



## MEETING AGENDA

**ZONING BOARD OF APPEALS**  
**WEDNESDAY, February 15, 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 December 21, 2016
  - b) Regular meeting of January 18, 2017
  - c) Special meeting of February 2, 2017
- 4. APPROVAL OF FINAL DECISION**
  - a) V-05-16, 631 S. Garfield Street
  - b) V-07-16, 100 S. Garfield – Rear Yard & Off-Street Parking
  - c) V-07-16, 100 S. Garfield – Findings of Fact and Recommendation to the Village Board of Trustees – Floor Area Ratio (FAR)
- 5. RECEIPT OF APPEARANCES**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
  - a) V-01-17, 26 East Sixth Street
- 8. PUBLIC HEARINGS – None**
- 9. NEW BUSINESS**
- 10. OTHER BUSINESS**
- 11. ADJOURNMENT**

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

[www.villageofhinsdale.org](http://www.villageofhinsdale.org)

VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
December 21, 2016

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order Wednesday, December 21, 2016 at 6:35 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois. Chairman Neiman welcomed new member Mr. Joseph Alesia to the Board.

2. ROLL CALL

**Present:** Members Gary Moberly, Keith Giltner, Joseph Alesia and Chairman Bob Neiman

**Absent:** Members Marc Connelly, Kathryn Engel and John Podliska

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

3. APPROVAL OF MINUTES

a) Regular meeting of October 19, 2016

There were not enough eligible voting members present to approve, Chairman Neiman deferred this item to the next meeting of the Zoning Board of Appeals.

4. APPROVAL OF FINAL DECISION

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

There were not enough eligible voting members present to approve, Chairman Neiman deferred this item to the next meeting of the Zoning Board of Appeals.

5. RECEIPT OF APPEARANCES – None

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-06-16, 727 S. Stough Street

Paul and Julie Constantino, homeowners, addressed the Board. Mr. Constantino explained they purchased the home in 2007, when they had two children, but now they have three. He explained that they want to add an additional bedroom to the attic story of the home. However, because of the slope of the lot and the zoning rules, a variance for maximum elevation is required. Mr. Constantino said that even with addition of this room, his



1 house is still lower than the one next door, because of the slope.

2 Mr. Dan Bryan, architect for the project, explained that after the addition,  
3 the home is still 3.5' below the maximum height allowed, however, because  
4 of the slope of the property the addition does not meet the maximum  
5 elevation requirements. He said that the additional height added to the  
6 third floor would not count toward floor area ratio (FAR), and the only  
7 visible change to the building would be a 9' x 12' cupola.

8 Mr. Constantino added the cost of moving is prohibitive, and Mrs.  
9 Constantino described the challenges of their current home.

10 Chairman Neiman commented the applicants have done a good job  
11 addressing the 7 criteria for approval, but by the public hearing, the Board  
12 would like to know the neighbors have been contacted and whether there is  
13 any opposition.

14 Member Moberly clarified this is not a height issue, but an elevation issue.  
15 The public hearing was set for the next scheduled meeting of the Zoning  
16 Board.

17  
18 **b) V-07-16, 100 S. Garfield (Hinsdale Middle School)**

19 Chairman Neiman introduced the item and said he understands the  
20 application has been amended, and hopes the applicant will explain the  
21 changes. He also clarified that although the renderings provided to the  
22 Board include a parking deck, the parking deck is not before the Board at  
23 this time. When the Village and school district come to terms on that  
24 structure, a separate request might be submitted.

25 Representing District 181, and present this evening, were Superintendent  
26 Dr. Don White, Attorney John Izzo, Architect Brian Kronewitter, and Civil  
27 Engineer Paul Wiese.

28 Dr. White addressed the Board and explained that the revisions were made  
29 in response to input from neighbors at a Community meeting. The changes  
30 have been approved by the school board. He confirmed Chairman  
31 Neiman's remarks regarding the parking deck.

32 Mr. Kronewitter walked the Board through the site plan and outlined the  
33 changes, which are a deeper front yard setback and an increase in height  
34 on the southeast wing to reduce the need for Third Street setback. The bus  
35 drop-off area will not be on Garfield; the revised design maintains the  
36 existing drop-off site on Third Street, and thereby eliminates the need for a  
37 loading variance in the front yard. As a result of the redesigned third story,  
38 the building is shifted two feet to the south, and eliminates the need for a  
39 setback variance at the alley on Second Street.

40 Still required is two feet of rear yard setback relief on Washington Street,  
41 FAR relief, and a parking variance for the front yard setback on Garfield  
42 Street.

43 Chairman Neiman reminded the applicant that each of the seven criteria  
44 necessary for approval will have to be met for each of the three variances  
45 requested. He commented that he is glad to hear that the school is being  
46 responsive to the concerns of their neighbors.

1 Member Alesia asked what the difference in FAR will be. Mr. Kronewitter  
2 said 107,000 is allowed, and added that the existing building, including the  
3 mobile units, is 112,000. He did not have the exact number, but stated it  
4 will be appropriate for the 136,500 square foot building.

5 Ms. Sharon Starkston, a Third Street resident, addressed the Board and  
6 stated that she owns three properties in the affected area. She thanked the  
7 school board for all the neighbor meetings, but complained there was no  
8 neighbor input during the design phase. She believes the bus drop off on  
9 Third Street is a problem because it blocks driveways and there are buses  
10 idling in the area. She said it is very busy during drop off times. She asked  
11 the ZBA to consider the residential buffer zone very carefully, and believes  
12 all activity should be oriented to the commercial area.

13 Member Moberly asked about water issues, and Mr. Wiese said all Village  
14 ordinances would be met. Mr. Kronewitter reported the traffic study  
15 indicated that the student drop-off area is most efficient where it currently  
16 exists on Third Street.

17 The public hearing was set for the next scheduled meeting of the Zoning  
18 Board.

19  
20 **8. PUBLIC HEARINGS – None**

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22 **9. NEW BUSINESS**

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24 **10. OTHER BUSINESS**

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26 **11. ADJOURNMENT**

27 With no further business before the Zoning Board of Appeals, Member Moberly  
28 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**  
29 **December 21, 2016.** Member Giltner seconded the motion.

30  
31 **AYES:** Members Moberly, Giltner, Alesia and Chairman Neiman

32 **NAYS:** None

33 **ABSTAIN:** None

34 **ABSENT:** Members Connelly, Engel and Podliska

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36 Motion carried.

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38 Chairman Neiman declared the meeting adjourned at 7:09 p.m.

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43 Christine M. Bruton  
44 Village Clerk  
45

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

VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
January 18, 2017

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order Wednesday, January 18, 2017 at 6:34 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

**Present:** Members Gary Moberly, Keith Giltner, John Podliska and Chairman Bob Neiman

**Absent:** Members Marc Connelly, Kathryn Engel and Joseph Alesia

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

3. APPROVAL OF MINUTES

a) Regular meeting of October 19, 2016

Corrections were made to the draft minutes. Member Giltner moved to approve the minutes of the regular meeting of October 19, 2016, as amended. Member Podliska seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Members Connelly, Engel and Alesia

Motion carried.

b) Regular meeting of December 21, 2016

There were not enough eligible voting members present to approve; Chairman Neiman deferred this item to the next meeting of the Zoning Board of Appeals.

4. APPROVAL OF FINAL DECISION

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

There were not enough eligible voting members present to approve; however, corrections were noted for the draft document. Chairman Neiman deferred this item to the next meeting of the Zoning Board of Appeals.

1 **5. RECEIPT OF APPEARANCES** – All sworn in by the court reporter

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

5  
6 **7. PRE-HEARING AND AGENDA SETTING**– None

7  
8 **8. PUBLIC HEARINGS**

9 a) **V-06-16, 727 S. Stough Street**

10 Mr. Dan Bryan, architect for the homeowners, on behalf of the applicant,  
11 informed the Board they have elected to postpone their hearing till next  
12 month in hopes of more members.

