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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
Wednesday, April 17, 2013**

1. CALL TO ORDER

Chairman Debra Braselton called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, April 17, 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 Roddy Biggert

Absent: Member John Callahan

Also Present: Village Attorney Michael Marrs, Director of Community Development/Building Commissioner Robb McGinnis, Village Clerk Christine Bruton

3. APPROVAL OF MINUTES – March 20, 2013

Mr. McGinnis, Members Connelly and Biggert made corrections to the draft minutes. Member Moberly moved to **approve the minutes of the Meeting of March 20, 2013, as amended.** Member Connelly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

4. APPROVAL OF FINAL DECISION

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

b) Chairman Braselton asked for corrections or changes to the final decision. Member Connelly noted a numbering error. Member Moberly moved to **approve the Final Decision for V-02-13, 646 W. Maple Street, as amended.**

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

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Member Callahan

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7 Motion carried.

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9 c) **V-01-13, 26-32 East First Street**

10 Chairman Braselton asked the Board for changes or corrections to this
11 item. There being none, Member Connelly moved to **approve the Final**
12 **Decision for V-01-13, 26-32 East First Street.** Member Biggert
13 seconded the motion.

14
15 **AYES:** Members Connelly, Moberly, Neiman, Biggert, Giltner and
16 Chairman Braselton

17 **NAYS:** None

18 **ABSTAIN:** None

19 **ABSENT:** Member Callahan

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21 Motion carried.

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23 d) **V-01-13, 26-32 East First Street, Findings of Fact**

24 Chairman Braselton introduced this item. There being no changes or
25 corrections to the document, Member Biggert moved to approve **V-01-13,**
26 **26-32 East First Street, Findings of Fact.** Member Giltner seconded
27 the motion.

28
29 **AYES:** Members Connelly, Moberly, Neiman, Giltner, Biggert and
30 Chairman Braselton

31 **NAYS:** None

32 **ABSTAIN:** None

33 **ABSENT:** Member Callahan

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35 Motion carried.

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37 **5. RECEIPT OF APPEARANCES**

38 Attorney Matt Klein stated he is present on behalf of Ruth Barski in the
39 matter known as APP-01-13, 735 and 739 Phillipa.

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1 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**
2 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None**
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4 **7. PRE-HEARING AND AGENDA SETTING**

5 a) **APP-01-13, 735 and 739 Phillippa**

6 Attorney Matt Kline addressed the Board. He stated that Mrs. Barski
7 bought a constructed home on 735 Phillippa, after she was living there
8 she acquired the adjacent property and run down house at 739
9 Phillippa. She only wanted the yard next door and demolished the
10 house. She is now selling her house and wanting to sell the 739 lot as a
11 separate property. The Village considers each legal non-conforming lot
12 of record as one zoning lot and therefore will not issue a permit. Mr.
13 Kline is appealing the Villages opinion that this is one zoning lot. Mrs.
14 Barski has tried to market the lots as one, but all the other lots on the
15 block are 60' wide and he believes one large house on the double lot is
16 unmarketable.

17 Mr. McGinnis explained the definition of zoning lot states if you acquire
18 the lot for use and enjoyment as part of your property, it becomes a
19 zoning lot. He explained there is a long history of 20-30 years of staff
20 taking this position, although there is no clear paper trail. He stated
21 that he spoke with former Village Engineer Mr. Dan Schoenberg and
22 former Building Commissioner Chuck Schmidt, who both stated that in
23 this situation, the property owner relinquishes any rights to it being two
24 lots. Mr. McGinnis stated he doesn't know the rationale for this and
25 can't find anything in the code; it is and was the practice. He stated
26 further he believes the goal is to eliminate non-conformities. It was
27 clarified these are non-conforming lots because they are less area than
28 is typical in the R-4 zoning district. The public hearing was set for May
29 15, 2013.
30

31 **8. PUBLIC HEARINGS – None**
32

33 **9. NEW BUSINESS – None**
34

35 **10. UNFINISHED BUSINESS – None**
36

37 **11. ADJOURNMENT**

38 With no further business coming before the Zoning Board of Appeals,
39 Member Biggert made a motion to **adjourn the meeting of the Zoning**
40 **Board of Appeals of April 17, 2013.** Member Connelly seconded the
41 motion.
42

43 **AYES:** Members Connelly, Moberly, Neiman, Giltner, Biggert and

1 Chairman Braselton
2 **NAYS:** None
3 **ABSTAIN:** None
4 **ABSENT:** Member Callahan

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6 Motion carried.

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8 Chairman Braselton declared the meeting adjourned at 7:53 p.m.

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11 _____
12 Christine M. Bruton
13 Village Clerk
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Approved: _____