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**VILLAGE OF HINSDALE  
MINUTES OF THE MEETING  
ZONING BOARD OF APPEALS  
January 16, 2013**

**1. CALL TO ORDER**

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday, January 16, 2013 at 7:34 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, Gary Moberly, John Callahan and Rody Biggert

**Absent:** Members Keith Giltner and Marc Connelly

**Also Present:** Director of Community Development/Building Commissioner Robb McGinnis, Village Attorney Michael Marrs, Village Clerk Christine Bruton and Court Reporter Tara Zeno

**3. APPROVAL OF MINUTES – September 19, 2012 and October 17, 2012**

Member Biggert moved **approval of the minutes of the Meeting of September 19, 2012**. Member Callahan seconded the motion.

**AYES:** Members Neiman, Callahan, Biggert and Chairman Braselton

**NAYS:** None

**ABSTAIN:** Member Moberly

**ABSENT:** Members Connelly and Giltner

Motion carried.

Clarifications were made to the draft minutes of October 17, 2012. Member Neiman moved **approval of the minutes of the Meeting of October 17, 2012, as amended**. Member Moberly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Connelly and Giltner

Motion carried.

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

1 **5. RECEIPT OF APPEARANCES**

2 Member Neiman suggested the Board move the public hearing before the  
3 pre-hearing, so homeowners can leave before the longer part of meeting.  
4 Member Moberly moved to **amend the order of the agenda, as stated.**  
5 Member Biggert seconded the motion.  
6

7 **AYES:** Members Moberly, Neiman, Callahan, Biggert and Chairman  
8 Braselton

9 **NAYS:** None

10 **ABSTAIN:** None

11 **ABSENT:** Members Connelly and Giltner

12  
13 Motion carried.

14  
15 All persons wishing to speak at the public hearing were sworn in by the  
16 court reporter.  
17

18 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**  
19 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None**  
20

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

- 22 a) V-01-13, 26-32 East First Street  
23 (Item taken out of order)  
24

25 **8. PUBLIC HEARINGS**

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

27 Chairman Braselton called the public hearing to order. Mr. Vaughan  
28 and Mrs. Joyce Hooks addressed the Board and noted that their  
29 architects Dennis Parsons and Kevin Geist were present this evening.  
30 Mr. Hooks stated they are requesting side yard relief. He and his wife  
31 are committed to the Woodlands and preserving the unique character of  
32 the area. They purchased this property for the lot in July and have  
33 been working with Mr. Parsons since then. The pie-shape of the lot and  
34 the topography present challenges. The lot is on the downhill curve of  
35 the block with a 13' foot grade drop in two places on the lot. On a pie-  
36 shaped lot the setback requirements are determined in an unusual way,  
37 resulting in a 184' frontage that drives the side yard requirements and  
38 results in a 19.6' foot minimum side yard. The house plans touch the  
39 minimum in 11 places. Mrs. Hooks noted that less than 75% of  
40 buildable lot coverage used. They believe that for the size of the house a  
41 three car garage is important as it will be a \$2,000,000 project. Their  
42 civil engineer says it is best to put the impermeable surfaces on the high  
43 side of the lot so run off handled by this lot. Additionally, they want to

1 keep the garage on the same level as the first floor of the home to  
2 accommodate living in the house as they get older. A detached garage is  
3 usually pushed to the back of a lot, but on this lot, that would be a very  
4 low and steep location for the garage. To respect side yard  
5 requirements, the garage ends up too close to the house, therefore, they  
6 are requesting relief to move the garage into the side yard, reducing the  
7 setback from 19.6' feet to 11' feet. The other lots on this street are 100'  
8 feet wide, the minimum side yards on these homes is 11' feet, they are  
9 asking for what everybody else on the street has. They have contacted  
10 the most directly affected neighbors; they have signatures from those  
11 folks indicating they have no objections to the proposed home. Member  
12 Neiman asked if the neighbor next door is ok with the garage location.  
13 Mr. Hooks confirmed they are and pointed out that their garage is only  
14 3' feet off the lot line, this one would be 11' feet off the lot line. Member  
15 Neiman asked Mr. Hooks to address whether being denied a three car  
16 garage is being denied a substantial right. Mr. Hooks explained they  
17 believe a three car garage is appropriate to a home this size in this  
18 neighborhood, otherwise it would look skimpy and adversely impact  
19 resale. Discussion followed regarding the possibility of building the  
20 three car garage into the rest of the house, but Mr. Parsons explained  
21 why this was not possible.

