

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
April 15, 2015

1. CALL TO ORDER

Vice-Chairman Keith Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, April 15, 2015 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Vice-Chairman Keith Giltner, Members Marc Connelly, Gary Moberly, Rody Biggert, Kathryn Engel and John Podliska

Absent: Chairman Bob Neiman

Also Present: Director of Community Development/Building Commissioner Robb McGinnis and Village Clerk Christine Bruton

3. APPROVAL OF MINUTES

a) March 18, 2015

Member Moberly moved to approve the minutes of the meeting of March 18, 2015, as presented. Member Biggert seconded the motion.

AYES: Members Moberly, Biggert, Engel, Podliska and Vice-Chairman Giltner

NAYS: None

ABSTAIN: Member Connelly

ABSENT: Chairman Neiman

Motion carried.

4. APPROVAL OF FINAL DECISION

a) V-01-15, 321 East Ninth Street

b) Corrections were made to the draft Final Decision. Member Moberly moved to approve the Final Decision for V-01-15, 321 East Ninth Street, as amended. Member Engel seconded the motion.

AYES: Members Moberly, Biggert, Engel, Podliska and Vice-Chairman Giltner

NAYS: None

ABSTAIN: Member Connelly

ABSENT: Chairman Neiman

Motion carried.

1 **5. RECEIPT OF APPEARANCES** – The court reporter administered the oath to
2 all those intending to speak at the public hearing.

3
4 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO**
5 **MAKE PUBLIC COMMENT OF A GENERAL NATURE** – None

6
7 **7. PRE-HEARING AND AGENDA SETTING** – None

8
9 **8. PUBLIC HEARINGS**

10 a) **V-02-15, 36 - 42 South Washington Street**

11 No public hearing was held on this matter as the application was withdrawn
12 by the applicant.

13
14 b) **V-03-15, Salt Creek Properties, LLC**

15 Mr. Peter Coules, attorney for the applicant and Ms. Kim Cardosi, the sign
16 designer for the project, addressed the Board. Mr. Coules stated that what
17 is being proposed are eight way finding signs which include the names of
18 all the properties in the area, not just those properties owned by Salt Creek
19 Properties, LLC. He made specific note of the Robert Crown Center. This
20 is a campus setting and the proposed signage has been designed as such.
21 They are not requesting a variance for the monument sign, because the
22 existing sign is being taken down and moved to make it a true way finding
23 sign. The sign is more than an address; it lists the other businesses on the
24 campus. Mr. Coules explained they need relief for the size of the sign as
25 only 100' square feet of signage is allowed, but the proposed sign is 110'
26 square feet. They want to put lights inside the sign that project down; they
27 will not be backlit. The lighting is important for the immediate care center
28 so that people can locate their destination quickly. It was noted that
29 nowhere in the code does it state off-premises signs are allowed.

30 He personally can attest to how many people get lost in this area and
31 believes there is a real need for the proposed signage. The number of
32 signs, the size of the signs and the lighting is before the ZBA for approval,
33 the content will go back to the Plan Commission for approval.

34 Ms. Cardosi said the base of the signs will match the limestone of the
35 buildings and will have the same aesthetic as the architecture on the
36 campus. The illumination will surface light the sign providing enhanced
37 legibility and improved visibility at night. Way finding is a critical key of the
38 environment in situations where people are in distress. Some people will
39 be looking for the hospital and it is even more important to provide stress
40 free direction on a medical campus such as this. These signs will provide
41 departure directions, too, as there will be information on both sides of the
42 signs.

43 Mr. Coules said all 16 faces of the signs will be illuminated and the signs
44 are approximately six feet in height. Member Podliska asked whether this
45 will create a driving obstruction. Ms. Cardosi explained that when they do
46 the actual physical siting of the sign, a full-sized mock up is made to ensure

1 there is no obstruction to site lines. This will be done again with the sign
2 fabricator at installation. Part of the site plan approval from the Plan
3 Commission includes the removal of existing signs; all the white wood
4 panel signs will be removed. The Cancer Center signs recently erected will
5 remain, and they match the Cancer Center architecture.

6 Mr. Matt Kline, attorney for the owners of 15 and 21 Spinning Wheel Road,
7 addressed the Board. He commented that his clients are in favor of
8 appropriate signage, but object to what is indicated for signs #1 and #2
9 because they believe these signs would have a negative safety impact and
10 be more confusing. He noted that these signs are off premises to the
11 applicant present tonight. The applicant may not have a right to provide a
12 sign at that location. He recommends taking the sign off the median and
13 noted there are a host of businesses that are not listed on the proposed
14 monument sign. He believes more consideration is needed. Vice-Chair
15 Giltner agrees it is a valid point that other businesses are not listed, but this
16 proceeding can only approve the location of the sign. He believes the
17 association has jurisdiction over the location of public way signs, not the
18 individual owners. Discussion followed.

19 Mr. Coules noted that the applicant for signs #1 and #2 is the association.
20 However, this is a private road plowed by the association and he is not
21 worried about the legal authority. Discussion followed regarding moving
22 sign #2 further north; Mr. Coules believes that would make no sense. Ms.
23 Cardosi added that her firm studied every location of every sign; the signs
24 should be in advance of the decision point and located very forward of the
25 turn. The same is true for sign #1; for the majority of the traffic the
26 information on that sign needs to be forward of the intersection. Mr. Kline
27 reiterated his position.

28 Discussion followed regarding who is making the application for variation
29 before the Board.

30
31 *Vice-Chairman Giltner called a five minute recess at the request of Mr.*
32 *Kline to allow Mr. Coules and Mr. Kline to converse.*
33

34 Vice-Chairman Giltner reconvened the meeting. Mr. Coules stated he
35 would get written permission from the association to erect signs #1 and #2
36 before final approval for the permits. He stated that the attorney for the
37 association knows that he is before the ZBA tonight.

38 Discussion followed regarding the impact of the Cancer Treatment Center
39 on the need and type of signage, the recommendations of the Plan
40 Commission and possible input from IDOT regarding the location of sign
41 #1. The Board discussed an approval with conditions, or a modified
42 approval.

43 Member Biggert moved **to close the Public Hearing on V-03-15, Salt**
44 **Creek Properties, LLC.** Member Moberly seconded the motion.
45
46

1 **NAYS:** None

2 **ABSTAIN:** None

3 **ABSENT:** Chairman Neiman

4
5 Motion carried.

6 **DELIBERATIONS - RESUMED**

7
8 Member Biggert moved **approval of the variance known as V-03-15, Salt Creek**
9 **Properties, LLC. as requested with respect to proposed illumination,**
10 **location of off premises signs, on condition of IDOT location and site line**
11 **approval for sign #1, square footage and number of signs on the**
12 **recommendation that the Plan Commission review appropriate sign content**
13 **and recognize those properties who require access from Salt Creek Lane.**
14 Member Podliska seconded the motion.

