



MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, December 20, 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 November 15, 2017
- 4. APPROVAL OF FINAL DECISION**
 - a) V-07-17, 640 Mills Street
 - b) V-08-17, 348 Canterbury Court
- 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) APP-03-17, 504 S. Oak Street & 422 S. Oak Street
- 8. PUBLIC HEARINGS**
 - a) V-09-17, 15 East Fifth Street
- 9. NEW BUSINESS**
 - a) Consideration of a recommendation of a text amendment to the Village Board of Trustees regarding zoning lots and legal non-conforming lots of record
- 10. OLD BUSINESS**
- 11. ADJOURNMENT**

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

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

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, November 15, 2017 at 6:33 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

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

Absent: Marc Connelly

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

3. APPROVAL OF MINUTES

a) Regular meeting of September 20, 2017

There were no changes or corrections to the draft minutes. Member Engel moved to **approve the draft minutes of September 20, 2017, as presented.** Member Podliska seconded the motion.

AYES: Members Moberly, Giltner, Alesia, Engel, and Podliska

NAYS: None

ABSTAIN: Chairman Neiman

ABSENT: Member Connelly

Motion carried.

4. APPROVAL OF FINAL DECISION

a) V-06-17, 19 Lansing Street

The Board suggested edits to the draft final decision; Member Podliska moved to **approve the final decision for V-06-17, 19 Lansing Street, as amended.** Member Engel seconded the motion.

AYES: Members Moberly, Giltner, Alesia, Engel, and Podliska

NAYS: None

ABSTAIN: Chairman Neiman

ABSENT: Member Connelly

Motion carried.

5. RECEIPT OF APPEARANCES – All persons intending to testify in any public hearing were sworn in by the court reporter.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-09-17, 15 East Fifth Street

Mr. Peter Coules, on behalf of homeowners Jason & Allison Hanson, addressed the Board. The Hanson's home is 67' feet from the street; they are requesting a variation to move the house forward to conform to that of the neighbors next door, and the other homes on the block. He discussed block averages, and this request to move it to about 28'. He noted the home has been vacant for some time. He confirmed that the intention is to locate the home in line with the others in the neighborhood, with the exception of one.

It was also confirmed there are no water issues in the area.

Chairman Neiman set the public hearing for the next scheduled meeting of the Zoning Board of Appeals.

8. PUBLIC HEARINGS

a) V-07-17, 640 Mills Street

Chairman Neiman opened the public hearing. Homeowners, Paul and Vida Chenier, addressed the Board. Mrs. Chenier began stating the certified mailing certificates and petitions in favor of the variation have been submitted for the record. She explained they are seeking a 2,500' square foot reduction in the minimum lot area requirement of 10,000' square feet; and a 10' foot reduction in the required lot width of 70' feet in order to allow the divisions of lots 20 and 21 into two buildable lots. She said their home currently sits on lot 21 and complies in all respects with the requirements of the zoning code. They are requesting the variation so they can sell the south vacant lot 20 to their son, so that he can construct and reside in a house on that lot. Mr. Chenier travels extensively, which leaves Mrs. Chenier alone for extended periods of time. She needs to have their adult child next door to provide care for her due to existing health issues. She referenced a letter provided to the Board from her physician detailing the health issues. She noted that her doctor has said she would qualify under the American Disability Act.

Mr. Chenier explained their request meets the standard for all the variations set out in the zoning code. The Village has taken the position that lots 20 and 21 are considered a single zoning lot under the provisions of the zoning code because prior to the purchase of their home in 2002, there was a home that straddled the two lots. The lots have two separate pin numbers, and their home is located on one of the lots and conforms to all zoning requirements for a single lot. For the other lot to be a separate buildable lot, both lots must meet the applicable zoning code requirements for lots size and width. Since they do not, they are seeking relief from those requirements to allow for the subdivision of the lots. Before there was a residence spanning both lots, each lot was considered a legal non-conforming lot, and each could have been developed with a home.

1
2 Mr. Chenier pointed out that these lots abut I-294, and the tollway authority
3 has plans to expand which will likely negatively impact their property
4 values. Any tollway expansion will move closer to their property. He feels
5 this highlights the unique nature of their property, and illustrates their goal
6 with the subdivision is not to enhance or create personal gain.

7 Chairman Neiman commented that his initial reaction was that the 25%
8 request was a lot, but Mr. McGinnis has since provided the Board with an
9 aerial view of the lots in the area, and they are the identical size. This
10 provides visual clarification and has alleviated his concerns.

11 Mr. Chenier reviewed the criteria necessary for Board approval stating this
12 is not self-created as the home was located on one of the lots when they
13 purchased it, and they were not aware of the zoning law when they
14 purchased. Relative to denial substantial rights, both lots are the same as
15 every lot in the neighborhood, taken together lots 20 & 21 make up the
16 largest lot in the neighborhood. This subdivision would be fundamentally
17 more conforming to the neighborhood. This is not special privilege; they
18 are not asking for anything different than everyone else has, they just want
19 to restore the lot to its original buildability. The potential development of
20 the lot would be in harmony with the surrounding neighborhood and the
21 general and specific purpose of the code. They believe the construction of
22 a new home would enhance the neighborhood; it would not increase traffic
23 or congestion on the street. There is no other remedy, without zoning relief
24 there will be a vacant lot in the neighborhood forever.

25 Mr. Chenier pointed out that this is a different situation than the recent ZBA
26 Case V-04-17, 436 Woodside, as there is no financial motivation; and they
27 have the support of their neighbors.

28 Mrs. Chenier said they brought this matter forward two years ago, but
29 missed a filing deadline. She then brought the matter to a Village Board
30 meeting, and was advised by President Cauley to refile, as it should be a
31 simple matter to take care off. She took his advice and hopes to have a
32 resolution. She thanked the Board for their consideration.
33

34 Chairman Neiman commented to Mr. McGinnis that the issue of subdividing
35 lots keeps coming up, we've discussed in the past the idea of suggesting
36 the Village Board adopt a text amendment that would help to address these
37 types of issues. Mr. McGinnis explained that many of the problems come
38 from the definitions included in §12-206, primarily non-conforming lot of
39 record, legal and zoning lot. He went on to explain how staff has
40 historically interpreted the definitions and the regulations. However,
41 procedurally, if the ZBA would like to make a recommendation, it would be
42 a staff driven text amendment to the Village Board and the Plan
43 Commission.
44

45 There were no additional questions from the Board regarding the variation.
46 Member Alesia moved to **close the Public Hearing known as V-07-17, 640**
47 **Mills Street.** Member Podliska seconded the motion.
48

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

Motion carried.

DELIBERATIONS

Member Moberly began discussion stating he is in favor of granting this request, stating a hardship with this double contiguous lot is paying property taxes. This relief will create two lots similar to the property sizes of the neighbors. The neighbors are in support. Member Engel believes all criteria met for approval for the reasons stated in the application. Member Giltner said he is in favor of recommending approval to the Village Board. He commented that the Village Board decided not to grant the last variation recommended by the ZBA, and he wondered what can be done to strengthen the recommendation to the Board, in terms of rationale and other things that might help. Member Engel suggested providing the aerial photograph. Chairman Neiman agreed as it puts the applicant's arguments about why they meet the criteria into context; the request is completely consistent with the neighborhood. He agreed the criteria have been met for the reasons stated in the submission. Member Podliska agreed for all the reasons stated, he was concerned with the mathematics because the lot is so shallow, and the width of the lot would have been reduced by 20' feet. The schematic in the packet shows the lot size, but agreed the aerial brought home the point that this is within the character of the neighborhood. Additionally, Chairman Neiman pointed out, all the neighbors have supported the request. He advised including the neighbors petition as part of the record to the Village Board. Member Moberly added he counted there are 24 favorable neighbor signatures, and none against. Member Giltner added with respect to hardship, the ZBA doesn't consider medical conditions, but that could strengthen the recommendation to the Board. It was noted it is obvious this isn't a request for financial reasons. Chairman Neiman said the underlying details of the medical condition are not our business, but it does make it clear there is a real need. Member Podliska said his vote in favor doesn't turn on the personal circumstances; separate and apart from the personal situation, this is well founded request. Chairman Neiman agreed the criteria is met, but in addition the fairness and humanitarian issue that goes with it leads us to believe this is an appropriate recommendation.

Member Giltner moved to recommend to the Village Board approval of the variation known as V-07-17, 640 Mills Street. Member Engel seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

Motion carried.

Chairman Neiman asked if the Board wants to make a recommendation to Mr. McGinnis and his staff to recommend to the Village Board a text amendment to address the subdivision issue more globally. Discussion followed regarding this matter. The Board agreed to wait for additional information to be supplied by Mr. McGinnis. Member Moberly did, however, express concerns about making a carte blanche change, as there is a reason the code is the way it is.

b) V-08-17, 348 Canterbury Court

Chairman Neiman opened the public hearing. Homeowners, Dr. Jeffrey Weller and Ms. Tina Weller, addressed the Board, and said their architect Mr. James Pavlecic was also present to answer questions. They are seeking a variance based on the hardship as a result of their unique situation so as to build an addition to their home. They submitted a petition to the Board signed by their neighbors who are in favor of the request. The neighbor residing behind them has some concerns, and they have invited him to be here tonight so the architect can answer any questions he may have.

Dr. Weller explained that the project consists of building out the south side of the home from the front to the rear of the current structure. In most cases, this would not be a problem, but because of staff interpretation of the rear setback, they have a unique and true hardship. Referencing an illustration he provided, Dr. Weller showed the Board where the addition would be and the problems determining which is the side yard and which is the rear yard. Dr. Weller believes there is no other lot like this in Hinsdale because this one is at the end of a cul-de-sac. He said based on the Village's determination of where his house should be built to meet code, half of his existing home is non-conforming. He does not want to argue with staff about how this should be measured, he just wants a variance to establish a 35' foot reduction of setback behind his house. He reiterated that the proposed addition would be the same distance behind the house as is currently there. Member Podliska stated he looked at the definition of a rear yard line in the code, and it doesn't really help as it is drafted in terms of a traditional lot. Mr. McGinnis explained staff tries to determine front yards first on these irregular lots, and that helps determine the rear, then determine which are the interior, corner and side yards. He described further calculations in terms of what is parallel to the front yard, but also trying to balance the words against what was reasonable, but in this case they are still left with no buildable lot.

Dr. Weller confirmed that the addition would go over the existing wood deck. Mr. McGinnis said there is no record of any other variances for this

1 property. Dr. Weller continued stating they have a unique 9-sided lot. The
2 Village staff interpretation today is different from the 1983 interpretation
3 when the home was built. It was a conforming structure in 1995 when
4 permits were pulled for an addition in that year. In regards to the non-self-
5 created criteria, nothing they have done has affected the current placement
6 of the home on the lot. The problem has evolved from the difference of
7 interpretation of the codes. In regards to denied substantial rights, the
8 current code interpretation would deprive them of the right to develop the
9 property as other Village residents are allowed. He is not looking for a
10 special privilege, but a fair playing field. This proposal is in harmony with
11 the surrounding homes in scale, they plan to build something that is great
12 for the neighborhood and will strictly follow all codes. It will be in keeping
13 with the essential character of the area and be an enhancement to the
14 neighborhood. There is no other remedy.

15 Dr. Weller said the biggest concern of his neighbor is water. This will be
16 addressed in the new plans, and he added he doesn't want any water
17 issues either.

18 Chairman Neiman asked if there is a material difference between the
19 required side yard setbacks and rear yard setbacks and whether that
20 matters. Mr. McGinnis explained the direction of the house is immaterial.
21 The narrow dimension of the lot is always the front. In this case there are
22 two fronts because of the 90-degree angle of the house. They are both 33'
23 feet, so technically they are both the front. He added that in either case,
24 they still need the relief. Member Giltner said there is a potential scenario
25 where someone could come back and say they want to build in the rear
26 yard, but that would be another variance request and would have to be
27 treated uniquely.

28 Chairman Neiman asked the architect to address the water and drainage
29 issue. Mr. Jim Pavlecic with Base Ten Architects, addressed the Board.
30 He described a pit system with graded gravel to store water. None of this
31 exists now, but the size of this pit solution could be set such that it
32 addresses runoff from the addition and the existing house. The intent is to
33 improve the situation. He explained the location of the pit has not been
34 determined, but will consult with civil engineering to determine size and
35 volumes. Chairman Neiman confirmed there would be no runoff toward the
36 neighbors, and drainage would actually improve. Member Engel confirmed
37 that this is part of the overall plan for the addition. Chairman Neiman said
38 this pit system could be included as part of the variation approval.

39 **Mr. Ryan Reko of 427 Bonnie Brae Road**, addressed the Board stating he
40 is the resident directly south of the subject property. He pointed out that
41 the way their house is, they would be surrounded by three side yards,
42 which could impact his property value. However, he is in favor of the
43 addition to the west, as long as drainage is handled appropriately. They
44 get standing water now. The grading of the property slopes down to their
45 yard, although there is no indication that this is a result of runoff from the
46 Weller's property. He saw in their plans they plan to expand south with a
47 new deck. Mr. McGinnis explained that a deck is a permitted
48 encroachment. Mr. Reko confirmed that he has no problem with any issues

1 relative to the variance, other than concern regarding drainage. Mr. Reko
2 confirmed, and said to the extent the Zoning Board can make the approval
3 contingent on satisfactory drainage, he would be appreciative. Mr.
4 McGinnis outlined the extensive and rigorous engineering review that will
5 be required should this variation be approved.

6
7 Member Moberly moved to **close the Public Hearing known as V-08-17,**
8 **Canterbury Court.** Member Engel seconded the motion.

9
10 **AYES:** Members Moberly, Giltner, Alesia, Engel, Podliska and Chairman
11 Neiman

12 **NAYS:** None

13 **ABSTAIN:** None

14 **ABSENT:** Member Connelly

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16 Motion carried.

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19 **DELIBERATIONS**
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21 Member Moberly began discussion stating he is in favor of this request. He said
22 the homes and lots in the hilly Fullersburg area are different. He believes this is
23 a reasonable request, and the neighbors are in support. He is satisfied with the
24 proposed water solution. He added the full enjoyment of one's property is a right,
25 and this is a very large lot. Members Alesia and Engel agreed, and suggested
26 making a drainage solution a contingency of approval. Member Podliska said he
27 understands the rationale for adding a water restriction, but cautioned the Board
28 they may be invading areas that are well served by other agencies. Mr.
29 McGinnis pointed out that the Village engineer cannot fix all the drainage
30 problems in this area, as there is a lot of grade in this area. The approval might
31 be contingent on not increasing the drainage problems, but something greater
32 than that can't be done.

33 Member Podliska expressed concern of a potential issue that someone might ask
34 us to rescind the approval if they aren't satisfied with the water remediation.
35 Member Moberly believes a Board contingency is a redundancy. Member
36 Podliska added water is a separate issue addressed by permitting, the Board
37 should respect that.

38 Chairman Neiman addressed Mr. Reko with assurances that the permit won't be
39 issued unless the drainage issue is adequately addressed. Mr. Reko asked Mr.
40 McGinnis if there are exceptions, or if the permitting process is open to
41 interpretation for assessment. Mr. McGinnis said their engineer is going to have
42 to provide a topographical survey and a drainage study. Our engineer will also
43 review the materials. He encouraged Mr. Reko to reach out to staff, if the
44 variation is approved, so these concerns are on everyone's radar.

45
46 Member Moberly moved to **approve the variation known as V-08-17,**
47 **Canterbury Court.** Member Connelly seconded the motion.
48

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

2 **NAYS:** None

3 **ABSTAIN:** None

4 **ABSENT:** Member Connelly

5
6 Motion carried.

7
8 **9. OLD BUSINESS**

9 a) **Discussion and Approval of Proposed Rules for Written Submissions**

10 Chairman Neiman asked if the Board had any additional edits to the draft
11 provided. There being none, Member Alesia moved to approve the
12 proposed rules for written submissions to the Zoning Board of Appeals.
13 Member Engel seconded the motion.

14
15 **AYES:** Members Moberly, Giltner, Alesia, Engel, Podliska and Chairman
16 Neiman

17 **NAYS:** None

18 **ABSTAIN:** None

19 **ABSENT:** Member Connelly

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21 Motion carried.

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24 **10. ADJOURNMENT**

25 With no further business before the Zoning Board of Appeals, Member
26 Podliska made a motion to **adjourn the meeting of the Zoning Board of**
27 **Appeals of November 15, 2017.** Member Engel seconded the motion. Voice
28 vote taken, all in favor, motion carried.

29
30 Chairman Neiman declared the meeting adjourned at 7:50 p.m.

31
32
33
34 _____
35 Christine M. Bruton
36 Village Clerk
37
38

Approved: _____

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

ZONING CALENDAR NO. V-07-17

APPLICATION: **For Lot Size and Lot Width Variations from Section 3-110 of the Village of Hinsdale Zoning Ordinance**

**APPLICANTS/
PROPERTY OWNERS:** **Paul and Vida Chenier, Property Owners**

PROPERTY: **640 Mills Street, Hinsdale, Illinois**

HEARING HELD: **November 15, 2017**

SUMMARY OF REQUEST AND RECOMMENDATION: The Village of Hinsdale has received a request from Paul and Vida Chenier (the "Applicants"), owners of the property located at 640 Mills Street (the "Property") for lot size variations and lot width variations (collectively, the "Requested Variations") related to the proposed division of the Property. The Property is in the R-4 Single-Family Residential Zoning District. The Applicants seek the Requested Variations in order to allow the division of the current single zoning lot comprised of both Lots 20 and 21 into two (2) separate buildable lots. The Applicant seeks to construct a new single-family home on Lot 20 (the "Proposed Residence"), the vacant lot south of the existing home on Lot 21 (the "Existing Residence"). In order for the current zoning lot to be divided into two (2) separate buildable lots, the Applicants will require the Requested Variations for a 2,500 square-foot reduction in the minimum lot area requirement of 10,000 square feet required by Section 3-110(C)(1) of the Village of Hinsdale Zoning Code, and a 10-foot reduction in the lot width of 70 feet required by Section 3-110(C)(3). While the Requested Variations are necessary in order to create the two (2) separate buildable lots in place of the current single zoning lot, no formal plat of subdivision is necessary in the event the Requested Variations are granted, as the lot lines for existing platted lots 20 and 21 are not changing.

Following a public hearing held on November 15, 2017, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") recommended approval of the Requested Variations on a unanimous vote of six (6) in favor and zero (0) opposed, with one (1) member absent.

PUBLIC HEARING: At the public hearing on the Requested Variations held on November 15, 2017, the Applicants submitted proof of mailed notice, and petitions signed by neighbors supporting the Requested Variations. They seek a 2,500 square-foot reduction in the minimum lot area requirement of 10,000 square feet, and a 10-foot reduction in the required lot width of 70 feet, as they relate to both Lot 20 and 21 in order to allow the division of the single zoning lot currently comprised of both Lots 20 and 21 into two separate buildable lots. They testified that their Existing Residence currently exists on Lot 21. They would like to sell Lot 20 to their adult child for

construction of the Proposed Residence. Mr. and Mrs. Chenier would continue to reside in the Existing Residence on Lot 21 and their son could help provide health care to Ms. Chenier, who has existing health issues. Mr. Chenier travels extensively for his job.

The Village has taken the position that Lots 20 and 21 together constitute a single-zoning lot because, among other reasons, prior to the Applicants' purchase of the property in 2002, there was a home on the two lots that straddled the lot lines. The two lots have separate PINS. The Existing Home is located on Lot 21, which will independently meet all zoning requirements other than lot size and lot width. Lot 20 is currently vacant and also does not independently meet the lot size or lot width requirements.

The Property abuts I-294. There are no homes on the east side of the street (directly across from the Property); just the tollway sound barrier wall. The current proposal by the State to expand I-294 creates uncertainty as to whether the tollway will come even closer to the Property and, in the opinion of the Applicants, negatively impacts the Property's value.

It was noted that all of the lots in the neighborhood are of an identical size to the proposed size of Lot 20 and Lot 21 if the Requested Variations are granted. The Applicants submitted letters from all neighbors within 250 feet in support of the Requested Variations. The Applicants discussed the various standards for variations and how, in their opinion, the standards were met in this case.

The Applicants testified that their request is distinguishable from a request considered by the Zoning Board of Appeals and Board of Trustees earlier this year (436 Woodside/ Case V-04-17) based on the lack of financial motivation in this case, the proposed tollway expansion negatively impacting the value of the Property, the fact that in the instant case, approval would restore two long-platted lots which would be in harmony with, and consistent in size with, the other lots in the neighborhood, and the fact that they had universal support from their surrounding neighbors.

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

The members of the ZBA then offered their views on the Requested Variations. Following discussion, the vote on Member Moberly's motion to recommend approval of the Requested Variations to the Board of Trustees was six (6) in favor, zero (0) opposed, and one (1) absent.

FINDINGS: In making its recommendation of approval, the ZBA makes the following Findings as to the Requested Variations:

1. General Standard: The ZBA found that carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the additional standards that follow below.

2. Unique Physical Condition: In this case, the Property consists of a single zoning lot made up of two separately platted PINs. The lots were platted in 1929. Currently, the Existing Residence is situated entirely on one of the two PINs. The current zoning lot is twice the size of all other existing developed lots in the immediate neighborhood. If the Proposed Variations are granted, the resulting lots will be consistent with all other lots and lot sizes in the immediate neighborhood. The ZBA finds this standard to have been met.

3. Not Self-Created: The size of the zoning lot, at twice the size of other developed lots in the immediate neighborhood, the location of the Existing Residence on only one of the two PINs, the fact that at one time a house existed that straddled the lot line between Lot 20 and Lot 21, and the subsequent demolition of that house and construction of the Existing Residence, are all conditions that were not created by the Applicants.

