



MEETING AGENDA

**REGULAR MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, August 15, 2018
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 July 18, 2018
- 4. APPROVAL OF FINAL DECISIONS**
 - a) V-05-18, 842 West Seventh Street, side yard setback
 - b) V-05-18, 842 West Seventh Street, building coverage
- 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-08-18, 321 S. Garfield
- 8. PUBLIC HEARINGS**
 - a) V-06-18, 330 Chestnut (*revised application*)
 - b) V-07-18, 336 East Ogden Avenue
- 9. NEW BUSINESS**
- 10. OLD BUSINESS**
- 11. ADJOURNMENT**

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

www.villageofhinsdale.org

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
July 18, 2018

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, July 18, 2018 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

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

Absent: Member Keith Giltner

Also Present: Director of Community Development/Building Commissioner Robb McGinnis, Village Clerk Christine Bruton and Court Reporter Kathy Bono

3. APPROVAL OF MINUTES

a) Regular meeting of May 16, 2018

Following corrections to the draft minutes, Member Murphy moved to **approve the draft minutes of May 16, 2018, as amended**. Member Engel seconded the motion.

AYES: Members Alesia, Murphy, Engel, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: Member Moberly

ABSENT: Member Giltner

Motion carried.

4. APPROVAL OF FINAL DECISIONS – None

5. RECEIPT OF APPEARANCES – Court Reporter Kathy Bono administered the oath to those persons intending to speak to the Board.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-06-18, 330 Chestnut

Mr. Bernie Bartelli, with Michael Abrams Architecture, representing property owners Dave & Sharon Habiger, addressed the Board. He explained they want to put a 676' square foot maintenance building on the property. They are again seeking a one foot rear yard setback that was granted when the building was built, a reduction in the required 10' foot side yard requirement to 2' feet, and an increase in permitted height for a retaining wall along the

1 railroad tracks from 15' feet to 18' feet. He explained the lot is very narrow
2 and oddly shaped, and this is the only spot available for the maintenance
3 building as the rest of the lot is heavily landscaped or parking area. The
4 maintenance building will only be used by the office building and the goal is
5 that it can only be seen from the office building. Mr. Bartelli confirmed that
6 area businesses will be contacted as part of the process.

7 Chairman Neiman instructed Mr. Bartelli to be prepared to address the
8 approving criteria.

9 Chairman Neiman set the public hearing for August 15, 2018.

10
11 **b) V-07-18, 336 East Ogden Avenue**

12 Mr. Kevin Jacobs, applicant, and Mr. Jerry Mortier, of Redmond Group
13 Design, addressed the Board. Mr. Jacobs explained that he had approval for
14 a complete renovation for the new Landrover store, however, they have been
15 in negotiations with Jaguar Landrover to bring both brands to the site. With
16 the addition of Jaguar, they will need to widen the showroom portion of the
17 building along Ogden Avenue. Director of Community Development/Building
18 Commissioner Robb McGinnis explained this is a horizontal extension.
19 Moving the building back will reduce the existing non-conformity. Mr. Jacobs
20 explained the manufacturer requirements for a flat, flush front; the look and
21 materials have not changed. There will be two smaller showrooms, instead of
22 one large one. Chairman Neiman asked about neighbor opposition because
23 this is a commercial use abutting a residential use. Mr. Jacobs explained that
24 last Thursday there was a neighbor meeting. He said he wanted to work with
25 neighbors before this evening. He said there were about five residents
26 present whose main concern was noise and traffic. Mr. Jacobs believes they
27 have done everything they can to mitigate these concerns. The requested
28 variation has no impact on lighting, landscaping or the eight foot precast
29 sound wall on the south side of the property. He explained that with respect
30 to landscaping, they worked with the Village arborist to determine what will
31 look good and what will survive. They are keeping the existing trees. The
32 Jaguar addition will necessitate only one more service bay, and one more
33 technician, if operating at capacity. Neighbors were concerned with cars
34 driving, squealing tires, and inside service noises. The overhead doors were
35 decreased from ten (10) to six (6) resulting in less access to the exterior of
36 building. One entrance at the southwest corner was added, but there are no
37 service doors facing the residential properties on the south. There is a car
38 wash in the southeast corner, the same as before, but no dryer. There is an
39 air-conditioned and heated shop; doors will be primarily closed when work is
40 being done. There is a tube for exhaust fumes. The test drive routes have
41 not been planned; however, there will be a new left hand turn from Oak Street
42 to Ogden Avenue, making it easier to get onto Ogden.

43 **Mr. Michael Stick of 802 N. Franklyn** addressed the board stating he was at
44 the neighbor meeting last Thursday. He explained that six months of
45 negotiations last year resulted in the resolution of most of the issues of the
46 neighbors. He complained there was only one day notice of the meeting last
47 week, and neighbors will continue to review revised plans, and will present

1 their concerns. He clarified that residents did not take the position issues can
2 be worked out after opening. The wall, landscaping and lighting haven't
3 changed, but ingress and egress have been changed on the east and west
4 sides, which might be a Plan Commission issue. Neighbors raised a concern
5 about increased traffic and the relocation of a compressor further south.
6 Noise on the south side of the building is a concern. He stated that he
7 personally is not concerned about the extension to the west unless it impacts
8 traffic redirected to the south.

9 Chairman Neiman advised both parties to work together to resolve these
10 issues, and advised the applicant to be prepared to address the seven
11 approving criteria. He noted that all the information presented to the Board
12 tonight does not directly effect this variance, but some of the seven elements
13 are indirectly impacted.

14 It was noted that the ZBA has final authority over the setback variance.

15 Chairman Neiman set the public hearing for August 15, 2018.

16 17 **8. PUBLIC HEARINGS**

18 **a) V-04-18, 550 West Ogden Avenue**

19 Chairman Neiman informed the Board that the applicant has withdrawn this
20 application for variance.

21 22 **b) V-05-18, 842 West Seventh Street**

23 Chairman Neiman opened the public hearing. Mr. Dan Roberts, architect and
24 builder, addressed the Board on behalf of Mr. Frank Spirovski, property
25 owner. Mr. Roberts began stating this home is basically at the southeast
26 corner of Seventh Street and Jackson. The owner is building a home for his
27 son. They are requesting two variations. The first is a reduction in corner
28 side yard setback on the north side of the property from the 15' feet required
29 to 11.6' feet because of the narrow lot. The second is for lot coverage. They
30 are asking for approval of an increase from 25% or 1,406' square feet, to 26%
31 or 1,468' square feet. This is a 62' square foot increase.

32 Mr. Roberts explained that this particular lot is only a 45' foot lot, most of the
33 lots in the southwest quadrant of the Village are 47' foot lots. He believes this
34 may be the smallest lot in town. They are asking for the same setback and lot
35 coverage that would be allowed on a 47' foot lot. He pointed out this request
36 is less than if an allowable detached garage were constructed on the
37 property. They elected not to build the detached garage because it allows the
38 home to be closer to 2,800' square feet and for the garage to be less
39 noticeable.

40 Mr. Mike Spirovksi, son of the property owner, addressed the Board stating he
41 sent out the letters of notice and also went door to door to introduce himself
42 to the neighbors. There has been no negative response from the neighbors.

43 Mr. Roberts reviewed the criteria for approval. The lot is unique; it is the only
44 45' foot lot he could find, it is adjacent to Route 83. If built in compliance with
45 the code, the home could only be 24' wide. This is not self-created, other
46 than the purchase of the property; the lot size is what it is. He stated they are
47 not denied substantial rights, nor are they depriving the rights of the

community. With respect to drainage, they are increasing the lot coverage, but not more than the lot coverage would be if they built a detached garage. He believes because this is a corner lot with an alley, the property drains easier, and that there is no impact to neighbors as a result of the proposed construction. The increase above the existing coverage is only 1%. He said they wanted to ask for more, but they are trying to be fair, and they can't exceed the FAR no matter what. Discussion followed regarding the possibility of a third floor. Mr. Roberts stated that even with a third floor, they would not be able to achieve a 2,800' square foot home. He described the size of the proposed rooms, and reiterated the advantages to the neighborhood of the attached garage. He briefly reviewed the remaining standards for approval stating this is in harmony with the code and the essential character of the neighborhood because the home will be set back further than the current house. There will be no effect on the public welfare, nor will it create congestion, affect flooding or fire, or create an additional taxation on utilities. Additionally, in his opinion, there is no other remedy, and they believe this is a fair request.

Member Moberly asked about precedence in this case, to which Mr. Roberts responded this is unique because of the size of the lot; they are only asking to meet the allowances for more typical 47' foot lot.

Mr. McGinnis clarified that terms are being used interchangeably. The request before the Board is for building coverage, which is different than total lot coverage, but both move to the Village Board of Trustees as a recommendation.

Following a question from Member Podliska, Mr. Roberts described the effect on the building should the variance not be granted in terms of room size and usable space. He explained that a third floor would not solve the problem of a usable, reasonable first floor that includes a living room, dining area, kitchen and one more room, whether that is a study or a dining room. It was suggested that the mudroom be eliminated, but Mr. Roberts said as an architect, he would never take out the mudroom. Without these basics, he would not recommend his client build this house. He added that he thinks the neighbors would object to a larger house; the proposed house is the size of the existing house.

There being no additional questions from the Board, Member Podliska moved to **close the public hearing for V-05-18, 842 West Seventh Street**. Member Engel seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

DELIBERATION

Chairman Neiman asked the Board to keep in mind the building coverage variation is a recommendation to the Village Trustees, and the side yard setback request is final at the ZBA.

Side yard setback:

Member Moberly commented that he fails to see how a 2,600' square foot house is a hardship, as opposed to a 2,800' square foot house, but he understands that land is expensive. Chairman Neiman reminded the Board that ZBA decisions on variances have no precedential value. The Board is allowed to consider each application on its own merits.

Member Murphy said that he has driven by the property, and because there are many older homes in this area and its proximity to Route 83, he believes the proposed home would be a substantial improvement to the neighborhood. He believes granting this small variation is worth the improvement to the area. Chairman Neiman agreed, there are constraints on the lot, a home has been designed to fit the lot, and there is no neighbor opposition. He added that if the Board does not grant the variance to an applicant who is trying not to be greedy, it does not send a good message.

Mr. Moberly stated he is convinced, especially because if a legal detached garage was built, there would be more lot coverage than this request. He added that the code is just as important to enforce in neighborhoods near Route 83, but agrees this is a small request. Members Engel and Alesia struggle with the ability to design around the deficiencies of the lot. Member Podliska referenced the discussion about the impact of denying the variance and the change to the size of the rooms and the usability of the first floor. He defers to the architects view that this is a basic, functioning floor plan and no more.

Member Alesia moved to **approve V-05-18, 842 West Seventh Street, with respect to side yard setbacks**. Member Murphy seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

Building coverage:

The Board concluded that the matters are intertwined, and their rational for approving the setback apply to the building coverage, as do the seven standards for approval. Member Engel added that as this is a recommendation only, the Village Board will make the ultimate decision.

Member Podliska moved to **approve V-05-18, 842 West Seventh Street, with respect to building coverage.** Member Murphy seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

9. NEW BUSINESS – None

10. OLD BUSINESS – None

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the meeting of the Zoning Board of Appeals of July 18, 2018.** Member Podliska seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

Chairman Neiman declared the meeting adjourned at 7:54 p.m.

Christine M. Bruton
Village Clerk

Approved: _____

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

- Zoning Calendar:** V-05-18
- Petitioner:** Daniel J. Roberts- Roberts Design & Build
- Meeting held:** Public Hearing was held on Wednesday, June 20, 2018 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 April 24, 2018.
- Premises Affected:** Subject Property is commonly known as 842 W. 7th Street, Hinsdale, Illinois and is legally described as:
- LOTS 96 AND 95 (EXCEPT THE SOUTH 2' FEET THEREOF) IN S.T. KIMBELL'S RESUBDIVISION, BEING A RESUBDIVISION OF BLOCK 21 IN STOUGH'S SECOND ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE EAST ½ OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED AUGUST 5, 1892 AS DOCUMENT 49378, IN DUPAGE COUNTY, ILLINOIS
- Subject:** In this application for variation, the applicant requests relief from the minimum corner side yard requirements set forth in section 10-105 (A)(3) for the construction of a new single family home. The applicant is requesting a 3.5' reduction in the required corner side yard setback from 15' to 11.5'.
- Facts:** This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the south side of 7th Street between Jackson and Stough. The property has a frontage of approximately 45', a depth of approximately 125', and a total square footage of approximately 5,625. The maximum FAR is approximately 2,800 square feet, the maximum allowable building coverage is 25% or approximately 1,406 square feet, and the maximum allowable lot coverage is 60% or approximately 3,375 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 abnormally narrow width of the lot and the effort made in exhausting alternatives.

A motion to recommend approval was made by Member Alesia and seconded by Member Murphy.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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

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

ZONING CALENDAR NO. V-05-18

APPLICATION: For a Variation from the Maximum Building Coverage Requirements set forth in Section 3-110 of the Village of Hinsdale Zoning Ordinance

APPLICANT: Daniel J. Roberts, architect/builder, on behalf of the Property Owner

PROPERTY OWNER: Frank Spirovski

PROPERTY: 842 West 7th Street, Hinsdale, Illinois

HEARING HELD: July 18, 2018

SUMMARY OF REQUEST AND RECOMMENDATION: The Village of Hinsdale has received a request from Daniel J. Roberts, of Roberts Design & Build, on behalf of Frank Spirovski (the "Applicant"), owner of the property located at 842 West 7th Street (the "Property"), for two variations from the Hinsdale Zoning Code: a variation from the minimum corner side yard setback requirement, which the Zoning Board of Appeals ("ZBA") has final authority over, and for a variation from the maximum building coverage requirement, which the Village Board of Trustees has final authority over. The Property is in the R-4 Single-Family Residential Zoning District. The Applicant seeks the Requested Variations in order to redevelop the Property with a new single-family home (the "Proposed Residence").

