



MEETING AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, April 19, 2017

6:30 P.M.

MEMORIAL HALL – MEMORIAL BUILDING

(Tentative & Subject to Change)

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - a) Regular meeting of March 15, 2017
4. APPROVAL OF FINAL DECISION
 - a) V-01-17, 26 East Sixth Street
5. RECEIPT OF APPEARANCES
6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE
7. PRE-HEARING AND AGENDA SETTING
 - a) V-05-17, 117 South Clay Street
8. PUBLIC HEARINGS
 - a) V-02-17, 724 North York Road (Hinsdale Animal Hospital)
 - b) V-03-17, 100 South Garfield Avenue (Hinsdale Middle School)
 - c) V-04-17, 435 Woodside
9. NEW BUSINESS
10. OTHER BUSINESS
11. ADJOURNMENT

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

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VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
March 15, 2017

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 15, 2017 at 6:34 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Gary Moberly, Marc Connelly, Keith Giltner, Joseph Alesia, John Podliska, Kathryn Engel and Chairman Bob Neiman

Absent: None

Also Present: Village Manager Kathleen Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom, Director of Community Development/Building Commissioner Robb McGinnis and Village Clerk Christine Bruton

3. APPROVAL OF MINUTES

a) Regular meeting of December 21, 2016

There being no changes or corrections to the draft minutes, Member Giltner moved to **approve the minutes of the regular meeting of December 21, 2016, as presented.** Member Engel seconded the motion.

AYES: Members Moberly, Giltner, Alesia and Chairman Neiman

NAYS: None

ABSTAIN: Members Connelly, Engel and Podliska

ABSENT: None

Motion carried.

b) Regular meeting of January 18, 2017

There being no changes or corrections to the draft minutes, Member Podliska moved to **approve the minutes of the regular meeting of January 18, 2017, as presented.** Member Giltner seconded the motion.

AYES: Members Moberly, Giltner, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: Members Connelly, Alesia and Engel

ABSENT: None

Motion carried.

1
2 c) **Regular meeting of February 15, 2017**

3 There being no changes or corrections to the draft minutes, Member Engel
4 moved to **approve the minutes of the regular meeting of February 15,**
5 **2017, as presented.** Member Alesia seconded the motion.
6

7 **AYES:** Members Moberly, Alesia, Engel, Podliska and Chairman Neiman

8 **NAYS:** None

9 **ABSTAIN:** Members Connelly and Giltner

10 **ABSENT:** None
11

12 Motion carried.
13

14 **4. APPROVAL OF FINAL DECISION**

15 a) **V-05-16, 631 S. Garfield Street**

16 Corrections were made to the draft final decision. Member Podliska moved
17 to **approve the Final Decision for V-05-16, 631 S. Garfield Street, as**
18 **amended.** Member Giltner seconded the motion.
19

20 **AYES:** Members Moberly, Giltner, Engel, Podliska and Chairman Neiman

21 **NAYS:** None

22 **ABSTAIN:** Members Connelly and Alesia

23 **ABSENT:** None
24

25 Motion carried.
26

27 **5. RECEIPT OF APPEARANCES** – All persons intending to speak during the
28 public hearing were sworn in by the court reporter.
29

30 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO**
31 **MAKE PUBLIC COMMENT OF A GENERAL NATURE** – None
32

33 **7. PRE-HEARING AND AGENDA SETTING**

34 a) **V-03-17, 100 South Garfield Avenue (Hinsdale Middle School)**

35 Village Manager Kathleen A. Gargano addressed the Board as joint
36 applicant with the Hinsdale Middle School. She explained this application
37 relates to the building of a parking deck. She explained the school passed
38 a referendum for a new school, and the construction of a surface parking lot
39 might be a community opportunity to relieve congestion in the central
40 business district. She noted a Chicago Metropolitan Agency for Planning
41 (CMAP) study which indicated the Village is at 100% capacity in terms of
42 parking. The school agreed to work together with the Village to solve the
43 parking problem, to which there has been no public opposition to the
44 construction; the only opposition was to building too small a structure. Part
45 of the impetus to move forward is due to the design of the school, which will
46 exacerbate an existing problem because an additional 50 spaces will be
47 lost.
48

Mr. Brian Kronewitter, architect for the Middle School project, briefly

1 reviewed the six requested variances, which include a reduction in the front
2 yard setback, the interior side yard setback, an increase in floor area ratio
3 (FAR), occupying more than 35% of the side yard with a permanent
4 structure, allowing off-street parking in the required front yard, and
5 reduction of minimum perimeter landscape buffer.

6 Chairman Neiman commented that while this is a unique situation, the
7 necessity for six variations is problematic and the applicant should be
8 prepared to explain why all of these are required, and no other design
9 would eliminate or reduce the number or severity. Member Connelly noted
10 that two of the six items are recommendations for approval only. Director
11 of Community Development Robb McGinnis said based on the
12 improvements, three of these will be reduced. Ms. Gargano said every
13 effort will be made to minimize the requests. Mr. Weise, representing the
14 school, provided some detail regarding the landscape materials to be used
15 surrounding the parking deck.

16 The public hearing was set for April 15, 2017.

17
18 **b) V-04-17, 435 Woodside**

19 Mr. Matthew Bousquette, property owner, addressed the Board. He
20 clarified that 435 Woodside would be the new address, he resides at 448 E.
21 4th Street. Also present was Mr. Kris Parker, current resident of the Zook
22 house located at 444 E. 4th Street. Mr. Bousquette explained these
23 addresses encompass six lots, or a little over two acres. These lots are
24 slightly larger than the others on the block. He described the 400 block of
25 Woodside, and the current homes on the block. The lot they want to build
26 on is the second largest, and the same as the other homes on the block,
27 except the one right next door. The Zook house is a 4,100' square foot
28 home. To the best of his knowledge, there are no lots in the R-1 area of
29 this size that have never been built on before. Additionally, 90% of the
30 existing homes in the R-1 do not conform to the 90,000' square foot
31 requirement. The lot and the house fit with character of the neighborhood;
32 he would like to save the house. The lot where the Zook house would be is
33 the second largest on the block; resulting in three houses on two acres. He
34 explained that he has been working on this for eight months, and it is
35 becoming financially difficult; he is looking for an expeditious way to resolve
36 this.

37 Mr. Parker added when people see the facts, they are in favor of this
38 request. He believes the home is part of Hinsdale's look, feel and heritage.
39 Mr. Parker is under contract to buy the home, contingent on being able to
40 move it.

41 The public hearing was set for April 15, 2017.

42
43 **c) V-02-17, 724 North York Road (Hinsdale Animal Hospital)**

44 Mr. Mike Mathys, architect, Dr. Tony Kremer, owner, and Mr. Tim Burke,
45 management company representative, addressed the Board. Mr. Mathys
46 explained the project originally started as a redevelopment of the existing
47 building, but the Village Board, while receptive to the location, encouraged
48 them to demolish and rebuild. They are working with a slightly smaller

1 footprint than the existing building. The setback on York Road would be
2 the same, the building would be a brick and stone style, with a tower
3 feature. Dr. Kremer commented he is under contract with the current
4 owner, pending approvals. It was noted the property was re-zoned B-1 by
5 the current owner, but the surrounding area is O-2. Discussion followed
6 regarding the tower.

7 Chairman Neiman is concerned there are so many variations requested,
8 especially so when the existing building is being torn down, creating a
9 'blank slate'. He asked the applicant to address whether the issues are
10 self-created; could the architecture be changed to eliminate or reduce the
11 scope of the variances requested, and bring it closer to what is permitted.

12 Dr. Kremer said they are working on trying to redevelop the business,
13 however, they know they need this square footage. Mr. Mathys explained
14 the lot is misshapen, and partly unusable, which has created the need for a
15 variance. There are issues with the lot width, and providing the proper
16 parking. If the property was still zoned O-2, as the surrounding area, a
17 couple of the variances, including FAR relief would not be necessary. It
18 was noted they plan to eliminate existing on-street parking, thereby
19 improving the look of York Road.

20 The public hearing was set for April 15, 2017.
21

22 **8. PUBLIC HEARINGS**

23 **a) V-01-17, 26 East Sixth Street**

24 Mr. Bob O'Donnell, attorney representing Janice MacLeod, independent
25 executor of Mr. Vincent Petrovsky's estate, addressed the Board stating
26 they are seeking a single variation from the minimum lot area requirement
27 in the R-4 zoning district for a property which currently does not have an
28 address. Section 3-110-C of the Village code states the minimum lot size
29 for a lot in the R-4 district is 10,000' square feet; however Section 10-105-A
30 addressed the use of nonconforming lots of record for use as a single-
31 family home. If this variation is granted, the new lot would be used for a
32 single-family home. A legal nonconforming lot of record must have a
33 minimum lot area of 7,000' square feet. The subject lot is 400' feet less
34 than the minimum required. However, Section 11-503 of the code permits
35 a variation of up to 10% of the required lot area, and as such is within the
36 Board's authority to grant.

37 The lot is currently vacant, and the hardship in this case is the lot will not
38 be buildable. The anomaly in the code is that if there were an existing
39 single family home on the lot before 1981, a variation would not be required
40 to tear down and rebuild. The unique physical condition is the property was
41 platted in 1888, well before the code was adopted, it does not appear a
42 home was ever constructed on the property. The problem is not self-
43 created as these lots were platted separately a century before the code
44 was adopted. The owner's substantial right is denied; they should have the
45 right to sell the lot like any other lot in the area with a home on it. Those
46 can be sold and redeveloped as a matter of right.

47 Discussion followed regarding the value in Hinsdale of a 13,000' square
48 foot lot. Mr. O'Donnell stated there is more value in two separate lots; the

owner will suffer significant diminution by virtue of the fact there is no house on the lot. He also reiterated that the second lot would not be buildable; additionally this would be the only 13,000' square foot lot in a neighborhood of 7,000' square foot lots. He believes the essential character of the area would be negatively affected by the combining of the two lots. He pointed out that the contract purchaser of the lot intends to build a code compliant home on the property.

Mr. O'Donnell stated the ability to construct a home on a platted lot is not a special privilege, given all the other activity in the recent past in this area.

Granting this is in the spirit of the code, and consistent with what has occurred in the district. There is no other remedy, other than a variation, to use this lot for a single-family home. It is an atypical situation that requires the property owner to come before the Board simply because there is no house on the lot.

Member Podliska asked what efforts were made to reach out to neighbors for input. Mr. Luke Stifflear addressed the Board stating he has a contract to purchase the property. He also noted for full disclosure, that he is a Trustee on the Village Board. He sent out 36 notices to all the neighbors on February 28th, but there has been no response. He did not knock on the doors. (Mr. Stifflear was sworn in for prior testimony.)

Mr. McGinnis clarified there are lots of record all over town that do not meet the bulk regulations. When the code was adopted, a town of legal non-conforming lots was created. He noted that if a home straddles underlying lots it creates one zoning lot. There is no record of any improvement on this lot; therefore this is not a zoning lot of record.

Ms. Maureen Walsh of 25 S. Ulm Place, was sworn in. She expressed concerns about density and drainage. She is the resident behind the property in question, and hates to see the homes get smooshed together, so she opposes this request. Chairman Neiman explained the drainage issues would be addressed during the permitting process. Ms. Walsh stated she doesn't have drainage problems, but her neighbor does.

Member Connelly moved to close the public hearing for **V-01-17, 26 East Sixth Street**. Member Alesia seconded the motion.

AYES: Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

DELIBERATIONS

Member Podliska began deliberations stating he is satisfied with the discussion regarding the character of neighborhood if there was one big house; he is convinced the character would be adversely affected. Chairman Neiman agreed;

1 it was a good suggestion to combine the lots, but no one wants one big house in
2 the middle of the block towering over all the others. Member Moberly stated he is
3 convinced by the building activity in the area, Member Connelly believes all the
4 necessary criteria for approval have been met. Chairman Neiman added the
5 manner in which Mr. O'Donnell addressed the criteria was compelling, especially
6 with the exhibits of like homes and like sized lots.

7
8 Member Podliska moved to **approve the variation request known as V-01-17,**
9 **26 East Sixth Street.** Member Engel seconded the motion.

10
11 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
12 Chairman Neiman

13 **NAYS:** None

14 **ABSTAIN:** None

15 **ABSENT:** None

16
17 Motion carried.

18
19 **9. NEW BUSINESS** – None

20
21 **10. OTHER BUSINESS** – None

22
23 **11. ADJOURNMENT**

24 With no further business before the Zoning Board of Appeals, Member Engel
25 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
26 **March 15, 2017.** Member Giltner seconded the motion.

27
28 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
29 Chairman Neiman

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** None

33
34 Motion carried.

35
36
37 Chairman Neiman declared the meeting adjourned at 8:15 p.m.

38
39
40
41 _____
42 Christine M. Bruton
43 Village Clerk
44
45
46

Approved: _____

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

- Zoning Calendar:** V-01-17
- Petitioner:** Janice MacLeod
- Meeting held:** Public Hearing was held on Wednesday, March 15, 2017 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 Hinsdlean on February 23, 2017.
- Premises Affected:** Subject Property is commonly known as 26 E. 6th Street, Hinsdale, Illinois and is legally described as:
- Lots 13 and 14 in block 1 of Gretchell's resubdivision of blocks 1, 2, 3, 4, 11 and 12 (except lots 1 and 2 in said block 3) in center addition to Hinsdale, in the north half of the south west quarter of section 12, township 38 north, range 11, east of the third principal meridian, in DuPage County, IL
- Subject:** In this application for variation, the applicant requests relief from the Minimum Lot Area set forth in section 10-105: Legal Non-Conforming Lots of Record. The specific request is for 400 square feet of relief. The Zoning Board of Appeals has the authority to grant up to a 10% reduction in lot area under the provisions set forth in section 11-503(E)(1)(c).
- Facts:** This property is located in the R4 Residential Zoning District in the Village of Hinsdale and is located on the south side of 6th Street between Garfield and Washington. The property has a frontage of approximately 100', a depth of approximately 132', and a total square footage of approximately 13,200. The maximum FAR is .24 plus 1,200 or 4,368 square feet, the maximum Building Coverage is 25% or 3,300 square feet, and the maximum Total Lot Coverage is 50% or 6,600 square feet.
- Action of the Board:** Members discussed the request and agreed that the hardship was primarily due to the fact that the vacant Lot of Record had never been built on. Additionally members agreed that forcing the owner to consolidate the lots would alter the essential character of the area given the consistent size of the lots in the neighborhood and the fact that a larger lot would likely result in a larger house out of scale with those

already constructed. Members agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval.

A motion to recommend approval was made by Member Podliska and seconded by Member Engel.

- AYES:**

Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska, Chairman Neiman
- NAYS:**

None
- ABSTAIN:**

None
- ABSENT:**

None

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: April 10, 2017

RE: Zoning Variation – V-05-17; 117 S. Clay Street

In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 3-110-D2 for the construction of a detached garage. The applicant is requesting a 1.5' reduction in the required interior side yard from 6.1' to 4.6'. It should be noted that the garage has already been constructed. No spotted survey was prepared or submitted for review prior to framing as is required, and the error was not brought to staffs attention until the final inspection was scheduled and the as-built survey was submitted.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the southeast corner of Clay Street and Hinsdale Avenue. The property has a frontage of approximately 46.65', a depth of approximately 170', and a total square footage of approximately 11,836. The maximum FAR is approximately 4,040 square feet, the maximum allowable building coverage is 25% or approximately 2,959 square feet, and the maximum allowable lot coverage is 50% or approximately 5,918 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-05-17

7a

Zoning Calendar No. V-0517

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): Mrs. Alison and Mr. Paul Fichter

ADDRESS OF SUBJECT PROPERTY: 117 S. Clay Street

TELEPHONE NUMBER(S): (of Applicant) 

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


Applicant is property owner

DATE OF APPLICATION: April 7, 2017



SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Mrs. Alison and Mr. Paul Fichter, 117 S. Clay Street, Hinsdale, IL 60521

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

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

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 117 S. Clay Street, Hinsdale, IL 60521. (Please see Warranty Deed attached as Attachment "A" for legal description.)

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - (a) Attorney: Norman V. Chimenti, Esq., 10 S. LaSalle St., Chicago, IL 60603
 - (b) Engineer: Robert P. Schlaf, P.E., 335 Ventura Club Drive, Roselle, IL 60172
 - (c) Construction Manager: Dave Krecek, Danley's Garage World, 10031 W. Roosevelt Rd., Westchester, IL 60154
 - (d) Architect: [Information to be furnished prior to public hearing.]

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. (To be furnished as Attachment "B")

After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.

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. Please see Attachment "C".
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. Please see Attachment "D".
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. Please see Attachment "E".
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. Please see Attachment "F".
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. N/A

SECTION II

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

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest. Please see Warranty Deed attached hereto as Attachment "A."
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought: Sec. 3-110D.2.(a)(ii)
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.)

Applicant seeks a reduction of the minimum interior lot side yard requirement of 6.1 ft. to 4.6 ft. (a reduction of 1.5 ft., or 18 in.) in order to allow a recently constructed new replacement garage to remain at its current location. Please see Attachment "H" for additional information.

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 variation sought by Applicant is the minimum variation that is necessary to preserve the current location of an attractive new detached garage that replaced a dilapidated and unsightly former detached garage located closer to the interior side lot line of the Subject Property. Please see Attachment "I" for additional information

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

Please see Attachment "J" for Applicant's statement regarding compliance with all standards for 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. Please see Attachment "C" for the survey showing the location of the constructed detached garage on the Subject Property. Elevations for the constructed garage will be furnished prior to the Board's pre-hearing review of this Application.
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. The information requested in this paragraph for bulk zoning and other zoning information pertaining to the existing lot and improvements subsequent to the construction of the new replacement detached garage which is the subject of this Application will be furnished prior to the Board's pre-hearing review of this Application. Other than the relief sought in this Application, the Subject Property and its structures and uses conform or legally non-conform with the requirements of the Zoning Code, and the special water management grading and landscaping plan required at the Subject Property comply with flood plain regulations and are approved by the Village for implementation upon receipt of the Board's determination regarding the relief sought herein.

SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a non-refundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.
2. Additional Escrow Requests. Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.
3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the Application, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

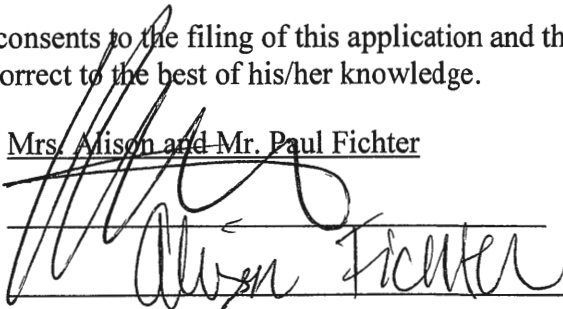
SECTION V

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

Name of Owner:

Mrs. Alison and Mr. Paul Fichter

Signature of Owner:



Name of Applicant:

(Same as Owner)

Signature of Applicant:

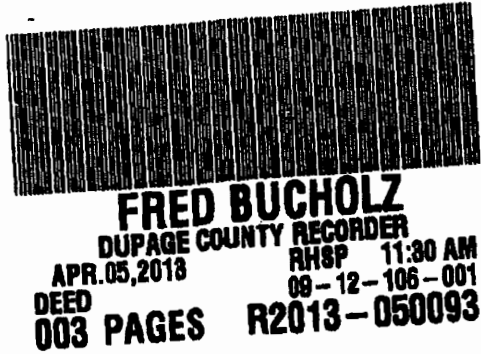
Date:

April 7, 2017

ATTACHMENT A

WARRANTY DEED

C.T.I./W
 005757075-
 201316203
 1003 KB



THE GRANTORS, Todd Hayes and Madelyn Martin of the City of Argyle, County of Denton, State of Texas, for and in consideration of Ten and No/100 Dollars in hand paid, conveys and warrants to Paul B. Fichter and Alison K. Fichter, husband and wife, not as tenants in common or joint tenants but as tenants by the entirety, of 1546 Orleans, Unit 507, Chicago, Illinois, the following described real estate situated in the County of DuPage, State of Illinois, to wit:

Legal Description Attached hereto as Exhibit "A"

SUBJECT TO: *General real estate taxes due and payable at time of closing, covenants, conditions and restrictions of record, building lines and easements, if any, so long as they do not interfere with the current use and enjoyment of the real estate*

hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois.

Permanent Real Estate Index Number(s): 09-12-106-001-0000

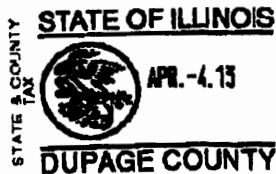
Address of Real Estate: 117 S. Clay Street, Hinsdale, Illinois 60521

Dated this 25th day of March, 2013.

Madelyn Martin
 Madelyn Martin

Todd Hayes
 Todd Hayes

Handwritten initials



# 0000007016	REAL ESTATE TRANSFER TAX
	0066000
	FP326686

CHARGE C.T.I.C. DUPAGE

STATE OF TEXAS, COUNTY OF Denton ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Madelyn Martin is personally known to me to be the person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed, and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 28 day of March, 2013.



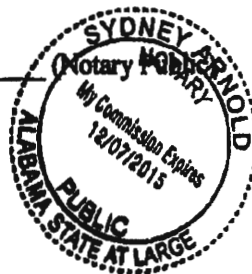
Ginger Renea Bazaco (Notary Public)

STATE OF ALABAMA, COUNTY OF Chelby ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Todd Hayes is personally known to me to be the person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed, and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 25 day of March, 2013.

Sydney Arnold



Prepared By:

Gary R. Evans, Esq.
Cisar & Mrofka, Ltd.
One Mid America Plaza, Suite 125
Oak Brook Terrace, Illinois 60181

Mail To:

William S. Bazianos, Esq.
135 S. LaSalle Street
Suite 2100
Chicago, Illinois 60603

Name and Address of Taxpayer/Address of Property:

Paul B. Fichter
117 S. Clay Street
Hinsdale, Illinois 60521

STREET ADDRESS: 117 S. CLAY STREET

CITY: HINSDALE

COUNTY: DUPAGE

TAX NUMBER: 09-12-106-001-0000

LEGAL DESCRIPTION:

LOT 3 IN BLOCK 7 IN J. I. CASE'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1872 AS DOCUMENT 15440, IN DUPAGE COUNTY, ILLINOIS.

CURAD D

ATTACHMENT B

TO ALISON AND PAUL FICHTER
APPLICATION FOR VARIATION AT
117 S. CLAY STREET

[List of names and addresses of property owners of properties designated in Section I par. 7 of this Application to be furnished prior to the public hearing, along with completed Certification of Proper Notice form and all certified mail receipts.]

PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

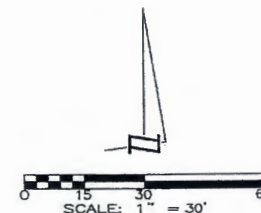
3080 OGDEN AVENUE SUITE 307

LISLE, ILLINOIS 60532

PHONE: 630-778-1757

PROF. DESIGN FIRM # 184-004196

E-MAIL: info@plslisle.com



PARCEL INDEX NUMBER
09-12-106-001

SYMBOL LEGEND

- CONCRETE SURFACE
- X-X- - FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA
- UTILITY POLE
- OHW- - OVERHEAD WIRES
- F/F - FINISH FLOOR

NOTE:
POSSIBLE EASEMENT OF ANY PUBLIC SERVICE
CORPORATION AS DISCLOSED BY SERVICE POLES
AND/OR WIRES ON REAR OF LAND.

LEGAL DESCRIPTION

LOT 3 IN BLOCK 7 IN J. I. CASE'S ADDITION TO
HINSDALE, BEING A SUBDIVISION OF PART OF
THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38
NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED AUGUST 13, 1872 AS DOCUMENT
15440, IN DUPAGE COUNTY, ILLINOIS.