4. Denial of Substantial Right: The application of the strict letter of the Zoning Code provisions from which the Requested Variations are sought would require the Applicant to maintain the Property at approximately twice the size of all other developed lots in the immediate neighborhood, thereby depriving the owner of the right to utilize the two long-platted lots in a manner consistent with all other lots in the neighborhood.

5. Not Merely Special Privilege: The Requested Variations, if granted, would result in lots of the same size as all other developed lots in the immediate neighborhood. The ZBA finds that the granting of the Requested Variations, with the conditions specified herein, will not result in a special privilege.

6. Code And Plan Purposes: The Requested Variations would result in a use or development of the lots in a manner that would be in harmony with the general and specific purposes for which the Zoning Code and the provision from which the Requested Variations is sought were enacted. Specifically, the Requested Variations will result in allowing development of a long-platted lot in a manner consistent with development of the rest of the immediate neighborhood.

7. Essential Character Of The Area: The ZBA finds that the Requested Variations will not alter the essential character of the area. Instead, two lots that are consistent with all other developed lots in the immediate neighborhood will be created. All nearby neighbors have signed a petition in favor of the Requested Variations and no one opposed to the Requested Variations has come forward.

8. No Other Remedy: The Requested Variations are the only available remedy that will result in creating two buildable lots that are consistent with all other lots in the immediate neighborhood, thereby allowing a reasonable use of the Property as a whole.

RECOMMENDATIONS: Based upon the foregoing Findings, the ZBA, by a vote of 6-0, recommends to the Board of Trustees the **APPROVAL** of the Requested Lot Size and Lot Width Variations sought by the Applicants for the Property at 640 Mills, in the R-4 Single-Family Residential Zoning District.

Signed: _____
Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

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

Zoning Calendar: V-08-17

Petitioner: Tina & Jeff Weller

Meeting held: Public Hearing was held on Wednesday, November 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 Hinsdalean on October 29, 2017.

Premises Affected: Subject Property is commonly known as 348 Canterbury Ct., Hinsdale, Illinois and is legally described as:

LOT 4 IN TIMBERWOODS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 29, 1975 AS DOCUMENT R75-45807, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the minimum rear yard setback requirements set forth in section 3-110D(3)(b) for the construction of an addition to the house. The applicant is requesting a 35' reduction in the required rear yard from 50' to 15'.

Facts: This property is located in the R-2 Residential District in the Village of Hinsdale and is located at the south end of Canterbury Court. The property has a frontage of approximately 96', a depth of approximately 155', and a total square footage of approximately 16,409. The maximum FAR is approximately 5,138 square feet, the maximum allowable building coverage is 25% or approximately 4,102 square feet, and the maximum allowable lot coverage is 50% or approximately 8,204 square feet.

Action of the Board: Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met. Specifically cited reasons included the existing siting of the house and unique shape of the lot. Drainage concerns were discussed by the Board after testimony was given by the downstream

neighbor. Staff committed to have Engineering do a detailed grading and drainage review as a condition of the permit.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Member Connelly

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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



1a

MEMORANDUM

DATE: November 16, 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: **Formal Appeal – APP-03-17; 504 & 422 S. Oak Street**

In this application for appeal, the applicant is appealing a staff decision that 504 S. Oak Street is a single Zoning Lot eligible for development of a single family home and not part of the 422 S. Oak Street Zoning Lot.

The 504 S. Oak Street lot is improved with a single family home. It has its own address, its own utilities, and the requisite number of elements to be considered a Dwelling Unit by definition (kitchen, bedroom, bathroom, living space). The owner of the property at 422 S. Oak Street used it as a garage and coach house for several years. The owner then marketed and sold the property as two lots which were subsequently purchased by a builder. The builder has applied for a permit to redevelop the 504 S. Oak Street lot with a new single family home.

This property is located in the R1 Residential Zoning District in the Village of Hinsdale and is located on the west side of Oak Street between 4th Street and 6th Street. The 504 S. Oak Street lot has a frontage of approximately 78', a depth of approximately 332.5', and a total square footage of approximately 25,935. The maximum FAR is .20 plus 2,000 or 7,187 square feet, the maximum Building Coverage is 25% or 6,484 square feet, and the maximum Total Lot Coverage is 50% or 12,968 square feet. The 422 S. Oak Street lot has a frontage of approximately 122', a depth of approximately 270', and a total square footage of approximately 32,638. The maximum FAR is .20 plus 2,000 or 8,528 square feet, the maximum Building Coverage is 25% or 8,159 square feet, and the maximum Total Lot Coverage is 50% or 16,319 square feet.

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



19 E. Chicago Avenue, Hinsdale, IL 60521

APPLICATION FOR ZONING APPEAL

COMPLETE APPLICATION CONSISTS OF (10) COPIES

(All materials to be collated)

FILING FEES: \$1,100.00

Name of Applicant(s): James and Nancy Dugan_____

Address of Subject Property: 504 S. Oak Street and 422 S. Oak Street
(if applicable)

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

__owner of adjacent property_____

FOR OFFICE USE ONLY

Date Received: 11/10/17 Zoning Calendar No. APP-63-17

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION I

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

Avra Properties Fund II End-User, LLC

212 W. Van Buren Street, Suite 201

Chicago, IL 60607

Phone: 312-588-1513

Email: arvydas@bayitbuilders.com

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

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

James and Nancy Dugan

540 S. Oak Street

Hinsdale, IL 60521

Phone: 312-542-8944

Email: jim@ocaventures.com

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

504 S. Oak Street and 422 S. Oak Street

See attached legal description

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

a. Attorney: Robert T. O'Donnell and Hayleigh K. Herchenbach

b. Engineer: _____

c. Architect: _____

d. Contractor: _____

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. **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.

Provide information responsive to Items 8-11 only if applicable:

8. **Existing Zoning.** Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. ***
9. **Conformity.** Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
10. **Zoning Standards.** Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.
11. **Successive Application.** In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

*** See attached Exhibit 3.

SECTION II

When applying for an appeal to the Hinsdale Zoning Board of Appeals, provide the data and information required in Section I, and in addition, the following:

1. **Action Appealed.** The specific order, decision, determination, or failure to act from which an appeal is sought: (Attach copy of any documents evidencing the action appealed.)

October 17, 2017 Zoning Interpretation of Village Manager Kathleen Gargano
stating that 504 S. Oak and 422 S. Oak "have had, and continue to have
independent single family principal structures on them" and thus do not constitute
a single Zoning Lot as defined by the Zoning Code. A copy of the Interpretation
is attached as Exhibit .

2. **Facts.** The facts of the specific situation giving rise to the original order, decision, determination, or failure to act and to the appeal therefrom:

See attached Exhibit 1.

3. **Relief Sought.** The precise relief sought:

Treat the properties as a single Zoning Lot under the Village Code on which
no more than one single-family residence may be built.

4. **Statement of Errors.** A statement of your position regarding each alleged error in the order, decision, determination, or failure to act being appealed and why the relief sought is justified and proper:

See attached Exhibit 2.

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 \$500.00 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, which are deducted from the original escrow payment. A separate invoice will be sent if these expenses exceed the original escrow amount.
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 or her 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 be suspended or terminated.
3. **Establishment of Lien.** The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

SECTION V

By signing below, 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: James Dugan and Nancy Dugan

Signature of Applicant: Robert T. Daniel, Attorney for applicants.

Date: 11/10/17

EXHIBIT A
LEGAL DESCRIPTIONS FOR
422 SOUTH OAK STREET AND
504 SOUTH OAK STREET, HINSDALE, IL

PARCEL 1:

- A. LOT 2 IN MCMANUS RESUBDIVISION OF LOT 1 AND THE SOUTH 101 FEET OF THE EAST 64.10 FEET OF LOT 2 AND THE EAST 12.00 FEET OF LOT 2 (EXCEPT THE SOUTH 101 FEET THEREOF) IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE, IN THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER (ACCORDING TO DOCUMENT NO. 14048 RECORDED JUNE 12, 1871 AND DOCUMENT 555319 RECORDED OCTOBER 2, 1948) IN SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, EXCEPT THAT PART OF LOT 2 LYING WEST OF THE EAST LINE OF LOT 2 OF JACKSON'S RESUBDIVISION AFORESAID, EXTENDED SOUTHERLY OF MCMANUS RESUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE, A SUBDIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH QUARTER OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF MCMANUS RESUBDIVISION AFORESAID, RECORDED OCTOBER 2, 1948 AS DOCUMENT NO. 555319, IN DU PAGE COUNTY, ILLINOIS
- B. THE EAST 3.00 FEET OF LOT 2 IN JACKSON'S RESUBDIVISION OF PART OF LOT 2 IN BLOCK 11 OF W. ROBBINS' PARK ADDITION TO HINSDALE IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED OCTOBER 17, 1951 AS DOCUMENT NO. 637040 AND CORRECTED BY CORRECTION CERTIFICATE DATED NOVEMBER 1, 1951 AND RECORDED NOVEMBER 1, 1951 AS DOCUMENT NO. 638267, IN DU PAGE COUNTY, ILLINOIS
- C. THE EAST 17.00 FEET OF THAT PART OF LOT 2 LYING WEST OF THE EAST LINE OF LOT 2 OF JACKSON'S RESUBDIVISION, AS AFORESAID, EXTENDED SOUTHERLY OF MCMANUS RESUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE, A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MCMANUS RESUBDIVISION AFORESAID, RECORDED OCTOBER 2, 1948 AS DOCUMENT NO. 555319, IN DU PAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 422 SOUTH OAK STREET, HINSDALE, IL

P.I.N.: 09-12-225-017

PARCEL 2: LOT 3 IN MCMANUS RESUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1948 AS DOCUMENT NO. 555319 IN DU PAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 504 SOUTH OAK STREET, HINSDALE, ILLINOIS

P.I.N.: 09-12-225-009

F:\data\irsch\Sale of 422-504 Oak\document\irsch legal.doc word

Statement of Facts

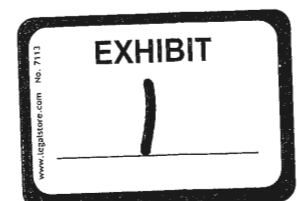
1. Under §12-206 of the Village Zoning Code, a “zoning lot” is “a tract of land consisting of one or more lots of record, or parts thereof, under single ownership or control, located entirely within a block **and occupied by**, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, **a principal building and its accessory buildings**, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this code, to be used with such building or use.” (emphasis added)

2. Under §9-101 of the Village Zoning Code, an “accessory structure or use” is a structure or use that:

- a. Is subordinate in extent and purpose to, and serves, a principal structure or use; and
- b. Is customarily found as an incident to such principal structure or use; and
- c. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by such principal structure or use; and
- d. Except as otherwise expressly authorized by the provisions of this code, is located on the same zoning lot as such principal structure or use; and
- e. Is under the same ownership and control as such principal structure or use.

3. On June 25, 1993, Jerome Girsch, the beneficial owner of 422 S. Oak and 504 S. Oak, wrote a letter to the Village stating his intention to remove the detached garages on both properties and convert the existing coach house on the 504 property into an accessory building to his residence on 422 S. Oak. See Exhibits 5, 5a.

4. On August 11, 1993, the Village responded to a pre-plan review application submitted on behalf of Girsch. See Exhibit 6. The Village’s response stated that the 504 coach house



“can be used as an accessory structure to the house at 422 S. Oak if and only if the two lots are combined into a single ‘Zoning Lot’ pursuant to” the Village’s Zoning Code.

5. Girsch modified his original plans submitted to the Village and proceeded to convert the existing coach house on the 504 property into an accessory building to his residence on 422 S. Oak.

6. The detached garages on both the 504 and 422 lots were demolished. The former coach house on the 504 lot was demolished and reconstructed as a coach house with a four-car garage. See 1/21/94 Demolition Plans and Site Plan, attached as Exhibit 7.

7. The coach house was reduced from 2,264 square feet to 2,105 square feet. See Exhibit 7b.

8. The coach house built by Girsch contained a four-car garage, two bedrooms, a loft, one-and-a-half bathrooms, and a kitchenette/living/dining room. See Exhibit 7.

9. The 2-car garage on 422 was demolished in 1994. See Exhibit 7c.

10. Between 1987 and 1998, a walkway was constructed on the western side of both lots between the swimming pool on 504 and the tennis courts/coach house on 422. See photographs from DuPage County Parcel Viewer, attached as Group Exhibit 8.

11. Each lot has its own driveway to Oak Street, but the two driveways share a common drive court towards the western side of both lots. See Group Exhibit 8.

12. On September 25, 2001, the Trust that owned the 422 S. Oak and 504 S. Oak lots conveyed both lots to John LaRocque and Janet LaRocque in a single deed. See Exhibit 9.

13. While it contained a kitchenette, bathroom, and bedrooms, the 504 coach house was never occupied as a single-family residence separate from the 422 residence. Instead, from the time it was built by Girsch in approximately 1995 until it was sold by Janet LaRocque in December 2016, the coach house served as an accessory structure to the principal residence on 422 S. Oak.

14. On December 30, 2016, Janet LaRocque conveyed both the 422 lot and the 504 lot to Avra Properties Fund II End-User, LLC (“Owner”). See Group Exhibit 10.

15. Owner, through its contractor, Bayit Builders, applied for a permit to construct a detached garage on the 422 lot on February 2, 2017. See Exhibit 11.

16. On March 22, 2017, the Village denied the permit because the application inaccurately depicted 422 S. Oak as a separate zoning lot from 504 S. Oak. The Village stated that, per the August 11, 1993 letter, the Village considered both properties to be one zoning lot. See Exhibit 12.

17. Bayit Builders appealed the permit denial, and on June 7, 2017, the Village Manager issued a Determination letter denying the appeal. See Exhibit 13.

18. The Village Manager’s letter confirmed that the August 11, 1993 letter was written in response to Girsch’s inquiry “whether the building on the 504 S. Oak PIN that was then being used as a principal residence could be remodeled and **converted to use as an accessory structure to the principal residence** on the 422 S. Oak PIN.” See Exhibit 13 (emphasis added).

19. On July 3, 2017, Bayit Builders filed an application for zoning appeal of the Village Manager’s June 7, 2017 determination.

20. On August 21, 2017, the Village Manager reversed her June 7, 2017 Determination. The reversal was based on a July 12, 2017 Memorandum to the Village Manager by Village Attorney Michael A. Marrs. See Exhibit 14.

21. The July 12, 2017 Memorandum stated that following receipt of the August 11, 1993 letter, Girsch revised the plans submitted for the pre-plan review application. See Exhibit 7. The “recreational room” was converted to a “living room/dining room”, the first-floor “storage room” was converted to a “bedroom”, kitchen and laundry appliances were added, and a third floor loft was added. See, Exhibits 5a, 7. The 4-car garage was not reduced from the original plans.

22. The July 12, 2017 Memorandum stated Girsch's revised coach house plans indicated the owner "took steps to maintain independent principal structures on each lot, presumably to ensure that the 504 S. Oak PIN and the 422 S. Oak PIN could continue to be regarded by the Village as separate principal residences and separate zoning lots." See Exhibit 14.

23. In fact, while Girsch revised the plans submitted to the Village, Girsch did not revise the proposed or actual use of the coach house. Regardless of how it was constructed and how the rooms within it were configured, throughout the period of Girsch's ownership and the subsequent ownership of both properties by the LaRocques, the coach house served as an accessory structure to the principal residence on 422 S. Oak. See Affidavit of Nancy Dugan, Exhibit 15.

24. On September 19, 2017, applicants James and Nancy Dugan submitted a Request for Interpretation to the Village Manager. The request asked the Village Manager to determine "whether 504 S. Oak Street and 422 S. Oak Street constitute one 'Zoning Lot' as defined under Section 12-206 of the Hinsdale Zoning Code because they are 'one or more lots of record . . . under single ownership or control, located entirely within a block and occupied by . . . a principal building and its accessory buildings.'" See Application for Interpretation, Exhibit 16.

25. On October 17, 2017, Village Manager Kathleen Gargano issued the Zoning Interpretation in response to the Dugans' request, which is hereby appealed from. See Exhibit 4. Ms. Gargano's Interpretation stated that "In order to constitute a single Zoning Lot under the Zoning Code, adjoining lots need not only to have been held in common ownership, but to also host a single principal building and its accessory structures." Ms. Gargano stated the two lots do not constitute a single Zoning Lot because "Village records indicate that both the 504 S. Oak PIN and the 422 S. Oak PIN have had, and continue to have, independent single family principal structures on them."

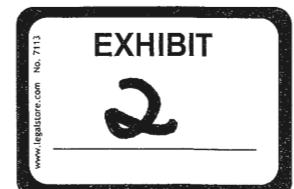
Statement of Errors

Both the Village Attorney's July 12, 2017 Memorandum and the Village Manager's October 17, 2017 Interpretation erred in emphasizing the *appearance* of the properties at 504 S. Oak and 422 S. Oak to determine they do not constitute a single Zoning Lot. The Village Attorney stated that a review of the plans submitted by Girsch in 1993 and the plans actually permitted by the Village to be constructed in 1994 revealed that the Girsches "took steps to maintain independent principal structures on each lot." See Exhibit 14. The Village Manager's interpretation states that "Village records indicate that both the 504 S. Oak PIN and the 422 S. Oak PIN have had, and continue to have, independent single family principal structures on them". See Exhibit 4.

However, the Zoning Code places no import on the *appearance* of a structure to determine whether it is accessory to a principal structure. See §9-101 of the Zoning Code. Rather, the Village's criteria for determining whether a structure is accessory to a principal structure depend on a) the location and ownership of the accessory structure, and b) how the accessory structure is *used*. See §9-101 of the Zoning Code.

This is why the Village's August 11, 1993 letter to Girsch's architect stated the coach house "can be **used as an accessory structure** to the house at 422 S. Oak if and only if the two lots are combined into a single "Zoning Lot." See Exhibit 6 (emphasis added). Similarly, the Village Manager's June 7, 2017 letter denying Bayit Builders' permit appeal identified that since Girsch's modifications to the coach house in 1993, "the coach house accessory structure on the 504 S. Oak PIN began serving as an accessory structure to the 422 S. Oak PIN." See Exhibit 13, p. 2. The Village changed its position when it discovered Girsch altered his modifications to the coach house in 1993/1994.

Girsch's alterations to the 1993 plans for the coach house changed the *appearance* of the coach house. Instead of a garage with a recreational room above it, the coach house was modified to



be a garage with a recreational room, two bedrooms, a laundry room, and a kitchenette. See, Exhibits 5a, 7. Arguably, the coach house could have served as a separate residence. Notably, the 4-car garage was not reduced from the original plans, so the “separate residence” would have been a 2-bedroom, 2-bathroom unit with a loft, a kitchen/living room/dining room, and . . . a **4-car garage!**

But the Village Code does not identify a structure by either its appearance or its “potential” use. Rather, whether a structure is principal or accessory in nature depends on its actual use. See, §9-101. Here, the coach house on the 504 lot was clearly used as an accessory structure to the owners of the 422 lot. For one thing, it shared a driveway with the principal residence. In 1994, the detached garage on the 422 lot was demolished. See Exhibit 7c. At the same time, the coach house on the 504 lot was reconstructed with a 4-car garage. No garage was subsequently built on the 422 lot.

Girsch may have changed the proposed plans in 1993, but he did not change the proposed use of the coach house and garage. After changing the coach house plans to create this apparent “single family residence” on the 504 lot, Girsch did not rent or sell the “residence” but instead continued to use it as accessory to his own residence on the 422 lot. And when he sold the two lots to the LaRocques in 2001, they did the same.

The coach house on the 504 lot:

- a. was subordinate in extent and purpose to, and served, the principal residence on the 422 lot; and
- b. a coach house is customarily found as an incident to a principal residence; and
- c. the coach house contributed to the comfort, convenience, or necessity of those occupying the principal residence; and
- d. was under the same ownership and control as the principal residence on the 504 lot since at least the Girsch’s purchase of the coach house in 1993.

Therefore, by definition, the coach house served as an accessory structure to the principal residence on the 422 lot. See §9-101 of the Zoning Code. Because the 422 lot and 504 lot were occupied by a principal residence and its accessory structure, under single ownership, and located entirely within the same block, the two lots are deemed one Zoning Lot under the Zoning Code. See §12-206. This is the position taken by the Village both in the August 11, 1993 letter, in the Village Manager's June 7, 2017 Determination. See Exhibits 6, 13. The fact that Girsch changed his plans in 1994 to alter the appearance of the coach house does not change this position. Under the Zoning Code, the facts that make a building an accessory structure are how it is used.

For these reasons, the Village Manager's October 17, 2017 Interpretation was incorrect and the properties at 504 S. Oak and 422 S. Oak should be determined by the Village to be a unified Zoning Lot.

8. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.

The Subject Properties are in the R-1 District and are surrounded by R-1 uses for at least 250 feet in all directions. On April 29, 1993, the then owner of the 422 S. Oak Street lot purchased the 504 S. Oak Street lot next door. In 1994-95, the owner demolished the garage on the 422 lot, developed the 504 lot with a coach house (with attached garage), and thereafter used the garage and coach house on the 504 lot as an accessory use to the residence on the 422 lot. On September 25, 2001, the 422 and 504 properties were transferred on a single deed to a new owner, who resided in the single-family residence on the 422 lot and continued to use the garage and coach house on the 504 lot as an accessory use to the residence on the 422 lot until the two lots were sold on December 30, 2016.



