



MEETING AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, May 17, 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 April 19, 2017
4. APPROVAL OF FINAL DECISION
 - a) V-02-17, 724 North York Road (Hinsdale Animal Hospital)
 - b) V-03-17, 100 South Garfield Avenue (Hinsdale Middle School)
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-04-17, 435 Woodside
 - b) V-05-17, 117 South Clay Street
9. NEW BUSINESS
10. OTHER BUSINESS
11. ADJOURNMENT

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

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VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
April 19, 2017

1. CALL TO ORDER

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

2. ROLL CALL

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

Absent: Members Kathryn Engel and Keith Giltner

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

3. APPROVAL OF MINUTES

a) Regular meeting of March 15, 2017

Corrections were made to the draft minutes. Member Connelly moved to **approve the minutes of the regular meeting of March 15, 2017, as amended.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Engel and Giltner

Motion carried.

4. APPROVAL OF FINAL DECISION

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

b) Corrections were made to the final decision. Member Podliska moved to **approve the final decision for V-01-17, 26 East Sixth Street, as amended.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Engel and Giltner

Motion carried.

1 **5. RECEIPT OF APPEARANCES** - All persons intending to speak during the
2 public hearing were sworn in by the court reporter.

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

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

8 a) **V-05-17, 117 South Clay Street**

9 Mr. Paul Fichter, property owner, addressed the Board on behalf of he and
10 his wife, stating they are seeking a variation from the minimum side yard
11 setback requirement to preserve a detached garage. He added that they
12 are asking for forgiveness not permission. He explained that their new
13 garage is 4.6' feet from the south property line, instead of the required 6.1'
14 feet. He explained that when the concrete was poured, the contractor
15 measured from the fence, not the property line. In addition, the contractor
16 did not do the spot survey, and he and his wife were unaware of the
17 requirement to do so. Member Moberly asked if the survey indicated that
18 the fence was not on the lot line. Mr. Fichter said he thought it did.
19 Director of Community Development Robb McGinnis added that if the
20 garage company, Danley's Garage World, had called for the spot survey, it
21 would have been turned around in a day.

22 Chairman Neiman stated he has sympathy for the homeowners, but not for
23 Danley's Garage World, and it may be that some of the criteria for approval
24 might be difficult to meet. He stated if the Zoning Board grants retro-active
25 variances, we would encourage people to do this, on the other hand it is an
26 absurdity to deny the request causing the garage to be torn down and
27 rebuilt inches from where it is now.

28 Mr. Dave Krecek, from Danley's Garage World, addressed the Board. He
29 said he is partly to blame. There is a signed letter of agreement with the
30 Village that calls out the spot survey requirement; unfortunately the
31 concrete foreman didn't read the letter. He said the company goofed, and
32 the mistake was caught at the final inspection. He is hoping for a good
33 outcome, and added mistakes happen, but it doesn't make sense to rip
34 down a garage that cost \$30,000 to build, and a year to get permits
35 because of the flood zone.

36 Mr. Fichter added that the neighbors have all been notified, and Mr. Krecek
37 said this will never happen again.

38 Chairman Neiman set the public hearing for the next meeting of the Zoning
39 Board of Appeals.
40

41 **8. PUBLIC HEARINGS**

42 a) **V-04-17, 435 Woodside** (*Item taken out of order*)

43 Chairman Neiman opened the public hearing; he explained that the
44 applicant missed the mailing and has asked that the hearing to be
45 continued. The Board agreed to postpone the hearing.

46 Member Podliska moved **to close the public hearing for V-04-17, 435**
47 **Woodside**. Member Alesia seconded the motion.

1 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman
2 Neiman

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** Members Engel and Giltner

6
7 Motion carried.

8
9 b) **V-02-17, 724 North York Road** (Hinsdale Animal Hospital)

10 Chairman Neiman opened the public hearing. Mr. Jason Sanderson from
11 RWE Management Company, and Dr. Tony Kremer, owner of Hinsdale
12 Animal Hospital, addressed the Board. Mr. Sanderson explained that their
13 architect, Mr. Mike Mathys, is ill and unable to attend tonight's meeting.

14 Chairman Neiman inquired regarding evidence of a contingency agreement
15 to purchase the property. Last month, he was told this information would
16 be provided. Mr. Sanderson said he would get that information to the
17 Board tomorrow. Chairman Neiman said he is concerned because he does
18 not want the Board to rule on a matter that is hypothetical in nature. Mr.
19 Sanderson assured him Dr. Kremer is heavily vested in this project and
20 absolutely committed. He distributed new exhibits prepared by Mr. Mathys.
21 Regarding the setback of the building, he explained the original intention
22 was to save a portion of the building. Although the building is not in the
23 best shape, they would keep two walls and maintain the existing location of
24 the building. They met with the Village Board, and feedback was they
25 would prefer a new building. As a result, there is a front yard setback
26 issue. The Village Board also asked that the building provide some
27 architectural interest. It was noted that if the new building were moved to
28 the original setback, potential parking would be eliminated, and a variance
29 for parking would be required.

30 Mr. Sanderson stated they are seeking variances for building height from
31 25' to 30', front yard setback, maximum Floor Area Ratio (FAR), parking
32 setback in the required front yard, and the landscape buffer. Chairman
33 Neiman noted that FAR and landscape buffer variations are
34 recommendations to the Village Board only.

35 Mr. Sanderson discussed the height variation request. This is for the
36 entrance tower, which is 35' feet tall instead of the allowed 30" feet. He
37 confirmed it is an architectural detail only and serves no other function. Dr.
38 Kremer noted the original proposal was for a 37' foot tower, however, at the
39 recommendation of the Village Board it was reduced. The other matter
40 relevant to this variation request is that several years ago the current owner
41 successfully had the property rezoned from the O-2 district which allows for
42 40' foot building height. The current surrounding area to this property
43 remains O-2. The arched windows are a design element to match the
44 details found in the overlay district. Mr. McGinnis confirmed that these
45 details will be reviewed by the Plan Commission. Mr. Sanderson reviewed
46 the criteria for approval with respect to the height request. He noted that
47 there are other taller buildings in the area, and speculates that future

1 development in this area will push the height to the maximum for financial
2 reasons.

3 The second request is for front yard setback relief from the required 25"
4 feet to 15" feet. The existing building is 15.38" feet from the property line.
5 The proposed setback allows them to maximize parking. He addressed
6 each of the approval criteria. He noted the new building footprint is slightly
7 smaller than the old building. Mr. Sanderson explained that parking is
8 really important to the business, and the safety of the dogs.

9 The third request is for FAR relief from the required .40 to .35, which is less
10 than the maximum .50 in the surrounding area. Mr. Sanderson addressed
11 each of the criteria for approval. Chairman Neiman asked about sound-
12 proofing for the neighbors. Mr. Sanderson outlined the steps taken to
13 ensure noise containment. It was noted the closest residents at the new
14 location are further away than at the current location, and there have been
15 no noise complaints from neighbors.

16 The fourth request is to allow parking in the required front yard, which will
17 result in a reduction of the setback from the required 25' feet to 15' feet.
18 The approval criteria is the same as for the front yard setback relief.

19 The fifth request is to eliminate the required 10' foot landscape buffer to
20 allow for parking. Mr. Sanderson reviewed the criteria, making note of the
21 oddly shaped property. It is difficult to obtain the required parking and still
22 allow for appropriate sized spaces and drive aisles. He reported a traffic
23 study had been done, and there are no expected problems. He explained
24 they are open a lot of hours and business traffic is spread out over a 13
25 hour period. Saturday and Sunday are the peak business hours, and this
26 eliminates any rush hour concerns. Dr. Kremer added 44 spaces are
27 required, this proposal will provide for 45 spaces; employee parking is in
28 the back.

29
30 Member Podliska moved to **close the public hearing for V-02-17, 724**
31 **North York Road**. Member Moberly seconded the motion.

32
33 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman Neiman

34 **NAYS:** None

35 **ABSTAIN:** None

36 **ABSENT:** Members Engel and Giltner

37
38 Motion carried.

40 41 **DELIBERATIONS**

42
43 The Board elected to address each of the five variation requests individually.

44 #1 - Building height

45 Chairman Neiman began discussion stating his only major concern is the height
46 request because it is merely an architectural element. He is concerned when any
47 application comes forward for five variances; but on the other hand, the Village

Board wasn't wrong with the increased height, it looks very nice. Member Moberly confirmed the Village Board asked Dr. Kremer to 'dress up' the building, which was the impetus for the architectural element. Mr. McGinnis provided his recollection of the reasons for the map amendment that changed this parcel from O2 to B2.

Member Moberly moved **to approve the request for the height variation, from 30' feet to 35' feet, a 5' foot increase.** Member Connelly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Engel and Giltner

Motion carried.

#2 - Front yard setback

Member Podliska recommended the building be shifted by two feet, so that the variation request is reduced. Discussion followed regarding the possible impact to the architectural feature; however, Mr. McGinnis confirmed that the building can be shifted by two feet and still maintain this element. Member Podliska also asserted that this would be a benefit in terms of parking lot safety, providing more turning space at the corner of the building. He also believes this is a way to minimize the degree to which we are deviated from the code requirement without doing harm to the applicant. The Board concurred this is a reasonable compromise.

Member Podliska moved to approve the front yard setback variance from 25' feet to 17' feet, an 8' foot decrease. Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Members Engel and Giltner

Motion carried.

#3 Floor Area Ratio (FAR)

Chairman Neiman reminded the Board this is a recommendation to the Village Board only. This is a variation request for an increase in the allowable FAR from .35 to .40. The Board had no issues with this request, particularly since the requested FAR is still less than the allowable in the surrounding O2 district.

Member Moberly moved **to recommend approval to the Village Board of the requested increase in FAR from .35 to .40.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

1 **ABSENT:** Members Engel and Giltner

2
3 Motion carried.

4
5 #4 - Parking in required front yard

6 Chairman Neiman began discussion restating the request to reduce the required
7 setback from 25' feet to 15' feet to match building setback variations. He said he
8 has no issue with this request, as it makes sense given the other buildings in the
9 area. Mr. McGinnis clarified this request is strictly to allow parking in the required
10 front yard, so regardless of whether the building is moved back two feet, there are
11 still cars parking in the required front yard. Member Connelly moved **to approve**
12 **the variation request to reduce the parking lot setback in the front yard from**
13 **25' feet to 15' feet.** Member Moberly seconded the motion.

14
15 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman Neiman

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** Members Engel and Giltner

19
20 Motion carried.

21
22 #5 – Landscape buffer relief

23 Chairman Neiman noted the landscape buffer variation request is a
24 recommendation to the Village Board only, not ZBA approval. The applicant is
25 asking that the required 10' foot landscape buffer be eliminated to accommodate
26 the odd shaped lot and allow for a double-loaded parking aisle to run the back of
27 the property. It seems to be the only solution to get cars in and out of the parking
28 lot.

29 Member Alesia asked about the mechanics for assuring the purchase contingency
30 documents are provided. The Board agreed that these variation approvals and
31 recommendations do not need to be contingent upon receipt. There is sworn
32 testimony from the applicant on this issue. If for any reason the ZBA does not
33 receive confirmation of contingency, and the sworn testimony is false, appropriate
34 action can be taken at the next meeting of the Zoning Board.

35 Member Connelly moved **to recommend approval to the Village Board of the**
36 **requested elimination of the 10' foot required landscape buffer.** Member
37 Alesia seconded the motion.

38
39 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman Neiman

40 **NAYS:** None

41 **ABSTAIN:** None

42 **ABSENT:** Members Engel and Giltner

43
44 Motion carried.

1 c) **V-03-17, 100 South Garfield Avenue** (Hinsdale Middle School)

2 Chairman Neiman opened the public hearing. Mr. Brian Kronewitter and
3 Mr. Paul Wiese, representing the middle school, and Village Manager
4 Kathleen A. Gargano and Assistant Village Manager/Director of Public
5 Safety Brad Bloom, representing the Village, approached the podium.

6 Ms. Gargano began stating the Village is co-applicant with the Middle
7 School for the construction of a parking deck at 100 S. Garfield in
8 conjunction with the Middle School reconstruction. Following feedback
9 from the ZBA at the prehearing last month, there is a letter dated March
10 28th which describes the attempts made by the architect to reduce the
11 variation request. She assured the Board that every attempt was made to
12 be reasonable and conservative in the requests to complete this project.

