



MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, November 15, 2017
6:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a) Regular meeting of September 20, 2017
- 4. APPROVAL OF FINAL DECISION**
 - a) V-06-17, 19 Lansing Street
- 5. RECEIPT OF APPEARANCES**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
 - a) V-09-17, 15 East Fifth Street
- 8. PUBLIC HEARINGS**
 - a) V-07-17, 640 Mills Street
 - b) V-08-17, 348 Canterbury Court
- 9. OLD BUSINESS**
 - a) Discussion and Approval of Proposed Rules for Written Submissions
- 10. ADJOURNMENT**

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

www.villageofhinsdale.org

VILLAGE OF HINSDALE
MINUTES OF THE MEETING
ZONING BOARD OF APPEALS
September 20, 2017

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6
7 **1. CALL TO ORDER**

8 Vice-Chairman Keith Giltner called the regularly scheduled meeting of the
9 Zoning Board of Appeals to order on Wednesday, September 20, 2017 at 6:32
10 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue,
11 Hinsdale, Illinois.
12

13 **2. ROLL CALL**

14 **Present:** Members Marc Connelly, Gary Moberly, Joseph Alesia, Kathryn
15 Engel, John Podliska and Vice-Chairman Keith Giltner
16

17 **Absent:** Chairman Bob Neiman
18

19 **Also Present:** Director of Community Development/Building Commissioner
20 Robb McGinnis and Village Clerk Christine Bruton
21

22 **3. APPROVAL OF MINUTES**

23 a) **Regular meeting of June 21, 2017**

24 Corrections were made to the draft minutes. Member Engel moved to
25 **approve the draft minutes of June 21, 2017, as amended.** Member
26 Podliska seconded the motion.
27

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

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** Chairman Neiman
33

34 Motion carried.
35

36 b) **Regular meeting of July 19, 2017**

37 Corrections were made to the draft minutes. Member Alesia moved to
38 **approve the draft minutes of July 19, 2017, as amended.** Member Engel
39 seconded the motion.
40

41 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and
42 Vice-Chairman Giltner

43 **NAYS:** None

44 **ABSTAIN:** None

45 **ABSENT:** Chairman Neiman
46

47 Motion carried.
48

1
2 **4. APPROVAL OF FINAL DECISION – None**
3

4 **5. RECEIPT OF APPEARANCES** – All persons intending to speak during the
5 public hearing were sworn in by the court reporter.
6

7 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO**
8 **MAKE PUBLIC COMMENT OF A GENERAL NATURE**
9

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

11 a) **V-07-17, 640 Mills Street**

12 Ms. Vida Chenier, homeowner and applicant, addressed the Board
13 regarding her request for a variation to make the vacant lot she purchased
14 when she bought her home a buildable lot. This lot is the same as others in
15 the neighborhood; some of which are even smaller. When they bought
16 their home 18 years ago it was new construction. The vacant lot has a
17 separate pin and it was their understanding it was buildable as it had
18 separate utility lines. At this point, her children are grown, she has a
19 medical condition, and she wants one of her children to build on the lot.
20 Across the street from the property is the highway wall, and the next door
21 lots are the same. She has been in Hinsdale for 40 years and doesn't want
22 to move, but will have to otherwise.

23 Member Moberly confirmed this matter is a recommendation only to the
24 Village Board of Trustees. Member Alesia asked Ms. Chenier to provide
25 evidence of neighbor support for the variation request. Member Connelly
26 reminded Ms. Chenier to address the standards for approval carefully.
27 Vice-Chairman Giltner noted there were opinions from the Village Manager
28 included in the packet, and asked if there have been any material changes
29 to the property since this was brought up last time, or any changes in the
30 rationale to subdivide. Ms. Chenier said no, but she met with President
31 Cauley who said she can do this.

32 The Public Hearing was set for the next scheduled meeting of the Zoning
33 Board of Appeals.
34

35 **8. PUBLIC HEARINGS**

36 a) **V-06-17, 19 Lansing Street**

37 Ms. Sue Phillip, homeowner and applicant, addressed the Board requesting
38 a variation to rebuild her one-car garage 18" into the required interior side
39 yard. She referenced photographs provided that illustrate there is a concrete pad
40 to the left of her driveway, and she would like to expand the garage to this left
41 location. Otherwise, the concrete would have to be removed, a gas line would have
42 to be moved and the property regraded. If the garage is built in the back 20% of
43 the lot, where it is permitted by code, it would ruin the sightlines, and the water
44 issues would get worse. She explained there was a Zook home behind her that
45 was torn down and replaced with a larger home and a three-car garage. As a
46 result, there are water problems for the neighbors, and she believes adding another
47 garage would make these issues worse. Building a conforming garage would

1 require removal of trees and would result in a narrow, sharp turn and be very
2 difficult to use.

3 Members Engel and Moberly commented that they had wondered why the
4 garage was not simply moved to the back of the lot, but feel the water
5 issues and the removal of trees answer that concern.

6 The Board had no further questions for the applicant.

7
8 Member Moberly moved to **close the Public Hearing known as V-06-17, 19**
9 **Lansing Street.** Member Engel seconded the motion.

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

13 **NAYS:** None

14 **ABSTAIN:** None

15 **ABSENT:** Chairman Neiman

16
17 Motion carried.

18 19 20 **DELIBERATIONS**

21
22 The Board agrees the criteria for approval have been met. Member Podliska was
23 worried about the no other remedy criteria, but based on testimony tonight agrees
24 there is none.

25
26 Member Moberly moved to **approve the variation known as V-06-17, 19**
27 **Lansing Street.** Member Connelly seconded the motion.

28
29 **AYES:** Members Connelly, Moberly, Giltner, Alesia, Engel, Podliska and Vice-
30 Chairman Giltner

31 **NAYS:** None

32 **ABSTAIN:** None

33 **ABSENT:** Chairman Neiman

34
35 Motion carried.

36 37 **9. OLD BUSINESS**

38 39 a) **Discussion and Approval of Proposed Rules for Written Submissions**

40 Vice-Chairman Giltner suggested this matter be deferred until Chairman
41 Neiman is present to discuss. The Board agreed to move the matter
42 forward to their next meeting.

1
2
3 **10. ADJOURNMENT**

4 With no further business before the Zoning Board of Appeals, Member Moberly
5 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
6 **September 20, 2017.** Member Connelly seconded the motion. Voice vote
7 taken, all in favor, motion carried.

8
9 Vice-Chairman Giltner declared the meeting adjourned at 6:49 p.m.

10
11
12 _____
13 Christine M. Bruton
14 Village Clerk
15
16
17

Approved: _____

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

Zoning Calendar: V-06-17

Petitioner: Susan B Phillip

Meeting held: Public Hearing was held on Wednesday, September 20, 2017 at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on August 3, 2017.

Premises Affected: Subject Property is commonly known as 19 Lansing Street, Hinsdale, Illinois and is legally described as:

LOT 3 IN HANSON-PEARSALL RESUBDIVISION OF LOTS 10, 11, 12 AND 13 IN BLOCK 2 IN LANSING'S ADDITION TO THE TOWN OF HINSDALE IN THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED AUGUST 13, 1965 AS DOCUMENT R65-30446, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 10-105 (A)(3)(b) for the construction of a detached one-car garage. The applicant is requesting a 1.5' reduction in the required interior side yard from 7' to 5.5'.

Facts: This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Lansing between Lincoln & Washington. The property has a frontage of approximately 60', a depth of approximately 210', and a total square footage of approximately 12,600. The maximum FAR is approximately 4,224 square feet, the maximum allowable building coverage is 25% or approximately 3,150 square feet, and the maximum allowable lot coverage is 50% or approximately 6,300 square feet.

Action of the Board: Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met. Specifically cited reasons included the removal of trees and mature landscaping in the rear as well as concerns that placing the garage in the rear would exacerbate already existing drainage issues in the rear yards of the surrounding properties.

A motion to recommend approval was made by Member Giltner and seconded by Member Connelly.

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

NAYS: None

ABSTAIN: None

ABSENT: Chairman Neiman

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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

MEMORANDUM

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

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

DATE: November 6, 2017

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

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

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

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

7a
Zoning Calendar No. V-09-17

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Hanson, Jason & Allison

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

TELEPHONE NUMBER(S): [REDACTED]

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

DATE OF APPLICATION: October 30, 2017



RECEIVED

CB 10/30/17

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Allison and Jason Hanson;
15 E. Fifth Street, Hinsdale, IL 60521; [REDACTED]
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: N/A
3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: N/A
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) Commonly known as: 15 E Fifth St., Hinsdale IL 60521; The West 45 feet of the East 100 feet (except the North 25 feet thereof) of Lot 3 in Block 11 of Town of Hinsdale, being a subdivision of the Northwest 1/4 (except railroad lands) of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded August 14, 1866 as Document 7738, in Dupage County, Illinois.
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: Peter Coules, Jr. Esq.
 - b. Engineer: _____
 - c. Architect: Richard Olsen - G.O. Architectural Design
 - d. _____

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

a. N/A

b. _____

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

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

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

SECTION II

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

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

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

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

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

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

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

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

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

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

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

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

Same as variation sought.

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

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

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

N/A

SECTION III

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

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

SECTION IV

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

SECTION V

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

Name of Owner: Allison and Jason Hanson

Signature of Owner:  Attorney

Name of Applicant: Allison Hanson

Signature of Applicant:  Attorney

Date: October 25, 2017

Section 1 #9

EXISTING ZONING

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

Section 1 #10

CONFORMITY

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

Section 1 #11

ZONING STANDARDS

(a) Unique Physical Condition:

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

(b) Not Self-Created:

The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title.

(c) Denied Substantial Rights:

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

(d) Not Merely Special Privilege:

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

(e) Code and Plan Purposes:

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

(f) Essential Character of the Area:

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

(g) No Other Remedy:

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

STATE & COUNTY
TAX

STATE OF ILLINOIS



JUN. 26. 17

DUPAGE COUNTY

0000018548

REAL ESTATE
TRANSFER TAX

0070950

FP326681

CW
709.50

FRED BUCHOLZ

DUPAGE COUNTY RECORDER

JUN. 26, 2017
DEED

RHSP

9:26 AM

\$40.00 09-12-132-016

002 PAGES R2017-063055

SHERIFF'S DEED IN JUDICIAL SALE

3229.13 (Rev. 07/05)

Sheriff's No. 42017-090-150612

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

entitled CAPITAL ONE vs. SUSAN L. BEVACQUI

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

MARCH 2, 2017

from which sale no redemption has been made as provided by

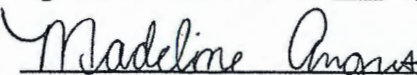
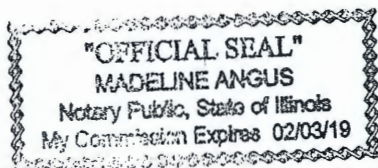
statute, hereby confers to ALLISON & JASON HANSON

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

DATED this 30 day of MARCH, 20 17

By: 

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


Notary Public

ADDRESS OF PROPERTY:

15 E. FIFTH ST.

HINSDALE, IL 60521

PIN: 09-12-132-016-0000

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

Prepared by: Dupage County Sheriff's Office

501 N. County Fram RD

Wheaton, IL 60187

MAIL TO: (Tax Bills too)

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

CHRIS KACHIROUBAS, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT ©
WHEATON, ILLINOIS 60189-0707

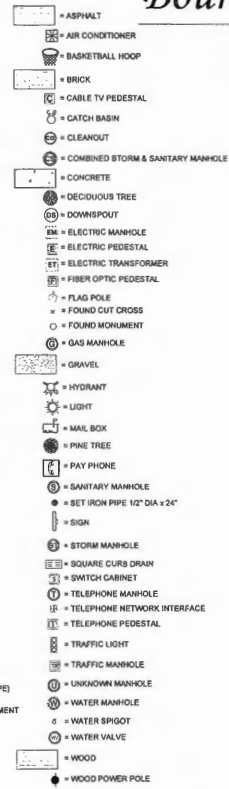
*** ATTACHMENT**
11CH4760

The West 45 feet of the East 100 feet (except the North 25 feet thereof) of Lot 3 in Block 11 of Town of Hinsdale, being a subdivision of the Northwest 1/4 (except railroad lands) of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded August 14, 1866 as Document 7738, in Dupage County, Illinois

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

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

SYMBOL LEGEND



ABBREVIATION LEGEND

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

LINE TYPE LEGEND

COMBINED SEWER = CHD
DEPRESSIONED CURB = CHD
FENCE = CHD
CENTERLINE OF OVERHEAD WIRES = CHD
SANITARY SEWER = CHD
STORM SEWER = CHD
TREE OR BRUSH LINE = CHD
WATER LINE = CHD

Boundary and Topographic Survey

LEGAL DESCRIPTION

THE WEST 40.00 FEET OF THE EAST 100.00 FEET (EXCEPT THE NORTH 25.00 FEET THEREOF) OF LOT 3 IN BLOCK 11 OF TOWN OF HINSDALE, BEING A SUBDIVISION OF THE NORTHWEST QUARTER (EXCEPT RAILROAD LANDS) OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1886, AS DOCUMENT 7708, IN DUPAGE COUNTY, ILLINOIS.

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

BUILDING SETBACK TABLE

ADDRESS	SETBACK	PORCH SETBACK
433 S. WASHINGTON ST. TO 5TH ST.	27'-0"	24'-0"
433 S. WASHINGTON ST. TO 5TH ST. (GARAGE)	28'-0"	24'-0"
15 E. 5TH ST.	67'-0"	59'-0"
17 E. 5TH ST.	27'-0"	18'-0"
19 E. 5TH ST.	36'-0"	26'-0"
33 E. 5TH ST.	64'-0"	54'-0"

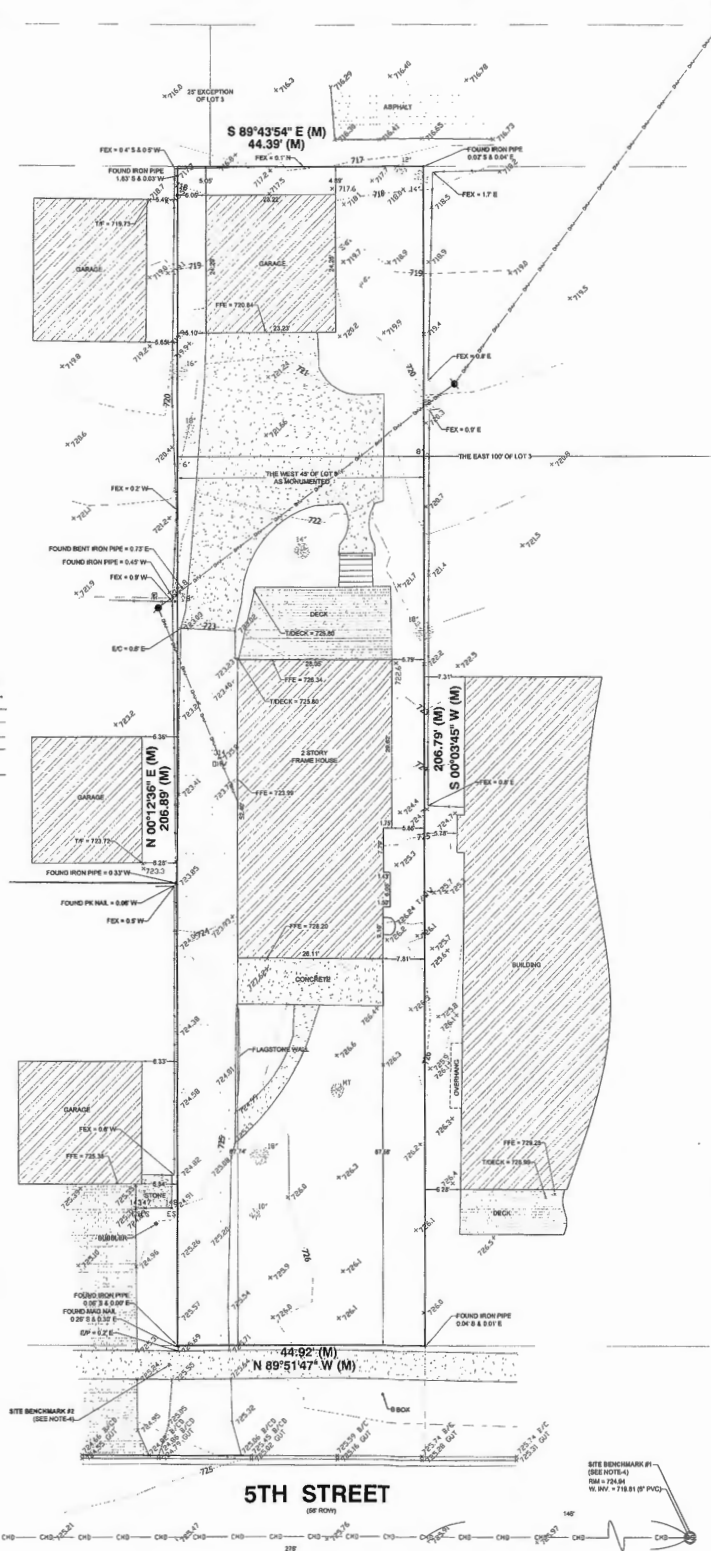
* DENOTES SET-BACK DISTANCE TO NORTH LINE OF 5TH STREET

NOTES

- ALL BEARINGS SHOWN HEREON ARE MEASURED TO SHOW ANGULAR RELATIONSHIP AND ARE NOT BASED ON ANY KNOWN BEARING SYSTEM.
- CONTOUR INTERVAL = 1.0'
- ELEVATIONS HEREON REFER TO DUPAGE COUNTY DATUM (NAVD 83).
- SOURCE BENCHMARK: DUPAGE COUNTY BENCHMARK #139, MONUMENT @ HWY CORNER OF HINSDALE AVE. & GARFIELD AVE. ELEVATION = 688.82
- SITE BENCHMARK #1: CUT CROSS ON WEST RIM OF MANHOLE IN CENTER OF 5TH STREET & 140'± EAST OF EAST LINE OF SUBJECT PROPERTY EXTENDED SOUTH. ELEVATION = 724.94
- SITE BENCHMARK #2: CROSS CUT 2.4' SOUTH OF THE NORTH EDGE OF SIDEWALK NEAR THE SOUTHWEST CORNER OF PROPERTY KNOWN AS 15 E. 5TH STREET. ELEVATION = 725.64
- A CURRENT TITLE REPORT WAS NOT FURNISHED, THEREFORE, ALL RESTRICTIONS, ROAD DEDICATIONS, ROAD VARIATIONS, AND EASEMENTS MAY NOT BE SHOWN.
- ALL UTILITIES MAY NOT BE SHOWN. CALL 311 OR 1-800-882-8123 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES PRIOR TO ANY DIGGING OR CONSTRUCTION.
- THIS PROPERTY MAY BE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF HINSDALE AND AS SUCH IS SUBJECT TO ZONING AND BUILDING RESTRICTIONS.
- FIELD WORK COMPLETED ON 5-12-2017.
- ALL TREES LESS THAN 6 INCHES IN DIAMETER ARE NOT SHOWN HEREON.
- PARCEL CONTAINS APPROXIMATELY 9235.6 SQUARE FEET.



Vicinity Map
(No Scale)



STATE OF ILLINOIS)
COUNTY OF KANE)

WE, RIDGELINE CONSULTANTS, LLC, ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004768, HAVE PREPARED THIS BOUNDARY AND TOPOGRAPHIC SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, "OWNERSHIP" TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY AND TOPOGRAPHIC SURVEYS.

DATED AT MONTGOMERY, ILLINOIS ON MAY 30, 2017.

