

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

**VILLAGE OF HINSDALE
MINUTES OF THE SPECIAL MEETING
ZONING BOARD OF APPEALS
March 19, 2014**

1. CALL TO ORDER

Chairman Debra Braselton called the specially scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 19, 2014 at 6:37 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Chairman Debra Braselton, Members Marc Connelly, Gary Moberly, Bob Neiman, Keith Giltner and Rody Biggert

Absent: Member John Callahan

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

3. APPROVAL OF MINUTES – February 19, 2014

Member Giltner moved to approve the minutes of the regularly scheduled meeting of February 19, 2014, as presented. Member Moberly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES – None

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

3
4 **7. PRE-HEARING AND AGENDA SETTING - None**

5
6 **8. PUBLIC HEARINGS**

7 a) **V-01-14, 330 Chestnut Street**

8 Chairman Braselton opened the Public Hearing. All persons wishing to
9 speak were sworn in by Court Reporter Bono. Mr. Dave Habiger, owner
10 of the property and his architect Mr. Bernie Bartelli from Culligan
11 Abraham addressed the Board.
12

13 Mr. Bartelli explained that staff recommended the resubmittal to the
14 ZBA for clarification of the parking setback; all zoning matters had been
15 previously approved by this Board, and the proposal is the same. Mr.
16 Habiger pointed out that approvals are still needed from the Plan
17 Commission, but they cannot move forward with that until all zoning
18 matters have been addressed by the ZBA. At this time, specifically, that
19 a parking be allowed in the front yard. It was clarified they are not
20 changing the parking since the original proposal, in fact they didn't
21 really want the parking, but some is required by code. They did
22 however go from 12 spaces to 10. Mr. Bartelli illustrated the setback
23 requests. The proposed driveway calls for a gravel turn-around; it is
24 designed to be aesthetic, to drain and provide accessibility from both
25 sides of the narrow building. The curb cuts already exist. In terms of
26 the building, the proposed footprint and building height is the same as
27 the original proposal and will allow them to maximize green space.
28 Neighbors were concerned with noise, however, they believe as an office
29 space only, with no loading dock required there will be no truck back-up
30 beeping. All of the landscape buffering is the same. There is space for a
31 box truck, such as FedEx or UPS to unload, but cars will not have to
32 back into the street to exit. Discussion followed regarding the
33 anticipated traffic patterns of vehicles in this parking lot. It was
34 pointed out that there is currently a parking lot on this site where this
35 parking lot will be, which was put in by the Village.
36

37 Chairman Braselton referenced an email received from **Mr. Donald**
38 **Moritz of 24 S. Clay Street** expressing concerns regarding traffic and
39 parking considerations in that he believes this building will increase
40 both traffic and parking needs. Mr. Habiger explained that in their
41 opinion, this parking lot will help alleviate some of the congestion in the
42 area. He also reiterated that vehicles exiting the parking lot would not
43 have to back into the street.

1 Mr. Bartelli recapped their request in terms of the criteria necessary for
2 ZBA approval. This lot has a unique physical condition for the B-3
3 zoning district. The depth of the lot goes from 40 to 60 feet; which is far
4 below 125 of most B-3 lots. The setback requirements of the code would
5 result in a buildable area that would be too small. This is not a self-
6 created physical condition. Additionally, they located the building as
7 shown so as not to disturb existing utilities and preserve the existing
8 drainage. The scale of the building, minimal lot coverage and the added
9 landscape areas would not materially impair the adequate supply of
10 light and air to the other properties in the vicinity. The minimized floor
11 plan and building use would not increase the current parking and traffic
12 load significantly nor increase the risk of flood or fire, unduly tax public
13 utilities nor endanger public health or safety.

14
15 **Mr. Tom Heinz of 116 S. Vine Street** addressed the Board stating he
16 admires the work proposed and is looking forward to seeing the
17 building. He is in complete support of the proposed project.

18
19 **Mr. Andy Hotaling of 18 S. Clay** addressed the Board stating he is
20 concerned about the traffic at Chestnut and Clay Streets. It is one-way
21 in both directions creating congestion which is exacerbated because
22 there is parking on both sides of the street. He was further concerned
23 because cars would be backing out of the proposed parking lot into
24 traffic. Member Neiman explained that the applicant had addressed
25 this concern earlier in his presentation and there would be enough space
26 in the parking lot to turn around and exit without having to back out.
27 Chairman Braselton suggested that adding ten new spaces plus a
28 throughway might relieve some of the traffic problems in this area. Mr.
29 McGinnis pointed out that the Village Children's Academy on Clay
30 Street is relocating this summer thereby reducing traffic in the area.
31 Member Neiman directed Mr. McGinnis to ask the Police Department to
32 look at parking in this area.

33
34 **Member Moberly moved to close the public hearing for V-01-14, 330**
35 **Chestnut Street.** Member Connelly seconded the motion.

36
37 **AYES:** Members Connelly, Moberly, Neiman, Giltner, Biggert and
38 Chairman Braselton

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Member Callahan

42
43 **Motion carried.**

DELIBERATIONS

1
2
3 Member Neiman began discussion stating he would approve this variation
4 with a recommendation to have the Police Department address the parking
5 concerns of neighbors in the area. In his opinion this variance will not
6 make it worse, but that doesn't mean there isn't a traffic problem. He
7 believes the applicant meets all applicable criteria necessary for approval.
8 Chairman Braselton remarked it would be hard to find a parcel with a
9 more unique physical condition. Member Biggert agreed the applicant
10 meets all criteria for approval.

11
12 Member Moberly moved to **approve the variance know as V-01-14, 330**
13 **Chestnut Street.** Member Giltner seconded the motion.

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

17 **NAYS:** None

18 **ABSTAIN:** None

19 **ABSENT:** Member Callahan

20
21 Motion carried.
22
23

24 **9. NEW BUSINESS**

25 a) **Discussion of Change to Meeting Start Time**

26 Chairman Braselton introduced the item stating the Board has
27 expressed interest in changing the regular starting time of ZBA
28 meetings to 6:30 instead of 7:30 p.m. Village Clerk Bruton stated she
29 checked the Village code and there is no language that prohibits a
30 change in meeting time. The Board agreed to make the change, but
31 noted they could change it back if it became problematic. Chairman
32 Braselton asked for a voice vote to change the meeting start time for the
33 Zoning Board of Appeals to 6:30 p.m. All in favor, motion carried.
34
35

36 **10. UNFINISHED BUSINESS - None**
37
38

39 **11. ADJOURNMENT**

40 With no further business before the Zoning Board of Appeals, Member
41 Moberly made a motion to **adjourn the meeting of the Zoning Board of**
42 **Appeals of February 19, 2014.** Member Biggert seconded the motion.
43

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

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Member Callahan

6

7 Motion carried.

8

9 Chairman Braselton declared the meeting adjourned at 7:20 p.m.

10

11

12

13

14

15

16

17

Christine M. Bruton
Village Clerk

Approved: _____

FINAL DECISION

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

Zoning Calendar:

V-01-14

Petitioner:

Hinsdale Land Restoration and Preservation, LLC

Meeting held:

Public Hearing was held on Wednesday, March 19, 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 February 27, 2014.

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 MIUTES 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 5-110, 9-104, and 9-107 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 21,681square 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 Giltner subject to the Village looking into the existing parking issues in this area to see what, if anything, can be done to address the congestion.

AYES:

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

NAYS:

None

ABSTAIN:

None

ABSENT:

Member Callahan

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Debra Braselton

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