



MEETING AGENDA

LEGAL NOTICE:

SPECIAL MEETING OF THE VILLAGE OF HINSDALE BOARD OF TRUSTEES

Notice is hereby given that the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties, Illinois, will hold a Special Meeting commencing at the hour of 6:30 p.m. on Wednesday, July 29, 2020 by teleconference for the purpose of discussing the topics noted on the following Agenda.

On June 26, 2020, Governor Pritzker entered the latest in a string of emergency declarations related to the COVID-19 pandemic. In light of that declaration, and consistent with various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, this meeting will be conducted electronically. The meeting will still be broadcast live on Channel 6 and the Village website.

Public comments are welcome on any topic related to the business of the Village Board at Regular and Special Meetings. Residents may provide comments by email or in writing to the Village Clerk prior to 4:30 p.m. on the day of the meeting. Emailed comments may be sent to Village Clerk Christine Bruton at cbruton@villageofhinsdale.org. Written comments may be submitted to the attention of the Village Clerk at 19 E. Chicago Avenue, Hinsdale, Illinois 60521.

In addition, Public comment during the meeting may be made as follows:

By Conference Call: dial 312.667.4792 Conference Code 581537.

By Zoom from your computer or mobile device:

Click on this link: <https://rb.gy/pxqp95>

Passcode: 150387

By Zoom dial in: 1 301 715 8592

Webinar ID: 819 4125 6330

Password: 150387

If you have questions regarding communication to the Board during the meeting, please contact Assistant Village Manager/Director of Public Safety Brad Bloom at 630.789.7007.

SPECIAL MEETING OF THE VILLAGE BOARD OF TRUSTEES Wednesday, July 29, 2020 6:30 P.M.

This meeting will be conducted electronically. A live audio stream of the meeting will be available to the public via Channel 6 or on the Village website

(Tentative and Subject to Change)

1. CALL TO ORDER/ROLL CALL

2. CITIZENS' PETITIONS* (Pertaining to items appearing on this agenda)

3. FIRST READINGS – INTRODUCTION**

*Items included for First Reading - Introduction may be disposed of in any one of the following ways: (1) moved to Consent Agenda for the subsequent meeting of the Board of Trustees; (2) moved to Second Reading/Non-Consent Agenda for consideration at a future meeting of the Board of Trustees; or (3) referred to Committee of the Whole or appropriate Board or Commission. (Note that zoning matters will not be included on any Consent Agenda; all zoning matters will be afforded a First and a Second Reading. Zoning matters indicated below by **.)*

Zoning & Public Safety (Chair Stifflear)

- a) Approve an Ordinance Approving Variations for Property Located at 318 S. Garfield Street, Hinsdale, Illinois – Case Number V-04-20**

4. CITIZENS' PETITIONS* (Pertaining to any Village issue)

5. TRUSTEE COMMENTS

6. CLOSED SESSION– 5 ILCS 120/2(c) (1)/(2)/(3)/(5)/(8)/(11)/(21)

7. ADJOURNMENT

*The opportunity to speak to the Village Board pursuant to the Citizens' Petitions portions of a Village Board meeting agenda is provided for those who wish to comment on an agenda item or Village of Hinsdale issue. The Village Board appreciates hearing from our residents and your thoughts and questions are valued. The Village Board strives to make the best decisions for the Village and public input is very helpful. Please announce your name and address before commenting.

*****The Village Board reserves the right to take final action on an Item listed as a First Reading if, pursuant to motion, the Board acts to waive the two reading policy.***

******Routine items appearing on the Consent Agenda may include those items that have previously had a First Reading, the Accounts Payable and previously-budgeted items that fall within budgetary limitations and have a total dollar amount of less than \$500,000.***

*******Items included on the Non-Consent Agenda due to "emergency nature or time sensitivity" are intended to be critical business items rather than policy or procedural changes. Examples might include a bid that must be awarded prior to a significant price increase or documentation required by another government agency to complete essential infrastructure work.***

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 promptly contact Darrell Langlois, ADA Coordinator, at 630-789-7014 or by TDD at 630-789-7022 to allow the Village of Hinsdale to make reasonable accommodations for those persons.

Website <http://villageofhinsdale.org>



REQUEST FOR BOARD ACTION
Community Development

AGENDA SECTION: First Reading - ZPS

SUBJECT: Consideration of a Request for Variation-318 S. Garfield Avenue

MEETING DATE: July 29, 2020

FROM: Robert McGinnis, Director of Community Development/Building Commissioner

Recommended Motion

Approve an ordinance approving a variation from Sections 3-110(E)(2) and 3-110(G) of the Village of Hinsdale Zoning Ordinance at 318 S. Garfield Avenue, Hinsdale, IL – Case Number V-04-20.

Background

In this application for variation, the applicant requests relief from the Floor Area Ratio (FAR) and Total Lot Coverage requirements set forth in section 3-110(E)(2) and 3-110(G) of the Code in order to enlarge a sunroom. The specific request is for an increase of 96 square feet.

Discussion & Recommendation

Following a public hearing held on July 15, 2020, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") recommended approval of the Requested Variations on a vote of seven (7) in favor and zero (0) opposed, and zero (0) absent.

Budget Impact

N/A

Village Board and/or Committee Action

Documents Attached

1. Draft Ordinance
2. Approved Findings of Fact and Recommendation
3. ZBA Application
4. Transcript

VILLAGE OF HINSDALE

ORDINANCE NO. _____

AN ORDINANCE APPROVING VARIATIONS FOR PROPERTY LOCATED AT 318 S. GARFIELD STREET, HINSDALE, ILLINOIS –CASE NUMBER V-04-20

WHEREAS, the Village of Hinsdale has received an application (the "Application") from Thomas and Amy Prame (the "Applicant") seeking variations for property located at 318 S. Garfield Street, Hinsdale, Illinois (the "Property"); and

WHEREAS, the Property is located in the R-4 Single-Family Residential Zoning District and is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, the Application has been referred to the Zoning Board of Appeals of the Village, and has been processed in accordance with the Hinsdale Zoning Code (the "Zoning Code"), as amended; and

WHEREAS, the variations sought by the Applicant are from the floor area ratio (FAR) and lot coverage requirements set forth in subsections 3-110(E)(2) and 3-110(G) of the Zoning Code (the "Requested Variations"). The Requested Variations are sought relative to replacement of an existing porch with a 96 square foot expansion of an existing sunroom/four-season room; and

WHEREAS, on July 15, 2020, the Zoning Board of Appeals of the Village of Hinsdale held a public hearing pursuant to notice given in accordance with State law and the Zoning Code, relative to the Requested Variations; and

WHEREAS, the Zoning Board of Appeals, after considering all of the testimony and evidence presented at the public hearing, recommended approval of the Requested Variations on a vote of seven (7) in favor and zero (0) opposed; and

WHEREAS, the Zoning Board of Appeals has filed its report of Findings and Recommendation regarding the Requested Variations in Case Number V-04-20 with the President and Board of Trustees, a copy of which is attached hereto as **Exhibit B** and made a part hereof; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale have reviewed and duly considered the Findings and Recommendation of the Zoning Board of Appeals, and all of the materials, facts, and circumstances related to the Application; and

WHEREAS, the President and Board of Trustees find that the Application satisfies the standards established in Section 11-503 of the Hinsdale Zoning Code governing variations.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

SECTION 1: Recitals. The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

SECTION 2: Adoption of Findings and Recommendation. The President and Board of Trustees of the Village of Hinsdale approve and adopt the findings and recommendation of the Zoning Board of Appeals, a copy of which is attached hereto as **Exhibit B** and made a part hereof, and incorporate such findings and recommendation by reference as if fully set forth herein.

SECTION 3: Variations. The President and Board of Trustees, acting pursuant to the authority vested in them by the laws of the State of Illinois and Subsection 11-503(A) of the Hinsdale Zoning Code, grant the Requested Variations to subsections 3-110 (E)(2) and 3-110(G) of the Zoning Code to allow for FAR and lot coverage relief necessary to construct a 96 square feet expansion of the existing four-season room/sun room in the residence located on the Property at 318 S. Garfield Street in the R-4 Single-Family Residential Zoning District.

SECTION 4: Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance, and all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this _____ day of _____ 2020.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____ 2020 and attested by the Village Clerk this same day.

Thomas K. Cauley, Jr., Village President

ATTEST:

Christine M. Bruton, Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

LOT 1 IN RESUBDIVISION OF LOT 4 (EXCEPT THE WEST 75 FEET THEREOF) IN BLOCK 10 OF THE PLAT OF THE TOWN OF HINSDALE, IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 25, 1967 AS DOCUMENT R67-02591, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 318 S. Garfield Street, Hinsdale, Illinois
PIN: 09-12-131-009

EXHIBIT B

FINDINGS OF FACT

(ATTACHED)

**FINDINGS OF FACT AND RECOMMENDATION OF THE
VILLAGE OF HINSDALE ZONING BOARD OF APPEALS TO
THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES**

ZONING CASE NO: V-04-20

PETITIONER: Thomas and Amy Prame

APPLICATION: For a Variation from the floor area ratio requirements and total lot coverage requirements set forth in subsections 3-110 (E)(2) and 3-110(G) of the Zoning Code of the Village of Hinsdale ("Zoning Code"), in order to enlarge an existing sunroom/four-season room.

MEETING HELD: A Public Hearing was held electronically on Wednesday, July 15, 2020, pursuant to a notice published in The Hinsdalean on June 18, 2020.

PROPERTY: The subject property is commonly known as 318 S. Garfield Street, Hinsdale, Illinois (the "Property").

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Thomas and Amy Prame, property owners of 318 S. Garfield, (the "Applicants") for a variation from the floor area ratio (FAR) requirements set forth in subsections 3-110 (E)(2) and 3-110(G) of the Zoning Code in order to enlarge a sunroom/four-season room (the "Requested Variations"). The specific request is for 96 square feet of relief. The Property is a conforming lot located in the R-4 Residential District in the Village of Hinsdale and is located on the west side of Garfield just south of 3rd Street. The Property is approximately 86'x175' for approximately 15,082 square feet of lot area. The maximum permitted FAR is 4,819.68 sf. The existing FAR is 5,455.53 sf. The maximum permitted Lot Coverage is 7,541 sf. The existing Lot Coverage is 8,135.04 sf.

The Board of Trustees, upon a recommendation from the Zoning Board of Appeals of the Village of Hinsdale ("ZBA"), has final authority over the Requested Variations.