15
16 **AYES:** Members Connelly, Moberly, Biggert, Engel Podliska and Vice-Chairman
17 Giltner

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** Chairman Neiman

21
22 Motion carried.

23
24 **9. NEW BUSINESS – None**

25
26 **10. OTHER BUSINESS – None**

27
28 **11. ADJOURNMENT**

29 With no further business before the Zoning Board of Appeals, Member Engel
30 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
31 **April 15, 2014.** Member Moberly seconded the motion.

32
33 **AYES:** Members Connelly, Moberly, Biggert, Engel Podliska and Vice-
34 Chairman Giltner

35 **NAYS:** None

36 **ABSTAIN:** None

37 **ABSENT:** Chairman Neiman

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39 Motion carried.

40
41 Vice-Chairman Giltner declared the meeting adjourned at 8:13 p.m.

42
43
44
45 Christine M. Bruton
46 Village Clerk

Approved: _____

FINAL DECISION

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
PETITION FOR VARIATION**

Zoning Calendar: V-03-15

Petitioner: Med Properties

Meeting held: Public Hearing was held on Wednesday, April 15, 2015 at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on March 26, 2015.

Premises Affected: Subject Property is commonly known as 10 Salt Creek Lane, 11 Salt Creek Lane, 12 Salt Creek Lane, 901 Elm Street, & 907 Elm Street, Hinsdale, Illinois and is legally described as:

PARCEL 1: LOT 6 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817, IN DU PAGE COUNTY, ILLINOIS

PARCEL 2: NON-EXCLUSIVE, PERPETUAL EASEMENTS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AGREEMENT RECORDED JUNE 11, 1973 AS DOCUMENT R73-33823 AS AMENDED BY DOCUMENTS R73-35331, R81-2365 AND R2001-197280, DESCRIBED BY RIDER DESCRIPTIONS 2, 4 AND 6 ATTACHED THERETO AND BY EASEMENT GRANT RECORDED JANUARY 18, 1989 AS DOCUMENT R89-006821 AS AMENDED BY DOCUMENT R89-072896 AND AS CREATED BY EASEMENT GRANT RECORDED JUNE 20, 1989 AS DOCUMENT R89-072897, DESCRIBED IN EXHIBITS C1 THROUGH C5 ATTACHED THERETO, FOR THE PURPOSES OF INGRESS AND EGRESS OVER, UPON AND ACROSS EASEMENT PREMISES

PARCEL 3: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF EASEMENTS AND OPERATING COVENANTS RECORDED MAY 29, 2003, AS DOCUMENT R2003-200111, AND RE-RECORDED JANUARY 10, 2006 AS DOCUMENT R2006-005805 AND

AMENDED BY R2012-024784 FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS UPON THE ROADWAYS; RETENTION, DETENTION AND DRAINAGE OF WATER AND OVER COMMON IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO THE CLOCK TOWER, SIDEWALKS, LANDSCAPED AREAS AND POND FOR PEDESTRIAN INGRESS, EGRESS, ACCESS AND FOR PASSIVE RECREATIONAL PURPOSES OVER THE FOLLOWING DESCRIBED LAND: LOTS 1, 2, 3, 4, 6, 7, 8, 9 AND 10 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817, IN DU PAGE COUNTY, ILLINOIS

AND:

PARCEL 1: LOTS 4, 5 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817, IN DU PAGE COUNTY, ILLINOIS

PARCEL 2: AS ABOVE

PARCEL 3: AS ABOVE

AND

PARCEL 1: LOT 3 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817, IN DU PAGE COUNTY, ILLINOIS

PARCEL 2: AS ABOVE

AND:

PARCEL 1: LOT 10 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT R2002-243817, IN DU PAGE COUNTY, ILLINOIS

PARCEL 2: AS ABOVE

PARCEL 3: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF LOT 10 OF PARCEL 1, (EXCEPT THAT PART OF SAID LOTS FALLING IN SALT CREEK LANE), AS CREATED BY THAT CERTAIN CROSS EASEMENT AGREEMENT DATED MAY 16, 2001 AND RECORDED MAY 21, 2001 AS DOCUMENT R2001-95641, FOR PEDESTRIAN AND VEHICULAR AND INGRESS AND EGRESS OVER, UPON AND ACROSS THAT PORTION OF SPINNING WHEEL ROAD BOUNDED ON THE SOUTH BY THE NORTHERLY BOUNDARY LINE OF OGDEN AVENUE AND ON THE NORTH BY THE NORTHERNMOST BOUNDARY LINE OF THE NEW ROAD LAND EXTENDED EASTERLY TO ITS INTERSECTION WITH THE EAST LINE OF SPINNING WHEEL ROAD, WHICH PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS MAY BE TRAVELED SOLELY (i) IN A NORTH AND SOUTH DIRECTION ALONG SAID PORTION OF SPINNING WHEEL ROAD, AND (ii) IN A EAST AND WEST DIRECTION ONLY IN THOSE LOCATIONS WHERE CURB CUTS (x) CURRENTLY EXIST AT THE INTERSECTIONS OF SPINNING WHEEL ROAD AND THE HOSPITAL PROPERTIES (AS SPECIFICALLY DESCRIBED IN SECTION 1.4, THEREIN).

PARCEL 4: AN EASEMENT FOR THE BENEFIT OF THAT PART OF LOT 10 IN PARCEL 1 THAT FALLS IN THE NORTHERLY 60 FEET THEREOF, (EXCEPT THAT PART OF SAID LOT FALLING IN SALT CREEK LANE), AS FULLY DESCRIBED AS EXHIBIT D, NEW ROAD LAND, AS CREATED BY THAT CERTAIN CROSS EASEMENT AGREEMENT DATED MAY 16, 2011, AND RECORDED MAY 21, 2001 AS DOCUMENT R2001-95641 FOR A NON-EXCLUSIVE, IRREVOCABLE AND PERPETUAL EASEMENT OVER, UPON AND ACROSS THAT PORTION OF THE WESTERN BOUNDARY OF SPINNING WHEEL ROAD WHICH INTERSECTS WITH THE NEW ROAD LAND, FOR THE PURPOSE OF MAINTAINING AND USING THE CURRENTLY EXISTING CURB CUTS IN ORDER TO PERMIT VEHICULAR AND PEDESTRIAN ACCESS TO

AND FROM THE NEW ROAD LAND, FROM AND TO
SPINNING WHEEL ROAD

Subject:

In this application for variation, the applicant requests several sign variations in conjunction with the medical office campus being assembled and constructed by Med Properties. The sign package will be reviewed by the Plan Commission in terms of design and content, and as such, the relief being requested is for only the number and size of the signs and not the content, materials, etc. It should be noted that this request is being driven by the fact that the Code does not account for campus type signage or the unusual nature of the relationship between their buildings and the rest of the office park. As a result, the applicant is requesting variations from the following:

Section 9-106(G)(5) - to allow off premises identification signs.

Section 9-106(G)(5) – to allow illumination of off premises identification signs.