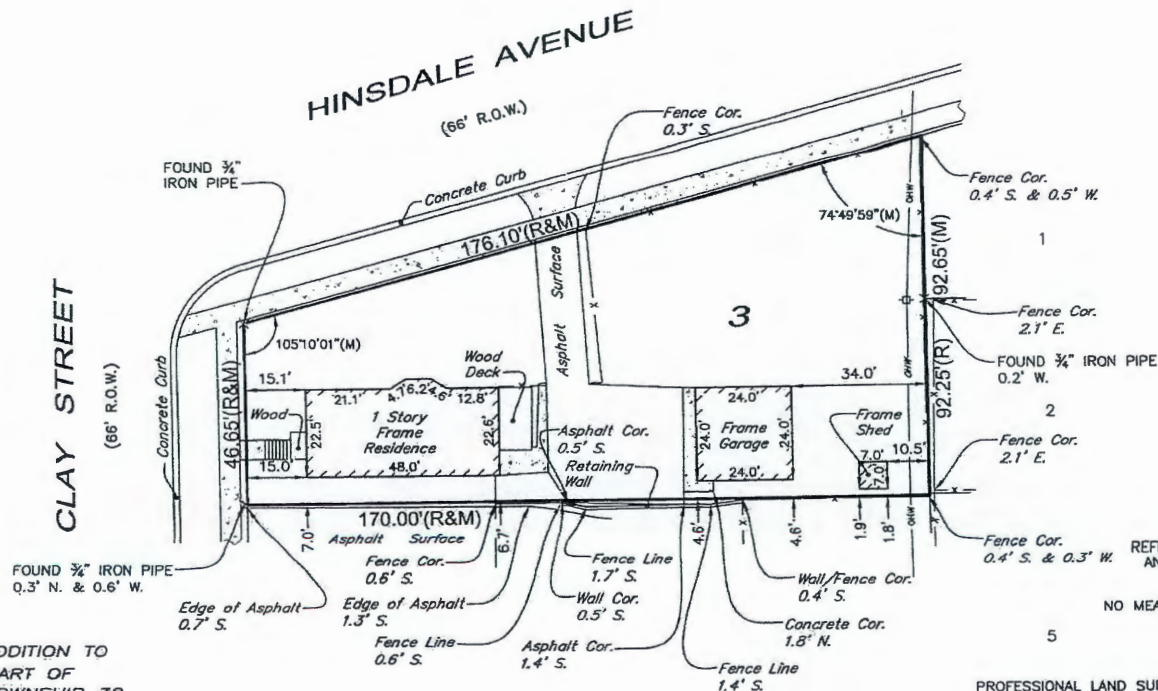
PREPARED FOR: SCHLAF

ADDRESS: 117 S. CLAY STREET, HINSDALE, ILLINOIS

BOOK & PG: _____ DATE: 12/06/2016 JOB NO: 149800

DRAWN BY: AA CHECK BY: SAR

REVISED: _____



SURVEYED AREA: 11,836± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY
AND LOCAL BUILDING AND ZONING ORDINANCE
FOR ITEMS NOT SHOWN HEREON.

NO MEASUREMENT ARE TO BE ASSUMED BY SCALING

STATE OF ILLINOIS } SS
COUNTY OF DUPAGE }

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS
SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE
HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED
THIS 1ST DAY OF DECEMBER, 2016.

IPLS No. 3483
MY LICENSE EXPIRES 11/30/2018

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



ATTACHMENT D

TO ALISON AND PAUL FICHTER APPLICATION FOR VARIATION AT 117 S. CLAY STREET

The Subject Property is located in the R-4 Single Family Residential District. It is located at the corner of Hinsdale Avenue and Clay Street just south of the Burlington Railroad tracks. Proximate parcels north of the Burlington tracks are devoted to mixed residential and commercial uses. A short distance to the Subject Property's west is the Hinsdale swimming pool and commercial areas are located a short distance to the east of the Subject Property. It is presently developed with a single family residence, a detached garage and storage shed, a deck and other accessory uses. The existing single family residence and the former detached garage were constructed in the early 1900's in the case of the residence, and the 1930's or 1940's in the case of the former garage. Vehicular access to the Subject Property is via a driveway intersecting with Hinsdale Avenue. All uses of the Subject Property conform to those that are permitted in the R-4 District. All residential properties within 250 ft. of the Applicant's residence south of the Burlington tracks are located in the R-4 District, and Applicant believes that the uses of those nearby properties conform to the permitted uses of the R-4 District. Properties north of the Burlington tracks in proximity to the Subject Property are located in the O-3 Office District and the B-2 Business District and are devoted to the permitted uses of those non-residential districts.

ATTACHMENT E

TO ALISON AND PAUL FICHTER
APPLICATION FOR VARIATION AT
117 S. CLAY STREET

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

ATTACHMENT F

TO ALISON AND PAUL FICHTER APPLICATION FOR VARIATION AT 117 S. CLAY STREET

Applicant seeks the Board's approval to allow a portion of a new, already constructed detached garage to remain in an interior side yard required by the Zoning Code. The new garage replaced a dilapidated (broken windows, damaged interior and exterior walls, broken roof truss, broken concrete floor and displaced off the foundation) and unsightly former legal non-conforming garage that was closer to the interior lot line than is the replacement new detached garage. Applicant believes that the specific standards for granting the variation sought in the Application are met, as detailed in Attachment "J" (Section II, paragraph 5) of this Application. The Board has authority to grant the relief sought by Applicant. Although the circumstances may be unusual, including the location of the property in an area dubiously designated as a "flood plain" by DuPage County and the Army Corps of Engineers, Applicant proposes to demonstrate to the Board that each of the standards articulated as conditions for approval are satisfied by the facts underlying this Application. To that end, Applicant and their professional advisors have conferred with legal counsel and Village staff, obtained the opinion and recommendations of qualified construction engineers and managers, and have met with abutting neighbors to describe the Zoning Code relief being sought from the Board and the reasons therefor. All abutting neighbors support this Application and have given their unanimous and unqualified written consent to the new garage remaining in its present location. Copies of those written consents are attached to this Application as Group Attachment "G."

GROUP ATTACHMENT G

January 4, 2017

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

Re: 117 S. Clay Street
Garage Variance

Dear Village of Hinsdale,

Our neighbors located at 117 S. Clay Street (Paul and Alison Fichter) have informed us that their recent garage build was not built according to the approved building plans by their builder. The result is that the garage is located 4ft. 6in. from the South property line, but was to be located at least 6 ft. from the South property line. We understand that the cost to have the garage placed into the correction location would be prohibitively costly and in its present location it has no material impact on our property or our surrounding neighborhood, especially since the garage it replaced was less than 1.5 ft. from the South property line, and we are therefore in favor of the Village's approval of a variance to allow it to remain in its current as-built location.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce and Adrienne Renwick". The signature is fluid and cursive, with the first names being more prominent.

Bruce and Adrienne Renwick
Adjacent Owners 119 S. Clay Street

January 4, 2017

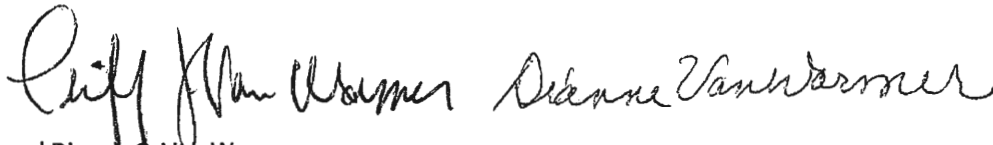
Village of Hinsdale
19 E. Chicago Avenue
Hinsdale, IL 60521

Re: 117 S. Clay Street
Garage Variance

Dear Village of Hinsdale,

Our neighbors located at 117 S. Clay Street (Paul and Alison Fichter) have informed us that their recent garage build was not built according to the approved building plans by their builder. The result is that the garage is located 4ft. 6in. from the South property line, but was to be located at least 6 ft. from the South property line. We understand that the cost to have the garage placed into the correction location would be prohibitively costly and in its present location it has no material impact on our property or our surrounding neighborhood, especially since the garage it replaced was less than 1.5 ft. from the South property line, and we are therefore in favor of the Village's approval of a variance to allow it to remain in its current as-built location.

Sincerely,

Handwritten signatures of Clifford J. Van Wormer and Dianne C. Van Wormer in black ink.

Clifford J. and Dianne C. Van Wormer
Adjacent Owners 112 S. Vine Street

January 4, 2017

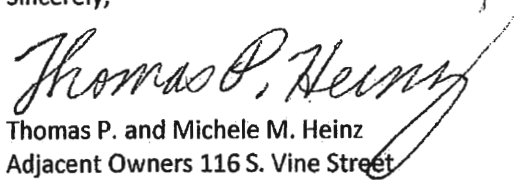
Village of Hinsdale
19 E. Chicago Avenue
Hinsdale, IL 60521

Re: 117 S. Clay Street
Garage Variance

Dear Village of Hinsdale,

Our neighbors located at 117 S. Clay Street (Paul and Alison Fichter) have informed us that their recent garage build was not built according to the approved building plans by their builder. The result is that the garage is located 4ft. 6in. from the South property line, but was to be located at least 6 ft. from the South property line. We understand that the cost to have the garage placed into the correction location would be prohibitively costly and in its present location it has no material impact on our property or our surrounding neighborhood, especially since the garage it replaced was less than 1.5 ft. from the South property line, and we are therefore in favor of the Village's approval of a variance to allow it to remain in its current as-built location.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas P. Heinz", with a long, sweeping flourish extending from the end of the signature.

Thomas P. and Michele M. Heinz
Adjacent Owners 116 S. Vine Street

ATTACHMENT H

TO ALISON AND PAUL FICHTER APPLICATION FOR VARIATION AT 117 S. CLAY STREET

Applicant's former detached garage was constructed in the 1930's or 1940's, and is therefore treated as a "precode structure" in the Zoning Code. The former garage was in dilapidated condition and beyond repair. Copies of photos of the former garage are included with this Attachment H as Group Attachment H-1. The former detached garage was located 18 in. (1 ½ ft.) from the interior lot line, and was not located in the rear 20% of the Subject Property. Therefore, it was a "legal non-conforming" precode structure under the Code. (Because of the location of the former detached garage on the Subject Property, it was not eligible for the exception contained in Footnote 9 of Sec. 3-110D.2. that enables detached garages to be located 2 ft. from side and rear lot lines. Even had it been eligible, it was still too close to the interior lot line by 6 in. to be in conformance with the current Code.)

Applicant's property is an irregularly shaped corner lot. Its legal non-conforming frontage width is 46.65 ft. (The Zoning Code requires a minimum of 70 ft. in the R-4 District.) Its width at the rear lot line is 92.65 ft. Its depth measured along the interior lot line is 170 ft., exceeding the minimum of 125 ft. required by the Code. The principal residence is also a legal non-conforming structure in that it is located a distance of 20.5 ft. (instead of the currently required 35 ft.) from the corner lot line at its closest point. (The residence's location at 6.7 ft. from the interior lot line is permitted by the Code as an exception to the normally required 8 ft.) Thus, the Subject Property contains a number of legal non-conformities and exemptions. Moreover, according to official records, it is located in the mysterious Flagg Creek floodplain, which requires that special water management measures be taken, including provision for water collection and absorption areas that limit the Applicant's use of the Subject Property and dictate the configuration of foundations such as that which was poured for Applicant's new garage that replaces the former legal non-conforming garage. Taken together, these features of Applicant's property, coupled with its location in proximity to the community swimming pool, the Burlington tracks and Village office and business areas are significantly uncommon in the Village.

Upon deciding to replace the former legal non-conforming dilapidated garage with a new and aesthetically appealing detached garage, Applicant contracted with the well-known and reputable firm of Danley's Garage World ("Danley's") to design and construct the new accessory structure. Danley's prepared drawings and a plan for locating the new detached garage 35 ft. from the rear lot line (as required by the Code), and 6.1 ft. from the interior lot line in accordance with the required interior yard setback of 6.1 ft. under Sec. 3-110D.2.(a)(ii) of the Zoning Code as computed by the Village Staff based on the location of the front yard setback of the single family residence. Given the designation of the Subject Property as being located in the highly regulated Flagg Creek "Special Flood Hazard Area," Danley's devoted approximately one year to obtaining permits from DuPage County and from the Village to construct the new detached

ATTACHMENT H – Page 2

garage pursuant to the submitted design and plans (including the required special water management plan). Upon receipt of the required permits, Danley's was finally able to commence construction in the Fall of 2016.

Regrettably, stated simply, Danley's concrete contractor and Danley's office committed inadvertent errors. The concrete contractor measured the planned 6.1-ft. distance from the interior lot line from a fence located 1.5 ft. on the property of Applicant's southerly neighbor instead of measuring from the lot line, itself. As a result, the garage foundation was poured 4.6 ft. from the lot line instead of the intended 6.1 ft. to comply with the Zoning Code requirement. In addition, Danley's office failed to obtain a foundation spot survey before commencing construction of the garage, itself. Accordingly, the new detached garage was constructed, and the required special water control grading was performed, utilizing the erroneously located garage foundation. The errors were not discovered until the final inspection of the project by Village personnel. Neither Danley's nor Applicant benefit in any way from the inadvertent current location of the new garage at its present location. The employment of the Danley's employee responsible for overseeing the foundation contractor and for providing the foundation spot survey was terminated.

As more fully presented in their statement of compliance with the standard for variation, Applicant seeks a variation that would permit the newly constructed detached garage to remain in its present location. The degree of the requested relief from a strict application of the Code is 1.5 ft. (18 in.), the difference between the existing garage's location 4.6 ft. from the interior lot line and the required distance of 6.1. Copies of photos of the newly constructed garage are included with this Attachment H as Group Attachment H-2.

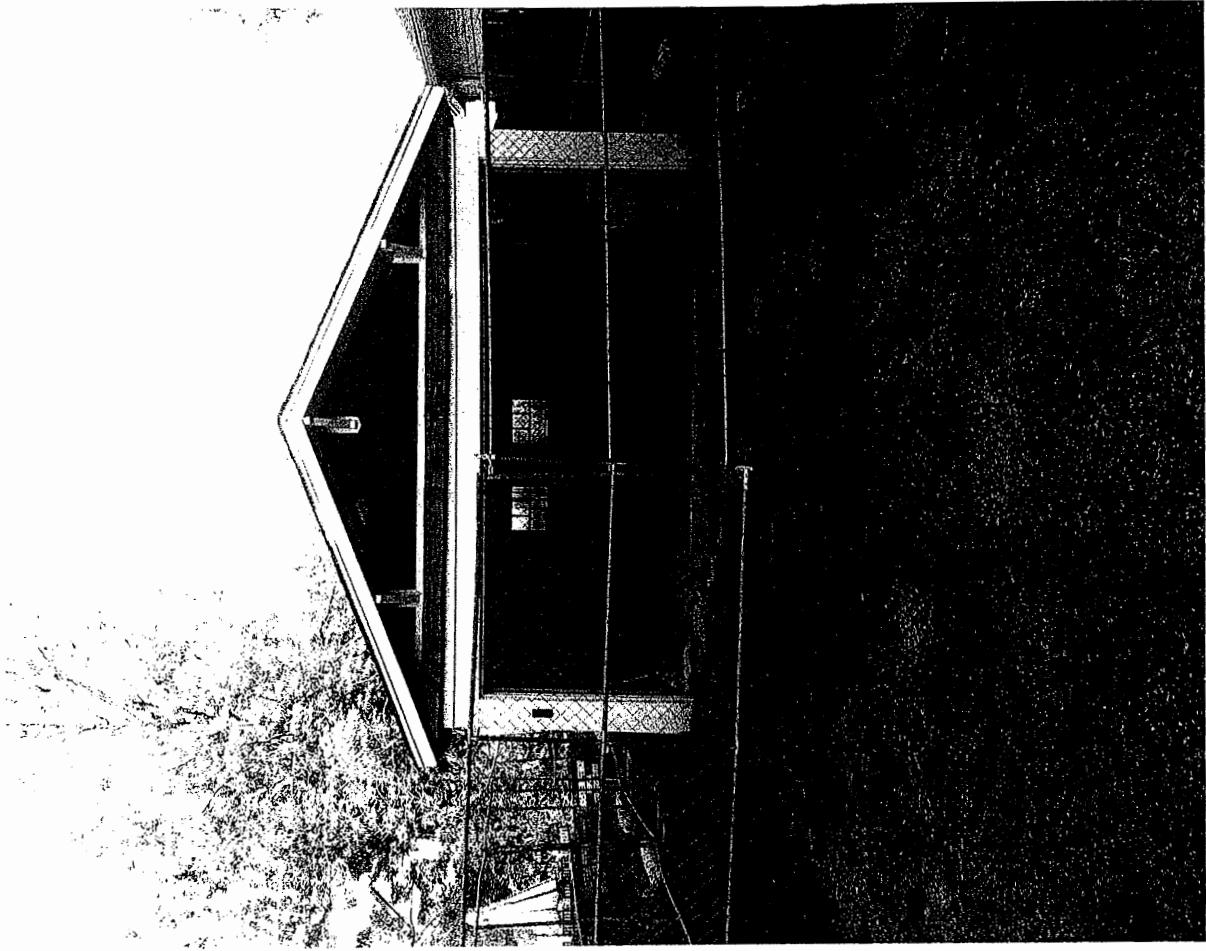
It should be stressed that the location of the new detached garage at 4.6 ft. from the interior lot line represents a decrease in the nonconformity of the previous garage it replaces, which was located 1.5 ft. from the lot line. One of the stated objectives of the Zoning Code and of the Village Comprehensive Plan is to reduce non-conformities with the Code. That objective is met by granting the requested variance and allowing the new detached garage to remain in the location it was erroneously constructed.

It also should be stressed that had the foundation for the new garage been correctly poured by Danley's contractor where intended and as shown in the plan approved by the Village, the new garage would fully comply with the Code and the filing of this Application would have been unnecessary. Full compliance was Applicant's intention and desire. It is clear that this Application is not filed subsequent to the construction of the new garage as a subterfuge to gain some advantage.

GROUP ATTACHMENT H-1



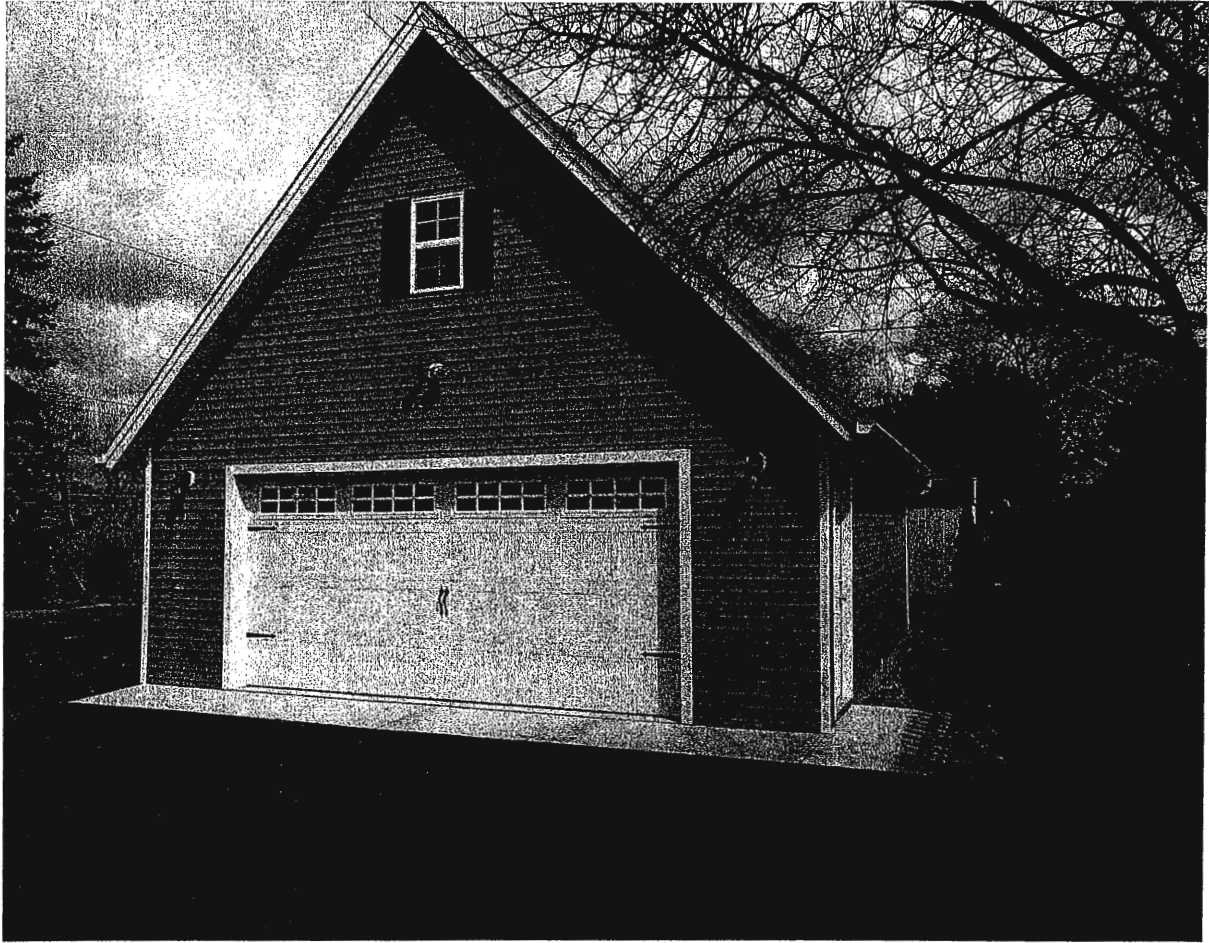
GROUP ATTACHMENT H-1



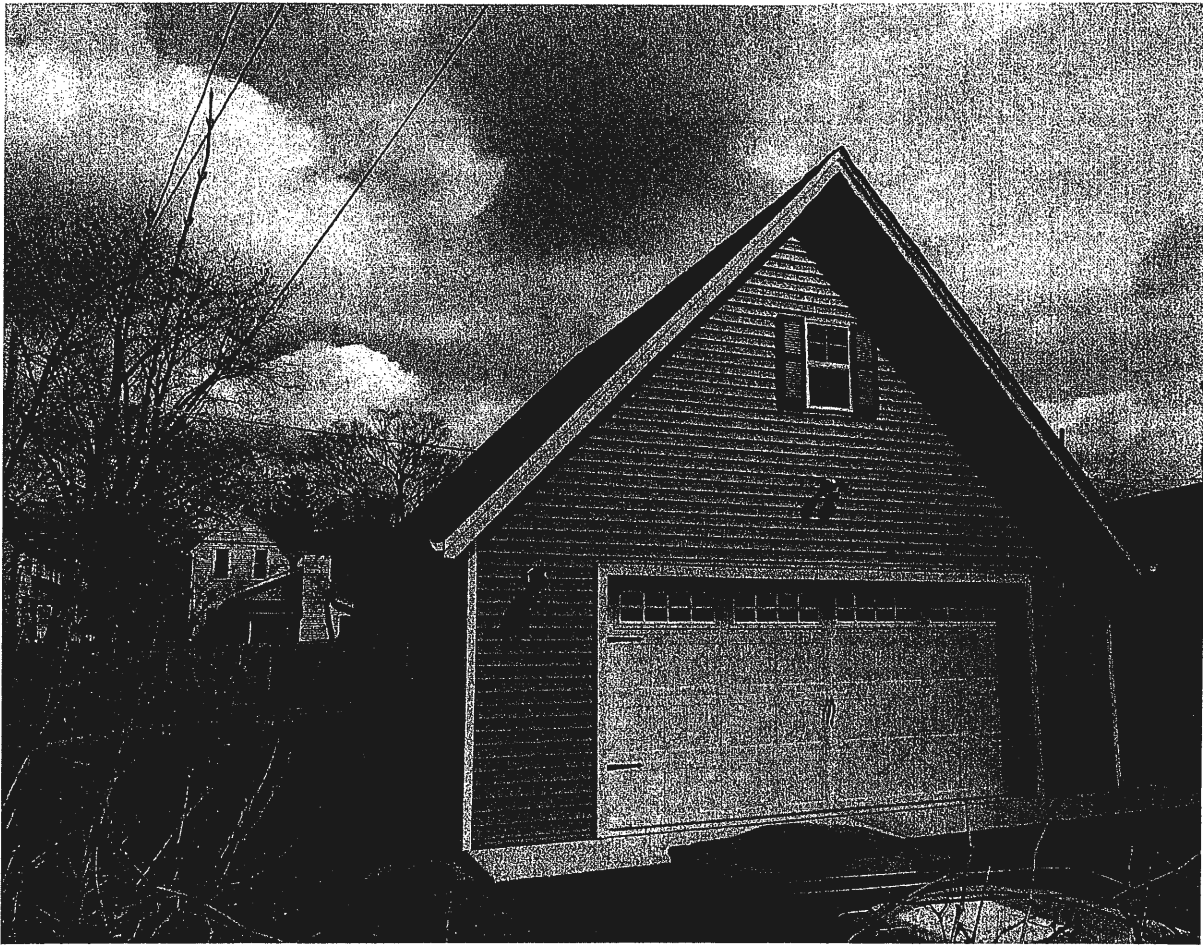
GROUP ATTACHMENT H-2



GROUP ATTACHMENT H-2



GROUP ATTACHMENT H-2



ATTACHMENT I

TO ALISON AND PAUL FICHTER APPLICATION FOR VARIATION AT 117 S. CLAY STREET

Removal or relocation of the replacement new detached garage would be an expensive and disruptive outcome, particularly as it would necessarily include the redesign and recreation of the special water management features of the Subject Property to comply with so-called Special Flood Hazard Area requirements. Moreover, relocation to the rear 20% of the lot in order to qualify for the 2-ft. interior side yard requirement would necessitate a more significant variation of the requirement for a 25-ft. rear yard and would locate a garage of the same dimensions within 1 ft. of the rear lot line. Allowing the new and more aesthetically pleasing garage structure to remain at its present location by grant of the minimal variation sought would better serve the stated objectives of the Village's Comprehensive Plan and the Code than would a denial of the requested variance resulting in the relocation or reconstruction of the existing detached garage.

ATTACHMENT J

TO ALISON AND PAUL FICHTER APPLICATION FOR VARIATION AT 117 S. CLAY STREET

Summarized, the unique characteristics of the Subject Property and unique circumstances of the construction of the new replacement detached garage in a noncompliant location that in combination prevent, or at a minimum dictate against strict compliance with all of the provisions of the Zoning Ordinance, are as follows:

- The physical condition of the prior more nonconforming garage.
- The irregular shape and size of the Subject Property.
- The subjection of the Subject Property to the rigorous special regulations pertaining to properties deemed to be included in Special Flood Hazard Areas.
- The good faith efforts of Danley's to comply.
- The innocent mis-location of the replacement garage without personal gain.

