

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

1. CALL TO ORDER

Chairman Debra Braselton called the special meeting of the Zoning Board of Appeals to order on Wednesday, July 17, 2013 at 7:01 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Chairman Debra Braselton, Members Keith Giltner, Gary Moberly, Bob Neiman and John Callahan

Absent: Members Marc Connelly and Rody Biggert

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

3. APPROVAL OF MINUTES – May 15, 2013

There being no changes or corrections to the draft minutes, Member Moberly moved to **approve the minutes of the Meeting of May 15, 2013**. Member Connelly seconded the motion.

AYES: Members Moberly, Neiman, Callahan and Chairman Braselton

NAYS: None

ABSTAIN: Member Giltner

ABSENT: Members Biggert and Connelly

Motion carried.

4. APPROVAL OF FINAL DECISION

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

There being no changes or corrections to the draft final decision, Member Giltner moved to **approve the Final Decision, APP-01-13, 735 and 739 Phillippa, as presented**. Member Moberly seconded the motion.

AYES: Members Moberly, Neiman, Callahan and Chairman Braselton

NAYS: None

ABSTAIN: Member Giltner

ABSENT: Members Biggert and Connelly

1 Motion carried.

2
3 **5. RECEIPT OF APPEARANCES**

4 Chairman Braselton commented all appearances will be received as the
5 case is called.

6
7 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**
8 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None**
9

10 **7. PRE-HEARING AND AGENDA SETTING (AUGUST 21ST)**

11 a) **V-06-13, 14 Glendale Avenue**

12 Mr. Mark Marcucci, applicant and owner of the property, stated that he
13 is asking for a variance for roof height. In 2010 they took water all the
14 way to the first floor. They have spent \$20,000 to \$30,000 to mitigate
15 the problem. On April 17, 2013 water backed up from Salt Creek again
16 and they lost the contents of the basement. He has built a retention
17 tank, among other things, but feels that the only solution left is to raise
18 the house. He is asking for 3 to 3½ feet of relief. He noted that he
19 currently does not have a third story on his home nor is he currently on
20 the same level as his neighbors. He believes this is the only viable
21 solution to take the first floor of the home out of jeopardy. Chairman
22 Braselton recommended his professionals address where the water will
23 go when it doesn't go into his basement and to solicit his neighbors for
24 their favorable input, if possible.

25 The hearing was set for August 21, 2013.

26
27 b) **V-07-13, 330 Chestnut Street**

28 Mr. Dave Habiger, applicant and owner of the property, addressed the
29 Board stating that this parcel has a long history of being a wasteland
30 and an eyesore behind Grant Square. He bought the property six
31 months ago and hired an architect to try to do something with this
32 property to make it beautiful. He would like to build a low density,
33 green building. The current B3 zoning requirements would result in a
34 long, thin building.

35 The hearing was set for August 21, 2013.

36
37 c) **V-08-13, 5526 S. Washington Street**

38 Mr. Tom Angell, applicant and owner of the property, stated that he was
39 before the ZBA in 2009 for this very request and was granted approval
40 at that time; however, he did not proceed with the work and therefore
41 must come before the ZBA again. He wants to keep his garage with the
42 current setback asking for exact same relief as the first application.

43 The hearing was set for August 21, 2013.

1 d) **V-09-13, 421 E. Ogden Avenue**

2 Mr. John George, attorney representing Adventist Hinsdale Hospital,
3 stated they are before the ZBA for signage relief for the new cancer
4 center to be built on Ogden Avenue. The zoning code does not account
5 for campus type signage. They are requesting five different types of
6 variances; to allow nine monument signs in lieu of the one permitted
7 with a total square footage of 375 sq. feet in lieu of the 50 sq. feet
8 permitted; for wall signs to allow a total of 120 sq. feet in lieu of the 100
9 sq feet permitted, to allow a wall sign at a height of 39 feet in lieu of the
10 20 feet or no higher than the bottom of any second story window,
11 whichever is less, and to allow off premises identification signs.

12 Member Neiman asked about the 375 sq. foot sign instead of a 50 foot
13 one, noting that one of the criteria which needs to be met is a minimum
14 variation possible to achieve stated goal. He would like to hear how a
15 sign more than seven times stated standard meets that criteria.

16 The hearing is set for August 21, 2013.
17

18 **8. PUBLIC HEARINGS**

19 a) **V-04-13, 800 Merrill Woods Road**

20 Mr. & Mrs. Juozas Gurevicius, homeowners and applicants addressed
21 the Board stating that this is an old house built in the 1900's and they
22 would like to build new house. They are asking for relief from the front
23 yard setback. The existing code would require a new house to be pushed
24 into the yard over 20 feet. Additionally, because of the topography of
25 Merrill Woods a future house would be narrow, resulting in an unused
26 large front yard and very small back yard. This would not conform to
27 traditions in the neighborhood. The requested setback would be aligned
28 with 6 out of the 9 other properties on the block. They have spoken to
29 some neighbors whose concerns are about drainage, they will have civil
30 engineers address this issue.
31

32 **Mr. A. B. Malik of 821 Merrill Woods** verbalized his objections to this
33 proposal. He believes this is an elegant house, former Village president
34 John Merrill built the house and Mr. Malik thinks the house should be
35 preserved. He believes this is the largest lot on the cul de sac, and there
36 is no reason for a setback. It should be maintained in the current
37 setback, anything else will compromise the whole cul de sac. It is the
38 highest property in Hinsdale and if it is too close to the street it will
39 compromise the cul de sac. He urged the Board to maintain the
40 aesthetic of the neighborhood; he doesn't want to lose the history or the
41 trees. A new house would create run off issues and tearing down this
42 one will create dust storms and affect the children and elderly in the
43 neighborhood.

1 **Ms. Lynn Gianfilippo of 830 Merrill Woods** stated she is not opposed
2 to what they want to do with the house, but worried about water flow
3 and flooding. She doesn't want to lose the value of her home because of
4 new water problems on her property. She wants the Village to work
5 hand in hand with the current residents to insure there will be no
6 impact on the other neighbors. Director of Community Development
7 Robb McGinnis explained the Village always does a comprehensive
8 drainage review with the construction of a new single family home. He
9 cautioned there is serious topography in this area irrespective of this
10 home. Discussion followed regarding the location of the proposed house.
11

12 **Ms. Kelly Abbot of 840 Merrill Woods** talked extensively about her
13 water issues. She said engineering must be involved and thinks the tear
14 down of this property will be different because of the thick concrete
15 walls.
16

17 Mr. Gurevicius stated the existing house has problems, he too gets
18 flooded when it rains. He said they considered remodeling, but the
19 house has mold in it. He is asking for relief to keep the same setback
20 and promised to do the civil engineering necessary to provide better
21 drainage. He further stated the home is small, has very low ceilings
22 and does not meet current living standards and styles.
23

24 Member Callahan commented that a property owner has a right to tear
25 down their house. He asked Mr. Gurevicius if the house is torn down
26 and the setback is the same, will the new house be a lot bigger. Mr.
27 Gurevicius explained there are limitations to the size of a new house,
28 but he is not planning on building a giant house. They are asking to
29 move it deeper into the lot by a few feet and the code permits an 8,000
30 square feet home on the lot which is irrespective of the requested
31 variance. The neighbors continue to express their personal concerns.
32

33 **Mr. Charles Hartley of 33 W. Birchwood** commented that children
34 come to Merrill Woods to skateboard. He remarked that this house has
35 a garage underneath and there is hose already draining water. He is
36 concerned about existing and future drainage problems.
37

38 Mr. McGinnis again explained what is required for new owners to
39 address flooding and again stated there are already drainage issues in
40 this area. Village engineers are keenly aware of these problems, but
41 until we have separate storm sewers, there will be a problem. He stated
42 there are 3-4 engineering reviews when a new house is built; it is a very
43 comprehensive review. Mr. McGinnis also noted that the DuPage

1 County storm ordinance sets the bar high as well. Member Callahan
2 moved to close the public hearing for V-04-13, 800 Merrill Woods
3 Road. Member Moberly seconded the motion.
4

