

**VILLAGE OF HINSDALE  
MINUTES OF THE MEETING OF THE  
ZONING BOARD OF APPEALS  
December 5, 2007**

**1. Call to Order**

Chairman Nelson called to order the Regular rescheduled December meeting of the Zoning Board of Appeals at at 7:42 p.m., in Memorial Hall of the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois. He stated he would entertain a motion to advance Item #4 the Public Hearing for F-01-07 to the top of the order. Member Saigh moved to **advance Item #4 the Public Hearing for F-01-07 to the first item of business.** Member Angelo seconded the motion.

**AYES:** Haarlow, Angelo, Richter, Saigh, Nelson

**ABSENT:** Callahan, Connelly

**NAYS:** None

Motion carried.

**2. Roll Call**

**Present:** Chairman Thomas Nelson, Members William Haarlow, Kim Angelo, John Richter, Bob Saigh

**Absent:** Members John Callahan and Marc Connelly

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

**Public Hearing**

1. 142 N. Stough Street, F-01-07

The attorney for homeowners Aleksandr & Emily Manzhul, Mr. David J. Boersma, addressed the Board regarding the driveway/gate variance for which the the Manzhul's are requesting relief. He distributed a packet of exhibits to the Board. He referenced a scaled copy of the gate that clearly indicates that the gate would be higher than 6 feet, and noted the approval of the building department. He also noted the bill for the wrought iron for the gate purchased in Feb. 2007 in the amount of \$18,000. The vendor would not accept the return of the custom gate. The Village Manager and the building department have refused to allow this gate to stay per the fence ordinance. While there is a 6 foot limit, the code does not expressly state driveway gates. The Manuzhul's had an approved blueprint, this is the unique circumstance. Mr. Boersma does not believe a precedent will be set by approval of this request. He is not trying to disparage the building department; this was approved in 2005 before the current village manager and building commissioner. He is not blaming the present administration. He noted that because of the weight of the gate the columns built to support them are of extremely stable construction. This is not a cheap hollow gate that can be cut down, it would have to be totally replaced not modified. This is not a safety issue it is a cosmetic, aesthetic issue only. He stated neighbors are happy with the house and the proportion of the gate. Finally, he believes the Manzhuls are respectful of the law; there were no violations or variations on this home or the other two that they have built. He recapped the homeowners life in the Soviet

Union. They are ashamed to come to the Board with this request, they thought they were following the law. He referenced other photographs he supplied that illustrate similar columns and gates that already exist in Hinsdale that are over 6 feet high.

Mr. McGinnis added that this issue was brought up in June when the building inspector noticed the gate and confirmed that the plans were approved under a prior administration. He also noted that many of the other homes in town that have higher gates are pre-code structures.

Chairman Nelson noted that there must have been new plans, because the photographs don't match the 2005 approved drawings. After conversation with the homeowners, the attorney stated that the drawings are the house that was built, there were no more plans drawn. Any adjustments were made to remedy the problems of a 10 foot wide gate. Other pages of the blueprints clarify the discrepancy, but they are not here tonight.

Chairman Nelson questioned Mrs. Manzhul about blueprints or drawings from the fence manufacturer, Wrought Iron Art, Ltd. Mrs. Manzhul stated that the style of the gate was chosen from a brochure and that they had used this vender for other homes.

Chairman Nelson pointed out that the state of Illinois requires demonstrable hardship, as does our Village code. He suggested that other citizens might observe this fence and wonder why it was permitted. The Board reviewed Section 11-503(f) Standards of Variation.

Chairman Nelson reminded Mr. Boersma that applicants have the right to a continuance when two Board members are absent resulting in a situation where all four remaining members would have to be convinced. He regretted that he had not offered this to the Manzhul's earlier this evening. If they choose to continue to the January meeting, there would be no additional cost to them, and it would give them time to reflect on the standards of variation.

Upon consultation with his clients, Mr. Boersma informed the Board that he thinks it is in the best interest of his client to have the whole board present and elected to come back with all the blueprints in January.

Additionally, the applicant was asked to supply the names of neighbors in area and what would the cost be without the gate altogether.

Chairman Nelson noted the next meeting is January 16<sup>th</sup> at 7:30 p.m. and that any new materials should be submitted by January 8<sup>th</sup>. Member Saigh **moved to close the Public Hearing on F-01-07**. Member Richter seconded the motion. Voice vote taken, all in favor, motion carried.

**3. Approval of Minutes**

**a. October 17, 2007**

Member Saigh reviewed his recommended changes. Member Angelo **moved to adopt the minutes of October 17, 2007 as amended.**

Member Saigh seconded the motion. Voice vote taken, all in favor, motion carried.

**b. August 8, 2007, Closed Session – item not addressed**

**c. September 19, 2007, Closed Session – item not addressed**

**Item not on agenda**

Member Saigh inquired into the findings of 2 S. Thurlow. Chairman Nelson instructed Mrs. Bruton to look into it, and if necessary they can be approved nunc pro tunc.

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

1. 505 Morris Lane, V-11-07 – no one present, item moved forward to January agenda.

**5. Public Hearings**

1. 142 N. Stough Street, F-01-07 – item previously addressed

**6. New Business – none**

**7. Unfinished Business**

1. Consideration of Rules & Procedures – Item not addressed

**8. Adjournment**

There being no more business before the Board, Member Richter moved to adjourn, Member Saigh seconded the motion. Voice vote taken, all in favor, motion carried. Chairman Nelson declared the meeting adjourned at 9:18 p.m.

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Christine M. Bruton  
ZBA Staff Secretary

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