(a) Unique Physical Condition.

An approximately 70-year old detached garage in its original non-conforming location that has outlived its useful lifespan is atypical of the community and specifically of the immediate neighborhood in which a significant amount of new construction has occurred. The repair of the previously existing noncompliant and deteriorating structure in place (which would be permitted by the Code) was not a viable option, nor would it have served the objectives of the Village's Plan and Code. The replaced structure had no historical, aesthetic or practical value in its pre-replacement state, and the community as a whole, and the immediate neighborhood, benefits from the new structure.

Moreover, the irregular configuration of the Subject Property, its narrow frontage width, its location in the proximity of railroad tracks and public and commercial use properties, and its designation as a flood area property are atypical in the Village in their combination. The lot's configuration and absence of a public alley dictate that a detached garage must be located to give access to busy Hinsdale Avenue with adequate driveway turn radius and visibility, thereby limiting potential locations for the garage. Also limiting potential locations for the garage are the flood plain requirements to meet unique water management regulations. These are not physical conditions typically existing in the community and should be regarded as exceptional.

Finally, all of the foregoing physical conditions arise out of the Subject Property, and not out of the personal situation of Applicant. Those conditions would affect any owner of the Subject Property.

(b) Not Self Created.

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

Nor was the erroneous location of the replacement detached garage 4.6 ft. from the interior lot line the result of any action or inaction of Applicant/Owner. Neither the Applicant nor Danley's benefit from this inadvertent error by Danley's. In fact, both Applicant and Danley's are penalized by it as they endeavor in good faith to address the consequences of Danley's error. Applicant must endure the uncertainty and stress associated with the future use and enjoyment of the Subject Property, as well as the burdens of pursuing the relief sought by this Application, fortunately with the support of their neighbors. Danley's must share in those same burdens, as well as incur the cost of this proceeding before the honorable ZBA.

(c) Denied Substantial Rights.

Owners of other lots in the Village are permitted to fully utilize detached garages that do not strictly conform to the requirements of the Code. In recognition of the frequent difficulties and anomalies that would arise by strict enforcement of Code provisions relating to detached garages, numerous variations in the Code have been granted by the Board to enable full utilization by other residents of otherwise nonconforming detached garages. Many of such variations exceed in scope the variation of 18 in. which is sought in this Application. Upon observation, Applicant believes that other nonconforming detached garages and parking pads are maintained by residents in the immediate neighborhood of the Subject Property. Denial of the relief sought in this Application would prevent Applicant from the full benefit of rights enjoyed by other residents of the Village. Applicant respectfully asserts that the fact that in this instance relief is being sought to allow the location of an already existing erroneously located structure should not color the Board's view of the Application. Nothing in the Zoning Code prevents the Board from granting the relief sought by Applicants, albeit after the fact, and Applicant believes that all standards for grant of the variation are otherwise met in the same manner as this honorable Board has deemed them to be met by the applications of other residents.

(d) Not Merely Special Privilege.

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

(e) Code and Plan Purposes.

ATTACHMENT J – Page 3

As detailed elsewhere in this Application, it is respectfully submitted that Code and Plan purposes are best served by the Board's approval of the Code variance sought by Applicant, which variance actually reduces a previously existing side yard nonconformity and is unanimously supported by Applicant's adjacent neighbors.

(f) Essential Character of the Area.

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

(g) No Other Remedy.

For all of the reasons stated elsewhere in this Application, only by the grant of the requested variation would Applicant be permitted a reasonable use of the Subject Property without adverse consequences both to Applicant and to Danley's, and to the Village and to Applicant's neighbors. Applicant recognizes that the Board may elect to grant no relief, thereby requiring the new garage at issue to be either relocated or demolished (and rebuilt at Applicant's discretion). The physical and financial consequences of such a decision would be significant, and the members of the ZBA are asked to weigh those consequences against the public interest that would be served by a denial of the variation sought. Applicant respectfully asserts that no benefit to the residents of Hinsdale would be served by a denial of this Application.

ATTACHMENT K

TO ALISON AND PAUL FICHTER
APPLICATION FOR VARIATION AT
117 S. CLAY STREET

[Elevations, bulk zoning and other zoning information requested by Section III, paragraphs 1 and 2 will be furnished prior to the Board's pre-hearing review of this Application.]

Application for Certificate of Zoning Compliance

VILLAGE OF HINSDALE

ATTACHMENT K to Alison & Paul Fichter Application for Variation

EXISTING ZONING COMPLIANCE

Applicant's name: _____ ANDREW VENAMORE, MACH 1, INC. _____

Owner's name (if different): _____ PAUL FICHTER _____

Property address: _____ 117 S. CLAY STREET _____

Property legal description: [attach to this form]

Present zoning classification: _____ R-4 _____

Square footage of property: _____ 11,806.50 S.F. _____

Lot area per dwelling: _____ 10,000.00 SF _____

Lot dimensions: _____ 90.00' x 46.665' & 92.25' _____

Current use of property: _____ S.F.R. _____

Proposed use: ☐ Single family dwelling
☐ **Other:** DETACHED GARAGE

Approval sought: ☐ Building Permit ☐ **Variation**
☐ Special Use Permit ☐ Planned Development
☐ Site Plan ☐ Exterior Appearance
☐ Design Review
☐ Other: _____

Brief description of request and proposal:

_____ APPLICATION FOR ZONING RELIEF DUE TO LOCATION OF _____

_____ GARAGE FOUNDATION ON LOT. _____

Plans & Specifications: [submit with this form]

Provided: Required by Code:

Yards – for Garage Only:

front:	_____ N/A _____	_____ N/A _____
interior side(s)	_____ 4.6 / _____	_____ 6.1' / _____
corner side	_____ 46.5' _____	_____ 35.0' _____
rear	_____ 34.0' _____	_____ 25.0' _____

Application for Certificate of Zoning Compliance

Setbacks (businesses
and offices):

THIS SECTION IS NOT
APPLICABLE FOR S.F.R. GARAGE

front:	_____	_____
interior side(s)	_____/____	_____/____
corner side	_____	_____
rear	_____	_____
others:	_____	_____
Ogden Ave. Center:	_____	_____
York Rd. Center:	_____	_____
Forest Preserve:	_____	_____

Building heights:

principal building(s):	___ N/A ___	___ N/A ___
accessory building(s):	___ 14.8' ___	___ 15.0' ___

Maximum Elevations:

principal building(s):	___ N/A ___	_____
accessory building(s):	___ N/A ___	_____

Dwelling unit size(s):	___ N/A ___	_____
------------------------	-------------	-------

Total building coverage:	1,721.50 SF	2,951.63 SF
--------------------------	-------------	-------------

Total lot coverage:	3,411.76 SF	5,903.25 SF
---------------------	-------------	-------------

Floor area ratio:	1,721.50 SF	4,033.56 SF
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Accessory building(s): DETACHED GARAGE

Spacing between buildings: [depict on attached plans]

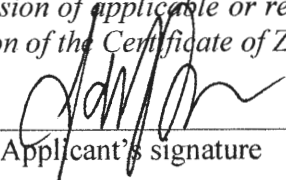
principal building(s):	_____	_____	_____
accessory building(s):	___ 49.0' ___	___ 10.0' ___	_____

Number of off-street parking
spaces required: 2

Number of loading spaces
required: N/A

Statement of applicant:

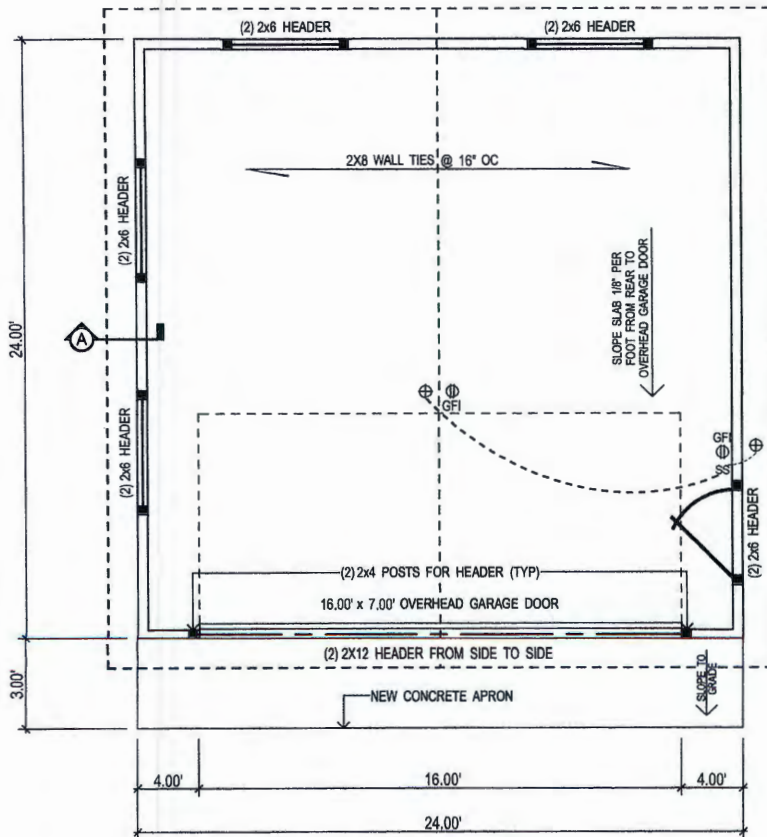
I swear/affirm that the information provided in this form is true and complete. I understand that any omission of applicable or relevant information from this form could be a basis for denial or revocation of the Certificate of Zoning Compliance.

By: 
Applicant's signature

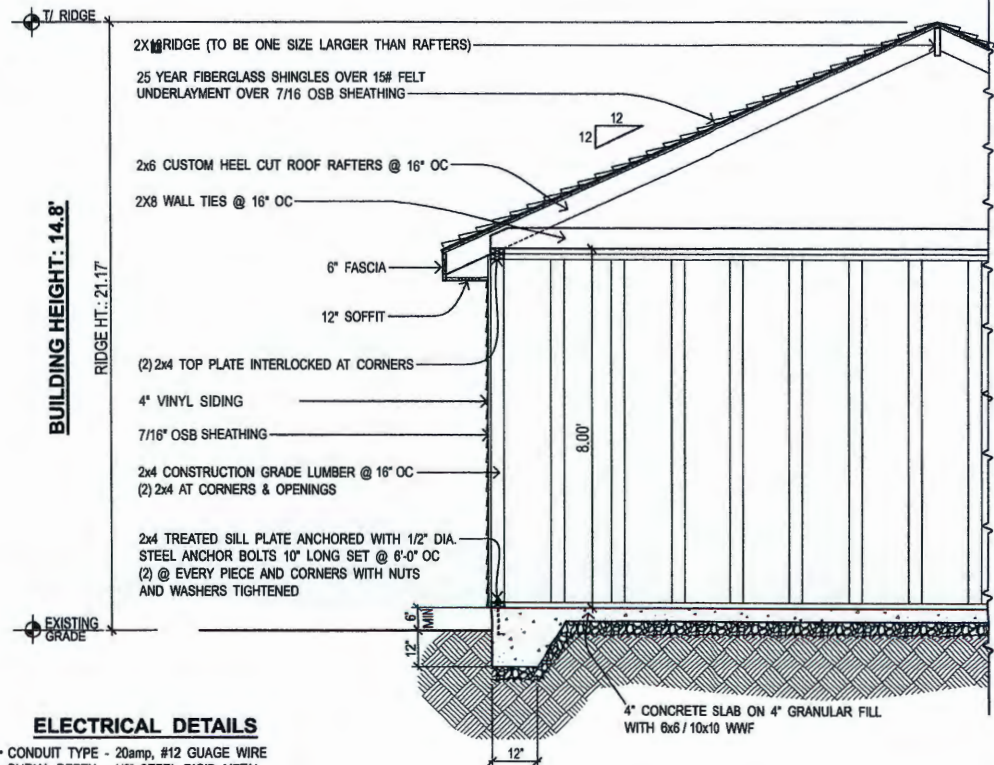
ANDREW VENAMORE
Applicant's printed name

Dated: APRIL 10TH, 2017 .

ATTACHMENT K to Alison & Paul Fichter Application for Variation



FLOOR PLAN



ELECTRICAL DETAILS

- CONDUIT TYPE - 20amp, #12 GAUGE WIRE
- BURIAL DEPTH - 1/2" STEEL RIGID METAL CONDUIT, 18" DEEP
- WIRING - SEPARATE CIRCUIT TO SERVICE PANEL

BUILDING SECTION

NOTE: DRAWINGS ARE NOT TO SCALE



DETACHED GARAGE - GABLE ROOF
117 SOUTH CLAY STREET, VILLAGE of HINSDALE - PAUL FICHTER

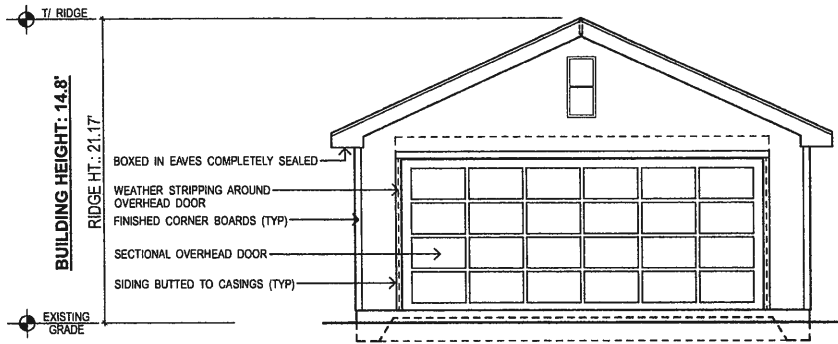
THESE PLANS REMAIN THE PROPERTY OF MACH 1, INC. AND THEIR REPRODUCTION IS EXPRESSLY FORBIDDEN

CONTRACTOR:
DANLEY'S GARAGE WORLD
 612 ACADEMY DRIVE
 NORTHBROOK, IL. 60062
 PHONE: 847/562-9393
 FAX: 847/562-1939

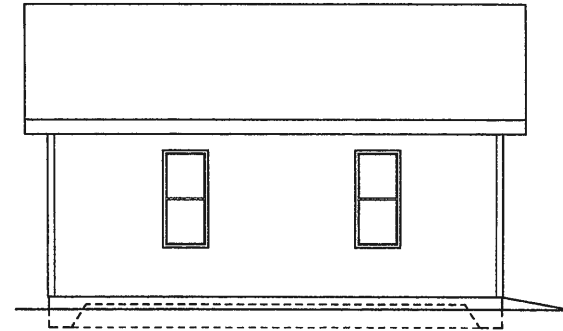
SHEET NAME:
FLOOR PLAN & BUILDING SECTION
 SHEET NUMBER:
1 OF 2

SPECIFIC WINDOW AND DOOR STYLES SHOWN
ON PLANS ARE REPRESENTATIVE ONLY

ATTACHMENT K to Alison & Paul Fichter Application for Variation



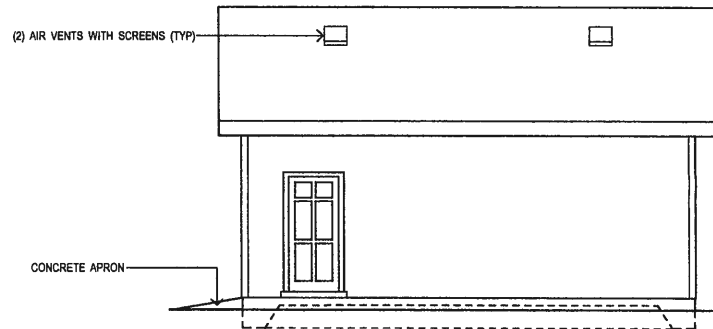
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

NOTE: DRAWINGS ARE NOT TO SCALE



DETACHED GARAGE - GABLE ROOF
117 SOUTH CLAY STREET, VILLAGE of HINSDALE - PAUL FICHTER

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SHEET NAME:
ELEVATIONS
SHEET NUMBER:
2 OF 2



8a

MEMORANDUM

DATE: February 24, 2017
TO: Chairman Neiman & Members of the Zoning Board of Appeals
CC: Christine Bruton, Village Clerk
FROM: Robert McGinnis, MCP
Director of Community Development/Building commissioner
RE: **Zoning Variation – V-02-17; 724 N. York**

In this application for variation, the applicant requests relief from the following bulk zoning standards in order to construct a commercial building;

1. Section 5-110 (A)(1)(a) Building Height (35' vs. 30' or a 5' increase)
2. Section 5-110 (C)(1)(a) Front Yard Setback (15' vs. 25' or a decrease of 10')
3. Section 5-110 (D) Maximum Floor Area Ratio (.40 vs. .35 or a .05 increase)
4. Section 9-104(G)(2)(b) Parking in Required Yards (to locate a parking lot in the front yard)
5. Section 9-107(A)(1) Parking Lot Screening (to waive 10' buffer requirement)

It should be noted that the request for an increase in Floor Area Ratio (FAR) as well as the request to eliminate the 10' landscape buffer will need to move on to the Board of Trustees as a recommendation.

This property is located in the B1 Community Business District in the Village of Hinsdale and is located on the west side of York Road between Ogden Avenue and Fuller Road. The property has a frontage of approximately 137.57', an average depth of 222.82', and a total square footage of approximately 30,144.

cc: Kathleen Gargano, Village Manager
Zoning file V-02-17

Zoning Calendar No. ~~2016~~ ✓-02-17

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): Tony Kremer, DVM

ADDRESS OF SUBJECT PROPERTY: 724 N. York Road

TELEPHONE NUMBER(S): 815-436-8387

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

DATE OF APPLICATION: 11-30-2016

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Trust Number L-1497
~~Chicago Title and Land Trust Company, as Successor Trustee to Harris Bank Hinsdale as Trustee under the provisions of a Trust Agreement dated January 14, 1967~~
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: Dorothea A. Lorenzetti, Kimberly Brockman, Robert Brockman, 724 York Road, Hinsdale, IL
3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: Anthony Kremer, DVD 14411 IL-59 Plainfield 60544, 815-436-8387
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) see attached
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: Robert Aument, Daspin & Aument, LLP, 300 S Wacker Drive, Suite 2200 Chicago, IL 60606
 - b. Engineer: Bill Zalewski, Advantage Engineering
 - c. Architect: Michael Matthys, Linden Group Inc, 10100 Orland Parkway, Orland Park, IL 60467
 - d. _____

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. None

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:

1. B-1 Height variation, Sec 5-110:A.1.a: max height 30' - 2. B-1 Front yard setback, Sec 5-110:C.1.a: Min. front yard setback 25'

3. B-1 Max Floor Area Ratio, Sec 5-110: D. : F.A.R.:0.35 - 4. Parking set back variation Sec 9-104:G.2.b

5. Landscape buffers, Sec 9-107:a.1 Parking lot Screening

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.)

See the attache section II.3

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.)

See the attached Section II.4

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 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:

Signature of Owner:

Name of Applicant:

Anthony Kremen

Signature of Applicant:

[Signature]

Date:

12-6-16

- b. Not Self-Created
 - i. The building location would be following previously defined building line along North York Road. The odd shaped lot that makes efficient parking difficult is not the result of any action by the petitioner.
- c. Denied Substantial Rights
 - i. The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property rights that were previously afforded to the site development with the existing building on the site as well as the established setback of adjacent properties.
- d. Not Merely Special Privilege
 - i. The variation in setback is not a request for special privilege but a request for consideration to allow the petitioner to enjoy the rights that are currently afforded to the subject property and adjacent property.
- e. Code and Plan Purposes
 - i. The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to the existing building and to adjacent properties.
- f. Essential Character of the Area
 - i. The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health or safety.
- g. No other Remedy
 - i. The variation allows the site development to meet the off street parking requirement. Due to the shape of the lot without this variation it would not be possible to meet the parking requirement.

3. The applicant is requesting that the maximum F.A.R. be increased from .35 to .40. This increase would be under the Max. F.A.R. of .50 in the surrounding O-2 District which surrounds the site on all sides.

- a. Unique Physical Condition
 - i. The site is a standalone B-1 surrounded by an O-2 district. It was previously rezoned to allow for a particular desired use that was not permitted in the O-2 district. The surrounding O-2 District has a F.A.R. of .50 permitted by the zoning code. It is reasonable that the proposed site be held to a similar guideline to that of the adjacent property.
- b. Not Self-Created
 - i. The site was rezoned by the previous property owner and was not self-created by the petitioner.
- c. Denied Substantial Rights
 - i. The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property of substantial rights

commonly enjoyed by the owners of other adjacent lots that remain zoned as O-2 which allows for a maximum F.A.R. of .50.

- d. Not Merely Special Privilege
 - i. The variation in F.A.R. is not a request for special privilege but a consideration to allow the petitioner to enjoy the rights that are afforded to the adjacent properties in the O-2 district with a maximum F.A.R of .50.
 - e. Code and Plan Purposes
 - i. The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to adjacent properties in the O-2 district.
 - f. Essential Character of the Area
 - i. The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.
 - g. No other Remedy
 - i. Without this variation the petitioner would have to reduce the building size by 25%.
- 4. The applicant is requesting that the parking lot setback in the front yard be reduced from 25' to 15' to match building setback variation.**
- a. Unique Physical Condition
 - i. The front yard setback variation that is being requested will match the existing building setback to be redeveloped. The applicant is requesting that the variation be granted to allow parking to be maximized which is difficult due to a very odd shaped property configuration. This unique shape makes it difficult to obtain the required parking for the proposed development and use.
 - b. Not Self-Created
 - i. The parking location would be following previously defined building line along North York Road. The odd shaped lot that makes efficient parking difficult is not the result of any action by the petitioner.
 - c. Denied Substantial Rights
 - i. The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property rights that were previously afforded to the site development with the existing building on the site as well as the established setback of adjacent properties.
 - d. Not Merely Special Privilege
 - i. The variation in setback is not a request for special privilege but a request for consideration to allow the petitioner to enjoy the rights that are currently afforded to the subject property and adjacent property.

- e. Code and Plan Purposes
 - i. The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to the existing building and to adjacent properties.
- f. Essential Character of the Area
 - i. The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.
- g. No other Remedy
 - i. The variation allows the site development to meet the off street parking requirement. Due to the shape of the lot without this variation it would not be possible to meet the parking requirement.

5. The applicant is requesting that the required 10' landscape buffer be removed to accommodate the odd shape lot and allow for a double loaded parking isle to run to the back of the property.

- a. Unique Physical Condition
 - i. The applicant is requesting that the Landscape buffer variation be granted to allow parking to be maximized which is difficult due to a very odd shaped property configuration. This unique shape makes it difficult to obtain the required parking for the proposed development and use.
- b. Not Self-Created
 - i. The odd shaped lot that makes efficient parking difficult is not the result of any action by the petitioner.
- c. Denied Substantial Rights
 - i. The carrying out of the strict letter of the provision from which the variation is sought would deprive the petitioner of the ability to provide adequate parking.
- d. Not Merely Special Privilege
 - i. The variation in Landscape buffer is not a request for special privilege but a request for consideration due to the odd shaped lot.
- e. Code and Plan Purposes
 - i. The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to the existing building and to adjacent properties.
- f. Essential Character of the Area
 - i. The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.
- g. No other Remedy

- i. The variation allows the site development to meet the off street parking requirement. Due to the shape of the lot without this variation it would not be possible to meet the parking requirement.

