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**VILLAGE OF HINSDALE
MINUTES OF THE MEETING
ZONING BOARD OF APPEALS
Wednesday, April 18, 2012**

1. CALL TO ORDER

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday, April 18, 2012 at 7:40 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 and John Callahan

Absent: Members Keith Giltner and Rody Biggert

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 – March 21, 2012

Member Moberly moved **approval of the minutes of the Meeting of March 21, 2012.** Member Neiman seconded the motion.

AYES: Members Connelly, Moberly, Neiman and Chairman Braselton

NAYS: None

ABSTAIN: Member Callahan

ABSENT: Members Giltner and Biggert

Motion carried.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES – None

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-03-12, 344 Radcliffe Way** (Transcript on file)

Chairman Braselton opened the public hearing. Anyone intending to speak was sworn in by Court Reporter Bono. Ms. Christin Stefani and architect, Mr. Dennis Parsons came to the podium. Chairman Braselton explained that they have the right to postpone the hearing because two of the Board members are not in attendance. Ms. Stefani elected to continue. She addressed the Board explaining that she has a contract to purchase the property depending on the approval of this variation request. The current owners are Gretchen and Tim McCarty who are present tonight. She provided history for the subject property. The home was built in 1927, in 1969 the property was divided and that created the 'back-loaded' location of the home on the lot. The property has access to the below ground garage from Ravine Road. In 2006

1 the home was ranked a significant structure by the Historical Preservation
2 Commission. Granting this variation request will allow her to take the 21 x 30 foot
3 garage out of the basement and allow a family and breakfast room. She stated that
4 the current home occupies only a small part of the property. Even after the requested
5 addition, 1,419 square feet of allowable FAR will remain unused. The location of the
6 house on the lot creates a unique physical condition and one not created by the
7 owners. She stated that one of the rights granted by the Zoning Code is the right to
8 build and this right is enjoyed by other neighbors. A proper garage is a right enjoyed
9 by neighbors. She is asking the minimum amount required to erect a garage. She
10 believes that given the irregular nature of the lot and the historic nature of the home,
11 it would be appropriate to grant this variance. This addition will not be detrimental
12 to the neighborhood, in fact, it would be a benefit. She will be a home owner and not
13 a renter. The closest neighbor is minimally affected. She also pointed out that
14 whether a two or three car garage is requested, the variance request would be the
15 same because of the necessary depth of the garage not the width. Mr. Parsons
16 illustrated the current configuration of the basement noting the applicant wants to
17 reclaim this space as usable basement for laundry, storage, etc.

18
19 **Mr. Tim McCarty, owner of subject property**, stated that he purchased the home
20 in 2004 and lived there until 2008. While living in the house it became clear how not
21 functional the basement and garage are. They filed a request for a variance in 2008,
22 but withdrew as they moved out of the home. It has been rented since they moved
23 out. The question is how to expand the house with respect to the home and the
24 neighbors. This solution enhances the neighbors' property. This isn't a financial
25 motivation; this makes the home livable and consistent with what modern families
26 need. It is a solution to preserve a lovely home.

27
28 **Nancy Cox, 127 E Third Street**, addressed the Board stating that she studied the
29 plan and has driven around property and her first reaction was it was a logical
30 design. However, she started to think about the code, about this Village, the old
31 housing stock and unusual homes, and concluded that this is not the right direction.
32 The house exists in a certain context. The Zoning Code is the best way to insure
33 everybody gets the same deal, provide protection, insure consistent streetscapes, and
34 guarantee that remodeling will do no harm to neighbors. She asked the Board to
35 comment about hardship and what is the denial of rights in this matter.

36
37 Mr. McGinnis confirmed that the house could be torn down. Member Callahan
38 discussed tear downs. Mr. Parsons pointed out that other options were explored; this
39 addition is subservient to the original structure and is a sensible solution. It is a
40 basement and first floor addition only and is the least obtrusive of the possible
41 options.

42
43 **Mr. Nick Gusto, 120 Ravine Road**, stated he can empathize with the seller and the
44 buyer, but his concern is the value of his home. He read a letter from an anonymous
45 neighbor who is a builder in Hinsdale who thinks that Mr. Gusto's home value will
46 suffer as a result of the proposed addition. He showed pictures of how the view from
47 his guest room would be altered. His friend, realtor Linda Feinsten, said his home
48 would be devalued by this addition. He believes this is a transfer of wealth, there is
49 no hardship; it is a want and not a need. The home on Radcliffe Way has worked for
50 many families in 80 years, if you don't like this house as it is, don't buy it.

