

**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
January 19, 2011**

**1. Call to Order**

Chairman Bill Haarlow called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, January 19, 2011 at 7:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

**2. Roll Call**

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

Absent: None

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

**3. Approval of Minutes**

Ms. Braselton asked that the spelling of her name be corrected. Member Moberly **moved to Approve the Minutes of November 17, 2010, as amended.** Member Braselton seconded the motion.

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

NAYS: None

ABSTAIN: Members Connelly and Callahan

ABSENT: None

Motion carried.

**4. Receipt of Appearances** – Oath administered by Ms. Bono to all persons intending to speak during the public hearings.

**5. Receipt of Requests, Motions, Pleadings, or Requests to make Public Comment of a General Nature** - None

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

a) **V-09-10, 722-728 N. York Road**

Mr. Robert Brockman addressed the Board providing an overview of the situation with his building and the necessity for a map amendment and necessary variances. Director of Community Development Robb

McGinnis explained this property is currently in the O-2 district, the map amendment would rezone the property to B-1, which is in line with the current uses in the building; the underlying parcel meets the regulations in the B-1. On the advice of the Village Attorney, the variations are being sought to remove as many non-conformities as possible. The proposed amendment does not increase any non-conformities; the present uses become compliant and building and site improvements become code compliant. Front yard setback and parking variations are requested.

The Public Hearing for this matter is set for the regularly scheduled meeting of the Zoning Board of Appeals on February 16, 2011.

## **7. Public Hearings**

### **a) V-07-10, 217 Ravine Road (Transcript on file.)**

Ms. Monica Ashe-Knapp, owner and applicant, addressed the Board stating she is pursuing a variance to build a standard two-car garage. She noted that her request is compliant with FAR, setback and is 98% compliant with lot coverage. Her architect, Mr. Dennis Parsons is present to speak to the technical aspects of her variation request. She addressed the unique physical condition of her home stating that her home is part of Hinsdale's vintage housing stock, but it has a one-car attached rear-load garage. She has no alley access and her property is an interior lot. The existing garage has one stall and is unusable. She addressed the self-created requirement to grant a variance. When she bought her home the sellers represented that a two-car garage was 'doable' and she was provided a pre-plan review. She pointed out that the existing garage has a 'funky extension' probably not built according to code, it is on a floating slab and she would like to fix this non-conformity. Finally, §10-104(B)6 allows for existing pre-code single-family homes to demolish and rebuild garages. She commented that the norm in Hinsdale is to have a garage that houses multiple vehicles, and that she is only requesting a usable two-car garage. She noted that economic hardship is not a prerequisite to approval but it was cited in the Seybold Case (409 W. Walnut) and in the Bensfield case (402 Briargate Terrace) FAR was a consideration.

Chairman Haarlow noted that the ZBA does not have the authority to waive FAR and although economic hardship may be argued the ZBA would not uphold that as a valid argument. Discussion followed. Mr. Parsons explained that great efforts have been made to remove the existing garage and create an envelope that is conforming. He noted that maneuverability is an issue on this property.

Member Moberly referenced the neighbor's concerns about drainage and Ms. Knapp explained that this plan decreases the impervious area and does not change the flow of water on the property. Mr. Parsons illustrated this on the engineering report. He also noted that this garage would be five feet from the property line, when two feet is allowable. He also noted that an arborist has confirmed that the placement of the proposed garage will permit adequate light and poses no threat to area trees.

Member Neiman hopes care will be taken to work with the Donaldson's to landscape appropriately to resolve their site line issues. Ms. Knapp stated she doesn't want to create any visual impairment, but she noted they planted 20 arborvitae and these trees cover their proposed garage. She pointed out that every house in the neighborhood has a view of somebody's garage. Discussion followed regarding the pitch and height of the garage roof.

Member Callahan **moved to close the Public Hearing for V-07-10, 217 Ravine Road.** Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Recess taken.

b) **V-08-10, 337 E. Chicago Avenue** (Transcript on file.)

