



**SPECIAL ZONING BOARD OF APPEALS WORKSHOP
VILLAGE OF HAWTHORN WOODS
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
FEBRUARY 25, 2021
6:00 p.m.**

MINUTES

I. Call to Order and Roll Call

Present: Mr. Kosik called the meeting to order at 6:02 p.m. The following members were present: Kosik, Schildkraut, Johnston, Sedlacek, Scaletta, Bayer

Absent: Voltattorni

Staff: Donna Lobaito, Chief Administrative Officer
Kate Portillo, Staff Planner

Trustees: Tom Rychlik and Jodi McCarthy

Village Attorney: Nick Standiford

A quorum was established.

Due to the ongoing pandemic, the meeting was held via Zoom. Mr. Kosik was at Village Hall for the workshop.

Mr. Kosik introduced Cathy Bayer as the newest member of the Zoning Board of Appeals.

II. Opportunity for the Public to Address the Board

None this month

III. Zoning Board of Appeals Workshop

Village Attorney, Nick Standiford, provided the ZBA members a background on zoning laws and how our Village Code aligns with the state statutes. Zoning laws are to protect the health, safety and welfare of the community.

The zoning ordinance, zoning map and comprehensive plan are all tools used by the village, with the Village Board and Planning, Building and Zoning Commission's main focus is on the zoning map and comprehensive plan.

Mr. Standiford reviewed the various types of requests petitioners can make and matters heard, such as special uses, variances, planned unit developments, text amendments and non-conforming uses.

Mr. Standiford reviewed the three standards found in the Village Code that are reviewed by the Zoning Board of Appeals when considering an application for a variance:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
2. That the plight of the owner is due to unique circumstances.
3. That the variation, if granted, will not alter the essential character of the locality.

The first standard is a tough one to meet in that the testimony before the ZBA has to be something they can rely on. The court says the petitioner cannot say nothing here; they have to say something that has bearing on the petition. The ZBA has discretion.

To meet the second standard, the petitioner has to present something unusual, such as their property being the only one property in the village, or on the block that makes it unique.

Regarding the third standard, pictures of neighboring properties could be presented to satisfy this standard.

All three standards must be satisfied. It was noted the village code has the word “or” after the first and second standard. It should read “and”. Mr. Standiford indicated he would look into this matter, and if necessary, a text amendment to correct this would be prepared.

The Zoning Board of Appeals can also look at supplemental standards found in Section 9-16-7.E.3.a.-f. of the Village Code. Additionally, the Zoning Board of Appeals can recommend imposing conditions on variances for Village Board consideration.

Mr. Standiford indicated ZBA members should not speak to applicants about their petition before the meeting. If there are questions, ZBA members should consult with staff. Village Board members can be lobbied, but ZBA members cannot.

A variance request should not be denied simply because there are a lot of objectors at the meeting. Independent decisions should be made based upon the application and whether the three standards have been met.

The ZBA members asked a number of questions about certain scenarios. Mr. Standiford stressed that each application has to be considered independently and a determination made as to whether the applicant meets the three standards.

Hearings can be continued to another date. Pictures and surveys can be submitted as a part of the application.

The preparation of the findings of fact in advance of the hearing was discussed. There was concern that they could cause undue influence on the application. Staff will work with Mr. Standiford on how best to address the findings of fact.

Mr. Schildkraut and Mr. Kosik left at some point during the meeting.

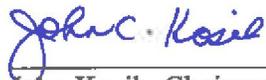
Mr. Sedlacek left the meeting at 8:13 p.m.

Mr. Standiford indicated the Village Board should be provided the application and minutes when considering the variance ordinance.

Ms. Lobaito noted that due to certain members dropping off the Zoom call, we no longer had a quorum and had to end the meeting.

VI. Adjournment

The meeting adjourned at 8:15 p.m.



John Kosik, Chairperson