



MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, December 19, 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 October 17, 2018
- 4. APPROVAL OF FINAL DECISIONS**
 - a) V-06-18, 330 Chestnut
- 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**
- 8. PUBLIC HEARINGS**
 - a) V-09-18, 306 N. Garfield
- 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
October 17, 2018

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, October 17, 2018 at 6:34 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Gary Moberly, Keith Giltner, Tom Murphy, Kathryn Engel, and Chairman Bob Neiman

Absent: Members Joseph Alesia, and John Podliska

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 September 26, 2018

Following changes to the draft minutes, Member Moberly moved to **approve the draft minutes of September 26, 2018, as amended.** Member Engel seconded the motion.

AYES: Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Alesia and Podliska

Motion carried.

4. APPROVAL OF FINAL DECISIONS

a) V-07-18, 336 East Ogden Avenue, recommendation to Village Board for signage

There being no changes to the final decision, Member Giltner moved to **approve the final decision for V-07-18, 336 East Ogden Avenue, a recommendation to Village Board for signage, as presented.** Member Engel seconded the motion.

AYES: Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Alesia and Podliska

Motion carried.

b) **V-07-18, 336 East Ogden Avenue, final approval of building addition**

There being no changes to the final decision, Member Engel moved to approve the final decision for **V-07-18, 336 East Ogden Avenue, final approval of building addition**. Member Moberly seconded the motion.

AYES: Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Alesia and Podliska

Motion carried.

c) **V-08-18, 321 S. Garfield**

There being no changes to the final decision, Member Moberly moved to **approve the final decision for V-08-18, 321 S. Garfield**. Member Engel seconded the motion.

AYES: Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Alesia and Podliska

Motion carried.

d) **V-10-18, 536 The Lane**

There being no changes to the final decision, Member Engel moved to **approve the final decision for V-10-18, 536 The Lane**. Member Giltner seconded the motion.

AYES: Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Members Alesia and Podliska

Motion carried.

5. RECEIPT OF APPEARANCES

The Court Reporter administered the oath to all those intending to speak during these proceedings.

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

7. PRE-HEARING AND AGENDA SETTING – None

8. PUBLIC HEARINGS

a) V-06-18; 330 Chestnut

Chairman Neiman opened the public hearing. Mr. Dave Habiger, property owner, addressed the Board, stating he has met with neighbors multiple times to clarify misinformation about what he is proposing for the property. He stated when people understood what he wanted to build they were okay with it, with the exception of Mr. Wance.

He explained this was a derelict lot; when he bought it he offered to give it to the Village, but Village staff told him at the time that was not possible. Six years ago he spent a year and a half in a collaborative effort with the Village to address the sewer system, easements and cleaning up associated legal issues. He built the smallest structure he could with only the required parking. He is asking for relief to build an accessory structure, a garage, since the property is now 87% rented. He wants to reestablish the 1' foot setback previously approved. He thought about a green roof, but it is not part of the request any more. Finally, he hadn't designed anything specific, but in general the Village likes the same building materials on the accessory as on the main structure. He explained that a letter had been distributed to neighbors with misinformation that included a rendering of an industrial style pole barn. He said nothing about the site was created by him; he cleaned up the easements and addressed the infrastructure. The letter included concerns about loitering, graffiti, and rodent risk. He doesn't know why these are concerns as there is no food preparation or restaurant in the building. Mr. Habiger stated he did a sound study that indicated there isn't any increased sound with the garage. He met with neighbors and came up with four different renderings for the garage, but he is still not sure there will be consensus. Mr. Bartelli, architect on the project, confirmed the height of the proposed structure is per code.

Mr. Habiger explained the purpose of the garage would be to store ladders, maintenance materials, snowblowers, paint materials and office furniture. Additionally, the garbage receptacles would be housed there. He does not want to keep these types of things in the basement of the building, because it is rentable space. The basement currently provides for Village access to a tunnel for infrastructure maintenance, and a furnace.

Chairman Neiman asked if there is any way when the building was originally designed it could have included an accessory structure. Mr. Habiger explained they asked for it at the time, and were approved, but Village staff said it would be a problem to build at the same time as the main structure. He explained he changed the parking layout with the original submittal to include open space in this area for a future garage.

Chairman Neiman said he is struggling with the self-created criteria, and read the requirements in the code. Mr. Habiger further explained that the Village had advised against building the garage initially because of truck traffic, the area was owned by BNSF, and there was an agreement between the Village and Flag Creek Water Reclamation.

Member Giltner asked about the landscape buffer. Mr. Habiger addressed this and noted one of Mr. Wance's concerns was what he would be able to

1 see from his home. They discussed ivy walls, and berms with evergreens, but
2 added it can't be 15' feet off the wall, because then the building would only be
3 three feet wide. He commented he has no incentive to do anything less than
4 something attractive. Mr. McGinnis confirmed the site plan and exterior
5 review will go to the Plan Commission. Chairman Neiman asked Mr. McGinnis
6 if he agreed the Village had asked the applicant not to build the accessory
7 structure at the time of the initial construction. Mr. McGinnis explained there
8 were a lot of 'movable parts'; the Village's main concern was the access to
9 the Flagg Creek 96' interceptor pipe under the property. It was noted that the
10 staff member who worked most closely with Mr. Habiger at the time was no
11 longer with the Village.