In order to redevelop the Property with the Proposed Residence, the Applicant requests an increase of 62 square feet from the maximum allowable building coverage under Section 10-105(A)(3) of the Hinsdale Zoning Code to allow a total of 1,468 square feet instead of the 1,406 square feet allowed by the Code (the "Requested Variation"). As noted, the Applicant also requests a 3.5 foot reduction in the required 15 foot corner side yard setback in Section 3-110(F)(1) of the Village of Hinsdale Zoning Code (down to 11.5 feet), but that request is within the ZBA's final decision authority and its approval is detailed in a separate Final Decision of the ZBA.

Following a public hearing held on July 18, 2018, the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") recommended approval to the Board of Trustees of the Requested Variation on a unanimous vote of six (6) in favor and zero (0) opposed, with one (1) member absent.

PUBLIC HEARING: At the public hearing on the Requested Variation held on July 18, 2018, the Applicant discussed the plans for the Property and Proposed Residence. The existing home is going to be demolished, and a new home built for the current Property

Owner's son and his family. The Applicant discussed the uniqueness of this 45-foot wide corner lot, which is believed to be the only corner lot of that size within the Village and is smaller than most interior lots, which are often 50-feet wide. The Applicant believes the Zoning Code bulk standards are intended largely to address 50-foot wide lots. The Applicant stated that it may be the smallest corner lot in the Village. There is one 44-foot wide corner lot, but it is deeper and therefore larger overall. The request is for the same coverage they would be allowed if they were on a more common 47 x 125 foot corner lot.

While the garage will not be detached, it will be hidden so as not to be visible except to people driving down Jackson, similar to a detached garage. If they built a detached garage, it would be more visible.

The Property Owner's son, who will live in the Proposed Residence, testified that the public hearing notices were sent and about his conversations with neighbors that he initiated by knocking on doors.

The Property is adjacent to Route 83.

The Applicant reviewed the standards for granting of a variation. He believes that as the only 45-foot corner lot in the Village, this is a very unique situation. He did not believe drainage would be affected. The Requested Variation is intended to be just big enough to create a workable first floor for the Proposed Residence.

The Board Members asked a number of questions about design changes and how such changes would affect the need for variations, to which the Applicant responded.

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

The members of the ZBA then offered their views on the Requested Variations. The ZBA members were satisfied that the Applicant had reviewed other design options in depth, and had established that the size of the Proposed Residence is necessary to create a functioning floor plan. Following discussion, the vote on Member Podliska made a motion to recommend approval of the Requested Variation, seconded by Member Murphy. The vote to recommend approval of the Requested Variation to the Board of Trustees was six (6) in favor, zero (0) opposed, and one (1) absent.

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

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

2. Unique Physical Condition: In this case, the Property is the only known 45-foot corner lot in the Village, and may be the smallest corner lot in the Village. Granting the

Requested Variation will allow a design that has the same building coverage as allowed for a more common 47-foot wide corner lot and will allow a functioning first floor of the Proposed Residence. The ZBA finds this standard to have been met.

3. Not Self-Created: The size of the Property is unique and a condition that was not created by the Applicant.

4. Denial of Substantial Right: The application of the strict letter of the Zoning Code provisions from which the Requested Variation is sought would require the Applicant to create a detached garage, which would have resulting impacts on the ability to create a functioning first floor within the Proposed Residence.

5. Not Merely Special Privilege: The Requested Variation for this uniquely small corner lot Property, if granted, would result in allowing building coverage similar to that allowed in the more common 47-foot corner lots. The ZBA finds that the granting of the Requested Variations, with the conditions specified herein, will not result in a special privilege.

6. Code And Plan Purposes: The Requested Variation would result in a use or development of the Property with the Proposed Residence in a manner that would be in harmony with the general and specific purposes for which the Zoning Code and the provision from which the Requested Variation is sought were enacted. Specifically, the Requested Variation would allow development of a small functioning residence on the Property, with an attached garage that will have limited visibility from the street and is a more desirable option in this case than a detached garage.

7. Essential Character Of The Area: The ZBA finds that the Requested Variation will not alter the essential character of the area. It is noted that no one opposed to the Requested Variation has come forward.

8. No Other Remedy: The Requested Variation is the only available remedy that will result in creating a small residence on the Property with a well-functioning first floor. The ZBA was satisfied that the Applicant had considered design issues, and alternative designs, in depth, and was seeking only the minimum variation required to create a well-functioning residence, thereby allowing a reasonable use of the Property as a whole.

RECOMMENDATIONS: Based upon the foregoing Findings, the ZBA, by a vote of 6-0, recommends to the Board of Trustees the **APPROVAL** of the Requested Building Coverage Variation (an increase of 62 square feet, to allow building coverage of 1,468 square feet) sought by the Applicant for the Property at 842 W. 7th Street, in the R-4 Single-Family Residential Zoning District.

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

7a

MEMORANDUM

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

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

DATE: August 9, 2018

RE: Zoning Variation – V-08-18; 321 S. Garfield Ave.

In this application for variation, the applicant requests relief from the minimum front yard setback requirements set forth in section 3-110 (l) (5)(d) for the reconstruction of a front porch. The applicant is requesting a 9" reduction in the required front yard setback from 25' to 24.25'.

This property is located in the R-1 Residential District in the Village of Hinsdale and is located on the northeast corner of Garfield and Fourth Street. The property has a frontage of approximately 110.65', a depth of approximately 166.15', and a total square footage of approximately 18,385. The maximum FAR is approximately 5,612 square feet, the maximum allowable building coverage is 25% or approximately 4,596 square feet, and the maximum allowable lot coverage is 50% or approximately 9,193 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-08-18

Zoning Calendar No. V-08-18

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): MR & MRS. C. ELDER

ADDRESS OF SUBJECT PROPERTY: 321 SOUTH GARFIELD

TELEPHONE NUMBER(S): 630-654-0897

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

DATE OF APPLICATION: AUGUST 8, 2018



SECTION I

Please complete the following:

1. Owner. Name, address, and telephone number of owner: MRS. C. ELDER,
321 SOUTH GARFIELD, HINSDALE, 630-654-0897
2. Trustee Disclosure. In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: _____

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

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 321 SOUTH GARFIELD. SEE
ATTACHED FOR LEGAL

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: ARCHITECT: CAROL PRISBY, 106 S. WASHINGTON ST
 - b. Engineer: HINSDALE, IL 60521
 - c. 630-323-7554
 - 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. CHRIS ELOER - VILLAGE TRUSTEE

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.

EE
ATTACHED

SECTION II

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

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

ZONING ORDINANCE 3-110-I-5-(d). SPECIFICALLY
MAINTAINING 25 FEET FOR A PORCH IN A R-1
ZONING DISTRICT

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.)

OWNER IS SEEKING A VARIATION OF 9" TO
ALLOW THE RECREATION OF THEIR EXISTING
FRONT PORCH WHICH NEEDS TO BE REPLACED.
THE INTENT IS TO MATCH THE EXISTING
CONDITIONS WITH THE NEW.

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 9" IS THE MINIMUM SOUGHT. THE PORCH
IS ALREADY NARROW.

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.)

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: _____

Signature of Owner: _____

Name of Applicant: _____

Signature of Applicant: _____

Date: _____

Zoning Variation Request

Mr. & Mrs. C. Elder
321 South Garfield
Hinsdale, Illinois 60521

The following is intended to be supplemental to the information found within the application.

- Section 1 - #8 Survey:
Attached is a Plat of Survey for the property. The architectural plans also indicate more recent additions to the property. The following is the Legal Description:
LOT FIVE (5) IN THE BLOCK FOUR (4) OF W. ROBBINS PARK ADDITION TO HINSDALE, A SUBDIVISION IN THE SOUTH HALF OF THE NORTH EAST QUARTER AND THE NORTH QUARTER OF THE SOUTH EAST QUARTER OF SECTION 12, TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11), EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED JUNE 12, 1871 AS DOCUMENT 14048 IN BOOK 2 OF PLATS, PAGE 27, IN DU PAGE COUNTY, ILLINOIS
- Section 1 - #9: The existing property is located with the R-1 District as well as the Robbin's Park Historic District. It is a residential property with adjoining residential properties. In the area are two churches and the new middle school.
- Section 1 - #10: The subject property conforms to all zoning regulations except for the existing front porch. The front porch is currently nine inches (9") over the existing allowable setback for and R-1 District.
- Section 1 - #11: The application is requesting that the existing 9" non-conformity be maintained to allow for the replacement of the existing porch with a new porch of substantially equal dimensions.
- Section 2 - #5: The existing home is one of the oldest homes in Hinsdale with tax records dating back to 1862. The existing house was platted on this site long before the enactment of the current zoning requirements. All other aspects of the home meet current regulations including principal structure setbacks, height, elevation, coverage, F.A.R. etc.
- Section 2 - #5 (a) Unique Physical Condition
The existing home dates back to 1862 and the application of current zoning setbacks for unenclosed porches prevents the reconstruction to match existing.
- Section 2 - #5 (b) Not Self-Created
This condition is not self-created.
- Section 2 - #5 (c) Denied Substantial Rights
The denial of the application would prevent the owner from rebuilding his porch. Porches are allowed within the village. The existing porch is already a narrow space and the owner is not asking for anything beyond existing dimensions.
- Section 2 - #5 (d) Not Merely Special Privilege
The requested variation is not special privilege of any kind.

Section 2 - #5 (e) Code and Plan Purposes

The variation would not result in a use or development that would not be in harmony with the Code.

Section 2 - #5 (f) Essential Character of the Area

The request variation would not:

- endanger public welfare,
- devalue subject property or neighboring properties,
- impair adequate supply of light and air to the properties in the vicinity,
- Increase congestion in the public streets;
- Increase the danger of flood or fire
- Unduly tax public utilities or facilities in the area,
- Endanger public health or safety

Section 2 - #5 (g) No Other Remedy:

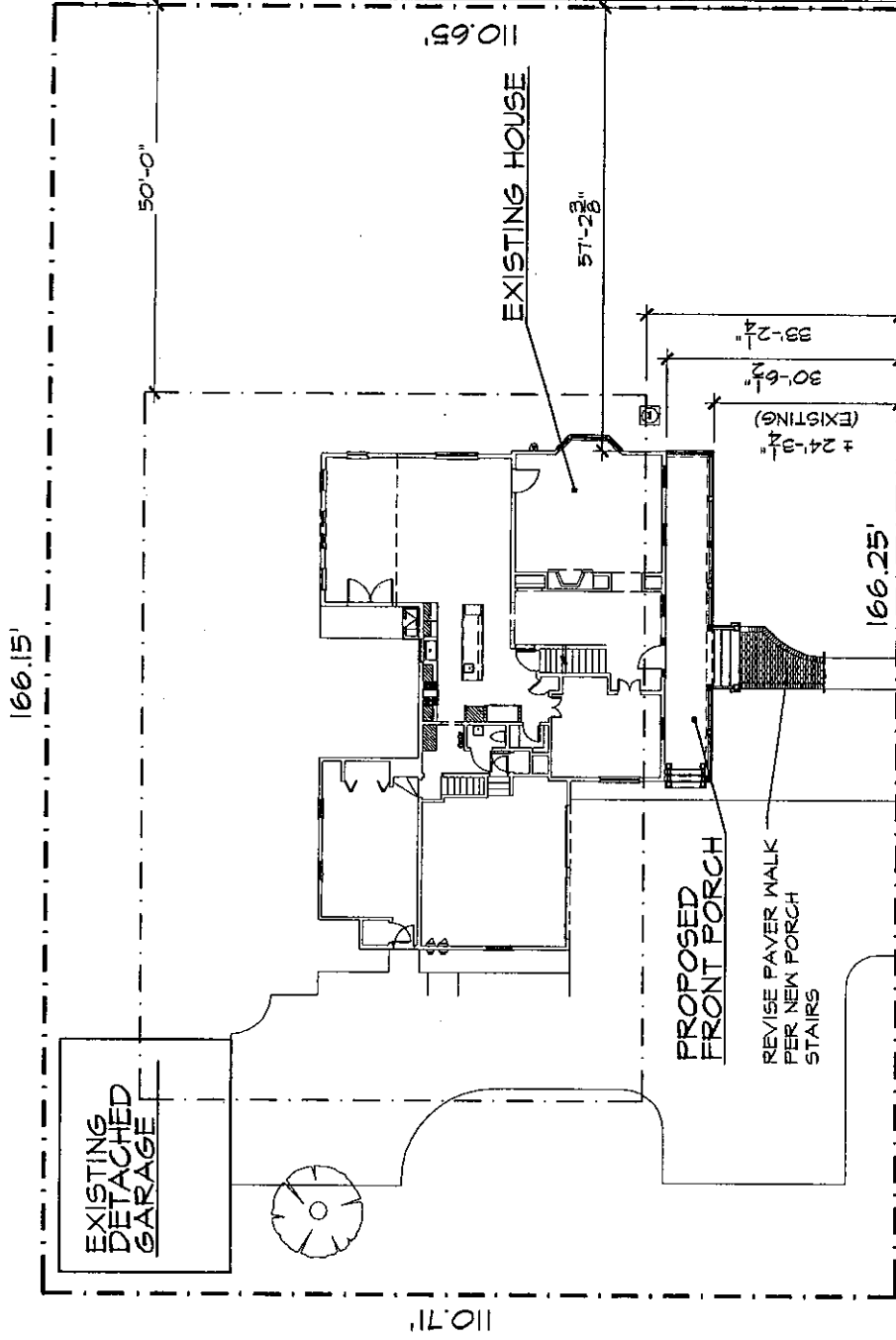
The existing porch is in dire need of replacement. Attached photos illustrate the existing condition of the porch. The owner simply wishes to recreate the porch to match size and scale but the current zoning places the existing porch 9" in violation of the current setback codes. A variation is required to allow reconstruction.

