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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
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43 Motion carried.
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D E L I B E R A T I O N S

V-03-11, 938 S. Grant Street

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

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

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

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

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

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

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

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

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

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

11

12 Motion carried.

13

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

15

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Approved: _____

19

Robert McGinnis, MCP

20

Director of Community Development/

21


Building Commissioner

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23

MEMORANDUM

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

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

DATE: June 3, 2011

RE: Zoning Variation – V-05-149 E. Ogden Avenue - BP

In this application for variation, the applicant requests relief from the loading space requirements set forth in 9-105 of the Village's Zoning Code for the construction of a 700 square foot Quick Serve Restaurant (QSR) as well as additional site improvements to the gas station and mini-mart at 149 E. Ogden Road.

This property is located in the B-3 General Business District in the Village of Hinsdale and is located on the NW corner of York Road and Ogden Avenue. The property has a frontage of approximately 167', an average depth of 190', and a total square footage of approximately 38,000. The maximum FAR is approximately .09 or 3,427 square feet.

At the May 11, 2011 Plan Commission meeting the commission reviewed the application submitted by Parent Petroleum and unanimously recommended approval of the request with the condition that they remove the three newly proposed parking spaces and only provide the loading aisle/space if necessary. The Commission appreciated the applicants desire to have extra parking spaces and a loading area for garbage pick up, but preferred to see additional open space. Due to the loading space requirements, the applicant knew they would need a variation regardless of whether they provided it or not (a loading space cannot be visible from any street), so they opted to remove the aisle and provide the additional open space as requested by the Plan Commission. At the ZPS meeting of 23rd, the committee approved the request subject to the applicant obtaining the necessary variation for the elimination of the loading space.

cc: Dave Cook, Village Manager
Zoning file V-05-11

FINAL DECISION

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

- Zoning Calendar:** V-03-11
- Petitioner:** Jim and Mai Kuo
- Meeting held:** Public Hearing was held on Wednesday, May 18, 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 May 5, 2011.
- Premises Affected:** Subject Property is commonly known as 938 S. Grant Street, Hinsdale, Illinois and is legally described as:
- LOT 5 IN OWNER'S SUBDIVISION OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE NORTH 173 FEET AND THE WEST 985 FEET AND THE EAST 1,398.54 FEET) ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED JULY 18, 1946 AS DOCUMENT 501557, IN DEUPAGE COUNTY, ILLINOIS
- Subject:** 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.
- Facts:** 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.
- The specific relief requested is from 9-104-F3.
- Action of the Board:** Members discussed the request and agreed that concerns over the proximity to the school crossing and intersection at 55th Street was a legitimate safety issue that justified the request. All 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 was made by Member Moberly and seconded by Member Giltner.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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