Page 1 of 1



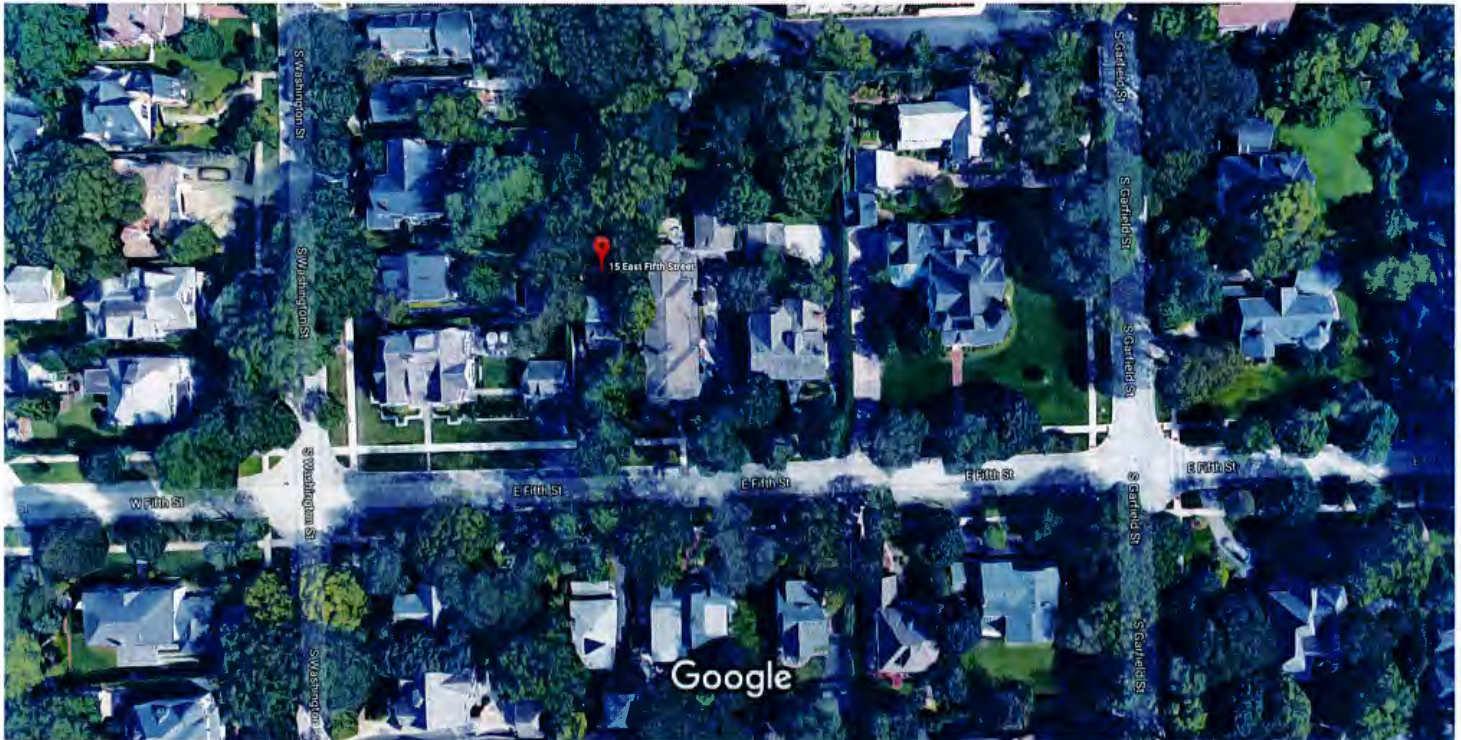
GEORGE H. SKULLAVIE P.L.B. 035-003880 EXPIRATION DATE 11/30/2018
STACY L. STEWART P.L.B. 038-003419 EXPIRATION DATE 11/30/2018
PROFESSIONAL DESIGN FIRM NO. 184-004768
1841 Airport Road
MONTGOMERY, ILLINOIS 60138
PHONE 630-851-1957 FAX 630-701-1265



Survey is valid only on original red & blue print (s)

NO.	DATE	REVISION
1	05/30/2017	Original
2	06/01/2017	Revised
3	06/01/2017	Revised
4	06/01/2017	Revised
5	06/01/2017	Revised
6	06/01/2017	Revised
7	06/01/2017	Revised
8	06/01/2017	Revised
9	06/01/2017	Revised
10	06/01/2017	Revised

Google Maps 15 E Fifth St



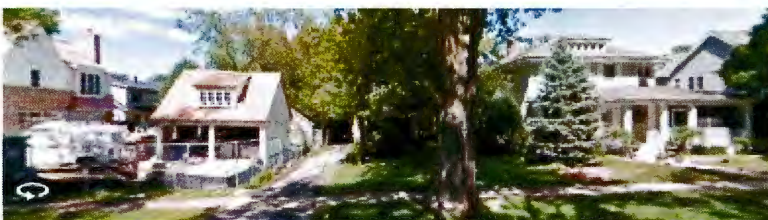
Imagery ©2017 Google, Map data ©2017 Google

50 ft



15 E Fifth St

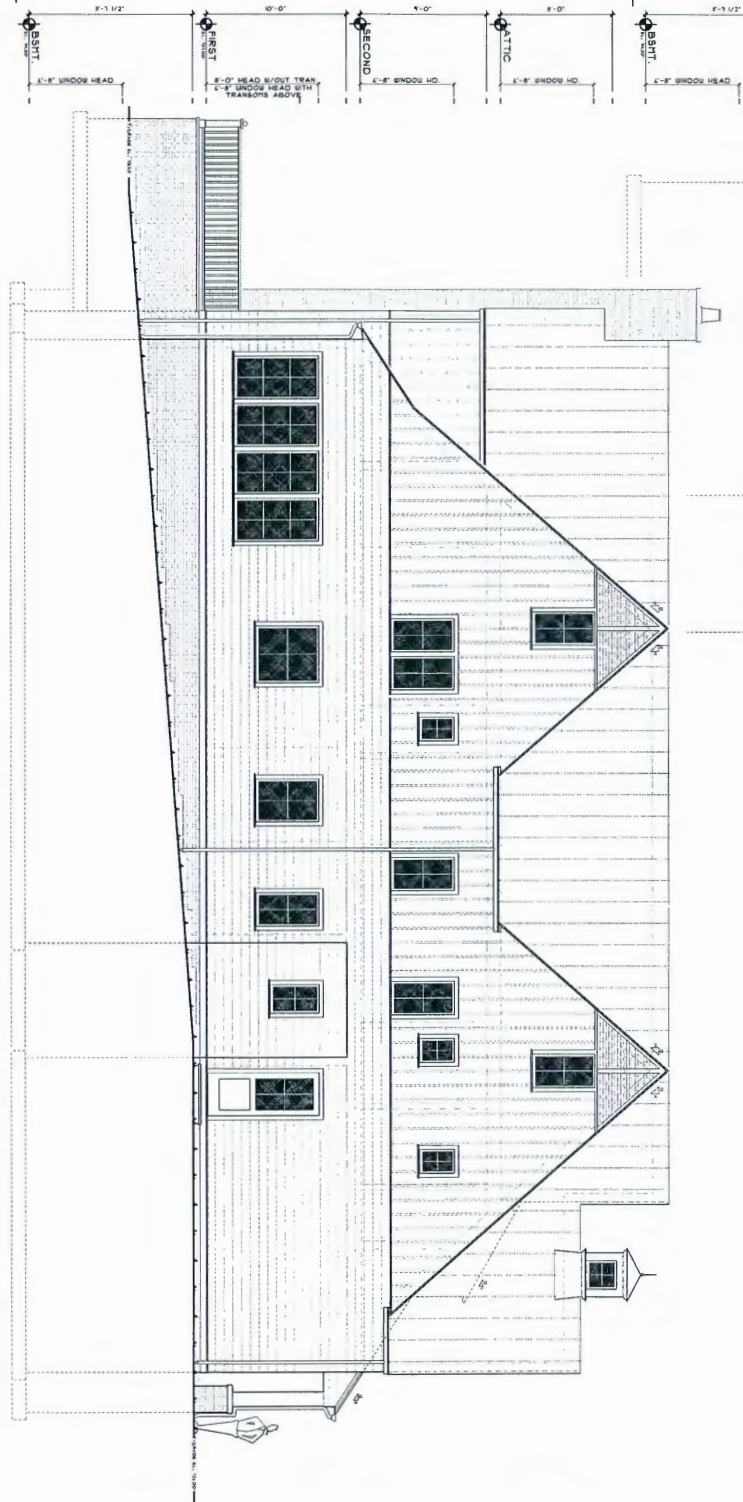
Hinsdale, IL 60521



scale: 1/4"=1'-0"



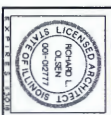
scale: $1/4''=1'-0''$



SOUTH AND
WEST
ELEVATIONS

DATE:	OCTOBER 22, 2017
ISSUED FOR:	OWNER REVIEW
SCALE:	GIVEN
DRAWN:	RICHARD OLSEN
PROJECT NO:	2017.03

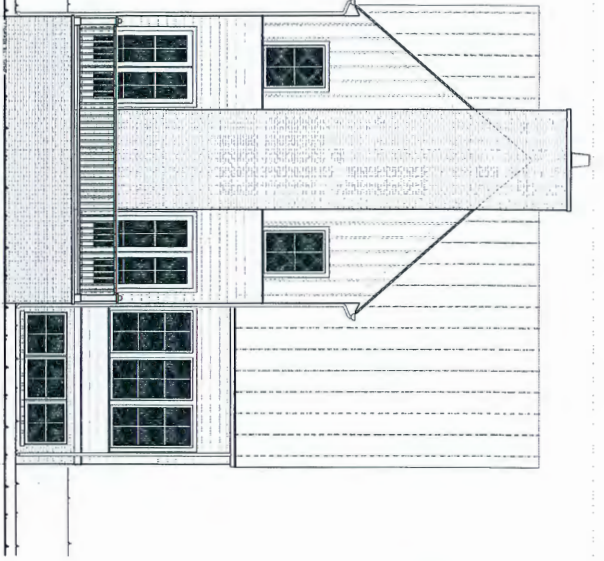
A NEW HOME:
HANSON
RESIDENCE
15 EAST FIFTH ST.
HINSDALE, ILLINOIS



SHEET:
A.1

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

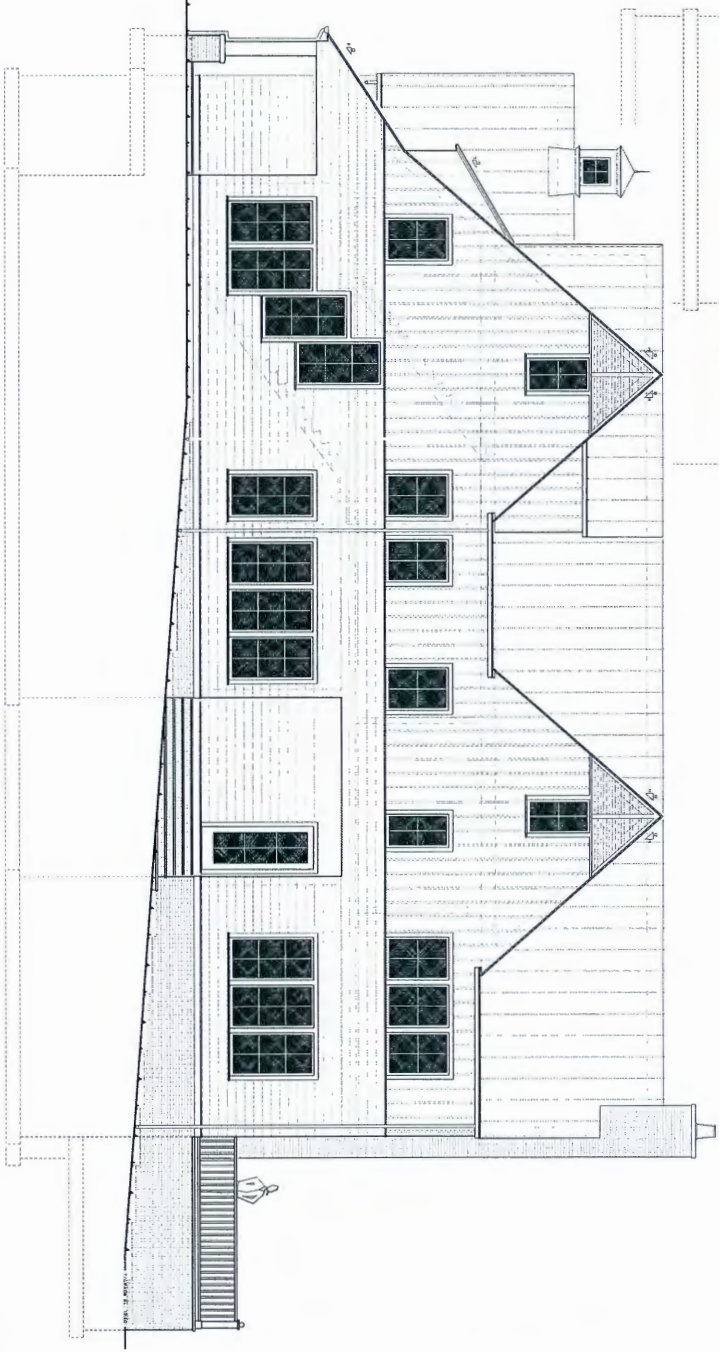
8'-0" 10'-0" 4'-0" 8'-0"
 ATTIC
 1'-8" WINDOW HEAD
 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE
 1'-8" WINDOW HEAD
 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE
 1'-8" WINDOW HEAD
 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE

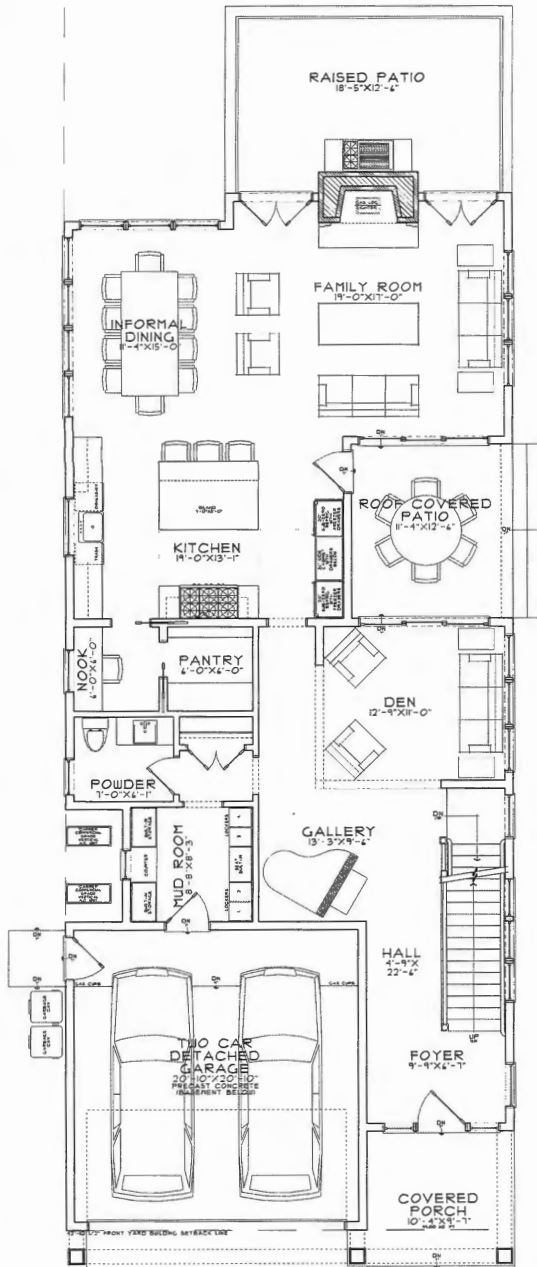


Rear of home

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

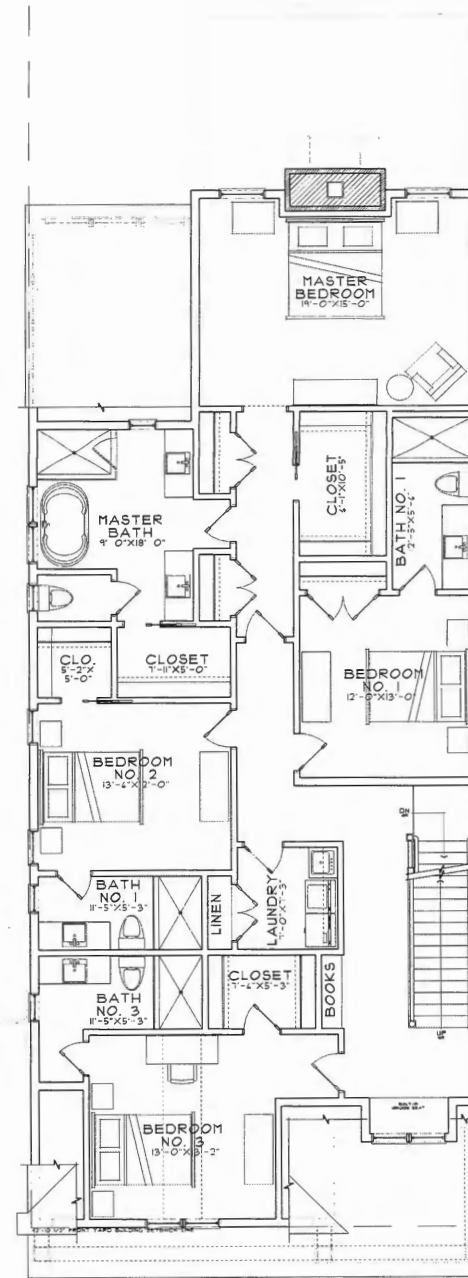
8'-0" 10'-0" 4'-0" 8'-0"
 ATTIC
 1'-8" WINDOW HEAD
 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE
 1'-8" WINDOW HEAD
 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE
 1'-8" WINDOW HEAD
 1'-8" WINDOW HEAD WITH TRANSOMS ABOVE





A FIRST FLOOR PLAN
scale: 1/4"=1'-0"

BUILDING COVERAGE SQ. FT.: 7780.00
GROSS HEATED SQUARE FOOTAGE: 1571.74
FIRST FLOOR F.A.R.: 2043.34



B SECOND FLOOR PLAN
scale: 1/4"=1'-0"

GROSS HEATED SQUARE FOOTAGE: 1001.18
SECOND FLOOR F.A.R.: MAX ALLOWED 5.0011



FIRST & SECOND FLOOR PLAN

DATE: OCTOBER 22, 2011
DESIGNED FOR: OWNER REVIEW
REVIS: GIVEN
DRAWN: RICHARD OLSEN
PROJECT NO: 2011.03

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



SHEET: **A.3**



Existing Home
(1)



Existing Home
(a)



Existing Home
(3)



Existing Home
(4)



Block face from corner
(5)



Block from corner.
(6)



Block face across street
(7)



Block face across street
(8)



New Construction Across Street

(9)

October 6, 2017

Village of Hinsdale
Zoning Board of Appeals

**Re: 640 Mills Street, Hinsdale, Illinois-Application for Variation
Zoning Calendar No. V-07-17
Supplemental Information**

Chairman and Members of the ZBA:

Thank you for your time at the September 20th pre-hearing on our Application for Variation referenced above. At the pre-hearing, the Board requested certain additional information regarding the basis and support for our Application. We are submitting this letter, the information set out below and the attachments in response to that request and ask that together it supplement and be made part of our Application and the official filing with the ZBA with respect to our request for a variation.