13
14 Mr. Brian Kronewitter, architect, and Mr. Paul Wiese, civil engineer,
15 provided the Board with a verbal summary of the specific requests and
16 modifications before the Board in their application. Chairman Neiman
17 asked that they review each request individually.

18 The first request is for relief from Section 7-310(C)(1) to reduce the front
19 yard setback from 35' feet to 15' feet in order to maximize the size of the
20 deck for school and adjacent business district parking. The proposed deck
21 will allow for the maximum number of spaces in the limited area available.

22 The second request is for a reduction to the side yard setback, and as
23 noted in the amendment, this was adjusted from 0' feet to 7' feet when the
24 building was moved to the south. This allowed the parking deck to move,
25 too, but still only allows 7' feet. It was confirmed that students have use of
26 the green space across the street.

27 The third request, which is a recommendation to the Village Board only, is
28 to increase the floor area ratio (FAR) from the allowable .50 to .74. This is
29 a result of the fact that a parking deck is treated as a building. With
30 respect to the approving criteria, Mr. Kronewitter summarized stating the
31 site is limited, and Washington Street bisects the school property. If this
32 were not the case, no FAR relief would be required. This is not self-created
33 as the unique physical condition of the property is an existing condition.
34 Given the unique physical conditions of the site, carrying out the strict letter
35 of the provision would deny the substantial rights of the Village to develop
36 the parking deck to address the needs of the school and the community.
37 This is not a special privilege, and the variation would not result in use or
38 development of the site that is not in harmony with the purposes of this
39 provision. The variation sought would not result in use of the site that
40 would be materially detrimental to the public welfare, or the use or value of
41 properties in the vicinity. There is no other remedy; the deck is designed to
42 meet the needs of the school and the business district.

43 The fourth request is for relief from 7-330(E)(11) to allow an accessory
44 structure to occupy more than 30% of the required interior side yard. The
45 original request was for 71%, but has been reduced to 53% due to the fact
46 that the building has been moved to the south. This is better, but they still
47 cannot meet the 30% requirement.

1 The fifth request is to permit off-street parking in the required front yard.
2 This is the same request as that which was granted for the middle school in
3 order to meet the number of required parking spaces.

4 The sixth request is a recommendation to the Village Board to reduce the
5 minimum landscape buffer from 10' feet to 5' feet along the Second Street
6 alley. Mr. Kronewitter reviewed the approval criteria. The unique physical
7 condition of the site creates constraints that led to the location of the deck
8 and the school. This is not self-created due to the unique physical
9 condition and the limits of the site. Without the variance, the Village and
10 school district would be denied their substantial right to develop the school
11 and parking deck to meet the needs of the community. This is not a special
12 privilege, merely the rights of other homeowners in similarly zoned lots.
13 The development of this site will be in harmony with the purpose of this
14 provision, and will not result in use or development of the site that would be
15 detrimental to the public welfare or injurious to the enjoyment, use,
16 development or value of properties in the vicinity. There is no other remedy
17 or alternate location for this development.

18
19 Member Moberly moved to **close the public hearing for V-03-17, 100**
20 **South Garfield Avenue.** Member Connelly seconded the motion.

21
22 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman Neiman

23 **NAYS:** None

24 **ABSTAIN:** None

25 **ABSENT:** Members Engel and Giltner

26
27 Motion carried.

28 29 30 **DELIBERATIONS**

31
32 Chairman Neiman began discussion stating it is his sense that the Board is in
33 agreement with the six variation requests of the applicant, and if there are no
34 objections, perhaps the Board could approve the four variances as one motion,
35 and another motion to approve the two recommendations to the Village Board.
36 He polled the Board regarding any objections to the variations. Member Podliska
37 had no concerns, and commented that the FAR is a unique situation due to the
38 Washington Street bisection of the property. Member Alesia and Moberly are
39 satisfied; Member Moberly commented he was happy the landscape buffer was
40 slightly larger than previously presented. Member Connelly said his only concern
41 was the interior yard setback, it was clarified the Board would be granting the
42 right to occupy more than 30% of the interior yard, and that the Zoning Board has
43 final authority for that request. No other concerns were raised.

44 Member Alesia moved to **approve a variation for a reduction to the front yard**
45 **setback under Section 7-310(C)(1), a reduction in the side yard setback**
46 **under Section 7-310(C)(2), to allow the structure to occupy more than 30% of**
47 **the required interior side yard under Section 7-310(E)(11)(b), and to permit**

1 **off-street parking in the required front yard under Section 9-104(G)(2)(b).**
2 Member Connelly seconded the motion.

3
4 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman Neiman

5 **NAYS:** None

6 **ABSTAIN:** None

7 **ABSENT:** Members Engel and Giltner

8
9 Motion carried

10
11 Member Podliska moved to **recommend to the Village Board of Trustees that**
12 **they approve the variation requests for an increase in floor area ratio (FAR)**
13 **and a decrease to the landscape buffer, for reasons set forth by the**
14 **applicant.** Member Connelly seconded the motion.

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

17 **NAYS:** None

18 **ABSTAIN:** None

19 **ABSENT:** Members Engel and Giltner

20
21 Motion carried

22
23 **9. NEW BUSINESS – None**

24
25 **10. OTHER BUSINESS – None**

26
27 **11. ADJOURNMENT**

28 With no further business before the Zoning Board of Appeals, Member
29 Connelly made a motion to **adjourn the meeting of the Zoning Board of**
30 **Appeals of April 19, 2017.** Member Alesia seconded the motion.

31
32 **AYES:** Members Connelly, Moberly, Alesia, Podliska and Chairman Neiman

33 **NAYS:** None

34 **ABSTAIN:** None

35 **ABSENT:** Members Giltner and Engel

36
37 Motion carried.

38
39
40 Chairman Neiman declared the meeting adjourned at 8:22 p.m.

41
42
43 _____
44 Christine M. Bruton
45 Village Clerk

Approved: _____

FINAL DECISION

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

ZONING CASE NO. V-02-17

APPLICATION: For Certain Variations Relative to Construction of a new Commercial Building for use as an Animal Hospital at 724 N. York Road, Hinsdale, Illinois.

PETITIONERS: Anthony Kremer, d/b/a Hinsdale Animal Hospital

PROPERTY OWNER: Purchase of the Property by Petitioner is pending

PROPERTY: 724 N. York Road, Hinsdale, Illinois (the "Property")

HEARING HELD: Wednesday, April 19, 2017, at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Anthony Kremer, d/b/a Hinsdale Animal Hospital (the "Applicant") for certain variations relative to the proposed construction of a new commercial building (the "New Building") to be used as an animal hospital on the Property, located in the B-1 Community Business Zoning District at 724 N. York Road (the "Application"). The Applicant has requested variations to the following Sections of the Zoning Code of the Village of Hinsdale ("Zoning Code") over which the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") has final authority:

- Section 5-110.A.1.a. of the Zoning Code, to allow a height of thirty-five (35) feet as opposed to the thirty (30) feet allowed in a B-1 District;
- Section 5-110.C.1.a. of the Zoning Code, to allow a front yard setback of fifteen (15) feet (this was modified to seventeen (17) feet by the ZBA at the Public Hearing) as opposed to the twenty-five (25) feet required in a B-1 District; and
- Section 9-104.G.2.b. to permit off-street parking in a required front yard.

Collectively, these three variation requests shall be referred to herein as the "Requested Variations."

In addition to the Requested Variations, two (2) additional variations over which the Village President and Board of Trustees have final authority were sought and recommended for approval by the ZBA. Those variations were to Section 5-110 of the Zoning Code to allow a floor area ratio of .40 as opposed to the maximum floor area ratio of .35 allowed in a B-1 District, and to Section 9-107.A.1. to waive the ten (10) foot

landscape buffer requirement (together, the "Additional Variations" and, collectively with the Requested Variations, the "Variations"). The recommendation on the Additional Variations is detailed in a separate Findings and Recommendation from the ZBA to the Board of Trustees in this matter.

On April 19, 2017, following the conclusion of the public hearing on this matter, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") indicated its approval of the Requested Variations with one modification and the preparation of this Final Decision. The modification was a change in the Requested Variation for a reduced front yard setback, which was approved at seventeen (17) feet instead of the requested fifteen (15) feet.

PUBLIC HEARING: At the combined public hearing on the Variations, the Applicant and a representative of the Applicant testified in support of the Variations. They described the challenges posed by the unusual shape of the Property. They had originally proposed preserving certain walls of the existing building, but the Village Board had indicated a preference for a new building on the Property. The height variation relates only to a tower that was incorporated into the building design based on the Board of Trustees's request for an element that would create architectural interest. The requested front yard setback is similar to that of the existing building and is driven by the odd shape of the Property. The footprint of the new proposed building is actually slightly smaller than that of the existing building. They are doing their best to utilize the odd-shaped lot. While the Applicant is requesting a small floor area ratio variation, the proposed floor area ratio would be compliant if the Property had the same zoning designation as the adjacent lot; the Property had been rezoned by a previous owner. The possibility of barking dogs was discussed; the building will be designed in the back half to limit the ability of dogs to be heard in the front half of the building and outside. The closest neighbors will be further away from the building at the Property than they are at the present site of the animal hospital. They are proud of their record on being a good neighbor and in designing buildings that minimize the noise heard outside. The setback for the parking lot is designed to match the fifteen (15) foot building set back and to maximum use of the lot for parking purposes. The elimination of the required parking buffer is driven by the odd shape of the lot. The impact of traffic is lessened by the unique hours of the proposed hospital (7:00 a.m. to 8:00 p.m.). Required parking is forty-four (44) spaces and the proposed parking at this point is forty-five (45) spaces.

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

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variations:

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

2. *Unique Physical Condition:* The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot. All members agree that the Property is an irregular, oddly-shaped lot that presents difficult and unique conditions and challenges relative to creating a viable commercial use with parking on the site. The odd-shape is a primary driving force behind the various Variations requested.

3. *Not Self-Created:* The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. The irregularity of the shape of the Property is not self-created. In addition, the height variation is not self-created but is instead caused by a Village request for an interesting design element. The need for certain variations was caused by the rezoning of the Property by a previous owner, which resulted in more restrictive bulk standards.

4. *Denied Substantial Rights:* The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. In this case, requiring the Applicant to conform to the provisions of the Zoning Code for which relief is sought would severely limit the ability to, among other things, provide adequate on-site parking or to make commercially viable use of the Property.

5. *Not Merely Special Privilege:* The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The ability to maintain adequate on-site parking and to site a new commercial building on this oddly-shaped lot are not special privileges. The Variations are not sought to make more money from use of the Property, but are instead sought in order to make a viable commercial use of the Property.

6. *Code And Plan Purposes:* The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The ZBA found this standard to have been met.

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

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

The granting of the Variations will allow the development of the oddly-shaped Property with a brand new commercial building that is visually interesting, commercially viable, and that has adequate on-site parking. The impacts on adjacent properties will be minimal; animal noise will be minimized by the noise-deadening design of the back half of the building. Traffic impacts would be minimal, as visitors will be spread out over the extended hours of the facility, and on weekends. On-site parking is anticipated to be adequate to serve the facility. The proposed building will replace an existing building, and utilities are already in place. The Variations will not endanger the public health or safety.

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

FINAL DECISIONS:

The following Requested Variations are hereby Approved:

- 1. A Variation to Section 5-110.A.1.a. of the Zoning Code, to allow a height of thirty-five (35) feet as opposed to the thirty (30) feet allowed;**
- 2. A Variation to Section 5-110.C.1.a. of the Zoning Code, to allow a front yard setback of seventeen (17) feet as opposed to the twenty-five (25) feet required; and**
- 3. A Variation to Section 9-104.G.2.b. to permit off-street parking in a required front yard.**

AYES: _____

NAYS: _____

ABSENT: _____

Signed: _____

Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____

Filed this ____ day of _____, 2017, with the office of the Building Commissioner.

