



MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, JUNE 19, 2019
6:30 P.M.**

MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES – None**
- 4. APPROVAL OF FINAL DECISIONS – None**
- 5. RECEIPT OF APPEARANCES**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
 - a) V-01-19, 303 East Chicago Avenue
- 8. PUBLIC HEARING – None**
- 9. NEW BUSINESS**
- 10. OLD BUSINESS**
- 11. ADJOURNMENT**

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact Darrell Langlois, ADA Coordinator at 630-789-7014 or by TDD at **630-789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

www.villageofhinsdale.org

MEMORANDUM

TO: Chairman Neiman and Members of the Zoning Board of Appeals

FROM: Timothy S Ryan, CBO
Deputy Building Commissioner

DATE: June 11, 2019

RE: Zoning Variation – V-01-19; 19 303 East Chicago Avenue

In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 10-105.A.3(b)(i) for the construction of a detached two-car garage. The applicant is requesting a 7.8' reduction in the required interior side yard from 13.8' to 6.0'.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Chicago between Oak & Park. The property has a frontage of approximately 128', a depth that varies between 66' and 99.86', for a total square footage of approximately 10,615. The maximum FAR is approximately 3,747.6 square feet, the maximum allowable building coverage is 25% or approximately 2,653.75 square feet, and the maximum allowable lot coverage is 50% or approximately 5,307.5 square feet.

Please note the attached copy of Page 4 of the application. Following staff review, corrections are noted in red.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-01-19

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought: Sec. 3-110D.2.(b)(i) and Sec. 3-110D.3.(b) [minimum interior lot side and rear yards]. The Subject Property is a legal nonconforming lot of record.

3. Variation Sought. The precise variation being sought, the purpose therefor, and the specific feature or features of the proposed use, construction, or development that require a variation: (Attach separate sheet if additional space is needed.)

Due to the Subject Property's irregular shape and dimensions, the proposed detached garage cannot be located in the rear 20% of the lot. (The existing legal nonconforming deteriorated garage also is not located in the rear 20%.) For those and other reasons stated herein, Applicant seeks a reduction of the minimum interior lot side yard requirement of 13.8 ft. to 6 ft., and of the rear yard requirement from 25 ft. to 4 ft.-8 in.

4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

The variations sought by Applicant are the minimum variations that are necessary to preserve a significant 100-plus year old Ash tree that Applicant has protected at the Subject Property, to enhance the safe parking and screening of automobiles from the view of neighbors, and to enable safer exit from the Subject Property by eliminating the need for backing out onto Chicago Avenue. It is not possible to locate the improved replacement detached garage on the easterly or other portions of the Subject Property.

5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a variation:

Please see Attachment "H" for Applicant's general explanation and for Applicant's statement regarding compliance with all specific standards for the grant of the variations sought.

(a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.

(b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the

Zoning Calendar No. V-01-19

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

COMPLETE APPLICATION CONSISTS OF TEN (10) COPIES
(All materials to be collated)

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Mr. Paul Swenson

ADDRESS OF SUBJECT PROPERTY: 303 East Chicago Avenue

TELEPHONE NUMBER(S): (of Applicant): 630-697-1540; 630-798-7400, Ext. 114

If Applicant is not property owner, Applicant's relationship to property owner.

Applicant is property owner

DATE OF APPLICATION: June 10, 2019



RECEIVED
CB 6/10/19

SECTION I

Please complete the following:

1. **Owner.** Name, address, and **telephone number** of owner: Mr. Paul Swenson, 303 East Chicago Avenue, Hinsdale, IL 60521; 630-697-1540; 630-798-7400, Ext. 114
2. **Trustee Disclosure.** In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: N/A
3. **Applicant.** Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the subject property: N/A
4. **Subject Property.** Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 303 East Chicago Avenue, Hinsdale, IL 60521 (See Attachment "A" for legal description.)

Consultants. Name and address of each professional consultant advising applicant with respect to this application:

Attorney: Norman V. Chimenti, Esq., 10 S. LaSalle St., Chicago, IL 60603
Architect: Dennis Parsons, Parsons Architects, 28 Springlake Ave., Hinsdale, IL 60521
Arborist: John Finnell, Certified Arborist, Superintendent of Parks and Forestry, Village of Hinsdale

5. **Village Personnel.** Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

(a) N/A

(b) _____

6. **Neighboring Owners.** Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage. (The list of required names and addresses is appended to this Application as Attachment "B.")

After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out,

sign, and notarize the “Certification of Proper Notice” form, returning that form and all certified mail receipts to the Village.

7. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property. Please see Attachment “C”.

8. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. The Subject Property is located in the R-4 Residential Zoning District. Attached to this Application as Attachment “D” is a portion of the Official Map of the Village in which the Subject Property is highlighted, and depicts the use and development of adjacent areas at least 250 feet in all directions from the Subject Property. To the east, south and west of the Subject Property, the area is developed with single family residences in the R-4 District. To the north of the Subject Property, the area is developed with railroad tracks and a railroad right-of-way. To the north of the tracks, the area is developed for use as a hospital and various structures for municipal use.

9. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity. Please see Attachment “E”.

10. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. Please see Attachment “F”.

11. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code. N/A.

SECTION II

When applying for a variation from the provisions of the Zoning Ordinance, you must provide the data and information required above, and in addition, the following:

1. Title. Evidence of title or other interest you have in the Subject Property, date of acquisition of such interest, and the specific nature of such interest. Applicant became the sole owner of the Subject Property on July 30, 1996. Please see Attachment “G” Warranty Deed evidencing title.

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought: Sec. 3-110D.2.(b)(i) and Sec. 3-110D.3.(b) [minimum interior lot side and rear yards]. The Subject Property is a legal nonconforming lot of record.

