

**VILLAGE OF HINSDALE
SPECIAL MEETING OF THE
ZONING BOARD OF APPEALS
November 11, 2009**

1. Call to Order

Chairman Bill Haarlow called the special meeting of the Zoning Board of Appeals to order on Wednesday, November 11, 2009 at 6:32 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois. He thanked the Board members for agreeing to hold the meeting a week early and an hour early to approve final decisions.

2. Roll Call

Present: Chairman Bill Haarlow, Members Marc Connelly, Gary Moberly, Debra Braselton, Bob Neiman and Keith Giltner
Absent: Member John Callahan

Also Present: Village Manager Dave Cook, Building Commissioner Robb McGinnis and Staff Secretary Christine Bruton

3. Approval of Minutes – October 21, 2009

Chairman Haarlow explained that this matter will be forwarded to the next meeting of the Zoning Board of Appeals as these minutes are not yet complete.

4. Receipt of Appearances – None

5. Receipt of Requests, Motions, Pleadings, or Requests to make Public Comment of a General Nature - None

6. Pre-Hearing and Agenda Setting – None

7. Public Hearings – None

8. New Business

a) Approval of Final Decisions

1.) 643 S. Lincoln, V-04-09

There were no changes recommended to the draft decision as proposed. Member Braselton **moved to approve the Final Decision for 643 S. Lincoln, V-04-09.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

2.) 707 S. Bodin, V-05-09

Ms. Braselton suggested it would be appropriate to add language regarding the purchase of the vacated alley and the resultant setback Chairman Haarlow agreed and noted that information belonged in the section under 'Facts'. "We note that the applicant purchased a vacated alley from the Village and that vacated alley contains an easement. If the vacated alley had not been purchased and added to the site the required side yard setback would have been 2 feet." Member Neiman **moved to approve the Final Decision for 707 S. Bodin, V-05-09, as amended.** Member Braselton seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

3.) 240 S. Bruner Street, V-06-09

There were no changes recommended to the draft decision as proposed. Member Moberly **moved to approve the Final Decision for 240 S. Bruner Street, V-06-09.** Member Braselton seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

4.) 26-32 E. First Street, APP-02-09

Chairman Haarlow expressed appreciation for the legal expertise of Members Braselton & Neiman and all the work done helping to draft this final decision which was made available on the Village website late this afternoon. He confirmed that the Board members have had an opportunity to consider this sufficiently to vote tonight. He asked first for additions or deletions or changes in language. Ms. Braselton said the word 'shall' on the top of Page 7 of the document should be removed; Ms. Bruton confirmed that the most recent copy of record does not contain the word.

Mr. Cook noted on Page 8, the second bullet point, regarding maximum elevation of the principle structure, in the B-2 district there is no such requirement. Ms. Braselton said this is a fact of the application. Neiman said the lead in says this is an error and we should consider Mr. Cook's comment. Mr. Cook noted Pages 235 and 236 of the Zoning Code, regarding bulk zoning that this is not a listed item. The Board silently considered this and read their zoning codes. Mr. Cook compared it to the bulk regulations of residential districts on Page 106, Item B is maximum elevation, it would be in the bulk tables if it was applicable and there was a limitation and it's not there. Mr. Neiman stated it seems correct that if that is not a requirement, we shouldn't point out that it's a defective part of the application. Mr. Cook's point is well taken, but it does not change the outcome or render the decision any different. Chairman Haarlow commented that the elevation of the building overall is an issue, and one we do not address in this final decision, but the question of the allowable elevation was argued both ways by the appellant and the Village Manager.

Member Neiman **moved to delete bullet point #2 on Page 8.**
Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

Building Commissioner McGinnis asked for clarification on Page 10, wherein the draft decision states that the substitution of 10' wide dock door as opposed to doors currently there, is deemed an increase

in the nonconformity. Further, because they showed a 10' wide dock door and the code requires of 12' wide parking space for a semi-trailer, that the Village Manager waived the requirement. Chairman Haarlow replied there is no evidence that the Village Manager waved the requirement, assuming that building in excess of 10,000 square feet the loading door would have to be 12' wide. Either way the ZBA still sees this as increasing the nonconformity.

Mr. Moberly commented that Mr. Cook had pointed out at the last meeting one of the purposes of the this document was to give direction, so the Village Manager could go back to the developer and get a product that can be approved. He asked if Mr. Cook has that direction. Mr. Cook said he is still struggling with space dimension of the door. Ms. Braselton said there are only service doors now, so that alone increases the nonconformity, it is a separate issue as to whether that loading dock needs to accommodate a tractor trailer and there is no evidence that that requirement was waived. Chairman Haarlow commented that no height is specified on the plans and in the absence of a waiver, the proposed door would need to be 12" for the new loading dock door on the eastern façade of the building, assuming it could be built out further to the east than it currently exists in the loading area.

Mr. Cook asked for clarification in the decision about §9-105(C)(1) regarding nonconforming space dimensions. Ms. Braselton said there are two separate nonconformities, and even though doors already exist in the pre-code structure the proposed doors are nothing like the existing doors; they are increasing the size of the doors. Chairman Haarlow said there can be no increase in the nonconformity according to the code of a pre-code structure, the redesign makes the doors larger, in a different place and are bumped out which increases the nonconformity. They also don't accommodate a tractor trailer. Mr. Cook noted that every business abuts on public right-of-way, will not conform to this code and be very problematic moving forward. Chairman Haarlow remarked that the ZBA must interpret the code not solve it. Mr. Cook understands and agrees.

Member Braselton moved to approve the final decision for 26-32 E. First Street, APP-02-09, as amended. Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

9. Unfinished Business – None

10. Adjournment

With no further business coming before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the meeting of the Zoning Board of Appeals of November 11, 2009**. Member Connelly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Callahan

Motion carried.

Chairman Haarlow declared the meeting adjourned at 7:02 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____