1 Chairman Braselton asked Mr. McGinnis what happens to the side yard requirement
2 if the house is torn down. He stated that the 10-11 foot requirement today because of
3 the location of the home would become a 6 foot requirement.
4

5 **Mr. Randy Conte, 104 Ravine**, lives two doors down from the subject property. He
6 supports Mr. Gusto's position and asked what the hardship is in this case. He
7 believes setbacks exist for a reason and asked the Board to apply the rules
8 consistently. Member Neiman said the standards are in the code in Section 11-503(f).
9 He noted the criteria required for approval, read the hardship, substantial rights and
10 special privilege section. He pointed out that economic hardship is not one of the
11 criteria.
12

13 **Mr. Cash MacDiarmid** was sworn in. He stated that he has been a builder in
14 Hinsdale for over 40 years; he has done tear downs and rebuilding. He thinks it is
15 important to consider that the house that could be built on that lot would be huge.
16 He noted that it is a desirable lot and would be prime for a tear down. Mr. Parsons
17 agreed, stating the property is not priced quite right for teardown, but it is almost
18 there.
19

20 **Ms. Gretchen McCarty, homeowner**, was sworn in. She clarified that when they
21 applied for variation it was only a five foot request, the rules have changed and now
22 the numbers are different. It is a flawed way to calculate setbacks, using only 3
23 houses. The proposed addition is in line with the other houses on the block, every
24 house in the area has had improvements and this house should be allowed to do the
25 same.
26

27 **Mr. John Nicholson of 105 Ravine**, lives across the street from Mr. Gusto. He has
28 lived in his home since 1952 and has seen a lot of large homes go up in Hinsdale. He
29 believes another big home on Ravine will make his property value go down.
30

31 Member Moberly asked Ms. Stefani to address the hardship issue. She stated that
32 the hardship is that the position of the home on the lot precludes certain amenities.
33 They are asking for the minimum variance required to erect a proper garage.
34 Discussion followed. Mr. McCarty pointed out that similar properties enjoy these
35 amenities and that this house is 14' behind Mr. Gusto's house. Mr. Parsons
36 illustrated that this addition would not be any closer to Mr. Gusto's house than the
37 existing structure. Mr. Gusto reiterated his loss of view.
38

39 **Mr. Ed McCarthy of 607 Franklin** was sworn in. He stated that the hardship is
40 that the house sits imperfectly on the lot. If there are concerns about the character of
41 the town of Hinsdale, he would think the Board would be more in favor of granting
42 these kinds of variances to preserve these homes. The value of the lot will exceed
43 value of the improvements. A big house would be worse.
44

45 Mr. Gusto said he sees his point but a \$1.4 million house is not a tear down. There
46 are other houses available at that price.
47

48 Chairman Braselton noted for the record that she received four emails from neighbors
49 in support and two opposed. There being no further testimony, Member Neiman
50 moved to **close the public hearing for V-03-12, 344 Radcliffe Way**. Member
51 Moberly seconded the motion.
52

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

6
7 Motion carried.

8
9 Chairman Braselton declared a five minute recess.
10

11 **DELIBERATIONS**

12
13
14 The Board reconvened and Chairman Braselton opened deliberations. Member Connelly
15 said that because of the contentious nature of the case, he would prefer to deliberate in
16 chambers. Member Connelly moved **to deliberate V-03-12 in closed session.** There
17 was no second, the motion failed. Chairman Braselton stated the Board will deliberate in
18 public. Member Callahan commented that this is the most difficult case the Board has
19 seen in a long time, and everybody has great and logical arguments. Where is the
20 hardship? Common enjoyments is the argument. The garage is in the basement. He
21 gives great weight to neighbors, especially the next door neighbor. His sense is that a
22 tear down is a real option and would result in an unfortunate loss of a charming home.
23 Preservation is important. Member Moberly commented that this is a beautiful house on
24 a beautiful lot, and a monster house could be built, but questions if the garage and family
25 room constitute a hardship. Member Connelly sympathizes with both sides; one factor he
26 did not consider is that with a garage below grade, he would not want cars under his
27 house with respect to the safety of his children. Member Neiman stated the Board does
28 not consider variances in a vacuum, we know what market conditions are, but are
29 required to decide based on code standards. The likelihood of a tear down is not criteria
30 they are duty bound to follow. One criterion they must follow is whether the applicant is
31 being denied substantial rights commonly enjoyed by owners of other lots. He doesn't
32 believe any owner has a right to a three car garage, a family room or a big kitchen.
33 These are special privileges. He is a preservationist and he thinks the house will be
34 preserved. Chairman Braselton reiterated that this is a difficult case; she is struggling
35 with hardship issue and doesn't see it with this house and this application.

