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**VILLAGE OF HINSDALE
MINUTES OF THE
MEETING OF THE
ZONING BOARD OF APPEALS
Wednesday May 18, 2011**

1. Call to Order

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday May 18, 2011 at 7:35 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. Roll Call

Present: Chairman Debra Braselton, Members, Gary Moberly, Bob Neiman, Keith Giltner, John Callahan, and Rody Biggert.

Absent: Marc Connelly

Also Present: Director of Community Development/Building Commissioner Robb McGinnis, Court Reporters Kathy Bono, and Tara Zeno.

3. Approval of Minutes – April 21, 2011

Member Neiman moved **approval of the minutes of the Special Meeting of April 21, 2011**. Member Moberly seconded the motion.

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

NAYS: None

ABSTAIN: Member Biggert

ABSENT: Members Connelly

4. Receipt of Appearances - None

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

All individuals anticipating testifying during scheduled public hearings were sworn in by Ms. Bono.

6. Pre-Hearing and Agenda Setting

a) **V-04-11, 7 W. Ayres**

Ms. Cathleen Keating, attorney for the applicant, explained her client's case for a fence that exceeded that permitted under the code and stated that anything less than 6' in height would be out of character with both the house and the neighborhood. She explained that her clients had several instances of cars driving into the property mistaking it for public space due to the configuration of the lot and its location and that

1 her clients felt that a six foot fence would be significant enough to keep
2 cars away and people away. Chairman Braselton set the public hearing
3 for V-04-11 for June 22, 2011.
4

5 **7. Public Hearings**

6 a) **V-03-11, 938 S. Grant Street** (Transcript on file.)

7 Chairman Braselton opened the public hearing. Mr. James Olguin,
8 attorney for the homeowners addressed the Board stating his clients are
9 looking for relief for a circular driveway for a 72' lot. The actual request
10 is for three feet of relief or a 4% reduction in the required lot width.
11

12 Mr. Olguin stated that the subject lot is only 94' from the corner of
13 Grant and 55th Street. This results in a lot of traffic congestion near the
14 subject property.
15

16 He stated that the proximity to the high school creates a lot of
17 pedestrian traffic.
18

19 He stated that there are mature parkway trees on either side of the
20 driveway that make it extremely difficult to back out of the driveway, as
21 the tree block the view of both the sidewalk and the street.
22

23 He stated that the circular drive would allow his client much better
24 visibility.
25

26 He stated that there were no objectors and that the Village had received
27 several letters of support.
28

29 He stated that there are many circular driveways on lots that are less
30 than 75' wide, but acknowledged that these were likely built before the
31 code was amended as he was not able to find any records for this type of
32 request in the ZBA log book.
33

34 Member Callahan motions to close the public hearing, Member Giltner
35 seconded the motion.
36

37 **AYES:** Members Moberly, Neiman, Giltner, Callahan, Biggert, and
38 Chairman Braselton

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Member Connelly
42

43 Motion carried.
44

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

V-03-11, 938 S. Grant Street

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6 Chairman Braselton asked members for comments on the request. Member
7 Biggert asked if this was something that had not been anticipated or
8 addressed when the request for permit came in initially. Chairman Braselton
9 responded that it was and that it was rejected as part of the review initially.

10
11 Member Moberly stated that he has seen how busy the intersection is. He
12 stated that he struggled with precedent and what the right number should be.

13
14 Member Giltner felt that the standards had been met and that there was a
15 safety issue.

16
17 Chairman Braselton added that she had consulted with the Village attorney
18 who had told her that precedent was not critical and that each case stood on
19 its own merits.

20
21 Member Neiman stated that though there was no problem with binding
22 precedent, they should consider the uniqueness of each individual case should
23 be the focus on their decisions to avoid any criticism and liability with similar
24 requests being either approved or denied.

25
26 Member Biggert stated that safety was an issue. He also added that
27 precedent should be considered at some level.

28
29 Member Callahan stated that precedent was not an issue and that he had
30 stated this preciously and that he weighed each request on its own merits. He
31 concurred with the safety concerns mentioned by the others. He then moved
32 to close deliberations and approve the variation request. Member Neiman
33 seconded the motion.

34
35 **AYES:** Members, Moberly, Neiman, Giltner, Callahan, Biggert, and Chairman
36 Braselton

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** Member Connelly

40
41 Member Moberly made a motion **to approve the variation request know**
42 **as V-02-11, 16 W. Birchwood Avenue.** Member Giltner seconded the
43 motion.
44

1 **AYES:** Members, Moberly, Neiman, Giltner, Callahan, Biggert, and Chairman
2 Braselton

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Member Connelly

6

7 Motion carried.

8

9 **8. New Business**

10 a) **Approve Final Decision for V-02-11, 16 W. Birchwood Avenue**

11 Member Moberly moved to **Approve Final Decision for V-02-11 16 W.**
12 **Birchwood Avenue.** Member Neiman seconded the motion.

13

14 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman
15 Braselton

16 **NAYS:** None

17 **ABSTAIN:** Member Biggert

18 **ABSENT:** Member Connelly

19

20 Motion carried.

21

22 b) **New application for fence variation form and Section 9-12-3**

23 Chairman Braselton opened discussion on this item and brought
24 attention to the fact that there are two different sets of standards. One
25 set in 11-503 and another specific to fences in 9-12-3. She said members
26 should try and familiarize themselves with both sets, as the ZBA has
27 two different variations coming before them with two different sets of
28 standards.

29

30 Chairman Braselton stated that hardship was excluded in the standards
31 in 9-12-3, and included precedent. She stated that ultimately the
32 Village Board would consider deleting the standards in 9-12-3, that the
33 ZBA would follow this and provide input, and that this should be
34 included under Unfinished Business moving forward.

35

36 There was a brief discussion on the proposed text amendment on Design
37 Review. Chairman Braselton asked for a copy of the Design Review
38 Guidelines and asked members to follow this agenda item.

39

40

41

42 **9. Unfinished Business**

43

44 **10. Adjournment**

1 With no further business coming before the Zoning Board of Appeals,
2 Member Moberly made a motion to **adjourn the meeting of the Zoning**
3 **Board of Appeals of May 18, 2011.** Member Giltner seconded the
4 motion.

5
6 **AYES:** Members, Moberly, Neiman, Giltner, Callahan, Biggert, and Chairman
7 Braselton

8 **NAYS:** None

9 **ABSTAIN:** None

10 **ABSENT:** Member Connelly

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12 Motion carried.

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14 Chairman Braselton declared the meeting adjourned at 8:25 p.m.

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Robert McGinnis, MCP
Director of Community Development/
Building Commissioner

Approved: _____