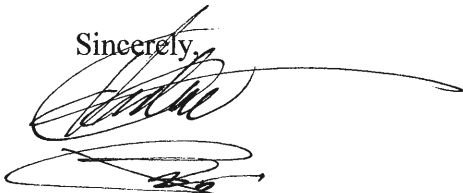
1. We have stated in the Application that it is our intent, should the relief be granted, to sell the south lot (Lot #20) to our adult child for a nominal amount so that they can construct and reside in a home on that lot. Our sole motivation in doing this is to have our adult child next door to provide care for me, Vida Chenier, due to my existing health issues. My husband, Paul Chenier, travels extensively with his job leaving me alone in my home for extended periods of time which is becoming increasingly difficult for me. We both need the assurance of someone living next door who can assist Vida should the need arise. These health concerns are ongoing, significant and likely to become more severe as the years go on. For your reference, I have attached a letter from my physician detailing the nature of my health issues.
2. In addition to the above, it is certainly significant that both Lots (#20 &21) abut Interstate Tollway 294. We have included with this letter several photographs illustrating the unique location of our property and the distinctive nature of our street and neighborhood. As the Board is aware, the Illinois Tollway Authority has plans to expand the Tollway through Hinsdale and that plan has been reported to be moving forward as scheduled. This project will certainly negatively impact homeowners, such as us, that border the Tollway. There are no homes on the east side of our street which is lined with the Tollway sound barrier wall. Any expansion of the Tollway will move that wall closer to the street and to our

property. This is significant in that it highlights the unique nature of our property in the Village. The Tollway expansion will undercut the marketability of our property further illustrating the fact that our goal in requesting a variation is not to enhance the value of our property or to create any personal financial gain. Again, our sole goal is to allow us to use the property to create a family support system for Vida.

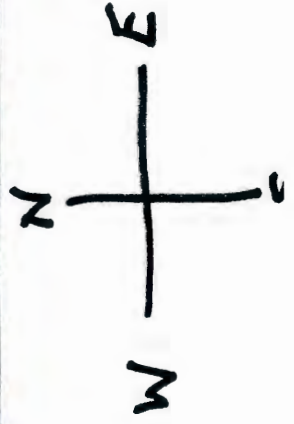
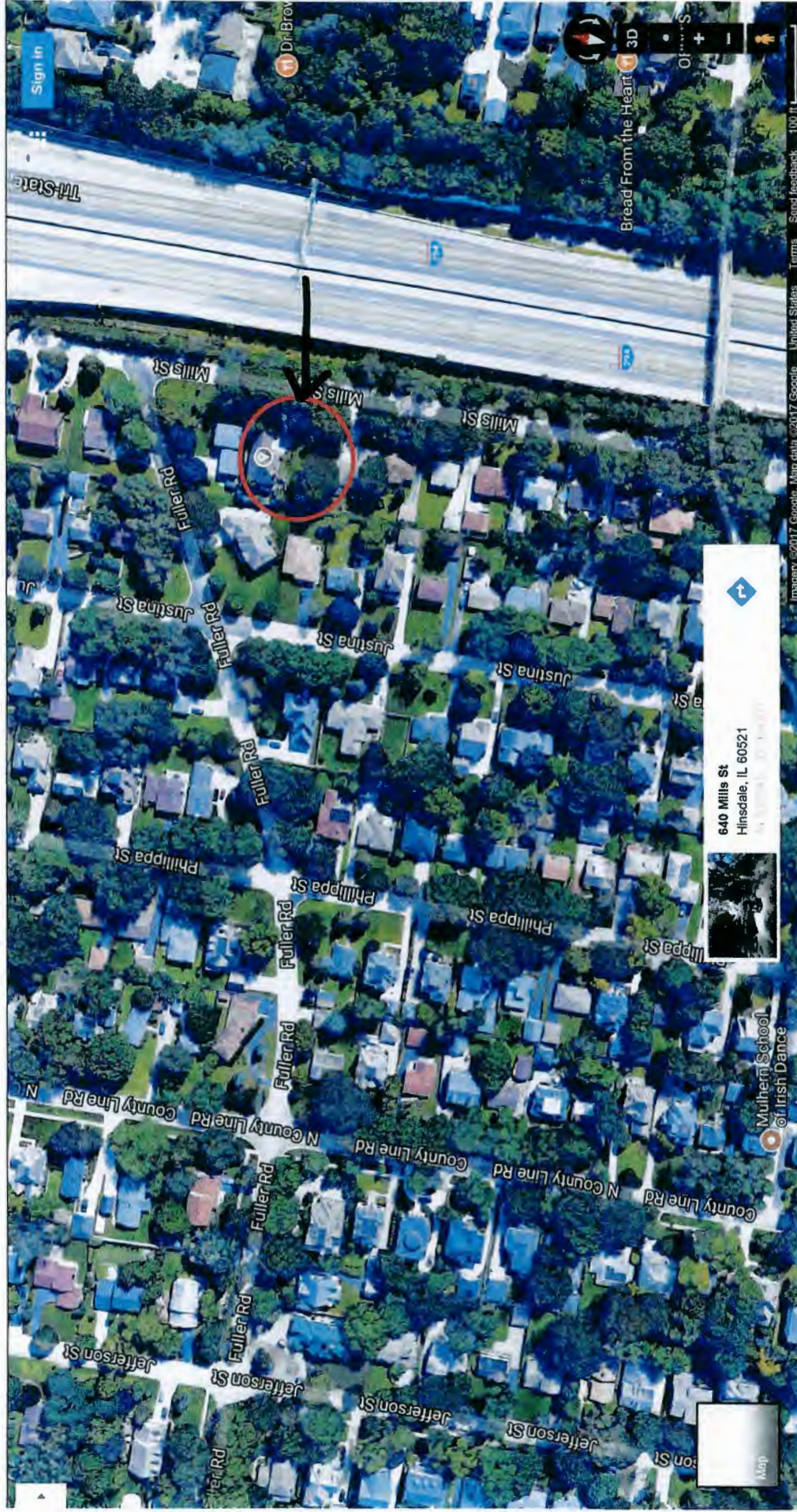
3. Finally, we would like to point out that our request is distinguishable from the recent ZBA Case #V-04-17 (436 Woodside, Hinsdale). As we have previously stressed, and unlike that case, we have no financial motivation driving this request. In fact, mainly due to the location of our lot and the publicity given to the plan for the Tollway expansion, our property would be regarded as having little value that could be exploited by anyone, as contrasted with the 436 Woodside property. In addition, and unlike that case, allowing a “subdivision” of the declared “single Zoning lot” at 640 Mills Street would allow the creation of two zoning lots (or restoring the originally platted lots) both of which would be in total harmony with our neighborhood. Finally, in this case and unlike that case, we have the support of our neighbors in our request to allow the variation and “subdivision” of Lots #20 & 21. We will be submitting a neighborhood petition attesting to that at our Public Hearing.

Thank you again for your time and attention to our Application. We look forward to the opportunity to come before you at our Public Hearing on October 18th.

Sincerely,

A handwritten signature in black ink, appearing to be 'Paul and Vida Chenier', with a long, sweeping horizontal line extending to the right.

Paul and Vida Chenier



640 MILLS



638 Mills Next to Vacant lot 60x125



60x125

638 Mills



630 Mills

60x125



624 Mills

box 125



618 Mills

60x125



612 Mills

60X125



610 Mills

60X125



600 Mills

□ end box
IRREGULAR



corner lot
IRREGULAR

642 Mills



Up to Fence Expansion of I-294



Wall of I-294

(Right across the street)



expansion will come up to trees — Wall of I-294



Mills ends at Bridge / walkway over I-294 & I-294 Ramp on other end



8a

MEMORANDUM

DATE: September 12, 2017

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

CC: Christine Bruton, Village Clerk

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

RE: **Zoning Variation – V-07-17; 640 Mills Street**

In this application for variation, the applicant requests relief from the Minimum Lot Area requirement set forth in section 3-110(C)(1) and the Minimum Lot Width requirement set forth in section 3-110(C)(3). The specific request is for 2,500 square feet of relief on Lot Area and 10' of relief on Lot Width. The intention of the applicant is to obtain the relief required in order to break out one of the underlying Lots of Record and construct a new single family home on Lot 20 (vacant lot south of the house).

It should be noted that due to the amount of relief being requested, this application, if approved, will need to move forward to the Board of Trustees as a recommendation.

This property is located in the R4 Residential Zoning District in the Village of Hinsdale and is located on the west side of Mills Street between Fuller and Minneola. The property has a frontage of approximately 120', a depth of approximately 125', and a total square footage of approximately 15,000. The maximum FAR is .24 plus 1,200 or 4,800 square feet, the maximum Building Coverage is 25% or 3,750 square feet, and the maximum Total Lot Coverage is 50% or 7,500 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-07-17

Zoning Calendar No. V-07-17

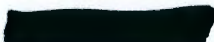
VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00


NAME OF APPLICANT(S): Vida and Paul Chenier

ADDRESS OF SUBJECT PROPERTY: 640 Mills Street

TELEPHONE NUMBER(S): (of Applicant) 

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

Applicants are the property owner

DATE OF APPLICATION: September 11, 2017 

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Vida and Paul Chenier, 640 Mills Street, Hinsdale, IL 60521, [REDACTED] (Owners are the beneficiaries of a land trust with power of direction; See, Paragraphs 2 of Sec. I and 1 of Sec. II.)

2. Trustee Disclosure. In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: Trustee: State Bank of Countryside, 6734 Joliet Road, Countryside, IL 60525, Tel. #708-485-3100; Beneficiaries are Applicant

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.) 640 Mills Street, Hinsdale, IL 60521. (Please see Exhibit #1 for the legal description of Lots 20 and 21 comprising the Subject Property; and, Exhibit #2 for the legal descriptions for Lot 21 currently developed with a single family residence completely within its boundaries, and for Lot 20 which is vacant.)

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: _____
 - (c) Architect: Dennis Parsons, 28 Springlake Ave., Hinsdale IL 60521
 - (d) Consultant: Laura LaPlaca, 726 S. Elm St., Hinsdale, IL 60521
6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:
 - (d) N/A _____

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 prior to the public hearing as Exhibit #3)

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 Exhibit #4 (Certified survey for the Subject Property (Lots 20 & 21) and separate certified survey for developed Lot 21).
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. The Subject Property is located in the R-4 Single Family Residential District. Please see Exhibit #5 for additional information and graphic representations.
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 Exhibit #6.
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. Please see Exhibit #7.
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code. N/A.

SECTION II

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 Trust Agreement attached hereto as Exhibit #8.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought: Sec. 3-110C.1. [requiring a minimum lot area of 10,000 sq. ft. in the R-4 District]; and, Sec. 3-110C.3.(a) [requiring a minimum lot width of 70 ft. in the R-4 District]. Applicant also requests that the Board recommend to the Plan Commission and to the Village Board of Trustees that application of the full requirements of the Village's Subdivision Regulations be relaxed in this instance, including but not limited to Sec. 11-1-12E. [requiring that subdivisions conform to all minimum lot area and dimension requirements of the Zoning Code] thereof, as more fully described in Section II.3., below.

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 2,500 sq. ft. reduction of the minimum lot area requirement of 10,000 sq. ft. to 7,500 sq. ft., and a 10.0 ft. reduction of the minimum required lot width from 70 ft. to 60 ft. in order to permit the construction of a single family residence on currently vacant Parcel 20 of the Subject Property. Please see Exhibit #9 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 lot size and lot width variations sought by Applicant are the minimum variations that are necessary to enable them to construct a single family residence on vacant Lot 20 of the Subject Property. Applicant's request for a recommendation by this Board to relax the Subdivision Regulations is the minimum relief required to enable the Village and Applicant, at minimum reasonable time and expense of both, to divide the "single zoning lot" Subject Property into developed Lot 21 and legal nonconforming vacant Lot 20 to enable Applicant to construct a single family residence on Lot 20. No other variances or relief are being requested. The single family residence existing on Lot 21 complies with all requirements of the Zoning Code, as determined by licensed architect Dennis Parsons. (Please see Exhibit #10 attached hereto).
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

- (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. N/A
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. N/A

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.

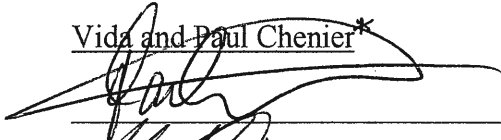
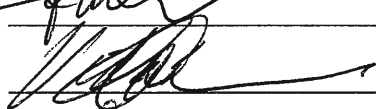
SECTION V

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:

Vida and Paul Chenier*

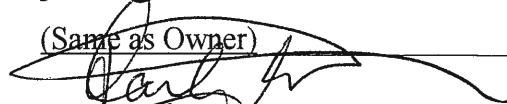
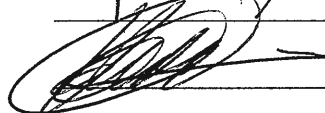
Signature of Owner:

Name of Applicant:

(Same as Owner)

Signature of Applicant:

Date:

September 11, 2017

(*As beneficiaries of Trust No. 09-3084 with power of direction)

Exhibit #1

To Vida and Paul Chenier
Application for Variation at
240 Mills Street

Legal Description for Lots 20 and 21

Lots 20 & 21 in Block 9 in Jefferson Gardens, being a subdivision of a part of the West ½ of Section 6, Township 38 North, Range 12 East of the Third Principal Meridian, all in Cook County, Illinois

Exhibit #2

To Vida and Paul Chenier
Application for Variation at
240 Mills Street

Legal Description for Lot 20

Lot 20 in Block 9 in Jefferson Gardens, being a subdivision of a part of the West $\frac{1}{2}$ of Section 6, Township 38 North, Range 12 East of the Third Principal Meridian, all in Cook County, Illinois

Legal Description for Lot 21

Lot 21 in Block 9 in Jefferson Gardens, being a subdivision of a part of the West $\frac{1}{2}$ of Section 6, Township 38 North, Range 12 East of the Third Principal Meridian, all in Cook County, Illinois

Exhibit #3

To Vida and Paul Chenier
Application for Variation at
240 Mills Street

[List of names and addresses of owners of properties within 250 lineal feet of the Subject Property and on the same frontage thereof to be furnished prior to the public hearing of this Application, along with the Certification of Proper Notice.]

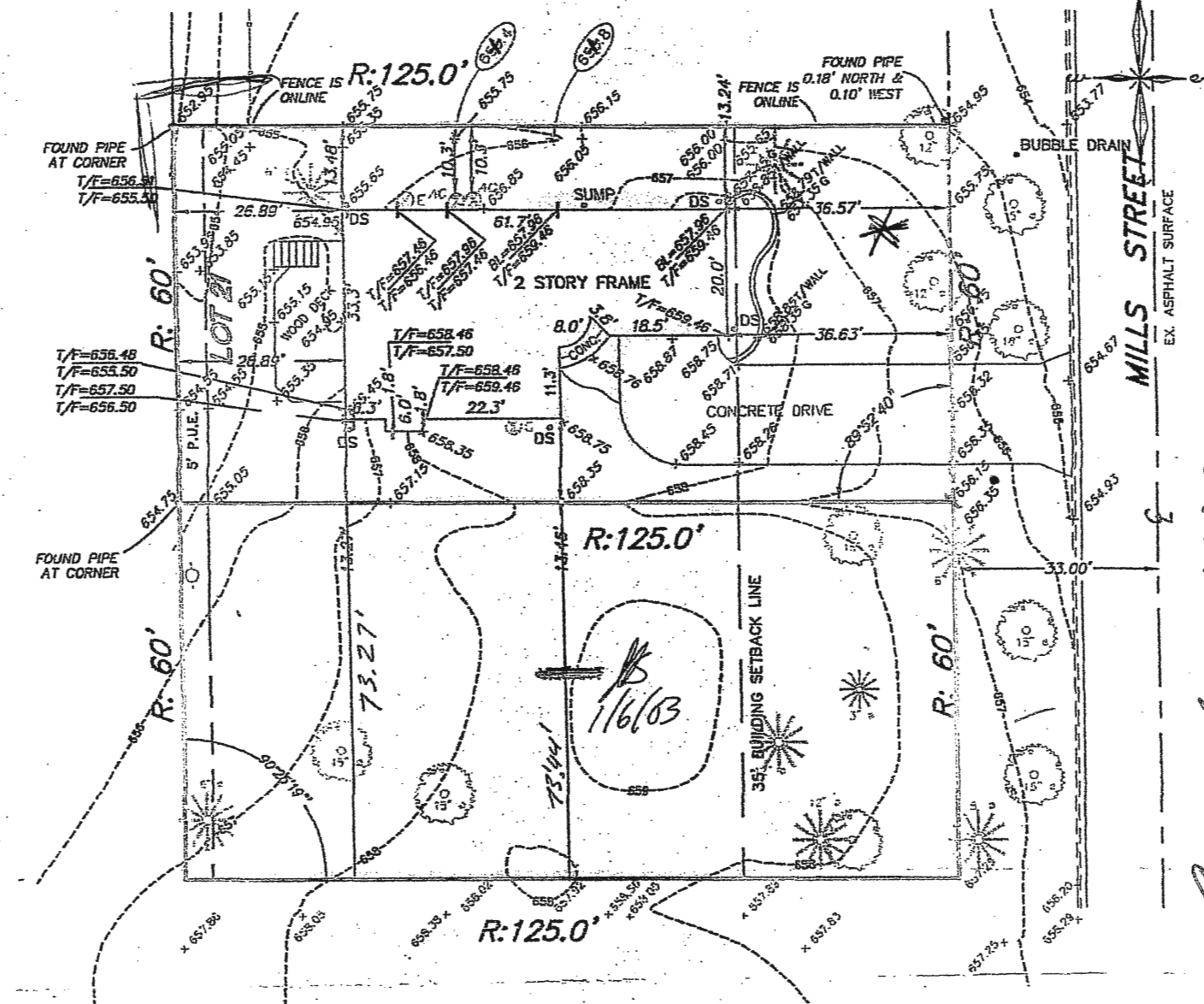
FINAL AS-BUILT GRADING SURVEY

OF

LOTS 20 & 21 IN BLOCK 9 IN JEFFERSON GARDENS, BEING A SUBDIVISION OF A PART OF THE WEST 1/2 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.

Exhibit #4 - Page 1
Vida and Paul Chenier

Application



LEGEND

- FOUND IRON ROD
- SET IRON PIPE
- PROPERTY LINE
- - - EXISTING RIGHT-OF-WAY LINE
- - - CENTERLINE
- - - EXISTING EASEMENT LINE
- - - BUILDING SETBACK LINE
- WOOD FENCE
- - - 800 - - - AS-BUILT CONTOUR LINE
- - - 10 - - - PROPOSED CONTOUR LINE
- CONCRETE
- BUILDING LIMITS
- WOOD DECK

- ⊙ AC AIR CONDITIONER
- ⊙ G GAS METER
- ⊙ E ELECTRIC METER
- ⊙ B-BOX
- REC. RECORD DIMENSION
- MEAS. MEASURED DIMENSION
- A ARC DIMENSION
- R RADIUS
- CH. CHORD DIMENSION
- CB CHORD BEARING
- P.U.E. PUBLIC UTILITY EASEMENT
- N NORTH
- S SOUTH
- E EAST
- W WEST

BENCHMARK:

ARROW BOLT LOCATED ON A FIRE HYDRANT AT THE NORTHWEST CORNER OF FULLER ROAD AND MILLS STREET. ELEVATION = 653.67 (PER VILLAGE OF HINSDALE)

STATE OF ILLINOIS }
COUNTY OF BOONE } SS

- NOTES:
- 1) COMPARE ALL POINTS PRIOR TO ANY CONSTRUCTION AND REPORT ANY DIFFERENCES AT ONCE.
 - 2) ALL BUILDING DIMENSIONS SHOWN HEREON ARE MEASURED TO EXTERIOR FRAMED WALLS UNLESS OTHERWISE NOTED.
 - 3) FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN HEREON, REFER TO YOUR ABSTRACT, DEED, TITLE GUARANTEE POLICY, AND LOCAL ORDINANCES.