Hinsdale Animal Hospital (# 101-15)

Property Owners within 250 ft of site (724 N York Rd – Hinsdale, IL 60521):

<u>PIN</u>	<u>Address</u>	<u>Owner</u>
09 01 202 002	110 Ogden Ave	Nicole Zreczny Trust 43 Crescent Dr - Glencoe, IL 60022
09 01 202 003	120 E Ogden Ave	120 E Ogden Ave LLC 21 Spinning Wheel – Hinsdale, IL 60521
09 01 202 004	120 E Ogden Ave	120 E Ogden Ave LLC 21 Spinning Wheel – Hinsdale, IL 60521
09 01 202 012	Fuller Rd	120 E Ogden Ave LLC 21 Spinning Wheel – Hinsdale, IL 60521
09 01 202 013	120 E Ogden Ave	120 E Ogden Ave LLC 21 Spinning Wheel - Hinsdale, IL 60521
02 01 202 011	117 E Fuller Rd	Michael & Alice Kuhn 117 E Fuller Rd – Hinsdale, IL 60521
09 01 202 015	806 N York Rd	Cassie Yen 806 N York Rd - Hinsdale, IL 60521
09 01 202 016	736 York Rd	TMS Health LLC 3161 Burlington Ave – Lisle, IL 60004
09 01 202 018	218 Fuller Rd	Robert Brockman 724 N York Rd – Hinsdale, IL 60521
09 01 202 019	718 N York Rd	Carlo Enterprises PO Box 607 – Hinsdale, IL 60521
09 01 202 020	710 N York Rd	HMH LP 710 N York Rd – Hinsdale, IL 60521
09 01 202 021	150 E Ogden Ave	150 E Ogden Ave LLC – 17W474 Earl Ct – Darien, IL 60561
09 01 202 022	133 Fuller Rd	Robert Brockman 724 N York Rd – Hinsdale, IL 60521
09 01 202 023	133 Fuller Rd	Joan W Mancini 133 Fuller Rd - Hinsdale, IL 60521
09 01 209 007	777 N York Rd	Hathaway Equities LLC 830 S Buffalo Grove Rd-Buf Grv 60089
09 01 209 010	777 N York Rd	Hathaway Equities LLC 830 S Buffalo Grove Rd-Buf Grv 60089
09 01 209 011	777 N York Rd	Hathaway Equities LLC 830 S Buffalo Grove Rd-Buf Grv 60089
09 01 209 031	777 N York Rd	Hathaway Equities LLC 830 S Buffalo Grove Rd-Buf Grv 60089
09 01 209 032	777 N York Rd	Hathaway Equities LLC 830 S Buffalo Grove Rd-Buf Grv 60089
09 01 209 020	701 N York Rd	Ruth H Larsen 701 N York Rd – Hinsdale, IL 60521
09 01 209 021	207 Fuller Rd	James & FJ Paracsil 536 N Thompson Rd-Apopka, FL 32712
09 01 209 022	211 Fuller Rd	Jacob & Suja Matthew 607 Walker Rd – Hinsdale, IL 60521

724 York Rd - Ninstale

Find address or place

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FULLER RD

Fullersburg Cemetery

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APPLICATION FOR DEVELOPMENT APPROVAL AND ZONING RELIEF;

LAND USE VARIATION, AND ZONING VARIATION

To: Chan Yu
Village Planner
Department of Community Development
Village of Hinsdale
19 East Chicago Avenue
Hinsdale, IL 60521

Dr. Tony Kremer submits this Application and its supporting documents to petition the Corporate Authorities for approval of certain zoning relief in order to construct a 12,000 sq.ft. new building with a Preliminary Plan, Site Plan, and Building Elevations (attached hereto) on the below described property. Based on the regulations set forth in the Hinsdale Zoning Code, the requested zoning relief will have to be considered by the Plan Commission and the Village Board as noted below.

Applicant: Tony Kremer, DVM
Hinsdale Animal Hospital
724 North York Road
Hinsdale, IL

I. **Subject Property Address:** 724 North York Road

Legal Description: PARCEL 1: LOT 1 IN CHARLES SHULZE RESUBDIVISION OF PARTS OF LOT 7 AND 8 IN BLOCK 3 OF THE PLAT OF FULLERSBURGH, IN SECTION 1, TOWNSHIP 38 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1956 AS DOCUMENT 811735, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 2 IN BROCKMAN'S RESUBDIVISION OF LOT 5 IN RUCHTY'S RESUBDIVISION OF LOTS 2 AND 3 IN BLOCK 3 OF THE PLAT OF FULLERSBURGH AND PART OF LOT 1 IN BLOCK 3 IN THE PLAT OF FULLERSBURGH, IN SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT OF BROCKMAN'S RESUBDIVISION RECORDED DECEMBER 18, 1957 AS DOCUMENT 866181, IN DU PAGE COUNTY, ILLINOIS

PARCEL 3: THE NORTHERLY 60 FEET (AS MEASURED ALONG THE EAST LINE AND THE WEST LINES THEREOF) OF THAT PART OF LOTS 7 AND 8 IN BLOCK 3 IN FULLERSBURGH, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON STAKE ON THE SOUTH LINE OF SAID LOT 8, 68.5 FEET EASTERLY FROM THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG A STRAIGHT LINE 229.7 FEET TO AN IRON STAKE ON THE NORTH LINE OF SAID LOT 7, 65.5 FEET EAST OF THE NORTHWEST CORNER

THEREOF; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 7, 65.5 FEET TO AN IRON STAKE; THENCE SOUTHERLY ALONG A STRAIGHT LINE, 150.9 FEET TO AN IRON STAKE THAT IS 131.50 FEET EAST OF THE WEST LINE OF SAID LOT 8; THENCE SOUTHERLY 79 FEET TO AN IRON STAKE ON THE SOUTH LINE OF SAID LOT 8 THAT IS 137 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 8, 68.5 FEET TO THE PLACE OF BEGINNING; IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1852 AS DOCUMENT 6172, AND RE-RECORDED APRIL 9, 1929 AS DOCUMENT 277264, IN DU PAGE COUNTY, ILLINOIS.

P.I.N.: 0901202017
0901202018
0901202022

Lot Size: 30,144 SQ.FT.

Current Zoning District: B-1

Zoning Relief Requested:

1. Request for Text Amendment to add Animal Hospital and Animal Boarding to B-1
2. Request for Special Use to construct and operate an Animal Hospital and Animal Boarding Facility.
3. Request for Variation of Height Requirements from 30'-0" to 35'-0" for the tower entrance area. See elevations.
4. Request for Variation of front yard setback requirements from 25'-0" to 15'-0". This would match the existing building setback.
5. Request for Variation of F.A.R. from 0.35 to 0.40. Existing building is 14,000 s.f. and over the F.A.R. The new building is only 12,000 s.f.
6. Request for Variation of front yard parking setback requirements from 25'-0" to 15'-0" to allow the building to reach necessary parking space requirements.
7. Request for Variation of the Landscape buffer requirement for parking from 10'-0" to 0'-0" the building to reach necessary parking aisles and space requirements.

Introduction:

Thanks for taking the time to evaluate our proposal and request for moving our Hinsdale Animal Hospital to a new location at 724 N. York Road in Hinsdale. Our existing hospital is located at 218 W Ogden Ave, in Hinsdale and has been located in the community since 1950. Since purchasing the Animal Hospital practice we have enjoyed a steady growth that has led to us outgrowing our existing home. The new facility we are planning on N. York Road will accommodate our current practice and provide room for growth into the future while providing an updated. This move will allow us to update our facilities and provide state of the art animal care services to the Hinsdale Community including, General veterinary services, specialized surgeries, physical therapy, training, adoption, grooming, and luxury boarding.

We are requesting a Special Use for the proposed site at 724 N. York Avenue to allow for the Animal Hospital and Commercial Kennel use. We are also requesting variation from the B-1 Zoning regulations for 1. Building Set Back, 2. Building Height, 3. Floor area ratio, 4. Parking set back, and 5. Landscape buffer requirement. These variations are being requested to allow our proposed building to be built at the current existing building setbacks which relate to the adjacent buildings. Height and F.A.R. variation are being requested to relate zoning site restrictions in the surrounding O-2 district. Parking setback variations are being requested to accommodate required off street parking requirements with the odd shape property boundary.

The proposed animal hospital will be constructed of brick, and stone. Punched window openings will be accented with stone elements. Brick detailing will include traditional detailing such as soldier and row lock coursing. A tower feature at the entry will provide for architectural interest of the North York Road facing elevation. The first floor plan will have a generous lobby with 10 exam rooms. Operational areas will include a small treatment area, a pharmacy, animal care areas and boarding for 75 dogs. The second floor will include a large treatment area complete with 2 surgical suites, ICU area, dental treatment area, isolation rooms, animal wards, staff support areas, grooming, a large training/play room, and a luxury boarding room. The proposed hours will be Monday – Friday 7 am to 8 pm, Saturday 7 am to 3 pm, and Sunday 9 am to 1 pm.

Thank you for consideration of the above request.

Sincerely, Dr. Anthony Kremer DrTony.com

I. Text Amendment

1. The consistency of the proposed amendment with the purpose of this Code.

The code establishes specific uses within zoning districts as special uses that require approval to be developed. The requested animal hospital and commercial kennel use is a professional office service use that is compatible with permitted uses in the B-1 district and the surrounding O-2 district and therefore should be considered as a special use base on its suitability to the set parameters of the locality.

2. The existing uses and zoning classifications for the properties in the vicinity of the subject property.

The existing zoning classification is B-1 and is surrounded by O-2. Current uses on the property include a commercial dry cleaner, beauty salon, and residential. Surrounding O-2 businesses are offices uses.

3. The trend of development in the vicinity of the subject property, including changes, if any, such trend since the subject property was placed in its present zoning classification.

The trend of development in the surrounding O-2 district appears to be retail/restaurant/automotive along Ogden and office/medical office south of Ogden. The proposed animal hospital/commercial kennel use at 724 N York Road does not have a negative impact on these trends. The proposed improvements to the building as proposed

will increase the tax revenue and provide a needed update to an existing building on N.York Ave offering a new architectural statement building that is accessible and code compliant.

4. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.

The value of the site is diminished by the existing zoning because the B-1 district does not identify animal hospital and commercial kennel as a special use. If these uses are permitted as a special use in the B-1 district the current contract purchaser can redeveloped the property as proposed.

5. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.

The Diminution in value is not offset by an increase in the public health, safety, and welfare. Hinsdale Animal Hospital has operated on Ogden Avenue in Hinsdale since 1950. It has a long history of providing a high quality of animal care to the residents of Hinsdale with public convenience that contributes to the general welfare of the neighborhood and community.

6. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

The use and enjoyment of adjacent properties would not be affected by the proposed amendment to allow the animal hospital / commercial kennel use as proposed.

7. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.

The adjacent properties value would not be affected negatively by the proposed amendment. It will allow the site to be redeveloped and will provide the replacement of and aging building with a new updated code compliant building.

8. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.

The proposed Animal Hospital, Commercial Kennel use will not interfere with surrounding development. The perimeter of the building is being proposed within the foot print of the existing building that will be removed. The proposed architecture and 2 story building height relates to the surrounding buildings.

9. The suitability of the subject property for uses permitted or permissible under its present zoning classification.

The site is suitable for uses permitted under its present zoning classification.

10. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

A traffic study was prepared for the proposed development that reviewed ingress and egress on York Road and concluded that the proposed ingress/egress was adequate based on projected traffic counts.

11. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under the present zoning classification. 12. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

Initial investigation has indicated that there are adequate utilities available to accommodate the proposed uses. Available site utilities have been assumed to be adequate to service the proposed building. If this is not the case applicant will provide adequately for such services.

12. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

The property is not currently vacant.

13. The community need for the proposed amendment and for the uses and development it would allow.

The proposed amendment for the proposed uses will provide a relocation site for a long standing business in the Village of Hinsdale to relocate off of prominent real estate on Ogden Avenue. Hinsdale Animal Hospital has operated in and served residents of Hinsdale since 1950 and has been looking to relocate into a new building in the area for several years. This relocation will allow Hinsdale Animal Hospital to offer the best animal care in the area with new state of the art facilities.

14. The reasons, where relevant, why the subject property should be established as part of an overlay district and the positive and negative effects such establishment could be expected to have on persons residing in the area.

NA

II. SPECIAL USE PERMIT CRITERIA

1. *Code and Plan Purposes.* The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established.

The proposed Animal Hospital, Commercial Kennel use, is a professional office service business that is harmonious with the B-1 Community Business District and the surrounding O-2 Limited office district. It provides essential needs to pet owners within the village of Hinsdale and offers the convenience of these services in close proximity to permitted B-1 and O-2 uses.

2. *No Undue Adverse Impact.* The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

The proposed Animal Hospital, Commercial Kennel use will not have a substantial or undue adverse effect upon adjacent property. The character of the area will be enhanced with a new building built of masonry and stone based on current codes. Animal boarding services will be operated from with-in the building which will include sound proofing measures that maintain sound control within village code standards. An indoor play room will be provided to exercise boarded animals inside. Outdoor pet are will always have supervision when in use. Services provided with in the facility will enhance pet care in the Village of Hinsdale with state of the art facilities and care. The facility will also be an adoption center to aid the local humane society in find homes for pet population.

3. *No Interference with Surrounding Development.* The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations

The proposed Animal Hospital, Commercial Kennel use will not interfere with surrounding development. The perimeter of the building is being proposed within the foot print of the existing building that will be removed. The proposed architecture and 2 story building height relates to the surrounding buildings.

4. *Adequate Public Facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

A traffic study was conducted that concluded existing road way access was suitable for the intended use and traffic. Available site utilities have been assumed to be adequate to service the proposed building. If this is not the case applicant will provide adequately for such services. The proposed building does not increase the need for police and fire protection.

5. *No Traffic Congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

A traffic report has been provided based on the proposed use to illustrate that traffic projections are within 1% of the existing use.

6. *No Destruction of Significant Features.* The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

The proposed new building will offer a big improvement to the character on York Avenue with a new masonry and stone building. The existing building and site development does not include anything of significant importance.

7. *Compliance with Standards.* The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

The proposed use and development is requesting variations from other standards of this code as described in the project overview. Other than those mentioned variations this project will comply with all additional standards imposed on it by the particular provision of this code authorizing Animal Hospital and Commercial Kennel.

8. *Special standards for specified special uses.* When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district.

Any special standards that exist or that are conditions of this approved special use will become strict procedures of our operational protocol or will be implemented into the design of the project.

9. *Considerations.* In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider the following:

Public benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Hinsdale Animal Hospital has operated on Ogden Avenue in Hinsdale since 1950. It has a long history of providing a high quality of animal care to the residents of Hinsdale with public convenience that contributes to the general welfare of the neighborhood and community. The hospital has been in search of a site to update their facility for several years and feels that the N York Avenue site is a good fit located in a B-1 zoning district and surrounded by an O-2 zoning district

Alternate locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

The Hinsdale Animal Hospital has been in search of an appropriate site for their relocation for several years. The North York Road site offers an appropriate site for the village and the user.

Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

The following represents measures taken to minimize the possible adverse effect of the proposed use:

- The Hinsdale Animal Hospital will be designed with sound proofing measures within the boarding areas to provide sound absorption within the building envelope.**
- The boarding areas will be constructed of full masonry construction consisting of 8" concrete block, building insulation, and veneer brick and stone. This offers optimum sound control to the exterior of the building.**
- The floor plan will include an indoor exercise area.**

III. VARIATION STANDARDS

1. A height variation is being requested to allow the entrance tower architectural feature to exceed the maximum 30'-0" and allow a height of 35'-0" for this element only as depicted in the proposed elevations.

Unique Physical Condition:

The site is a standalone B-1 surrounded by an O-2 district. It was previously rezoned to allow for a particular desired use that was not permitted in the O-2 district. The surrounding O-2 District has a maximum height of 40' permitted by the zoning code. It is reasonable that the proposed site be held to a similar guideline to that of the adjacent property.

Not Self-Created:

The site was rezoned by the previous property owner and was not self-created by the petitioner.

Denied Substantial Rights:

The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by the owners of other adjacent lots that remain zoned as O-2 which allows for heights up to 40 feet.

Not Merely Special Privilege:

The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to the existing building and to adjacent properties.

Essential Character of the Area

The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health or safety.

No other Remedy

The variation allows the site development to meet the off street parking requirement. Due to the shape of the lot without this variation it would not be possible to meet the parking requirement.

3. The applicant is requesting that the maximum F.A.R. be increased from .35 to .40. This increase would be under the Max. F.A.R. of .50 in the surrounding O-2 District which surrounds the site on all sides.

Unique Physical Condition

The site is a standalone B-1 surrounded by an O-2 district. It was previously rezoned to allow for a particular desired use that was not permitted in the O-2 district. The surrounding O-2 District has a F.A.R. of .50 permitted by the zoning code. It is reasonable that the proposed site be held to a similar guideline to that of the adjacent property.

Not Self-Created

The site was rezoned by the previous property owner and was not self-created by the petitioner.

Denied Substantial Rights

The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by the owners of other adjacent lots that remain zoned as O-2 which allows for a maximum F.A.R. of .50.

Not Merely Special Privilege

The variation in F.A.R. is not a request for special privilege but a consideration to allow the petitioner to enjoy the rights that are afforded to the adjacent properties in the O-2 district with a maximum F.A.R. of .50.

Code and Plan Purposes

The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to adjacent properties in the O-2 district.

Essential Character of the Area

The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.

No other Remedy

Without this variation the petitioner would have to reduce the building size by 25%.

4. The applicant is requesting that the parking lot setback in the front yard be reduced from 25' to 15' to match building setback variation.

Unique Physical Condition

The front yard setback variation that is being requested will match the existing building setback to be redeveloped. The applicant is requesting that the variation be granted to allow parking to be maximized which is difficult due to a very odd shaped property configuration. This unique shape makes it difficult to obtain the required parking for the proposed development and use.

Not Self-Created

The parking location would be following previously defined building line along North York Road. The odd shaped lot that makes efficient parking difficult is not the result of any action by the petitioner.

Denied Substantial Rights

The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property rights that were previously afforded to the site development with the existing building on the site as well as the established setback of adjacent properties.

Not Merely Special Privilege

The variation in setback is not a request for special privilege but a request for consideration to allow the petitioner to enjoy the rights that are currently afforded to the subject property and adjacent property.

Code and Plan Purposes

The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to the existing building and to adjacent properties.

Essential Character of the Area

The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.

No other Remedy

The variation allows the site development to meet the off street parking requirement. Due to the shape of the lot without this variation it would not be possible to meet the parking requirement.

The building will be constructed of high quality materials including Masonry, Stone, and Glass. Stone detailing will include stone arches. Facade will include decorative lighting.

3. *General design.* The quality of the design in general and its relationship to the overall character of neighborhood.

The building is designed is influenced by traditional architecture with brick and stone detailing consistent with the overlay district. The entrance is accented with a tower element that adds architectural character.

4. *General site development.* The quality of the site development in terms of landscaping, recreation, pedestrian access, auto access, parking, servicing of the property and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

The site development will be maximized in order to meet parking requirements. Existing street parking will be removed and replaced with parkway material per the zoning code. Additional landscape improvements will enhance the front yard.

5. *Height.* The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

The proposed 2 story building will replace an existing 2 story building. The proposed height will be 30' except at the entrance feature where the height is proposed at 35' high. The surrounding O-2 District allows for buildings up to 3 stories and 40' tall.

6. *Proportion of front façade.* The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

The 2 story front facade of the proposed building is visually compatible with its surroundings.

7. *Proportion of openings.* The relationship of the width to the height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

Window width and height are compatible with buildings in the area.

8. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

The building has a rhythm of punched openings in brick which is consistent with surrounding buildings and consistent with the desired overlay district style guidelines.

9. *Rhythm of spacing and buildings on streets.* The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.

The variation in height is not a request for special privilege but a consideration to allow the petitioner to enjoy the rights that are afforded to the adjacent properties in the O-2 district with a maximum height standard of 40'.

Code and Plan Purposes:

The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to adjacent properties in the O-2 district.

Essential Character of the Area:

The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.

No other Remedy

The variation allows a character element to the architecture with a tower like form defining the entrance. Without this variation the building would have to carry the same parapet height around the perimeter of the building which would negatively impact the architectural interest.

2. A front yard setback variation is being requested to reduce the required front setback from 25' to 15'-0". The existing building is currently located within the setback 15.38' from the front property line.

Unique Physical Condition

The front yard setback variation that is being requested will match the existing building setback to be redeveloped. The applicant is requesting that the variation be granted to allow parking to be maximized to the rear of the property that is difficult due to a very odd shaped property configuration. This unique shape makes it difficult to obtain the required parking for the proposed development and use.

Not Self-Created

The building location would be following previously defined building line along North York Road. The odd shaped lot that makes efficient parking difficult is not the result of any action by the petitioner.

Denied Substantial Rights

The carrying out of the strict letter of the provision from which the variation is sought would deprive the owner of the subject property rights that were previously afforded to the site development with the existing building on the site as well as the established setback of adjacent properties.

Not Merely Special Privilege

The variation in setback is not a request for special privilege but a request for consideration to allow the petitioner to enjoy the rights that are currently afforded to the subject property and adjacent property.

Code and Plan Purposes

5. The applicant is requesting that the required 10' landscape buffer be removed to accommodate the odd shape lot and allow for a double loaded parking isle to run to the back of the property.

Unique Physical Condition

The applicant is requesting that the Landscape buffer variation be granted to allow parking to be maximized which is difficult due to a very odd shaped property configuration. This unique shape makes it difficult to obtain the required parking for the proposed development and use.

Not Self-Created

The odd shaped lot that makes efficient parking difficult is not the result of any action by the petitioner.

Denied Substantial Rights

The carrying out of the strict letter of the provision from which the variation is sought would deprive the petitioner of the ability to provide adequate parking.

Not Merely Special Privilege

The variation in Landscape buffer is not a request for special privilege but a request for consideration due to the odd shaped lot.

Code and Plan Purposes

The variation would not result in a development that would not be in harmony with the purpose of this code or the intent of the official comprehensive plan because the variation requested is already afforded to the existing building and to adjacent properties.

Essential Character of the Area

The variation would not be materially detrimental, and would not increase congestion on public streets, would not increase danger of flood, would not impact public utilities, and would not endanger the public health of safety.

No other Remedy

The variation allows the site development to meet the off street parking requirement. Due to the shape of the lot without this variation it would not be possible to meet the parking requirement.

IV. EXTERIOR APPEARANCE AND SITE PLAN REVIEW CRITERIA

1. *Open spaces.* The quality of the open space between buildings and in setback spaces between street and facades.

Site landscaping will be improved to meet code requirements.

2. *Materials.* The quality of materials and their relationship to those in existing adjacent structures.

5

The building is proposed in the same location as the existing building and will not alter the existing building spacing significantly.

10. *Rhythm of entrance porch and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

The entrance is pronounced with a higher architectural element that is oriented toward the entrance drive. This creates a desirable rhythm along the public way, providing open space adjacent to the entrance feature.

11. *Relationship of materials and texture.* The relationship of the materials and texture of the façade shall be visually compatible with the predominant materials to be used in the buildings and structures to which it is visually related.

The building materials are predominantly brick and stone that include brick details such as soldier coursing, rowlock coursing, and various stone accents including stone arches. These materials create a texture that is visually compatible with buildings in the vicinity and in Hinsdale Mill overlay district.

12. *Roof shapes.* The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

The building is being proposed with a flat roof. There are buildings in the vicinity that have flat roofs.

13. *Walls of continuity.* Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

N.A.

14. *Scale of building.* The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.

See submitted elevations.

15. *Directional expression of front elevation.* The buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

The front elevation relates to N. York Road.

16. *Special consideration for existing buildings.* For existing buildings, the Plan Commission and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

N.A.

By: _____
Anthony Kremer, DVM

Date: _____, 2016.

**VILLAGE OF HINSDALE
PROPERTY OWNER'S AUTHORIZATION
FOR PC / ZBA / ARC**

Date: December 6, 2016

I, Dorothea Lorenzetti, Kimberly & Robert Brockman – Trust, Owner of the Property
(Property Owner: Chicago Title & Land Trust Co, as Successor Trustee to Harris Bank Hinsdale as Trustee under the provisions of a Trust Agreement dated January 14, 1987 and known as Trust Number L-1497, Dorothea A Lorenzetti, Kimberly Brockman and Robert Brockman, and the address of the property is commonly known as 724 York Rd, 218 Fuller Rd & 133 Fuller Rd, Hinsdale, IL 60521)

located at: 724 N York Road – Hinsdale, IL 60521, do hereby authorize

Tony Kremer, DVM (Contract Purchaser); Jason Sanderson (General Contractor), Michael J Matthys (Architect)

_____ to represent me in the following

Authorized Agent

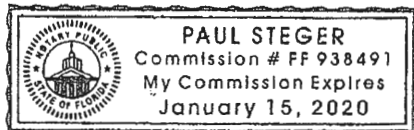
PC / ZBA / ARC matter(s):

1. Request for **Text Amendment** to add Animal Hospital and Commercial Kennel as a special use in the B-1 District.
2. Request for **Special Use** to construct and operate an **Animal Hospital and Commercial Kennel** at 724 N York Rd.
3. A height variation is being requested to allow the entrance tower architectural feature to exceed the maximum 30'-0" and allow a height of 35'-0" for this element only as depicted in the proposed elevations.
4. A front yard setback variation is being requested to reduce the required front setback from 25' to 15'-0". The existing building is currently located within the setback 15.38' from the front property line.
5. The applicant is requesting that the maximum F.A.R. be increased from .35 to .40. This increase would be under the Max. F.A.R. of .50 in the surrounding O-2 District which surrounds the site on all sides.
6. The applicant is requesting that the parking lot setback in the front yard be reduced from 25' to 15' to match building setback variation.
7. The applicant is requesting that the required 10' landscape buffer be removed to accommodate the odd shape lot and allow for a double loaded parking isle to run to the back of the property.

in the Village of Hinsdale

Paul Steger
Notary Signature

(SEAL)



Kimberly Brockman
Property Owner Signature

Kimberly Brockman
Property Owner Printed Name
1813 Forest Drive
Oldsmar, FL 34677
Address
727-642-4729
Phone and Fax Number No Fax No.



