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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
Wednesday, July 16, 2014**

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, June 18, 2014 at 6:34 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois. Chairman Neiman welcomed new member Kathryn Engel to the ZBA and thanked her for serving.

2. ROLL CALL

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

Absent: Members Keith Giltner and John Callahan

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

3. APPROVAL OF MINUTES

a) April 16, 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.

b) June 18, 2014

There being no changes to the draft minutes, Member Moberly moved to **approve the minutes of the meeting of May 21, 2014, as presented.** Member Biggert seconded the motion.

AYES: Members Connelly, Moberly, Biggert and Chairman Neiman

NAYS: None

ABSTAIN: Member Engel

ABSENT: Members Giltner and Callahan

Motion carried.

4. APPROVAL OF FINAL DECISION

a) V-02-14, 217 & 227 West 55th Street

Chairman Neiman introduced the item, there being no changes to the draft Final Decision, Member Moberly moved **approval of the Final Decision for V-02-14, 217 & 227 West 55th Street.** Member Biggert seconded the motion.

1 **AYES:** Members Connelly, Moberly, Biggert and Chairman Neiman

2 **NAYS:** None

3 **ABSTAIN:** Member Engel

4 **ABSENT:** Members Giltner and Callahan

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6 Motion carried.

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8 **5. RECEIPT OF APPEARANCES**

9 The oath was administered by the court reporter to those persons intending to
10 speak on those matters before the Board.

11
12 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO**
13 **MAKE PUBLIC COMMENT OF A GENERAL NATURE**

14 None.

15
16 **7. PRE-HEARING AND AGENDA SETTING**

17 None.

18
19 **8. PUBLIC HEARINGS**

20 **a) V-03-14, 741 East Seventh Street**

21 Mr. Robert O'Donnell, attorney representing MJMS, LLC, explained the
22 variation sought. They are asking for relief from Section 3-110(D)1 for
23 12.32' feet of the required setback from 69.58' feet to 57.26' feet for the
24 construction of a single family home. Mr. O'Donnell explained that the lots
25 on this block have setbacks ranging from 41.75' feet to 110' feet. He made
26 note that this is not a typical grid street. He also noted that the original
27 home on the lot had a setback of 55.59' feet and the homes adjacent to this
28 property have setbacks of 55.08' feet and 57.44' feet. In his opinion, the
29 proposed setback is reasonable and would put this house in line with the
30 others. He stated he had provided letters of support surrounding neighbors
31 for the record. Additionally, the size of the home would be limited by 25%
32 in order to comply with the required setback.

33 Mr. O'Donnell asked that the final decision be read into the record tonight
34 so that they may proceed with permitting. Member Connelly **moved to**
35 **close the public hearing for V-03-14, 741 East Seventh Street.** Member
36 Moberly seconded the motion.

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

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Members Giltner and Callahan

42
43 Motion carried.

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45 .

DELIBERATION

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3 Member Moberly noted these are long deep lots, and the proposed setback is
4 consistent with the adjacent lots. Furthermore, none of the neighbors are
5 complaining. Member Biggert and Member Connelly agree. Chairman Neiman
6 stated the standards for approval have been met in that this lot has a unique
7 physical size by lot dimensions, the proposed is consistent with the neighborhood
8 and the owner's substantial rights would be denied if this request were not
9 approved.

10 Regarding the request to read the final into the record tonight, Chairman Neiman
11 stated that a written final is customary and preferred and that he doesn't want the
12 exception to become the norm. The Board had no problem with the request in
13 this case. Member Moberly moved to **approve the variation request known as**
14 **V-03-14, 741 East Seventh Street.** Member Engel seconded the motion.

15
16 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman

17 **NAYS:** None

18 **ABSTAIN:** None

19 **ABSENT:** Members Giltner and Callahan

20
21 Motion carried.

