

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
March 20, 2013**

1. CALL TO ORDER

Chairman Debra Braselton called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 20, 2013 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 Marc Connelly, Gary Moberly, Bob Neiman, Keith Giltner, and Rody Biggert

Absent: Members John Callahan

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

3. APPROVAL OF MINUTES – February 27, 2013

Member Connelly made corrections to the draft minutes. Member Biggert moved to **approve the minutes of the Meeting of February 27, 2013, as amended.** Member Moberly seconded the motion.

AYES: Members Connelly, Moberly, Biggert and Chairman Braselton

NAYS: None

ABSTAIN: Members Neiman and Giltner

ABSENT: Member Callahan

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

1 **8. PUBLIC HEARINGS**

2 a) **V-02-13, 646 W. Maple Street**

3 Mr. John Eyen, prospective owner and applicant, was sworn in by the
4 court reporter. He addressed the Board stating the ZBA approved the
5 request he is making in May 2012 for the current owner Mr. Nick
6 Gilbert, present this evening. He noted that the neighbors to the east of
7 the property are present this evening in support the proposal. Mr. Eyen
8 explained that he will purchase the property subject to ZBA re-approval.
9 He explained that the setbacks are restrictive, he is asking for a
10 reduction from 10' to 7 'feet. He has done his due diligence, posted the
11 sign, done the mailing and spoken to the neighbors.

12
13 **Mr. Lou Holub of 642 W. Maple**, was sworn in and addressed the
14 Board stating that he owns the home to the east of the subject property.
15 He stated he supported the Gilberts and also supports Mr. Eyen. He
16 confirmed that his concern at the time of Mr. Gilberts request was water
17 and possible effect on his property. Mr. Eyen has assured him that he
18 will install appropriate drainage to alleviate these issues.

19
20 The Board had no further questions. Member Moberly **moved to close**
21 **the public hearing on V-02-13, 646 W. Maple Street.** Member
22 Biggert seconded the motion.

23
24 **AYES:** Members Connelly, Moberly, Neiman, Giltner, Biggert and
25 Chairman Braselton

26 **NAYS:** None

27 **ABSTAIN:** None

28 **ABSENT:** Member Callahan

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30 Motion carried.

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32 **D I S C U S S I O N**

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34 There being no further questions from the Board, Member Moberly moved **to**
35 **approve the variation request known as V-02-13, 646 W. Maple Street.**
36 Member Connelly seconded the motion.

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

40 **NAYS:** None

41 **ABSTAIN:** None

42 **ABSENT:** Member Callahan

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1 Motion carried.
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3 **b) V-01-13, 26-32 East First Street**

4 Mr. David Kennedy, architect; Mr. Peter Coules, attorney; and Mr. Clay
5 Naccarato, owner were sworn in by the court reporter. Mr. Coules
6 addressed the Board on behalf of the applicant, Garfield Crossing, LLC.
7 He stated his client is requesting five different variances. He explained
8 that the front of the property is deemed Garfield because of the width on
9 First Street. Therefore, the back of the property is actually the west
10 side, which abuts the Chamber of Commerce.

11 The first variance requested is a waiver of the setback requirement for
12 landscaping on the west side of the property. The property sits over ten
13 feet below grade at that point. If we have the required 10' landscaping
14 buffer, nothing would grow, no one would see it and it would result in a
15 loss of parking.

16 The applicant is also requesting a 20' waiver of the setback from the
17 rear yard for parking. He believes the purpose of the code is to protect a
18 neighbor behind, but again, this abuts the Chamber of Commerce, which
19 sits very high on this property. As a result, they would not be affected
20 and a great deal of potential parking would be sacrificed.

21
22 Mr. Coules stated that the applicant requests that the ZBA recommend
23 a waiver of the island tree in the parking lot requirement. There
24 currently exists a tree in the drive in area, which will remain. However,
25 an island tree would receive inadequate light for healthy growth, would
26 not be seen by any of the streets and would eliminate additional
27 parking.