Village Hall
19 East Chicago Avenue
Hinsdale, Illinois 60521-3431
630-789-7000



Fire & Police Departments
121 Symonds Drive
Hinsdale, Illinois 60521-3744
Fire 630-789-7060
Police 630-789-7070

October 17, 2017

Mr. and Mrs. James and Nancy Dugan
540 S. Oak Street
Hinsdale, Illinois 60521

Re: Zoning Interpretation – 422/504 S. Oak Street, Hinsdale, Illinois

Dear Mr. and Mrs. Dugan –

The Village is in receipt of your Application for Interpretation concerning the properties located at 422 & 504 S. Oak Street. Section 11-501 of the Hinsdale Zoning Code ("Zoning Code") provides that the Village Manager, subject to the procedures, standards, and limitations of that Section, may render interpretations of the provisions of the Zoning Code and of any rule or regulation issued pursuant to it.

Your application requests my interpretation of whether the 422 and 504 S. Oak Street lots comprise a single "Zoning Lot" as defined in Section 12-206 of the Zoning Code. Section 12-206 of the Zoning Code defines a Zoning Lot as follows:

Lot, Zoning: A tract of land consisting of one or more lots of record, or parts thereof, under single ownership or control, located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this code, to be used with such building or use. ..."

The property located at 504 S. Oak Street has a PIN of 09-12-225-009, (the "504 S. Oak PIN"), and the property located at 422 S. Oak Street has a PIN of 09-12-225-017 (the "422 S. Oak PIN"). As you know, Village records regarding the two PINS were the subject of an extensive review by staff and the Village Attorney earlier this year. That review showed there was an inquiry in 1993 by the then-Owner of the two PINS regarding the possibility of converting the principal structure on the 504 S. Oak PIN to an accessory structure for the benefit of the principal structure on the 422 S. Oak PIN. That plan would have resulted in the creation of a single Zoning Lot. The then-Owner did not carry out that plan, however, and instead submitted revised plans that maintained a principal structure on the 504 S. Oak PIN. Those plans were reviewed and approved by the Village as plans for a single-family principal residence in 1994, and were subsequently carried out by the Owner.

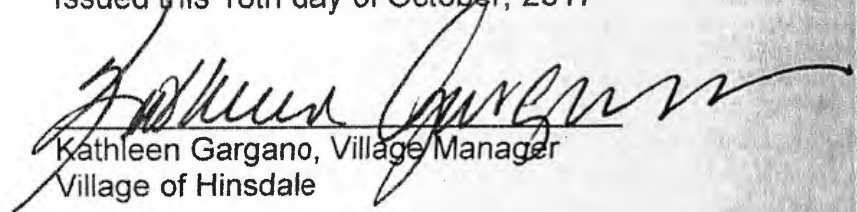
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EXHIBIT

4

In order to constitute a single Zoning Lot under the Zoning Code, adjoining lots need not only to have been held in common ownership, but to also host a single principal building and its accessory structures. As Village records indicate that both the 504 S. Oak PIN and the 422 S. Oak PIN have had, and continue to have, independent single family principal structures on them, my interpretation is that the two lots do not collectively constitute a single Zoning Lot as defined in the Zoning Code.

Issued this 18th day of October, 2017



Kathleen Gargano, Village Manager
Village of Hinsdale

MR. AND MRS. JEROME DAVID GIRSCH
422 SOUTH OAK STREET
HINSDALE, ILLINOIS 60521

JUN 28 1993

June 25, 1993

Mr. Bohdan Proczko
Assistant Village Manager and
Director of Public Works
Village of Hinsdale
19 East Chicago Avenue
Hinsdale, IL 60521

Dear Mr. Proczko:

I am the owner of the single family residence located at 422 South Oak Street. I have recently purchased the property to the south commonly known as 504 South Oak Street. The 504 property contains a two-story residential building which was originally constructed as the coachhouse for my residence.

My goal is to convert the 504 coachhouse into a 4-car garage with a second floor recreation room while, at the same time, removing the two separate garages that now reside on these properties. The coachhouse would then be an accessory building to my residence. My desire is that the two properties remain separate so that I have options available as to how the parcels could be dealt with in the future.

My architect, Mr. Michael Realmuto and my construction manager, Mr. Charles Ettner met with your Building Commissioner, Mr. Charles Schmidt and subsequently reported to me that the 504 property was non-conforming. I would be very appreciative if you would review this situation and allow me to keep these properties separate. I understand that the interpretations here are fairly complex and might, in fact, need to be reviewed by the Village Attorney. If this is the case, I would be prepared to reimburse the Village the fee up to \$1,500 for this review.

I appreciate your consideration in this matter. Please advise me at your earliest convenience how to proceed.

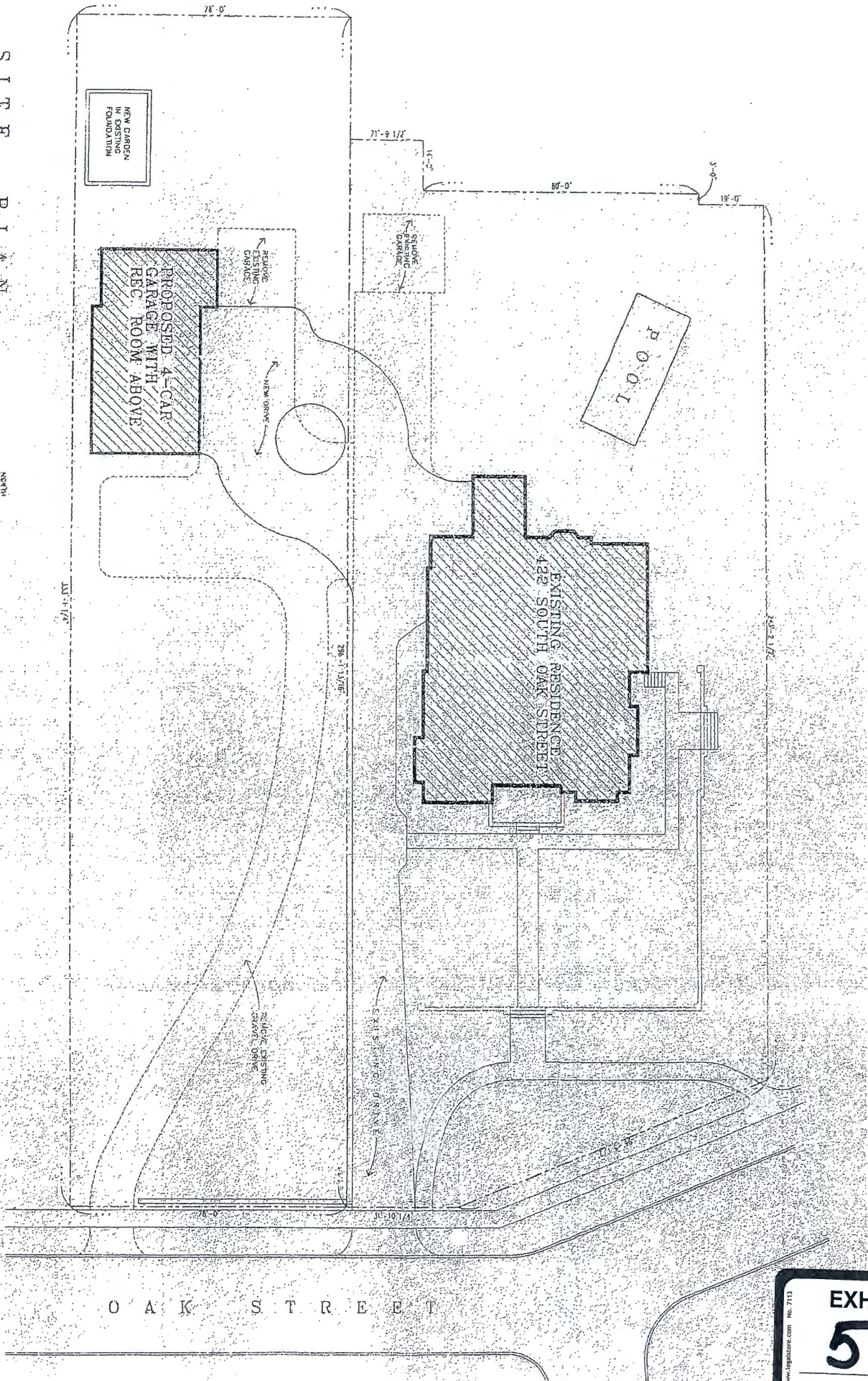
Best regards,


Jerome D. Girsch

EXHIBIT

5

SITE PLAN

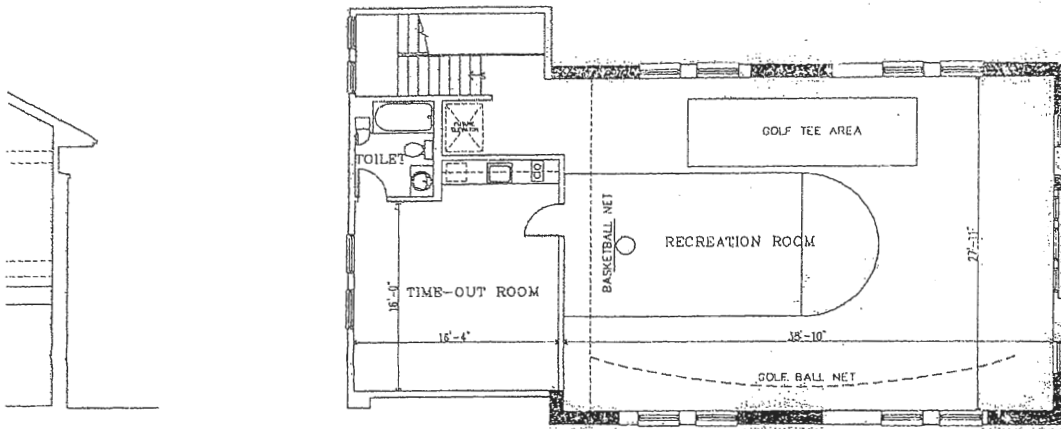


OAK STREET

EXHIBIT

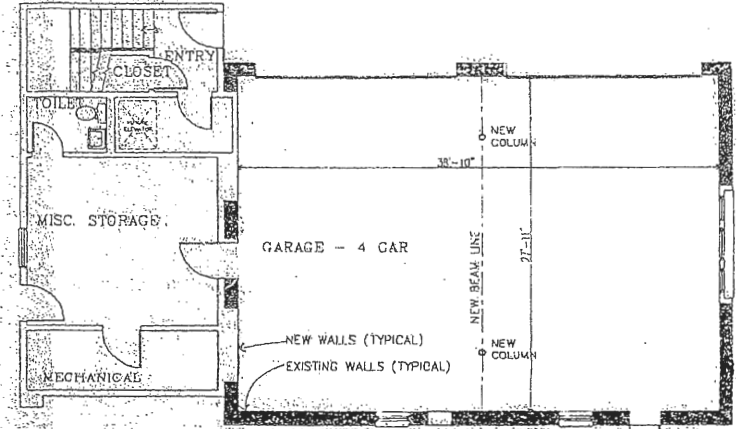
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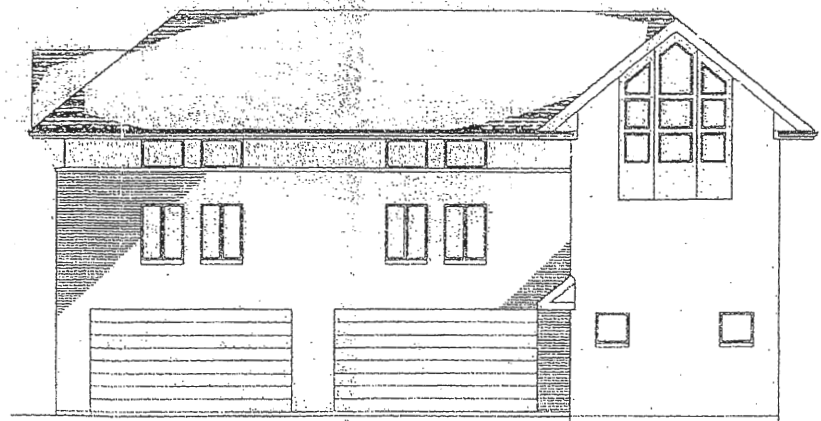
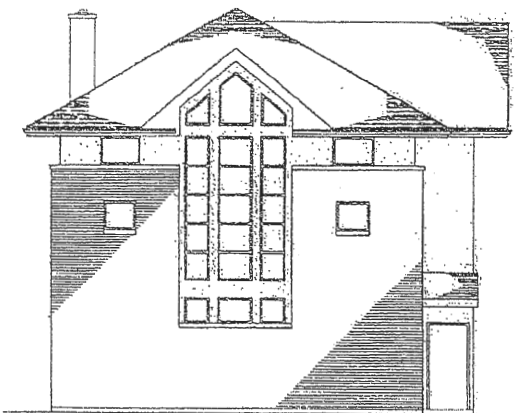
SECOND FLOOR PLAN

SCALE: 1/8" = 1' - 0"



FIRST FLOOR PLAN

SCALE: 1/8" = 1' - 0"





VILLAGE OF HINSDALE

FOUNDED IN 1873

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August 11, 1993

Mr. Michael J. Realmuto
Realmuto, Steffen & Loftus Ltd.
6355 North Broadway Suite 30
Chicago, Illinois 60660-1418

RE: Girsch Residence, 422 S. Oak St., Hinsdale, IL

Dear Mr. Realmuto:

The Village is in receipt of your letters of July 22, 1993, along with the pre-plan review application, the plats of survey and preliminary plans. Your letter asks several questions which I have summarized as follows:

1. Can the existing garages on both properties be demolished?
2. Can the original coach house at 504 S. Oak, which is now used as a principal residence, be remodelled to be a 4 car garage with a rec room on the second floor and used as an accessory structure to the existing residence at 422 S. Oak?
3. At some future time, following completion of this work, can 504 S. Oak be sold as a separate lot with the coach house used as a principal residence?

The short answers are:

1. Yes the garages can be demolished.
2. The coach house can be remodelled provided that the remodelling does not create any new nonconformities or increase any existing nonconformities. It can be used as an accessory structure to the house at 422 S. Oak if and only if the two lots are combined into a single "Zoning Lot" pursuant to Sections 12-206L and 12-101D of the Zoning Code. A separate principal dwelling unit would not be permitted on the second floor of the coach house.



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EXHIBIT

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RE: Girsch Residence
August 11, 1993

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3. Upon completion of the proposed project the property would consist of one Zoning Lot, as that term is defined in Subsection 12-206L of the Zoning Code and the lot at 504 S. Oak could not then be sold off as a separate lot.

Pursuant to the 1989 Zoning Code, an applicant for any zoning approval or building permit must designate a "Zoning Lot" to be used as the basis for review of his or her application. A Zoning Lot may consist of one or more Lots of Record. Thus, you may combine the two Lots of Record at 422 and 504 S. Oak into a single Zoning Lot for purposes of allowing the coach house at 504 to be used as an accessory structure to the residence at 422. However, once you combine the two Lots of Record into a single Zoning Lot, you will not be able to separate them in the future. Subsection 12-101C of the Code provides:

...no...zoning lot, now or hereafter existing, shall be...divided...except in compliance with the regulations of this Code. Without limiting the foregoing, any such activity that would...create any parcel of land that could not be developed in compliance with this Code shall be prohibited.

Because the combined lots at 422 and 504 S. Oak would not have either sufficient area or width to create two new Zoning Lots that comply with the Code's lot area and width requirement, this Subsection would prohibit any future division of the new Zoning Lot into two separate Zoning Lots.

The properties at 422 and 504 S. Oak St. are currently zoned in the R-1 Single Family Residence District. The minimum requirements for lots in the R-1 District are:

Total Lot Area	30,000 sq. ft.
Lot Width	125 ft.
Lot Depth	125 ft.

The properties currently have the following dimensions:

	422 S. Oak	504 S. Oak
Total Lot Area	32,781 sq. ft.	25,291.8 sq. ft.
Lot Width	121 ft.	78 ft.
Lot Depth	296.15 ft.	333.1 ft.

Both the residence at 422 S. Oak and the coach house at 504 S. Oak are Pre-code Structures under Subsection 12-206P of the Zoning Code. They were lawfully existing on June 18, 1988, and they are each located on a Lot of Record that does not meet the requirements

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RE: Girsch Residence
August 11, 1993

Page 3

of the 1989 Zoning Code. However, upon completion of the plans, as submitted with the pre-plan review, the Girsch property would consist of one Zoning Lot that would meet the Code's lot area and lot width requirements. The property could not thereafter be resubdivided unless each resulting lot complied with the minimum R-1 District requirements.

Your clients may proceed with this project provided that all other zoning regulations and building requirements are met but be advised that the existing home at 504 S. Oak St. would become an accessory structure. No changes could be made to that structure that would create any new nonconformities or increase any existing nonconformities.

With one lot consisting of 58,073.4 sq. ft. the following would apply:

Front Yard - the average of the front setbacks of the properties on either side of the subject site, (i.e., 320 E. Fourth St. & 329 E. Sixth St.)

Rear Yard - 50 feet

Side Yards - both side yards must total at least 30 feet with no one side yard being less than 10 feet. (The coach house is currently set 5.5 feet off of the lot line. It would be allowed to remain but could not be expanded except in compliance with applicable regulations.)

FAR - .3 plus 800 sq. ft. or 18,222 sq. ft. of building space.
(Floor Area Ratio)

Maximum Building Coverage:

Principal and Accessory Buildings - 25% or 14,518 sq. ft.

Accessory Buildings Only - 10% or 5,807 sq. ft.

Please note that the maximum permitted height of an accessory building is 15 feet, as height is defined pursuant to Section 12-206H of the Zoning Code. The coach house probably exceeds this limitation. However, it could be remodelled so long as new and existing nonconformities were not created or expanded.

In summary, the zoning lot appears to be large enough to allow your clients to pursue their improvement plans. However, once the coach house is accessory to the principal structure the property consists of one zoning lot and cannot be subdivided in the future. Please note

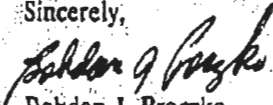
Mr. Michael J. Realmuto
RE: Girsch Residence
August 11, 1993

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that no separate dwelling units would be permitted in the coach house.

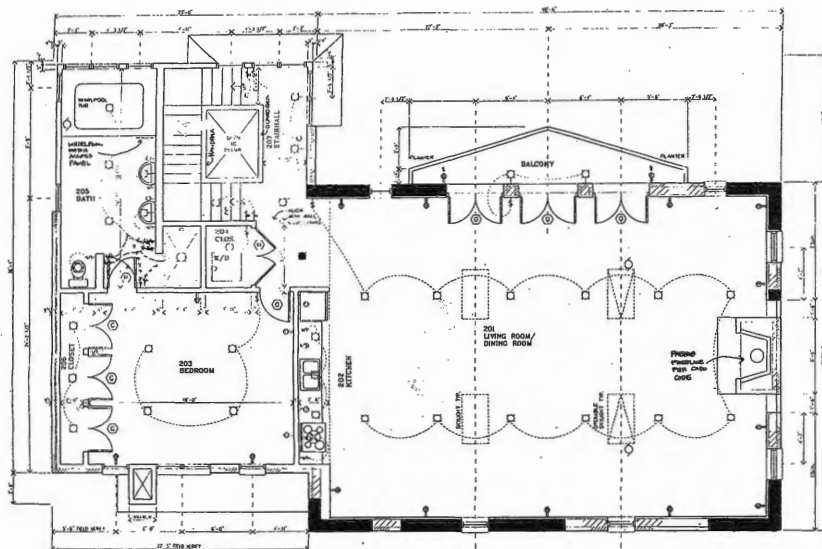
This review is based on the information submitted with the pre-plan application form. Any changes in the plans when submitted for permit or inaccuracies in the documents received to date may result in a revision to this review. If you have any questions do not hesitate to contact the undersigned.

Sincerely,

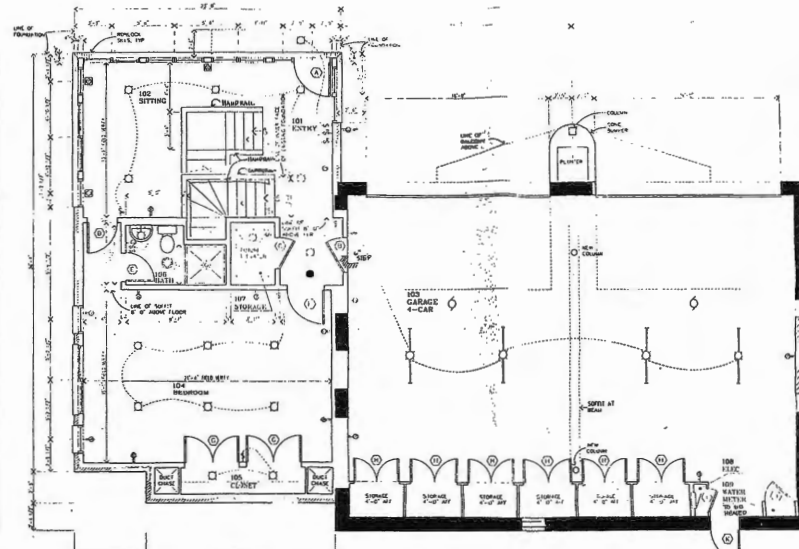


Bohdan J. Proczko
Assistant Village Manager/
Director of Public Services

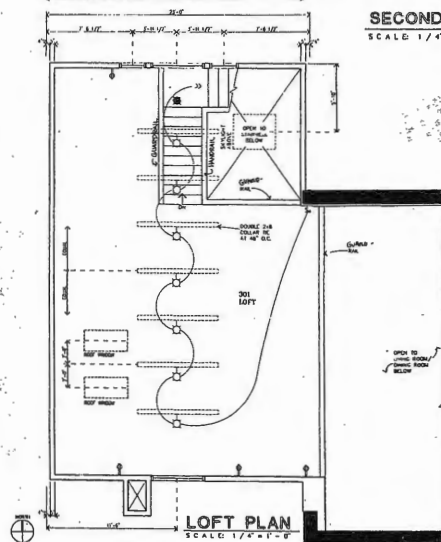
cc: Charles McMahon
Charles Schmidt
Clifford L. Weaver
Pre-plan Review File



SECOND FLOOR PLAN



FIRST FLOOR PLAN



DOOR SCHEDULE										
DOOR MARK	DOOR				FRAME		GLASS	HATCH	HATCH NO.	HATCH KEY
	MEIN	HEIGHT	THICK.	DOOR TYPE	FINISH	MAIL				
A	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	21	STAINLESS S.C.
B	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	22	GLASS
C	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	23	STAINLESS S.C.
D	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	24	STAINLESS S.C.
E	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	25	STAINLESS S.C.
F	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	26	STAINLESS S.C.
G	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	27	STAINLESS S.C.
H	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	28	STAINLESS S.C.
I	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	29	STAINLESS S.C.
J	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	30	STAINLESS S.C.
K	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	31	STAINLESS S.C.
L	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	32	STAINLESS S.C.
M	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	33	STAINLESS S.C.
N	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	34	STAINLESS S.C.
O	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	35	STAINLESS S.C.
P	6'-0"	6'-0"	1 3/4"	WOOD	STAINLESS S.C.	PAINTED	WOOD	PAINTED	36	STAINLESS S.C.