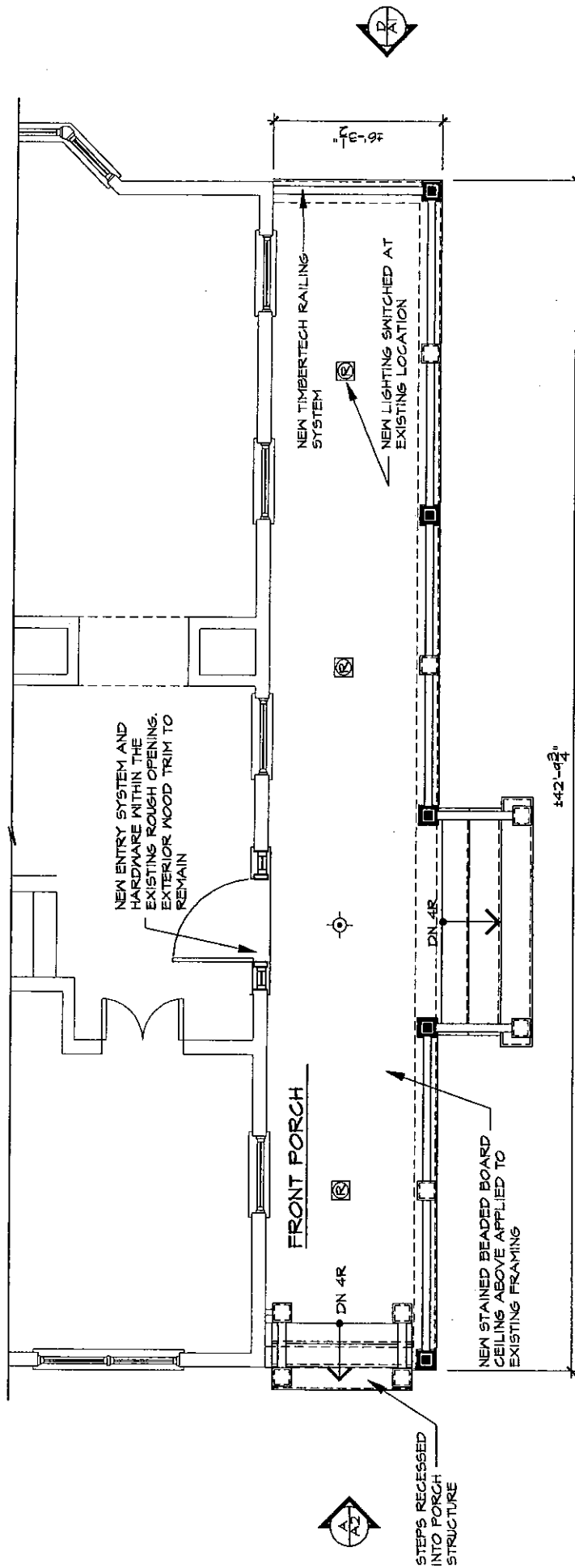


B SITE PLAN

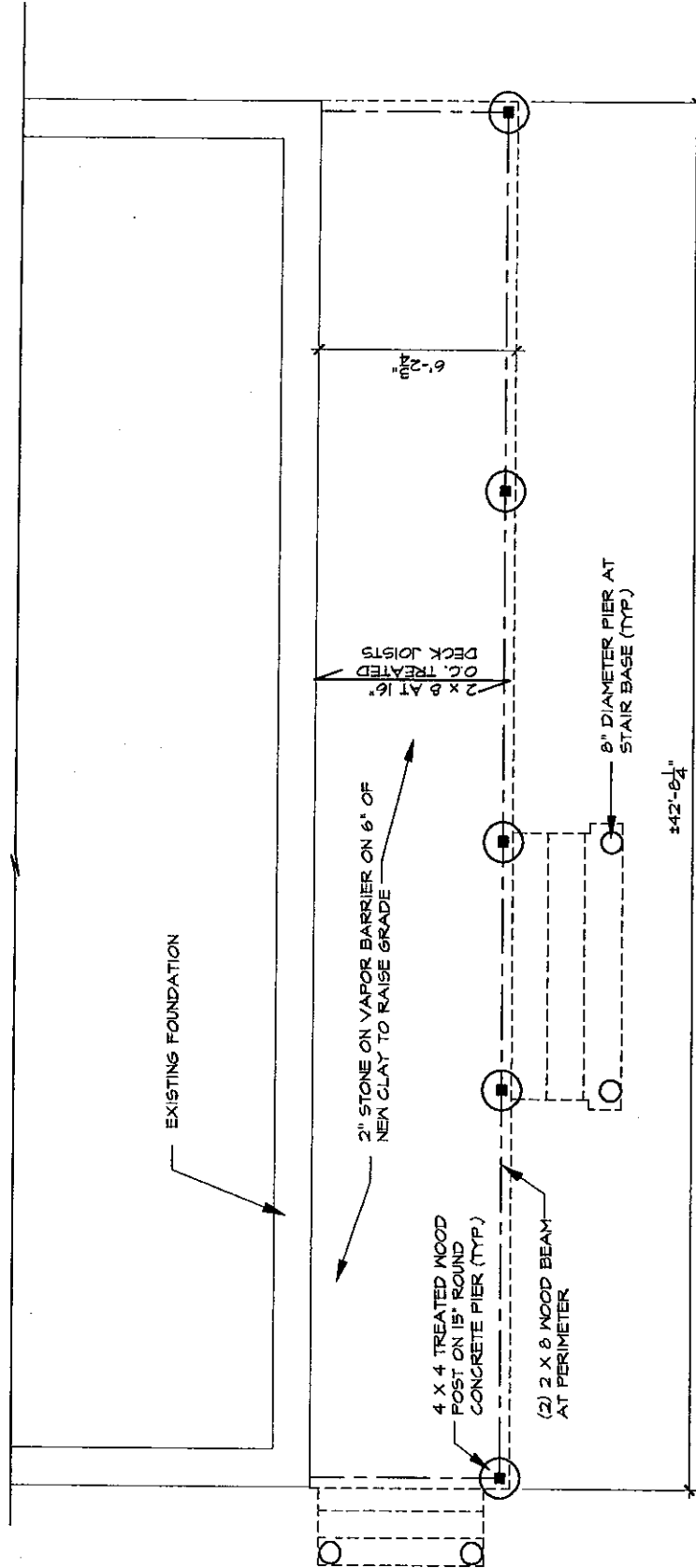
SOUTH GARFIELD AVENUE

EAST FOURTH STREET



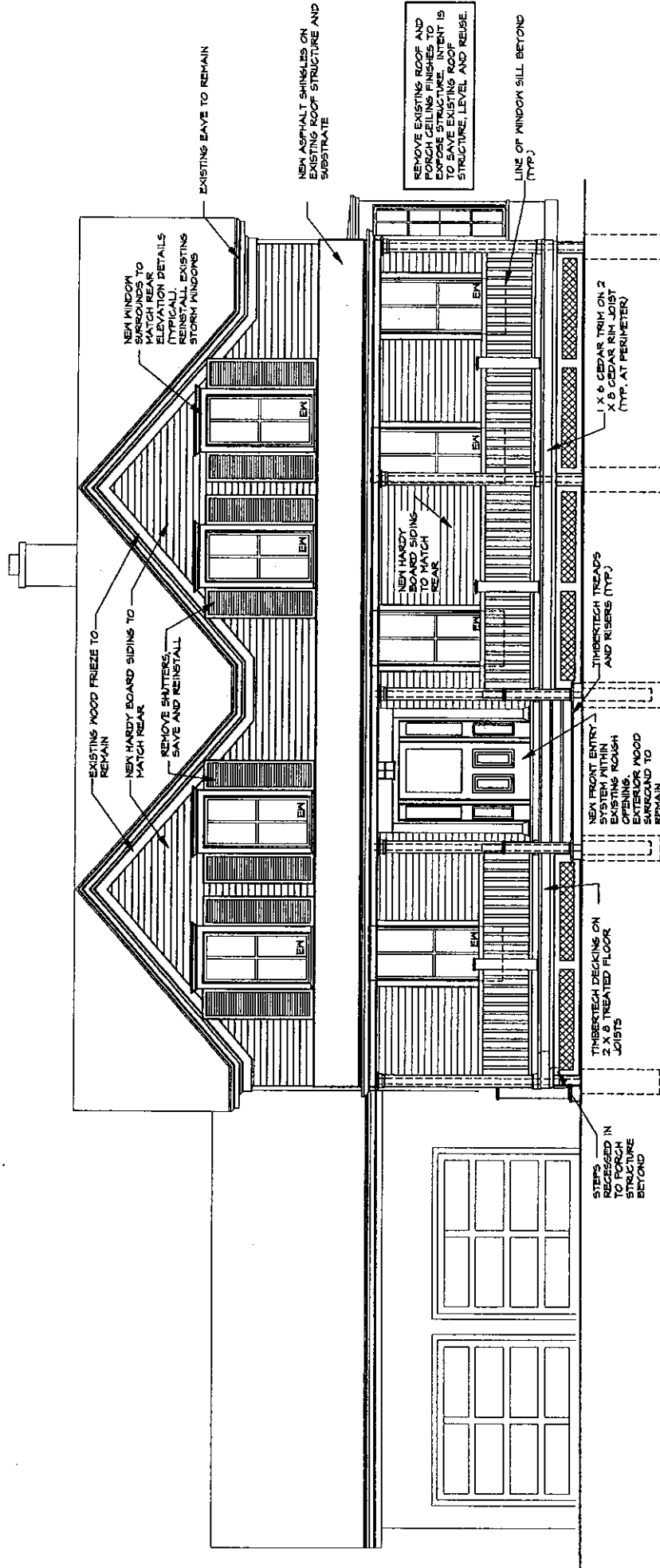


A FIRST FLOOR PLAN **B**



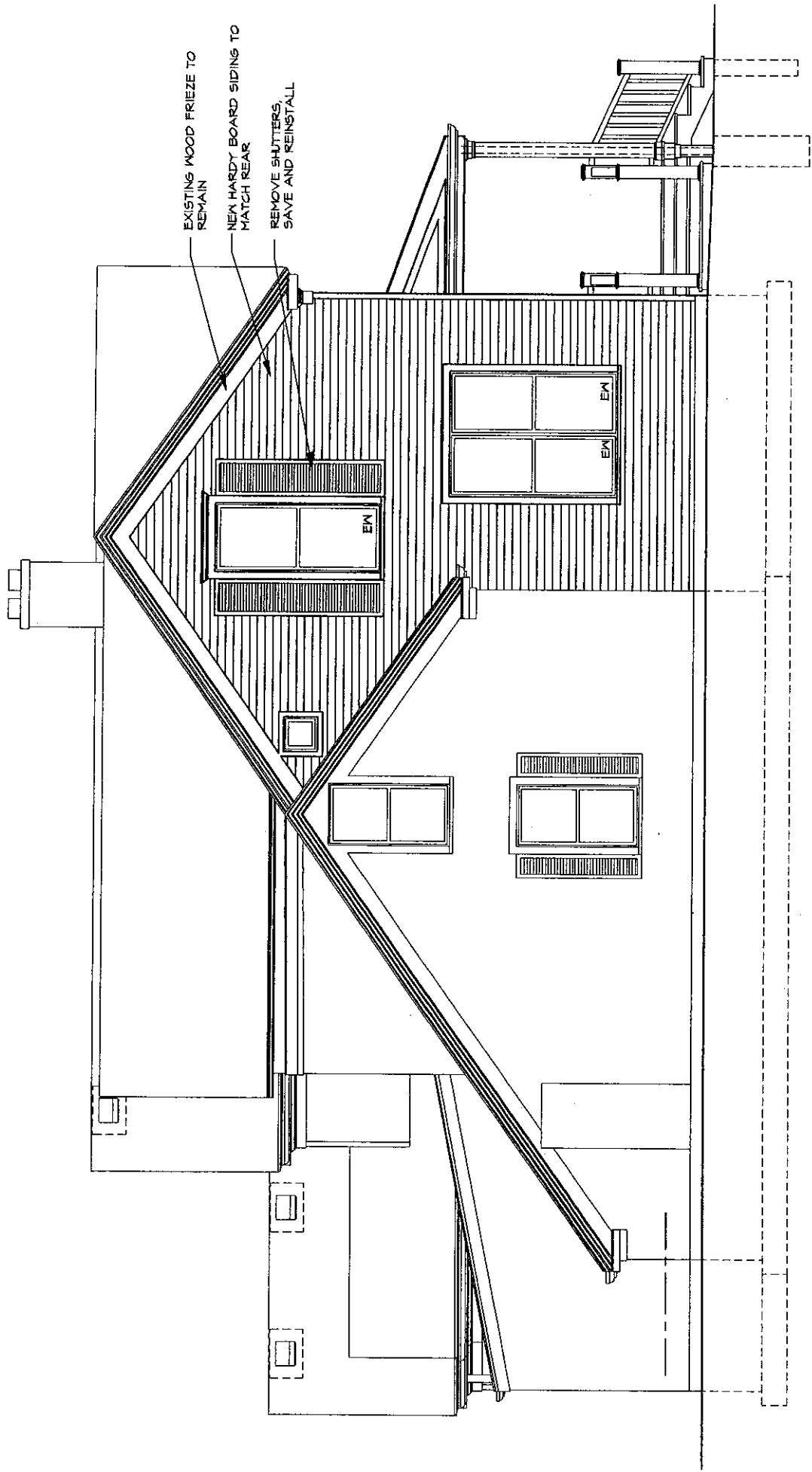
FOUNDATION PLAN



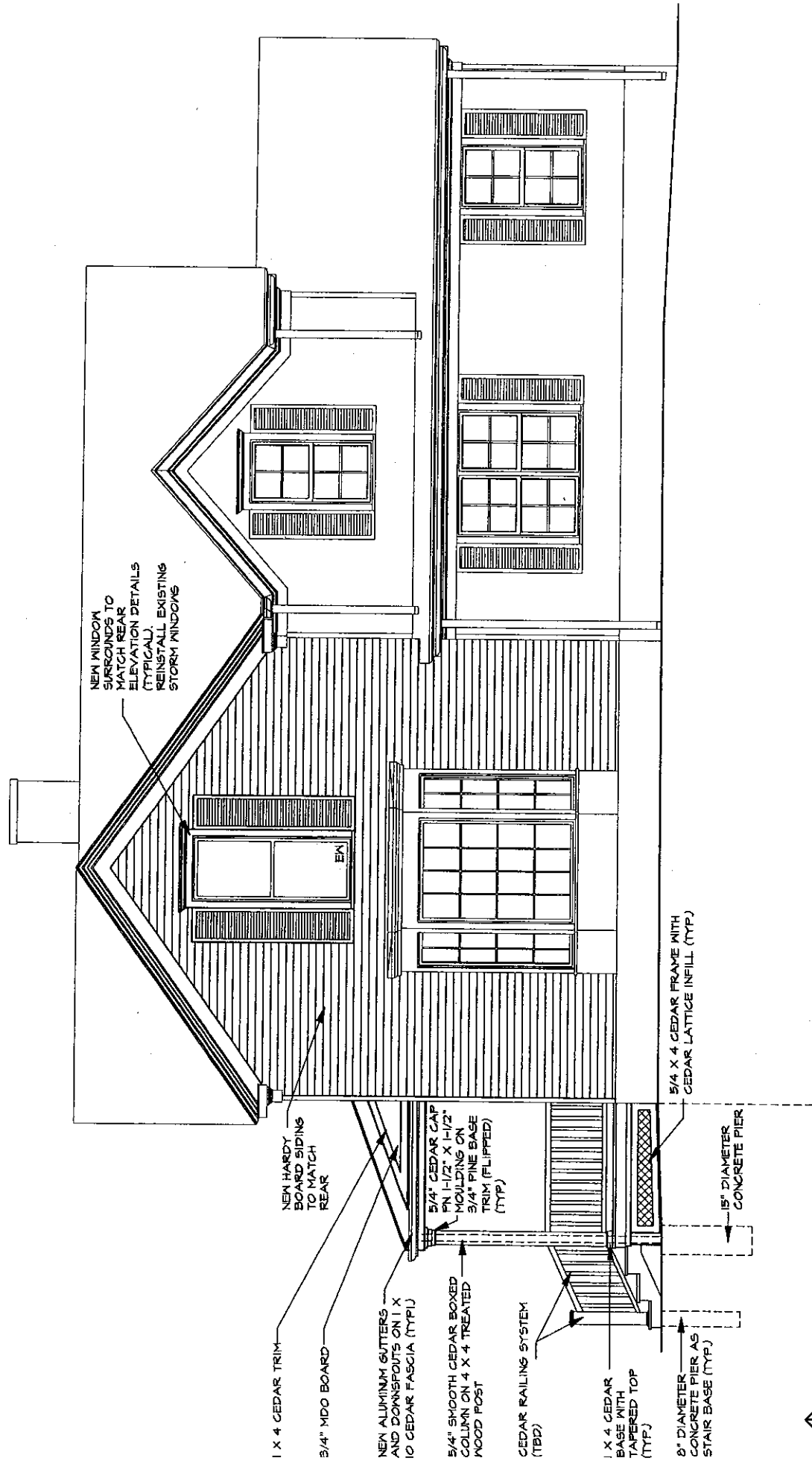


FRONT (WEST) ELEVATION





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



SOUTH ELEVATION



8a

MEMORANDUM

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

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

DATE: August 9, 2018

RE: Zoning Variation – V-06-18; 330 Chestnut (REVISED)

In this application for variation, the applicant requests relief from the side and rear yard setbacks and maximum allowable height of an accessory structure set forth in 5-110 for the construction of a new garage/refuse enclosure on the site.

The specific code sections are as follows;

- 18' maximum allowable height for an accessory structure vs. code required 15' (5-110(A)(2))
- 2' side yard vs. code required 10' (3-110(C)(2)(a))
- 2' side yard setback vs. code required 10' (3-110(C)(2)(b))
- 1' rear setback vs. code required 20' (5-110(C)(3)(a))
- 0' rear yard setback vs. code required 20' (5-110(C)(3)(b))
- 2' side landscape buffer vs. code required 10' (9-107(L))
- 0' rear landscape buffer vs. code required 10' (9-107(L))

This property is located in the B-3 Business District in the Village of Hinsdale and is located on the south side of Chestnut Street between Vine and Clay. The property is irregularly shaped and has a total square footage of approximately 24,090. The maximum FAR is 50% or 12,045. The Total Lot Coverage is 90% or approximately 21,681 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-06-18

Zoning Calendar No. V-06-18 (revised)

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: \$850.00

NAME OF APPLICANT(S): Hinsdale Land Restoration and Preservation, LLC

ADDRESS OF SUBJECT PROPERTY: 330 Chestnut Street Hinsdale IL

TELEPHONE NUMBER(S): (415) 830 0649

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

DATE OF APPLICATION: August 8, 2018



SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Sharon Habiger 133 North Washington Street, Hinsdale IL 60521
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: NA

3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: Agent of applicant Michael Abraham Architecture (Bernie Bartelli) 148 W. Burlington Ave. Clarendon Hills, IL 60514 630-655-9417

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

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: _____
 - b. Engineer: Ridgeline Consultants 630-801 -7927
 - c. Architect: Michael Abraham Architecture 630-655-9417
 - 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. _____

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. See attached plat of topography and record drawings.
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. See attached Michael Abraham Architecture drawing sheet 1 Project Overview for existing zoning information and attached certificate of zoning compliance
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. See attached sheet 1 "Overview" for list of variation requests. See attached sheet 2 "Zoning Requirements Site Plan" for existing zoning information and attached sheet 3 "Variation Request Site Plan" for variations being requested. See attached certificate of zoning compliance.

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. See Michael Abraham drawing sheet 1 Overview, 3 Zoning Diagrams, 4 Site Plan for zoning information
