



**SPECIAL ZONING BOARD OF APPEALS MEETING  
VILLAGE OF HAWTHORN WOODS  
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS  
THURSDAY, OCTOBER 8, 2020  
6:00 p.m.**

**MINUTES**

**I. Call to Order and Roll Call**

Present: Mr. Schildkraut called the meeting to order at 6:06 p.m. The following members were present: Schildkraut, Johnston, Rychlik, Sedlacek and Voltattorni  
Absent: Kosik and Scaletta  
Staff: Donna Lobaito, Chief Administrative Officer  
Kate Portillo, Staff Planner  
Trustee: Jodi McCarthy  
Village Attorney: Nick Standiford

A quorum was established.

Due to the ongoing pandemic, the meeting was held via Zoom.

**II. Opportunity for the Public to Address the Board**

None this month

**III. Approval of Minutes**

**A. Approval of Minutes of the May 19, 2020 Zoning Board of Appeals Meeting**

Motion by Johnston, second by Sedlacek to approve the minutes of the May 19, 2020 Zoning Board of Appeals Meeting.

Roll call vote:

Ayes: Schildkraut, Sedlacek, Johnston, Rychlik, Voltattorni

Nays: None

Absent: Kosik and Scaletta

Motion carried.

Mr. Standiford commented that Ms. Lobaito was present at Village Hall as required by the governor's executive order since it is not practical to hold the meeting in person due to the ongoing pandemic.

#### **IV. Public Hearing**

- A. 26 Old Barn Road – Variation to Section 9-5A-4.C to Exceed the Maximum Lot Coverage for the Construction of a Pavilion
- B. Such other Relief or Approvals as the ZBA and the Village Board May Determine Reasonably Necessary

Motion by Rychlik, second by Johnston to open the public hearing.

Roll call vote:

Ayes: Schildkraut, Sedlacek, Johnston, Rychlik, Voltattorni

Nays: None

Absent: Kosik and Scaletta

Motion carried.

Ms. Portillo reported that John Jr. and Pamela Smith, 26 Old Barn Road, applied for a variance as their proposed pavilion project exceeds lot coverage. She noted that their lot is 2.71 acres; however, 1.24 acres is in a body of water. The maximum lot coverage calculation is based upon the buildable portion of their property only.

Ms. Portillo reported that the property currently exceeds the R-1 zoning 15% lot area coverage as the property was platted and built in 1988, which predates the current zoning standards. As a result, the request for the variance includes the property already exceeding the maximum lot coverage. Combined with the pavilion request, the additional square footage equates to 631.

As a part of the application, Ms. Portillo noted the side yard setback is less than the R-1 standards, so the request for a variance also includes this housekeeping issue. Also noted, the documents submitted described the project area as being 30'x15', but Exhibit C indicates the project areas as being 32'x15' which Mr. Smith has been asked to clarify.

Ms. Portillo stated that the Smiths have received permits for pool decking and a sidewalk as well as driveway work. The paver steps depicted on the plans are allowed by an already issued permit.

Google Earth was used to assist in determining when the pool was installed. Ms. Portillo said it appears the pool was installed as a part of the original construction of the home, or soon thereafter.

Mr. Sedlacek asked if the house was compliant with the zoning code at the time it was constructed in 1998. Ms. Portillo responded that she is limited in her research, but the Village Code dates indicate the code was updated after the home was built.

Mr. Rychlik commented that he believes the project conforms to the stormwater ordinance as long as it does not cause a drainage issue for others. Ms. Portillo noted that the motion can be made subject to engineering approval.

Mr. Voltattorni commented that the project indicates the use of concrete, and asked if something more permeable could be used. Mr. Schildkraut noted Exhibit B shows Unilock pavers being used.

Mr. Smith testified that there is an existing storm drain on the east side of Exhibit B, and that he will be replacing the existing concrete patio around the pool with Unilok. He said a drain will be installed which will run to the drain on each side of his property, then out to the lake.

Ms. Scaletta joined the meeting at 6:28 p.m.

Mr. Johnston asked if an appraisal was conducted on the property. Mr. Smith responded no. Mr. Johnston noted that one of the standards involves reasonable return, which is difficult to meet. He asked Mr. Smith if he has any other evidence on the reasonable return standard for his application. Mr. Smith responded no, but he knew when he bought the house, he did not like the layout, and that he believes he would still be able to sell the house if the variance is granted. He also commented that he believed the project would increase the value of his home.

Mr. Standiford read into the record two letters Ms. Portillo received from the Klebba's and Hilinski's, and neither had any issues with the proposed variance request. These letters were admitted into the record.

Mr. Smith indicated the height of the pergola would peak at 12' and would not be enclosed. There will be cedar shingles used on the roof to match the current house roof.

It was also noted that the resident at 22 Lakeview had no objections.

Motion by Sedlacek, second by Rychlik to close the public hearing.

Roll call vote:

Ayes: Schildkraut, Sedlacek, Johnston, Rychlik, Scaletta, Voltattorni

Nays: None

Absent: Kosik

Motion carried.

## **V. New Business**

**A. Consideration and Recommendation of the Findings of Fact – 26 Old Barn Road – Variance to Section 9-5A-4.C**

i. Title 9 – Zoning, Section 9-16-7.E

Motion by Rychlik, second by Sedlacek to approve the Findings of Fact.

Mr. Standiford read the Findings of Fact into the record. Mr. Johnston noted as written, the response to the first finding does not mirror the standard, which is hard to prove. He stated increased resale value is not the same as not yielding a reasonable return.

Mr. Sedlacek commented that he believed the second finding that the plight of the owner is due to unique circumstances has not been met as the owner purchased the home under the current zoning laws.

Roll call vote:

Ayes: Schildkraut, Scaletta, Rychlik, Voltattorni

Nays: Sedlacek, Johnston

Absent: Kosik

Motion carried.

**VI. Adjournment**

Motion by Rychlik, second by Sedlacek to adjourn the meeting.

Roll call vote:

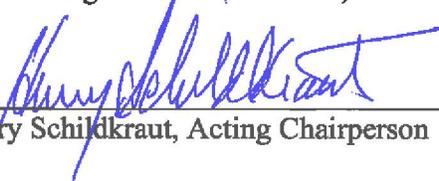
Ayes: Schildkraut, Sedlacek, Johnston, Rychlik, Scaletta, Voltattorni

Nays: None

Absent: Kosik

Motion carried.

There being no further business, the meeting adjourned at 6:46 p.m.

  
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Harry Schildkraut, Acting Chairperson