3. Variation Sought. The precise variation being sought, the purpose therefor, and the specific feature or features of the proposed use, construction, or development that require a variation: (Attach separate sheet if additional space is needed.)

Due to the Subject Property's irregular shape and dimensions, the proposed detached garage cannot be located in the rear 20% of the lot. (The existing legal nonconforming deteriorated garage also is not located in the rear 20%.) For those and other reasons stated herein, Applicant seeks a reduction of the minimum interior lot side yard requirement of 13.8 ft. to 6 ft., and of the rear yard requirement from 25 ft. to 4 ft.-8 in.

4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

The variations sought by Applicant are the minimum variations that are necessary to preserve a significant 100-plus year old Ash tree that Applicant has protected at the Subject Property, to enhance the safe parking and screening of automobiles from the view of neighbors, and to enable safer exit from the Subject Property by eliminating the need for backing out onto Chicago Avenue. It is not possible to locate the improved replacement detached garage on the easterly or other portions of the Subject Property.

5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a variation:

Please see Attachment "H" for Applicant's general explanation and for Applicant's statement regarding compliance with all specific standards for the grant of the variations sought.

(a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.

(b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the

provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

(c) Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

(d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

(e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

(f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that:

- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
- (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (3) Would substantially increase congestion in the public streets due to traffic or parking; or \
- (4) Would unduly increase the danger of flood or fire; or
- (5) Would unduly tax public utilities and facilities in the area; or
- (6) Would endanger the public health or safety.

(g) No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project. (Attach separate sheet if additional space is needed.)

SECTION III

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as

the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements. Please see Attachment "I", consisting of architectural Site Plan, Elevations and Plans & Section for the replacement detached garage. Please also refer to Group Attachment "J" for four photos depicting the Ash tree and its location, the location and fencing of the angled rear lot line and the dilapidated existing detached garage.

2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. Again, please refer to Attachment "I" for bulk zoning and other zoning information pertaining to both the existing lot and improvements, and to the proposed detached garage. With the exception of the relief sought in this Application, the Subject Property and its uses are fully in compliance with the requirements of the Zoning Code as a legal nonconforming lot and pursuant to previously granted variances, as was also determined by the ZBA in 2003 in its Final Decision in Zoning Calendar V-5-03.

SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a non-refundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.

2. Additional Escrow Requests. Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.

3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the Application, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

SECTION V

The owner states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

Name of Owner: Mr. Paul Swenson

Signature of Owner:

Paul Swenson

Name of Applicant: Mr. Paul Swenson

Signature of Applicant:

Paul Swenson

ATTACHMENT A

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

THAT PART OF BLOCK 10 AND THE VACATED PORTION OF CHICAGO AVENUE ADJOINING SAID BLOCK 10 TO THE SOUTH IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF CHICAGO AVENUE (AS LOCATED AND ESTABLISHED IN 1944) 530.0 FEET WEST OF THE WEST LINE OF OAK STREET, AS MEASURED ON SAID NORTH LINE OF CHICAGO AVENUE; THENCE WEST ALONG SAID NORTH LINE OF CHICAGO AVENUE, 128.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF OAK STREET, 66.87 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY (AS LOCATED AND ESTABLISHED IN 1944); THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, TO A POINT ON A LINE WHICH IS 530.0 FEET WEST OF AND PARALLEL WITH SAID WEST LINE OF OAK STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF OAK STREET, 99.86 FEET TO THE PLACE OF BEGINNING, IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1868 AS DOCUMENT 9611, IN DU PAGE COUNTY, ILLINOIS.

ATTACHMENT B
TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

Subject Property:
303 East Chicago Avenue
Hinsdale, Illinois 60521
(PIN: 09-01-420-013)

<u>PIN's of Neighboring Properties</u>	<u>Owner of Record and Street Address</u>
09-12-203-017	Steven and Linda Swenson 2 South Elm Street Hinsdale, IL 60521
09-12-203-018	Frank Heidler IV 6 South Elm Street Hinsdale, IL 60521
09-12-203-019	Kerry Lynch 10 South Elm Street Hinsdale, IL 60521
09-12-203-020 09-12-203-027	Robert Stegman 14 South Elm Street Hinsdale, IL 60521
09-12-203-004	Jason Caliento 222 East Chicago Avenue Hinsdale, IL 60521
09-12-204-001 09-12-204-002	Neal and Efrain Johnson 304 East Chicago Avenue Hinsdale, IL 60521
09-12-204-003	Thomas Zoells 13 South Elm Street Hinsdale, IL 60521
09-12-204-017	Robert Perna 2 Orchard Place Hinsdale, IL 60521
09-12-204-019	Kevin and Theresa McClear 22 Orchard Place Hinsdale, IL 60521

Attachment B – Page 2

09-01-420-001

09-01-420-002

Michelle Kennedy
245 East Chicago Avenue
Hinsdale, IL 60521

09-01-420-014

Arleen Doyle
309 East Chicago Avenue
Hinsdale, IL 60521

09-01-420-006

B&K Klimkowski Franks
317 East Chicago Avenue
Hinsdale, IL 60521

09-01-420-015

Peter and Sarah Hagerman
323 East Chicago Avenue
Hinsdale, IL 60521

09-01-419-001

09-01-419-002

Village of Hinsdale
19 E. Chicago Ave.
Hinsdale, IL 60521

09-01-416-001

AHS Midwest Region
c/o Elm Street Property Management
120 North Oak Street
Hinsdale, IL 60521

