

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

1  
2  
3  
4  
5  
6  
7 **1. Call to Order**

8 Chairman Bill Haarlow called the regularly scheduled meeting of the  
9 Zoning Board of Appeals to order on Wednesday, November 17, 2010 at  
10 7:36 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago  
11 Avenue, Hinsdale, Illinois. To the persons present for their Public  
12 Hearing, Chairman Haarlow explained that there are only five Board  
13 members present and by code four affirmative votes are required to  
14 approve a variation request. Therefore, applicants have the option of  
15 postponing their hearing until the next meeting.  
16

17 **2. Roll Call**

18 Present: Chairman Bill Haarlow, Members Gary Moberly, Debra  
19 Braselton, Bob Neiman and Keith Giltner  
20

21 Absent: Members Marc Connelly and John Callahan  
22

23 Also Present: Director of Community Development/Building Commissioner  
24 Robb McGinnis, Deputy Village Clerk Christine Bruton and Kathy Bono  
25 and Tara Zeno, Court Reporters  
26

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

28 Member Braselton **moved to Approve the Minutes of October 20, 2010,**  
29 **as amended.** Member Neiman seconded the motion.  
30

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

33 NAYS: None

34 ABSTAIN: None

35 ABSENT: Members Connelly and Callahan  
36

37 Motion carried.  
38

39 **4. Receipt of Appearances – Applicants were sworn in by Court Reporter**  
40 Bono  
41

42 **5. Receipt of Requests, Motions, Pleadings, or Requests to make**  
43 **Public Comment of a General Nature Pre-Hearing and Agenda**  
44 **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 the annual picnic. She is not familiar with Mr. Marinko's problems.  
2 Mr. Fischer commented that this is as isolated from any neighbor as any  
3 spot on the property and was conceived as a quasi-public element.  
4 Member Neiman asked Mr. Marinko about noise. He replied that he has  
5 never had a problem with noise. Mr. David Lloyd, the new president of  
6 the congregation, said they have locked the dumpster on the public  
7 alley, but that he is glad to hear Mr. Marinko's concerns and assured  
8 him and the Board 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 Brazelton 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

27  
28 Motion carried.

29  
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>.

34  
35  
36 **DELIBERATIONS**

37  
38 **V-06-10, 11 W. Maple Street**

39  
40 Member Neiman asked Member Brazelton 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. An 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

21  
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

35  
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.

42  
43  
44

1 AYES: Members Moberly, Braselton, Neiman, Giltner and Chairman  
2 Haarlow  
3 NAYS: None  
4 ABSTAIN: None  
5 ABSENT: Members Connelly and Callahan  
6

7 Motion carried.  
8

9 **9. Unfinished Business - None**  
10

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  
22

23 Motion carried.  
24


25 Chairman Haarlow declared the meeting adjourned at 8:41 p.m.  
26  
27  
28

29 \_\_\_\_\_  
30 Christine M. Bruton  
31 ZBA Staff Secretary  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

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

MEMORANDUM

**TO:** Chairman Haarlow and Members of the Zoning Board of Appeals

**FROM:** Robert McGinnis MCP   
Director of Community Development/Building Commissioner

**DATE:** December 9, 2010

**RE:** Zoning Variation – V-09-10 722-728 N. York Rd.

---

In this application for variation, the applicant requests relief from the front yard setback requirement set forth in section 5-110- C1 and for a 12% reduction in the number of parking spaces required under 9-104-J1.

It should be noted that the petitioner is presently pursuing a Map Amendment to rezone the underlying parcel from the O-2 to the B-1 zoning district. This request was unanimously recommended for approval at the Plan Commission meeting of December 8, 2010. Nothing has changed nor is going to change but the zoning district the building is located in. The request for Map Amendment is being done to legally permit the uses which they feel are more suitable to this location given that the building has always contained retail uses and is directly across the street from Gateway Square which is zoned B-1. Though technically not required, the Village Attorney felt that the applicants should ask the ZBA to consider granting these variations as an effort to minimize the number of non-conformities going into the new district.

It should also be noted that no new non-conformities will be created and that overall, the number of existing non-conformities will actually be decreased by the rezoning of this parcel and the consideration of this request.