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATIONS

ZONING CASE NO. V-03-17

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

PETITIONERS: Community Consolidated School District #181 & the Village of Hinsdale as Co-Applicants

PROPERTY OWNER: Community Consolidated School District #181

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

HEARING HELD: Wednesday, April 19, 2017, at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Community Consolidated School District #181 and the Village of Hinsdale, as Co-Applicants (collectively, the "Applicants") for certain variations relative to the proposed construction of a new shared parking deck (the "Shared Parking Deck") as part of the development of the new middle school on the site of the existing middle school on the Property, located in the IB Institutional Buildings Zoning District at 100 S. Garfield Street (the "Application"). The Applicants have requested variations to the following Sections of the Zoning Code of the Village of Hinsdale ("Zoning Code") over which the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") has final authority:

- Section 7-310.C.1. of the Zoning Code, to allow a reduction in the required front yard setback from thirty-five (35) feet to fifteen (15) feet;
- Section 7-310.C.2. of the Zoning Code, to allow a reduction in the required side yard setback from the required twenty-five feet down to seven (7) feet;
- Section 7-310.E.11.b. to allow a structure to occupy 53% of the interior side yard, higher than the maximum of 30% of the required interior side yard that may be occupied under the Zoning Code; and
- Section 9-104.G.2.b. to permit off-street parking in a required front yard.

Collectively, these four variation requests shall be referred to herein as the "Requested Variations."

In addition to the Requested Variations, two (2) additional variations over which the Village President and Board of Trustees have final authority were sought and recommended for approval by the ZBA. Those variations were to Section 7-310.D. of the Zoning Code, to allow a floor area ratio of .74, which is in excess of the .50 maximum specified by the Code, and to Section 9-107.A., to reduce the minimum perimeter landscape buffer to five (5) feet (together, the "Additional Variations", and, together with the Requested Variations, the "Variations"). The recommendation on the Additional Variations is detailed in a separate Findings and Recommendation from the ZBA to the Board of Trustees in this matter.

On April 19, 2017, following the conclusion of the public hearing on this matter, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") indicated its approval of the Requested Variations and the preparation of this Final Decision.

PUBLIC HEARING: At the combined public hearing on the Variations, the Village Manager of the Village of Hinsdale, along with the architect and engineer of the proposed Shared Parking Deck, testified in support of the Variations. The architect described the proposed construction of the proposed Shared Parking Deck at the middle school site and the need for the Variations. The Property is currently improved with an existing middle school and on-site parking, and is located in the IB Institutional Buildings Zoning District. The new building is being built around the existing building, which will remain open during construction. The Shared Parking Deck will be shared by the School District and the Village. The Shared Parking Deck will be constructed after the opening of the new middle school and the demolition of the existing middle school. The proximity of the Property to downtown Hinsdale makes it an ideal location for shared parking between the School District and the Village/general public. The facades of the Shared Parking Deck will complement the adjacent new middle school materials, including cast stone precast concrete and brick.

At the pre-hearing on the Application held in March, the ZBA provided feedback on the Variations, and the architect and engineer have since made revisions to accommodate that feedback to the extent possible. While no Variations were eliminated, some requests were reduced. The athletic field across Washington Street is also owned by the Applicant. The athletic field is currently used for sports and gym classes and will continue to be used for those same purposes. If the athletic field was part of the middle school grounds instead of being separated by Washington Street, the Applicant would not need any floor area ratio relief.

The minimum parking needed to accommodate staff and visitors on the Property for school purposes is 124 spaces. Ten (10) of those spaces are requested to be along Garfield. The excess parking available upon construction of the Shared Parking Deck will be shared with the public. The Shared Parking Deck will have a total of 319 spaces (186 in the lower deck, and 133 in the upper deck). The School District and Village will enter into an IGA relative to the use of the Parking Deck.

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

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variations:

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

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

3. *Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid.* In this case, the site conditions cited above have long existed, and were not caused by the current School Board or Administration or the Village. The loss of fifty (50) parking spaces currently used by the Village and need for adequate public parking in the downtown area are, in part, driving the size and location of the Shared Parking Deck.

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.* In this case, the Applicants have worked hard to create a workable plan for development of the proposed Shared Parking Deck on the Property. Based on feedback from the ZBA, the extent of the proposed variations were in some cases reduced. The viable plan created for development of the new middle school and proposed Shared Parking Deck on the Property necessitates the Variations.

5. *Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided,*

however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The ability to maintain adequate on-site parking for both the School District and the general public in the downtown area, is not a special privilege. The Variations sought do not provide special privileges or additional rights to the Applicant under the circumstances present here, including but not limited to the challenges presented by the existing site layout and middle school.

6. *Code And Plan Purposes:* The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. Specifically, the new middle school proposed for the Property is merely a replacement for the longstanding middle school presently existing on the Property. The Village has long shared some parking on the Property, and the creation of the Shared Parking Deck will benefit the School District, the Village, and the general public, by making the most effective use of the Property, with the Variations, on which the Parking Deck will be located.

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

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

Specifically, the granting of the Variations will allow the development of the Property with not just a new state-of-the-art middle school to replace the long existing middle school already on the Property, but also a Shared Parking Deck that will benefit the School District, the Village, and the general public. The development, as a whole, is expected to benefit the entire community, and is expected to ease current congestion, parking and traffic issues in the immediate vicinity. The Shared Parking Deck, in particular, with the Variations, will help ensure adequate parking in the downtown area.

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

FINAL DECISIONS:

The following Requested Variations are hereby Approved:

1. **A Variation to Section 7-310.C.1. of the Zoning Code, to allow a reduction in the required front yard setback from thirty-five (35) feet to fifteen (15) feet;**
2. **A Variation to Section 7-310.C.2. of the Zoning Code, to allow a reduction in the required side yard setback from twenty-five (25) feet to seven (7) feet;**
3. **A Variation to Section 7-310.E.11.b. to allow the Shared Parking Deck to occupy 53% of the interior side yard, higher than the maximum of 30% of the required interior side yard that may be occupied under the Zoning Code; and**
4. **A Variation to Section 9-104.G.2.b., to permit off-street parking in a required front yard.**

AYES: _____

NAYS: _____

ABSENT: _____

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

Date: _____

Filed this ____ day of _____, 2017, with the office of the Building Commissioner.

8a

Zoning Calendar No. V-04-17

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): MATTHEW BOUSQUETTE

ADDRESS OF SUBJECT PROPERTY: 435 WOODSIDE

TELEPHONE NUMBER(S): 630-468-2725

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

DATE OF APPLICATION: 3/8/2017

RECEIVED
MAR - 8 2017
BY: CB

SECTION I

Please complete the following:

1. Owner. Name, address, and telephone number of owner: MATTHEW BOUSQUETTE 448 E FOURTH ST Hinsdale 630-468-2725
2. Trustee Disclosure. In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: _____

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

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 435 WOODSIDE / 444 E FOURTH ST
EXHIBIT "A"

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: Dec
 - b. Engineer: TON GREEN ERA 630-393-3060
 - c. ARCHITECT: DENNIS PARSONS 630-567-8135
 - d. Builder: PETER BYRNE 773-908-9174
 - e. STRUCTURE MOVERS: DAVE DeVOUGHT 848-232-1096

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

a. _____
b. _____

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

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

EXHIBIT B

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

EXHIBIT C

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

EXHIBIT D

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

EXHIBIT E

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

EXHIBIT F

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

N/A

SECTION II

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

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

Zoning codes 3-110(C)(1) AND 10-105

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

TO REDUCE TOTAL Required lot AREA from
30,000 sq. ft. to 20,092 sq. ft. After which,
a code compliant existing Zook Home at 444 E
Fourth ST will be re-positioned on the lot. No
other VARIANCES would be needed or sought

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

a 9,908 sq. ft VARIANCE IS SOUGHT.
Seeking ZBA Recommendation AND Trustee
Board Approval.

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

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

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

EXHIBIT G

SECTION III

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

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements.
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements.

SECTION IV

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

SECTION V

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

Name of Owner:

Matthew Bousouette

Signature of Owner:

Matthew C Bousouette

Name of Applicant:

Signature of Applicant:

Date:

3/2/2017

Exhibit A**Legal Description**

435 Woodside/444 E Fourth St

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

DuPageMaps - Parcel Report

User Request Date: Monday, March 6, 2017

Copyright 2017 - The County of Dupage, Illinois



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

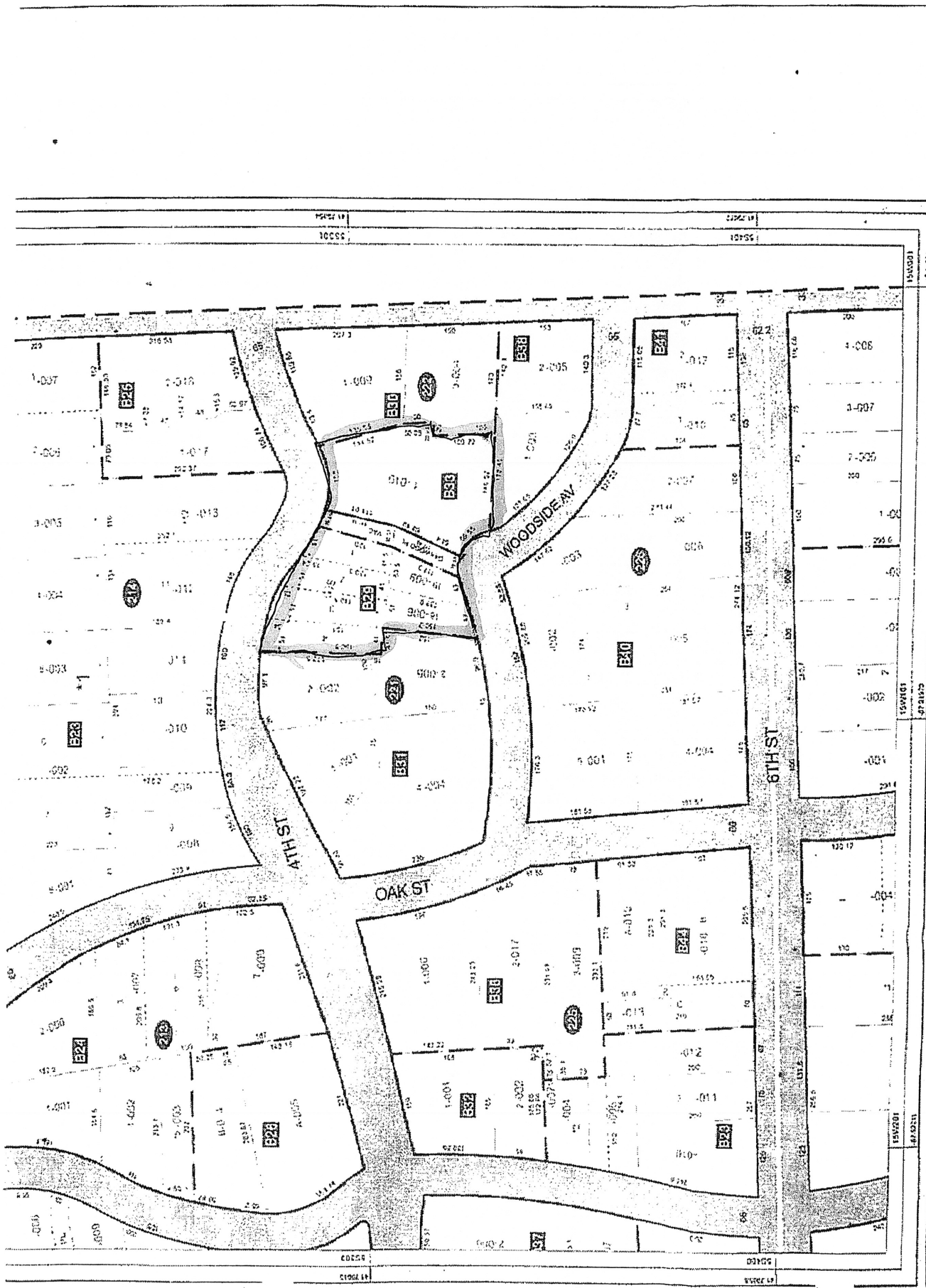
PIN	0912226003
Bill Name	YERLIOGLU, BEN E
Property Number	440
Property Street Direction	
Property Street Name	WOODSIDE AVE
Property Apartment	
Property City	HINSDALE
Property Zip	60521



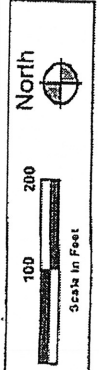
DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187
Ph# 1 (630) 407-5000
Email gis@dupageco.org
DuPage Maps Portal
<http://dupage.maps.arcgis.com/home>