H A R D W A R E S C H E D U L E

S E T # 1	(EXTENSION DOOR)	S E T # 4	(CLIMB)	S E T # 7	(ELECTRIC)
1 1/2 PAIR BUTTS		1 PAIR HEAVY DUTY PIVOT HINGES		1 1/2 PAIR BUTTS	
1 LOCKSTEP, ENTRANCE FUNCTION.		2 PIVOTS		1 LOCKSTEP, ENTRANCE FUNCTION.	
1 STOP		2 MAGNETIC CATCHES, HEAVY DUTY		1 PULL	
1 SET WEATHERSTRIPPING					
1 THRESHOLD, WITH INTERNAL BREAK					
S E T # 2	(PASSAGE)	S E T # 5	(TORSION)	S E T # 8	(EXTENSION DOOR)
1 1/2 PAIR BUTTS		1 PAIR PIVOT HINGES		1 1/2 PAIR BUTTS	
1 LOCKSTEP, PASSAGE FUNCTION		2 PIVOTS		1 LOCKSTEP, ENTRANCE FUNCTION.	
1 STOP		2 MAGNETIC CATCHES, HEAVY DUTY		1 SET WEATHERSTRIPPING	
				1 THRESHOLD, WITH INTERNAL BREAK	
S E T # 3	(PRIVATE)	S E T # 6	(WALK)	S E T # 9	(ACCESS PANEL)
1 1/2 PAIR BUTTS		1 1/2 PAIR BUTTS		1 PAIR PIVOT HINGES	
1 LOCKSTEP, PRIVATE FUNCTION.		1 PIVOT		1 PULL	
1 STOP		1 SET WEATHERSTRIPPING		1 MAGNETIC CATCH, HEAVY DUTY	
		1 THRESHOLD, WITH INTERNAL BREAK			

ROOM FINISH SCHEDULE									
ROOM NUMBER	ROOM NAME	FLOOR	CEILING	WALL	COUNT	DOORS	WINDOWS	REMARKS	
101	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
102	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
103	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
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263	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
264	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
265	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
266	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
267	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
268	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
269	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
270	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
271	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
272	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
273	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
274	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
275	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
276	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
277	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
278	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
279	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
280	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
281	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
282	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
283	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
284	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
285	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
286	OFFICE	WOOD	PLATE	BRNK	FRCH	GLDZ	GLDZ		
287	OFFICE	WOOD							

ABBREVIATIONS							
ACT	ACQUISITION FILE	CT	CERAMIC TILE	EXP	EXPOSED CONSTRUCTION	HEND	ACQUISITION FILE
CONC	CONCRETE	ENG	ENGINEING	OS	OSBORN ORTHOGRAPH	POLY	FOR POLYMER

SYMBOLS

- ② DUPLEX RECEPTACLE OUTLET
- DUPLEX RECEPTACLE OUTLET
WATER PROOF
- ③ JUNCTION BOX
- SINGLE POLE SWITCH
- THREE WAY SWITCH
- LIGHT FIXTURE, RECESSED CANS
- ④ EXHAUST FAN
- ⊠ EXHAUST FAN AND LIGHT
- SHOCK DETECTOR, PERMANENTLY
ON ELECTRICAL SYSTEM AND
THAT WHEN ONE SOUNDS, ALL
- FLUORESCENT FIXTURE

EXISTING WALL TO REMAIN
NEW WALL
NEW DOOR

APPROVED
BUILDING COMMISSION
VILLAGE OF HORTON

GENERAL NOTES:

7. VERIFY ALL DIMENSIONS IN THE FIELD AND REPORT ANY DISCREPANCY TO THE ARCHITECT IMMEDIATELY.
8. DO NOT SCALE DRAWINGS.
9. ALL WALL AND CEILING FINISHES TO BE CLASS II OR BETTER.
10. ALL CARPENTRY TO PASS DOC FF-1.

RECORD:

PROJECT
BUILDING ALTERATIONS
404 SOUTH OAK STREET, INGLEWOOD, ILLINOIS
FOR
MR. AND MRS. GIBSON

MICHAEL J. REALMUTO
ARCHITECT

355 NORTH BURGESS, SUITE 250
CHICAGO, ILLINOIS 60662
TEL: (312) 334-9218
FAX: (312) 334-9218

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FLOOR PLANS

A2.

Michael J. Realmuto / Architect
6355 North Broadway, Suite #30
Chicago, Illinois 60660
(312) 338-9700
FAX: 338-9316

March 1, 1994

Village of Hinsdale
19 East Chicago Avenue
Hinsdale, Illinois 60521-1418

Re: Permit Application
504 South Oak Street

To whom it may concern:

As requested, the following is information regarding proposed construction of the captioned permit application:

The existing attached frame garage and attached single story previous addition will be demolished. The existing basement under the previous single story addition will remain and be incorporated into the new addition.

The existing original masonry structure will be gutted, including removal of existing floors, interior partitions and portions of the existing roof.

The footprint of the existing building is 2,264 square feet.

Removal of the existing frame attached garage will reduce the footprint of the existing building by 546 square feet. This would leave a retained footprint of 1,718 square feet.

The proposed addition would add 393 square feet to the retained footprint. The total building footprint with the proposed addition would be 2,105 square feet.

Total area of the site disturbed by the proposed construction is 742 square feet.

Trucks and construction equipment will utilize the existing gravel driveway.

Should there be any additional questions, please do not hesitate to contact my office. Thank You for your consideration.

Sincerely,



Michael J. Realmuto, AIA, CSI

EXHIBIT

7b

DEPARTMENT OF BUILDINGS
VILLAGE OF HINSDALE, ILLINOIS

BUILDING PERMIT

Zoning District R-1

Address of Job 432 S. Oak

DuPage County ☒ or Cook County ☐

Owner: Mr. Hirsch is hereby granted permission

Contractor: Hirsch

Erect
Alter
Repair
To
Demolish X Removal
Occupy
Excavate

Construction Valuation \$ 500

FEES	
Building	35.00
Construction	
Water	
Driveway	
Excavation	
Totals \$	35.00

Number: B9403100

Date: 3/28/94

COLLECTOR'S STAMP

PAYMENT REC'D
MAR 28 1994
VILLAGE OF HINSDALE
BUILDING DEPT.

This permit is granted upon the express condition that said owner shall construct the work in accordance with the application, plans and specifications; and that all general and detail work connected with such erection, alteration or repair, as the case may be, shall be done in strict compliance with the ordinances of the Village of Hinsdale and the laws of the State of Illinois, and may be revoked at any time for the violation of the same.

Bond Deposit Information

Amount of Bond: \$ 500
Cash Receipt No.
Form: Letter of Credit

Charles F. Schmidt
Building Commissioner

By: _____ Deputy

1987

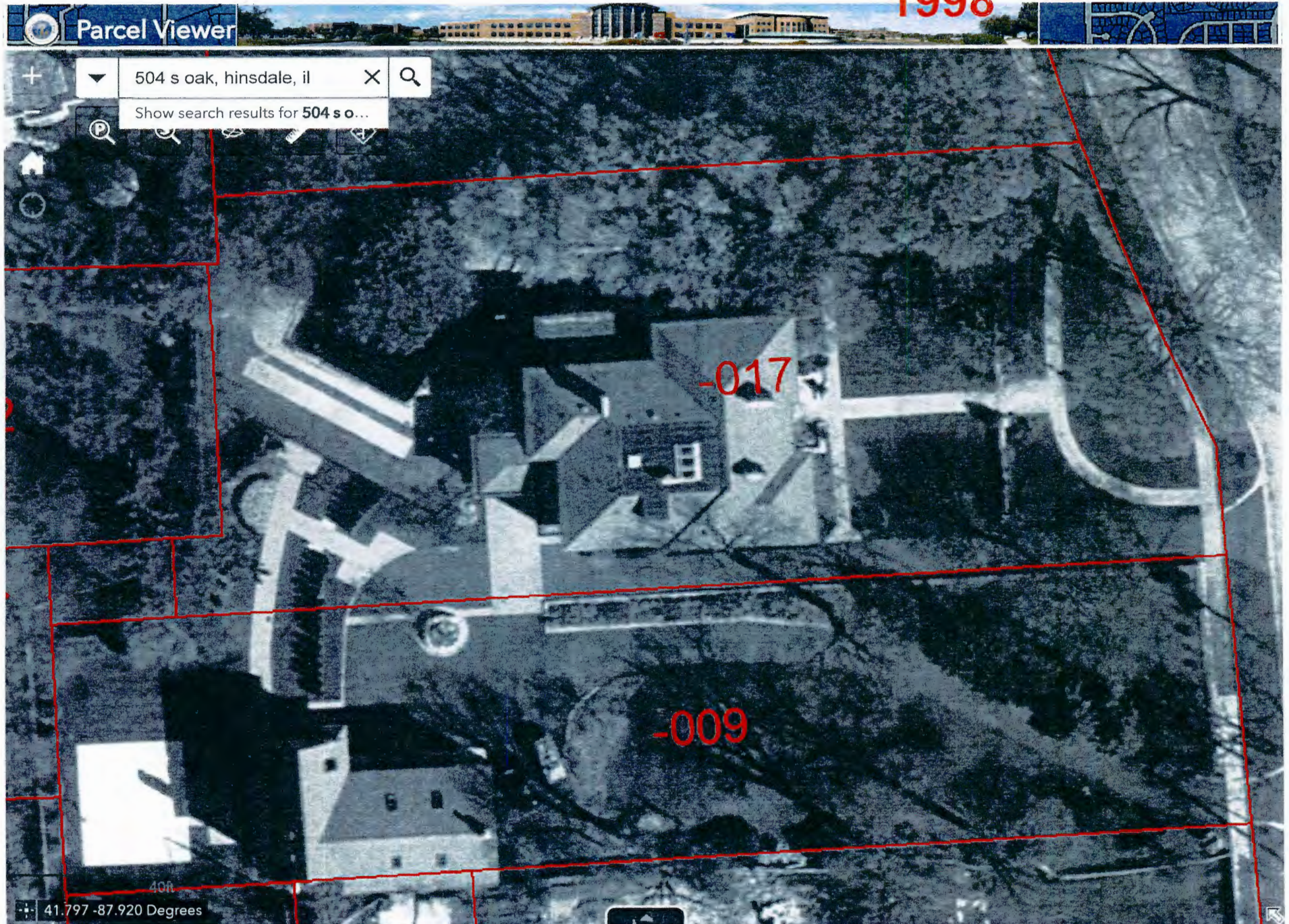
EXHIBIT

8

www.legend.com No. 7113



1998



2006





2011

2014



TRUSTEE'S DEED
TRUST TO TRUST

THE ABOVE SPACE FOR RECORDER'S USE ONLY

THIS INDENTURE, made this 29th day of April, 1993, between HARRIS BANK HINSDALE, a corporation organized and existing under the Laws of the United States of America, as Trustee under the provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuance of a trust agreement dated the 22nd day of July 1980, and known as Trust Number L-243, party of the first part, and Harris Bank Hinsdale u/t/a L-1143 dated 11-19-85

, party of the second part whose address is 50 S. Lincoln St. Hinsdale, IL 60522
Ten and no/100-----
WITNESSETH, that said party of the first part, in consideration of the sum of _____ dollars, and other good and valuable consideration in hand paid, does hereby convey and quitclaim unto said party of the second part, the following described real estate, situated in DuPage County, Illinois, to-wit:

Lot 3 in McManus Resubdivision in the Northeast 1/4 of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian according to the plat thereof recorded October 2, 1948 as Document 555319 in DuPage County, Illinois.

787.50

EX-PAGE
05-09-93



STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

MAY-3'93
DEPT. OF REVENUE
787.50

930 5084

61#09-12-225-009

TO HAVE AND TO HOLD the same unto said party of the second part, and to the proper use, benefit and behoof forever of said party of the second part. common address: 504 S. Oak Street, Hinsdale, IL 60521

THIS CONVEYANCE IS MADE PURSUANT TO DIRECTION AND WITH AUTHORITY TO CONVEY DIRECTLY TO THE TRUST GRANTEE NAMED HEREIN. THE TERMS AND CONDITIONS APPEARING ON THE REVERSE SIDE OF THIS INSTRUMENT ARE MADE A PART HEREOF.

This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county given to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its AVP/Land Trust Officer and attested by its Officer

Officer

Harris Bank Hinsdale

As Trustee as aforesaid,

By: James Hale
AVP/Land Trust Officer

Attest: Kamul Maleh
Officer

STATE OF ILLINOIS,
COUNTY OF DuPage ss

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named AVP/Land Trust Officer and Officer of HARRIS BANK HINSDALE, Grantor, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such AVP/Land Trust Officer and Officer respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Company for the uses and purposes therein set forth; and the said AVP/Land Trust Officer then and there acknowledged that said AVP/Land Trust Officer as custodian of the corporate seal of said Company, caused the corporate seal of said Company to be affixed to said instrument as said AVP/Land Trust Officer own free and voluntary act and as the free and voluntary act of said Company for the uses and purposes therein set forth.

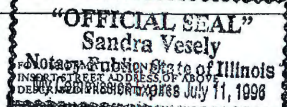
Given under my hand and Notarial Seal this 29th day of April, 1993

Sandra Vesely
Notary Public

DELIVER

NAME
STREET
CITY
HARRIS BANK HINSDALE
TRUST DEPARTMENT
50 SOUTH LINCOLN STREET
HINSDALE, ILLINOIS 60522

OR



THIS INSTRUMENT WAS PREPARED BY:

Sandra Vesely



HARRIS BANK HINSDALE

50 S. Lincoln St • Hinsdale, IL 60522 • (312) 920-7000 • Member FDIC

INSTRUCTIONS
RECORDER'S OFFICE BOX NUMBER
TRUSTEE'S DEED (Recorder's) — Non-Joint Tenancy

This space for affixing riders

RECORDER
DU PAGE COUNTY

R93-086551

93 MAY-4 AM 10:30

Document Number

EXHIBIT

9

Tax bills to:
Jerome Girsch
422 S. Oak
Hinsdale, IL

Full power and authority is hereby granted to said Trustee to improve, manage, protect and subdivide said real estate or any part thereof, to dedicate parks, streets, highways or alleys, to vacate any subdivision or part thereof, and to resubdivide said real estate as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate, or any part thereof, to lease said real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the terms of 99 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said real estate, or any part thereof, for other real or personal property, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said real estate or any part thereof, and to deal with said real estate and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said Trustee, or any successor in trust, in relation to said real estate, or to whom said real estate or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, or any successor in trust, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on said real estate, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the authority, necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said Trustee, or any successor in trust, in relation to said real estate shall be conclusive evidence in favor of every person (including the Registrar of Titles of said county) relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and by said Trust Agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said Trust Agreement or in all amendments thereof, if any, and binding upon all beneficiaries thereunder, (c) that said Trustee, or any successor in trust, was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

This conveyance is made upon the express understanding and condition that neither Grantee, individually or as Trustee, nor its successor or successors in trust shall incur any personal liability or be subjected to any claim, judgment or decree for anything it or they or its or their agents or attorneys may do or omit to do in or about the said real estate or under the provisions of this Deed or said Trust Agreement or any amendment thereto, or for injury to person or property happening in or about said real estate, any and all such liability being hereby expressly waived and released. Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with said real estate may be entered into by it in the name of the then beneficiaries under said Trust Agreement as their attorney-in-fact, hereby irrevocably appointed for such purposes, or at the election of the Trustee, in its own name, as Trustee of an express trust and not individually (and the Trustee shall have no obligation whatsoever with respect to any such contract, obligation or indebtedness except only so far as the trust property and funds in the actual possession of the Trustee shall be applicable for the payment and discharge thereof). All persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of each and every beneficiary hereunder and under said Trust Agreement and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or any other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in earnings, avails and proceeds thereof as aforesaid, the intention hereof being to vest in said Grantee the entire legal and equitable title in fee simple, in and to all of the real estate above described.

If the title to any of the above real estate is now or hereafter registered, the Registrar of Titles is hereby directed not to register or note in the certificate of title or duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," or words of similar import, in accordance with the statute in such case made and provided.

R 93
S 1

TRUSTEE'S DEED

(Illinois)

Trust to LLC

2016.05417-1 2016

THIS INDENTURE, made this 30th day of

December, 2016, between Janet M. LaRocque,

as trustee(s) under the Janet M. LaRocque Revocable

Trust dated the 1st day of November, 2006, grantor(s), and

*provisions of a declaration of trust dated

November 1, 2006 and known as the Janet M. LaRocque

**AVRA Properties Fund II End-User, LLC Revocable Trust

**Avra

(NAME OF GRANTEE)

**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

JAN. 18, 2017

RHSP

12:26 PM

DEED

\$40.00 09-12-225-017

002 PAGES R2017-006234

grantee(s), a Limited Liability Company organized and existing under and by virtue of the laws of the State of Illinois having its principal office at the following address 212 W. Van Buren St., Suite 201, Chicago, IL 60607, WITNESSETH, That grantor(s), in consideration of the sum of Ten (\$10.00) Dollars, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the grantor(s) as said trustee(s) and of every other power and authority the grantor(s) hereunto enabling, do(es) hereby convey and warrants unto the grantee(s), in fee simple the following described real estate, situated in the County of DuPage and State of Illinois, to wit:

SEE ATTACHED LEGAL DESCRIPTION AS EXHIBIT A

Permanent Index No.(s): 09-12-225-017
 Property Address: 422 S. Oak St., Hinsdale, IL 60521

Together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

IN WITNESS WHEREOF, the grantor(s), as trustee(s) as aforesaid, has executed this deed on the day and year first written above.

X Janet M. LaRocque - Trustee
 Janet M. LaRocque, as Trustee

STATE OF X ILLINOIS COUNTY OF DuPage ss.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify, that Janet M. LaRocque, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and individually and jointly acknowledged that he/she/they signed and delivered the said instrument as his/her/their free and voluntary act as such trustee(s), for the uses and purposes therein set forth.

Given under my hand and official seal, this X 30th day of December, 2016

X Cathy A Bisceglie Notary Public

My commission expires X 8/9/17

OFFICIAL SEAL
 CATHY A BISCEGLIE
 Notary Public - State of Illinois
 My Commission Expires Aug 9, 2017

OFFICIAL SEAL
 CATHY A BISCEGLIE
 Notary Public - State of Illinois
 My Commission Expires Aug 9, 2017

COUNTY - ILLINOIS TRANSFER STAMPS

Exempt Under Provision of
 Paragraph __, Section 4,
 Real Estate Transfer Act

Date: _____

Signature: _____

Prepared by:

Anselmo Lindberg Oliver LLC
 1771 W. Diehl Ste 120
 Naperville, IL 60563

Mail To:

Dana R. White
 Burke, Warren, MacKay & Serritella,
 P.C.
 330 N. Wabash Avenue, 21st Floor
 Chicago, IL 60611

(MAIL TO:

PREMIER TITLE, 1000 JORIE BLVD. #136, OAK BROOK, IL 60523)

SEND SUBSEQUENT TAX BILLS TO:

AVRA Properties Fund II End-User, LLC, 212 W. Van Buren St., Suite 201, Chicago, IL 60607

EXHIBIT

10

EXHIBIT "A"

File No.: 2016-05417-1-PT

PROPERTY DESCRIPTION

The land referred to in this commitment is described as follows:

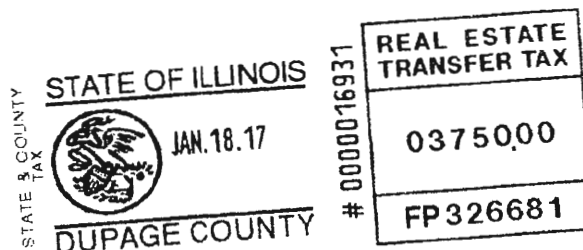
LOT 2 IN MC MANUS RESUBDIVISION OF LOT 1 AND THE SOUTH 101 FEET OF THE EAST 64.10 FEET OF LOT 2 AND THE EAST 12.00 FEET OF LOT 2 (EXCEPT THE SOUTH 101 FEET THEREOF) IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE, IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 (ACCORDING TO DOCUMENT NO. 14048 RECORDED JUNE 12, 1871 AND DOCUMENT 555319 RECORDED OCTOBER 2, 1948) IN SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF LOT 2 LYING WEST OF THE EAST LINE OF LOT 2 OF JACKSON'S RESUBDIVISION AFORESAID, EXTENDED SOUTHERLY OF MC MANUS RESUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE, A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF MC MANUS RESUBDIVISION AFORESAID, RECORDED OCTOBER 2, 1948 AS DOCUMENT NO. 555319, IN DUPAGE COUNTY, ILLINOIS.