12 Mr. Bartelli reviewed stating with the required setbacks, they could not build
13 the building; variations were necessary for the rear setback, they are asking
14 for the regranting of what was approved the first time. The only thing new
15 request is side yard relief. With respect to lot coverage, even with this new
16 structure, only 58% of the 90% allowable is used. The applicant reviewed
17 each of the approving criteria as outlined in their application.

18
19 Member Engel asked if the materials for the garage would be the same metal
20 as the office building. Mr. Habiger said not necessarily, he will be happy to
21 work with the neighbors and the Plan Commission to use something suitable.

22
23 **Mr. Bruce Wance, 122 S. Clay Street**, addressed the Board stating he is a
24 licensed architect practicing for 40 years. He said he agrees with much of the
25 timeline as outlined by Mr. Habiger, but disagrees with some of the details.
26 He believes the code never intended that something be built on this property.
27 On August 26 he met with four of his neighbors who came up with a bullet
28 point list of their concerns that include elevation and screening. There were
29 40 names, from 25 residences that signed the petition to deny the variation.
30 He said no one has asked to have their name removed from the petition. He
31 has consulted a horticulturalist whose opinion it is that the landscaping
32 proposed by Mr. Habiger is not sustainable, although Mr. Habiger's
33 horticulturalist says it is. He went on to express his concern that at some
34 point the building located at 410 Chestnut would be torn down and granting
35 this variance would diminish the value of that property. He is concerned that
36 a developer will buy both properties and tear down the existing buildings and
37 redevelop. He said the proposed design of the building is nice, but it is the
38 setback that he objects to. He asked the Board whether variations were a
39 right or a privilege. He is worried about will happen in five years.

40 Chairman Neiman asked the Board about continuing the hearing to clarify
41 whether the Village asked the applicant to delay the construction of a garage,
42 to determine if the delay was a result of governmental action relative to the
43 self-created criteria. If there is evidence of this, the former employee could
44 sign an affidavit to that effect. He is open to suggestions from the Board.

45 Member Murphy said in his opinion the definition of the lot and extraordinary
46 conditions make this a unique situation to him. As re reads the not self-
47 created code, if the owner had bought a huge lot and sold it off and ended up

1 with this configuration, that would be self-created, but the bizarre
2 characteristics of the lot were not the result of an action of the owner.
3 Member Giltner added the Board often struggles with the self-created criteria,
4 but stated it won't change his feelings if the Village instructed Mr. Habiger not
5 to build the accessory structure. The same conditions still apply as were
6 used to approve the primary structure. Member Moberly noted there appears
7 to be some confusion about whether the neighbors are in support.
8 Additionally, he is concerned with the no other remedy criteria, and wondered
9 if the structure is necessary.

10 Mr. Wance continued stating in his opinion as an architect the lot was and is
11 an eyesore. The building site was flat and a blank canvass when Mr. Habiger
12 bought it. As an architect he knows storage and garbage are important
13 considerations, and is challenged to understand why that was not considered
14 for the basement as opposed to an accessory structure. Mr. Habiger
15 responded stating the lot demanded a difficult building, and was designed to
16 address all the easement issues. A larger building could have been built, but
17 he felt this was the best use of the space.

18
19 Member Engel moved to **close the public hearing for V-06-18; 330**
20 **Chestnut.** Member Murphy seconded the motion.

21
22 **AYES:** Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

23 **NAYS:** None

24 **ABSTAIN:** None

25 **ABSENT:** Members Alesia and Podliska

26
27 Motion carried.

28 29 **DELIBERATIONS**

30
31 Chairman Neiman began deliberations, noting that if it is the consensus of the
32 Board, the public hearing could be reopened. Member Engel said it would be
33 helpful to understand what the tone of the neighbors is, as there appears to be
34 some discrepancy. Member Murphy commented this meeting was noticed, and
35 no one is here. He is not inclined to go out and poll the neighbors. Members
36 Giltner and Moberly stated they are prepared to make a decision. Member
37 Moberly added he sees merits to both sides of the issues, and that this Board
38 takes these variances seriously. Member Giltner stated he is not concerned
39 about the self-created criteria; in general, this is a unique site to do anything, and
40 variations were required for the primary building or an accessory structure, many
41 of which were originally approved. The owner is prepared to screen the building
42 to make it less conspicuous; in 5-10 years the building will blend with the
43 neighborhood. Further, the variance is not about the building, it's about the
44 setbacks. He believes the owners have gone above and beyond, they have a
45 right to an accessory building, and are not looking to exploit an opportunity. He
46 is in favor of granting the variance. Member Engel remarked that all things
47 considered, this structure will be more aesthetically pleasing than leaving it as is

