

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
January 16, 2008**

1. Call to Order

Chairman Anglin called the meeting of the Zoning Board of Appeals to order on Wednesday, January 16, at 7:24 p.m., in the Memorial Hall, Memorial Building, 19 East Chicago Avenue, Hinsdale.

2. Roll Call

Present: Chairman Paul V. Anglin, Members William Haarlow, John Callahan, John Richter, Marc Connelly, Bob Saigh

Absent: Member Kim Angelo

Also Present: Building Commissioner Robb McGinnis, Staff Secretary Christine Bruton and Court Reporter Kathy Bono

3. Chairman's Opening Remarks - None

4. Approval of Minutes

a. December 5, 2007, Special Meeting

Member Saigh suggested several edits to the draft minutes. Member Haarlow recommended Secretary Bruton make the changes and that this item be deferred to the February meeting.

b. December 5, 2007, Regular Meeting

Member Richter moved to approve the **December 5, 2007, Regular Meeting minutes**. Member Saigh seconded the motion.

AYES: Haarlow, Callahan, Richter, Saigh,

ABSTAIN: Connelly, Anglin

ABSENT: Member Angelo

NAYS: None

Motion carried.

c. August 8, 2007, Closed Session

Mr. Saigh addressed the Board noting that these minutes have been revised a couple of times. New copies will be distributed and they will appear on the February agenda.

d. September 19, 2007, Closed Session

See above.

5. Receipt of Appearances

Attorney David Boersma present to represent Mr. & Mrs. Manzhul, F-01-07. Mr. John Vlahos present representing 505 Morris Lane, V-11-07.

6. Receipt of Requests, Motions, Pleadings, or Requests to make Public Comment of a General Nature

Debra Brazelton, 802 Franklin St., asked when and who swore in Mr. Anglin. Secretary Bruton replied that she had sworn in Mr. Anglin just prior to this evening's meeting.

7. Pre-Hearing and Agenda Setting:

Chairman Anglin asked the Board to take the lead on Pre-hearing and Agenda Setting, as this is a new procedure to him. Member Saigh explained that this portion of the meeting is primarily a review of the applications before the Public Hearing is set.

1. 505 Morris Lane, V-11-07

Chairman Anglin asked if there were any comments or questions on this case. Mr. Vlahos explained that a new site plan has been submitted that illustrates the correct rear lot line. The variation request is on the north lot line. Secretary Bruton confirmed that all fees have been paid. This case is scheduled for Public Hearing on February 27th.

Member Callahan left the meeting at 7:55 p.m.

8. Public Hearings

1. 142 N. Stough Street, F-01-07

Item postponed until the return of Member Callahan.

9. New Business - None

10. Unfinished Business

1. Consideration of Rules & Procedures

Chairman Anglin asked that this item be deferred until he can review the document and get up to speed. Member Richter would like interchange with the Village to discuss objections. Chairman Anglin agreed.

Recess taken at 8:03 p.m.

Member Callahan returned; meeting resumed at 8:10 p.m.

Public Hearing of 142 N. Stough Street, F-01-07

This case was first heard in December 2007 and deferred as only four members of the ZBA were present. Chairman Anglin recapped the December 5th meeting from the minutes and asked Mr. Boersma to address the Board.

Mr. Boersma distributed a list of new exhibits to Board members and explained each. Exhibit 1 is a cropped copy of the approved blueprints from May 2005, showing the driveway gate. Exhibits 3A and 3B are pictures of the house, showing the custom made, very heavy gate and very solid pillars to support the weight of the gate. Mr. Boersma stated the post height is 7 ½ - 8 feet tall. Building Commissioner McGinnis reported the exact measurements: the gates are 7.5', the scrollwork adding almost two more feet, the pillars are 8' tall. Exhibit 14 is a brochure from the wrought iron gate manufacturer. Exhibit 2 is the proposal from Wrought Iron Art, Ltd. showing the cost of the wrought iron and the gate. Mr. Boersma noted that the gates were built and in place when the Village did its final inspection, at which time approximately 30 corrections were necessary. All have been completed except the gate. Exhibit 4 is from the wrought iron company where it denied the return of the gates. He outlined the cost and expenses that would be incurred to correct. When the plans were approved in 2005, the owners felt they were within their rights to install the gate as illustrated.

Chairman Anglin asked if the approval noted on the plans is for the house or the gate. Mr. Boersma said they didn't know they had to come back for a special approval for the gate.

Mr. Boersma provided the Board with other photographs of homes in the area that also have some potential gate issues, but it was noted that most of these examples appear to be pre-code structures.

Ms. Manzhul, daughter of the applicants, surveyed all the neighbors within a 250 foot radius of their property and provided Exhibit 16 which is twenty signatures of those people who approve of the current gate. Mr. Boersma pointed out that there is no safety issue, only a cosmetic and aesthetic issue and all agree the gates look beautiful.

He referenced the zoning code regulations for granting a variation and stated the gates will not alter the essential character of the locality; they are in harmony with the area. Approval will not set an unfavorable precedent. It is not practical to cut down the gates, they would be destroyed; they constitute no threat to the public welfare or safety. He asked for the Board's full consideration and approval of this variation request.

Chairman Anglin asked if anyone else had anything to say on this matter.

Julie Crnovich, 122 E. Third Street was sworn in. She stated that she sympathized with the applicant, but questioned whether the ZBA can grant more than a 20% variation. Chairman Anglin replied that he didn't believe so.

The Public Hearing is closed, discussion followed.

Member Saigh asked Mr. McGinnis if the Building Department views this application as originating from a mistake, further, is mistake an appropriate way to view this. Mr. McGinnis said that separate permits are issued for such things as patios, fireplaces and gates; these items are not detailed on architectural drawings. He struggles with some definitions in the zoning code, there have been loose interpretations, where gates are considered architectural elements. Chairman Anglin commented that the code is clear, a fence in the side yard is not part of the building. It was determined that the neighbors to the north of the property at 212 Quincy signed the petition. It was confirmed that the decorative portion of the gate measures 7.5' at the top, the scrolling measures 9.3' at its highest point.

Mr. McGinnis confirmed the interior side yard requirements are met; it is the eight foot column on the north side that is the problem. It was confirmed that no plans were submitted for the gate. The Board studied the drawings before them.

Mr. Boersma approached the Board and asked to provide additional information. Chairman Anglin explained that the public hearing is closed therefore no additional testimony can be taken at this time. However, the case can be deferred. The Board can move to approve, deny, or defer if it believes there are additional facts to be discovered.

Member Callahan moved to **defer a decision and reopen this matter at a later date to take additional testimony**. Member Haarlow seconded the motion.

AYES: Haarlow, Callahan, Connelly
ABSTAIN: None
ABSENT: Member Angelo
NAYS: Richter, Saigh, Anglin

Motion tied, another vote was taken.

AYES: Haarlow, Callahan, Connelly, Anglin
ABSTAIN: None
ABSENT: Member Angelo
NAYS: Richter, Saigh

Motion carried.

Chairman Anglin declared the matter deferred to the February 27th meeting.

11. Adjournment

With no further business coming before the Zoning Board of Appeals, Member Callahan made a motion to adjourn. Member Richter seconded the motion.

Voice vote taken, all in favor, motion carried.

Chairman Anglin declared the meeting adjourned at 9:08 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____