This map is for assessment purposes only.
DuPage Maps Portal
<http://dupage.maps.arcgis.com/home>

ALL LOSING 1/10 ARE DARK BELONG TO DETENTIVES



9-12B-W
9-12B-E
9-12D-E

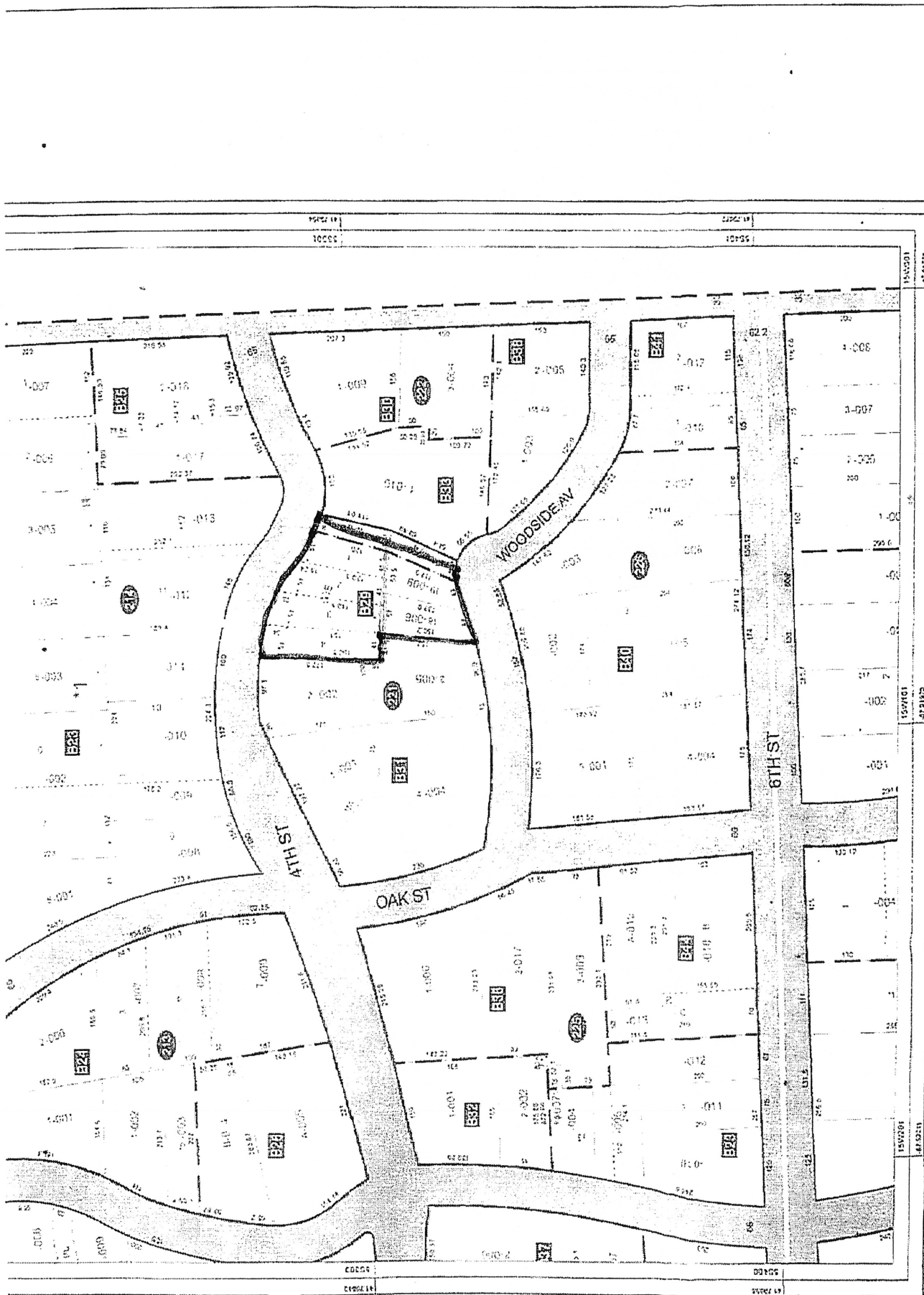


This map created for assessment purposes only. Refer to recorded plat and deeds for legal descriptions and property dimensions.
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Gary A. King
DuPage County Clerk
421 N. County Farm Rd.
Wheaton, IL 60187
630.407.5500



445 WOODSIDE FORMER RESIDENCE



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

This map created for assessment purposes only. Refer to recorded
 plats and deeds for legal descriptions and property dimensions.
 Copyright 2012 - The County of DuPage, Illinois.

Scale in Feet
 100 200

North

9-12B-E
 9-12D-E
 9-12B-W
 9-12D-W

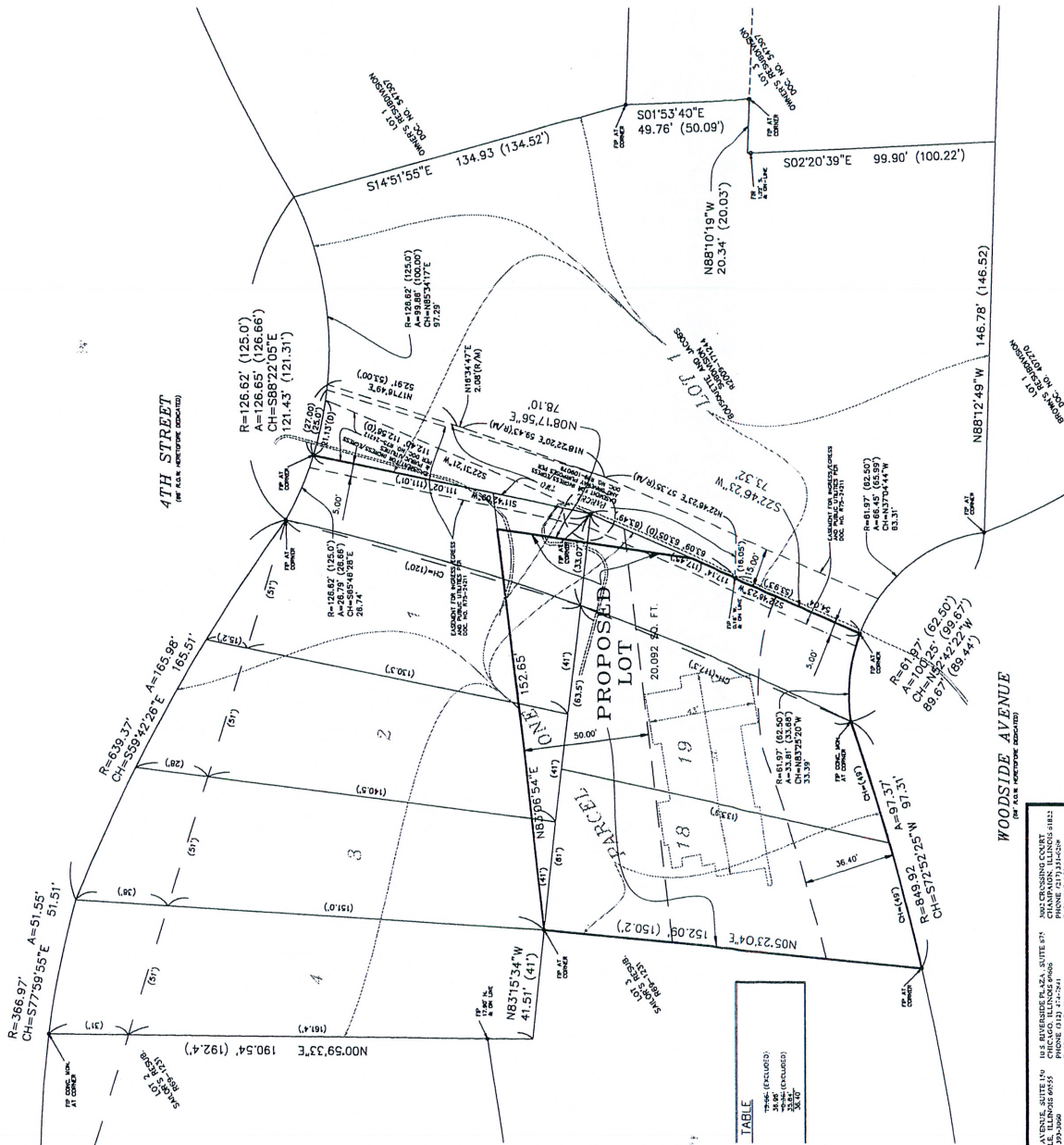
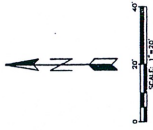


TABLE
77-66 (EXCLUDED)
77-67 (EXCLUDED)
77-68 (EXCLUDED)
77-69 (EXCLUDED)
77-70 (EXCLUDED)

PREPARED FOR: MATT BOUSQUETTE
ENGINEERING
RESOURCES
ASSOCIATES, INC.
CHICAGO, ILLINOIS 60606
DATE: 08/19/2019
SHEET: 19 OF 24
PROJECT: 19-001-001
DRAWN BY: JLB
CHECKED BY: JLB
APPROVED BY: JLB

Exhibit D

Existing Zoning

Property is zoned R-1 Single Family District

Hinsdale Zoning Code Section 3-101:

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

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

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

Exhibit E

Conformity

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

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

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

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

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

Exhibit F

Standard for Variation

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

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

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

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

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

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

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

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

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

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

Would unduly increase the danger of flood or fire

Would unduly tax public utilities and facilities in the area

Would endanger the public health and safety.

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

Exhibit G

No Other Remedy

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

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

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

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

We'll also show that we have the support of the immediate neighbors, the broader neighborhood, the preservation society, and village at large, and that we've thought of all levels of detail even improving the overall drainage situation for the residents in this area between Woodside and 4th Street. Understanding that variances are typically hard to grant, we feel this one should be anything but difficult with all we have to gain/preserve as a community and how little we have to lose, however if there's anything else you'd like to see before the public hearing, please let us know. In the meantime, we hope you will all take the opportunity to stop by and visit the home and proposed lot.

Date: May 12, 2017

To: Robert K. Neiman, Zoning Board of Appeals Chair
Village of Hinsdale Zoning Board of Appeals
Robert McGinnis, Director of Community Development/Building Commissioner

From: Kevin and Joy Holmes, 425 Woodside Avenue, Hinsdale

RE: Case V-04-17 – 435 Woodside

Dear Chairman Neiman and Members of the Board:

We wanted to write the board to address our opposition to the variance request being sought in Case V-04-17 – 435 Woodside.

My name is Kevin Holmes and I reside with my wife, Joy, and our 3 children ages 6, 4 and 1 at 425 Woodside Avenue (so our lot sits directly to the west of this new proposed lot). To give you a little background, we moved into a newly constructed house in early May, 2016. During our initial walk-through we fell in love with not only the home, but the neighborhood and areas immediately surrounding the property. The large lot sizes in the Robins Park Historical District and the abundant tree coverage (especially in the back of 444 E. 4th Street lot) provided a feel that is hard to find in Hinsdale. The idea of raising our family in this area excited us so we bought the house and moved in. This excitement changed a short 8 months later when we received the certified letter informing us of the applicant's plans.

Our main objection to the proposal is that 444 E. 4th Street is in the R-1 zoning district and according to the Village of Hinsdale's Zoning Section 3-101: Purposes "The single-family district provide for a limited range of housing densities consistent with the village's established residential neighborhoods. **The R-1 and R-2 district allows for lower density residential use and larger lot sizes.** The R-3 and R-4 districts allow for somewhat higher density residential use and smaller lot sizes". So, the zoning codes specifically state that the R-1 district's primary focus should be on preserving lower density residential use and larger lot sizes. Further, when evaluating special requests, Section 2-102: Interpretation of district sequence B. "Special Rule" implicitly states that the R-1 District "**shall be deemed to be the most restrictive residential district**". If allowed, the new size of the lot on Woodside Ave would be 20,092 square ft. According to Section 3-110: Bulk, Space and Yard Requirements the minimum lot area in the R-1 zone is 30,000 square ft. This variance request is proposing the size of the new lot to be 2/3rd the minimum which is required according to the zoning code. This request is by no means a small concession to the zoning code. Allowing these lots to be split would go against the R-1 District's primary stated purpose according to the village's zoning codes. To my knowledge, there has not been a single request for a variance related to the lot size in the R-1 zoning district approved in the past 10 years. We don't believe a variance request of this magnitude should be the first. Approving this variance request would go against the Village's code as well as the clearly stated objective of the R-1 district while also set a dangerous precedent for future lot size variance requests.