1 and looking at garbage. Member Murphy agreed, the spot was unusable, the
2 building will block the tracks and other unattractive aspects of the area. He
3 believes this request makes sense. Chairman Neiman said there were some
4 questions in this mind as to whether this was self-created, but given the very
5 good faith efforts over several years of the applicant, he is inclined to take him at
6 his word about what happened previously, and will vote to approve.
7

8 Member Moberly moved to **approve the variation known as V-06-18; 330**
9 **Chestnut**. Member Giltner seconded the motion.
10

11 **AYES:** Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

12 **NAYS:** None

13 **ABSTAIN:** None

14 **ABSENT:** Members Alesia and Podliska
15

16 Motion carried.
17

18 **9. NEW BUSINESS – None**
19

20 **10. OLD BUSINESS – None**
21

22 **11. ADJOURNMENT**

23 With no further business before the Zoning Board of Appeals, Member Moberly
24 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
25 **October 17, 2018**. Member Engel seconded the motion.
26

27 **AYES:** Members Moberly, Giltner, Murphy, Engel and Chairman Neiman

28 **NAYS:** None

29 **ABSTAIN:** None

30 **ABSENT:** Members Alesia and Podliska
31

32 Motion carried.
33

34 Chairman Neiman declared the meeting adjourned at 7:53 p.m.
35
36

37 Approved: _____

38 _____
39 Christine M. Bruton
40 Village Clerk

FINAL DECISION

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

Zoning Calendar: V-6-18

Petitioner: Hinsdale Land Restoration & Preservation, LLC

Meeting held: Public Hearing was held on Wednesday, October 17, 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 July 26, 2018.

Premises Affected: Subject Property is commonly known as 330 Chestnut, Hinsdale, Illinois and is legally described as:

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

Subject: 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 applicant withdrew the request for height relief at the public hearing.

The specific code sections are as follows;

- 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))

Facts:

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.

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 irregular lot, the fact that the owner had gone over and above to try and accommodate the neighbors, and the otherwise un-useable nature of the area in question absent the storage building.

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

AYES:

Members Moberly, Giltner, Murphy, Engel, Chairman Neiman

NAYS:

None

ABSTAIN:

None

ABSENT:

Members Alesia and Podliska

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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

7a

MEMORANDUM

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

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

DATE: December 12, 2018

RE: Zoning Variation – V-11-18; 118 N. Monroe

In this application for variation, the applicant requests relief from the minimum interior side yard setback set forth in section 10-105(A)(3)(b)(i) for the construction of a new home. The applicant is requesting a 4' reduction in the minimum side yard setback. The code prescribed minimum is 10'.

This property is located in the R-2 Residential District in the Village of Hinsdale and is located on the west side of Monroe between Maple and Walnut Street. The property has a frontage of approximately 50', a depth of approximately 297', and a total square footage of approximately 14,850. The maximum FAR is approximately 4,764 square feet, the maximum allowable building coverage is 25% or approximately 3,712 square feet, and the maximum allowable lot coverage is 50% or approximately 7,425 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-11-18

Zoning Calendar No. ✓-11-18

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): Joseph & Marylou Gent

ADDRESS OF SUBJECT PROPERTY: 118 N. Monroe

TELEPHONE NUMBER(S): 219-688-2444

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

Applicant is Buyer as per the purchase agreement attached.

DATE OF APPLICATION: 12/12/2018



RECEIVED
CB 12/12/18

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: _____
Jeffrey & Carol Bope, 118 N. Monroe, Hinsdale. 630-654-2958
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: _____
Contract Purchasers, Joseph & Marylou Gent, 441 E. Walnut, Hinsdale. 219-688-2444

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

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: NA
 - b. Engineer: Ridgeline Consultants - 1661 Aucutt Rd., Montgomery, IL. 630-801-7927
 - c. Architect: Patrick Plunkett Architectural Design Ltd. - 19 N. Grant St. Hinsdale.
 - d. _____

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:
- a. None
- b. _____
7. Neighboring Owners. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
- Refer to attached name and address of neighboring owners.
- After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.
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.
- Refer to attached Survey
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.
- R2 - Single Family Residential District - Legal Non-conforming Lot of Record. Refer to Zoning Chart.
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.
- NA
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.
- Refer to attached Memo.
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.
- NA

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.

Refer to Memo and Attachment.

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

Sec. 10-105: Legal Nonconforming Lots of Record: A, 3. Minimum Side Yards (Feet):

(b). Interior Lot, (i). Minimum per yard

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.)

Per Section: 10-105: Legal Nonconforming Lots of Record: A, 3. Minimum Side Yards

(b). Interior Lot, (i). Minimum per yard. We would like to apply R3 Nonconforming Zoning specifically for Min. Side Yard portion of the Lot Zoning requirements.

This would allow a reduced Min. Side Yard to 6 ft.

We would still meet Min. Side Yard Total per R2 Zoning of 15ft.

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.)

Requesting the Min. Side Yard from 10 ft required to 6 ft.

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:

Refer to Attached Memo.