I, STEVEN J. LAUB, A ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE RECORD GRADING INFORMATION SHOWN HEREON WAS PREPARED AT AND UNDER MY DIRECTION AND IS AN ACCURATE REPRESENTATION THEREOF AS OF THE DATE OF THIS CERTIFICATION.

DATE: DECEMBER 23, 2002

Copy for Village

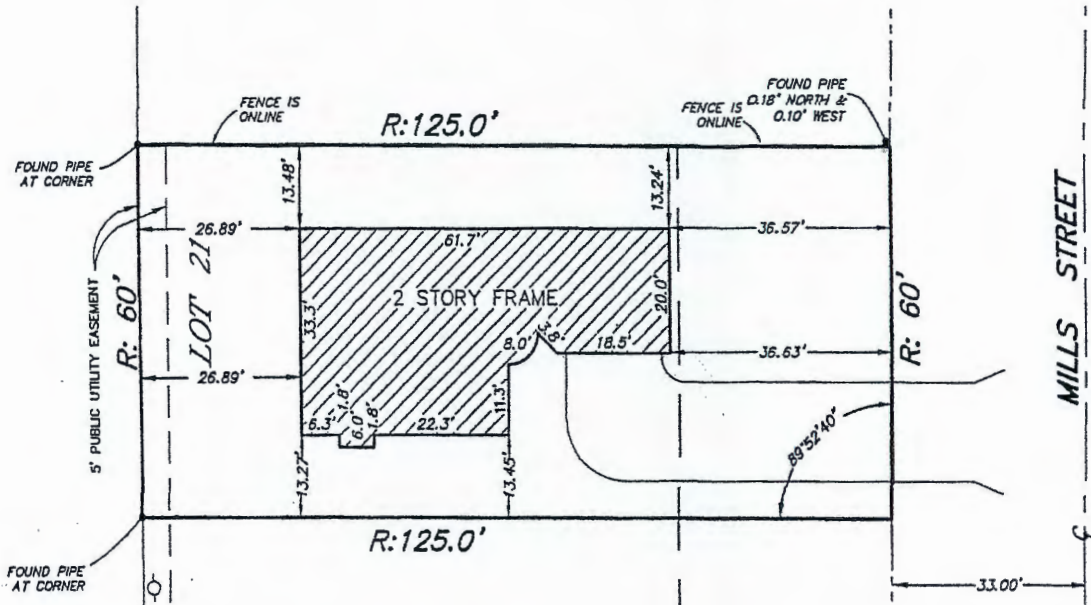
PLAT OF SURVEY

OF

Exhibit #4 - Page 2

Vida and Paul Chenier Application

LOT 21 IN BLOCK 9 IN JEFFERSON GARDENS, BEING A SUBDIVISION OF A PART OF THE WEST 1/2 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.



Pin# 8-06-117-013-0000

LEGEND

•	FOUND IRON ROD	REC.	RECORD DIMENSION
o	SET IRON PIPE	MEAS.	MEASURED DIMENSION
---	PROPERTY LINE	A	ARC DIMENSION
---	EXISTING RIGHT-OF-WAY LINE	R	RADIUS
---	CENTERLINE	CH.	CHORD DIMENSION
---	EXISTING EASEMENT LINE	CB	CHORD BEARING
---	BUILDING SETBACK LINE	P.U.E.	PUBLIC UTILITY EASEMENT
---	ASPHALT PAVING	N	NORTH
---	CONCRETE	S	SOUTH
---	BUILDING LIMITS	E	EAST
---	WOOD DECK	W	WEST

NOTES :

- 1) COMPARE ALL POINTS PRIOR TO ANY CONSTRUCTION AND REPORT ANY DIFFERENCES AT ONCE.
- 2) ALL BUILDING DIMENSIONS SHOWN HEREON ARE MEASURED TO EXTERIOR FRAMED WALLS UNLESS OTHERWISE NOTED.
- 3) FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN HEREON, REFER TO YOUR ABSTRACT, DEED, TITLE GUARANTEE POLICY, AND LOCAL ORDINANCES.
- 4) DO NOT SCALE ANY DIMENSIONS FROM THIS PLAT.
- 5) ONLY PRINTS OF THIS SURVEY WITH AN EMBOSSED SEAL SHALL BE DESIGNATED OFFICIAL CERTIFIED COPIES.

STATE OF ILLINOIS

COUNTY OF BOONE

THIS IS TO CERTIFY THAT I, STEVEN J. LAUB, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED IN THE CAPTION TO THE PLAT HEREON DRAWN, AND THE SAID PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

STEVEN J. LAUB

ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR NO. 35-3160
DIGITAL SURVEY & DESIGN, LTD. #048-000160
MY CURRENT LICENSE EXPIRES NOV. 30, 2002

DATE : DECEMBER 18, 2001

PREPARED FOR:
JOHN BERNARD
3 S. 637 BEHRS CIRCLE DRIVE
WARRENVILLE, IL 60555
(630) 269-8300

REVISIONS		
NO.	DATE	DESCRIPTION

DIGITAL SURVEY & DESIGN, LTD.

REG. #048-000160
9761 Squire Lane Phone: 815-547-1130
Belvidere, IL 61008 Fax: 815-547-0430

PLAT OF SURVEY

LOT 21, JEFFERSON GARDENS

Project No:
99032

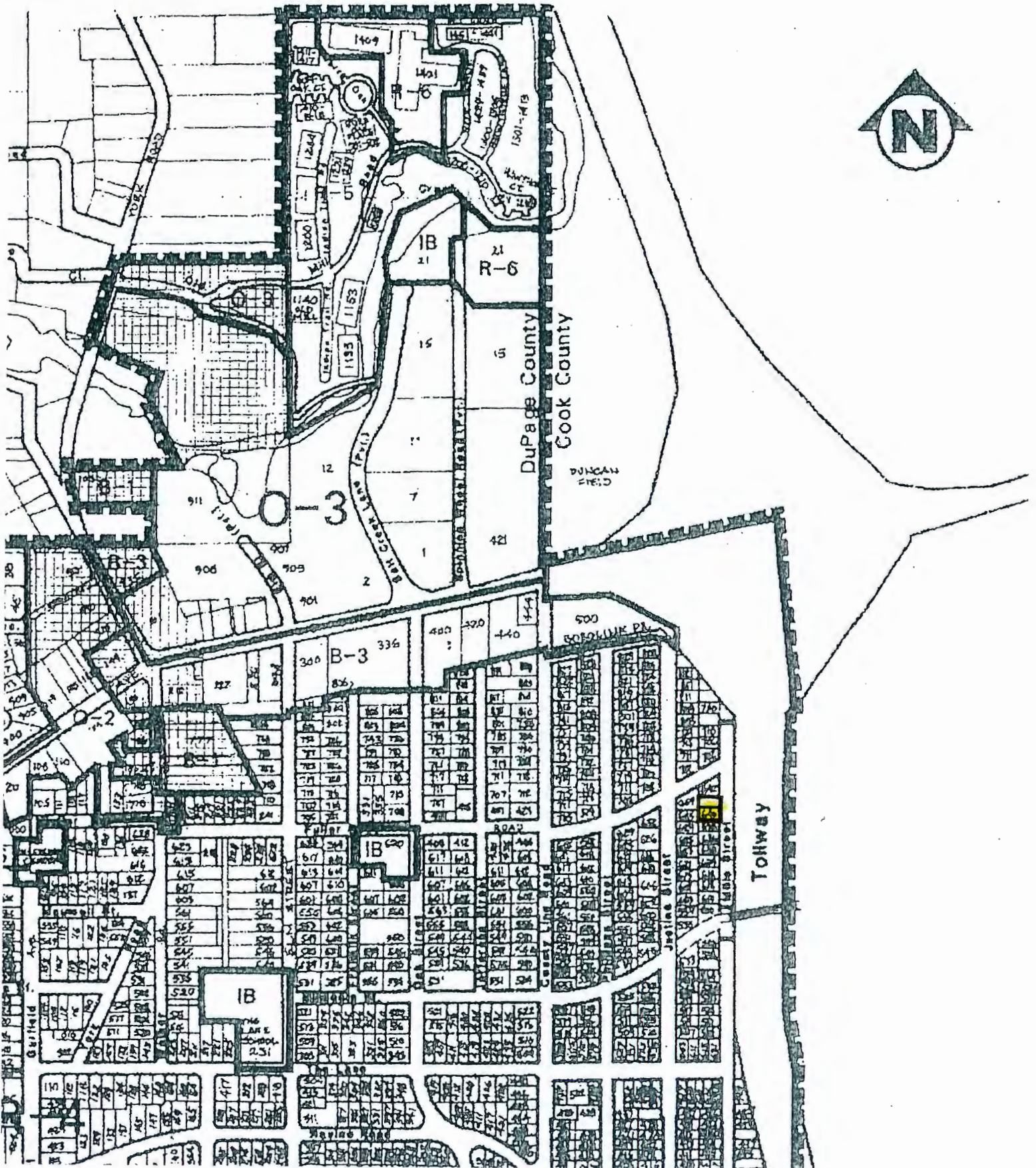
FILE NAME: 99032-21	DRAWN BY: SJL	CHECKED BY:	FIELD WORK: 6-18-99	SHEET NO.
JOB DIRECTORY: 1999	PROJ. MAN.:	SCALE: 1" = 20'	DRAFTING DATE:	1 of 1

Exhibit #5 – Page 1

To Vida and Paul Chenier
Application for Variation at
240 Mills Street

The location of the Subject Property is marked in the attached Official Zoning Map of the Village (2012) and in the attached Jefferson Gardens Plat of W ½ NW ¼ Sec. 6-38-12 dated August 17, 1929. Lot 21 of the Subject Property is presently developed with a single family residence. Separately platted Lot 20 of the Subject Property is presently vacant and undeveloped.* Vehicular access to the Subject Property is via Mills Street. All uses of the Subject Property conform to those that are permitted in the R-4 District. All privately owned properties within 250 ft. of the Applicant's residence are located in the R-4 District, and Applicant believes that the uses of those properties conform to the permitted uses of the R-4 District. East of the Subject Property and across Mills Street is Illinois Tollroad I-294.

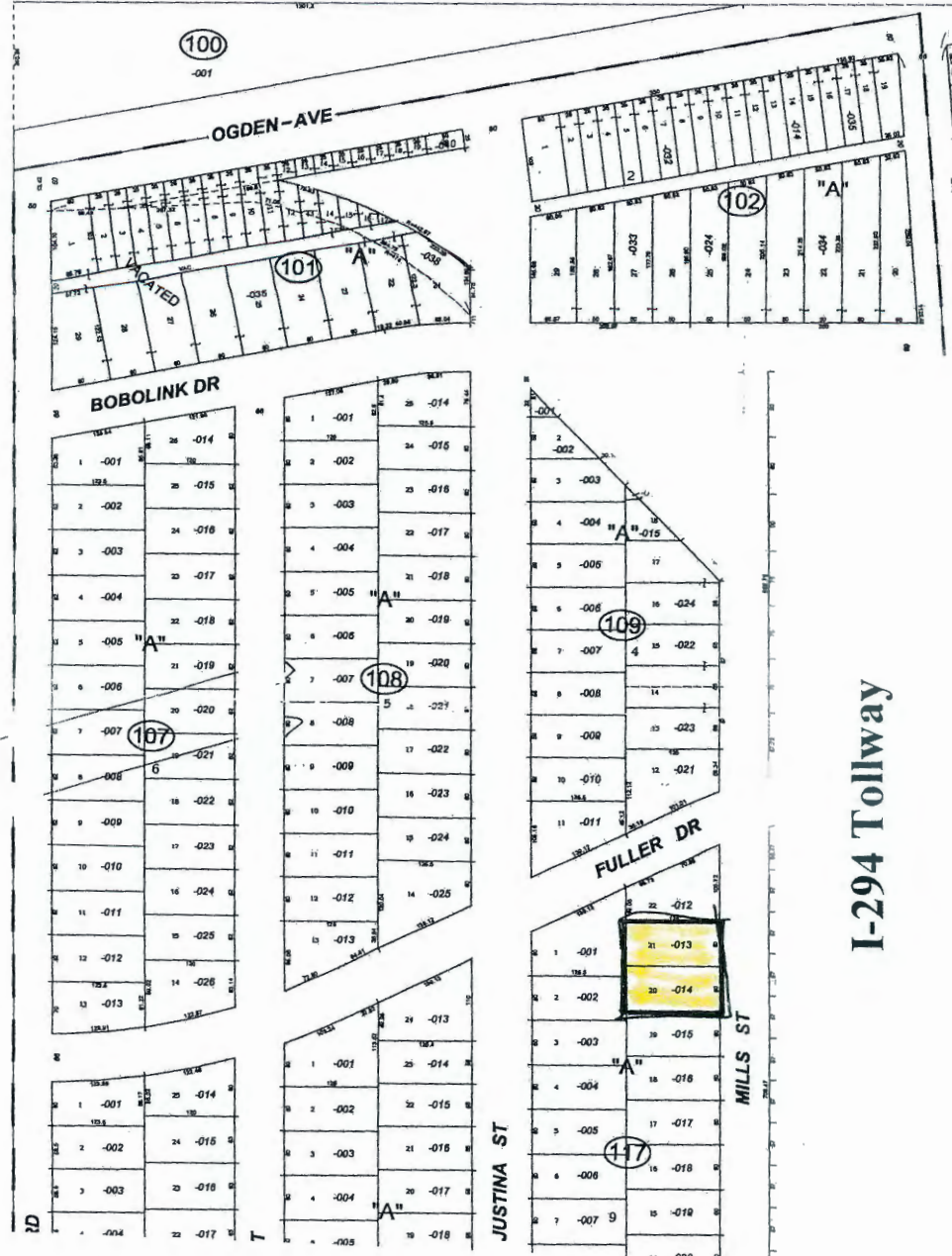
*The attached 2012 Official Zoning Map of the Village portrays Lot 21 and 20 separately, as they have been platted for the last 88 years. However, the Village's Map erroneously shows the northerly lot (Lot 21) as vacant and without an address. In fact, the current residence occupies Lot 21 with the street address of 240. It is the southerly lot (Lot 20) that is currently vacant and without a street address. As stated in Exhibit #9 to this Application, the Village Attorney makes the same error.



38-12-6C
18-6

W 1/2 NW 1/4 SEC 6-38-12
LYONS

"A"
EFFERSON GARDENS, a sub. of a part of the W.1/2 of
Sec. 6-38-12. Rec. Aug 17, 1929 Doc. 10457275.



I-294 Tollway

LAURENCE - 1 agcc
Vida and Paul Chenier Application

Exhibit #6

To Vida and Paul Chenier
Application for Variation at
640 Mills 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.

Exhibit #7

To Vida and Paul Chenier
Application for Variation at
240 Mills Street

Applicant seeks to subdivide the Subject Property in compliance with the Village's interpretation of the Zoning Code to enable the construction of a single family residence on previously platted and currently vacant Lot 20 of the Subject Property. In order to do so, Applicant seeks the Board's variation of the Code's required area and width of Lot 20 to conform to the identical dimensions of the lots adjacent to and surrounding the Subject Property, including Lot 21. Applicant believes that the specific standards for granting the variations sought in the Application are met, as detailed in Exhibit #11 (Section II, Paragraph 5) of this Application. The Board has authority to grant the relief sought by Applicant. 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 has conferred with legal counsel, engaged the services of a professional architect who also is a resident of the Village, and has met or will meet with abutting neighbors to describe the Zoning Code relief being sought from the Board and to obtain their support of this Application.

This Trust Agreement, dated this 22nd day of April,

2009, and known as Trust Number 09-3084, is to certify that State Bank of Countryside an Illinois banking corporation, under the laws of the United States of America, and duly authorized to accept and execute trusts within the State of Illinois as Trustee hereunder, is about to be named as a Grantee in a deed of conveyance to the following described real estate in Cook County, Illinois:

LOTS 20 AND 21 IN BLOCK 9 IN JEFFERSON GARDENS, A SUBDIVISION IN THE WEST 1/2 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 17, 1929 AS DOCUMENT 10457275, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESS: 640 MILLS STREET, HINSDALE, IL 60521
PIN: 18-06-117-013 AND 18-06-117-014-0000

otherwise known as No _____

Improvements:

and that when it has taken the title therein, or to any other real estate deceded to it as Trustee hereunder, it will hold it for the uses and purposes and upon the trusts herein set forth. The following named persons shall be entitled to the earnings, avails and proceeds of said real estate according to the respective interests herein set forth:

PAUL CHENIER AND VIDA CHENIER, HUSBAND AND WIFE, NOT AT JOINT TENANTS, NOT AS TENANTS IN COMMON, BUT AS TENANTS BY THE ENTIRETY, WITH RIGHT OF SURVIVORSHIP. IN THE EVENT OF THE DEATH OF THE SURVIVOR, HIS OR HER INTEREST NOT HAVING BEEN ASSIGNED NOR IN ANY OTHER MANNER DIVESTED, THEN THE BENEFICIAL INTEREST SHALL VEST IN: ANGELIQUE BALUCH, RICARDO OLIVAN, ELIZABETH CHENIER, AND NICHOLAS CHENIER, IN EQUAL SHARES, PER STIRPES.

IT IS UNDERSTOOD AND AGREED between the parties hereto, and by any person or persons who may become entitled to any interest under this trust, that the interest of any beneficiary hereunder shall consist solely of a power of direction to deal with the title to said real estate and to manage and control said real estate as hereinafter provided, and the right to receive the proceeds from rentals and from mortgages, sales or other disposition of said real estate, and that such right in the avails of said real estate shall be deemed to be personal property, and may be assigned and transferred as such; that in case of the death of any beneficiary hereunder during the existence of this trust, his or her right and interest hereunder shall, except as herein otherwise specifically provided, pass to his or her executor or administrator, and not to his or her heirs at law; and that no beneficiary hereunder at any time shall have any right, title or interest in or to any portion of said real estate as such, either legal or equitable, but only an interest in the earnings, avails and proceeds as aforesaid. Nothing herein contained shall be construed as imposing any obligation on the Trustee, to file any income, profit or other tax reports or schedules, it being expressly understood that the beneficiaries hereunder from time to time will individually make all such reports and pay any and all taxes growing out of their interest under this Trust Agreement. The death of any beneficiary hereunder shall not terminate the trust nor in any manner affect the powers of the Trustee hereunder. No assignment of any beneficial interest hereunder shall be binding on the Trustee until the original or a duplicate copy of the assignment, in such form as the Trustee may approve, is lodged with the Trustee and its acceptance indicated thereon, and the reasonable fees of the Trustee for the acceptance thereof paid; and every assignment of any beneficial interest hereunder, the original or duplicate of which shall not have been lodged with the Trustee, shall be void as to all subsequent assignees or purchasers without notice.

In case said Trustee shall be required in its discretion to make any advances of money on account of this trust or shall be made a party to any litigation on account of holding title to said real estate or in connection with this trust, on in case Trustee shall be compelled to pay any sum of money on account of this trust, whether on account of breach of contract, injury to person or property, fines or penalties under any law, judgments or decrees, or otherwise, or in case the Trustee shall deem it necessary on account of this trust, to consult or retain counsel and shall thereby incur attorneys' fees, or in the event the Trustee shall deem it necessary to place certain insurance for its protection hereunder, the beneficiaries hereunder do hereby jointly and severally agree as follows: (1) that they will on demand pay to the said Trustee, with interest thereon at the highest lawful rate per annum, all such disbursements or advances or payments made by said Trustee, together with its expenses, including reasonable attorneys' fees; (2) that the said Trustee shall not be required to convey or otherwise deal with said property at any time held hereunder until all of said disbursements, payments, advances and expenses made or incurred by said Trustee shall have been fully paid, together with interest thereon as aforesaid, and (3) that in case of non-payment within ten (10) days after demand said Trustee may sell all or any part of said real estate at public or private sale on such terms as it may see fit, and retain from the proceeds of said sale a sufficient sum to reimburse itself for all such disbursements, payments, advances and interest thereon and expenses, including the expenses of such sale and attorneys' fees, rendering the surplus, if any, to the beneficiaries who are entitled thereto. However, nothing herein contained shall be construed as requiring the Trustee to advance or pay out any money on account of this trust or to prosecute or defend any legal proceeding involving this trust or any property or interest thereunder. The sole duty of the Trustee with reference to any such legal proceeding shall be to give timely notice thereof to the beneficiaries hereunder after the Trustee is served with process therein and to permit such legal proceeding to be brought or defended in its name, provided that it shall be indemnified in respect thereto in a manner satisfactory to it.