13  
14 b) **V-07-16, 100 S. Garfield\* (Hinsdale Middle School)**

15 Dr. Don White, Superintendent of District 181, asked the Board if it would  
16 be possible to reschedule their hearing prior to the next regularly scheduled  
17 meeting. Chairman Neiman replied that every effort would be made to do  
18 so. Dr. White conferred with other members of his team.

19 Dr. White asked if there would be a problem with respect to the Plan  
20 Commission meeting scheduled for the following evening. Mr. McGinnis  
21 explained the code has provisions for concurrent applications. There is  
22 nothing to preclude the Plan Commission from hearing their case; their  
23 approvals would be contingent on Zoning Board approval.

24 Dr. White informed the Board they have elected to postpone their hearing,  
25 and respectfully request a special meeting be scheduled, if possible.

26 Chairman Neiman instructed Ms. Bruton to contact Board members to  
27 determine a date for a special meeting.

28  
29 **9. NEW BUSINESS** – None

30  
31 **10. OTHER BUSINESS** – None

32  
33 **11. ADJOURNMENT**

34 With no further business before the Zoning Board of Appeals, Member Moberly  
35 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**  
36 **January 18, 2017.** Member Podliska seconded the motion.

37  
38 **AYES:** Members Moberly, Giltner, Podliska and Chairman Neiman

39 **NAYS:** None

40 **ABSTAIN:** None

41 **ABSENT:** Members Connelly, Engel and Alesia

42  
43 Motion carried.

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45  
46 Chairman Neiman declared the meeting adjourned at 6:46 p.m.



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Christine M. Bruton  
Village Clerk

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

3c

VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE SPECIAL MEETING  
FEBRUARY 2, 2017

**1. CALL TO ORDER**

Chairman Bob Neiman called the specially scheduled meeting of the Zoning Board of Appeals to order Wednesday, February 2, 2017 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

**2. ROLL CALL**

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

**Absent:** None

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

**3. RECEIPT OF APPEARANCES**

The Court Reporter administered the oath to all persons intending to speak during one of the scheduled public hearings.

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

**5. PUBLIC HEARINGS**

**a) V-06-16, 727 S. Stough Street**

Mr. Paul Constantino, applicant, introduced his wife Julie and their architect Mr. Dan Bryan.

Mr. Bryan began by stating there are two items for the Board to consider as hardships. He believes that having a fourth bedroom is not unlike the 'right' to have a two-car garage. It is expected and customary in this area.

In order to accommodate the Constantino's third child, the family would like to build a fourth bedroom in the attic. However, to do so increases the maximum elevation of the building to beyond what the code allows. The maximum height is still within the appropriate limits.

The second hardship is the extreme slope of the property. If the cupola is no larger than 9' x 9' it is allowed to project through the elevation, but that size is not sufficient for a bedroom. The proposed cupola is larger at 9' x 12.2', for structural and visual reasons, and to give better headroom and space in the bedroom.

The Constantino's next door neighbors have submitted letters of support for the record. One of their neighbors was present at the last meeting to testify, but is out of town for this special meeting.

Mr. Bryan reviewed the seven criteria necessary for Board approval; the

1 property has a unique physical condition, because of the slope, this is not a  
2 self-created problem, again because of the slope, is not a special privilege,  
3 will blend with and surrounding area, thereby adhering to the essential  
4 character of the area, and will result in no materially detrimental effect to  
5 the public welfare. He does not believe there is any other remedy for his  
6 clients.

7 Mr. McGinnis confirmed, with respect to the cupola, that if it were slightly  
8 smaller it would not require a variance. It was confirmed that the south  
9 side neighbor is in favor of the request; and without the slope of the lot this  
10 request would conform to the code.

11 Mr. Constantino pointed out that the house next door will still be taller than  
12 his even after this addition is built.

13 Member Moberly moved to **V-06-16, 727 S. Stough Street V-06-16, 727 S.**  
14 **Stough Street.** Member Connelly seconded the motion.

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

18 **NAYS:** None

19 **ABSTAIN:** None

20 **ABSENT:** None

21  
22 Motion carried.

## 23 24 25 **DELIBERATIONS**

26  
27 Member Giltner began discussion stating he is in favor of this request. In his  
28 opinion the hardship isn't the fourth bedroom, but the unique physical condition of  
29 the lot. Member Podliska agreed; he looked at the property and confirmed it is  
30 very steep and unusual, and does not think the homeowner should be harmed by  
31 the unnatural configuration of the property. Member Connelly agreed.

32 Member Moberly moved to **approve the variation for V-06-16, 727 S. Stough**  
33 **Street.** Member Connelly seconded the motion.

34  
35 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and  
36 Chairman Neiman

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** None

40  
41 Motion carried.



1       b) **V-07-16, 100 S. Garfield** (Hinsdale Middle School)

2       Chairman Neiman noted there are three variances being requested. He  
3       asked the Board if, from a procedural standpoint, it made more sense to go  
4       through each variation one by one, or all three at once. He noted that the  
5       rear yard setback request and the parking request are within the jurisdiction  
6       of the ZBA, but the FAR question will be a recommendation only to the  
7       Village Board. The Board agreed to hear the arguments as one public  
8       hearing, but to deliberate and vote on each variation request separately.  
9

10      Mr. Brian Kronewetter, architect for the middle school project, addressed  
11      the Board. He said the rear yard setback request is for a two foot variation  
12      along Washington Street, and will reduce the required 25' rear yard to 23'.  
13      He noted that the biggest challenge of this project is to build the new  
14      school around the existing building. Due to the proposed length of the  
15      building, they opted to push it west to Washington Street.

16      There was discussion regarding the safety of students crossing the street to  
17      get to the athletic field. Superintendent White pointed out that this field is  
18      currently used regularly, there is no change of usage, and staff is very  
19      diligent about safety. The area across the street will still be used after  
20      construction; Mr. Kronewetter noted this is the primary outdoor gym facility.  
21      Mr. Kronewetter reviewed each of the criteria necessary for approval.  
22

23      With respect to the request for Floor Area Ratio (FAR) relief, Mr.  
24      Kronewetter stated the code requires .5 (50%). The current building is  
25      already slightly over the allowable FAR, and in order to allow for some  
26      growth in the size of the student body, and to provide a modern school  
27      environment, the FAR for new building will increase to 8.64 or 137,000'  
28      square feet. He does not believe there is any other remedy.

29      Member Podliska remarked that he is impressed with the facility, but if the  
30      proposed building were to be put on a lot that complies with the code  
31      requirements, the lot would have to be twice the size it is. The lot is more  
32      than 59,000' square feet too small for the structure as the code requires.

33      Dr. White explained that typically the athletic field is considered part of  
34      property, and in that case the FAR would be fine, but because the athletic  
35      field is not contiguous to the school property, the square footage of the field  
36      is not included in the calculations. Dr. White confirmed the field to the west  
37      of the school, although bisected by Washington Street, is part of the  
38      district. If it were contiguous, they would meet the 50% FAR requirement.  
39      It was pointed out that the State of Illinois requires this property be athletic  
40      space for the school. Washington Street will be closed during construction,  
41      but not permanently. Dr. White noted there have been no accidents or  
42      close calls crossing the street, staff is very conscious of the safety  
43      concerns. He anticipates improved safety following the completion of the  
44      project, because of how cars will be funneled onto the property for student  
45      drop-off. In December a resident expressed concerns about the bus drop-  
46      off. Dr. White talked to all the neighbors about headlights and traffic, and



1 the new drop-off pattern will help the neighbors to the south.  
2

3 Mr. Kronewetter addressed the variation request for off-street parking in the  
4 required front yard. This is in regards to a surface parking lot, which has  
5 also been discussed to be a parking deck with the Village. As it is currently  
6 designed, the surface lot will sit where the old building is. The minimum  
7 number of spaces necessary to accommodate all school staff, and get them  
8 off the side streets and other non-school property, is 124 spaces. This lot  
9 will also accommodate visitor parking. In order to reach the 124 space  
10 total, 10 spaces along Garfield are required. It was noted that the  
11 development to the north, has parking in the same setback, so there is  
12 some precedence for this request.

