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**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

1 the denial of substantial rights sections, stating that all criteria must
2 be satisfactorily addressed and substantiated. He suggested Mr.
3 Morrissey provide stronger support on these points and that letters
4 from neighbors are also helpful. The public hearing was set for March
5 16th.

7. Public Hearings

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

8 Chairman Haarlow explained that because there are only four Board
9 members present, the case can be forwarded at the discretion of the
10 applicant in hopes of better attendance. A unanimous vote would be
11 required tonight. The applicants elected to proceed.
12

13
14 Director of Community Development Robb McGinnis provided
15 background and context on the matter and read into the record his
16 memorandum dated December 9, 2010. 'This application requests front
17 yard setback relief from §5-110(C)(1) and a 12% reduction in the number
18 of parking spaces required in §9-104(J)(1). It should be noted that the
19 petitioner is presently pursuing a map amendment to rezone the
20 underlying parcel from the O-2 to the B-1 zoning district. The request
21 was unanimously recommended for approval at the Plan Commission
22 meeting of December 8, 2010. Nothing has changed nor is going to
23 change with the zoning district the building is located in. The request
24 for map amendment is being done to legally permit the uses which they
25 feel are more suitable to this location given that the building has always
26 contained retail uses and is directly across from Gateway Square, which
27 is located in the B-1 district. Though technically not required, the
28 village attorney felt that the applicant should ask the ZBA to consider
29 granting these variations in an effort to minimize the number of
30 nonconformities going into the new district. It should also be noted that
31 no new nonconformities will be created and that overall the number of
32 existing nonconformities will actually be decreased by the re-zoning of
33 this parcel and the consideration of this request.' He added the
34 underlying parcel meets all regulations of the B-1 district. The present
35 uses become compliant as well as site improvements.
36

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

1 currently 29 available. Regarding the front yard setback, Mr. Brockman
2 confirmed that the building is nine feet back, but noted that all other
3 buildings in this location are within a foot of theirs. Chairman
4 Haarlow asked, because of age and location, if this a compliant non-
5 conforming structure. Mr. McGinnis confirmed that it is, in fact, a pre-
6 code structure. Discussion followed regarding income potential of the B-
7 1 as compared to the O-1. It was noted that there are no residential
8 properties contiguous to the Brockman property. Mr. Robert Grogan,
9 who owns the property at 150 East Ogden stated that he has no issues
10 with the proposed variance and supports the variance as requested.

11
12 Member Moberly moved to close the public hearing for V-09-10, 722-
13 728 N. York Road. Member Connelly seconded the motion.

14
15 AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow

16 NAYS: None

17 ABSTAIN: None

18 ABSENT: Members Neiman, Giltner and Callahan

19
20 Motion carried.

21 22 DELIBERATIONS

23
24 Member Moberly commented that he is in support of the proposed
25 variation; it makes the property more compliant and reflects the current
26 use of the property. Member Connelly moved to approve V-09-10, 722-
27 728 N. York Road. Member Braselton seconded the motion.

28
29 AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow

30 NAYS: None

31 ABSTAIN: None

32 ABSENT: Members Neiman, Giltner and Callahan

33
34 Motion carried.

35 36 37 8. New Business

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

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

43
44

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

5
6 Motion carried.

7
8 **b) Approve Final Decision for V-08-10, 337 E. Chicago Avenue**

9 Chairman Haarlow asked if there were any changes or corrections to the
10 document, there being none Member Moberly moved to **approve the**
11 **Final Decision for V-08-10, 227 E. Chicago Avenue.** Member
12 Braselton seconded the motion.

13
14 AYES: Members Connelly, Moberly, Braselton and Chairman Haarlow
15 NAYS: None
16 ABSTAIN: None
17 ABSENT: Members Neiman, Giltner and Callahan

18
19 Motion carried.

20
21 **9. Unfinished Business - None**

22
23 **10. Adjournment**

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


28
29 Chairman Haarlow declared the meeting adjourned at 8:08 p.m.