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

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

There is no means other than the requested variation by which the
alleged hardship or difficulty can be avoided or remediated to a degree
sufficient to permit a reasonable use of the subject property.

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.
Refer to attached Zoning Chart, Site Plan, Site Survey, Zoning Maps
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.
Refer to attached Zoning Chart, Site Plan, Site Survey, Zoning Maps

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:

¹²
Jeffery & Carol Bope

Signature of Owner:

Jeffery Bope Carolyn Bope

Name of Applicant:

Joseph & Marylou Gent

Signature of Applicant:

Joseph Gent Marylou Gent

Date:

12/11/2012

PATRICK PLUNKETT
architectural design ltd.

Memo Attachment - Village of Hinsdale Application for Variation

To: Hinsdale Zoning Board of Appeal
From: Marylou & Joe Gent
CC: Rob McGinnis
Date: December 10, 2018
Re: Application for Variation – 118 N. Monroe Property

Reference Zoning Application for Variation

Section I

4. Subject Property Legal Description:

THE NORTH 50 FEET OF LOT 2 IN BLOCK 15 IN ESTABROOK'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 1868 AS DOCUMENT 9709, IN DUPAGE COUNTY, ILLINOIS.

11. Zoning Standards:

The proposed new home construction will satisfy, with only sought variance for minimum side yard setback, all other standards that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.

Section II

1. Title:

Joe & Marylou Gent have a contract to buy the property and build a home to reside in on the property. Refer to Residential Real Estate Contract attachment.

5. Standards for Variation:

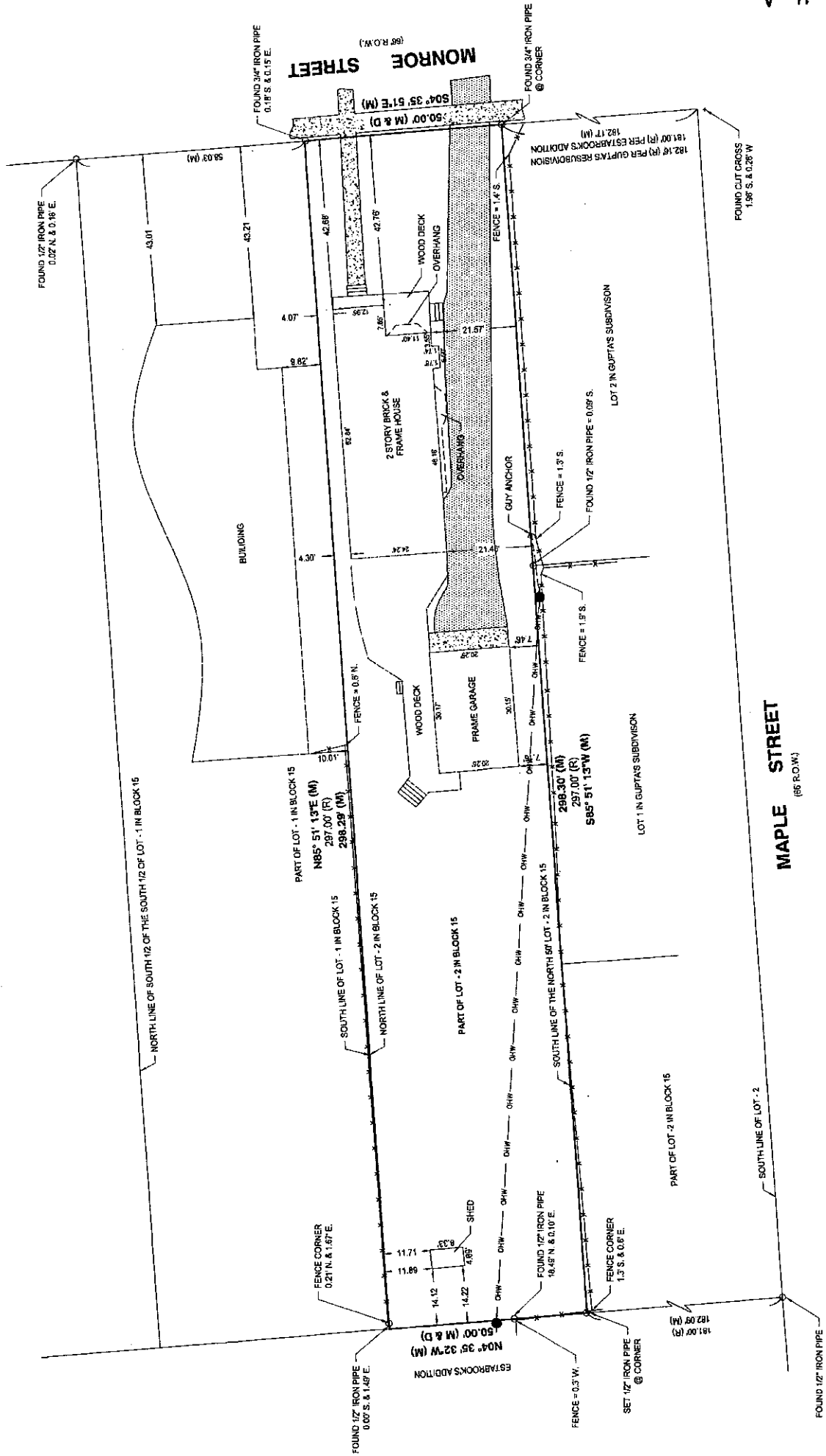
- The current building side yard setbacks are less than what we are proposing with the Variance request. We are proposing to increase the side yard setbacks on both sides with more than what is at the property currently. Existing North side yard setback is 4.04' going to New 6' and Existing South side yard setback is 7.54' to going to New 9'.
- We are requesting a variance for relief on the Min. Side Yard dimension. We will comply with all other R2 Zoning ordinance requirements. The lot is one of the narrowest in the R2 District. The lot's width is in line with that of a lot in an R4 Zoning district. Because the property is located in the R2 District the min. required interior side yard is 10' rather than 6' which is the minimum in both an R3 & R4 district.