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code. N/A

SECTION II

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

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

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

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

See Attached
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: See Attached for (a) through (g)

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

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

See Attached

SECTION III

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

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements. *See attached plat, record drawing Michael Abraham drawing sheets 1-6*
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. *See attached plat, record drawing Michael Abraham drawing sheets 1-6*

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 applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

SECTION V

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

Name of Owner: Hinsdale Land Restoration and Preservation, LLC

Signature of Owner: _____

Name of Applicant: Michael Abraham Architecture (Bernie Bartelli)
agent of Sharon Habiger

Signature of Applicant: _____

Date: July 09, 2018

Attached Documents

SECTION I

4) 330 North Chestnut Street Hinsdale IL.

LEGAL DESCRIPTION:

LOTS 4, 5, 6 AND 7 IN CHESTNUT STREET COURT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2001 AS DOCUMENT R2001-203762, EXCEPTING THEREFROM THAT PART OF LOT 4, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 15 DEGREES 09 MINUTES 55 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 60.29 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE SOUTH 74 DEGREES 50 MINUTES 05 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 27.50 FEET; THENCE NORTH 34 DEGREES 38 MINUTES 48 SECONDS EAST, A DISTANCE OF 24.22 FEET TO A POINT; THENCE NORTH 15 DEGREES 09 MINUTES 55 SECONDS WEST, A DISTANCE OF 44.29 FEET TO THE NORTHERLY LINE OF SAID LOT 4; THENCE NORTH 72 DEGREES 28 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, A DISTANCE OF 9.01 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

7) Current zoning is B3. 250 feet around lot below



SECTION II

(attached)

(2-4) Variations of village code being sought for a proposed maintenance accessory structure

- 18' accessory structure height vs. code required 15' (5-110(A 2))
- 2' side yard vs. code required 10' (5-110(C 2a))
- 2' side setback vs. code required 10' (5-110(C 2b))
- 1' rear setback vs. code required 20' (5-110(C 3a)) previously granted
- 0' rear yard setback vs. code required 20' (5-110(C 3b)) previously granted
- 2' side landscape buffer vs. code required 10' (9-107L)
- 0' rear landscape buffer vs. code required 10' (9-107L) previously granted

5) Standards for Variation

A. Unique Physical Condition:

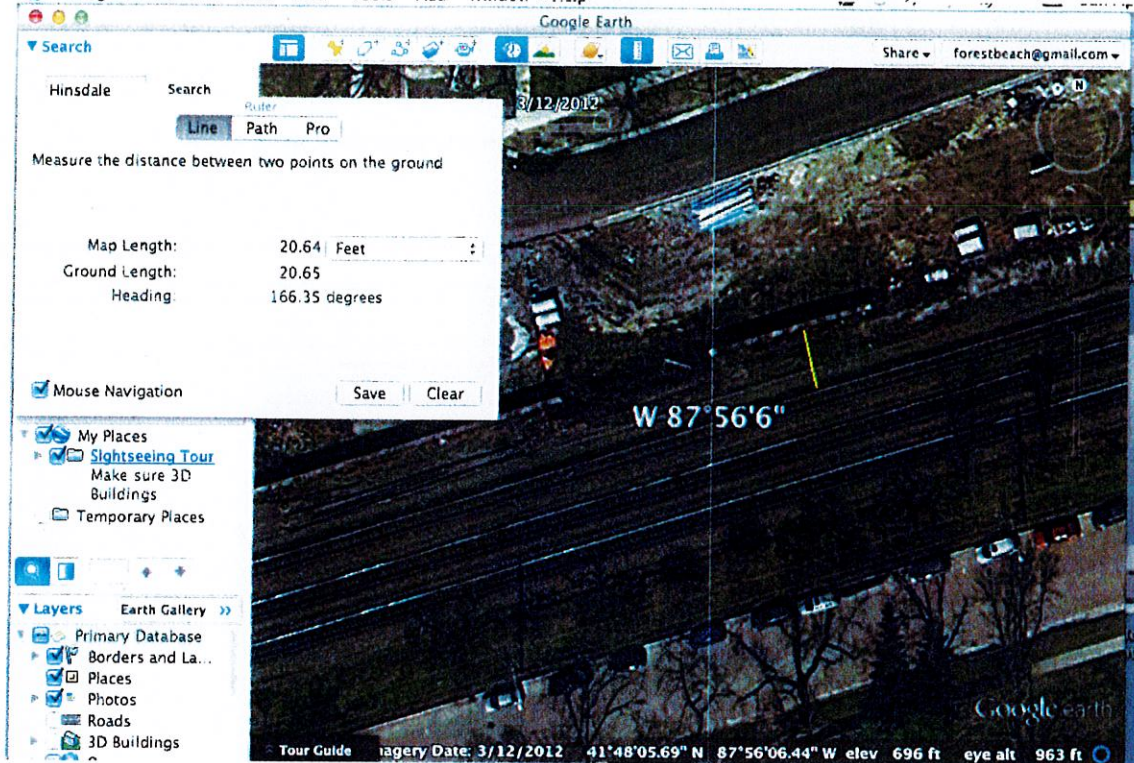
-The lot is uniquely shaped for the B-3 zoning district. The only feasible location for the proposed maintenance building is in the Southwest corner of the lot. The required side setbacks of 10' and rear yard setback of 20' would leave an unusable footprint. See sheet 2 of the attached drawing set.

-This uniquely shaped corner of the lot is atypical for the B-3 district, with an average width of 30', well below the minimum lot width of 125' for the B-3 district. This limits the footprint of the proposed building.

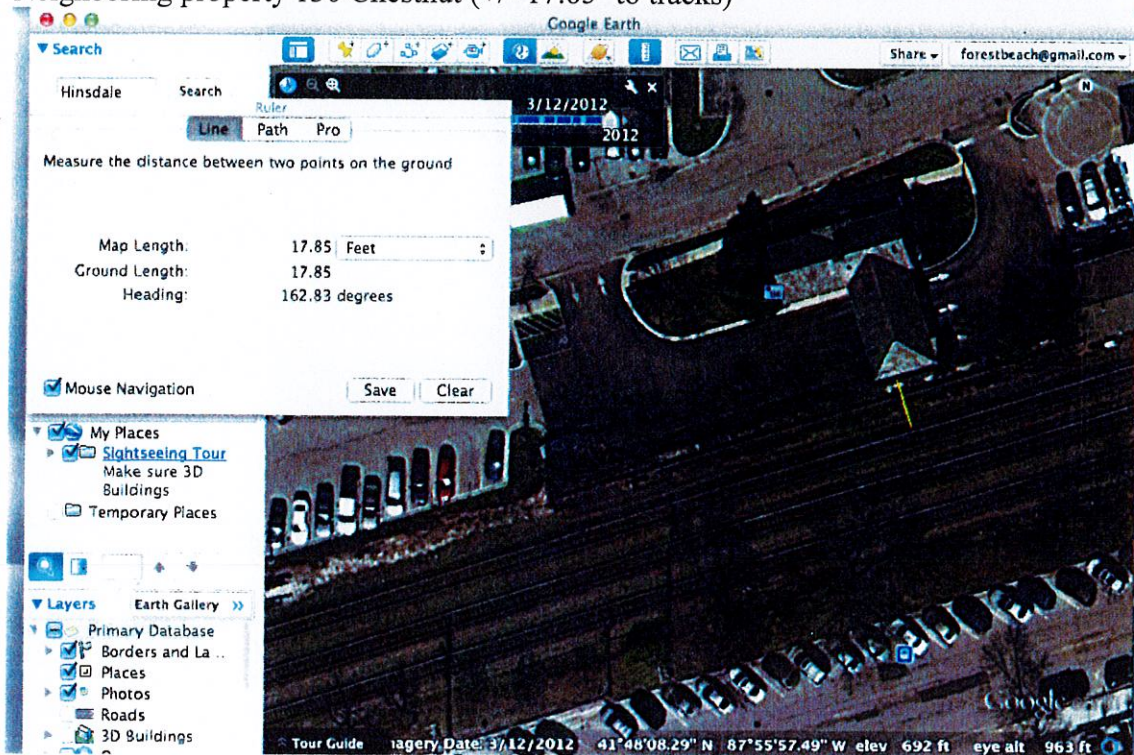
B. The unique physical condition is not self-created and is a result of the lot's shape, non-conformity for the zoning district.

