



## MEETING AGENDA

### ZONING BOARD OF APPEALS WEDNESDAY, JANUARY 18, 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 October 19, 2016
  - b) Regular meeting of December 21, 2016
4. APPROVAL OF FINAL DECISION
  - a) V-05-16, 631 S. Garfield Street
5. RECEIPT OF APPEARANCES
6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE
7. PRE-HEARING AND AGENDA SETTING– None
8. PUBLIC HEARINGS
  - a) V-06-16, 727 S. Stough Street
  - b) V-07-16, 100 S. Garfield\* (Hinsdale Middle School)  
\*revised application
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  
October 19, 2016

1. CALL TO ORDER

In Chairman Bob Neiman's absence, Vice-Chairman Keith Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order Wednesday, October 19, 2016 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

Vice-Chairman Giltner explained to the applicant her options with only 4 members present; Ms. Stefani elected to continue.

2. ROLL CALL

**Present:** Vice-Chairman Keith Giltner, Gary Moberly, Kathryn Engel, John Podliska

**Absent:** Member Marc Connelly and Chairman Bob Neiman

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

3. APPROVAL OF MINUTES

a) Regular meeting of September 21, 2016

The draft minutes were corrected with respect to a typographical error.

Member Engel moved to **approve the minutes of the regular meeting of September 21, 2016, as amended.** Member Podliska seconded the motion. Voice vote taken, all in favor, motion carried.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES

Ms. Stefani was 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 – None

8. PUBLIC HEARINGS

a) **V-05-16, 631 S. Garfield Street** (*A transcript of the following proceedings is on file in the Village Clerk's office*)

Mrs. Kristen Stefani, homeowner, addressed the Board seeking a variance from Section 9-104 of the Zoning code pertaining to circular driveways. The code specifies a circular driveway can only be constructed on 75' wide lots;

1 her lot is 73' feet wide. She is asking for a two foot variation, and believes  
2 there is no other means to solve the egress and ingress issues with respect to  
3 her property.

4 She described the many trees on Garfield which obstruct vision and create a  
5 safety concern. She reported that over 7,000 vehicles travel on Garfield per  
6 day. Her daughters participate in several car pools, and because of the issues  
7 backing up, parents pull up parallel to the parkway to let kids out, which  
8 presents a serious danger. She provided pictures of the tree obstructions  
9 exiting her driveway. She believes this is a public concern to pedestrians  
10 going to school and the train. Additionally, Garfield is an emergency route, but  
11 because of the trees a driver cannot see the lights. She reported that two  
12 different people have gotten in minor accidents exiting her driveway; she  
13 provided letters from these two persons urging the Board to grant this  
14 variance. Discussion followed whether or not these individuals filed an  
15 accident report with the police. It was noted that only one report was provided  
16 by the Police Department.

17 Ms. Stefani addressed the standards for approval, and assured the Board they  
18 would address any drainage issues. Her next door neighbor, Mr. Brian Bomba  
19 informed her that he would build a retaining wall if the Village deems it  
20 necessary. Mr. McGinnis explained that there would be an engineering review  
21 for these types of issues; Ms. Stefani noted currently there are no drainage  
22 issues. Member Engel said she would prefer the solution be part of the  
23 project, as opposed to trying to remedy after the fact. Vice-Chairman Giltner  
24 confirmed these matters are reviewed as part of the permitting process.

25 Discussion followed regarding the proposed removal of a tree, which was not  
26 contemplated at the time of the pre-hearing. Ms. Stefani explained the change  
27 was recommended by her architect, Dennis Parsons, because without  
28 removing the tree they still wouldn't have a straight driveway. The originally  
29 proposed driveway would not provide the proper turn radius. She described  
30 the unique shape of her driveway. Vice-Chairman Giltner noted this matter will  
31 be reviewed by the Village Tree Board. Ms. Stefani has been in touch with  
32 Village Forester John Finnell. She understands there is a \$5,000 fee to  
33 remove the tree, and that they would have to replace it in kind.

34 She described the composition of the new driveway, which would be asphalt,  
35 framed with pavers, to match the rest of the driveway; and noted they would  
36 repurpose the existing pavers in the new design. Member Podliska asked if  
37 this is still within the allowable impervious square footage. Ms. Stefani said  
38 yes, the number was determined by Mr. Parsons. Mr. McGinnis said these  
39 numbers are fact-checked, and the Village agrees with Mr. Parsons'  
40 calculations. Mr. McGinnis explained there is no credit for asphalt vs. pavers;  
41 both are counted equally as impervious surface.

42 In summary, Ms. Stefani stated it is her duty to protect her visitors, family and  
43 people driving on Garfield, she asked the Board to consider the safety of these  
44 persons when they make their decision. Vice-Chairman Giltner reminded the  
45 Board of their jurisdiction in this matter.  
46

1 Member Moberly moved **to close the public hearing for V-05-16, 631 S.**  
2 **Garfield Street.** Member Engel seconded the motion. Voice vote taken, all in  
3 favor, motion carried.  
4

## 5 DELIBERATIONS

6  
7 Vice-Chairman Giltner opened deliberation of this matter. Member Engel  
8 remarked that she is interested in what the Village will say about the tree and  
9 the drainage. Member Podliska lamented the loss of the tree and voiced some  
10 drainage concerns. Member Moberly commented the Village should take law  
11 enforcement on this dangerous thoroughfare more seriously. Vice-Chairman  
12 Giltner noted the drainage matter will be reviewed by the Village engineering  
13 department, and the Tree Board will determine a solution with respect to the  
14 tree. Mr. McGinnis reiterated the \$5,000 fee for the removal of the existing  
15 tree, and noted the replacement tree will have the same diameter in inches as  
16 the old tree. Further, the tree might not all go on the Stefani property, the  
17 Village Forester will make this determination.

18 Member Moberly moved **to approve the variation request known as V-05-16**  
19 **for 631 S. Garfield Street.** Member Engel seconded the motion.  
20

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

22 **NAYS:** None

23 **ABSTAIN:** None

24 **ABSENT:** Member Connelly and Chairman Neiman  
25

26 Motion carried.  
27

28 **9. NEW BUSINESS** – None  
29

30 **10. OTHER BUSINESS** –None  
31

32 **11. ADJOURNMENT**

33 With no further business before the Zoning Board of Appeals, Member Moberly  
34 moved to **adjourn the meeting of the Zoning Board of Appeals of October**  
35 **19, 2016.** Member Podliska seconded the motion. Voice vote taken, all in  
36 favor, motion carried.  
37

38 Vice-Chairman Giltner declared the meeting adjourned at 7:05 p.m.  
39  
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41 \_\_\_\_\_  
42 Christine M. Bruton  
43 Village Clerk  
44  
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Approved: \_\_\_\_\_



**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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41 \_\_\_\_\_  
42 Christine M. Bruton  
43 Village Clerk  
44  
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Approved: \_\_\_\_\_

**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.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the east side of Monroe between Chicago and Chestnut. The property has a frontage

of approximately 75.21', a depth of approximately 125', and a total square footage of approximately 9,401. The maximum FAR is approximately 3,450 square feet, the maximum allowable building coverage is 25% or approximately 2,350 square feet, and the maximum allowable lot coverage is 60% or approximately 5,640 square feet.

**Action of the Board:** Members discussed the request and agreed that there was precedent for approving these variations 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

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Chairman Robert Neiman

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





MEMORANDUM

**DATE:** December 12, 2016

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

**CC:** Christine Bruton, Village Clerk

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

**RE:** **Zoning Variation – V-06-16; 727 S. Stough Street**

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In this application for variation, the applicant requests relief from the maximum building elevation requirements set forth in 3-110 (B)(1) for the construction of an addition to the attic story of the house. The code limits maximum building elevation to 35'6" with incremental increases based on side yard setbacks. The specific request is for a 1'9" increase (36'9") for 183 square feet and a 4'3" increase (39'3") for 28 square feet.

This property is located in the R-4 Single family Residential District in the Village of Hinsdale and is located on the east side of Stough Street between Seventh and Eighth. The property has a frontage of approximately 50', an average depth of 132', and a total square footage of approximately 6,600. The maximum FAR is approximately 2,800 square feet; the maximum allowable building coverage is 25% or approximately 1,650 square feet, and the maximum lot coverage is 60% or approximately 3,960 square feet.

cc: Kathleen Gargano, Village Manager  
Zoning file V-06-16

Zoning Calendar No. V-06-16

**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): Paul and Julie Constantino

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ADDRESS OF SUBJECT PROPERTY: 727 South Stough Street

TELEPHONE NUMBER(S): 

If Applicant is not property owner, Applicants relationship to property owner.

Not Applicable



**RECEIVED**  
CB 12/6/16

DATE OF APPLICATION: \_\_\_\_\_

## SECTION I

Please complete the following:

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

Paul & Julie Constantino  
727 South Stough Street  
Hinsdale, IL 60521  
(630) 920-8226

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

Not applicable

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

Not applicable

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

Lots 34 and 35 together with the west 1/2 of a 14.00 foot vacated alley lying east of and adjoining lots 34 and 35 in St. Kimbell's resubdivision of part of the east 1/2 of section 11, township 38 north, range 11 east of the third principal meridian, according to the plat thereof recorded August 5, 1892 as document 49378 in DuPage Co., Illinois.

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

1. Attorney: Not applicable

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

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

1. Not applicable

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, Areturn receipt requested≅ to each property owner/occupant. The applicant/agent must then fill out, sign, and notarize the ACertification of Proper Notice≅ form, returning that form and all certified mail receipts to the Village.

Enclosed - See Attached (Exhibit No. 1)

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

Enclosed - See Attached (Exhibit No. 2)

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

R-4 Single Family Residential - Refer to the zoning map enclosed (Exhibit No. 1)

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

Per section 3-110 B.1 of the Village zoning ordinance, the Maximum Elevation in the R-4 single family residential district on this lot for principal structure is 35'-0". (Exhibit#2). We are requesting a 1'-9" for 183 sq.ft. and a 4'-3" for 28 sq.ft. increase of Maximum Elevation for two roof locations as shown on drawing. (Exhibit#3&#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.

The current house exceeds maximum Floor Area Ratio for this property. If the Maximum Elevation variance is approved, the house will still conform to all other zoning standards including min. sideyard, frontyard and rear yards, max. Building Coverage and max. Height. (Exhibit#4)

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

Not applicable.

## SECTION II

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

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

See attached (Exhibit No. 8)

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

Section 3-110 B.1, bulk, Maximum Elevation

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

We are requesting a 1'-9" for 183 sq.ft. and a 4'-3" for 28 sq.ft. increase of Maximum Elevation for two roof locations as shown on drawing. This would increase the allowable Maximum Elevation to 36'-9" and 39'-3" respectively. (See attached exhibit #5)

4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development:



(Attach separate sheet if additional space is needed.)

The minimum variation required in order for the applicant to achieve the desired attic loft bedroom suite is defined under previous item #3.

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

The property that the house is built upon slopes down 2.4' from the front to the back of the house. It was originally designed with the garage toward the back below the main living area. This in turn raised up the upper levels higher than is typical of a house in this zoning district. The code allows for a 20% of second floor attic bonus area where the ceiling height is greater than 7 feet high. Building this bonus attic puts a portion of the proposed roof higher than is allowed by 1'-9". A 9ft x 9ft cupola is permitted to extend taller than the Max. Elevation requirement allows. For structural and visual reasons, a 9'0" x 12'2" cupola works best in this situation. (Exhibit#7)

- a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.

The Maximum Elevation requirement has a punitive impact on this house as it is measured from the lower garage floor to the highest point of the roof. The garage is barely visible from the street, yet its discrete location limits the proposed vertical house expansion.

- b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

This issue has not been self-created by the owner, but rather by the extreme impact the sloping lot is affected by the Maximum Elevation requirement.

- c) Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

The current owners of this house are denied the ability to take advantage of the 20% attic area 191 sq.ft. bonus other owners benefit from. (#3 Floor Area Data table)

- d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that were the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

This is not an issue of wanting special privileges for this owner, but rather for being granted a zoning variance so that a fourth bedroom in the upper level similar with the neighborhood might be constructed.

- e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

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

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

- i) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
- ii) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- iii) Would substantially increase congestion in the public streets due to traffic or parking; or
- iv) Would unduly increase the danger of flood or fire; or

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

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

- g) No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project. (Attach separate sheet if additional space is needed.)

See replies to Section II. Information explains why the attic bedroom suite would not work without a variance. All Board members are welcome to visit the property at any time.

### SECTION III

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

- 1) A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements.

See attached (Exhibits No. 5 & 6)

- 2) The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements.

See attached (Exhibit No. 3)

## SECTION IV

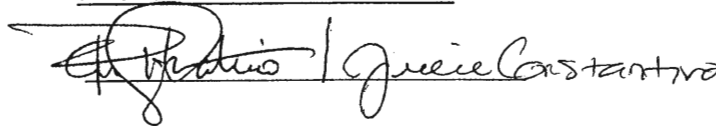
- 1) Application Fee and Escrow. Every application must be accompanied by a nonrefundable application fee of \$250.00 plus an additional \$600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate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

## SECTION V

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

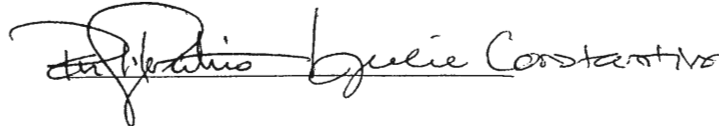
Name of Owner: Paul and Julie Constantino

Signature of Owner:

Handwritten signatures of Paul and Julie Constantino, written over a horizontal line.

Name of Applicant: Paul and Juile Constantino

Signature of Applicant:

Handwritten signatures of Paul and Julie Constantino, written over a horizontal line.

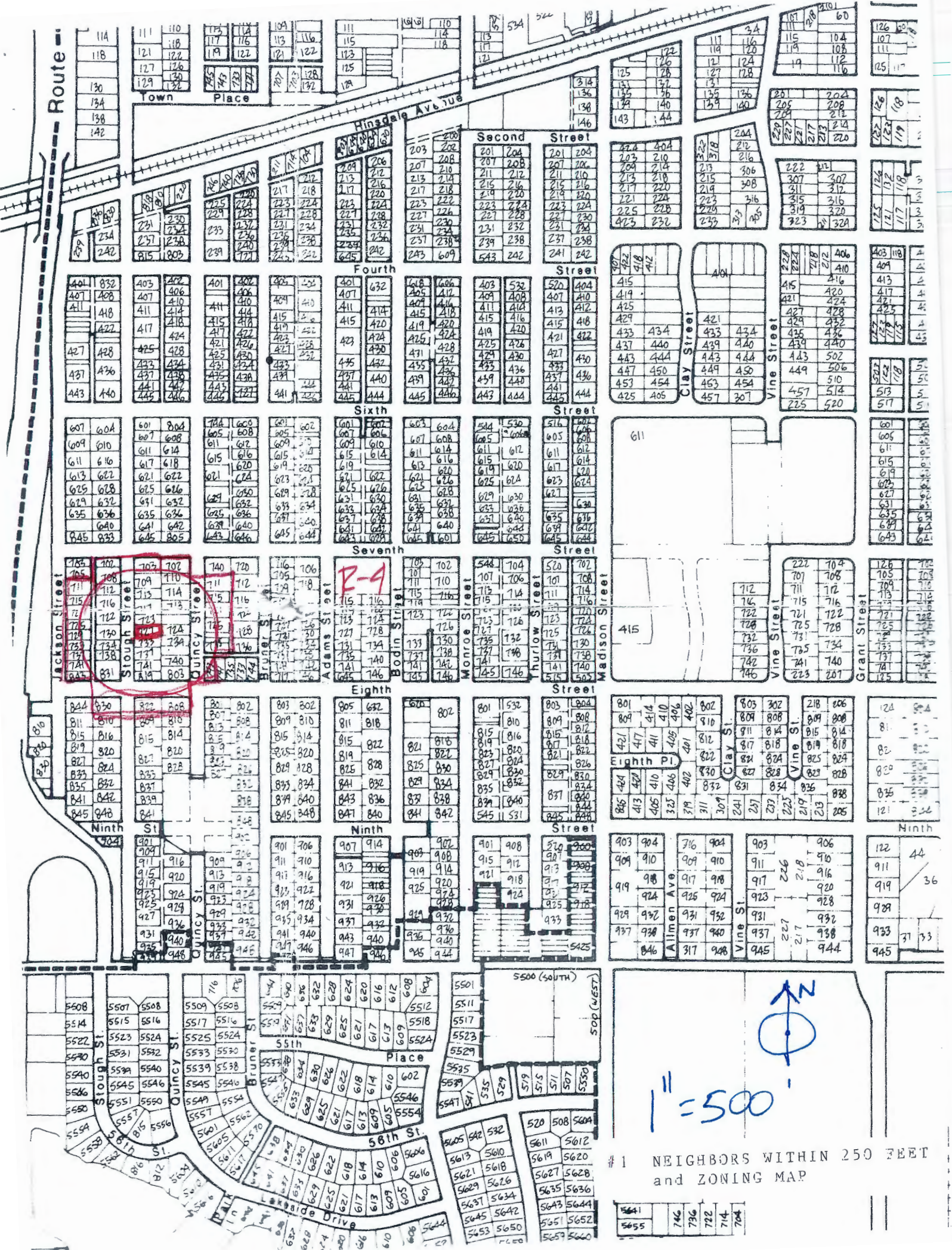
Date:

12/6/2016

## Exhibits

- #1 Neighbor within 250 feet and Zoning Map
- #2 Survey
- #3 Site Plan
- #4 Existing floor plans and exterior elevations
- #5 Proposed exterior elevations
- #6 Proposed attic plan & exterior south elevation
- #7 Proposed floor plan
- #8 Title

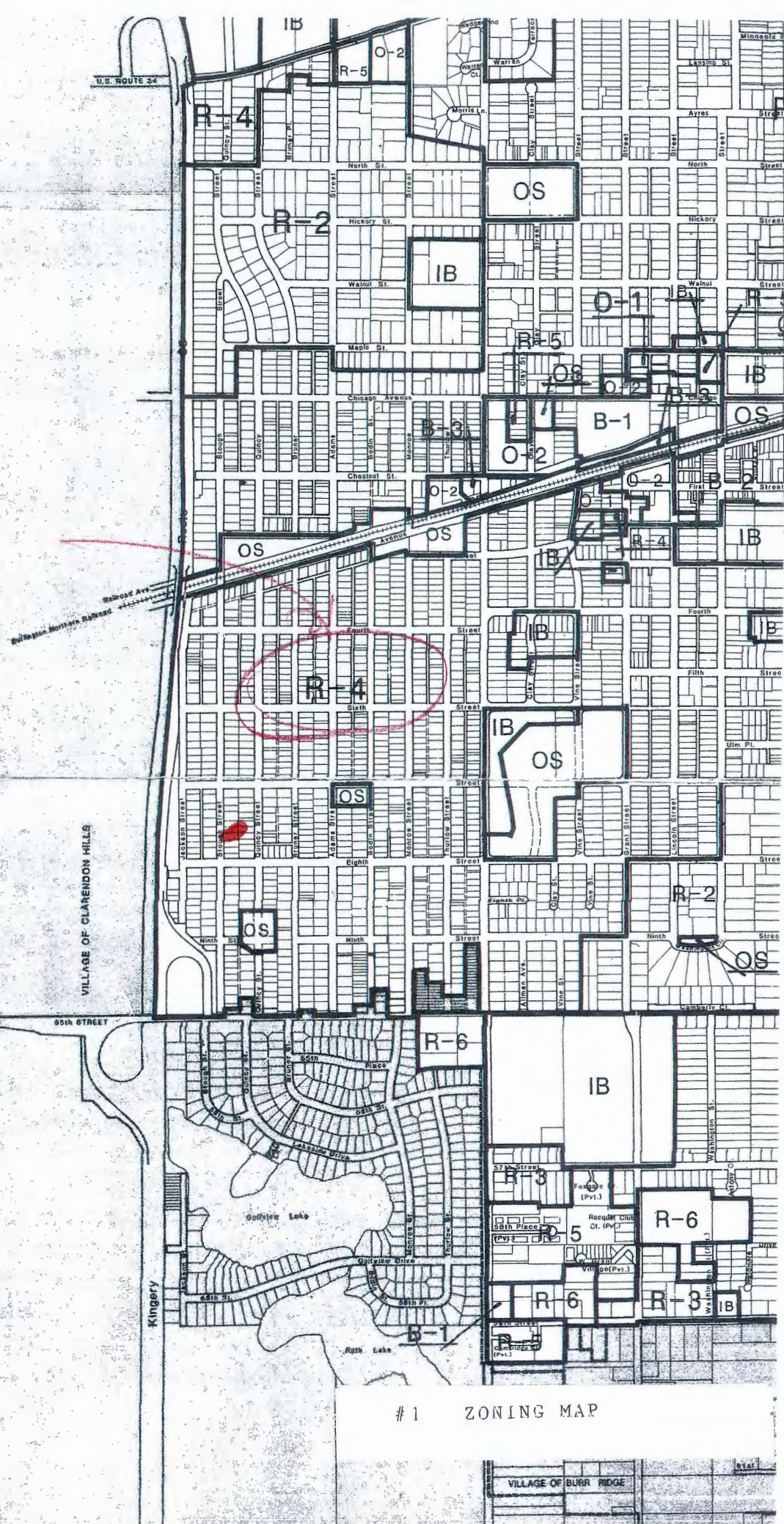




#1 NEIGHBORS WITHIN 250 FEET and ZONING MAP

5641	746	736	722	714	704
5655					



[illegible]

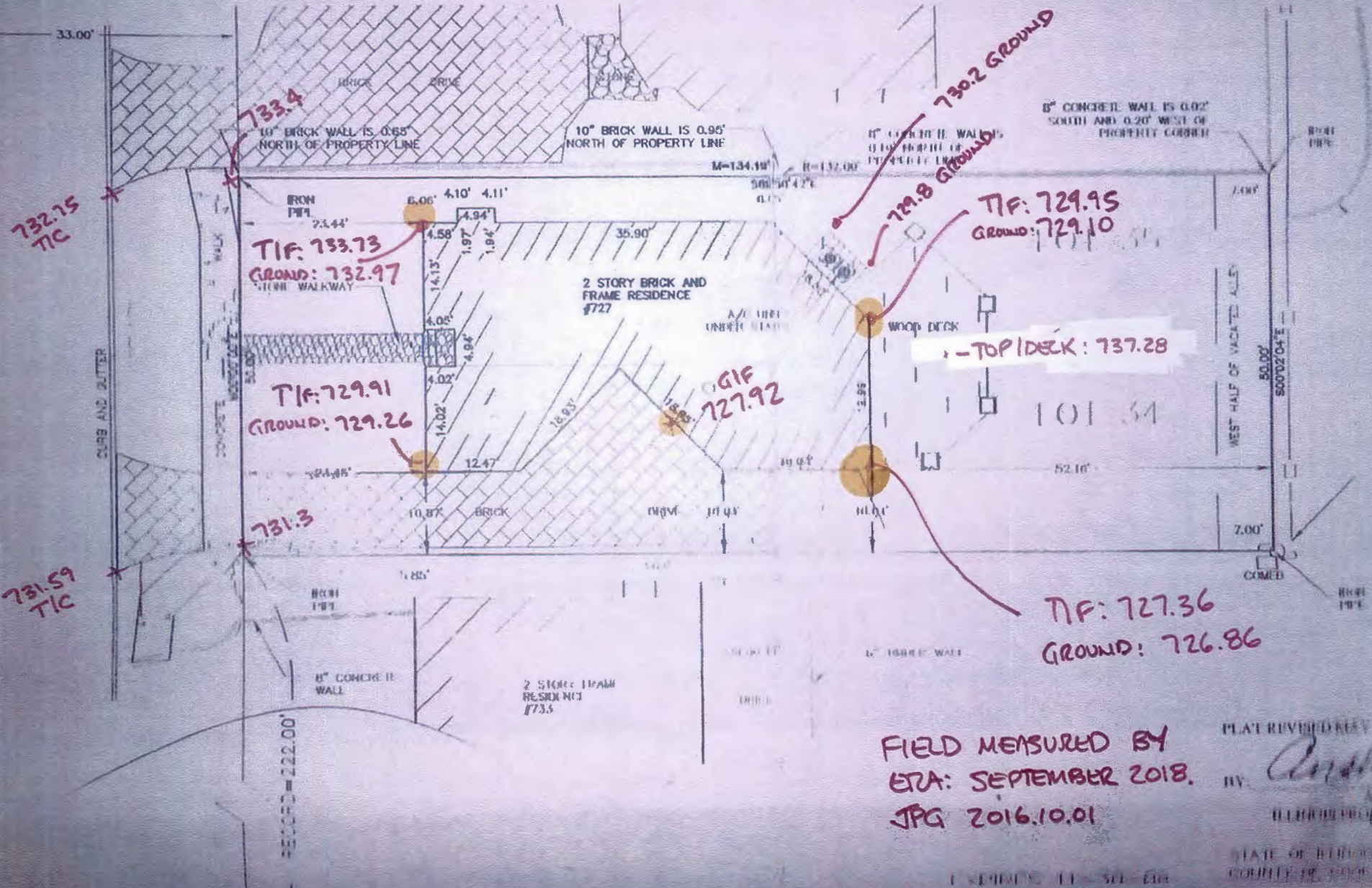


LYING EAST OF AND ADJOINING LOTS 34 AND 35 IN ST. KIMBELL'S RESUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 5, 1892 AS DOCUMENT 49378 IN DUPAGE COUNTY, ILLINOIS.