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- (a) **Unique Physical Condition.** The Subject Property is exceptional as compared to the other lots subject to the same provisions by reason of unique physical condition conforming or nonconforming. Conforming lot widths in R2 Districts are 100 ft wide. Even a legal Nonconforming lot in R2 is 70 ft wide. R3 & R4 Nonconforming widths are 50 ft wide. The Min. Side Yard requirement for R2 is created for wider lots common in an R2 Zoning District. This is not a wide lot and is very narrow for an R2 district. The inherent hardship is a 30 ft wide buildable house compared to a 35 ft wide buildable house with the requested variance.
- (b) **Not Self-Created.** The unique physical condition is not the result of any action or inaction of the owner. The lot is existing and unique to the Zoning District due to narrow width. The broad stroke of the R2 Zoning designation on this shaped lot creates a unique hardship, if complying to R2 Zoning Min Side Yard requirements forcing a very narrow house.
- (c) **Denied Substantial Rights.** Carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the owner substantial rights commonly enjoyed by other owners. For such a deep narrow lot you have limited home width to view and access the rear yard and space behind the home. You have a limited connection to such a vast amount of land. Proportionally the allowable buildable width is not similar to other properties in Zoning District. The Zoning Minimum Total Side Yards is 15ft and if you add up the min. side yard per the R2 Zoning of 10 ft min. side yard each yard, that adds up to 20 ft. This is 5 ft more restrictive than what the Min. Total allows of 15 ft in R2. If you apply the R3 Zoning nonconforming Min. Side Yard of 6 ft to one side yard and use the Min. Total side yard of 15 ft, the other side yard is automatically 9 ft for a Min Total side yard of 15 ft complying with Min. Total side yard standard Zoning requirement, which we will meet. And throughout the Village, it seems as though the Village understood on a 50 ft wide lot, a property owner should have the right to build a 35 ft wide house, which a 35 ft wide house allows a livable floor plan. A 35 ft buildable width does not create a hardship, which is what we are requesting.
- (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 owner 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. There is an existing home on the lot that does not comply with current Zoning. We plan to increase the side setbacks further away from the side property lines than the current buildings on the lot. We would like to build a home with a 35 ft width, which is typical for the Hinsdale Zoning ordinance in other Districts which have more common 50 ft wide lots.


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- (e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan. This variance would be in harmony with the Village Zoning throughout the Village, as we will maintain proportionally proper side yard setbacks, which will be wider than what is existing on the lot today.
- (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 the 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.



— ❦ —

North
Scale 1" = 20'

A horizontal graphic scale bar with alternating black and white segments. It is marked with '0', '20', and '40' at the top, indicating distances in feet. The bar is oriented vertically in the image.

LINE TYPE LEGEND

REFERENCE: 1. _____

ABBREVIATION LEGEND

(O) = OED
E = EAST
E.L.Y. = EASTERLY
(M) = MEASURED DISTANCE
N = NORTH
N.L.Y. = NORTHERLY
(R) = RECORD DISTANCE
O.O.W. = RIGHT OF WAY
S = SOUTH
S.L.Y. = SOUTHERLY
W = WEST
W.L.Y. = WESTERLY

SYMBOL LEGEND

- ASPHALT
- AIR CONDITIONER
- BRICK
- CONCRETE
- WOOD
- WOOD UTILITY POLE

NOTES:

- 1) A CURRENT TITLE REPORT WAS NOT FURNISHED. THEREFORE, ALL RESTRICTIONS, ROAD EASEMENTS, ROAD LOCATIONS, AND EASEMENTS MAY NOT BE SHOWN.
- 2) ALL UTILITIES MAY NOT BE SHOWN. CALL JULIE AT 1-800-862-2273 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES AT ANY DESIGN OR CONSTRUCTION.
- 3) PARCEL CONTAINS APPROXIMATELY 1434 SQUARE FEET.
- 4) ALL BEARINGS SHOWN HEREON ARE MEASURED TO SHOW ANGULAR RELATIONSHIP AND ARE NOT BASED ON ANY KNOWN BEARING SYSTEM.
- 5) THIS PROPERTY MAY BE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF HINSDALE AND AS SUCH IS SUBJECT TO ZONING AND BUILDING RESTRICTIONS.
- 6) FIELD WORK COMPLETED ON DECEMBER 11, 2018.