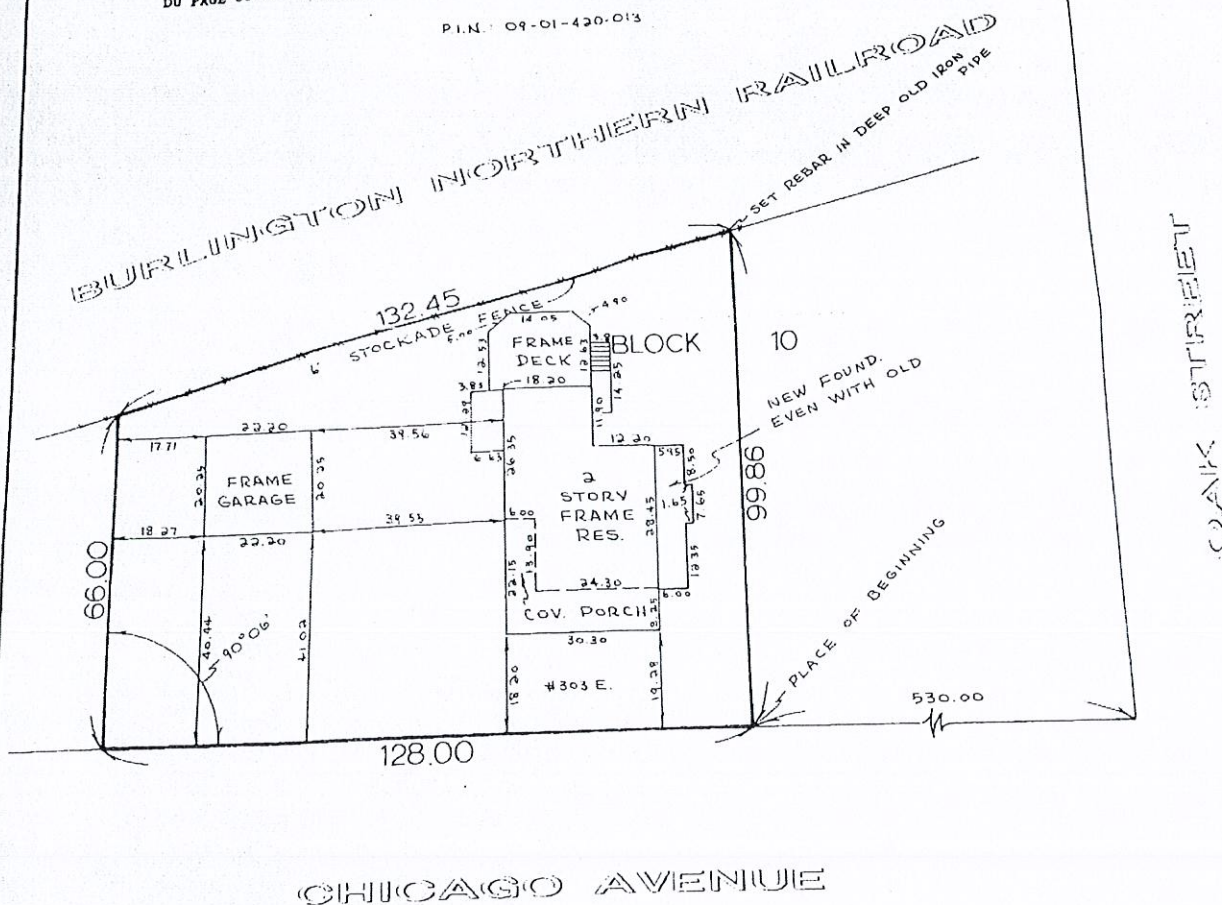
ATTACHMENT C

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUEPLAT OF SURVEY
of

THAT PART OF BLOCK 10 AND THE VACATED PORTION OF CHICAGO AVENUE ADJOINING SAID BLOCK 10 TO THE SOUTH IN ALFRED WALKER'S ADDITION TO THE TOWN OF MINDALE, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF CHICAGO AVENUE (AS LOCATED AND ESTABLISHED IN 1944) 530.0 FEET WEST OF THE WEST LINE OF OAK STREET, AS MEASURED ON SAID NORTH LINE OF CHICAGO AVENUE; THENCE WEST ALONG SAID NORTH LINE OF CHICAGO AVENUE, 128.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF OAK STREET, 66.87 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY (AS LOCATED AND ESTABLISHED IN 1944); THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, TO A POINT ON A LINE WHICH IS 530.0 FEET WEST OF AND PARALLEL WITH SAID WEST LINE OF OAK STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF OAK STREET, 99.86 FEET TO THE PLACE OF BEGINNING, IN ALFRED WALKER'S ADDITION TO THE TOWN OF MINDALE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1868 AS DOCUMENT 9611, IN DU PAGE COUNTY, ILLINOIS.

SCALE 1" = 30'

P.I.N. 09-01-420-013

State of Illinois
County of DuPage } ss

This is to certify that I, RONALD W. SCOTT, Illinois Land Surveyor No. 1630, have surveyed the above described property as shown on the annexed Plat, which is a correct representation of said survey. All distances are in feet and decimals thereof, and are corrected to a temperature of 68° Fahrenheit.

Given under my hand and seal this 26th day of March A.D. 1996

Ronald W. Scott (Seal)
Illinois Land Surveyor No. 1630

For Building Restrictions and
Easements refer to your Ab-
stract, Deed, Guarantee Policy
and Local Ordinances.

COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE AT ONCE

NEW FOUND. LOCATED
AUG. 30, 2003

Ronald W. Scott

DECK AND NEW FOUND.
LOCATED AUG. 7, 2003

Ronald W. Scott

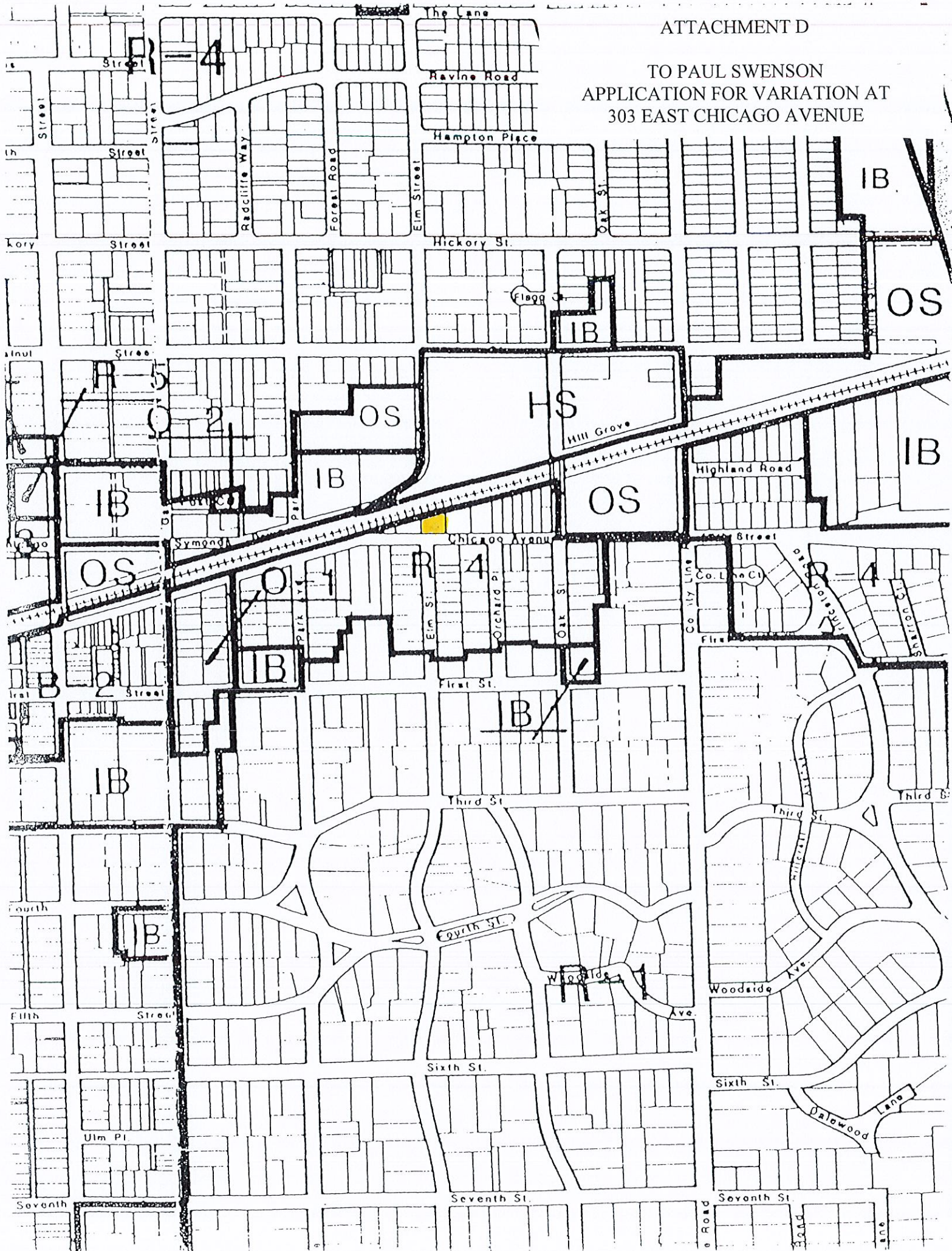
IRON PIPES AT ALL
CORNERS UNLESS
OTHERWISE NOTED.

JOB NO. 5493
BOOK E-20 PAGE 52
DRAWN BY R.W.S.
CHECKED BY B.L.W.

exp. 11/04

ATTACHMENT D

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE



ATTACHMENT E

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

The approval of the Zoning Board of Appeals being sought by Applicant conforms to the Village Official Comprehensive Plan and the Official Map. As stated in Section I, Paragraph 9 of this Application, the Subject Property is located in the R-4 District and its uses and development conform to those permitted in that District. In addition, the approval being sought furthers the objectives of the Village's Plan and Zoning Code by continuing the appropriate use of an individual parcel of land in the Village, by maintaining single family homes and accessory structures as the principal land use in the Village, by complying with the bulk and density limitations of the Zoning Code to preserve the existing scale of development in the Village, by preserving natural resources and aesthetic amenities, by promoting safety and convenient access to property, and by enhancing the general welfare of the Village.

ATTACHMENT F

TO PAUL SWENSON APPLICATION FOR VARIATION AT 303 EAST CHICAGO AVENUE

Applicant seeks the Board's approval to locate a portion of an improved new legal nonconforming detached garage in side and rear yards required by the Zoning Code. The existing detached garage is in a deteriorated condition and is beyond repair, and is accessory to a 125-year old farm house that has been renovated by Applicant. The proposed location of the replacement detached garage is dictated by the irregular shape of Applicant's lot and by the location of a 100-plus year old Ash tree that Applicant seeks to preserve. Applicant believes that the specific standards for granting the variation sought in the Application are met, as detailed in Attachment "H" (Section II, Paragraph 5) of this Application. The Board has authority to grant the relief sought by Applicant. Applicant proposes to demonstrate to the Board that each of the standards articulated as conditions for approval are satisfied by the facts underlying this Application. To that end, Applicant has conferred with legal counsel, obtained the opinion and recommendations of the Village's certified arborist, engaged the services of a professional architect who also is a resident of the Village, and has met or will meet and/or correspond with abutting and other neighbors to describe the Zoning Code relief being sought from the Board and the proposed replacement garage in order to obtain their support of this Application.