13 Regarding the proposed parking deck, Mr. McGinnis explained the Village  
14 Board is still reviewing the project, but it may come back to the ZBA with  
15 the Village as co-applicant, at some future date.

16 Member Connelly asked about the traffic jams on Washington Street, and  
17 Mr. Kronewetter replied they believe much of this congestion will be  
18 alleviated due to a lengthened drop-off zone.

19 Chairman Neiman noted the criteria for approval is spelled out very well in  
20 the application. Trustee Giltner asked if the school district had received  
21 any resident comments on this particular request. Mr. Kronewetter  
22 confirmed that there has been none.

23 Member Podliska moved to close the public hearing for **V-07-16, 100 S.**  
24 **Garfield (Hinsdale Middle School)**. Member Moberly seconded the  
25 motion.  
26

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

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** None  
32

33 Motion carried.  
34  
35

### 36 **DELIBERATION**

37 Rear yard §7-310(C)(2)  
38

39 Chairman Neiman began discussion stating he believes the applicant has met the  
40 seven criteria for approval, largely due to the fact there is already a school on the  
41 property that has to stay open. The result is a unique condition that is not self-  
42 created. The school board has represented that there is no other location to build  
43 the school, and a substantial right would be denied if the variation request is not  
44 approved. He believes the applicant meets all necessary criteria. The Board  
45 agrees.  
46

1 Member Engel moved **to close discussion on Section 7-310-C-2, requesting**  
2 **reduction of required 25' foot setback.** Member Moberly seconded the motion.  
3

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

6 **NAYS:** None

7 **ABSTAIN:** None

8 **ABSENT:** None  
9

10 Motion carried.  
11

12 **DELIBERATION**  
13 FAR §7-310(D)  
14  
15

16 Member Moberly began by stating it is unfortunate that a larger site is not  
17 available; this is a beautiful school and would benefit from a larger site. Member  
18 Podliska noted his concerns about the lot size, but commented this is actually  
19 more of technicality because of the athletic field.

20 Chairman Neiman confirmed with Ms. Bruton that the Village Board would have  
21 benefit of an explanation of how the applicant met each of the necessary criteria  
22 for approval. Mr. McGinnis pointed out that the Village Attorney will prepare the  
23 Final Decision because this is a referral to the Village Board. They will be  
24 provided a transcript of the public hearing and the deliberations.

25 Member Giltner moved **to close discussion on the FAR request.** Member  
26 Engel seconded the motion.  
27

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

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** None  
33

34 Motion carried.  
35

36 Member Giltner moved **to recommend approval of the variation request under**  
37 **Section 7-310(D) to the Village Board of Trustees.** Member Moberly seconded  
38 the motion.  
39

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

42 **NAYS:** None

43 **ABSTAIN:** None

44 **ABSENT:** None  
45

46 Motion carried.

**DELIBERATION**  
Off-street parking §9-104(G)(2)(b)

Chairman Neiman began discussion and stated that the reasons the applicant stated in their application and the public hearing make it clear that the criteria for approval are met. He believes the additional parking will benefit both the school and the public.

Member Giltner moved **to close discussion on the FAR request**. Member Engel seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

Member Giltner moved **to recommend approval of the variation request under Section 7-310(D) to the Village Board of Trustees**. Member Moberly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

**6. NEW BUSINESS – None**

**7. OTHER BUSINESS – None**

**8. ADJOURNMENT**

With no further business before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the special meeting of the Zoning Board of Appeals of February 2, 2017**. Member Connelly seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Connelly

1        Motion carried.

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3        Chairman Neiman declared the meeting adjourned at 7:28 p.m.

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7        \_\_\_\_\_  
8        Christine M. Bruton  
9        Village Clerk

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

10



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

**Zoning Calendar:** V-05-16

**Petitioner:** Robert & Christin Stefani

**Meeting held:** Public Hearing was held on Wednesday, October 19, 2016 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 September 29, 2016.

**Premises Affected:** Subject Property is commonly known as 631 S. Garfield, Hinsdale, Illinois and is legally described as:

LOT 2 IN DICKINSON'S RESUBDIVISION OF LOTS 6 AND 7 (EXCEPT THE EAST 33.2 FEET THEREOF) OF BLOCK 14 IN W. ROBBIN'S PARK ADDITION TO HINSDALE, A SUBDIVISION OF THE SOUTH ½ OF THE NORTHEAST ¼ AND THE NORTH ½ OF THE NORTH ½ OF THE SOUTH EAST ¼ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED MARCH 30, 1950 AS DOCUMENT 589426, IN DUPAGE COUNT, ILLINOIS

**Subject:** In this application for variation, the applicant requests relief from the driveway requirements set forth in 9-104-F3 for the construction of a circular driveway. The code requires that lots be a minimum of 75' wide to be allowed two curb cuts. The subject lot is 73' wide.

**Facts:** This property is located in the R-1 Single family Residential District in the Village of Hinsdale and is located on the east side of Garfield Street between Sixth and Seventh. The property has a frontage of approximately 73', an average depth of 207', and a total square footage of approximately 15,111. The maximum FAR is approximately 4,826 square feet, the maximum allowable building coverage is 25% or approximately 3,777 square feet, and the maximum lot coverage is 50% or 7,555.

**Action of the Board:**

Members discussed the request and noted that variations of this type had been approved in the past due to the traffic on Garfield, and the sightline issues associated with all of the mature parkway trees on this street. Members also agreed that the relief requested was minimal and that drainage and lot coverage concerns had been adequately addressed. Members agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval.

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

**AYES:**

Members Moberly, Giltner, Engel, Podliska,

**NAYS:**

None

**ABSTAIN:**

None

**ABSENT:**

Chairman Neiman, Member Connelly

THE HINSDALE ZONING BOARD OF APPEALS

---

Chairman Robert Neiman

Filed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, with the office of the Building Commissioner.

**FINAL DECISION**

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

**ZONING CASE NO.** V-07-16

**APPLICATION:** For Certain Variations Relative to Construction of a new Middle School at 100 S. Garfield Street, Hinsdale, Illinois.

**PETITIONER:** Community Consolidated School District #181

**PROPERTY OWNER:** Community Consolidated School District #181

**PROPERTY:** 100 S. Garfield Street, Hinsdale, Illinois (the "Property")

**HEARING HELD:** Pursuant to a notice published in The Hinsdalean on December 28, 2016, a Public Hearing was opened on Wednesday, January 18, 2017, and was continued to and concluded on Thursday, February 2, 2017 at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

**SUMMARY OF REQUEST:** The Village of Hinsdale has received a request from Community Consolidated School District #181 (the "Applicant") for certain variations relative to the proposed construction of a new middle school on the site of the existing middle school on the Property, located in the IB Institutional Buildings Zoning District at 100 S. Garfield Street. The Applicant has requested variations to the following Sections of the Zoning Code of the Village of Hinsdale ("Zoning Code"):

- Section 7-310.C.2. of the Zoning Code, to allow a rear yard of twenty-three (23) feet as opposed to the twenty-five (25) feet required; and
- Section 9-104.G.2.b. of the Zoning Code, to allow ten (10) off-street parking spaces in a required front yard (collectively, these two variation requests shall be referred to herein as the "requested variations").

On February 2, 2017, following the conclusion of the public hearing, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") indicated its approval of the requested variations and the preparation of this Final Decision.

In addition to the requested variations, one additional variation over which the Village President and Board of Trustees has final authority was sought and recommended for approval by the ZBA. That variation was to 7-310.D. of the Zoning Code, to allow a floor area ratio of .64, which is in excess of the .50 maximum specified by the Code (the "additional variation"). The recommendation on the additional variation is detailed in a



separate Findings and Recommendation from the ZBA to the Board of Trustees in this matter.