5 **AYES:** Members Neiman, Giltner, Callahan and Chairman Braselton

6 **NAYS:** Member Moberly

7 **ABSTAIN:** None

8 **ABSENT:** Members Biggert and Connelly
9

10 Motion carried.
11

12 D E L I B E R A T I O N S
13

14 Member Moberly stated that he wished he had a picture of where the house
15 will be and is struggling to find the hardship issue. Member Giltner asked if
16 we have granted setbacks based on standards without house plans in the past.
17 Chairman Braselton confirmed that we often have and commented further
18 that the relief requested is modest and in line with setbacks on the block. She
19 also noted that they are entitled to build what they want if they follow the
20 code. Member Callahan remarked about the hardship of a small back yard,
21 this is a large lot, ¼ acre lot, and space to play with. Chairman Braselton said
22 the shape of the lot increases the hardship because of the very odd shape.
23 Member Giltner stated he is swayed by the argument of the block average of
24 the setbacks and further noted that the water issues are not relevant to this
25 Board. He believes this is a reasonable request. Member Neiman said his
26 initial instinct is to approve because it is in the middle of all other setbacks.
27 He is further persuaded by the limitations of the odd-shaped lot. Member
28 Callahan suggested the variance be granted subject to water displacement net
29 zero, as in the Seibold case some time back. Mr. McGinnis described the
30 ongoing concerns with water, noting this area is exacerbated by the
31 topography. He also stated that full out retention is not required.
32

33 Member Callahan moved to approve the requested variation for V-04-13,
34 800 Merrill Woods Road. Member Moberly seconded the motion.
35

36 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman Braselton

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** Members Biggert and Connelly
40

41 Motion carried.
42
43

b) V-05-13, 1 S. Monroe

Ms. Marina Zouzias, applicant and owner, addressed the Board stating she wants to replace the existing 6' fence with another 6' fence, but the code only permits a 4' fence. The process started when she called vendors to replace the fence, but they reported they could not. She provided emails of support from her neighbors. She wants a 6' fence again because of privacy and safety issues. She pointed out that on Chicago between Monroe and Thurlow, 6 of the 12 houses have 6' fences. Member Callahan moved to **close the public hearing for V-05-13, 1 S. Monroe**. Member Moberly seconded the motion.

AYES: Members Moberly, Neiman, Giltner, Callahan and Chairman Braselton

NAYS: None

ABSTAIN: None

ABSENT: Members Biggert and Connelly

Motion carried.

DELIBERATIONS

Member Callahan remarked that we approved a similar case on Thurlow and as the neighbors have no concerns in this case, he is ok with the request. Member Moberly **moved to approve the variation requested for V-05-13, 1 S. Monroe.** Member Giltner seconded the motion.

AYES: Members Moberly, Neiman, Giltner, Callahan and Chairman Braselton

NAYS: None

ABSTAIN: None

ABSENT: Members Biggert and Connelly

Motion carried.

c) V-03-13, 218 Ogden Avenue

Mr. Tony Kremer, applicant and owner, addressed the Board stating that he purchased the Hinsdale Animal Hospital in 2007, with the thought he would turn it around and provide a world class facility to Hinsdale. Although he has had support from community, the support is not there from the Village Board at that location. The hospital is a non-conforming use in the R4 district. He is diligently trying to move to another spot on Ogden Avenue, but wants to re-subdivide the current

1 property and sell a couple of lots to fund another location. Mr. Dennis
2 Kulak, architect, explained to the Board how the property would be
3 subdivided and why that results in a necessary variance.
4

5 Chairman Braselton asked why they don't rebuild and Mr. Kramer
6 explained that he had reached out to the Trustees, but the area is zoned
7 residential. Mr. McGinnis explained they would need a map
8 amendment to rezone the property for a commercial use. This property
9 is grandfathered in, but the Ogden Avenue Task Force recommended
10 this revert to residential stated Member Moberly. Mr. McGinnis further
11 stated that the code says you can't make improvements to a legal non-
12 conforming use. The hospital is on half an acre, but he needs relief on
13 lot width to subdivide, he cannot create a legal non-conforming lot.
14 Member Neiman moved to **close the public hearing for V-03-13, 218**
15 **Ogden Avenue.** Member Callahan seconded the motion.
16

17 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman
18 Braselton

19 **NAYS:** None

20 **ABSTAIN:** None

21 **ABSENT:** Members Biggert and Connelly
22

23 Motion carried.
24
25

26 D E L I B E R A T I O N S

27
28 Board members had no additional concerns with respect to the variation
29 as requested. Member Neiman moved to **approve the variation**
30 **requested for V-03-13, 218 Ogden Avenue.** Member Moberly
31 seconded the motion
32

33 **AYES:** Members Moberly, Neiman, Giltner, Callahan and Chairman
34 Braselton

35 **NAYS:** None

36 **ABSTAIN:** None

37 **ABSENT:** Members Biggert and Connelly
38

39 Motion carried.
40

41 **9. NEW BUSINESS - None**

42
43 **10. UNFINISHED BUSINESS - None**

1
2 **11. ADJOURNMENT**

3 With no further business before the Zoning Board of Appeals, Member
4 Callahan made a motion to **adjourn the meeting of the Zoning Board**
5 **of Appeals of May 15, 2013.** Member Moberly seconded the motion.
6

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

9 **NAYS:** None

10 **ABSTAIN:** None

11 **ABSENT:** Members Biggert and Connelly
12

13 Motion carried.
14

15 Chairman Braselton declared the meeting adjourned at 8:58 p.m.
16

17
18 _____
19 Christine M. Bruton
20 Village Clerk

Approved: _____

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE SPECIAL MEETING
Wednesday, August 21, 2013**

1. CALL TO ORDER

Chairman Debra Braselton called the special meeting of the Zoning Board of Appeals to order on Wednesday, August 21, 2013 at 7:01 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 Rody Biggert

Absent: Members Keith Giltner and John Callahan

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

3. APPROVAL OF MINUTES – July 17, 2013

Due to the lack of eligible voting members present, this item was forwarded to the September 18, 2013 meeting.

4. APPROVAL OF FINAL DECISION

a) V-04-13, 800 Merrill Woods Road

Due to the lack of eligible voting members present, this item was forwarded to the September 18, 2013 meeting.

b) V-05-13, 1 S. Monroe

Due to the lack of eligible voting members present, this item was forwarded to the September 18, 2013 meeting.

c) V-03-13, 218 Ogden Avenue

Due to the lack of eligible voting members present, this item was forwarded to the September 18, 2013 meeting.

5. RECEIPT OF APPEARANCES – All persons intending to speak were sworn in by the court reporter.

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-08-13, 5526 S. Washington Street** (A transcript of the following
3 proceeding is on file.)

4 Mr. Tom Angell, owner and applicant, explained to the Board that he
5 had originally made this application in July 2009 and the Board
6 unanimously approved this variance at that time. Unfortunately, he did
7 not proceed in a timely fashion with permitting and, according to code,
8 he must reapply. By way of background, he explained that six or seven
9 years ago he invested a great deal of money into the property; however,
10 the garage was structurally unsound, and needed to be completely
11 replaced. He is requesting a decrease in the required side yard setback
12 of 7.35' to 3.9' feet for the construction of another detached garage
13 located in exactly the same location as the old one. Chairman
14 Braselton confirmed that this application is the exact same request as
15 the 2009 case.

16 **Mr. Walter Mihelich, 5512 S. Washington**, is concerned about
17 flooding; however, in conversation with Mr. Angell he was assured that
18 there will be no change in land use and rain gutters will be piped to the
19 rear of yard. He asked that his driveway not be used during the
20 construction, but otherwise he supports the request. Mr. Angell
21 thanked his neighbor and stated that the existing setback will not
22 worsen the situation and he is sensitive Mr. Mihelich's concerns. He
23 also commented that all topographicals will be provided pursuant to
24 code.

25 There being no further questions on the matter, Member Biggert moved
26 to close the public hearing for **V-08-13, 5526 S. Washington**
27 **Street**. Member Connelly seconded the motion.