R96-130127

96 AUG -7 PM 3:00

RECORDER
DU PAGE COUNTY

Blaney

After recording, mail to:

ATTACHMENT G

Mark Becker
1105 West Burlington Avenue
Western Springs, IL ~~60588~~
60558

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

1500/3
BP

WARRANTY DEED
Individual to Individual

THIS DEED is made as of this 30th day of July, 1996, by Gregory J. Tamm married to Mary Beth Claffey-Tamm of the City of the Chicago in the County of Cook and State of Illinois, Grantors, to Paul F. Swenson, a single person, 241 Cascade Drive, Indian Head Park, IL 60575, Grantee.

Grantor, for and in consideration of the sum of Ten Dollars and No/100ths and other good and valuable consideration, convey(s) and warrant(s) to Grantee, the following described Real Estate, to-wit:

THAT PART OF BLOCK 10 AND THE VACATED PORTION OF CHICAGO AVENUE ADJOINING SAID BLOCK 10 TO THE SOUTH IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF CHICAGO AVENUE (AS LOCATED AND ESTABLISHED IN 1944) 530.0 FEET WEST OF THE WEST LINE OF OAK STREET, AS MEASURED ON SAID NORTH LINE OF CHICAGO AVENUE; THENCE WEST ALONG SAID NORTH LINE OF CHICAGO AVENUE, 128.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF OAK STREET, 66.87 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY (AS LOCATED AND ESTABLISHED IN 1944); THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, TO A POINT ON A LINE WHICH IS 530.0 FEET WEST OF AND PARALLEL WITH SAID WEST LINE OF OAK STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF OAK STREET, 99.86 FEET TO THE PLACE OF BEGINNING, IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1868 AS DOCUMENT 9611, IN DU PAGE COUNTY, ILLINOIS.

CHARGE CTI DU PAGE

KTW 108874 . 1

E# 96045144 g# 9607988 W 1

situated in the County of Du Page, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

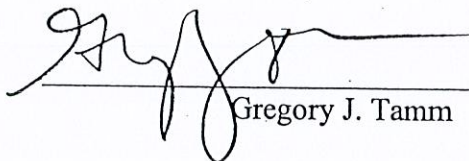
To have and to hold the Real Estate unto Grantee forever.

Permanent Real Estate Number: 09-01-420-013

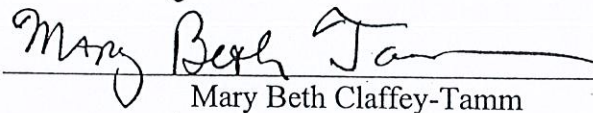
Address of Real Estate: 303 East Chicago Avenue
Hinsdale, IL 60521

Subject To: a) General real estate taxes not due and payable at time of closing;
b) Special assessments, if any, confirmed after the contract Date of June 17, 1996;
c) Building, building line and use or occupancy restrictions, conditions and covenants of records;
d) Zoning laws and Ordinances;
e) Easements for public utilities;
f) Drainage ditches, feeders, laterals and drain tile, pipe or other conduit; and
g) Party walls, party wall rights and agreements; terms provisions, covenants, conditions and restrictions, if any.

IN WITNESS WHEREOF, Grantors have executed this Deed as of the day and year first above written.



Gregory J. Tamm



Mary Beth Claffey-Tamm

This instrument was prepared by: Heath R. Fear
Pedersen & Houpt, P.C.
161 North Clark Street
Suite 3100
Chicago, Illinois 60601

Tax bills should be mailed to: Paul F. Swenson
303 East Chicago Avenue
Hinsdale, IL 60521

R96-130127

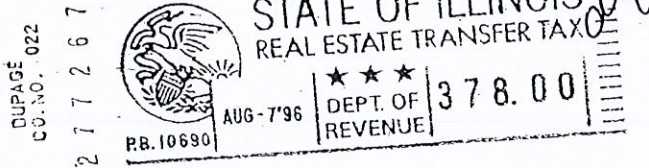
STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that Gregory J. Tamm and Mary Beth Claffey-Tamm personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 30th day of July, 1996.

Elizabeth F. Finkbe
Notary Public

Commission expires Aug. 26, 1996



ATTACHMENT H

TO PAUL SWENSON APPLICATION FOR VARIATION AT 303 EAST CHICAGO AVENUE

A strict application of relevant provisions of the Zoning Code create a particular hardship or practical difficulty due the unique shape and dimensions of the Subject Property, cramped and potentially unsafe access to Chicago Avenue, and the location of a significant 100-plus year old Ash tree in proximity to the existing deteriorated detached garage to be demolished and replaced, as more fully described below. These extraordinary conditions are peculiar to, and inherent to the Subject Property and the existing pre-Code principal residence (itself a significant 125-year old farmhouse renovated by Applicant in 2003), and amount to more than mere inconvenience to Applicant. Such unique conditions relate to, or arise out of the Subject Property, rather than the personal situation of Applicant.

(a) Unique Physical Condition.

The current detached garage is in its original location, it has outlived its useful lifespan, and is atypical of the community and of the immediate neighborhood in which a significant amount of new construction has occurred. The repair of the existing legally noncompliant and deteriorating structure in place (which would be permitted by the Code) is not a viable option, nor would it serve the objectives of the Village's Plan and Code. Unlike the renovated residence at the Subject Property, the current dilapidated detached garage has no historical, aesthetic or practical value in its present state, and the community as a whole, and the immediate neighborhood, would benefit from its replacement.

Unlike properties in the block to the east of the Subject Property, the Subject Property is wider than it is deep, due to the angled railroad right-of-way forming the northerly property line. The depth of properties in the block to the east is greater than the Subject Property, thereby widening the "building envelope" for detached garages that may be located 2 ft. from side lot lines in the rear 20% of those properties. (Please see Attachment "D" to this Application.) Under the formulas contained in the Code, the unique dimensions of the Subject Property have the effects (1) of limiting the rear 20% of the Subject Property to a narrow 12-foot strip at the westerly lot line and located a mere 54 ft. from the front lot line; and (2) and, as a consequence of being unable to locate a detached garage within the rear 20% of the lot, of moving the required westerly side yard building line to an atypical distance of 13.8 ft. and the required rear yard building line to 25 ft. (which is a distance of 6 ft.-8 in. from the front yard required by the Code).