**PUBLIC HEARING:** At the combined public hearing on the Applicant's requested variation and the additional variations, the Applicant's superintendent and architect described the proposed construction of the new middle school and the need for the variations. The Property is currently improved with an existing middle school and on-site parking, and is located in the IB Institutional Buildings Zoning District. The new building is being built around the existing building, which will remain open during construction, creating challenging design and construction issues on the Property. The square footage of the existing middle school, inclusive of temporary classrooms, is 112,000 square feet, and the new middle school will be 137,000 square feet. The athletic field across Washington Street is also owned by the Applicant. The athletic field is currently used for sports and gym classes and will continue to be used for those same purposes. There is an existing crosswalk between the Property and the athletic field and the Applicant is working with the Village on additional safety measures at the crosswalk. The present enrollment is 785 and the new middle school will be able to accommodate 800. The Applicant has reviewed other sites in the area and was not able to identify an alternative location large enough to fulfill the needs of the Applicant. The requested variation regarding floor area ratio is necessitated by the size of the existing site. If the athletic field was part of the middle school grounds instead of being separated by Washington Street, the Applicant would not need any floor area ratio relief. In response to questioning from Board members, the Applicant's architect assured the ZBA that because the athletic field was necessary to meet State physical education requirements, the field would not be sold by the Applicant in the future. A traffic study was performed and it was ascertained that the new layout and design would create a better traffic flow around the Property. The superintendent testified that there will be less traffic from parents, drop-off, pick-up and visitors on Washington due to the new traffic and site configuration.

The minimum parking needed to accommodate staff and visitors is 124 spaces. Ten (10) of those spaces are requested to be along Garfield. The Applicant is working with the Village on a possible parking garage on the site. Additional parent drop-off space creating for the new site should help alleviate current back-ups that exist on Garfield. Bus drop-off will remain in its current location on Third Street. Any excess school parking will be shared with the public.

During the course of the Public Hearing, members of the ZBA questioned the Applicant regarding a number of subjects, including but not limited to the ownership and use of the athletic field, safety aspects of accessing the athletic field from the Property, number of students, possible alternative locations, the design challenges of the project, a possible future classroom addition, drainage study, the size of the Property and athletic field, traffic flow and its effect on neighbors, and the status of the proposed parking deck.

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



**FINDINGS:** The following are the Findings of the ZBA relative to the requested variations:

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

2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot. In this case, the Property is the site of the long-existing middle school. The Property contains the existing middle school that will need to remain open during the construction of the new middle school. Creating a new middle school on the Property, while the existing middle school continues to operate, presents difficult and unique conditions and challenges.*

3. *Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. In this case, the site conditions cited above have long existed, and were not caused by the current School Board or Administration.*

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. In this case, the Applicant has worked hard to create a workable plan for development of the new middle school on the Property during the continued operation of the existing middle school. The Applicant has no viable alternative locations for housing students during construction. The viable plan created for development of the new middle school on the Property necessitates the requested variations.*

5. *Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The ability to maintain adequate on-site parking and a minimal rear yard variation do not provide special privileges or additional rights to the Applicant under the circumstances present here, including but not limited to the challenges presented by the existing site layout and middle school.*

6. *Code And Plan Purposes:* The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. Specifically, the new middle school proposed for the Property is merely a replacement for the longstanding middle school presently existing on the Property.

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

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

Specifically, the granting of the requested variations will allow the development of the Property with a new state-of-the-art middle school to replace the long existing middle school already on the Property. The development, as a whole, is expected to benefit the entire community, and is expected to ease current congestion, parking and traffic issues in the immediate vicinity.

8. *No Other Remedy:* There is no means other than the requested variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. This standard has been met.

**FINAL DECISIONS:**

The following Requested Variations are hereby Approved:

1. Variation to Section 7-310.C.2. of the Zoning Code, to allow a rear yard of twenty three (23) feet as opposed to the twenty five (25) feet required; and
2. Variation to Section 9-104.G.2.b. of the Zoning Code, to allow ten (10) off-street parking spaces in a required front yard.

**AYES:**

\_\_\_\_\_

**NAYS:**

\_\_\_\_\_

**ABSENT:**

\_\_\_\_\_

Signed: \_\_\_\_\_

Robert Neiman, Chair  
Zoning Board of Appeals  
Village of Hinsdale

Date: \_\_\_\_\_

Filed this \_\_\_\_ day of \_\_\_\_\_, 2017, with the office of the Building Commissioner.

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

**ZONING CASE NO.**            V-07-16

**APPLICATION:**            For Certain Variations Relative to Construction of a new Middle School at 100 S. Garfield Street, Hinsdale, Illinois.

**PETITIONER:**            Community Consolidated School District #181

**PROPERTY OWNER:**    Community Consolidated School District #181

**PROPERTY:**            100 S. Garfield Street, Hinsdale, Illinois (the "Property")

**HEARING HELD:**        Pursuant to a notice published in The Hinsdalean on December 28, 2016, a Public Hearing was opened on Wednesday, January 18, 2017, and was continued to and concluded on Thursday, February 2, 2017 at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

**SUMMARY OF REQUEST AND RECOMMENDATION:** The Village of Hinsdale has received a request from Community Consolidated School District #181 (the "Applicant") for a variation relative to the proposed construction of a new middle school on the site of the existing middle school on the Property, located in the IB Institutional Buildings Zoning District at 100 S. Garfield Street. The Applicant has requested a variation to the following Section of the Zoning Code of the Village of Hinsdale ("Zoning Code"):

- Section 7-310.D. of the Zoning Code, to allow a floor area ratio of .64, which is in excess of the .50 maximum specified by the Code. (the "requested variation").

On February 2, 2017, following the conclusion of the public hearing, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA"), on a motion by Member Connelly, seconded by Member Moberly, recommended approval of the requested variation on a unanimous vote of 7-0.

In addition to the requested variation, two additional variations over which the ZBA have final authority were sought and approved by the ZBA. Those variations were to 1) Section 7-310.C.2. of the Zoning Code, to allow a rear yard of twenty-three (23) feet as opposed to the twenty-five (25) feet required; and 2) to Section 9-104.G.2.b. of the Zoning Code, to allow ten (10) off-street parking spaces in a required front yard (collectively, these two variation requests are referred to herein as the "additional variations"). The approval by the ZBA of the additional variations is detailed in a separate Final Decision.



**PUBLIC HEARING:** At the combined public hearing on the Applicant's requested variation and the additional variations, the Applicant's superintendent and architect described the proposed construction of the new middle school and the need for the variations. The Property is currently improved with an existing middle school and on-site parking, and is located in the IB Institutional Buildings Zoning District. The new building is being built around the existing building, which will remain open during construction, creating challenging design and construction issues on the Property. The square footage of the existing middle school, inclusive of temporary classrooms, is 112,000 square feet, and the new middle school will be 137,000 square feet. The athletic field across Washington Street is also owned by the Applicant. The athletic field is currently used for sports and gym classes and will continue to be used for those same purposes. There is an existing crosswalk between the Property and the athletic field and the Applicant is working with the Village on additional safety measures at the crosswalk. The present enrollment is 785 and the new middle school will be able to accommodate 800. The Applicant has reviewed other sites in the area and was not able to identify an alternative location large enough to fulfill the needs of the Applicant. The requested variation regarding floor area ratio is necessitated by the size of the existing site. If the athletic field was part of the middle school grounds instead of being separated by Washington Street, the Applicant would not need any floor area ratio relief. In response to questioning from Board members, the Applicant's architect assured the ZBA that because the athletic field was necessary to meet State physical education requirements, the field would not be sold by the Applicant in the future. A traffic study was performed and it was ascertained that the new layout and design would create a better traffic flow around the Property. The superintendent testified that there will be less traffic from parents, drop-off, pick-up and visitors on Washington due to the new traffic and site configuration.