28
29 The applicant is requesting the Board recommend a waiver of the
30 loading dock buffer requirement. The purpose is not to have it be seen
31 from the street. One suggestion was a gate, but that could significantly
32 affect traffic in that vehicles would have to wait on First Street to enter.
33

34 Finally, they are requesting a recommendation to allow second story
35 signage because they believe it will help entice tenants to occupy the
36 second floor.
37

38 Chairman Braselton clarified which requests are recommendations to
39 the Village Board and which are final decisions of the Zoning Board.
40 Further, it was confirmed that the applicant has an application
41 concurrently in front of the Plan Commission. Mr. Coules explained
42 that no vote was taken at the Plan Commission meeting because they
43 have been asked to come back with slight changes to the elevation.

1 Mr. David Kennedy, Principal with PPK Architects in Glen Ellyn,
2 addressed the Board and highlighted his power point presentation,
3 noting by way of orientation that their parking lot will exist between the
4 middle school and the proposed building. He stated that the parking lot
5 currently has 41 spaces and they will increase that number with this
6 proposal. The existing building will be demolished in its entirety with
7 the exception of two walls which will become facing for the existing
8 retaining walls. They are updating the landscaping plan for the Plan
9 Commission, but overall they are building on most of the site. He
10 referenced the existing tree, commenting that the code does not state
11 that the island tree has to be in the middle of the parking lot, and they
12 believe that the existing tree satisfies the intent of the code.

13 They are requesting the use of the southwest corner of the site for
14 parking as opposed to a landscape setback. He addressed the
15 requirement of screening the loading dock, explaining that they have
16 determined it would be very impractical and they do not anticipate
17 vehicles parking there for any length of time. Upon questioning, he
18 stated that signage will be installed to try to control the area as loading
19 only and prevent tenants and customers from driving in this area. The
20 Garfield Street two-way entrance/exit will remain exactly where it is for
21 customer parking. The code calls for a 10' x 30' space, they have an 18'
22 wide drive lane, so it's wider than it needs to be and it is much deeper
23 than it needs to be, by about 65'. So, it's possible that two trucks could
24 occupy the loading zone.

25
26 Mr. Kennedy described various other aspects of the building that do not
27 relate to the variance requests.

28
29 With respect to second story signage, he stated that he is unaware of
30 any currently in the downtown area. There are some window signs, but
31 no building mounted signs. Their thought in requesting this variance is
32 that if there is a single tenant on the second floor it will be a significant
33 business in the downtown and the proposed signage would help to
34 attract this tenant. He commented that some tenants may not want it
35 at all and explained that it would be visible as you traverse Garfield,
36 but not so much on First Street. He also noted that they are not specific
37 about the sign design yet. Director of Community Development Robb
38 McGinnis clarified that any requested signage would have to go to Plan
39 Commission for approval, the ZBA is only recommending whether they
40 would be permitted to install a sign above the second floor window line.
41 Mr. Kennedy described, via his illustrations, the locations of the signs,
42 the trees and the street cut-in for the loading area.

1 Mr. Coules pointed out that in the B-2 district the owner has a right to a
2 2.5% floor area ration coverage, his client is at .78%, they are not
3 utilizing the whole property for the structure because they are trying to
4 maximize the parking. The existing retaining walls will be repaired and
5 maintained. In terms of topography nothing is going to change. The
6 height of the building is within that which is permitted by code. He
7 believes the five variances before the Board are minor relative to the
8 scope and character of what currently exists. Discussion followed
9 regarding potential tenants and the size of the retail spaces. Upon
10 questioning, Mr. Coules stated that the ingress and egress will look
11 better than what currently exists in town because it will have a tree at
12 the end and will be wider than every other alley in town. He stated that
13 the garbage will be located in the middle back of the parking and will be
14 screened. He described the traffic flow in the parking lot, but stated
15 that it would be difficult to control truck traffic in terms of the middle
16 school activity. The Plan Commission suggested a speed bump on the
17 way out of parking to slow them up. Various safety solutions were
18 discussed.

