

VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
May 19, 2015

1. CALL TO ORDER

Vice-Chairman Keith Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, May 19, 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 and John Podliska

**Absent:** Member Kathryn Engel and Chairman Bob Neiman

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

3. APPROVAL OF MINUTES

Changes to the draft minutes were suggested and agreed upon by the Board. Member Podliska moved **to approve the minutes of the meeting of April 15, 2015, as amended.** Member Biggert seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Engel and Chairman Neiman

Motion carried.

4. APPROVAL OF FINAL DECISION

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

Changes to the draft final decision were suggested and agreed upon by the Board. Member Biggert moved **to approve the Final Decision for V-01-15, 321 East Ninth Street, as amended.** Member Connelly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Engel and Chairman Neiman

1 Motion carried.

2 **5. RECEIPT OF APPEARANCES – None**

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**

8 a) **V-04-15, 35 East Walnut Street**

9 Mr. Dan Bryan, architect on the project, addressed the Board. He says the  
10 issue boils down to the tree preservation plan. The property is located on  
11 the corner of Walnut and Garfield; the current garage is accessed off the  
12 alley. Usually, alleys are 15' feet wide, and this one is, however, there are  
13 two trees in the alley that pinch the drivable width down to 10' feet. The  
14 cars have to drive onto the property then the alley; this is inconvenient and  
15 creates impervious area. The property owner would like to replace the old  
16 garage. They are seeking a 2' foot 4" inch increase of the rear yard to 34'  
17 feet 4" inches in order to preserve the trees. He has spoken with Village  
18 Forester John Finnell who believes the tree is worth saving and believes  
19 that if the garage was placed according to code, the tree would be  
20 compromised. They propose keeping the garage on the west property line  
21 as it is, but pull it back. Mr. Bryan stated the hardship is the two trees. If  
22 the trees weren't there, there would be no need for the variation.

23 Mr. Bryan said the neighbor to the west of the subject property has no  
24 problem with this request, and they would be most affected. Member  
25 Connelly suggested a letter from the neighbor would be helpful.

26 The Public Hearing was set for the next scheduled meeting of the Zoning  
27 Board of Appeals.

28  
29 **8. PUBLIC HEARINGS – None**

30  
31 **9. NEW BUSINESS– None**

32  
33 **10. OTHER BUSINESS– None**

34  
35 **11. ADJOURNMENT**

36 With no further business before the Zoning Board of Appeals, Member Moberly  
37 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**  
38 **May 19, 2014.** Member Connelly seconded the motion. Voice vote taken, all  
39 in favor, motion carried.

40  
41 Vice-Chairman Giltner declared the meeting adjourned at 6:47 p.m.

42  
43  
44  
45 \_\_\_\_\_  
46 Christine M. Bruton  
Village Clerk

Approved: \_\_\_\_\_

8a

## 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

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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

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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

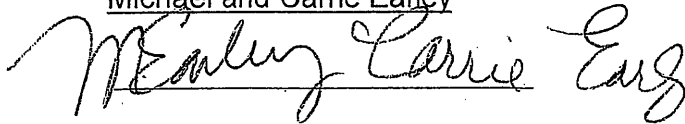
- 1) Application Fee and Escrow. Every application must be accompanied by a nonrefundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate 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 application, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

#### SECTION V

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

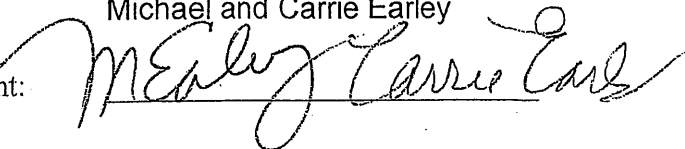
Name of Owner: Michael and Carrie Earley