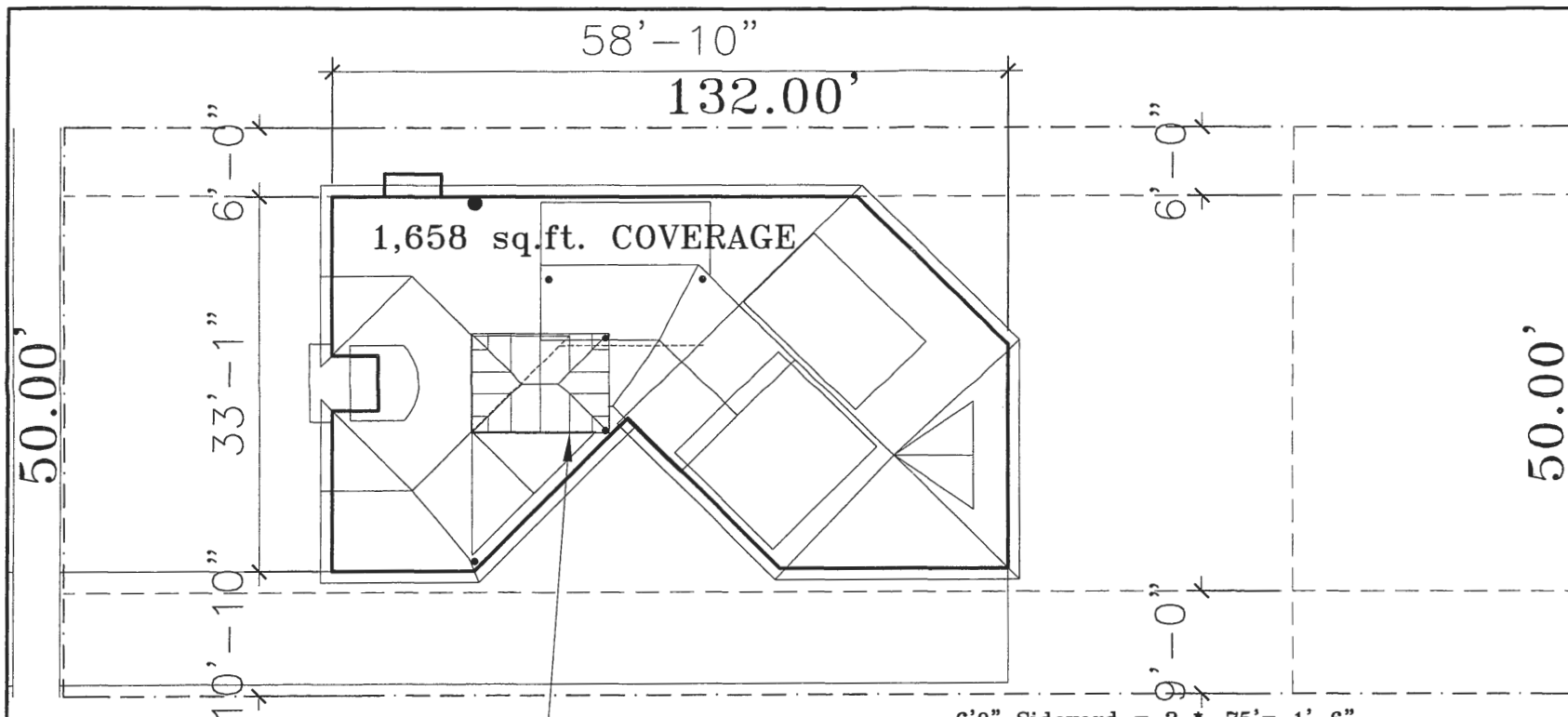
GIR: 734.47

STREET

#2 SURVEY







NEW ATTIC BEDROOM  
SUITE AND CUPOLA

132.00'

6'0" Sideyard =  $2 \times .75' = 1'-6"$

35'-6" - 1'-6" = 34'-0"

34'-0" + 1'-0" = 35'-0" = Max. Allowed Elevation

FLOOR AREA DATA					
	SITE AREA	MAX ALLOWED %	SQ.FT.	ACTUAL %	SQ.FT.
BLDG COVERAGE	6,600	25	1,650	-	1,658
FAR	6,600	25+1100	2,800	-	3,328
LOT COVERAGE	-	50%	-	-	-
GARAGE	-	-	-	-	717
DETACHED GAR	-	-	-	-	-
FINISHED (ABOVE GRADE > 7'0" CLG.	-	-	-	-	2,611
FIRST FLOOR	-	-	-	-	1,658
SECOND FLOOR	>7'0"	-	-	-	953
THIRD FLOOR	>7 ft	2ndx20%	191	-	190
BSMNT FINISH	-	-	-	-	-

REVISED -/-/-  
REVISED -/-/-  
REVISED -/-/-

A6

#3 SITE PLAN

CONSTANTINO



BRYAN ASSOCIATES INC. ARCHITECTS  
433 SOUTH BRUNER STREET  
HINSDALE, IL 60521 PH.630.920.0777

PROJ # 2016-41  
DRN BY DWB  
DATE 12-6-16  
SHEET

1

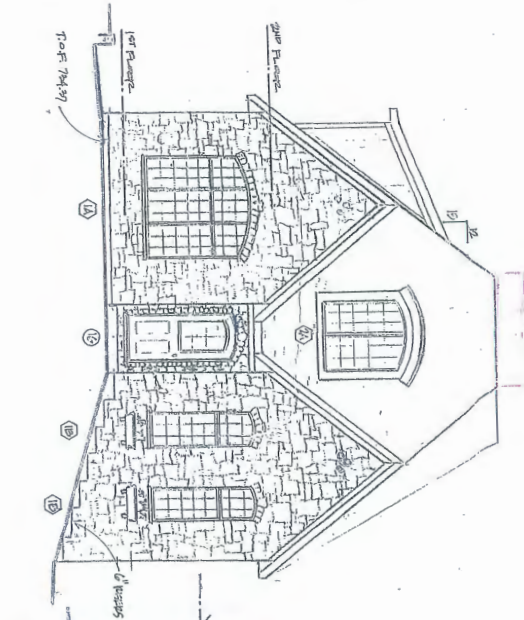
7

SITE PLAN

SCALE:1"=10'



FRONT (WEST) ELEVATION  
SCALE 1/4"=1'-0"



LEFT (NORTH) ELEVATION  
SCALE 1/4"=1'-0"



#4 EXISTING FLOOR PLANS  
AND EXTERIOR ELEVATIONS

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A-1

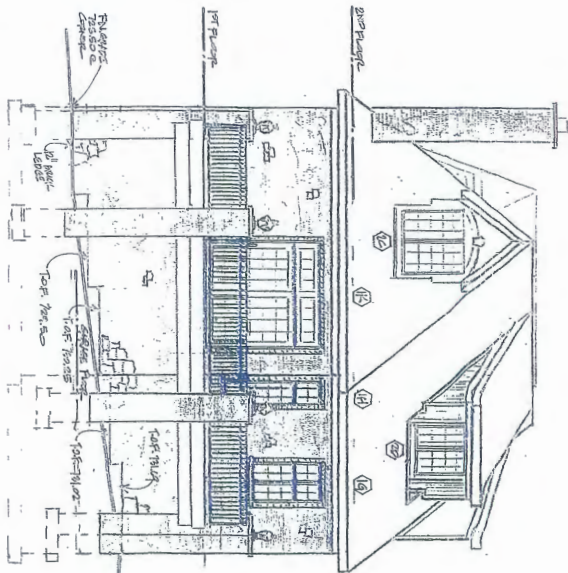
5. ARCHITECT RESERVES COPYRIGHT & OTHER RIGHTS RESTRICTING THESE DOCUMENTS TO THE ORIGINAL SITE OR PURPOSE FOR WHICH THEY WERE PREPARED. REPRODUCTIONS, CHANGES OR ASSIGNMENTS ARE PROHIBITED.

project no. 0316  
date 5-15-03

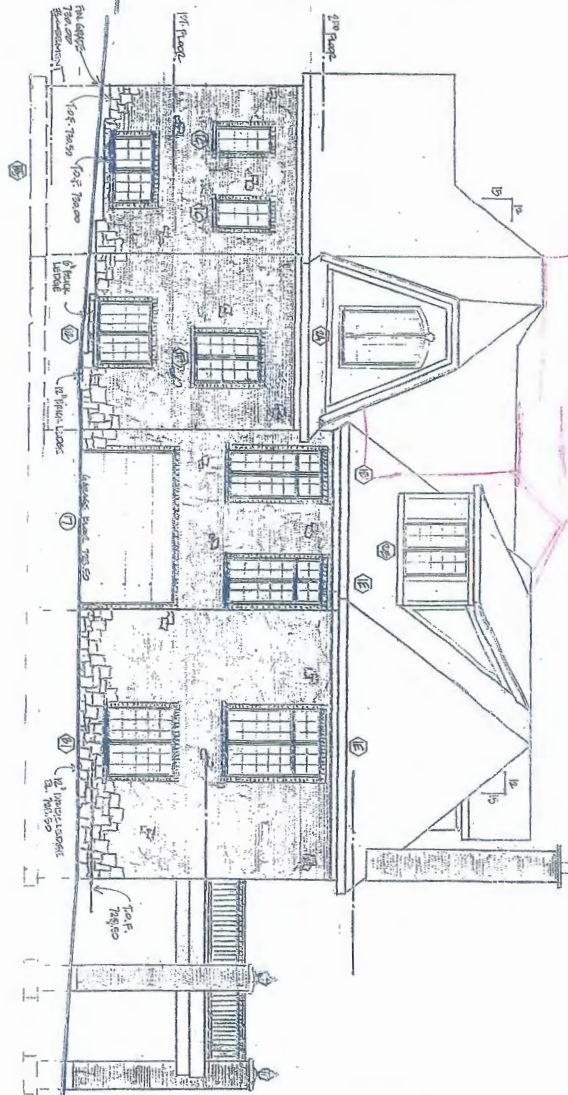
A CUSTOM RESIDENCE FOR:  
DAVID JAMES DEVELOPMENT  
727 S. STOUGH, HINSDALE, IL 60421

DAVID JAMES DEVELOPMENT  
200 S. WY 100  
HINSDALE, IL 60421





REAR (EAST) ELEVATION  
SCALE 1/4"=1'-0"



RIGHT (SOUTH) ELEVATION  
SCALE 1/4"=1'-0"

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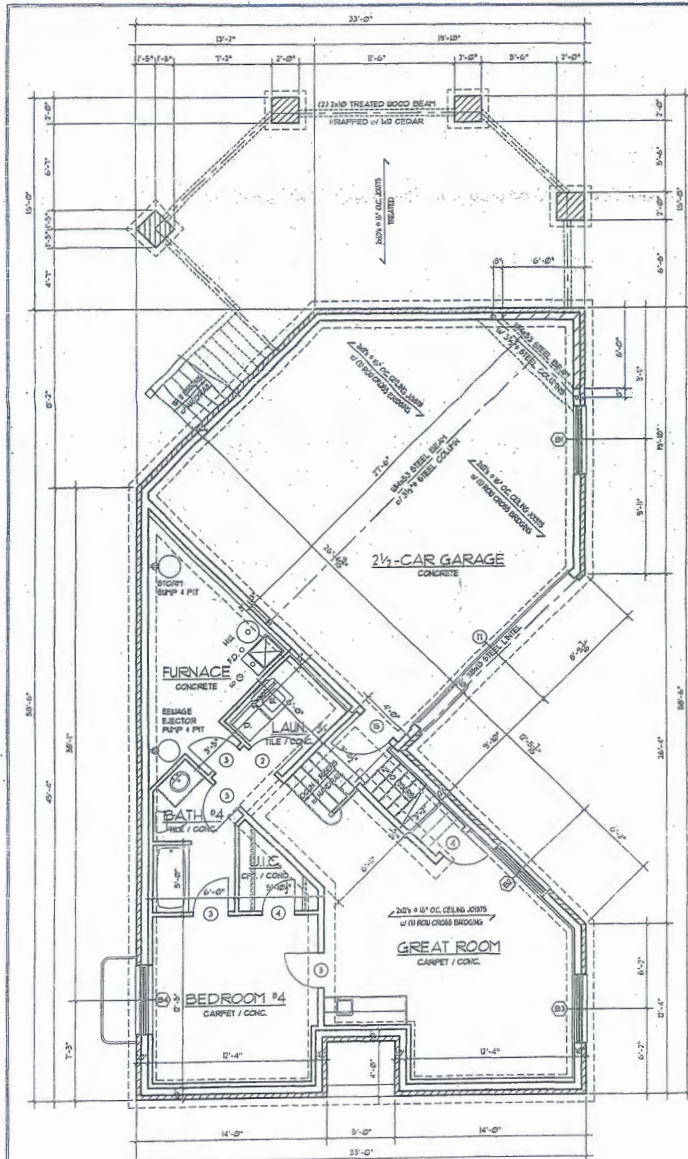
<p>ELEVATION A-2</p>	<p>Project No. 0316 Date 5-15-03</p>	<p>A CUSTOM RESIDENCE FOR: DAVID JAMES DEVELOPMENT 727 S. STOUGH, HINSDALE, IL 60421</p>	<p>Gregory E. Lyons, Architect 1000 N. 1st St., Suite 100 Chicago, IL 60610 Tel: 312-462-1234 Fax: 312-462-1235 www.gelarch.com</p>
--------------------------	--	--	---



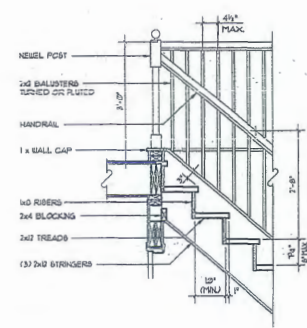
WINDOW SCHEDULE				
FRAME	ROUGH OPENING	TYPE	NO. REQ'D.	REMARKS
(1A)	7'-0" x 7'-0"	CASEMENT	1	GLASS 1000000000
(2A)	3'-0" x 4'-0"	CASEMENT	1	CBS-2600
(3A)	3'-0" x 4'-0"	CASEMENT	2	10-2600
(4A)	2'-0" x 4'-0"	TRANSOM	1	10-2600
(5A)	3'-0" x 4'-0"	CASEMENT	4	COTSDO / 10-2600
(6A)	4'-0" x 4'-0"	CASEMENT	1	10-2600
(7A)	4'-0" x 4'-0"	CASEMENT	1	CBS-2600 / 10-2600
(8A)	6'-0" x 8'-0"	TRANSOM / FIB	1	RD-200 / 10-2600
(9A)	3'-0" x 4'-0"	ADJUST CASEMENT	2	BCL-500000
(10)	3'-0" x 4'-0"	CASEMENT	1	10-2600
(11)	3'-0" x 4'-0"	CASEMENT	1	10-2600
(12)	3'-0" x 4'-0"	CASEMENT	1	10-2600
(13)	3'-0" x 4'-0"	CASEMENT	1	10-2600

A-3  
 FLOOR PLANS  
 project no. 0316  
 date 5-15-03  
 A CUSTOM RESIDENCE FOR:  
 DAVID JAMES DEVELOPMENT  
 727 S. STOUGH, HINSDALE, IL 60421  
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 Gregory E. Lyons, architect  
 1400 Valley Road  
 Suite 205, S. 60418  
 727-534-4725  
 Jim Stanton, designer  
 727-514-2051





ROOM	AREA (SF)	FLOOR AREA	ROOF AREA	ROOF HEIGHT	AREA (SF)	ACTUAL AREA	ACTUAL HEIGHT
DIN	150	0.20	0.20		30.38	30.38	
LIVING ROOM	58	0.23	0.23		33.31	33.31	
DINING ROOM	108	0.44	0.44		20.50	20.50	
POWDER ROOM	32			32 CM			32 CM
KITCHEN / BREAKFAST	312	28.44	18.73		30.75	48.34	
FAMILY ROOM	312	28.44	18.73		30.75	48.34	
BEDROOM #4	144	1.82	5.76		0.85	32.56	
BATH #4	60			6.0 CM			120 CM
GREAT ROOM	253	23.04	13.0		24.32	24.32	
LAUNDRY	42						
BEDROOM #3	132	15.48	5.32		4.18	34.66	
MASTER BATH	117	3.0	1.50	117 CM	4.18	8.43	117 CM
MASTER BEDROOM	241	15.70	8.80		34.40	22.20	
BEDROOM #2	132	10.50	5.28		0.80	13.0	
BATH #3	52			52 CM	24.0	22.20	120 CM



### GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE 2001 INTERNATIONAL BUILDING CODES & ALL OTHER APPLICABLE VILLAGE OF HINSDALE CODES AND ORDINANCES. IN THE EVENT OF A DISCREPANCY CODES SHALL GOVERN OVER DRAWINGS.
- ALL FINISHES SHALL CONFORM TO THE 2001 INTERNATIONAL BUILDING CODES AND ALL APPLICABLE STATE AND LOCAL CODES.
- EXTENSION GOVERN OVER DRAWINGS. TO BEST SCALE DRAWINGS, CONTRACTOR SHALL FIELD VERIFY ALL EXISTING SITE CONDITIONS. REPORT ANY DISCREPANCIES TO ARCHITECT OR OWNER AS SOON AS POSSIBLE. ALL INTERIOR OPENINGS ARE TO FACE OF FINISHING.
- ALL STRUCTURAL WOOD SHALL BEAR 10% GRADE LOADS. THE GRADING RULES APPLY HAVING DISCREPANCY. ALL STRUCTURAL WOOD SHALL HAVE A MINIMUM EXTREME FIBER BENDING STRESS (FBI) EQUAL TO 875 PSI AND A MODULUS OF ELASTICITY (E) EQUAL TO 1,800,000 PSI.
- DECK LOADS: LIVE LOAD: 60 PSF; DEAD LOAD: 10 PSF; WINDING AREAS: 60 PSF; 10 PSF; CEILING AREAS: 20 PSF; 10 PSF; ROOF AREAS: 10 PSF; 10 PSF.
- DOUBLE FLOOR JOISTS UNDER ALL PATIENTS, WALLS, TO JOIST SPAN 1 AT SPAN OPENING.
- COORDINATE INSTALLATION OF OWNER SUPPLIED PRODUCTS (HARDWARE, BATH, PREFABRICATED FIREPLACE, BATHROOM KITCHENS, CABINETS, ETC) WITH FRAMING AND MECHANICAL / ELECTRICAL REQUIREMENTS.
- ALL STRUCTURAL STEEL SHALL BE A36.
- COVER ALL HVAC DUCT OPENINGS DURING CONSTRUCTION. CLEAN ALL DEBRIS UPON COMPLETION. BATH CHIMNEY SHALL BE VENTED TO EXTERIOR.
- PROVIDE FIRESTOPPING AT ALL CEILING AND FLOOR PENETRATIONS. FILL OPENINGS WITH NON-COMBUSTIBLE MATERIAL.
- ALL GLASS IN DOORS, WINDOWS, ETC. SHALL BE 1/2" MIN. AND LOCATIONS NEAR 1" MIN. TO BE TYPICAL. GLASS SHALL BE 1/2" MIN. AND LOCATIONS NEAR 1" MIN. TO BE TYPICAL.
- ROOFING SHALL BE INSTALLED ONLY UPON SUPPORTING ROOF CONSTRUCTION IS CLEAN AND DRY.
- ALL INTERIOR WOOD TRIM SHALL BE COLONIAL STYLE FINISH PER OWNER. STANDARDS SHALL HAVE OAK TREADS, RAILING, POST & BALLUSTERS.
- REINFORCE SHALL BE 1/2" MIN. TYPICAL. REINFORCE SHALL BE 1/2" MIN. TYPICAL. REINFORCE SHALL BE 1/2" MIN. TYPICAL.
- ALL FOOTINGS SHALL REST ON UNDISTURBED SOIL. SEE LOCAL Frost Line (1'-0" MIN) HAVING A MINIMUM BEARING CAPACITY OF 3000 PSF.
- ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI DEVELOPED AT 28 DAYS.
- ALL CONCRETE SLABS ON GRADE SHALL BE REINFORCED WITH 6" x 6" x 18" x 18" WELDED WIRE FABRIC AND SHALL BE ON 4" COMPACTED GRANULAR BASE OVER UNDISTURBED OR WELL COMPACTED FILL.
- ALL DOWNSPUTS SHALL TERMINATE WITH A MINIMUM 36" EXTENSION.