30
31
32 _____
33 Christine M. Bruton
34 ZBA Staff Secretary

Approved: _____

MEMORANDUM

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

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

DATE: March 10, 2011

RE: Zoning Variation – V-03-11 938 S. Grant


In this application for variation, the applicant requests relief from the driveway requirements set forth in 9-104-F3 for the construction of a circular driveway. The code requires that lots be a minimum of 75' wide to be allowed two curb cuts. The subject lot is 72' wide.

This property is located in the R-2 Residential District in the Village of Hinsdale and is located on the west side of Grant Street between Ninth and 55th. The property has a frontage of approximately 72', an average depth of 223.5', and a total square footage of approximately 16,104. The maximum FAR is approximately 5,065 square feet and the maximum allowable building coverage is 25% or approximately 4,026 square feet.

cc: Dave Cook, Village Manager
Zoning file V-03-11

MEMORANDUM

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

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

DATE: February 10, 2011

RE: Zoning Variation – V-01-11 345 E. Hickory Street

In this application for variation, the applicant requests relief from the fence requirements set forth in 9-12-3(E)(1)(a) for the construction of 4' high open wrought iron fence in the front yard. The Code limits fences in front yards to 3' in height when open.

It should be noted that this fence 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 Hickory Street between Elm and Oak. The property has a frontage of approximately 172', an average depth of 300', and a total square footage of approximately 51,102. The maximum FAR is approximately 12,220 square feet and the maximum allowable building coverage is 25% or approximately 12,775 square feet.

cc: Dave Cook, Village Manager
Zoning file V-01-11

MEMORANDUM

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

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

DATE: March 10, 2011

RE: Zoning Variation – V-02-11 16W. Birchwood Avenue

In this application for variation, the applicant requests relief from the interior side and rear yard setback requirements set forth in section 3-110-D2 and D3 for the construction of an elevator. The applicant is requesting a 2' reduction in the required side yard from 16.5' to 14.5' and a 4' reduction in the required rear yard from 50' to 46'.

This property is located in the R-2 Residential District in the Village of Hinsdale and is located on the south side of Birchwood Lane between Merrill Woods and Washington. The property has a frontage of approximately 105', an average depth of 197.5', and a total square footage of approximately 19,782. The maximum FAR is approximately 5,947 square feet and the maximum allowable building coverage is 25% or approximately 4,945 square feet.

cc: Dave Cook, Village Manager
Zoning file V-02-11

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-09-10
- Petitioner:** Kim and Bob Brockman
- Meeting held:** Public Hearing was held on Wednesday, January 19, 2011 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 January 27, 2010.
- Premises Affected:** Subject Property is commonly known as 722-728 N. York Rd., Hinsdale, Illinois and is legally described as:
- LOT 2 IN BROCKMAN'S RESUBDIVISION OF LOT 5 IN RUCHTY'S RESUBDIVISION OF LOTS 2 AND 3 IN BLOCK 3 OF THE PLAT OF FULLERSBURG AND PART OF LOT 1 IN BLOCK 3 OF THE PLAT OF FULLERSBURG, IN SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID BROCKMAN'S RESUBDIVISION RECORDED DECEMBER 18, 1957, AS DOCUMENT 866191, IN DUPAGE COUPTY, ILLINOIS
- Subject:** 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.
- Facts:** 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.
- The specific ordinance provisions from which a variation is sought is 5-110-C1 and 9-104-J1.
- This petitioner was 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 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 the request in an effort to minimize the number of non-conformities going into the new district. No new non-conformities were created and overall, the number of existing non-conformities was actually decreased by the rezoning of this parcel and the consideration of the request.

Action of the Board:

The focus of discussion was tied to the existing building and the fact that nothing was being changed by virtue of the request. There was discussion on the Map Amendment being considered and the action of the Plan Commission. Members agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval.

A motion to recommend approval to the Board of Trustees was made by Member Connelly and seconded by Member Braselton.

AYES:

Members Marc Connelly, Gary Moberly, Debra Braselton, and Chairman Bill Haarlow

NAYS:

None

ABSTAIN:

None

ABSENT:

Members Bob Neiman, Keith Giltner, John Callahan

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Bill Haarlow

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