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**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
Wednesday, October 17, 2012**

**1. CALL TO ORDER**

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday, October 17, 2012 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, Vice-Chairman Bob Neiman, Members Marc Connelly, Gary Moberly and Rody Biggert (arr. 7:42 p.m.)

**Absent:** Members Keith Giltner and John Callahan

**Also Present:** Deputy Building Commissioner Tim Ryan, Village Clerk Christine Bruton and Court Reporters Kathy Bono and Tara Zeno

**3. APPROVAL OF MINUTES – September 19, 2012**

The minutes were tabled until the following meeting because there were not enough members present from the September 19<sup>th</sup> meeting to approve. So moved by Member Moberly and seconded by Member Connelly.

**AYES:** Members Connelly, Moberly, Chairman Braselton

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Giltner, Callahan and Biggert

Motion carried.

**4. APPROVAL OF FINAL DECISION – None**

**5. RECEIPT OF APPEARANCES**

**6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**

**7. PRE-HEARING AND AGENDA SETTING**

a) **V-08-12, 125 Hillcrest Avenue**

Mr. and Mrs. Vaughn Hooks, their architect Mr. Dennis Parsons and his associate Mr. Kevin Geist were present. Mr. Hooks addressed the Board explaining he is asking for 8.6' feet of relief from the side yard requirement to move a detached garage closer to his house. Chairman

1 Braselton suggested that they address the hardship issue more  
2 thoroughly. Mr. Hooks noted that they have looked at similar lots on  
3 the street, but those lots are a more traditional shape, resulting in a  
4 setback of about 11' feet and they would like the same. He stated that  
5 he has reached out to the neighbors for their support. He noted that his  
6 civil engineer's preference is to put garage on the front of the lot for  
7 grade and drainage considerations. The Public Hearing is set for  
8 November 28, 2012.

9  
10 (Member Biggert joined the meeting.)  
11

## 12 8. PUBLIC HEARINGS

13 All persons wishing to speak to either public hearing scheduled were sworn  
14 in by Ms. Bono.

### 15 a) **V-06-12, 737 S. Elm**

16 Mr. Dick Burridge and his wife Andrea approached the podium. With  
17 them this evening were Mr. Dave Knight of Northridge Builders, their  
18 architect Mr. Ken Pursley and two representatives from Landmark  
19 engineering. Mr. Burridge addressed the Board stating he has lived in  
20 Hinsdale his whole life and is respectful of the building process. There  
21 is a footnote in the zoning code that he did not catch nor did Village  
22 staff. The engineers and builders missed it, too. The zoning code states  
23 at least three lots are needed to calculate average which, in this case,  
24 forces him to use a house that no longer exists. The demolished house,  
25 in his opinion, had one of the largest setbacks in the village of 289' feet.  
26 Using this house to calculate the average makes their lot unbuildable,  
27 which speaks to the hardship. Mr. Burridge gave a chronological  
28 accounting back to 2009 of the various meetings with staff and his  
29 architect and engineers in an effort to avoid unforeseen complications.  
30 He stated there were numerous phone conversations with his team and  
31 the Village and there was no mention of any problems until late in 2012.  
32 They have received feedback from the neighbors and those letters have  
33 been supplied to the Board all of which indicate full support for the  
34 proposed home.

35 Mr. Brad Hensley, of Landmark Engineering provided an illustration  
36 showing the existing properties on Elm and Eighth Streets. He pointed  
37 out what the 118' foot setback allowable by law would look like. He  
38 reiterated that following the ordinance leaves 15.5' feet of width that is  
39 buildable, making the lot virtually unbuildable. Mr. Burridge believes  
40 this is a very unique situation. He asked the Board, should they grant  
41 the requested variance, to please approve the final decision tonight so  
42 that he can proceed with construction while weather permits. Member  
43 Neiman moved to close the public hearing for V-06-12, 737 S. Elm.

