

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
June 18, 2008**

1. Call to Order

Chairman Anglin called the meeting of the Zoning Board of Appeals to order on Wednesday, June 18, 2008, at 7:30 p.m., in Memorial Hall of the Memorial Building, 19 East Chicago Avenue, Hinsdale.

2. Roll Call

Present: Chairman Paul V. Anglin, Members Kim Angelo, John Callahan, John Richter, Marc Connelly, Bob Saigh and William Haarlow (arr. 7:32 p.m.)

Absent: None

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

3. Chairman's Opening Remarks

Chairman Anglin noted the full agenda would be followed as published.

4. Approval of Minutes

a) May 21, 2008, Regular Meeting

Member Saigh moved to approve the minutes of May 21, 2008.

Member Connelly seconded the motion.

AYES: Angelo, Richter, Connelly, Saigh and Anglin

ABSTAIN: Haarlow and Callahan

ABSENT: None

NAYS: None

Motion carried.

b) January 16, 2008, Regular Meeting

Member Saigh moved to approve the minutes of January 16, 2008.

Member Richter seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter, Connelly and Saigh

ABSTAIN: Anglin

ABSENT: None

NAYS: None

Motion carried.

c) December 5, 2007, Special Meeting

Member Saigh moved to approve the minutes of December 5, 2007.
Member Connelly seconded the motion.

AYES: Haarlow, Angelo, Richter, Connelly and Saigh

ABSTAIN: Callahan and Anglin

ABSENT: None

NAYS: None

Motion carried.

d) September 19, 2007, Closed Session

Member Saigh moved to approve the minutes of September 19, 2007.
Member Angelo seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter and Saigh

ABSTAIN: Connelly and Anglin

ABSENT: None

NAYS: None

Motion carried.

e) August 8, 2007, Closed Session

Member Saigh moved to approve the minutes of August 8, 2007.
Member Richter seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter, Connelly and Saigh

ABSTAIN: Anglin

ABSENT: None

NAYS: None

Motion carried.

5. Receipt of Appearances

Attorney Boersma, representing 142 N. Stough Street, F-01-08

Attorney Peter Coules representing 16 S. Monroe, V-06-08 and 841 S.
County Line, V-04-08

Attorney Matt Klein representing 111 S. Lincoln, V-05-08

Architect John Vlahos, representing 505 Morris Lane, V-11-07

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

7. Pre-Hearing and Agenda Setting

a) 111 S. Lincoln, V-05-08

Chairman Anglin asked why this is before the ZBA when this property was regulated as O-2 Lifestyle housing a few years ago. Mr. Klein commented that due to the current real estate economy the market for condominiums has not been as expected. The owner has an opportunity to lease the third floor to an office user. There was concern about whether this should go to the Village Board first. Member Angelo asked for more historical information on this project and a timeline of past hearings. Mr. McGinnis confirmed the parking issue and stated that the applicant is only asking for a rear setback variance at this time. Mr. Klein stated that Mr. Passero's current desire is to make the top floor offices and that Village staff directed him to the ZBA. He wants the property to revert back to it's original B-2 zoning. Chairman Anglin noted that the hardship issue is not addressed in the application. Chairman Anglin asked that new information be provided two weeks before the next meeting. Further discussion followed as to why this item was sent to the ZBA before the Village Board, if indeed a zoning change is being sought. Member Angelo asked for all staff memoranda.

b) 16 S. Monroe Street, V-06-08

Attorney Peter Coules addressed the Board stating that the property has a non-compliant 1 ½ car garage. The owners want to maintain the architecture of the home and preserve a neighbor's 100 year old ash tree. Du Page County has verified that relocating the garage would have an adverse effect on the tree and asked that the Village forester corroborate this. Member Angelo asked for the arborist report.

c) 230 E. Ogden Avenue, V-07-08

Mr. Mike LeBeau addressed the Board stating the owners plan on retaining 100% of the footprint of the original structure, however there is no side-setback on the existing structure, and in order to provide required egress from the basement, the owner has asked for this variation. Regarding hardship, the lot itself is the hardship because there is no place for egress on the west side and the north side is the front but on the Ogden corridor. Therefore the east side is the only option. Chairman Anglin asked Mr. LeBeau to expand on the hardship aspect at the Public Hearing.

d) 323 E. Fourth Street, V-08-08

Mr. Michael Collins addressed the Board explaining that Oak Street is the front for zoning purposes, but the rear yard requirement is on the west side, Fourth Street, which always has been the front of his house and its address. He wants to cover the wood deck, and this will encroach on the rear yard setback. If the side yard were calculated from the Fourth Street side, this deck would be conforming. Chairman Anglin asked Mr. Collins to elaborate on the hardship aspect of his request.

e) 325 Princeton Road, V-09-08

Mr. Brant Rust addressed the Board stating that the owner wishes to install a spa on the patio of the house and that the lot is irregular. Chairman asked Mr. Rust to expand on the hardship aspect of his request at the Public Hearing.

Staff Secretary Bruton will publish all of these matters for the August 16th meeting.