THE EAST 3.00 FEET OF LOT 2 IN JACKSON'S RESUBDIVISION OF PART OF LOT 2 IN BLOCK 11 OF W. ROBBINS' PARK ADDITION TO HINSDALE IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED OCTOBER 17, 1951 AS DOCUMENT NO. 637040 AND CORRECTED BY CORRECTION CERTIFICATE DATED NOVEMBER 1, 1951 AND RECORDED NOVEMBER 1, 1951 AS DOCUMENT NO. 638267, IN DUPAGE COUNTY, ILLINOIS.

THE EAST 17.00 FEET OF THAT PART OF LOT 2 LYING WEST OF THE EAST LINE OF LOT 2 OF JACKSON'S RESUBDIVISION, AS AFORESAID, EXTENDED SOUTHERLY OF MCMANUS RESUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE, A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MCMANUS RESUBDIVISION AFORESAID, RECORDED OCTOBER 2, 1948 AS DOCUMENT NO. 555319, IN DUPAGE COUNTY, ILLINOIS.

Property Address: 422 S. Oak St., Hinsdale, IL 60521

PIN No.: 09-12-225-009



Commitment (Exhibit A)

2016-05417-1-PT

TRUSTEE'S DEED

(Illinois)

Trust to LLC

2016.0547 1009

THIS INDENTURE, made this 30th day of December, 2016, between Janet M. LaRocque, as trustee(s) under the ~~Janet M. LaRocque Revocable Trust dated the 1st day of November, 2006~~, grantor(s), and provisions of a declaration of trust dated November 1, 2006 and known as the Janet M. ~~Avra Properties Fund II End-User, LLC~~ LaRocque Revocable Trust
 Avra Properties Fund II** (NAME OF GRANTEE)**End-User, LLC Trust

**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

JAN. 18, 2017

RHSP

12:26 PM

DEED

\$40.00 09-12-225-009

002 PAGES

R2017-006238

grantee(s), a Limited Liability Company organized and existing under and by virtue of the laws of the State of Illinois having its principal office at the following address 212 W. Van Buren St., Suite 201, Chicago, IL 60607, WITNESSETH, That grantor(s), in consideration of the sum of Ten (\$10.00) Dollars, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the grantor(s) as said trustee(s) and of every other power and authority the grantor(s) hereunto enabling, do(es) hereby convey and warrants unto the grantee(s), in fee simple the following described real estate, situated in the County of DuPage and State of Illinois, to wit:

SEE ATTACHED LEGAL DESCRIPTION AS EXHIBIT A

Permanent Index No.(s): 09-12-225-009
 Property Address: 504 S. Oak St., Hinsdale, IL 60521

Together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

IN WITNESS WHEREOF, the grantor(s), as trustee(s) as aforesaid, has executed this deed on the day and year first written above.

X Janet M. LaRocque - Trustee
 Janet M. LaRocque, as Trustee

STATE OF X Illinois COUNTY OF DuPage ss.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify, that Janet M. LaRocque, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and individually and jointly acknowledged that he/she/they signed and delivered the said instrument as his/her/their free and voluntary act as such trustee(s), for the uses and purposes therein set forth.

Given under my hand and official seal, this X 30th day of December, 2016

X Cathy A Bisceglie Notary Public

My commission expires X 8/9/17

COUNTY - ILLINOIS TRANSFER STAMPS

Exempt Under Provision of
 Paragraph __, Section 4,
 Real Estate Transfer Act

Date: _____

Signature: _____

Prepared by:
 Anselmo Lindberg Oliver LLC
 1771 W. Diehl Ste 120
 Naperville, IL 60563

~~Mail To:~~

Dana R. White
 Burke, Warren, MacKay & Serritella,
 P.C.
 330 N. Wabash Avenue, 21st Floor
 Chicago, IL 60611

(MAIL TO:
 PREMIER TITLE, 1000 JORIE BLVD. #136, OAK BROOK, IL 60523)


SEND SUBSEQUENT TAX BILLS TO:

AVRA Properties Fund II End-User, LLC, 212 W. Van Buren St., Suite 201, Chicago, IL 60607

(PREMIER TITLE)

EXHIBIT A

LOT 3 IN MC MANUS RESUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1948 AS DOCUMENT NO. 555319, IN DUPAGE COUNTY, ILLINOIS.

STATE & COUNTY TAX	STATE OF ILLINOIS	# 0000016932	REAL ESTATE TRANSFER TAX
	 JAN. 18. 17		01515.00
	DUPAGE COUNTY		FP326681

cm
1515.00

Detached
CARA 60

Village of Hinsdale
COMMUNITY DEVELOPMENT DEPARTMENT
19 E. Chicago Avenue, Hinsdale, IL 60521
PERMIT APPLICATION

THIS CONSOLIDATED PERMIT APPLICATION MAKES FILING FOR MULTIPLE PERMITS MORE EFFICIENT AND HELPS TO MINIMIZE DUPLICITY. AS A RESULT THERE MAY BE ITEMS THAT DO NOT APPLY TO YOUR SPECIFIC PROJECT. COMPLETE ONLY THOSE SECTIONS THAT APPLY.

Date Rec'd 7-21-17 P 17-6422 Permit Fee _____
 Date Issued: _____ E- _____
☐ Check here if home is older than 50 years PM _____
 Bond Fee/LOC _____
 (above is for office use only)

GENERAL INFORMATION

Site Address: <u>422 S OAK Hinsdale</u> PIN # <u>09-12-225-017</u> Legal Owner's Name & Mailing Address <u>Avra Properties</u> <u>212 W Van Buren 201 Chicago 60607</u> Phone: <u>312 588 1497</u> Fax: <u>866-559-5116</u> E-mail: <u>Arayda@baytbuilders.com</u> Estimated Value of Construction: <u>\$ 100,000</u>	Zoning District: _____ Lot Dimensions: _____ Applicant's Name & Address (if not owner) <u>Bayt Builders</u> <u>212 W Van Buren Chicago 60607</u> Phone: <u>708-903-5800 or 630-462-49319</u> Fax: <u>866-559-5116</u> E-MAIL: <u>james@baytbuilders.com</u> Conduct Sign Required: <u>yes</u> <u>x</u> no
---	---

SELECT TYPE OF CONSTRUCTION

RESIDENTIAL NEW <input type="checkbox"/> ACCESSORY STRUCTURE (garage, shed, cabana) <input type="checkbox"/> FENCE <input type="checkbox"/> Height _____ Corner Lot <input type="checkbox"/> Yes <input type="checkbox"/> No Structure Type _____ Location _____	RESIDENTIAL ADDITION <input type="checkbox"/> DECK/PATIO/OUTDOOR FP <input type="checkbox"/> Require Electric <input type="checkbox"/> yes <input type="checkbox"/> no Require Plumbing <input type="checkbox"/> yes <input type="checkbox"/> no SWIMMING POOL/HOT TUB Hot Tub <input type="checkbox"/> Inground <input type="checkbox"/> Above Ground <input type="checkbox"/> (complete plumbing & electric section)	RESIDENTIAL REMODEL <input checked="" type="checkbox"/> DRIVEWAY/FLATWORK/WALKS <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Decorative <input type="checkbox"/> UNDERGROUND IRRIGATION (complete plumbing section) Heads in ROW <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> (if yes, complete Hold Harmless)
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PLUMBING OR ELECTRIC ONLY

ELECTRIC ONLY: <input type="checkbox"/> Residential Upgrade <input type="checkbox"/> Commercial <input type="checkbox"/> <input type="checkbox"/> Overhead <input type="checkbox"/> Underground _____ AMPS _____ Circuits	PLUMBING ONLY: # of Fixtures _____ Total Fixture Units _____ Tap Size _____ Water Meter Size _____ Gas Line _____ RPZ _____
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COMMERCIAL - SELECT TYPE

COMMERCIAL NEW <input type="checkbox"/> (Fire Prevention Will Apply) COMMERCIAL OCCUPANCY <input type="checkbox"/> Units _____ Floors _____ Name of Business or New Tenant _____	COMMERCIAL ADDITON <input type="checkbox"/> (Fire Prevention Will Apply) COMMERCIAL INTERIOR DEMO ONLY <input type="checkbox"/>	COMMERCIAL REMODEL <input type="checkbox"/> (Fire Prevention Will Apply) FIRE <input type="checkbox"/> (Alarm, Sprinkler & Hood & Duct Systems)
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CONTINUE ON REVERSE SIDE

EXHIBIT

//

ARCHITECT/CONTRACTORS AND SUB-CONTRACTOR INFORMATION

Complete Applicable Contractor Information
(Please Print Clearly)

ARCHITECT/ENGINEER (If applicable) STATE LICENSE NO. _____	NAME: <u>N/A</u> ADDRESS: _____ _____ _____ (NO P.O. BOX)	PHONE _____ CELL: _____ FAX _____ e-mail _____
CONTRACTOR/INSTALLER LLC # <u>16-5102-1111</u> Driver's Lic # _____ (provide if not a LLC)	NAME: <u>Build Builders</u> ADDRESS: <u>212 W. Van Buren St</u> <u>Chicago IL 60607</u> (NO P.O. BOX)	PHONE <u>(312) 455-1497</u> CELL: <u>(312) 464-9319</u> FAX <u>(312) 464-9319</u> e-mail <u>info@buildbuilders.com</u>
ELECTRICIAN LICENSE # _____ \$5,000 SURETY BOND ON FILE _____	NAME: <u>Amper Electric</u> ADDRESS: <u>631 W. Devon</u> <u>Elk Grove Village IL 60007</u> (NO P.O. BOX)	PHONE _____ CELL: <u>(773) 741-2456</u> FAX _____ e-mail <u>amper@amper.com</u>
PLUMBER STATE LICENSE & PERMIT BOND <u>005739</u> # 055-	NAME: <u>BT Premier Plumbing</u> ADDRESS: <u>182 W. Chicago St</u> <u>St. Charles IL 60174</u> (NO P.O. BOX)	PHONE <u>(630) 554-4434</u> CELL: _____ FAX <u>(630) 554-4434</u> e-mail <u>btpp@btpp.com</u>
FIRE SPRINKLER/SUPPRESSION	NAME: _____ ADDRESS: _____ _____ (NO P.O. BOX)	PHONE _____ CELL: _____ FAX _____ e-mail _____
FIRE ALARM CONTRACTOR	NAME: _____ ADDRESS: _____ _____ (NO P.O. BOX)	PHONE _____ CELL: _____ FAX _____ e-mail _____

UNDER PENALTY OF INTENTIONAL MISREPRESENTATION AND/OR PERJURY, I declare that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement in compliance with all provisions of the applicable ordinances. I further certify that all easements, deed restrictions, or other encumbrances restricting the use of the property are shown on the site plans submitted with this application. I have been given authorization from the property owner to obtain this permit. I realize that the information that I have affirmed hereon forms a basis for the issuance of the permit herein applied for and approval of plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any applicable ordinance or to excuse the owner or his or her successors in title from complying therewith.

I understand that by applying for this permit, I am consenting to the inspection of this property and to the entry onto the property by inspectors of the authority having jurisdiction for the purpose of performing the necessary inspections during normal business hours for the duration of the permit.

[Signature]
 APPLICANT'S SIGNATURE
[Signature]
 OWNER'S SIGNATURE - DATE

12/20/2006
 DATE

[Signature]
 TITLE

Village Hall
19 East Chicago Avenue
Hinsdale, Illinois 60521-3431
630-789-7000



Fire & Police Departments
121 Symonds Drive
Hinsdale, Illinois 60521-3744
Fire 630-789-7060
Police 630-789-7070

August 3, 2017

Bayit Builders LLC
212 West Van Buren #201
Chicago, IL 60607

RE: 422 South Oak Street -- Detached Garage Plan Review

Dear Sir or Madam:

After reviewing the plans submitted for the above-mentioned property, the following corrections need to be made before the permit can be issued:

1. Enclosed are Benes Engineering's review comments.
2. Provide clean civil drawings without detached garage removal from scope of work language. In other words, the original submission from March, not the previously approved civil for the removal of pool in May.
3. Provide dimensions of the existing SFR on the civil drawing or a legible plat of survey. Building coverage compliance cannot be confirmed at this time.

At this time we would ask that you submit revised drawings to this office. If revised drawings are not submitted within ninety (90) days, your application and drawings will be returned, and a new application may be submitted at your convenience.

If you have any questions regarding this letter, please feel free to contact this office at (630) 789-7030 or email tryan@villageofhinsdale.org

Respectfully,
Timothy S. Ryan C.B.O.
Deputy Building Commissioner
Village of Hinsdale

Village Hall
19 East Chicago Avenue
Hinsdale, Illinois 60521-3431
630-789-7000



Fire & Police Departments
121 Symonds Drive
Hinsdale, Illinois 60521-3744
Fire 630-789-7060
Police 630-789-7070

DEPARTMENT OF COMMUNITY DEVELOPMENT

FAX # 630.789.7016

FACSIMILE TRANSMISSION SHEET

DATE: 8.3.17

The following pages are for:

NAME: ^{JAMES} BATIT BUILDERS, LLC

COMPANY:

ADDRESS:

FAX NO: (866) 559-5116

RE: 422 S. OAK - DETACHED GARAGE PLAN REVIEW
P 17-6422

ORIGINAL IS BEING MAILED

Total number of pages 3, including cover sheet

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL
630.789.7030 AS SOON AS POSSIBLE.**

FROM: Joyce Kacmarcik - Plan Reviewer



JAMES J. BENES AND ASSOCIATES, INC.

950 Warrenville Road • Suite 101 • Lisle, Illinois • 60532

Tel. (630) 719-7570 • Fax (630) 719-7589

MEMORANDUM

Date: July 31, 2017

To: Mr. Daniel Deeter, P.E.
Village Engineer
Village of Hinsdale

From: Jeffery C. Ziegler Daniel H. Schoenberg, PE
Vice President Project Engineer

Re: Stormwater Management Review
422 South Oak Street
Project No. 1209.557

As requested, we have reviewed the Site Plan for new driveway and a detached garage for a single family residence at the address identified above. The Site Plan was prepared by Gabriel group Inc. dated May 15, 2017. It was attached to your correspondence of July 24, 2017. We understand the Village Forester will evaluate tree protection measures. The impervious cover is as follows:

Pre-construction	17,600	sf
Proposed	15,350	sf
Net increase (decrease)	(2,250)	sf

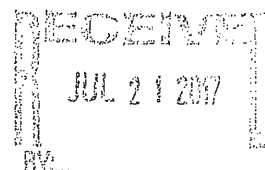
The Proposed Site Plan **DOES NOT COMPLY** with the Village of Hinsdale Stormwater and Flood Plain Ordinance and has been stamped "**RETURNED FOR CORRECTION**". The site **DOES NOT** include a Special Management Area (regulatory flood plain and riparian area). The following comments have been added to the plans:

1. The plans have extraneous markings. Submit clean plans.
2. Clarify the removals of this application. There is now a tandem driveway with the property to the south. Will the future driveways be separated? If not, Board approval will be needed per Village Code.
3. It appears the impervious totals do not count paver sections of the driveways. Are they pervious pavers? Submit a detail. Permeable pavers count toward lot coverage per Village Code
4. The area disturbed is sufficient to require a storm water management permit application. Provide all documents including soil erosion control.
5. Site management features including storage, access, portapotty and parking per Section 9-1-7 of the Village Code should be added.

We are returning two marked up plans. Please call if you have any questions.

(This paperwork
originally handed in 2/20/2017)

VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
19 East Chicago Avenue
Hinsdale, Illinois 60521-3489
630.789.7030



Application for Certificate of Zoning Compliance

You must complete all portions of this application. If you think certain information is not applicable, then write "N/A." If you need additional space, then attach separate sheets to this form.

Applicant's name: Bayit Builders LLC

Owner's name (if different): Avra Properties

Property address: 422 South Oak Street

Property legal description: [attach to this form]

Present zoning classification: R-1, Single Family Residential

Square footage of property: 30861

Lot area per dwelling: _____

Lot dimensions: 127 x 243

Current use of property: Single Family Residence

Proposed use: ☐ Single-family detached dwelling
☒ Other: New 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:

Adding new detached garage to property. No Garage exists at property now. SFR to remain as is

Plans & Specifications: [submit with this form]

Provided: **Required by Code:**

Yards:

front: existing
interior side(s) exist / 36.6 /

Provided:

Required by Code:

corner side
rear

existing

50

Setbacks (businesses and offices):

front:

interior side(s)

corner side

rear

others:

Ogden Ave. Center:

York Rd. Center:

Forest Preserve:

Building heights:

principal building(s):

existing

30

accessory building(s):

14.10'

15

Maximum Elevations:

principal building(s):

existing

30

accessory building(s):

14 10'

15

Dwelling unit size(s):

Total building coverage:

Total lot coverage:

Floor area ratio:

Accessory building(s):

Garage - 643 SF FAR

Spacing between buildings: [depict on attached plans]

principal building(s):

accessory building(s):

12.4

10

Number of off-street parking spaces required: 0

Number of loading spaces required: 0

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:

Arvydas Laucius
Applicant's signature

Arvydas Laucius -

Applicant's printed name

Dated: 7/20, 2017

ORIGINAL
PAPERWORK
SUBMITTED 2/20/17

Village Hall
19 East Chicago Avenue
Hinsdale, Illinois 60521-3431
630-789-7000



Fire & Police Departments
121 Symonds Drive
Hinsdale, Illinois 60521-3744
Fire 630-789-7060
Police 630-789-7070

March 22, 2017

Bayit Builders, LLC
212 W. Van Buren #201
Chicago, IL 60607

RE: 422 S. Oak Street – Denied Review for Pool demolition, New Detached Garage and Site Revisions P17-6025

Dear Sir:

The submittal received for the permit review inaccurately depicts 422 S. Oak as a separate zoning property from 504 S. Oak.

Per the letter from the Village Manager dated August 11, 1993 the Village of Hinsdale considers this one zoning lot. This zoning lot (422 S. Oak and Coach House on 504 S. Oak) may only be reviewed as one zoning lot.

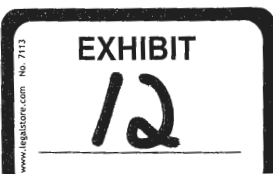
Provide submittal for the entire zoning lot for review or withdraw permit application.

If you have any questions regarding this letter, please feel free to contact Mr. Robert McGinnis, Community Development Director at (630) 789-7030.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joyce Kacmarcik'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joyce Kacmarcik
Village of Hinsdale
Plan Reviewer



Village Hall
19 East Chicago Avenue
Hinsdale, Illinois 60521-3431
630-789-7000



Fire & Police Departments
121 Symonds Drive
Hinsdale, Illinois 60521-3744
Fire 630-789-7060
Police 630-789-7070

June 7, 2017

Peter Coules, Jr.
15 Salt Creek Lane, Suite 312
Hinsdale, Illinois 60521

RE: Appeal from Staff Decision – 422 S. Oak Street – Determination of Village Manager

Mr. Coules –

You, on behalf of your client, Bayit Builders, LLC ("Bayit Builders"), have appealed to me the denial by Village staff of a permit sought by Bayit Builders for work on 422 S. Oak Street. A copy of your appeal letter dated April 27, 2017 (the "Appeal Letter"), which attaches the Village's March 22, 2017, denial letter (the "Denial Letter") as Exhibit "A" is attached hereto as Exhibit 1.

Background

The Property: The property that is the subject of your appeal consists of two (2) lots of record: 09-12-225-009, with a common address of 504 S. Oak Street (the "504 S. Oak PIN") and 09-12-225-017, with a common address of 422 S. Oak Street (the "422 S. Oak PIN") (collectively, the "Property"). It appears that prior to 1993, the 504 S. Oak PIN and 422 S. Oak PIN were separately owned, improved with a single-family residence on each, and functioning as two (2) separate zoning lots.

The 1993 Letter: In 1993, the common Owner of both the 504 S. Oak PIN and 422 S. Oak PIN sought guidance from the Village as to, among other things, whether the building on the 504 S. Oak PIN that was then being used as a principal residence could be remodeled and converted to use as an accessory structure to the principal residence on the 422 S. Oak PIN. The Village, in a letter dated August 11, 1993 (the "1993 Letter"), answered that the principal residence on the 504 S. Oak PIN could be remodeled and thereafter used as an accessory structure to the principal residence to the 422 S. Oak PIN if, and only if, the two (2) PINS were combined into a single Zoning Lot. Specifically, the 1993 Letter stated "you may combine the two Lots of Record at 422 and 504 S. Oak into a single Zoning Lot for purposes of allowing the coach house at 504 to be used as an accessory structure to the residence at 422. However, once you combine the two Lots of Record into a single Zoning Lot, you will not be able to separate them in the future."

