

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
Minutes of the Meeting
February 18, 2009**

1. Call to Order

Chairman Anglin called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, February 18, 2009 at 7:35 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. Roll Call

Present: Chairman Paul V. Anglin, Members William Haarlow (arr. 7:42 p.m.), Kim Angelo, John Richter, Marc Connelly and Bob Saigh

Absent: Member John Callahan

Also Present: Village Attorney Kenneth Florey, Commissioner Robb McGinnis and Staff Secretary Christine Bruton

3. Approval of Minutes – January 21, 2009

A corrected version of the minutes has been distributed to the Board for approval. Ms. Abigail Ortmann, representing MIH, LLC., inquired as to the minutes for the meeting that was held after the first adjournment. Chairman Anglin stated that no other meeting occurred after the first meeting. He reviewed the changes to the minutes. Member Richter moved to **approve the Minutes of January 21, 2009, as amended**. Member Saigh seconded the motion.

AYES: Members Richter, Connelly, Saigh, Chairman Anglin

ABSTAIN: Member Angelo

NAYS: None

ABSENT: Members Haarlow and Callahan

Motion carried. It was noted that Mr. Angelo abstained because he was not present at the January 21st meeting.

4. Receipt of Appearances

Ms. Abigail Ortmann on behalf of MIH,LLC. for APP-03-08

Mr. Matt Klein representing the Cochlans for V-10-08 (previously filed)

All parties giving testimony 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 - None

7. Public Hearings - None

8. New Business

a) Approve the Final Decision of 522 Hickory Street, V-10-08

Chairman Anglin stated that in the filing of the original variation request, there was an alternative that was not considered during the January public hearing, nor at subsequent deliberations by this Board. Pursuant to a request by the applicant, the Board can consider a motion to reopen the case, but it will need to be republished for public hearing. (Member Haarlow arrived at 7:42 p.m.)

Member Saigh moved to **consider reopening V-10-08**. Member Connelly seconded the motion.

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

ABSTAIN: None

NAYS: None

ABSENT: Member Callahan

Motion carried.

Member Saigh moved to **consider the alternative that was included in the original filing of V-10-08**. Member Connelly seconded the motion.

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

Chairman Anglin
ABSTAIN: None
NAYS: None
ABSENT: Member Callahan

Motion carried. Public hearing is set for March 18, 2009.

b) **Approve the Final Decision of 540 W. Ogden Avenue,
APP-03-08**

Chairman Anglin introduced the item and asked for a motion to recess to closed session to consider the final decision. Attorney Florey read the exact statutory language into the record as follows: **A motion to go into closed session to discuss evidence or testimony presented in open or closed hearing where specifically authorized by law for the quasi-adjudicated body as defined in this act, provided the body prepares and makes available for public inspection a written decision setting forth it's determinative reasoning under 5ILCS120/2/c4 and also for litigation when it is enacted against, affecting or on behalf of the particular public body has been filed and is pending for a court or administrative tribunal or when the public body finds that an action is probable or imminent, in which case the basis for the findings shall be recorded and entered to the minutes of the closed meeting under 5ILCS120/2/c11.**

Member Saigh moved to accept the language as read by counsel and adjourn to closed session. Member Haarlow seconded the motion.

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

Motion carried.

The open meeting recessed into closed session at 7:48 p.m. and reconvened at 8:25 p.m.

Member Angelo moved to reopen the open meeting. Member Richter seconded the motion.

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

Motion carried.

Attorney Florey suggested a **motion to reconsider the motion to close the public hearing on APP-03-08 as voted on at the January meeting.** So moved by Member Richter. Seconded by Mr. Connelly .

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

Motion carried.

Member Richter made a **motion to open the public hearing on APP-03-08 on March 18th subject to proper notice.** Member Saigh seconded the motion.

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

Motion carried.

9. Unfinished Business

Attorney Ortman objected to the Board reopening the public hearing. She believes this action violates Hinsdale ordinance and State law. Chairman Anglin explained that we are within the thirty

day time limit to take such action. She asked that her objections be noted for the record. Attorney Florey stated that the Village disagrees with this interpretation of the Village code and State law.

10. Adjournment

Chairman Anglin said he would consider a motion to adjourn when all coats were gathered and everybody was ready to leave the room when the motion was approved. With no further business coming before the Zoning Board of Appeals, Member Angelo made a motion to **adjourn the meeting of the Zoning Board of Appeals on February, 18, 2009.** Member Connelly seconded the motion. Voice vote taken, all in favor, motion carried.

Chairman Anglin declared the meeting adjourned at 8:28 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____