This alone should be reason for the Zoning Board to reject this variation request. However, the application for variation requires the applicant to provide details explaining what prevents the subject property from complying with the provisions of the Zoning Ordinance and specifically explain the facts

they believe support the grant of the required variation. We would like to address these in our opposition and give further justification for the zoning board to reject this request.

Standards for Variation:

(a) Unique Physical Condition.

In the variation request the applicant points out that all the other lots on Woodside are less than the required 30,000 square feet and that granting this request the new 435 Woodside address would be the 2nd largest lot on the block. While this is true he fails to point out several of the other lots on the block and their dimensions (although they don't have Woodside addresses their driveways are accessed via Woodside). The home at 419 S. Oak (north/west corner of Oak and Woodside) sits on a lot that is 49,000 square feet. The home at 511 S. Oak (south/west corner of Oak and Woodside) is on a lot over 30,000 square feet. The applicants other house at 447 E. 4th is also on this block and is roughly 40,000 square feet. In fact, there are several lots greater than 40,000 square feet in the immediate area of the subject property (exhibit 1). All of these homes illustrate that the current size of the 444 E. 4th street lot by no means presents a unique physical condition to other properties on the block nor the R-1 district.

(b) Not Self-Created

The Zook home was built on the subject property in 1929. The applicant purchased the property less than 4 years ago. The applicant contends that the Zook house has a unique physical characteristic in that it was built on an "oversized lot" for the size of the house. If that is true it's hard to believe that the applicant didn't realize this prior to purchasing the property in late 2013.

(c) Denied Substantial Rights

According to Rob McGinnis there have been no variance requests for a reduction in lot size in the R-1 district that he is aware of. The denial of this request would by no means deprive the applicant of any rights commonly enjoyed by owners of other lots subject to the same provisions. Contrary, the approval of this request would give the applicant a right not enjoyed by any owner in the R-1 district previously and would set a dangerous precedent for future requests.

(d) Not Merely Special Privilege

The main justification the applicant argues for in this variance request is that the approval would allow for the preservation of the Zook home. If the variance request were to be approved it would be due largely because of the existing Zook home on the subjected property. This by definition would constitute a special privilege not available to other owners in the area. The standards for the variation request specifically states that the hardship or difficulty should not merely be the inability to make more money from the use of the subjected property. This is not a request because of any hardship, it is a variation request specifically to maximize financial gain.

(e) Code and Plan Purposes

The Village's Comprehensive Plan for the R-1 district is for large lot size and low density. This plan was set forth to guide the future and long-range goals of the village. This variance request goes against this stated plan. The applicant argues that currently 90% of the homes in the R-1 don't comply with the required 30,000 minimum lot size requirement set forth in the zoning codes and

that should be reason for the board to approve the request. However, the composition of the R-1 district has not dramatically changed since the zoning codes were introduced. So one might assumed when these codes were being written the potential for splitting lots was the very reason the codes required this minimum lot size for a new lot. If the applicant believes this minimum is too onerous he should move to have the zoning codes and the comprehensive plan changed for the R-1 district.

(f) Essential Character of the Area

If approved, this request would adversely affect the enjoyment our family currently experiences at our home. Further, this variance request would add to the congestion on an already narrow/small street. Although the applicant states that there was a house at 445 Woodside Avenue he fails to point out that this house was torn down over 20 years ago. No one who currently lives on Woodside Avenue would have experienced what the impact on traffic and congestion there would have been with the addition of this additional address. It would also have a negative impact on the look and feel of Woodside Avenue as it most certainly will require the removal of several mature trees that currently line the back half and sides of 444 E. 4th street.

(g) No Other Remedy

In his response, the applicant states, in part, "Simply put, the mortgage and taxes on this property are dramatically inconsistent with a home of this size. To be clear, someone that can afford the costs associated with the large lot will undoubtedly want a much bigger home in return. This will mean tearing down the Zook home in order to build a larger one. This is unpalatable to the owner because he has a fondness for this Zook house, and because he lives next door and does not want to see a house built on that lot that would dwarf those around it and dramatically change the character of the neighborhood." According to the records, the applicant purchased the current 444th 4th street property (the entire area comprised of lots 1, 2, 3, 4, 18, 19) in September of 2013. He lived in the house while his neighboring property was getting renovated and moved out sometime in the spring of 2016. The MLS history of the current home and lot were never put back on the market to sell "as is". There has only been an attempt to sell the lots as 2 separate properties. During the pre-hearing on March 15, the applicant even stated "I have been at this since May". If the applicant was truly interested in the preservation of the Zook home and character of the neighborhood as opposed to the profit he would achieve from the lot division wouldn't he have given an honest attempt to sell the lot as is? If he were worried about the buyer tearing down the Zook house he could have applied for landmark status to prevent that from ever happening. If the carrying costs of such an action were detrimental why not start that process while he was still living in the house? He knew he was eventually going to move out of the house and into his property next door. There are certainly remedies available other than the sub-division of the lot, they just have not been pursued by the applicant.

The demolition of the Zook house would be an unfortunate should the request be denied and the applicant choose to sell the home to a developer. The preservation of historic homes is rightly a priority of the Village of Hinsdale. The village enacted a program to help preserve Zook homes by giving significant tax advantages to people who purchase historic homes and rehab them to bring them more in line with today's standards. There are several examples of this program being utilized specifically with other Zook homes- 430 E. 3rd St and recently 46 S. County Line Rd to name a couple. This could be

another beautiful example of this program which is why it is so disheartening that the applicant has chosen not to pursue it. If the applicant truly has a fondness for the Zook house and is interested in preserving the character of the neighborhood shouldn't he attempt to sell the home to someone who will take advantage of this program? The village's incentives for historic home preservation comes in the form of tax relief not by approving lot size variance requests. Additionally, the approval of this variance request does not ensure the preservation of the Zook house. Once the lot is divided there is nothing stopping the current or subsequent owners from demolishing the home and building another home in its place on this new lot. Not to mention the possibility the historic home gets damaged in the transition to the proposed lot.

The idea of my family (with our small children) and the neighbors living through what will surely be several years of construction seems like an unnecessary burden. Woodside Avenue is a short/narrow street with limited sidewalks and is not designed for high traffic. Adding a construction project and another residence to this small block doesn't seem fair to the current residence of Woodside Avenue. Towards this point, please find a list of over 20 signatures from our neighbors and fellow residents of the R-1 zoning district who are also adamantly against the proposed variance request (Exhibit 2). This list includes the residence at 455 Woodside Avenue (the closest neighbors to the east of the new proposed lot), the residence at 425 Woodside Avenue (the bordering neighbor to the west of the new proposed lot) along with several of our neighbors on the block.

In closing we'd like to emphasize a final point- last year we moved our family from our home at 532 Walker Road, a home and a neighborhood we very much enjoyed, to the Robins Park Historical District because we wanted a larger lot and more space. We chose 425 Woodside specifically because we liked the house and loved having the views from the east side of the house which look out onto the back half of the neighboring lot. Splitting the 444 E. 4th Street lot and adding a home directly to our east goes against the very reason we moved to this area. And, as stated above, goes against the intention of The Robins Park Historical District's purpose and codes.

We are thankful that there is a process required when one wishes to make changes which do not comply with the village codes. We are also grateful that there is a Zoning Board in charge of hearing and deciding on these requests. Some of the previous requests the Zoning Board has heard are cases where the subject property has been under ownership of the applicant or the applicant's family for many years (often times before the zoning codes were even introduced). In these cases, there is a hardship created because the new zoning codes were introduced and without any action from the owner their properties were now subjected to these new codes. This is not the case in this request. The applicant purchased the subjected property less than 4 years ago- over 30 years after these codes were introduced. The applicant seems to be requesting that the Zoning Board approve his request because he owns an old house on a large lot in the R-1 district. The reality is there are many old homes on large lots in the R-1 district and if this request is approved it will set a terrible precedent which will surely open the door to many more requests to divide these existing lots. We, along with our neighbors in the R-1 district, hope the Zoning Board chooses not to establish this precedent and votes against this variance request.

Thank you in advance for your time and attention to this matter.

Sincerely-

Kevin and Joy Holmes

Exhibit 1

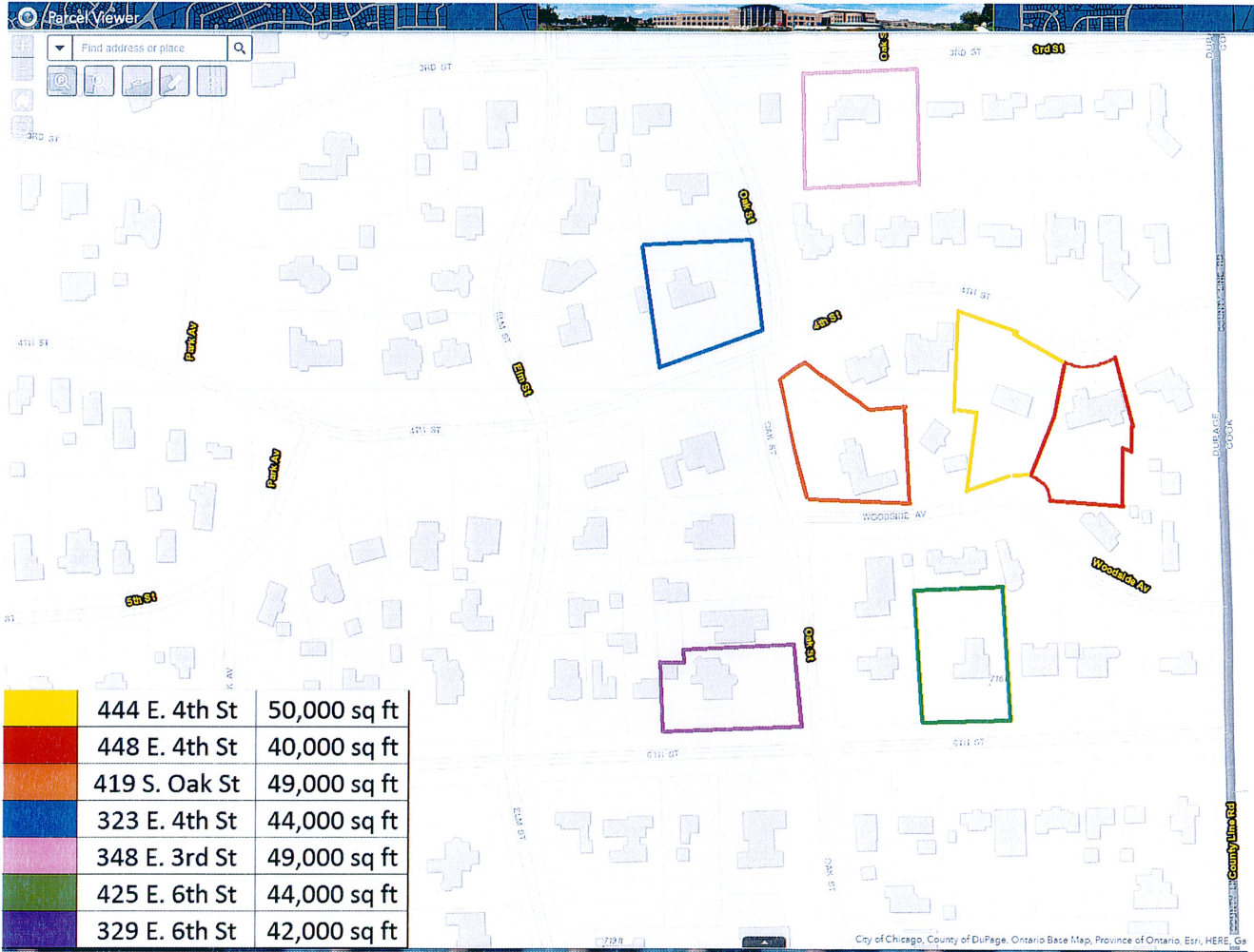


Exhibit 2

The citizens of the Village of Hinsdale, petition to maintain the current stated purpose of the R-1 Zoning District which is to allow for lower density and larger lot sizes.