C. Carrying out the existing required side and rear yard setbacks would render a building that is unusable. See the diagrams below for the proximity to the tracks for the proposed building and the neighboring properties:

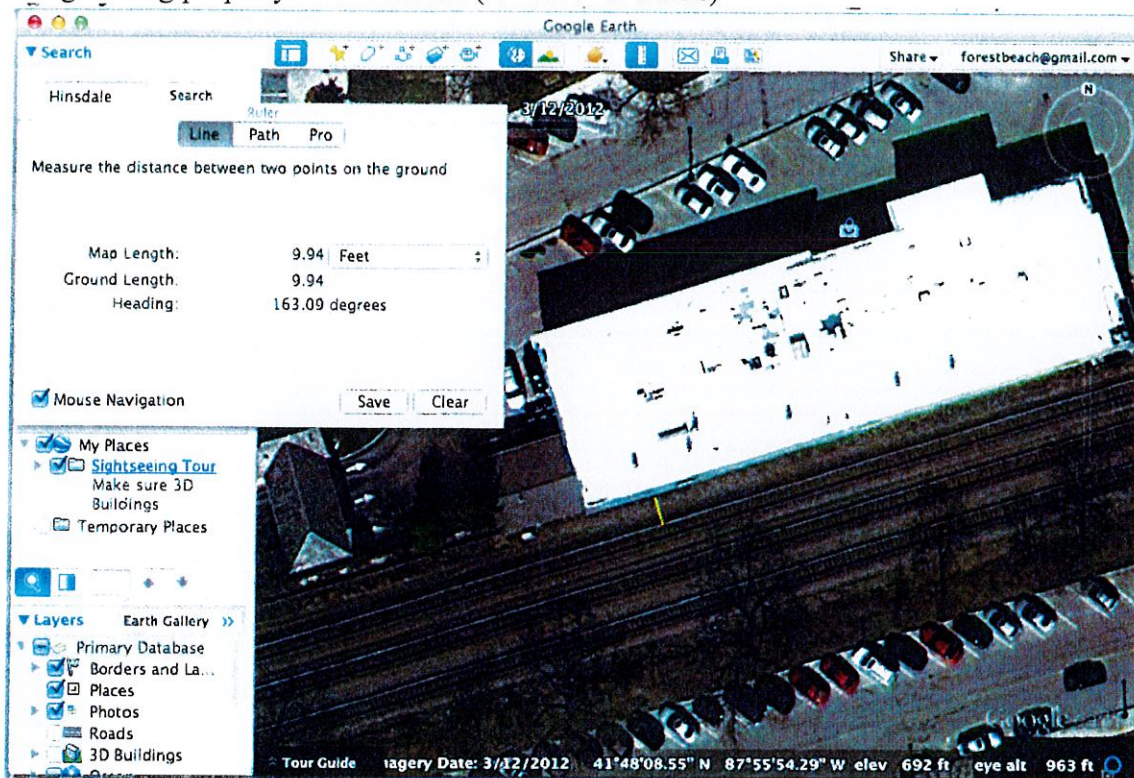
Subject property existing retaining wall (proposed +/- 20.64' to tracks)



Neighboring property 130 Chestnut (+/- 17.85' to tracks)



Neighboring property 30 S. Lincoln (+/- 9.94' to tracks)



D. Special privilege is not requested. The applicant is seeking to have similar setbacks and allowable building depth as neighboring properties while providing significantly less lot coverage, 58% for proposed maintenance building and existing office building compared to the allowed 90%. With regards to height we are seeking more building volume as compensation for the limited footprint this corner of the site allows. The height is also in keeping with neighboring properties. Finally the applicant will provide ample green space in keeping with the green space provided for the recently completed office building on the site.

E. The goal is to build a structure that matches the Code and Plan Purposes while continuing to minimize lot coverage.

F. 1) The minimal footprint would significantly improve vacant condition of the site as well as shield the existing dumpsters on site.

2) The scale and minimal lot coverage would not materially impair adequate supply of light and air to the properties and improvements in the vicinity.

3) The proposed maintenance shed is not an occupiable space and would not increase the current parking and traffic load.

4) The minimized scale of the building to the site would not unduly increase the risk of flood or fire.

5) The minimized scale of the maintenance building and non-occupiable nature of the structure would not unduly tax public utilities.

6) The minimized scale of the building to the site would not endanger public health or safety.

G) There is no other remedy due to constraints of the uniquely shaped property if the goal is to create a usable accessory structure.

Additional Documents Attached

- Proof of Ownership
- Certificate of Zoning Compliance
- Plat of Survey
- Record site drawings of existing conditions

- Michael Abraham Architecture drawing sheets
 - 1-Overview
 - 2-Zoning Requirements Site Plan
 - 3-Variation Request Site Plan
 - 4-Proposed Plan
 - 5-Proposed East Elevation
 - 6-Proposed Elevations

PROOF OF
OWNERSHIP

This Instrument Prepared By:
Philip M. J. Edison, Esq.
Chapman and Cutler LLP
111 West Monroe
Chicago, Illinois 60603

When Recorded Mail To:
Melinda Higgins Brom, Esq.
301 Scottswood Road
Riverside, Illinois 60546

20061360

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE ONLY

QUIT CLAIM DEED

The Grantor, LASALLE 115 HOLDINGS, LLC - SERIES 1, an Illinois limited liability company, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, conveys and quit claims to HINSDALE LAND RESTORATION AND PRESERVATION, LLC, an Illinois limited liability company, the following described real estate situated in the County of DuPage in the State of Illinois, to wit:

LOTS 4, 5, 6 AND 7 IN CHESTNUT STREET COURT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2001 AS DOCUMENT R2001-203762, EXCEPTING THEREFROM THAT PART OF LOT 4, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 15 DEGREES, 09 MINUTES, 55 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 60.29 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE SOUTH 74 DEGREES, 50 MINUTES, 05 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 27.50 FEET; THENCE NORTH 34 DEGREES, 38 MINUTES, 48 SECONDS EAST, A DISTANCE OF 24.22 FEET TO A POINT; THENCE NORTH 15 DEGREES, 09 MINUTES, 55 SECOND WEST, A DISTANCE OF 44.29 FEET TO THE NORTHERLY LINE OF SAID LOT 4; THENCE NORTH 72 DEGREES, 28 MINUTES, 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, A DISTANCE OF 9.01 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 306-330 Chestnut Street
Hinsdale, Illinois 60521

Permanent Index Number: 09-12-109-017;
09-12-109-018;
09-12-109-019;
09-12-109-024

IN WITNESS WHEREOF, said Grantor has caused its name to be signed to these presents
by its Vice President, this April 26, 2013.

LaSalle 115 Holdings, LLC - Series 1, an
Illinois limited liability company

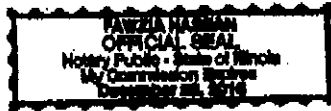
By: Thomas H. Bessler
Name: Thomas H. Bessler
Title: Vice President

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby
certify that Thomas H. Bessler, personally known to me to be a Vice President of LaSalle 115
Holdings, LLC - Series 1, an Illinois limited liability company and personally known to me to be
the same person whose name is subscribed to the foregoing instrument, appeared before me this
day in person and acknowledged that as such Vice President, he signed and delivered the said
instrument as his free and voluntary act, and as the free and voluntary act and deed of said
company, for the uses and purposes therein set forth.

Given under my hand and official seal this 26th day of April, 2013.

(NOTARIAL SEAL)



My commission expires December 26, 2016

Pamela H. Bessler
Notary Public

Mail subsequent tax bills to:
Hinsdale Land Restoration and Preservation LLC
15 Salt Creek Lane, Suite 312
Hinsdale, Illinois 60521

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

Application for Certificate of Zoning Compliance


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

Applicant's name: Hinsdale Land Restoration and Preservation, LLC

Owner's name (if different): Sharon Habiger

Property address: 330 Chestnut Street

Property legal description: [attach to this form] SEE PLAT

Present zoning classification: B-3, General Business District 

Square footage of property: 24,090

Lot area per dwelling: _____

Lot dimensions: see x plat

Current use of property: Office building

Proposed use: ☐ Single-family detached dwelling
☐ Other: variation sought for new maintenance bldg.

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

Brief description of request and proposal:

Seeking variation for side yard, rear yard and height requirements for proposed maintenance building

Plans & Specifications: [submit with this form]

Provided: Required by Code:

Yards:

front:	<u>38'***</u>	<u>25'</u>
interior side(s)	<u>2*</u> / _____	<u>10'</u> / _____

Provided:

Required by Code:

corner side

rear

na

20'

Setbacks (businesses and offices):

front:

25'

interior side(s)

2' /

10'

corner side

na

rear

1'

20'

others:

Ogden Ave. Center:

York Rd. Center:

Forest Preserve:

Building heights:

principal building(s):

30'

accessory building(s):

18'

15'

Maximum Elevations:

principal building(s):

accessory building(s):

Dwelling unit size(s):

Total building coverage:

na

Total lot coverage:

14,118**

21,681

Floor area ratio:

7,243***

12,045

Accessory building(s):

Spacing between buildings:[depict on attached plans]

principal building(s):

accessory building(s):

4'

3'

Number of off-street parking spaces required: 0

Number of loading spaces required: 0

Statement of applicant:

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

By:

Applicant's signature

Bernie Bartelt

Applicant's printed name

Dated: 7/9, 2018.

* VARIATION REQUEST

** INCLUDES PROPOSED
MAINTENANCE BUILDING &
EXISTING OFFICE
BUILDING

*** EXISTING OFFICE
BUILDING

EXISTING ZONING INFORMATION

CODE REQUIREMENTS		CURRENT BUILDING
MINIMUM LOT AREA	6,250 SF	24,090 SF
MINIMUM LOT DEPTH	125'	76.15'
MINIMUM LOT WIDTH	50'	47.924'
BUILDING HEIGHT	30'	28.3' @ MEDIAN EAVE, 24.6' @ PARAPET
NUMBER OF STORES	2	2
FRONT YARD BUILDING SETBACK	5'-0" PER GRANTED ZONING VARIANCE	6'-4.1" TO BLDG, 5'-0.1" GARDEN WALL
CORNER SIDE YARD BUILDING SETBACK	N/A	N/A
INTERIOR SIDE YARD BUILDING SETBACK	10'	142'-0.1"
REAR YARD BUILDING SETBACK	1'-0" PER GRANTED ZONING VARIANCE	2'-11"
FLOOR AREA RATIO	50% OF LOT AREA= 12,045 SF	7,243 (30%)
TOTAL LOT COVERAGE	40% OF LOT AREA= 21,661 SF	13,442 (56%)
PARKING REQUIREMENTS	FOR OFFICE 1 / 250 NET SF (43,604), 14.4	15
FRONT YARD SETBACK	2'-1" PER GRANTED ZONING VARIANCE	5'-0.1" TO GARDEN WALL, 6'-4" PARKING
CORNER YARD SETBACK	N/A	N/A
REAR YARD SETBACK	0' PER GRANTED ZONING VARIANCE	1'-3" TO GARDEN WALL, 2'-11" TO BLDG
LANDSCAPE BUFFER (SIDE YARD)	10'	10'
LANDSCAPE BUFFER (FRONT YARD)	2'-1" PER GRANTED ZONING VARIANCE	6'-4"
LANDSCAPE BUFFER (REAR YARD)	0'-0" PER GRANTED ZONING VARIANCE	1'-10"
LOADING REQUIREMENTS	0 PER GRANTED ZONING VARIANCE	0
REQUIRED	PROPOSED	
ACCESSORY STRUCTURE HEIGHT	15'-0"	11'-10"

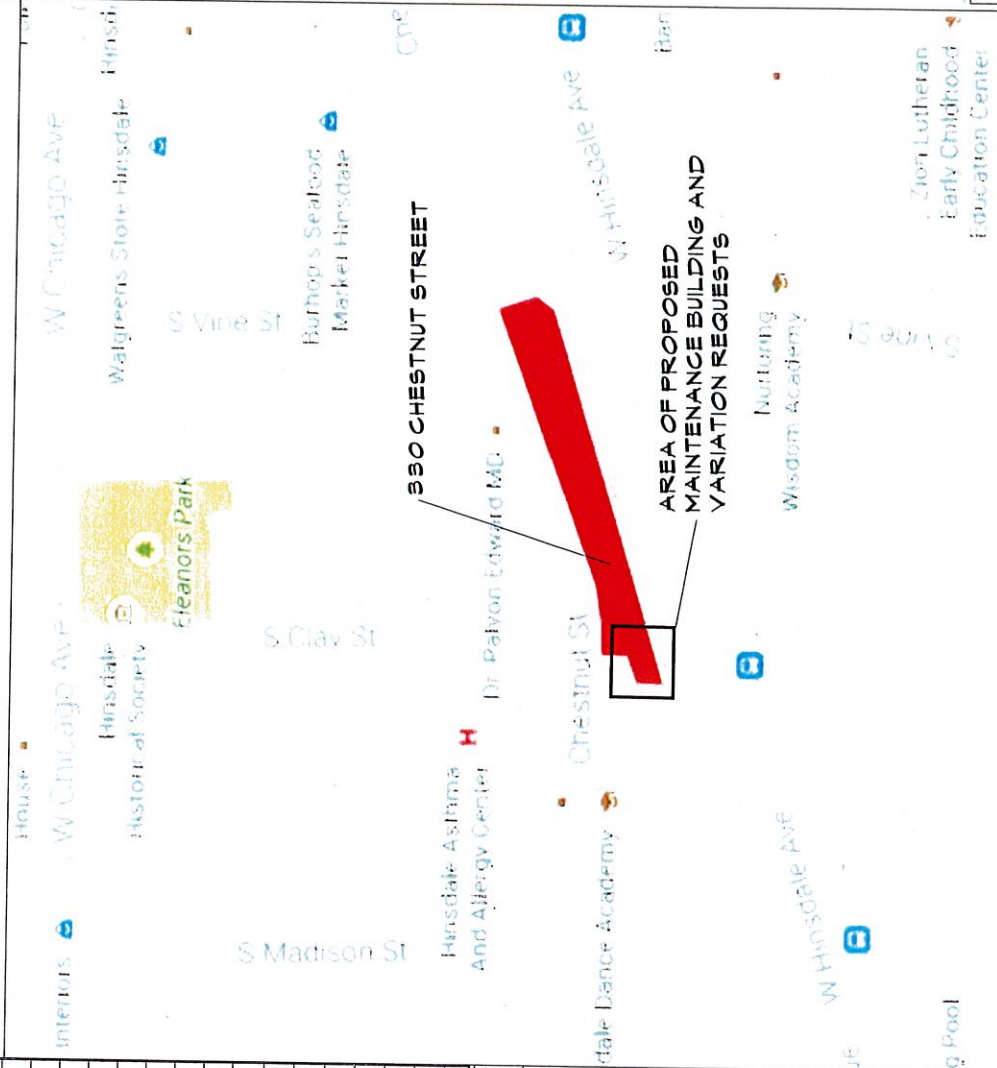
ZONING VARIATION REQUEST

ZONING DISTRICT		B-3
VARIATION REQUEST	REQUIRED BY CODE	CODE SECTION
15'-0" ACCESSORY STRUCTURE HEIGHT	15' ACCESSORY STRUCTURE HEIGHT	5-110 (A 2)
2'-0" SIDE YARD	10'-0" SIDE YARD	5-110 (C 2a)
2'-0" SIDE SETBACK	10'-0" SIDE SETBACK	5-110 (C 2b)
1'-0" REAR SETBACK (PREVIOUSLY GRANTED)	20'-0" REAR SETBACK	5-110 (C 3a)
0'-0" REAR YARD (PREVIOUSLY GRANTED)	20'-0" REAR YARD	5-110 (C 3b)
2'-0" LANDSCAPE BUFFER SIDE YARD	10'-0" LANDSCAPE BUFFER	9-107 L
0'-0" LANDSCAPE BUFFER REAR YARD (PREVIOUSLY GRANTED)	10'-0" LANDSCAPE BUFFER	9-107 L