Section 9-106(J)(3)(d) - to allow 8 ground signs in lieu of 1 permitted.

Section 9-106(J)(4)(d) - to allow a total square footage of 110' square feet, in lieu of the 100' square feet permitted for ground signs.

Facts:

These properties are located in the O-3 Office District in the Village of Hinsdale and are located on the north side of Ogden Avenue between York Road and the Tri-State. There are a total of 5 parcels included in the request.

Action of the Board:

Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. Members agreed that the Zoning Code did not anticipate campus style signage and that the request was typical to other medical office campus settings.

Member Biggert moved approval of the variance known as V-03-15, Salt Creek Properties, LLC. as requested with respect to proposed illumination, location of off premises signs, on condition of IDOT location and site line approval for sign #1, square footage and number of signs on the recommendation that the Plan Commission review appropriate sign content and recognize those properties

who require access from Salt Creek Lane. Second by
Member Podliska.

AYES: Members Connelly, Moberly, Biggert, Engel, Podliska, Vice
Chair Giltner

NAYS: None

ABSTAIN: None

ABSENT: Chairman Neiman

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

Filed this ____ day of _____, _____, with the office of the Building Commissioner.

7a

MEMORANDUM

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

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

DATE: May 13, 2015

RE: Zoning Variation – V-04-15; 35 E. Walnut

In this application for variation, the applicant requests relief from the setback requirements set forth in section 3-110(D) for the reconstruction of a detached two car garage. The code provides for a reduction in the required sideyard setback when a detached garage falls fully within the rear 20% of the lot. Due to a conflict with a tree, the applicant feels they cannot keep it in the rear 20% of the lot and is asking that the 20% exception be increased to 22% or 2'4" so that the 2' sideyard setback can be maintained.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the southwest corner of Walnut and Garfield. The property has a frontage of approximately 60', a depth of approximately 150', and a total square footage of approximately 9,000. The maximum allowable FAR is 3,350 square feet; the maximum allowable building coverage is 25% or approximately 2,250 square feet, and the total allowable lot coverage is 60% or approximately 5,400 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-04-15

Zoning Calendar No. V-04-15

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): Michael and Carrie Earley

ADDRESS OF SUBJECT PROPERTY: 35 East Walnut Street

TELEPHONE NUMBER(S): (630)590-5508

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

Not Applicable

DATE OF APPLICATION: May 11, 2015



RECEIVED
CB 5-11-15

SECTION I

Please complete the following:

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

Michael & Carrie Earley
35 East Walnut Street
Hinsdale, IL 60521
(630) 590-5508

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

Not applicable

3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property:

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.)

Lot 1 in Stough's subdivision of lot 2 in block 1 of Stough's first addition to Hinsdale, in the south half of the southwest quarter of section 1, township 38 north, range 11, east of the third principal meridian, according to the plat thereof recorded March 18, 1884 as document 33032, in DuPage County, Illinois.

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

1. Attorney: Not applicable

2. Architect: Daniel W. Bryan, AIA
Bryan Associates, Inc. Architects
630 South Bruner Street
Hinsdale, IL 60521

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:

1. Not applicable

2.

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.

Enclosed - See Attached (Exhibit No. 1)

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.

Enclosed - See Attached (Exhibit No. 2)

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.

R-4 Single Family Residential - Refer to the zoning map enclosed
(Exhibit No. 3)

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.

Per section 3-110 D.3.8 of the Village zoning ordinance, the required rear and side yard setbacks in the R-4 single family residential district for detached accessory structures is 2'-0" if located in rear 20% of lot. The rear 20% of subject property is 30'-0". We are requesting a 2'-4" increase of rear yard to 32'-4" (or 22% of lot depth.)

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.

See response to Section II, Item 5e

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.

Not applicable.

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.

See attached (Exhibit No. 4)

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

Section 3-110, bulk, space & yard requirement subsection-D minimum yards 1&3, side & rear.

3. Variation Sought. The precise variation being sought, the purpose therefore, 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.)

We seek a 2'-4" increase of rear yard to 32'-4" (or total of 22% of lot depth.)
See attached (Exhibit #5 – Site Plan)

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 required in order for the applicant to achieve the desired garage is defined under previous item #3.

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:

The existing detached garage is in disrepair and should be replaced. Currently the overhead door faces east and does not exit directly to the existing alley. This requires that the driveway cross the owners' property and creates unnecessary impervious surface. The owners prefer that the overhead door face north and exit straight out to the alley. Currently there are two public trees located in the north side of the public alley directly across from the proposed garage. The Village forester states that these trees must remain. For the proposed garage to have a minimum 20'-0" turn out, it must be placed 2'-4" into the required setback.

- 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.

The location of the trees in the public alley is the unique physical condition. See attached (Exhibit #6 – Tree Preservation Plan)

- b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or 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.

This issue has not been self-created by the owner, but rather by unique conditions of the trees in the public alley.

- 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.

The existing trees in the public alley will not allow the owner to access the alley directly and take advantage of the side yard relief that adjacent neighbors can. (Exhibit No. 6)

- 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 were the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

This is not an issue of wanting special privileges for this owner, but rather for being granted a zoning variance so that a more usable detached garage similar with the neighborhood might be constructed.

- 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.

This detached garage, if given this variance, would be approximately equivalent in location and conform to maximum allowable height and dimension to those located around it, and would not in any way affect the immediately adjacent homes in any sort of negative way. (See attached plans for square footage and site placement - Exhibit 7).

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

- i) 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
- ii) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- iii) Would substantially increase congestion in the public streets due to traffic or parking; or
- iv) Would unduly increase the danger of flood or fire; or

- v) Would unduly tax public utilities and facilities in the area; or
- vi) Would endanger the public health or safety.

This detached garage would adhere and add to the 'essential character' of the area, not detract from it. Its construction would not be detrimental in any sort of manner to its surroundings, the general public, service utilities, etc.

- 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.)

See replies to Section II. Information explains why garage oriented to alley would not work without variance. All Board members are welcome to visit the property at any time.

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.

See attached (Exhibits No. 5 & 6)

- 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.

See attached (Exhibit No. 7)

SECTION IV

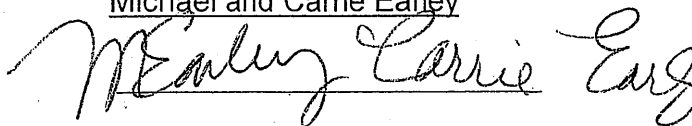
- 1) Application Fee and Escrow. Every application must be accompanied by a nonrefundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate 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.

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.