The physical conditions of the Subject Property described above are coupled with the location of the significant Ash tree that would be destroyed if a side yard setback of 13.8 ft. were required. Together, the singular irregular dimensions and shape of the Subject Property, the location of the significant tree, and the restored 125-year old farmhouse add up to unique physical conditions at the Subject Property. All of the foregoing physical conditions, each atypical of the community in themselves and completely unique in their combination, arise out of the Subject Property and

not out of the personal situation of Applicant. Those conditions would affect any owner of the Subject Property.

The Zoning Board of Appeals previously recognized the unique physical condition of the Subject Property when in 2003 this Honorable Board granted Applicant's request for variations in Zoning Calendar V-5-03 to enable Applicant to renovate the farmhouse principal residence. The variances granted in that instance were a reduction of the required front yard and a reduction of the required rear yard. In its Final Decision, the ZBA stated in part, "The Board reviewed the information and evidence presented and agreed that there was a hardship to this property for any kind of improvement and that *some type of variation would be needed for virtually any other improvement . . .*" [emphasis supplied].

(b) Not Self-Created.

None of the foregoing unique physical conditions were created by action or inaction of Applicant/Owner. They existed at the time Applicant purchased the Subject Property in 1996. They were not fully known to Applicant at the time of purchase, and they were not created by government action without compensation, other than the enactment of the Code subsequent to the construction of the existing detached garage.

(c) Denied Substantial Rights.

Owners of other lots in the Village are permitted to fully locate and utilize detached garages that do not strictly conform to the requirements of the Code. Variations in the Code have been granted by the Board to enable such utilization by other residents of nonconforming detached garages based on factors such as irregularly shaped lots and preservation of significant natural amenities such as trees. Upon observation, Applicant believes that other nonconforming detached garages are maintained by residents in the vicinity of the Subject Property. Denial of the relief sought in this Application would prevent Applicant from the full benefit of rights enjoyed by other residents of the Village.

(d) Not Merely Special Privilege.

Applicant seeks no special privilege, but merely seeks approval to utilize his property in the same manner as other residents of the Village, and to construct an improvement that is consistent with the objectives of the Plan and Code. Applicant is not pursuing rights not available to other residents or seeking to personally profit from the relief from a strict application of the Zoning Code that is requested in this Application.

(e) Code and Plan Purposes.

As detailed elsewhere in this Application, it is respectfully submitted that Code and Plan purposes are best served by the Board's approval of the Code variances sought by Applicant. The replacement of the existing deteriorated detached garage with an attractive and tastefully designed new one and the preservation of the Ash tree would result in a use of the Subject

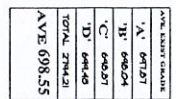
Property which is in harmony with the general and specific purposes of the Zoning Code and Official Comprehensive Plan.

(f) Essential Character of the Area.

Grant of the requested variance would have none of the consequences enumerated in subparagraphs (1) through (6) of this subsection.

(g) No Other Remedy.

For all of the reasons stated in this Application, only by the grant of the requested variation would Applicant be permitted a reasonable use of the Subject Property without adverse consequences both to Applicant and to the Village and to Applicant's neighbors.



1. THE PROTECTION MEASURES SUCH AS TIE BACKS AND ROOT PROTECTION REQUIRED SHOULD BE CORRELATED WITH THE CONSTRUCTION ACTIVITY IN ORDER TO AVOID CONFLICTS AND TO MINIMIZE THE TIME REQUIRED TO INSTALL THEM. THE PROTECTION MEASURES SHOULD BE INSTALLED BEFORE THE CONSTRUCTION PROCEEDS.

2. THE PROTECTION MEASURES SHOULD BE REMOVED AS THE CONSTRUCTION PROCEEDS.

3. A SHOULDER IS NECESSARY TO INSTALL THE TIE BACKS LARGER THAN 3" DIA. SINCE THE TIE BACKS NO OTHER ALTERNATIVE IS FEASIBLE. IN AREAS SMALLER THAN 3' WIDE, THE TIE BACKS SHOULD BE INSTALLED ON THE SHOULDER. THERE WILL BE NO PROBLEM WITH THE SHOULDER BEING REMOVED.

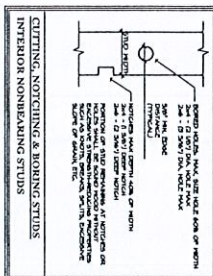
4. REINFORCED EQUIPMENT MATERIALS OR SURFING SHOULD BE USED TO PROTECT THE TIE BACKS FROM THE CONSTRUCTION EQUIPMENT.

5. THE PROTECTION MEASURES SHOULD BE CORRELATED WITH THE CONSTRUCTION ACTIVITY IN ORDER TO AVOID CONFLICTS AND TO MINIMIZE THE TIME REQUIRED TO INSTALL THEM.