1 Member Moberly seconded the motion.  
2

3 **AYES:** Members Connelly, Moberly, Neiman, Biggert and Chairman  
4 Braselton

5 **NAYS:** None

6 **ABSTAIN:** None

7 **ABSENT:** Members Giltner and Callahan  
8

9 Motion carried.  
10

11 b) **V-07-12, 126 S. Clay**

12 Mr. Keith Larson, architect representing homeowners Char & David  
13 Bertermann, addressed the Board stating that his clients are asking for  
14 setback relief to build a 2-car attached garage. He distributed a site  
15 map drawn by the engineer that illustrates the location of the proposed  
16 garage and the existing 1-car garage. He stated this is a unique  
17 situation because most of an undedicated alley is on the Bertermann's  
18 property and it is on a floodplain. They want to build as much off the  
19 floodplain as possible so that less compensatory storage would be  
20 required. Additionally, the proposed garage is only 3.25' feet off the  
21 rear 20% of the lot and lines up with the other existing garages on the  
22 alley. He believes this is the best solution for the neighborhood. If they  
23 had to build on the north side of lot, power lines would be disturbed, but  
24 building on the south side, the garage is out of floodplain and mimics  
25 the setback of the garage to the north.  
26

27 Mr. Robert Steere of 128 S. Clay Street, whose home is south of the  
28 Bertermann's, stated that he is in support of this proposal and believes  
29 it is the best compromise for the neighborhood.  
30

31 Mr. David Lyall of 131 S. Madison, stated that he uses that alley and is  
32 satisfied with the proposal, commenting further that he believes a  
33 garbage truck would not be able to get through the alley otherwise.  
34

35 Member Biggert asked about the floodplain and Flagg Creek, discussion  
36 followed regarding the location of Flagg Creek in this area. Mr. Larson  
37 asked that his final decision be approved tonight. The builder from  
38 EMS Construction stated that the slab should be poured before cold  
39 weather to allow enough time to cure. The Board agreed to approve  
40 tonight, although noted that this is not the normal procedure and  
41 expressed some concern about precedent. Member Biggert moved **to**  
42 **close the public hearing for V-07-12, 126 S. Clay.** Member Moberly  
43 seconded the motion.



**F I N A L D E C I S I O N S**

**V-06-12, 737 S. Elm**

The Board discussed the language that should be contained in the Final Decision. They agreed that standards for variation as set forth in §11-503 have been met. Primarily, there are only three lots on this block and the center lot has an extraordinarily deep setback that would affect the applicant's setback by 118.5 feet. Enforcing the code as written would render the lot unbuildable. The applicant has solicited and received approval of all surrounding neighbors, with the exception of one neighbor that did not actively support or deny the request.

Member Neiman moved to **approve the Final Decision as stated for V-06-12, 737 S. Elm**. Member Moberly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Giltner and Callahan

Motion carried.

**V-07-12, 126 S. Clay**

The Board discussed the language that should be contained in the Final Decision. They agreed that standards for variation as set forth in §11-503 have been met. The variation sought is de minimus and neighbors adjacent came to the meeting and spoke of their agreement to the requested variation. The Board noted the hardship related to the floodplain and the care given by the applicant not to impede the flow of traffic in the undedicated alley.

Member Neiman moved to approve the Final Decision as stated for **V-07-12, 126 S. Clay**. Member Connelly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Giltner and Callahan

Motion carried.

**9. NEW BUSINESS – None**

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**10. UNFINISHED BUSINESS - None**

**11. ADJOURNMENT**

With no further business coming before the Zoning Board of Appeals, Member Connelly made a motion to **adjourn the meeting of the Zoning Board of Appeals of October 17, 2012.** Member Moberly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Giltner and Callahan

Motion carried.

Chairman Braselton declared the meeting adjourned at 8:30 p.m.

\_\_\_\_\_  
Christine M. Bruton  
Village Clerk

Approved: \_\_\_\_\_