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

31 **NAYS:** None

32 **ABSTAIN:** None

33 **ABSENT:** Members Giltner and Callahan
34

35 Motion carried.
36
37

38 **DELIBERATIONS**
39

40 The Board agreed that because of the previous approval, they were satisfied
41 that all criteria for approval had been met. Member Moberly moved to
42 approve the request known as **V-08-13, 5526 S. Washington Street**.
43 Member Neiman seconded the motion.

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

2 **NAYS:** None

3 **ABSTAIN:** None

4 **ABSENT:** Members Giltner and Callahan

5
6 Motion carried.

7
8 b) **V-07-13, 330 Chestnut Street** (A transcript of the following proceeding
9 is on file.)

10 Chairman Braselton asked for a motion to open the public hearing. So
11 moved by Member Moberly, seconded by Member Biggert.

12
13 **AYES:** Members Connelly, Moberly, Neiman, Biggert and Chairman
14 Braselton

15 **NAYS:** None

16 **ABSTAIN:** None

17 **ABSENT:** Members Giltner and Callahan

18
19 Motion carried.

20
21 Mr. Peter Coules, attorney for the applicant, Mr. David Habiger,
22 addressed the Board. He provided an illustration showing the small
23 buildable area of this B3 zoning district parcel. His client's proposal is
24 to build one structure on the property which would cover only 35% of
25 90% allowable lot coverage. A variance is necessary because of the
26 thinness of the lot; they are asking for a setback of 5.5' feet instead of
27 the 25' feet required. He stated that the parking lot would require a 10'
28 foot landscape buffer and would be located at an existing cut. No sewers
29 would be moved; they will be able to provide additional green space by
30 building only one small structure. The uniqueness of the property is
31 because of the depth. Mr. Coules reported that neighbors and BNSF are
32 all in favor, there have been no objections. Mr. Habiger pointed out that
33 the building profile is no higher than any other structure along the
34 tracks and conforms to the 30' foot height restriction in the code. Mr.
35 Bernie Bartelli, architect with Culligan Abraham, stated that the single
36 story building will be about 25' feet from existing grade with a solid wall
37 facing the tracks. To soften reverberation from the train, this wall will
38 be covered with ivy. That side of the building was designed to have no
39 windows other than an interior light source. The ivy will address some
40 of the noise.

41
42 **Mr. Tom Hines of 116 S. Vine**, the resident of the second house from
43 the tracks, asked if this will be a business use. Mr. Bartelli explained

1 what the building will look like and what its purpose will be. Mr.
2 Coules pointed out that site plan and exterior appearance will be
3 addressed at the Plan Commission. It was noted that this structure
4 would only occupy 12.5% of the allowable 50% buildable area. Mr.
5 Habiger said he has spent a lot of time with the railroad working toward
6 approval. The site is not zoned for retail. It was confirmed that the
7 pedestrian walkway would remain intact. Mr. Hines would like to see
8 trees planted as a buffer. Mr. Habiger noted that you don't want to look
9 at the railroad tracks from the inside of the building either, and while
10 he does not have a legal document of agreement with the railroad for
11 trees, he intends to plant appropriate trees.

12 There being no further questions on this matter, Member Biggert moved
13 **to close the public hearing for V-07-13, 330 Chestnut Street.**
14 Member Moberly seconded the motion.

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

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** Members Giltner and Callahan

21
22 Motion carried.

23 24 25 **DELIBERATIONS**

26
27 Member Neiman thinks this variance deserves approval. The owner and the
28 architect have done a great job taking a wasteland to a useful purpose while
29 being sensitive to the neighbors. Member Moberly moved **to close the public**
30 **hearing for V-07-13, 330 Chestnut Street.** Member Neiman seconded the
31 motion.

32
33 **AYES:** Members Connelly, Moberly, Neiman, Biggert and Chairman Braselton

34 **NAYS:** None

35 **ABSTAIN:** None

36 **ABSENT:** Members Giltner and Callahan

37
38 Motion carried.

39
40 c) **V-06-13, 14 Glendale Avenue** (A transcript of the following proceeding is
41 on file)

42 Chairman Braselton asked for a motion to open the public hearing. So
43 moved by Member Moberly, seconded by Member Neiman.

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

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Members Giltner and Callahan

6
7 Motion carried.

8
9 Mr. Scott Day, attorney for the applicant, addressed the Board stating he
10 was here tonight with his colleague, Christina Morrison. The application
11 before the Board is a petition for a variation within the R4 zoning district
12 to increase the height of a residential home above the allowable 30 feet. To
13 consider is the definition of grade, Hinsdale code utilizes existing contours
14 prior to any reshaping of the natural contours of the property, but there
15 are no good records of what those were at the time the house was
16 constructed. However, the home was constructed in accordance with the
17 then region-wide DuPage County Stormwater Management Ordinance
18 which adherence to should have protected the basement and first floor in a
19 100 year rain event. The second definition is height, which the Hinsdale
20 code defines as the vertical distance as measured from the grade. This
21 property measures at 30 feet.

22 Mr. Marc Marcucci, property owner, addressed the Board stating he moved
23 into his home in 1998 with his wife and six children. While out of the
24 country on vacation in 2010 he got a call from his neighbor who was
25 checking his home. There was a severe rainstorm in progress and Mr.
26 Marcucci's basement was full of water. By the time it was over, the flood
27 had inundated the first floor, too. To remedy the problem, he consulted
28 FEMA engineers and, working with the County and the Village, he created
29 stormwater compensation on the property. Additionally, he expanded
30 window wells, added pump systems and resealed all settling cracks. The
31 engineer at the time stated this was a once in a lifetime storm event,
32 however, during the April 2013 storm, they ended up with a full basement
33 and 5 inches of water on the first floor. Everything was destroyed again.
34 He explained that he and his family are attached to their home and in
35 order to solve the problem drastic measures would need to be taken. He
36 hired more engineers who determined the only solution is to raise the
37 house. He noted that the water comes from Salt Creek; the water from the
38 west does not inundate the property.

39 Mr. Dan Lynch from Christopher Burke Engineering, explained that the
40 flood insurance rate map from 1981 was in effect when the house was built,
41 and the house was designed with the best information available at the time
42 to protect it from flooding. In 2004 new maps were issued, however
43 Hinsdale was excepted because it is a dual county community. Mr. Lynch

1 noted that even after raising the elevation of the Marcucci home, theirs
2 will still be lower than all others in the area. He explained it is a complex
3 procedure to raise a home; the house will be separated from the foundation
4 and raised by hydraulic jacks, the existing foundation will be extended
5 with cement to the new elevation and the house is set back down. Member
6 Neiman asked how raising the house will affect water runoff to the
7 neighbors. Mr. Lynch said the grading remains essentially the same in full
8 compliance with DuPage County guidelines; the perimeter yard drainage
9 won't change. The only place the grading is changing is with the driveway
10 because as the garage floor is raised up, the slope of the driveway will
11 increase. The driveway slope will run north to the street as it does now
12 where there is roadside drainage along Glendale. Mr. Lynch said it will
13 not affect runoff to the neighbors. Raising the top of the foundation will
14 increase the flood elevation above first floor, well in excess of the April
15 2013 event. Additionally, retaining walls will be built to prevent the water
16 from reaching the foundation. Member Biggert speculated this isn't a
17 runoff problem; it's an encroachment issue from Salt Creek. Mr. Lynch
18 confirmed that is exactly the case. Discussion followed regarding the
19 function of the retaining wall and where water will go and dissipate. Mr.
20 Marcucci noted when the house was built he put a storm water tank in his
21 yard to compensate for the displaced water at 1 ½ times. There are
22 200,000 gallons of water retained under his backyard, but this isn't
23 enough. Mr. Day explained the regulatory scheme and standards; a
24 retaining wall within 10' feet of the foundation of the home complies with
25 the regulations of the DuPage County Stormwater Management Ordinance.
26 Displacing the water in his basement will not affect the neighbors, said Mr.
27 Marcucci; Mr. Lynch agreed because this water is dispersed throughout the
28 entire Salt Creek watershed.