STATE OF ILLINOIS)

11

WE, RIDGELINE CONSULTANTS, LLC, KILNOS PROFESSIONAL DESIGN FIRM NO. 184-007966, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMED TO THE CURRENT KILNOS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

EDUCATED AT MONTGOMERY, ILLINOIS ON DECEMBER 12, 2018.

yes. I like

GEORGE H. BELLAVE P.L.S. 035-003880 EXPIRATION DATE 1/30/2030
 STACY L. STEWART P.L.S. 035-003418 EXPIRATION DATE 1/30/2030
 SECRETARIAL DESIGN FIRM NO. 184-004746

1881 AUGUST ROAD
MONTGOMERY, ILLINOIS 60138

PHONE 630-681-7887 FAX 630-701-1388

1000000

SASU/WHORE2018-0104-00012018-0004 Survey-Eng. 12/11/2018 2:50:48 PM, 149 Degrading Rate 72.520 MS P43



Ridgeline
CONSULTANTS
CONSULTING ENGINEERS

Case Date	File Description	Book #	Page #	Orig. Date	U
		100-100			
		Case By: T.C. [63]	Checked By: G.H.B.		
		Entered			
		Date: 12/12/18			
		Time: JOE & MARY LOUGENT			
		Project Number: 2018-0504			

Russell Schomig PLS # 2446
William Schomig

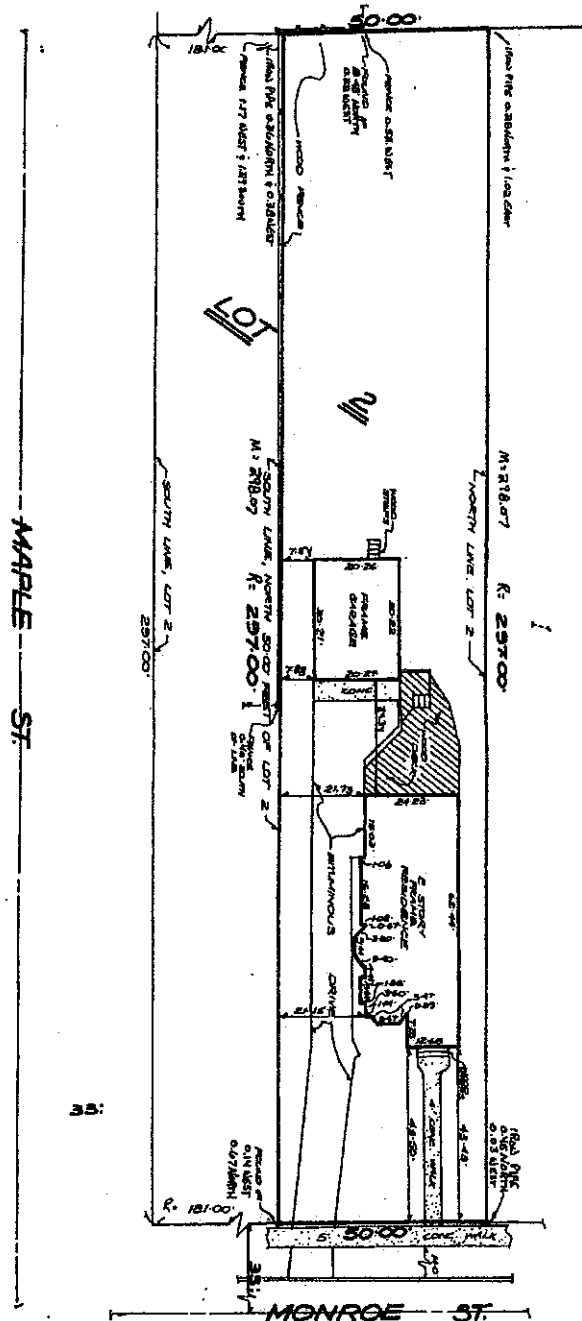
SCHOMIG LAND SURVEYORS, LTD.

Plat of Survey

1915 East 31st Street
LaGrange Park, Illinois 60525
Office (708) 352-1452
Fax (708) 352-1454

NORTH 50 FEET OF LOT 2 IN BLOCK 15 IN ESTABROOK ADDITION TO HINSDALE A SUBDIVISION SITUATED IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 118 NORTH MONROE STREET



Compare legal description with deed and report any discrepancy immediately. A title commitment was not furnished for use in preparation of this Survey. If a title commitment was not furnished, there may be easements, building lines or other restrictions not shown on this plat. This plat does not show building restrictions established by local ordinances. Local authorities must be consulted regarding any restrictions. Do not scale dimensions from this plat. No extrapolations should be made from the information shown without permission of Schomig Land Surveyors, LTD. This Plat is not transferable. Only prints with an embossed seal are official copies.