Notwithstanding anything hereinbefore contained, the Trustee, at any time and without notice of any kind, may resign as to all or part of the trust property if the trust property or any part thereof is used, or the use thereof is authorized or contemplated, for any purpose which in the opinion of the Trustee, may subject the Trustee, within its sole determination, to embarrassment, insecurity, liability, hazard or litigation. Such resignation as to all or part of the trust property shall be fully effected by the conveyance of the trust property, or the part thereof as to which the Trustee desires to resign the trust hereunder, by the Trustee to the beneficiaries in accordance with their respective interests hereunder. The Trustee notwithstanding any resignation hereunder, shall continue to have a first lien on the trust property, for its costs, expenses, and attorneys' fees and for its reasonable compensation.

This Trust Agreement shall not be placed on record in the Recorder's Office or filed in the office of the Registrar of Titles of the County in which the real estate is situated, or elsewhere, and the recording of the name shall not be considered as notice of the rights of any person hereunder, derogatory to the title or powers of said Trustee.

Exhibit #8 - Page 2
Vida and Paul Chenier Application

Any corporate successor to the trust business of any corporate trustee named herein or acting hereunder shall become trustee in place of its predecessor, without the necessity of any conveyance or transfer.

The Trustee may at any time resign by sending a notice of its intention so to do by registered or certified mail to each of the then beneficiaries hereunder at his or her address last known to the Trustee. Such resignation shall become effective ten days after the mailing of such notices by the Trustee. In the event of such resignation, a successor or successors may be appointed by the person or persons then entitled hereunder to direct the Trustee in the disposition of the trust property, and the Trustee shall thereupon convey the trust property to such successor or successors in trust. In the event that no successor in trust is named as above provided within ten days after the mailing of such notices by the Trustee, then the Trustee may convey the trust property to the beneficiaries in accordance with their respective interests hereunder and record its trustee's deed or the Trustee may, at its option, file a bill for appropriate relief in any court of competent jurisdiction. The Trustee, notwithstanding such resignation, shall continue to have a first lien on the trust property for its costs, expenses and attorneys' fees and for its reasonable compensation.

Every successor Trustee or Trustees appointed hereunder shall become fully vested with all the estate, properties, rights, powers, trusts, duties and obligations of its, his or their predecessor.

It is understood and agreed by the parties hereto and by any person who may hereafter become a party hereto, or a beneficiary hereunder that said State Bank of Countryside will (subject to the rights of the Trustee as aforesaid) deal with said property or proceeds therefrom only when authorized to do so in writing and that it will (notwithstanding any change in the beneficiary or beneficiaries hereunder, unless otherwise directed in writing by the beneficiaries) on the written direction of

Paul Chenier and Vida Chenier

or such other person or persons as shall be from time to time named in writing by the beneficiary or beneficiaries at the time, make deeds or mortgages or trust deeds (including the waiver of the right of redemption from sale under an order or decree of foreclosure), or otherwise deal with the title to said real estate, or proceeds therefrom, provided, however that the Trustee shall not be required to enter into any personal obligation or liability in dealing with said real estate or to make itself liable for any damages, costs, expenses, fines or penalties, or to deal with the title so long as any money is due to it hereunder. Otherwise the Trustee shall not be required to inquire into the propriety of any such direction.

The beneficiary or beneficiaries hereunder shall in his, her or their own right have the full management of said property and control of the selling, renting and handling thereof, and any beneficiary or his or her agent shall collect and handle the rents, earnings, avails and proceeds thereof, and said Trustee shall have no duty in respect to the management or control of said property or in respect to the payment of taxes or assessments, or in respect to insurance, litigation or otherwise, except on written direction as hereinabove provided, and after the payment in it of all monies necessary to carry out said instructions. No beneficiary hereunder shall have any authority to contract for or in the name of the Trustee or to bind the Trustee personally. If any property remains in this trust twenty years from this date it shall be sold at public sale by the Trustee on reasonable notice in writing, sent by registered or certified mail to each of the then beneficiaries at his or her address last known to the Trustee, and the proceeds of the sale shall be divided among those who are entitled thereto.

At any time and from time to time additional property may be conveyed to the Trustee, and such property and the proceeds thereof shall be held, dealt with and disposed of under the terms of this agreement in the same manner as the property above specifically described. The terms and conditions of the deed by which the property above described, or any deed or deeds by which other property may be conveyed to the Trustee hereunder shall constitute and be construed as part of this agreement.

State Bank of Countryside shall receive for its services in accepting this trust and in taking title hereunder the sum of \$ 100.00 also the sum of \$ 50.00 per year or a sum in conformance with its fee schedules for holding title after the 22nd day of April 2010 so long as any property remains in this trust; also its regular schedule of fees for making deeds, mortgages, other instruments as may be required hereunder, from time to time, and it shall receive reasonable compensation for any special services which may be rendered by it hereunder, or for taking and holding any other property which may hereafter be devoted to it hereunder, which fees, charges or other compensation, the beneficiaries hereunder jointly and severally agree to pay and it is hereby understood and agreed that all such fees and compensations shall constitute a first lien on the real estate and property held hereunder.

May the name of any beneficiary be disclosed to the public? NO
Inquiries, bills, legal notices and process shall be mailed to Paul & Vida Chenier
Address 640 Mills St., Hinsdale, IL 60521 Phone (630) 667-1090

ATTEST: [Signature] By: [Signature]
STATE BANK OF COUNTRYSIDE

And on said day the said beneficiaries have signed this Declaration of Trust and Trust Agreement in order to signify their assent to the terms hereof.

Paul Chenier	(SEAL)	Address	640 Mills St.	Phone
Vida Chenier	(SEAL)	Address	Hinsdale, IL 60521	(630) 667-1090
Social Security Number	(SEAL)	Address		Phone
Social Security Number	(SEAL)	Address		Phone
Social Security Number	(SEAL)	Address		Phone
Social Security Number	(SEAL)	Address		Phone
Signatures of persons having Power of Direction only:	(SEAL)	Address		Phone
Social Security Number	(SEAL)	Address		Phone
Social Security Number	(SEAL)	Address		Phone

TRUST NO. 09-5684

Trust Agreement

AND
DECLARATION OF TRUST
STATE BANK OF COUNTRYSIDE
TRUSTEE



STATE BANK OF COUNTRYSIDE
6734 Janel Road, Countryside, Illinois 60525
708/485-3100

TRUST DEPARTMENT

To Vida and Paul Chenier
Application for Variation at
240 Mills Street

Applicant purchased the Subject Property in 2002. At the time of purchase, Lot 21 was developed with a single family residence, which was and is in full conformance with R-4 zoning standards, and in which home Applicant resides. On that date, Lot 20 was and continues to be undeveloped and vacant. However, a previous single family residence straddled the shared Lot 21 and Lot 20 lot line. The then common owner of Lots 20 and 21, which lots were platted in 1929, demolished the previous residence in approximately the year 2000 or 2001, and constructed the current home located entirely on Lot 21.

Applicant purchased the Subject Property and the residence on Lot 21 in anticipation of constructing a residence on Lot 20 that would be occupied by Applicant's adult child and his family, who would serve as care givers to Applicant Vida Chenier, who suffers from health issues.

Notwithstanding the separate platting of Lots 20 and 21, the Village regards them as a single lot for zoning purposes under its interpretation of the Zoning Code. It is therefore the Village's position that in order for Applicant to construct a single family dwelling on vacant Lot 20 (PIN 18-06-117-014; the "Vacant Adjacent PIN"), Lot 20 must be "subdivided" from the declared "single Zoning lot" comprising the Subject Property that is composed of both vacant Lot 20 and developed Lot 21 (PIN 18-06-117-13; the "Residence PIN"). Subdividing the Subject Property – or returning each Lot to their original platted state – and enabling the construction of a residence on vacant Lot 20 in turn requires the grant of the variances sought in this Application. [Please see Village Attorney Memorandum dated April 26, 2017 attached to this Exhibit #9. Applicant is herewith pursuing "Option 2" articulated in page 4 of that Memorandum. However, as previously noted, the Village Attorney erroneously mixes up Lots 20 and 21 in his Memorandum. It is Lot 21 (PIN 8-06-117-013) that contains Applicant's residence. Lot 20 (PIN 8-06-117-013), south of Lot 21, is the vacant lot.]

Compliance with the requirements of the Village's Subdivision Regulations is an arduous process and Applicant respectfully asserts that such regulations were not intended to apply to the circumstances of this Application. The Applicant requests that if the variations sought herein are approved by the Zoning Board of Appeals and by the Village Board of Trustees, such approval include a recommendation to the Village Board of Trustees and the Enforcing Officer that upon division from Lot 21, (a) Lot 20 (the "Vacant Adjacent PIN") be regarded as a legal nonconforming lot of record which may be developed in accordance with Village codes; and, (b) only a final survey of Lot 20 be required for submission to the Enforcing Officer for review and recordation without being heard by the Plan Commission.



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

DD 312 984 6419
mamarrs@ktjlaw.com

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

www.ktjlaw.com

MEMORANDUM

To: Robb McGinnis, Director of Community Development (via email only)
From: Michael A. Marrs
Date: April 26, 2017
Re: Zoning Opinion – 640 Mills Street - Ability to Build a Second Residence

You have informed me that the Property Owner of 640 Mills Street (the "Owner") has recently renewed her inquiry as to her ability to build an additional residence on her property. In response, the Village has asked me to offer my opinion on her request and to provide guidance on the options the Owner has under the Village Code regarding use of her property.

BACKGROUND: As background, the property at 640 Mills Street (the "Property") has two PINS. There is currently a home located entirely on one of the PINS (18-06-117-014; the "Residence PIN"), while the other PIN is adjacent and vacant (18-06-117-013; the "Adjacent PIN"). In a letter dated September 15, 2011, the Owner requested that the Village declare the Adjacent PIN to be a buildable lot separate and apart from the Residence PIN. In a letter dated February 20, 2012, you, as Director of Community Development/Building Commissioner, gave the opinion that while the Owner owned two underlying lots of record (the Residence PIN and Adjacent PIN), the two PINS together constituted a single Zoning Lot for Village zoning purposes, as there had at one time been a home and garage straddling both lots, and it was thus subject to the bulk requirements in Section 3-110 of the Hinsdale Zoning Code, meaning it could only be subdivided and the Adjacent PIN build on if it had dimensions of at least 70' x 125' and square footage in excess of 10,000 square feet. It does not have such dimensions or square footage.

The Owner subsequently sought the opinion of the then-Village Manager who, in a letter dated April 26, 2013 (the "2013 Village Manager Decision"), agreed with your opinion.

In 2015, the Owner sought to appeal the 2013 Village Manager Decision to the ZBA.¹ The ZBA was without jurisdiction to hear that appeal as it was made more than 45 days following the action/decision being appealed as required by § 502 of the Hinsdale Zoning Code. In July 2015, at the direction of the Village, I wrote a letter to the Owner explaining why the appeal could not move forward and setting forth possible zoning relief options that would allow her to accomplish her goal of building a second residence. To my understanding, staff did not hear again from the Owner on these issues until recently.

¹ It is worth noting that the previous owner of the Property had appealed a 2001 staff decision on the exact same issue to the ZBA. The ZBA upheld the staff decision, at which point the previous owner filed a federal lawsuit alleging an equal protection violation. The Village was awarded summary judgment in that case.

RELEVANT CODE PROVISIONS: The following Zoning Code provisions are relevant to this Opinion.

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

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

Similarly, Section 10-105 (Legal Nonconforming Lots of Record) sets forth an alternative set of lot standards applicable to legal, nonconforming lots within the Village. The standards are an alternative to those set forth in Section 3-110, and relate to maximum elevation, front, back and side yard requirements, total lot area, and lot width and depth. Not all nonconforming lots of record are legal nonconforming lots of record, however, as defined by the Zoning Code.

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

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

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

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

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

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

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

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

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

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

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

Where a lot includes all or a portion of a precode primary structure, the provisions of Section 10-104 allow the continued viable use of those lots. Where a nonconforming lot is of sufficient size under 10-105, was vacant in 1988, or became vacant thereafter under circumstances which somehow prevented the rebuilding of the previous precode structure, it is a LEGAL nonconforming lot and is eligible for development under Section 10-105. A lot may be subject to either Section 10-104, or Section 10-105. Based on the vacancy requirement in the definition of a legal, nonconforming lot, where a nonconforming lot contains all or a portion of a precode structure, the lot is governed by the precode structure provisions in 10-104, rather than the legal, nonconforming lot of record provisions in 10-105.

Collectively, Sections 10-104 and 10-105 demonstrate an intent to essentially maintain the density of the Village as it existed in 1988. If a precode structure exists on a lot, you can generally continue to utilize the lot for that single-family residential purpose, regardless of its size, under Section 10-104. If you have a lot that appears to have been platted for development, but has never been developed, you can do so under Section 10-105, if certain minimum lot area and dimension and other standards are met. Consistent with the overall scheme of maintaining existing density, the demolition, destruction, or other disposition of a precode structure on a lot made up of multiple lots of record and historically used as a single zoning lot would not cause a property to move from 10-104 to 10-105, except in circumstances where, for whatever reason, 10-104 would prevent the precode structure from being rebuilt. Instead, the owner retains the right to rebuild a single dwelling on the zoning lot. Similarly consistent with the overall scheme created by the Zoning Code is the Village's position that once a lot or collection of lots of record are used as a single zoning lot, they may not thereafter be divided and broken out as multiple lots as of right.

File records at the Village indicate that there was once a precode structure on the Property that spanned the two nonconforming lots. In such a case, both the Residence PIN and the Adjacent PIN constitute a single zoning lot that is subject to the provisions of Section 10-104 of the Zoning Code regarding precode structures. Once demolished, the Owner (or previous owner) had the right pursuant to Section 10-104 to rebuild a single residential structure on the Property. Because the Adjacent PIN on which the Owner now seeks to build an additional residence was either occupied in 1988, or became vacant after 1988 by demolition of a precode structure that was eligible to be rebuilt (and was rebuilt, on the Residence PIN), the Adjacent PIN does not qualify as a legal, nonconforming lot that is eligible for a separate residence.

OPTIONS: In light of the above, two options available to the Owner under the Zoning Code are as follows:

1. Since two years have passed since the previous decision of the Village Manager that the Adjacent PIN was not eligible for a separate residence, the Owner could formally seek a new decision from the Current Village Manager on her right to rebuild on the Adjacent PIN. In the event the Owner disagrees with the decision the Manager reaches, she would then have 45 days to appeal that decision to the ZBA. Note that while a successive application filed more than two years after the final denial of a previous application is allowed under the Zoning Code, an applicant is required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. See §11-302. If the ZBA ultimately overruled the Staff opinion on the Owner's ability to separately build on the Adjacent PIN, she would have the right to build a residence on the Adjacent PIN; or
2. The Owner could instead seek to subdivide the existing single Zoning Lot and seek a variation from the Section 3-110 requirements that a lot in the R-4 Residential Zoning District have a minimum size of 10,000 square feet and dimensions of at least 70' x 125'. If the variations were granted, and the subdivision approved, a residence could be built on the Adjacent PIN.

cc: Kathleen Gargano, Village Manager (via email)
Lance Malina (via email)



August 16, 2017

Paul & Vida Chenier
640 Mills
Hinsdale, Ill.

Here are your numbers:

Lot area: $60 \times 125 = 7500$ SF
FAR Allowed 2975 sf ($7500 \times .25 + 100$)
Actual FAR 2050 sf

Building Coverage allowed = 1875 sf ($7500 \times .25$)
Actual Coverage 1727 sf

Side yards code = 18' total , 7' minimum
Actual side yards = 26.7' total, 13.22' minimum

Rear yard code = 25'
Rear yard actual = 26.9'

Front yard = block average = 36.57
Front yard actual = 36.57'

Impervious area = 50% = 3750 sf
Impervious actual = 39% = 2960 sf

This structure conforms in every criteria.

Dennis Parsons - Architect

To Vida and Paul Chenier
Application for Variation at
640 Mills Street

Standards for Variation

(a). Unique Physical Condition. The Subject Property (I.e., Lots 20 and 21) is certainly exceptional compared to other zoning lots subject to the provisions of the Zoning Code applicable to R-4 District properties in Applicant's section of the Village. The variation is being sought because the Village has taken the position that notwithstanding their platting as separate lots, Lots 20 & 21 are considered a "single Zoning lot" under the provisions of the Zoning Code due to the fact that at one time, prior to the Applicants' ownership, there was a home that straddled the two platted Lots. Unlike other zoning lots in the vicinity of the Subject Property, Lots 20 and 21 comprising the Subject Property have two separate PINS (18-06-117-014 and 18-06-117-013, respectively), inasmuch as they were platted as separate zoning lots in 1929. Contributing to the unique physical nature of the "single Zoning lot" Subject Property are the facts that Applicant's residence is located wholly on one of the PINS (18-06-117-013) and conforms to all zoning requirements for a structure on that single lot (please refer to Architect Parson's analysis, Exhibit #10), and the other half of the Subject Property is an adjacent PIN that is vacant. Applicant is not aware of any other "single Zoning lot" in their neighborhood possessing the characteristic that an otherwise legal nonconforming buildable vacant lot cannot be developed by operation of the Zoning Code. The resolution of this anomaly sought by Applicant is that which is suggested by the Village Attorney as "Option 2."

The physical conditions described above and elsewhere in this Application are peculiar to and inherent in the Subject Property. The inability to construct a home on vacant Lot 20 amounts to more than mere inconvenience to the Applicant/owner and does not arise from their personal situation. These circumstances would affect any owner of the Subject Property or of Lot 20, alone. [Note: Village Codes and other governmental laws and regulations would not appear to prevent the sale of patted Lot 20 to a third party as a separate lot. The effect that would have under the Zoning Code for purposes of the buildability of Lot 20 in the Village's view fortunately is beyond the scope of this Application.]

(b). Not Self-Created. None of the foregoing unique physical conditions of the Subject Property were created by action or inaction of Applicant/owner. They existed at the time Applicant purchased the Subject Property in 2002. They were not created by government action without compensation, other than the enactment of the Code at a time when a residence straddled the common lot line of Lots 20 and 21. That residence was demolished by a prior owner. As stated above, the Applicant's home is wholly situated on one PIN (Lot 21) and was so when they purchased the Subject Property. The determination that this is a "single Zoning lot" relates to a condition created by a previous owner over 20 years ago and was a condition not created by the Applicant.

(c). Denied Substantial Rights. Applicant is asking that a variation be granted so that they might subdivide these lots into two lots that are substantially, if not identically, the same as every lot in their neighborhood. Applicant seeks the opportunity to construct a new residence on Lot 20 as a legal nonconforming lot in the same manner as all other residents have been able to do in Applicant's R-4 area of the Village. To deny Applicant that opportunity is to deny them a right enjoyed by many others in the community. Moreover, Lots 20 & 21 taken together as a "single Zoning lot" make up the largest lot by double of any other lot in the vicinity of the Subject Property. The Applicant is asking only for a "subdivision" that returns the "single Zoning lot" Subject Property to the state that has existed since 1929 of two buildable lots of record that are each the size of all of the other buildable, and developed, lots of record in the neighborhood. (Please refer to Jefferson Gardens Plat of W ½ NW ¼ Sec 6-38-12 dated August 17, 1929, attached as part of Exhibit #5.)