29 Mr. Day addressed the criteria for approval of the variation request. The
30 hardship is obvious, \$800,000 of flood damage and the unique physical
31 condition which requires relief from the existing topography. The problem
32 is not self-created and this solution is a reasonable and minimal approach.
33 If the Marcucci's had known in 1998 what the flood elevation was going to
34 be today, the home would have been built higher at that time.
35 Additionally, granting the variation will avoid a situation that might create
36 blight for this area from an unusable house.

37 **Mr. Terrence Heuel, attorney for Perry and Kathryn Accettura of 19**
38 **E. Birchwood,** addressed the Board. In the last flood, the floodwater
39 came up to their retaining wall, it was two steps away from coming in the
40 kitchen. What will happen to the water that used to be in Marcucci's
41 basement? There was 150,000 gallons of water in Marcucci's basement,
42 where will it go? This entire area is a problem. It is a hardship, but is it
43 self-created? No one is upset about the change in height; the problem is

1 what to do about the water in his basement.

2 **Mr. Michael Capp, engineer for the Accettura's**, said he is sensitive
3 and conversant with flood plain issues. He believes zoning issues deal with
4 dimensions, bulk describes volume, the variance is for height, but we're
5 really talking about the volume of water that will be displaced by his
6 proposal. He showed pictures of the flooding in the area and stated, in his
7 opinion, the water will go south to the neighbor's back yards. Mr. Marcucci
8 is creating an island and that will displace the water in the immediate
9 neighborhood to an elevation that it currently attains under these
10 conditions.

11 Member Neiman noted that the retaining wall is perfectly legal and raising
12 the house is added protection, but will not change the diversion of water.
13 Chairman Braselton reminded the Board they are not granting the
14 variance, but only making a recommendation to the Village Board. Mr.
15 Capp commented that without opportunity to analyze the data he cannot
16 answer Mr. Marcucci's question about how much of a difference this
17 displacement would be over the neighborhood. Mr. Lynch stated he did do
18 the calculations of displaced volume; he looked at the area between the
19 Marcucci residence and Salt Creek and determined that at most the
20 displacement would fill this area floodplain approximately 1/10" of an inch.
21 He reiterated the cubic feet in the basement, relative to the square footage
22 of the floodplain, would be 1/10" of an inch. Director of Community
23 Development Robb McGinnis stated that he had attended a meeting with
24 Mr. Marcucci and the Christopher Burke engineers to discuss water
25 displacement and the FEMA regulations and requirements. The question
26 is what happens to the de facto compensatory storage provided by the
27 basement spread out over an entire watershed. The amount of water
28 leveled over the entire watershed is probably immeasurable. He also noted
29 that this variation request is for an increase in height; Mr. Marcucci could
30 cut down the roof of the house and not have been before the ZBA at all.

31 **Mr. Jim Audet, 23 E Birchwood**, stated he has no problem with the
32 height. The water came up in his backyard but stopped. The water
33 reaches a certain level and then recedes. He agrees with Marcucci's
34 engineer; the source of the water is Salt Creek not Marcucci's basement.

35 **Ms. Lauren Fitzgerald of 3823 Washington Street in Oak Brook**,
36 addressed the Board stating she never had any water at her house until
37 Marcucci's built their home. She believes they pump the water from their
38 yard into hers. She doesn't think it's fair to assume the raising and
39 grading proposed will not affect them. They have spent \$100,000 to keep
40 water away from their home and asked the Board to consider more than
41 just the height of the building. She confirmed that she did not get any
42 water in 2010 and 2013, but they have installed water protection measures
43 since the Marcucci's house was built in 1998.

1 **Mr. Graham Hershman of 949 N. Washington** stated that during the
2 floods he had six feet of water in his yard that came to the top of his
3 retaining wall. He would contend that any further displacement of water
4 might not be retained by his six foot wall. He would object to anything that
5 would potentially affect his house or his neighbors; even one inch would
6 make a difference. He believes this is a self-created problem because Mr.
7 Marcucci built in a floodplain. Mr. Hershman is concerned about the data
8 provided tonight, who is to say if the new estimates will work this time
9 either.

10 Mr. Marcucci responded that he is planning to build a retaining wall, which
11 would still be a foot below his neighbor's retaining walls. There is a
12 problem in the area; he is not the problem, the watershed is the problem.
13 Mr. Day commented that furthermore, the home is not located in the
14 floodplain, it is outside the regulatory floodplain; this discussion tonight
15 has been about storm water, which is not under the purview of the ZBA.
16 Stormwater regulations are enforced and determined by DuPage County.
17 He reiterated that based on the elevation of the houses, this basement will
18 fill first before it would affect the surrounding neighbors. He pointed out
19 that none of the neighbors have objections to the height of the home, but
20 rather have issues with the DuPage County Stormwater regulations.
21 Member Neiman moved to **close the public hearing for V-06-13, 14**
22 **Glendale Avenue.** Member Biggert seconded the motion.

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

26 **NAYS:** None

27 **ABSTAIN:** None

28 **ABSENT:** Members Giltner and Callahan

29
30 Motion carried.

31 32 **DELIBERATIONS**

33
34 It was noted that this is a recommendation only and will go to the Village
35 Board of Trustees regardless of the ZBA vote. Member Neiman believes in
36 global warming and science. He stated that the ZBA tries to be sensitive to
37 requests that will affect neighbors, even if it isn't a direct criteria for
38 approval. The relevant portions of the approval criteria are under the
39 essential character of the area portion of the code; that is approval will not
40 result in a material detriment of the public welfare or unduly increase flood or
41 fire. The Marcucci's lawyers comment that the ZBA is ill-equipped to measure
42 materiality and therefore must defer to engineering experts. The Village says
43 the amount of displaced water will be a 'spit in the ocean'. The Marcucci's

1 have satisfied the required criteria and he will vote in favor despite concern
2 for the neighbors. We can't vote on the retaining wall and raising the
3 elevation won't materially affect flooding in neighboring properties. Member
4 Biggert agrees Marcucci's counsel has satisfied his burden of proof. Member
5 Moberly agrees, he is not insensitive to the water issues, but believes the
6 criteria of this case has been met. Member Moberly moved to approve **V-06-**
7 **13, 14 Glendale Avenue.** Member Neiman seconded the motion.
8

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

10 **NAYS:** None

11 **ABSTAIN:** None

12 **ABSENT:** Members Giltner and Callahan
13

14 Motion carried.
15

16 *(The Board took a 10 minutes recess, upon reconvening the Board resumed the*
17 *following business.)*
18

19 d) **V-09-13, 421 E. Ogden Avenue** (A transcript of the following proceeding
20 is on file.)

21 Mr. John George, attorney for Adventist Hinsdale Hospital, addressed the
22 Board stating they are seeking variations for signs to serve the outpatient
23 cancer center. This property encompasses nine acres and is in the O3
24 Zoning district, they are not asking for setback, lot coverage or FAR relief
25 for the building, it is completely code compliant. He described the facility
26 and the services to be provided. The variation request is only about
27 signage. The Zoning code prohibits off premises signs, they are asking for
28 two in order to identify the business location. Spinning Wheel Road is
29 being closed, and they need directional signs to the businesses in that area.
30 IDOT agrees it is a good idea to close that road. They are asking for nine
31 ground signs, only one allowed by code. The code does not provide for
32 campus signage. Ground signs are needed to direct patients to the correct
33 part of the facility. These are required to be 100' square feet total, they are
34 requesting 467' square feet total. There will be two separate entrances and
35 they are asking for signs above each at 38' high instead of the allowed 20'.

36 Mr. Jordan Black, from Sign Craft USA, addressed the Board stating he
37 was involved with designing the signs to make them architecturally
38 integrated with the building and to conform to Hinsdale's standards. He
39 provided a powerpoint illustrations of the proposed signage. He outlined
40 the materials used to construct the signs and described the subtle lighting
41 and appropriate landscaping provided and the purpose for each sign.