19 It was confirmed that the island tree requirement was for aesthetics not
20 drainage. It was confirmed that the buffer zone requests do not affect
21 the truck zone, but potential customer and tenant parking only. Mr.
22 Coules reported that the Hinsdale Bank is on record as being in support
23 of the proposal and the school district and the Chamber of Commerce
24 have met with staff and are in support as well.

25
26 There being no further questions from the Board, Member Moberly
27 moved **to close the public hearing for V-01-13, 26-32 East First**
28 **Street**. Member Biggert seconded the motion.

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

32 **NAYS:** None

33 **ABSTAIN:** None

34 **ABSENT:** Member Callahan

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36 Motion carried.
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D I S C U S S I O N

The Board elected to consider each request one at a time as follows:

#1 – Loading Dock, recommendation to the Village Board

Member Biggert thought the proposal is a creative way to handle the issue. He doesn't believe that it not being sheltered on First Street is that significant. There is a tree there and it is a one-way entrance. Member Neiman commented that he was initially concerned about it not being screened, but given the other alleyways in town that don't cause a problem he is less concerned. Member Moberly commented that it will be well-lit and safe. Chairman Braselton commented that it will be like the alley by Zazu, and **moved to recommend to the Village Board to allow a loading space that would open onto a building façade facing a public right-of-way.** Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

#2 – Landscape Buffer, 10' on the west side

The Board commented that a compelling case has been made that nothing would grow there; it is a function of aesthetics not drainage and would cost parking spaces. Member Moberly moved to **approve the variance requesting the waiver of the 10' foot required landscape buffer on the rear west side of the proposed lot.** Member Connelly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

1 **#3 – Peninsula island tree, recommendation to the Village Board**
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3 Member Biggert commented that the same considerations apply as in the first
4 one. There being no further comments, Member Biggert moved to
5 **recommend to the Village Board that the requirement for an interior**
6 **parking lot tree be waived.** Member Moberly seconded the motion.
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8 **AYES:** Members Connelly, Moberly, Neiman, Giltner, Biggert and Chairman
9 Braselton

10 **NAYS:** None

11 **ABSTAIN:** None

12 **ABSENT:** Member Callahan
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14 Motion carried.
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16 **#4 – Wall signs higher than 20’, recommendation to the Village Board**
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18 Chairman Braselton opened discussion by stating that initially she had some
19 concerns, but listening to the presentation and knowing that the signs would
20 have to be approved by the Plan Commission, she is ok with this request.
21 Member Neiman still has a problem with this request, despite the fact that
22 this Boards recommendation has no binding precedent. However, no other
23 building in town has this privilege and it gives this owner unfair advantage
24 over everyone else in town who owns a two-story building. He expressed
25 concern that the town would look different if everybody got second floor
26 exterior signs. Discussion followed and members of the Board offered their
27 viewpoint. Member Biggert moved to **recommend to the Village Board of**
28 **Trustees to approve the request for second story signage.** Member
29 Connelly seconded the motion.
30

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

32 **NAYS:** Members Neiman and Giltner

33 **ABSTAIN:** None

34 **ABSENT:** Member Callahan
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36 Motion carried.
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38 **#5 – Eliminate required 20’ rear yard setback**
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40 Member Moberly began discussion stating the applicant made a compelling
41 case for the use of the space. Member Biggert commented this is similar to
42 the buffer. Member Moberly moved to **approve the variation to allow a (0)**
43 **zero foot rear yard setback.** Member Connelly seconded the motion.

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

Motion carried.

9. NEW BUSINESS - None

10. UNFINISHED BUSINESS

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 March 20, 2013.** Member Moberly seconded the
motion.

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

Motion carried.

Chairman Braselton declared the meeting adjourned at 7:43 p.m.

Christine M. Bruton
Village Clerk

Approved: _____