

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-01-12
- Petitioner:** Marie Trader
- Meeting held:** Public Hearing was held on Wednesday, February 15, 2012 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 26, 2012.
- Premises Affected:** Subject Property is commonly known as 118 E. 6th Street, Hinsdale, Illinois and is legally described as:
- LOT 2 (Except the South 10 feet Thereof) of "Bucholz Subdivision" of Lots 4 and 5 and the West 85 feet of Lot 3 in Block 14 in West Robbins Addition to Hinsdale, in the South Half of the North East Quarter and the North Quarter of the South East Quarter of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian, According to the Plat of said "Bucholz Subdivision" recorded May 18, 1918 as Document 133109, in DuPage County, Illinois
- Subject:** Requested variation pursuant to Section 3-110-I(5d & f) bulk, space and yard requirements with respect to the front yard setback in order to construct a covered front porch and stairs.
- Facts:** This property is located in the R-1 single-family zoning district in the Village of Hinsdale and is located on the south side of Sixth Street, east of Garfield Avenue. The property has a frontage of approximately 66', a depth of approximately 182', and a total square footage of approximately 12,012. The maximum FAR is 24% +1,200 square feet or approximately 4,083 square feet. The maximum building coverage is 25% or approximately 3,003 square feet. The Total Lot Coverage is 50% or approximately 6,006 square feet. The proposed improvement will meet all other bulk zoning regulations.
- The specific relief requested is from 3-110-I(5d & f)
- Action of the Board:** Members discussed the request and that fact that nothing had changed since the first time the request was approved and granted. The applicant had simply not been able to start construction within the one year required under the Code. Member Biggert stated that

this was really a case of res judicata. 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 Biggert.

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

NAYS: None

ABSTAIN: None

ABSENT: Connelly, Callahan

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

**VILLAGE OF HINSDALE
MINUTES OF THE MEETING
ZONING BOARD OF APPEALS
February 15, 2012**

1. CALL TO ORDER

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday, January 18, 2012 at 7:32 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 and Rody Biggert

Absent: Members Marc Connelly and John Callahan

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

3. APPROVAL OF MINUTES – January 18, 2012

Member Neiman made a correction to the minutes. Member Moberly moved **approval of the minutes of the Meeting of January 18, 2012, as amended**. Member Neiman seconded the motion.

AYES: Members Moberly, Neiman, Biggert and Chairman Braselton

NAYS: None

ABSTAIN: Member Giltner

ABSENT: Members Connelly and Callahan

Motion carried.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES – All intending to testify were sworn in.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-02-12, 344 Radcliffe Way

Mr. Dennis Parsons, the architect on the project, addressed the Board, stating his client is interested in preserving the house, and pointed out this is basically the same request as was previously before the Zoning Board of Appeals, however there would be a different exterior and elevation. Ms. Kristen Stefani, applicant, explained that she is not the owner of the home, but the prospective buyer and the contract on the property is contingent on passing the variance. Ms. Bruton clarified that the previous variation was filed in 2007 but was withdrawn before it went to hearing. Ms. Stefani explained the request asks permission to add a family room, a breakfast room and garage space. They are not planning to change the existing house, which may be non-conforming, but the addition would be conforming. The 2007 application did not mention height or elevation. Mr. Parsons stated that he is still getting

topographical studies, and will have more information at the time of hearing, but that will not change the application. Member Neiman asked the applicant to give more thought to whether or not a large family room and garage is a substantial denial of rights. The public hearing is set for March 21st unless a quorum cannot be reached because of spring break. Ms. Bruton will poll the members to determine an alternate meeting date, if necessary.

8. PUBLIC HEARINGS

a) V-01-12, 118 East Sixth Street

Chairman Braselton opened the public hearing and stated that this variance was previously granted, but the petitioners did not proceed at that time. Mr. & Mrs. William Trader approached the Board. Mr. Trader stated they are looking to add a porch; the variance is for the landing allowing the steps to protrude into the setback. Chairman Braselton confirmed that this would be 3 ½ feet for the landing and the stair. Mr. Trader stated he has no knowledge of any neighbor concerns. He explained that a neighbor's porch addition at 6th and Park caused this to be a six inch greater variance than the first time.

Member Moberly pointed out that Member Connelly had voted no on this request last time because of hardship. Mr. Trader responded that this is primarily an aesthetic request.

Member Moberly moved to **close the public hearing for V-01-12, 118 East Sixth Street**. Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly and Callahan

Motion carried.

DELIBERATION

Chairman Braselton opened discussion. Member Moberly commented that it is a beautiful home and if the neighbors had objected it might be a concern, but otherwise he is in favor of granting the variance. There being no further comments, Member Moberly **moved to approve the variance known as V-01-12, 118 East Sixth Street**. Member Biggert seconded the motion. Member Biggert asked if the doctrine of res judicata would apply in this case. Chairman Braselton responded that there was no provision for same in the Village Code.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly and Callahan

Motion carried.

9. NEW BUSINESS – None

10. UNFINISHED BUSINESS

11. ADJOURNMENT

With no further business coming before the Zoning Board of Appeals, Member Biggert made a motion to **adjourn the meeting of the Zoning Board of Appeals of February 15, 2012**. Member Neiman seconded the motion.

AYES: Members Connelly, Moberly, Neiman, Biggert and Chairman Braselton

NAYS: None

ABSTAIN: None

ABSENT: Members Giltner and Callahan

Motion carried.

Chairman Braselton declared the meeting adjourned at 7:49 p.m.

Christine M. Bruton
Village Clerk

Approved: _____