

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 MEETING
ZONING BOARD OF APPEALS
January 16, 2013**

1. CALL TO ORDER

Chairman Debra Braselton called the meeting of the Zoning Board of Appeals to order on Wednesday, January 16, 2013 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, Vice-Chairman Bob Neiman, Members, Gary Moberly, John Callahan and Rody Biggert

Absent: Members Keith Giltner and Marc Connelly

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

3. APPROVAL OF MINUTES – September 19, 2012 and October 17, 2012

Member Biggert moved **approval of the minutes of the Meeting of September 19, 2012.** Member Callahan seconded the motion.

AYES: Members Neiman, Callahan, Biggert and Chairman Braselton

NAYS: None

ABSTAIN: Member Moberly

ABSENT: Members Connelly and Giltner

Motion carried.

Clarifications were made to the draft minutes of October 17, 2012. Member Neiman moved **approval of the minutes of the Meeting of October 17, 2012, as amended.** Member Moberly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Connelly and Giltner

Motion carried.

4. APPROVAL OF FINAL DECISION – None

1 **5. RECEIPT OF APPEARANCES**

2 Member Neiman suggested the Board move the public hearing before the
3 pre-hearing, so homeowners can leave before the longer part of meeting.
4 Member Moberly moved to **amend the order of the agenda, as stated.**
5 Member Biggert seconded the motion.
6

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

9 **NAYS:** None

10 **ABSTAIN:** None

11 **ABSENT:** Members Connelly and Giltner

12
13 Motion carried.

14
15 All persons wishing to speak at the public hearing were sworn in by the
16 court reporter.

17
18 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**
19 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE - None**
20

21 **7. PRE-HEARING AND AGENDA SETTING**

22 a) V-01-13, 26-32 East First Street
23 (Item taken out of order)
24

25 **8. PUBLIC HEARINGS**

26 a) **V-08-12, 125 Hillcrest Avenue**

27 Chairman Braselton called the public hearing to order. Mr. Vaughan
28 and Mrs. Joyce Hooks addressed the Board and noted that their
29 architects Dennis Parsons and Kevin Geist were present this evening.
30 Mr. Hooks stated they are requesting side yard relief. He and his wife
31 are committed to the Woodlands and preserving the unique character of
32 the area. They purchased this property for the lot in July and have
33 been working with Mr. Parsons since then. The pie-shape of the lot and
34 the topography present challenges. The lot is on the downhill curve of
35 the block with a 13' foot grade drop in two places on the lot. On a pie-
36 shaped lot the setback requirements are determined in an unusual way,
37 resulting in a 184' frontage that drives the side yard requirements and
38 results in a 19.6' foot minimum side yard. The house plans touch the
39 minimum in 11 places. Mrs. Hooks noted that less than 75% of
40 buildable lot coverage used. They believe that for the size of the house a
41 three car garage is important as it will be a \$2,000,000 project. Their
42 civil engineer says it is best to put the impermeable surfaces on the high
43 side of the lot so run off handled by this lot. Additionally, they want to

1 keep the garage on the same level as the first floor of the home to
2 accommodate living in the house as they get older. A detached garage is
3 usually pushed to the back of a lot, but on this lot, that would be a very
4 low and steep location for the garage. To respect side yard
5 requirements, the garage ends up too close to the house, therefore, they
6 are requesting relief to move the garage into the side yard, reducing the
7 setback from 19.6' feet to 11' feet. The other lots on this street are 100'
8 feet wide, the minimum side yards on these homes is 11' feet, they are
9 asking for what everybody else on the street has. They have contacted
10 the most directly affected neighbors; they have signatures from those
11 folks indicating they have no objections to the proposed home. Member
12 Neiman asked if the neighbor next door is ok with the garage location.
13 Mr. Hooks confirmed they are and pointed out that their garage is only
14 3' feet off the lot line, this one would be 11' feet off the lot line. Member
15 Neiman asked Mr. Hooks to address whether being denied a three car
16 garage is being denied a substantial right. Mr. Hooks explained they
17 believe a three car garage is appropriate to a home this size in this
18 neighborhood, otherwise it would look skimpy and adversely impact
19 resale. Discussion followed regarding the possibility of building the
20 three car garage into the rest of the house, but Mr. Parsons explained
21 why this was not possible.