The Requested Variations are described in more detail in the Application, a copy of which is attached hereto as **Exhibit A** and made a part hereof.

On July 15th, 2020, following the conclusion of the public hearing on this matter, the ZBA recommended that the Board of Trustees approve the Requested Variations on a vote of seven (7) in favor, zero (0) opposed, and zero (0) absent.

PUBLIC HEARING: At the public hearing on the Requested Variations, Petitioner Thomas Prame testified in support of Petitioners' request.

Mr. Prame testified that the Requested Variations are the result of concerns for the soundness of the southwest side of the foundation of their existing four-season room, and a resulting request from their architect that Petitioners extend that part of the house out from the kitchen. The four-season room collapsed on itself last fall. After examining the damage, their architect recommended extending the four-season room out eight (8) feet to the west and joining it to the rest of the foundation, in order to move water away from the house.

Mr. Prame stated that while there may be other short-term solutions, this is the best long-term solution from a safety and soundness perspective. Water displacement by the house, and a discovery that there is actually no existing foundation underneath the southwest side of the kitchen, are factors in seeking this solution. The expanded four-season room will replace the existing porch, so the overall footprint of the home will remain the same.

In response to a question, Mr. Prame noted his neighbors were supportive and he had received no negative comments regarding the Requested Variations. There will be no change to the appearance of the exterior of the home, and no architectural difference in design.

The various variation standards and how he believed they were met in this particular request were then discussed by Mr. Prame. When the residence was designed in the 1920's, it was not designed to move water properly away from the foundation. The water situation was exacerbated by a subdivision of the lot by a previous owner and the erection of a new home next door. It is important to extend the roofline of the residence to get the water away from this particular corner of the home and to extend the foundation. The cost of the addition will exceed the value that is being added to the residence by the small addition. The Requested Variations are a long-term solution that will help the residence to last for another hundred years.

There being no further questions or members of the public wishing to speak on the application, the portion of the Public Hearing related to the Requested Variations was closed.

Members then discussed the Requested Variations and agreed that the subdivision of the lot by a previous owner in 1972, when a prior zoning ordinance was in place, had resulted in the current Property exceeding the FAR and lot coverage requirements. That subdivision was not done by Petitioner. The Members felt that the minor relief sought through the Requested Variations was appropriate and that the standards relative to variations set forth in 11-503(F) of the Hinsdale Zoning Code had been met. A motion to approve the Requested Variations was made by Member Podliska and seconded by Member Murphy.

AYES: Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska,
Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: None

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variation:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:*

2. *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, or 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 owner of the lot. The large existing residence on the Property exceeds FAR and lot coverage requirements due in large part to a subdivision that had occurred well-before the Petitioners owned the Property. Further, the condition of the existing foundation discovered during excavation results in pooling of water that is damaging the residence. The expansion requested is a long-term solution for safety and longevity of the residence. The ZBA finds this standard to have been met.*

3. *Not Self-Created: The 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 the Zoning Code, for which no compensation was paid. The need for the Requested Variation is not self-created, and is in part driven by the original design of the residence and foundation, and, later, a subdivision of the lot by a previous owner. ZBA finds this standard to have been met.*

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions 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. The Requested Variations will solve a safety problem and create a long-term solution which will allow this residence to be maintained into the future. The ZBA finds this standard to have been met.*

5. *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. The Variation is not sought to make more money from use of the Property, but is instead sought in order to address a safety concern and to facilitate a long-term solution that will allow this residence to be maintained into the future. The ZBA finds this standard to have been met.

6. *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 the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The Requested Variations are consistent with the existing use. The ZBA found this standard to have been met.

7. *Essential Character Of The Area:* The variation would not result in a use or development on the subject property that:

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

The residence on the Property is long-existing. The granting of the Requested Variations will not increase the existing footprint of the residence, will not alter the architectural design of the residence, and will not be visible from the street. Utilities are already in place and there will be no traffic impact or other detrimental effects. The Requested Variations will not endanger the public health or safety.

8. *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 property. The ZBA finds this standard to have been met.

RECOMMENDATION:

Based on the Findings set forth above, the ZBA, by a vote of seven (7) in favor, zero (0) opposed and zero (0) absent, recommends to the President and Board of Trustees that the following Requested Variations as described in the Application,

a copy of which is attached hereto as Exhibit A and made a part hereof, be
GRANTED:

- Variations from the FAR and lot coverage requirements in subsections 3-110 (E)(2) and 3-110(G) of the Zoning Code in order to facilitate the 96-square foot expansion of an existing sunroom/four-season room to the west.

Signed: _____

Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____

EXHIBIT A

**APPLICATION FOR VARIATION
(ATTACHED)**



19 E. Chicago Avenue, Hinsdale, IL 60521

APPLICATION FOR VARIATION

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

FILING FEES: \$850.00

Name of Applicant(s): Thomas M. Prame

Address of Subject Property: 318 S. Garfield St.

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

N/A

FOR OFFICE USE ONLY

Date Received: 6/10/20 Zoning Calendar No. V-04-20

PAYMENT INFORMATION: Check # Check Amount \$

Thomas Prame

Application for Variation – Summary & Addition Requested Information:

Summary of Request:

My wife and I purchased our home at 318 S. Garfield St. approximately 5 years ago. We have a passion for older homes and renovating them for generations to come. This is our third renovation, the other two were in Michigan. We have spent the last 3 years working on the interior of the home with 2 approved renovations by the village. Our third renovation request is the exterior and kitchen. The exterior of the home is in very difficult condition, requiring an exterior refinish, gutters, roof, and porch renovation. There was a sunroom constructed in the mid 1900's to the home that was poorly built, collapsed onto itself and has foundation/safety issues which has sunk dining room ~3 inches. Our intent on this part of part of the project was to secure the integrity of the foundation and sunroom roofline by extending the room a modest 8 feet to allow the corner of the sunroom to align with the corner of the kitchen. This would provide the best foundation and roofline design to ensure the integrity of the home for years to come. It does not add value to the home and the cost far exceeds the modest incremental increase in space (96 feet). We were encouraged not to apply for the variance in April 2019 as we started this process and advised exceptions would most likely not be granted. With a renovation cost over \$300,000, which will not add value to the home due to most of the project is maintenance related, this risk was too high to not comply with the recommendation provided. The Hinsdale Historic Society heard about our situation and pushed us to apply for the exception. It has been very difficult to navigate the process of applying for a variance, understanding what is acceptable for old homes, being advised not to ask for exceptions and how to navigate the approval process. I can understand the apprehension firsthand on why older homes are demolished rather than renovated, the financial risk and uncertainty of project approval is a key element. We thank you in advance for your consideration and look forward to completing our project in the near future.

Thomas and Amy Prame

Application Information Requested

Page #3

7. Neighbors

Jim and Sharon Starkston, 306 S. Garfield St. Hinsdale

Mark and Sandy Rutter, 320 S. Garfield St. Hinsdale

Tom and Dede Marsh, 23 E. Fourth St. Hinsdale

8. Survey – Attached to application

9. The property is a historic 1800's home. A single-family residence that is surrounded by all sides (within 250 feet) by single-family residences.

10. N/A – a FAR variance request

11. N/A

12. N/A

Page #5

5. Standards for Variation

(a) **Unique Physical Condition.** The home is one of Hinsdale's original homes built in the 1880's. It is one of the few remaining Queen Anne style homes left in the village. Due to years of dis-repair the sunroom has collapsed, this room has foundation issues and its sinking the dining room of the home. The intent was to redo do the room, integrate the sides and roof into the architectural design of the home with alignment with the back of the home. This will provide best design for the foundation of the home for years to come and provide a physical appearance that aligns with homes of that period.

(b) This issue was not self-created. It is a 100 (+) year home that has succumbed to time and poor design foundation and roof line design from 50+ years ago, putting this portion of the home at risk.

(c) Neighbors with surrounding historic homes in Hinsdale have been granted variances commonly enjoyed with renovations of historic homes. Our request is very modest and in the best interest in keeping the longevity of the home. We are not looking to make

substantial increased in our FAR but align the roofline and foundation to ensure long term safety and soundness.

- (d) This request is not a special privilege request. It is a design request to secure the corner foundations of the home, align rooflines to move water away from the home. The modest additional square footage does not add value to the home and will add considerable cost with no tangible monetary value.
- (e) The proposed variance does not result in a use of the subject property that would not be in harmony with the intent of the Official Comprehensive Plan.
- (f)
 - 1. The proposed variance request is not detrimental to public welfare, civic enjoyment, use or value of property surrounding the property.
 - 2. It would not impair supply of light and air to any properties in the vicinity
 - 3. It would not increase congestion in the street
 - 4. It would not increase the danger of flood or fire
 - 5. It would not unduly tax public utilities and facilities
 - 6. It would not endanger the public health or safety
- (g) No Other Remedy: We are asking for the best long-term remedy for our historic home, not a short-term fix that will result in potential future repairs. The best long-term architectural design is to modestly extend the foundation 8 feet and connect to the back of the home. Allowing for proper water run off by securing the foundation and roofline of the home as one. We have invested considerable resources with our last two permitted renovations (for the 2nd and 3rd floors of the home). Each has been with a vision and desire to have the home exceed our lifetime and be enjoyed by generations to come. This request is consistent with that long-term philosophy and comes only with additional cost and no additional increase in home value.

SECTION 1- NAME & CONTACT INFORMATION

1. **Owner.** Name, mailing address, telephone number and email address of owner:

Name: Thomas M. Prame

Address: 318 S. Garfield St. Hinsdale, IL 60521

Telephone: [REDACTED] email: [REDACTED]

2. **Trustee Disclosure.** In the case of a land trust provide the name, address, telephone number and email address of all trustees and beneficiaries of the trust:

Name: N/A

Address: _____

Telephone: _____ email: _____

3. **Applicant.** Name, address, telephone number and email address of applicant, if different from owner:

Name: N/A

Address: _____

Telephone: _____ email: _____

4. **Subject Property.** Address, PIN Number, and legal description of the subject property, use separate sheet for legal description, if necessary.

PIN Number: 0912131009

Title attached.

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

a. Attorney: —

b. Engineer: —

c. Architect: Davenport Architects, 6636 Blackstone Dr. Hinsdale, IL 60521

d. Contractor: Thornwood Construction, 1532 Thornwood Dr. Downers Grove, IL 60516

6. **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. _____

7. **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.