The minimum parking needed to accommodate staff and visitors is 124 spaces. Ten (10) of those spaces are requested to be along Garfield. The Applicant is working with the Village on a possible parking garage on the site. Additional parent drop-off space creating for the new site should help alleviate current back-ups that exist on Garfield. Bus drop-off will remain in its current location on Third Street. Any excess school parking will be shared with the public.

During the course of the Public Hearing, members of the ZBA questioned the Applicant regarding a number of subjects, including but not limited to the ownership and use of the athletic field, safety aspects of accessing the athletic field from the Property, number of students, possible alternative locations, the design challenges of the project, a possible future classroom addition, drainage study, the size of the Property and athletic field, traffic flow and its effect on neighbors, and the status of the proposed parking deck.

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



**FINDINGS:** The following are the Findings of the ZBA relative to the requested variation:

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

2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.* In this case, the Property is the site of the long-existing middle school. The Property contains the existing middle school that will need to remain open during the construction of the new middle school. Creating a new middle school on the Property, while the existing middle school continues to operate, presents difficult and unique conditions and challenges.

3. *Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid.* In this case, the site conditions cited above have long existed, and were not caused by the current School Board or Administration.

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.* In this case, the Applicant has worked hard to create a workable plan for development of the new middle school on the Property during the continued operation of the existing middle school. The Applicant has no viable alternative locations for housing students during construction. The challenges presented by the site and need to build around the existing building necessitate the variation.

5. *Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.* But for Washington Street separating the Property from the adjacent athletic field across the street, the requested variation for floor area ration would not even be necessary.

6. *Code And Plan Purposes:* The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. Specifically, the new middle school proposed for the Property is merely a replacement for the longstanding middle school presently existing on the Property.

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

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

Specifically, the granting of the requested variation will allow the development of the Property with a new state-of-the-art middle school to replace the long existing middle school already on the Property. The development, as a whole, is expected to benefit the entire community, and is expected to ease current congestion, parking and traffic issues in the immediate vicinity.

8. *No Other Remedy:* There is no means other than the requested variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. This standard has been met.

#### **RECOMMENDATION:**

**Based on the Findings set forth above, the ZBA, by a vote of 7-0, recommends to the President and Board of Trustees that the requested variation from Section 7-310.D. of the Zoning Code, to allow a floor area ratio of .64, which is in excess of the .50 maximum specified by the Code, for the Applicant's construction of a new middle school on the Property located in the IB Institutional Buildings Zoning District at 100 S. Garfield Street, be GRANTED.**

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

Date: \_\_\_\_\_



7a

Zoning Calendar No. V-01-17

**VILLAGE OF HINSDALE**  
**APPLICATION FOR VARIATION**

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

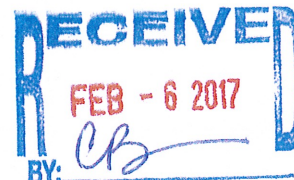
**FILING FEES: RESIDENTIAL VARIATION \$850.00**

NAME OF APPLICANT(S): Janice P. MacLeod

ADDRESS OF SUBJECT PROPERTY: Pin # 09123 04-008, DuPage County, IL  
The property will be assigned an address of 22 W. 6<sup>th</sup> St, Hinsdale, IL 60521  
TELEPHONE NUMBER(S): [REDACTED]

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

DATE OF APPLICATION: February 6, 2017



## SECTION I

Please complete the following:

1. **Owner.** Name, address, and telephone number of owner: Janice P. MacLead,  
2000 W. 1st Ave., Clarendon Hills, IL 60310-2951 as independent  
executor and on behalf of estate of Vincent J. Petrovski
2. **Trustee Disclosure.** In the case of a land trust the name, address, and telephone number of  
all trustees and beneficiaries of the trust: Exhibit #1  
\_\_\_\_\_  
\_\_\_\_\_
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.) Expect to have an address of 22 E. 6<sup>th</sup>  
St., Hinsdale, assigned to the property, Exhibit #2  
\_\_\_\_\_  
\_\_\_\_\_
5. **Consultants.** Name and address of each professional consultant advising applicant with  
respect to this application:
  - a. Attorney: Robert O'Donnell 14044 W. Petronella Dr. #1,
  - b. Engineer: Libertyville, IL 60048
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_



6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

a. Luke Stifflear, 128 N. Garfield, Hinsdale, has a purchase contract on the Property, contingent upon the granting of the requested variance

7. Neighboring Owners. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.

After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village. Exhibit #3

8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property. Exhibit #4

9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. Exhibit #5

10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity. Exhibit #6

11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. Exhibit #7

12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

N/A



## SECTION II

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

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

Exhibit #8

3. Variation Sought. The precise variation being sought, the purpose therefor, and the specific feature or features of the proposed use, construction, or development that require a variation: (Attach separate sheet if additional space is needed.)

To reduce total required lot area for legal nonconforming from 7000 sq. ft to 6600 sq. ft. ZBA has the authority to grant a variance up to 700 sq. ft. (10%) for lot area. After which, a code compliant single family home will be constructed.

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.)

400 sq ft as requested

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:

(Exhibit 6)

- (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.)

There is no other means to construct a new home on this legal non-conforming lot. Other lots in this area of the village are under 7,000 sq. ft, but had existing structures on them - Authority to Continue, Section 10-104 Precode Structures

### 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: Janice P. MacLeod, as independent executor  
and on behalf of the estate of Vincent  
J. Petrovski

Signature of Owner: Janice P. MacLeod

Name of Applicant: Janice P. MacLeod, as independent executor  
and on behalf of the estate of Vincent  
J. Petrovski

Signature of Applicant: Janice P. MacLeod

Date: 2/6/17



Exhibit #1

LETTER OF OFFICE - DECEDENT'S ESTATE

3705 (Rev 6/14)

STATE OF ILLINOIS

UNITED STATES OF AMERICA  
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

IN RE THE ESTATE OF

2016 P 605

CASE NUMBER

VINCENT J. PETROVSKI

DECEASED

LETTER OF OFFICE  
DECEDENT'S ESTATE

FILED  
16 JUL -7 AM 8:33  
Chris Kachiroubas  
CLERK OF THE  
18TH JUDICIAL CIRCUIT  
DU PAGE COUNTY, ILLINOIS  
File Stamp Here

JANICE MACLEOD

has been appointed INDEPENDENT EXECUTOR of the  
estate of VINCENT J. PETROVSKI, deceased  
who died 01/10/2016, and is authorized to take possession of and collect the estate of the decedent, and to do  
all acts required of HER by law, pursuant to order of Court entered 07/05/2016  
by Judge ROBERT G. GIBSON.

WITNESS: CHRIS KACHIROUBAS, Clerk of the Eighteenth  
Judicial Circuit Court, and the seal thereof, Wheaton, Illinois



JULY 7, 2016

Date

Chris Kachiroubas  
Clerk of the Eighteenth Judicial Circuit

CERTIFICATE

I certify that this is a copy of the Letters of  
Office now in force and effect on this date in  
this estate

Name: EILEEN R. FITZGERALD

DuPage Attorney Number: 2190

Attorney for: PETITIONER

Address: 1561 WARREN AVENUE

City/State/Zip: DOWNERS GROVE, IL 60515

Telephone Number: (630) 493-4380

CLERK OF THE  
18TH JUDICIAL CIRCUIT

2016 JUL -7 A 8:37

Chris Kachiroubas  
SEAL/SIGNATURE

CHRIS KACHIROUBAS, CLERK OF THE 18th JUDICIAL CIRCUIT COURT ©  
WHEATON, ILLINOIS 60187-0707

Exhibit #2

Lots 13 and 14 in block 1 of Gretchell's resubdivision of blocks 1, 2, 3, 4, 11 and 12 (except lots 1 and 2 in said block 3) in center addition to Hinsdale, in the north half of the south west quarter of section 12, township 38 north, range 11, east of the third principal meridian, in DuPage County, IL

Exhibit 3—Addresses of lots within 250 ft.