### WINDOW SCHEDULE

MARK	ROUGH OPENING	TYPE	NO. REQ'D	REMARKS
(01)	8'-0" x 8'-0"	CASSETTE	1	12-2555
(02)	8'-0" x 4'-0"	CASSETTE	1	12-2543
(03)	8'-0" x 3'-0"	CASSETTE	1	12-2531
(04)	4'-0" x 4'-0"	CASSETTE	1	12-2543

### DESIGN CRITERIA

	LIVE LOAD	DEAD LOAD	
FLOOR	40 PSF	10 PSF	ALL AREAS EXCEPT SLEEPING
FLOOR	50 PSF	10 PSF	SLEEPING AREAS
WALL	60 PSF OR ACTUAL LOAD		
CEILING	20 PSF	10 PSF	ROOF SLOPES OVER 3 IN 12
ROOF	30 PSF	10 PSF	ALL SLOPES
CATHEDRAL	30 PSF	10 PSF	
EXTERIOR DECK	40 PSF	10 PSF	
BALCONY	60 PSF	10 PSF	EXTERIOR

### STRUCTURAL FRAMING LUMBER

FLOOR JOISTS, CEILING JOISTS, HEADERS AND RAFTERS.  
GRADE: 2" SPECIES: DOUGLASS FIR - LARCH (DOPTIC) Fb = 875 PSI E = 1,800,000

### ENGINEERED STRUCTURAL MEMBERS

BEAMS, HEADERS AND VALLEY RAFTERS  
MANUFACTURER: TRUS JOIST MACHILLAN PRODUCT: MICRO-LAM  
SIZE: VARIES (SEE PLANS) Fb = 2300 PSI E = 1,500,000

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DAVID JAMES DEVELOPMENT  
727 S. STOUGH, HINSDALE, IL 60421

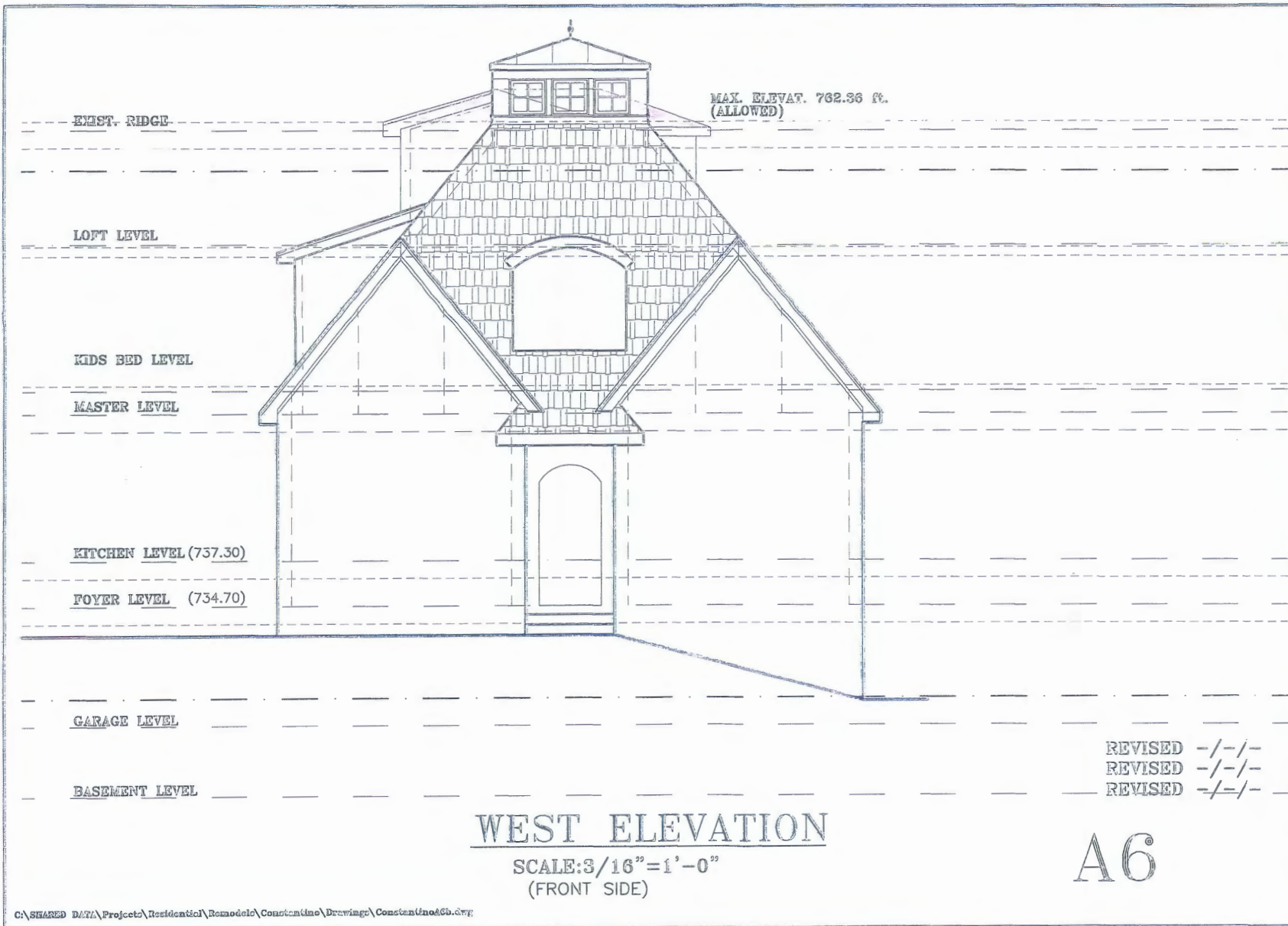
project no. 0316  
date 5-15-03

LOWER LEVEL

A-4







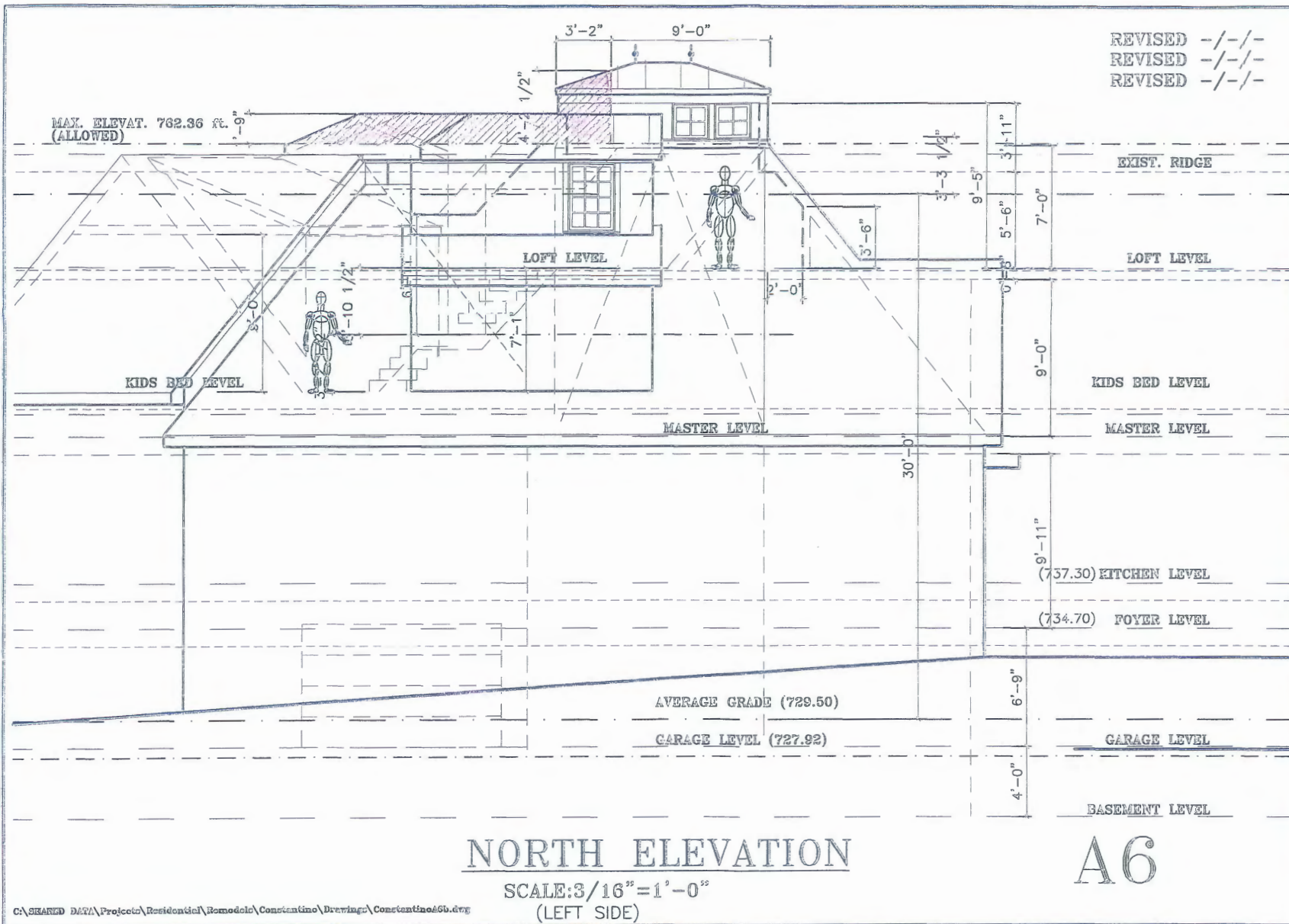
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BRYAN ASSOCIATES INC. ARCHITECTS  
433 SOUTH BRUNER STREET  
HINSDALE, IL 60521 PH. 630.920.077

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2016-41  
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3  
OF 7



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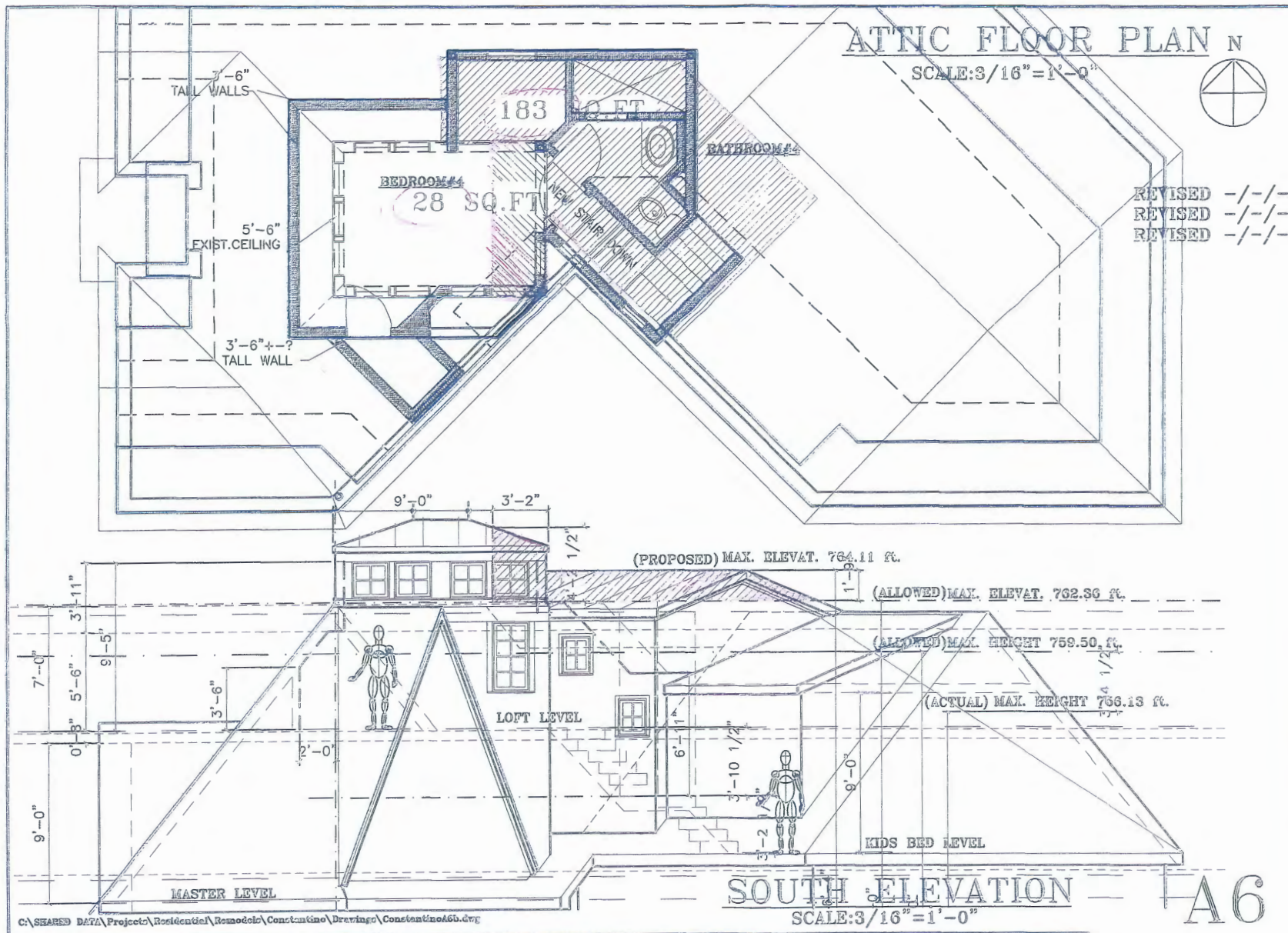
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OF

7





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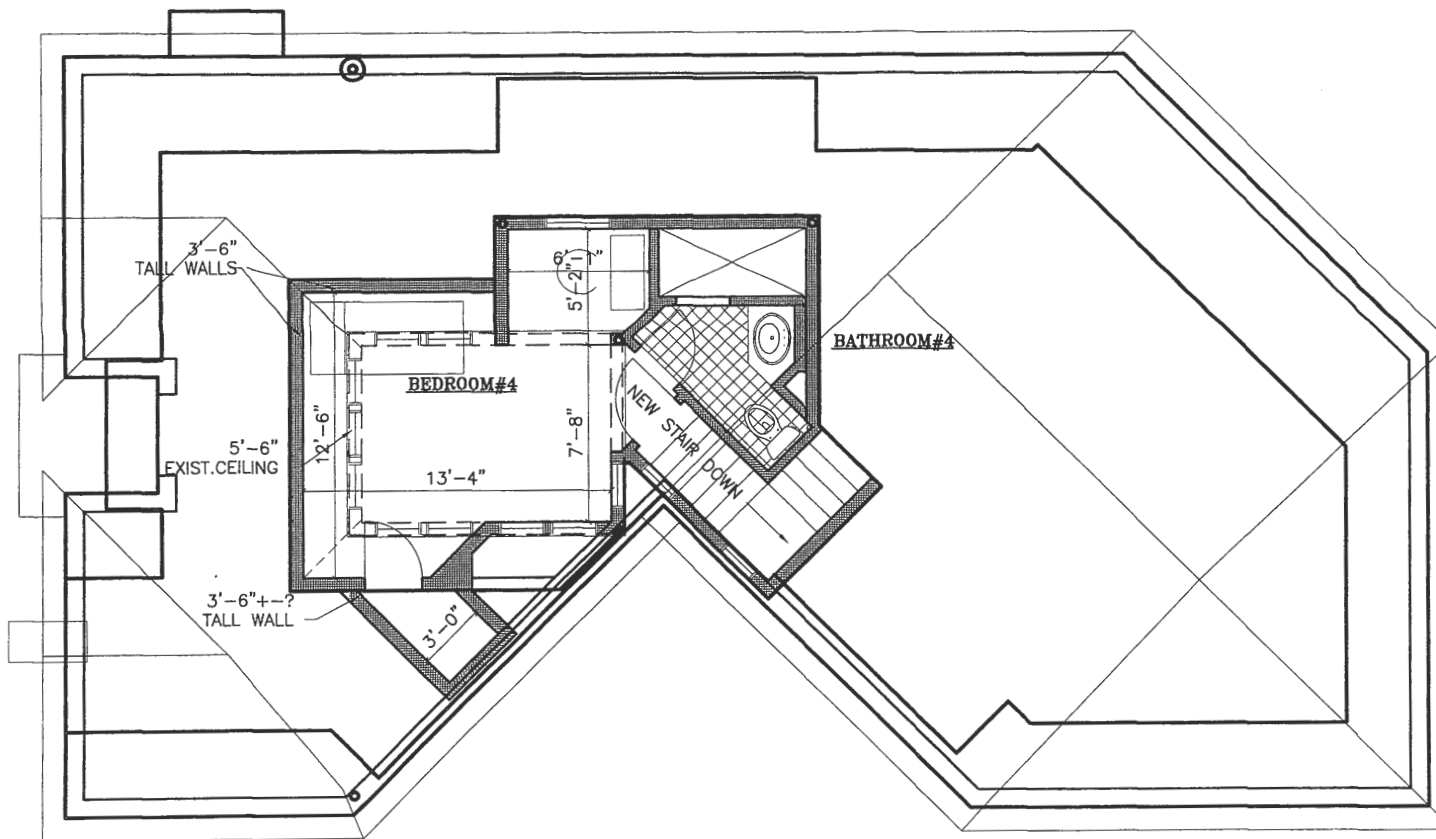
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12-6-16  
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5  
OF 7

#6 PROPOSED ATTIC PLAN &  
EXTERIOR SOUTH ELEVATION



**ATTIC FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



REVISED -/-/-  
REVISED -/-/-  
REVISED -/-/-

A6

**CONSTANTINO**

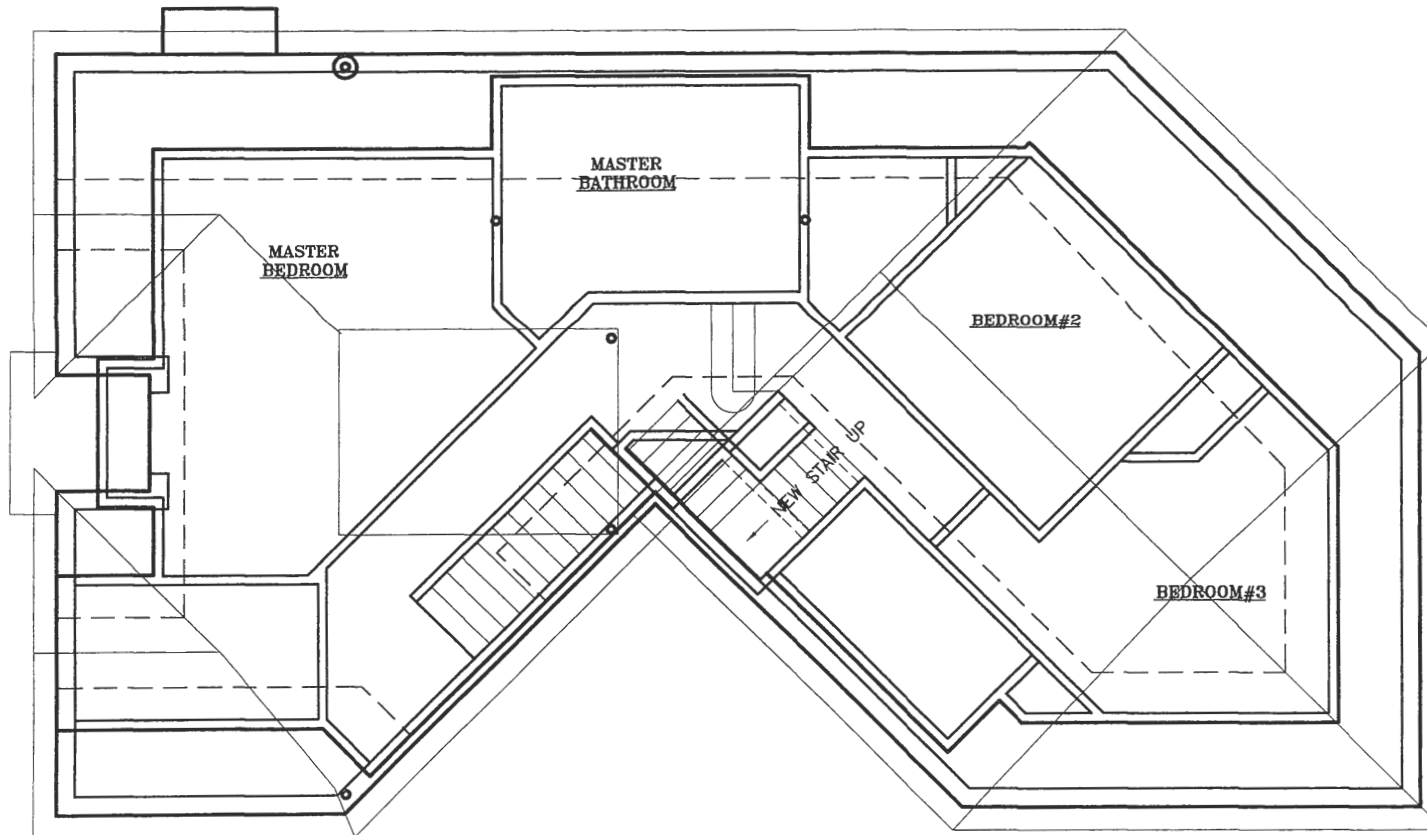
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2016-41  
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DWB  
DATE  
12-6-16  
SHEET

6

OF 7



**EXISTING  
SECOND FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



REVISED -/-/-  
REVISED -/-/-  
REVISED -/-/-

A6

**CONSTANTINO**



**BRYAN ASSOCIATES INC. ARCHITECTS**  
433 SOUTH BRUNER STREET  
HINSDALE, IL 60521 PH. 630.920.0777

PROJ # 2016-41  
DRN BY DWB  
DATE 12-6-16  
SHEET

7

OF 7



8b

## MEMORANDUM

**DATE:** January 13, 2017

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

**CC:** Christine Bruton, Village Clerk

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

**RE:** **Zoning Variation – V-07-16; 100 S. Garfield Street (HMS)**

---

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

1. Section 7-310(C)(2) Rear Yard Setback.
2. Section 7-310(D) Floor Area Ratio.
3. Section 9-104(G)(2)(b) Off-street parking in Required Front Yard.