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.

8. **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.
9. **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.
10. **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.
11. **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.
12. **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.

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 Project, date of acquisition of such interest, and the specific nature of such interest.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

3-110(E)(2) + 3-110(G)

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.)

96 sf. of relief

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 minimum variation is 96 sf. of relief

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:
- (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.

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.

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 applicant, 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.

Name of Applicant:

Thomas Prame

Signature of Applicant:

Thomas Prame

Date:

6/10/20



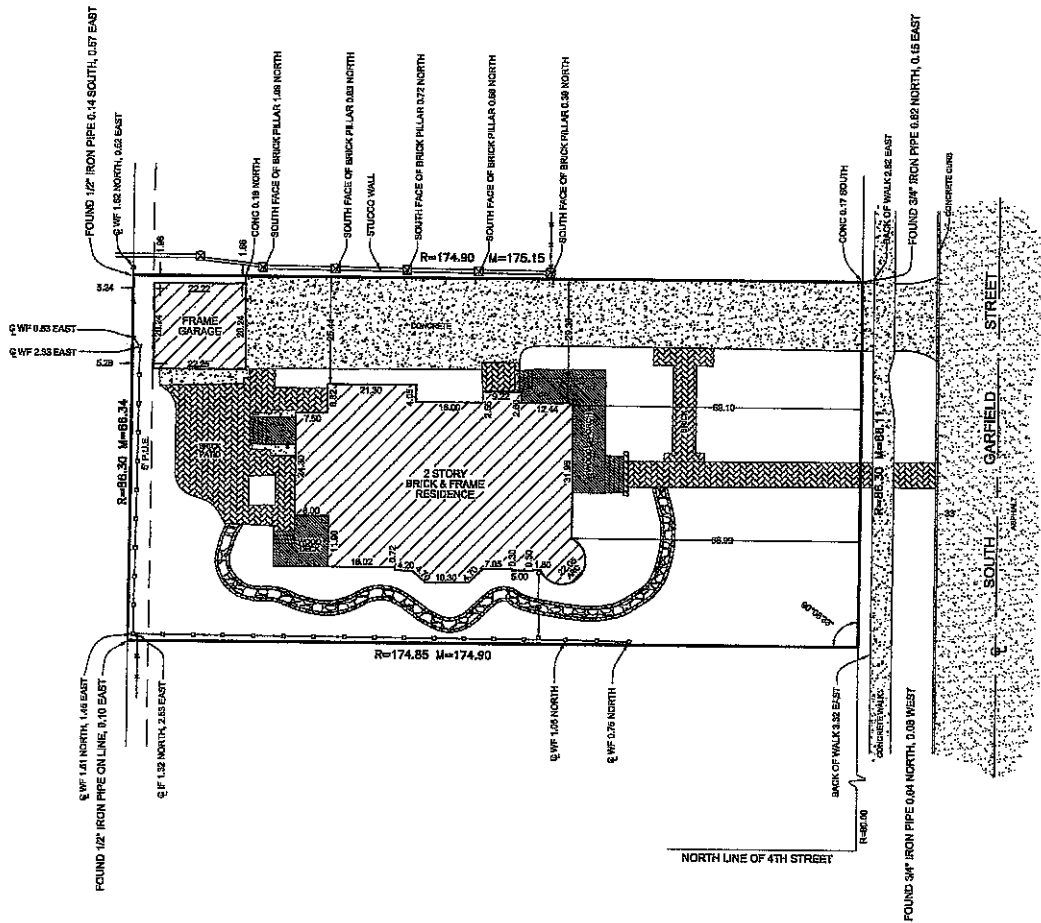
RUSSELL W. SCHOMIG, PLS
WILLIAM K. SCHOMIG

SCHOMIG LAND SURVEYORS, LTD. PLAT OF SURVEY

909 EAST 31st STREET
LA GRANGE PARK, ILLINOIS 60526
E-MAIL: SCHOMIG-SURVEY@SBCGLOBAL.NET
WEB: WWW.LAND-SURVEY-NOW.COM
PHONE: 708-352-1452
FAX: 708-352-1454

LOT 1 IN PALMROS' RESUBDIVISION, A RESUBDIVISION OF LOT 4 (EXCEPT THE WEST 75 FEET THEREOF) IN BLOCK 10 OF THE PLAT OF THE TOWN OF HINSDALE IN THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 25, 1967, AS DOCUMENT R67-2591, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 318 SOUTH GARFIELD STREET, HINSDALE.



THE CUSTOMER LISTED BELOW PROVIDED THE LEGAL DESCRIPTION SHOWN HEREON. WE DO NOT GUARANTEE THAT THIS IS THE CORRECT LEGAL DESCRIPTION FOR THE TRANSACTION INTENDED.

IMPORTANT: COMPARE LEGAL DESCRIPTION TO DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY FOR CLARIFICATION OR CORRECTION IMMEDIATELY. UNLESS OTHERWISE NOTED, THIS PLAT DOES NOT SHOW BUILDING LINES OR OTHER RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES.

DO NOT SCALE DIMENSIONS FROM THIS PLAT; THE LOCATION OF SOME FEATURES MAY BE ENLARGED FOR CLARITY. NO EXTRAPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN WITHOUT THE WRITTEN PERMISSION OF SCHOMIG LAND SURVEYORS, LTD. ONLY PLATS WITH AN EMBOSSED SEAL ARE OFFICIAL DOCUMENTS. FIELD WORK WAS COMPLETED PER SURVEY DATE LISTED BELOW. © COPYRIGHT, ALL RIGHTS RESERVED.

SURVEYED: APRIL 12TH, 2019.

BUILDING LOCATED: APRIL 12TH, 2019. FLS190840.02D

PLAT REVISED: MAY 9, 2016 - DIMENSIONS AT SOUTHEAST BUILDING CORNER

ORDERED BY: THOMAS PRAME

PLAT NUMBER: 89NF5 & 190840 & H25-51 SCALE 1" = 20'



LEGEND

- | | |
|----------------------------------|----------------------------------|
| M. = MEASURED DIMENSION | C. = CENTER LINE |
| R. = RECORDED DIMENSION | I.F. = IRON FENCE - X-X-X |
| B.L. = BUILDING LINES | W.F. = WOOD FENCE - - - - - |
| P.U.E. = PUBLIC UTILITY EASEMENT | |
| D.E. = DRAINAGE EASEMENT | |
| [Symbol] = STONE | [Symbol] = WOOD PORCH/DECK/STEPS |
| [Symbol] = CONCRETE | [Symbol] = BRICK |
| | [Symbol] = ASPHALT |

STATE OF ILLINOIS } ss. LOT AREA: 13,082 SQUARE FEET.
COUNTY OF COOK

WE, SCHOMIG LAND SURVEYORS, LTD., AS AN ILLINOIS PROFESSIONAL DESIGN FIRM, LAND SURVEYOR CORPORATION, DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED HEREON.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. THE BASIS OF BEARINGS, IF SHOWN AND UNLESS OTHERWISE NOTED, ARE ASSUMED AND SHOWN TO INDICATE ANGULAR RELATIONSHIP OF LOT LINES.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

BY: *Russell W. Schomig*
PROFESSIONAL ILLINOIS LAND SURVEYOR LICENSE # 035-002448



ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



Fidelity National Title
Insurance Company

Commitment Number:

RLC-1904149
Update 2

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

President

Countersigned By:

Authorized Officer or Agent

Attest:

Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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ALTA Commitment for Title Insurance (08/01/2016)



FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO. RLC-1904149
UPDATE 2****Transaction Identification Data for reference only:**

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Fidelity National Title Company, LLC 8200 185th Street, Suite F Tinley Park, IL 60487 Main Phone: (708)873-5200 Email: ILcpuorders@fnf.com	Fidelity National Title Company, LLC 8200 185th Street, Suite F Tinley Park, IL 60487 Main Phone: (708)873-5200 Main Fax: (708)873-5206

Order Number: RLC-1904149**Property Ref.: 318 S Garfield Ave, Hinsdale, IL 60521****SCHEDULE A**

1. Commitment Date: February 19, 2020
2. Policy to be issued:
 - (a) ALTA Short Form Residential Loan Policy 2012
Proposed Insured: U.S. Bank, NA, ISAOA
Proposed Policy Amount: \$1,400,000.00
3. The estate or interest in the Land described or referred to in this Commitment is:
FEE SIMPLE
4. The Title is, at the Commitment Date, vested in:
Thomas Prame and Amy Prame, husband and wife, as tenants by the entirety
5. The Land is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A"
Legal Description

LOT 1 IN RESUBDIVISION OF LOT 4 (EXCEPT THE WEST 75 FEET THEREOF) IN BLOCK 10 OF THE PLAT OF THE TOWN OF HINSDALE, IN THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 25, 1967 AS DOCUMENT R67-02591, IN DUPAGE COUNTY, ILLINOIS.

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ALTA Commitment for Title Insurance (08/01/2016)



Name and Address of Title Insurance Company: Fidelity National Title Company, LLC
8200 185th Street, Suite F
Tinley Park, IL 60487

**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. The "Good Funds" section of the Title Insurance Act (215 ILCS 155/26), is effective January 1, 2010. This Act places limitation upon our ability to accept certain types of deposits into escrow. Please contact your local Fidelity National Title Office regarding the application of this new law to your transaction.
6. Payment of real estate taxes affecting the land that may be due or payable prior to closing (or as may be required by a lender to be insured). Schedule B tax exception will be amended accordingly based on later date search and payment as noted herein.
7. For all mortgages and liens referenced below, we should be furnished with proper payoff figures, authorizations, funds and documents sufficient to pay of and release said liens at or prior to closing.
8. We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically.
9. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Until July 1, 2018, satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

10. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

11. Furnish for recordation a full release of the mortgage

Amount: \$858,000.00
Dated: September 6, 2016
Mortgagor(s): Thomas Prame and Amy Prame, husband and wife
Mortgagee(s): Mortgage Electronic Registration System, Inc. (MERS) solely as nominee for Lake Michigan Credit Union
Recording Date: September 15, 2016
Recording No.: R2016-099328

12. Furnish for recordation a full release of the mortgage

Amount: \$279,800.00
Dated: June 24, 2016
Mortgagor(s): Thomas Prame and Amy Prame
Mortgagee(s): TCF National Bank
Recording Date: September 15, 2016
Recording No.: R2016-099329

The Mortgage set forth above appears to secure a revolving line of credit. If the mortgage is to be paid off through the Company or other Settlement/Escrow Agent it is a requirement that current final pay-off figures closing the account must be obtained together with the necessary consents and/or directions from the mortgagor to the mortgagee directing that said loan not be re-advanced, that the account be closed, and the mortgage be released of record

13. For any special service areas and/or sanitary districts referenced below as a Schedule B Exception, a full payment letter must be presented in conjunction with any deed to be recorded.
14. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
15. The Company should be furnished a statement that there is no property manager employed to manage the Land, or, in the alternative, a final lien waiver from any such property manager.