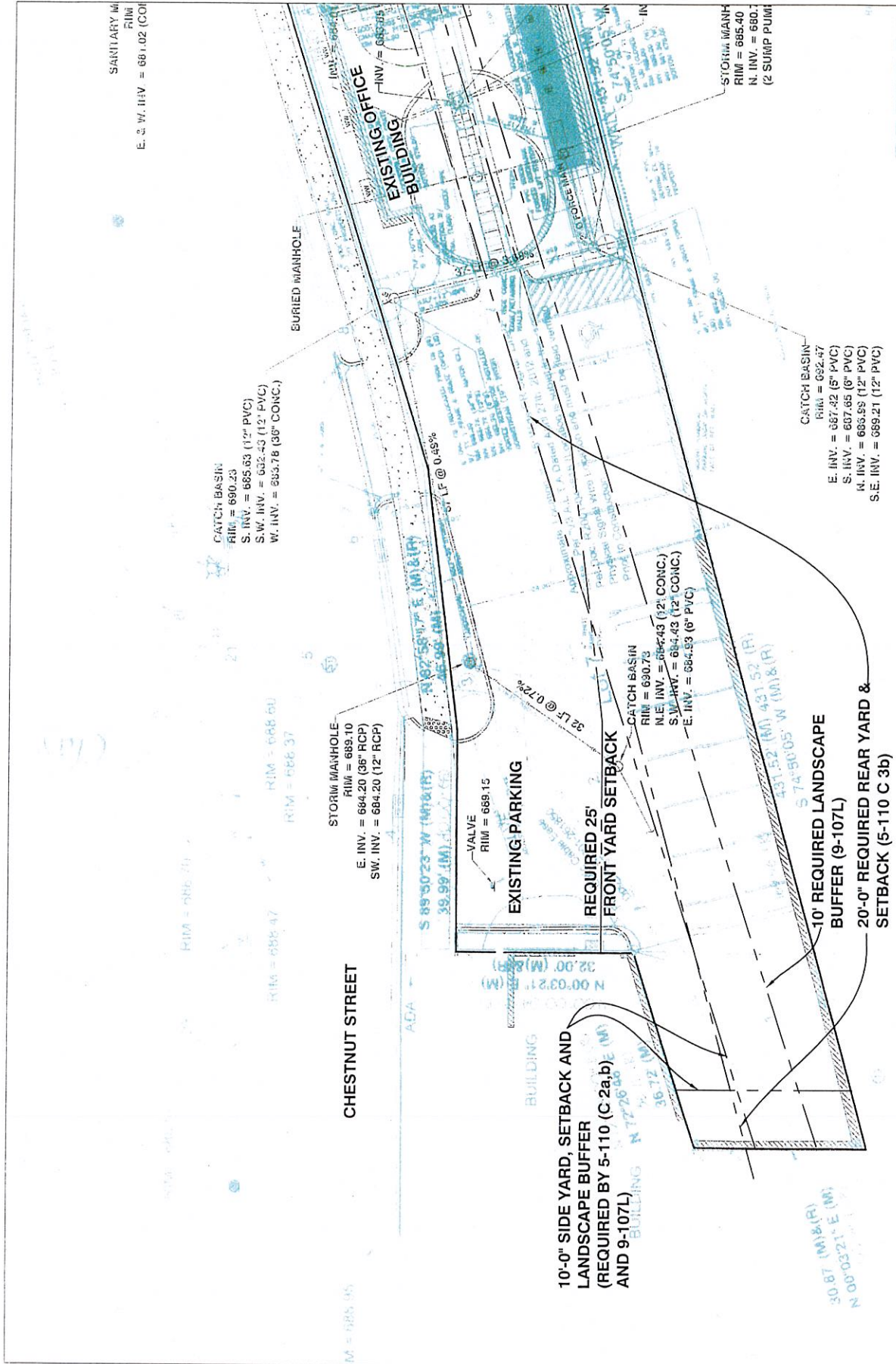
TABLE OF CONTENTS

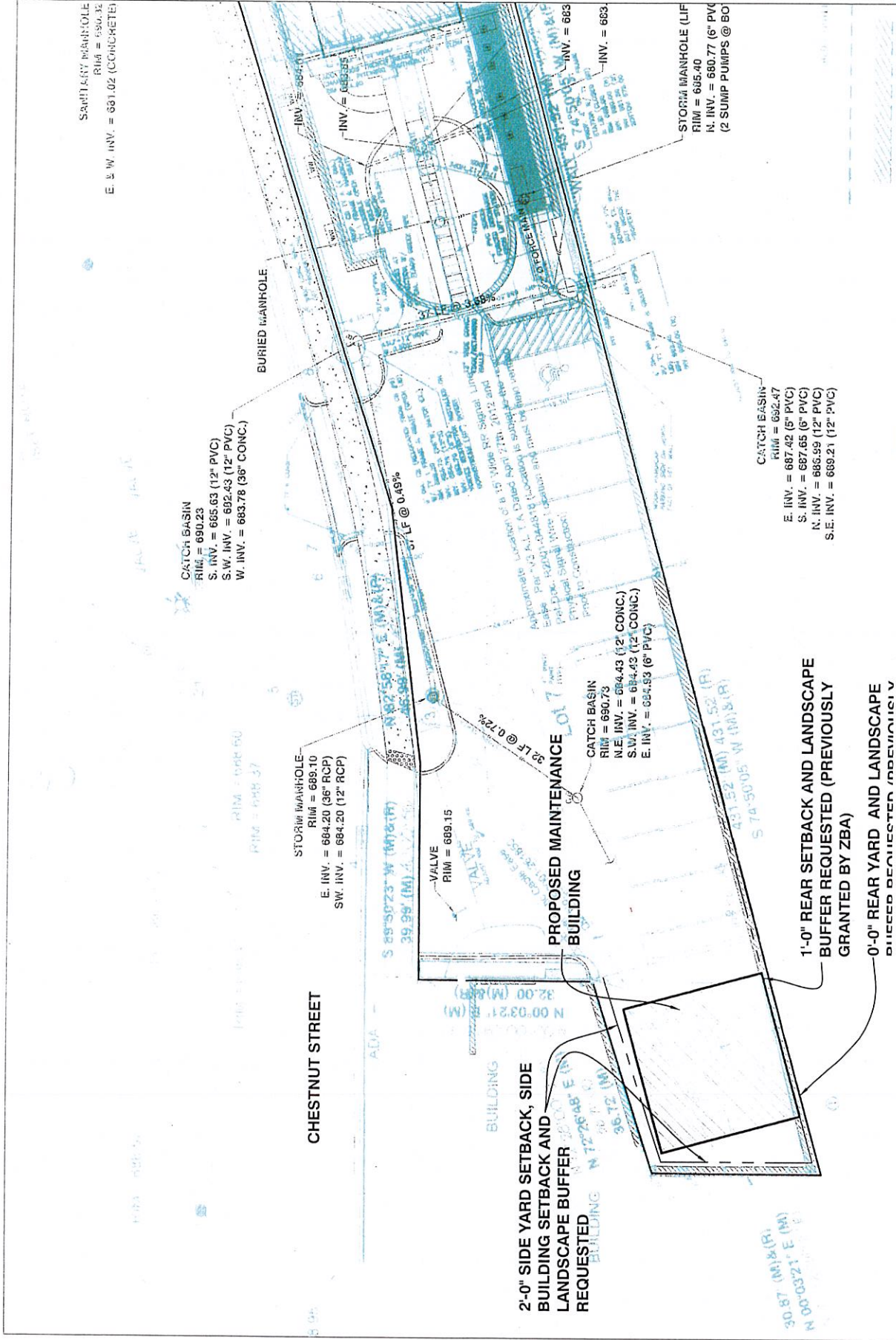
1 PROJECT OVERVIEW	4 PROPOSED PLAN
2 ZONING REQUIREMENTS SITE PLAN	5 PROPOSED EAST ELEVATION
3 VARIATION REQUEST SITE PLAN	6 PROPOSED ELEVATIONS

