



VILLAGE OF  
**OAK BROOK**  
*Illinois*

MINUTES OF THE APRIL 11, 2016  
REGULAR MEETING OF THE  
ZONING BOARD OF APPEALS OF THE  
VILLAGE OF OAK BROOK  
APPROVED AS WRITTEN ON MAY 3, 2016

1. CALL TO ORDER:

CALL TO ORDER

The Meeting of the Zoning Board of Appeals was called to order by Chairman Champ Davis in the Samuel E. Dean Board Room of the Butler Government Center at 7:03 p.m.

2. ROLL CALL:

ROLL CALL

Gail Polanek called the roll with the following persons

PRESENT: Chairman Champ Davis, Members Jeffrey Bulin, Natalie Cappetta, Alfred Savino, Steven Young and Wayne Ziemer

ABSENT: Member Baker Nimry

IN ATTENDANCE: Dr. Mark Moy, Trustee, John Baar, Trustee, Robert Kallien, Jr., Director of Community Development and Gail Polanek, Planning Technician

3. APPROVAL OF MINUTES:

MINUTES

REGULAR MINUTES OF THE MARCH 1, 2016 MEETING

MARCH 1, 2016

Motion by Member Young, seconded by Member Ziemer to approve the minutes of the March 1, 2016 Regular Zoning Board of Appeals meeting as written. VOICE VOTE: Motion carried.

4. UNFINISHED BUSINESS

UNFINISHED  
BUSINESS

There was no unfinished business to discuss.

5. NEW BUSINESS

NEW BUSINESS

A. BILSHAUSEN – 2525 35<sup>TH</sup> STREET – MAP AMENDMENT – R-2 TO R-4 DISTRICT

BILSHAUSEN – 2525  
35<sup>TH</sup> STREET – MAP  
AMEND – R-2 to R-4

Chairman Davis announced the public hearing and stated the requested relief. All witnesses providing testimony were sworn in.

Ehern Bilshausen, lifelong resident, currently residing at 205 Bridle Path Circle,

in Saddle Brook and represented the petitioners, Beverly Bilshausen who is his mother and his father who was not in attendance. His parents have lived here since 1976 and he grew up and played on that property. They would like to keep that tradition, so in order to maintain that, they were seeking approval to rezone the property from R-2 to R-4 and approval of the final plat. The Saddle Brook Subdivision is located to the west and is zoned R-4. The existing property and parcels to the east are zoned R-2. To the north of 35<sup>th</sup> Street is the Midwest Club, which is zoned R-3. To the south of the existing property is the Village of Westmont. They requested the R-4 zoning to allow the existing structures, the house and detached garage to remain on the property and meet the setbacks. The new parcel would be a flag lot. There is an existing stable on the new parcel, which would be removed. He reviewed current pictures of the property identifying different views and perspectives of the property.

Director of Community Development Kallien said that in the past, there have been flag lots approved by the Village and are not illegal. He noted that more recently, there had been the multi-parcel multi-owner properties and the Plan Commission did not want to see each lot developed that way. In this particular case, he did not know how else the property could be subdivided. The way the applicant has proposed the lots meets the Subdivision Regulations. There are similar flag lots that exist east along 35<sup>th</sup> Street and are a development pattern that exists in that neighborhood.

Mr. Bilshausen addressed the amendment factors as follows:

**1. Character of the neighborhood**

The character of the neighborhood is single family homes. The proposed map amendment would not have any adverse impact on the character of the neighborhood.

**2. The extent to which property values are diminished by the particular zoning restrictions.**

The current zoning does not allow for a subdivision of the property. It is a 2-acre parcel; however the flag/access portion of the lot cannot be included in overall lot area for the rear lot.

**3. The extent to which the removal of the Existing Limitations Would Depreciate the Value of Other Property in the Area.**

They do not believe it would have any effect on the values of neighboring properties as the zoning would be the same as Saddle Brook, which abuts this property. There have been many new homes constructed in the area along 35<sup>th</sup>.



**4. The suitability of the Property for Zoned Purposes**

Allows for a new home to be built on the rear lot while maintaining the existing home in the front lot where they have lived for the past 40 years.

**5. Existing Uses and Zoning of Nearby Properties.**

The underlying surrounding zoning is consistent with the request. The Saddle Brook Subdivision is located to the west with 300 homes and is zoned R-4. The existing property and the 8 parcels to the east are zoned R-2. To the north of 35<sup>th</sup> Street is the Midwest Club, which is zoned R-3. To the south of the existing property is the Village of Westmont.

**6. The Length of Time Under the Existing Zoning that the property has remained unimproved considered in the context of land development.**

The property has been occupied with the existing home with a stable with a corral in the rear for 60+ years and has remained that way since they purchased the property in 1976.

**7. The relative gain to the public as compared to the hardship imposed on the individual property owner.**

Provides for more appropriate sized lots for housing.

**8. The extent to which the proposal promotes the health, safety, moral and general welfare of the public.**

Allows property to be occupied when used for additional single family housing

**9. The relationship of the proposed use to the Comprehensive Plan**

The proposal is consistent with the Comprehensive plan, for residential properties.

**10. The community need for the use proposed by the property owner.**

The land once occupied by horses will allow for an additional single family home.

Chairman Davis asked Bob Kallien to respond to his question regarding why this was not spot zoning and should the properties to the east also be included in the zoning change.



Member Cappetta also questioned whether changing the one parcel should be allowed and that perhaps the larger lots in Oak Brook should remain larger lots.