RUSSELL W. SCHOMIG, PLS
WILLIAM K. SCHOMIG

• BOUNDARY • TOPOGRAPHICAL • SUBDIVISIONS • ALTA/ACSM • CONDOMINIUMS • SITE PLANS • CONSTRUCTION • FEMA CERTIFICATES •

SCHOMIG LAND SURVEYORS, LTD. PLAT OF SURVEY

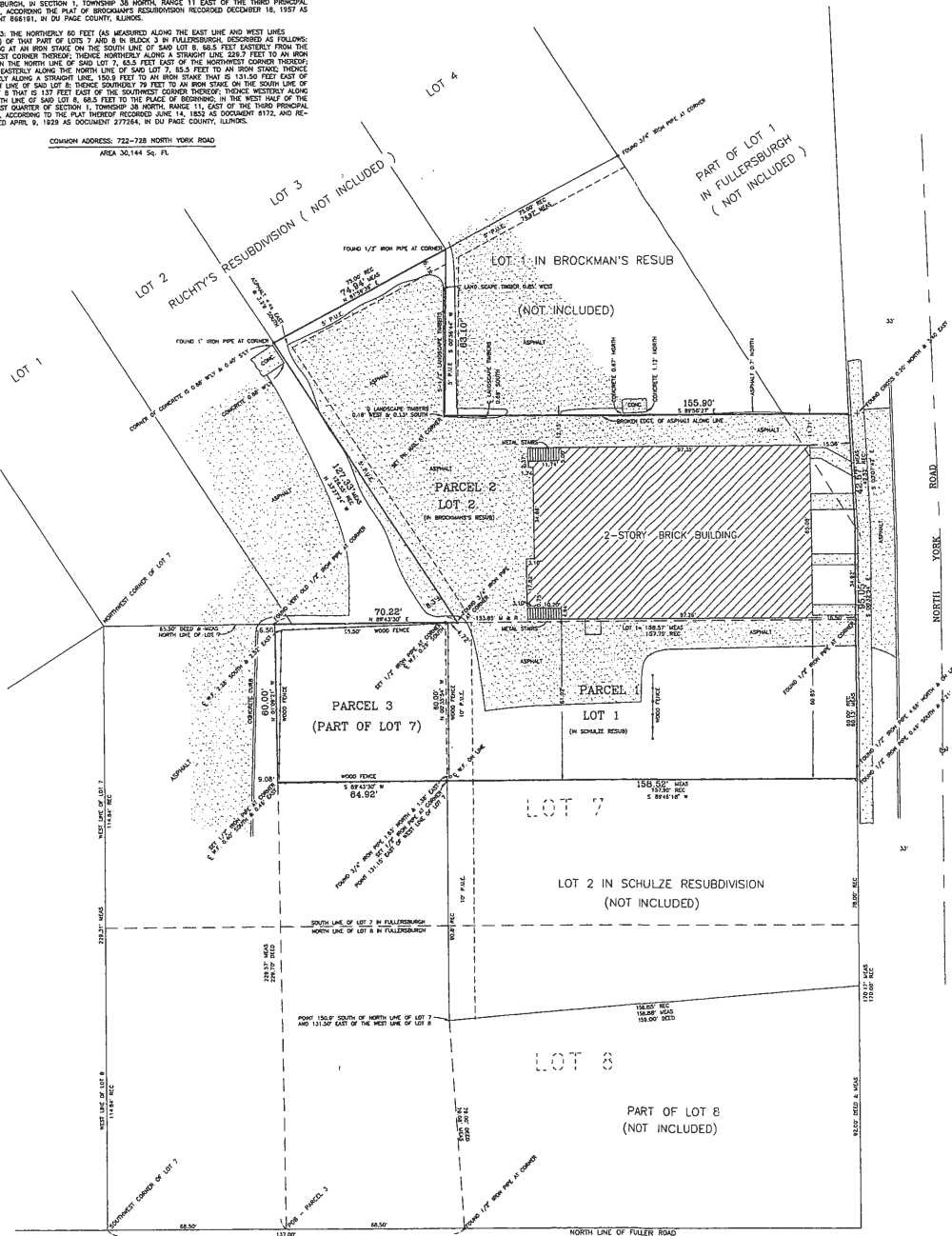
909 EAST 31st STREET
LA GRANGE PARK, ILLINOIS 60526
SCHOMIG-SURVEYS@GSCGLOBAL.NET
PHONE (708) 352-1452
FAX (708) 352-1454

PARCEL 1: LOT 1 IN CHARLES SCHULZE RESUBDIVISION OF PARTS OF LOT 7 AND 8 IN BLOCK 3 OF THE PLAT OF FULLERSBURGH, IN SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1956 AS DOCUMENT 811733, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 2 IN BROCKMAN'S RESUBDIVISION OF LOT 5 IN RUCHTY'S RESUBDIVISION OF LOTS 2 AND 3 IN BLOCK 3 OF THE PLAT OF FULLERSBURGH AND PART OF LOT 1 IN BLOCK 3 IN THE PLAT OF FULLERSBURGH, IN SECTION 1, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF BROCKMAN'S RESUBDIVISION RECORDED DECEMBER 18, 1957 AS DOCUMENT 886181, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 3: THE NORTHERLY 60 FEET (AS MEASURED ALONG THE EAST LINE AND WEST LINES THEREOF) OF THAT PART OF LOTS 7 AND 8 IN BLOCK 3 IN FULLERSBURGH, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON STAKE ON THE SOUTH LINE OF SAID LOT 8, 65.5 FEET EASTERLY FROM THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG A STRAIGHT LINE, 228.7 FEET TO AN IRON STAKE ON THE NORTH LINE OF SAID LOT 7, 65.5 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 7, 65.5 FEET TO AN IRON STAKE; THENCE SOUTHERLY ALONG A STRAIGHT LINE, 150.9 FEET TO AN IRON STAKE THAT IS 131.50 FEET EAST OF THE WEST LINE OF SAID LOT 8; THENCE SOUTHERLY 79 FEET TO AN IRON STAKE ON THE SOUTH LINE OF SAID LOT 8 THAT IS 137 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 8, 164.5 FEET TO THE PLACE OF BEGINNING. IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1953 AS DOCUMENT 8172, AND RE-RECORDED APRIL 9, 1929 AS DOCUMENT 277264, IN DU PAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 722-728 NORTH YORK ROAD
AREA 30.144 SQ. FT.



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

SURVEYORS OBTAINING LEGAL DESCRIPTIONS TO RECORD ON TITLE PLANS 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 CONSIDERED FOR CLARITY. NO EXPLANATIONS MAY BE MADE FROM THE INFORMATION SHOWN WITHOUT THE WRITTEN PERMISSION OF SCHOMIG LAND SURVEYORS, LTD. ONLY PLANS WITH AN ENGRAVED SEAL ARE OFFICIAL DOCUMENTS. FIELD WORK WAS COMPLETED FOR SURVEY DATE LISTED BELOW.

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SURVEY DATE: NOVEMBER 23, 2010

BUILDING LOCATED: NOVEMBER 23, 2010

ORDERED BY: RON BROCKMAN

PLAT NUMBER: 101175; FD 2424; 106-142 SCALE: 1" = 20'



STATE OF ILLINOIS } ss.
COUNTY OF COOK

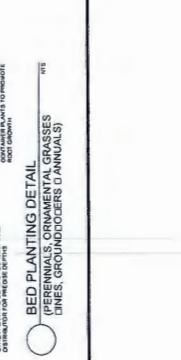
WE, SCHOMIG LAND SURVEYORS, LTD., AS AN ILLINOIS PROFESSIONAL DESIGN FIRM, LAND SURVEYOR CORPORATION, DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AFFIXED TO THIS PLAT.

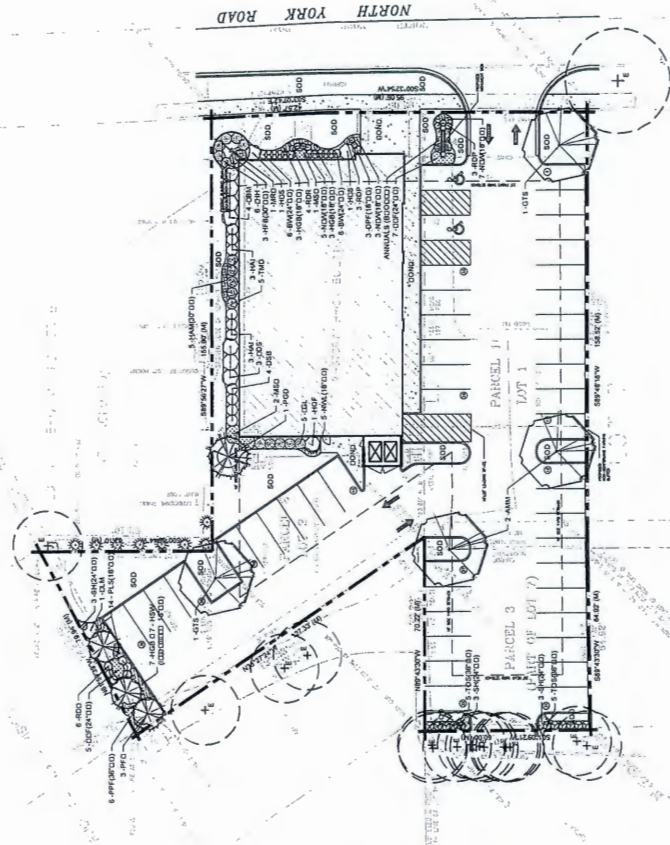
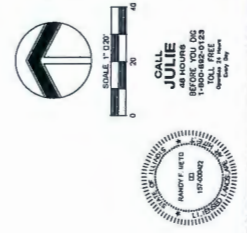
ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. THE BASES OF BUILDINGS, IF SHOWN AND UNLESS OTHERWISE NOTED, ARE ASSUMED, AND SHOWN TO INDICATE AN ANGULAR RELATIONSHIP OF LOT LINES.

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L.P. = IRON PIPE
C.L.P. = CHAIN LINK FENCE
W.F. = WOOD FENCE
B.L. = BUILDING LINES
P.L. = PUBLIC UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT

By: *Russell W. Schomig*
PROFESSIONAL ILLINOIS LAND SURVEYOR LICENSE # 035-002446



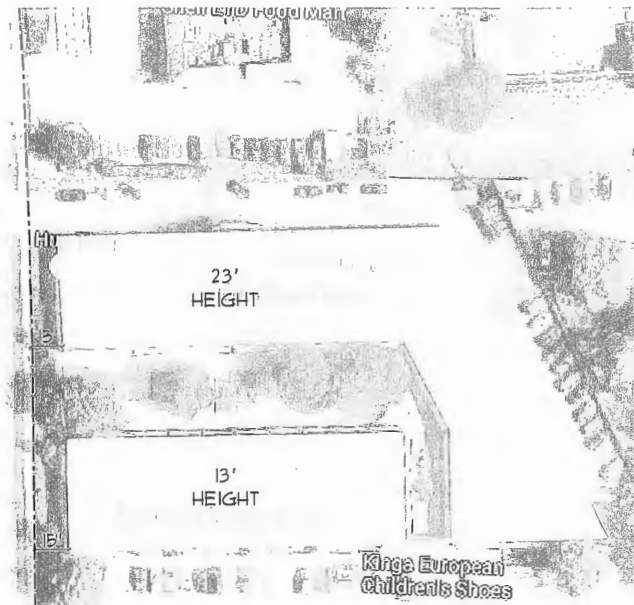
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RWE
MANAGEMENT COMPANY
1600 S. 15th Avenue, #3
Tulsa, OK 74106
Phone: (800) 733-6666
Fax: (918) 442-1665

IRG Ives/Ryan Group, Inc.
334 EISENHOWER LANE N.
LOMBARD, IL 60148
PHONE: 630/717-0723

 Landscape Architecture
Park & Recreation Design
Site & Community Planning
www.ivesryanagroup.com

LANDSQAPE PLAN	PROJECT NO.0 CDB NO.0 L3016 8925A	DATEQ. 12/20/18 SCALEQ. 1"=20' PLANNERSQ. RM DRAWN BYQ. RM CHECKEDQ. _____	SHEET L-1
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PER HINSDALE ZONING MAP

B-1 BUSINESS - COMMUNITY BUSINESS DISTRICT

VETERINARY SERVICES INCLUDING GROOMING PERMITTED IN B3 ONLY
GROOMING SERVICES PERMITTED SPECIAL USE IN B2

SETBACKS (PER ZONING CODE SECTION 5-110)

	REQUIRED	EXISTING	PROPOSED
B-1 STREET	25'	15.38'	15'
B-1 SIDEYARD	10'	11.71'	10'
B-1 REAR YARD	20'	32'	20'
MAX HEIGHT	2 STORIES - 30'-0"	24'	30'/37'

$$1/32'' = 1'-0''$$

A-0.4

PRELIMINARY

NOTES

1. EXISTING LANDSCAPING NOTED FOR PRESERVATION SHALL BE PROTECTED DURING CONSTRUCTION VIA PLASTIC SAFETY FENCING. FENCING SHALL BE 4' HIGH AND ATTACHED TO STEEL ORCHEN POSTS SET NO FARTHER THAN 8' O.C. IT SHALL BE INSTALLED AT THE PERIPHERY OF THE DRIP LINE OF EXISTING PLANT MATERIAL OR BEYOND TO PREVENT STORAGE OF VEHICLES OR MATERIALS AND THE ENDOACHMENT OF GRADING AND CONSTRUCTION EQUIPMENT.
2. CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES PRESENTING COMPACTION OF ROOT SYSTEMS OF EXISTING TREES AND SHRUBS. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
3. ORANGE POLYETHYLENE SAFETY FENCING PLACED AT OR BEYOND DRIP-LINE.
4. 4' TALL ORCHEN STEEL POSTS @ 8' O.C. MAG.
5. TREE PRESERVATION DETAIL.
6. NTS.
7. TREES TO BE REMOVED.

ALL EXISTING LANDSCAPING NOTED FOR PRESERVATION SHALL BE PROTECTED DURING CONSTRUCTION VIA PLASTIC SAFETY FENCING. FENCING SHALL BE 4' HIGH AND ATTACHED TO STEEL ORCHEN POSTS SET NO FARTHER THAN 8' O.C. IT SHALL BE INSTALLED AT THE PERIPHERY OF THE DRIP LINE OF EXISTING PLANT MATERIAL OR BEYOND TO PREVENT STORAGE OF VEHICLES OR MATERIALS AND THE ENDOACHMENT OF GRADING AND CONSTRUCTION EQUIPMENT.

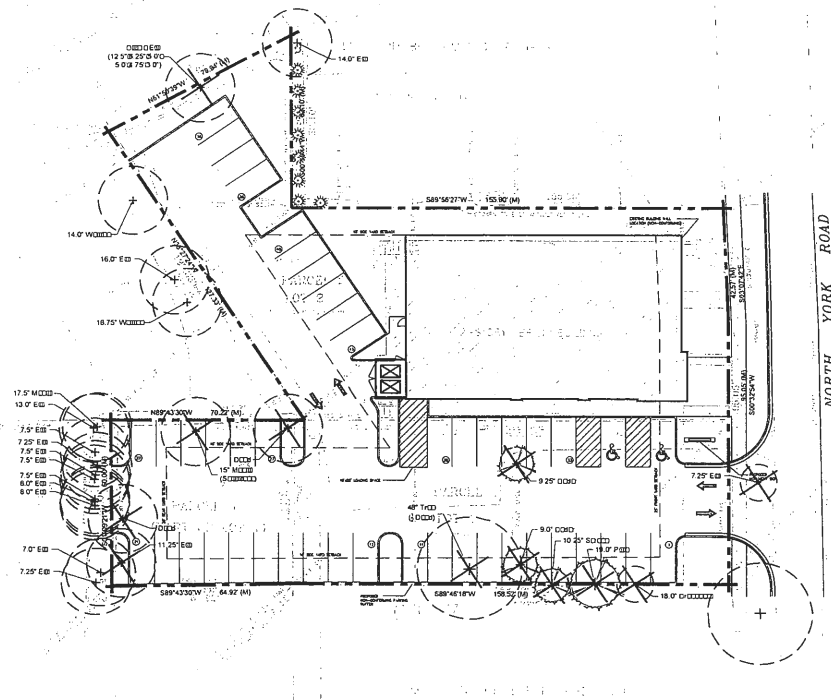
CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES PRESENTING COMPACTION OF ROOT SYSTEMS OF EXISTING TREES AND SHRUBS. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE DRIP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.

ORANGE POLYETHYLENE SAFETY FENCING
PLACED AT OR BEYOND DRIP-LINE

4' TALL ORCHEN STEEL POSTS @ 8' O.C. MAG

TREE PRESERVATION DETAIL

NTS



TREES TO BE REMOVED



SCALE 1" = 20'



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REVISIONS

DATE NO. DESCRIPTION

DATE	NO.	DESCRIPTION
12/20/17	1	ISSUED FOR PERMIT

RWE
MANAGEMENT COMPANY
16 W. 341 S. Road
Suite 100, J. 100
Phone: (630) 244-8883
Fax: (630) 244-8884
E-Mail: rwe@rwe.com

HINSDALE ANIMAL HOSPITAL
724 N. YORK ROAD
HINSDALE, IL

IRG Ives/Ryan
Group, Inc.
124 EISENHOWER LANE N.
LOMBARD, IL 60148
PHONE: 630.717.0758

Landscape Architecture
Park & Recreation Design
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TREE PRESERVATION PLAN

PROJECT NO. 03 DB NO. 1
L3016 8925A

DATE 12/20/17
SCALE 1" = 20'
PLANNER RM
DRAWN BY RM
CHECKED RM

SHEET
TP-1

LUMINOUS FLUX (LM) PER FOOT CANDLE (FC) FOR DIFFERENT SURFACE REFLECTANCES	
Surface Reflectance (%)	100
0.05	12889
0.50	15442
1.00	15442

LUMINOUS FLUX (LM) PER FOOT CANDLE (FC) FOR DIFFERENT SURFACE REFLECTANCES	
Surface Reflectance (%)	100
0.05	12889
0.50	15442
1.00	15442

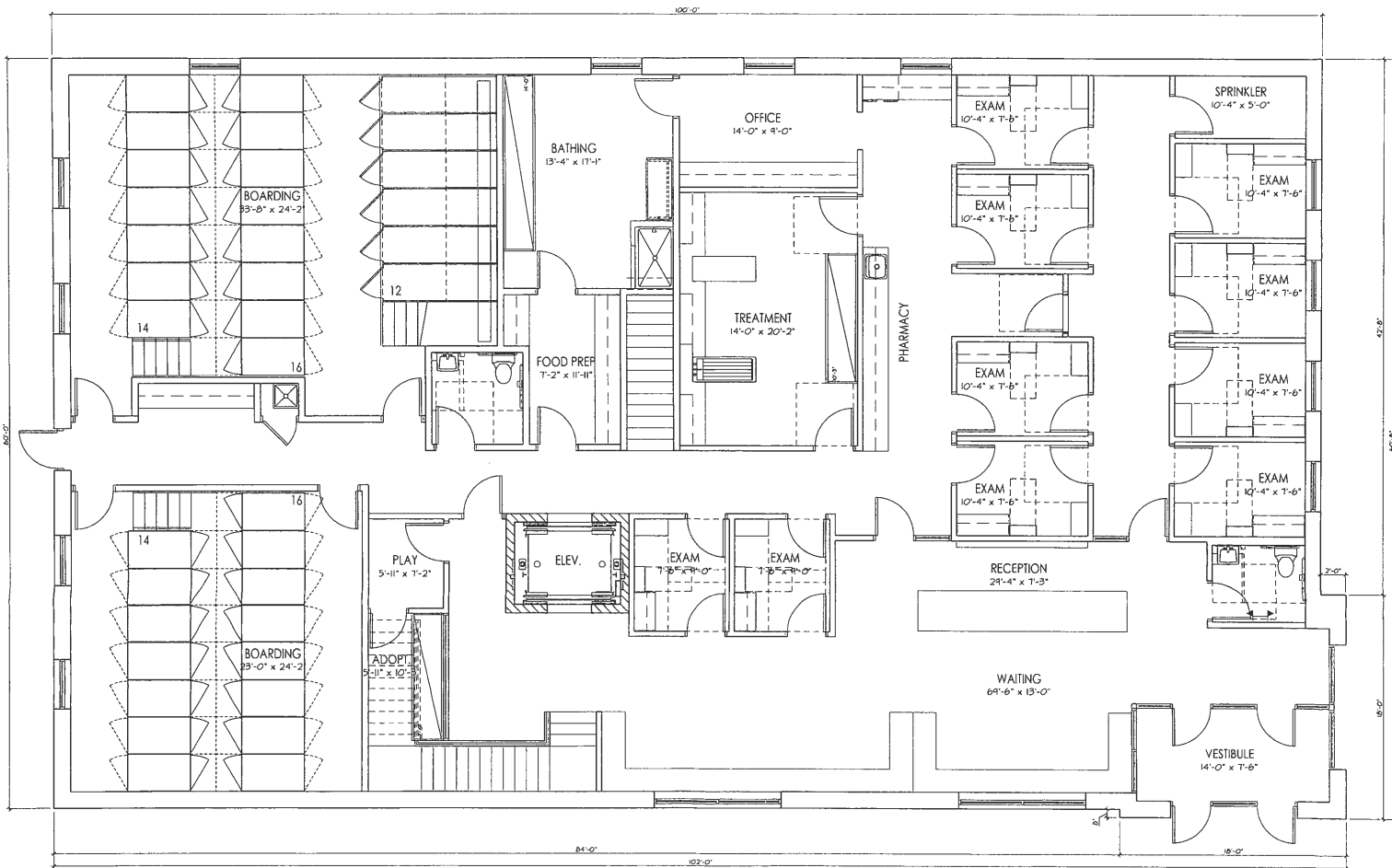
LUMINOUS FLUX (LM) PER FOOT CANDLE (FC) FOR DIFFERENT SURFACE REFLECTANCES	
Surface Reflectance (%)	100
0.05	12889
0.50	15442
1.00	15442



UNPROPOSED ARCHITECTURAL SITE PLAN



WEST ELEVATION



FIRST FLOOR PLAN



ARCHITECTURE
LAND PLANNING
INTERIOR ARCHITECTURE
LANDSCAPE ARCHITECTURE
1000 DUNDAS PARKWAY, SUITE 110
ORLANDO, FL 32834
770.797.4422 770.797.4424
WWW.LINDENGROUP.COM

MANAGEMENT
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18 W 301 E, Room 202, Suite 108
Bloomington, IL 61820
(312) 374-8883
RWE@RWE.COM

HINSDALE ANIMAL HOSPITAL
724 N. YORK ROAD
HINSDALE, IL 60521

DATE: 11/12/2015
BY: 11/12/2015
DATE: 11/12/2015
BY: 11/12/2015

2015-0101
PROJECT NUMBER

FILE NUMBER
1-16-2017
DATE

DRAWN BY

REVIEW BY

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FIRST FLOOR PLAN

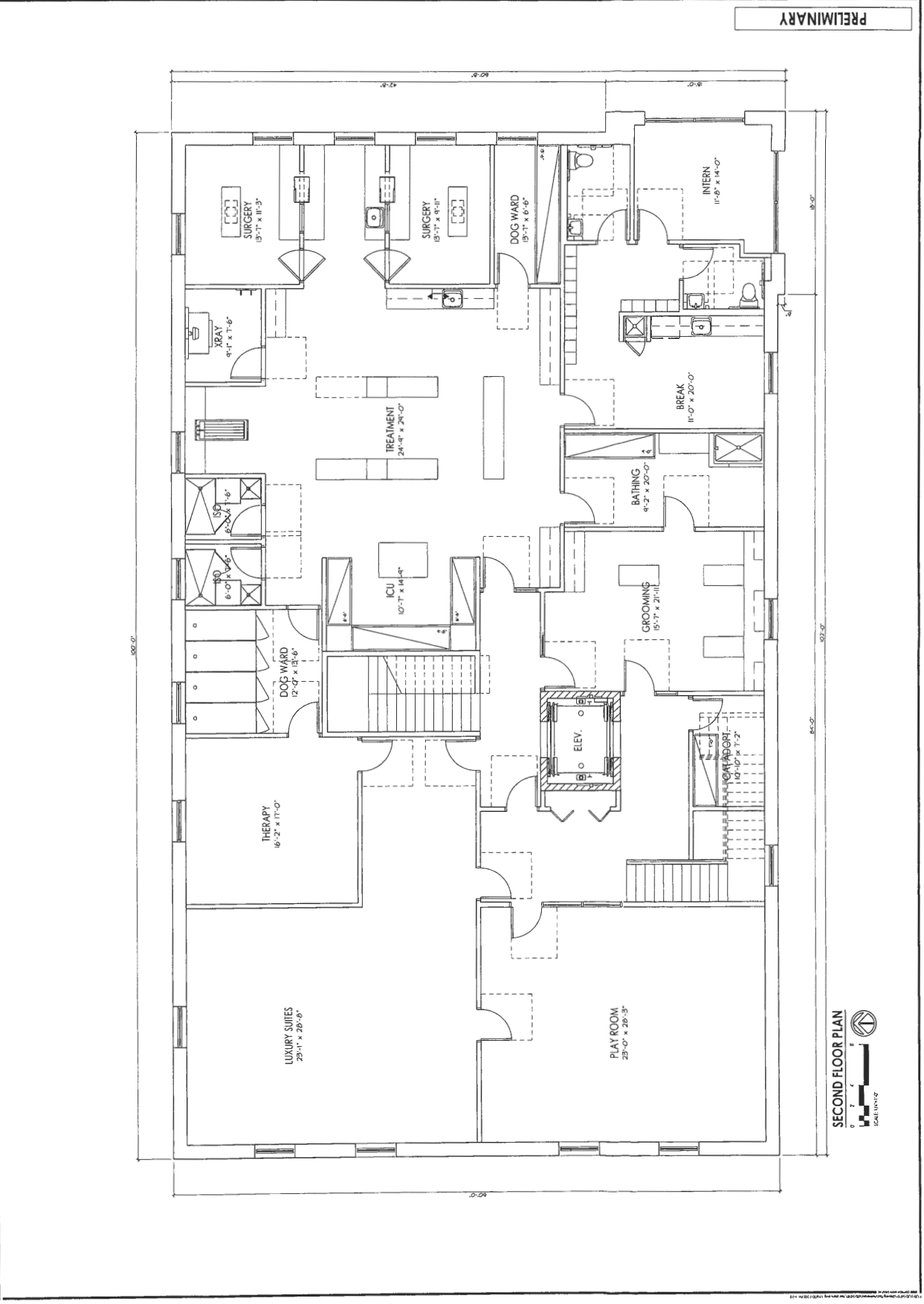
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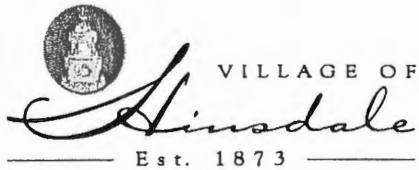
A-1.0

SHEET

OF

PRELIMINARY





86

MEMORANDUM

DATE: March 6, 2017

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

CC: Christine Bruton, Village Clerk

FROM: Robert McGinnis, MCP
Director of Community Development/Building commissioner

RE: **Zoning Variation – V-03-17; 100 S. Garfield Street (HMS)**

In this application for variation, the applicants request relief from the following bulk zoning standards in order to construct a new shared parking deck;

1. Section 7-310(C)(1) Reduction to Front Yard Setback
2. Section 7-310(C)(2) Reduction to Side Yard Setback
3. Section 7-310(D) Increase in allowable Floor Area Ratio
4. Section 7-310(E)(11)(b) To allow structure to occupy more than 30% of the Required Interior Side Yard.
5. Section 9-104(G)(2)(b) To permit off-street parking in Required Front Yard.
6. Section 9-107(A) Reduce minimum perimeter landscape buffer.