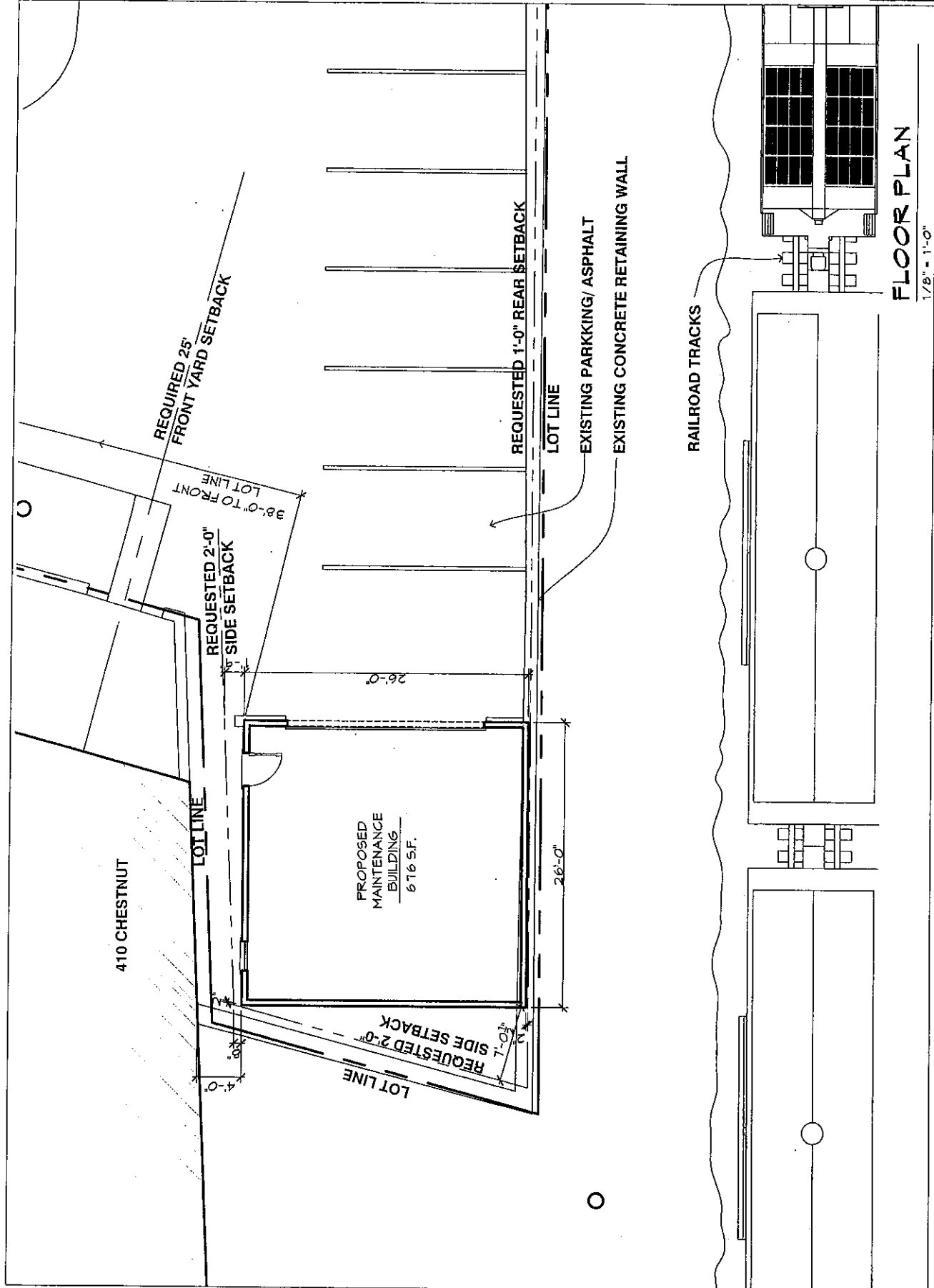
VICINITY MAP OF LOT



SITE PLAN ZONING REQUIREMENTS

$$\frac{1}{16"} = 1'-0"$$


$$\underline{1/16" = 1'-0"}$$


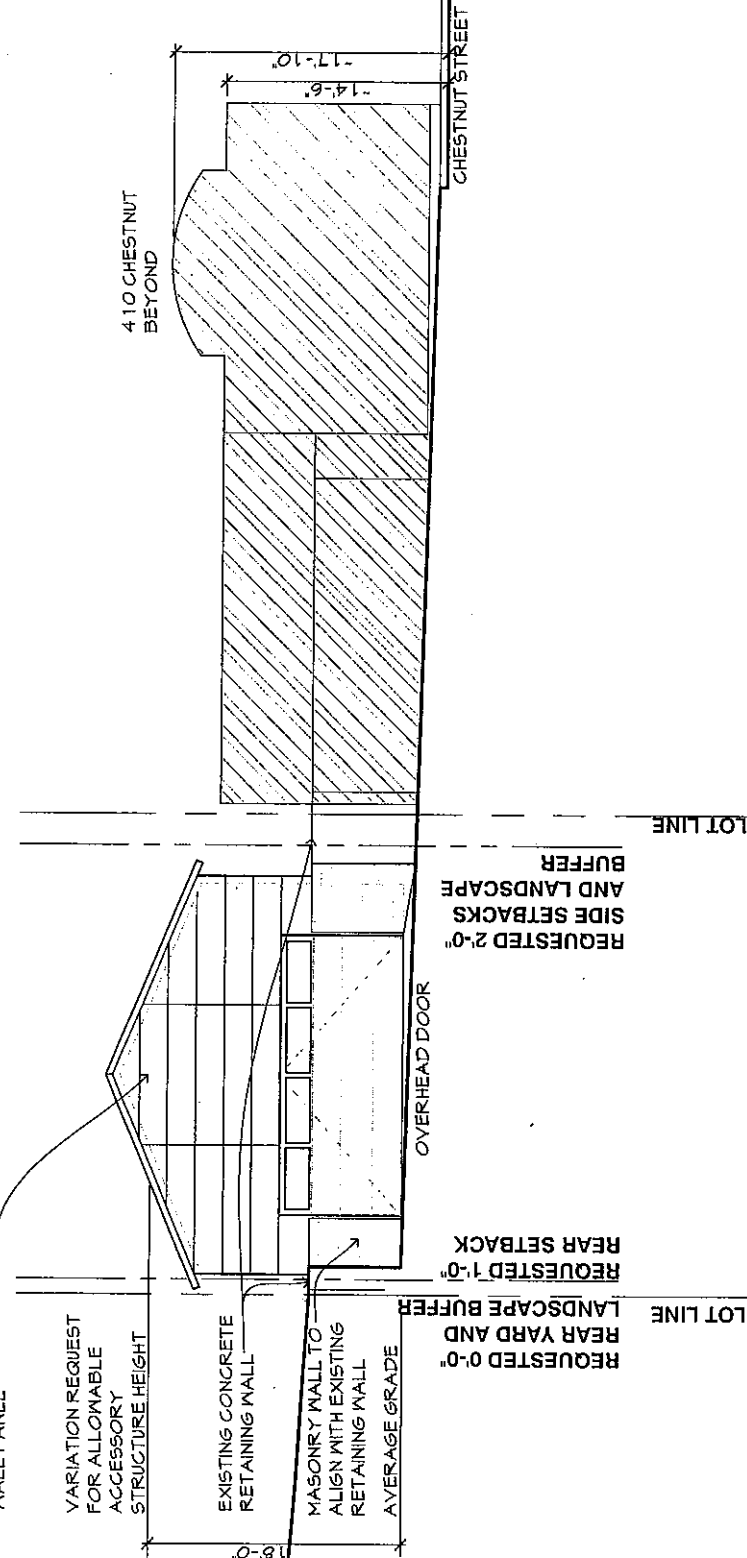


5

08.08.18

EAST ELEVATION

1/8" = 1'-0"



HINSDALE LAND RESTORATION AND

PRESERVATION LLC

330 Chestnut Street Hinsdale, Illinois

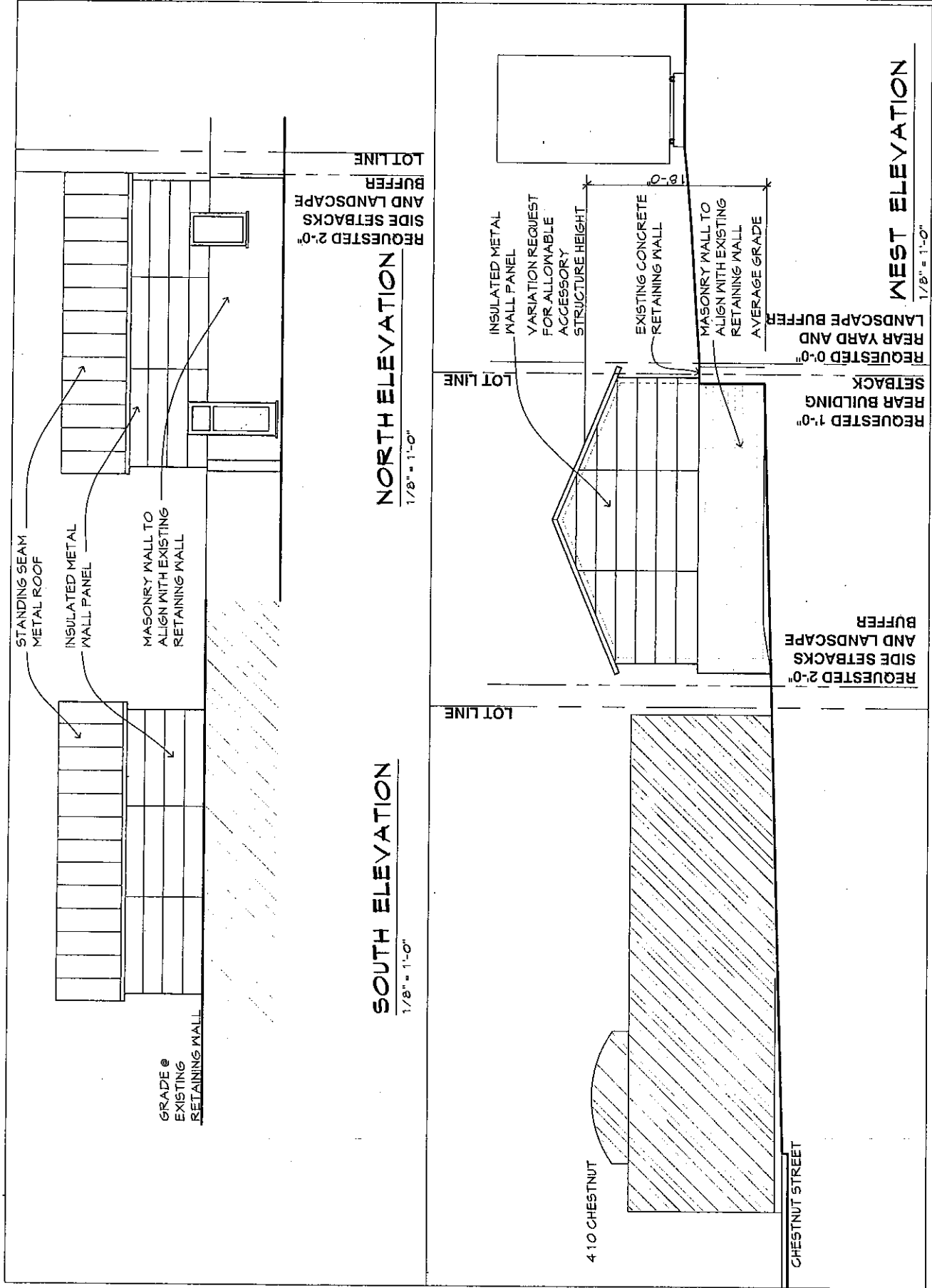
MICHAEL ABRAHAM
ARCHITECTURE

HINSDALE LAND RESTORATION AND PRESERVATION LLC

MICHAEL ABRAHAM ARCHITECTURE

330 Chestnut Street Hinsdale, Illinois

11/11/17 11:11 AM



MEMORANDUM

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

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

DATE: July 10, 2018

RE: Zoning Variation – V-07-18; 336 E. Ogden Avenue

In this application for variation, the applicant requests relief from a precode structure extending horizontally in the front yard setback set forth in 5-110(C)(1)(b) in the B-3 General Business District. Section 10-104(B)(1) prohibits the expansion of an existing precode structure horizontally in the required front yard setback.

The specific code section is as follows;

- 75' front yard setback from Ogden Avenue centerline vs. code required 100' front yard setback from Ogden Avenue centerline (5-110(C)(1)(b)).

This property is located in the B-3 Business District in the Village of Hinsdale and is located on the south side of Ogden Avenue. The horizontal expansion (west) is in the front yard setback, and the applicant intends to demolish the existing front area of the building and increase the current 60' front yard setback to the proposed 75'. This request would also reduce the lot coverage since the proposed expansion is on existing asphalt and the aforementioned demolished area would be landscaped.

cc: Kathleen Gargano, Village Manager
Zoning file V-07-18

Zoning Calendar No. V-07-18

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): J&L Hinsdale, LLC

ADDRESS OF SUBJECT PROPERTY: 336 E. Ogden Ave

TELEPHONE NUMBER(S): 630-357-1200

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

DATE OF APPLICATION: July 10, 2018



RECEIVED
CB 7/12/18

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: J&L Hinsdale, LLC.
2495 Aurora Ave, Naperville, IL 60540. 630-357-1200
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: Kevin Jacobs
2495 Aurora Ave, Naperville, IL 60540
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 336 E. Ogden Ave. See attached exhibit A for legal description.
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: _____
 - b. Engineer: _____
 - c. Architect: The Redmond Company. W228 N745 Westmound Dr., Waukesha, WI 53186
 - 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:

Table Sec. 5-110: Bulk, Space, and Yard Requirements which requires a 100' setback from the center line of Ogden and also;
Sec. 10-104 (B)1. Precode structures which prohibits the horizontal expansion within a yard setback

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.)

Allow for a horizontal expansion within the required yard setback. This expansion will reduce the level of non-conformity. See attached site plan for specific expansion area and decrease in non-conformity.

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.)

Allow a 30' +/- building horizontal addition with the required setback.

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.)

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.

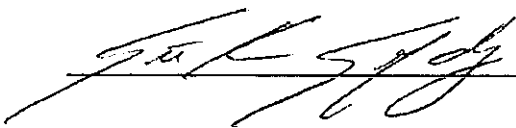
SECTION IV

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.

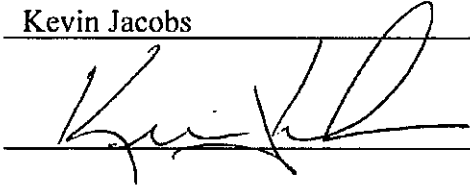
SECTION V

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: J&L Hinsdale, LLC

Signature of Owner: 

Name of Applicant: Kevin Jacobs

Signature of Applicant: 

Date: 7/10/2018

J & L Hinsdale, LLC
2495 Aurora Ave.
Naperville, IL 60540

Re: 336 E. Ogden - Yard Setback for Precode structure

General description of Variance requested:

J&L Hinsdale is requesting to be allowed a small horizontal addition to a precode structure to meet specific requirements that are being mandated by Jaguar Land Rover "JLR" for the development of this site. JLR mandates the front façade be symmetrical and requires 5 cars within each showroom. Each vehicle requires a width of 15'-10". These are the requirements that are determining the width required for the front of the building.

To accomplish the JLR requirements, the front façade is being pulled back, further off Ogden. This is reducing the overall non-conformity for the building. Unfortunately, to meet the width requirements mandated, a small horizontal addition is needed to house the display vehicles. It is this small horizontal addition that is triggering the need for the Variance request, even though the building will be located further off Ogden.

Expanded Response from Application:

Section I

10. Conformity:

The approval being requested confirms with the Village Official Comprehensive Plan and the Official Map with except for horizontal expansion within a yard setback for a precode structure per 10-104 (B) 1.

11. Zoning Standards:

Please refer to section II

Section II

5. Standards for Variation:

The Characteristics of the property that prevent compliance with the provisions of the zoning ordinance are:

(a) Unique Physical Conditions:

The existing precode structure is positioned within 100' Yard Setback. The front façade is currently positioned 39' – 6" +/- within the required yard setback.

(b) Not Self-Created:

This is an existing precode structure which was constructed prior to the current yard setbacks being regulated.

(c) Denied Substantial Rights:

The denial of this request would prevent the development of this building for the intended use.

(d) Not Merely a Special Privilege:

The opportunity to repurpose a building with a slight horizontal addition while also improving the overall non-conformity it not a special privilege.

(e) Code and Plan Purposes:

The proposed use of the facility will be same as was just approved by the Village Board 8 months prior.

(f) Essential Character of the Area:

- 1 The horizontal addition is not materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity.
- 2 The proposed addition will not impact the "light and air" of any neighboring properties
- 3 The horizontal addition will not have any additional traffic impacts on the surrounding areas.
- 4 There is not an increased risk of fire or flood with the horizontal addition
- 5 The horizontal addition will be less of a burden on public utilities as it's resulting in a slightly smaller building than what exists today.
- 6 There is no impact to public health or safety with the horizontal addition.

(g) Other Remedy:

Other solutions explored required additions to other portions of the building that would be detrimental the residential neighborhood behind this site. This solution has the least impact on all neighboring properties.

Section III

1. Site Plan, Floor Plan and Elevations included.
2. Zoning information provided on provided drawings

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOTS 14, 15, 16 AND LOT 71 (EXCEPT THE SOUTH 60 FEET AND EXCEPT THE WEST 30 FEET THEREOF) IN HINSDALE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1922 AS DOCUMENT 155000, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

A PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING ON THE EAST LINE OF SAID NORTHEAST 1/4, 279 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 79 DEGREES 48 MINUTES WEST 938.41 FEET TO THE NORTHWEST CORNER OF LOT 16 IN HINSDALE HIGHLANDS, FOR A POINT OF BEGINNING; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID QUARTER 300 FEET; THENCE SOUTH 79 DEGREES 48 MINUTES WEST 200 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID NORTHEAST 1/4 300 FEET TO AN IRON STAKE ON THE SOUTH LINE OF OGDEN AVENUE; THENCE NORTH 79 DEGREES 48 MINUTES EAST 200 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

LOT 13 AND THE SOUTH 60 FEET OF LOT 71 (EXCEPT THE WEST 30 FEET THEREOF TAKEN FOR A PUBLIC STREET) IN HINSDALE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1922 AS DOCUMENT 155000, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-01-211-001
 09-01-211-002
 09-01-211-003
 19-01-211-004

Address: 333 E. Ogden Avenue, Hinsdale, Illinois 60521

STATE OF ILLINOIS)
) ss
COUNTY OF DUPAGE)

AFFIDAVIT OF TITLE

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the Grantee hereinafter named:

That affiant has an interest in the premises described below or in the proceeds thereof or is the grantor in the Special Warranty Deed dated January 26, 2017 to J & L HINSDALE, L.L.C., an Illinois Limited Liability Company, Grantee(s), conveying the following described premises:

LEGAL DESCRIPTION:
SEE ATTACHED EXHIBIT "A"

That no labor or material has been furnished for premises, within the last four months, that is not fully paid for.

That since the title date of December 28, 2016, in the report on title issued by Greater Metropolitan Title, LLC File No. 13-1513 affiant has not done or suffered to be done anything that could in any way affect the title of the premises, and no proceedings have been filed by or against affiant, nor has any judgement or decree been rendered against affiant, nor is there any judgement note or other instrument that can result in a judgement or decree against affiant within five days from the date hereof.