6. THE PROTECTION MEASURES SHOULD BE REMOVED AS THE CONSTRUCTION PROCEEDS.

DATE	DESCRIPTION	AMOUNT	BALANCE
1/1/80	Balance Forward		100.00
1/15/80	Check #100	25.00	75.00
2/1/80	Deposit	50.00	125.00
2/15/80	Check #101	10.00	115.00
3/1/80	Deposit	75.00	190.00
3/15/80	Check #102	30.00	160.00
4/1/80	Deposit	60.00	220.00
4/15/80	Check #103	15.00	205.00
5/1/80	Deposit	80.00	285.00
5/15/80	Check #104	20.00	265.00
6/1/80	Deposit	90.00	355.00
6/15/80	Check #105	35.00	320.00
7/1/80	Deposit	100.00	420.00
7/15/80	Check #106	40.00	380.00
8/1/80	Deposit	110.00	490.00
8/15/80	Check #107	45.00	445.00
9/1/80	Deposit	120.00	565.00
9/15/80	Check #108	50.00	515.00
10/1/80	Deposit	130.00	645.00
10/15/80	Check #109	55.00	590.00
11/1/80	Deposit	140.00	730.00
11/15/80	Check #110	60.00	670.00
12/1/80	Deposit	150.00	820.00
12/15/80	Check #111	65.00	755.00
1/1/81	Balance Forward		755.00

A New Garage For:
PAUL SWENSON

[illegible]

- ALL CHARGES ARE IN COMPLIANCE WITH THE FOLLOWING CODES:
- 200 INTERNATIONAL RESIDENTIAL CODE
 - 2005 NATIONAL ELECTRICAL CODE (NEC)
 - 200 INTERNATIONAL DRY CODE WITH STATE AMENDMENTS
 - 2004 ILLINOIS PLUMBING CODE
 - VARIANCE OF RESIDENTIAL ZONING CODE & AMENDMENTS

under my direct supervision, the attached plans and specifications and state that, to the best of my knowledge and belief and to the extent of my contractual obligation, they are in compliance with all applicable building codes and ordinances of the Village of JUNSDALE, Illinois.

Signed: _____ Architect
 J.L. REGISTRATION # 001-016154
 License Expires 11-2020

ANY DELINQUENT DOCUMENTS WILL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE AGENT BEFORE PROCEEDING WITH THE WORK.

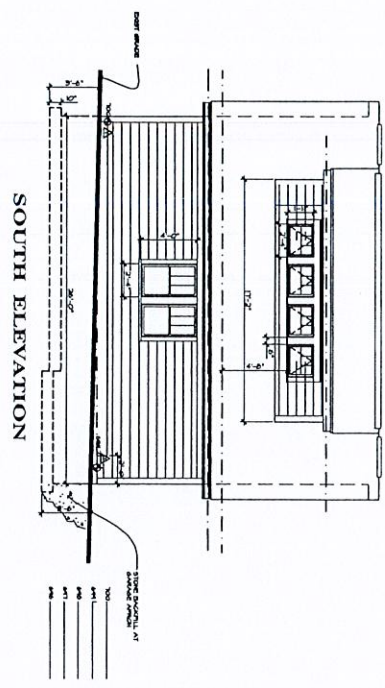


PARSONS
ARCHITECTS, LLC

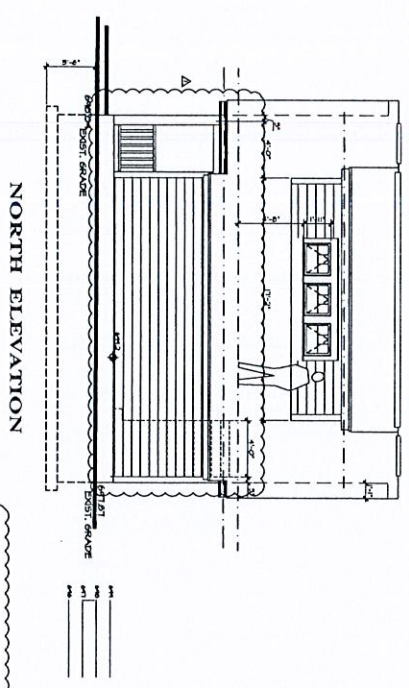
28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8133
EMAIL: AP@ARCHIBUILD.COM OR TE@TELL.COM