It should be noted that the new building is being constructed around the existing building thereby creating design challenges and driving some of the variation requests.

It should also be noted that the request for an increase in Floor Area Ratio (FAR) will need to move on to the Board of Trustees as a recommendation. Additionally, there is a statutory requirement that this application needs to be processed within 90 days of a complete submittal. As such, it is important that we do what we can in order to try and minimize delays. See email and legislation from our attorney attached.

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

cc: Kathleen Gargano, Village Manager  
Zoning file V-07-16

## Robert McGinnis

---

**From:** Michael A. Marrs <mamarrs@KTJLAW.com>  
**Sent:** Wednesday, September 28, 2016 9:05 AM  
**To:** Chan Yu; Robert McGinnis  
**Cc:** Lance C. Malina  
**Subject:** RE: HMS Submittal for VOH Board Meeting - \*New Hinsdale Middle School and Review Process Question\*

He is referring to the new requirements in PA 99-890 that require municipalities to "make reasonable efforts to streamline the zoning application and review process" when processing zoning applications from public school districts. The specific actions required of a municipality under the Act include "expediting the zoning review process for the purpose of rendering a decision on any application from a school district within 90 days after a completed application is submitted to a municipality." The amendments are specific to school district applications, and don't impact your review of submittals from anyone else.

The key here is the term "completed application." The 90 days starts when they submit the actual completed application. You should work with the District to identify all the zoning relief they will need, and what will be required for their submittal. If their initial application/submittal is not complete, you should advise them that it is incomplete and what specifically they will need to provide in order to make it complete.

Once we know what relief they will need, we should map out the process to determine how we can multi-track the meetings/processes to get it all done within the 90 days. Preparing draft findings ahead of time so that they can be approved the same night as the hearing or meeting is one possible way the process can be streamlined. Special meetings, if necessary, is another. We want to make sure the PC and ZBA and BOT members have what they need to reasonably make a decision without the need to demand additional documentation mid-process that will cause the process to extend past the 90 days. Essentially, we need to show that we are making reasonable efforts to keep the process moving forward. The law does not say that relief is automatically granted if the time extends past 90 days, so they would need to bring some sort of circuit court action if they believed we were in violation.

A link to the Public Act is attached. Only Section 15 applies to municipalities. <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0890&GA=99>

**Michael A. Marrs** | Klein, Thorpe and Jenkins, Ltd. | 20 N. Wacker Drive, Suite 1660 | Chicago, IL 60606 | Ph: 312-984-6419 | [mamarrs@ktjlaw.com](mailto:mamarrs@ktjlaw.com)

**From:** Chan Yu [mailto:cyu@villageofhinsdale.org]  
**Sent:** Monday, September 26, 2016 8:02 AM  
**To:** Lance C. Malina; Michael A. Marrs  
**Cc:** Robert McGinnis  
**Subject:** RE: HMS Submittal for VOH Board Meeting - \*New Hinsdale Middle School and Review Process Question\*

Sorry, received the attachment bounce back today. Please see the attached reduced size file.

Thank you!

-Chan





# Illinois General Assembly

Home Legislation & Laws Senate House My Legislation Site Map

Bills & Resolutions

## Public Act 099-0890

Compiled Statutes

Public Acts

[Bill Status](#) [Printer-Friendly Version](#) [PDF](#)

Legislative Reports

IL Constitution

Legislative Guide

Legislative Glossary

## Public Act 099-0890

SB2186 Enrolled

LRB099 14516 NHT 38633 b

Search By Number  
(example: HB0001)

AN ACT concerning education.

[Search Tips](#)

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

Search By Keyword

Section 5. The Counties Code is amended by adding Section 5-12021 as follows:

[Search Tips](#)

(55 ILCS 5/5-12021 new)

Sec. 5-12021. Special provisions relating to public schools.

(a) In exercising the powers under this Division with respect to public school districts, a county shall act in a reasonable manner that neither regulates educational activities, such as school curricula, administration, and staffing, nor frustrates a school district's statutory duties. This subsection (a) is declarative of existing law and does not change the substantive operation of this Division.

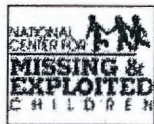
(b) In processing zoning applications from public school districts, a county shall make reasonable efforts to streamline the zoning application and review process for the school board and minimize the administrative burdens involved in the zoning review process, including, but not limited to, reducing application fees and other costs associated with the project of a school board to the greatest extent practicable and reflective of actual cost but in no event more than the lowest fees customarily imposed by the county for similar applications, limiting the number of times the school district must amend its site plans, reducing the number of copies of site plans and any other documents required to be submitted by the county, and expediting the zoning review process for the purpose of rendering a decision on any application from a school district within 90 days after a completed application is submitted to the county.

Section 10. The Township Code is amended by changing Section 110-70 as follows:

(60 ILCS 1/110-70)

Sec. 110-70. School district affected.

(a) In any hearing before a zoning commission or board of appeals, any school district within which the property in issue, or any part of that property, is located may appear and present evidence.





comply with any valid local government zoning ordinance or resolution that applies where the pertinent part of the building, structure, or site owned by the school district is located. The changes to this Section made by this amendatory Act of the 99th General Assembly are declarative of existing law and do not change the substantive operation of this Section.

(Source: P.A. 90-566, eff. 1-2-98.)

Section 99. Effective date. This Act takes effect upon becoming law.

**Effective Date:** 8/25/2016

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Zoning Calendar No. V-07-16  
(revised)

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

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

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

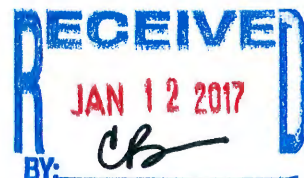
NAME OF APPLICANT(S): Community Consolidated School District #181

ADDRESS OF SUBJECT PROPERTY: 100 S Garfield Avenue, Hinsdale, IL 60521

TELEPHONE NUMBER(S): 630-861-4900

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

DATE OF APPLICATION: December 20, 2016



## SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: CCSD #181  
115 W. 55th Street, Clarendon Hills, IL 60514      630-861-4900
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: NA  
\_\_\_\_\_  
\_\_\_\_\_
3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: Same  
\_\_\_\_\_  
\_\_\_\_\_
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 100 South Garfield Avenue, Hinsdale, IL 60521  
Legal description attached.  
\_\_\_\_\_  
\_\_\_\_\_
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
  - a. Attorney: Architect: Cordogan Clark Associates, 960 Ridgeway, Aurora, IL 60506
  - b. Engineer: SmithGroupJJR, 35 E. Wacker, Suite 900, Chicago, IL 60601
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:
- a. None
- b. \_\_\_\_\_
7. **Neighboring Owners**. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
- After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, “return receipt requested” to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the “Certification of Proper Notice” form, returning that form and all certified mail receipts to the Village.
8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

## SECTION II

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

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

See attached supplemental text.

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

See attached supplemental text.

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4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

See attached supplemental text.

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

- (a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
- (e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.
- (f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that:
  - (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
  - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
  - (3) Would substantially increase congestion in the public streets due to traffic or parking; or



- (4) Would unduly increase the danger of flood or fire; or
- (5) Would unduly tax public utilities and facilities in the area; or
- (6) Would endanger the public health or safety.
- (g) No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.  
(Attach separate sheet if additional space is needed.)

See attached supplemental text.

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### 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.

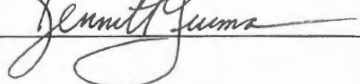
## SECTION IV

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.

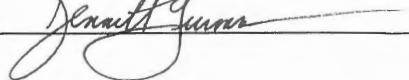
## SECTION V

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: Community Consolidated School District #181

Signature of Owner: 

Name of Applicant: Community Consolidated School District #181

Signature of Applicant: 

Date: December 2016

# SMITHGROUP JJR

December 15, 2016  
**Revised January 10, 2016**

Village of Hinsdale  
Application for Variation  
Hinsdale Middle School  
Supplemental Text

## SECTION I

7. **Neighboring Owners:** List of neighboring owners attached.
9. **Existing Zoning:** Zoning graphic attached.
10. **Conformity:** No variation is being sought regarding conformity. The property is currently zoned IB and will remain IB. The land use will not change.
11. **Zoning Standards:** Each requirement of the Zoning Ordinance will be satisfied with the exception of the items identified in Section II.

## SECTION II

1. **Title:** Title commitment attached.
2. **Ordinance Provision:** The specific ordinance provisions for which a variation is sought:
  - Section 7-310.C.2: Width of rear yard.
  - Section 7-310.D: Floor Area Ratio (FAR).
  - Section 9-104.G.2.b: Off-street parking in required front yard.
3. **Variations Sought:** The specific variation being sought:
  - Section 7-310.C.2: Reduce required 25' rear yard to 23'.
  - Section 7-310.D: Increase required .50 floor area ratio to .64.
  - Section 9-104.G.2.b: Allow 10 spaces of off-street parking in required front yard.
4. **Minimum Variation:**
  - Section 7-310.C.2: The proposed building encroaches on the rear yard setback by approximately 2'; therefore, reducing the rear setback to 23' is the minimum variation sought.
  - Section 7-310.D: The proposed building footprint is driven by various site and ordinance constraints that require an FAR of 0.64. This is the minimum variation sought.
  - Section 9-104.G.2.b: The surface parking to the northeast of the proposed building was designed to maximize the amount of spaces to meet the needs of the school and pull faculty and visitor parking off of the bordering Village streets. 10 spaces is the minimum amount of spaces located in the front yard setback.

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

Section 7-310.C.2 (Reduce required 25' year yard setback)

- (a) **Unique Physical Condition:** The site contains the existing Hinsdale Middle School that will need to remain in operation during the lengthy construction of the new building. This unique condition requires the new building to be sited with enough clearance from the existing school to promote student safety and maintain emergency egress, thereby minimizing the building area of the site.
- (b) **Not Self-Created:** The above unique physical condition is not a self-created condition.
- (c) **Denied Substantial Rights:** Given the unique physical condition of the site, carrying out the strict letter of the provision would deprive the District of the right to develop their programmatic needs for a new middle school that are commonly enjoyed by owners of other lots subject to the same provision.
- (d) **Not Merely Special Privilege:** The variation sought is not due to the inability of the District to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots. The location of the building which is the reason for the variation sought does not impact whether the District will make more money from the use of the subject property.
- (e) **Code and Plan Purposes:** The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.
- (f) **Essential Character of the Area:** The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new building would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The site and building design incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new school will not unduly tax public facilities.
- (g) **No Other Remedy:** The District does not have any alternate buildings available to accommodate the necessary 800 students for the existing building to be demolished during the required 24 month construction timeframe. The design of the new building and the associated site work is primarily driven by accommodating the full student population in a permanent structure that meets 21<sup>st</sup> Century Learning philosophies and delivery models. The floorplan of the new school was designed to facilitate the 21<sup>st</sup> Century Learning philosophies and also promote student safety and security. The gymnasium and associated facilities must be located on the main floor to allow public access while securing the remainder of the building. This building design is limited to a smaller buildable area due to the unique physical condition described above and requires the variation sought to meet the requirements of the development.

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

- (a) Unique Physical Condition: The site area is not large enough to support the programmatic needs of a middle school that provides 21<sup>st</sup> Century Learning philosophies.
- (b) Not Self-Created: The above unique physical condition is not a self-created condition.
- (c) Denied Substantial Rights: Given the unique physical conditions of the site, carrying out the strict letter of the provision would deprive the District of the right to develop their programmatic needs for a new middle school that are commonly enjoyed by similar developments of other lots subject to the same provision.
- (d) Not Merely Special Privilege: The variation sought is not due to the inability of the District to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots. The floor area of the building, which is the reason for the variation sought, does not impact whether the District will make more money from the use of the subject property.
- (e) Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision.
- (f) Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new building would not impair an adequate supply of light or air to the properties in the vicinity, nor would substantially increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The site and building design incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in adjacent areas. Utility demands of the new school will not unduly tax public facilities.
- (g) No Other Remedy: The floorplan of the new school was designed to facilitate the 21<sup>st</sup> Century Learning philosophies and also promote student safety and security as mentioned above. The floorplan of the building is based on the programmatic needs of the school which include increasing the size of the core classrooms and laboratories which are currently inadequately sized. The existing middle school (including the mobile classrooms) is approximately 112,000 gsf (FAR of 0.52) and the proposed program would increase the size to approximately 137,000 gsf (FAR of 0.64) while removing the current 8 temporary mobile classrooms and upgrading the level of education to meet today's standards.

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

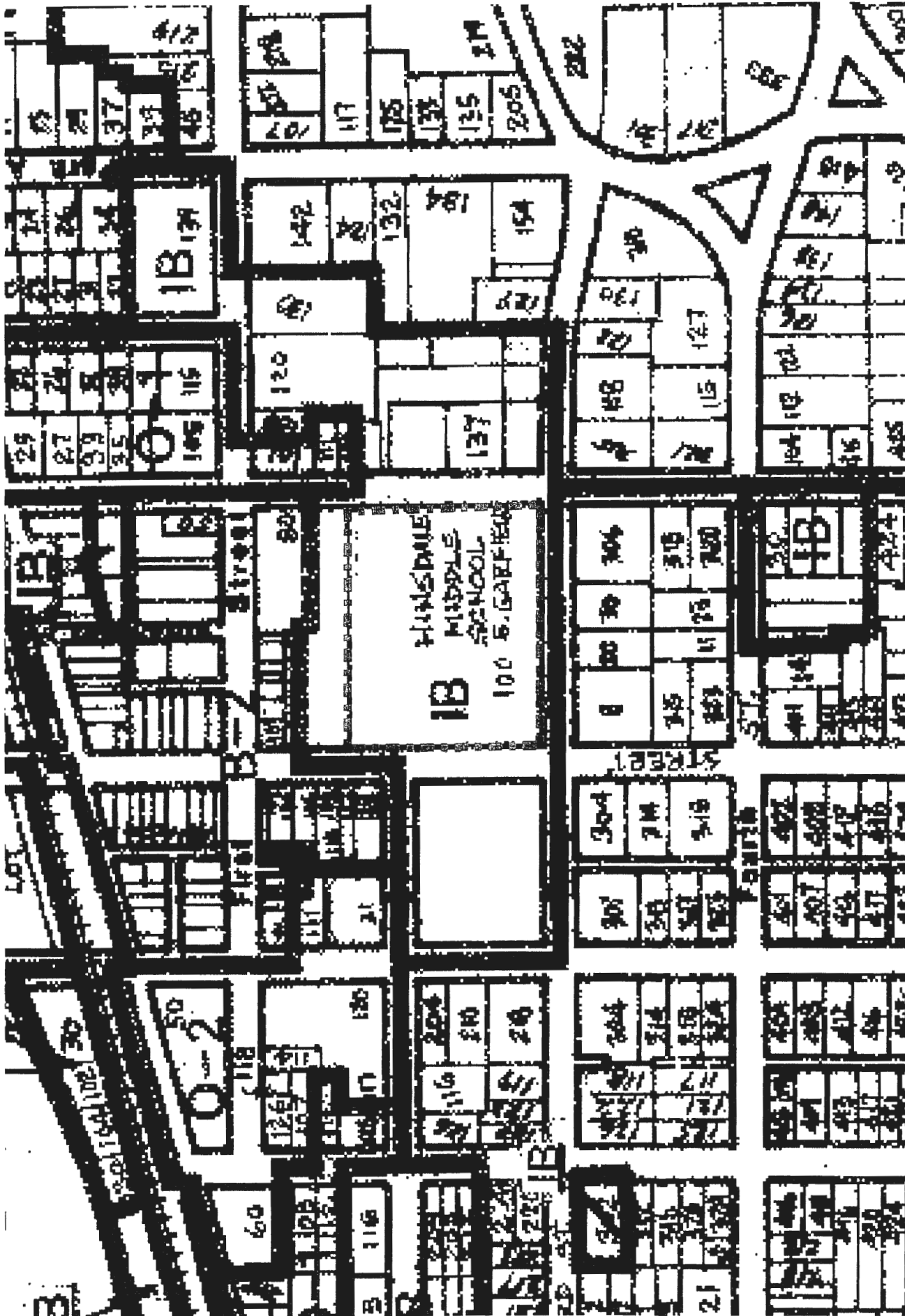
- (a) Unique Physical Condition: The proposed building and site design is largely impacted by the existing building on site as mentioned above. There is a limited buildable area for the desired off-street parking when taking into account the necessary phasing of the construction. Also, parking for downtown Hinsdale is at severe shortage and has driven the site design to include as many parking spaces as possible that could be used for downtown patrons.
- (b) Not Self-Created: The above unique physical condition is not a self-created condition.
- (c) Denied Substantial Rights: Given the unique physical conditions of the site and the drive to provide parking for the downtown area, carrying out the strict letter of the provision would deprive the District the right to develop their programmatic needs for a new middle school that are commonly enjoyed by similar developments of other lots subject to the same provision.
- (d) Not Merely Special Privilege: The variation sought is not due to the inability of the District to enjoy any special privileges or additional rights not available to other owners of similarly zoned lots.
- (e) Code and Plan Purposes: The variation sought would not result in a use or development of the site that would not be in harmony with the general and specific purposes of this provision. It should be noted the parking for the adjacent Garfield Square development to the north of the subject property exists in the front yard.
- (f) Essential Character of the Area: The variation sought would not result in a use or development of the site that would be materially detrimental to the public welfare or injurious to the enjoyment, use development, or value of properties in the vicinity. The new building would not impair an adequate supply of light or air to the properties in the vicinity, nor would increase congestion in the public streets. A Traffic Impact Study of the proposed site plan indicated that area intersections will operate at acceptable levels of service and the new plan will address many of the existing circulation issues observed currently. The parking design incorporates measures that will alleviate parking demands, help promote public safety, and reduce the danger of flooding in the adjacent areas. Utility demands of the parking area will not unduly tax public facilities.
- (g) No Other Remedy: Parking for both Hinsdale Middle School and downtown Hinsdale is at a severe shortage. Given the unique physical conditions mentioned above, there is a limited buildable area for parking on the subject property. Off-street parking in the required front yard will allow the school to meet and exceed the required number of spaces. When the parking is not being used for school purposes, the parking spaces will be available for downtown Hinsdale patrons and will serve to meet the demands of the Village of Hinsdale. Maximizing the amount of parking provided through continued coordination with the Village is a priority of the site development. It should also be noted the parking for the adjacent Garfield Square development to the north exists in their front yard.