The R-1 Zoning District of Hinsdale and specifically the Robbins Park Historical is a much desired area in Hinsdale largely because of the lot sizes and the villa regulations. The following people of Hinsdale petition against the proposal to c lot at 444 E. 4th Street into two lots and the creation of a new lot which does not the minimum R-1 zoning requirement of 30,000 square feet.

We suggest that the Hinsdale Zoning Board of Appeal deny the request to split 4th Street (V-04-17, 435 Woodside).

[illegible]

MEMORANDUM

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

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

DATE: April 10, 2017

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

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

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

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

Zoning Calendar No. V-0517

**VILLAGE OF HINSDALE
APPLICATION FOR VARIATION**

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Mrs. Alison and Mr. Paul Fichter

ADDRESS OF SUBJECT PROPERTY: 117 S. Clay Street

TELEPHONE NUMBER(S): (of Applicant) 

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

Applicant is property owner

DATE OF APPLICATION: April 7, 2017



RECEIVED
CB 4/7

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Mrs. Alison and Mr. Paul Fichter, 117 S. Clay Street, Hinsdale, IL 60521
112-662-2746 (Alison); 630-915-4166 (Paul)
2. Trustee Disclosure. In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: N/A
3. Applicant. Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the subject property: N/A
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 117 S. Clay Street, Hinsdale, IL 60521. (Please see Warranty Deed attached as Attachment "A" for legal description.)
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - (a) Attorney: Norman V. Chimenti, Esq., 10 S. LaSalle St., Chicago, IL 60603
 - (b) Engineer: Robert P. Schlaf, P.E., 335 Ventura Club Drive, Roselle, IL 60172
 - (c) Construction Manager: Dave Krecek, Danley's Garage World, 10031 W. Roosevelt Rd., Westchester, IL 60154
 - (d) Architect: [Information to be furnished prior to public hearing.]

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

(a) N/A

(b) _____

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

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

8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property. Please see Attachment "C".
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. Please see Attachment "D".
10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity. Please see Attachment "E".
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. Please see Attachment "F".
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code. N/A

SECTION II

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

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

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

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

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

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

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

Please see Attachment "J" for Applicant's statement regarding compliance with all standards for variation.

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

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

SECTION III

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

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements. Please see Attachment "C" for the survey showing the location of the constructed detached garage on the Subject Property. Elevations for the constructed garage will be furnished prior to the Board's pre-hearing review of this Application.
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. The information requested in this paragraph for bulk zoning and other zoning information pertaining to the existing lot and improvements subsequent to the construction of the new replacement detached garage which is the subject of this Application will be furnished prior to the Board's pre-hearing review of this Application. Other than the relief sought in this Application, the Subject Property and its structures and uses conform or legally non-conform with the requirements of the Zoning Code, and the special water management grading and landscaping plan required at the Subject Property comply with flood plain regulations and are approved by the Village for implementation upon receipt of the Board's determination regarding the relief sought herein.

SECTION IV

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

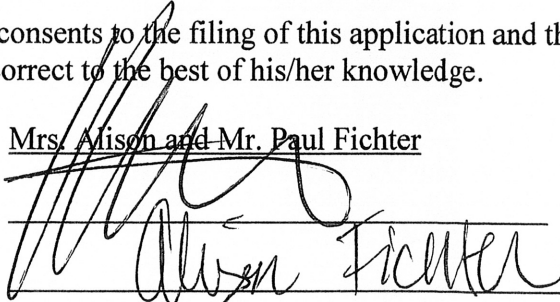
SECTION V

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

Name of Owner:

Mrs. Alison and Mr. Paul Fichter

Signature of Owner:



Name of Applicant:

(Same as Owner)

Signature of Applicant:

Date:

April 7, 2017

WARRANTY DEED

C.T.I./H
 2005757075 -
 201316200
 1003 KB



FRED BUCHOLZ
 DUPAGE COUNTY RECORDER
 APR. 05, 2013 RHSP 11:30 AM
 DEED 09-12-106-001
 003 PAGES R2013-050093

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

Legal Description Attached hereto as Exhibit "A"

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

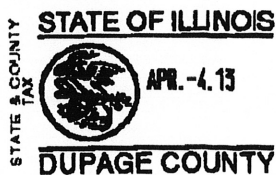
hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois.

Permanent Real Estate Index Number(s): 09-12-106-001-0000
 Address of Real Estate: 117 S. Clay Street, Hinsdale, Illinois 60521

Dated this 25th day of March, 2013.

Madelyn Martin
 Madelyn Martin

Todd Hayes
 Todd Hayes



# 0000007016	REAL ESTATE TRANSFER TAX
	0066000
	FP326686

CHARGE C.T.I.C. DUPAGE

STATE OF TEXAS, COUNTY OF Denton ss.

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

Given under my hand and official seal, this 23 day of March, 2013.



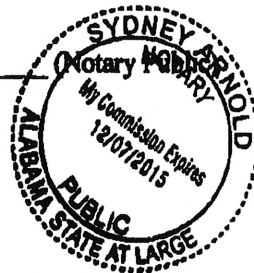
Ginger Renea Bazaco (Notary Public)

STATE OF ALABAMA, COUNTY OF Shelby ss.

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

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

Sydney Arnold



Prepared By:

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

Mail To:

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

Name and Address of Taxpayer/Address of Property:

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

STREET ADDRESS: 117 S. CLAY STREET

CITY: HINSDALE

COUNTY: DUPAGE

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

LEGAL DESCRIPTION:

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

CLERK

FRED BUCHOLZ

R2013-050093

DUPAGE COUNTY RECORDER

ATTACHMENT B

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

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

PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.
3080 OGDEN AVENUE SUITE 307
LISLE, ILLINOIS 60532
PHONE: 630-778-1757
PROF. DESIGN FIRM # 184-004196
E-MAIL: info@plsite.com

HINSDALE AVENUE
(66' R.O.W.)

SYMBOL LEGEND

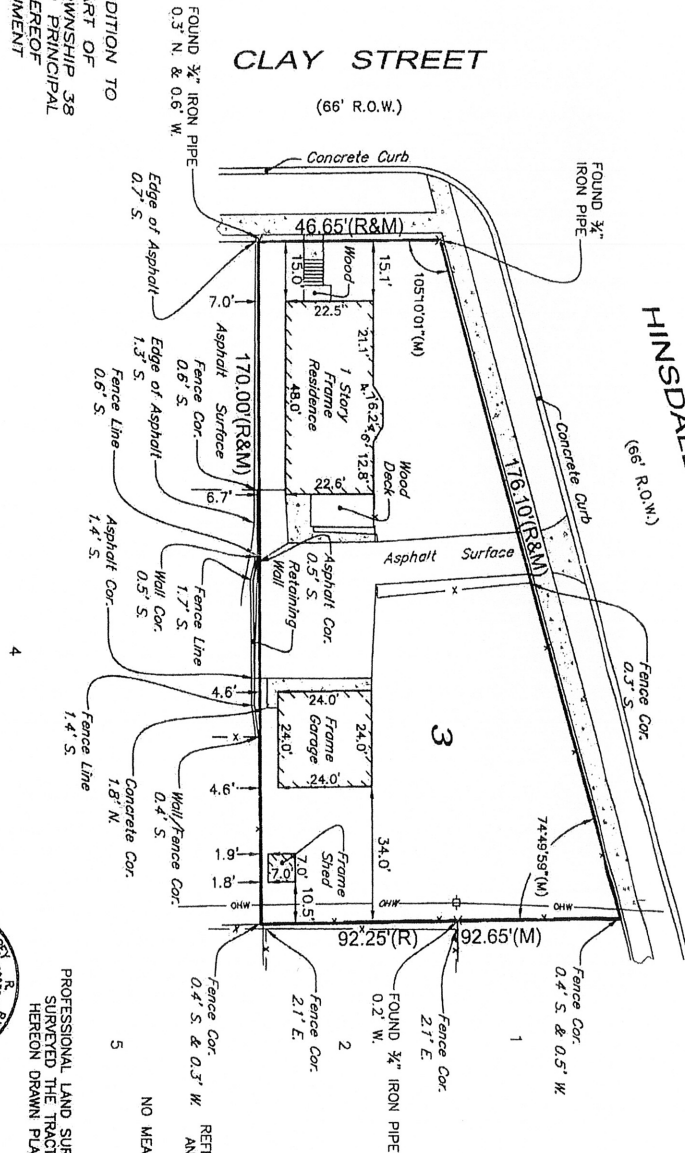
- X—X— FENCE LINE
- (R) — RECORD DATA
- (M) — MEASURED DATA
- — UTILITY POLE
- OH— OVERHEAD WIRES
- F/F — FINISH FLOOR

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

LEGAL DESCRIPTION

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

PREPARED FOR: SCHLAE
ADDRESS: 117 S. CLAY STREET, HINSDALE, ILLINOIS
BOOK & PG.: _____ DATE: 12/06/2016 JOB NO.: 149800
DRAWN BY: AA CHECK BY: SAR
REVISED: _____



0 15 30 60
SCALE: 1" = 30'

PARCEL INDEX NUMBER
09-12-106-001

SURVEYED AREA: 11,836± SQ. FT.

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

NO MEASUREMENT ARE TO BE ASSUMED BY SCALING

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

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

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

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

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



ATTACHMENT D

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

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

ATTACHMENT E

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

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

ATTACHMENT F

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

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

GROUP ATTACHMENT G

January 4, 2017

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

Re: 117 S. Clay Street
Garage Variance

Dear Village of Hinsdale,

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce and Adrienne Renwick". The signature is written in a cursive, flowing style.

Bruce and Adrienne Renwick
Adjacent Owners 119 S. Clay Street

ATTACHMENT H

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

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

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

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

ATTACHMENT H – Page 2

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

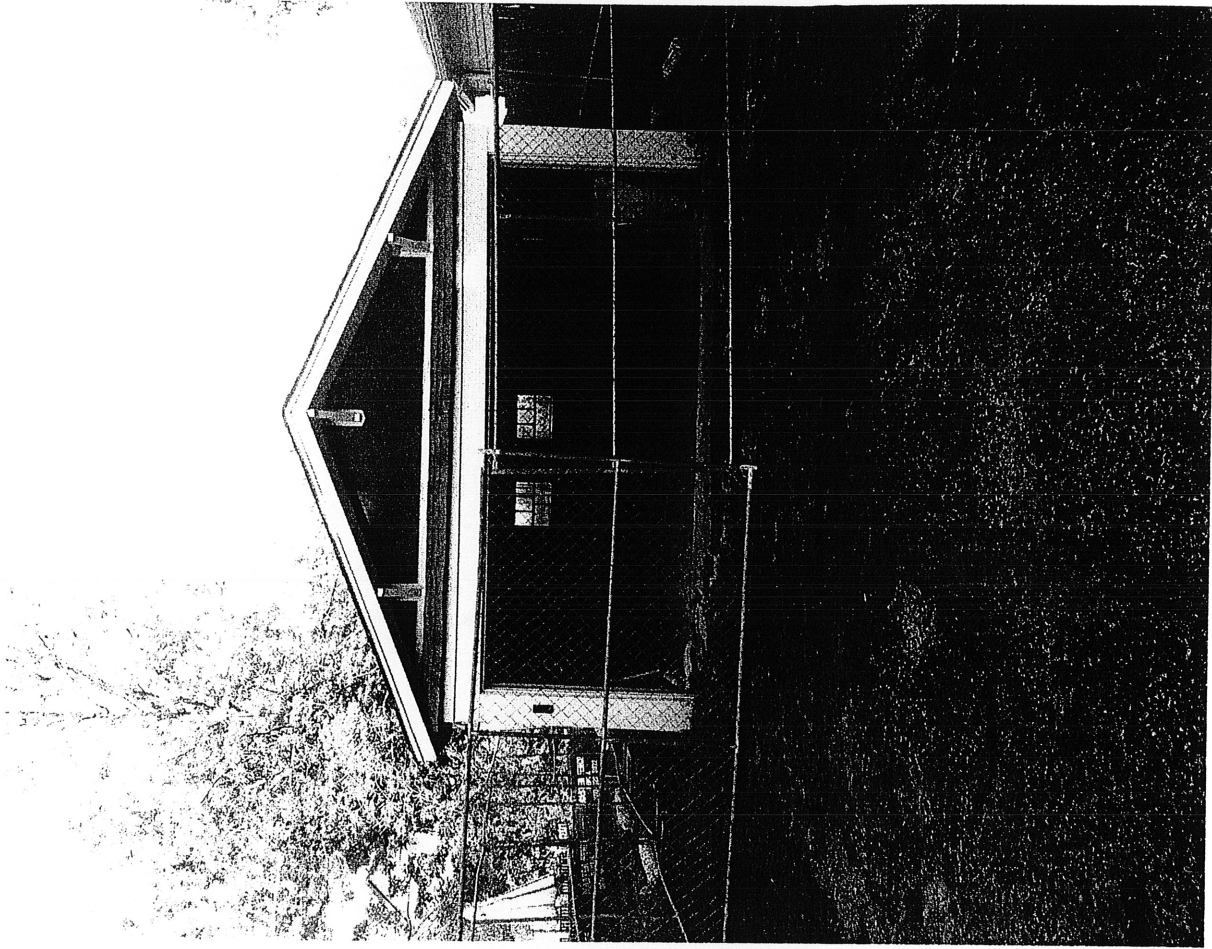
Regrettably, stated simply, Danley's concrete contractor and Danley's office committed inadvertent errors. The concrete contractor measured the planned 6.1-ft. distance from the interior lot line from a fence located 1.5 ft. on the property of Applicant's southerly neighbor instead of measuring from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