It should be noted that the request for an increase in Floor Area Ratio (FAR) and the request to reduce the minimum perimeter landscape buffer will need to move on to the Board of Trustees as a recommendation.

This property is located in the IB Institutional Building District in the Village of Hinsdale and is located on the west side of Garfield Street between Second and Third. The property has a frontage of approximately 430', an average depth of 500', and a total square footage of approximately 214,790. The maximum FAR is .50 or approximately 107,395 square feet; there are no Building Coverage or Total Lot Coverage limitations set forth in the IB zoning district.

cc: Kathleen Gargano, Village Manager
Zoning file V-03-17

SMITHGROUPJJR

March 28, 2017

Mr. Rob McGinnis
Village of Hinsdale
Director of Community Development
Hinsdale, IL

RE: VOH / HMS Co-Application
Parking Deck Variations

Dear Rob:

We have taken the comments received from the Zoning Board of Appeals and made every effort to address their concerns regarding the number of variations sought. We were able to pare several back, although the number of variations remains the same.

We understand the Village of Hinsdale, as co-applicant, must be held to the same standards as any other applicant. We have designed the parking deck to meet code wherever possible before requesting relief.

The attached summarizes modifications to the initial Application for Variation. We appreciate your review and oversight throughout this process and welcome any comments or suggestions.

Sincerely,

Paul J. Wiese



Vice President

CC: Kathleen Gargano, Brad Bloom, Chan Yu – VoH
Brian Kronewitter – CCA
John Helfrich - SGJJR

www.smithgroupjjr.com

March 28, 2017

Village of Hinsdale
Application for Variation
Hinsdale Middle School Parking Deck
Addendum to Supplemental Text

SECTION I

7. **Neighboring Owners:** No change from initial application.
9. **Existing Zoning:** No change from initial application.
10. **Conformity:** No change from previous application.
11. **Zoning Standards:** No change from previous application.

SECTION II

1. **Title:** No change from previous application.
2. **Ordinance Provision:** No changes from previous application:
 - Section 7-310.C.1
 - Section 7-310.C.2
 - Section 7-310.D
 - Section 7-310.E.11 (b)
 - Section 9-104.G.2.b
 - Section 9-107.A
3. **Variations Sought:** The specific variations being sought:
 - Section 7-310.C.1: Reduce width of front yard from 35' to 15'. **No change.**
 - Section 7-310.C.2: Reduce width of interior side yard from 25' to 7'.
In response to ZBA comments, the structure of the proposed parking deck has been modified to create an Interior Side Yard of 7', increased from 0'.

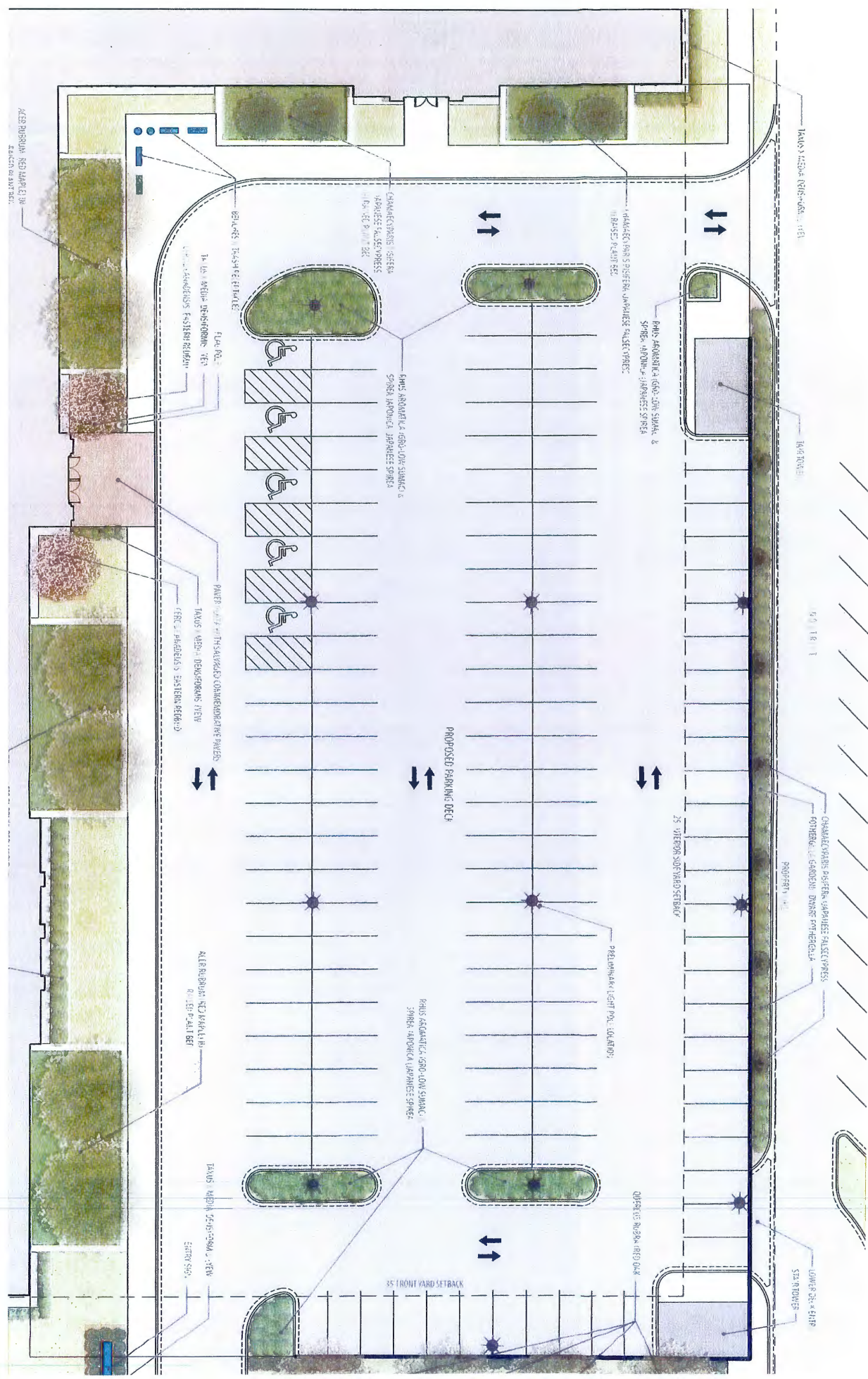
Approximately 50 Village parking spaces are being lost by construction of the new middle school. This will further increase the demand for downtown Hinsdale parking, which has prompted the Village to maximize the size of the parking deck. Although the parking deck is located in the IB district, its purpose is to serve the adjacent B-2 district on the north. The B-2 district has a 0' front and side yard requirement. The context of the area is for there to be no setbacks. The setback variation of the proposed parking deck fits within this context.

- Section 7-310.D: Increase Floor Area Ratio (FAR) from .50 to .74. **No change.**
- Section 7-310.E.11 (b): Occupy more than 30% of the interior side yard with an accessory structure. **No change.**
In response to ZBA comments, the structure of the proposed parking deck has been modified to reduce the area of the Interior Side Yard occupied by the parking deck from 71% to 53%. This does not change the variation sought but does indicate a significant reduction.
- Section 9-104.G.2.b: Allow off-street parking in required front yard. **No change.**
- Section 9-107.A: Reduce minimum perimeter landscape buffer from 10' to 5'.
In response to ZBA comments, the structure of the proposed parking deck has been modified to increase the perimeter landscape buffer to 5', increased from 2'.

4. **Minimum Variation:**
 - Section 7-310.C.1: No changes from previous application.
 - Section 7-310.C.2: **The proposed building encroaches on the interior side yard setback by 18'; therefore, reducing the setback to 7' is the minimum variation sought.**
 - Section 7-310.D: No changes from previous application.
 - Section 7-310.E.11 (b): No changes from previous application.
 - Section 9-104.G.2.b: **The parking deck is designed to maximize the amount of spaces to meet the needs of the school and Village. Twenty-five spaces is the minimum amount of spaces located in the front yard setback.**
 - Section 9-107.A: **The parking deck is designed to maximize the amount of spaces to meet the needs of the school and Village. Due to recent structural modifications, the perimeter landscape buffer will be 5' wide.**
5. **Standards for Variation:** No changes from previous application.







Zoning Calendar No. V-03-17

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): CCSD #181 and Village of Hinsdale _____

ADDRESS OF SUBJECT PROPERTY: 100 S Garfield Avenue, Hinsdale, IL 60521TELEPHONE NUMBER(S): 630-861-4900

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

CCSD #181 and Village of Hinsdale are joint applicants as both will share the parking deck facility.

DATE OF APPLICATION: February 2017 _____



SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: CCSD #181
115 W. 55th Street, Clarendon Hills, IL 60514 630-861-4900
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: NA

3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: CCSD #181 and Village of Hinsdale as Joint Applicants for a 242 vehicle parking deck.

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 100 South Garfield Avenue, Hinsdale, IL 60521
Legal description attached.

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Architect: Cordogan Clark Associates, 960 Ridgeway, Aurora, IL 60506
 - b. Engineer: SmithGroupJJR, 35 E. Wacker, Suite 900, Chicago, IL 60601
 - c. _____
 - d. _____

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. None
- 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:

See attached supplemental text.

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.)

See attached supplemental text.

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.)

See attached supplemental text.

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.)

See attached supplemental text.

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 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: CCSD #181

Signature of Owner:

Don White

Name of Applicant: CCSD #181 and Village of Hinsdale, joint Applicants

Signature of Applicant:

James A. Jurgens

Date:

February 2017

February 20, 2017

Village of Hinsdale
Application for Variation
Hinsdale Middle School Parking Deck
Supplemental Text

SECTION I

7. **Neighboring Owners:** List of neighboring owners to be provided by Village of Hinsdale.
9. **Existing Zoning:** Zoning graphic attached.
10. **Conformity:** No variation is being sought regarding conformity. The proposed parking deck is an approved accessory use.
11. **Zoning Standards:** Each requirement of the Zoning Ordinance will be satisfied with the exception of the items identified in Section II.

SECTION II

1. **Title:** Title commitment attached.
2. **Ordinance Provision:** The specific ordinance provisions for which a variation is sought:
 - Section 7-310.C.1
 - Section 7-310.C.2
 - Section 7-310.D
 - Section 7-310.E.11 (b)
 - Section 9-104.G.2.b
 - Section 9-107.A
3. **Variations Sought:** The specific variation being sought:
 - Section 7-310.C.1: Reduce width of front yard from 35' to 15'.
 - Section 7-310.C.2: Reduce width of interior side yard from 25' to 0'.
 - Section 7-310.D: Increase Floor Area Ratio (FAR) from .50 to .76.
 - Section 7-310.E.11 (b): Occupy more than 30% of the interior side yard with an accessory structure.
 - Section 9-104.G.2.b: Allow off-street parking in required front yard.
 - Section 9-107.A: Reduce minimum perimeter landscape buffer from 10' to 2'.
4. **Minimum Variation:**
 - Section 7-310.C.1: The proposed parking deck encroaches on the front yard setback by 20', the approximate length of a vehicle parking space; therefore, reducing the front yard setback to 15' is the minimum variation sought.
 - Section 7-310.C.2: The proposed building encroaches on the interior side yard setback by 25'; therefore, reducing the rear setback to 0' is the minimum variation sought.
 - Section 7-310.D: The gross square feet of the combination of the proposed middle school and the parking deck is 163,900 gsf that require an FAR of .76. This is the minimum variation sought.

- Section 7-310.E.11 (b): The parking deck, an accessory structure, will occupy more than 30% of the interior side yard; therefore, this is the minimum variation sought.
- Section 9-104.G.2.b: The parking deck is designed to maximize the amount of spaces to meet the needs of the school and Village. Twenty spaces is the minimum amount of spaces located in the front yard setback.
- Section 9-107.A: The parking deck is designed to maximize the amount of spaces to meet the needs of the school and Village. This requires the parking deck structure to be placed on the property line which reduces the minimum perimeter landscape buffer.

5. **Standards for Variation:** Facts that support the variation for each variation sought:

Section 7-310.C.1 (Reduce required front yard setback)

Unique Physical Condition: The site contains the existing Hinsdale Middle School that will need to remain in operation during the construction of the new middle school. This unique condition requires the new building to be sited with enough clearance from the existing school to promote student safety and maintain emergency egress, thereby minimizing the building area of the site.

Not Self-Created: The above unique physical condition is not a self-created condition. The Village is losing 50 parking spaces it leased from the District as a result of the new middle school project.

Denied Substantial Rights: Given the unique physical condition of the site, carrying out the strict letter of the provision would deprive the District and the Village of the right to develop their programmatic needs for a new middle school and visitors to downtown Hinsdale that are commonly enjoyed by owners of other lots subject to the same provision.

Not Merely Special Privilege: The variation sought is not due to the inability of the District and the Village to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots. The location of the parking deck, which is the reason for the variation sought, does not impact whether the District and the Village will make more money from the use of the subject property.

Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.

Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new parking deck would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The site plan incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new parking deck will not unduly tax public

facilities. Parking in the Central Business District is in high demand and the increase in capacity will only improve the parking shortfall in the area.

No Other Remedy: The District and the Village do not have any alternate locations available to accommodate the parking necessary for an 800-student school in combination with the parking demands from downtown visitors. The demands for the school are driven by accommodating the full student population in a permanent structure that meets 21st Century Learning philosophies and delivery models. The floor plan of the new school was designed to facilitate the 21st Century Learning philosophies and also promote student safety. The gymnasium and associated facilities must be located on the main floor to allow public access while securing the remainder of the building. This building design is limited to a smaller buildable area due to the unique physical condition described above and requires the variation sought to meet the requirements of the District and the Village. Parking in the Central Business District is in high demand. A study completed in 2014 by the Chicago Metropolitan Agency for Planning (CMAP) found that the highest demand parking area is located bordered by Hinsdale Ave to Second Street and Garfield to Lincoln and contains 383 parking spaces. The CMAP study further found that the busiest parking demand time is 10:00 am to 2:00 pm Monday through Friday. During those hours parking in the highest demand area is 100% occupied. Currently 7% of our retail store fronts are vacant and 6% of our office space is vacant. Retail merchants provided comment to the Village Board that customers regularly report difficulty finding parking in Hinsdale and often will leave when unable to find a parking space. Finally, even absent this, the Village will lose 50 shopper parking spaces when the new Hinsdale Middle School is built.

Section 7-310.C.2 (Reduce required interior side yard setback)

Unique Physical Condition: The site contains the existing Hinsdale Middle School that will need to remain in operation during the construction of the new middle school. This unique condition requires the new building to be sited with enough clearance from the existing school to promote student safety and maintain emergency egress, thereby minimizing the building area of the site.

Not Self-Created: The above unique physical condition is not a self-created condition. Additionally, the Village is losing 50 parking spaces it leased from the District as a result of the new middle school project.

Denied Substantial Rights: Given the unique physical condition of the site, carrying out the strict letter of the provision would deprive the District and the Village of the right to develop their programmatic needs for a new middle school and visitors to downtown Hinsdale that are commonly enjoyed by owners of other lots subject to the same provision.

Not Merely Special Privilege: The variation sought is not due to the inability of the District and the Village to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots. The location of the parking deck, which is the reason for the variation sought, does not impact whether the District and the Village will make more money from the use of the subject property.

Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.

Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new parking deck would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new site plan will address many of the existing circulation issues observed currently. The site plan incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new parking deck will not unduly tax public facilities. Parking in the Central Business District is in high demand and the increase in capacity will only improve the parking shortfall in the area.

No Other Remedy: The District and the Village do not have any alternate locations available to accommodate the parking necessary for an 800-student school in combination with the parking demands from downtown visitors. The demands for the school are driven by accommodating the full student population in a permanent structure that meets 21st Century Learning philosophies and delivery models. The floor plan of the new school was designed to facilitate the 21st Century Learning philosophies and also promote student safety. The gymnasium and associated facilities must be located on the main floor to allow public access while securing the remainder of the building. The buildable area is limited due to the unique physical condition described above and requires the variation sought to meet the requirements of the District and the Village. Parking in the Central Business District is in high demand. A study completed in 2014 by the Chicago Metropolitan Agency for Planning (CMAP) found that the highest demand parking area is located bordered by Hinsdale Ave to Second Street and Garfield to Lincoln and contains 383 parking spaces. The CMAP study further found that the busiest parking demand time is 10:00 am to 2:00 pm Monday through Friday. During those hours parking in the highest demand area is 100% occupied. Currently 7% of our retail store fronts are vacant and 6% of our office space is vacant. Retail merchants provided comment to the Village Board that customers regularly report difficulty finding parking in Hinsdale and often will leave when unable to find a parking space. Finally, even absent this, the Village will lose 50 shopper parking spaces when the new Hinsdale Middle School is built.

Section 7-310.D (Increase floor area ratio)

Unique Physical Condition: The site area is not large enough to support the programmatic needs of a middle school that provides 21st Century Learning philosophies and an accessory structure parking deck.

Not Self-Created: The above unique physical condition is not a self-created condition. Additionally, the Village is losing 50 parking spaces it leased from the District as a result of the new middle school project.

Denied Substantial Rights: Given the unique physical conditions of the site, carrying out the strict letter of the provision would deprive the District and the Village of the right to develop their programmatic needs for a new middle school and parking deck that are commonly enjoyed by similar developments of other lots subject to the same provision.

Not Merely Special Privilege: The variation sought is not due to the inability of the District and the Village to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots. The floor area of the building and the parking deck, which is the reason for the variation sought, does not impact whether the District and the Village will make more money from the use of the subject property.

Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.

Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new parking deck would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The site plan incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new school and parking deck will not unduly tax public facilities. Parking in the Central Business District is in high demand and the increase in capacity will only improve the parking shortfall in the area.

No Other Remedy: The new school was designed to facilitate 21st Century learning philosophies and promote student safety with regards to constructing the new middle school while the existing school remains active. The floor plan of the building is based on the programmatic needs of the school which include increasing the size of the core classrooms and laboratories which are currently inadequately sized for 21st Century learning philosophies. The opportunity to add a lower level of parking to create a parking deck that would benefit both the District and Village will increase the FAR to .76. Parking in the Central Business District is in high demand. A study completed in 2014 by the Chicago Metropolitan Agency for Planning (CMAP) found that the highest demand parking area is located bordered by Hinsdale Ave to Second Street and Garfield to Lincoln and contains 383 parking spaces. The CMAP study further found that the busiest parking demand time is 10:00 am to 2:00 pm Monday through Friday. During those hours parking in the highest demand area is 100% occupied. Currently 7% of our retail store fronts are vacant and 6% of our office space is vacant. Retail merchants provided comment to the Village Board that customers regularly report difficulty finding parking in Hinsdale and often will leave when unable to find a parking space. Finally, even absent this, the Village will lose 50 shopper parking spaces when the new Hinsdale Middle School is built.

Section 7-310.E.11 (b) (Occupy more than 30% of interior side yard)

Unique Physical Condition: The site contains the existing Hinsdale Middle School that will need to remain in operation during the construction of the new middle school. This unique condition requires the new building to be sited with enough clearance from the existing school to promote student safety and maintain emergency egress, thereby minimizing the building area of the site.

Not Self-Created: The above unique physical condition is not a self-created condition. Additionally, the Village is losing 50 parking spaces it leased from the District as a result of the new middle school project.

Denied Substantial Rights: Given the unique physical condition of the site, carrying out the strict letter of the provision would deprive the District and the Village of the right to develop their programmatic needs for a new middle school and visitors to downtown Hinsdale that are commonly enjoyed by owners of other lots subject to the same provision.

Not Merely Special Privilege: The variation sought is not due to the inability of the District and the Village to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots. The location of the parking deck, which is the reason for the variation sought, does not impact whether the District and the Village will make more money from the use of the subject property.

Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.

Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new parking deck would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The site plan incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new parking deck will not unduly tax public facilities. Parking in the Central Business District is in high demand and the increase in capacity will only improve the parking shortfall in the area.

No Other Remedy: The District and the Village do not have any alternate locations available to accommodate the parking necessary for an 800-student school in combination with the parking demands from downtown visitors. The demands for the school are driven by accommodating the full student population in a permanent structure that meets 21st Century Learning philosophies and delivery models. The floor plan of the new school was designed to facilitate the 21st Century learning philosophies and also promote student safety. The gymnasium and associated facilities must be located on the

main floor to allow public access while securing the remainder of the building. This building design is limited to a smaller buildable area due to the unique physical condition described above and requires the variation sought to meet the requirements of the District and the Village. Parking in the Central Business District is in high demand. A study completed in 2014 by the Chicago Metropolitan Agency for Planning (CMAP) found that the highest demand parking area is located bordered by Hinsdale Ave to Second Street and Garfield to Lincoln and contains 383 parking spaces. The CMAP study further found that the busiest parking demand time is 10:00 am to 2:00 pm Monday through Friday. During those hours parking in the highest demand area is 100% occupied. Currently 7% of our retail store fronts are vacant and 6% of our office space is vacant. Retail merchants provided comment to the Village Board that customers regularly report difficulty finding parking in Hinsdale and often will leave when unable to find a parking space. Finally, even absent this, the Village will lose 50 shopper parking spaces when the new Hinsdale Middle School is built.

Section 9-104.G.2.b (off-street parking located in the front yard setback)

Unique Physical Condition: The proposed building and site design is largely impacted by the existing building on site as mentioned above. There is a limited buildable area for the desired off-street parking when taking into account the necessary phasing of the construction. Also, parking for downtown Hinsdale is at severe shortage and has driven the site design to include as many parking spaces as possible that could be used for downtown patrons.

Not Self-Created: The above unique physical condition is not a self-created condition. Additionally, the Village is losing 50 parking spaces it leased from the District as a result of the new middle school project.

Denied Substantial Rights: Given the unique physical conditions of the site and the desire to provide additional parking for the downtown area, carrying out the strict letter of the provision would deprive the District and the Village the right to develop their programmatic needs for a new middle school and parking deck that are commonly enjoyed by similar developments of other lots subject to the same provision.

Not Merely Special Privilege: The variation sought is not due to the inability of the District and the Village to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots.

Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision. It should be noted the parking for the adjacent Garfield Square development to the north of the subject property exists in the front yard.

Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new parking deck would not impair an adequate supply of light or air to the properties in the vicinity, nor would increase congestion in the public streets. A Traffic Impact Study

of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The parking design incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in the adjacent areas. Utility demands of the parking area will not unduly tax public facilities. Parking in the Central Business District is in high demand and the increase in capacity will only improve the parking shortfall in the area.