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

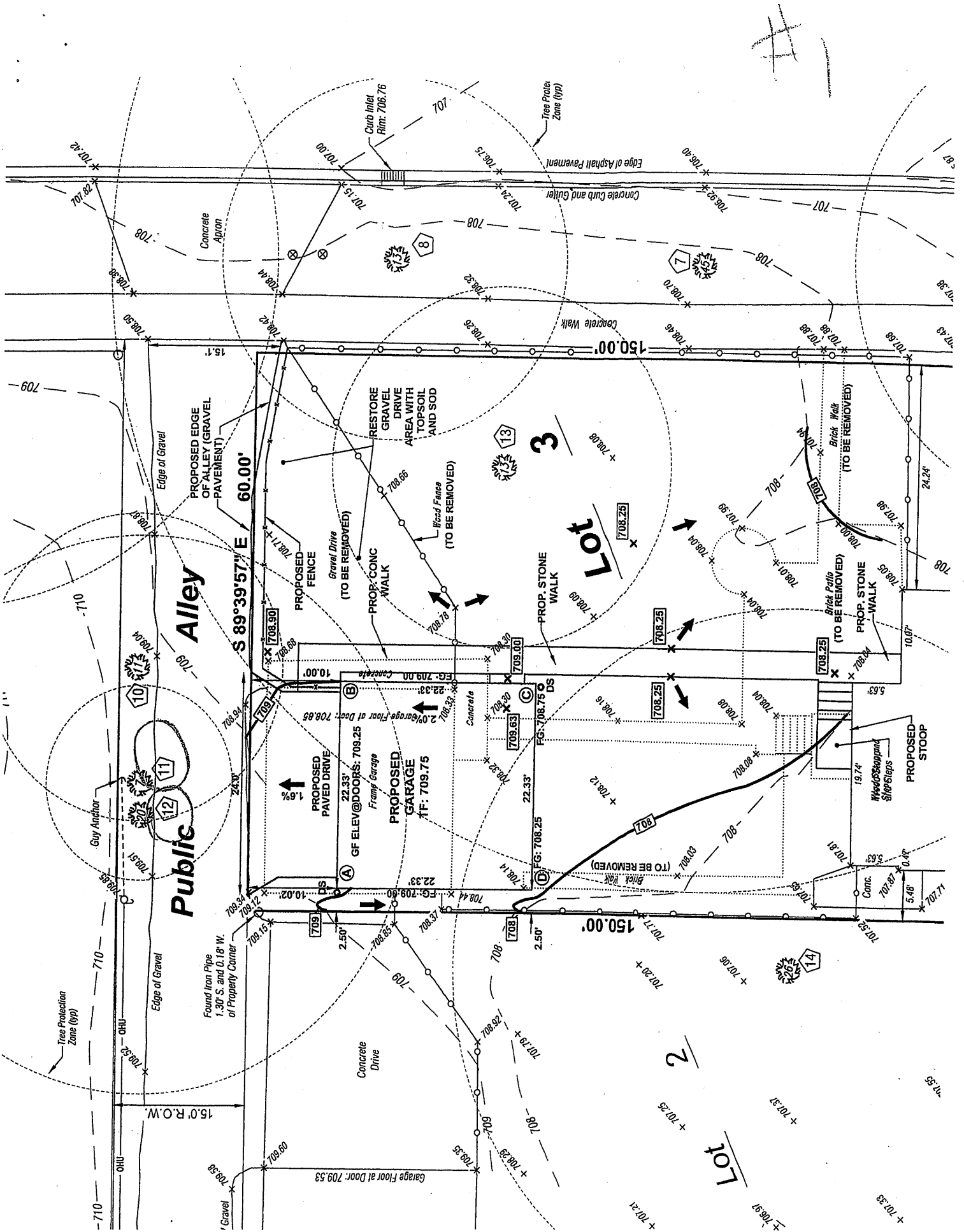
D. Friedman  
211 North Washington Street  
Hinsdale, IL 60521

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



96702 X  
R.O.W.

96702 X

NUMBER OF TREES SHALL BE LUPPED, HAUDED BACK, SKINNED (REMOVAL OF INTERIOR BRANCHES), OR CLIMBED WITH SPICES. ALL DEAD WOOD SHOULD BE REMOVED TO REDUCE HAZARD.  
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.

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

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

General Criteria

- Parkway - Install construction fencing around all the trees that are to remain in the public parkways, 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

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	-
9	25	NORTHERN CATALPA	Catalpa speciosa	3	NO	-
10	11	WHITE ASH	Fraxinus americana	4	NO	-
11	7	WHITE ASH	Fraxinus americana	4	NO	-
12	12	HACKBERRY	Celtis occidentalis	3	NO	-
13	13	WHITE ASH	Fraxinus americana	3	NO	-
14	26	SILVER MAPLE	Acer saccharinum	3	NO	-

