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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
Wednesday, November 17, 2010**

**1. Call to Order**

Chairman Bill Haarlow called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, November 17, 2010 at 7:36 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois. To the persons present for their Public Hearing, Chairman Haarlow explained that there are only five Board members present and by code four affirmative votes are required to approve a variation request. Therefore, applicants have the option of postponing their hearing until the next meeting.

**2. Roll Call**

Present: Chairman Bill Haarlow, Members Gary Moberly, Debra Braselton, Bob Neiman and Keith Giltner

Absent: Members Marc Connelly and John Callahan

Also Present: Director of Community Development/Building Commissioner Robb McGinnis, Deputy Village Clerk Christine Bruton and Kathy Bono and Tara Zeno, Court Reporters

**3. Approval of Minutes – October 20, 2010**

Member Braselton **moved to Approve the Minutes of October 20, 2010, as amended.** Member Neiman seconded the motion.

AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman Haarlow

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly and Callahan

Motion carried.

**4. Receipt of Appearances – Applicants were sworn in by Court Reporter**

Bono

**5. Receipt of Requests, Motions, Pleadings, or Requests to make Public Comment of a General Nature Pre-Hearing and Agenda Setting - None**

1 **6. Pre-Hearing and Agenda Setting**

2 a) **V-08-10, 337 E. Chicago Avenue**

3 Neither the applicant nor a representative was present for pre-hearing.  
4 The Board set the Public Hearing for December 15<sup>th</sup>. Staff will confirm  
5 the applicant intends to continue the variation process.  
6

7 **7. Public Hearings**

8 a) **V-06-10, 11 W. Maple Street** (Transcript on file)

9 Mr. Charles Fischer, in his capacity as representative for the Unitarian  
10 Church, elected to waive the right to postpone the Public Hearing. Mr.  
11 Fischer stated that he is a landscape architect, a member of the church,  
12 and is present tonight with other members of the church. Ms. Suzanne  
13 Williams, member of the Unitarian Church of Hinsdale, addressed the  
14 Board to provide the 'big picture' aspects of the project. It will be a 20'  
15 round seating area, with a small seating wall, large enough to support  
16 church activities. It will play an important part in the church ministry  
17 and will honor the death of Sandra Price. She stated that nothing in the  
18 Hinsdale Zoning Code actually describes what they want to build; the  
19 closest description would be 'patio' and, as such, the proposed structure  
20 does not comply. She noted the location provides a degree of remoteness  
21 from neighbors; a discreet and intimate atmosphere is created. This  
22 harmonizes with the several existing mature trees; it is unobtrusive and  
23 takes advantage of the sites slope. The proposed seating wall is lower  
24 than an allowable fence, there is no paving, therefore no water run-off  
25 problems. Further, the design is consistent with the design of the  
26 church and will blend with a naturalistic ambience. Mr. Fischer  
27 interjected that there is the potential for pavers and stones connecting  
28 the public walk to the circle, however there would be generous turf  
29 joints and it would certainly be pervious. Ms. Williams described the  
30 various church activities and groups who would make use of the circle.  
31

32 Mr. Larry Price, fellow member of the church, spoke in support of the  
33 plan that would honor the memory of his deceased wife, Sandy. He  
34 believes this would be a perfect tribute as well as a visual enhancement,  
35 functional addition and an amenity for the community.  
36

37 Mr. Michael Marinko, 111 N. Lincoln St., expressed concerns to the  
38 Board regarding aesthetics, purpose and upkeep. He noted that this is a  
39 residential area and that he has had horrible experiences after church  
40 events in the past which have resulted in garbage in his yard. He  
41 stated that past performance has proven the church to not be good  
42 neighbors at outdoor gatherings. Member Moberly asked if there would  
43 be bonfires or drinking in this new area. Ms. Williams stated there  
44 would be no bonfires, but there could be wine at the annual picnic. She

1 is not familiar with Mr. Marinko's problems. Mr. Fischer commented  
2 that this is as isolated from any neighbor as any spot on the property  
3 and was conceived as a quasi-public element. Member Neiman asked  
4 Mr. Marinko about noise. He replied that he has never had a problem  
5 with noise. Mr. David Lloyd, the new president of the congregation,  
6 said they have locked the dumpster on the public alley, but that he is  
7 glad to hear Mr. Marinko's concerns and assured him and the Board  
8 that they would be addressed.