(d). Not Merely Special Privilege. Applicant is not asking to enjoy a special right or privilege not enjoyed by owners of lots subject to the same provisions of the Zoning Code. In fact, similar relief has been sought and afforded by the ZBA in at least one other instance. The request is simply to allow the Applicant to create two buildable lots that in every way comport to the neighborhood in which they are located. Applicant merely seeks approval to utilize their property in the same manner as other residents of the Village, and to construct single family residences that are 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 Village's interpretation of the Zoning Code requested in this Application. Also contributing to the hardship or difficulty caused by the Village's "single Zoning lot" interpretations of the Code is Applicant Vida Chenier's health condition referred to previously. Of course alternatives exist, but Mr. Paul Chenier's work requires frequent extended travel, and Applicant's inability to construct a residence on Lot 20 to provide living accommodations for family members who could offer immediate health care assistance to Mrs. Chenier on an emergency basis creates unique hardship or difficulty in this instance.

(e). Code and Plan Purposes. 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 variances sought by Applicant and the Village's approval of a division of the Subject Property of Lots 20 and 21 as two separate buildable legal nonconforming lots in the R-4 District. Applicant asserts that a denial of the approval sought in the Application may well be adverse to certain of the stated objectives of the Plan and Code. For example, one of the purposes of the Zoning Code is to create and maintain neighborhoods with consistent lot and structure requirements. The variation requested by the Applicant would result in the creation of two buildable lots, and the potential development of the vacant lot, which would be in complete harmony with the general and specific purposes for which the Code and Section 3-110 were enacted.

(f). Essential Character of the Area. The variation, if granted, would allow for the “subdivision” of the declared “single Zoning lot” and the creation of two zoning lots both of which would be in harmony with the surrounding neighborhood. The division of the property will increase property tax revenue for the Village, School Districts and other taxing/levying bodies. The “division” of the property as well as any development of the vacant lot have adequate utility support, would not increase traffic or congestion in the neighborhood and would in no way endanger public health or safety. In short, grant of the requested variance would have none of the consequences enumerated in subparagraphs (1) through (6) of this subsection.

(g). No Other Remedy. To repeat, the Village has taken the position that a condition created by a previous owner of the Subject Property over 20 years ago has resulted in Lots 20 & 21 being considered a “single Zoning lot” under the Code, that a “subdivision” is required, and that such a “subdivision” of the Subject Property may only be allowed if both lots met the conditions set forth in Code Section 3-110. Therefore, in order to subdivide the Property to allow the Applicant to create two lots that are better suited to their neighborhood, and to afford them the same rights as are afforded to other residents of the Village, there is no other remedy available to the Applicant except relief from the lot area and lot width requirements of the Code. Absent this relief, and due to the Village’s reading of the Code, the Applicant (as well as any future owners of the property) would be left with a lot adjacent to their home that must remain forever vacant and entirely out of character with the neighborhood.

For all of the reasons stated above and elsewhere in this Application, only by the grant of the requested variation would Applicant be permitted a reasonable use of the entire Subject Property without adverse consequences to Applicant and potential adverse consequences to the Village and to Applicant’s neighbors.

8b

MEMORANDUM

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

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

DATE: October 10, 2017

RE: Zoning Variation – V-08-17; 3487 Canterbury Ct.

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

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

cc: Kathleen A. Gargano, Village Manager
Zoning file V-08-17

Zoning Calendar No. V-08-17

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): Tina and Jeff Weller

ADDRESS OF SUBJECT PROPERTY: 348 Canterbury Court

TELEPHONE NUMBER(S):

708-280-5885

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

Owners

DATE OF APPLICATION: 10-9-2017



SECTION I

Please complete the following:

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

**Tina and Jeffery Weller
348 Canterbury Court
Hinsdale, IL**

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

Not Applicable

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

Not Applicable

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

348 Canterbury Court

Legal Description:

Lot 4 in Timberwoods Subdivision, being a subdivision of part of the northwest ¼ of Section 1, Township 38 North, Range 11, east of the Third Principal Meridian according to the Plat thereof recorded August 29, 1975 as Document R75-45807, in DuPage County, Illinois.

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

- a. Attorney: **Norman V. Chimenti, Of Counsel, Clausen Miller PC, 10 S. LaSalle Street, Chicago, Illinois 60603; Tel. No. 630-319-1406; email: nchimenti@clausen.com**

- b. Engineer: **None**

- c. Architect: **Base Ten Architects, 801 Country Club Drive La Grange, IL 60525**

- d. **N/A**

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

a. **None**

b. **None**

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.

Attached as Exhibit 'A'

Address within 250 Ft of 348 Canterbury Ct	Owned by
348 Canterbury Ct (home requesting)	Tina Miceli-Weller and Jeffrey Weller
721 N.Madison	Jennifer and Brian Salerno
801 N. Madison	Jorge Pollitt
431 Canterbury Ct	Patricia R. Bellock
430 Canterbury Ct	Marlene and Pierre Abi-Monsour
425 Canterbury Ct	Molly and James Gibson
422 Canterbury Ct	William B. Barnard
417 Canterbury Ct	Nystedt Family Trust and Anastasia and Bo Johan Nystedt
411 Canterbury Ct	Lisa and Anthony Barbara
401 Canterbury Ct	Fray Residuary McGuire(Trustee) (<i>deceased</i>) and Michael A. McGuire Revocable Trust
347 Canterbury Ct	Jennifer and John Dean (trust)
404 Canterbury Ct	Ruth L. Bergevin and Marc Bergevin
420 Canterbury Ct	David Williams and Nancy J. Hayden Williams
415 Bonnie Brae	Melissa K O'Neill and Timothy J. O'Neill
409 Bonnie Brae	Anthony and Emily Davidson
401 Bonnie Brae	Anh T Nguyen and Thuy N. Nguyen
327 Bonnie Brae	Ryan Reko and Dana Taylor
322 Bonnie Brae	Peter J. Stockmal and Mary B. Stockmal
318 Bonnie Brae	Robert W. Monahan
317 Bonnie Brae	Mary M. Bradley and Donald C. Bradley
314 Bonnie Brae	Brian E. Joyce
311 Bonnie Brae	Elton P Hsu and Livia Y Wang
751 The Pines	Janet C. Millis (Trustee)
810 The Pines	Victoria L Lagges (Trustee)
814 The Pines	Donald L. Sweet
414 Briargate Terrace	Marc J. Johnson and Amy J. Weaver
408 Briargate Terrace	Cristina Tamas and Virgil Tamas
402 Briargate Terrace	Reed S. Van Gorden and Shiyi Zhao
312 Briargate Terrace	Joseph Civantos (trustee) and Lilliam Civantos (trustee)

EXHIBIT A—NEIGHBORING OWNERS

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.

Attached as Exhibit 'B'

**EXHIBIT B—CERTIFICATE OF PROPER NOTICE FOR
PUBLIC HEARINGS AND MEETINGS**

**CERTIFICATION OF PROPER NOTICE
REGARDING APPLICATION FOR PUBLIC HEARINGS AND MEETINGS**

I, _____, being first duly sworn on oath, do hereby certify that I caused written notice of the filing of my application for a Public Hearing and/or meeting to be given to owners of record of property within 250 feet of any part of the subject property. I further certify that I have such notice in the form required by the Village (Certified Mail) and that I gave such notice on

Date of Mailing

Attached is a list of all of the addresses of property to whom I gave such notice.

By: _____

Name: _____

Address: _____

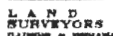
Subscribed and sworn to before me

This _____ day of _____, 20____

By: _____
Notary Public

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.

Attached as Exhibit 'C'

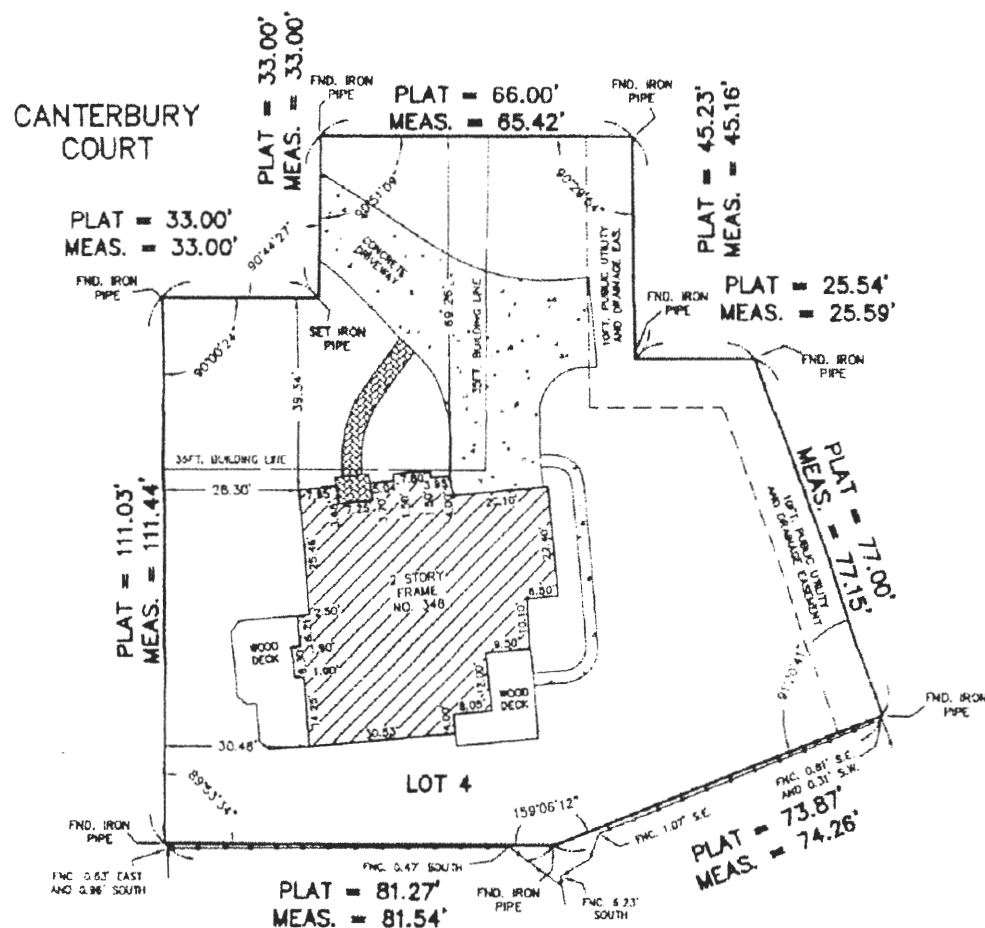


DuPage and Kane Counties
Phone: 630-680-3733
Fax: 630-680-3735



EXHIBIT 'C'
PLAT OF SURVEY

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

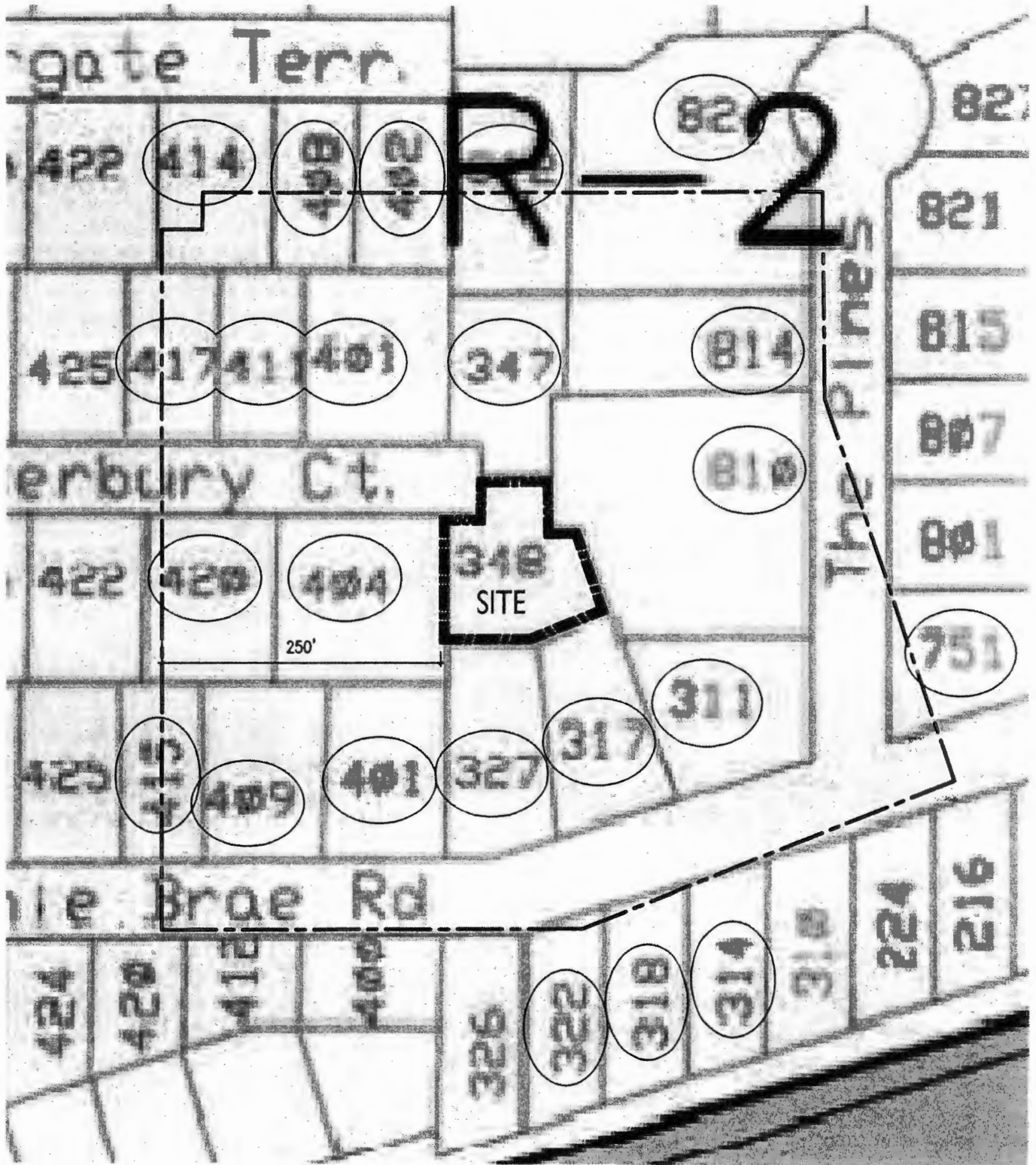


Field Work Completed 05/10/04
Field Draw 05/10
W Scale 1" = 30'

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.

The Subject Property is located in the R – 2 Single Family Residential District. A graphic representation of the area surrounding the Subject Property in that District is attached as Exhibit “D.” All uses of the Subject Property conform to those that are permitted in the R-2 District. All privately owned properties within 250 ft. of the Applicant’s residence are located in the R-2 District, and Applicant believes that the uses of those properties conform to the permitted uses of the R-2 District.

EXHIBIT 'D'
ZONING MAP



 **ZONING MAP**
SCALE: 1/64" = 1'-0"

 LOTS WITHIN 250'
(ALL LOTS ZONES R-2)

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.

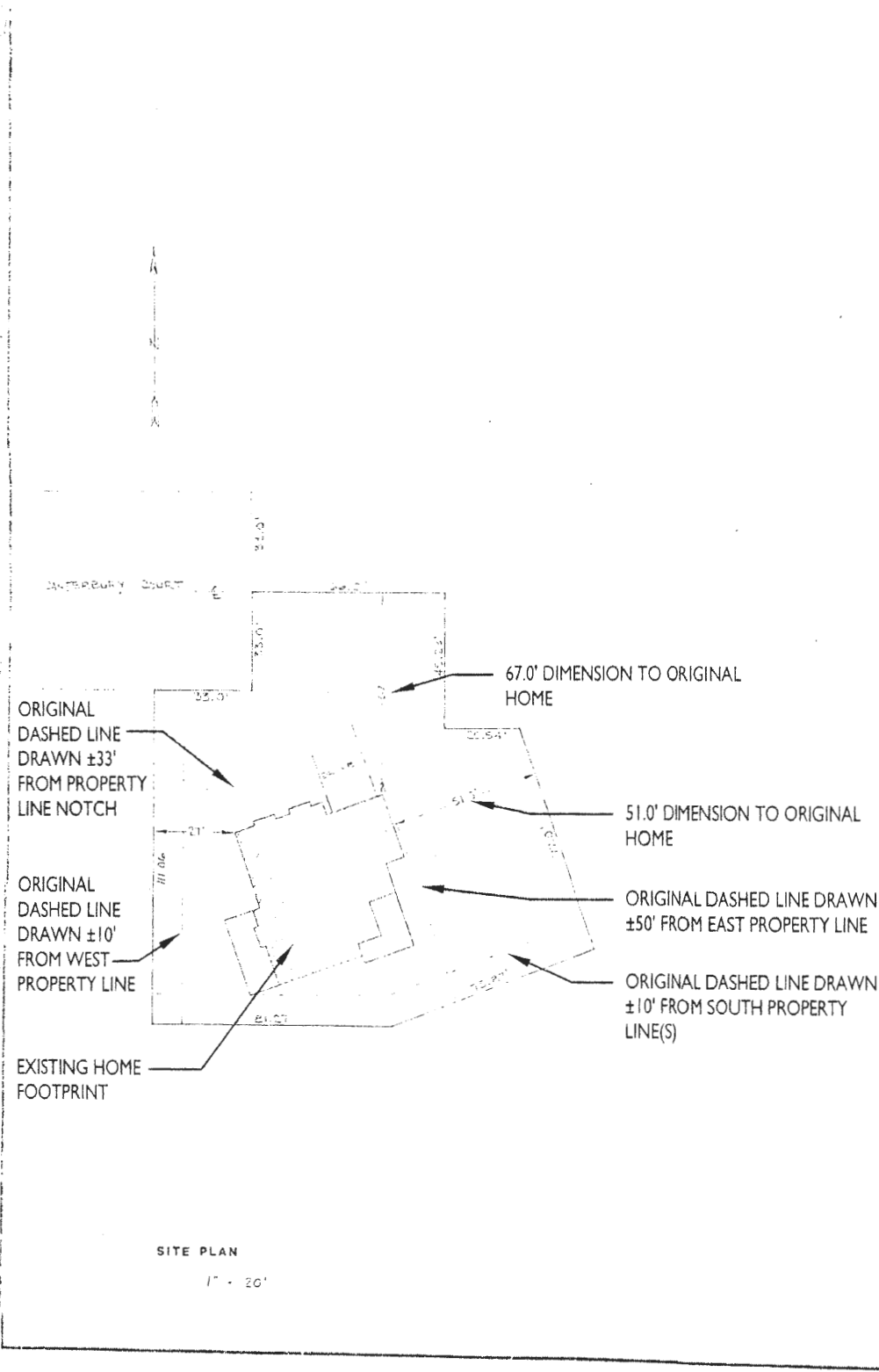
The approval of the Zoning Board of Appeals being sought by Applicant conforms to the Village Official Comprehensive Plan and the Official Map. As stated in Section I, Paragraph 9 of this Application, the Subject Property is located in the R-2 District and its uses and development conform to those permitted 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 preserving natural resources and aesthetic amenities, by promoting safety and convenient access to property, and by enhancing the general welfare of the Village.

As addressed more fully below in this Application, Applicant's residence, constructed in 1983 and expanded in 1995 by prior owners, may now be regarded as a legal nonconforming pre-Code structure under the current Zoning Code due to the original 1983 location of the residence on the Subject Property and the current administration of the Code by the Village. The drawing attached as Exhibit "E" depicts the location of the residence when originally built by previous owners.