LEGEND

- FOUND IRON PIPE
- ⊗ WATER VALVE VAULT
- ⊗ B BOX
- ⊗ STREET LIGHT
- ⊗ CURB INLET
- ⊗ FIRE HYDRANT
- ⊗ MANHOLE
- ⊗ STORM 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 WIDENING - PINE
- ⊗ TREE WIDENING - 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:

ey  
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

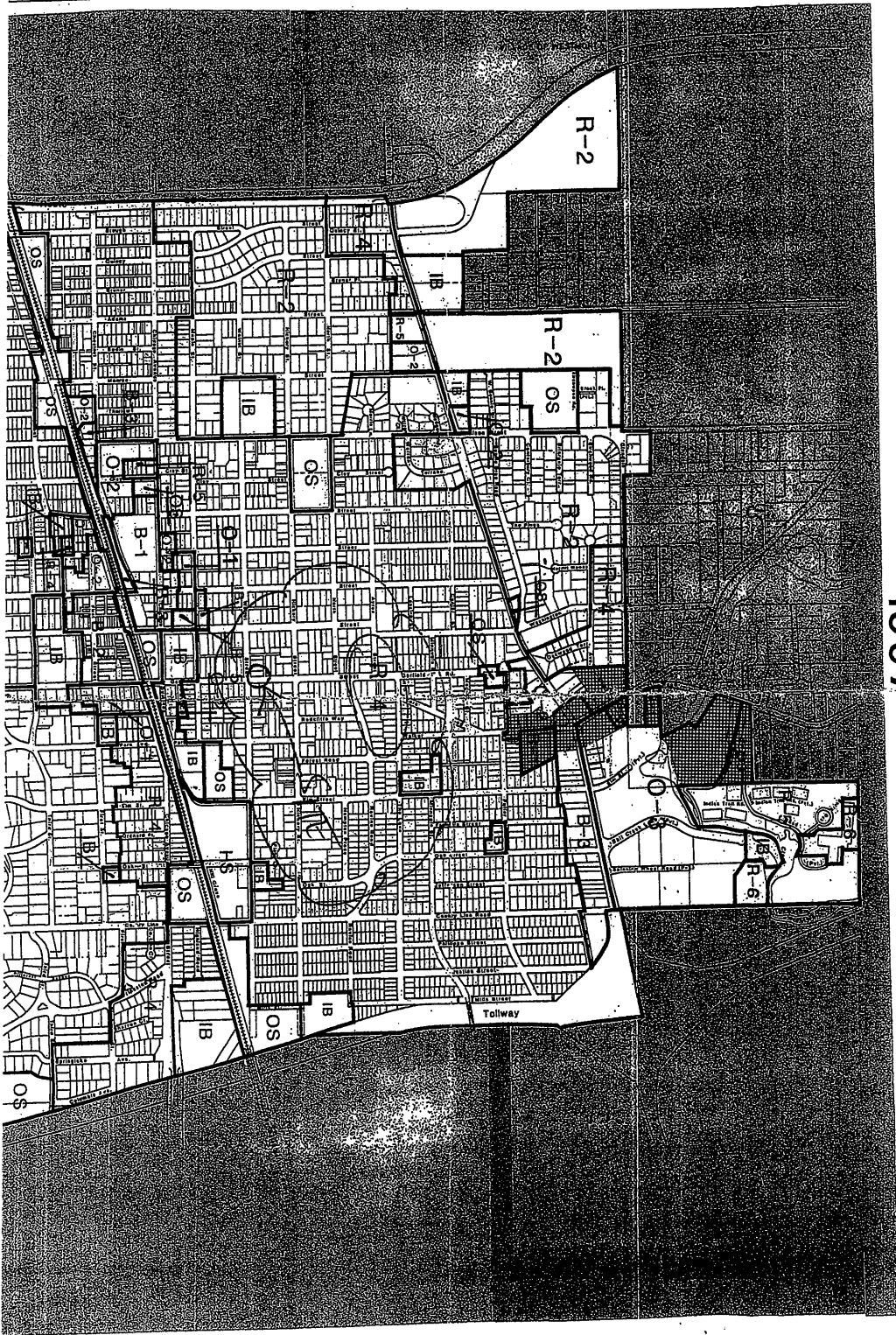


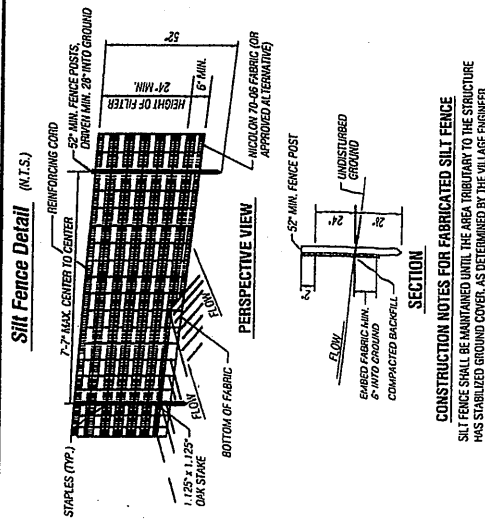
EXHIBIT #3



**of Walnut Street**

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

**SIGN,**



Tree Quality		Description	General Criteria	Action		General
Rating	Code			Description		
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	
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	Barrier - allowing	
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.	C	Mulch	Spread a compact of plywood	
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 infested with insects, disease or other problems that even if aggressively corrected would not result in the long term survival of the tree.	D	Terracing	be left in	
5	Dead	Less than 10% of the tree shows signs of life.	E	Tree Island	Maintain (1" diam	
			F	Tunneling	Maintain add retail	
			G	Cr. Prune	Tunnel u	
			H	Prune	Grown pr	
			I	Aerate	Prune de	
			J		Drill Hole	
			K	D.R.Fert	grade. Ti	
				Root prune	Deep roo	
					Root prun	

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 F

**Mike Earley**  
35 E. Walnut Street  
Hinsdale, IL 60521


**CHICAGO TITLE INSURANCE COMPANY  
CHICAGO TITLE AND TRUST COMPANY**

CLOSER: DONNA ADELMANN

DATE OF PRINTING: 12/04/09

TIME OF PRINTING: 16:12

**SETTLEMENT STATEMENT****U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**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 FL 3 60515

**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  
**ADDRESS:** CHICAGO ILLINOIS 60601

**I. SETTLEMENT DATE:**  
December 04, 2009  
04:00  
**DISBURSEMENT DATE:**  
December 04, 2009

**J. SUMMARY OF BORROWER'S TRANSACTION**

100. GROSS AMOUNT DUE FROM BORROWER:

101. Contract sales price 950,000.00

102. Personal Property

103. Settlement charges to borrower (line 1400) 1,759.90

104.

105.

Adjustments for items paid by seller in advance