Project Completion: Plans subsequently filed with the Village indicate that the modifications proposed in the 1993 Letter were subsequently carried out by the Owner, after which the Village, pursuant to the notice provided to the Owner in the 1993 Letter, regarded the two (2)



PINS as a single Zoning Lot. It now appears that at some time subsequent, an illegal kitchen was added. No kitchen was shown on the plans approved by the Village.

Purchase by Bayit Builders: Bayit Builders purchased the Property in or around January of 2017 with the intention of remodeling the principal residence house on the 422 S. Oak PIN and demolishing the accessory coach house structure on the 504 S. Oak PIN and constructing a principal residence in its place. Bayit Builders have stated that the properties were marketed as two separate lots, that they did as much due diligence as they could have, and that they had no way of knowing that the Village had determined that this was one Zoning Lot.

OPINION

You have raised various issues relative to the denial of Bayit Builder's building permit, which you contend shows that the Village has continued, despite the 1993 Letter, to treat the 422 S. Oak and 504 S. Oak PINS as separate lots over the last twenty (20) plus years.

You assert in your Appeal Letter that the 1993 Letter from the Village referenced in the Denial Letter as a basis for the denial "merely states that the Village would require" the owner to combine the two lots into a single zoning lot in order to complete his requested work on the property. You assert that this showed the Village regarded the 422 S. Oak PIN and 504 S. Oak PIN to be two (2) separate lots at the time. That is true, but only up until that point, as the 1993 Letter further states that "you may combine the two Lots of Record at 422 and 504 S. Oak into a single Zoning Lot for purposes of allowing the coach house at 504 to be used as an accessory structure to the residence at 422. **However, once you combine the two Lots of Record into a single Zoning Lot, you will not be able to separate them in the future.**" (emphasis added). At another point in the 1993 Letter, staff noted that "[u]pon completion of the proposed project the property would consist of one Zoning Lot, as that term is defined in Subsection 12-206L of the Zoning Code and the lot at 504 S. Oak could not then be sold off as a separate lot." The 1993 Letter clearly states that the Village would treat the Property as a single, undivided Zoning Lot going forward.

Assertion No. 1: The first numbered assertion in your Appeal Letter states that the 504 S. Oak Street PIN has always been treated as a single-family residence by the Village. I disagree. According to Village records, the structure on the 504 S. Oak PIN currently serves as the coach house for the principal structure located on the 422 S. Oak PIN. While I do agree that prior to 1993, what is now the coach house accessory structure on the 504 S. Oak PIN was regarded as a separate single-family residence and was held in ownership separate from the 422 S. Oak PIN. Since the modifications made in 1993 (the "1993 Modifications"), however, the coach house accessory structure on the 504 S. Oak PIN began serving as an accessory structure to the 422 S. Oak PIN. Following the 1993 Modifications the Property would, as noted in the 1993 Letter, be regarded by the Village as a unified whole.

Assertion No. 2: You assert that the fact that the coach house accessory structure on the 422 S. Oak PIN and principal structure on the 504 S. Oak PIN have been metered separately shows that the Village has consistently treated the Property as two (2) separate lots. The fact that the 422 S. Oak PIN and 504 S. Oak PIN have been separately metered for utility purposes has no impact on their Zoning status. It is likely that they were metered separately prior to the 1993 Modifications and consolidation into a single Zoning Lot in 1993, and there was no reason from a staff perspective that they could not continue to be metered separately thereafter.

Assertion No. 3: You next detail the title history of the Property as proof that the two (2) PINS have been owned and transferred as separate lots in the past. The title history of the two PINS prior to 1993 has no impact on their current zoning status, as the Village acknowledges that they were used as separate single-family residences prior to the 1993 Modifications. It was in 1993 that they became a single Zoning Lot. See the 1993 Letter. Nor do I find the use of two (2) PINS and two (2) addresses in the September 25, 2011 Deed conveying both Properties from the Harris Trust and Savings Bank to John and Janet Larocque to be persuasive. There is no question that the two (2) properties had and have separate PINs, and, due to their previous use at one point in time, have and continue to have separate assigned addresses. It is common and proper to convey a single unified zoning lot with multiple underlying PINs in a single deed.

Assertion No. 4: You next assert that the failure of the Village Planner to mention the 422 S. Oak PIN in his pre-plan review letter relative to the 504 S. Oak PIN dated May 27, 2016 (the "Pre-Plan Review Letter") is evidence that the Village regards the Property as two (2) separate lots. That review was based on a single-page application from the owner accompanied by a Plat of Survey showing only the 504 S. Oak PIN. Staff performed a standard pre-plan review based on that submittal. Staff does not, nor is it obligated to, do historical research on each Plat submitted for review. Further, as noted in the Pre-Plan Review Letter:

This analysis is based solely on the information you have provided to the Village with your request for a pre-plan review. If any of the information regarding the property that is the subject of this review is determined to be different from what you provided, or if any relevant additional information is discovered during the Village's regular building and zoning review, then the analysis provided herein, or any part of it, may change. The Village reserves the right to correct any errors in this review prior to the issuance of a building permit.

This review does not create any obligation on the Village to issue any kind of permit to you or any right in you to any such permit. You must properly prepare and file with the Village the appropriate applications before the Village will begin consideration of whether a permit should be issued.

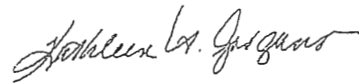
The Pre-Plan Review Letter created no rights in the Owner and no obligations on the part of the Village. I note that the Pre-Plan Review Letter and accompanying application from the then-Owner were not included in the Exhibits you submitted. I have attached copies here as Exhibit 2.

Assertion No. 5: In an unnumbered sentence on page 7 of your Appeal Letter, you assert that the lots have always contained separate PINS and were always taxed as improved properties with a single family residence. I agree that the lots have always had separate PINS. The treatment of the Property by Cook County as improved properties with single-family residences on them has nothing to do with the Village's Zoning. The previous owner could have had the tax treatment of the 504 S. Oak PIN adjusted following the 1993 Modifications, but either failed to or chose not to.

Finding and Decision: I do not agree that the Village has continuously treated the PINS as two separate lots for zoning purposes as you assert. The 1993 Letter emphatically states otherwise, and no subsequent actions or statements of the Village since that time show an intent to treat the Property other than as a single unified Zoning Lot. I agree with staff's Denial Letter. The Properties may only be reviewed together as a single unified Zoning Lot and the building permit was therefore properly denied.

Pursuant to Section 9-1-14(C) of the Village Code, you have a right to appeal my determination to the Zoning Board of Appeals by filing an application for appeal within thirty (30) days following this determination.

Issued this 7th day of June, 2017

A handwritten signature in cursive script, reading "Kathleen Gargano".

Kathleen Gargano, Village Manager
Village of Hinsdale

Village Hall
19 East Chicago Avenue
Hinsdale, Illinois 60521-3431
630-789-7000



Fire & Police Departments
121 Symonds Drive
Hinsdale, Illinois 60521-3744
Fire 630-789-7060
Police 630-789-7070

August 21, 2017

Peter Coules, Jr.
15 Salt Creek Lane, Suite 312
Hinsdale, Illinois 60521

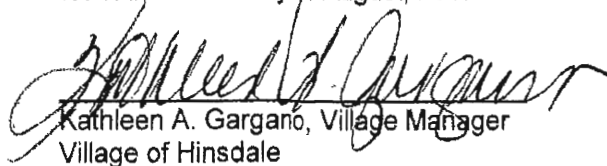
RE: Reversal of Staff Decision – 422 S. Oak Street – Determination of Village Manager

Mr. Coules –

As you are aware, you, on behalf of your client, Bayit Builders, LLC ("Bayit Builders"), appealed to me the denial by Village staff of a permit sought by Bayit Builders for work on 422 S. Oak Street. I subsequently issued a Denial Letter dated June 7, 2017 (the "June 7, 2017 Denial") in which I upheld the staff denial and held that the collective lots at 422 S. Oak and 504 S. Oak (collectively, the "Property") should be treated as a single zoning lot. You then formally sought review by the Village's Zoning Board of Appeals of my June 7, 2017 Denial, in an application for Zoning Appeal received by the Village on July 3, 2017.

I subsequently received a memo from the Village Attorney, dated July 12, 2017, recommending that I withdraw my June 7, 2017 Denial and issue the requested permits for 422 S. Oak, based on the discovery by the Village of additional materials related to the Property in Village files, and based on a review of those materials by the Village Attorney and staff. A copy of the Village Attorney's July 12, 2017 memo is attached for your reference. You were then notified by Robb McGinnis, Director of Community Development, in an email sent July 12, 2017, that the Village had reversed its position, and the appeal was therefore unnecessary. In order to close our file on this matter, I am sending you this letter formally stating my finding that, based on the information currently available to me, the properties at 504 S. Oak and 422 S. Oak are considered by the Village to be separate lots with principal structures that are capable of being separately maintained, altered, enlarged, rebuilt, restored and repaired in conformance with the requirements of Section 10-104 of the Village's Zoning Ordinance. My June 7, 2017 Denial is withdrawn, and your appeal of my previous denial is moot.

Issued this 21st day of August, 2017


Kathleen A. Gargano, Village Manager
Village of Hinsdale



20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

DD 312 984 6419
mamarrs@ktjlaw.com

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

www.ktjlaw.com

MEMORANDUM

To: Kathleen Gargano, Village Manager (via email only)
Robb McGinnis, Director of Community Development (via email only)
From: Michael A. Marrs
Date: July 12, 2017
Re: 422/504 S. Oak Appeal and Issues

I have reviewed the Application for Appeal filed by Pete Coules on behalf of Bayit Builders, LLC, related to property located at 504 S. Oak Street with a PIN of 09-12-225-009, (the "504 S. Oak PIN"), and at 422 S. Oak Street, with a PIN of 09-12-225-017 (the "422 S. Oak PIN") (collectively, the "Property"). The Application for Appeal requests review by the Zoning Board of Appeals of the Village Manager's June 7, 2017 decision to uphold a staff finding that the Property should be treated as a single zoning lot (the "June 7, 2017 Denial").

As you will recall, the Village has acknowledged that prior to 1993, the 504 S. Oak PIN and 422 S. Oak PIN were separately owned, improved with a single-family residence on each, and functioning as two (2) separate zoning lots. As you will further recall, the Village, earlier this year, denied a building permit for certain work on the 422 S. Oak Street PIN based on a letter sent by the Village to the then-Owner of the Property dated August 11, 1993 (the "1993 Letter"). The 1993 Letter was in response to an inquiry regarding whether the building on the 504 S. Oak PIN then being used as a principal residence could be remodeled and converted to use as an accessory structure to the principal residence on the 422 S. Oak PIN. In the 1993 Letter, the Village answered that the principal residence on the 504 S. Oak PIN could be remodeled and thereafter used as an accessory structure to the principal residence to the 422 S. Oak PIN if, and only if, the two (2) PINS were combined into a single Zoning Lot. Specifically, the 1993 Letter stated "you may combine the two Lots of Record at 422 and 504 S. Oak into a single Zoning Lot for purposes of allowing the coach house at 504 to be used as an accessory structure to the residence at 422. However, once you combine the two Lots of Record into a single Zoning Lot, you will not be able to separate them in the future."

In the Village Manager's June 7, 2017 Denial, she notes that "[p]lans subsequently filed with the Village indicate that the modifications proposed in the 1993 Letter were subsequently carried out" by the then-Owners, and that the Village had thereafter regarded the two (2) PINS as a single Zoning Lot.

Subsequent to the June 7, 2017, Denial, the Village has discovered additional materials in Village files related to the 1993 Letter, including the plans which prompted the 1993 Letter. Those plans show proposed redevelopment of the 504 S. Oak PIN with only a four-car garage and recreation room above (the "Coach House Plans"). A comparison of the Coach House Plans to plans submitted by the then-Owner subsequent to the 1993 Letter show a marked difference. It now appears that following the receipt of the 1993 Letter, new plans (the "Revised Plans") were created that included multiple bedrooms, a living room, a kitchen, a dining room and loft living space. It appears then, that following the receipt of the 1993 Letter, the then-Owner did not proceed with the modifications shown in the Coach House Plans that would have resulted in the creation of a single zoning lot, but instead took steps to maintain independent principal structures on each lot, presumably to ensure that the 504 S. Oak PIN and 422 S. Oak

PIN could continue to be regarded by the Village as separate principal residences and separate zoning lots. Staff has confirmed that the Revised Plans for 504 S. Oak were reviewed and approved by the Village as plans for a single-family residence in 1994, following the 1993 Letter. The work shown on the Revised Plans then appears to have been carried out, and inspected and approved by the Village as a single-family residence.

The discovery of the Coach House Plans as what prompted the 1993 Letter, along with the comparison of those Plans to the Revised Plans and accompanying Village approvals, casts this matter in a new light. Accordingly, I believe the 1993 Letter can no longer serve as the basis for finding that the single zoning lot exists and for denial of a permit. The 504 S. Oak PIN and 422 S. Oak PIN appear to have continued to be used, and should be considered by the Village as, separate lots with structures that are capable of being separately maintained, altered, enlarged, rebuilt, restored and repaired in conformance with the requirements of Section 10-104 of the Village's Zoning Ordinance. It is my recommendation that the previous denial be withdrawn, and the requested building permits for 422 S. Oak be issued, so long as the requests otherwise comply with Village building codes and the Zoning Ordinance.

cc: Lance C. Malina

AFFIDAVIT OF NANCY DUGAN

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned, Nancy Dugan, certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

1. My name is Nancy Dugan.

2. I currently reside at 540 S. Oak Street, Hinsdale, IL, where I have lived since 2009.

This affidavit is made upon my personal knowledge.

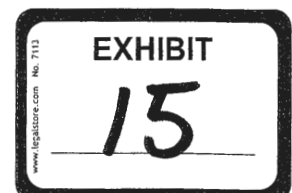
3. My home is next door to the coach house at 504 S. Oak Street. From the time I moved in until December 2016, on information and belief, the properties at 504 S. Oak Street and 422 S. Oak Street were under common ownership.

4. When I moved into 540 S. Oak, John and Janet LaRocque resided at the principal residence on 422 S. Oak Street. Though their principal residence was two lots away from mine, I considered the LaRocques my next-door neighbors.

5. The lot immediately north of my home, 504 S. Oak, contained a coach house, sport court, garage, and driveway that were used by the LaRocques, who resided at the 422 S. Oak principal residence.

6. In the 7 years I resided next to the LaRocques, I never witnessed any other individual or family residing at the coach house on the 504 lot. Occasionally I witnessed what appeared to be guests of the LaRocques temporarily staying at the coach house.

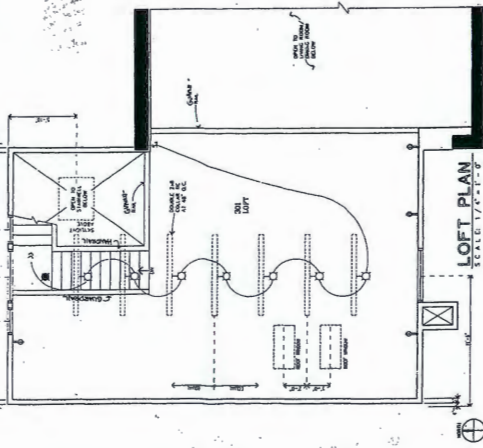
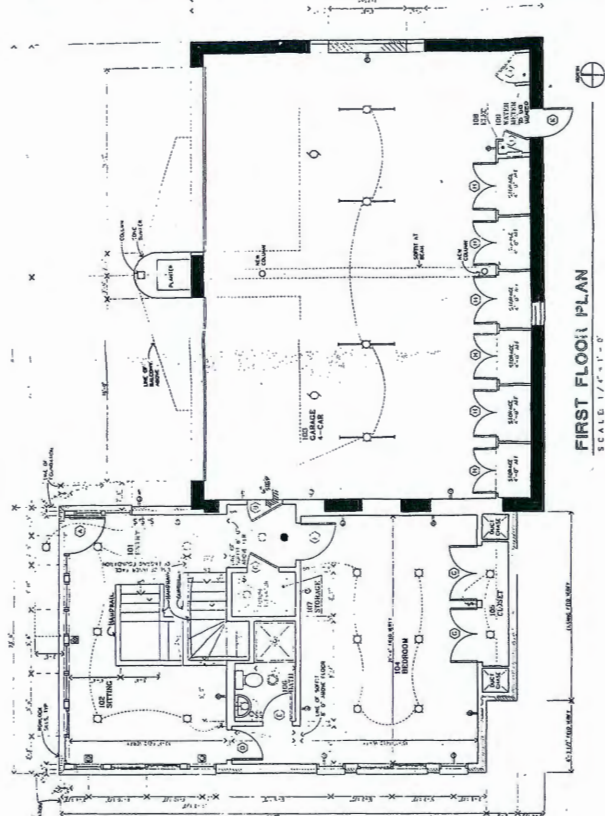
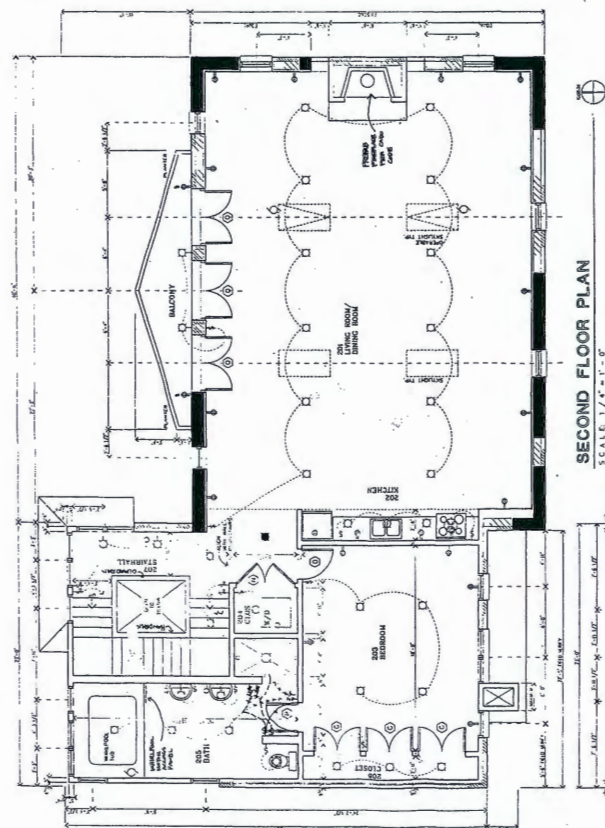
7. The only vehicles I saw use either the 422 or the 504 driveway on a regular basis were those I knew or believed to be owned by the LaRocques.



8. I visited the coach house in 2016. Inside, I observed the room on the first floor next to the garage is a kitchen where the "sitting" room is depicted in the 1994 plans permitted by the Village of Hinsdale (attached to this Affidavit as Exhibit A).

FURTHER AFFIANT SAYETH NAUGHT


Nancy Dugan

[illegible]

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**VILLAGE
OF HINSDALE** FOUNDED 1830

**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT
DEPARTMENT**

APPLICATION FOR INTERPRETATION

REVIEW CRITERIA:

Pursuant to the procedures, standards, and limitations of Section 11-501 of the Village of Hinsdale Zoning Code, the Village Manager may render interpretations, including use interpretations, of the provisions of the Code and of any rule or regulation issued pursuant to it.

Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

Name of Individual Making the Request: James and Nancy Dugan

Address: 540 S. Oak Street

Phone: (312) 542-8944

Date: September 13, 2017

Signature: _____

Interpretation Requested: Whether 504 S. Oak Street and 422 S. Oak Street constitute one "Zoning Lot" as defined under Section 12-206 of the Hinsdale Zoning Code because they are "one or more lots of record . . . under single ownership or control, located entirely within a block and occupied by . . . a principal building and its accessory buildings."

OFFICE USE ONLY

It has been determined that your request for interpretation ☐ **does** ☐ **does not** meet the standards for use interpretations as set forth in Section 11-501E. Please find the attached memo outlining the details of your request.

Village Manager

Date: _____, 20____



8a

MEMORANDUM

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

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

DATE: November 6, 2017

RE: Zoning Variation – V-09-17; 15 E. Fifth Street

In this application for variation, the applicant requests relief from the minimum front yard setback requirements set forth in section 3-110D(1) for the construction of a new single family home. The applicant is requesting an 11' reduction in the required front yard setback from 39.25' to 28.4'.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Fifth Street between Washington and Garfield. The property has a frontage of approximately 44.66', a depth of approximately 206.84', and a total square footage of approximately 9,237. The maximum FAR is approximately 3,409 square feet, the maximum allowable building coverage is 25% or approximately 2,309 square feet, and the maximum allowable lot coverage is 60% or approximately 5,542 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-09-17

Zoning Calendar No. V-09-17

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): Hanson, Jason & Allison

ADDRESS OF SUBJECT PROPERTY: 15 E. Fifth Street, Hinsdale, IL 60521

TELEPHONE NUMBER(S): [REDACTED]

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

DATE OF APPLICATION: October 30, 2017



SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Allison and Jason Hanson;
15 E. Fifth Street, Hinsdale, IL 60521; [REDACTED]
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.) Commonly known as: 15 E Fifth St., Hinsdale IL 60521; The West 45 feet of the East 100 feet (except the North 25 feet thereof) of Lot 3 in Block 11 of Town of Hinsdale, being a subdivision of 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 thereof recorded August 14, 1866 as Document 7738, in Dupage County, Illinois.
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: Peter Coules, Jr. Esq.
 - b. Engineer: _____
 - c. Architect: Richard Olsen - G.O. Architectural Design
 - 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. N/A
- b. _____
7. Neighboring Owners. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
- After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.
8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

SECTION II

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

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.

