

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
October 20, 2010**

1. Call to Order

Chairman Bill Haarlow called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, October 20, 2010 at 7:35 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. Roll Call

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

Absent: Member Marc Connelly

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

3. Approval of Minutes – July 29, 2010

Member Braselton **moved to Approve the Minutes of July 29, 2010.**

Member Callahan seconded the motion.

AYES: Members Braselton, Neiman, Callahan and Chairman Haarlow

NAYS: None

ABSTAIN: Members Moberly and Giltner

ABSENT: Member Connelly

Motion carried.

4. Receipt of Appearances

All persons anticipating testifying during their respective Public Hearings were sworn in by the Court Reporter.

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

6. Pre-Hearing and Agenda Setting

a) V-06-10, 11 W. Maple Street

Mr. Charles Fischer, on behalf of the Unitarian Church, addressed the Board stating that they would like a variation granted in order to install

a pervious landscape garden element, however, the Village defines this as a patio. Member Neiman asked what materials would be used and how they might effect drainage. Mr. Fischer described the stones he intends to use and that that there would be no drainage issues because there would be no change to the existing water flow. Chairman Haarlow cautioned him to prove hardship. The Public Hearing was set for the next regularly scheduled meeting of the ZBA on November 17th.

b) V-07-10, 217 Ravine Road

Ms. Monica Ashe Knapp, homeowner, and Mr. Dennis Parsons, architect, addressed the Board. They are requesting a variance to install a detached two-car garage. They are removing as much of the old house as possible to reduce the request for lot coverage. Ms. Knapp stated she has met with her neighbors and they appear to be on board with the proposal. Mr. Parsons stated they have hired a civil engineer to assure there will be no drainage problems. Chairman Haarlow noted the bar is set high when it comes to lot coverage issues, and further that compelling circumstances aren't enough to grant a variance, the standards set by the code must be met. Member Neiman asked that Ms. Knapp expand on her explanation of criteria as provided in her application at the Public Hearing. The Public Hearing was set for November 17th.

7. Public Hearings

a) V-03-10, 115 E. Maple Street (Transcript of proceedings on file.)

Mr. Phil Coulolias, homeowner, addressed the Board. He stated he is seeking relief to replace the steeply pitched driveway at his home. This year he applied for a permit to re-grade and widen the driveway, however, it was not issued based on staff's interpretation of the code regarding total width of a driveway. He asked the Board to interpret this section of code, it is his opinion that the difference is about whether the driveway is attached or detached. He noted that ADA guidelines provide for an 8% pitch, his driveway is 13% on one side and 16% on the other. He wants to re-grade the parkway; the parkway trees will not be moved or replaced. He believes by widening the driveway, cars can approach on an angle which would be a safer approach. Further, he does not believe this would be detrimental to the neighbors; he just wants to fix the problem. Member Neiman pointed out that all the aprons on that strip have a similar pitch, concerned about precedent. Mr. Dan Wanzuq, landscape architect, commented that a single entrance drive would necessitate the removal of trees.

Director of Community Development/Building Commissioner Robert

McGinnis addressed the attached/detached driveway language, stating there is no definition in the current code. He explained that in the past staff would permit a driveway of one third the lot width, the 20' foot specification was not enforced, but the language of the code contains the word 'and'. Discussion followed regarding possible definitions of detached/attached driveways. Mr. McGinnis pointed out that the variation before the Board regards the width of the driveway at the lot line.

Chairman Haarlow explained the appeal process noting that the ZBA cannot overturn Mr. McGinnis's decision at this time. Further, he is uncomfortable with coming up with a definition of a detached driveway. Due to the fact that there is no formal appeal, the Board cannot entertain an appeal of the Building Commissioners interpretation of the code, but must focus on the variation request. Mr. Coulolias stated that he would like to continue with the variance as presented, and when asked which of the possible iterations he has presented would he prefer, he stated he likes his original submission the best. Mr. McGinnis confirmed that the existing driveway is legal non-conforming.

Member Callahan moved **to close the Public Hearing for V-03-10**. Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

Motion carried.

b) **V-05-10, 14 S. Park Avenue** (Transcript of proceedings on file.)

Susan and Robert Trefil, homeowners, addressed the Board. Mrs. Trefil stated code permits a 4' foot open fence, however, they have already replaced their old 6' foot fence with a new one. They thought it was a repair, but the Village issued a stop work order and they were informed that if more than 50% of the old fence was removed, it constituted a new fence. Mrs. Trefil added that because of noise and privacy considerations on Chicago Avenue, they would very much like to keep the 6' foot fence.

Member Callahan moved **to close the Public Hearing for V-05-10**. Member Neiman seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

Motion carried.

The meeting was adjourned for a five minute recess.

DELIBERATIONS

V-05-10, 14 S. Park Avenue

Chairman Haarlow began discussion by stating that he believes this a straightforward request, and there is precedent, specifically on Chicago Avenue and therefore he would be in favor of granting this variance. Member Neiman agreed. Member Moberly suggested perhaps the code should be changed to permit a 6' foot fence. Discussion followed, but Chairman Haarlow believes these types of fence issues should be considered on a case to case basis.

Member Callahan moved **to approve the variation known as V-05-10, 14 S. Park Avenue.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

Motion carried.

V-03-10, 115 E. Maple Street

Member Giltner noted the standards that need to be met in order to grant a variation, specifically special privilege and respecting the essential character of neighborhood; this request might be considered special privilege and precedent setting for changing the character of the area. Member Callahan disagreed stating the property owner asserts a hardship and he doesn't believe

that the changes requested would be noticed from a satellite view or the street itself. He stated that he doesn't have a problem with precedent, because this Board has always looked at cases on an ad hoc basis. Further, he doesn't think the variance is that extreme and that limitations in the code have effected this situation. Member Moberly agrees there is clear hardship because of the extreme grade that is not of the owners creation. Member Neiman concerned there would be a domino effect in granting this variance as there are lots of streets in Hinsdale with this issue. Member Callahan pointed out that none of the neighbors have opposed the request, nor is it a radical departure from status quo. Mr. McGinnis confirmed this issue comes up regularly. The proposed alternatives A & B are conforming, noted Member Braselton, so she struggles with the hardship aspect. Chairman Haarlow commented that this Board goes to great lengths to show why a case is unique to avoid precedent setting, but the special privilege issue is troubling to him, too. He suggested that repairing the settled pavers might remedy the situation. Discussion followed regarding the code specifications for successive applications.

Member Callahan moved **to approve the variation known as V-03-10, 115 E. Maple Street**. Member Moberly seconded the motion.

AYES: Members Moberly and Callahan
NAYS: Members Braselton, Neiman and Giltner
ABSTAIN: Chairman Haarlow
ABSENT: Member Connelly

Motion denied.

8. New Business

Chairman Haarlow reported that at the meeting of the Village Board of Trustees held the previous evening, the Board approved a text amendment as a result of the Seybold property. The idea of the amendment is that if an applicant requests extraordinary relief not authorized by the ZBA, the ZBA can make a recommendation to the Village Board. The matter will not go to the Village Board unless it receives four affirmative votes at the ZBA. This protocol provides two levels of review to grant these types of requests.

9. Unfinished Business – None

10. Adjournment

With no further business coming before the Zoning Board of Appeals, Member Callahan made a motion to **adjourn the meeting of the Zoning**

Board of Appeals of October 20, 2010. Member Giltner seconded the motion. Voice vote taken, all in favor, motion carried.

Chairman Haarlow declared the meeting adjourned at 9:45 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____