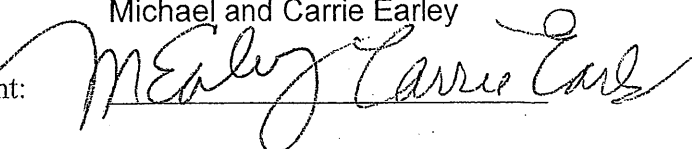
Name of Owner: Michael and Carrie Earley

Signature of Owner:



Name of Applicant: Michael and Carrie Earley

Signature of Applicant:



Date:

5/11/15

Exhibits

- #1 Names and Addresses of Neighbors
- #2 Survey
- #3 Zoning Map
- #4 Title
- #5 Site Plans
- #6 Tree Preservation Plan
- #7 Proposed floor plans and exterior elevations

B. Forsythe & K. Szafarczyk
233 North Garfield Street
Hinsdale, IL 60521

Beth Flaming
223 North Garfield Street
Hinsdale, IL 60521

Len Miller
215 North Garfield Street
Hinsdale, IL 60521

Tracy Erwin & Gaurav Yadava
211 North Garfield Street
Hinsdale, IL 60521

Larry Emmons
216 North Garfield Street
Hinsdale, IL 60521

Donald Brooks
222 North Garfield Street
Hinsdale, IL 60521

Anne Pax
224 North Garfield Street
Hinsdale, IL 60521

Beejal Amin
107 Walnut Street
Hinsdale, IL 60521

Hinsdale Educational
Achievement Center Inc.
108 Walnut Street
Hinsdale, IL 60521

Current Owner
131 North Garfield Street
Hinsdale, IL 60521

Ryan Kowalczyk
127 North Garfield Street
Hinsdale, IL 60521

Thomas Butler
121 North Garfield Street
Hinsdale, IL 60521

K. Quinn & T. Williams
16 East Walnut Street
Hinsdale, IL 60521

Anthony Taylor
138 North Garfield Street
Hinsdale, IL 60521

Lee Anne Stifflear
128 North Garfield Street
Hinsdale, IL 60521

Thomas Massouras
17 East Walnut Street
Hinsdale, IL 60521

Bruce Melton
21 East Walnut Street
Hinsdale, IL 60521

Brian Gupton
27 East Walnut Street
Hinsdale, IL 60521

Current Owner
114 East Walnut Street
Hinsdale, IL 60521

K. McNamara + W. Nagamine
115 East Walnut Street
Hinsdale, IL 60521

Gilbert Mitchell
36 East Hickory Street
Hinsdale, IL 60521

M. W. Connors
26 East Hickory Street
Hinsdale, IL 60521

Jeffrey Samaras
18 East Hickory Street
Hinsdale, IL 60521

David Habiger
133 North Washington Street
Hinsdale, IL 60521

Michael Shryock
205 North Washington Street
Hinsdale, IL 60521

D. Friedman
211 North Washington Street
Hinsdale, IL 60521

J. Massie & C. Winter
215 North Washington Street
Hinsdale, IL 60521

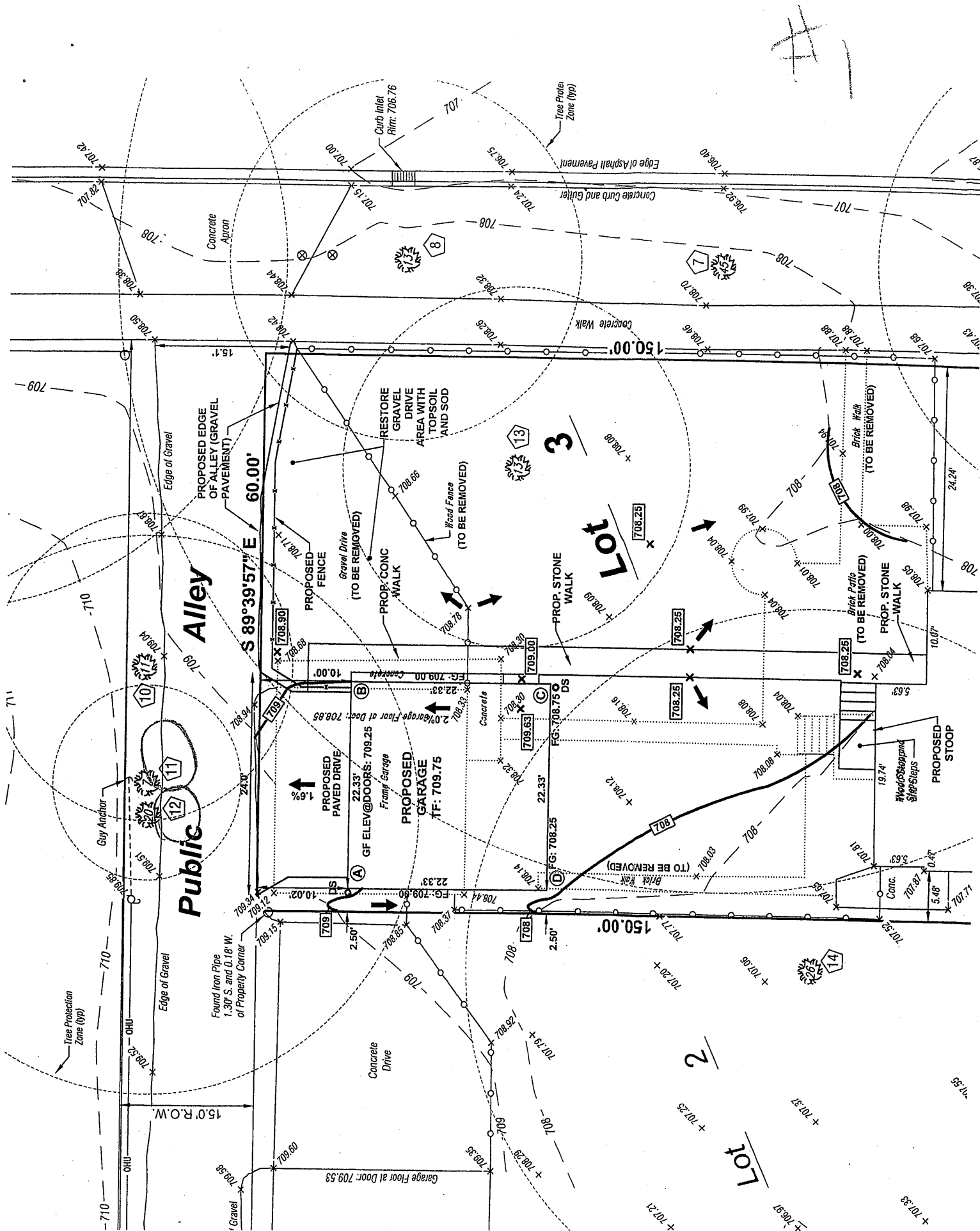
Bruce Beerbower
221 North Washington Street
Hinsdale, IL 60521

Current Owner
225 North Washington Street
Hinsdale, IL 60521

Michael Teska
231 North Washington Street
Hinsdale, IL 60521

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5. IT IS RECOMMENDED THAT FOLLOWING CONSTRUCTION, TREES BE MAINTAINED IN THEIR NATIVE CONDITION. NO LAWN SHOULD BE PLACED AROUND THE TREES. IT IS RECOMMENDED THAT THE AREA BE MULCHED WITH TWO (2) INCHES OF DECOMPOSED LEAVES AND TWO (2) INCHES OF WOOD CHIPS OR BARK.

