

**AGENDA  
VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
Minutes for February 21, 2007**

**1. Chairman's Opening Remarks**

Chairman Nelson called to order the meeting of the Zoning Board of Appeals on Wednesday, February 21, 2007 at 7:22 p.m., at the Old Board Room, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, IL 60521.

**2. Roll Call**

Staff Secretary Bruton called the roll.

**Present:** Chairman Thomas Nelson  
Vice-Chairman John Ochoa, Board Members J. Kimberley Angelo, William Haarlow, John Richter, Michael Ripani, Robert Saigh

**Absent:** None

**Also Present:** Staff Secretary Christine Bruton, Court Reporter Carol Siebert-LaMonica

**3. Approval of Minutes**

**1. Approval of Minutes of November 28, 2006**

Member Ochoa moved to approve the minutes of November 28, 2006. Member Angelo seconded the motion.

Ayes: Angelo, Haarlow, Ochoa, Richter, Saigh, Nelson

Nays: None

Abstain: Ripani

Motion carried.

**2. Approval of Minutes of December 13, 2006**

Member Ochoa moved to approve the minutes of December 13, 2006. Member Richter seconded the motion.

Ayes: Angelo, Ochoa, Richter, Ripani, Saigh, Nelson

Nays: None

Abstain: Haarlow

Motion carried.

**3. Approval of Minutes of January 5, 2007**

Member Ochoa moved to approve the minutes of January 5, 2007. Member Richter seconded the motion.

Ayes: Angelo, Haarlow, Ochoa, Richter, Saigh, Nelson

Nays: None

Abstain: Ripani

Motion carried.

**4. Receipt of Appearances - None**

**5. Receipt of Requests, Motions, Pleadings, or Requests to make Public Comment of a General Nature** (for the Public or parties not represented by attorneys.)

Chairman Nelson asked if there were any comments of a general nature from those present. There were none.

**6. Pre-Hearing and Agenda Setting**

**1. 114 S. Stough Street**

Mr. Dale Kleber, owner of the property, addressed the Board. Chairman Nelson explained the procedure of pre-hearing and agenda setting and noted that procedural compliance has been reviewed and appears to be in order. Mr. Kleber provided a brief description of the variation request stating that no other hearings have occurred and he will attempt to landmark the property. There have been no changes since the last application; no change in the height, although with the proposed new foundation they are changing the grade but not the height and elevation. He explained that the house needs to be moved to appropriately renovate. Mr. Kleber said that this application is substantially the same one submitted two years ago.

Chairman Nelson asked for the location of the code Mr. Kleber cited that refers to the moving of old houses. Chairman Nelson asked Staff Secretary Bruton to forward to Mr. Kleber the sections of the Zoning Code regarding pre-code structures, etc. so that Mr. Kleber can be as prepared as possible. Chairman Nelson asked if there was any harm in presenting this to the Historical Society for approval. Mr. Kleber said the Historical Society was willing to send a letter of recommendation at the time of the last hearing, he will see if they are still of the same mindset.

Member Richter asked that Mr. Kleber be prepared to explain the delay in acting on the application for this property that was approved by the Board two years ago.

The Public Hearing is set for March 21<sup>st</sup>.

**7. A. Public Hearings:**

**1. 402 Briargate Terrace, V-15-07 (Transcript of proceedings on file)**

Mr. Matthew Klein, attorney for the applicant, addressed the Board on behalf of the Bensfields, who were also present. He stated that over the last three years the garage has flooded three times, and each time the heating, water, electrical and air conditioning systems had to be replaced. The Bensfields did not create the changes in surrounding topography that have resulted in this problem. They want a usable garage.

Mr. Klein noted changes in the Zoning Code that support their request. Mr. Klein reviewed the various aspects of the request, and noted 11-503E(t), which supports their request, and outlined how this request complies with this section of the code. Mrs. Bensfield shared photographs with the Board of the flood damage to her home as well as the five new homes built behind theirs that have changed grade and topography.

The Board asked Mr. Klein about a letter from Mr. Ronald J. Senechalle, attorney for the Bensfields' neighbor, Mr. Richard Miller. Mr. Klein said he had not seen the letter but he had spoken with Mr. Senechalle and they are prepared to comply with the request, which is to remove the current driveway on the west side of the property, landscape the old driveway area and vacate the existing 5- foot Driveway Easement, which extends 5- feet onto the Miller's property. Mr. Klein said their compliance with the request would be part of the building permit process.

Mr. Klein noted the severe hardship of the Bensfields and the amended Village ordinance to provide redress for these problems. He said the Bensfields were willing to comply with any reasonable conditions that might be attached to an approval of their request for a variance.

Mr. Klein noted a 12-inch water main that might cause the garage to be built in a slightly different location. It was noted that the actual location of the garage is not part of the variance request. The water main/sewer was discussed at length.

Member Ochoa moved to close the Public Hearing and begin deliberations. Member Richter seconded the motion.

Ayes: Angelo, Haarlow, Ochoa, Richter, Ripani, Saigh, Nelson  
Nays: None

Motion carried.

The Board discussed the hardship aspects of the case, whether to add conditions to the approval and, whether the applicant should have the latitude to put the garage where necessary. Member Ochoa made a motion to grant the variation request as submitted. Member Angelo seconded the motion.

Ayes: Angelo, Haarlow, Ochoa, Richter, Ripani, Saigh, Nelson  
Nays: None

Motion carried.

#### **B. New Business**

Chairman Nelson informed the Board that Village Manager Dave Cook has assigned Mr. Tim Bleuher, Director of Community Development, to act as ZBA staff liaison, available to respond to Board requests and to ensure procedural correctness and the veracity of documents.

#### **C. Old Business**

##### **2. Status of 426 Clay (Item taken out of order)**

Chairman Nelson distributed memos from the Village prosecutor regarding this property.

##### **Item Not on Agenda**

The Board discussed the memo from the Village Manager regarding the use by the ZBA of the Village Attorney for the pending litigation on the Johannesen appeal. The Garfield I case was also discussed. The Board discussed its representation by the appointed attorney. It was suggested that Village Attorney Florey be invited to a ZBA closed session to discuss strategies in both cases.

##### **1. Status of Final Decision V-3-06, 132 E. Fifth Street, Kevin and Kara Boyle**

Staff Secretary Bruton informed the Board that the revised plan, which was a condition of the approval, was in the building file. Chairman Nelson wants Member Ochoa to review this for adequacy.

Member Ochoa made a motion to direct Chairman Nelson to write a letter to the Illinois Attorney General's office seeking clarification on the independence of local Zoning Boards of Appeal. Member Richter seconded the motion.

Voice vote taken, all in favor, motion carried.

**8. Adjournment**

Member Ochoa moved to adjourn the meeting. Member Saigh seconded the motion.

Voice vote taken, all in favor, motion carried.

With no further business coming before the Zoning Board of Appeals, Chairman Nelson declared the meeting adjourned at 10:05 p.m.

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Christine M. Bruton  
ZBA Staff Secretary

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