

Statement on Circuit Court Ruling re: ZBA

Today, the Village of Hinsdale received critical legal direction from the DuPage County Circuit Court in the Hinsdale Club case as it pertains to upholding state statutes and abiding by our local village code.

The Village sought the opinion of a disinterested third party, Judge Kenneth Popejoy, to clarify competing interpretations of the Village of Hinsdale Zoning Code and the Illinois Municipal Code with respect to planned developments.

Judge Popejoy essentially ratified the Village's positions both with respect to planned developments and relative to the appropriate venue for appeal of Village Board decisions in this area.

Village President Woerner and members of the Village Board are confident that the strongly worded decision by Judge Popejoy will clarify the role of the Village's Zoning Board of Appeals and bring to an end an unfortunate period of misunderstanding between village officials and some Hinsdale residents.

Judge Popejoy's decision made three matters crystal clear: (1) One, the Zoning Board of Appeals, an appointed body, does not have appellate authority over the Village Board, an elected body; (2) Two, the Village followed the law in terms of process for review of a planned development such as the Hinsdale Club—in fact, the judge said that the counter-argument proffered by the Zoning Board of Appeals would lead to “absurd results”; and (3) Three, the Hinsdale Club development should move forward without any further interference by the Zoning Board of Appeals.

Judge Popejoy's ruling provided much needed clarity as to the review process. He noted the Village's Plan Commission along with the Village Board have exclusive jurisdiction over special uses for planned developments.

Some residents have misunderstood the Village Board to be opposed to residents questioning a planned development project. In fact, the Village Board welcomes such questions of planned developments so long as the review is conducted by the entity legally empowered to do so. The Plan Commission is that body, the Zoning Board of Appeals is not, as decreed by Judge Popejoy.

In this same spirit, the Village Board has been wrongly accused of providing no avenue of appeal for residents. That too was clarified in today's ruling. The court affirmed the Village Board's view that the circuit court is the appropriate venue for appealing the Village Board's approval of a planned development ordinance.

There can be legitimate differences of opinion over a particular development. This Village President and this Village Board welcome input from residents, even when that input is in respectful disagreement to the majority position of the Board. We can have spirited debates. That is the lifeblood of a robust and free society.

What we cannot do, however, is allow individuals to change the rules of the game if they do not like the outcome of a particular debate. Such an approach runs afoul of the rule of law and the principles of a free society, and, as such, was not something that President Woerner and the Village Board could or would countenance.

“We live in a nation, a state and a village of laws and processes that are in place for a reason,” said Woerner. “Every Hinsdale resident must be able to rely on the legal strength and predictability of these processes.”

Beyond the legalese, that was the real issue in this case.

We had the unfortunate instance of the appointed leadership of the Zoning Board of Appeals arguing that they could set themselves above the duly elected representatives of the residents of Hinsdale. That clearly was improper and Judge Popejoy said so in no uncertain terms in his ruling today.

That said, President Woerner and the Village Board regret that some residents got caught in the legal and rhetorical crossfire as a result of misinformation promulgated by the leadership of the Zoning Board of Appeals. It was never the intent of the President and the Village Board that this matter devolve as it did.

However, again, critical legal principles were at stake behind which President Woerner and the Village Board had both a moral and fiduciary responsibility to stand.

Furthermore, the viability of planned unit developments has a significant practical impact for the Village of Hinsdale, a point emphasized by President Woerner.

“The Village Board reluctantly pursued the action against the residents’,” said Woerner. “But, we felt it was necessary to protect the legal status of every Hinsdale planned development which includes churches, the hospital, schools, car dealers, and residential and commercial developments that are critical to the economic strength of the Village and affect nearly every Hinsdale resident.”

With this matter now resolved and those principles now restated by the court, it is time that we move forward together as a community with the shared desire to forge a more vibrant and prosperous Hinsdale.

On behalf of President Woerner, I would like to thank Village Manager Dave Cook, Village Attorney Ken Florey, and Special Counsel Steve Ruffalo for their leadership and work on this difficult matter.

Thank you.