That the parties, if any, in possession of premises are bona fide tenants only, and have paid promptly and in full their rent to date, and are renting from N/A to N/A, and not for any longer term, and have no other further interest whatsoever in premises.

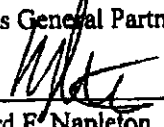
That all water taxes, except the current bill, have been paid, and that all the insurance policies assigned have been paid for.

That this instrument is made to induce, and in consideration of, the said grantee's consummation of the purchase of the premises.

AFFIANT further states: Naught.

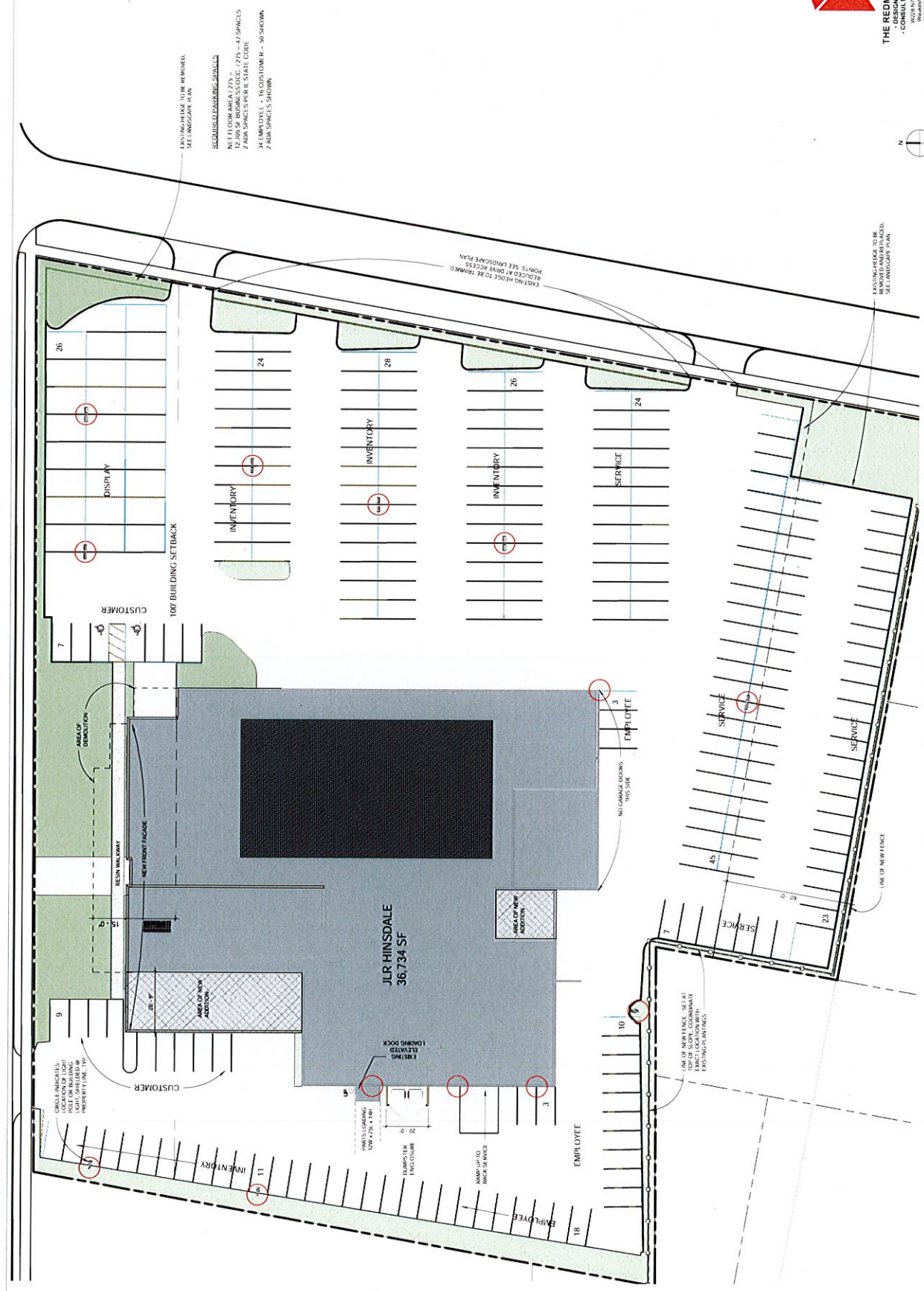
NAPLETON INVESTMENT PARTNERSHIP, LP
a Delaware limited partnership

By: Napleton Management Company, LLC,
a Delaware limited liability company,
its General Partner



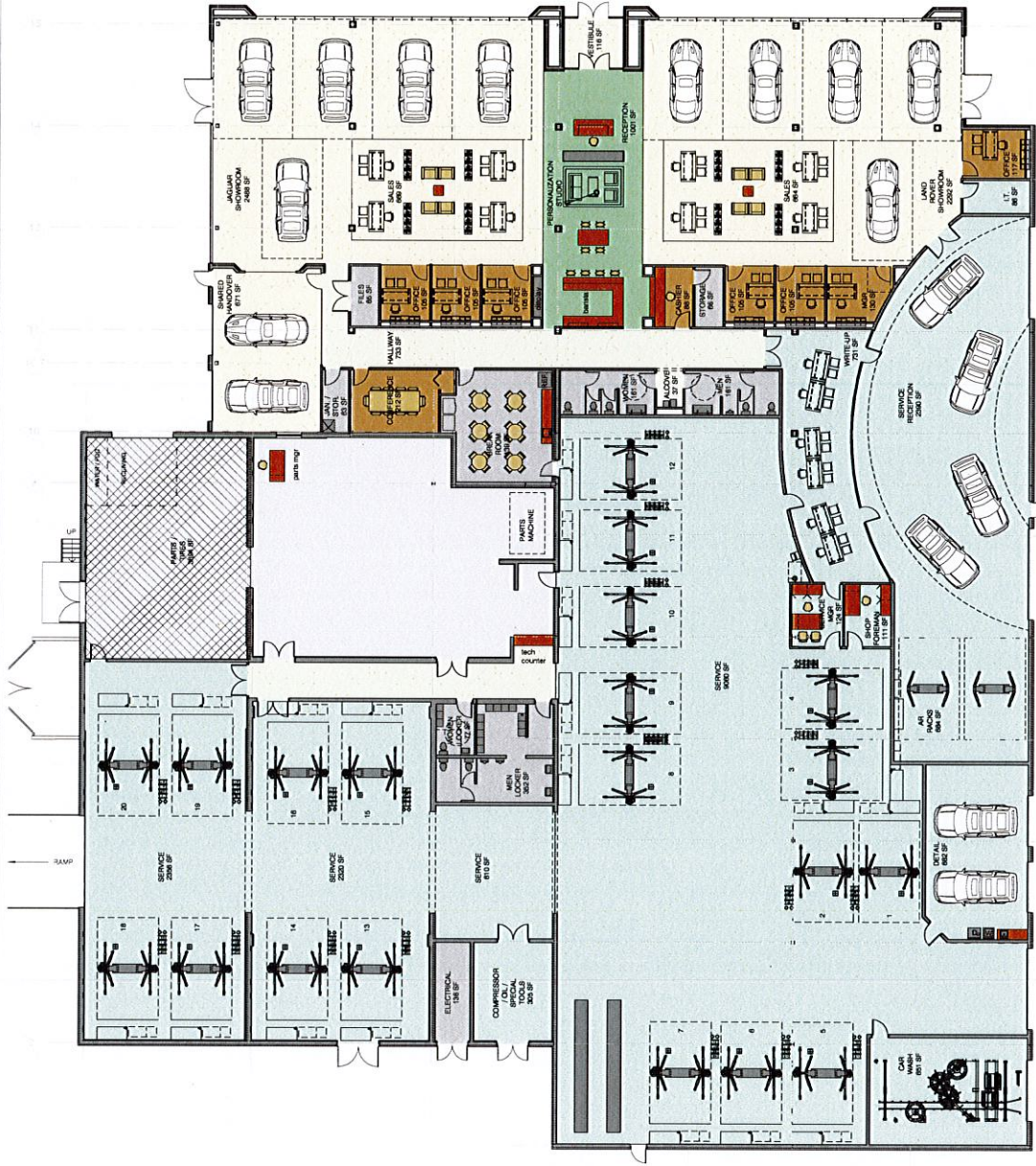
Edward F. Napleton, not individually, but solely
as Trustee of the Edward F. Napleton
Revocable Self Declaration of Trust
U/A/D 10/01/92, Manager

Zoning	B-3	Min. Code Requirements	Existing Development	Proposed Development
Minimum Lot Area	6,250 SF	157,487 SF	Same	Same
Minimum Lot Depth	125 LF	433 LF	Same	Same
Minimum Lot Width	350 LF	432 LF	Same	Same
Building Height	30' Max	15' - 10'	20'	20'
Number of Stories	2	1	Same	Same
Front Yard Setback	1100' from center of Right-of-Way	60'	75'	75'
Corner Yard Setback	25'	150' Min	150' Min	150' Min
Interior Side Yard Setback	10'	60' Min	60' Min	60' Min
Rear Yard Setback	20'	36'	40'	40'
Maximum Floor Area Ratio	50% F.A.R.	239% F.A.R.	239% F.A.R.	239% F.A.R.
Parking Requirements	111 stalls	2865 stalls	2663 stalls	2663 stalls
Parking Front Yard Setback	25'	5'	Same	Same
Parking Corner Yard Setback	25'	5'	Same	Same
Parking Interior Side Yard Setback	10'	10' average	Same	Same
Parking Rear Yard Setback	20'	10' average	Same	Same



Jaguar Land Rover Hinsdale

Architectural Site Plan - Option 4A



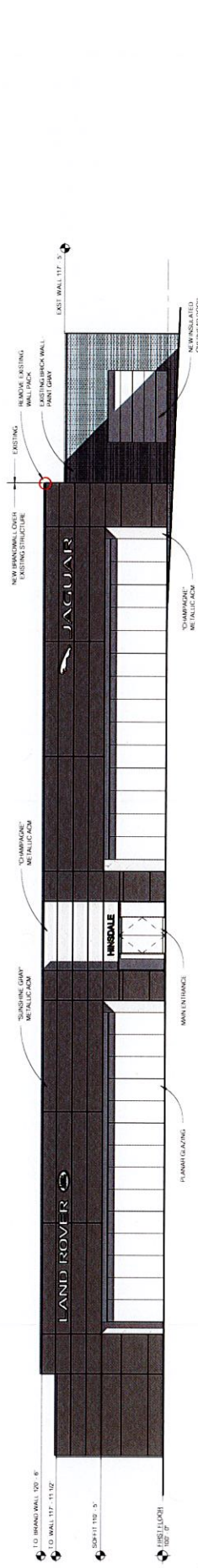
Jaguar Land Rover Hinsdale

First Floor - Option 4A

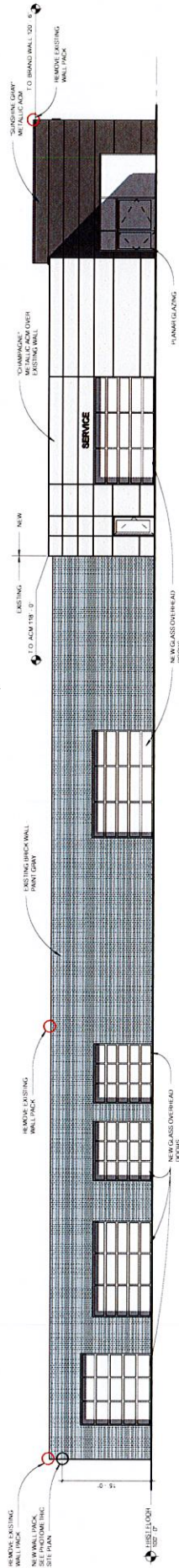


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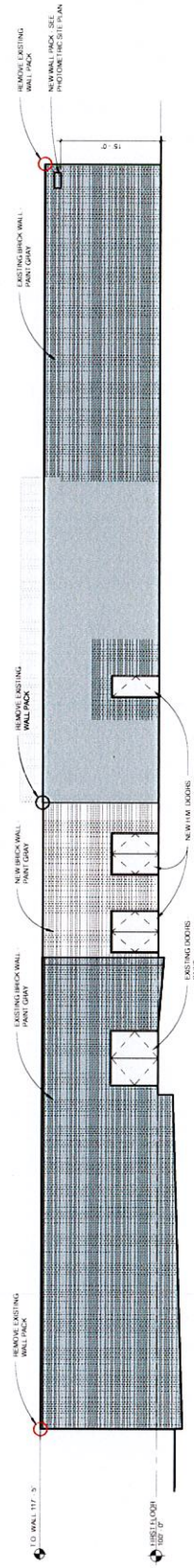




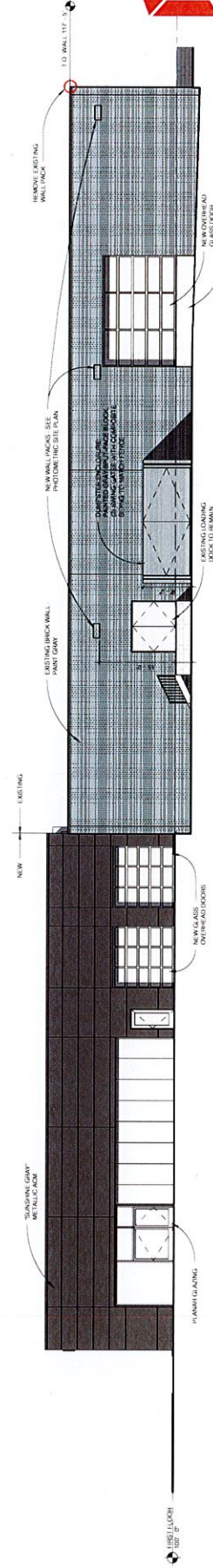
1 NORTH ELEVATION - PROPOSED



2 EAST ELEVATION - PROPOSED



3 SOUTH ELEVATION - PROPOSED



4 WEST ELEVATION - PROPOSED

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Exterior Elevations - Option 4A