36
37 Member Moberly moved to **approve V-03-12, 344 Radcliffe Way.** Member Connelly
38 seconded the motion.

39
40 **AYES:** Members Connelly and Callahan
41 **NAYS:** Members Moberly, Neiman and Chairman Braselton
42 **ABSTAIN:** None
43 **ABSENT:** Members Giltner and Biggert

44
45 Motion failed.

46
47 **9. NEW BUSINESS – None**

48
49 **10. UNFINISHED BUSINESS – None**
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1 **11. ADJOURNMENT**

2 With no further business coming before the Zoning Board of Appeals, Member Moberly
3 made a motion to **adjourn the meeting of the Zoning Board of Appeals of April 18,**
4 **2012.** Member Neiman seconded the motion.

5
6 **AYES:** Members Connelly, Moberly, Neiman, Callahan and Chairman Braselton

7 **NAYS:** None

8 **ABSTAIN:** None

9 **ABSENT:** Members Giltner and Biggert

10
11 Motion carried.

12
13 Chairman Braselton declared the meeting adjourned at 9:16 p.m.

14
15
16
17 _____
18 Christine M. Bruton
19 Village Clerk
20

Approved: _____

MEMORANDUM

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

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

DATE: May 9, 2012

RE: Zoning Variation – V-04-12; 646 W. Maple

In this application for variation, the applicant requests relief from the interior side yard requirements set forth in section 3-110 (D)(2)(a)(ii) for the construction of a new single family home. The request is for 3' of relief to the required interior side yard setback.

This property is located in the R-2 single-family zoning district in the Village of Hinsdale and is located on the southeast corner of Maple and Adams. The property has a frontage of approximately 52', a depth of approximately 181.5', and a total square footage of approximately 9,438. The maximum FAR is 25% +1,100 square feet or approximately 3,459.5 square feet. The maximum building coverage is 25% or approximately 2359.5 square feet. The Total Lot Coverage is 60% or approximately 5,663 square feet.

cc: Dave Cook, Village Manager
Zoning file V-4-12

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-03-12
- Petitioner:** Christin and Robert Stefani
- Meeting held:** Public Hearing was held on Wednesday, April 18, 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, March 29, 2012.
- Premises Affected:** Subject Property is commonly known as 344 Radcliffe Way, Hinsdale, Illinois and is legally described as:
- THE EAST 102 FEET OF THE NORTH ½ OF LOT 137 AND THE EAST 102 FEET OF LOT 138 IN THOMAS S. COUSIN'S SUBDIVISION, BEING A SUBDIVISION IN THE NORTH ½ OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 12, 1924 AS DOCUMENT 176286, IN DUPAGE COUNTY, ILLINOIS
- Subject:** In this application for variation the applicant requests relief from the front yard requirements set forth in section 3-110 (D)(1) for the construction of a two story addition on the north end of the home. The request is for 13.90' of relief to the required front yard setback.
- Facts:** This property is located in the R-4 single-family zoning district in the Village of Hinsdale and is located on the southwest corner of Ravine and Radcliffe Way. The property is irregular and has a frontage of approximately 102', a depth of approximately 142', and a total square footage of approximately 16,548. The maximum FAR is 24% +1,200 square feet or approximately 5,172 square feet. The maximum building coverage is 25% or approximately 4,137 square feet. The Total Lot Coverage is 50% or approximately 8,274 square feet.
- The specific relief requested is from 3-110-(D)(1)
- Action of the Board:** Members discussed the request and several stated that they struggled with both the "hardship" and "special privilege" criteria being met. Some members stated that they put great weight into the neighbor's opinions; especially those next door. In this case the

neighbor claimed that they would be negatively affected and suffer a loss of property value. Members agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had not been met and voted to deny the request.

A motion to recommend approval was made by Member Moberly and seconded by Member Connelly.

AYES: Connelly, Callahan
NAYS: Moberly, Neiman, Chairman Braselton
ABSTAIN: None
ABSENT: Giltner, Biggert

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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