

**VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
July 16, 2008**

**1. Call to Order**

Chairman Anglin called the meeting of the Zoning Board of Appeals to order on Wednesday, July 16, 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

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, and stated the Board will follow the procedures as outlined on the agenda.

**4. Approval of Minutes – June 18, 2008, Regular Meeting**

Item taken out of order.

**5. Receipt of Appearances**

Attorney Matt Klein present representing V-10-08, 522 W. Hickory  
Attorney Peter Coules present representing V-11-08, 602 S. Lincoln; V-12-08, 341 S. Elm and V-06-08, 16 S. Monroe.

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

**7. Pre-Hearing and Agenda Setting:**

**a) 522 Hickory Street, V-10-08**

Attorney Matt Klein appeared before the Board on behalf of his clients, Mr. & Mrs. Cochlan. Chairman Anglin asked Mr. Klein to address the matter of hardship. Mr. Klein explained that there is no other place to install the generator because of below ground construction that takes up a large portion of the rear yard. The generator is 2/3 the size of an air conditioning unit, of which there are two. Screening foliage is provided and the units are therefore innocuous to neighbors. It is not uncommon to have a generator, according to Mr. Klein. The application does not include information on the underground structure; Mr. Klein will provide.

This case is set for public hearing at the next regularly scheduled ZBA meeting.

**b) 602 S. Lincoln, V-11-08**

Attorney Peter Coules addressed the Board and stated that this variation is a request for side yard fencing on a corner lot. Mr. Coules stated that his clients would like to increase the usability of their yard as well as provide additional safety. He also noted that the entire yard will be fenced in. This case is set for public hearing at the next regularly scheduled ZBA meeting.

**c) 341 S. Elm Street, V-12-08**

Attorney Peter Coules addressed the Board and stated that the existing conforming structure becomes non-conforming when a garage is added. He further commented that he is aware that it is not currently within the power of the ZBA to grant variations of height. He hopes that a future text amendment might change this situation. Chairman Anglin confirmed that no public hearing can be set.

**8. Public Hearings**

**1. 111 S. Lincoln, V-05-08 (Transcript of Public Hearing on file)**

Matt Klein explained that Village staff has requested that this be continued and his client has consented. He further stated that Director of Community Development, Tim Bleuher, was the individual who asked Mr. Passero for the extension. Member Callahan **moved to continue V-05-08**. Member Richter seconded the motion.

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

ABSENT: None

NAYS: None

Motion carried.

**Mr. John Bohnen, 230 E. First St.**, commented on the problems with this building. He personally is an aggrieved party. As the owner of County Line Properties, he is within 1,200 feet of the building and therefore has legal standing. He believes this is a prime example of what happens when politicians take over zoning; this is a misuse of PUD lifestyle housing. The building is vacant and illegal and this mistake belongs in the Village Board's lap. In his opinion, it is not the ZBA's job to hear this. A variance can't be

granted to a non-compliant building; he believes precedent exists to take the building down.

Discussion ensued; however, Member Callahan made a point of order, stating the ZBA should not get into a debate at this time, as this matter has been continued.

**2. 16 S. Monroe Street, V-06-08** (Transcript of Public Hearing on file)

Mr. Coules appeared before the Board on behalf of his clients, Mr. & Mrs. Arnold who are requesting relief on side yard and total yard setback. They currently have a 1 ½ car garage, but want to construct a two car garage. The requested location of the garage is dictated by an effort to preserve the neighbor's ash tree. The Village forester has recommended that the garage go further east, not north as that could kill the tree. Mr. Coules stated that precedent has been set for approval of a two car garage. Discussion followed regarding alternative locations for the garage and their possible impact on the tree. Mr. Arnold, the homeowner, stated that building on top of the root structure should be avoided. Member Callahan reminded the Board that the net request of approximately two feet is of minimum impact and he believes the tree should be protected.

**3. 230 E. Ogden Avenue, V-07-08**

The applicant was not present. Member Angelo moved to **continue V-07-08**. Member Callahan seconded the motion.

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

ABSENT: None

NAYS: None

Motion carried.

**4. 323 E. Fourth Street, V-08-08** (Transcript of Public Hearing on file)

Dr. Michael Collins, property owner and applicant, addressed the Board. He asked the Board to recognize that if the house were zoned as it exists on the lot, it would be conforming. The narrower dimension is the front of the house, explained Chairman Anglin. Dr. Collins stated that they do not want to build anything new; they just want to cover the existing deck. Hardship exists because they are unjustly deprived of the use of their home, because of zoning. He noted that the home is 105 years old and they are trying to maintain its character. Covering the west side deck will allow enjoyment of

the property, particularly because the house next door has been under construction for between 3-5 years; this will help carve out a private spot from all that is going on next door.

5. **325 Princeton Road, V-09-08** (Transcript of Public Hearing on file)  
Mr. Brant Rust addressed the Board on behalf of the homeowners, regarding their request for relief for the extension of a spa into required yards. The hardship is that three individual lot frontages are used for calculations, which is rare to lots of this size in Hinsdale. The spa is allowed to project into side and required rear yard up to 10 feet, but doesn't apply to side corner lots. The owner has worked with the spa designer to ensure minimum impact to neighbors. Mr. Rust distributed photocopies of street views and the existing patio where the spa would be located. This location was chosen with safety in mind; the owner has three small children and the spa, in this location, can be seen from the interior of the home. Chairman Anglin noted that the variation is for six square feet of the spa, not the entire thing. The property is currently fenced, and the design includes additional locking fence. Discussion followed regarding relocation of the spa. Mr. Booras, the homeowner reiterated aesthetic, practical and safety considerations for the proposed location of the spa. Member Haarlow asked the applicant to address the hardship issue. The property is an unusual shape, the footprint is already there, difficult for this size of lot to have three frontages; hardship is based on a combination of lot frontages, safety, and aesthetics.