Mr. John Roxas, owner and applicant, addressed the Board, requesting a variance on setbacks for his basketball court noting that the court has already been constructed; a permit was applied for and issued. The required setback is ten feet, his court is constructed at a little over seven feet resulting in a 2½' foot variance. Initially, his was a 50' foot frontage, but he combined his with the neighboring lot, which increased the required setback to 10' feet. The contractor thought he was in the range. The court, as built, conformed with the code when it was a 50' foot lot. The court was constructed after the consolidation; the lot couldn't be improved until after the consolidation.

Member Neiman pointed out that this is not just a basketball court and that the building permit doesn't mean you don't have to comply with the

code. Mr. Roxas agreed, and added that it really isn't fixable unless you reduce the size of the court because of the retaining walls. He explained that his back fence abuts the Burlington tracks and to the east is the garage of a rental property. Regarding the self-created aspect, he believes the consolidation of the lots created the problem, additionally, this is not a structure, it is just a slab of cement.

Member Callahan **moved to close the Public Hearing for V-08-10, 337 E. Chicago Avenue.** Member Braselton seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

## **D E L I B E R A T I O N S**

### **V-07-10, 217 Ravine Road**

Chairman Haarlow began discussion reminding the Board that in the cases where the ZBA would make a recommendation to the Village Board, those cases would be exceptional and that raises the bar in terms of what can be recommended. In this matter, he noted that both the applicant and architect have made significant efforts to ameliorate the situation as much as possible. There was neighbor opposition in the Seybold case, too, and he noted Ms. Knapp's willingness to consider bringing down the structure a foot to improve the site line as a gesture of good faith. He sympathizes with the Donaldson's concerns, but unfortunately, we cannot control what our neighbors do with their properties. He noted that the reduction of the impervious surface is a favorable consideration. Member Neiman commented that he believes the exceptional standard is met; this garage is peculiar and this seems to be the least intrusive solution to the problem. Member Callahan pointed out that the ZBA treats cases ad hoc, this property has a unique character and this would not mirror all other garage approvals. Member Callahan **moved approval of V-07-10, 217 Ravine Road, with a one foot decrease in height.** Member Braselton recommended this matter be approved as proposed and doesn't think the one foot decrease makes a difference. Member Connelly commented that he finds a neighbor complaint more compelling if they show up. Member Giltner says it is good, however, to clarify that the impervious surface is improved to address one of the neighbor concerns. Discussion followed

regarding whether or not to lower the ridge by one foot. Member Callahan withdrew his motion on the table. Member Neiman **moved approval of V-07-10, 217 Ravine Road, as presented.** Member Braselton seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

### **V-08-10, 337 E. Chicago Avenue**

Chairman Haarlow began deliberations stating that this case seems straightforward in that we have a sports court in violation and the permit was issued, but that still means the code must be adhered to. This is a case of asking forgiveness, the combining of the lots may have created the issue, but this Board needs to be mindful of the criteria for granting a variance. The self-created criterion seems relevant here. Member Neiman said this is a contractor error and should be resolved between the owner and the contractor, not between the owner and Village. Member Braselton agrees it's fixable, it is expensive and a hassle, but it is doable. Member Callahan disagrees stating this property is exceptional; the damage and the pain of doing the court over for an isolated area in town where it won't bother anybody seems extreme. Member Callahan **moved to approve V-08-10, 337 E. Chicago Avenue.** Member Moberly seconded the motion.

AYES: Member Callahan

NAYS: Members Connelly, Moberly, Braselton, Neiman, Giltner and Chairman Haarlow

ABSTAIN: None

ABSENT: None

Motion failed.

## **8. New Business**

### **a) Approve Final Decision for V-06-10, 11 W. Maple Street**

Chairman Haarlow asked if there were any changes to the Draft Final Decision. There being none, Member Braselton moved to **Approve the Final Decision for V-06-10, 11 W. Maple Street.** Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Haarlow reminded the Board that because of the 30 day provision for approval of a final decision, this matter should be approved nunc pro tunc. Member Braselton moved to **Approve the Final Decision for V-06-10, 11 W. Maple Street, nunc pro tunc.** Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

**9. Unfinished Business – None**

**10. Adjournment**

With no further business coming before the Zoning Board of Appeals, Member Callahan made a motion to **adjourn the meeting of the Zoning Board of Appeals of January 19, 2011.** Member Braselton seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Haarlow declared the meeting adjourned at 9:03 p.m.

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Christine M. Bruton  
ZBA Staff Secretary

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