EXHIBIT 'E' ORIGINAL RESIDENCE SITE PLAN



WILLIAM R. WEDDIG ARCHITECT
 REF. 1
 FISH CREEK, WISCONSIN 54212



ALDRIDGE RESIDENCE
 ANTWERP COURT ERIE PA, IL

2-11-83

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.

Applicant seeks to construct an addition to their existing residence. On advice of the Village Staff and legal counsel, to do so a variation must be obtained from this honorable Board. As detailed in Section II, Paragraph 5 of this Application, each standard for approval of this variation sought in this Application is met. The Board has authority to grant the relief sought by Applicant. Applicant will 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 has conferred with legal counsel, engaged the services of a professional architect, has conferred with Village Staff and has examined the property records of the Village for the Subject Property, and has met or will meet with abutting neighbors to describe the Zoning Code relief being sought from the Board and to obtain their support of this Application.

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

Not applicable.

SECTION II

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

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

Please see copy of Quit Claim Deed attached as Exhibit "F." Applicant/
Owner Jeff Weller and Tina Weller are husband and wife, and Tina
Weller is also known as Tina Miceli-Weller.

EXHIBIT F - DEED

QUIT CLAIM DEED
ILLINOIS STATUTORY
TENANTS BY THE ENTIRETY



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
DEC. 07, 2006 RHSP 8:58 AM
DEED 09-01-107-008
002 PAGES R2006-235242

COPY

THE GRANTORS, Jeffrey Weller married to Tina Miceli-Weller, husband and wife, of Hinsdale, in the County of DuPage, State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and QUIT CLAIM to Jeffrey Weller and Tina Miceli-Weller, husband and wife, 348 Canterbury Court, Hinsdale, Illinois, 60521, not as tenants in common nor as joint tenants, but as TENANTS BY THE ENTIRETY all interest in the following described Real Estate in the County of DuPage, in the State of Illinois, to wit:

Lot 4 in Timberwoods Subdivision, being a Subdivision of part of the North West 1/4 of Section 1, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded August 29, 1975 as Document R75-45807, In DuPage County, Illinois.

Permanent Index Number: 09-01-107-008

Property Address:
348 Canterbury Court
Hinsdale, Illinois 60521

SUBJECT TO: Nothing.

DATED THIS 14th day of November, 2006

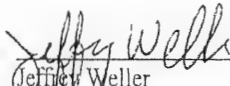
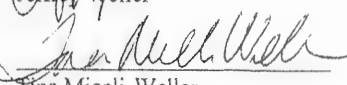
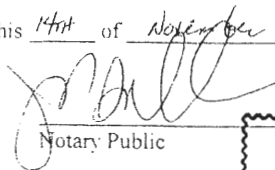

Jeffrey Weller

Tina Miceli-Weller

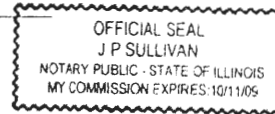
EXHIBIT F -DEED

State of Illinois, County of Kane

I, the undersigned, a Notary Public in and for said County, in the State aforesaid.
CERTIFY THAT Jeffrey Weller and Tina Miceli-Weller, husband and wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their 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 14th of November, 2006.


Notary Public



EXEMPT UNDER PROVISIONS OF PARAGRAPH (E), SECTION 31-45, of the REAL ESTATE TRANSFER TAX LAW.

DATE: November 14, 2006


Signature of Grantee

NAME & ADDRESS OF TAXPAYER

Jeffrey Weller
348 Canterbury Court
Hinsdale, Illinois 60521

PREPARED BY & AFTER RECORDING RETURN TO:

John P. Sullivan, Esq.
Attorney at Law
4320 WINFIELD RD, Ste 200
WARRENVILLE, IL 60555
(630) 778-0067

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

Sec. 3-110D.3.(b), requiring a minimum rear yard of 50 ft. for an interior lot in the R-2 District.
For a full discussion of the determinations of the Village Staff, and of the history of the development of the Subject Property, please see subsequent paragraphs of this Application.

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.)

The variation sought is a reduction of 35 ft. to the required 50-ft. rear yard to a permitted rear yard of 15 ft. in order to accommodate a proposed addition to the existing single family residence. This requested variation is premised on the current determination by the Village Staff of which yards of the Subject Property comprise the front, side and rear yards. That current determination appears to be in conflict with determinations made by the Village in 1983 and in 1995. Attached as Exhibits "C" and "E" are the survey and site plan representing the present location of the existing residence on the Subject Property. Attached as Exhibit "G" is architectural drawing depicting the site plan for the existing residence and the proposed addition. [Note: Please disregard the yard designations and setback requirements shown in Exhibit "G." They do not fully represent current interpretations of the Code regarding those standards, as explained below.]

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.)

Based upon the most recent interpretations of the current Zoning Code given by the Village Staff, the variation sought in this Application is the minimum variation required to construct Applicant's proposed addition to their home. Applicant has elected not to challenge the Village Staff's application of relevant provisions of the Code, while reserving the right to do so in the event the relief sought in this Application is denied. Other reasonable interpretations of applicable provisions of the Code – specifically as they relate to identification of front, side and rear lot lines, and front, side and rear yards – may eliminate the need for variations, or might require other variations of Code provisions to construct the proposed addition.

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:

Introduction:

The existing residence was constructed by a prior owner in 1983 (before the addition of a second floor in 1995) under the provisions of the 1981 Zoning Code in effect at the time (the "1981 Code"). The Village issued a building permit for the construction of the residence. There is no record of Code variations having been sought or granted to enable such construction. The odd-shaped, nine-sided Subject Property faces a cul-de-sac at its northwest corner. Under the 1981 Code, the Subject Property was zoned in the AA Residence District, requiring a minimum front yard of 35 ft. measured from the front lot line, side yards with a minimum of 10 ft. measured from the side lot lines, and a rear yard of 50 ft. measured from the rear lot line. The Village's property records do not specifically reflect which of the lot lines was then considered to be the front, side and rear lot lines.

From an examination of Exhibits "C" and "E," it may be inferred that in 1983 the Village determined that the east-west property line at the northwest "notch" of the Subject Property was considered to be the front lot line, and that the required 35-ft. front yard setback was measured from that portion of the northerly lot line. However, the rear yard of the residence appears to have been designated by the Village as existing to the east of the residence, not to the south. Evidently, the yard setback areas south and west of the residence were regarded at the time as side yards. These inferences are based upon an examination of the distances from all lot lines of the originally constructed residence compared to the setback requirements of the 1981 Code, and from the fact that the Village issued a building permit to construct the residence without variances of the Code.

In 1995, a second floor addition was constructed by a previous owner over an existing first floor on the east side of the residence. (Please see attached two-page Exhibit "H," obtained from the Village's property records for the Subject Property, showing the location of the 1995 addition.) Permits for that construction were issued by the Village under the provisions of the current Zoning Code. Again, the Village's records for the Subject Property do not indicate that zoning variances were required to construct that second floor addition. The inference may be drawn that the Village regarded that second floor addition as a vertical extension of a fully compliant residence with an east façade that faced the rear lot line and met the requirements of a 50-ft. rear yard setback.

The current view of the Village Staff is that the southerly lot line of the Subject Property is the rear lot line from which the required rear yard setback must be measured (vs. the easterly lot line that Applicant infers was the determination of the Village in 1983 and again in 1995). As stated above, Applicant elects not to challenge that determination at this time. However, it bears repeating that if it were determined that the front yard is to the north, the rear yard is to the east, and the side yards are to the west and south of the existing residence at the Subject Property, it would be unnecessary to obtain any variances, whatsoever, in order to construct the proposed addition.

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

The Subject Property is undeniably unique due to its nine-sided shape, due to the frontage of its notched northwest corner on a cul-de-sac (as opposed to the more common curved right-of-way line), and due to the seemingly inconsistent and contradictory application of Zoning Code provisions by the Village to construction of residences and additions at the Subject Property. The Village Staff has furnished Applicant and their advisors with a drawing (attached hereto as Exhibit "I") of the permitted buildable area without variations based on the Village Staff's interpretations of applicable definitions contained in Sec. 12-206 and the standards contained in Sec. 3-110 of the current Zoning Code. The buildable area depicted in Exhibit "I" is a condition unique to the Subject Property. It must be concluded that the Subject Property is exceptional and extraordinary compared to other lots in the Village, and that its physical conditions are peculiar to the Subject Property. It must be further concluded that the conditions and zoning history of Applicant's lot arise out of the Subject Property rather than Applicant's personal situation, and amount to more than mere inconvenience to the owner.

The apparent prior determinations by the Village of zoning compliance under both the 1981 Code and the current Code coupled with the recent designation by Village Staff of the buildable area depicted in Exhibit "I" also create an anomaly peculiar to the Subject Property. The south half of the existing residence is now considered to extend into the required rear yard. Thus, the residence is rendered nonconforming. Yet, it was regarded as conforming in 1995 under the same Zoning Code which is now being interpreted differently. Arguably, Applicant's home was a precode structure in 1988 and became a postcode structure in 1995. One might ask whether the Subject Property would now be considered by the Village as a legal nonconforming lot of record or as an illegal nonconforming lot of record. This ambiguity, too, must be regarded as being unique to the Subject Property.

- (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.

The unique physical conditions of the Subject Property described above and in the Exhibits is not the result of any action or inaction by owner/Applicant or prior owners known to Applicant. With the exception of the Village's most recent interpretations of the Code, they existed at the time the current Code was enacted, and result from governmental action 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.

A strict application of the Village's current interpretation of applicable provisions of the Code, including the provision from which Applicant seeks a variation, would unreasonably and retroactively deprive Applicant of the substantial right to develop the Subject Property in the same manner as other residents of the Village. And, in similar circumstances of odd-shaped lots resulting in aberrational buildable areas, the Zoning Board of Appeals has granted the type of relief sought by Applicant. The applicable provisions of the Code do not adequately contemplate the odd shape and cul-de-sac location of the Subject Property. Absent the grant of the relief sought in this Application, Applicant is prevented from realizing a full and reasonable enjoyment of their property.

(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.

No special privilege is sought. Applicant merely seeks the same opportunity to add on to their home that is available to other homeowners in the Village. The configuration of the Subject Property served by a cul-de-sac, and the inconsistent and current application of the Code to the Subject Property by the Village, place a significant and unique hardship on Applicant. The relief that Applicant seeks is not driven by a desire to make more money from their personal use of their lot. Applicant is not pursuing rights not available to other residents, nor do they seek the type of zoning relief that has not been granted by the Village to other Hinsdale homeowners. A strict application of the provisions of the Code from which Applicant seeks relief would result in consequences not intended by the Code, as evidenced by the Village's presumed prior zoning determinations relating to the Subject Property and the issuance of building permits in two instances.

(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.

The existing home with the modest contemplated addition will be in harmony with the surrounding homes, both in scale and setbacks from lot lines. A denial of the approval sought in the Application may well be adverse to certain of the stated objectives of the Plan and Code. For example, one of the purposes of the Zoning Code is to create and maintain neighborhoods with consistent lot and structure requirements. The variation requested by the Applicant would meet that objective. In addition, the development of the Subject Property with the proposed addition would be in complete harmony with the general and specific purposes for which the Code and Section 3-110 were enacted.

(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

It would not. In fact it would be an enhancement to the surrounding area.

- (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

It would not.

- (3) Would substantially increase congestion in the public streets due to traffic or parking; or

It would have no effect on traffic or parking.

- (4) Would unduly increase the danger of flood or fire; or

It would have no effect on the danger of flood or fire.

- (5) Would unduly tax public utilities and facilities in the area; or

It would not.

- (6) Would endanger the public health or safety.

It would have no effect on public health and 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.)

The Village Staff's current application of the relevant provisions of the Code to the Subject Property renders the existing residence as nonconforming and results in a buildable area with is virtually unbuildable. The yard requirements presumed to have been determined by the Village in 1983 under the 1981 Code and in 1995 under the current Code would have permitted the proposed addition without the necessity for variances. No remedy other than the requested variance is available to Applicant under the Village Staff's most recent interpretation of the current Code.

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 previously attached Exhibit "G," and multiple page Exhibit "J."

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 Village Staff computes the dimension of required side yards to be 10.60 ft. Based on the Village Staff's current application of the Code, all aspects of the proposed addition comply with the requirements of the Code with the exception of the 50-ft. rear yard setback requirement from which Applicant seeks a variation. Please see attached Exhibit "K," which represents a chart of compliance.