1. 632 S. Garfield	Stock
2. 605 S. Garfield	Avra Properties Fund
3. 617 S. Garfield	Bolenbaugh
4. 620 S. Garfield	Ambrose
5. 616 S. Garfield	Mead
6. 612 S. Garfield	Julian
7. 606 S. Garfield	Ma
8. 602 S. Garfield	McLaughlin
9. 513 S. Garfield	Geiersbach
10. 514 S. Garfield	Winterfield
11. 518 S. Garfield	Sawyer
12. 25 E. Sixth St.	Douglass
13. 18 E. Sixth St.	Wright
14. 21 E. Sixth St.	Read
15. 14 E. Sixth St.	Sliva
16. 13 E. Sixth St.	Kratas
17. 4 E. Sixth St.	Healy
18. 517 S. Washington	Ruge
19. 513 S. Washington	Martin
20. 507 S. Washington	Weldon
21. 617 S. Washington	Cuthbert
22. 615 S. Washington	George
23. 611 S. Washington	Kenna
24. 607 S. Washington	Kenna
25. 14 E. 5 <sup>th</sup> St.	Savickas
26. 20 E. 5 <sup>th</sup> St.	Murphy
27. 26 E. 5 <sup>th</sup> St.	Pesoli
28. 30 E. 5 <sup>th</sup> St.	Dolci
29. 36 E. 5 <sup>th</sup> St.	Gleason
30. 25 Ulm	Walsh
31. 28 Ulm	Chen
32. 21 Ulm	Muehlhauser
33. 17 Ulm	MBC Homes LLC
34. 22 Ulm	Moore
35. 13 Ulm	M & R Hinsdale LLC
36. 16 Ulm	Towery

## EXHIBIT #5 – Conformity

The subject Property is 50 ft. wide and 132 ft. with a total lot area of 6600 sq. ft. According to Section 10-105 of the Village of Hinsdale Zoning Code, Legal Nonconforming Lots of Record shall have a minimum total lot area of 7000 sq. ft. for the R-4 District. The Subject Property is 400 sq. ft. shy of the 7000 sq. ft. minimum lot area, but the Code grants the Zoning Board of Appeals, under Section 11-503(E.)(1c), the authority to grant a variation to reduce, by not more than 10% (700 sq. ft.) the required lot area of any lot.

The variance request detailed herein should be approved for the following reasons:

- the variance request is minor (approximately 6%)
- The denial of a variance would create an under financial hardship on the owner (the Property is worth materially less money if it is not buildable)
- The variance is not out of context of the neighborhood. Many properties in the South West quadrant of the Village are less than 7000 sq. ft., but continue to be used and have new homes built on them. Granting this variance, which would allow a new single family home to be constructed which is consistent with existing practices in the Village, and specifically this neighborhood.
- The variance request is consistent with the development of high quality residential districts and neighborhoods.

## EXHIBIT #6 – Standards for Variation

The subject vacant lot is 50 ft. wide by 132 ft. deep and has a total lot area of 6600 sq. ft. To the best of our knowledge with diligent research, the lot has never had a building on it. The subject lot lies in the R4 Zoning District. The R4 district provides for Legal Non-Conforming lots of Record that are a minimum of 50 ft. wide, 100 ft. deep and have a minimum lot area of 7000 sq. ft. While land owners routinely build new homes that do not meet the minimum requirements cited above, these are tear-downs where Section 10-104 provides these lots may be rebuilt even if they do not meet all the requirements of Legal Non-Conforming. Since there was never a building on the subject lot it must meet all the requirements for a Legal Non-Conforming Lot. While the Village routinely issues permits for new Single Family Homes to be built that are equal to or smaller than the subject lot, these properties previously had buildings on the lot which allow them to be re-built without seeking a variation. As a result, single family homes are routinely built on lots of this size or smaller, but the ZBA likely has not seen this type of variance request.

This variance request is not only within the “spirit” of the Code, it is also within the general practice of the Village permitting process. Many new construction homes on lots less than 7000 sq. ft. are often in the R4 District in the South West quadrant of the Village (as is the subject lot). The subject property has a lot area of 6600 sq. ft. versus a required minimum of



7000. However, the Code provides the Zoning Board of Appeals, under Section 11-503 (E) (1c), the authority to grant a variation to reduce, by not more than 10% (700 sq. ft.) the required lot area of any lot.

- (a) **Unique Physical Conditions** – The Property was originally subdivided in 1888, well over a century before requirements of our Code were adopted.
- (b) **Not Self-Created** – The unique condition of the property (less than 7000 sq. ft. lot area) existed at the time of the enactment of the provisions from which this variation is sought.
- (c) **Denied Substantial Rights** – if not granted, the owner would not be allowed to construct a home on the property. This would deprive the owner of rights enjoyed by other property owners with the exact same property characteristics (or even smaller lots).
- (d) **Not Merely Special Privilege** – ability to construct a single family home, in a single family district, where other residents with even smaller lots have been afforded the right is NOT a special privilege.
- (e) **Code and Plan Purposes** – granting the requested variation is in the general spirit of the Code (constructing Single Family homes in Residential districts) and is consistent with 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

The requested variation would not have a negative impact on any aspect of the questions outlined in (f) 1-6; rather new construction on this lot will be consistent with the neighborhood which has seen newly constructed homes on 50% of the lots in the past few years.

(g) **No Other Remedy** – There is no other means to construct a single family home on this Property without the requested variance. Lack of relief on this matter would be inconsistent with treatment of other property owners with smaller lot sizes that have been permitted to build single family homes, and would be a denial of the Property owners substantial rights commonly enjoyed by owners of other lots of the same or less size.

Exhibit #4 (page 1)

**EXACTA**  
ILLINOIS SURVEYORS, INC.

Survey Data

Survey Data



PROPERTY ADDRESS: 26 E 6TH STREET HINSDALE, ILLINOIS 60521

SURVEY NUMBER: 1611.2604

FIELD WORK DATE: 11/29/2016 REVISION DATE(S): (REV 2 1/12/2017) (REV 2 1/9/2017) (REV 1 11/30/2016)