No Other Remedy: Parking for both Hinsdale Middle School and downtown Hinsdale is at a severe shortage. Given the unique physical conditions mentioned above, there is a limited buildable area for parking on the subject property. Off-street parking in the required front yard will allow the school to meet and exceed the required number of spaces. When the parking is not being used for school purposes, the parking spaces will be available for downtown Hinsdale patrons and will serve to meet the demands of the Village of Hinsdale. Maximizing the amount of parking provided through continued coordination with the Village is a priority of the site development. It should also be noted the parking for the adjacent Garfield Square development to the north exists in their front yard. Parking in the Central Business District is in high demand. A study completed in 2014 by the Chicago Metropolitan Agency for Planning (CMAP) found that the highest demand parking area is located bordered by Hinsdale Ave to Second Street and Garfield to Lincoln and contains 383 parking spaces. The CMAP study further found that the busiest parking demand time is 10:00 am to 2:00 pm Monday through Friday. During those hours parking in the highest demand area is 100% occupied. Currently 7% of our retail store fronts are vacant and 6% of our office space is vacant. Retail merchants provided comment to the Village Board that customers regularly report difficulty finding parking in Hinsdale and often will leave when unable to find a parking space. Finally, even absent this, the Village will lose 50 shopper parking spaces when the new Hinsdale Middle School is built.

Section 9-107.A: (Reduce minimum perimeter landscape buffer)

Unique Physical Condition: The site contains the existing Hinsdale Middle School that will need to remain in operation during the construction of the new middle school. This unique condition requires the new building to be sited with enough clearance from the existing school to promote student safety and maintain emergency egress, thereby minimizing the building area of the site.

Not Self-Created: The above unique physical condition is not a self-created condition. Additionally, the Village is losing 50 parking spaces it leased from the District as a result of the new middle school project.

Denied Substantial Rights: Given the unique physical condition of the site, carrying out the strict letter of the provision would deprive the District and the Village of the right to develop their programmatic needs for a new middle school and visitors to downtown Hinsdale that are commonly enjoyed by owners of other lots subject to the same provision.

Not Merely Special Privilege: The variation sought is not due to the inability of the District and the Village to enjoy any special privileges or additional rights not available

to other owners of similarly zoned lots. The location of the parking deck, which is the reason for the variation sought, does not impact whether the District and the Village will make more money from the use of the subject property.

Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.

Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new parking deck would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new site plan will address many of the existing circulation issues observed currently. The site plan incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new parking deck will not unduly tax public facilities. Parking in the Central Business District is in high demand and the increase in capacity will only improve the parking shortfall in the area.

No Other Remedy: The District and the Village do not have any alternate locations available to accommodate the parking necessary for an 800-student school in combination with the parking demands from downtown visitors. The demands for the school are driven by accommodating the full student population in a permanent structure that meets 21st Century Learning philosophies and delivery models. The floor plan of the new school was designed to facilitate the 21st Century learning philosophies and also promote student safety. The gymnasium and associated facilities must be located on the main floor to allow public access while securing the remainder of the building. The buildable area is limited due to the unique physical condition described above and requires the variation sought to meet the requirements of the District and the Village. Parking in the Central Business District is in high demand. A study completed in 2014 by the Chicago Metropolitan Agency for Planning (CMAP) found that the highest demand parking area is located bordered by Hinsdale Ave to Second Street and Garfield to Lincoln and contains 383 parking spaces. The CMAP study further found that the busiest parking demand time is 10:00 am to 2:00 pm Monday through Friday. During those hours parking in the highest demand area is 100% occupied. Currently 7% of our retail store fronts are vacant and 6% of our office space is vacant. Retail merchants provided comment to the Village Board that customers regularly report difficulty finding parking in Hinsdale and often will leave when unable to find a parking space. Finally, even absent this, the Village will lose 50 shopper parking spaces when the new Hinsdale Middle School is built.

Name	Address	City	State	Zip Code	PIN	PIN	PIN	PIN	PIN
SBC	909 Chesnut North 36 M1	St. Louis	Mo	63101	912115010				
Riordan, Brian & Kelly	116 W. 2nd St.	Hinsdale	IL	60521	912116002				
Hartmann Jr., Fred & Sally	119 W. 3rd St.	Hinsdale	IL	60521	912116005				
Carey, Francis & Jean TR	204 S. Lincoln St.	Hinsdale	IL	60521	912116006				
Scales, Roberta A TR	218 S. Lincoln St.	Hinsdale	IL	60521	912116009				
Saigh, Robert & Patricia	210 S. Lincoln St.	Hinsdale	IL	60521	912116010				
Picerne, Jeanne M	304 S. Lincoln St.	Hinsdale	IL	60521	912117004				
Abdo, Daniel TR	314 S. Lincoln St.	Hinsdale	IL	60521	912117013				
Cesarini, Dominic 2504	54 S. Washington St.	Hinsdale	IL	60521	912121020				
Fruit Store	26 W 1st. St.	Hinsdale	IL	60521	912122001				
Home Space, LLC	306 S. Garfield	Hinsdale	IL	60521	912122002				
JJCJ LLC	18 W. 1st. St.	Hinsdale	IL	60521	912122003				
Shriver TR, Catherine & ETA	14 W. 1st. St.	Hinsdale	IL	60521	912122004				
111 Lincoln LLC	723 W. North St.	Hinsdale	IL	60521	912122005				
Berberian Companies	515 Lyell Dr. Unit 101	Modesto	CA	95356	912122006	912122007			
Odegard Properties	PO Box 58	Western Springs	IL	60558	912122008	912122009	912122010		
Rock Rubicon LLC Hinsdale	114 E. 6th St.	Hinsdale	IL	60521	912122013				
Corrigan, Freda Bremer C/O Jeanne Vaughan	1970 Greenwood Court South	Sanibel	FL	33957	912122014				
Midwest Property Group	520 W. Erie Unit 430	Chicago	IL	60654	912122015				
Matzelle, WM & Gretchen	307 S. Lincoln St.	Hinsdale	IL	60521	912124001				
Cefaratti, Samuel & T TR	313 S. Lincoln St.	Hinsdale	IL	60521	912124002				
Coffey, Thomas & Mary	304 S. Washington St.	Hinsdale	IL	60521	912124005	912124006			
Dobrez, John & Tammy	418 S. Washington	Hinsdale	IL	60521	912124007				
JDR Investment Properties	18 Robin Hood Ranch	Oakbrook	IL	60523	912128016				
True North Investments Agent of Hinsdale First LLC	3000 Woodcreek Dr. #300	Downers Grove	IL	60515	912128018				
Hinsdale Building Corporation	25 E. 1st. St.	Hinsdale	IL	60521	912129009				
29 First LLC, C/O Midwest Property Group	520 W. Erie Unit 430	Chicago	IL	60654	912129010				
Duboe Bryant, Susie TR	1662 Foltz	Hoffman Estates	IL	60195	912129011				
TRP 35 First Street LLC	7630 Plaza Ct.	Wilowbrook	IL	60527	912129012	9012129013			
1015 Washington St. LTD PTNRSHP C/O Midwest Property Group	520 W. Erie Unit 430	Chicago	IL	60654	912130001				
8E1 Hinsdale LLC	431 S. Dearborn No. 203	Chicago	IL	60605	912130002	912130007			
Wayne Hummer TR 1739	727 N. Bank Lane	Lake Forest	IL	60045	912130003				
First Church of Christ	405 E. 1st. St.	Hinsdale	IL	60521	912130004				
Mc Keague, Edward & Nancy	42 S. Bodin St.	Hinsdale	IL	60521	912130005				
Eighteen East Hinsdale LL	18 E. 1st. St.	Hinsdale	IL	60521	912130006				
Wisch Rental Properties L	PO Box 269	Hinsdale	IL	60522	912130008				
Village of Hinsdale	19 E. Chicago Avenue	Hinsdale	IL	60521	912130010	912130020			
Garfield Crossing LLC	1 Lincoln Center Unit 700	Oakbrook Terrace	IL	60181	912130016				
Hinsdale Chamber of Commerce	22 E. 1st. St.	Hinsdale	IL	60521	912130021				
Casten, Judith & Thomas	8 E. 3rd St.	Hinsdale	IL	60521	912131001				
Schneider, Robyn & Denise	20 E. 3rd. St.	Hinsdale	IL	60521	912131002				
East Third LLC	306 S. Garfield	Hinsdale	IL	60521	912131003				
Oles, James & S Starkston	306 S. Garfield	Hinsdale	IL	60521	912131004				
Shah, Neel & Caroline	315 S. Washington St.	Hinsdale	IL	60521	912131005				
Fiascone, Nicholas & A TR	11 E. 4th St.	Hinsdale	IL	60521	912131007				

Marsh, Thomas & Dolores	23 E. 4th St.	Hinsdale	IL	60521	912131008				
Prame, Thomas & Amy	318 S. Garfield	Hinsdale	IL	60521	912131009				
First Street Limited	105 E. 1st. St.	Hinsdale	IL	60521	912201007				
Garfield and First LLC	101 S. Garfield	Hinsdale	IL	60521	912207001				
Grace Church	120 E. 1st. St.	Hinsdale	IL	60521	912207002	912207003	912207004		
Davis, Thomas & Loretta CTLTC B7900556621	10 S. La Salle St. #2750	Chicago	IL	60603	912207007				
Schramko Reality Holdings	13 S. Garfield Avenue	Hinsdale	IL	60521	912207008				
Union Church of Hinsdale	137 S. Garfield Avenue	Hinsdale	IL	60521	912207009	912207010	912207011	912207012	912207019
Union Church of Hinsdale	3rd Garfield	Hinsdale	IL	60521	912207018				
Sherman, Jennifer L	305 S. Garfield Avenue	Hinsdale	IL	60521	912211001				
Geier, Paul & Stephanie	118 E. 3rd. St.	Hinsdale	IL	60521	912211002				
Elder, Christopher & Amy	321 S. Garfield Avenue	Hinsdale	IL	60521	912211005				

ALTA COMMITMENT FOR TITLE INSURANCE



CHICAGO TITLE INSURANCE COMPANY

Commitment Number:

16021074CS

CHICAGO TITLE INSURANCE COMPANY, a Nebraska corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Chicago Title Insurance Company

By:

President

Attest:

Secretary



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ALTA Commitment (06/17/2006)

Page 1

Printed: 09.15.18 @ 12:31 PM
IL-CT-FW/ET-01080.225408-SPS-1-18-16021074CS



ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title Company, LLC 6432 Joliet Road, Suite A Countryside, IL 60525 Main Phone: (708)482-2900 Email: ctcountryside@ctt.com	

Issued By: Chicago Title Company, LLC
6432 Joliet Road, Suite A
Countryside, IL 60525

SCHEDULE A**ORDER NO. 16021074CS**

Property Ref.: 100 S Garfield Ave, Hinsdale, IL 60521

1. Effective Date: August 26, 2016

2. Policy or (Policies) to be issued:

a.

Proposed Insured: To Be Determined
Policy Amount: \$0.00

3. The estate or interest in the land described or referred to in this Commitment is:

Fee Simple

4. Title to the estate or interest in the land is at the Effective Date vested in:

Regional Board of School Trustees of Dupage County, Illinois, a municipal corporation of the State of Illinois, and their successors in office for the use and benefit of the Community Consolidated School District Number 181, DuPage and Cook Counties, Illinois

5. The land referred to in this Commitment is described as follows:

THE SOUTH 31 FEET OF LOT 5 AND 6, AND ALL OF LOTS 7 AND 8 IN BLOCK 5, LOTS 1 THROUGH 8, BOTH INCLUSIVE, IN BLOCK 6, AND LOTS 1 THROUGH 8, BOTH INCLUSIVE, IN BLOCK 7, IN THE ORIGINAL TOWN OF HINSDALE, BEING A SUBDIVISION IN THE NORTHWEST 1/4 (EXCEPT RAILROAD LANDS) OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 14, 1866 AS DOCUMENT 7738, TOGETHER WITH THAT PART OF VACATED 2ND STREET LYING BETWEEN BLOCKS 5 AND 6 AND TOGETHER WITH THAT PART OF VACATED ALLEY RUNNING NORTH AND SOUTH THROUGH THE CENTER OF SAID BLOCKS 5 AND 6, WHICH LIES EAST OF AND ADJOINING THE SOUTH 31 FEET OF LOT 6 AND ALL OF LOT 7 AND WEST OF AND ADJOINING THE SOUTH 31 FEET OF LOT 5 AND ALL OF LOT 8 IN BLOCK 5, EAST OF AND ADJOINING LOTS 2, 3, 6 AND 7 AND WEST OF AND ADJOINING LOTS 1, 4, 5 AND 8 IN BLOCK 6, AND THAT PART OF VACATED ALLEY RUNNING NORTH AND SOUTH THROUGH THE CENTER OF SAID BLOCK 7, WHICH LIES EAST OF AND ADJOINING LOTS 2, 3, 6 AND 7 AND WEST OF AND ADJOINING LOTS 1, 4, 5 AND 8 IN BLOCK 7, IN DUPAGE COUNTY, ILLINOIS.

END OF SCHEDULE A

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ALTA Commitment (06/17/2006)



SCHEDULE B

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

General Exceptions

1. Rights or claims of parties in possession not shown by Public Records.
2. Any encroachment, encumbrance, violation, variation, 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. 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.
7. Note for Information: The coverage afforded by this commitment and any policy issued pursuant hereto shall not commence prior to the date on which all charges properly billed by the company have been fully paid.
- A 8. The General Taxes as shown below are marked exempt on the Collector's Warrants. Unless satisfactory evidence is submitted to substantiate said exemption, our policy, if and when issued, will be subject to said taxes.

Taxes for the years 2015 and 2016.

Taxes for the years 2016 are not yet due or payable.

Tax Number: 09-12-130-011-0000, 09-12-130-012-0000, 09-12-130-013-0000, 09-12-130-014-0000, 09-12-130-015-0000, 09-12-130-017-0000, 09-12-123-009-0000, 09-12-123-010-0000, 09-12-123-011-0000, 09-12-123-012-0000, 09-12-123-013-0000, 09-12-123-014-0000, 09-12-123-015-0000, 09-12-123-016-0000 and 09-12-130-018-0000
- C 9. 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



SCHEDULE B

(continued)

- B 10. 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, we should be furnished satisfactory evidence of compliance in the form of a connection letter as set forth in said ordinance.

- G 11. In order for the Company to insure the sale or transfer of school district property, the Company should be furnished a certified copy of the School Board Resolution which authorizes said transfer and evidence of any required publication of Notice of Public Sale.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- K 12. Rights of the municipality, the State of Illinois, the public and adjoining owners in and to vacated alleys and vacated 2nd Street

- L 13. Rights of the public and quasi-public utilities, if any, in said vacated alleys and vacated 2nd Street for maintenance therein of poles, conduits, sewers and other facilities.

- N 14. Rights of Way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.

- M 15. Rights of the public, the State of Illinois and the municipality in and to that part of the Land, if any, taken or used for road purposes.

- D 16. Easement for facilities - Hinsdale Community School District 181 to AT&T recorded June 21, 2007 as document R2007-115225 and the terms and provisions contained therein

(affects lot 8 in Block 5)

- E 17. Restrictive covenant for construction of an improvement in the public right-of-way made by and between the Community Consolidated School District No. 181 and the Village of Hinsdale relating to a decorative driveway apron, recorded August 28, 2009 as document R2009-133924

(affects Lot 8 block 5 and other property not now in question)

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org>.*

END OF CONDITIONS

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ALTA Commitment (06/17/2006)

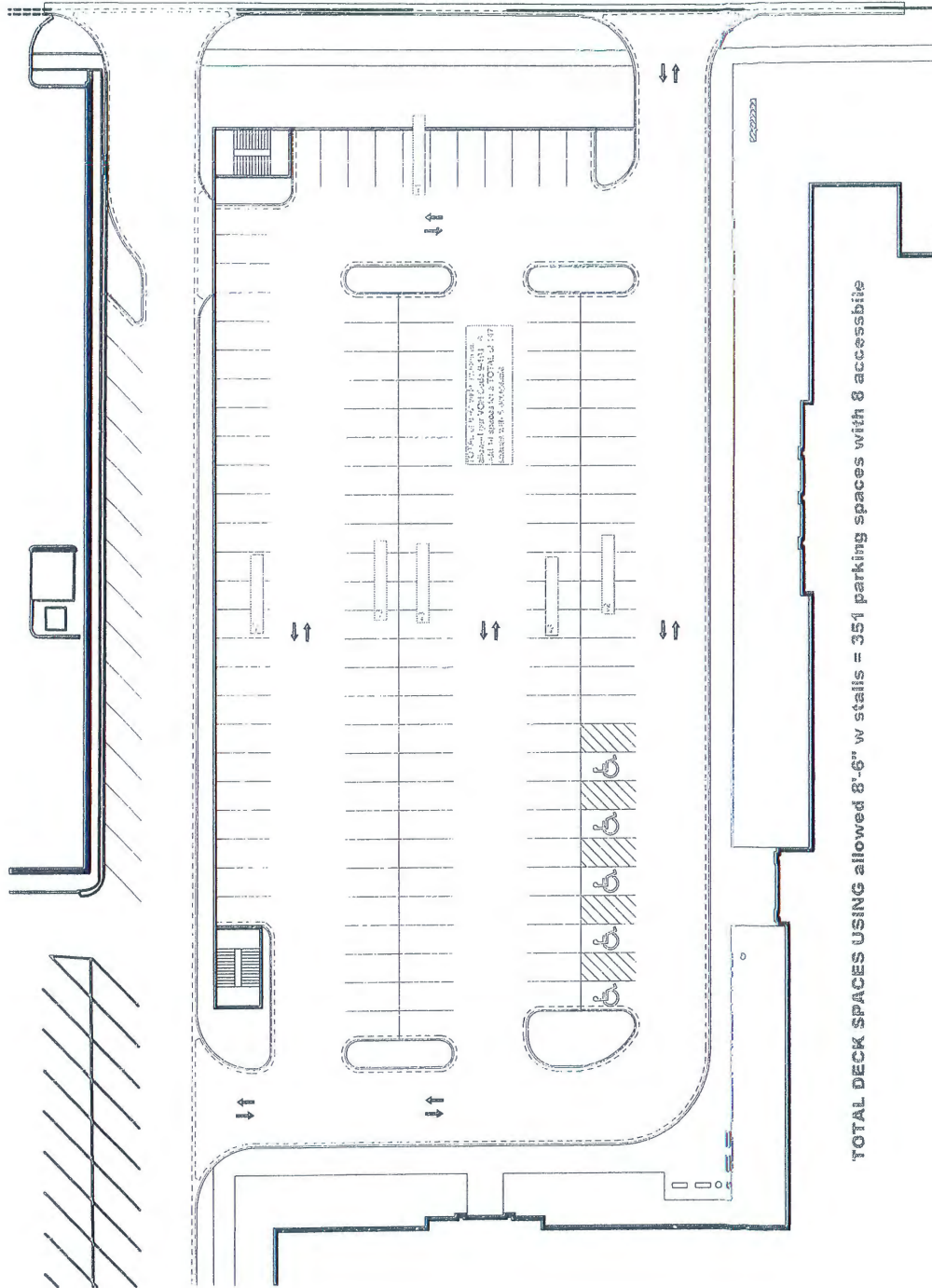
Page 7

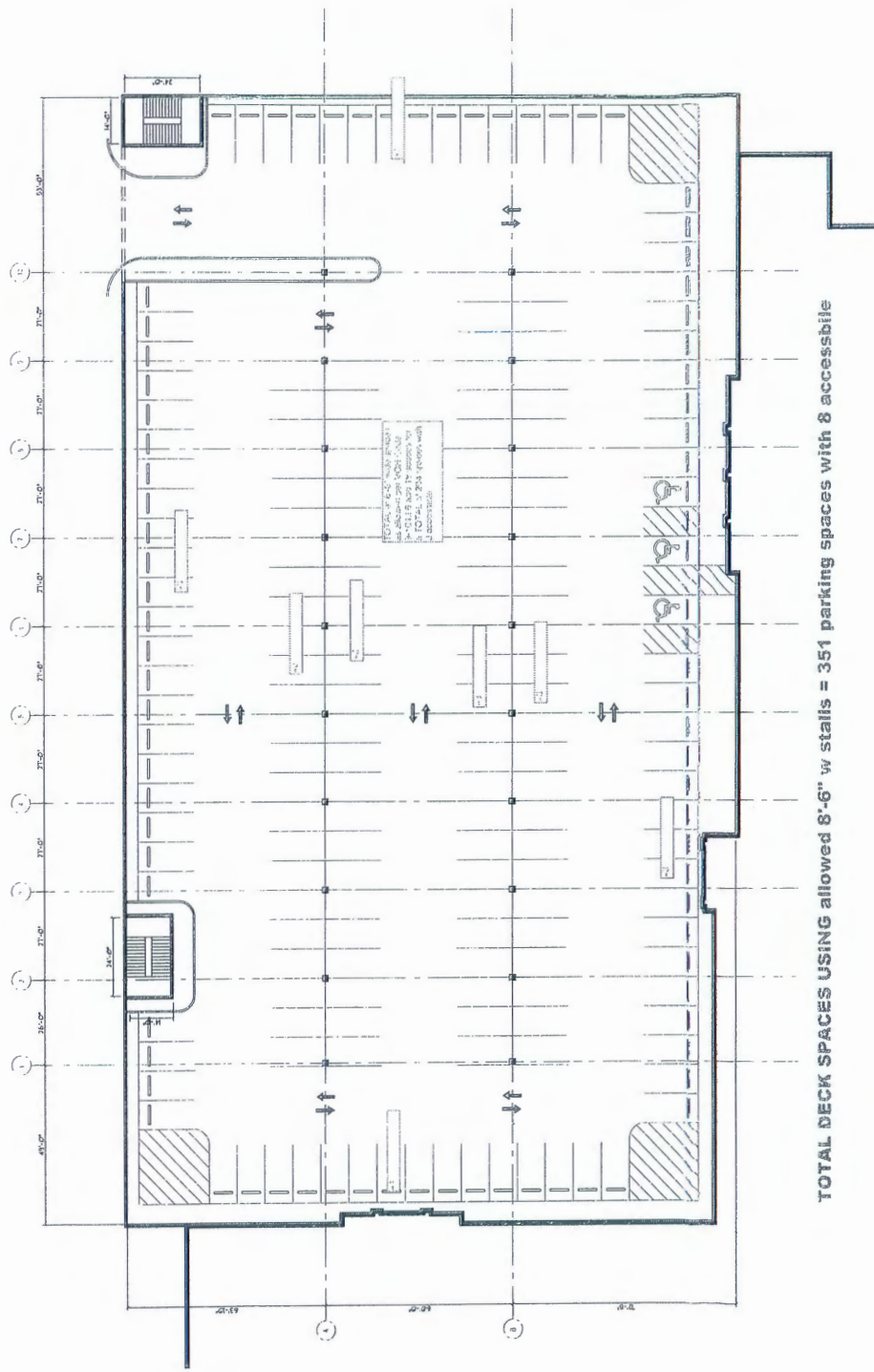
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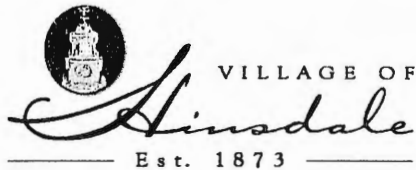








TOTAL DECK SPACES USING ALLOWED 8'-6" W STALLS = 351 PARKING SPACES WITH 8 ACCESSIBLE



8c

MEMORANDUM

DATE: March 9, 2017

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

CC: Christine Bruton, Village Clerk

FROM: Robert McGinnis, MCP
Director of Community Development/Building commissioner

RE: **Zoning Variation – V-04-17; 444 E. 4th Street**

In this application for variation, the applicant requests relief from the Minimum Lot Area set forth in section 3-110(E) in order to subdivide the property and create a buildable lot on Woodside Avenue. The specific request is for 9,908 square feet of relief. As the Zoning Board of Appeals has the authority to grant only up to a 10% reduction in lot area under the provisions set forth in section 11-503(E)(1)(c), the request will need to move on to the Board of Trustees as a recommendation.

This property is located in the R1 Residential Zoning District in the Village of Hinsdale and is located on the south side of 4th Street between Oak Street and County Line Road. The property is a through-lot and has a frontage of approximately 228', a depth of approximately 332.8', and a total square footage of approximately 53,888. The maximum FAR is .20 plus 2,000 or 12,777 square feet, the maximum Building Coverage is 25% or 13,472 square feet, and the maximum Total Lot Coverage is 50% or 26,944 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-04-17

Zoning Calendar No. V-04-17

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

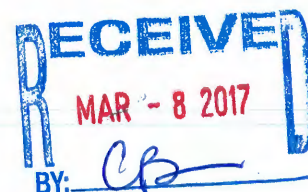
NAME OF APPLICANT(S): MATTHEW BOUSQUETTE

ADDRESS OF SUBJECT PROPERTY: 435 WOODSIDE

TELEPHONE NUMBER(S): 630-468-2725

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

DATE OF APPLICATION: 3/8/2017



SECTION I

Please complete the following:

1. **Owner.** Name, address, and telephone number of owner: MATTHEW BOUSQUETTE 448 E FOURTH ST HINSDALE 630-468-2725
2. **Trustee Disclosure.** In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: — —
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.) 435 WOODSIDE / 444 E FOURTH ST
EXHIBIT "A"
5. **Consultants.** Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: DEC
 - b. Engineer: JOE GREEN ERA 630-343-3060
 - c. ARCHITECT: DENNIS PARSONS 630-567-8135
 - d. Builder: PETER BYRNE 773-908-9174
 - e. STRUCTURE MOVERS: DAVE DEVOUGHT 848-232-1096

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. _____

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.

EXHIBIT B

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.

EXHIBIT C

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.