CANTERBURY
COURT

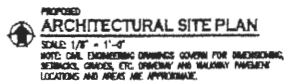


EXHIBIT H— ORIG. HOUSE PLANS

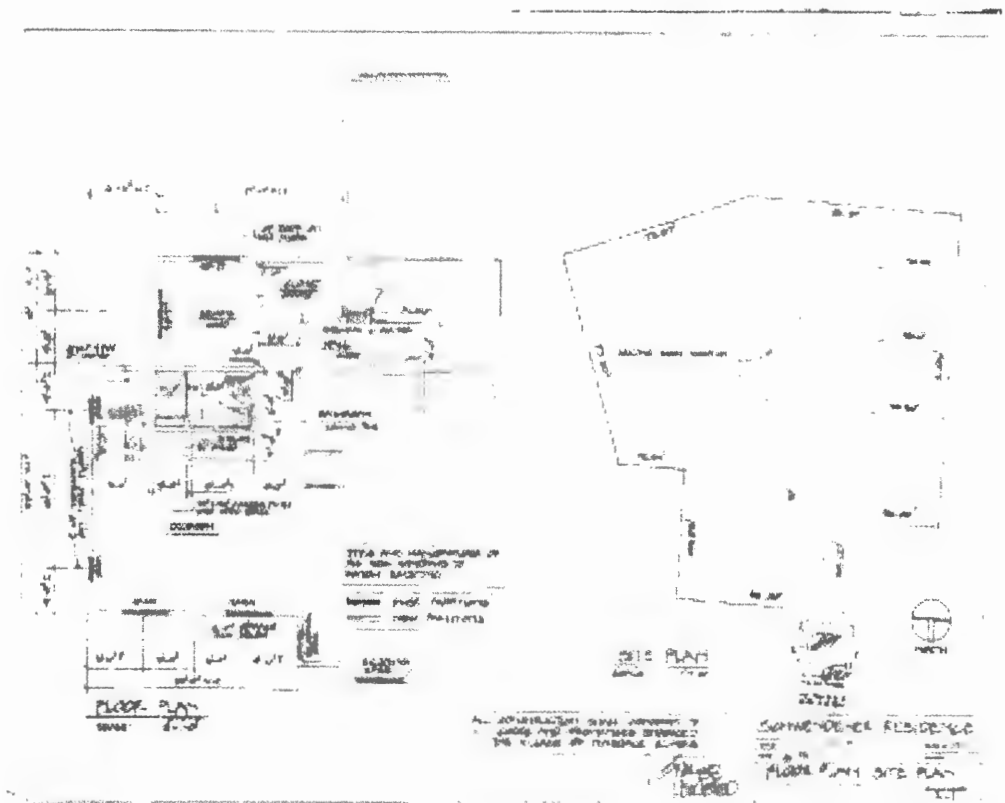


EXHIBIT H— ORIG. HOUSE PLANS

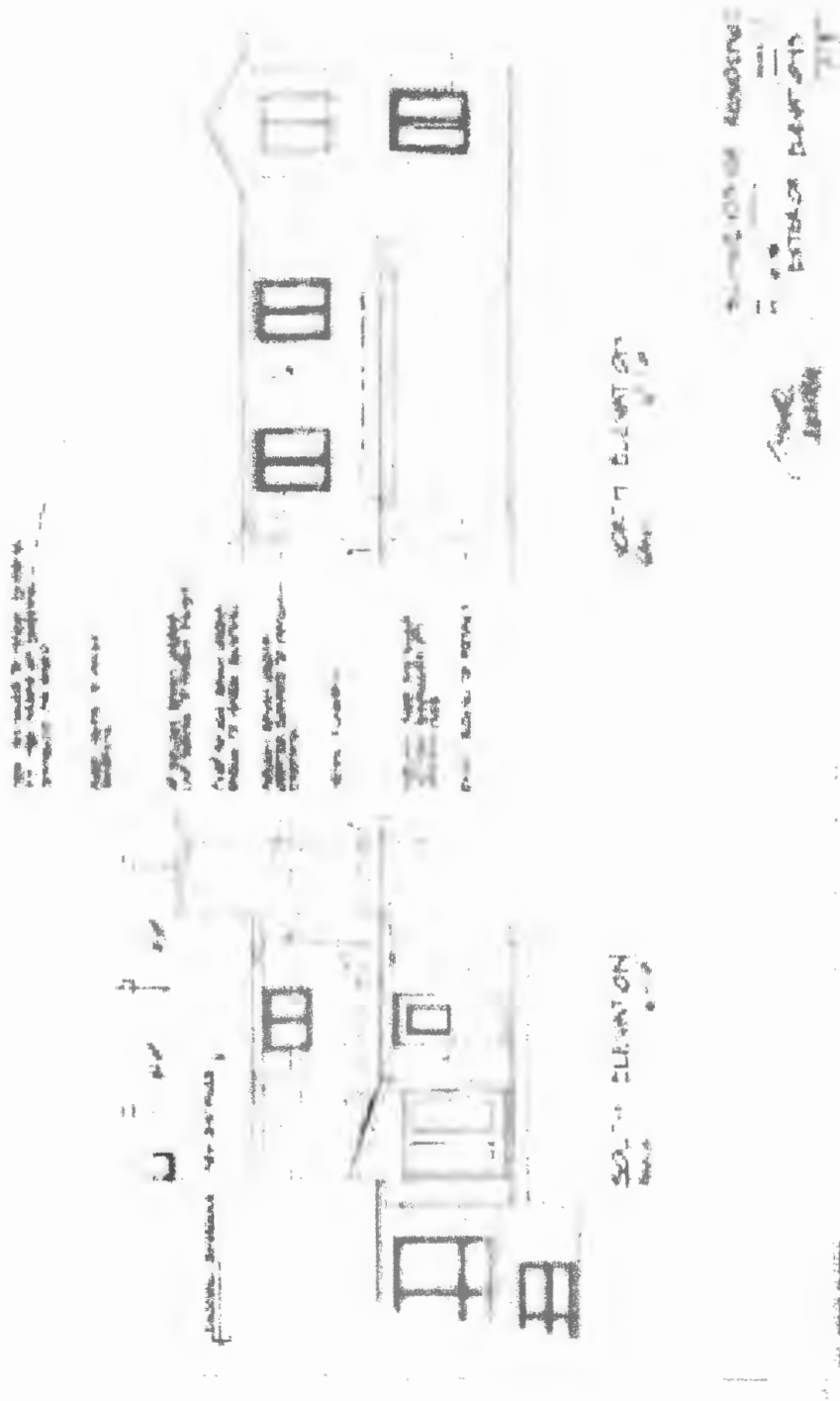


EXHIBIT 'I'
STAFF MARK-UP

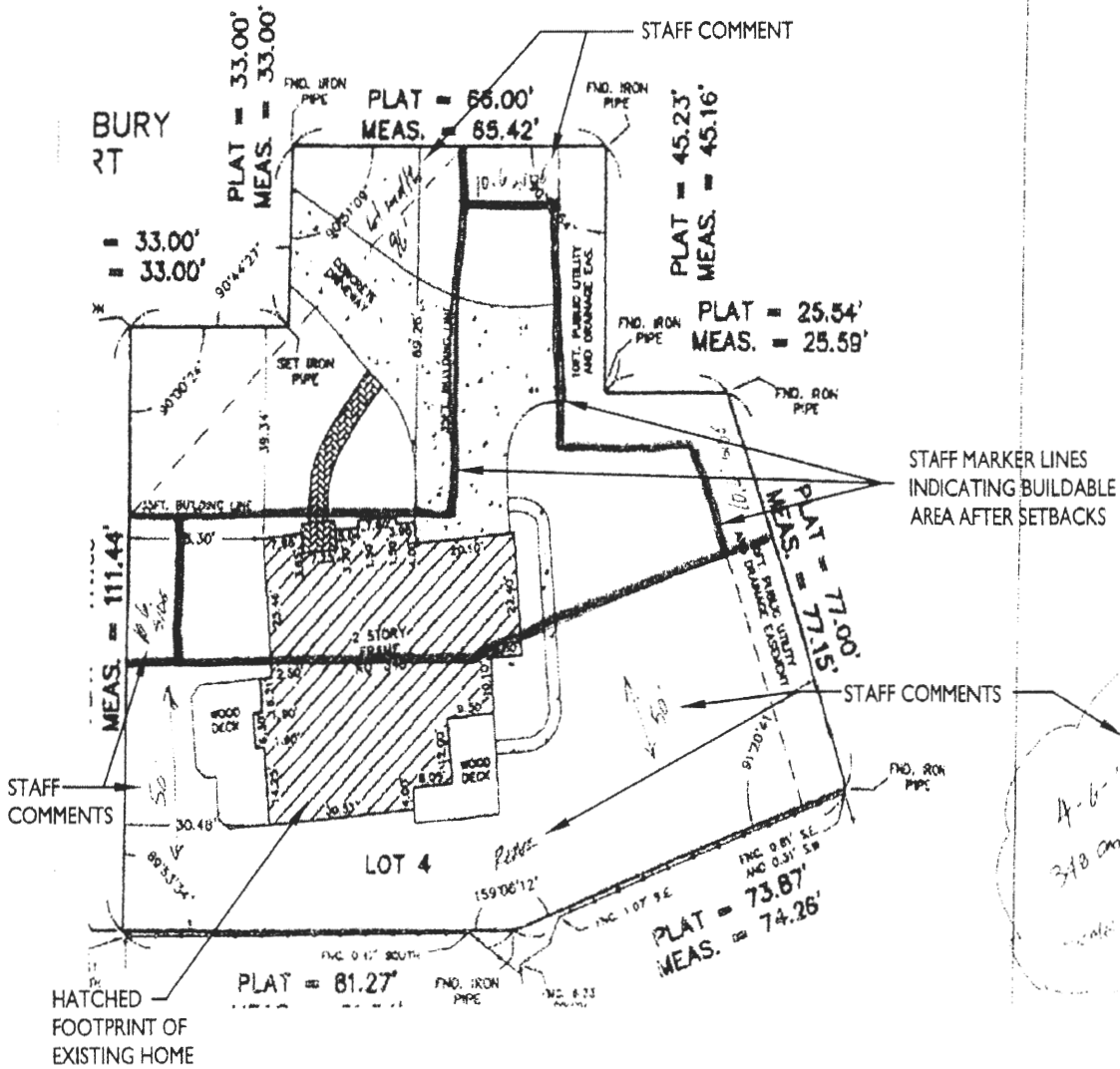


PLAT OF SURVEY

BERWOODS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH WEST 1/4 OF SECTION 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 29, 1975 AS DOCUMENT R75-45807, IN DUPAGE COUNTY, ILLINOIS.

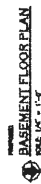
lot width = 96'
Front Road 35' recorded
Rear Road 50'
S.W. side R.R. 10.6'
L.W. side R.R. 22.8'

STAFF COMMENT



4-6-17
348 Canterbury Ct
Walden, CT

BASEMENT FLOOR PLAN



BASEMENT FLOOR PLAN
 INTERIOR AND EXTERIOR
 ALTERATIONS

WELLER RESIDENCE
 546 CANTERBURY COURT
 HIGHLAND, IL

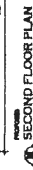
BASE TEN ARCHITECTS, INC.
 100 N. LAUREL AVE.
 CHICAGO, IL 60610
 TEL: 312/329-1100
 FAX: 312/329-1101

D2-B
 WELER

NOT FOR CONSTRUCTION
 DIMENSIONS ARE FOR REVIEW ONLY
 DRAWN AND MADE FOR REVIEW ONLY

DATE: 8-14-2017

SECOND FLOOR PLAN



NOT FOR
CONSTRUCTION
DRAWINGS ARE SCHEMATIC IN
NATURE AND ARE FOR REVIEW ONLY

SECOND FLOOR PLAN

**WELLER
RESIDENCE**
3448 CANTERBURY COURT
HINSDALE, IL

**BASE TEN
ARCHITECTS, INC.**
411 Quincey Oaks Dr.
La Grange, IL 60137
TEL: 708-571-1400
FAX: 708-571-1400
10 Employees

D2-2

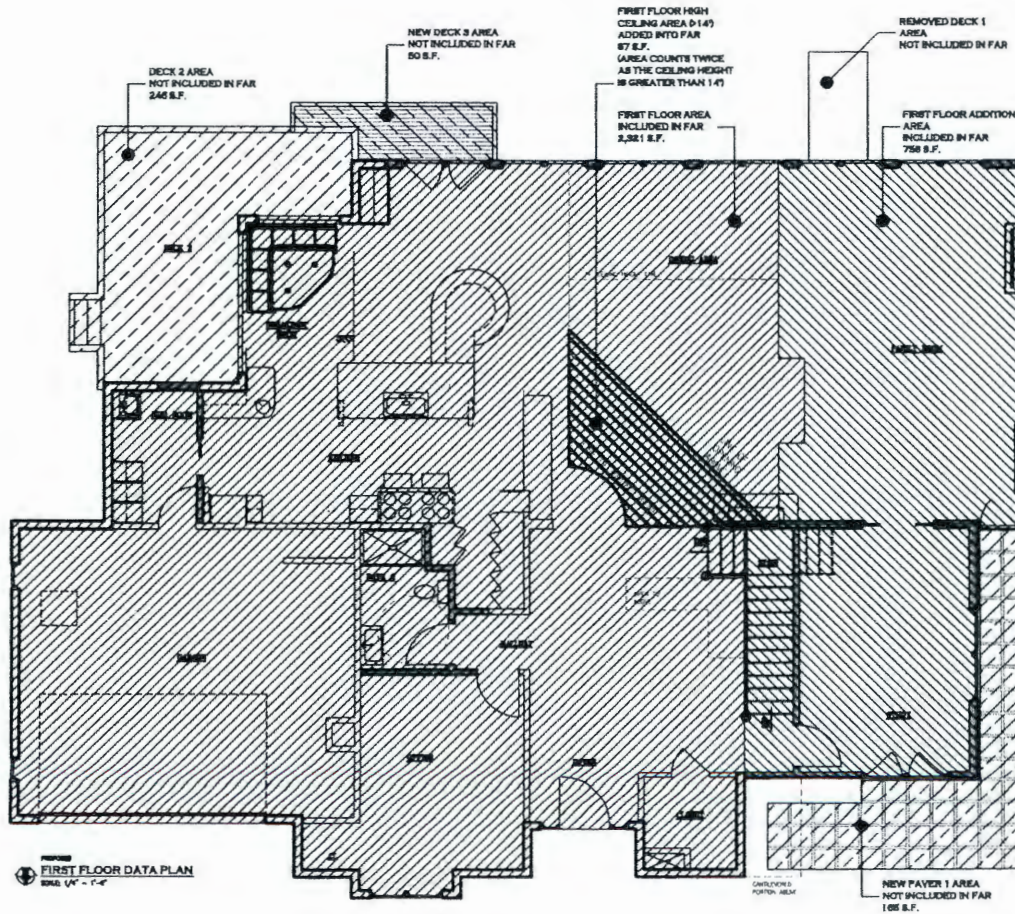
WELLER

D2-2
WELLER

EXHIBIT 'J'



NOT FOR CONSTRUCTION DRAWINGS ARE FORGIVEN IN NATURE AND ARE FOR REVIEW ONLY	BASEMENT DATA PLAN INTERIOR AND EXTERIOR ALTERATIONS		DATE: 8-11-2017
	WELLER RESIDENCE 3448 CANTERBURY COURT MINNEAPOLIS, IL		D2-BD WELLER
	BASE TEN ARCHITECTS, INC. 2875 Cassady Drive SE Lake Stevens, WA 98265 P: 425.340.1000 F: 425.340.1001 WWW.BASETEN.ARC		

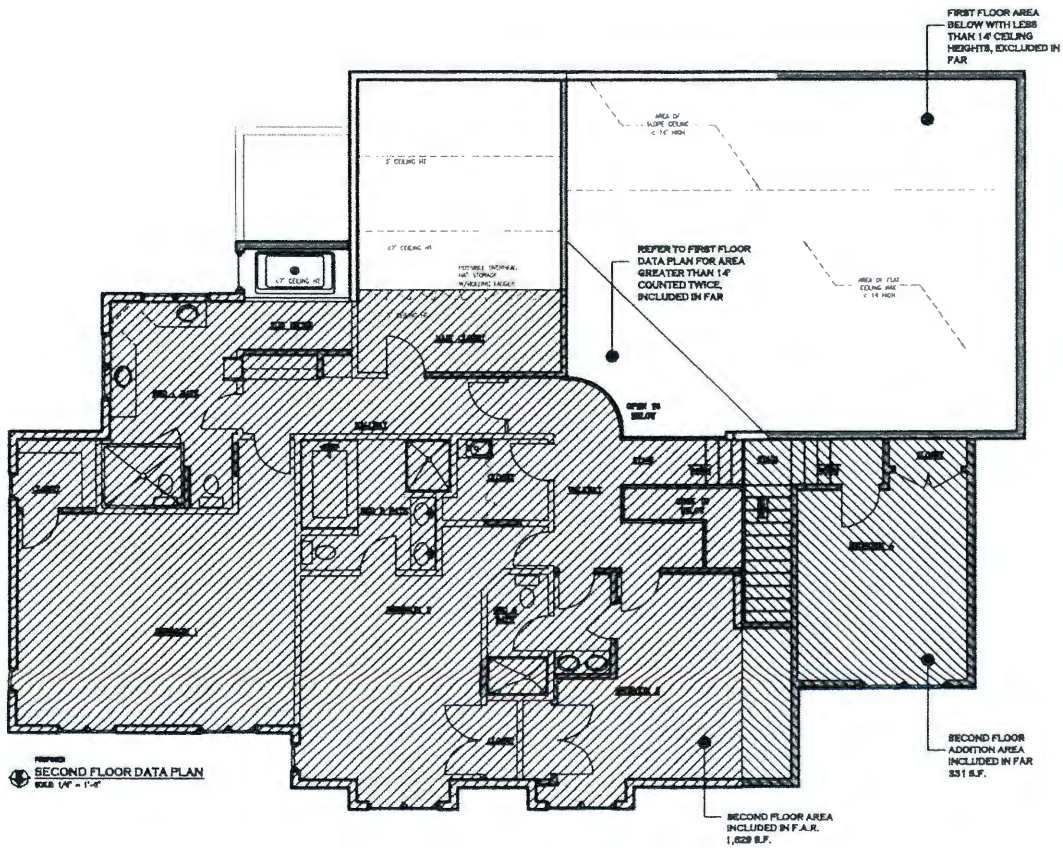


PROPOSED
FIRST FLOOR DATA PLAN
DATE: 04-11-2017

NOT FOR CONSTRUCTION CONTRACTS ARE SHOWN IN MAJOR AND ARE FOR REVIEW ONLY	FIRST FLOOR DATA PLAN		DATE: 04-11-2017
	INTERIOR AND EXTERIOR ALTERATIONS		
	WELLER RESIDENCE		BASE TEN ARCHITECTS, INC. 1010 10th Street, N.E. Atlanta, GA 30309 TEL: 404.525.1000 FAX: 404.525.1001 WWW.BASETENARCH.COM
	348 CANTERBURY COURT MARIETTA, GA		
		D2-1D	WELLER

EXHIBIT 'J'
FIRST FLOOR DATA PLAN

EXHIBIT 'J' SECOND FLOOR DATA PLAN



NOT FOR CONSTRUCTION THIS DRAWING IS FOR REVIEW ONLY	SECOND FLOOR DATA PLAN INTERIOR AND EXTERIOR ALTERATIONS		DATE: 3-11-2017
	WELLER RESIDENCE 348 CANTERBURY COURT HIRSHDALE, IL		BASE TEN ARCHITECTS, INC. 101 Cottage Grove St. Suite 100 Evanston, IL 60201 Phone: (708) 866-1000 Email: info@baseten.com
	Weller		D2-2D
	Weller		Weller

EXHIBIT 'K'
AREA SUMMARY

AREA SUMMARY - 348 CANTERBURY COURT			ZONED R-2		
ITEM	DESCRIPTION	SF	SF FOR BUILDING COVERAGE	SF FOR LOT IMPERVIOUS	SF FOR F.A.R.
LOT AREA		OVERALL AREA	16,409		
SETBACKS	FRONT YARD SETBACK	35.00'	-		
	SIDE YARD SETBACK	10.60'	-		
	REAR YARD SETBACK	50.00'	-		
	PARTIAL PUBLIC UTILITY EASEMENT	10.00'	-		
CELLAR AREA (<3'-6" GR/CLG) NOT INCL. IN FAR		TO INT. FACE OF CONC.	1,515	-	-
CELLAR ADDITION AREA (<3'-6" GR/CLG) NOT IN FAR		TO INT. FACE OF CONC.	759	-	-
CELLAR AREA (>3'-6" GR/CLG) INCL. IN FAR		TO INT. FACE OF CONC.	-	-	-
FIRST FLOOR AREA		TO EXT. FACE OF WALL	2,321	2,321	2,321
HIGH CEILING ROOMS (CALCULATE AS ADDITIONAL FLOOR)		TO INT. >14' CEILING HT.	87	-	87
FIRST FLOOR ADDITION AREA		TO EXT. FACE OF WALL	770	770	758
SECOND FLOOR AREA		TO EXT. FACE, > 7' CLG HT	1,629	-	1,629
SECOND FLOOR ADDITION AREA		TO EXT. FACE, > 7' CLG HT	331	-	331
UNFINISHED ATTIC AREA		= 20 PSF, NOT CALCULATED	-	-	-
DECK 1 AREA		TO EXT. FACE OF RAILING	327	-	327
DECK 2 AREA		TO EXT. FACE OF RAILING	0	-	0
DECK 3 AREA		TO EXT. FACE OF RAILING	50	-	50
PAVER 1 AREA			165	-	165
PAVER 2 AREA		ADJ. TO DRIVE 4'x20'	80	-	80
CONCRETE DRIVEWAY - APPROX. AREA		TO EDGE OF CONCRETE	1,643	-	1,643
BRICK PAVED WALK - APPROX. AREA		TO EXT. FACE OF BRICK	181	-	181
CONCRETE WALK - APPROX. AREA		TO EDGE OF CONCRETE	167	-	167
ACTUAL ACCESSORY STRUCTURE COVERAGE		-	0	-	
MAXIMUM ALLOWED ACCESSORY STRUCTURE COVERAGE		10% OF LOT AREA	1,641	-	
ACTUAL COMBINED BUILDING COVERAGE		SUM OF BLDG COV. COLUMN	2,321	3,091	
MAXIMUM ALLOWED COMBINED BUILDING COVERAGE		25%	4,102	4,102	
APPROX. ACTUAL LOT COVERAGE (IMPERVIOUS AREA)		SUM OF LOT COV. COLUMN	4,885	5,704	
MAXIMUM ALLOWED LOT COVERAGE (IMPERVIOUS AREA)		50%	8,204	8,204	
ACTUAL FLOOR AREA RATIO		SUM OF F.A.R. COLUMN	5,111		5,126
MAXIMUM ALLOWABLE FLOOR AREA RATIO		0.24 PLUS 1,200 SF	5,138		5,138

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.

Understood and a check in the amount of \$850 is attached.

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.

Understood.

3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

Understood.

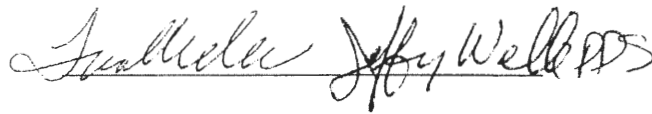
SECTION V

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.

Agreed.

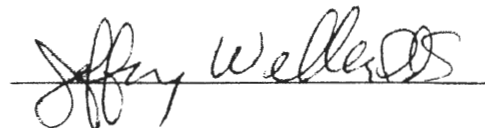
Name of Owner: **Tina and Jeff Weller**

Signature of Owner:



Name of Applicant: **Jeff Weller**

Signature of Applicant:



Date:

10-9-2017

7a

**PROPOSED RULES FOR WRITTEN SUBMISSIONS
AND ORAL ARGUMENT
TO THE HINSDALE ZONING BOARD OF APPEALS**

The Hinsdale Zoning Board of Appeals will consider adopting the following proposed rules governing written submissions and oral argument to the ZBA at its August 16, 2017 meeting:

1. No party is required to submit legal briefs or letters to the ZBA in support of any zoning appeal or variance request. The only documents that any appellant or zoning variance applicant must submit are the appeal forms and/or variance request forms and accompanying materials already required under the Hinsdale Zoning Code. The party that filed the appeal or the variance request need not retain counsel to represent them, but they may do so if they wish.

2. If any party wishes to submit a separate legal brief or letter detailing the reasons why the ZBA should grant such appeal or variance request, then each such party shall deliver to the Zoning Board of Appeals at Hinsdale Village Hall ten (10) signed copies of such briefs or letters at least 14 days before the ZBA meeting when the ZBA will hold the hearing the appeal or variance application.

3. Within seven days thereafter, the Village of Hinsdale may, but is not required, to file a brief or letter in response to any brief or letter that any other party has filed. Any such letter or brief that the Village may file in response shall conform to all of the requirements established in these rules.

4. Any brief or letter submitted in support of or in response to any such letter or brief must be on 8-1/2 by 11 inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. The type face must be 14 point type or larger.

A one inch margin is required at the top, bottom, and each side of each page. Each page must have a page number at the bottom.

5. No such briefs or letters shall exceed 12 pages unless the ZBA grants a party's request for an extension of that page limit. Footnotes are discouraged.

6. If any such letter or brief cites to any legal authority, then the letter or brief must contain an index indicating each page number of the letter or brief which cites to that legal authority.

7. If any such brief or letter refers to any other documents, then all such documents must be attached as exhibits. Every such exhibit attached to the brief or letter must be identified with an exhibit number, and must be preceded by a numbered tab corresponding with the exhibit number that protrudes on the right hand side of such brief or letter. All such exhibits must be legible.

8. Any such brief or letter containing less than 20 pages of text and exhibits combined must be firmly stapled in the upper left hand corner of the brief or letter. Briefs or letters that contain more than 20 pages of combined text and exhibits must be spiral bound on the left hand side in a manner that does not interfere with the legibility of any such text or exhibits.

9. If any such brief or letter cites any code section, ordinance, statute, or court decision, then such legal authority must be attached in its entirety as an exhibit to the brief or letter, and the exhibit number must be included in the index required under paragraph 6.

10. The ZBA will not consider briefs or letters that do not meet all of these requirements.

11. At the hearing on any such appeal or variance request, the party that filed the appeal or the variance request has a maximum of 15 minutes to present their initial arguments

regarding why the ZBA should grant such appeal or variance request; the Village may then have a maximum of 15 minutes to respond; and the party that filed the appeal or variance request may then have five minutes to reply. These time limits may be extended by a maximum of five minutes per side in the ZBA's discretion. These time limits apply only to oral argument by a party to the ZBA regarding whether the facts support a conclusion that the ZBA should grant the appeal or variance request under the applicable zoning standards, but not to any witness testimony that any party may wish to present.

12. Any non-party to any such appeal or variance request who wishes to address the ZBA at the hearing on any such appeal or variance request may have a maximum of five minutes to address the ZBA regarding whether the ZBA should grant the appeal or variance request.