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**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

16. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Until July 1, 2018, satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
17. Note for the information regarding endorsement requests:
- All endorsement requests should be made prior to closing to allow ample time for the Company to examine required documentation.

END OF SCHEDULE B, PART I

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ALTA Commitment for Title Insurance (08/01/2016)



FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO. RLC-1904149
UPDATE 2**

Name and Address of Title Insurance Company: Fidelity National Title Company, LLC
8200 185th Street, Suite F
Tinley Park, IL 60487

**SCHEDULE B, PART II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records:
2. Any encroachment, encumbrance, violation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any Lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Taxes or special assessments which are not shown as existing liens by the Public Records.
6. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
7. Taxes for the year(s) 2019 and thereafter, not yet due and payable
Permanent Tax No.: 09-12-131-009
Note: 2018 taxes in the amount of \$19,714.58 have been paid.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**

(continued)

8. Note: terms and conditions of the Flagg creek water reclamation district amended ordinance 756, recorded March 13, 2009, as document R2009-037066, which relate to the payment of user charges prior to the sale or transfer of real estate within the districts service area, the computation of water consumption, and the evaluation of connection permits for the sale of commercial property within said service area. Ordinance provides in part that no person shall sell, transfer or otherwise convey title to or beneficial interest in any real property which is supplied with water service by the Flagg creek water reclamation district without first obtaining a closing letter showing that all sewer assessments are paid in full.

Note: We should be furnished with a closing letter showing all sewer assessments are paid in full in connection with any recording to which the ordinance applies.

In the event of a transfer of the property with compensation, we should be furnished satisfactory evidence of compliance in the form of a connection letter as set forth in said ordinance.

9. Utility easement as shown on the plat of Resubdivision of Lot 4 (except the West 75 feet thereof) in block 10 of plat of the Town of Hinsdale, aforesaid, as follows:

5 feet along the West line of the land.

10. Possible encroachment of garage onto the easement.
11. The following endorsements have been approved for the loan policy:
- 1) ALTA Endorsement 9-06
 - 2) ALTA Endorsement 8.1 (Environmental)

12. The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor:	Nancy L. Chapa
Grantee:	Thomas Prame and Amy Prame, husband and wife as tenants by the entirety
Recorded:	November 10, 2015
Recording No:	<u>R2015-123948</u>

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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ALTA Commitment for Title Insurance (08/01/2016)



(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.
8. **PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
9. **ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS**1031 EXCHANGE SERVICES**

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information, or to set-up an Exchange, please call Scott Nathanson at (312)223-2178 or Anna Barsky at (312)223-2159.

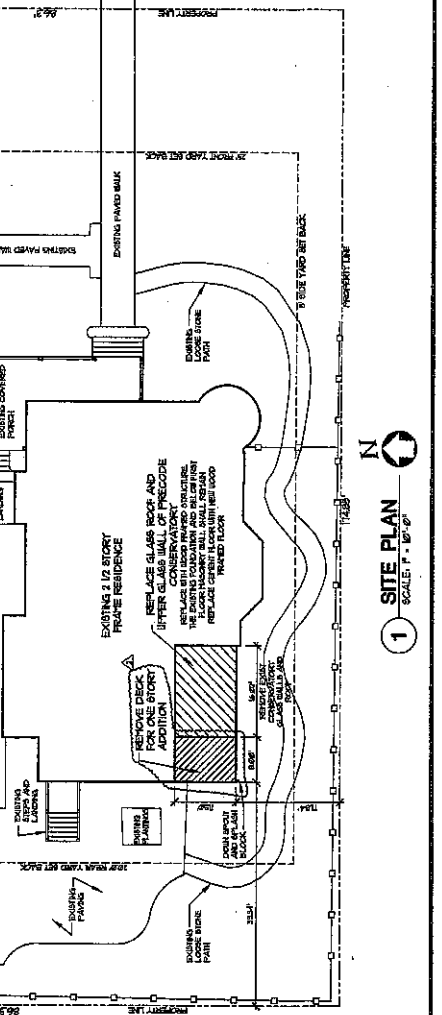
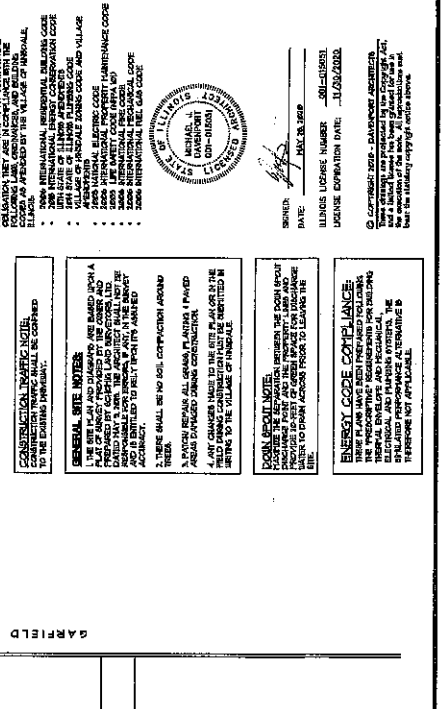
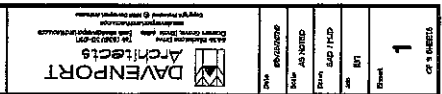
This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

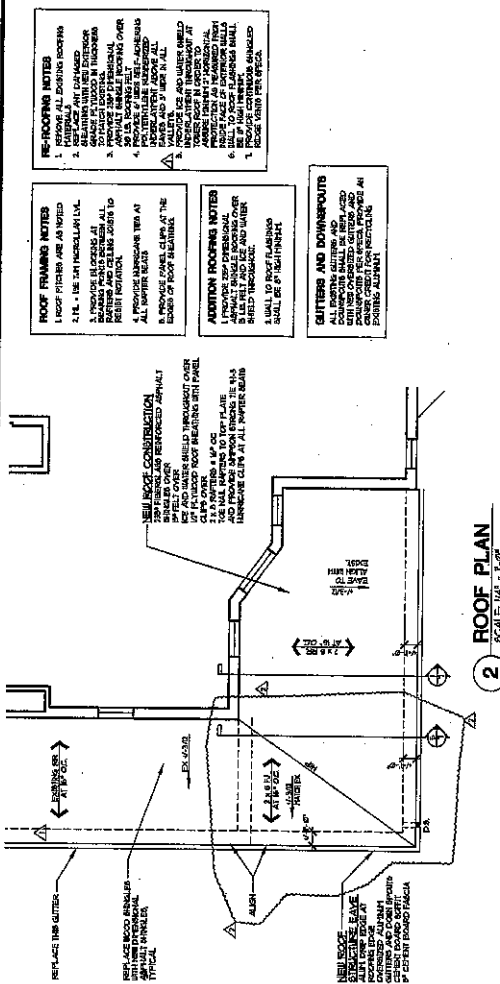
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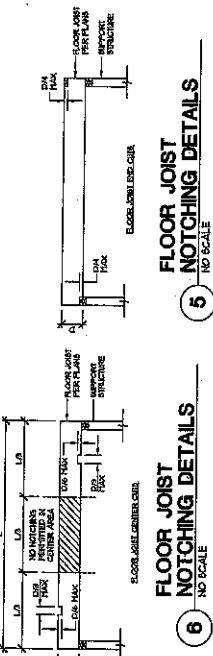
ALTA Commitment for Title Insurance (08/01/2016)