**Mr. John Johnson, 730 Woodside**, a neighbor to the applicant, stated that the proposed variation is an improvement to property, it is not obtrusive and it is not detrimental to the neighborhood.

## **Zoning Board Deliberations**

### **16 S. Monroe V-06-08**

The Board discussed the historical relevance in the application, noting that the house looks close to original from the front and that the house to the north is the oldest structure on the block. If the house is not land marked, a new house couldn't be built without a garage going to the rear of lot, regardless of the tree. Member Connelly would like more information on the historical relevance. Chairman Anglin noted other improvements to the home that might affect the historic significance. The Board discussed the aspect of the tree protection. Attached garages and tandem garages were discussed as

alternative options. Building Commissioner McGinnis noted that both of these options would require variation requests as well.

Member Callahan moved to **approve the variation as requested for V-06-08, 16 S. Monroe**. Member Angelo seconded the motion.

AYES: Members Haarlow, Callahan, Angelo, Richter, Connelly

ABSENT: None

NAYS: Member Saigh and Chairman Anglin

Motion carried.

### **323 E. Fourth V-08-08**

Member Angelo commented that multiple criteria of hardship and uniqueness have been met. Member Saigh noted efforts to maintain the historical integrity of the area in which this property is located. Chairman Anglin expressed concern regarding the hardship aspect of the application.

Member Angelo moved to **approve the variation as requested for V-08-08, 323 E. Fourth Street**. Member Saigh seconded the motion.

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

ABSENT: None

NAYS: Chairman Anglin

Motion carried.

### **V-09-08 325 Princeton**

Chairman Anglin noted that in the past the ZBA has considered the three frontages aspect as a hardship and he believes there is precedence for this.

Member Richter moved to **approve the variation as requested for V-09-08, 325 Princeton**. Member Connelly seconded the motion.

AYES: Members Haarlow, Callahan, Angelo, Richter, Connelly, Saigh and  
Chairman Anglin

ABSENT: None

NAYS: None

Motion carried.

**Approval of Minutes – June 18, 2008, Regular Meeting**  
(Item taken out of order)

Staff Secretary Bruton stated that the hard copy before the Board includes all corrections received from Member Saigh, who reviewed these changes for the Board.

Member Richter moved to **approve the minutes of June 18, 2008**. Member Haarlow seconded the motion.

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

ABSENT: None

NAYS: None

Motion carried.

**Discussion of Zoning Code Text Amendment**  
(Item taken out of order)

Commissioner McGinnis referenced the case before the Board this evening V-12-08 that is an example of the problem. He noted that currently the ZBA does not have the authority to grant variations for elevation in the residential district, but it does have that power in the business district. This item could be sent to the Village Board and Plan Commission according to procedures in place for text amendments. Member Angelo would like to see examples of cases of hardship that couldn't be addressed in the past; he asked for more information on what compels this. Commissioner McGinnis noted that this is the first community he's ever worked for that doesn't allow the ZBA to hear both residential and commercial cases. He stressed that the applicant would still be required to demonstrate hardship. Board discussion followed. Commissioner McGinnis will provide additional information for Board review.

**9. New Business**

**1. Approve Final Decision - 142 N. Stough Street, F-01-07**

Member Angelo moved to **approve the Final Decision on F-01-07**.  
Member Richter seconded the motion.

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

ABSENT: None

NAYS: None

Motion carried.

**2. Approve Final Decision - 505 Morris Lane, V-11-07**

Member Haarlow moved to **approve the Final Decision on V-11-07**. Member Callahan seconded the motion.

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

ABSENT: None

NAYS: None

Motion carried.

**3. Approve Final Decision - 841 S. County Line Road, V-04-08**

Member Saigh moved to **approve the Final Decision on V-04-08**. Member Richter seconded the motion.

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

ABSENT: None

NAYS: None

Motion carried.

**10. Unfinished Business**

**1. 912 S. Garfield Street, V-02-08**

Staff Secretary Bruton explained that this item has been published twice at the request of the applicant, but that the applicant has not done their mailing or picked up a sign for posting on the property. As this item has not been continued since publication, it would need to be re-published. Ms. Bruton will try to contact the owner.

**2. Discussion of Zoning Code Text Amendment**

Item previously addressed.

**11. Adjournment**

Member Callahan clarified for Mr. Bohnen why he asked that further discussion on 111 S. Lincoln be discontinued. The Board discussed the difference between a fence application and a regular application, staff indicating that there is no difference in the document or the fees charged. Member Haarlow, in regards to V-02-08, asked staff to

determine if, by code, a public hearing needs to be held within a certain amount of time after receipt of the application; how long is an application valid?

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

Chairman Anglin declared the meeting adjourned at 9:19 p.m.

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Christine M. Bruton  
ZBA Staff Secretary

Approved: \_\_\_\_\_