106. City/town taxes to

107. County taxes to

108. Assessments to

109.

110.

111.

112.

120. GROSS AMT DUE FROM BORROWER 951,759.90

200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER

201. Deposit or earnest money 25,000.00

202. Principal amount of new loan(s) 417,000.00

203. Existing loan(s) taken subject to

204. 2ND MORTGAGE FROM ANTHONY F. AND

205. SARAH M. EARLEY TO BUYER 303,000.00

206. LENDER SUBSIDY CREDIT TO BUYER 5.00

207.

208.

209.

Adjustments for items unpaid by seller

210. City/town taxes to

211. County taxes 01/01/09 to 12/04/09 10,718.45

212. Assessments to

213.

214.

215.

216.

217.

218.

219.

220. TOTAL PAID BY/FOR BORROWER 755,723.45

300. CASH AT SETTLEMENT FROM/TO BORROWER

301. Gross amt due from borrower (line 120) 951,759.90

302. Less amts paid by/for borrower (line 220) 755,723.45

303. CASH (X FROM) ( ) TO BORROWER 196,036.45

**K. SUMMARY OF SELLER'S TRANSACTION**

400. GROSS AMOUNT DUE TO SELLER:

401. Contract sales price 950,000.00

402. Personal Property

403.

404.

405.

Adjustments for items paid by seller in advance

406. City/town taxes to

407. County taxes to

408. Assessments to

409.

410.

411.

412.

420. GROSS AMT DUE TO SELLER 950,000.00

500. REDUCTIONS IN AMOUNT DUE TO SELLER:

501. Excess deposit (see instructions)

502. Settlement charges to seller (line 1400) 3,044.00

503. Existing loan(s) taken subject to

504. Payoff of first mortgage loan

505. Payoff of second mortgage loan

506. EARNST MONEY RETAINED BY COLDWELL BANK 24,145.00

507. EARNST MONEY PTE (\$855.00)

508.

509.

Adjustments for items unpaid by seller

510. City/town taxes to

511. County taxes 01/01/09 to 12/04/09 10,718.45

512. Assessments to

513.

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516.

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519.

520. TOTAL REDUCTIONS AMT DUE SELLER 37,907.45

600. CASH AT SETTLEMENT TO/FROM SELLER

601. Gross amt due to seller (line 420) 950,000.00

602. Less reductions in amt due seller (line 520) 37,907.45

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

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

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.