7/30/17

R.O.W.

NOTATION PLAN WAS CREATED UNDER
CERTIFIED ARBORIST JEFFREY A.
4 A EXPIRATION DATE 6/30/17).

SIGNATURE DATE

*

Tree No.	Diam. (in.)	Common Name	Botanical name	Condition	Removal	Action
1	16	SAUCER MAGNOLIA	Magnolia x soulangeana	2	NO	-
2	21	AMERICAN ELM	Ulmus americana	3	NO	-
3	25	AMERICAN ELM	Ulmus americana	3	NO	-
4	29	AMERICAN ELM	Ulmus americana	3	NO	-
5	10	GREEN ASH	Fraxinus pennsylvanica	3	NO	-
6	18	AMERICAN ELM	Ulmus americana	3	NO	-
7	45	AMERICAN ELM	Ulmus americana	3	NO	-
8	13	AMERICAN ELM	Ulmus americana	3	NO	A
9	25	NORTHERN CATALPA	Catalpa speciosa	3	NO	-
10	11	WHITE ASH	Fraxinus americana	4	NO	A
11	7	WHITE ASH	Fraxinus americana	4	NO	A
12	12	HACKBERRY	Celtis occidentalis	3	NO	A
13	13	WHITE ASH	Fraxinus americana	3	NO	B,K
14	26	SILVER MAPLE	Acer saccharinum	3	NO	B,K

General Criteria

Parkway - Install construction fencing around all the trees that are to remain in the public pathways, bordered by driveways, curbs or streets and sidewalks.

Barrier - Install construction fencing around all of the trees that are to remain allowing (1' diameter of fence for every 1" of tree diameter).

Spread a 6" to 12" layer of mulch around the root zone to reduce soil compaction. Additional weight dispersion can be obtained by placing sheets of plywood over the mulch. This is only a temporary measure and cannot be left in place at that thickness for long periods of time.

Maintain the original grade as far from the tree trunk as possible.

(1' diameter for every 1" of tree diameter is suggested)

Maintain the original grade as far from the tree trunk as possible add retaining wall to the desired depth to meet the new grade.

Tunnel under the tree roots for utility installation.

Crown prune branches out of the Over Head Utilities.

Prune dead and damaged limbs

Drill Holes / Vertical Mulch to reduce the effects of compaction and increased grade. This will help improve oxygen supply, water uptake and root growth.

Deep root fertilize with a slow release source.

Root prune affected roots

LEGEND

- FOUND IRON PIPE
- ⊗ WATER VALVE VAULT
- ⊗ B-BOX
- ⊗ STREET LIGHT
- ⊗ CURB INLET
- ⊗ FIRE HYDRANT
- ⊗ MANHOLE
- ⊗ STORM MANHOLE
- ⊗ SANITARY MANHOLE
- ⊗ GAS VALVE
- ⊗ I.B.T. BOX
- ⊗ POWER POLE
- ⊗ ELECTRIC TRANSFORMER
- ⊗ CABLE BOX
- ⊗ TRAFFIC CONTROL BOX
- ⊗ MAIL BOX
- ⊗ A/C UNIT
- ⊗ PROPOSED DOWNSPOUT
- ⊗ SPOT ELEVATION
- ⊗ PROPOSED ELEVATION
- ⊗ FLOW ARROW
- ⊗ FINISHED GRADE ELEVATION
- ⊗ TOP OF FOUNDATION ELEVATION
- ⊗ BRICK LEDGE ELEVATION
- ⊗ JOIST LEDGE ELEVATION
- ⊗ GARAGE FLOOR ELEVATION
- ⊗ FINISHED FLOOR ELEVATION
- ⊗ TREE WIDMETER - PINE
- ⊗ TREE WIDMETER - DECIDUOUS
- ⊗ WATER SERVICE (EXISTING)
- ⊗ WATER SERVICE (PROPOSED)
- ⊗ SANITARY SEWER (EXISTING)
- ⊗ SANITARY SEWER (PROPOSED)
- ⊗ STORM SEWER (EXISTING)
- ⊗ STORM SEWER (PROPOSED)
- ⊗ GRANULAR TRENCH BACKFILL
- ⊗ PROPOSED CONTOUR
- ⊗ EXISTING CONTOUR
- ⊗ FENCE LINE
- ⊗ SILT FENCE

ARED FOR:

ay
Street
0521

REVISIONS:

#	DATE	BY	DESCRIPTION

PROJ MGR: J.S.
DRAWN BY: D.S.
DATE: 05-08-15

GENESIS JOB NO.
15-051
SHEET 3 OF 3

ZONING MAP OF THE VILLAGE OF HINSDALE, ILLINOIS
1997

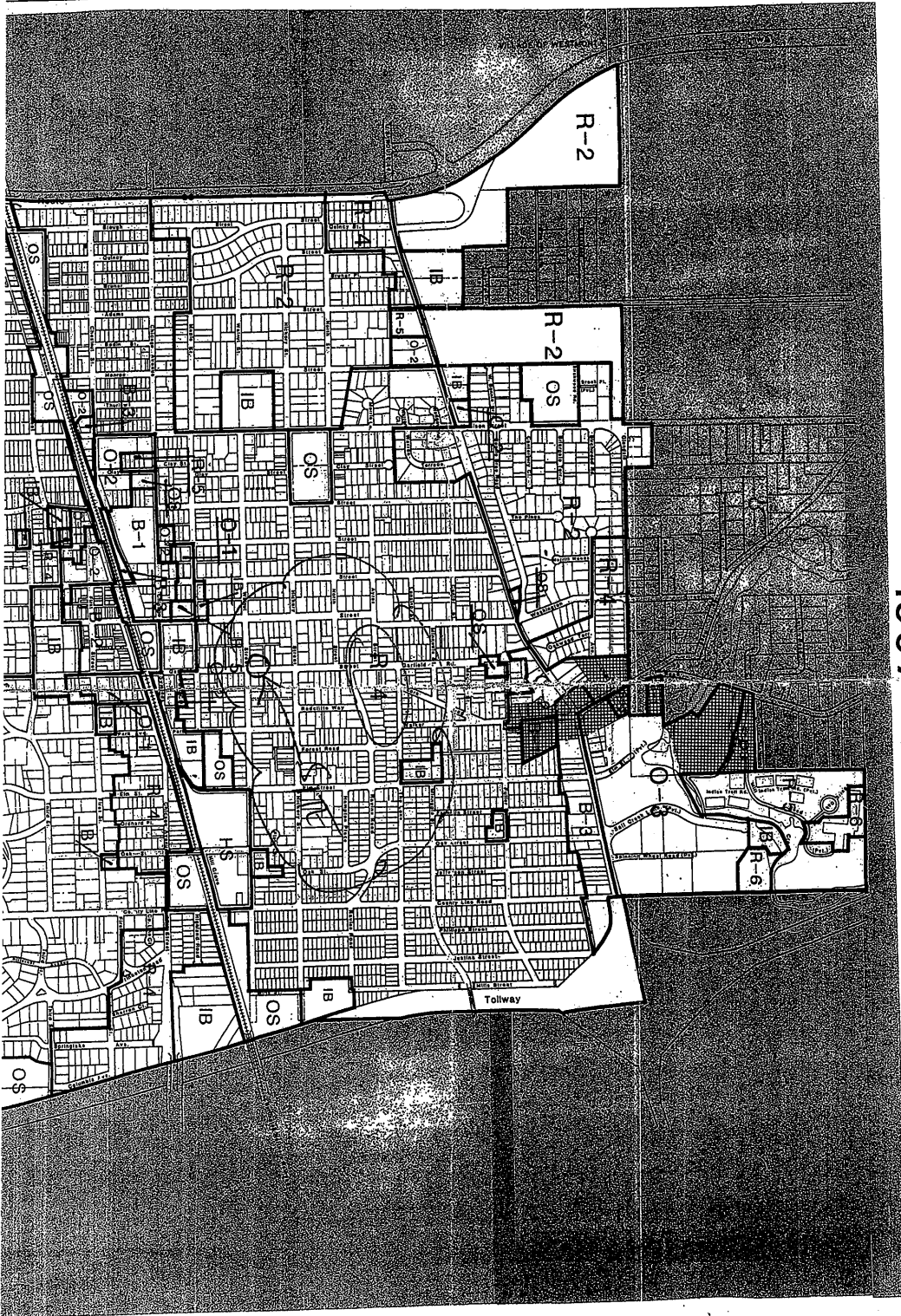


EXHIBIT #3

CHICAGO TITLE INSURANCE COMPANY CHICAGO TITLE AND TRUST COMPANY		B. TYPE OF LOAN	
CLOSER: DONNA ADELMANN		1. <input type="checkbox"/> FHA 2. <input type="checkbox"/> FmHA 3. <input checked="" type="checkbox"/> CONV. UNINS.	
DATE OF PRINTING: 12/04/09		4. <input type="checkbox"/> VA 5. <input type="checkbox"/> CONV. INS.	
TIME OF PRINTING: 16:12		6. File Number: 8489702 MM2	
SETTLEMENT STATEMENT		7. Loan Number 161073692	
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		8. Mortgage Insurance Case Number 029057349-001 DA1 D2	
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.			
D. NAME OF BORROWER: MICHAEL P. EARLEY AND CARYN A. EARLEY			
ADDRESS: 204 S ADAMS HINSDALE ILLINOIS 60521			
E. NAME OF SELLER: J. JORDAN HOMES LLC			
ADDRESS: 321 SOUTH COUNTY LINE ROAD HINSDALE ILLINOIS 60521			
F. NAME OF LENDER: JPMORGAN CHASE BANK, N.A., SEE ATTACHED			
ADDRESS: 3050 HIGHLAND PARKWAY, DOWNERS GROVE ILLINOIS 60515 FL 3			
G. PROPERTY LOCATION: 35 E WALNUT STREET HINSDALE ILLINOIS 60521			
H. SETTLEMENT AGENT: CHICAGO TITLE AND TRUST COMPANY			
ADDRESS: 171 NORTH CLARK CHICAGO ILLINOIS 60601			
PLACE OF SETTLEMENT: 171 NORTH CLARK CHICAGO ILLINOIS 60601			
I. SETTLEMENT DATE: December 04, 2009 04:00			
DISBURSEMENT DATE: December 04, 2009			
J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract sales price	950,000.00	401. Contract sales price	950,000.00
102. Personal Property		402. Personal Property	
103. Settlement charges to borrower (line 1400)	1,759.90	403. Settlement charges to seller (line 1400)	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMT DUE FROM BORROWER	951,759.90	420. GROSS AMT DUE TO SELLER	950,000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money	25,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)	417,000.00	502. Settlement charges to seller (line 1400)	3,044.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. 2ND MORTGAGE FROM ANTHONY F. AND		504. Payoff of first mortgage loan	
205. SARAH M. EARLEY TO BUYER	303,000.00	505. Payoff of second mortgage loan	
206. LENDER SUBSIDY CREDIT TO BUYER	5.00	506. EARNST MONEY RETAINED BY COLDWELL BANK	24,145.00
207.		507. EARNST MONEY PTE (\$855.00)	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes 01/01/09 to 12/04/09	10,718.45	511. County taxes 01/01/09 to 12/04/09	10,718.45
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER	755,723.45	520. TOTAL REDUCTIONS AMT DUE SELLER	37,907.45
300. CASH AT SETTLEMENT FROM/TO BORROWER		600. CASH AT SETTLEMENT TO/FROM SELLER	
301. Gross amt due from borrower (line 120)	951,759.90	601. Gross amt due to seller (line 420)	950,000.00
302. Less amts paid by/for borrower (line 220)	755,723.45	602. Less reductions in amt due seller (line 520)	37,907.45
303. CASH (X FROM) () TO BORROWER	196,036.45	603. CASH (X TO) () FROM SELLER	912,092.55
I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction, I further certify that I have received a copy of the HUD-1 Settlement Statement.			
Borrower MICHAEL P. EARLEY CARYN A. EARLEY		Seller J. JORDAN HOMES LLC	
Settlement Agent Donna R. Adelman		Date 4 December 2009	
WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.			

702.14

702.40

702.08

Street

Walnut

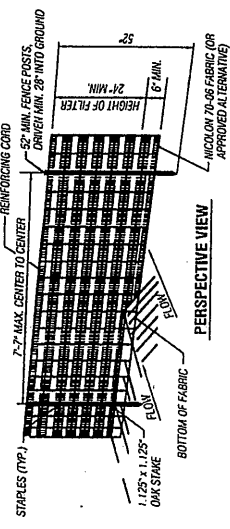
of

Q

THIS TREE PRESERVATION
THE DIRECTION OF CERTIFY
SPIREK (#IL - 53704 A EXP

SIGN

Silt Fence Detail (N.T.S.)



CONSTRUCTION NOTES FOR FABRICATED SILT FENCE
SILT FENCE SHALL BE MAINTAINED UNTIL THE AREA TRIBUTARY TO THE STRUCTURE HAS STABILIZED GROUND COVER, AS DETERMINED BY THE LICENSE ENGINEER.