9  
10 Chairman Haarlow pointed out that church would be within its rights to  
11 build a fence on the property, as they have done on the west lot. It is  
12 fair to say that were a fence built on the east it would be aesthetically  
13 more obtrusive than this proposal. Discussion followed regarding  
14 privacy concerns of neighbors and parking. He noted that maintenance  
15 issues are separate from this variance consideration. Mr. McGinnis  
16 explained that our code requires that a definition be assigned to the  
17 proposal, otherwise it would not be a permitted use.

18  
19 Member Braselton moved to **close the public hearing known as V-**  
20 **06-10, 11 W. Maple Street.** Member Neiman seconded the motion.

21  
22 AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman  
23 Haarlow

24 NAYS: None

25 ABSTAIN: None

26 ABSENT: Members Connelly and Callahan

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28 Motion carried.

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30 b) **V-07-10, 217 Ravine Road**

31 Applicant and owner of the property, Ms. Monica Ashe Knapp, would  
32 like to defer her public hearing until the next meeting. Chairman  
33 Haarlow rescheduled the public hearing to December 15<sup>th</sup>.

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36 **DELIBERATIONS**

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38 **V-06-10, 11 W. Maple Street**

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40 Member Neiman asked Member Braselton to read the code description of  
41 patio: she read an "impervious area intended for recreational uses either  
42 passive or active and not covered by any permanent structure". Member  
43 Neiman agrees the requested structure doesn't meet the definition of patio,  
44 but that opens up the door to homeowners who may build benches too close

1 to the sidewalk and he wouldn't want to say the ZBA has no jurisdiction  
2 over such benches. It may be that the code needs to be amended to address  
3 this as a whole. Discussion followed as Member Giltner compared this to a  
4 previous application on Lincoln Street. Discussion of retaining walls and  
5 required engineering reviews followed. Mr. McGinnis noted that  
6 definitions have been twisted to meet people's needs. Chairman Haarlow  
7 said this is somewhat of a common sense issue, but is comfortable referring  
8 to this as a patio for the purposes of this discussion. A wooden bench  
9 currently exists, noted Member Moberly; Mr. McGinnis said this would  
10 generally be considered a decorative object. There are permitted  
11 encroachments in the side yard according to the code.

12  
13 Member Neiman moved **to approve V-06-10, 11 W. Maple Street.**  
14 Member Braselton seconded the motion.

15  
16 AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman  
17 Haarlow

18 NAYS: None

19 ABSTAIN: None

20 ABSENT: Members Connelly and Callahan

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22 Motion carried.

## 23 24 **8. New Business**

### 25 a) **Approve Final Decision for V-03-10, 115 E. Maple Street**

26 Chairman Haarlow introduced the item and asked for comments. There  
27 being none, Member Braselton moved to **Approve Final Decision for**  
28 **V-03-10, 115 E. Maple Street.** Member Giltner seconded the motion.

29  
30 AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman  
31 Haarlow

32 NAYS: None

33 ABSTAIN: None

34 ABSENT: Members Connelly and Callahan

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36 Motion carried.

### 37 38 b) **Approve Final Decision for V-05-10, 14 S. Park Avenue**

39 Chairman Haarlow introduced the item and asked for comments. There  
40 being none, Member Braselton moved to **Approve Final Decision for**  
41 **V-05-10, 14 S. Park Avenue.** Member Giltner seconded the motion.

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1 AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman  
2 Haarlow

3 NAYS: None

4 ABSTAIN: None

5 ABSENT: Members Connelly and Callahan

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7 Motion carried.

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9 **9. Unfinished Business - None**

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11 **10. Adjournment**

12 With no further business coming before the Zoning Board of Appeals,  
13 Member Moberly made a motion to **adjourn the meeting of the Zoning**  
14 **Board of Appeals of November 17, 2010.** Member Braselton seconded  
15 the motion.

16

17 AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman  
18 Haarlow

19 NAYS: None

20 ABSTAIN: None

21 ABSENT: Members Connelly and Callahan

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23 Motion carried.

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25 Chairman Haarlow declared the meeting adjourned at 8:41 p.m.

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\_\_\_\_\_ Approved: \_\_\_\_\_

30 Christine M. Bruton

31 ZBA Staff Secretary

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