



**ZONING BOARD OF APPEALS SPECIAL MEETING
VILLAGE OF HAWTHORN WOODS
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
JANUARY 24, 2012
6:00 P.M.**

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Kosik at 6:02 p.m. Roll call indicated the following members were present: Chairperson Kosik, Mr. Johnston, Ms. Scaletta, Mr. Sedlacek and Mr. Schildkraut. Also present were Chief Administrative Officer Donna Lobaito and Village Attorney Patrick Brankin.

II. Opportunity for the Public to Address the Board

None this month.

III. Approval of Minutes from the October 18, 2011 Special Zoning Board of Appeals Meeting

Motion by Schildkraut, second by Sedlacek to approve the minutes of the October 18, 2011 Special Zoning Board of Appeals meeting as presented.

Upon a voice vote, the motion carried unanimously.

IV. Public Hearing

- A. Public Hearing for the Consideration of a Variance Request – Side Yard and Front Yard Setbacks, 24838 Old McHenry Road – Hartman Subdivision

Motion by Johnston, second by Schildkraut to open the public hearing.
Upon a voice vote, the motion carried unanimously.

Ms. Lobaito summarized her staff memorandum for the Board members.
Mr. and Mrs. Chuck Hartman have applied for an application for a

variance to the side and front yards for the existing barn structures at 24838 Old McHenry Road.

Chairperson Kosik stated the role of the Zoning Board of Appeals was to make a determination as to whether the Hartman's variance application met the standards outlined in the Village Code. The responses to three standards were included in the Zoning Board of Appeals packet.

Mr. Chuck Hartman was sworn in by Chairman Kosik. Mr. Hartman provided a brief overview of his project and his request for a variance.

The Zoning Board of Appeals reviewed the Hartman's response to each of the three variance standards. It was decided to discuss the second standard first.

Standard 2 – How is it that the plight of the owner is due to unique circumstances?

Mr. Johnston asked if the setback issues were caused as a result of the subdivision request. Mr. Hartman responded yes, and that the property would be more valuable to sell subdivided. Mr. Hartman explained that his original plan was to subdivide the property into four lots, however, the cost of subdivision improvements forced him to change his plans to a two lot subdivision.

Mr. Hartman stated the new owner of the Lot 2 may choose to remove the buildings. Access to the property was discussed.

Mr. Hartman stated he had not attempted to subdivide the parcel such that the buildings could remain on Lot 1 with the home, and therefore, no variance would be necessary. Mr. Hartman stated he did discuss this option with his engineer and it was determined that it would not be feasible. Mr. Johnston asked Mr. Hartman if the buildings were being retained now for their continued use, with the idea that they could improve the value of his land. Mr. Hartman responded yes.

There was no further discussion on Standard 2.

Standard 3 – Explain how the variance, if granted, will not alter the essential character of the locality.

Mr. Sedlacek commented that he has lived in the area for many years and the Hartman property has always been in good order and it maintained the character of the community. He stated he had no concerns with the request.

There was no further discussion on Standard 3.

Standard 1 – How is it 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?

Mr. Kosik commented on the Hartman's written response. He interpreted the response that the elimination of the buildings would lessen the value of his property, because they are being used for storage and a workshop. Mr. Hartman stated it would be very expensive to tear down the buildings.

There was no further discussion on Standard 1.

Motion by Schildkraut, second by Sedlacek to close the public hearing. Upon a voice vote, the motion carried unanimously.

Motion by Schildkraut, second by Sedlacek to recommend the approval of various conditions outlined in staff's memorandum for the variance request.

Mr. Sedlacek stated he believes the Hartman's have met the standards for numbers 2 and 3, and commented on whether it was unreasonable for the Village to request the removal of the buildings at this time.

Ms. Scaletta agreed with Mr. Sedlacek's opinion.

Mr. Johnston commented that he is in favor of the rural character of the Village, but he did not think the Hartman's met the first standard. He stated that Mr. Hartman acknowledged he has not yet tried to sell the property, and there is no evidence that he could or could not get a reasonable return. He said he does not see a hardship. He also stated that he does not see evidence that the Village is taking steps to preserve historical buildings. He noted that the setbacks would be greatly in excess of the 20% allowed per code. Mr. Johnston noted that it is an issue of fairness, and if the variance is granted here, we will have to grant variances for others.

Mr. Johnston stated that the unique circumstance is being created by the subdivision of the land.

Mr. Johnston stated that there is no evidence before the Board about the cost of removing the buildings.

Mr. Kosik noted he was questionable on the first standard, but his concern was with the cost to demolish the buildings.

Section 9-10-5 of the Village Code regarding the amortization schedule to remove legal non- conforming buildings, was reviewed by staff and counsel and determined that the building would have to come down immediately upon subdivision of the property.

Roll call vote.

Ayes: Sedlacek, Scaletta, Schildkraut, Kosik

Nays: Johnston

Absent: None

Abstain: None

Motion carried.

V. New Business

A. None this month

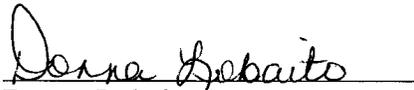
VI. Old Business

A. None this month

VII. Adjournment

Motion by Schildkraut, second by Sedlacek to adjourn the meeting. There being no further business, the Zoning Board of Appeals adjourned at 6:40 p.m.

Respectfully submitted,



Donna Lobaito
Chief Administrative Officer