

**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
February 16, 2011**

**1. Call to Order**

Chairman Bill Haarlow called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, February 16, 2011 at 7:35 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 and Debra Braselton

Absent: Members Bob Neiman, Keith Giltner and John Callahan

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 – January 19, 2011**

Member Braselton **moved to Approve the Minutes of February 16, 2011, as amended.** Member Moberly seconded the motion.

AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow

NAYS: None

ABSTAIN: Members Neiman, Giltner and Callahan

ABSENT: None

Motion carried.

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

**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-01-11, 345 E. Hickory Street**

Mr. Walter Morrissey, the attorney representing the homeowners, Mr. & Mrs. Charles Hines, addressed the Board, stating his clients are asking for a variation for the installation of a fence. He explained the history of the lot and that the neighbors on each side of the 347 E. Hickory lot purchased it and split the property. Chairman Haarlow referenced the application as filed with respect to special privilege and

the denial of substantial rights sections, stating that all criteria must be satisfactorily addressed and substantiated. He suggested Mr. Morrissey provide stronger support on these points and that letters from neighbors are also helpful. The public hearing was set for March 16<sup>th</sup>.

## **7. Public Hearings**

### **a) V-09-10, 722-728 N. York Road (Transcript on file)**

Chairman Haarlow explained that because there are only four Board members present, the case can be forwarded at the discretion of the applicant in hopes of better attendance. A unanimous vote would be required tonight. The applicants elected to proceed.

Director of Community Development Robb McGinnis provided background and context on the matter and read into the record his memorandum dated December 9, 2010. 'This application requests front yard setback relief from §5-110(C)(1) and a 12% reduction in the number of parking spaces required in §9-104(J)(1). 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. The request was unanimously recommended for approval at the Plan Commission meeting of December 8, 2010. Nothing has changed nor is going to change with 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 from Gateway Square, which is located in the B-1 district. Though technically not required, the village attorney felt that the applicant should ask the ZBA to consider granting these variations in an effort to minimize the number of nonconformities going into the new district. It should also be noted that no new nonconformities will be created and that overall the number of existing nonconformities will actually be decreased by the re-zoning of this parcel and the consideration of this request.' He added the underlying parcel meets all regulations of the B-1 district. The present uses become compliant as well as site improvements.

Ms. Kim Brockman, 1813 Forest Drive, Oldsmar, Florida and Mr. Robert Brockman, 722 N. York Road, Hinsdale, applicants and owners of the property, addressed the Board. Ms. Brockman stated that their grandfather built the building over 50 years ago, and they have no intentions of altering the structure. The main issue is the parking spaces, she noted the tenants currently occupying the building are not heavy parking users, and do not present any undue hardship to the neighbors. She confirmed that 33 spaces are required, there are

currently 29 available. Regarding the front yard setback, Mr. Brockman confirmed that the building is nine feet back, but noted that all other buildings in this location are within a foot of theirs. Chairman Haarlow asked, because of age and location, if this a compliant non-conforming structure. Mr. McGinnis confirmed that it is, in fact, a pre-code structure. Discussion followed regarding income potential of the B-1 as compared to the O-1. It was noted that there are no residential properties contiguous to the Brockman property. Mr. Robert Grogan, who owns the property at 150 East Ogden stated that he has no issues with the proposed variance and supports the variance as requested.

Member Moberly moved **to close the public hearing for V-09-10, 722-728 N. York Road**. Member Connelly seconded the motion.

AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow

NAYS: None

ABSTAIN: None

ABSENT: Members Neiman, Giltner and Callahan

Motion carried.

## DELIBERATIONS

Member Moberly commented that he is in support of the proposed variation; it makes the property more compliant and reflects the current use of the property. Member Connelly moved **to approve V-09-10, 722-728 N. York Road**. Member Braselton seconded the motion.

AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow

NAYS: None

ABSTAIN: None

ABSENT: Members Neiman, Giltner and Callahan

Motion carried.

## 8. New Business

### a) **Approve Final Decision for V-07-10, 217 Ravine Road**

Chairman Haarlow asked if there were any changes or corrections to the document, there being none Member Braselton moved to **approve the Final Decision for V-07-10, 217 Ravine Road**. Member Moberly seconded the motion.

AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow  
NAYS: None  
ABSTAIN: None  
ABSENT: Members Neiman, Giltner and Callahan

Motion carried.

b) **Approve Final Decision for V-08-10, 337 E. Chicago Avenue**

Chairman Haarlow asked if there were any changes or corrections to the document, there being none Member Moberly moved **to approve the Final Decision for V-08-10, 337 E. Chicago Avenue.** Member Braselton seconded the motion.

AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow  
NAYS: None  
ABSTAIN: None  
ABSENT: Members Neiman, Giltner and Callahan

Motion carried.

**9. Unfinished Business - None**

**10. Adjournment**

With no further business coming before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the meeting of the Zoning Board of Appeals of February 16, 2011.** Member Connelly seconded the motion. Voice vote taken, all in favor, motion carried.

Chairman Haarlow declared the meeting adjourned at 8:08 p.m.

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Christine M. Bruton  
ZBA Staff Secretary

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