42 Mr. George explained that IDOT is not requiring a change to existing
43 traffic signage. The street will still be Salt Creek Road. Chairman

1 Braselton commented that she can understand why they want the height of
2 the sign, so it can be seen; the purpose of the extra signage is just to direct
3 people to their destinations. Member Moberly asked why this sign is so
4 much bigger than the others in the area. Mr. George explained that when
5 the traffic is going in either direction people need to be able to identify the
6 location. They directed the sign company to design as small a sign as
7 possible and still serve the purpose for which it is intended. Some of the
8 other business signs on Ogden Avenue are more easily recognizable by
9 brand and a larger sign not as necessary, said Mr. Black, and noted that
10 people still rely on signage to reach their destinations, not just GPS type
11 technology.

12
13 Mr. George addressed the criteria in the zoning code for granting a
14 variation, and stated this is a unique situation in part because of the
15 closing of Spinning Wheel Road; the type of sign variations requested do
16 not affect or change character of neighborhood and there is no other
17 remedy.

18
19 **Mr. David Theiler of 617 N. Oak**, stated this project is located about a
20 block from their home and he finds nothing offensive about the Center or
21 the signage and encourages the Board to grant these variances.

22
23 There being no further questions for the applicant, Member Biggert moved
24 **to close the public hearing for V-09-13**. Member Moberly seconded the
25 motion.

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

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** Members Giltner and Callahan

32
33 Motion carried.
34
35

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

37
38 Chairman Braselton began discussion by stating that she believes this request
39 is reasonable and necessary. Member Biggert believes that all approving
40 criteria are met. Member Neiman agreed and stated this is a great use of the
41 site and benefit to the community. Member Moberly moves to **approve the**
42 **variation request known as V-09-13, 421 E. Ogden Avenue**. Member
43 Biggert seconded the motion.

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

2 **NAYS:** None

3 **ABSTAIN:** None

4 **ABSENT:** Members Giltner and Callahan

5
6 Motion carried.

7
8 **9. NEW BUSINESS** - None

9
10 **10. UNFINISHED BUSINESS** - None

11
12 **11. ADJOURNMENT**

13 With no further business before the Zoning Board of Appeals, Member
14 Moberly made a motion to **adjourn the meeting of the Zoning Board of**
15 **Appeals of August 21, 2013.** Member Biggert seconded the motion.

16
17 **AYES:** Members Connelly, Moberly, Neiman, Biggert and Chairman
18 Braselton

19 **NAYS:** None

20 **ABSTAIN:** None

21 **ABSENT:** Members Giltner and Callahan

22
23 Motion carried.

24
25 Chairman Braselton declared the meeting adjourned at 9:56 p.m.

26
27
28 _____
29 Christine M. Bruton
30 Village Clerk
31

Approved: _____

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

Zoning Calendar: V-03-13

Petitioner: Anthony Kremer

Meeting held: Public Hearing was held on Wednesday, July 17, 2013 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 July 4, 2013.

Premises Affected: Subject Property is commonly known as 218 W. Ogden, Hinsdale, Illinois and is legally described as:

LOTS 1, 2, 10 AND 11 IN BLOCK 6 IN LANSING'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1891 AS DOCUMENT 45718, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from several requirements in the Code in order to subdivide and deed off two underlying Lots of Record as well as a request to rebuild a new sign on the property. The overall intent of this request is to sell off the property for single family homes once the owner finds a new location to build the animal hospital he presently operates on the site. The existing building and parking lot presently sit on three underlying Lots of Record. The applicant is proposing to demolish a portion of the rear of the existing building in order to move forward with the subdivision and deed off the two lots on Grant Street. He will need rear yard relief for the building once that portion that encroaches the lot line is removed in order to do this. The specific relief is for a reduction in minimum lot width for the corner lot from 80' to 77.95', a reduction in the required rear yard from 25' to 3', and a new replacement sign in a residential district.

Facts: This property is located in the R-4 single-family zoning district in the Village of Hinsdale and is located on the south side of Ogden Avenue between Vine and Grant Street. The property has a frontage of approximately 106', a depth of approximately 353', and a total square footage of approximately 47,222. The maximum FAR is 20% +2,000 square feet or approximately 11,444 square feet. The maximum building coverage is 25% or

approximately 11,805 square feet. The Total Lot Coverage is 50% or approximately 23,611 square feet.

Action of the Board:

Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. The primary reason was tied to the fact that the owner is presently maintains a Legal Non-conforming Use in a Residential District. The owner would like to grow the business but cannot do any more than maintain the property due to the underlying zoning classification. As such, the owner is trying to subdivide the underlying property and sell it off for single family development so that he can generate the proceeds to find another location for the practice.

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

AYES:

Moberly, Neiman, Giltner, Callahan, Chairman Braselton

NAYS:

None

ABSTAIN:

None

ABSENT:

Member Connelly, Member Biggert

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-04-13
- Petitioner:** Juozas and Jurgita Gurevicius
- Meeting held:** Public Hearing was held on Wednesday, July 17, 2013 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 July 4, 2013.
- Premises Affected:** Subject Property is commonly known as 800 Merrill Woods Rd., Hinsdale, Illinois and is legally described as:
- LOT 1 MERRILL WOODS UNIT NO. 2, BEING A SUBDIVISION OF LOT 5 IN MERRILL WOODS, A RESUBDIVISION OF THE KNAUS SUBDIVISION OR MERRILL WOODS ALONG WITH LOT NO. 2 OF PARILLO'S SUBDIVISION, IN THE NORTHWEST ¼ SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MERRILL WOODS UNIT NO. 2 RECORDED FEBRUARY 28, 1980 AS DOCUMENT NUMBER R80-11887, AND CERTIFICATE OF CORRECTION RECORDED JUNE 25, 1980 AS DOCUMENT NUMBER R80-36323, IN DUPAGE COUNTY, ILLINOIS
- Subject:** In this application for variation, the applicant requests relief from the front yard setback requirements set forth in section 3-110 (D)(1) footnote I(8) for the construction of a new single family home. The request is for 20.89' of relief to the required 78.42' required front yard setback.
- Facts:** This property is located in the R-2 single-family zoning district in the Village of Hinsdale and is located at the west end of Merrill Woods Rd.. The property has a frontage of approximately 51', a depth of approximately 188', and a total square footage of approximately 32,166. The maximum FAR is 20% +2,000 square feet or approximately 8,433 square feet. The maximum building coverage is 25% or approximately 8,041 square feet. The Total Lot Coverage is 50% or approximately 16,083 square feet.
- Action of the Board:** Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. The primary reason was due to the fact that using the existing setbacks on one side of the

cul-de-sac would result in a front yard setback that was far greater than what the average setback was for the cul-de-sac in its entirety. The variation request put the house in almost the same location as the existing house is today and in line with neighboring properties.

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

AYES: Neiman, Giltner, Callahan, Chairman Braselton

NAYS: Member Moberly

ABSTAIN: None

ABSENT: Member Connelly, Member Biggert

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

Zoning Calendar:

V-05-13

Petitioner:

Mariana Zouzias

Meeting held:

Public Hearing was held on Wednesday, July 17, 2013 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 July 4, 2013.

Premises Affected:

Subject Property is commonly known as 1 S. Monroe, Hinsdale, Illinois and is legally described as:

LOT 48 IN INTERNATIONAL BANK SUBDIVISION, BEING A RESUBDIVISION OF BLOCK 1 IN STOUGH'S SECOND ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE EAST ½ OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID INTERNATIONAL BANK SUBDIVISION, RECORDED OCTOBER 28, 1882 AS DOCUMENT 31034, IN DU PAGE COUNTY, ILLINOIS

Subject:

In this application for variation, the applicant requests relief from the fence regulations set forth in 9-12-3(E)(1)(b.) for the reconstruction of a 6' fence in the corner sideyard. The Code currently limits fences in corner sideyards to 4' in height.

Facts:

This property is located in the R-4 single-family zoning district in the Village of Hinsdale and is located on the southeast corner of Chicago and Monroe. The property has a frontage of approximately 47', a depth of approximately 125', and a total square footage of approximately 5,875. The maximum FAR is .25+1,100 square feet or approximately 2,569 square feet. The maximum building coverage is 25% or approximately 1,469 square feet. The Total Lot Coverage is 60% or approximately 3,525 square feet.