Surveyed AUGUST 18, 19 92

Building Located AUGUST 18, 19 92

Ordered by: Jeffery L. Bope

Plat Number 92NNR7 Scale 1" = 30 Feet

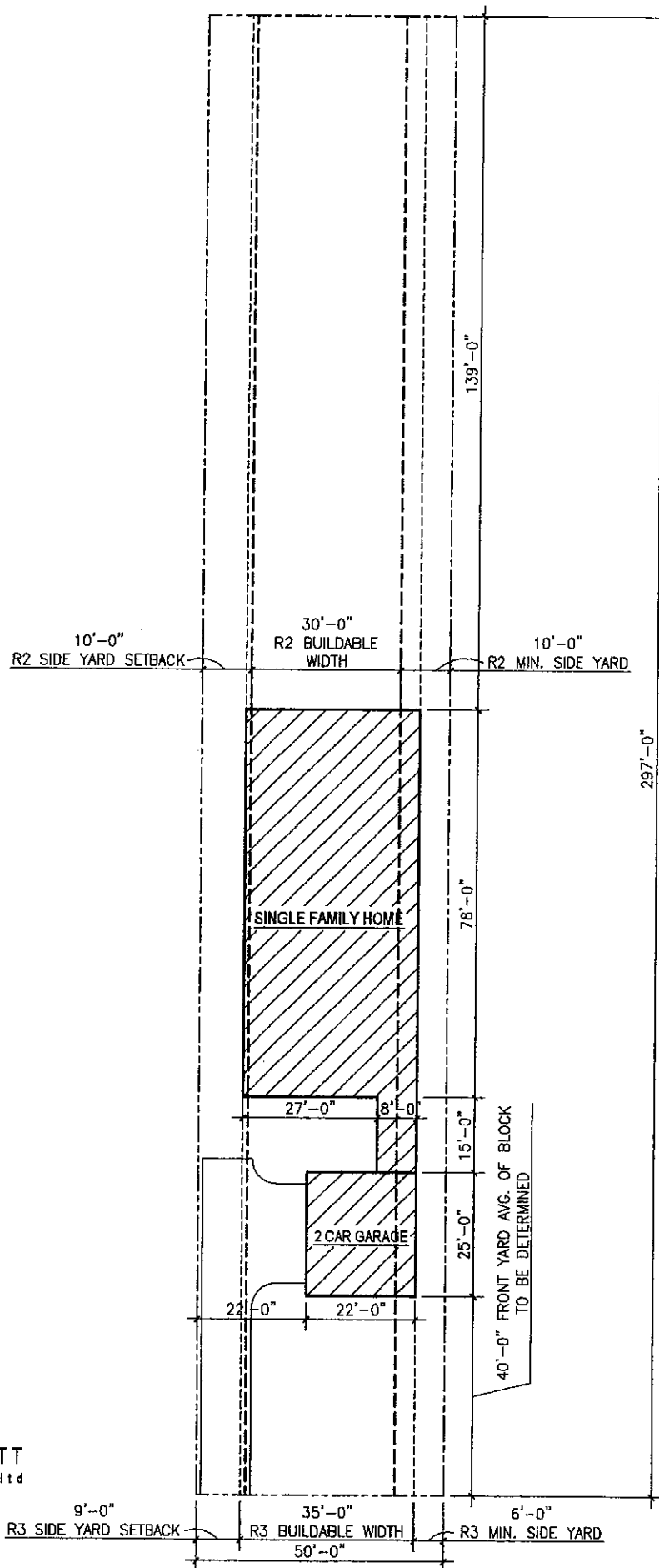
STATE OF ILLINOIS } ss.
COUNTY OF COOK }

We, SCHOMIG LAND SURVEYORS, LTD. as Illinois Licensed Professional Land Surveyors, hereby certify that we have surveyed the property described in the caption to the plat hereon drawn and that the said plat is a true and correct representation of the same.

All dimensions are in feet and decimal parts of a foot and are correct at a temperature of 68 degrees Fahrenheit. Dimensions shown on buildings are to the outside of buildings.

I.P. = Iron Pipe
C.L.F. = Chain Link Fence
D.E. = Drainage Easement
W.F. = Wood Fence
P.U.E. = Public Utility Easement
B.L. = Building Line

Russell W. Schomig
PROFESSIONAL ILLINOIS LAND SURVEYOR



1 SITE PLAN

SCALE: NTS

PATRICK PLUNKETT
architectural design ltd
19 north grant street
hinsdale, il. 60521
630.789.8100

Project:
118 N. MONROE

Scale:
N.T.S.