19'-10"  
EXISTING

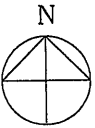
## EARLEY RESIDENCE

630 SOUTH BRUNER STREET  
HINSDALE, IL 60521 PH.630.920.0777



375  
Cp

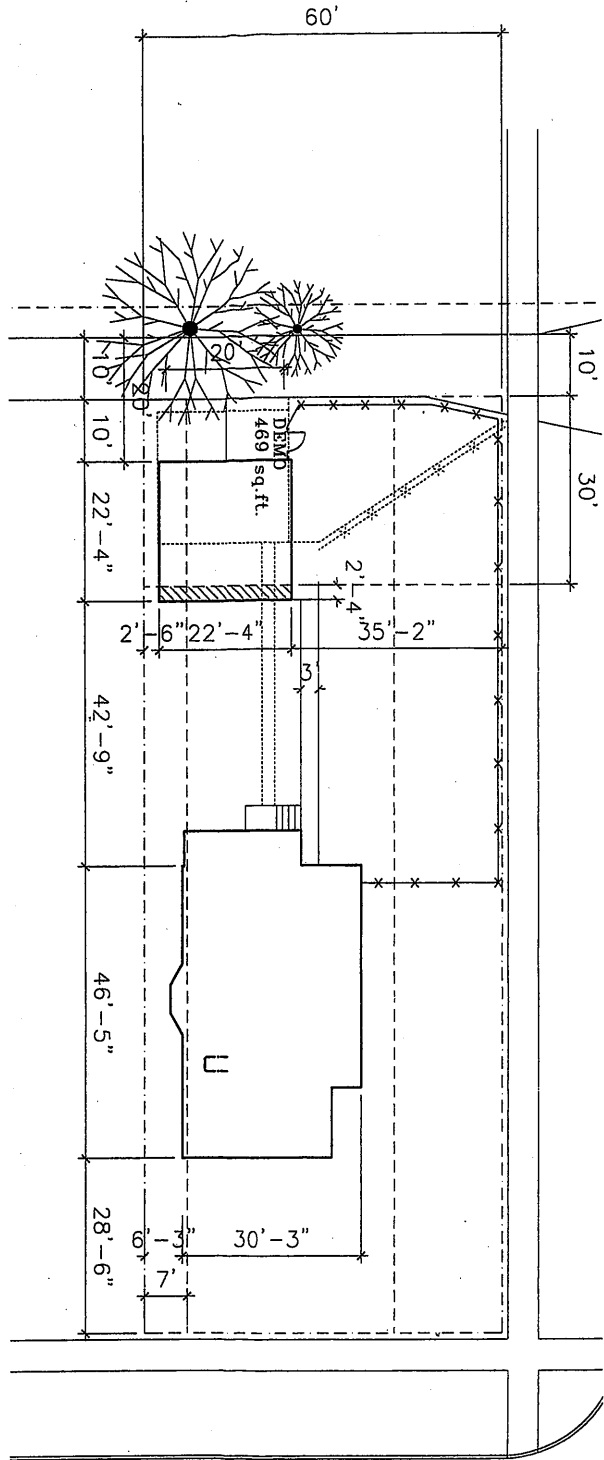
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2  
OF

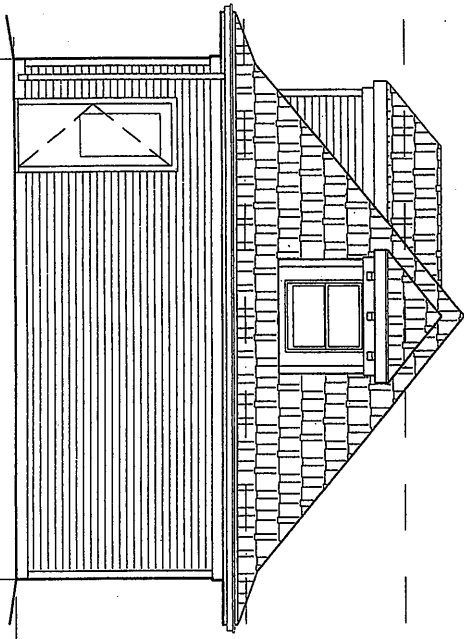
PROJ #  
2014-55  
DRN BY  
DWB&DMP  
DATE  
5-11-15  
SHEET