Tree Quality

Rating	Description	General Criteria	Action
1	Excellent	The tree is typical of the species, has less than 10% deadwood in the crown that is attributed to normal causes, has no other observed problems and requires no remedial action.	A P.Fencing Parkway in the pu Barrier - allowing Spread a compact of plywood be left in
2	Good	The tree is typical of the species, has less than 30% deadwood in the crown 1 or 2 minor problems that are not imminently lethal to the tree and no significant decay or structural problems, but the tree may need remedial care above normal care to minimize the impact of future stress and to insure continued health.	B B.Fencing Mulch Terracing
3	Fair	The tree is not typical of the species and / or has significant problems such as 30-50% deadwood in the crown, serious decay or structural defects, insects, disease or other problems that can be imminently lethal to the tree or create a hazardous tree if not corrected in a short period of time or if the tree is subjected to additional stress.	E Tree Island Tunneling Ci, Prune Prune de Drill Hole grade, Ti
4	Poor	The tree is not typical of the species and / or has significant problems or over 50% deadwood in the crown, major decay or structural problems, is hazardous or severely involved with insects, disease or other problems that even if aggressively corrected would not result in the long term survival of the tree.	F G H I J K Crown pr Prune Aerate D.R.Fert Root prune
5	Dead	Less than 10% of the tree shows signs of life.	

Genesis Surveying and Engineering, PC

PROFESSIONAL DESIGN FIRM No. 184-002922
71 W. 61st STREET
WESTMONT, ILLINOIS 60559
PH (630) 271-0930 FAX (630) 271-0933

TREE PRESERVATION PLAN

35 East Walnut Street
Hinsdale, IL 60521

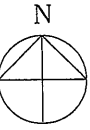
DATE OF FIELD WORK COMPLETION: 05-06-15

PLANS PREPARED BY

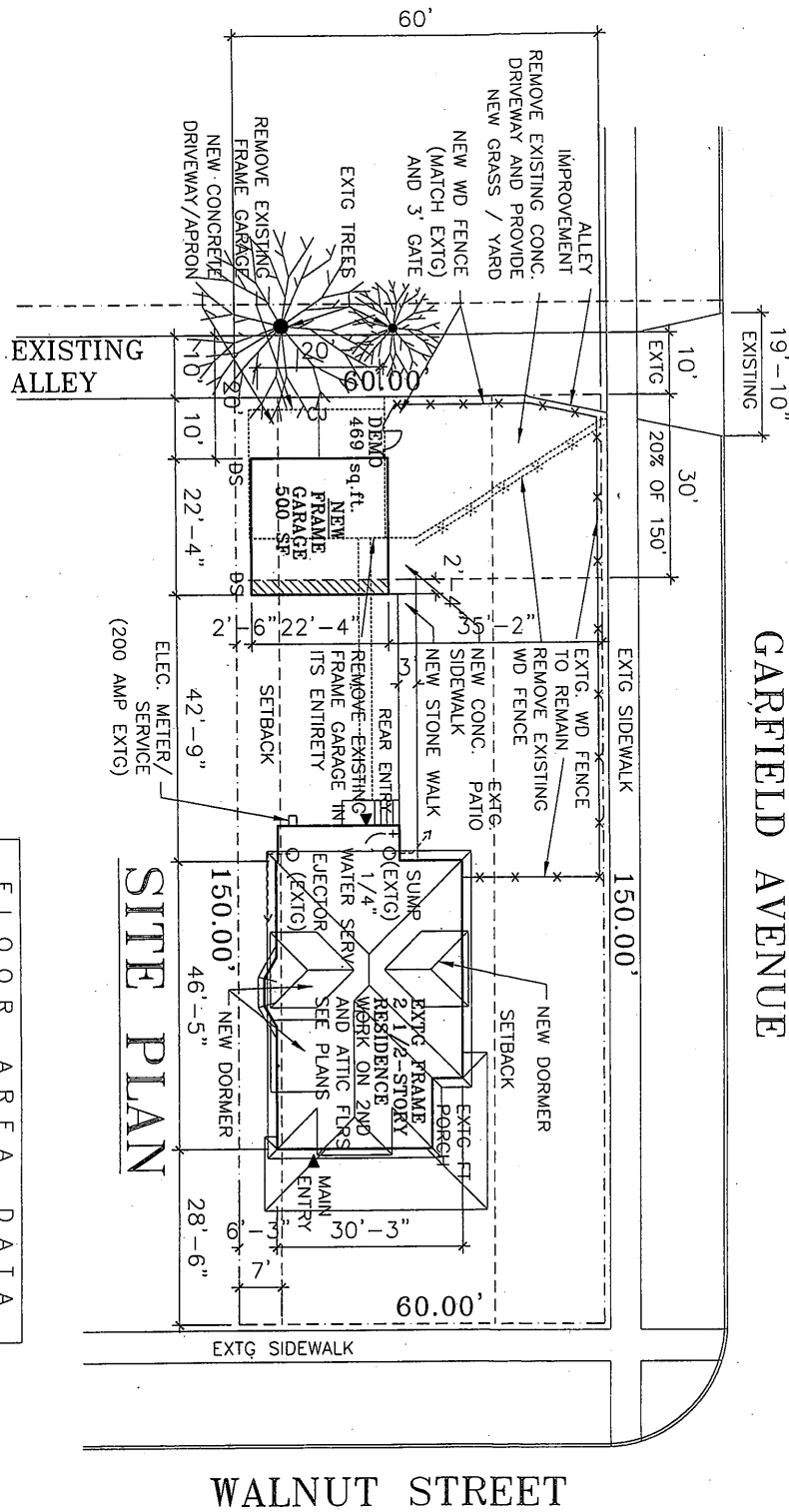
Mike Earley
35 E. Walnut Street
Hinsdale, IL 60521

R:\projects\residential\Remodel\Current\Earley\Drawings\EarleyCb.dwg

SITE PLAN



SCALE: 1" = 20'



SITE PLAN

FLOOR AREA DATA					
SITE	MAX ALLOWED	ACTUAL			
AREA	%	SO.FT.	%	SO.FT.	
COVERAGE	25	2,250	-	1,988	A+E+F
FAR	9,000	25+100	3,350	-	3,341 A+B+C+D
LOT COVERAGE	50%	-	-	-	
GARAGE ATTIC	> 7 ft	2ndx20%	100	-	99.5
DETACHED GAR	-	500	375	250	D, F@375
FINISHED	-	-	-	2,841	A+B
FIRST FLOOR	-	-	-	1,476	A
SECOND FLOOR	-	-	-	1,365	B
THIRD FLOOR	> 7 ft	2ndx20%	-	500	250 C

Cb

EARLEY RESIDENCE



BRYAN ASSOCIATES INC. ARCHITECTS

630 SOUTH BRUNER STREET
HINSDALE, IL 60521 PH.630.920.0777

PROJ # 2014-55
DRN BY DWB&DMP
DATE 5-11-15
SHEET

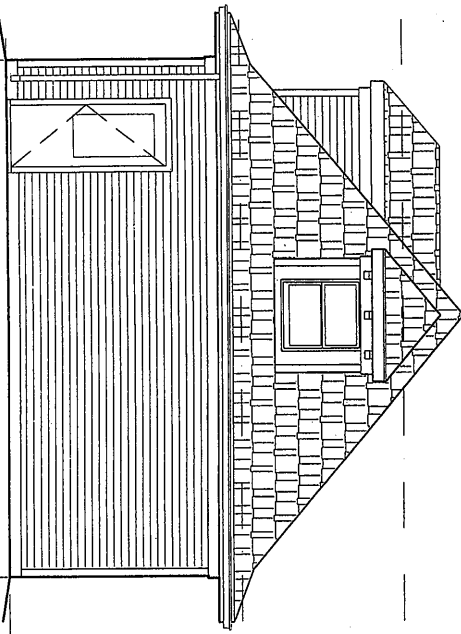
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EXHIBIT #5

