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**VILLAGE OF HINSDALE
MINUTES OF THE MEETING
ZONING BOARD OF APPEALS
January 15, 2014**

1. CALL TO ORDER

Chairman Debra Braselton called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, January 15, 2014 at 7:34 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Chairman Debra Braselton, 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 – December 18, 2013

There being no corrections or changes to the draft minutes, Member Moberly moved to **approve the minutes of the regularly scheduled meeting of December 18, 2013, as presented.** Member Connelly seconded the motion.

AYES: Members Connelly, Moberly, Biggert and Chairman Braselton

NAYS: None

ABSTAIN: Member Neiman

ABSENT: Members Giltner and Callahan

Motion carried.

4. APPROVAL OF FINAL DECISION

a) V-13-13, 629 S. Garfield

Chairman Braselton introduced the item and asked for changes or corrections to the draft final decision. There being none, Member Moberly moved to approve the Final Decision for **V-13-13, 629 S. Garfield.** Member Biggert seconded the motion.

1 **AYES:** Members Connelly, Moberly, Biggert and Chairman Braselton
2 **NAYS:** None
3 **ABSTAIN:** Member Neiman
4 **ABSENT:** Members Giltner and Callahan

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6 Motion carried.

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8 **5. RECEIPT OF APPEARANCES - None**

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10 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**
11 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None**

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13 **7. PRE-HEARING AND AGENDA SETTING - None**

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15 **8. PUBLIC HEARINGS**

16 a) **V-14-13, 125 W. 2nd Street**

17 Chairman Braselton opened the public hearing. All persons wishing to
18 speak were sworn in by the court reporter.

19 Mr. Steven Kolber of Kolbrook Design addressed the Board as one of the
20 architects on the project representing Ms. Christina Steil, the property
21 owner. Mr. Kolber stated that the first design had a larger parking
22 component, but this revised design provides for minimal parking in the
23 rear of the property. He stated that on-site parking is not required for
24 this project; however, Ms. Steil wants to provide this to her clients.
25 They believe that this rear side parking solution addresses neighbor and
26 Plan Commission concerns with respect to maintaining the residential
27 feel of the O-1 District. This proposal provides for more buffering to
28 keep it hidden. They have spoken to the neighbors and there is no
29 objection. There is a substantial grade drop from Second Street to the
30 rear of the property. There is screening to the west and north; in the
31 rear they will fill in with trees. They looked at other O-1 District
32 businesses located on corner lots with similar side yard parking and
33 found there are four existing sites. Mr. Steven Schmitt, architect with
34 Kolbrook Design, illustrated with an overhead map and street
35 photographs of the location of these four properties. It was noted that
36 the proposed parking at the rear of this property abuts existing
37 commercial properties. Mr. Kolber explained they are asking for five
38 spaces total which includes one handicapped space; they believe this
39 will handle all patients coming and going. There are eleven exam
40 rooms, but some are dedicated to different activities and will not impact
41 the number of patients requiring parking.

42 Chairman Braselton asked Mr. Kolber to address the standards for
43 approval of variations. Mr. Kolber stated that because of the footprint

1 of the house, this parking location is the only place it can go,
2 particularly after Plan Commission and neighbor comments. Member
3 Biggert pointed out this is unique because this is located in the O-1
4 District and he feels the applicant should be commended for trying to
5 take cars off the street. Chairman Braselton noted that because it is a
6 corner lot there are additional restrictions which greatly impact setback
7 requirements. In terms of the denial of substantial rights, it is
8 Kolbrook's opinion that for her to conduct her business effectively, not
9 providing this parking creates a hardship for her and her patients. This
10 is not merely a special privilege because they are not asking for
11 anything that has not been provided to other O-1 businesses. The use
12 and development of the property are consistent with the neighborhood
13 and would not take away from the residential feel of the neighborhood.
14 They believe the architecture, landscaping and placement of the parking
15 at the rear of the lot will maintain and enhance the character of the
16 area. Member Neiman commented that this is a 'pick your poison'
17 scenario. He stated a bigger parking lot close to a residential area
18 would be an eyesore, but if you live across the street you don't want on-
19 street parking increased either. Mr. Kolber believes an increase of
20 parked cars on the street implies commercial activity. They want to
21 take those cars off the street to preserve the residential quality of the
22 neighborhood.

23 Mr. Kolber said with respect to the southwest corner, they will keep the
24 existing trees and hug the landscaping to the parking. The front will be
25 a grassy lawn then a heavy hedge; the grade will also conceal the
26 vehicles. Ingress and egress is on Grant Street. He also noted 12%
27 more overall impervious surface will be added. This is the only and best
28 solution for the neighborhood and this amenity is seen throughout this
29 zoning district. Member Biggert noted if Ms. Steil is not permitted to
30 provide this parking, her clients will have to make the walk to the
31 office; these parking places provide a safer access to the building.
32 Currently there is no handicapped space in the area.