22
23 There being no further questions from the Board, Member Moberly
24 moved **to close the public hearing for V-08-12**. Member Neiman
25 seconded the motion.

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

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** Members Connelly and Giltner

32
33 Motion carried.

34
35
36 **D E L I B E R A T I O N S**

37
38 Member Moberly began discussion by stating that the Board has routinely
39 accommodated requests from people to go from a one car to a two car
40 garage, but is the need for a three car garage a hardship? He is, however,
41 comforted by the fact that the neighbors have approved the project.
42 Chairman Braselton commented that the slope would be difficult. Member
43 Neiman stated that he shares Member Moberly's concerns regarding

1 hardship, but is most troubled philosophically regarding the denial of a
2 substantial right for a three car garage. A three car garage can be too
3 much density and detract from the appearance of the Village, but in this
4 case they could have the garage and it is no more dense and substantially
5 less convenient. He is not sure voting against this request addresses the
6 concerns. Member Callahan concurred, but noted this is an unusual lot, no
7 precedent is set by approval. Additionally, an 11' foot setback on this block
8 is reasonable. Member Biggert is persuaded that three car garages are the
9 norm and the unique physical condition of the property sways him because
10 of the slope to the east and the area lost in the calculations because of the
11 pie shaped lot. He believes that overall it meets the standards for
12 approval. Member Moberly moves approval of **V-08-12, 125 Hillcrest**
13 **Avenue**. Member Callahan seconds the motion.

14
15 **AYES:** Members Moberly, Neiman, Callahan, Biggert and Chairman
16 Braselton
17 **NAYS:** None
18 **ABSTAIN:** None
19 **ABSENT:** Members Connelly and Giltner

20
21 Motion carried.

22
23
24 **Prehearing for V-01-13, 26-32 East First Street**
25

26 Mr. David Kenney, of PPK Architects, introduced himself to the Board as the
27 applicant and the architect. The owner of the property, also present this
28 evening, is Mr. Clay Naccarato of Garfield Crossings, LLC. Chairman
29 Braselton clarified that they are going concurrently to the ZBA and the Plan
30 Commission and are asking the ZBA for five types of relief; two can be granted
31 by this Board, three would be recommendations to the Village Board of
32 Trustees. The Plan Commission will address exterior appearance and site
33 plan review.

34 Mr. Kennedy said it is their opinion that the existing building is no longer
35 usable and not very marketable as a retail structure; their goal is a better
36 development with better amenities. He outlined the characteristics of the
37 proposed structure and explained their plans to overcome various obstacles
38 inherent to the site, such as the topography. They elected to fill the street
39 wall with retail and set the building away from the west side for loading
40 purposes. They would like to avoid a situation where trucks have to back out.
41 With this design they can enter from First Street and exit from Garfield.
42 They closed the northernmost curb cuts on Garfield, keeping the southern
43 two-way curb cut intact and in place thereby maintaining existing curbs,

1 sidewalk, parkway vegetation and right-of-way status. He spoke at length
2 regarding the 2 ½' - 3' foot slope upward from the front retail to the back
3 loading area. There will be a series of ramps and steps and an enclosed
4 walkway from back to front for retailers. All entrances are on grade at the
5 front, but they have designed the rear for convenience of service access.
6

7 On the southwest corner they will carefully design and execute the demolition
8 to keep the retaining wall intact along the school property and the Chamber of
9 Commerce side to maintain the grade differential. The walls must be
10 reinforced and kept in place which reflects some of the hardship for setback
11 and landscape buffer. The requirements of the zoning ordinance are not
12 practical for parking and the buffer would be several feet down and essentially
13 not visible.
14

15 Using other illustrations, he showed the Board the first and second floor
16 plans. There can be up to six retail spaces on the first floor; the second floor
17 will be office space. The basement/cellar plan is for storage only; physical
18 plant mechanics will be down there to free up more usable/rentable retail
19 space.
20

21 Member Neiman confirmed that the loading docks are on the far west end
22 facing north. Mr. Kennedy confirmed; trucks would drive in directly, but a
23 truck driver could opt to back in. They have not done the turn radii diagrams
24 yet, but the planned space exceeds the code requirement and a UPS delivery
25 truck, for example, could turn around in the area. Discussion of loading
26 logistics followed. Chairman Braselton asked if more parking spaces would be
27 available if parking was diagonal. Mr. Kennedy explained that 90 degree
28 double loaded spaces are the most efficient in terms of square footage, noting
29 that some spaces are lost for trash enclosure. The existing lot provides 41
30 spaces, they would provide 47, but are currently working with staff on parking
31 deficiencies.
32