This property is located in the O-2 Office District in the Village of Hinsdale and is located on the west side of York Road between Ogden and Fuller. The property has a frontage of approximately 95', a minimum depth of 158.52', and a total square footage of approximately 30,144. The maximum FAR is approximately .24.

cc: Dave Cook, Village Manager  
Zoning file V-09-10

## MEMORANDUM

**TO:** Chairman Haarlow and Members of the Zoning Board of Appeals

**FROM:** Robert McGinnis MCP  
Director of Community Development/Building Commissioner

**DATE:** October 5, 2010

**RE:** Zoning Variation – V-07-10 217 Ravine Rd.

---

In this application for variation, the applicant requests relief from the building maximum building coverage requirements in 3-110-F1 for the construction of a detached two car garage. The Code limits combined coverage of both principle and accessory structures to a maximum of 25%. The request is for an increase of 2.5% or 197.5 square feet.

It should be noted that the Zoning Board of Appeals does not have the authority to grant increases to Building Coverage in residential districts at this time. As such, only a positive recommendation from the Zoning Board of Appeals would move on to the Village Board of Trustees for consideration.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Ravine Rd. between Forest and Elm. The property has a frontage of approximately 60', a depth of approximately 131.5', and a total square footage of approximately 7,890. The maximum FAR is approximately 3,072.5 square feet and the maximum allowable building coverage is 25% or approximately 1,972.5 square feet.

cc: Dave Cook, Village Manager  
Zoning file V-07-10

MEMORANDUM

**TO:** Chairman Haarlow and Members of the Zoning Board of Appeals

**FROM:** Robert McGinnis MCPA  
Director of Community Development/Building Commissioner

**DATE:** November 4, 2010

**RE:** Zoning Variation – V-08-10 337 E. Chicago Ave.

---

In this application for variation, the applicant requests relief from the sideyard setback requirements set forth in 9-107E for the construction of a residential recreational facility (sport court). The Code requires a 10' setback in this case and the specific relief requested in this case is 2.76'.

It should be noted that this sport court has already been constructed. Back up materials are attached for your convenience.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Chicago Ave. between Oak and Orchard. The property has a frontage of approximately 100', an average depth of 211', and a total square footage of approximately 21,113. The maximum FAR is approximately 6,223 square feet and the maximum allowable building coverage is 25% or approximately 1,556 square feet.

cc: Dave Cook, Village Manager  
Zoning file V-08-10



**FINAL DECISION**

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

- Zoning Calendar:** V-06-10
- Petitioner:** Unitarian Church of Hinsdale
- Meeting held:** Public Hearing was held on Wednesday, November 17, 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 November 4, 2010.
- Premises Affected:** Subject Property is commonly known as 11 W. Maple Ave., Hinsdale, Illinois and is legally described as:
- LOT THREE (3) (EXCEPT THE NORTH FORTY (40) FEET THEREOF) IN BLOCK FIVE (5) OF THE PLAT OF OLIVER J. STOUGH'S ADDITION TO THE VILLAGE OF HINSDALE IN SECTION ONE (1), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE ELEVEN (11), EST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH ALL IMPROVEMENTS THEREON, SITUATE IN THE VILLAGE OF HINSDALE, COUNTY OF DUPAGE IN THE STATE OF ILLINOIS
- Subject:** In this application for variation, the applicant requests a reduction of the required corner side yard from 22.94' to 5' for the construction of a patio. The zoning code does not specifically list patios as a permitted encroachment into a required yard under 3-110-15.
- Facts:** This property is located in the IB Institutional Buildings District in the Village of Hinsdale and is located on the northwest corner of Washington and Maple. The property has a frontage of approximately 125', a depth of approximately 165', and a total square footage of approximately 20,625. The maximum FAR is approximately 10,312 square feet.
- The specific ordinance provision from which a variation is sought is 3-110-D2.
- Action of the Board:** The Board reviewed and discussed the variation as requested. Members concluded that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met.

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

**AYES:** Member Braselton, Member Moberly, Member Giltner, Member Neiman, Chairman Haarlow.

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Connelly, Member Callahan

THE HINSDALE ZONING BOARD OF APPEALS

---

Chairman Bill Haarlow

Filed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, with the office of the Building Commissioner.