22  
23 There being no further questions from the Board, Member Moberly  
24 moved **to close the public hearing for V-08-12**. Member Neiman  
25 seconded the motion.

26  
27 **AYES:** Members Moberly, Neiman, Callahan, Biggert and Chairman  
28 Braselton

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** Members Connelly and Giltner

32  
33 Motion carried.

34  
35  
36 **D E L I B E R A T I O N S**

37  
38 Member Moberly began discussion by stating that the Board has routinely  
39 accommodated requests from people to go from a one car to a two car  
40 garage, but is the need for a three car garage a hardship? He is, however,  
41 comforted by the fact that the neighbors have approved the project.  
42 Chairman Braselton commented that the slope would be difficult. Member  
43 Neiman stated that he shares Member Moberly's concerns regarding

1 hardship, but is most troubled philosophically regarding the denial of a  
2 substantial right for a three car garage. A three car garage can be too  
3 much density and detract from the appearance of the Village, but in this  
4 case they could have the garage and it is no more dense and substantially  
5 less convenient. He is not sure voting against this request addresses the  
6 concerns. Member Callahan concurred, but noted this is an unusual lot, no  
7 precedent is set by approval. Additionally, an 11' foot setback on this block  
8 is reasonable. Member Biggert is persuaded that three car garages are the  
9 norm and the unique physical condition of the property sways him because  
10 of the slope to the east and the area lost in the calculations because of the  
11 pie shaped lot. He believes that overall it meets the standards for  
12 approval. Member Moberly moves approval of **V-08-12, 125 Hillcrest**  
13 **Avenue**. Member Callahan seconds the motion.

14  
15 **AYES:** Members Moberly, Neiman, Callahan, Biggert and Chairman  
16 Braselton  
17 **NAYS:** None  
18 **ABSTAIN:** None  
19 **ABSENT:** Members Connelly and Giltner

20  
21 Motion carried.

22  
23  
24 **Prehearing for V-01-13, 26-32 East First Street**  
25

26 Mr. David Kenney, of PPK Architects, introduced himself to the Board as the  
27 applicant and the architect. The owner of the property, also present this  
28 evening, is Mr. Clay Naccarato of Garfield Crossings, LLC. Chairman  
29 Braselton clarified that they are going concurrently to the ZBA and the Plan  
30 Commission and are asking the ZBA for five types of relief; two can be granted  
31 by this Board, three would be recommendations to the Village Board of  
32 Trustees. The Plan Commission will address exterior appearance and site  
33 plan review.

34 Mr. Kennedy said it is their opinion that the existing building is no longer  
35 usable and not very marketable as a retail structure; their goal is a better  
36 development with better amenities. He outlined the characteristics of the  
37 proposed structure and explained their plans to overcome various obstacles  
38 inherent to the site, such as the topography. They elected to fill the street  
39 wall with retail and set the building away from the west side for loading  
40 purposes. They would like to avoid a situation where trucks have to back out.  
41 With this design they can enter from First Street and exit from Garfield.  
42 They closed the northernmost curb cuts on Garfield, keeping the southern  
43 two-way curb cut intact and in place thereby maintaining existing curbs,

1 sidewalk, parkway vegetation and right-of-way status. He spoke at length  
2 regarding the 2 ½' - 3' foot slope upward from the front retail to the back  
3 loading area. There will be a series of ramps and steps and an enclosed  
4 walkway from back to front for retailers. All entrances are on grade at the  
5 front, but they have designed the rear for convenience of service access.  
6

7 On the southwest corner they will carefully design and execute the demolition  
8 to keep the retaining wall intact along the school property and the Chamber of  
9 Commerce side to maintain the grade differential. The walls must be  
10 reinforced and kept in place which reflects some of the hardship for setback  
11 and landscape buffer. The requirements of the zoning ordinance are not  
12 practical for parking and the buffer would be several feet down and essentially  
13 not visible.  
14

15 Using other illustrations, he showed the Board the first and second floor  
16 plans. There can be up to six retail spaces on the first floor; the second floor  
17 will be office space. The basement/cellar plan is for storage only; physical  
18 plant mechanics will be down there to free up more usable/rentable retail  
19 space.  
20

21 Member Neiman confirmed that the loading docks are on the far west end  
22 facing north. Mr. Kennedy confirmed; trucks would drive in directly, but a  
23 truck driver could opt to back in. They have not done the turn radii diagrams  
24 yet, but the planned space exceeds the code requirement and a UPS delivery  
25 truck, for example, could turn around in the area. Discussion of loading  
26 logistics followed. Chairman Braselton asked if more parking spaces would be  
27 available if parking was diagonal. Mr. Kennedy explained that 90 degree  
28 double loaded spaces are the most efficient in terms of square footage, noting  
29 that some spaces are lost for trash enclosure. The existing lot provides 41  
30 spaces, they would provide 47, but are currently working with staff on parking  
31 deficiencies.  
32