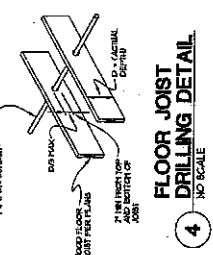




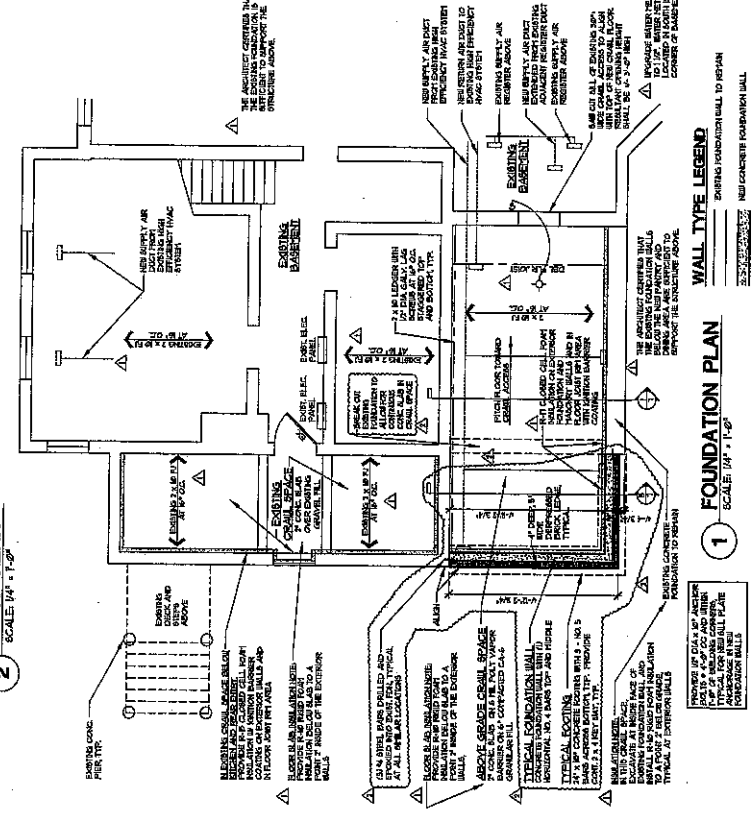
2 ROOF PLAN



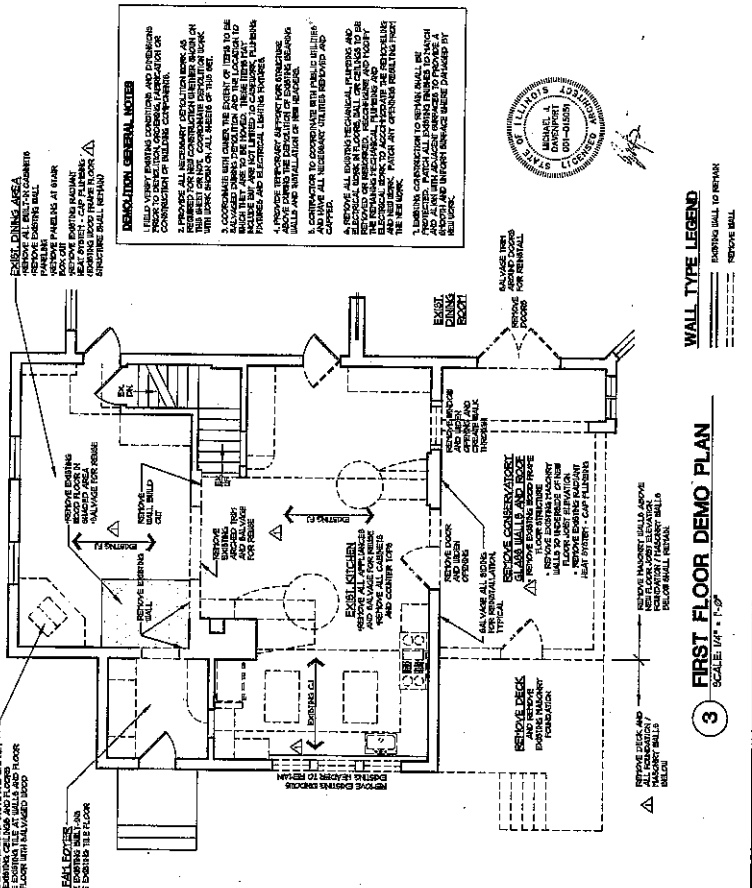
5 FLOOR JOIST NOTCHING DETAILS
NO SCALE



**FLOOR JOIST
DRILLING DETAIL**



1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



3 **FIRST FLOOR DEMO PLAN**
SCALE: 1/4" = 1'-0"



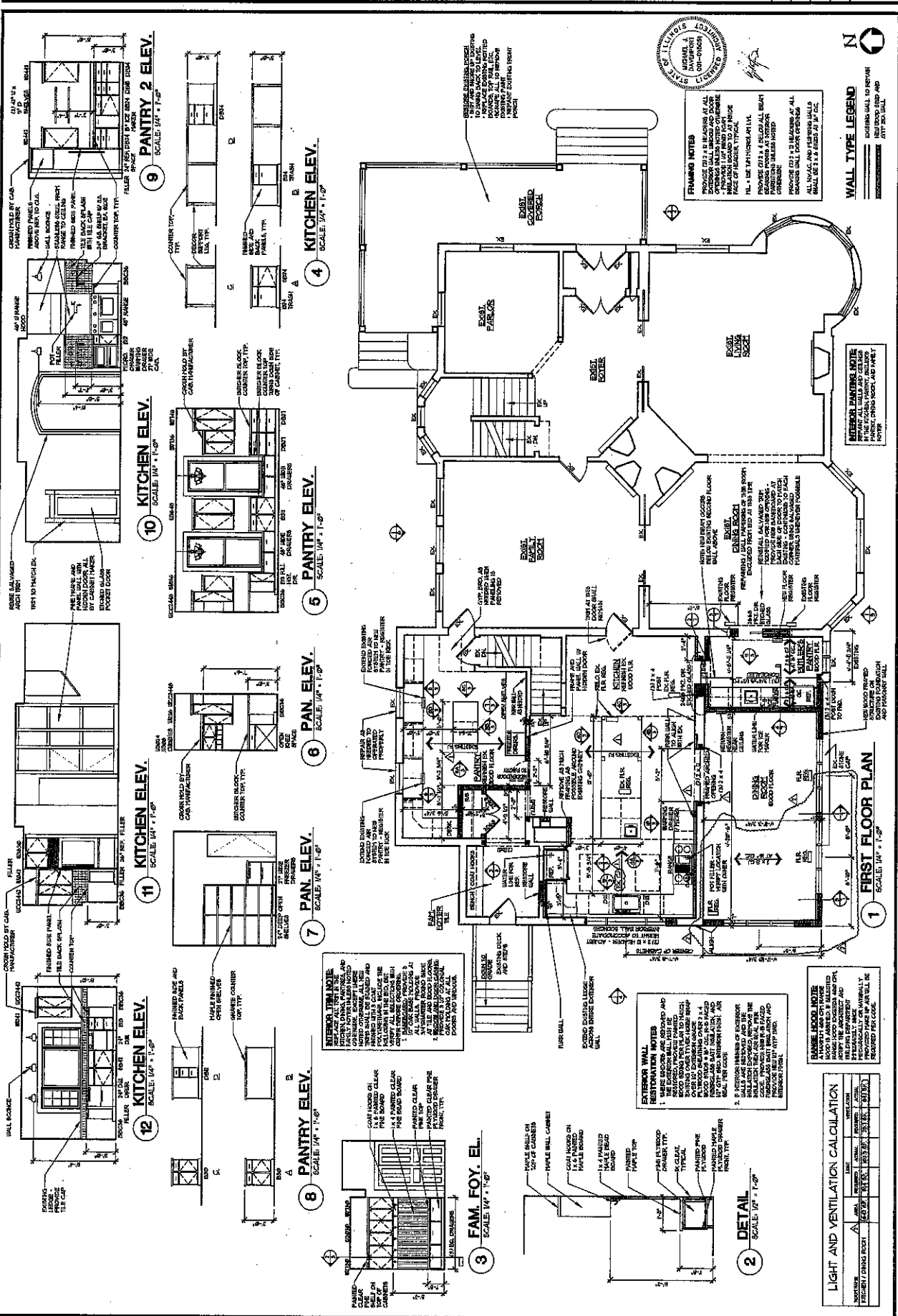
WALL TYPE LEGEND

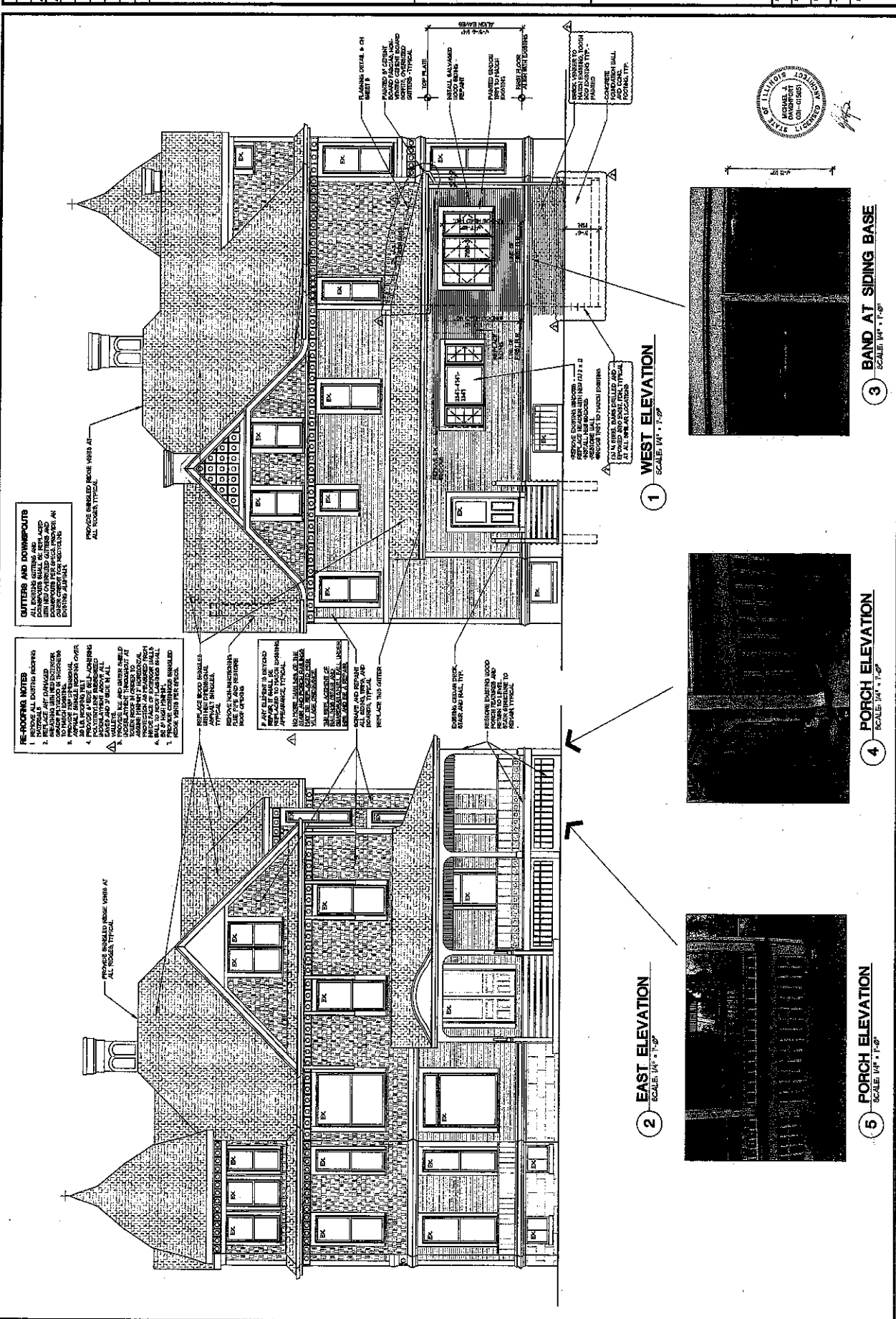
1 FOUNDATION SCALE: 1/4" = 1'-0"

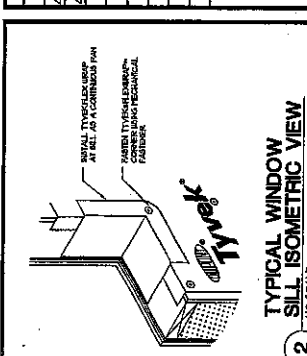
PROVIDE 1/8" DIA x 10" ANCHORS
BOLTS • 4"-9" OC AND WITHIN
1'-0" OF BEARING CONCRETE,
TYPICAL FOR NEW GULL PLATE
ANCHORAGE IN NEW