Action of the Board:

Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. One of the factors taken into account was the fact that there were several variations already approved for the same request along Chicago Avenue.

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

AYES: Moberly, Neiman, Giltner, Callahan, Chairman Braselton

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly, Member Biggert

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

Zoning Calendar: V-06-13

Petitioner: Mark and Susan Marcucci

Meeting held: Public Hearing was held on Wednesday, August 21, 2013 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 August 1, 2013.

Premises Affected: Subject Property is commonly known as 14 E. Glendale, Hinsdale, Illinois and is legally described as:

LOT 1 MARCUCCI RESUBDIVISION, BEING A RESUBDIVISION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MARCUCCI RESUBDIVISION RECORDED AUGUST 22, 1997 AS DOCUMENT NUMBER R97-125384 AND CERTIFICATE OF CORRECTION FILED OCTOBER 27, 1997 AS DOCUMENT NUMBER R96-162885, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the height regulations set forth in 3-110A.1(a)(ii) in order to flood proof their home. The plan is to raise the structure above the new 100 year flood plain elevation being implemented by FEMA. The request is for an increase of 3' to the allowable height of the structure.

Facts: This property is located in the R-4 single-family zoning district in the Village of Hinsdale and is located on the south side of Glendale west of Washington. The property has a frontage of approximately 130', a depth of approximately 165', and a total square footage of approximately 21,450. The maximum FAR is .24+2,000 square feet or approximately 7,148 square feet. The maximum building coverage is 25% or approximately 5,362 square feet. The Total Lot Coverage is 50% or approximately 10,725 square feet.

It should be noted that approval of this variation is a recommendation only to the Board of Trustees, as the Zoning

Board of Appeals does not have the authority to grant increases in building height in a residential district.

Action of the Board:

Members heard testimony from the applicant, his attorney and his engineer. The focus of discussion was tied to the history of flooding in the area during heavy rain events and where the water that otherwise filled the basement of the applicant would be displaced. The engineer speaking on behalf of the applicant stated that the displacement was over the entire watershed and not limited to the immediate area, or more specifically the properties of the immediate neighbors. The attorney speaking on behalf of the applicant obtained the top of foundation elevations of all of the surrounding properties and explained that even post-construction, the Marcucci's top of foundation would be lower than any of his neighbors. All neighbors present stated they had no objection to the subsequent height of the home should this variation be approved, but were only concerned with the possible increase of water on their properties.

Members agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met especially with respect to hardship, unique physical condition and not being self-created.

A motion to recommend approval to the Board of Trustees was made by Member Moberly and seconded by Member Neiman.

AYES: Members Gary Moberly, Bob Neiman, Rody Biggert, and Chairman Debra Braselton

NAYS: None

ABSTAIN: None

ABSENT: Members Marc Connelly, John Callahan, and Keith Giltner

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

Zoning Calendar:

V-07-13

Petitioner:

Hinsdale Land Restoration and Preservation, LLC

Meeting held:

Public Hearing was held on Wednesday, August 21, 2013 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 August 1, 2013.

Premises Affected:

Subject Property is commonly known as 330 Chestnut Street, Hinsdale, Illinois and is legally described as:

LOTS 4,5,6 AND 7 IN CHESTNUT STREET COURT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2001 AS DOCUMENT R2001-203762, EXCEPTING THEREFROM THAT PART OF LOT 4, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, THENCE SOUTH 15 DEGREES 09 MINUTES 55 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 60.29 FEET TO THE SOUTHERLY LINE OF SAID LOT 4, THENCE SOUTH 74 DEGREES 50 MINUTES 05 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 27.5 FEET; THENCE NORTH 34 DEGREES 38 MINUTES 48 SECONDS EAST, A DISTANCE OF 24.22 FEET TO A POINT; THENCE NORTH 15 DEGREES 09 MINUTES 55 SECONDS WEST, A DISTANCE OF 44.29 FEET TO THE NORTHERLY LINE OF SAID LOT 4; THENCE NORTH 72 DEGREES 28 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, A DISTANCE OF 9.01 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS

Subject:

In this application for variation, the applicant requests relief from the front and rear yard setbacks set forth in 5-110C in order to construct a new commercial building on the site.

Facts:

This property is located in the B-3 Business District in the Village of Hinsdale and is located on the south side of Chestnut Street between Vine and Clay. The property is irregularly shaped and has a total square footage of approximately 24,090. The maximum FAR is 50% or 12,045. The Total Lot Coverage is 90% or approximately 21,681 square feet.

Action of the Board:

Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. One of the factors taken into account was the unique shape of this lot and its proximity to the railroad tracks.

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

AYES:

Members Moberly, Neiman, Biggert, and Chairman Braselton

NAYS:

None

ABSTAIN:

None

ABSENT:

Members Connelly, Giltner, and Callahan

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

- Zoning Calendar:** V-08-13
- Petitioner:** Thomas J. Angell
- Meeting held:** Public Hearing was held on Wednesday, August 21, 2013 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 August 1, 2013.
- Premises Affected:** Subject Property is commonly known as 5526 S. Washington Street, Hinsdale, Illinois and is legally described as:
- THE SOUTH ½ OF LOT 3 IN BLOCK 2 IN BRANIGAR BROTHERS HINSDALE FARMS, BEING A SUBDIVISION OF THE SOUTHWEST ¼ AND OF THE NORTHWEST ¼ (EXCEPT THE EAST ½ OF THE NORTHWEST ¼ OF THE SAID NORTHWEST ¼) OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 5, 1920 AS DOCUMENT 141390, IN DU PAGE COUNTY, ILLINOIS
- Subject:** In this application for variation, the applicant requests a decrease in the required side yard setback of 7.35' to 3.90' for the construction of a detached garage.
- Facts:** This property is located in the R-3 Residential District in the Village of Hinsdale and is located on the west side of Washington Street between 55th & 57th. The property has a frontage of approximately 63.50', a depth of approximately 296.69', and a total square footage of approximately 18,840. The maximum FAR is approximately 5,722 square feet and the maximum allowable building coverage is 25% or approximately 4,710 square feet.
- Action of the Board:** Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. Members agreed that nothing had changed since the application was originally approved in 2009.
- A motion to recommend approval was made by Member Moberly and seconded by Member Neiman.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly, Giltner, and Callahan

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

Zoning Calendar: V-09-13

Petitioner: Adventist Hinsdale Hospital

Meeting held: Public Hearing was held on Wednesday, August 21, 2013 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 August 1, 2013.

Premises Affected: Subject Property is commonly known as 421 E. Ogden Ave., Hinsdale, Illinois and is legally described as:

FEE PARCEL 1-W:

THAT PART OF LOTS 8 AND 9 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE ALONG THE EASTERLY LINE OF SAID LOT 8 NORTH 02 DEGREES 17 MINUTES 29 SECONDS WEST, 24.38 FEET TO A POINT ON THE NORTHERLY LINE OF PROPERTY CONVEYED PER DOCUMENT 79-51996 SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE LAST DESCRIBED NORTHERLY LINE SOUTH 77 DEGREES 35 MINUTES 01 SECONDS WEST, 194.05 FEET; THENCE NORTH 28 DEGREES 13 MINUTES 59 SECONDS WEST, 297.84 FEET; THENCE SOUTH 61 DEGREES 46 MINUTES 01 SECONDS WEST, 5.26 FEET; THENCE NORTH 26 DEGREES 09 MINUTES 52 SECONDS WEST, 9.11 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 39.72 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET AND WHOSE CHORD BEARS NORTH 06 DEGREES 20 MINUTES 58 SECONDS EAST, 37.62 FEET; THENCE NORTH 38 DEGREES 51 MINUTES 44 SECONDS EAST, 23.63 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 27.99 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET AND WHOSE CHORD BEARS NORTH 50 DEGREES 19 MINUTES 06 SECONDS EAST, 27.81 FEET; THENCE NORTH 61 DEGREES 46 MINUTES 29 SECONDS EAST, 167.66 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 186.05 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 325.00 FEET AND WHOSE CHORD BEARS NORTH 45 DEGREES 22 MINUTES 30 SECONDS EAST, 183.52 FEET TO THE EASTERLY

LINE OF SAID LOT 9; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 8 AND 9 SOUTH 02 DEGREES 17 MINUTES 29 SECONDS EAST, 508.59 FEET TO THE POINT OF BEGINNING ALL IN DUPAGE COUNTY, ILLINOIS.