## List of Neighboring Owners

Name	Address	City	State	Zip Code	PIN	PIN	PIN	PIN	PIN
SBC	909 Chesnut North 36 M1	St. Louis	Mo	63101	912115010				
Riordan, Brian & Kelly	116 W. 2nd St.	Hinsdale	IL	60521	912116002				
Hartmann Jr., Fred & Sally	119 W. 3rd St.	Hinsdale	IL	60521	912116005				
Carey, Francis & Jean TR	204 S. Lincoln St.	Hinsdale	IL	60521	912116006				
Scales, Roberta A TR	218 S. Lincoln St.	Hinsdale	IL	60521	912116009				
Saigh, Robert & Patricia	210 S. Lincoln St.	Hinsdale	IL	60521	912116010				
Picerne, Jeanne M	304 S. Lincoln St.	Hinsdale	IL	60521	912117004				
Abdo, Daniel TR	314 S. Lincoln St.	Hinsdale	IL	60521	912117013				
Cesarini, Dominic 2504	54 S. Washington St.	Hinsdale	IL	60521	912121020				
Fruit Store	26 W 1st. St.	Hinsdale	IL	60521	912122001				
Home Space, LLC	306 S. Garfield	Hinsdale	IL	60521	912122002				
JJCJ LLC	18 W. 1st. St.	Hinsdale	IL	60521	912122003				
Shriver TR, Catherine & ETA	14 W. 1st. St.	Hinsdale	IL	60521	912122004				
111 Lincoln LLC	723 W. North St.	Hinsdale	IL	60521	912122005				
Berberian Companies	515 Lyell Dr. Unit 101	Modesto	CA	95356	912122006	912122007			
Odegard Properties	PO Box 58	Western Springs	IL	60558	912122008	912122009	912122010		
Rock Rubicon LLC Hinsdale	114 E. 6th St.	Hinsdale	IL	60521	912122013				
Corrigan, Freda Bremer C/O Jeanne Vaughan	970 Greenwood Court South	Sanibel	FL	33957	912122014				
Midwest Property Group	520 W. Erie Unit 430	Chicago	IL	60654	912122015				
Matzelle, WM & Gretchen	307 S. Lincoln St.	Hinsdale	IL	60521	912124001				
Cefaratti, Samuel & T TR	313 S. Lincoln St.	Hinsdale	IL	60521	912124002				
Coffey, Thomas & Mary	304 S. Washington St.	Hinsdale	IL	60521	912124005	912124006			
Dobrez, John & Tammy	418 S. Washington	Hinsdale	IL	60521	912124007				
JDR Investment Properties	8 Robin Hood Ranch	Oakbrook	IL	60523	912128016				
True North Investments Agent of Hinsdale First LLC	3000 Woodcreek Dr. #300	Downers Grove	IL	60515	912128018				
Hinsdale Building Corporation	25 E. 1st. St.	Hinsdale	IL	60521	912129009				
29 First LLC, C/O Midwest Property Group	520 W. Erie Unit 430	Chicago	IL	60654	912129010				
Duboe Bryant, Susie TR	1662 Foltz	Hoffman Estates	IL	60195	912129011				
TRP 35 First Street LLC	7630 Plaza Ct.	Wilowbrook	IL	60527	912129012	9012129013			
1015 Washington St. LTD PTNRSH C/O Midwest Property Group	520 W. Erie Unit 430	Chicago	IL	60654	912130001				
8E1 Hinsdale LLC	431 S. Dearborn No. 203	Chicago	IL	60605	912130002	912130007			
Wayne Hummer TR 1739	727 N. Bank Lane	Lake Forest	IL	60045	912130003				
First Church of Christ	405 E. 1st. St.	Hinsdale	IL	60521	912130004				
Mc Keague, Edward & Nancy	42 S. Bodin St.	Hinsdale	IL	60521	912130005				
Eighteen East Hinsdale LL	18 E. 1st. St.	Hinsdale	IL	60521	912130006				
Wisch Rental Properties L	PO Box 269	Hinsdale	IL	60522	912130008				
Village of Hinsdale	19 E. Chicago Avenue	Hinsdale	IL	60521	912130010	912130020			
Garfield Crossing LLC	1 Lincoln Center Unit 700	Oakbrook Terrace	IL	60181	912130016				
Hinsdale Chamber of Commerce	22 E. 1st. St.	Hinsdale	IL	60521	912130021				
Casten, Judith & Thomas	8 E. 3rd St.	Hinsdale	IL	60521	912131001				
Schneider, Robyn & Denise	20 E. 3rd. St.	Hinsdale	IL	60521	912131002				
East Third LLC	306 S. Garfield	Hinsdale	IL	60521	912131003				
Oles, James & S Starkston	306 S. Garfield	Hinsdale	IL	60521	912131004				
Shah, Neel & Caroline	315 S. Washington St.	Hinsdale	IL	60521	912131005				
Fiascone, Nicholas & A TR	11 E. 4th St.	Hinsdale	IL	60521	912131007				



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



Hinsdale Middle School  
Zoning Map

# ALTA COMMITMENT FOR TITLE INSURANCE



CHICAGO TITLE INSURANCE COMPANY

Commitment Number:

**16021074CS**

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

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

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

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

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

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

Chicago Title Insurance Company

By:

President

Attest:

Secretary



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ALTA Commitment (06/17/2006)

Page 1

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

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

### SCHEDULE A

#### ORDER NO. 16021074CS

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

1. Effective Date: August 26, 2016

2. Policy or (Policies) to be issued:

a.

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

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

Fee Simple

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

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

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

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

END OF SCHEDULE A

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ALTA Commitment (06/17/2006)





**SCHEDULE B**

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

**General Exceptions**

1. **Rights or claims of parties in possession not shown by Public Records.**
2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
3. **Easements, or claims of easements, not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
6. **We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically.**
7. **Note for Information: The coverage afforded by this commitment and any policy issued pursuant hereto shall not commence prior to the date on which all charges properly billed by the company have been fully paid.**

- A 8. The General Taxes as shown below are marked exempt on the Collector's Warrants. Unless satisfactory evidence is submitted to substantiate said exemption, our policy, if and when issued, will be subject to said taxes.

Taxes for the years 2015 and 2016.

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

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

- C 9. For any special service areas and/or sanitary districts referenced below as a Schedule B Exception, a full payment letter must be presented in conjunction with any deed to be recorded.



**SCHEDULE B**

(continued)

- B 10. Note: terms and conditions of the Flagg Creek Water Reclamation District amended ordinance 756, recorded March 13, 2009, as document R2009-037066, which relate to the payment of user charges prior to the sale or transfer of real estate within the districts service area, the computation of water consumption, and the evaluation of connection permits for the sale of commercial property within said service area. Ordinance provides in part that no person shall sell, transfer or otherwise convey title to or beneficial interest in any real property which is supplied with water service by the Flagg Creek Water Reclamation District without first obtaining a closing letter showing that all sewer assessments are paid in full.

Note: We should be furnished with a closing letter showing all sewer assessments are paid in full in connection with any recording to which the ordinance applies.

In the event of a transfer of the property , we should be furnished satisfactory evidence of compliance in the form of a connection letter as set forth in said ordinance.

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

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

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

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

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

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

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

(affects lot 8 in Block 5)

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

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

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ALTA Commitment (06/17/2006)



## SCHEDULE B

(continued)

- H 18. Grants of easements made by the Regional Board of School Trustees of DuPage County, Illinois and the Village of Hinsdale for the maintenance, operation, repair, replacement or removal of an existing water main and the terms and provisions contained therein recorded as documents R77-59603 and R90-5494

(affects part of block 5)

- I 19. Terms and provisions of an ordinance authorizing an agreement and establishing parking restrictions recorded as document R82-25643

(affects block 5)

- J 20. Terms and provisions of agreements made by and between the Village of Hinsdale and the trustees of Scholl district 181 recorded as documents R77-96687 and R78-108796

(affects block 5)

- O 21. A. Note for additional information: the DuPage County Recorder requires that any documents presented for recording contain the following information:

The name and address of the party who prepared the document;

The name and address of the party to whom the document should be mailed after recording;

All permanent real estate tax index numbers of any property legally described in the document;

The address of any property legally described in the document;

All deeds should contain the address of the grantee and should also note the name and address of the party to whom the tax bills should be sent.

Any deeds conveying unsubdivided land, or, portions of subdivided and, may need to be accompanied by a properly executed "plat act affidavit."

In addition, please note that the municipalities of Addison, Aurora, Bartlett, Bolingbrook, Carol Stream, Elk Grove Village, Elmhurst, Glendale Heights, Glen Ellyn, Hanover Park, Naperville, Schaumburg, West Chicago, Wheaton, and Woodridge have enacted transfer tax ordinances. To record a conveyance of land located in these municipalities, the requirements of the transfer tax ordinances must be met. A conveyance of property in these cities may need to have the appropriate transfer tax stamps affixed before it can be recorded.

Furthermore, all deeds and mortgages should include the current marital status of all individual parties, where appropriate. A spouse of an individual grantor or mortgagor may have to sign the deed or mortgage in order to release any applicable homestead interest

This exception will not appear on the policy when issued.

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ALTA Commitment (06/17/2006)



**SCHEDULE B**

(continued)

- P 22. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
- Q 23. The "Good Funds" section of the Title Insurance Act (215 ILCS 155/26) is effective January 1, 2010. This Act places limitations upon our ability to accept certain types of deposits into escrow. Please contact your local Chicago Title office regarding the application of this new law to your transaction.
- S 24. All endorsement requests should be made prior to closing to allow ample time for the company to examine required documentation.  
(This note will be waived for policy).

**END OF SCHEDULE B**

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ALTA Commitment (08/17/2006)

Page 6

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## CONDITIONS

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

## END OF CONDITIONS

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ALTA Commitment (06/17/2006)





ZONING BOARD OF APPEALS

January 18, 2017

COMMUNITY  
SCHOOL DISTRICT # 181

Hinsdale Middle School Project

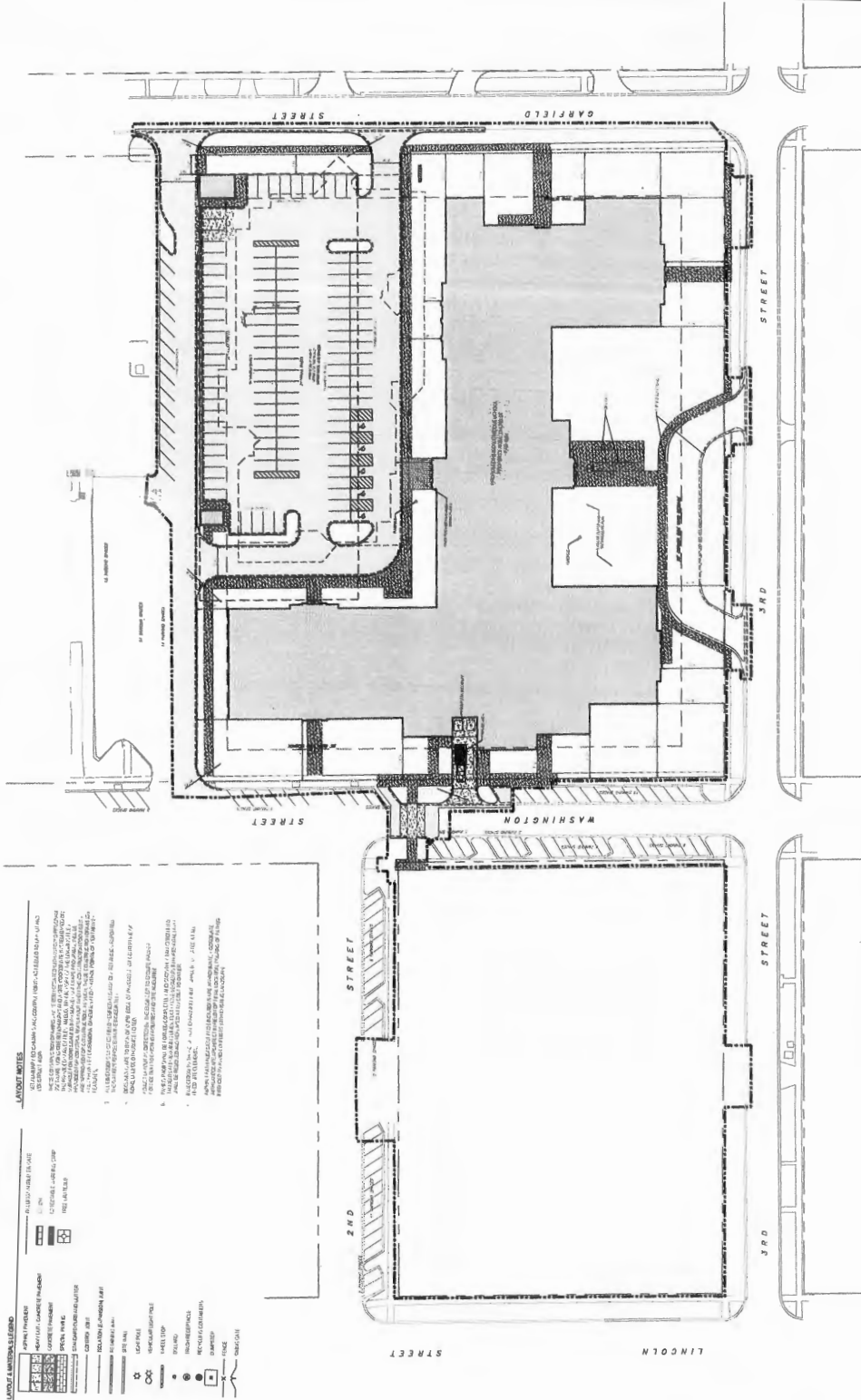
**SMITHGROUP JJR**

**CORDOGANCLARK**  
ARCHITECTS • ENGINEERS • CONSTRUCTION

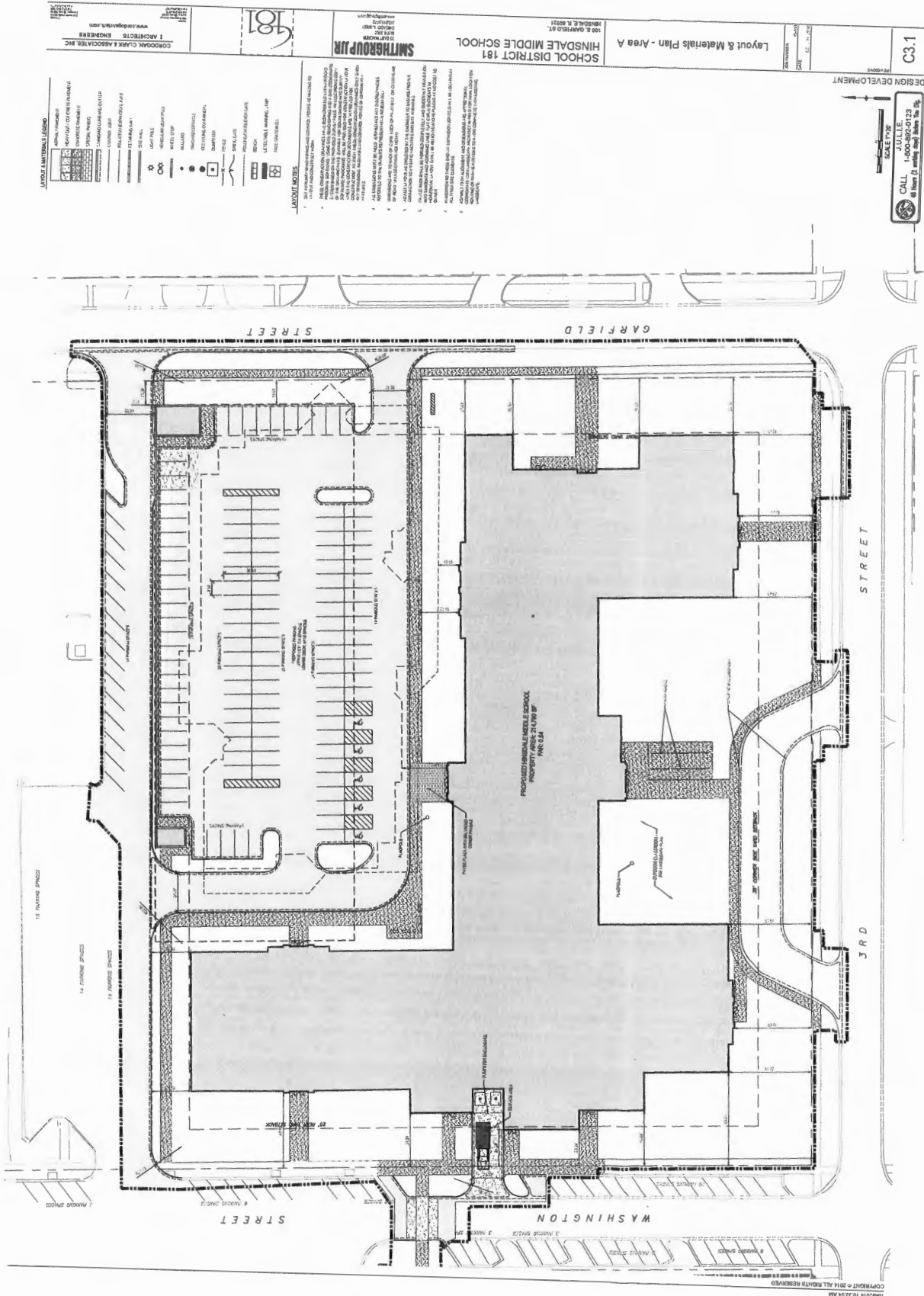




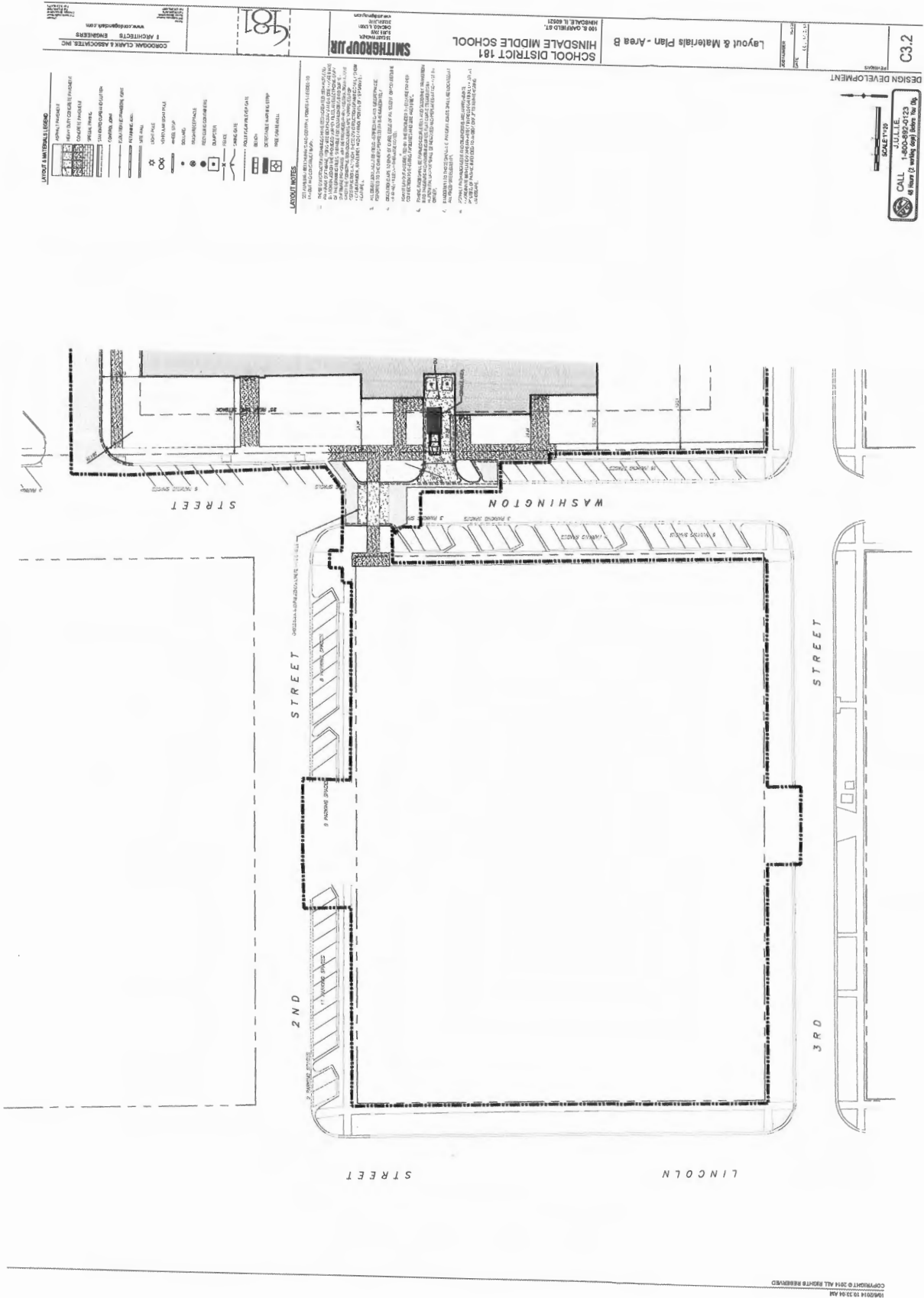
DECEMBER 16, 2016  
SCALE: 1"=30'-0"