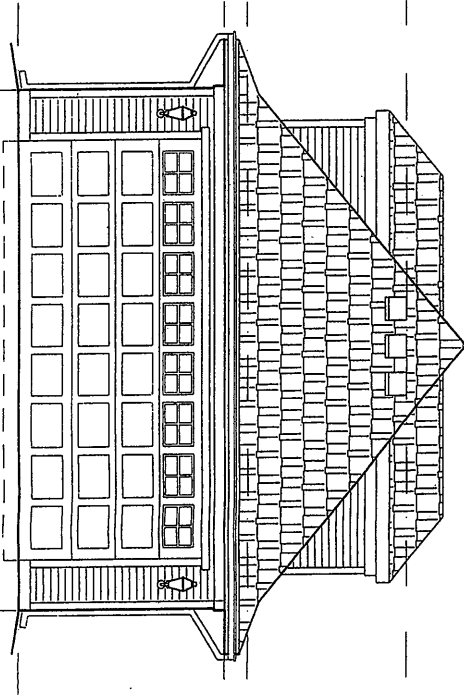
EAST GARAGE ELEVATION

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



NORTH GARAGE ELEVATION

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



## EARLEY RESIDENCE



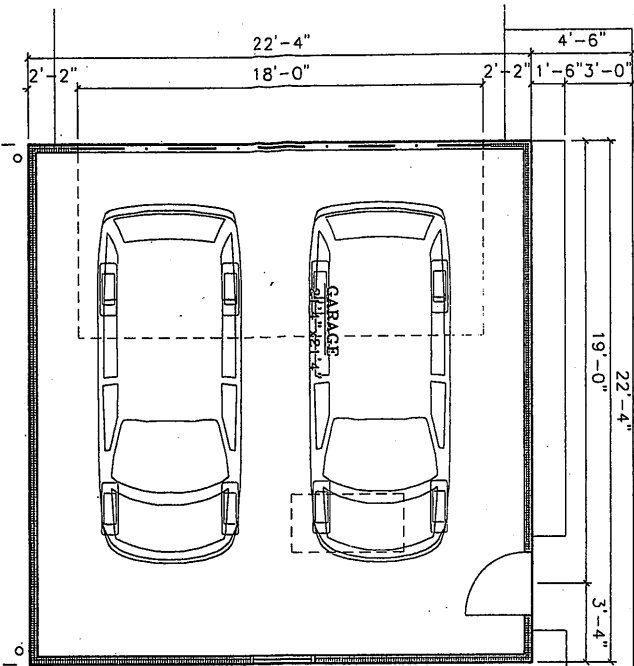
BRYAN ASSOCIATES INC. ARCHITECTS

630 SOUTH BRUNER STREET  
HINSDALE, IL 60521 PH. 630.920.0777

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

OF 2

EXHIBIT #7a.

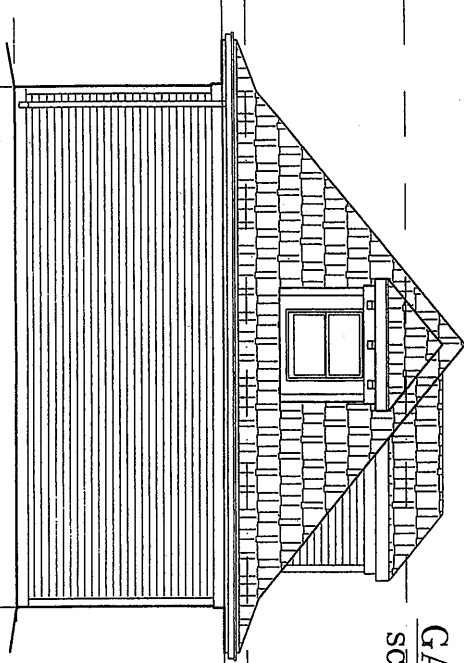


GARAGE PLANS

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

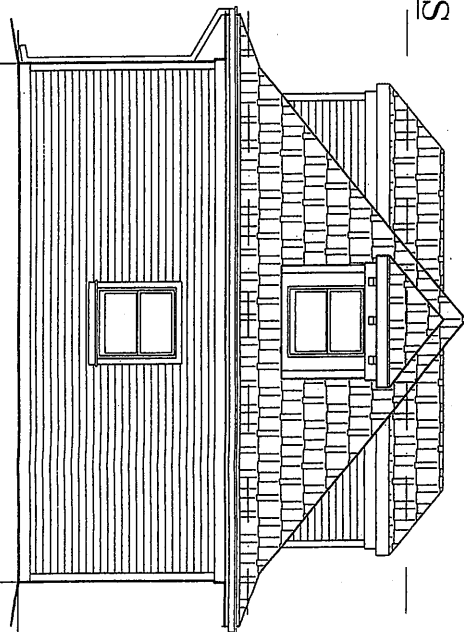
WEST GARAGE ELEVATION

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