33 Mr. Kennedy illustrated the north and south elevations. This is a two story  
34 masonry building of brick and stone. They will use 2-3 brick colors; because of  
35 the length of the building this will provide a design break and will mimic the  
36 more historic storefronts that currently exist in Hinsdale. There is significant  
37 roofscape that includes stone banding and brick lintels to add character as  
38 well as hide rooftop units and equipment. The dimensional character  
39 continues on the east and west elevations. The maximum height per the code  
40 is 30' feet, the upper level of parapets and screening don't count toward  
41 height, just the flat roof counts. This is a 26' foot tall building, but zoning  
42 allows a 20% increase allowed for screening and architectural merit. There is  
43 no variance requested for bulk, density or FAR; the variances requested relate

1 to parking, signage and buffering.

2  
3 Preparatory to the public hearing, Chairman Braselton asked the applicant to  
4 address alternatives to the second floor signage. Member Neiman suggested it  
5 would helpful if Mr. Kennedy could supplement the application with more  
6 detailed, precise responses as to why each of the criteria is met by this  
7 application. Concern was expressed with respect to the safety of the children  
8 at the middle school, discussion followed regarding possible safety measures  
9 in terms of signage, visibility and traffic flow. Mr. Kennedy said a traffic  
10 study would be completed for the public hearing and the safety issues will be  
11 addressed. Member Biggert asked about marketing research. Mr. Naccarato  
12 said based on what is being proposed they believe this is an economically  
13 viable project.

14 Member Moberly mentioned that there were competing surveys with different  
15 elevations last time. Mr. Kennedy said his engineer will provide a current  
16 survey based on this site and this project. Member Biggert asked about  
17 letters of support; Mr. Kennedy said he will talk to the school and the  
18 Chamber of Commerce as they are the adjoining properties. There will be a  
19 physical change to the west side and he will discuss this with both entities.  
20 Mr. McGinnis explained the ZBA decision will be first and is binding the Plan  
21 Commission will hear the case in March. Chairman Braselton pointed out the  
22 ZBA has the authority to grant a variance for the landscape buffer and the  
23 rear yard setback, but provide recommendations only on the location of the  
24 loading space, parking lot tree and second floor signs.

25  
26 **Mr. Karl Weber, 219 E. First Street**, addressed the Board. He asked Mr.  
27 Kennedy to confirm how much slope there is from north to south. Mr.  
28 Kennedy said it is about a 3' slope, but they will keep 1<sup>st</sup> Street as is and will  
29 not add to the north elevation. Mr. Weber asked for verification of the date on  
30 the survey in the packet, which is signed August 2003. Mr. Weber stated  
31 there was a survey provided by citizens after that date. Mr. McGinnis said he  
32 would check the Village files for a later survey. Mr. Weber confirmed the  
33 number of parking spaces required by code for this project is between 95-99.  
34 He asked how large a truck would be able to turn around in the entrance on  
35 First Street. Mr. Kennedy said he believes a 30' foot truck could, but a 55'  
36 foot truck might not. Mr. Weber commented that a 55' foot truck would be  
37 unusual anyway. Mr. Kennedy suggested that Mr. Weber review all hardship  
38 information in the application on the Village website.

39  
40 Discussion followed regarding the date of the next meeting and Board  
41 attendance. Member Moberly moved to **change the meeting date from**  
42 **February 20<sup>th</sup> to February 27<sup>th</sup>**. Member Neiman seconded the motion.

43

1 **AYES:** Members Moberly, Neiman, Callahan, Biggert and Chairman  
2 Braselton

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Members Connelly and Giltner

6

7 Motion carried.

8

9 **9. NEW BUSINESS** - None

10

11 **10. UNFINISHED BUSINESS** - None

12

13 **11. ADJOURNMENT**

14 With no further business coming before the Zoning Board of Appeals,  
15 Member Callahan made a motion to **adjourn the meeting of the Zoning**  
16 **Board of Appeals of January 16, 2013.** Member Moberly seconded the  
17 motion.

18

19 **AYES:** Members Moberly, Neiman, Callahan, Biggert, Chairman Braselton

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** Members Giltner and Connelly

23

24 Motion carried.

25

26 Chairman Braselton declared the meeting adjourned at 8:41 p.m.

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

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