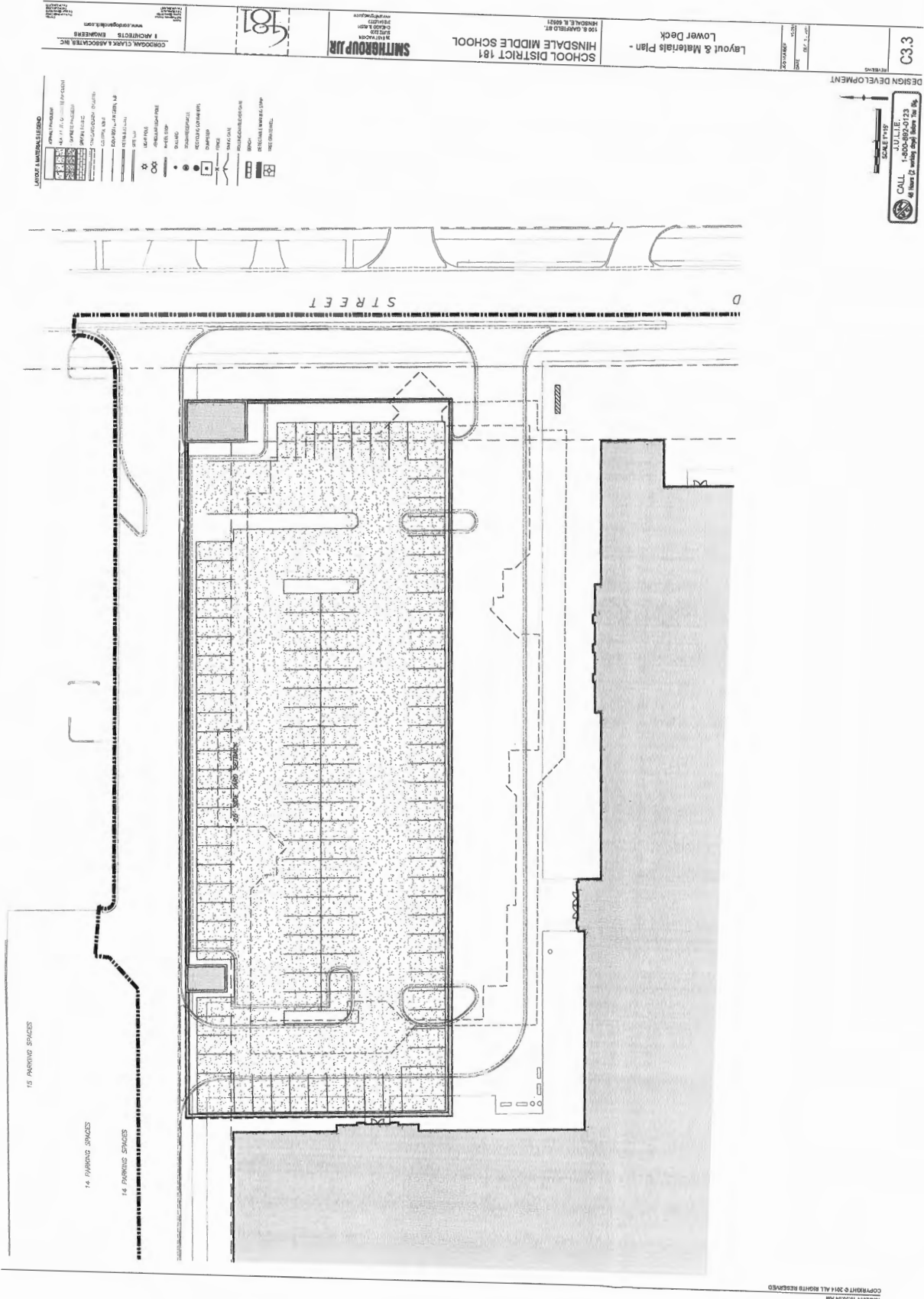


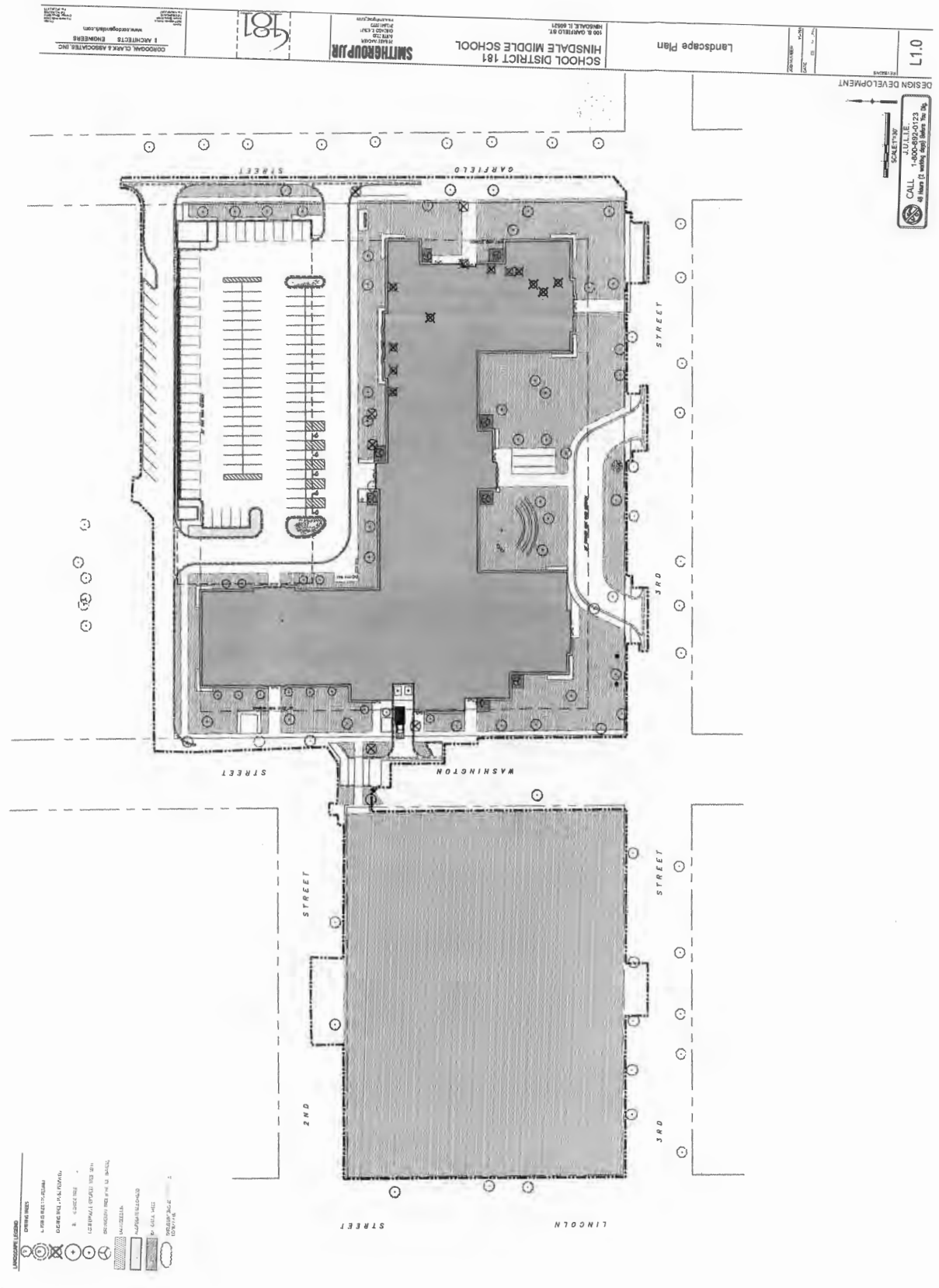


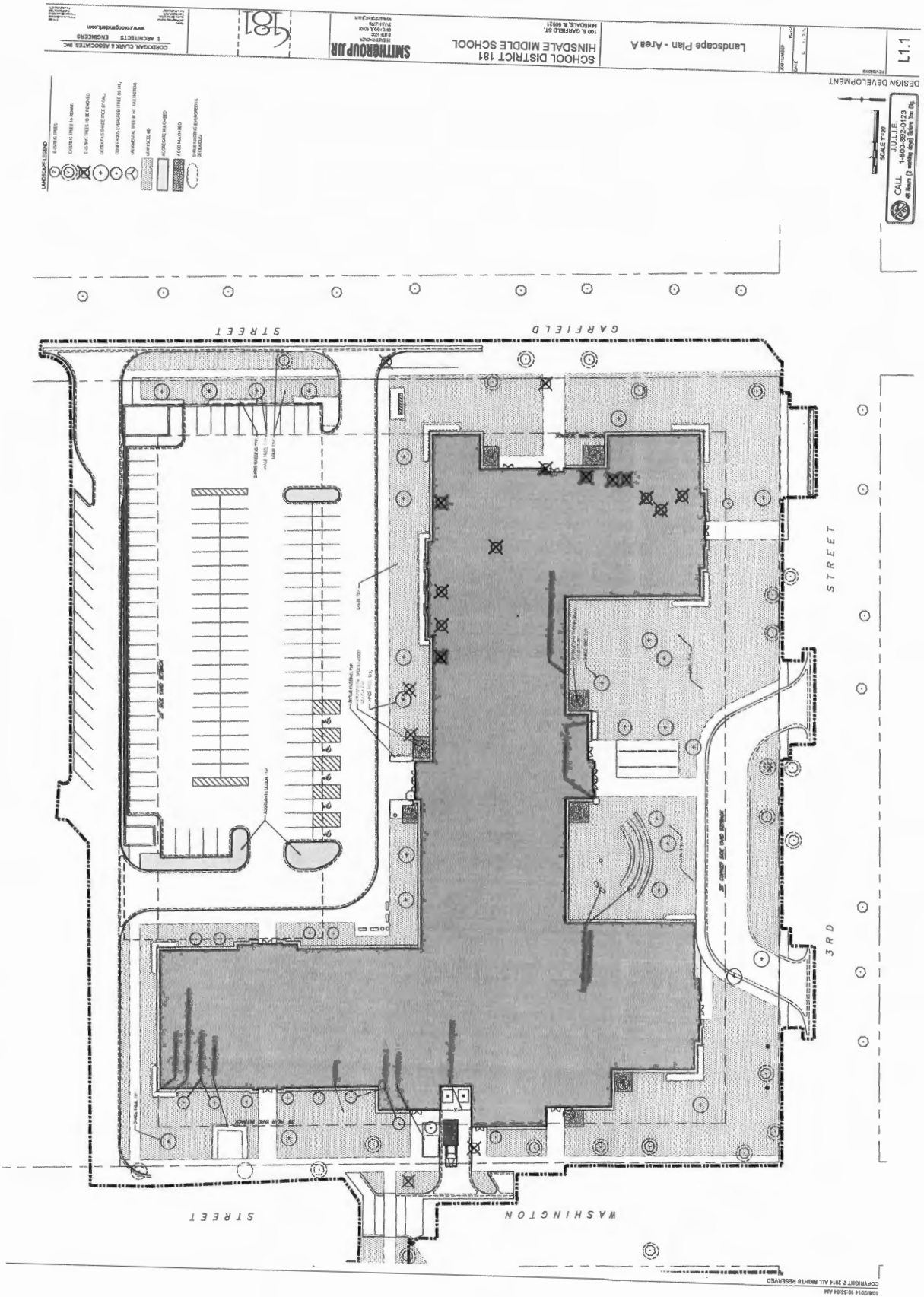






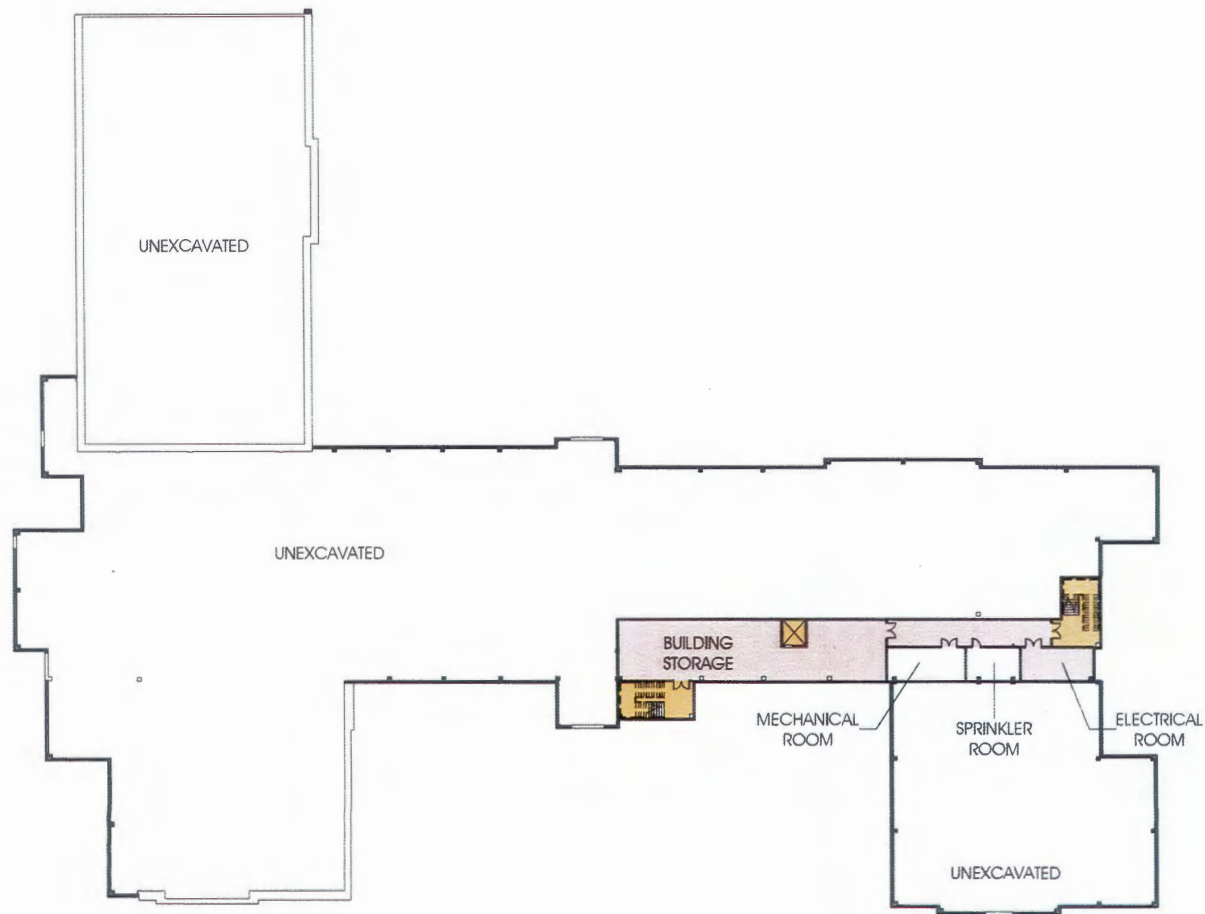












- Service Areas
- Storage
- Vertical Circulation

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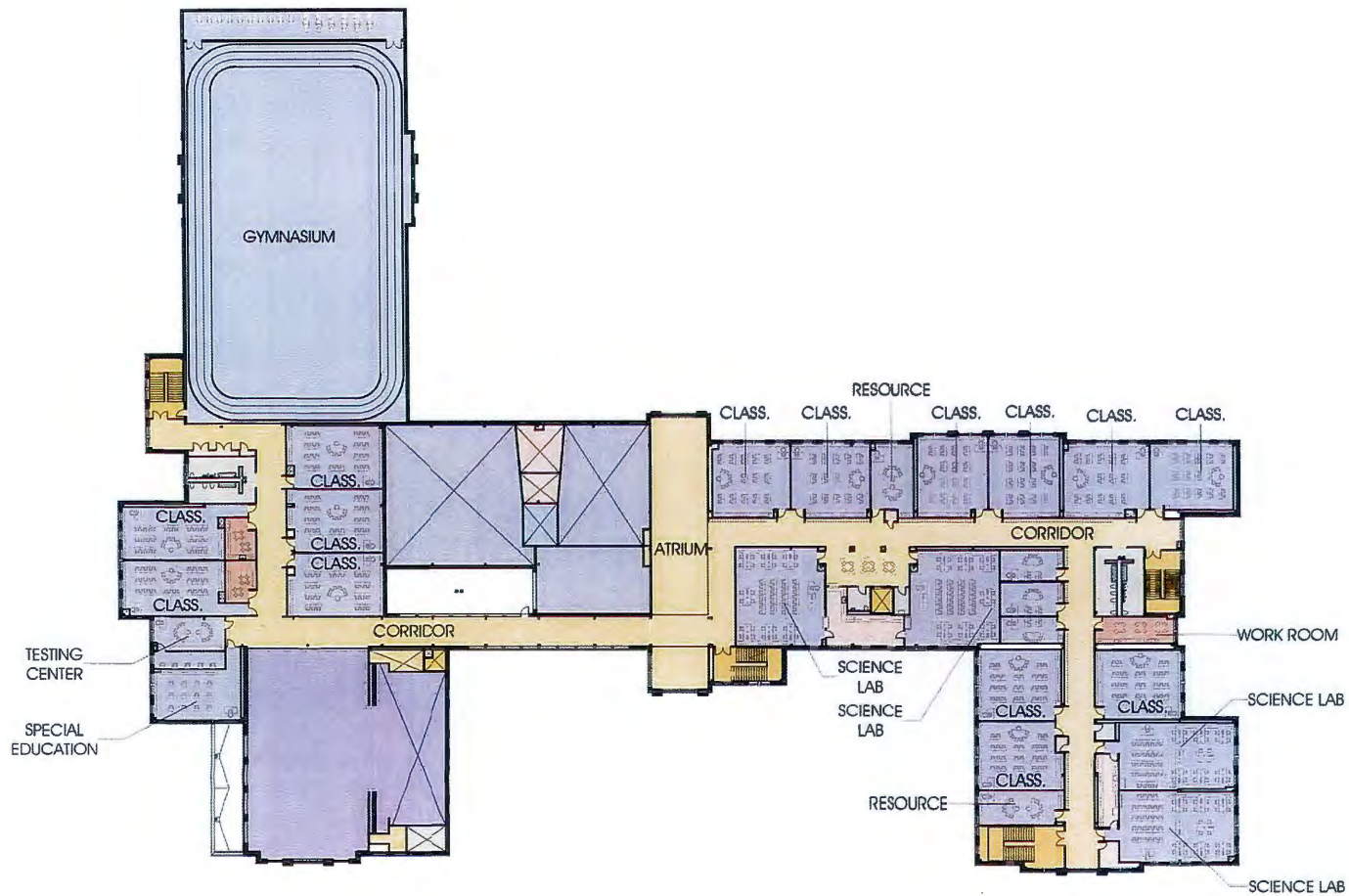
OVERALL FIRST FLOOR PLAN

HINSDALE MIDDLE SCHOOL

DEC. 16, 2016

SCHOOL DISTRICT 181

P-A1



- Assembly Spaces
- Classroom
- Classroom - Special Ed
- Classroom - Vocational
- Gym / Locker Room
- Horizontal Circulation
- Offices
- Service Areas
- Storage
- Toilet Rooms/ Janitor
- Vertical Circulation
- Work Room

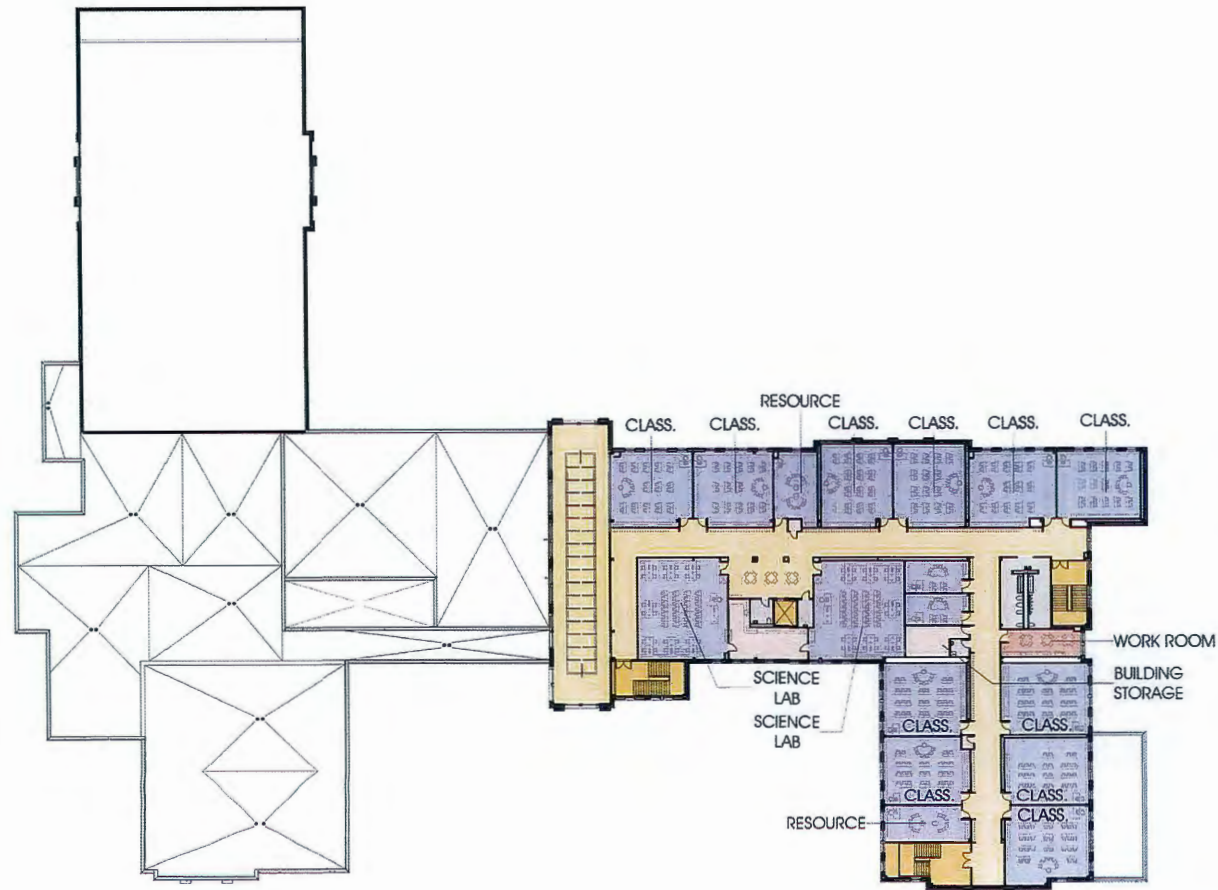
OVERALL SECOND FLOOR PLAN

HINSDALE MIDDLE SCHOOL

DEC. 16, 2016

SCHOOL DISTRICT 181

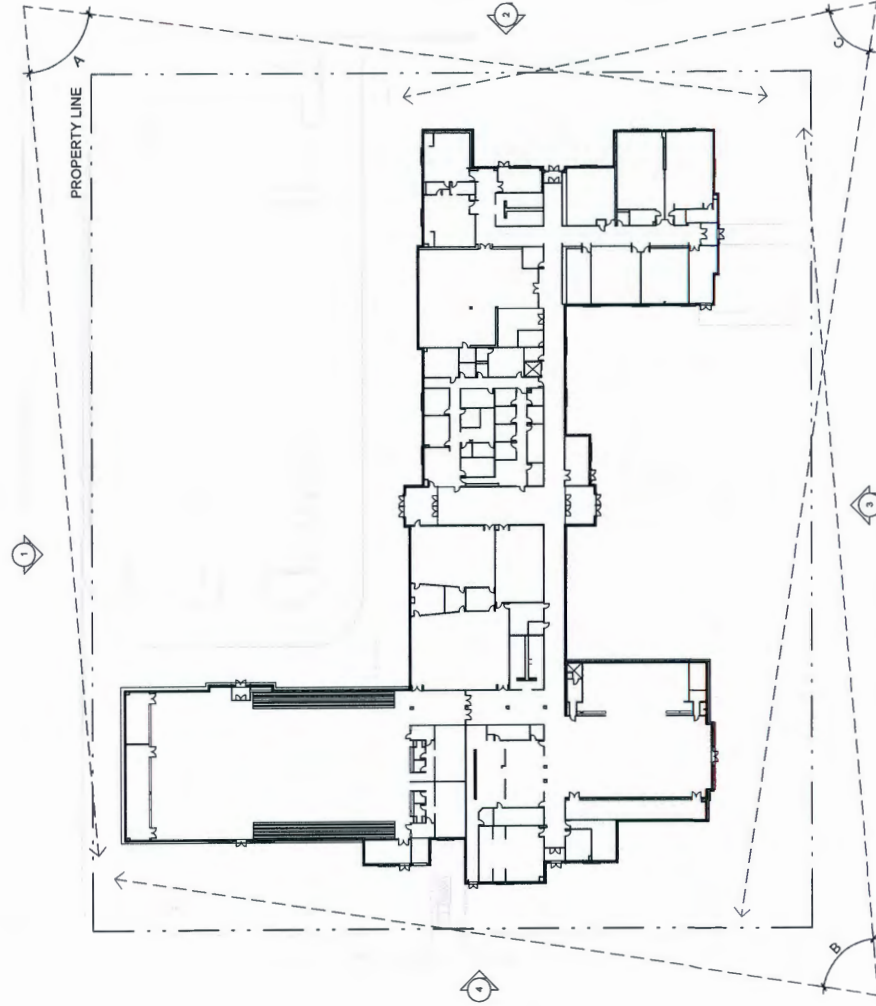
P-A2



- Classroom
- Classroom - Vocational
- Horizontal Circulation
- Service Areas
- Storage
- Toilet Rooms/ Janitor
- Vertical Circulation
- Work Room

