

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES
April 16, 2008**

1. Call to Order

Chairman Anglin called the meeting of the Zoning Board of Appeals to order on Wednesday, April 16, at 7:30 p.m., in the Memorial Hall, Memorial Building, 19 East Chicago Avenue, Hinsdale.

2. Roll Call

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

Absent: Member Marc Connelly

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

3. Chairman's Opening Remarks

Chairman Anglin commented on the full schedule this evening and the intent of the Board to follow the agenda as published.

4. Approval of Minutes

- a. December 5, 2007, Special Meeting – no motion, item continued
- b. January 16, 2008, Regular Meeting – no motion, item continued
- c. August 8, 2007, Closed Session – no motion, item continued
- d. September 19, 2007, Closed Session- no motion, item continued

5. Receipt of Appearances

Attorney David Boersma was present to represent Mr. & Mrs. Manzhul, 142 N. Stough St., F-01-07. Mr. John Vlahos was present to represent Mr. Matthew Bloom, 505 Morris Lane, V-11-07. Attorney Peter Coules was present to represent Mr. & Mrs. Bill Trader, 118 E. Sixth St, V-4-08 and Mr. & Mrs. Gerald Chacin, 645 Harding, V-2-08.

All parties were sworn in by the Court Reporter.

6. Receipt of Requests, Motions, Pleadings, or Requests to make

Public Comment of a General Nature

Village Attorney Kenneth Florey addressed the Board, regarding concerns about the validity of the Board appointed Chairman as it relates to the ongoing legal matters concerning Tom Nelson. He noted that the Village Board has asked him to assure the Board and residents that the appointment of Mr. Anglin is valid and there is no risk to residents that the results of any determination at tonight's meeting would be declared illegal. He provided background on the matter in the Circuit Court and explained that the Judge will rule on the case on April 23rd. He explained that the Village Board has adopted a resolution to appoint Mr. Anglin; the Judge looked at this issue and did not prevent the

Board from naming Mr. Anglin in January. Mr. Florey's legal opinion is that the proceedings tonight are consistent with Village Code, Illinois law and the Illinois State Constitution.

Discussion followed regarding whether an absent member can vote on a matter if they had not been present at the public hearing. Chairman Anglin explained that the absent member could review the transcripts and state on the record that they have done so and would therefore be permitted to vote. He stated in his 12 years on the ZBA it has never happened, but the code does allow for that. It was noted that former Chairman Nelson did that on the Garfield case. Chairman Anglin stated the applicants can move to continue and if any applicants have doubts they can open their hearing and move to continue.

Member Angelo stated that he would not participate this evening because of the ongoing case of Mr. Nelson. It is his opinion that Mr. Nelson is still a member of the ZBA and Chairman until May. He suggested tonight's meeting be rescheduled and he apologized to the applicants for Village bungling.

Member Haarlow feels holding the meeting is problematic. Residents deserve a timely hearing, but the Village cancelled the last two meetings. He thinks it is foolhardy for the ZBA to conduct business at this time and he doesn't trust the legal opinion of the Village Attorney. He will not participate in this evenings meeting.

Chairman Anglin said that leaves four members functioning as the Zoning Board of Appeals, therefore, all four would have to vote in favor of any variation decided this evening.

7. Pre-Hearing and Agenda Setting:

a. 841 S. County Line Road, V-04-08

Chairman Anglin introduced the case for administrative review. Mr. Dennis Parsons was present to represent the homeowner. Member Haarlow asked about proposed protection for a large elm tree on this property. Mr. Parsons stated he will get an arborists opinion. They can stake off the tree at the drip line. Chairman Anglin asked for more information on the alleged hardship.

This case was set for public hearing at the regularly scheduled May meeting.

8. Public Hearings

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

Mr. Boersma stated that he would like to continue his case until the next meeting. **Member Callahan moved to continue Case #F-01-07 until the May meeting.** Member Richter seconded the motion. Voice vote taken, all in favor. Motion carried.

2. 118 E. Sixth Street, V-01-08

Mr. Coules stated that he would like to continue his case until the next meeting. **Member Richter moved to continue Case #V-01-08 until the May meeting.** Member Callahan seconded the motion. Voice vote taken, all in favor. Motion carried.

3. 645 Harding, V-03-08

Mr. Coules stated that he would like to continue his case until the next meeting. **Member Callahan moved to continue Case #V-03-08 until the May meeting.** Member Richter seconded the motion. Voice vote taken, all in favor. Motion carried.

4. 912 S. Garfield Street, V-02-08

Chairman Anglin noted that no one is present this evening to represent this case; however, the sign is not posted. Staff Secretary Bruton commented that she had not had any communication from the applicants.

5. 505 Morris Lane, V-11-07

Mr. Vlahos elected to proceed with the Public Hearing

Mr. John Vlahos, architect, stated that his client is seeking a variance of a reduction of the required exterior corner setback. He outlined the unique lot configuration, and explained that he had meetings with Village staff, Mr. Sean Gascoigne and Mr. Tim Ryan, that resulted in the 15 foot request. In reality the proposed building is 5.5 feet further away from the street than the existing residence. He stated that by code, only 11% of the lot area is buildable; this is an unreasonable situation. He respectfully requests the Boards consideration. It was confirmed that Mr. Bluhm is the owner of the property. Mr. Bluhm explained ownership sequence; that the property was a foreclosure.

Ms. Nancy Schuessler, 440 N. Madison addressed the Board regarding her concerns about the Morris side street setback. Mr. Vlahos explained that they are in compliance and 1.5 feet further in on Morris, resulting in a 15 foot setback that would allow for a sidewalk.

Chairman Anglin asked if efforts have been made to reduce the variation requested. Specifically, move the house by about 5 feet and reduce the north side variance request. Mr. Vlahos explained why the house was set on the lot as it is presented. Building Commissioner McGinnis asked why the garage isn't located on the Morris side of the property. Mr. Vlahos said the client didn't want the garage in the front of the house. There was discussion about the hardscape of driveways. Mr. Vlahos stated that he is willing to relocate the house and indicated that they weren't trying to maximize the house on the lot; if the recommendation is to move the house, they will do so. Chairman Anglin suggested continuing the hearing to see what they can do.

Mr. Bluhm asked how corner lots have been handled in the past. Discussion followed. Chairman Anglin noted an economic hardship is not one that can be

considered when granting a variance. Mr. Vlahos addressed the hardship issue stating that his client wants to live in this house and their goal is to make the new home be of the same caliber and include the amenities found in the rest of the Village. Member Callahan commented if the driveway was on Morris it would eliminate the need for two driveways. Mr. Vlahos said the problem is guest parking and the desire for a rear yard.

Member Saigh **moved to continue the public hearing of V-11-08.** Mr. Callahan seconded the motion. Voice vote taken, all in favor, motion carried.

9. New Business - None

10. Unfinished Business

1. Consideration of Rules & Procedures – Item not addressed

11. Adjournment

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

Voice vote taken, all in favor, motion carried.

Chairman Anglin declared the meeting adjourned at 8:37 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____