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

The property is located in the R-4 Residential District in the Village of Hinsdale and is located on East Fifth Street between

S. Washington Street and S. Garfield St. The property has a frontage of approx. 45' and average depth of approx. 207'. Total sq. ft. of the lot is approx. 9,315' and the maximum allowable building coverage is 25% or approx. 2,329 sq. ft.

Section 3-110 Exception 8 of the Zoning Code requires the lot setback to be determined by the average of the setbacks of all buildings of all the lots on such frontage, excluding the highest and lowest setbacks. Minimum R-4 district setback is 20'.

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.)

This application requests relief from the front yard setback requirements set forth in Section 3-110 for the construction

of a new single-family home. The average setback for the buildings on this frontage is 39.25'. The applicant is requesting

an approx. 11' reduction in the required front yard setback from 39.25' to 28.4'. Permitting this variation would allow the property to conform with the essential character of the neighborhood, as otherwise requiring a setback of 39.25' would push the home into the neighbors' back yards and create a tunnel effect by putting the house so far back.

Further, the buildings across the street have an average setback of approx. 27', meaning this variation would still conform with the other buildings in the area.

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.)

Same as variation sought.

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.)

N/A

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: Allison and Jason Hanson

Signature of Owner:  Attorney

Name of Applicant: Allison Hanson

Signature of Applicant:  Attorney

Date: October 25, 2017

Section 1 #9

EXISTING ZONING

The existing zoning for the Subject Property is R-4 District. The Subject Property contains an existing building and a front yard setback variance being requested from 39.25' to 28.4'. The development of the Subject Property is to construct a new home on the property. The requested variation is necessary because of the existing setback (it is difficult to see the existing home from the street) as well back from structures on both sides of the property. The other property that makes the setback variance necessary is the setback of the corner house (three properties to the east) which is a very large lot.

Section 1 #10

CONFORMITY

This approval is for a front yard setback variance which would allow the property to conform with the properties on both of its sides. This would also allow the property to conform with the setbacks of the properties across the street. This is needed due to the size of the corner house (three properties to the east) and the current setback of the property, which is too far back for the home to be sufficiently visible from the street.

Section 1 #11

ZONING STANDARDS

(a) Unique Physical Condition:

The house that was foreclosed on and purchase, in disrepair, from a sheriff's sale is setback far from the street and in fact most people didn't even know a house was back there. The existing house is in the back yard of both of the neighboring properties.

(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.

(c) Denied Substantial Rights:

Applicant believes that if it were required to carry out the strict letter of the Zoning Code, its rights to construct a home that not in their neighbors back yards and allow the new home to have a back yard. The Applicant could not even put lettering on the awning even though there was lettering previously on the awning.

(d) Not Merely Special Privilege:

The ability to construct a home with a setback similar to its neighboring properties and those across the street is not a special privilege. The setback variance is necessary to more closely conform with the surrounding properties and allow the construction of a home with a backyard, just like the surrounding properties.

(e) Code and Plan Purposes:

The proposed setback variance is in harmony with the general and specific purposes of this Zoning Code and the general purpose and intent of the Official Comprehensive Plan, as well as the Fifth Street in this block.

(f) Essential Character of the Area:

The proposed setback variance is necessary to maintain the essential character of the area as the setback is being requested to construct a home with a similar setback to the surrounding homes and allow construction of a home visible from the street and with a usable back yard.

(g) No Other Remedy:

There are no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient without allowing the proposed variations for the proposed setback variance.

STATE & COUNTY TAX

STATE OF ILLINOIS



JUN. 26. 17

DUPAGE COUNTY

0000018548

REAL ESTATE
TRANSFER TAX

0070950

FP326681

CW
709.50

FRED BUCHOLZ

DUPAGE COUNTY RECORDER

JUN. 26, 2017

RHSP

9:26 AM

DEED

\$40.00 09-12-132-016

002 PAGES

R2017-063055

SHERIFF'S DEED IN JUDICIAL SALE

3229.13 (Rev. 07/05)

Sheriff's No. 42017-090-150612

THE GRANTOR, Sheriff of DuPage County, Illinois, pursuant to and under the authority conferred by the provisions of a decree and/or judgment entered by the 18th Judicial Circuit Court of DuPage County, Illinois on JULY 18, 2016, in Case No. 11CH4760

entitled CAPITAL ONE vs. SUSAN L. BEVACQUI

pursuant to which the land hereinafter described was sold at public sale by said grantor on

MARCH 2, 2017

from which sale no redemption has been made as provided by

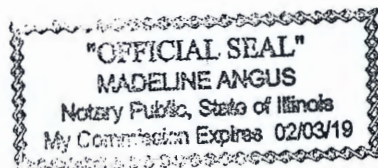
statute, hereby confers to ALLISON & JASON HANSON

the holder of the Certificate of Sale, the following described real estate situated in the County of DuPage in the State of Illinois, to have and hold forever:

DATED this 30 day of MARCH, 20 17

By:

Signed and Sworn to me this 30 day of mar, 20 17



Madeline Angus
Notary Public

ADDRESS OF PROPERTY:

15 E. FIFTH ST.

HINSDALE, IL 60521

PIN: 09-12-132-016-0000

THE ABOVE ADDRESS IS FOR STATISTICAL PURPOSES ONLY
AND IS NOT A PART OF THIS DEED. ADDRESS OF GRANTEE:

Prepared by: Dupage County Sheriff's Office

501 N. County Fram RD

Wheaton, IL 60187

MAIL TO: (Tax Bills too)

(Jason & Allison Hanson)
30 S. Bruner Street
Hinsdale, IL 60521

CHRIS KACHIROUBAS, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT ©

WHEATON, ILLINOIS 60189-0707

*** ATTACHMENT**
11CH4760

The West 45 feet of the East 100 feet (except the North 25 feet thereof) of Lot 3 in Block 11 of Town of Hinsdale, being a subdivision of 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 thereof recorded August 14, 1866 as Document 7738, in Dupage County, Illinois

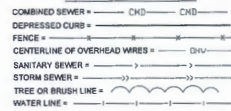
COMMONLY KNOWN AS: 15 E Fifth St, Hinsdale, IL 60521

TAX PARCEL NUMBER: 09-12-132-016-0000

SYMBOL LEGEND



LINE TYPE LEGEND



ABBREVIATION LEGEND

A = ASPHALT
 ADA = AMERICANS WITH DISABILITY ACT
 BB = BOTTOM OF ANCHOR BOLT
 BBL = BOTTOM OF BLISS
 BC = BACK OF CURB
 BCD = BACK OF DEPRESSIONED CURB
 BSL = BUILDING SETBACK LINE
 BW = BOTTOM OF WALL ELEVATION
 BLC = BUILDING CORNER
 C = CONCRETE
 C.E. = CITY EASEMENT
 CHD = CHORD
 CL = CENTERLINE
 CMP = CORRUGATED METAL PIPE
 CPP = CORRUGATED PLASTIC PIPE
 CW = CONCRETE WALK
 (D) = DEED
 DIP = DUCTILE IRON PIPE
 E = EAST
 EB = EDGE OF BRICK
 EC = EDGE OF CONCRETE
 EQ = EDGE OF GRAVEL
 ELY = EASTERLY
 EP = EDGE OF PAVEMENT
 EW = EDGE OF WATER
 FES = FLARED END SECTION
 FFC = FENCE CORNER
 FFE = FINISHED FLOOR ELEVATION
 F.P. = FOUND IRON PIPE
 F.I.R. = FOUND IRON ROD
 FPK = FOUND P.K. NAIL
 G = GROUND
 GUT = GUTTER
 ICV = IRRIGATION CONTROL VALVE
 (M) = MEASURED DISTANCE
 MW = MONITORING WELL
 MT = MULTI TRUNK
 N = NORTH
 NLY = NORTHERLY
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 PVC = POLYVINYL CHLORIDE (PLASTIC PIPE)
 P.U.E. = PUBLIC UTILITY EASEMENT
 P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
 (R) = RECORD DISTANCE
 RAD = RADIUS
 RCP = ROUND CONCRETE PIPE
 R.O.W. = RIGHT OF WAY
 S = SOUTH
 SLY = SOUTHERLY
 TAB = TOP OF ANCHOR BOLT
 TRUSS = TOP OF BLISS
 TIC = TOP OF CONCRETE
 TIF = TOP OF FOUNDATION ELEVATION
 TPIPE = TOP OF PIPE
 TW = TOP OF WALL ELEVATION
 TWV = TOP OF WINDOW WELL ELEVATION
 U.A.E. = UTILITY & DRAINAGE EASEMENT
 W = WEST
 WLY = WESTERLY

NOTES:

- 1) ALL BEARINGS SHOWN HEREON ARE MEASURED TO SHOW ANGULAR RELATIONSHIP AND ARE NOT BASED ON ANY KNOWN BEARING SYSTEM.
- 2) CONTOUR INTERVAL = 1.0'
- 3) ELEVATIONS HEREON REFER TO DUPage COUNTY DATUM (MVD 88).
- 4) SOURCE BENCHMARK DUPage COUNTY BENCHMARK #1139 MONUMENT @ HWY CORNER OF HINSDALE AVE & GARFIELD AVE. ELEVATION = 688.82
- 5) SITE BENCHMARK #1: CUT CROSS ON WEST RM OF MANHOLE IN CENTER OF 5TH STREET & 146'EAST OF EAST LINE OF SUBJECT PROPERTY EXTENDED SOUTH. ELEVATION = 724.94
- 6) SITE BENCHMARK #2: CROSS CUT 2' x 4' SOUTH OF THE NORTH EDGE OF SIDEWALK NEAR THE SOUTHWEST CORNER OF PROPERTY KNOWN AS 15 E. 5TH STREET. ELEVATION = 725.64
- 7) A CURRENT TITLE REPORT WAS NOT FURNISHED. THEREFORE, ALL RESTRICTIONS, ROAD DEDICATIONS, ROAD VACATIONS, AND EASEMENTS MAY NOT BE SHOWN.
- 8) ALL UTILITIES MAY NOT BE SHOWN. CALL J.U.L.E. AT 1-800-899-0123 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES PRIOR TO ANY DIGGING OR CONSTRUCTION.
- 9) THIS PROPERTY MAY BE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF HINSDALE AND AS SUCH IS SUBJECT TO ZONING AND BUILDING RESTRICTIONS.
- 10) FIELD WORK COMPLETED ON 5-12-2017.
- 11) ALL TREES LESS THAN 6 INCHES IN DIAMETER ARE NOT SHOWN HEREON.
- 12) PARCEL CONTAINS APPROXIMATELY 9235.6 SQUARE FEET.

Vicinity Map
(No Scale)

Boundary and Topographic Survey

LEGAL DESCRIPTION:

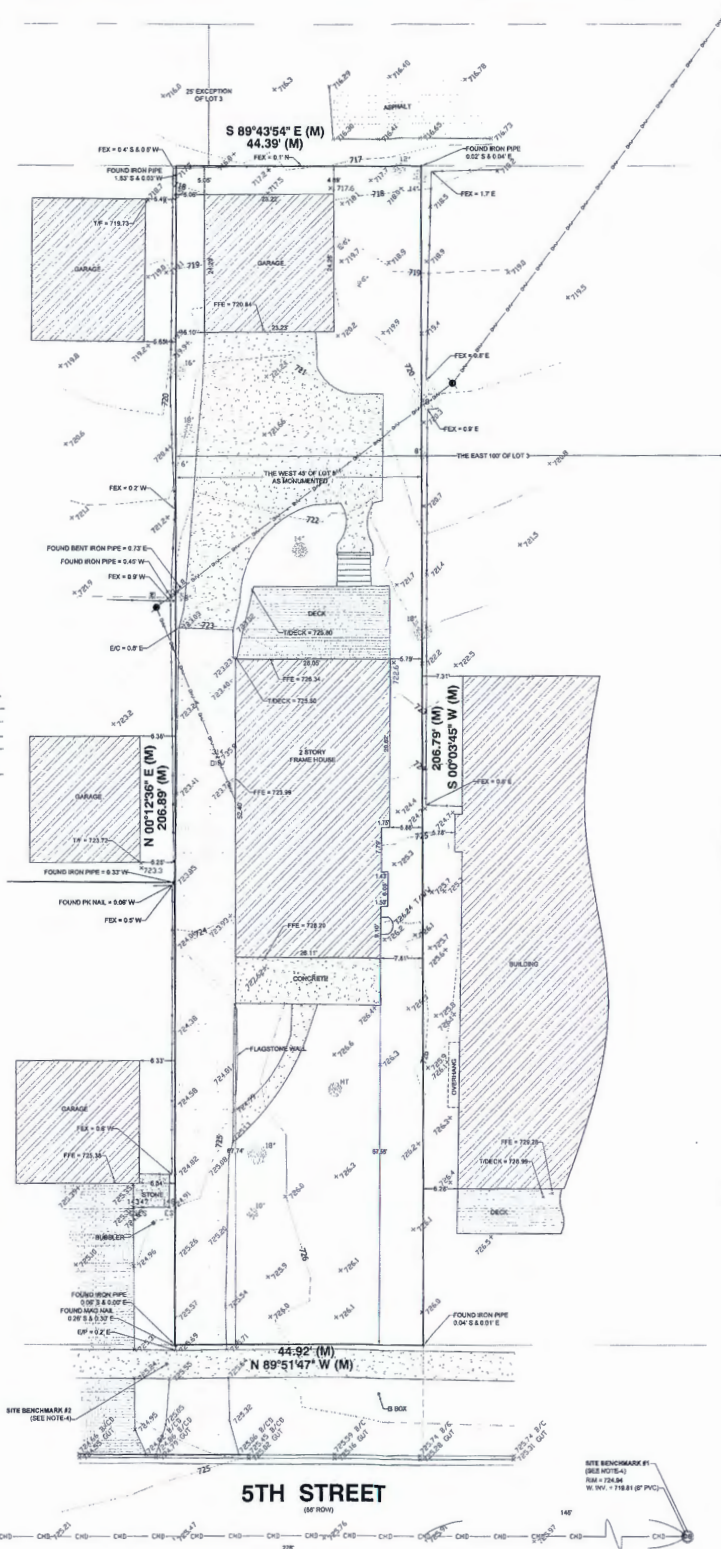
THE WEST 45.00 FEET OF THE EAST 100.00 FEET (EXCEPT THE NORTH 25.00 FEET THEREOF) OF LOT 3 IN BLOCK 11 OF TOWN OF HINSDALE, BEING A SUBDIVISION OF THE NORTHWEST QUARTER (EXCEPT RAILROAD LANDS) OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1886, AS DOCUMENT 778 IN DUPage COUNTY, ILLINOIS.

COMMONLY KNOWN AS 15 E. 5TH STREET, HINSDALE, ILLINOIS

BUILDING SETBACK TABLE

ADDRESS	SETBACK	PORCH SETBACK
433 S. WASHINGTON ST. TO 5TH ST.	27.4'	24.3'
433 S. WASHINGTON ST. TO 5TH ST. (GARAGE)	28.4'	
15 E. 5TH ST.	57.0'	58.4'
17 E. 5TH ST.	57.0'	58.4'
25 E. 5TH ST.	54.9'	
33 E. 5TH ST.	54.4'	54.0'

* DENOTES SET-BACK DISTANCE TO NORTH LINE OF 5TH STREET



STATE OF ILLINOIS
 COUNTY OF KANE) ss

WE, HINSDALE CONSULTANTS, L.L.C., ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-064786, HAVE PREPARED THIS BOUNDARY AND TOPOGRAPHIC SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY AND TOPOGRAPHIC SURVEYS.

DATED AT MONTGOMERY, ILLINOIS ON MAY 30, 2017.

Page 1 of 1



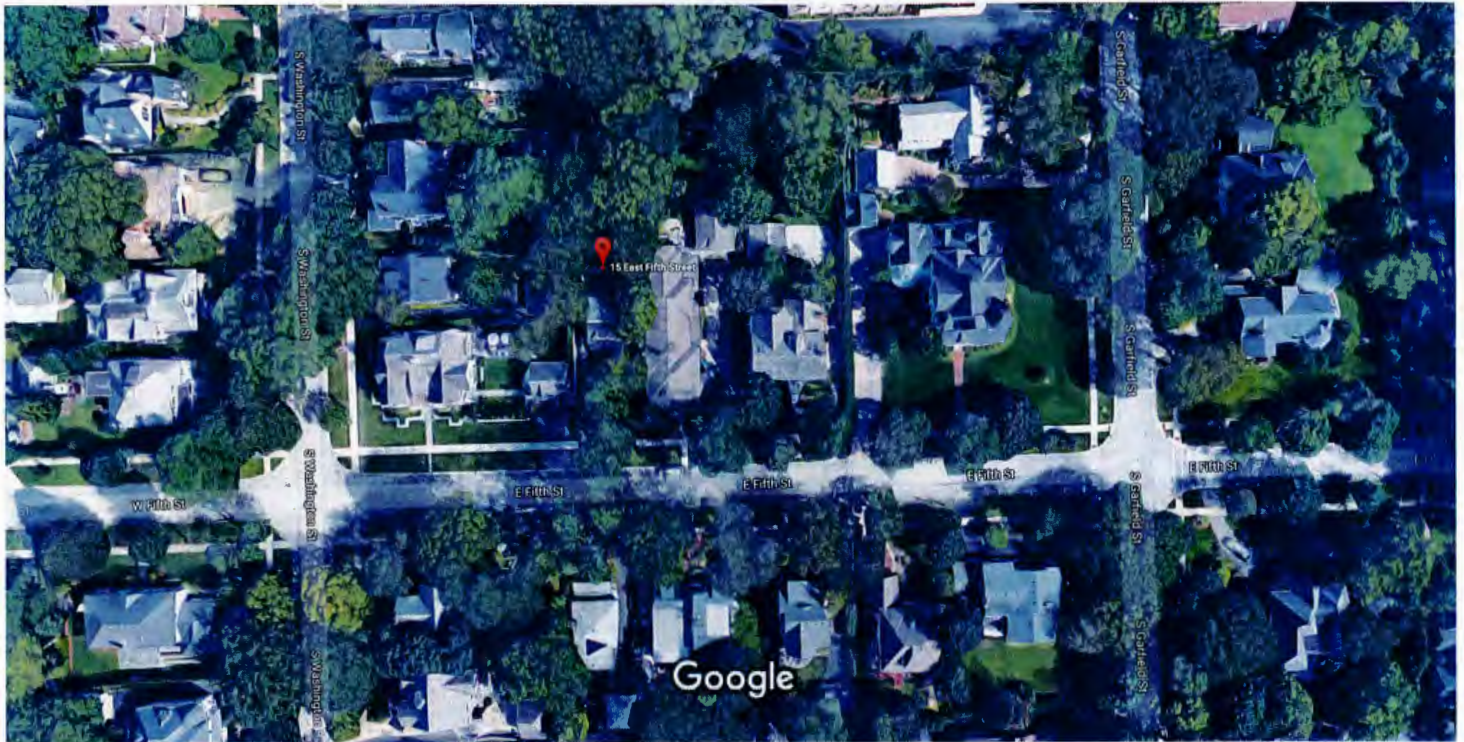
GEORGE M. SKULAVIK P.L.B. 035-02550 EXPIRATION DATE 1/30/2018
 STACY L. STEVART P.L.B. 029-02343 EXPIRATION DATE 1/30/2018
 PROFESSIONAL DESIGN FIRM NO. 184-064786
 1801 Anthony Road
 Phone 630-901-7957 Fax 630-901-1085



Book #	As-Built	Drawn By	Revised By
Drawn By	Revised By	Drawn By	Revised By
Drawn By	Revised By	Drawn By	Revised By
Drawn By	Revised By	Drawn By	Revised By
Drawn By	Revised By	Drawn By	Revised By

Survey is valid only if original book is shown in red

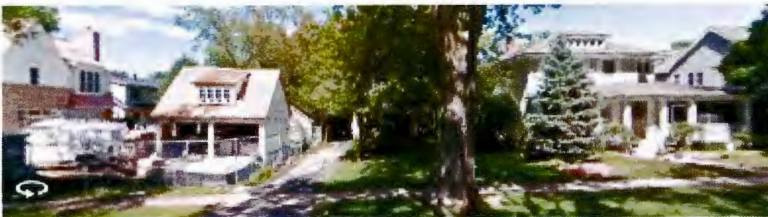
Google Maps 15 E Fifth St



Imagery ©2017 Google, Map data ©2017 Google 50 ft

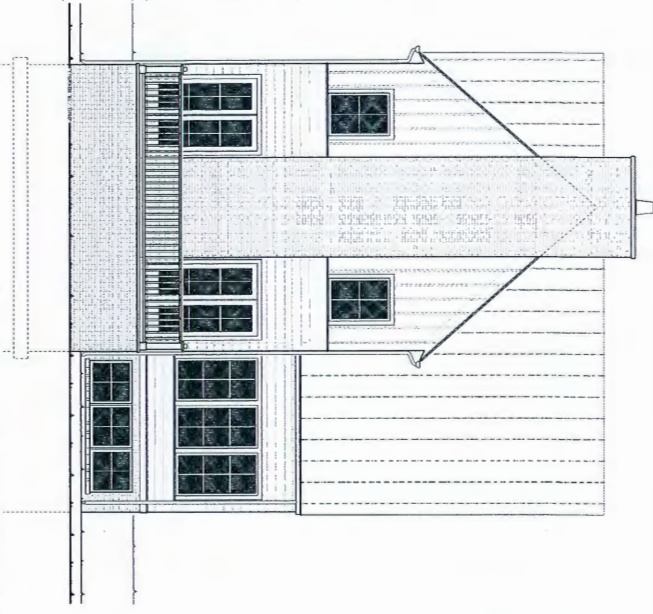


15 E Fifth St
Hinsdale, IL 60521



A NORTH ELEVATION
 SCALE 1/4"=1'-0"