33 Mr. Schmitt referenced an email from Police Chief Bloom wherein he
34 stated that he has studied the usage in this area over the last three
35 days and concluded that it would not be feasible to change the permitted
36 spots to two-hour timed parking. It was stated that surrounding
37 commercial businesses are already concerned about the number of
38 existing spaces. Mr. Schmitt was concerned the neighbors to the west
39 have a clear view, but he spoke to the pastor of the church who
40 applauded the minimal parking and landscaping provided. The
41 comments received from residential and commercial neighbors were
42 reviewed. Mr. Kolber reiterated the Plan Commission was concerned
43 about how the parking lot would affect the residential neighborhood and

1 he believes they have mitigated the problem with the landscaping.
2

3 **Mr. Dave Tweedie of 126 W. Second Street** addressed the Board
4 stating that he is the neighbor directly across the street. He said he is
5 ok with five total spaces and asked if the grade of the parking lot is the
6 same as the lot to the north. Mr. Schmitt said the new lot will be lower
7 than the lot to the north and they will have to install a retaining wall.
8 Mr. Kolber noted this parking will be approximately 1.5' feet lower than
9 existing grade. Mr. Tweedie stated that he is satisfied with the
10 proposed landscaping and parking lot and as long as the view to the lot
11 is blocked as much as possible he can live with it. He further remarked
12 that the building was an eyesore and the new building is an
13 improvement.
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15 **Ms. Julie Crnovich of 122 E. Third Street** addressed the Board. She
16 introduced herself stating she is a member of the Plan Commission, but
17 is here tonight mostly as a resident. She acknowledged this proposal is
18 an improvement from first iteration, but noted that the property across
19 from her residence was rezoned to allow a church and she feels it has
20 drastically changed her situation. She reminded the Board that the
21 property in question is in a buffer zone and in her opinion a parking lot
22 is never residential in character. Member Neiman noted that the zoning
23 code contains many references to the need to maintain the residential
24 quality, but whether a variance would help retain a residential feel is a
25 subjective standard that can't be objectively measured. He asked Ms.
26 Crnovich why she thinks more on-street parking would better maintain
27 the character of the neighborhood. It is her opinion that when someone
28 makes a big investment in their home they don't want to look at asphalt.
29 Chairman Braselton pointed out that off-street parking is a permitted
30 accessory use according to the code, the conundrum here is that this is a
31 corner lot and setback calculation is adversely effected. Ms. Crnovich
32 acknowledged that there are some properties with parking in the side
33 yard, but the zoning code exists for a reason; there is available on-street
34 parking steps away from the proposed parking lot. She suggested
35 employees park in the Zion Lutheran parking lot, a concept which is
36 supported by the CMAAP study. Discussion followed regarding parking
37 in the existing parking areas on the property. Ms. Crnovich asked the
38 Board to consider if this parking lot fits with the land use patterns of
39 the Village as referenced by the preamble to the zoning code. Member
40 Neiman moved to **close the Public Hearing for V-14-13, 125 W. 2nd**
41 **Street.** Member Connelly seconded the motion.
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1 **9. NEW BUSINESS - None**

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3 **10. UNFINISHED BUSINESS - None**

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5 **11. ADJOURNMENT**

6 With no further business before the Zoning Board of Appeals, Member
7 Biggert made a motion to **adjourn the meeting of the Zoning Board of**
8 **Appeals of January 15, 2014.** Member Moberly seconded the motion.

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

12 **NAYS:** None

13 **ABSTAIN:** None

14 **ABSENT:** Members Giltner and Callahan

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16 Motion carried.

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18 Chairman Braselton declared the meeting adjourned at 8:48 p.m.

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Christine M. Bruton
Village Clerk

Approved: _____

FINAL DECISION

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
PETITION FOR VARIATION**

- Zoning Calendar:** V-14-13
- Petitioner:** Kolbrook Design, Inc.
- Meeting held:** Public Hearing was held on Wednesday, January 15, 2014 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 December 26, 2013.
- Premises Affected:** Subject Property is commonly known as 125 W. Second Street, Hinsdale, Illinois and is legally described as:
- THE WEST ½ OF LOTS 7 AND 10, IN BLOCK 2 IN J.L. CASE'S ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT 15440, IN DU PAGE COUNTY, ILLINOIS
- Subject:** Section 9-104 (G)(2)(b) to allow a parking lot in a corner side yard.
- 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 3'6" in lieu of the 25'-0" required.
- A corner side (west) parking lot yard/setback of 5'-0", in lieu of the 35'-0" required.
- This relief is being requested in order to construct a parking lot at the above mentioned address in order to provide off-street parking for their clients. The property is zoned O-1, Specialty Office District.
- Facts:** This property is located in the O-1 Specialty Office District in the Village of Hinsdale and is located on the northeast corner of Grant and Second Street. The property is approximately 87'x100' and has a total square footage of approximately 8,720.

The maximum FAR is .40 or approximately 3,488 square feet and the maximum allowable building coverage is 35% or approximately 3,052 square feet.

Action of the Board:

Chairman Braselton went over the provisions in 6-101 of the Zoning Code and the purpose and intent of the O-1 zoning district.

Member Neiman discussed the standards for variation and in how many cases the ZBA has taken the role of constructionists of the code versus the number of times that perhaps they had not and still granted the variance even though they didn't quite fit. He added that the central question was whether a parking lot best maintains the essential residential character of an area or more on-street parking. He added that most of the neighbors stated that their preference was for a parking lot to more on-street parking, and that in his view, a nicely landscaped parking lot over even more on-street parking best maintained the essential residential character of the area.

There were comments made about the nature of the area and the risks that residents incurred when they purchased in a transitional area.

Member Moberly asked whether medical offices were permitted in the O-1 and the amount of traffic in this area. He agreed with comments that Member Neiman made and summarized with a "pick-your-poison" statement regarding where the additional cars be placed; either in the street or in a parking lot.

Member Biggert stated that the O-1 districts posed a unique situation and felt that the applicant should be given credit for modifying the original proposal and agreed with Member Neiman's comments.

Member Connelly stated that given the number of elderly patients likely using this facility, parking on-site would seem to him to be a safer alternative to having them walking up and down the streets in January.

Chairman Braselton asked that in the future, when concurrent applications are filed, that the applicant start at the Zoning Board of Appeals rather than the Plan Commission regardless of when dates fell for the meetings.

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.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan, Giltner

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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