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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING OF
Wednesday, October 19, 2011**

1. CALL TO ORDER

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday, October 19, 2011 at 7:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Chairman Debra Braselton, Members Marc Connelly, Gary Moberly, Bob Neiman, John Callahan and Rody Biggert

Absent: Member Keith Giltner

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

3. APPROVAL OF MINUTES – September 21, 2011

Chairman Braselton suggested corrections to the minutes. Member Moberly moved **approval of the minutes of the Meeting of September 21, 2011, as amended.** Member Connelly seconded the motion.

AYES: Members Connelly, Moberly, Callahan and Chairman Braselton

NAYS: None

ABSTAIN: Members Neiman and Biggert

ABSENT: Member Giltner

Motion carried.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES – Ms. Linda Ritter was present to speak to V-06-11.

6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None

7. PRE-HEARING AND AGENDA SETTING – None

8. PUBLIC HEARINGS

a) V-06-11, 433 S. Washington

Ms. Linda Ritter, applicant, was sworn in, as was her architect Mr. Richard Olsen. Ms. Ritter provided an overview of the circumstance and what is being requested. She would like to demolish the existing home and build a new house; the current setback of the existing structure is 27.3'. To determine the setback for new construction, however, the code requires the use of the average setbacks of the homes on the block. This would result in a required setback of 44.3'. She demonstrated that two of the homes on the block have skewed the resulting number, but also noted that all homes across the street have approximately a 27' setback. She is asking for a variance to build the new home exactly where the old house currently is. She believes it is unrealistic to set a new home at 44.3'. This setback, plus the interior yard setback, would result in a 27' wide house on an 81' by 150' lot and would not be aesthetically in keeping with the neighborhood. She also noted that the massing will

1 be reduced because they do not intend to install a circular drive. Chairman Braselton
2 asked that Ms. Ritter review the standards. Member Moberly asked about the house
3 to the east that is for sale. Ms. Ritter stated that the home is unoccupied and the
4 owner resides in New York, but there are no offers on the home at this time and she
5 does not know what will happen with that property when it has a new owner.
6

7 Member Connelly noted that the minutes of September 21, 2011 state that Ms. Ritter
8 intends to install a circular driveway. Ms. Bruton confirmed this is a typographical
9 error. Member Connelly moved **to reopen and amend the minutes of September**
10 **21, 2011 to indicate that no circular driveway is intended.** Member Moberly
11 seconded the motion.
12

13 **AYES:** Members Connelly, Moberly, Callahan and Chairman Braselton

14 **NAYS:** None

15 **ABSTAIN:** Members Neiman and Biggert

16 **ABSENT:** Member Giltner
17

18 Motion carried.
19

20 Mr. Olsen approached the Board to address the standards for variations. Ms. Ritter
21 reiterated her original statements about setbacks. She stated they are not asking for
22 anything more than what currently exists and the block average creates an
23 unreasonable requirement for a setback on that lot, what they are asking for is in
24 keeping with the existing properties on the block. Mr. McGinnis confirmed that a
25 similar case had recently been before the Board for the property located at 505 Morris
26 Lane. The setback requirements created an unbuildable lot and the Board had voted
27 in favor of that request. Ms. Ritter stated that they have received no feedback from
28 anyone from the legal notice, they have spoken to the neighbor to the north several
29 times, and there are no issues. The real estate agent for the vacant house to the east
30 has said the owner of that property has no problem with the proposed new house.
31 Member Callahan noted that the new detached garage on the proposed plan is closer
32 to the neighbor; Mr. McGinnis stated that it meets the required six foot setback. It
33 was also pointed out that the address of this home is Washington Street, but the
34 home will be oriented to 5th Street. Member Neiman moved **to close the Public**
35 **Hearing for V-06-11, 433 N. Washington.** Member Moberly seconded the motion.
36

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

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Member Giltner
42

43 Motion carried.
44
45

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

47
48 Member Connelly moved **to approve V-06-11, 433 Washington Street.** Member
49 Moberly seconded the motion. Member Moberly commented that keeping the current
50 footprint is fine. Member Neiman agreed and stated this case is an example of why the
51 Zoning Board approves a request. Member Biggert asked Mr. McGinnis to explain the
52 effect of the reorientation of the home and garage.