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\* MECHANICAL SCREEN

EYE-LEVEL PERSPECTIVE VIEW 'A'

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PERSPECTIVE VIEW

HINSDALE MIDDLE SCHOOL PROJECT  
SCHOOL DISTRICT # 181

JAN 4, 2017



\* MECHANICAL SCREEN

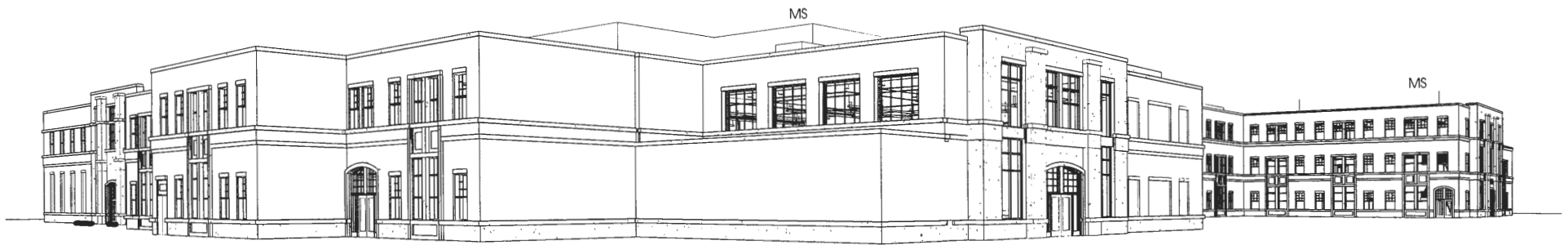
EYE-LEVEL PERSPECTIVE VIEW 'B'

**CORDOGANCLARK**  
ARCHITECTS ENGINEERS CONSTRUCTION

PERSPECTIVE VIEW

HINSDALE MIDDLE SCHOOL PROJECT  
SCHOOL DISTRICT # 181

JAN 4, 2017



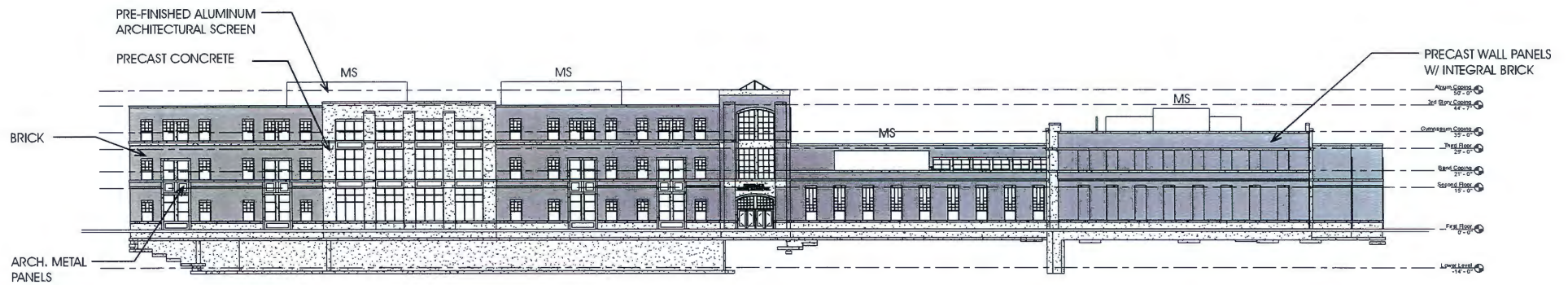
EYE-LEVEL PERSPECTIVE VIEW 'C'

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PERSPECTIVE VIEW

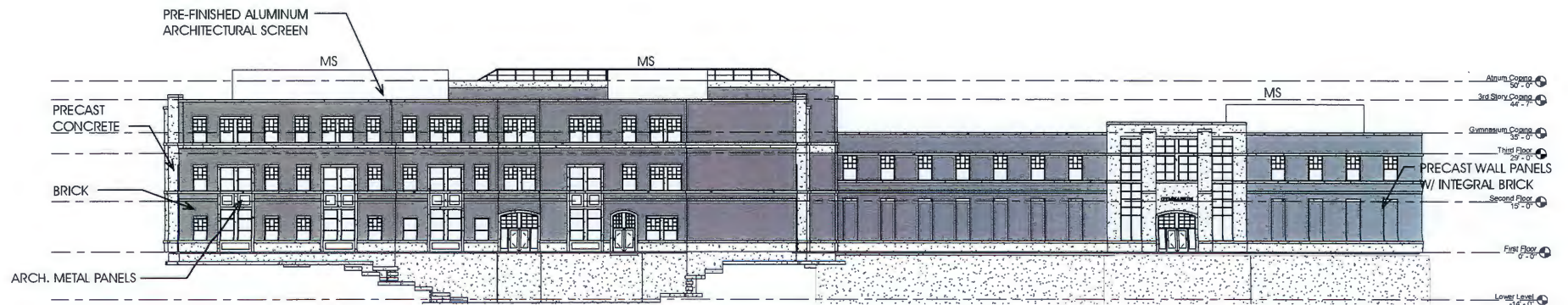
HINSDALE MIDDLE SCHOOL PROJECT  
SCHOOL DISTRICT # 181

JAN 4, 2017



NORTH ELEVATION

1/32" = 1'-0"



EAST ELEVATION

1/32" = 1'-0"

**CORDOGANCLARK**  
ARCHITECTS-ENGINEERS-CONSTRUCTION

OVERALL BUILDING ELEVATIONS

HINSDALE MIDDLE SCHOOL PROJECT

SCHOOL DISTRICT # 181

JAN 4, 2017





SOUTH ELEVATION

1/32" = 1'-0"



WEST ELEVATION

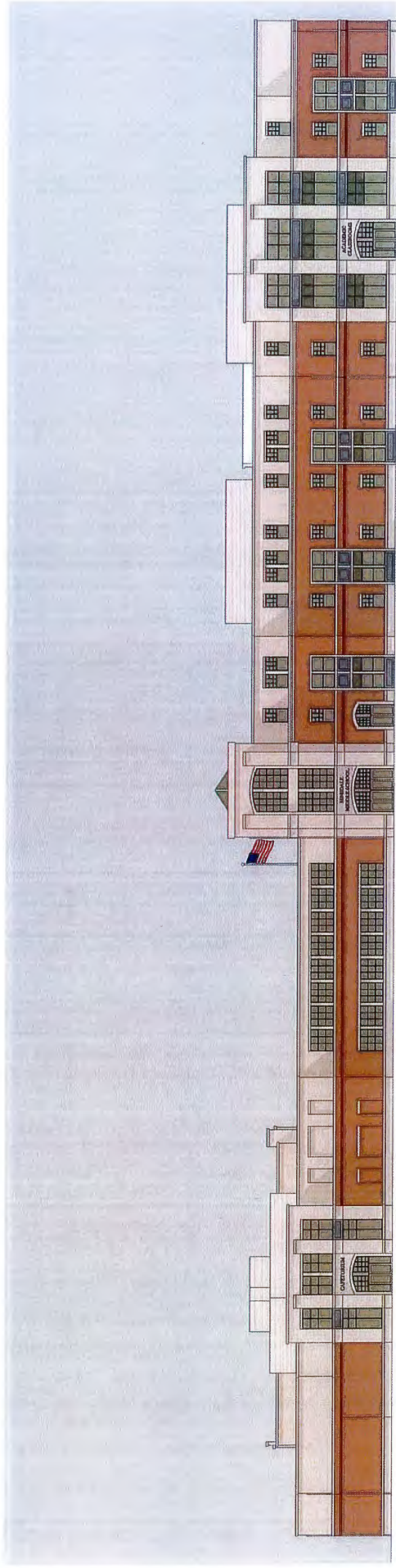
1/32" = 1'-0"

**CORDOGANCLARK**  
ARCHITECTS ENGINEERS CONSTRUCTION

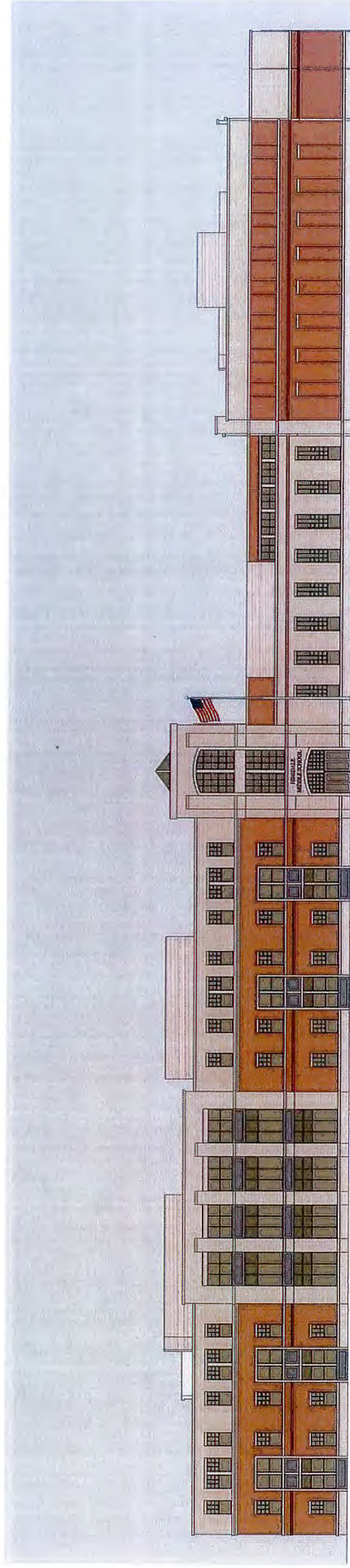
OVERALL BUILDING ELEVATIONS

HINSDALE MIDDLE SCHOOL PROJECT  
SCHOOL DISTRICT # 181

JAN 4, 2017

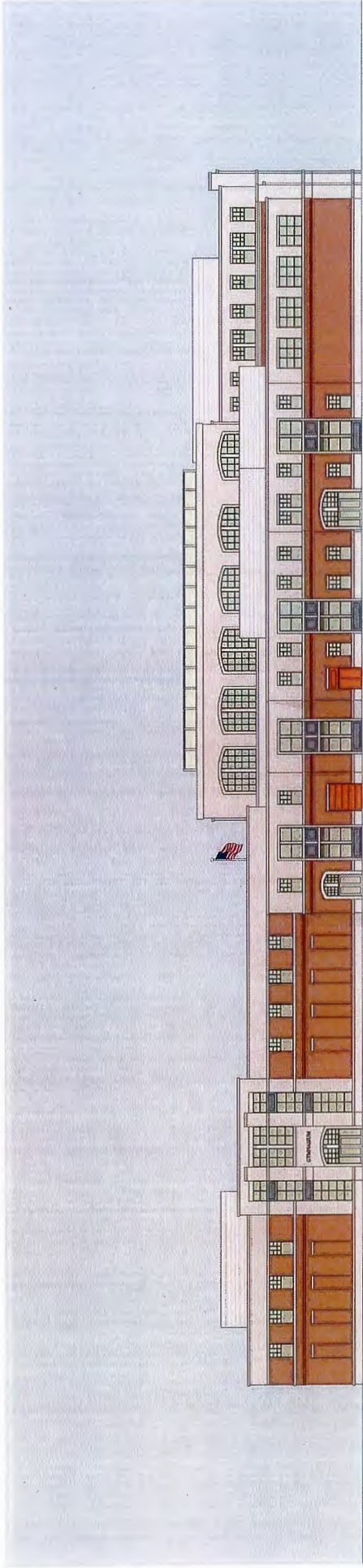


South Elevation (Third Street)

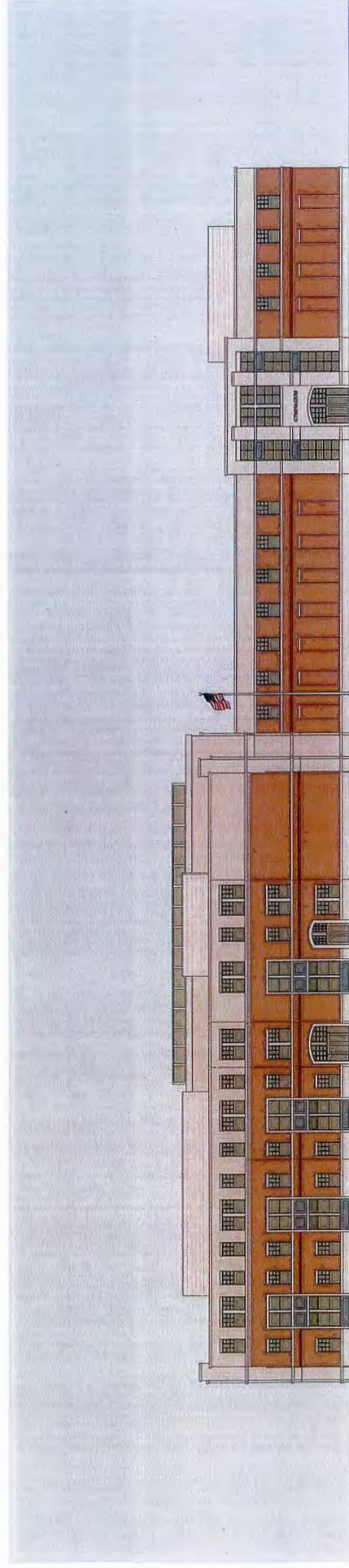


North Elevation (Second Street)





West Elevation (Washington Street)



East Elevation (Garfield Street)



















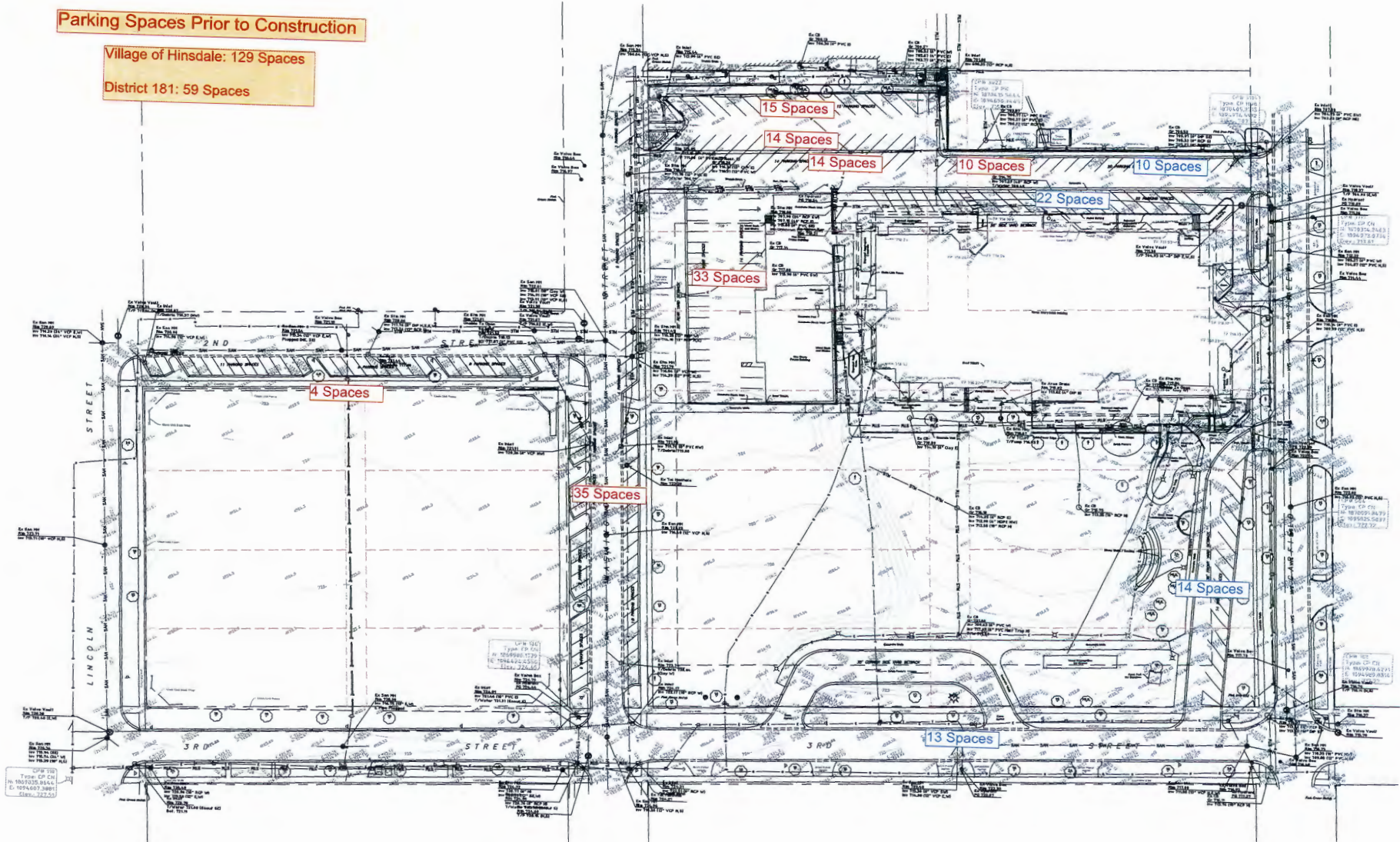
## PARKING ANALYSIS



# Parking Spaces Prior to Construction

Village of Hinsdale: 129 Spaces

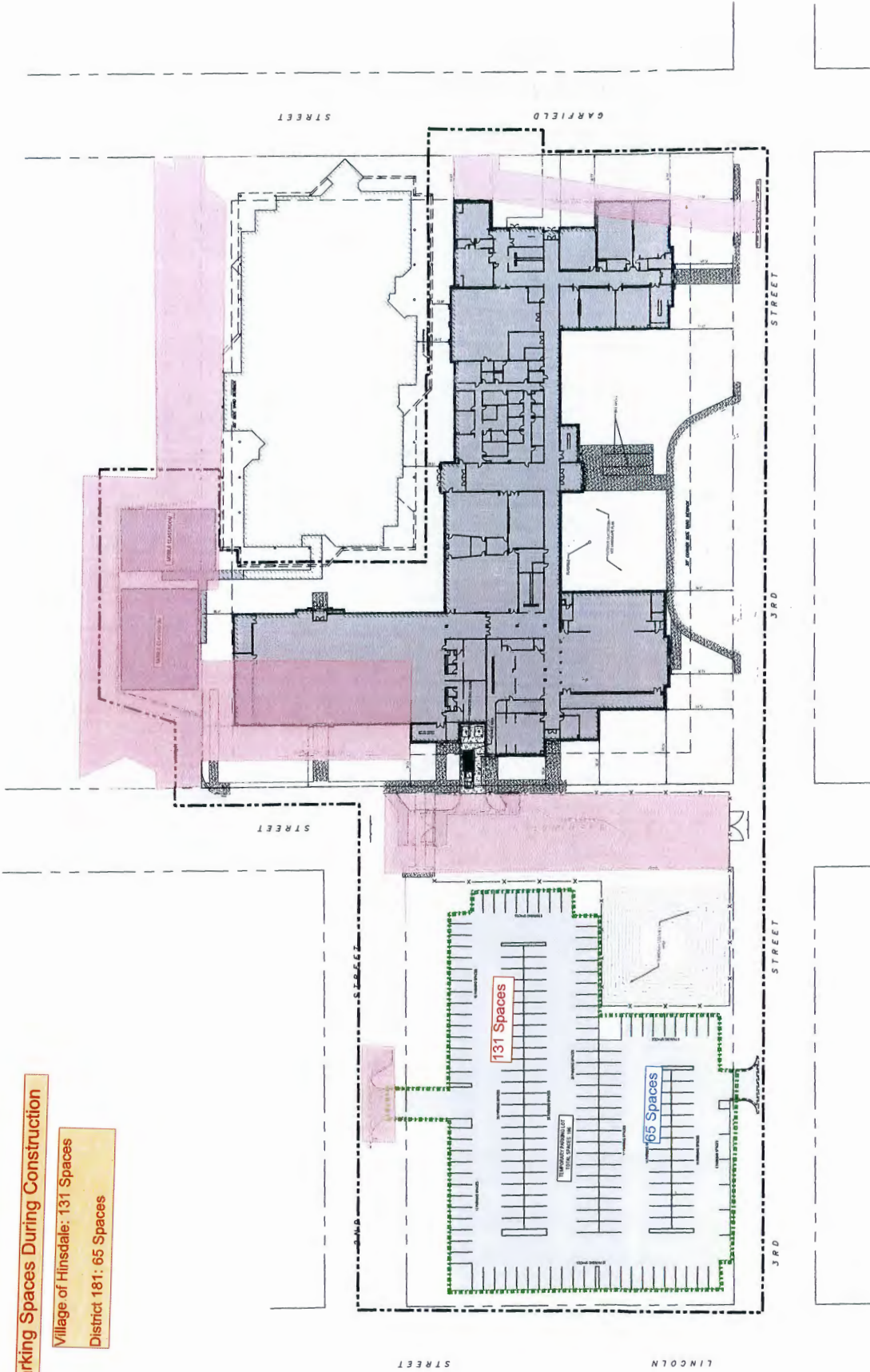
District 181: 59 Spaces



**Parking Spaces During Construction**

Village of Hinsdale: 131 Spaces

District 181: 65 Spaces

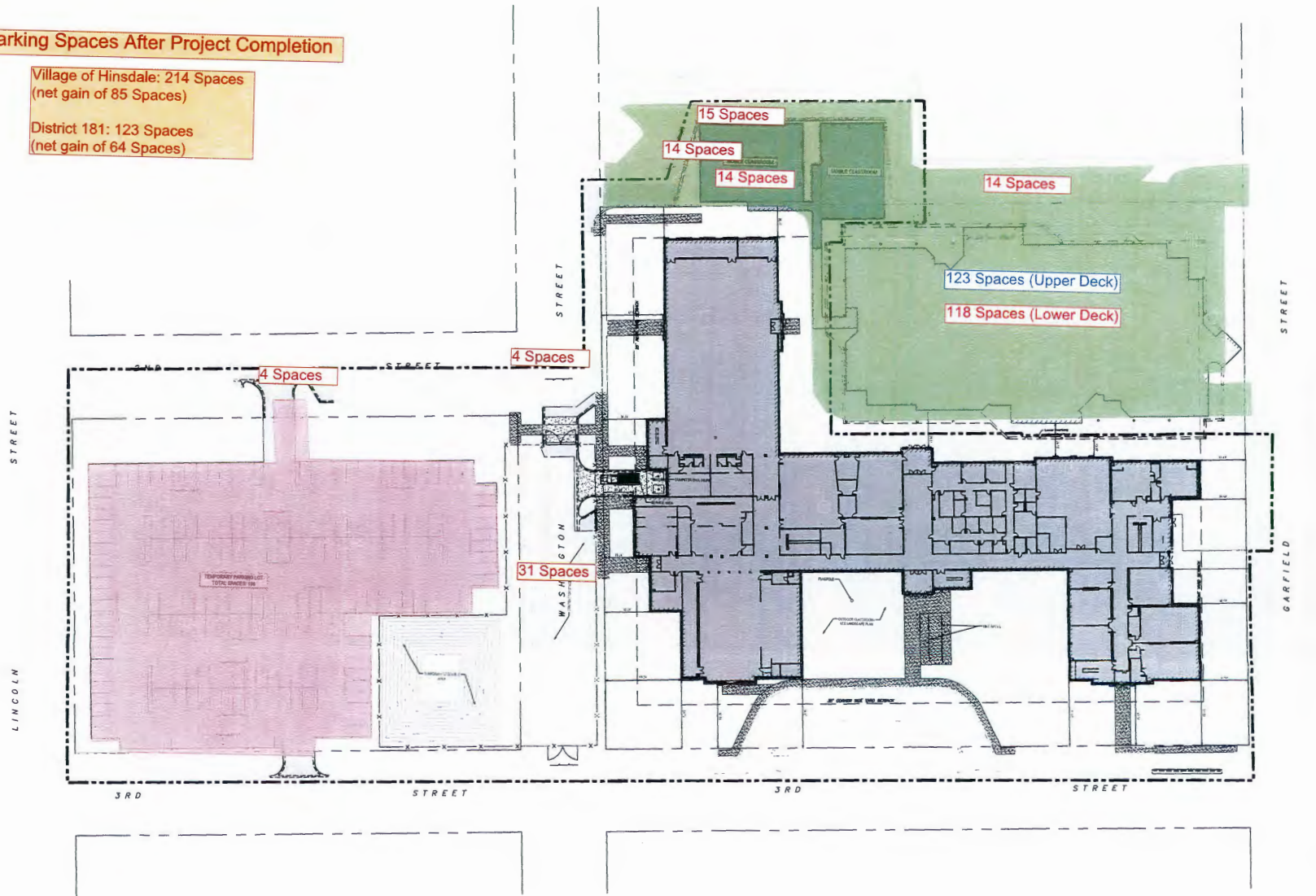




# Parking Spaces After Project Completion

Village of Hinsdale: 214 Spaces  
(net gain of 85 Spaces)