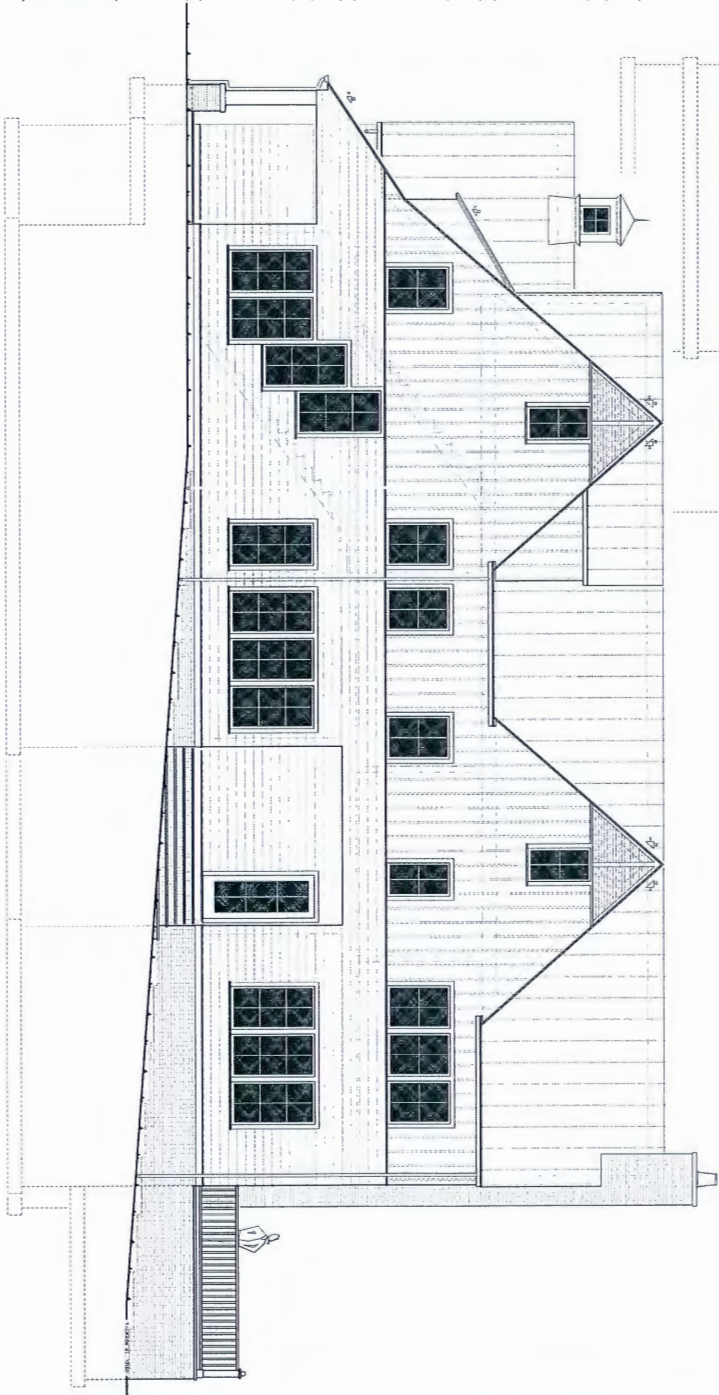
8'-0" 10'-0" 4'-0" 8'-0" 2'-1 1/2"
 FIRST SECOND ATTIC FIRST SECOND ATTIC
 1'-8" WINDOW HEAD 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE 1'-8" WINDOW HEAD 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE 1'-8" WINDOW HEAD 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE



Rear of home

B EAST ELEVATION
 SCALE 1/4"=1'-0"

8'-1 1/2" 10'-0" 4'-0" 8'-0" 2'-1 1/2"
 FIRST SECOND ATTIC FIRST SECOND ATTIC
 1'-8" WINDOW HEAD 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE 1'-8" WINDOW HEAD 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE 1'-8" WINDOW HEAD 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE



NORTH AND EAST ELEVATIONS

DATE: OCTOBER 22, 2011
 DRAWN BY: RICHARD OLSEN
 CHECKED BY: RICHARD OLSEN
 PROJECT NO.: 2011.09

A NEW HOME:
HANSON RESIDENCE
 15 EAST FIFTH ST.
 HINSDALE, ILLINOIS

ARCHITECT
A.2



BUILDING COVERAGE 80. FTG.	2750.00
GROSS HEATED SQUARE FOOTAGE:	18276
FIRST FLOOR F.A.P.	2043.33



200.00'

GROSS HEATED SQUARE FOOTAGE: 2009.9
SECOND FLOOR P.A.R. MAX ALLOWED IS 1251A



200.00'



Existing Home
(1)



Existing Home
(a)



Existing Home
(3)



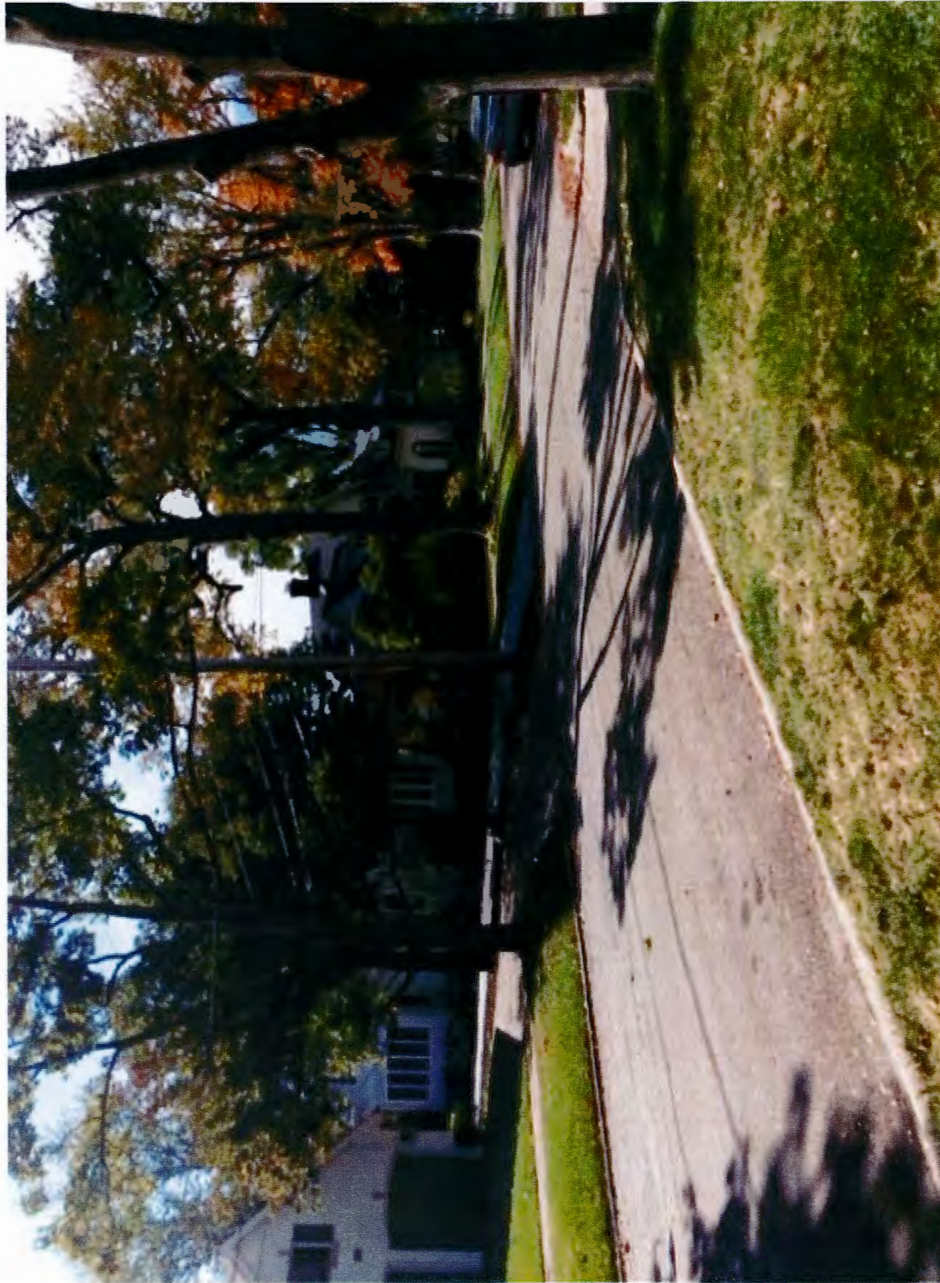
Existing Home
(4)



Block face from corner
(5)



Block from corner
(6)



Block face across street
(7)



Black face across street
(8)



New Construction Across Street
(9)



MEMORANDUM

DATE: February 11, 2016

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

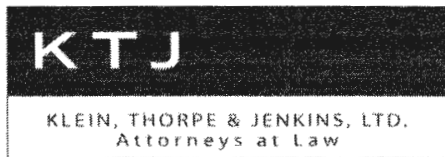
FROM: Robert McGinnis, Community Development Director/Building Commissioner *RM*

RE: Legal Nonconforming Lots of Record

At the last Zoning Board of Appeals meeting of November 15, 2017, Chairman Neiman asked staff what could be done to prevent some of the recent cases involving a seemingly buildable lot from requiring zoning relief in order to be developed.

Generally, the root cause for most of these requests is tied to the definitions contained in 12-206. They are specifically "Nonconforming Lot of Record, Legal" and "Zoning Lot". Staff has historically taken the position that once a Zoning Lot is created, the only way to allow an underlying Lot of Record to be broken out and developed is if each of the individual lots meets all of the bulk zoning standards set forth in 3-110 of the code rather than under the standards set forth in 10-105. Attached is a memo from the village attorney that provides additional detail on this.

The Zoning Board of Appeals is authorized to initiate changes and amendments to the Code under 11-102(K). If the members agree that the existing language needs to be amended in order to deal with these types of cases, they simply need to direct staff to work with the village attorney and draft a Text Amendment for review. If, on the other hand, the members are comfortable hearing these types of cases and feel that the existing language is adequate, staff will continue to interpret the code as we have and bring these isolated cases forward for consideration as they arise.



20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

DD 312 984 6419
mamarrs@ktjlaw.com

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

www.ktjlaw.com

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

MEMORANDUM

To: Robb McGinnis, Director of Community Development (via email only)
From: Michael A. Marrs
Date: April 18, 2017
Re: Zoning Opinion – Legal Non-Conforming Lots of Record

QUESTION: In what circumstances does Section 10-105 of the Zoning Code of the Village of Hinsdale ("Zoning Code") allow development of nonconforming lots of record within the Village of Hinsdale (the "Village")?

BACKGROUND: The Village was largely platted prior to the enactment of the current Zoning Code, and, in some cases, prior to the existence of any zoning code. The Village's current Zoning Code was adopted in 1991.

Section 3-110 (Bulk, Space, and Yard Requirements) of the Zoning Code sets forth bulk, space and yard requirements for all four (4) of the single-family residential zoning districts in the Village. Section 3-110, in its "exceptions and explanatory notes" section, refers readers to Section 10-105 of the Zoning Code for lot requirements with respect to "legal, nonconforming lots of record."

The terms "Nonconforming Lot of Record" and "Legal, Nonconforming Lot of Record" are defined in Section 12-206 of the Zoning Code, as follows:

Nonconforming Lot Of Record: A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.

Nonconforming Lot Of Record, Legal: A nonconforming lot of record that:

A.1. Was created by a plat or deed recorded at a time when the creation of a lot of such size, shape, depth, and width at such location would not have been prohibited by any ordinance or other regulation; and

2. Is located in a residential district and meets the minimum lot area and lot dimension standards of subsection 10-105A of this code, or is located in a district other than a residential district; and

3. Was vacant on June 18, 1988, or became vacant thereafter by reason of demolition or destruction of a precode structure that is not authorized to be rebuilt or replaced pursuant to subsection 10-104C of this code; or

B. Was created pursuant to section 3-110 of this code.

Except as authorized pursuant to section 3-110 of this code, a legal nonconforming lot of record cannot be created by the sale or transfer of property that results in the creation of a nonconforming lot of record or that increases the degree of nonconformity of any existing nonconforming lot of record.

Sections 10-104 (Precode Structures) and 10-105 (Legal Nonconforming Lots of Record) of the Zoning Code appear to be acknowledgments that many structures and lots within the Village predate current zoning requirements, resulting in structures and lots that are not in conformity with the current Zoning Code.

To this end, Section 10-104 generally allows precode structures to be maintained, altered, enlarged, rebuilt, restored and repaired so long as they remain otherwise lawful, allows maintenance, repair, alteration and enlargement of such structures so long as no new nonconformities are created, allows vertical extensions of precode structures in required front or rear yards, and allows, under certain circumstances, horizontal and vertical extensions in required side yards, etc.

Similarly, Section 10-105 sets forth an alternative set of lot standards applicable to legal, nonconforming lots within the Village. The standards are an alternative to those set forth in Section 3-110, and relate to maximum elevation, front, back and side yard requirements, total lot area, and lot width and depth. This alternative set of standards, by the plain language of Section 10-105, allows single-family detached dwellings to be erected, maintained, altered, enlarged, rebuilt, restored, and repaired on legal, nonconforming lots in any residential zoning district. Section 10-105 states that the ability to take the foregoing actions on legal, nonconforming lots of record applies "notwithstanding the regulations imposed by any other provisions of [the Zoning Code]."

Also relevant to this discussion and analysis are "Zoning Lots," which are defined in the Zoning Code as "[a] tract of land consisting of one or more lots of record, or parts thereof, under single ownership or control, located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this code, to be used with such building or use." Zoning Code, §12-206.

Finally, Section 12-201.C. of the Zoning Code provides the following general prohibition:

No structure, no use of any structure or land, and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided, or maintained in any manner, except as authorized by the provisions of this code and except in compliance with the regulations of this code. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this code or that would create any parcel of land that could not be developed in compliance with this code shall be prohibited.

Staff has historically informed property owners that once they utilize multiple lots of record as a single zoning lot, the lots of record will be regarded as a single lot, which may not thereafter be treated as multiple lots of record which can be separately built on under Section 10-105. In more recent years, staff has taken the additional step of asking owners to consolidate their multiple lots of record where permits are sought for use of the lots as a single zoning lot. Despite taking that step, staff has not identified a Code provision that affirmatively prohibits single zoning lots

that are made up of two or more legal, nonconforming lots of record from being separately built on under Section 10-105.

In 2013, staff's longstanding interpretation that two nonconforming lots of record that were combined into a single zoning lot could not be redivided for use as two residential lots was the subject of an appeal to the ZBA. The properties at issue consisted of two adjacent lots of record, both of which had houses on them at one time. The owner of one of the homes bought the house next door and demolished it. Two years later, the owner sought to sell the now vacant adjacent lot. Staff held that because the owner had, among other things, fenced both lots and installed a sprinkler system over both lots, a single, undividable zoning lot had been created. Following an appeal to the ZBA, the ZBA overturned staff's decision, holding that where one of the lots had only minor accessory structures on it, the single zoning lot could be divided and thereafter be used for two separate residences (the "2013 ZBA Decision").

ANSWER: I was asked by staff to review the above Zoning Code provisions, as well as the 2013 ZBA Decision, and historical files related to several properties with pending requests affected by the above provisions, in order to provide guidance relative to the ability of owners to use legal, nonconforming lots of record for separate residential uses pursuant to Section 10-105, even where they are currently being used as a single zoning lot. After conducting a thorough review of all of the foregoing, I conclude that in cases where a legal, nonconforming lot of record, as defined in the Zoning Code, is found to exist, it may be used for separate residential development of a single-family home.

ANALYSIS: While the collection of Zoning Code sections and background materials is complex as a whole, in the end, the reasoning is simple. Section 10-105 indicates that it applies, "notwithstanding the regulations imposed by any other provisions of [the Zoning Code]." That plain language indicates an intent to allow single-family detached dwellings, and any permitted accessory structure, that comply with the regulations set forth in Section 10-105, to be erected, maintained, altered, enlarged, rebuilt, restored, and repaired on legal, nonconforming lots of record, regardless of what any other provision of the Zoning Code may say. That, by extension, means that even if another provision of the Zoning Code explicitly stated that Zoning Lots, once established, could not thereafter be split in a way that would allow the underlying legal, nonconforming lots of record to be used for separate residences, Section 10-105 would control in cases where it applied. Regardless, no such explicit prohibition on the division of Zoning Lots has been identified.

Not all nonconforming lots of record are legal nonconforming lots of record, however, as defined by the Zoning Code. As Section 10-105 applies only to LEGAL, nonconforming lots of record, the ability to utilize a nonconforming lot of record for a single-family dwelling is necessarily qualified by the definition of legal, nonconforming lots set forth in Section 12-206. A legal, nonconforming lot of record is one that is platted, meets the minimum lot area and lot dimension standards of 10-105.A., is located in a residential zoning district, and was either vacant on June 18, 1988, or became vacant thereafter by reason of demolition or destruction of a precode primary structure not authorized to be rebuilt or replaced pursuant to subsection 10-104.C. of the Zoning Code. Zoning Code, §12-206.¹ Based on the vacancy requirement in the definition, where a nonconforming lot contains all or a portion of a precode structure then, the lot is

¹ A legal, nonconforming lot may also be created through division of a through lot pursuant to subsection I.2. in Section 3-110 if certain prerequisites are met. This narrow category of legal, nonconforming lots is not relevant to the discussion here.

governed by the precode structure provisions in 10-104, rather than the legal, nonconforming lot of record provisions in 10-105.

There are many nonconforming lots within the Village. As noted previously, Sections 10-104 and 10-105 appear to have been included in the Zoning Code to address those nonconformities. Where a lot includes all or a portion of a precode primary structure, the provisions of Section 10-104 allow the continued viable use of those lots. Where a lot is of sufficient size under 10-105, was vacant in 1988, or became vacant thereafter under circumstances which somehow prevented the rebuilding of the previous precode structure, it is eligible for development under Section 10-105.

The scheme created by the Code has an inherent order to it that essentially maintains the current density of the Village. If a precode structure exists on a lot, you can generally continue to utilize the lot for that single-family residential purpose, regardless of its size. If you have a lot that appears to have been platted for development, but has never been developed, you can do so, if certain minimum lot area and dimension and other standards are met. Consistent with this scheme, it is my opinion that demolition, destruction, or other disposition of a precode structure on a lot made up of multiple lots of record and historically used as a single zoning lot would not cause a property to move from 10-104 to 10-105, except in circumstances where, for whatever reason, 10-104 would prevent the precode structure from being rebuilt. Instead, the owner retains the right to rebuild a single dwelling on the zoning lot. Also consistent with the overall scheme created by the Code is staff's historical position that once a lot or collection of lots of record are used as a single zoning lot, they may not thereafter be broken out as multiple lots as of right. The 2013 ZBA Decision arguably created an exception to that rule for instances where the only use of an adjacent lot was for placement of an accessory structure.

In order to demonstrate how Section 10-104 and 10-105 apply in practice, let's look at some specific examples:

Example 1: If you have a vacant nonconforming lot of record, and it meets Section 10-105 area and dimension standards for the residential zoning district in which it is located, and the nonconforming lot was vacant in 1988, you have the right to build a single-family home on it in conformance with Section 10-105. Thereafter, you have the right to maintain, alter, enlarge, rebuild, restore and repair that house, so long as you continue to comply with the bulk standards set forth in Section 10-105.

Example 2: If you have a vacant nonconforming lot of record that was vacant in 1988, but does NOT meet Section 10-105 area and dimension standards, you cannot build on it without additional zoning relief, because it is NOT a LEGAL nonconforming Lot of Record (A.2. of definition not met).

Example 3: You have two (2) vacant nonconforming lots of record that meet Section 10-105 area and dimension standards, but which had a precode structure spanning them in 1988. The precode structure on the lot was subsequently demolished. You generally would have the right to rebuild that structure under Section 10-104, in which case you do not have the right to build a new structure on each of the individual nonconforming lots, as they are NOT LEGAL nonconforming Lots of Record (A.3. of definition not met).

Example 4: You have a nonconforming lot of record with a house on it. You buy the lot next door, and tear down the adjacent house. Two years later, you seek to sell the lot next door. The adjacent lot does NOT meet Section 10-105 area and dimension standards and was NOT

vacant in 1988. You can still sell the adjacent lot for redevelopment, because the right to rebuild the precode structure on the adjacent nonconforming lot still exists under Section 10-104.

There are numerous other permutations of the above that may exist, and it is impractical to go through them all. The purpose of the examples is to help to see how I believe Sections 10-104 and 10-105 were meant to apply to certain situations.

This opinion is based on my review of the sources I have cited herein. If new information from Village files that may impact the interpretations made here becomes available, I am happy to further analyze and discuss these issues, and, if necessary based on the additional information, to make amendments to this opinion.

POSSIBLE TEXT AMENDMENTS: I have discussed with staff possible text amendments to the Zoning Code that would help to clarify and expand on the above, including amendments to explicitly prohibit the reuse of properties made up of more than one lot of record for multiple single-family uses as of right once they have been used as a single zoning lot, regardless of whether a particular lot of record making up part of that zoning lot has on it a principal structure, an accessory structure or structures, or no structures at all.

If you have further questions on this matter, please contact me.

cc: Kathleen Gargano, Village Manager (via email)
Tim Ryan, Deputy Building Commissioner (via email)
Chan Yu, Village Planner (via email)
Lance Malina (via email)