EASEMENT PARCEL 2-W:

NON-EXCLUSIVE, PERPETUAL EASEMENTS FOR THE BENEFIT OF FEE PARCEL 1-W AS CREATED BY AGREEMENT RECORDED JUNE 11, 1973 AS DOCUMENT R73-33823 AS AMENDED BY DOCUMENTS R73-35331, R81-2365 AND R2001-197280, AS DESCRIBED IN RIDER DESCRIPTIONS 2, 4 AND 6 ATTACHED THERETO, AND BY EASEMENT GRANT RECORDED JANUARY 18, 1989 AS DOCUMENT R89-006821 AS AMENDED BY DOCUMENT R89-072896, AND AS CREATED BY EASEMENT GRANT RECORDED JUNE 20, 1989 AS DOCUMENT R89-072897, AS DESCRIBED IN EXHIBITS C1 THROUGH C5 ATTACHED THERETO, FOR THE PURPOSES OF INGRESS AND EGRESS OVER, UPON AND ACROSS THE DEFINED EASEMENT PREMISES.

EASEMENT PARCEL 3-W:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF LOTS 8 AND 9 OF FEE PARCEL 1-W, (EXCEPT THAT PART OF SAID LOTS FALLING IN SALT CREEK LANE), AS CREATED BY THAT CERTAIN CROSS EASEMENT AGREEMENT DATED MAY 16, 2001 AND RECORDED MAY 21, 2001 AS DOCUMENT R2001-95641, FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS OVER, UPON AND ACROSS THAT PORTION OF SPINNING WHEEL ROAD BOUNDED ON THE SOUTH BY THE NORTHERLY BOUNDARY LINE OF OGDEN AVENUE AND ON THE NORTH BY THE NORTHERNMOST BOUNDARY LINE OF THE "NEW ROAD" AND EXTENDED EASTERLY TO ITS INTERSECTION WITH THE EAST LINE OF SPINNING WHEEL ROAD, WHICH PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS MAY BE TRAVELED SOLELY (I) IN A NORTH AND SOUTH DIRECTION ALONG SAID PORTION OF SPINNING WHEEL ROAD, AND (II) IN AN EAST AND WEST DIRECTION ONLY IN THOSE LOCATIONS WHERE CURB CUTS CURRENTLY EXIST AT THE INTERSECTIONS OF SPINNING WHEEL ROAD AND THE "HOSPITAL PROPERTIES" (AS SPECIFICALLY DESCRIBED IN SECTION 1.4, THEREIN).

FEE PARCEL 2:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 36, ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG SAID EAST LINE OF SECTION 36, A DISTANCE OF 360.04 FEET TO A LINE 311.45 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH A SOUTH LINE OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE SOUTH 89 DEGREES 59 MINUTES 32 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 419.58 FEET TO THE EAST LINE OF SAID LOT 1, SAID LINE ALSO BEING THE EAST LINE OF AN INGRESS/EGRESS EASEMENT MORE COMMONLY KNOWN AS SPINNING WHEEL ROAD PER DOCUMENT NUMBERS R67-16396, R68-53559, R68-53558, R68-53557, R65-15555, R62-10321, R67-5975 AND R68-50520, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTIONS 1 AND 36; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST ALONG SAID EAST LINE OF LOT 1, ALSO BEING THE EAST LINE OF SAID SPINNING WHEEL ROAD, BEING ALSO PARALLEL WITH SAID EAST LINE OF SECTION 36, A DISTANCE OF 647.37 FEET TO THE NORTH RIGHT OF WAY LINE OF OGDEN AVENUE (FORMERLY KNOWN AS OLD PLANK ROAD); THENCE NORTH 79 DEGREES 52 MINUTES 02 SECONDS EAST (RECORD IS NORTH 80 DEGREES EAST), A DISTANCE OF 426.22 FEET TO THE EAST LINE OF SAID SECTION 1; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG SAID EAST LINE OF SECTION 1, A DISTANCE OF 212.40 FEET TO SAID POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EASEMENT PARCEL 7:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF FEE PARCEL 2 AS CREATED BY CROSS EASEMENT AGREEMENT DATED AS OF MAY 16, 2001 AND RECORDED MAY 21, 2001 AS DOCUMENT R2001-95641 MADE BY AND BETWEEN HINSDALE HOSPITAL, COLE TAYLOR BANK, AS SUCCESSOR TRUSTEE UNDER TRUSTS NUMBER 76136, 61116, 64208 AND 65276, AND LASALLE BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE UNDER TRUSTS NUMBER 2487, 2704 AND 2705, FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS OVER, UPON AND ACROSS THAT PORTION OF SPINNING WHEEL ROAD MORE PARTICULARLY DESCRIBED AS EASEMENT SUB-PARCELS 4A, 4B AND 4C DESCRIBED BELOW:

EASEMENT SUB-PARCEL 4A:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, ALSO BEING

THE WEST LINE OF AN INGRESS/EGRESS EASEMENT MORE COMMONLY KNOWN AS SPINNING WHEEL ROAD PER DOCUMENT NUMBERS R67-16396, R68-53559, R68-53557, R65-15555, R62-10321, R67-5975, R68-50520, R67-17789 AND R67-51476, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 405.51 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN A DEED RECORDED AS DOCUMENT R76-45222; THENCE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 48.00 FEET TO A LINE 431.58 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID EAST LINE OF SECTION 36; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 59.09 FEET TO A LINE 346.49 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 12.00 FEET TO A SOUTHERLY CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 1, ALSO BEING THE EAST LINE OF SAID SPINNING WHEEL ROAD, A DISTANCE OF 346.49 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 89 DEGREES 59 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET TO SAID POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EASEMENT SUB-PARCEL 4B:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET TO THE SOUTHERLY MOST SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF AN INGRESS/EGRESS EASEMENT MORE COMMONLY KNOWN AS SPINNING WHEEL ROAD PER DOCUMENT NUMBERS R67-16396, R68-53559, R68-53558, R68-53557, R62-10321, R67-5975, R68-50520, R67-17789, AND R67-51476, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTIONS 1 AND 36, A DISTANCE OF 612.33 FEET TO THE NORTH RIGHT OF WAY LINE OF OGDEN AVENUE (FORMERLY KNOWN AS OLD PLANK ROAD); THENCE SOUTH 79 DEGREES 52 MINUTES 02 SECONDS WEST (RECORD IS SOUTH 80 DEGREES WEST) ALONG SAID NORTH RIGHT OF WAY LINE OF OGDEN AVENUE, A DISTANCE OF 60.95 FEET TO THE WEST LINE OF SAID SPINNING WHEEL

ROAD; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG THE WEST LINE OF SAID SPINNING WHEEL ROAD, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTIONS 1 AND 36, A DISTANCE OF 623.05 FEET TO SAID POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EASEMENT SUB-PARCEL 4C:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 671.49 FEET TO THE EASTERLY MOST SOUTHEAST CORNER OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE SOUTH 89 DEGREES 59 MINUTES 32 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 419.58 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A SOUTHERLY CORNER OF SAID LOT 1; THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 32 SECONDS WEST, A DISTANCE OF 12.00 FEET TO A LINE 431.58 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID EAST LINE OF SECTION 36; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 59.09 FEET TO A LINE PARALLEL WITH SAID SOUTH LINE OF LOT 1; THENCE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 12.00 FEET TO A LINE 419.58 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID EAST LINE OF SECTION 36; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 59.09 FEET TO SAID POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