WALL TYPE LEGEND

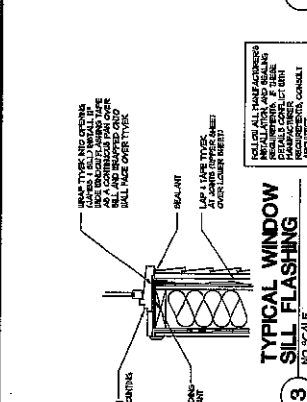
3 **FIRST FLOOR**
SCALE: 1/4" = 1'-0"



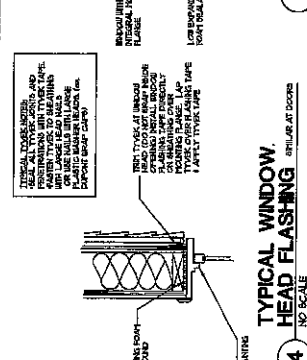




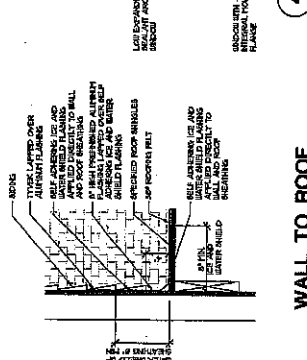
2 TYPICAL WINDOW
SILL ISOMETRIC VIEW
NO SCALE



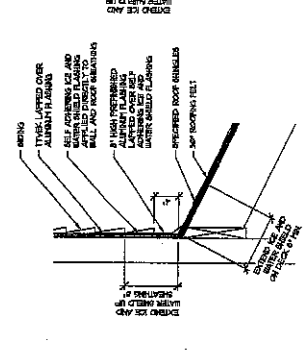
3 TYPICAL WINDOW
SILL FLASHING
NO SCALE



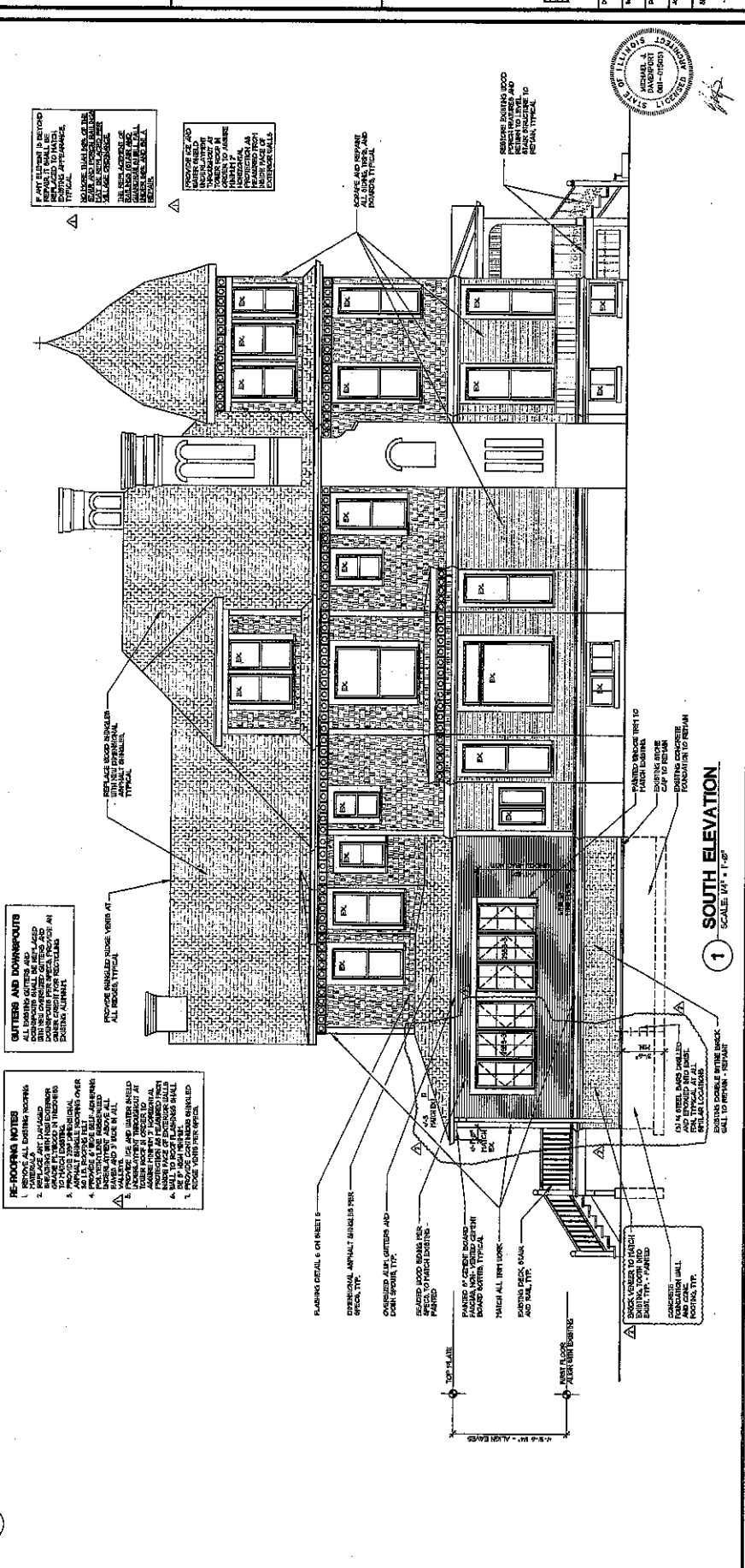
4 TYPICAL WINDOW,
HEAD FLASHING DETAIL
NO SCALE



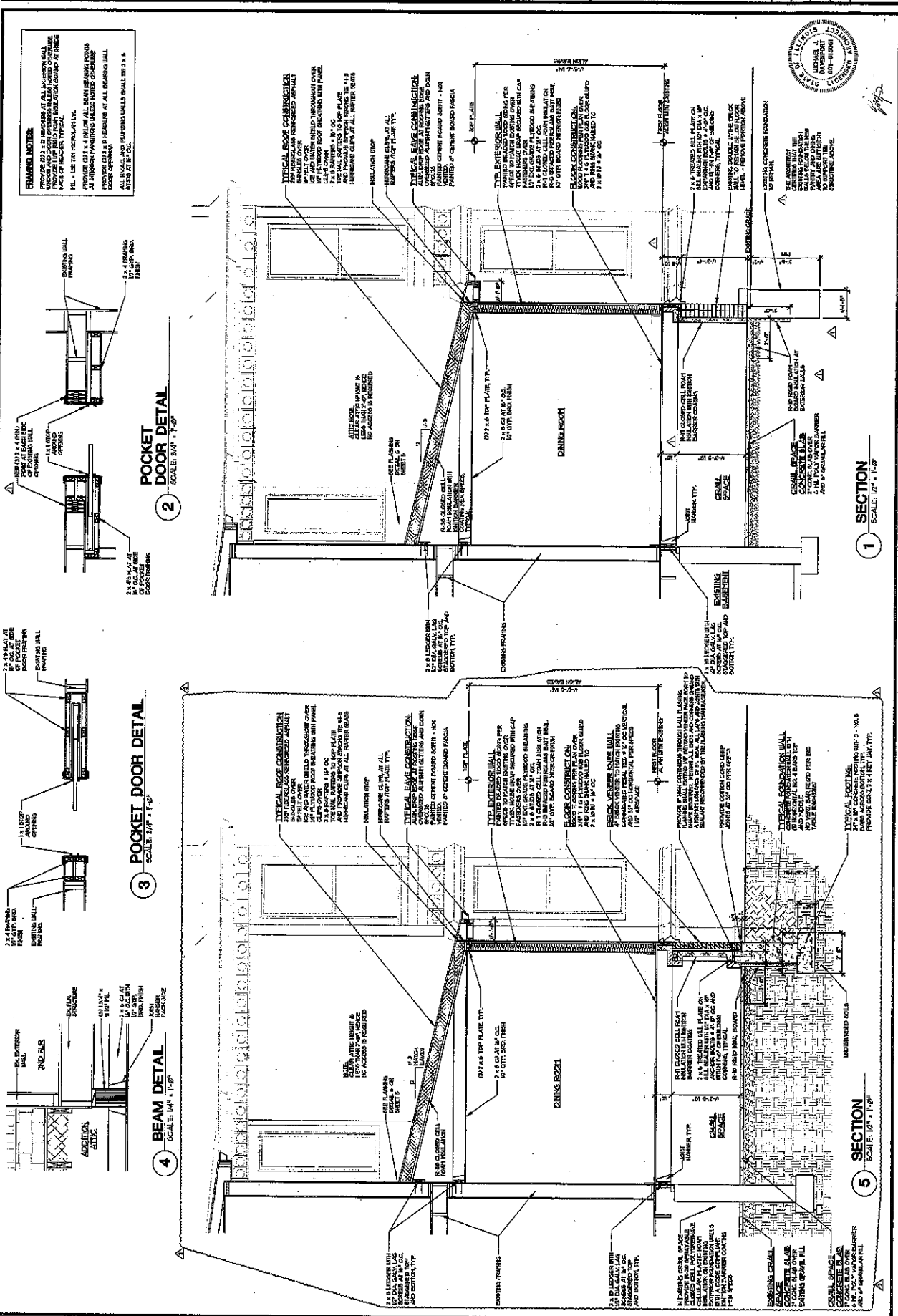
5 WALL TO ROOF FLASHING DETAIL
SCALE: 1 1/2" = 1'-0"



**WALL TO ROOF
FLASHING DETAIL**



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



This set of drawings is to be used in conjunction with the general contract documents and specifications.

STATE OF ILLINOIS)
) ss:
COUNTY OF DU PAGE)

BEFORE THE HINSDALE ZONING BOARD OF APPEALS

In the Matter of:)
)
)
V-04-20,)
318 South Garfield.)

REPORT OF PROCEEDINGS had and testimony
taken via Zoom at the hearing of the above-
entitled matter before the Hinsdale Zoning Board
of Appeals, at 19 East Chicago Avenue, Hinsdale,
Illinois, on July 15, 2020, at the hour of 6:30
p.m.