22
23 **FINAL DECISION**

24
25 Chairman Neiman stated: in Case V-03-14, 741 East Seventh Street, the
26 applicant requests relief from the front yard setback requirements set forth in
27 Section 3-110(D)1 for the construction of new single family home. The applicant
28 is requesting a 12.32' reduction in the required front yard from 69.58' to 57.25'.
29 This property is located in the R-1 Residential District in the Village of Hinsdale
30 and is located on the north side of Seventh Street just west of Harding. The
31 property has a frontage of approximately 99.5', a depth varying from 153' to 183',
32 and a total square footage of approximately 15,700. The maximum FAR is
33 approximately 5, 208 square feet and the maximum allowable building coverage is
34 25% or approximately 4,111 square feet. The Board believes all standards for
35 variation have been met and have voted to approve the variation as requested.
36 Member Moberly **moved to approve the Final Decision as read into the**
37 **record.** Member Biggert seconded the motion.

38
39 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman

40 **NAYS:** None

41 **ABSTAIN:** None

42 **ABSENT:** Members Giltner and Callahan

43
44 Motion carried.

45

FINAL DECISION

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3 The Board agrees to read the final decision into the record. Chairman Neiman
4 stated: In Case V-05-14, 125 West Second Street, the applicant requests relief
5 from the front yard setback requirements set forth in Section 3-110(D)1 for the
6 reconstruction of an office building. The applicant is requesting a 15.3' reduction
7 in the required front yard from 35' to 19.70'. It should be noted that this request is
8 being driven by the fact that the applicant removed too much of the original
9 structure during construction thereby 'demolishing' the structure by definition.
10 Given that the structure originally had a non-conforming front yard setback, any
11 rights to maintain this non-conformity were lost once the structure was
12 'demolished'. There are no other changes proposed from what the Zoning Board
13 of Appeals granted under V-14-13, heard earlier this year. The Board believes all
14 standards for variation have been met and have voted to approve the variation as
15 requested. Member Biggert **moved to approve the Final Decision as read into**
16 **the record.** Member Connelly seconded the motion.

17
18 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman

19 **NAYS:** None

20 **ABSTAIN:** None

21 **ABSENT:** Members Giltner and Callahan

22
23 Motion carried.
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25

26 **c) V-04-14, 312 & 320 North Washington Street**

27 Ms. Katie Krasnewich, homeowner, addressed the Board and introduced
28 Mr. Patrick Fortelka, the architect on the project and Mr. Bruce Ritter, the
29 builder from Tiburon Homes. Ms. Krasnewich explained that she and her
30 husband Tom are requesting 9.07' of interior side yard setback relief for
31 their current home at 312 N. Washington. The home, as it exists, is 5.93'
32 feet from the side yard which met the code standards when the house was
33 built. Granting this variation would allow the home to remain where it
34 currently is; the need for a variation was triggered from the consolidation of
35 the lots. They intend to demolish the home at 320 N. Washington and build
36 an addition to the 312 home. The south side setback would remain 5.93'
37 feet, but the north side will have a substantial setback. Mr. Fortelka pointed
38 out that 30% of the entire lot width is required for setback. The hardship is
39 they would be precluded from merging the lots, said Ms. Krasnewich. Her
40 existing house was built in 1989 and none of the homes by that builder
41 have large enough garages for an SUV. There wasn't allowable FAR to
42 build a suitable garage. Originally, they were simply going to put a garage
43 on the 320 lot, but zoning requirements got them to this place. In terms of
44 impervious surface, they believe their proposal is beneficial to the drainage
45 situation on the block. If a new home were built on the 320 lot, 4,000

1 square feet is buildable, their plans are only a net addition of about 1,500
2 square feet of impervious surface on the lot. This is a substantial decrease
3 in building coverage. She noted the letters of support from the neighbors
4 that have been submitted for the record.