Director Kallien stated that in addition to the Bilshausen request being directly contiguous to R-4 Zoning to the west (Saddle Brook), there is no appreciable benefit at this time to the other 7 or 8 R-2 properties that are directly east of the applicant's property at 2525 35<sup>th</sup>. The majority of those has either been subdivided previously or has been improved with a large single-family home.

It should be noted that if the Bilshausen's requested R-3 zoning which is the zoning district to the north, the proposed two-lot subdivision would have required the review and approval of one or more variations.

Mr. Bilshausen added that there are two other flag lots located right on 35<sup>th</sup> Street and contain newer single-family homes so the development at 2525 35<sup>th</sup> Street parcel and the rezoning to R-4 would be consistent with that. This development is similar to what they have seen recently down York Road with other two acre parcels that were developed in a similar fashion with flag lots.

Member Young noted that he lives in Saddle Brook and questioned if rezoned whether there was a plan to construct town homes on the property.

Mr. Bilshausen responded that their intention is to build a single family residence on the rear lot and maintain the existing single family residence on the front lot. They have no interest in building townhomes on the property.

Director of Community Development Kallien noted that in conjunction to this map amendment there is already a subdivision plat that has been reviewed by the Plan Commission for a two-lot subdivision and if the applicant is successful in the map amendment request the issues will go before the Village Board for approval. This is not just a request to rezone the property the subdivision request is outside the purview of the Zoning Board of Appeals.

It was noted that no objections were received from the surrounding property owners and the neighbor directly to the east was in support of the zoning change and all of the other relief being sought. The Saddle Brook Homeowners Association also supported the request.

Member Cappetta questioned whether the parcels to the east are conforming to the zoning.

Director of Community Development Kallien responded that it appears they are with the exception of maybe the long narrow lot.

Member Savino questioned whether R-3 zoning would fit with this parcel.

Mr. Bilshausen said that the R-3 zoning would not work with the setback requirements.

Director of Community Development Kallien responded that the difference between the R-3 and R-4 districts is that R-3 requires 25,000 square feet and R-4 is 18,000 square feet. The side yards are 12 feet for R-3 and 10 feet for R-4. Saddle Brook is R-4, but chose to have a 40 foot front yard setback for most of the properties in the subdivision. There is not a great deal of difference between the two districts. The maximum structure height for an R-4 lot is 35 feet and an R-3 lot is 40 feet.

Member Cappetta said that she was concerned that the zoning districts would be pieced apart one lot at a time. She noted it was an orphaned area with 7-8 lots. She did not think it was consistent with the comprehensive plan stating that the zoning district is R-2 and the request is to take one lot and make it R-4.

Director of Community Development Kallien responded that he has done this for a long time and has never seen a Comprehensive Plan that had as its future land use pattern, the underlying zoning. The zoning and the plans should complement one another. The Plan is the guide and the Zoning is the rules in which to get there. To have them be the same, he is not aware of another town that does it that way. It served the Village well and we are now updating the Zoning Regulations, where many things were found wrong. After the zoning is done we perhaps should revisit the Plan and draw the differences between the Plan and the Zoning.

During his time in Oak Brook, over the last 17 years things have been approved similar to this situation. The zoning line has been moved a little in several instances. Northwest of this property the Senese property on Roslyn had a 5 acre parcel that was rezoned from R-1 to R-3 and actually created two subdivisions to allow a development pattern that was consistent with everything around it. The lot east of the old Frank Thomas property (zoned R-1) located on Midwest Road had an approved zoning change from R-1 to R-2 and was again on the market for several years and they could not find a buyer or developer. They then received approval for R-3 zoning and it was then subdivided into 4 lots known as the Kanan Court Subdivision. Changes have



been made to the neighborhoods benefit and none of the changes could be viewed as detrimental to the neighbors. It would make sense to move the line down to the east, but at this time there doesn't seem to be an economic benefit.

As far as this parcel, the development pattern is already established to the west. In order to construct another house behind the existing home would require going through multiple variations and in his view, the requested zoning change is cleaner.

No one spoke in support of or in opposition to the request.

Chairman Davis noted that the Standards had been sufficiently addressed in their testimony and in writing on page C of the case file and that the Zoning Board of Appeals was of the opinion that the applicant had satisfied the requirements for the requested map amendment. He noted that he had concerns regarding the other lots and that Director of Community Development Kallien fully explained it and did not believe that there was anything arbitrary or capricious about the zoning request.

Member Ziemer added that he had similar concerns, but were addressed.

Motion by Member Ziemer, seconded by Member Young that the applicant satisfied the requirements for the requested map amendment to rezone the property at 2525 35<sup>th</sup> Street from R-2 to R-4 as requested. ROLL CALL VOTE:

Ayes: 5 – Members Bulin, Savino, Young, Ziemer and Chairman Davis

Nays: 1 – Member Cappetta

Absent: 1 – Member Nimry. Motion carried.

The public hearing was concluded.

6. OTHER BUSINESS

OTHER BUSINESS

Director of Community Development Kallien reviewed possible upcoming cases.

There was no other business to discuss.

7. PUBLIC COMMENT

PUBLIC COMMENT

There were no comments from the public.



8. ADJOURNMENT:

ADJOURNMENT

Motion by Member Young, seconded by Member Nimry to adjourn the meeting at 7:48 p.m. VOICE VOTE: Motion carried.

ATTEST:

/s/ Robert L. Kallien Jr.

Robert Kallien, Jr.

Director of Community Development

Secretary

A handwritten signature in black ink, appearing to be the initials 'RK' or similar, located below the page number.