

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
June 17, 2009**

1. Call to Order

Chairman Anglin called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, June 17, 2009 at 7:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. Roll Call

Present: Chairman Paul V. Anglin, Members Gary Moberly, William Haarlow (arrived at 7:40 p.m.), Marc Connelly and John Callahan

Absent: Members Debra Braselton

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

Ms. Bono swore in all individuals giving testimony.

3. Receipt of Appearances (Item taken out of order)

Mr. Sean McCarthy, homeowner and applicant for 541 N. Washington Street, V-02-09

4. Approval of Minutes

Member Moberly **moved approval of the Regular Meeting of April 15, 2009 and Regular Meeting of May 20, 2009.** Member Callahan seconded the motion.

AYES: Members Moberly, Connelly, Callahan and Chairman Anglin

NAYS: None

ABSENT: Members Haarlow and Braselton

Motion carried.

5. Receipt of Appearances

Item previously addressed.

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

7. Pre-Hearing and Agenda Setting

a) 5526 S. Washington, V-03-09

Mr. Tom Angell, homeowner and applicant addressed the Board. He stated that he is requesting a setback variance to allow him to rebuild his garage in the existing location. Chairman Anglin asked him to speak to the hardship standards. He said the cracking foundation is getting worse and the flooding in his yard has increased. If the garage is moved closer to the house, it will be difficult to exit the garage and it will interfere with an existing vintage patio. Member Moberly asked why not move the garage further south and west to which Mr. Angell replied that would eliminate permeable ground and exacerbate the flooding problem. Member Connelly suggested demonstrating neighbor support. The public hearing was set for July 15, 2009.

(Member Haarlow arrived, 7:40 p.m.)

8. Public Hearings

a) 541 N. Washington Street, V-02-09

Chairman Anglin opened the public hearing, notice of which was published in The Hinsdalean on May 26, 2009. He also noted that the hearing was expedited at the applicants request and therefore there was no prehearing on this matter. Additionally, the application suggested that only four neighbors were notified, but the actual mailing materials indicate that it was properly noticed to the neighbors. He asked Mr. McCarthy to address the hardship aspect of his request. Mr. McCarthy stated that the topography of the lot is problematic and drops off at the back of the garage. Additionally, there is a large 4-5 feet diameter oak tree in the yard. Moving the garage would also impact water flow and disrupt the neighbors yards on the east and north sides. The existing garage was torn down and they have since changed builders for a number of reasons, one being a lack of information. The replacement slab is in approximately the same location as the original. The previous builder poured this slab as it is now. It is the northwest corner that is approximately 4" over limit. Chairman Anglin repeated the hardship factors and commented that these are not self-created problem.

Mr. McCarthy's southern neighbors, Ms. Carol Meyer and Mr. Robert Smither spoke in favor of a new garage and that it would create no problems for them.

Mr. McCarthy asked what would be required to go back to the

Board and ask for a slightly greater variation. Chairman Anglin explained that would be a successive application and they would have to wait two years to reapply.

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

9. New Business

- a) Consideration of alternative placement of garage at 245 E. Chicago Avenue

Chairman Anglin briefly recapped that this matter has been approved on two occasions, as V-13-08 and V-01-09. Before the Board is a modification that reduces the amount of variation needed as granted in V-01-09. Mr. Mark Irpino, homeowner, addressed the Board and stated that the main purpose of his original request was safety and he can accomplish the same thing with less relief. He is proposing to leave the garage in its original location with a western door instead of an eastern door and change the driveway from east to west. With this configuration he won't have to cut tree roots, the driveway will be narrower and it will be more aesthetically pleasing. Chairman Anglin remarked that the Board needs to conclude that this change is consistent with the previous approval. Member Haarlow asked if the turn-around would be the same. Mr. Irpino replied that it would. Hearing no objections, Chairman Anglin stated that we will need to change the final decision to match what we are currently agreeing to. Member Callahan moved **to amend the final decision on V-01-09 to reflect the new proposal**. Member Moberly seconded the motion.

AYES: Members Moberly, Haarlow, Connelly, Callahan and Chairman Anglin

NAYS: None

ABSENT: Member Braselton

Motion carried.

Building Commissioner McGinnis stated that the applicant is in for permit at this time and asked that the Board consider approving the final decision as amended to allow Mr. Irpino to proceed. Mr. McGinnis read the changes into the record which is a reduction in the side yard setback request from 9.7' to 5.0'.

10. Unfinished Business

- a) Approve Final Decision for 245 E. Chicago Avenue, V-01-09
Member Haarlow moved to **approve the Final Decision for 245 E. Chicago Avenue, V-01-09 as amended.** Member Callahan seconded the motion.

AYES: Members Moberly, Haarlow, Connelly, Callahan and Chairman Anglin

NAYS: None

ABSENT: Member Braselton

Motion carried.

Deliberations V-02-09

Member Moberly commented that the applicant can't move the slab south, it's a tough angle around the house, to the east there is a 4' drop off and there are water implications to all of the neighbors. The new garage will be in the same location as the original garage. Member Callahan moved to **approve the variation as requested for V-02-09, 541 N. Washington Street.** Member Moberly seconded the motion.

AYES: Members Moberly, Haarlow, Connelly, Callahan and Chairman Anglin

NAYS: None

ABSENT: Member Braselton

Motion carried.

Ordinance Amendment

Mr. McGinnis explained that the building code, §9-1-14, has provisions for the appeal a decision of the building commissioner. If someone doesn't like his decision or interpretation of the building code they can appeal to the Village Board. The Village Board then prescribes the method to hear the appeal. This happens very infrequently; however, a couple of years ago a decision on property maintenance violations was appealed and ended up at ZPS. They had to scramble to put rules and procedures in place for that hearing. As a result, then President Woerner, felt it was more appropriate for appeals of Title 9 to go to the ZBA as they are already equipped to hear those types of matters.

There is a formal process now, like any other appeal. The ZBA decision is binding and an appeal of the ZBA decision would go to traffic court or Wheaton. Chairman Anglin confirmed that the Village Board has already adopted this ordinance and this is informative only.

11. Adjournment

With no further business coming before the Zoning Board of Appeals, Member Callahan made a motion to **adjourn the meeting of the Zoning Board of Appeals of June 17, 2009.** Member Connelly seconded the motion. Voice vote taken, all in favor, motion carried.

Chairman Anglin declared the meeting adjourned at 8:08 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____