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

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

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

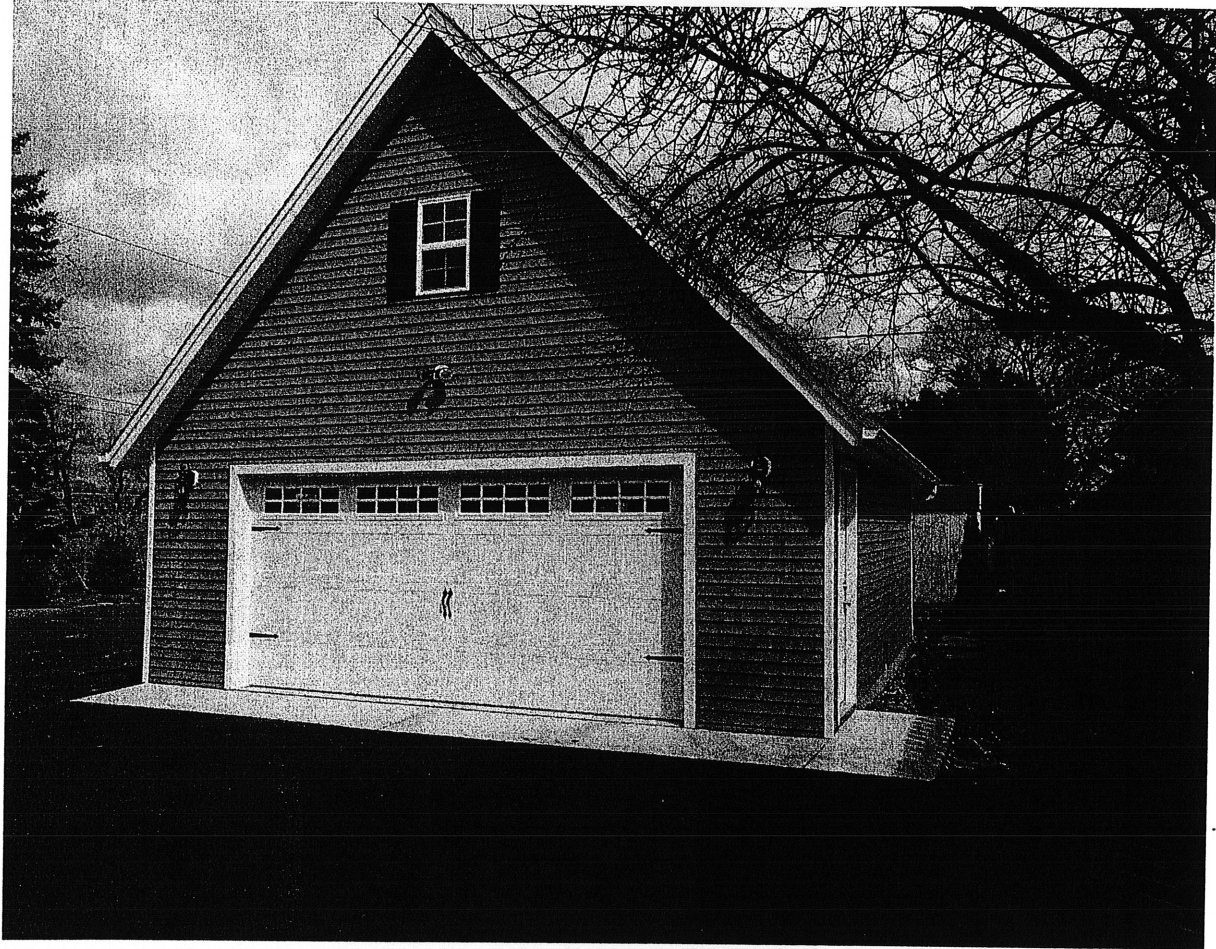
GROUP ATTACHMENT H-1



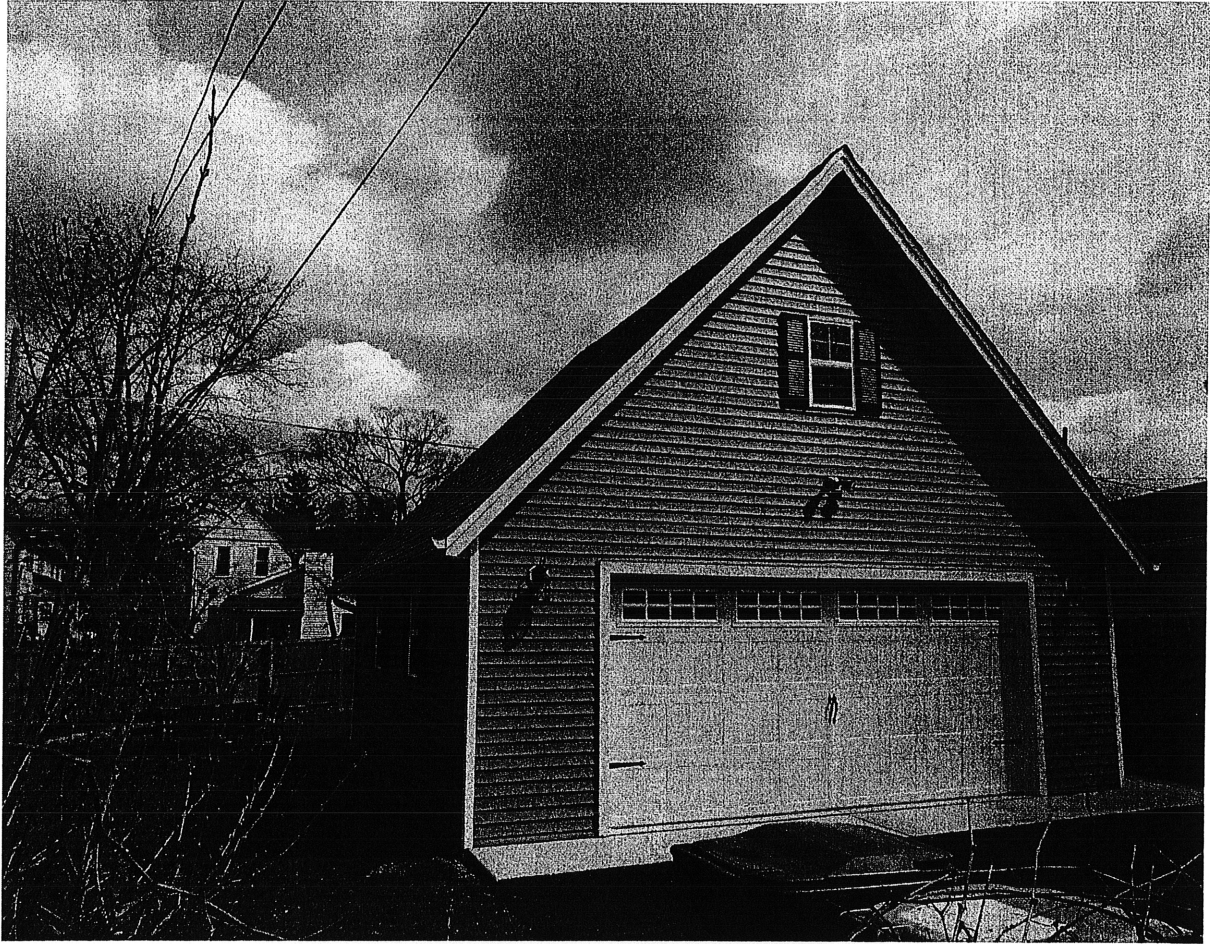
GROUP ATTACHMENT H-2



GROUP ATTACHMENT H-2



GROUP ATTACHMENT H-2



ATTACHMENT J

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

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

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

(a) Unique Physical Condition.

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

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

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

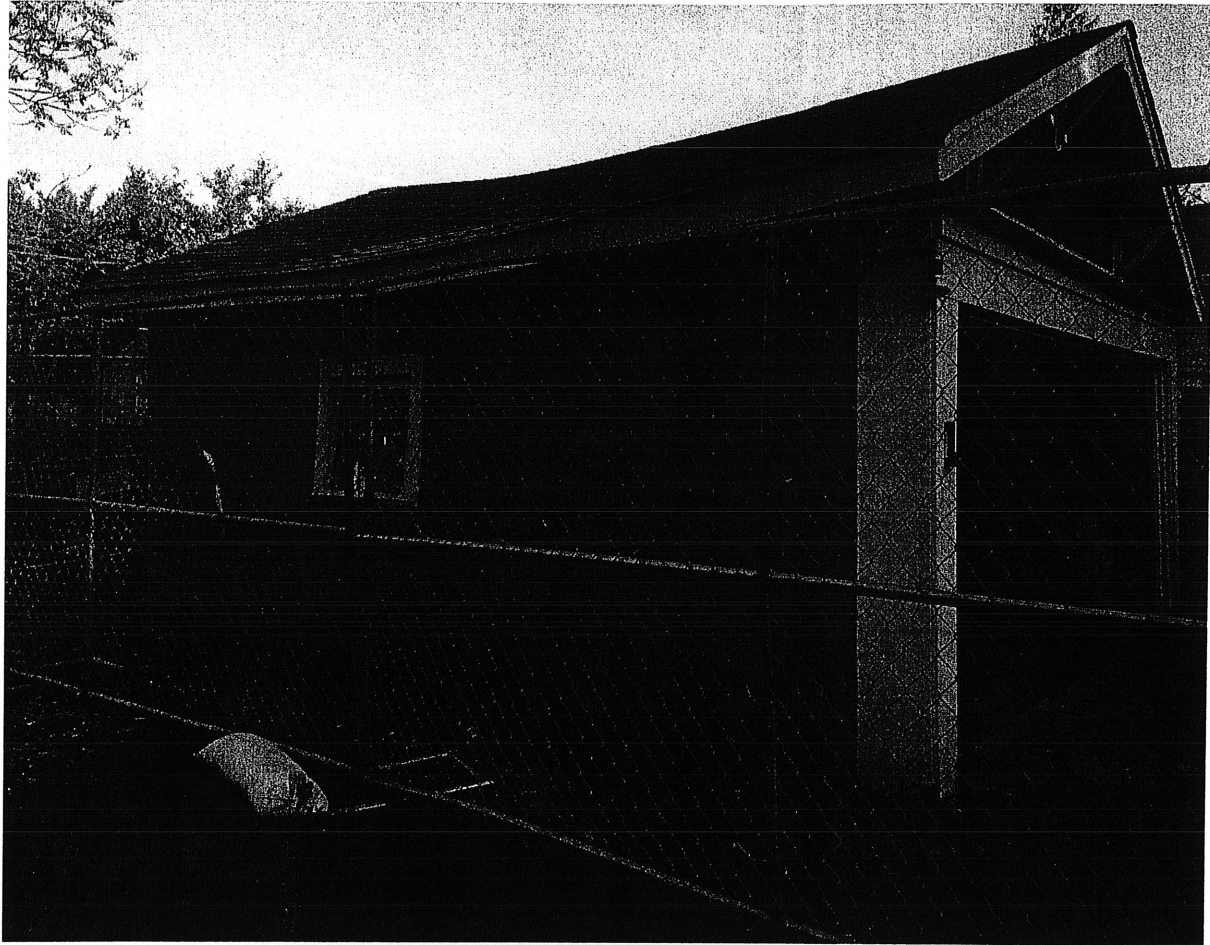
(b) Not Self Created.