BOARD MEMBERS PRESENT:

- MR. ROBERT NEIMAN, Chairman;
- MS. LESLIE LEE, Member;
- MR. TOM MURPHY, Member;
- MR. JOHN F. PODLISKA, Member;
- MR. JOSEPH ALESIA, Member;
- MR. KEITH GILTNER, Member; and
- MR. GARY MOBERLY, Member.

<p>2</p> <p>1 ALSO PRESENT:</p> <p>2 MS. CHRISTINE BRUTON, Deputy Village Clerk;</p> <p>3</p> <p>4 MR. ROBB MCGINNIS, Director of Community Development;</p> <p>5 MR. THOMAS PRAME, Applicant.</p> <hr/> <p>6</p> <p>7 CHAIRMAN NEIMAN: I'm going to call Case No. V-04-20, 318 South Garfield first.</p> <p>8 MR. PRAME: This is Thomas Prame.</p> <p>9 CHAIRMAN NEIMAN: Well, how are you?</p> <p>10 MR. PRAME: Great. Thank you for having me tonight.</p> <p>11 So a continuation from our conversation last month. There was a couple deliverables I had to do which was finalize the notices to my neighbors which we submitted to Robert.</p> <p>12 Robert, thank you for the assistance for that.</p> <p>13 MR. MCGINNIS: Certainly.</p> <p>14 MR. PRAME: And then also I believe we spoke last time around the need for the request</p>	<p>4</p> <p>1 The request, we put in for a</p> <p>2 variance; we spoke last time about this. One of</p> <p>3 the biggest questions: Is there another way to</p> <p>4 solve this. There are other ways to solve this</p> <p>5 but they are kind of short-term solves.</p> <p>6 The big issue we have is that the</p> <p>7 size of the house and the water that it</p> <p>8 displaces constantly will end up sinking in this</p> <p>9 corner of the home.</p> <p>10 We also found out once we pulled</p> <p>11 the foundation out as part of the renovation,</p> <p>12 the deck that was next to it that there was</p> <p>13 actually no foundation underneath the southwest</p> <p>14 side of the kitchen. It's just 2, 2 by 4's that</p> <p>15 are holding up that portion of the addition;</p> <p>16 there was never a foundation put in place.</p> <p>17 So, again, there is no appearance</p> <p>18 change in the home, no architectural difference</p> <p>19 in design. It's very little -- I'll call it --</p> <p>20 obstruction to our neighbors, it's below a</p> <p>21 fence. Again, a very minimal process and really</p> <p>22 around a long-term safety and soundness.</p>
<p>3</p> <p>1 which dealt with the safety soundness of the</p> <p>2 southwest side of our foundation of our four</p> <p>3 season room that gave out with the request from</p> <p>4 our architect that we make a longer term plan</p> <p>5 for that part of the house and extend it 8 feet</p> <p>6 to butt off with the kitchen.</p> <p>7 CHAIRMAN NEIMAN: Okay. Thank you.</p> <p>8 If you could take us through just a</p> <p>9 short summary of what your request is and why</p> <p>10 you meet the applicable criteria for the</p> <p>11 variation, that would be terrific.</p> <p>12 MR. PRAME: Sure. Thank you. And if I</p> <p>13 miss any parts to it, please feel free to ask me</p> <p>14 questions.</p> <p>15 Our request is for a modest</p> <p>16 extension to the floor plan of our four seasons</p> <p>17 room that collapsed last fall into itself. We</p> <p>18 had an architect come out and the foundation is</p> <p>19 gone on that part of the home. He recommended</p> <p>20 that we extend it out to 8 feet to the west</p> <p>21 adjoining it to the rest of the foundation and</p> <p>22 move the water away from the house.</p>	<p>5</p> <p>1 MR. MOBERLY: Your footprint is staying</p> <p>2 the same as it is now?</p> <p>3 MR. PRAME: No, it's actually -- it's</p> <p>4 going to be 96 feet. There was a --</p> <p>5 MR. MOBERLY: I understand there's a</p> <p>6 porch there now. You are just kind of</p> <p>7 converting the porch.</p> <p>8 MR. PRAME: Yes, same footprint as the</p> <p>9 porch. It's just taking and covering what would</p> <p>10 have already been the porch.</p> <p>11 Thank you for the question.</p> <p>12 MR. ALESIA: You said that you did send</p> <p>13 the notice to the neighbors. Did you get any</p> <p>14 negative responses?</p> <p>15 MR. PRAME: I had a chance to -- it was</p> <p>16 actually a nice chance to connect with them all</p> <p>17 again.</p> <p>18 If you know this part of town, it's</p> <p>19 relatively small. Our lots butt up next to each</p> <p>20 other very quickly. Many of the homes here are</p> <p>21 historic homes, so very supportive of what we</p> <p>22 are doing. No, no negative comments whatsoever.</p>

<p style="text-align: center;">6</p> <p>1 MR. ALESIA: Thank you.</p> <p>2 MR. PRAME: Thank you.</p> <p>3 CHAIRMAN NEIMAN: If you could just</p> <p>4 take us quickly through the applicable criteria</p> <p>5 and why and a short explanation as to why you</p> <p>6 meet each of criteria for the record that would</p> <p>7 be helpful, especially given this has to go to</p> <p>8 the board of trustees.</p> <p>9 MR. PRAME: My apologies. I don't have</p> <p>10 that document in front of me, Robert. Could I</p> <p>11 ask you for a favor to read those off to me?</p> <p>12 CHAIRMAN NEIMAN: Sure. The very first</p> <p>13 standard is the unique physical condition.</p> <p>14 MR. PRAME: The unique physical</p> <p>15 condition really gets into the fact that the way</p> <p>16 that it is configured right now ends up leaving</p> <p>17 us a waterhole in that portion of that home.</p> <p>18 Again, it wasn't designed at the</p> <p>19 time when they built it back in the '20s to move</p> <p>20 the water away from the home properly. Also,</p> <p>21 the land next to us was sold off to another home</p> <p>22 so that we have a unique situation where the</p>	<p style="text-align: center;">8</p> <p>1 applications I have gone through, many of our</p> <p>2 neighbors have taken different variances, but</p> <p>3 ours really is around the fact that just want</p> <p>4 the house to last for another hundred years.</p> <p>5 And one other part that I actually</p> <p>6 put in my letter before. This is adding no</p> <p>7 value to the home. It's such a small addition.</p> <p>8 And then also the cost part far exceed any type</p> <p>9 of value that could be added to the home.</p> <p>10 CHAIRMAN NEIMAN: The fourth criteria</p> <p>11 is the request is not a request for a special</p> <p>12 privilege.</p> <p>13 MR. PRAME: No, that is not a special</p> <p>14 privilege. Again, safety and soundness of the</p> <p>15 rear end structure.</p> <p>16 CHAIRMAN NEIMAN: The fifth criteria is</p> <p>17 the proposed variance does not result in a use</p> <p>18 of the subject property that would not be in</p> <p>19 harmony with the intent of the official</p> <p>20 comprehensive plan.</p> <p>21 MR. PRAME: No. As stated in the</p> <p>22 application, it's, again, just personal</p>
<p style="text-align: center;">7</p> <p>1 water just continues to collect in that area.</p> <p>2 CHAIRMAN NEIMAN: Okay. And you needed</p> <p>3 to -- this is -- you need to stabilize the</p> <p>4 foundation?</p> <p>5 MR. PRAME: We really need to extend</p> <p>6 the roofline to get the water away from that</p> <p>7 corner and extend the foundation.</p> <p>8 CHAIRMAN NEIMAN: Okay.</p> <p>9 The next criteria is that the issue</p> <p>10 is not self-created.</p> <p>11 MR. PRAME: No, it's not. It's a</p> <p>12 natural, natural created, nothing that we did in</p> <p>13 our own renovations; it was something we</p> <p>14 inherited when we purchased the home.</p> <p>15 CHAIRMAN NEIMAN: The next criteria is</p> <p>16 denied substantial rights if we don't grant the</p> <p>17 variance.</p> <p>18 MR. PRAME: That one there, again, I'm</p> <p>19 going to be very open and honest with the group.</p> <p>20 The substantial rights is really around the</p> <p>21 longevity and safety of the home.</p> <p>22 As we have seen with other</p>	<p style="text-align: center;">9</p> <p>1 residence, primary home. It's not transitioning</p> <p>2 any type of business application or any other</p> <p>3 type of variance.</p> <p>4 CHAIRMAN NEIMAN: The sixth criteria is</p> <p>5 the proposed variance request is not detrimental</p> <p>6 to the public welfare, civic enjoyment, use or</p> <p>7 value of property surrounding the property.</p> <p>8 MR. PRAME: No. Again, this is the</p> <p>9 back corner of our home that we can't see from</p> <p>10 the street. We have very little visibility from</p> <p>11 any of our neighbors, doesn't impose any</p> <p>12 restrictions on anyone else's property.</p> <p>13 CHAIRMAN NEIMAN: And in the application</p> <p>14 you noted that if we were to grant the variance,</p> <p>15 it would not impair a supply of light and air to</p> <p>16 any of the properties in the vicinity, wouldn't</p> <p>17 increase congestion on the street, would not</p> <p>18 increase the danger of flood or fire, would not</p> <p>19 unduly tax public utility and facilities,</p> <p>20 wouldn't endanger public health or safety.</p> <p>21 So, Chris, we should make those</p> <p>22 arguments part of the record as we should other</p>

1 sections of the application where we go through
2 the reasons why the criteria are allegedly met.
3 The last criteria is you have no
4 other remedy other than requesting the variance.

5 MR. PRAME: No, there is no other, for
6 us, no other long-term remedy. In fact, we
7 would be back here in a few years for another
8 request for a new foundation for the home.

9 CHAIRMAN NEIMAN: Okay.

10 Do any of the board members have
11 any questions?

12 MR. ALESIA: This is Joe again.

13 With the new foundation you keep
14 mentioning the water collecting there. What are
15 the plans for it to make sure it doesn't go into
16 the neighbors' property?

17 MR. PRAME: We -- right now the water
18 runs well between two properties, between us and
19 the one just south of us, which is located at
20 320 South Garfield.

21 Our intent is that we would extend
22 the roofline, bring the water drainage to our

1 existing drainage and move it that is already in
2 place and then use the facility between the two
3 property lines rather than have it pool up in
4 the back corner.