16112604

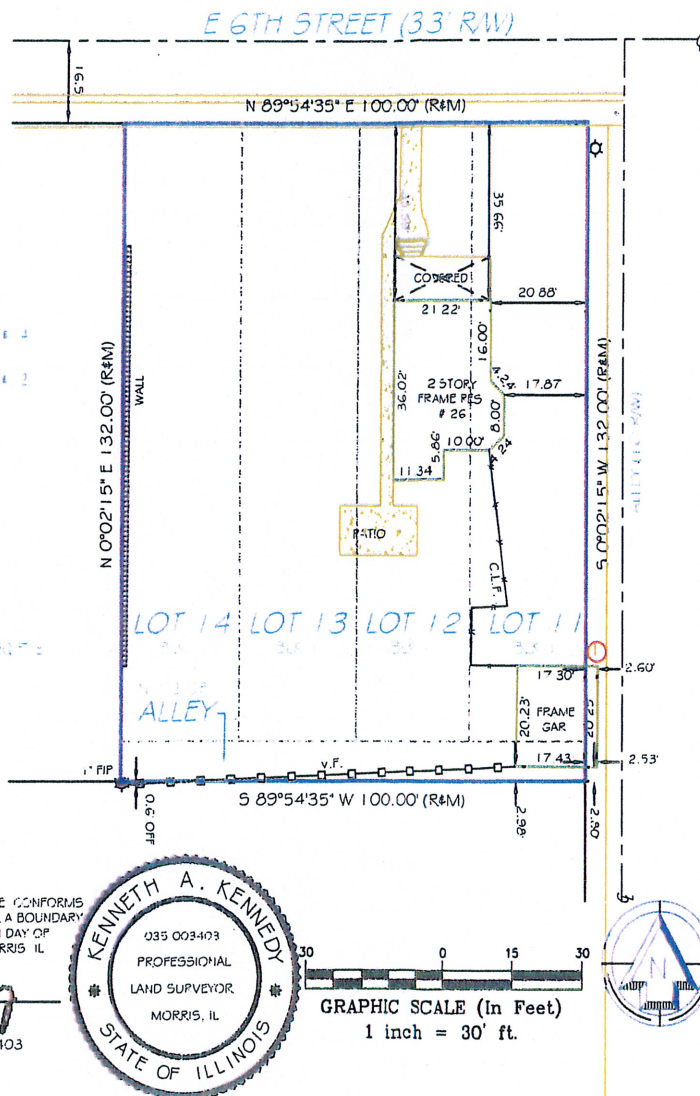
BOUNDARY SURVEY

DUPAGE COUNTY

LOTS 11, 12, 13 AND 14 IN BLOCK 1 OF GETCHELL'S RESUBDIVISION OF BLOCKS 1, 2, 3, 4, 11 AND 12 (EXCEPT LOTS 1 AND 2 IN SAID BLOCK 3) IN CENTER ADDITION TO HINSDALE, IN THE NORTH HALF OF THE SOUTH WEST QUARTER OF SECTION 12, TOWNSHIP 33 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

04 16112604 3 COMPREHENSIVE OF LOTS 11, 12, 13 & 14

04 16112604 3 COMPREHENSIVE OF LOTS 11, 12, 13 & 14



STATE OF ILLINOIS } ss  
COUNTY OF GRUNDY

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, GIVEN UNDER MY HAND AND SEAL THIS 29TH DAY OF NOVEMBER, 2016 AT 315 E. JACKSON STREET IN MORRIS, IL 60450

*Kenneth Kennedy*

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403  
LICENSE EXPIRES 11/30/2018  
EXACTA LAND SURVEYORS LB# 5753

THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE BOTTOM RIGHT CORNER

CLIENT NUMBER:

DATE: 11/30/2016

BUYER:

SELLER:

CERTIFIED TO:

This is page 1 of 2 and is not valid without all pages

POINTS OF INTEREST  
1 RESIDENCE OVER PROPERTY LINE

Exacta Proudly Supports  
**THE cara PROGRAM**  
transforming lives  
[www.thecaraprogram.org](http://www.thecaraprogram.org)

Since 1981, The Cara Program has placed more than 4,800 individuals at risk into more than 8,000 quality jobs, enabling the same number of families to stop the transfer of poverty from one generation to the next.

**EXACTA**  
ILLINOIS SURVEYORS, INC.

LB# 184005769

www.exactachicago.com  
P: (773) 305-4010 • F: (773) 305-4011  
116 East Jackson Street, Morris, IL 60450



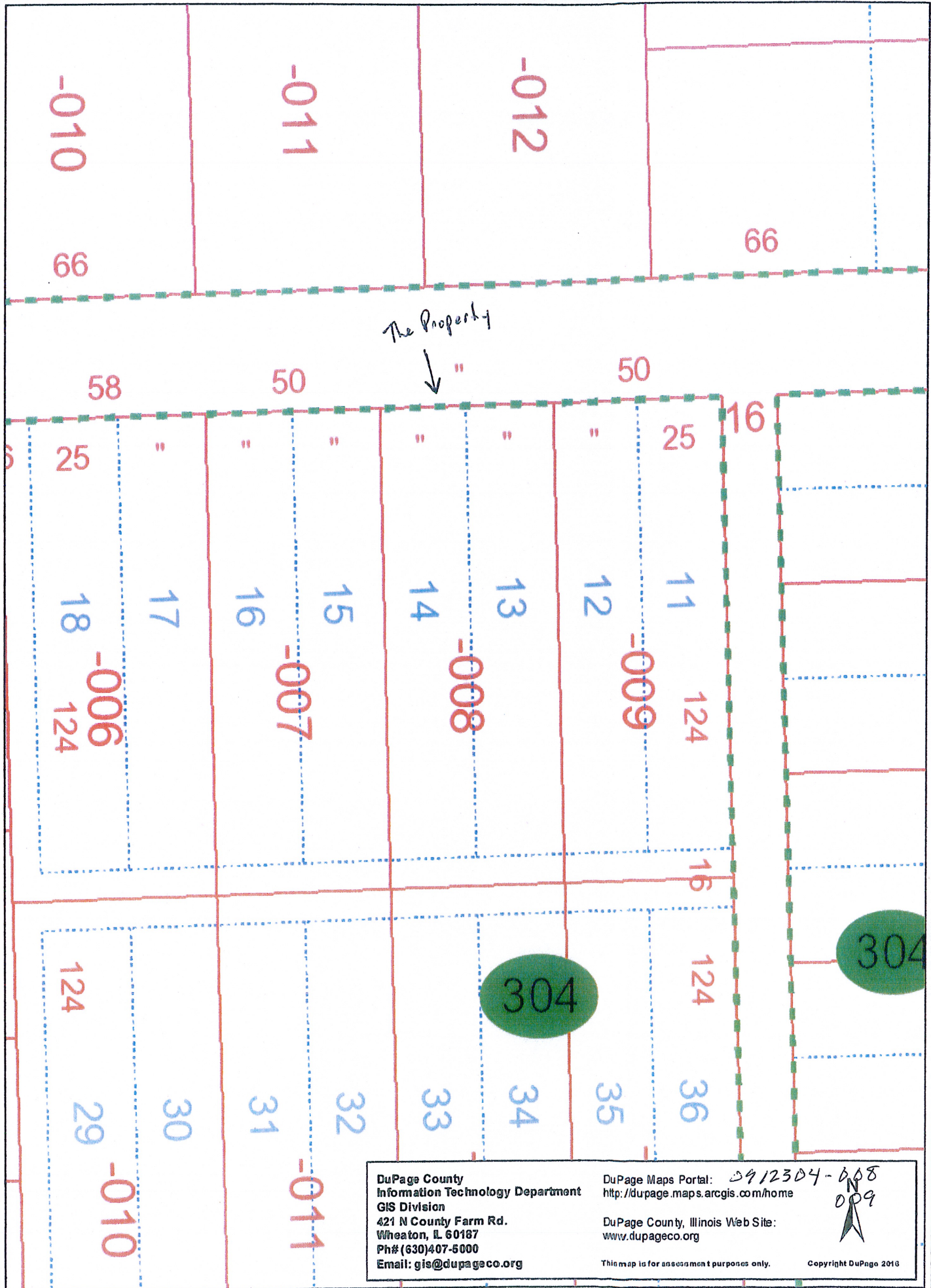
LOTS 11, 12, 13 AND 14 IN BLOCK 1 OF GETCHELL'S RESUBDIVISION OF BLOCKS 1, 2, 3, 4, 11 AND 12 (EXCEPT LOTS 1 AND 2 IN SAID BLOCK 3) IN CENTER ADDITION TO HINSDALE, IN THE NORTH HALF OF THE SOUTH WEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SURVEYOR BEARINGS ARE USED FOR ANGULAR REFERENCE AND ARE USED TO SHOW ANGULAR RELATIONSHIPS OF LINES UNLESS THEY ARE NOT RELATED OR ORIENTED TO TRUE OR MAGNETIC NORTH. BEARINGS ARE SHOWN AS SURVEYOR BEARINGS, AND WHEN SHOWN AS MATCHING THOSE ON THE SUBDIVISION PLATS ON WHICH THIS SURVEY IS BASED, THEY ARE TO BE USED AS SUCH. THE TRUE NORTH ORIENTATION MADE ON THIS SURVEY IS BASED ON THE NORTH ORIENTATION MADE ON THE OTHER ORIGINAL SUBDIVISION PLATS. NORTH DEGREES EAST IS ASSUMED AND UPON THE BASIS OF THIS ASSUMPTION, THE RESULTING BEARING BETWEEN THE LINES OF THE SURVEY IS AS DETERMINED AND AS SHOWN ON THE PLAT. THE BEARING IS TO BE AS DEFINED AND REQUIRED TO BE NOTED BY ILLINOIS ADMINISTRATIVE CODE TITLE 68, CHAPTER 12, SUBCHAPTER 2, PART 1270, SECTION 1270.56, PARAGRAPH 6, SUBPARAGRAPH 6, ITEM K.