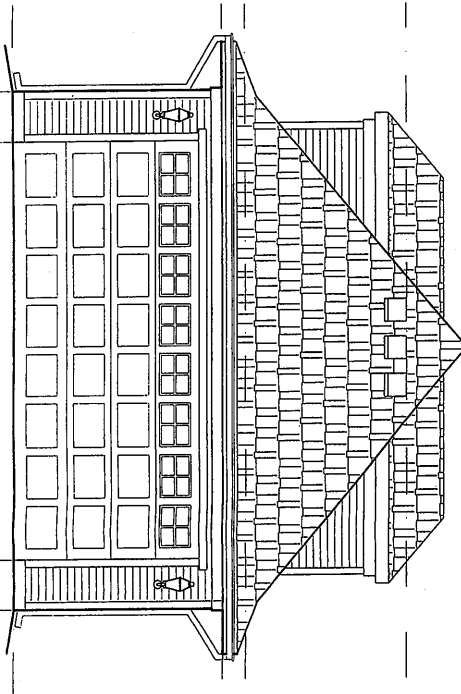




SCALE: 3/16"=1'-0"

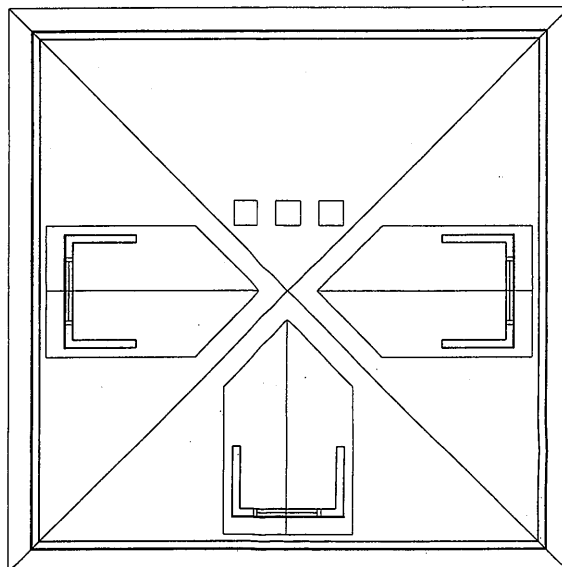
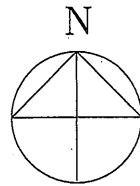
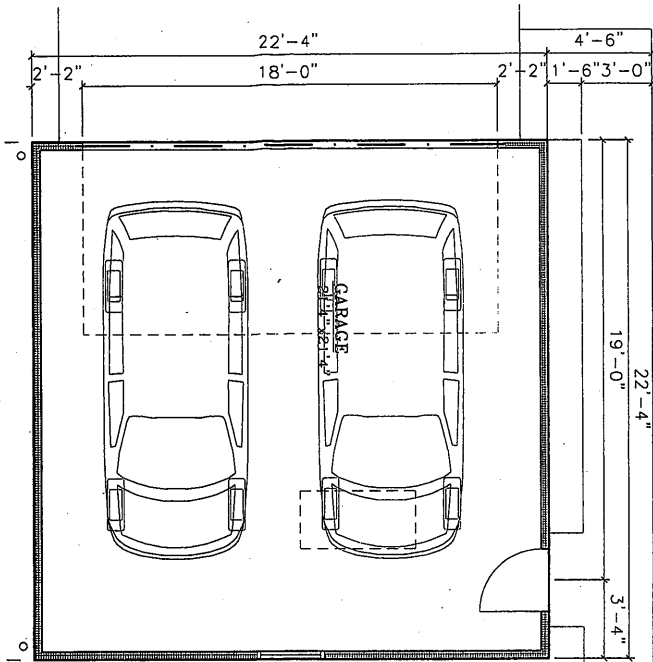


SCALE: 3/16"=1'-0"



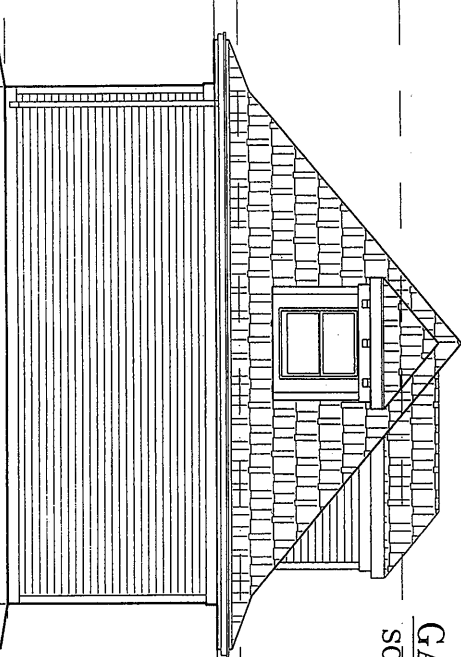
OF

EXHIBIT #7a.



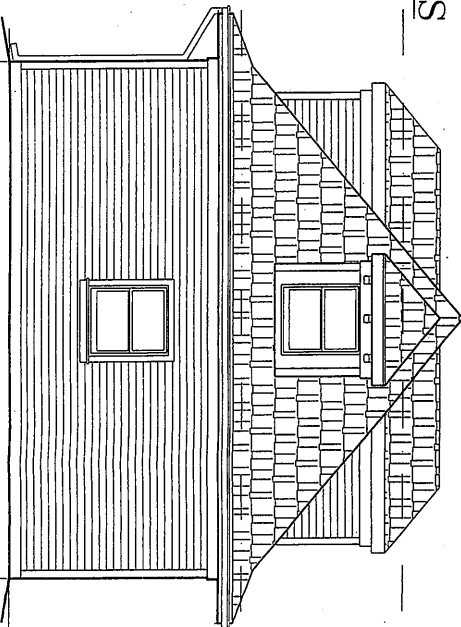
GARAGE PLANS

SCALE: 3/16" = 1'-0"



WEST GARAGE ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH GARAGE ELEVATION

SCALE: 3/16" = 1'-0"

EARLEY RESIDENCE



BRYAN ASSOCIATES INC. ARCHITECTS

630 SOUTH BRUNER STREET
HINSDALE, IL 60521 PH. 630.920.0777

PROJ # 2014-55
DRN BY DWB&DMP
DATE 4-28-15
SHEET

2

DF

EXHIBIT 76