5 MR. ALESIA: Okay. Thanks.

6 MR. PRAME: Thank you for the question.

7 CHAIRMAN NEIMAN: And when was your lot
8 subdivided roughly?

9 MR. PRAME: I think it was 1972ish. I
10 believe right around that area when I look at
11 the construction and timeline of the house next
12 door, it was right around that area.

13 MR. PODLISKA: And that, of course, is
14 long before you bought the property; correct?

15 MR. PRAME: Yes. We bought the
16 property approximately almost just about six
17 years ago.

18 CHAIRMAN NEIMAN: Okay. And so that
19 was -- as a result, the request -- this
20 relatively small request in that the FAR was at
21 least indirectly related to the sale of some of
22 the land?

1 MR. PRAME: Yes. We used to runoff
2 relatively well the other way until they built a
3 foundation on the other side.

4 CHAIRMAN NEIMAN: Okay.

5 Gary, Keith, Joe, Tom, any other
6 questions? Who did I miss? Somebody? Leslie?

7 MR. ALESIA: Leslie.

8 MS. LEE: I'm good.

9 MR. PODLISKA: I don't have any
10 questions.

11 MR. MOBERLY: I guess, Tom, I'll ask
12 you a fun question here. We all love to play a
13 construction manager. It seems you are going to
14 have to rebuild the entire foundation. Why
15 don't you just bite the bullet and rebuild the
16 foundation and do this all at one time or is it
17 just a pain and suffering issue, a financial
18 issue?

19 MR. PRAME: It's a bit of a financial
20 issue. As you know, renovating the old homes,
21 what you think is X ends up being 3 X, so we try
22 not to take on much debt in our family. We are

1 relatively conservative in that manner.

2 MR. MOBERLY: That's very wise. Okay.
3 I'm more curious than anything else.

4 Why did you need a variance for the
5 foundation.

6 MR. PRAME: It was a porch and because
7 the porch wasn't covered, it wasn't considered
8 part of the FAR. If they had put a roof on top
9 and put four walls, it would have been fine.

10 CHAIRMAN NEIMAN: Any other questions
11 from the board?

12 (No response.)

13 Okay. Thank you.

14 MR. PRAME: Thank you.

15 CHAIRMAN NEIMAN: Is there anyone on a
16 call at the hearing who wishes to address us
17 regarding 318 South Garfield?

18 (No response.)

19 Okay. Hearing none, do I hear a
20 motion to close the public hearing on 318 South
21 Garfield?

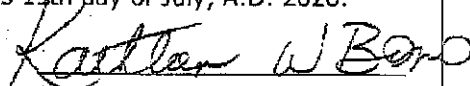
22 MR. PODLISKA: So moved.

1 MR. MOBERLY: Second.
 2 CHAIRMAN NEIMAN: Roll call, please?
 3 MS. BRUTON: Member Moberly?
 4 MR. MOBERLY: Yes.
 5 MS. BRUTON: Member Alesia?
 6 MR. ALESIA: Yes.
 7 MS. BRUTON: Member Giltner?
 8 MR. GILTNER: Yes.
 9 MS. BRUTON: Member Murphy?
 10 MR. MURPHY: Yes.
 11 MS. BRUTON: Member Lee?
 12 MS. LEE: Yes.
 13 MS. BRUTON: Member Podliska?
 14 MR. PODLISKA: Yes.
 15 MS. BRUTON: Chairman Neiman?
 16 CHAIRMAN NEIMAN: Yes.
 17 (WHICH, were all of the
 18 proceedings had, evidence
 19 offered or received in the
 20 above entitled cause.)
 21
 22

STATE OF ILLINOIS)
) ss:
 COUNTY OF DU PAGE)

I, KATHLEEN W. BONO, Certified
 Shorthand Reporter, Notary Public in and for the
 County DuPage, State of Illinois, do hereby
 certify that previous to the commencement of the
 examination and testimony of the various
 witnesses herein, they were duly sworn by me to
 testify the truth in relation to the matters
 pertaining hereto; that the testimony given by
 said witnesses via Zoom was reduced to writing
 by means of shorthand and thereafter transcribed
 into typewritten form; and that the foregoing is
 a true, correct and complete transcript of my
 shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have
 hereunto set my hand and affix my electronic
 signature this 19th day of July, A.D. 2020.



KATHLEEN W. BONO
 C.S.R. No. 84-1423
 Notary Public, DuPage County

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STATE OF ILLINOIS)
)
 COUNTY OF DU PAGE) ss:

DISCUSSION OF THE HINSDALE
 ZONING BOARD OF APPEALS

In the Matter of:)
)
)
 V-04-20,)
 318 South Garfield.)

REPORT OF PROCEEDINGS via Zoom of
 discussions had of the above-entitled matter
 before the Hinsdale Zoning Board of Appeals, at
 19 East Chicago Avenue, Hinsdale, Illinois, on
 July 15, 2020, at the hour of 6:30 p.m.

BOARD MEMBERS PRESENT:

MR. ROBERT NEIMAN, Chairman;
 MS. LESLIE LEE, Member;
 MR. TOM MURPHY, Member;
 MR. JOHN F. PODLISKA, Member;
 MR. JOSEPH ALESIA, Member;
 MR. KEITH GILTNER, Member; and
 MR. GARY MOBERLY, Member.

<p>2</p> <p>1 ALSO PRESENT:</p> <p>2 MS. CHRISTINE BRUTON, Deputy Village Clerk;</p> <p>3 MR. ROBB MCGINNIS, Director of Community Development;</p> <p>4 MR. THOMAS PRAME, Applicant.</p> <hr/> <p>6</p> <p>7 CHAIRMAN NEIMAN: Okay. Who wants to begin our deliberations on 318 South Garfield?</p> <p>8 MR. PODLISKA: I can weigh in. When I went out to look at the property, the one thing that struck me about this is that this is such a large house and as reflected in the numbers that we come up with for both the FAR and the maximum lot coverage, this is only a request to increase that by 96 square feet but the house is already well in excess of both the FAR and the maximum lot coverage. This increase will increase the FAR by 15 percent over what the code would otherwise allow and the maximum lot coverage it's going to increase it from about an 8 percent above the amount the code would allow to about 9 percent.</p>	<p>4</p> <p>1 after it was subdivided, so you didn't create this problem, the problem was created by the subdivision of the property and for that reason, I think that it's appropriate and all the other criteria met and so I think it's appropriate that we grant this variance or recommend that the variance be granted by the village board.</p> <p>8 MR. MOBERLY: Very well said, John. In 1972 when this was subdivided, we didn't even have the code that we have today in place. So I agree with you that we should support this variance.</p> <p>13 CHAIRMAN NEIMAN: Keith?</p> <p>14 MR. GILTNER: I'm in favor of recommending the variance.</p> <p>16 CHAIRMAN NEIMAN: Leslie?</p> <p>17 MS. LEE: In favor, yes.</p> <p>18 CHAIRMAN NEIMAN: Tom?</p> <p>19 MR. MURPHY: So am I.</p> <p>20 CHAIRMAN NEIMAN: Did I miss anyone?</p> <p>21 MR. ALESIA: I am as well.</p> <p>22 CHAIRMAN NEIMAN: Oh, sorry, Joe. I</p>
<p>3</p> <p>1 Now, on those numbers alone, it would seem to raise a question of whether since it's so far in excess of the code already, whether it would be wise to extend it even more. But I think the key to this is -- and that's why we had the question about when the property was subdivided -- the key to this is that that's the reason why all these numbers are in excess of the code.</p> <p>10 When the lot was subdivided, that's what caused this house then to far exceed both the FAR and the maximum lot coverage. Had it remained the original lot, we probably wouldn't even need to raise this issue because the 96 square feet would still have been what would have been allowed, therefore the key question I think is: Was this property owner the owner when the property was subdivided? Had this owner had been the owner then, the problem would have had a difficulty with the requirement that it not be self-created; but as we pointed out, as you pointed out, you bought the property long</p>	<p>5</p> <p>1 see your number but not your name or face, I apologize.</p> <p>3 Okay. I agree with the rationale as stated.</p> <p>5 Do we hear a motion to approve?</p> <p>6 MR. PODLISKA: So moved.</p> <p>7 MR. MURPHY: Second.</p> <p>8 CHAIRMAN NEIMAN: Roll call, please?</p> <p>9 MS. BRUTON: Member Moberly?</p> <p>10 MR. MOBERLY: Yes.</p> <p>11 MS. BRUTON: Member Alesia?</p> <p>12 MR. ALESIA: Yes.</p> <p>13 MS. BRUTON: Member Giltner?</p> <p>14 MR. GILTNER: Yes.</p> <p>15 MS. BRUTON: Member Murphy?</p> <p>16 MR. MURPHY: Yes.</p> <p>17 MS. BRUTON: Member Lee?</p> <p>18 MS. LEE: Yes.</p> <p>19 MS. BRUTON: Member Podliska?</p> <p>20 MR. PODLISKA: Yes.</p> <p>21 MS. BRUTON: Chairman Neiman?</p> <p>22 CHAIRMAN NEIMAN: Yes.</p>

1 For the record, that was a motion
 2 to approve a recommendation to the board of
 3 trustees and, Chris, as usual when we have to
 4 make a recommendation to the board of trustees,
 5 we should go back to the variance application
 6 and include all of the applicant's rationales
 7 for why they meet all of the criteria so the
 8 board of trustees have the benefit of the
 9 rationale for each.

10 MS. BRUTON: Yes.

11 CHAIRMAN NEIMAN: Okay. Thank you very
 12 much.

13 MR. PRAME: Thank you for your help.

14 CHAIRMAN NEIMAN: My pleasure.

15 (WHICH, were all of the
 16 discussions had in the
 17 above-entitled cause.)
 18
 19
 20
 21
 22

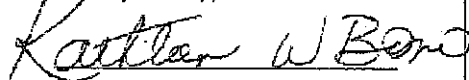
STATE OF ILLINOIS)

) ss:

COUNTY OF DU PAGE)

I, KATHLEEN W. BONO, Certified
 Shorthand Reporter, Notary Public in and for the
 County DuPage, State of Illinois, do hereby
 certify that via Zoom the discussions by the
 Zoning Board of Appeals was reduced to writing
 by means of shorthand and thereafter transcribed
 into typewritten form; and that the foregoing is
 a true, correct and complete transcript of my
 shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have
 hereunto set my hand and affix my electronic
 signature this 19th day of July, A.D. 2020.



KATHLEEN W. BONO
 C.S.R. No. 84-1423
 Notary Public, DuPage County

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