33 Mr. Kennedy illustrated the north and south elevations. This is a two story
34 masonry building of brick and stone. They will use 2-3 brick colors; because of
35 the length of the building this will provide a design break and will mimic the
36 more historic storefronts that currently exist in Hinsdale. There is significant
37 roofscape that includes stone banding and brick lintels to add character as
38 well as hide rooftop units and equipment. The dimensional character
39 continues on the east and west elevations. The maximum height per the code
40 is 30' feet, the upper level of parapets and screening don't count toward
41 height, just the flat roof counts. This is a 26' foot tall building, but zoning
42 allows a 20% increase allowed for screening and architectural merit. There is
43 no variance requested for bulk, density or FAR; the variances requested relate

1 to parking, signage and buffering.
2

3 Preparatory to the public hearing, Chairman Braselton asked the applicant to
4 address alternatives to the second floor signage. Member Neiman suggested it
5 would helpful if Mr. Kennedy could supplement the application with more
6 detailed, precise responses as to why each of the criteria is met by this
7 application. Concern was expressed with respect to the safety of the children
8 at the middle school, discussion followed regarding possible safety measures
9 in terms of signage, visibility and traffic flow. Mr. Kennedy said a traffic
10 study would be completed for the public hearing and the safety issues will be
11 addressed. Member Biggert asked about marketing research. Mr. Naccarato
12 said based on what is being proposed they believe this is an economically
13 viable project.

14 Member Moberly mentioned that there were competing surveys with different
15 elevations last time. Mr. Kennedy said his engineer will provide a current
16 survey based on this site and this project. Member Biggert asked about
17 letters of support; Mr. Kennedy said he will talk to the school and the
18 Chamber of Commerce as they are the adjoining properties. There will be a
19 physical change to the west side and he will discuss this with both entities.
20 Mr. McGinnis explained the ZBA decision will be first and is binding the Plan
21 Commission will hear the case in March. Chairman Braselton pointed out the
22 ZBA has the authority to grant a variance for the landscape buffer and the
23 rear yard setback, but provide recommendations only on the location of the
24 loading space, parking lot tree and second floor signs.
25

26 **Mr. Karl Weber, 219 E. First Street**, addressed the Board. He asked Mr.
27 Kennedy to confirm how much slope there is from north to south. Mr.
28 Kennedy said it is about a 3' slope, but they will keep 1st Street as is and will
29 not add to the north elevation. Mr. Weber asked for verification of the date on
30 the survey in the packet, which is signed August 2003. Mr. Weber stated
31 there was a survey provided by citizens after that date. Mr. McGinnis said he
32 would check the Village files for a later survey. Mr. Weber confirmed the
33 number of parking spaces required by code for this project is between 95-99.
34 He asked how large a truck would be able to turn around in the entrance on
35 First Street. Mr. Kennedy said he believes a 30' foot truck could, but a 55'
36 foot truck might not. Mr. Weber commented that a 55' foot truck would be
37 unusual anyway. Mr. Kennedy suggested that Mr. Weber review all hardship
38 information in the application on the Village website.
39

40 Discussion followed regarding the date of the next meeting and Board
41 attendance. Member Moberly moved to **change the meeting date from**
42 **February 20th to February 27th**. Member Neiman seconded the motion.
43

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

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Members Connelly and Giltner

6

7 Motion carried.

8

9 **9. NEW BUSINESS** - None

10

11 **10. UNFINISHED BUSINESS** - None

12

13 **11. ADJOURNMENT**

14 With no further business coming before the Zoning Board of Appeals,
15 Member Callahan made a motion to **adjourn the meeting of the Zoning**
16 **Board of Appeals of January 16, 2013.** Member Moberly seconded the
17 motion.

18

19 **AYES:** Members Moberly, Neiman, Callahan, Biggert, Chairman Braselton

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** Members Giltner and Connelly

23

24 Motion carried.

25

26 Chairman Braselton declared the meeting adjourned at 8:41 p.m.

27

28

29

30

31

32

Christine M. Bruton
Village Clerk

Approved: _____