NEW BUSINESS – None**

7
8 **8. PRE-HEARING AND AGENDA SETTING – None**

9
10 **9. PUBLIC HEARINGS** *(A transcript of these proceedings is included in the*
11 *permanent file of the case.)*

12 a) **V-04-15, 35 East Walnut Street**

13 Mr. Dan Bryan, architect representing homeowners Michael & Carrie
14 Earley, stated the hardship is a large tree that is located at the north
15 quarter of the alley, and limits access in such a way as not to be able drive
16 directly north from the garage into the alley. He believes this is the denial
17 of a substantial right that most people with alleys enjoy. He believes the
18 zoning code is complicated; if a detached accessory structure is in the rear
19 20% of the lot, it can be as close as 2' feet to a property line, side or rear
20 yard. If the proposed detached garage is located in that 20%, it would
21 create too tight of a turning radius and a driver would likely back into the
22 tree. Mr. and Mrs. Earley are requesting that, instead of the allowable 30'
23 feet in the rear 20% of the property, they are requesting 32' 4" instead.
24 That would allow 20' feet from the garage door to the face of the tree which
25 provides a sufficient turning radius for a car. He also noted the Earley's
26 have provided letters of support from two of their neighbors.

27
28 Using drawings provided, Mr. Bryan illustrated the location of the existing
29 garage, the tree, and the proposed new garage. He also noted the garage
30 door would now face the alley instead of the side yard. He stated that he
31 has spoken to the Village Forrester and he confirmed that the tree is worth
32 saving. Member Podliska confirmed the footprint of the new garage is the
33 same as the old garage. Discussion followed regarding the gravel driveway
34 and concerns about impervious surface. Mr. McGinnis confirmed that a
35 compacted gravel driveway is considered impervious. It was explained that
36 there will be less impervious surface as the side driveway will be removed
37 and replaced by a relatively shallow concrete apron leading into the garage.
38 This results in a net gain of permeable surface, and Mr. Earley said they will
39 remove the gravel and landscape the area. Mr. Earley said they are
40 planning a brick walkway from the house to the garage, but do not have the
41 details at this time. Mr. Bryan pointed out that the existing walk will be
42 removed and something else will be installed.

43
44 (Chairman Neiman noticed Mr. Daniel's colleague was still present at the
45 meeting and assured him that the ZBA will not discuss the Amlings matter
46 tonight and that he was free to go if he so desired Mr. Thompson elected

1 to remain.)
2

3 Chairman Neiman asked the applicant to summarize how this application
4 meets the criteria by which the Board can approve their request.

5 Mr. Bryan read Page 5 of their application into the record and noted they
6 meet building coverage rules and FAR restrictions. He further explained
7 the location of the tree creates a unique physical condition. This is not a
8 self-created problem because the garage existed as it is located when the
9 Earleys purchased the property, nor did they plant the tree. They have a
10 right to have a more usable garage similar to those in the area. The new
11 garage will not affect adjacent homes, will match the style of the home, and
12 will not endanger the public safety. Also there is no other remedy, other
13 than the removal the tree.
14

15 There being no further discussion, Member Moberly moved **to close the**
16 **Public Hearing for V-04-15, 35 East Walnut Street.** Member Engel
17 seconded the motion.
18

19 **AYES:** Members Connelly, Moberly, Biggert, Engel, Podliska and Chairman
20 Neiman

21 **NAYS:** None

22 **ABSTAIN:** None

23 **ABSENT:** Member Giltner
24

25 Motion carried.
26

27 DELIBERATIONS

28
29 Chairman Neiman began deliberations stating he believes this matter
30 meets all the necessary criteria for approval. Additionally, he is in favor of
31 saving trees, this proposal increases permeable surface, and there are no
32 objections from the neighbors. The Board concurred.

33 Member Connelly moved to **approve the variation known as V-04-15, 35**
34 **East Walnut Street.** Member Podliska seconded the motion.
35

36 **AYES:** Members Connelly, Moberly, Biggert, Engel, Podliska and Chairman
37 Neiman

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** Member Giltner
41

42 Motion carried.
43

44 **10. OTHER BUSINESS – None**
45
46

1 **11. ADJOURNMENT**

2 With no further business before the Zoning Board of Appeals, Member Engel
3 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
4 **July 15, 2014.** Member Podliska seconded the motion.

5
6 **AYES:** Members Connelly, Moberly, Biggert, Engel, Podliska and Chairman
7 Neiman

8 **NAYS:** None

9 **ABSTAIN:** None

10 **ABSENT:** Member Giltner

11
12 Motion carried.

13
14 Chairman Neiman declared the meeting adjourned at 6:54 p.m.

15
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17 _____
18 Christine M. Bruton
19 Village Clerk
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Approved: _____