PLAN

A1

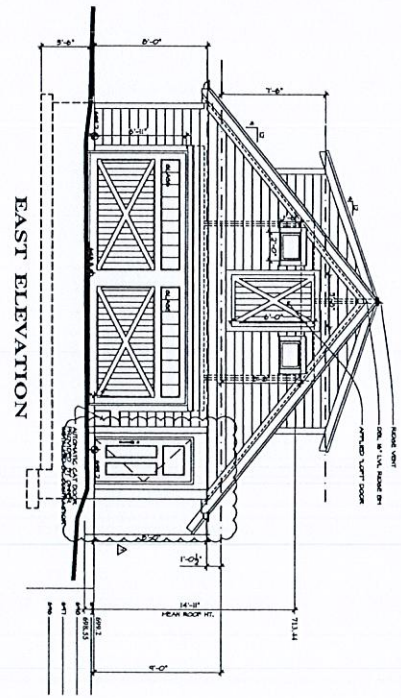


SOUTH ELEVATION

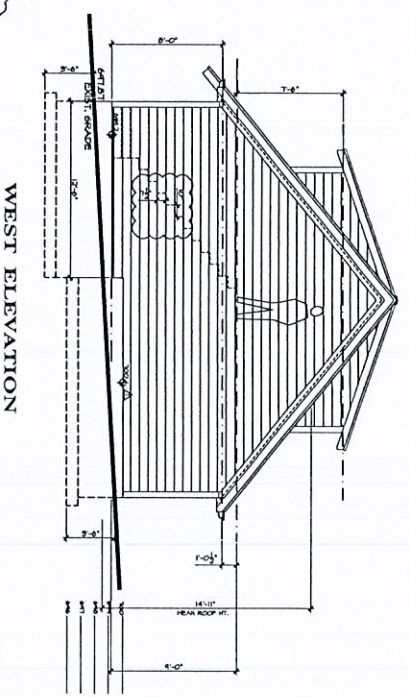


NORTH ELEVATION

NOTE
ALL EXIST GRADES WILL REMAIN UNCHANGED. THE TOPS OF FOUNDATION HAVE BEEN REVISED TO ACCOMMODATE THIS



EAST ELEVATION



WEST ELEVATION

NOT TO SCALE
FOR INFORMATION ONLY
DO NOT CONSTRUCT
ON THIS DRAWING

SHEET
A2
OF 3 SHEETS

ELEVATIONS

DATE: 6-22-14
SCALE: AS NOTED
DRAWN BY: DGP
CHECKED BY: DGP

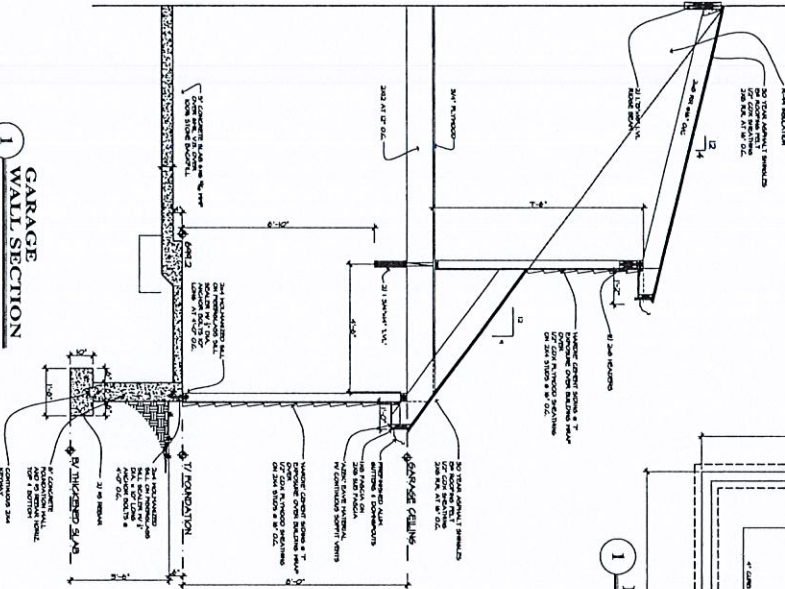
A NEW GARAGE FOR:
PAUL SWENSON
30 CHICAGO AVE
HINSDALE, IL

PARSONS
ARCHITECTS, LLC

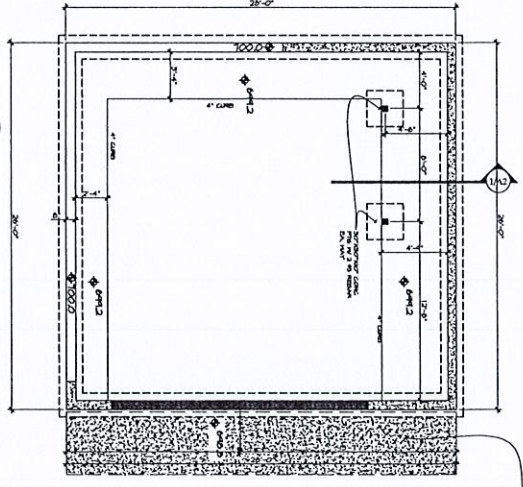
28 SPRINGLACE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8135
WWW.PARSONSARCHITECTS.COM

REVISIONS	REV	DATE
1	2-8-14	
2	3-1-14	
3	4-1-14	

1 GARAGE WALL SECTION
1/2" = 1'-0"

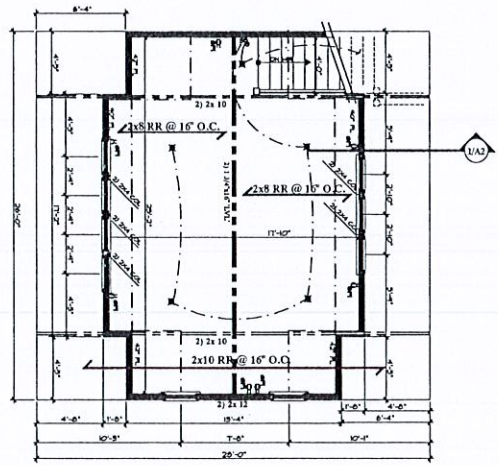


1 FOUNDATION PLAN

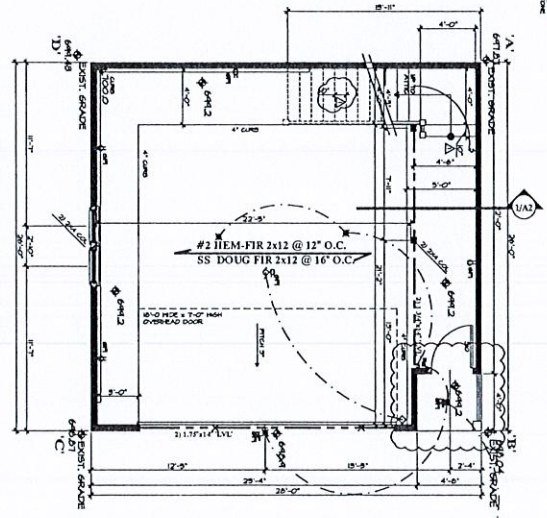


NOTE
ALL EXIST GRADES WILL REMAIN UNCHANGED. THE EXISTING FOUNDATION HAVE BEEN REVISED TO ACCOMMODATE THIS

1 ATTIC FLOOR PLAN



1 FIRST FLOOR PLAN



ALL DIMENSIONS SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE UNLESS OTHERWISE NOTED.

A3

PLANS & SECTION
SHEET 34-6773

A NEW GARAGE FOR:
PAUL SWENSON
301 CHICAGO AVE
HINSDALE, IL

PARSONS
ARCHITECTS, LLC

28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.6135
WWW.PARSONSARCHITECTS.COM

REVISIONS	DATE	BY	CHK
1	10/1/13	AS	AS
2	10/1/13	AS	AS
3	10/1/13	AS	AS

GROUP ATTACHMENT J

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

[Four Photographs Follow]