ATTACHMENT I

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

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

GROUP ATTACHMENT H-1



ATTACHMENT J – Page 3

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

(f) Essential Character of the Area.

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

(g) No Other Remedy.

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

Application for Certificate of Zoning Compliance

VILLAGE OF HINSDALE

ATTACHMENT K to Alison & Paul Fichter Application for Variation

EXISTING ZONING COMPLIANCE

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

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

Property address: _____ 117 S. CLAY STREET _____

Property legal description: [attach to this form]

Present zoning classification: _____ R-4 _____

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

Lot area per dwelling: _____ 10,000.00 SF _____

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

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

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

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

Brief description of request and proposal:

_____ APPLICATION FOR ZONING RELIEF DUE TO LOCATION OF _____

_____ GARAGE FOUNDATION ON LOT. _____

Plans & Specifications: [submit with this form]

Provided:

Required by Code:

Yards – for Garage Only:

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

ATTACHMENT K

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

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

Application for Certificate of Zoning Compliance

Setbacks (businesses
and offices):

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

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

Building heights:

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

Maximum Elevations:

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

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

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

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

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

Spacing between buildings: [depict on attached plans]

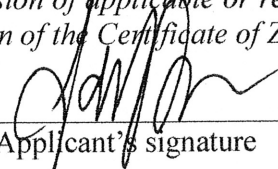
principal building(s):	_____	_____	_____
accessory building(s):	____ 49.0' ____	____ 10.0' ____	_____

Number of off-street parking
spaces required: 2

Number of loading spaces
required: N/A

Statement of applicant:

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

By: 
Applicant's signature

ANDREW VENAMORE
Applicant's printed name

Dated: APRIL 10TH, 2017 .

ATTACHMENT J – Page 2

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

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

(c) Denied Substantial Rights.

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

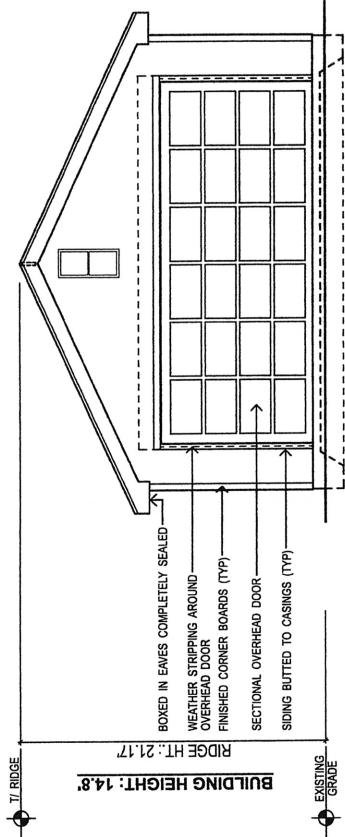
(d) Not Merely Special Privilege.

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

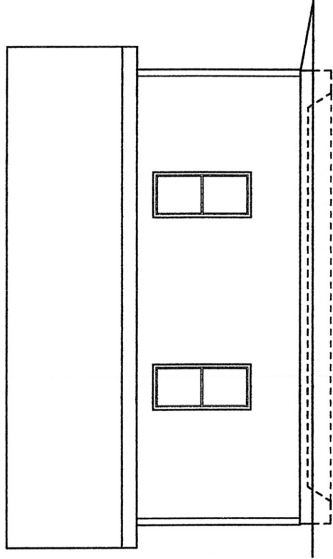
(e) Code and Plan Purposes.

SPECIFIC WINDOW AND DOOR STYLES SHOWN
ON PLANS ARE REPRESENTATIVE ONLY

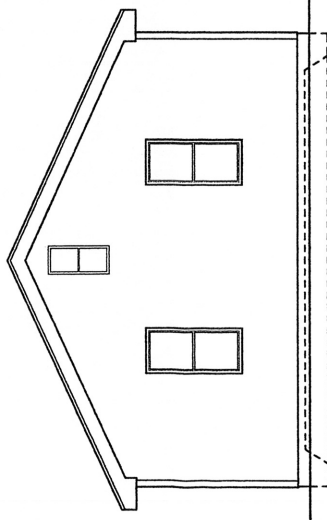
ATTACHMENT K to Alison & Paul Fichter Application for Variation



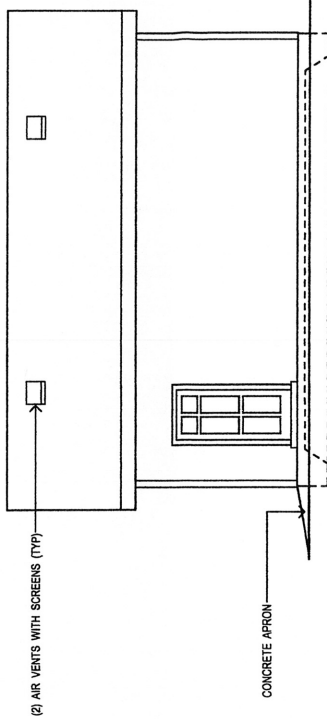
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



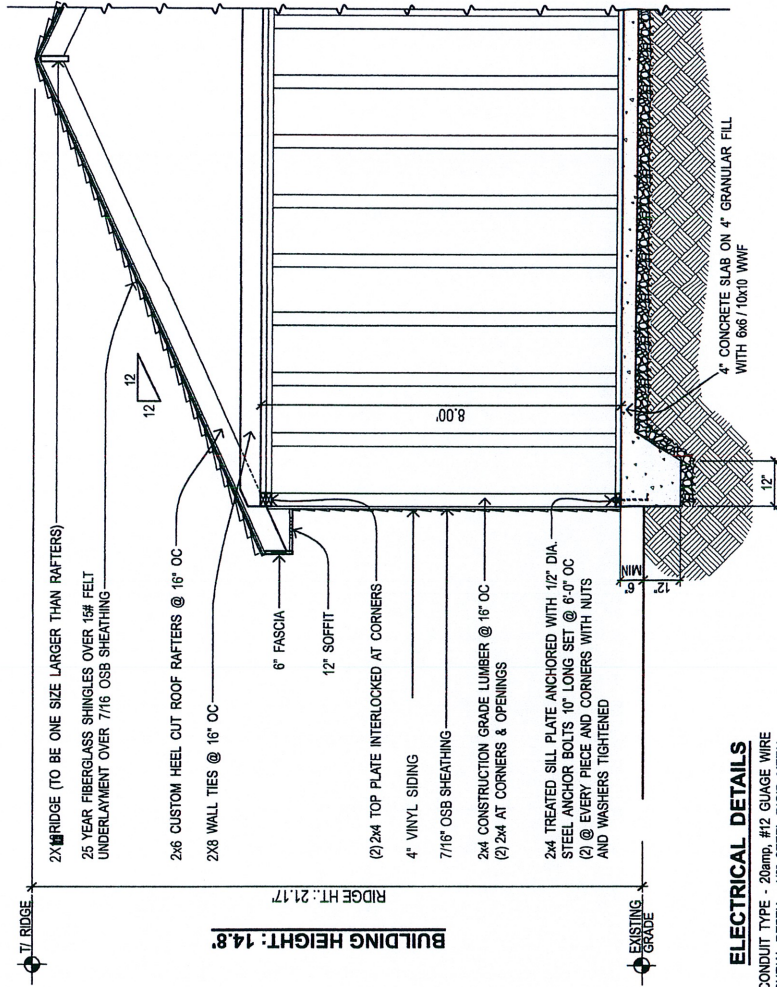
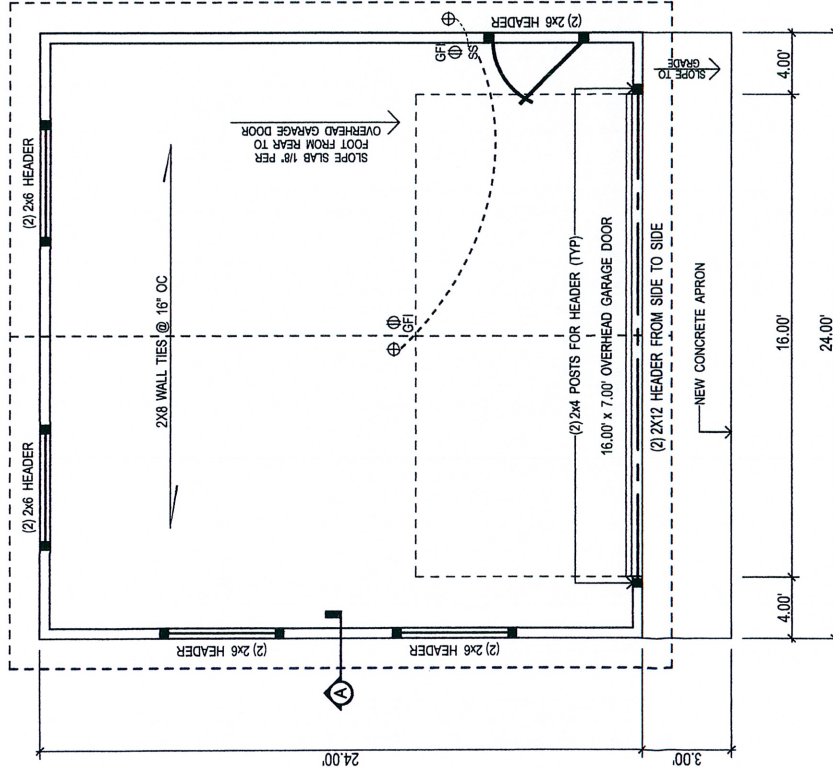
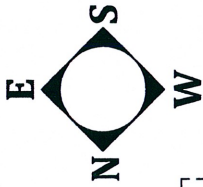
WEST ELEVATION

NOTE: DRAWINGS ARE NOT TO SCALE

	117 SOUTH CLAY STREET, VILLAGE of HINSDALE - PAUL FICHTER		CONTRACTOR: DANLEY'S GARAGE WORLD 612 ACADEMY DRIVE NORTHBROOK, IL 60062 PHONE: 847/562-9393 FAX: 847/562-1939
	DETACHED GARAGE - GABLE ROOF		SHEET NAME: ELEVATIONS SHEET NUMBER: 2 OF 2

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

ATTACHMENT K to Alison & Paul Fichter Application for Variation



ELECTRICAL DETAILS

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

FLOOR PLAN

BUILDING SECTION

NOTE: DRAWINGS ARE NOT TO SCALE

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

CONTRACTOR:
DANLEY'S GARAGE WORLD
612 ACADEMY DRIVE
NORTHBROOK, IL 60062
PHONE: 847/562-9933
FAX: 847/562-1939

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



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

January 4, 2017

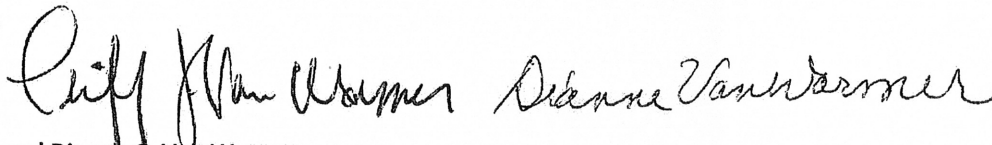
Village of Hinsdale
19 E. Chicago Avenue
Hinsdale, IL 60521

Re: 117 S. Clay Street
Garage Variance

Dear Village of Hinsdale,

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

Sincerely,

Handwritten signatures of Clifford J. and Dianne C. Van Wormer in cursive script.

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

January 4, 2017

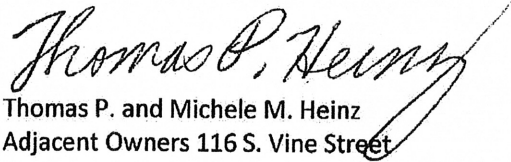
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Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Heinz", with a large, sweeping flourish extending from the end of the signature.

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