District 181: 123 Spaces  
(net gain of 64 Spaces)



## CONSTRUCTION LOGISTICS

## Site Logistics Plan – Existing Conditions





## Site Logistics Plan – Existing Parking

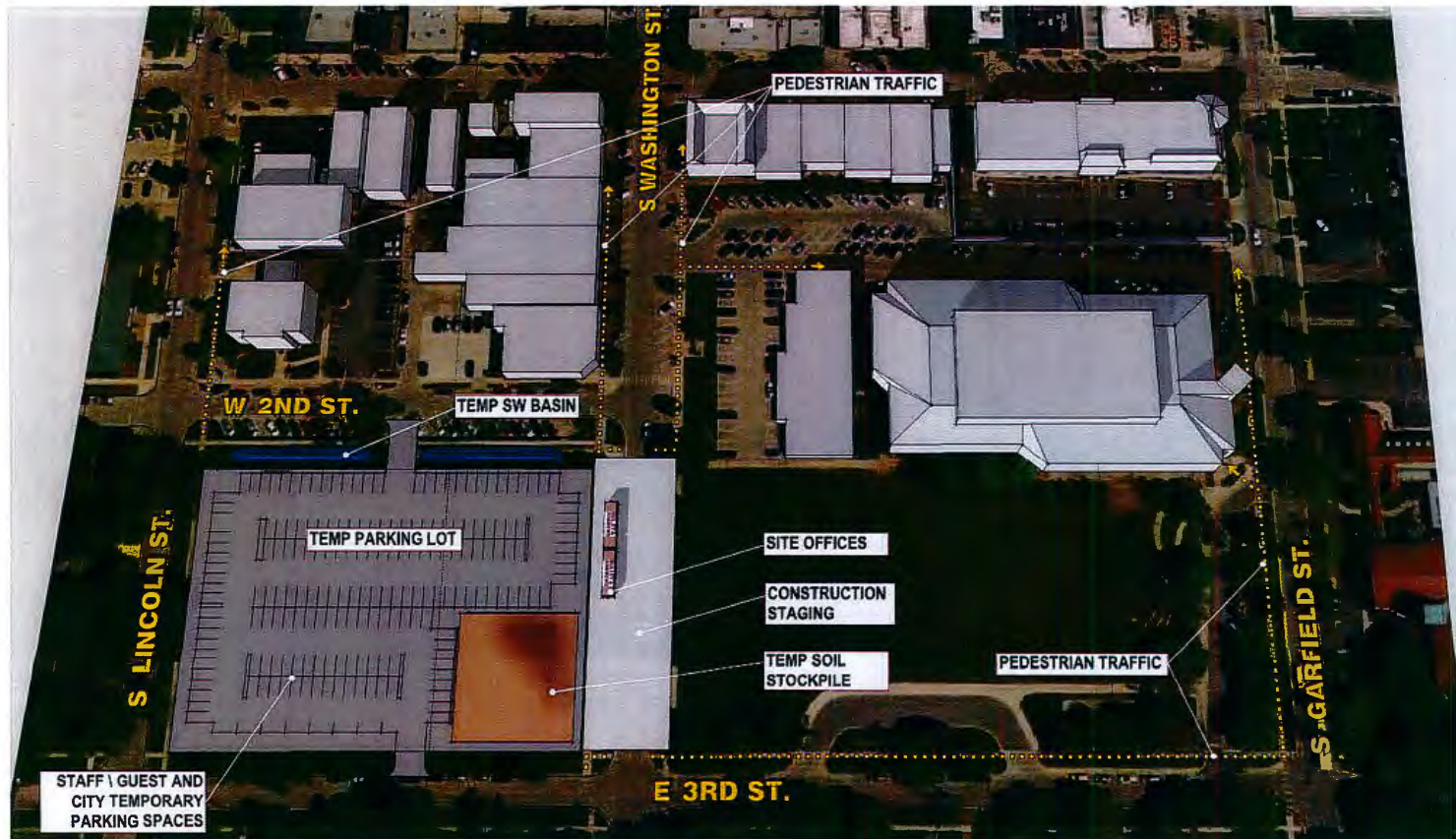




# Site Logistics Plan – Proposed Parking/Pedestrian Travel



# Site Logistics Plan – Spring 2017

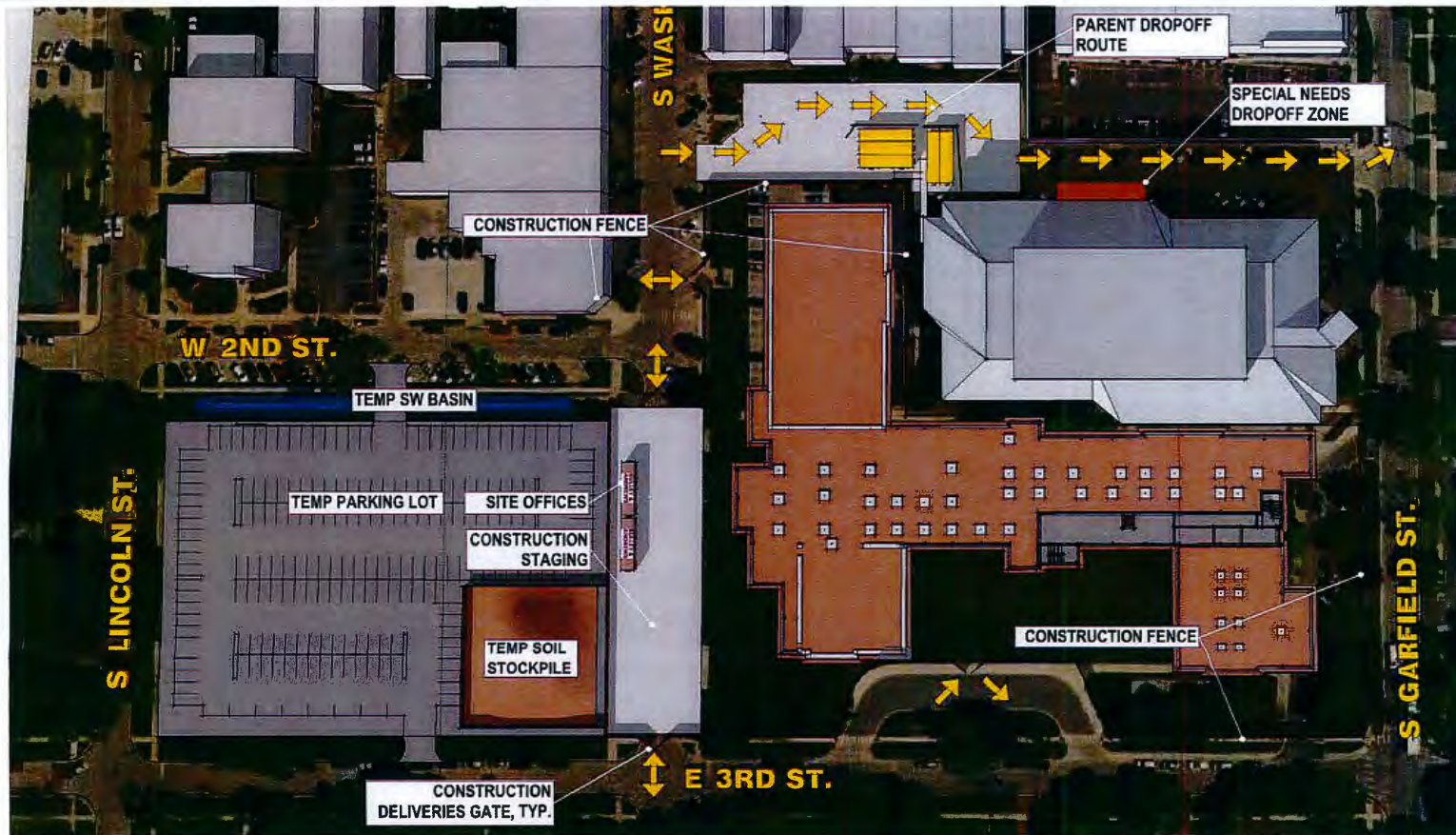




## Site Logistics Plan – Summer 2017

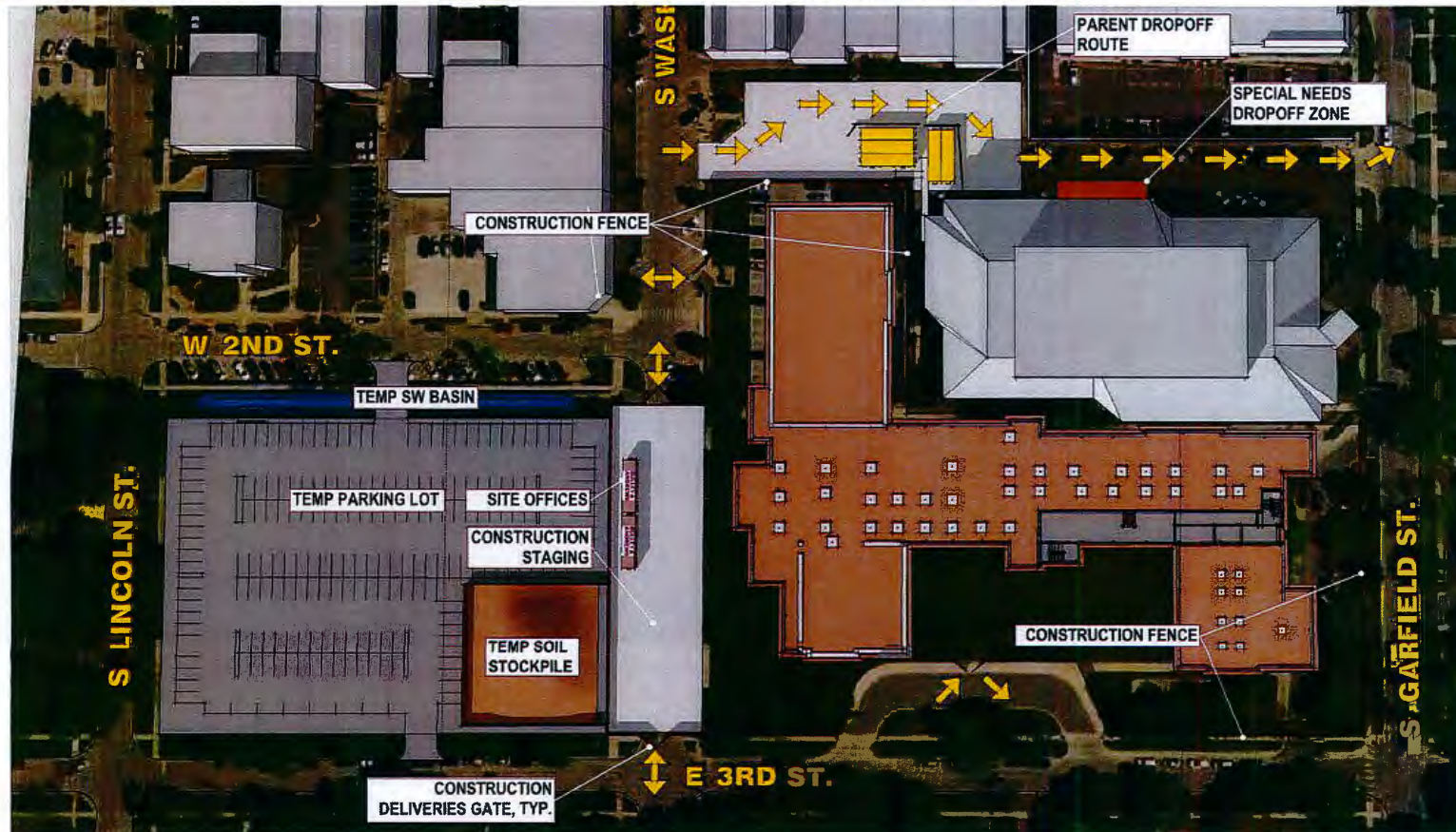


# Site Logistics Plan – School Year 2017/2018

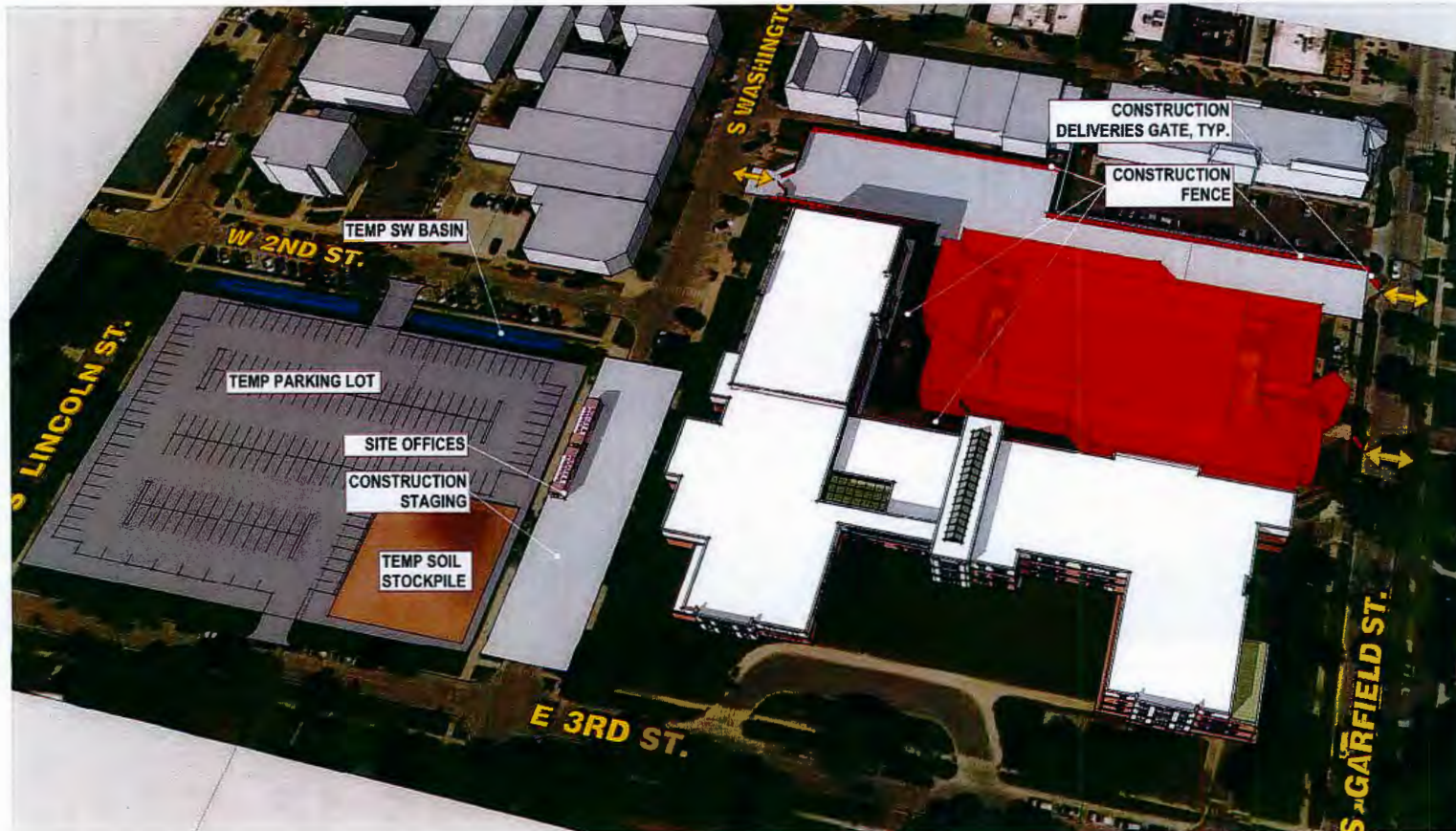




# Site Logistics Plan – Summer 2018

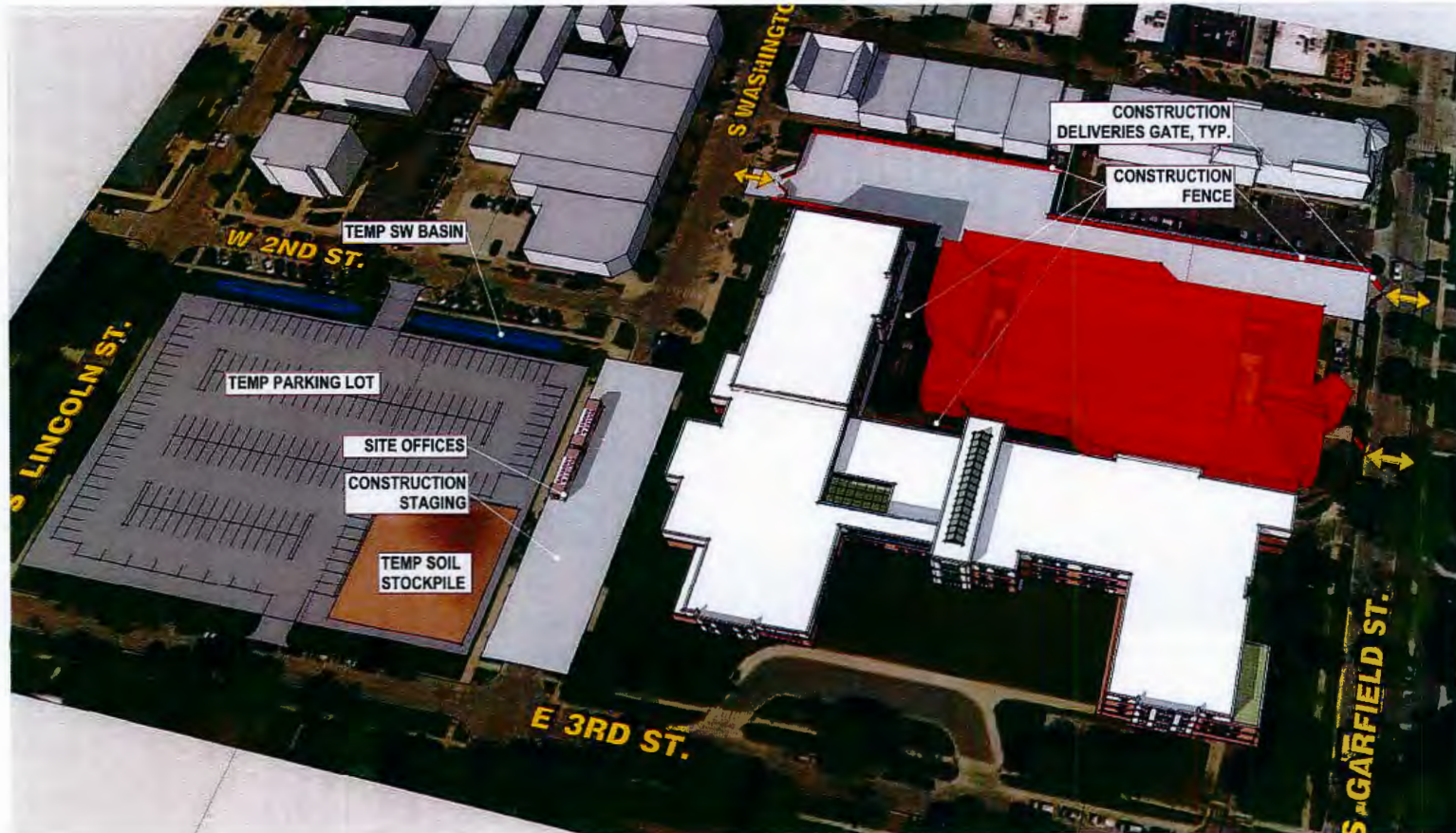


## Site Logistics Plan – August to November 2018





# Site Logistics Plan – November 2018 to Completion



## Site Logistics Plan - Completion

