

**VILLAGE OF HAWTHORN WOODS  
MINUTES FOR MEETING OF ZONING BOARD OF APPEALS  
DATE: DECEMBER 21, 2009  
MINUTES RECORDED BY: MICHAEL SALVI**

I. CALL TO ORDER AND ROLL CALL

Members Present: Susy Rein, Chair  
John Kosik  
Phil LaGro  
David Lindquist  
Michael Salvi

Members Not Present: Jim Kaiser

Village Representative/  
Consultants in Attendance: Donna Lobaito

II. APPROVAL OF PRIOR MEETING'S MINUTES

Prior Meeting Date: November 5, 2009

Motion by John Kosik, seconded by Phil LaGro to approve minutes subject to two (2) amendments:

First, that the specific language for the findings of fact recommended for approval to state as follows:

**"V. FINDINGS**

One set of standards is applicable to the variance request filed by the Applicant: Section 9-16-7 (E) (1a-1c), which establishes standards for variations.

**9-16-7: STANDARDS FOR VARIATIONS**

**9-16-7-E-1a. 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.**

The majority of the committee finds that the gazebo on its proposed location, which would otherwise not be allowed by the Code, would add value to the subject property. The ability to construct the gazebo in the area planned would enhance the use of the property and its enjoyment. The inability to construct or use the gazebo in its proposed location, would adversely affect the return that this property might reasonably yield, because alternative locations are either subject to

substantial vehicular traffic and related noise, conflict with existing septic system layout or both.

***Based on the testimony and evidence presented at the public hearing, the Zoning Board of Appeals hereby finds that this standard will be met.***

**9-16-7-E-1b. That the plight of the owner is due to unique circumstances.**

The majority of the committee finds that the owner is subject to unique circumstances in that his home is the last residence on a dead-end street that terminates in a cul-de-sac, to the east of the property is the vacant State Route 53 right-of-way, to the south is a wetland and to the west is a residence that has no view of the proposed gazebo due to mature landscaping on the owner's property. The homeowner to the west has also indicated they have no objection to the proposed gazebo project.

***Based on the testimony and evidence presented at the public hearing, the Zoning Board of Appeals hereby finds that this standard will be met.***

**9-16-7-E-1c. That the variation, if granted, will not alter the essential character of the locality.**

The majority of the committee finds that the variance will not alter the essential character of the locality, as the subject property is covered with dozens of large, mature trees, with breaks that allow a view of the proposed gazebo location only from the extreme end of Lisa Lane and the cul-de-sac. At those locations on the street that create a view of the proposed gazebo, there is only vacant Route 53 right-of-way and the wetland behind the viewer. There are no homes with a view of the proposed gazebo, and the gazebo will otherwise be surrounded by mature landscaping.

***Based on the testimony and evidence presented at the public hearing, the Zoning Board of Appeals hereby finds that this standard will be met."***

Commissioners voting in favor: John Kosik, Phil LaGro, David Lindquist and Michael Salvi.  
Commissioners opposed: None.

Motion carries and the Minutes are approved with the aforesaid amendments.

Second that the Minutes reflect that Chairperson Susy Rein did not vote, as she is to do so, only in certain situations as called for by ordinance.

III. PUBLIC HEARINGS – NONE THIS MONTH

IV. OLD BUSINESS – NONE THIS MONTH

Motion to adjourn by John Kosik, seconded by Phil LaGro. Commissioners in favor: John Kosik, Phil LaGro, David Lindquist and Michael Salvi. Commissioners opposed: None.

Motion carries and the Zoning Board of Appeals Meeting is adjourned at 7:12 p.m., December 21, 2009.