5 Chairman Neiman asked about the standard of self-creation. They bought
6 the lot next door and designed the addition, which sounds like they created
7 the problem. Mr. Fortelka noted a project his firm did in 2007; they
8 consolidated two lots and made an addition in that case, but no variation
9 was required. They thought they could do the same this time, but the
10 zoning requirements have changed. Ms. Krasnewich believes this is not
11 self-created because the house was always there, irrespective of the
12 variance. She pointed out that she and her husband have spent significant
13 amounts of money to improve drainage; they installed a French drainage
14 system and a rock pit which has improved the water issue in the
15 neighborhood. Member Biggert commented that this is a case of
16 unintended consequence of the zoning code. Director of Community
17 Development Robb McGinnis explained that the applicant cannot tear down
18 the house and build only a garage on the property because the code does
19 not allow an accessory structure without a principal structure.

20 Ms. Krasnewich noted they are intending to upgrade the property which is
21 beneficial to her and the neighbors. There will not be a new home on the
22 lot, there will be drainage improvement. She believes her family will be
23 denied a substantial right because they won't be able to add to their home
24 or park their car in their garage. She explained her year long struggle,
25 beginning in November of 2013, with the permitting process and the lack of
26 communication from her previous builder. When Tiberon checked on
27 permits, they confirmed the variation and permitting issues were still
28 unresolved. She noted the amount of time and energy drained from her
29 family in this painful process. Member Moberly moved to **close the public**
30 **hearing on V-04-14, 312 & 320 North Washington Street.** Member Engel
31 seconded the motion.

32
33 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman

34 **NAYS:** None

35 **ABSTAIN:** None

36 **ABSENT:** Members Giltner and Callahan

37
38 Motion carried.

39
40 **DELIBERATION**

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42 Member Biggert began deliberations stating that he doesn't believe we should
43 discourage consolidation and that this is the only remedy in this circumstance.
44 Member Moberly agrees and added that the neighbors will be better off in terms
45 of the drainage issues. Member Connelly agreed and commented that each

1 decision of the Board is unique, and doesn't believe a precedent will be set.
2 Chairman Neiman is not convinced that certain criteria have been met;
3 specifically those regarding self-creation, denial of substantial rights and not
4 merely a special privilege. Member Moberly moved to **approve the variation**
5 **known as V-04-14, 312 & 320 North Washington Street.** Member Connelly
6 seconded the motion.

7
8 **AYES:** Members Connelly, Moberly

9 **ABSTAIN:** Member Engel

10 **ABSENT:** Members Giltner and Callahan

11
12 As the roll call vote was being taken, Member Engel abstained because she felt
13 she didn't know enough about the circumstances to place a vote. Before placing
14 his final vote, Chairman Neiman noted that he wants to be fair to the applicant,
15 and doesn't want his opinion to change the outcome to the applicant because of
16 his views alone and an abstention. Discussion followed regarding possible
17 options at this time.

18
19 Member Connelly moved to **reopen the Public Hearing for V-04-14, 312 & 320**
20 **North Washington Street.** Member Moberly seconded the motion.

21
22 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman

23 **NAYS:** None

24 **ABSTAIN:** None

25 **ABSENT:** Members Giltner and Callahan

26
27 Motion carried.

28
29 Member Moberly explained the pre-hearing process and Member Connelly noted
30 that none of what was said at that time was on the record. In that respect,
31 Member Engel has had the benefit of the same information as other members.
32 The applicants came back to the podium and the various issues regarding this
33 matter were reviewed. Member Engel asked if the remaining portion of the 320
34 lot would be sellable. Mr. McGinnis clarified this would not be possible, because
35 once consolidated this would be a subdivision. Both lots would have to meet the
36 underlying bulk regulations and both structures would have to be demolished. Mr.
37 Fortelka illustrated what the lots would look like if a house was built on the 320 lot
38 as opposed to the proposed attached garage. It was also noted that the
39 Krasnewichs' have had a civil engineer work out the drainage problems.