53 **AYES:** Members Connelly, Moberly, Neiman, Callahan, Biggert and Chairman Braselton

1 NAYS: None
2 ABSTAIN: None
3 ABSENT: Member Giltner

4
5 Motion carried.

6
7 **9. NEW BUSINESS** – None

8
9 **10. UNFINISHED BUSINESS**

10 a) **Discussion of Public Hearing deliberation**

11 Chairman Braselton introduced the item for discussion. The Board concurred that
12 the timing of deliberation can be decided on a case by case basis.

13 b) **Discussion of Fence Variation Standards**

14 Chairman Braselton introduced the item by stating that it had come to the Board's
15 attention that there appeared to be different standards for variations in the zoning
16 code and the municipal code regarding fences. She provided historical background as
17 follows: on January 23, 2006, the Zoning & Public Safety Committee recommended to
18 the Village Board an ordinance allowing the Plan Commission to have the authority
19 to grant fence waivers specifically for planned developments. Ordinance O2006-12
20 was approved by the Village Board. Subsequently, in June 2006 before the ZPS
21 Committee was a recommendation to rescind O2006-12 because the attorney opined
22 that the Plan Commission already had the authority to grant variances. There were
23 some amendments to the ordinance, the major modification being to strike the
24 provision that the Village Board could modify the provisions of this section in the
25 municipal code as it applies to planned developments. What looks like different
26 standards, are not, the municipal code standards only applies to planned
27 developments. This section of the code does not apply to private property. The
28 legislative history indicates that there is no conflict and, therefore, she does not
29 believe the Zoning Board of Appeals needs to ask the Village Board to make a change
30 or a correction to the code. The Board concurred.

31
32 **11. ADJOURNMENT**

33 With no further business coming before the Zoning Board of Appeals, Member Moberly
34 made a motion to **adjourn the meeting of the Zoning Board of Appeals of October**
35 **19, 2011.** Member Connelly seconded the motion.

36
37 **AYES:** Members Connelly, Moberly, Neiman, Callahan, Biggert and Chairman Braselton

38 **NAYS:** None

39 **ABSTAIN:** None

40 **ABSENT:** Member Giltner

41
42 Motion carried.

43
44 Chairman Braselton declared the meeting adjourned at 7:57 p.m.
45
46
47

48 Approved: _____

49 _____
50 Christine M. Bruton
51 Village Clerk
52

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-06-11
- Petitioner:** Tiburon Homes LLC/Bruce and Linda Ritter
- Meeting held:** Public Hearing was held on Wednesday, October 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, 2011.
- Premises Affected:** Subject Property is commonly known as 433 S. Washington St., Hinsdale, Illinois and is legally described as:
- THE SOUTH 81 FEET (EXCEPT THE EAST 100 FEET THEREOF) OF LOT 3 IN BLOCK 11 OF THE TOWN OF HINSDALE, BEING A SUBDIVISION OF THE NORTHWEST QUARTER (EXCEPT RAILROAD LANDS) OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1866 AS DOCUMENT 7738, IN DU PAGE COUNTY, ILLINOIS
- Subject:** In this application for variation, the applicant requests relief from the corner side yard setback requirements set forth in section 3-110-D2 for the construction of a new single family home. The applicant is requesting a 16' reduction in the required corner side yard from 43.3' to 27.3'. It should be noted that this request is being generated due to the fact that because this is a conforming lot, the corner side yard setback is a function of block average. The lots on Fifth Street are fairly deep, moving the block average back further with a resulting substantial loss to setback on the subject lot.
- Facts:** This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the northeast corner of Washington and Fifth Street. The property has a frontage of approximately 81', an average depth of 150', and a total square footage of approximately 12,150. The maximum FAR is approximately 4,116 square feet and the maximum allowable building coverage is 25% or approximately 3,037 square feet.

The specific relief requested is from 3-110-D2

Action of the Board:

Members discussed the request and agreed that there was precedent for this type of request and that the block average on both frontages created an undue burden on this conforming lot. 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 Connelly and seconded by Member Moberly.

AYES:

Members Connelly, Moberly, Neiman, Callahan, Biggert, and Chairman Braselton

NAYS:

None

ABSTAIN:

None

ABSENT:

Member Giltner

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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