8. Public Hearings

1. 142 N. Stough Street, F-01-07 (Transcript of Public Hearing on file)

Mr. Boersma distributed additional exhibits to the Board and summarized the case; a fence variation request. He referenced photographs of the house and fence in question and a 2005 approved blueprint. Discussion of the blueprint followed. Based on this drawing, his client ordered the gate.

Mr. Alex Manzhul was questioned by Mr. Boersma regarding his background and how he came to apply for building permits and plan approval. Mrs. Emily Manzhul was questioned regarding her background. She stated that a professional architect revised the drawings 4-5 times at the direction of Village staff, but that no one said anything about providing more detailed gate drawings or request for special permit for gate. The gate manufacturer was not contacted until after the drawings were approved. The first indication that the gates were not in compliance was after they were constructed and installed.

Mr. Boersma pointed out the survey of neighbors, who approve of gate as it is. He stated that his clients believed they were acting appropriately. Further, this is an aesthetic issue, not a safety concern, no precedent is set; the approval of the blueprint is an

anomaly. He doesn't believe his clients should be punished for a governmental error.

Member Saigh noted that the licensed engineer and architect certified that this drawing was in compliance with applicable codes and ordinances; however, the approved drawing was not in compliance. Chairman Anglin noted that Mrs. Manzhul modified the plan that was approved and did not come back for another approval.

There being no additional questions or comments; the public hearing was closed.

2. **505 Morris Lane, V-11-07** (Transcript of Public Hearing on file)

Mr. Vlahos approached the Board. Chairman Anglin recapped the request, referencing the transcript and the revised plan submitted by the applicant that is a substantial reduction of requested variation. Mr. Vlahos stated that he took into consideration the previous comments of the Board and flipped the residence increasing the distance off Morris Lane to 18' or more; the driveway was moved to the north thereby eliminating a substantial amount of hard surface.

There being no additional comments or questions; the public hearing was closed.

3. **841 S. County Line Road, V-04-08** (Transcript of Public Hearing on file)

Mr. Peter Coules and Mr. Dennis Parsons described the subject property and the currently non-compliant garage, which is only 18 feet in depth. Directly behind the shed is a 70 foot elm; the Village Forester has said is a good healthy tree. They described options that might be considered, but feel these would entail changes to the character of neighborhood. The owner is working hard to renovate the home. Removing the shed and converting it to garage space will make it useable and the resulting footprint would be about 5 feet longer than the existing shed. Mr. Parsons referenced a letter from the Village forester regarding the protection and treatment of the tree. Discussion of the tree and its protection followed.

There being no additional comments or questions; the public hearing was closed.

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

No one present to represent this case. Chairman Anglin noted that the sign is not properly posted and the house is for sale.

Item not on Agenda

A memorandum from Building Commission Robb McGinnis was distributed for Board review and discussion at the next meeting.

ZONING BOARD DELIBERATIONS

142 N. Stough Street, F-01-07

Member Callahan moved to approve the variation as requested, Member Connelly seconded the motion.

AYES: Haarlow, Callahan, Connelly

ABSTAIN: None

ABSENT: None

NAYS: Angelo, Richter, Saigh and Anglin

Motion denied. The variation is not approved.

505 Morris Lane, V-11-07

Member Callahan moved to approve the variation as requested, Member Richter seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter, Connelly, Saigh, Anglin

ABSTAIN: None

ABSENT: None

NAYS: None

Motion carried. The variation is approved.

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

Member Callahan moved to approve the variation as requested, Member Saigh seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter, Connelly, Saigh, Anglin

ABSTAIN: None

ABSENT: None

NAYS: None

Motion carried. The variation is approved

9. New Business

1. Approve Final Decision for V-01-08

Discussion regarding the findings of fact and corrections recommended. Ms. Bruton will make recommended changes to original document. Member Angelo moved to **approve the Final Decision for V-01-08, as amended by the Board.** Member Connelly seconded the motion.

AYES: Angelo, Richter, Connelly, Saigh and Anglin

ABSTAIN: Haarlow, Callahan

ABSENT: None

NAYS: None

Motion carried.

2. Approve Final Decision for V-03-08

Discussion regarding the findings of fact and corrections recommended. Ms. Bruton will make changes to original document. Member Angelo clarified the testimony of Mr. Coules at the Public Hearing noting there are 32 ranch homes in the Woodlands, not one, as Mr. Coules stated. Further, these homes do not have any second floor or second floor feature. Member Richter moved to approve the **Final Decision for V-03-08, as amended by the Board.** Member Saigh seconded the motion.

AYES: Angelo, Richter, Connelly, Saigh and Anglin

ABSTAIN: Haarlow, Callahan

ABSENT: None

NAYS: None

Motion carried.

10. Unfinished Business – None

11. Adjournment

Member Connelly corrected the record of his vote for the September 19th minutes.

With no further business coming before the Zoning Board of Appeals, Member Callahan made a motion to adjourn. Member Connelly seconded the motion. Voice vote taken, all in favor, motion carried.

Chairman Anglin declared the meeting adjourned at 9:43 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____