40
41 Discussion followed regarding the difference between this case and the 55th
42 Street case heard by the ZBA last month. Chairman Neiman explained his point
43 of view with respect to substantial rights in that the purchase of the lot was to
44 accommodate a larger vehicle, not simply to have a garage and additionally he
45 has some concern that the lot will be twice as wide as any other else on the

1 block. He commented that other members of the Board have made good points of
2 similarity. He asked Member Engel if she was prepared to vote, to which she
3 replied she was. Member Moberly moved to **re-close the public hearing on V-**
4 **04-14, 312 & 320 North Washington Street.** Member Engel seconded the
5 motion.
6

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

8 **NAYS:** None

9 **ABSTAIN:** None

10 **ABSENT:** Members Giltner and Callahan

11
12 Motion carried.
13

14 Member Engel noted that she has a better understanding of the matter and knows
15 entirely too well about flooding in Hinsdale. She had concerns about the
16 remaining portion of the 320 lot, but since it can't be sold off she feels better.
17 She believes the hardship is that the owners would not have a usable garage.
18 She believes more grass in the neighborhood will be a good thing and thinks the
19 contribution with regard to flooding is substantial. A majority of the Board
20 believes the standards for variation have been met. Member Moberly moved to
21 **approve the variation known as V-04-14, 312 & 320 North Washington Street.**
22 Member Connelly seconded the motion.
23

24 **AYES:** Members Connelly, Moberly, Engel, Biggert

25 **NAYS:** Chairman Neiman

26 **ABSTAIN:** None

27 **ABSENT:** Members Giltner and Callahan

28
29 Motion carried.
30
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32 **FINAL DECISION**

33
34 The Board agreed to read the final decision into the record. Chairman Neiman
35 stated: in Case V-04-14, 312 & 320 North Washington Street, the applicant
36 requests relief from the interior side yard requirements set forth in section 3-110
37 (D)(2)(b)(i). The request is for 9.07' of relief to the required 15' interior side yard
38 setback. The applicant intends to demolish the house on the 320 N. Washington lot and
39 consolidate both lots in order to construct an addition to the existing house on the 312
40 N. Washington lot. In order to do this, they need to obtain relief for the existing house,
41 as the code (12-101-C) prohibits the creation of any new non-conformity that would
42 result as part of a subdivision. Given that the newly created lot would have a required
43 interior side yard of 15' based on the new lot width of 140'; the subdivision process
44 cannot move forward until relief is granted for what would be a non-conforming
45 sideyard.

1 This property is located in the R-4 single-family zoning district in the Village of Hinsdale
2 and is located on the west side of Washington between Hickory and North. Once
3 consolidated, the property will have a frontage of approximately 140', a depth of
4 approximately 173.5', and a total square footage of approximately 24,291. The
5 maximum FAR is .20 +2,000 square feet or approximately 6,858 square feet. The
6 maximum building coverage is 25% or approximately 6,073 square feet. The Total Lot
7 Coverage is 50% or approximately 12,145.5 square feet. Member Biggert **moved to**
8 **approve the Final Decision as read into the record.** Member Connelly
9 seconded the motion.

10
11 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman
12 **NAYS:** None
13 **ABSTAIN:** None
14 **ABSENT:** Members Giltner and Callahan

15
16 Motion carried.

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18 **9. NEW BUSINESS**

19
20 **10. UNFINISHED BUSINESS**

21
22 **11. ADJOURNMENT**

23 With no further business before the Zoning Board of Appeals, Member Moberly
24 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
25 **July 16, 2014.** Member Biggert seconded the motion.

26
27 **AYES:** Members Connelly, Moberly, Engel, Biggert and Chairman Neiman
28 **NAYS:** None
29 **ABSTAIN:** None
30 **ABSENT:** Members Giltner and Callahan

31
32 Motion carried.

33
34 Chairman Neiman declared the meeting adjourned at 7:37 p.m.

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38 _____
39 Christine M. Bruton
40 Village Clerk

Approved: _____