

FINAL RECOMMENDATION

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
PETITION FOR VARIATION**

- Zoning Calendar:** V-04-10
- Petitioner:** Harvey and Jill Seybold
- Meeting held:** Public Hearing was held on Wednesday, July 21, 2010 at 7:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on July 1, 2010.
- Premises Affected:** Subject Property is commonly known as 409 W. Walnut Street, Hinsdale, Illinois and is legally described as:
- THE SOUTH 15.5 FEET OF LOT 5 (EXCEPT THE WEST 80 FEET THEREOF) AND ALL OF LOTS 6 AND 7 IN MIDDLETON'S SUBDIVISION OF BLOCK 12 OF STOUGH'S FIRST ADDITION TO HINSDALE, A SUBDIVISION IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MIDDLETON'S SUBDIVISION RECORDED OCTOBER 26, 1893 AS DOCUMENT 53690, IN DUPAGE COUNTY, ILLINOIS
- Subject:** In this application for variation, the applicant requests an increase in allowable Building Coverage and Floor Area Ratio for the construction of an attached garage.
- Facts:** This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Walnut Street between Madison and Clay. The property has a frontage of approximately 78.5', a depth of approximately 140.5', and a total square footage of approximately 11,013. The maximum FAR is 3,843 square feet and the maximum allowable building coverage is 25% or approximately 2,753 square feet.
- The specific ordinance provisions from which a variation is sought is 3-110(E&F).

The request is being driven due to the increasingly severe flooding issues occurring at the property due to the location of the existing drive-under garage. The applicant wishes to convert the existing garage to a cellar and construct an attached garage at grade.

It should be noted that at this time the Zoning Board of Appeals does not have the authority to grant variations to either of these bulk zoning requirements. The Village is applicant for a text amendment that, if approved, will grant the Board of Trustees the authority to hear requests for variation to those specific provisions that the Zoning Board of Appeals cannot, but only after a public hearing before the Zoning Board of Appeals. The application for text amendment is being filed concurrently under the provisions of 11-301H.

Action of the Board:

Members heard testimony from the applicant, neighbors, and an engineer and planner retained by the applicant. The focus of discussion was tied to the amount of water presently being "stored" at the Seybold property during heavy rain events and where it would be displaced should the Zoning Board recommend approval. The engineer retained by the applicant addressed this by stating that they had discussed this issue with village staff early on in the design of the project and planned to provide compensatory storage for the entire volume of water at a 1:1 ratio. Members agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met, especially with regard to hardship.

A motion to recommend approval was made by Member Neiman and seconded by Member Braselton.

AYES: Members Marc Connelly, Gary Moberly, Debra Braselton, Bob Neiman, John Callahan, and Chairman Bill Haarlow

NAYS: None

ABSTAIN: None

ABSENT: Keith Giltner

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Bill Haarlow

Filed this ____ day of _____, _____, with the office of the Building Commissioner.

MEMORANDUM

Date: July 22, 2010

To: Chairman Haarlow and Members of the ZBA

From: Chris Bruton, Z.B.A. Secretary 

Re: Requested Previous ZBA case

Per Chairman Haarlow's request, I am providing for your review the Final Decision for V-04-07, a fence case from 2007 that may have relevance to the current case, V-05-10.

cc: Robb McGinnis, Director of Community Development/Building Commissioner
File V-05-10

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-04-07
- Petitioner:** Ralph & Mary White, Hinsdale, IL
- Meeting held:** Public Hearing was held on Wednesday, August 15, 2007 at 7:15 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in the Hinsdale Doings on May 3, 2007.
- Premises Affected:** Subject Property is commonly known as **2 S. Thurlow**, Hinsdale, Illinois and is legally described as:
- LOT 25 IN INTERNATIONAL BANK SUBDIVISION OF BLOCK 1 OF STOUGH'S SECOND ADDITION TO HINSDALE, IN THE NORTH EAST QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS
- Subject:** Requested variations pursuant to Title 9, Chapter 12, Section 3-K, Hinsdale Village Code, replacement of a fence. The petitioner requests a variation to replace a previously 'grand-fathered' non-conforming fence and all other necessary and appropriate relief.
- Finding of Fact:**
1. The present fence was erected in 1975, on a small parcel for a house with two doors less than 12 feet from a sidewalk, fronting on Chicago Avenue, a busy thoroughfare.
 2. The age of the fence and deterioration over a 31 year period necessitated replacement of the fence.
 3. At that time, because it was a grand-fathered fence, no permit was required.
 4. After replacement had been initiated, but before the new fence was installed, a new ordinance was adopted which required a permit.
 5. The applicants testified, as well as five neighbors, to the history of the fence and the necessity and justification of

duplicating the previous non-conformities in an unchanged condition.

Conclusions and Findings: The Board felt that there was no justification for requiring removal of a well constructed, attractive and necessary fence that was identical to the one that preceded it. Additionally, the fact that there was a change of contractors at the time the new ordinance was adopted justified the necessary finding of a hardship.

A motion was made by Mr. Angelo to approve the variation. The motion was seconded by Mr. Saigh.

AYES: William Haarlow, John Callahan, Kimberly Angelo, John Richter, Marc Connelly, Robert Saigh, Thomas Nelson

NAYS: None

ABSTAIN: None

ABSENT: None

The Board also determined that the variation as granted should be governed by the limitations contained in Sections 11-503J and 11-503K of the Hinsdale Village Code.

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Thomas R. Nelson

Filed this ____ day of _____, _____, with the office of the Building Commissioner.