1. The Legal Description used to perform this survey was supplied by others. The survey does not determine or imply ownership.
2. This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
3. If there is a septic tank, well or drain field on this survey, the location of such items was shown to us by others and are not verified.
4. This survey is exclusively for the use of the parties to whom it is certified.
5. Any additions or deletions to this 2 page survey document are strictly prohibited.
6. Dimensions are in feet and decimals thereof.
7. Due to varying construction standards, house dimensions are approximate.
8. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain such data was performed at [www.fema.gov](http://www.fema.gov).
9. All pins marked as set are 5/8" diameter, 18" iron rebar.
10. An examination of the abstract of title was not performed by the signing surveyor to determine which instruments, if any, are affecting this property.
11. Points of Interest (POI's) are selected above-ground improvements which may be in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POI's may not represent all items of interest to the viewer.
12. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
13. The information contained on this survey has been performed exclusively, and is the sole responsibility, of Exacta Surveyors. Additional logo or references to third party firms are for informational purposes only.
14. House measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.

www.exactachicago.com  
P: (773) 305-4010 • F: (773) 305-4011  
316 East Jackson Street, Morris, IL 60450





DuPage County  
Information Technology Department  
GIS Division  
421 N County Farm Rd.  
Wheaton, IL 60187  
Ph# (630)407-5000  
Email: [gis@dupageco.org](mailto:gis@dupageco.org)

DuPage Maps Portal:  
<http://dupage.maps.arcgis.com/home>

DuPage County, Illinois Web Site:  
[www.dupageco.org](http://www.dupageco.org)

This map is for assessment purposes only.

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## **Exhibit # 5**

### **Existing Zoning**

Property is zoned R-4 Single-Family District. Areas to the west, south and north is zoned R-4. Area to the east (across Garfield) are zoned R-1.

### ***Hinsdale Zoning Code Section 3-101: Purposes***

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

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

Exhibit #6

**Conformity**

The subject property is 50 x 132 with a total lot area of 6,600 sq. ft. According to Section 10-105 of the Village of Hinsdale Zoning Code, Legal Nonconforming Lots of Record shall have a minimum total lot area of 7,000 sq. ft. for the R-4 District. The subject property is 400 sq. ft. shy of the 7,000 sq. ft. minimum lot area, but the code grants the Zoning Board of Appeals, under Section 11-503(E.) (1C), the authority to grant a variation to reduce by not more than 10% (700 sq. ft.), the required lot area of any lot.

The variation request detailed herein should be approved for the following reasons:

- The variance request is minor (less than 10%)
- The lack of a variance would create a financial hardship on the owner, (the Property is worth materially less money if it is not build-able)
- The variance is not out of context with the neighborhood
- The variance request is consistent with the development of high quality residential districts

**EXHIBIT #7— Standards for Variation**

The subject vacant lot is 50 ft. wide by 132 ft. deep and has a total lot area of 6600 sq. ft. To the best of our knowledge with diligent research, the lot has never had a building on it. The subject lot lies in the R4 Zoning District. The R4 district provides for Legal Non-Conforming lots of Record that are a minimum of 50 ft. wide, 100 ft. deep and have a minimum lot area of 7000 sq. ft. While land owners routinely build new homes that do not meet the minimum requirements cited above, these are tear-downs where Section 10-104 provides these lots may be rebuilt even if they do not meet all the requirements of Legal Non-Conforming. Since there was never a building on the subject lot it must meet all the requirements for a Legal Non-Conforming Lot. While the Village routinely issues permits for new Single Family Homes to be built that are equal to or smaller than the subject lot, these properties previously had buildings on the lot which allow them to be re-built without seeking a variation. As a result, single family homes are routinely built on lots of this size or smaller, but the ZBA likely has not seen this type of variance request.

This variance request is not only within the "spirit" of the Code, it is also within the general practice of the Village permitting process. Many new construction homes on lots less than 7000 sq. ft. are often in the R4 District in the South West quadrant of the Village (as is the subject lot). The subject property has a lot area of 6600 sq. ft. versus a required minimum of 7000. However, the Code provides the Zoning Board of Appeals, under Section 11-503 (E) (1c), the authority to grant a variation to reduce, by not more than 10% (700 sq. ft.) the required lot area of any lot.

- (a) **Unique Physical Conditions** – The Property was originally subdivided in 1888, well over a century before requirements of our Code were adopted.
- (b) **Not Self-Created** – The unique condition of the property (less than 7000 sq. ft. lot area) existed at the time of the enactment of the provisions from which this variation is sought.
- (c) **Denied Substantial Rights** – if not granted, the owner would not be allowed to construct a home on the property. This would deprive the owner of rights enjoyed by other property owners with the exact same property characteristics (or even smaller lots).
- (d) **Not Merely Special Privilege** – ability to construct a single family home, in a single family district, where other residents with even smaller lots have been afforded the right is NOT a special privilege.
- (e) **Code and Plan Purposes** – granting the requested variation is in the general spirit of the Code (constructing Single Family homes in Residential districts) and is consistent with 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

The requested variation would not have a negative impact on any aspect of the questions outlined in (f) 1-6; rather new construction on this lot will be consistent with the neighborhood which has seen newly constructed homes on 50% of the lots in the past few years.

(g) **No Other Remedy** – There is no other means to construct a single family home on this Property without the requested variance. Lack of relief on this matter would be inconsistent with treatment of other property owners with smaller lot sizes that have been permitted to build single family homes, and would be a denial of the Property owners substantial rights commonly enjoyed by owners of other lots of the same or less size.

## **Exhibit # 8**

### **Ordinance Provision**

#### **Sec. 10-105:Legal Nonconforming Lots Of Record:**

*A. Authority To Use For Single-Family Detached Dwellings In Residential Districts:* In any residential district, notwithstanding the regulations imposed by any other provisions of this code, a single-family detached dwelling, and any permitted accessory structure, that complies with the regulations of this subsection may be erected, maintained, altered, enlarged, rebuilt, restored, and repaired on a legal nonconforming lot of record. Construction of such dwelling, and any accessory structure, shall comply with all the regulations applicable to such dwellings and accessory structures in the zoning district in which the lot in question is located, except that the following requirements shall apply in place of requirements otherwise applicable:

#### *2. Minimum Lot Area And Dimensions:*

*R-4 (a) Total lot area (square feet) 7,000*



R4

North

R1

East

Open  
Space  
+  
Robbins  
Park

20	20	20	20	20	20
10	10	10	10	10	10
20	20	20	20	20	20

417	417	417	417	417	417
425	425	425	425	425	425
424	424	424	424	424	424
424	424	424	424	424	424

413	413	413	413	413	413
417	417	417	417	417	417
423	423	423	423	423	423
427	427	427	427	427	427
433	433	433	433	433	433

415	415	415	415	415	415
423	423	423	423	423	423
421	421	421	421	421	421
433	433	433	433	433	433
424	424	424	424	424	424

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518	518	518	518	518	518

22	16	504	504	504	504
515	11	518	518	518	518

4	2	2	2	2	2
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517	1321	25	518	518	518

108	114	120	122	122	122
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202	202	202	202	202	202

26	704	704	704	704	704
767	767	767	767	767	767

2	16	26	36	46	56
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110	122	71	71	71	71
711	711	711	711	711	711

South