EXHIBIT D

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.

EXHIBIT E

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.

EXHIBIT F

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.

N/A

SECTION II

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

1. Title. Evidence of title or other interest you have in the Subject 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:

ZONING CODES 3-110(C)(1) AND 10-105

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.)

TO REDUCE TOTAL REQUIRED lot AREA FROM
30,000 sq. ft. to 20,092 sq. ft. AFTER which,
a code compliant existing Zook Home at 444 E
Fourth ST will be re-positioned on the lot. NO
OTHER VARIANCES would be needed or sought

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.)

a 9,908 sq. ft VARIANCE IS SOUGHT.

Seeking ZBA Recommendation AND Trustee
Board Approval.

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.)

EXHIBIT 6

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 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:

Matthew Bousquette

Signature of Owner:

Matthew C Bousquette

Name of Applicant:

Signature of Applicant:

Date:

3/2/2017

Exhibit A**Legal Description**

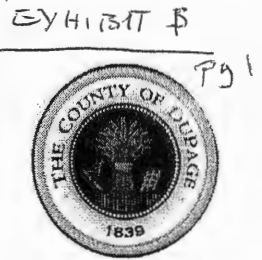
435 Woodside/444 E Fourth St

Lots 1,2,3,4,18 and 19, together with that part of the Vacant Street lying East of and adjoining said Lot 1 measured 28.66 feet on North and 3.07 feet on south, and also that part of the vacated street lying East and adjoining said lot 19 measured 33.07 on North and 33.66 on South, in the resubdivision of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 12 , Township 8 North Range 11, East of the third principal meridian in Dupage County Illinois

DuPageMaps - Parcel Report

User Request Date: Monday, March 6, 2017

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DuPage County IT - GIS Department
421 N. County Farm Rd
Wheaton, IL 60187
USA
Ph# (630) 407-5000
www.dupageco.org

PIN	0912214003
Bill Name	CODE, ANDREW W
Property Number	406
Property Street Direction	E
Property Street Name	3RD ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912214004
Bill Name	CODE, ANDREW TR
Property Number	420
Property Street Direction	E
Property Street Name	3RD ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912214008
Bill Name	PETERSON TR, ROBT & DEBRA
Property Number	327
Property Street Direction	S
Property Street Name	OAK ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912214009
Bill Name	CHILLO, MICHAEL & J
Property Number	411
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN 0912214010
Bill Name GERAMI, GERALD & E
Property Number 419
Property Street Direction E
Property Street Name 4TH ST
Property Apartment
Property City HINSDALE
Property Zip 60521

PIN 0912214011
Bill Name FLAHERTY, MICHAEL & LINDA
Property Number 425
Property Street Direction E
Property Street Name 4TH ST
Property Apartment
Property City HINSDALE
Property Zip 60521

PIN 0912214012
Bill Name SCALES, JOHN & KAREN
Property Number 435
Property Street Direction E
Property Street Name 4TH ST
Property Apartment
Property City HINSDALE
Property Zip 60521

PIN 0912214013
Bill Name NAPLETON, PAUL & K
Property Number 441
Property Street Direction E
Property Street Name 4TH ST
Property Apartment
Property City HINSDALE
Property Zip 60521

PIN 0912214017
Bill Name DAZE, ERIC & GUYLAINE
Property Number 445
Property Street Direction E
Property Street Name 4TH ST
Property Apartment
Property City HINSDALE
Property Zip 60521

PIN	0912214018
Bill Name	CICERO 7215 & 1ST IL 7224
Property Number	330
Property Street Direction	S
Property Street Name	COUNTY LINE RD
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221001
Bill Name	THORSNESS, WILLIAM W TR
Property Number	412
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221002
Bill Name	NERAD, JERRY & ANN TR
Property Number	420
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221004
Bill Name	HALEAS, PETER J
Property Number	419
Property Street Direction	S
Property Street Name	OAK ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221005
Bill Name	HOLMES, KEVIN & JOY
Property Number	425
Property Street Direction	
Property Street Name	WOODSIDE AVE
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221006
Bill Name	BOUSQUETTE, MATTHEW C
Property Number	444
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221008
Bill Name	BOUSQUETTE, MATTHEW C
Property Number	444
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912221009
Bill Name	BOUSQUETTE, MATTHEW C
Property Number	444
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912222003
Bill Name	BENSON, DONALD & JOAN
Property Number	455
Property Street Direction	
Property Street Name	WOODSIDE AVE
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912222004
Bill Name	AUERBACH, DARLENE M
Property Number	420
Property Street Direction	S
Property Street Name	COUNTY LINE RD
Property Apartment	
Property City	HINSDALE
Property Zip	60521

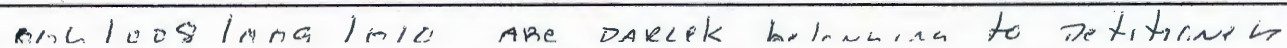
PIN	0912222005
Bill Name	HARRISON TR, MARK & G
Property Number	436
Property Street Direction	S
Property Street Name	COUNTY LINE RD
Property Apartment	
Property City	HINSDALE
Property Zip	60521

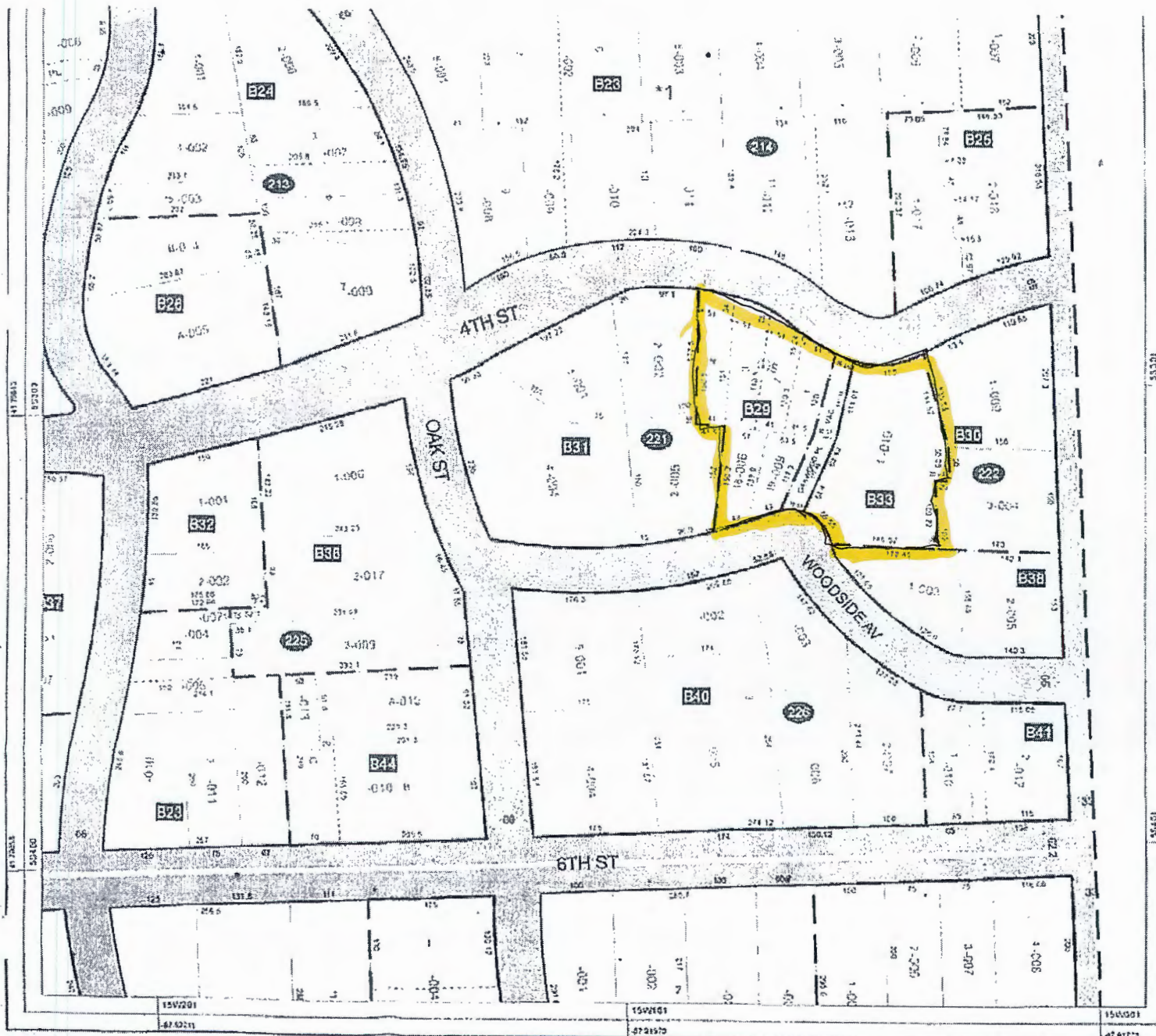
PIN	0912222009
Bill Name	WRIGHT, SHEILA & PETER TR
Property Number	452
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912222010
Bill Name	BOUSQUETTE, MATTHEW C
Property Number	448
Property Street Direction	E
Property Street Name	4TH ST
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912226002
Bill Name	REEDY, MARY M
Property Number	424
Property Street Direction	E
Property Street Name	WOODSIDE AVE
Property Apartment	
Property City	HINSDALE
Property Zip	60521

PIN	0912226003
Bill Name	YERLIOGLU, BEN E
Property Number	440
Property Street Direction	
Property Street Name	WOODSIDE AVE
Property Apartment	
Property City	HINSDALE
Property Zip	60521





Gary A. King
DuPage County Clerk

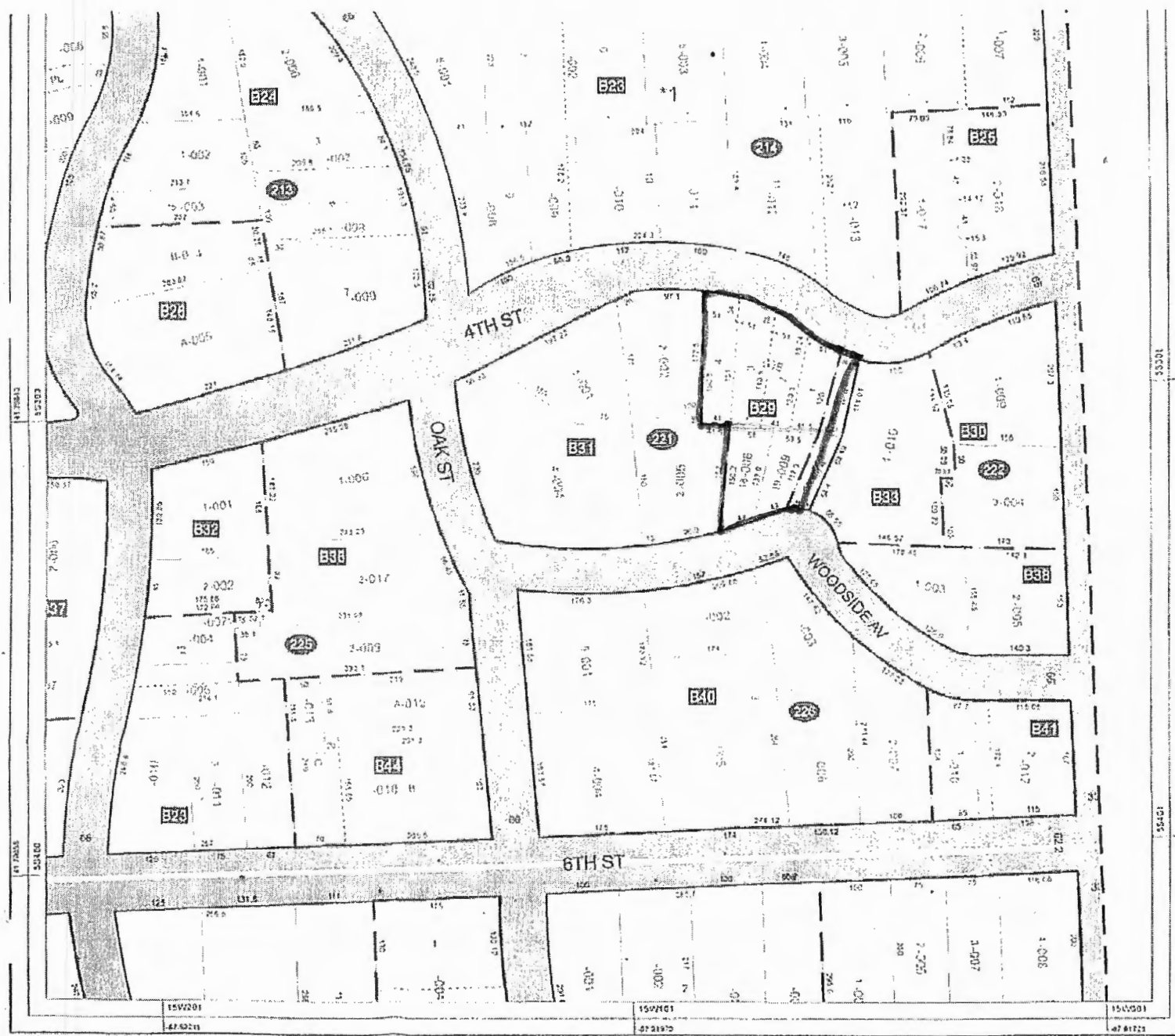
421 N. County Farm Rd.
Wheaton, IL 60187
630.407.5500

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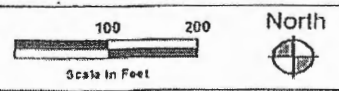
9-10-E
9-12B-E
9-12D-E

Cook



Gary A. King
DuPage County Clerk
421 N. County Farm Rd.
Wheaton, IL 60187
630.407.5500

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9-1D-E
9-12B-E
9-12D-E
Cora

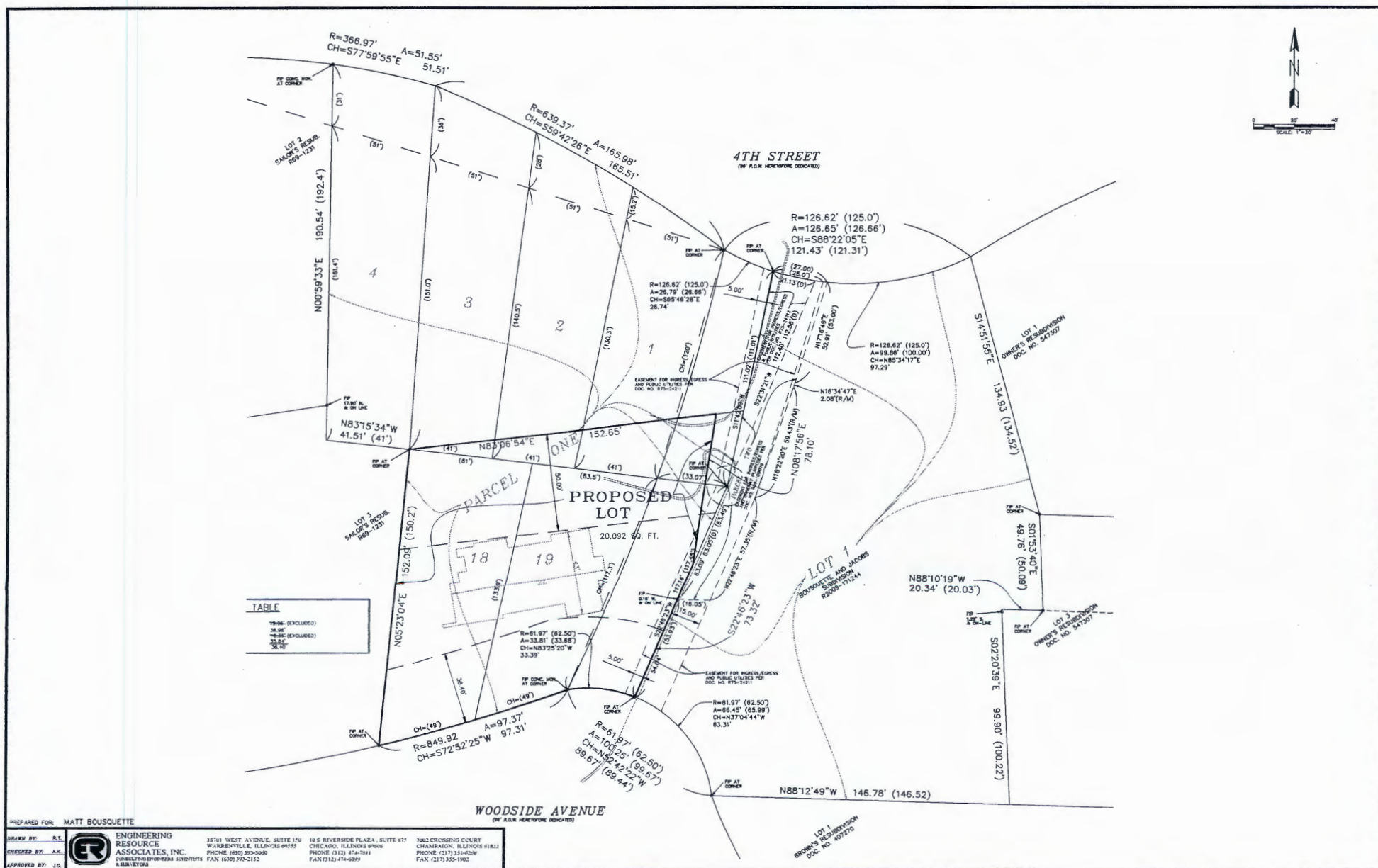


Exhibit D

Existing Zoning

Property is zoned R-1 Single Family District

Hinsdale Zoning Code Section 3-101:

Four (4) zoning districts are provided for single-family residential development. The single-family residential districts blend, in combination with the multiple-family residential districts described in article IV of this code, to provide a reasonable range of opportunity for the development and preservation of housing types consistent with the existing residential character of the village.

The single-family districts provide for a limited range of housing densities consistent with the village's established residential neighborhoods. The R-1 and R-2 districts allow for lower density residential use and large lot sizes. The R-3 and R-4 districts allow for somewhat higher density residential use and smaller lot sizes.

Taken as a whole, the single-family district regulations are intended to perpetuate the existing high quality residential character of the village by preserving established neighborhoods and encouraging new residential development consistent with the overall character of the village. Only service uses that are compatible with the single-family residential character of each zoning district are allowed in addition to the permitted residential uses. (1991 Code)

Exhibit E

Conformity

The subject property is : 152.09 X 152.65 X 78.10 X 73.32 X 33.68 X 97.37 ft. The lot is irregular but the list of dimensions above represent the dimension string of each piece of the proposed property lines starting at southwest corner of the lot and proceeding counter-clockwise all the way around the proposed lot. The lot area of the proposed lot is 20,092 square feet.

According to Section 3-110-c-1 of the Village Zoning Code, Legal, Nonconforming Lots of Record shall have a minimum lot area of 30,000sq ft. for the R-1 District. (It should be noted that in the study commissioned by the Village less than 9% of lots in the R-1 District meet this requirement).

The current proposed lot consists of two legal lots of record (Lot 18/19) -- both with their own tax PINs. The two lots are sq. ft. and sq. ft. respectively. They measure 84 x 15x94x116 and 48 x 152x61x135. The plan would be to combine the two lots and add an additional sq. ft. from 444 E Fourth St. The resultant lot at 443 Woodside (expected address) would be 20,093 sq. ft. The lot would be 9,907 short of The subject property is : 152.09 X 152.65 X 78.10 X 73.32 X 33.68 X 97.37 ft. The lot is irregular but the required minimum lot size in the R-1 District. The Code grants the Board of Trustees that Authority, but not the Zoning Board (Section 11-503(E)(1c) only allows for a variance of up to 10%--000sq ft.). However, the Applicant petitions for the ZBA concurrence prior to proposing to the Board of Trustees.

The variance requested proposed should be approved for the following reasons:

- 1) It will allow for the repositioning and preservation of one of the few remaining homes in Hinsdale designed by Harold Zook.**
- 2) The proposed lot size of 20,091 sq. ft. would make it the second largest lot on Woodside and 10% larger than the average lot on the block.**
- 3) The historical street density would not be increased as the adjacent lot 445 Woodside included a two story home which was demolished and will not be built upon in the future should this request be granted.**
- 4) The Zook home is approximately 4100 sq. ft. in size and it would make it the smallest home on the block by approximately 25%.**

Exhibit F

Standard for Variation

The proposed lot would conform in width and depth to the regulations. The street frontage on Woodside would be over 135 feet. The overall lot would have sq. foot area of 20,092. The current Lots 18 and 19 facing Woodside are vacant lots of 8,461 sq. ft. and 10,251 sq. ft. respectively. Combined they would have 18,712 sq ft before the additional sq ft from 444 Fourth St. To our knowledge, these lots have never had an address or a home on them and thus, legal non-conforming lots we simply seek to make larger to accommodate an existing Zook home. The lot requested is larger than all but one on the block and is larger than the majority of the homes in the R-1 District.

Unique Physical Conditions-- The Property was originally subdivided well before the current code was adopted.

Not Self-Created--The unique condition of the lots- 8,461 sq. ft. and 10,251 sq. ft. (less than 30,000Sq ft. lot area) existed at the time of the enactment of the provisions from which this variation is sought. The Existing Zook home was built in 1929 in its current location on its oversized (53,000 sq. foot lot).

Denied Substantial Rights-- If not granted, the Zook home would not be able to be relocated to the lot and the owner would not be able to construct a home on the property. This would deprive the owner from rights enjoyed by every single property owner on the block-- all of whom have smaller lots and larger homes. There are no conforming lots to the R-1 District on the street(125 x 150 + 30,000 sq. ft.).

Not Merely Special Privilege--the ability to reposition the Zook home in a single family R-1 district most of the lots are smaller and the homes larger is not a special privilege. The average lot size on the block on Woodside is 18,369 sq. The proposed lot at 20,092 sq. ft would be almost 10% larger.

Code and Plan Purposes.—The requested variance is in the general spirit of the code allowing the construction of Single Family homes in Residential Districts. It would allow the placement of a home 25% smaller in sq. footage than the average of the block on the second largest lot on the block.

Essential Character of the Area: The granting of the variance would not result in use or development of the property that:

Would be materially detrimental to the public welfare or enjoyment, or the value of property of improvements permitted in the area

Would materially impair the adequate supply of light and air to the properties and improvements in the vicinity. (It should be noted that the structure would be 50% of the size of the neighbor to the north on the same sized lot. The neighbor to the south is now—and will remain a vacant parcel after the demolition of the existing home. Thus there would be no density increase between the two parcels.

Would substantially increase congestion in the public streets due to traffic or parking

Would unduly increase the danger of flood or fire

Would unduly tax public utilities and facilities in the area

Would endanger the public health and safety.

The requested variation would not have a negative impact on any aspect of the questions outlined in (f) 1-6. The repositioning of the Zook home on Woodside would be: 1) Consistent with the lot size of the block; 2) Small for the home size on the block; 3) Not increase density as 445 Woodside (adjacent lot) two story home was demolished and will not be rebuilt in this plan; 4) Allows the preservation of a home many call quintessential Hinsdale .

Exhibit G

No Other Remedy

This request for a Woodside lot represents an attempt to save an 89 year-old Zook House. The house is in excellent condition. It was maintained beautifully by all previous owners, most notably, Al and Lila Self. Mrs. Self was very active in the Hinsdale Preservation society and worked extensively to document the history of all the Zook homes in the village, not just her own.

At this point, her former residence, and the Parker's currently, faces the potential of demolition. Simply put, the mortgage and taxes on this property are dramatically inconsistent with a home of this size. To be clear, someone that can afford the costs associated with the large lot will undoubtedly want a much bigger home in return. This will mean tearing down the Zook home in order to build a larger one. This is unpalatable to the owner because he has a fondness for this Zook house, and because he lives next door and does not want to see a house built on that lot that would dwarf those around it and dramatically change the character of the neighborhood.

The current zoning regulations would allow a home of approximately 15,000 sq feet could be built on Woodside/4th St. The home would be 3 times the size of the average sq foot home on either Woodside or Fourth St. For perspective the home under construction at 328 8th St. is on a small lot than the combined lots of Fourth/Woodside.

If the zoning variance is allowed, it will provide for a lot on Woodside that is still larger than average on Woodside, where the Zook house can be re-located and preserved, and where the ratio of yard to home will actually be superior to those surrounding it. The proposed rezoning also allows the Parkers to maintain their residence in the home without being forced to move. The proposed rezoning also improves the look and feel of Woodside. It accomplishes all of these positive things without any substantial negative repercussions. The proposed rezoning doesn't even create a very actionable precedent to be concerned about because the circumstances here are so unique (preserving a Zook House by creating a smaller-than-conforming lot where the new lot is still larger than average for the neighborhood).

We'll also show that we have the support of the immediate neighbors, the broader neighborhood, the preservation society, and village at large, and that we've thought of all levels of detail even improving the overall drainage situation for the residents in this area between Woodside and 4th Street.

Understanding that variances are typically hard to grant, we feel this one should be anything but difficult with all we have to gain/preserve as a community and how little we have to lose, however if there's anything else you'd like to see before the public hearing, please let us know. In the meantime, we hope you will all take the opportunity to stop by and visit the home and proposed lot.