FEE PARCEL 4A:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, ALSO BEING THE WEST LINE OF AN INGRESS/EGRESS EASEMENT MORE COMMONLY KNOWN AS SPINNING WHEEL ROAD PER DOCUMENT NUMBERS R67-16396, R68-53559, R68-53557, R65-15555, R62-10321, R67-5975, R68-50520, R67-17789 AND R67-51476, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 405.51 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN A DEED RECORDED AS DOCUMENT R76-45222; THENCE NORTH

89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 48.00 FEET TO A LINE 431.58 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID EAST LINE OF SECTION 36; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 59.09 FEET TO A LINE 346.49 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 12.00 FEET TO A SOUTHERLY CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 1, ALSO BEING THE EAST LINE OF SAID SPINNING WHEEL ROAD, A DISTANCE OF 346.49 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 89 DEGREES 59 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET TO SAID POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT THAT PART LYING NORTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE. COMMENCING AT THE NORTHWEST CORNER OF LOT 8 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817; THENCE ALONG THE EASTERLY LINE OF SAID LOT 8 SOUTH 28 DEGREES 13 MINUTES 59 SECONDS EAST, 142.56 FEET TO THE POINT OF BEGINNING; THENCE NORTH 38 DEGREES 51 MINUTES 44 SECONDS EAST, 70.77 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 27.99 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET AND WHOSE CHORD BEARS NORTH 50 DEGREES 19 MINUTES 06 SECONDS EAST, 27.81 FEET; THENCE NORTH 61 DEGREES 46 MINUTES 29 SECONDS EAST, 167.66 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 319.76 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 325.00 FEET AND WHOSE CHORD BEARS NORTH 33 DEGREES 35 MINUTES 21 SECONDS EAST, 307.01 FEET TO A POINT ON A LINE 311.41 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE ALONG THE LAST DESCRIBED PARALLEL LINE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST, 15.72 FEET TO THE POINT OF TERMINATION SAID POINT BEING 419.58 FEET WESTERLY OF THE EASTERLY LINE OF SAID SECTION 36, ALL IN DUPAGE COUNTY, ILLINOIS.

FEE PARCEL 4B:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF SECTION 1,

TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 60.00 FEET TO THE SOUTHERLY MOST SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF AN INGRESS/EGRESS EASEMENT MORE COMMONLY KNOWN AS SPINNING WHEEL ROAD PER DOCUMENT NUMBERS R67-16396, R68-53559, R68-53558, R68-53557, R62-10321, R67-5975, R68-50520, R67-17789, AND R67-51476, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTIONS 1 AND 36, A DISTANCE OF 612.33 FEET TO THE NORTH RIGHT OF WAY LINE OF OGDEN AVENUE (FORMERLY KNOWN AS OLD PLANK ROAD); THENCE SOUTH 79 DEGREES 52 MINUTES 02 SECONDS WEST (RECORD IS SOUTH 80 DEGREES WEST) ALONG SAID NORTH RIGHT OF WAY LINE OF OGDEN AVENUE, A DISTANCE OF 60.95 FEET TO THE WEST LINE OF SAID SPINNING WHEEL ROAD; THENCE NORTH 00 DEGREES 00 MINUTES 28 SECONDS WEST ALONG THE WEST LINE OF SAID SPINNING WHEEL ROAD, SAID LINE ALSO BEING PARALLEL WITH THE EAST LINE OF SAID SECTIONS 1 AND 36, A DISTANCE OF 623.05 FEET TO SAID POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT THAT PART LYING NORTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE. COMMENCING AT THE NORTHWEST CORNER OF LOT 8 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817; THENCE ALONG THE EASTERLY LINE OF SAID LOT 8 SOUTH 28 DEGREES 13 MINUTES 59 SECONDS EAST, 142.56 FEET TO THE POINT OF BEGINNING; THENCE NORTH 38 DEGREES 51 MINUTES 44 SECONDS EAST, 70.77 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 27.99 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET AND WHOSE CHORD BEARS NORTH 50 DEGREES 19 MINUTES 06 SECONDS EAST, 27.81 FEET; THENCE NORTH 61 DEGREES 46 MINUTES 29 SECONDS EAST, 167.66 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 319.76 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 325.00 FEET AND WHOSE CHORD BEARS NORTH 33 DEGREES 35 MINUTES 21 SECONDS EAST, 307.01 FEET TO A POINT ON A LINE 311.41 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 1 IN KOPLIN'S ASSESSMENT PLAT RECORDED AS DOCUMENT R67-16396; THENCE ALONG THE LAST DESCRIBED PARALLEL LINE NORTH 89 DEGREES 59 MINUTES 32 SECONDS EAST, 15.72 FEET TO THE POINT OF TERMINATION SAID POINT BEING 419.58

FEET WESTERLY OF THE EASTERLY LINE OF SAID SECTION 36, ALL IN DUPAGE COUNTY, ILLINOIS.

Subject:

In this application for variation, the applicant requests several sign variations in conjunction with the proposed cancer treatment center to be built on the property later this year. The sign package will be reviewed by the Plan Commission in terms of design and content, and as such, the relief being requested is for only the number and size of the signs and not the content, materials, etc. It should be noted that this request is being driven by the fact that the Code does not account for campus type signage such as the cancer treatment center, or the unusual nature of the relationship between it and the rest of the office park. As a result, the applicant is requesting variations from the following:

Monument Signs

Section 9-106J3(d) - to allow 9 monument signs in lieu of the 1 permitted.

Section 9-106J4(d) - to allow a total square footage of 375 square feet in lieu of the 50 square feet permitted.

Wall Signs

Section 9-106J4(b) - to allow a total square footage of 120 square feet, in lieu of the 100 square feet allowed

Section 9-106J5(b) - to allow a wall sign at a height of 39 feet in lieu of the 20 feet or no higher than the bottom of any second story window, whichever is less.

Per Section 11-607F(2)(c), the Plan Commission has the authority to increase, by not more than one, the maximum number of signs of any functional type otherwise allowed.

General

Section 9-106G(5) - to allow off premises identification signs.

Facts:

This property is located in the O-3 Office District in the Village of Hinsdale and is located on the north side of Ogden between Spinning Wheel and Salt Creek Lane. The property is irregular in shape and has a total square footage of approximately 404,243. The maximum FAR is .35 or approximately 141,485 square feet and the maximum allowable building coverage is 50% or approximately 202,121 square feet.

Action of the Board:

Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. Members agreed that the Zoning Code did not anticipate campus style signage and that the request was typical to other medical office campus settings. Members also agreed that much of the overage in allowable sign square footage was due to the re-routing of Spinning Wheel Road

and the concerns that people would not be able to locate 21 Spinning Wheel without signage visible from Ogden Avenue.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly, Giltner, and Callahan

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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

MEMORANDUM

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

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

DATE: September 18, 2013

RE: Zoning Variation – V-11-13 125 W. 2nd Street

In this application for variation, the applicant requests relief from;

- Section 9-107(A)(1) to allow less than the required 10'-0" landscape buffer, along the corner side (west) and front (south) yards of the proposed parking lot.
- Section 9-101E which refers to Section 6-111 to allow the proposed parking lot to have:
 - A rear (north) parking lot yard/setback of 19'-6", in lieu of the 25'-0" required
 - A corner side (west) parking lot yard/setback of 4'-0", in lieu of the 35'-0" required
 - A front (south) parking lot yard/setback of 5'-6", in lieu of the 35'-0" required
- Section 6-111D to allow a rear (north) yard setback of 19'-6", in lieu of the 25'-0" required.

This relief is being requested in order to construct an addition to an existing 2-story commercial building at the above mentioned address. The property is zoned O-1, Specialty Office District. The applicant has requested that this project be reviewed by the Plan Commission concurrent with this request for variations. The Plan Commission will need to review and recommend approval of the project regardless of whether the Zoning Board of Appeals grants some or all of the relief requested or not.

Staff has done a preliminary review of the concept plans submitted in order to identify those areas where relief will be required. The applicant has confirmed that that he intends to comply with all bulk zoning regulations other than those specifically requested in this application. A zoning analysis has been provided by the applicant as part of this submittal.

cc: Kathleen Gargano, Village Manager
Zoning file V-11-13