Date:
12.07.18

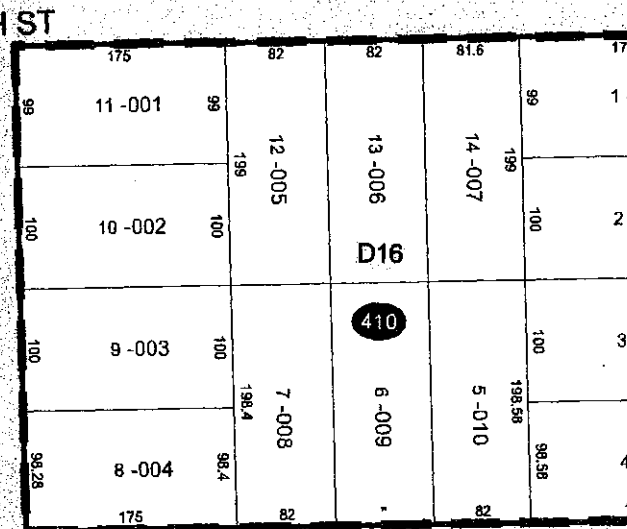
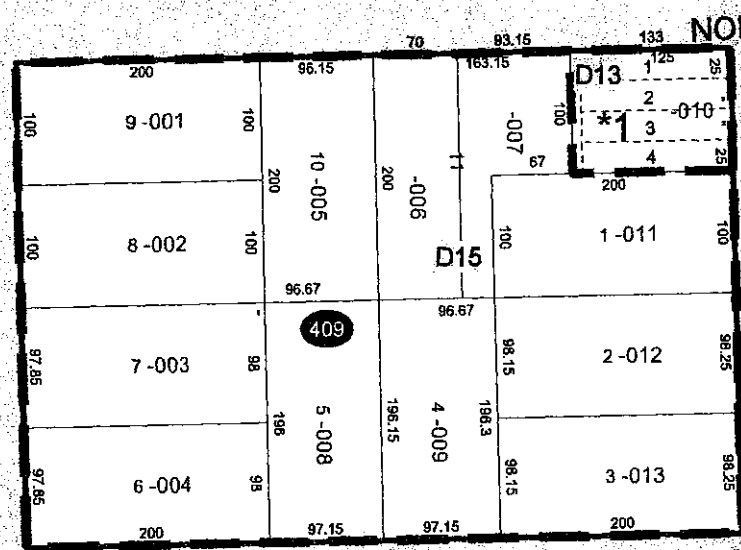
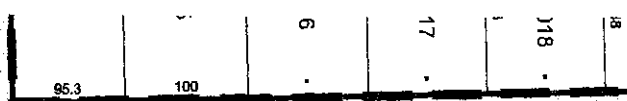
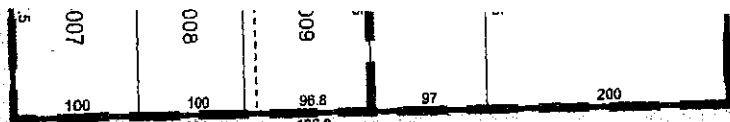
ZONING PROJECT DATA CHART
NEW SINGLE FAMILY RESIDENCE

118 N MONROE
HINSDALE, IL.

DESCRIPTION	REQUIRED / ALLOWED	ACTUAL
ZONING DISTRICT	R2	R2 NON-CONFORMING
SPECIAL USE/P.D. REQUIREMENTS		
MINIMUM LOT SIZE	20,000 SF	50' x 297' = 14850 SF
MINIMUM LOT WIDTH	100 FT	50'
MINIMUM LOT DEPTH	125 FT	297'
SETBACK REQUIREMENTS		
FRONT YARD	AVG. OF BLOCK =	TBD
SIDE YARDS		
INTERIOR SIDE MIN. TOTAL	30% OF LOT WIDTH 50 FT x 0.3 = 15 FT	15 FT
INTERIOR SIDE MIN. R2 NONCONFORMING CURRENT ZONING	10 FT OR 6 FT + 10% OF LOT WIDTH IN EXCESS OF 50 FT, WHICHEVER IS MORE = 10 FT	10 FT
INTERIOR SIDE MIN. R3 NONCONFORMING VARIANCE REQUESTED	6 FT OR 6 FT + 10% OF LOT WIDTH IN EXCESS OF 50 FT, WHICHEVER IS MORE = 10 FT	6 FT
REAR YARD	15% OF LOT DEPTH OR 25 FT, WHICHEVER IS MORE = 44.55 FT	TBD
MAX. FLOOR AREA	.24 X LOT SF + 1,200 SF 3564 SF + 1,200 SF = 4764 SF	TBD
FIRST FLOOR SF	100% SF	TBD
SECOND FLOOR SF	100% SF	TBD
ATTIC FLOOR SF	- IF LESS THAN 20% OF FLR BELOW INCLUDE 0% OF ATTIC AREA = 490 SF - IF LESS THAN 50% OF FLR BELOW & GREATER THAN 20% INCLUDE 50% OF ATTIC AREA - IF MORE THAN 50% OF FLR BELOW INCLUDE 100% OF ATTIC AREA	TBD TBD
DETACHED GARAGE SF	FLR AREA BONUS, EXCLUDE 1/2 AREA OF GARAGE NOT MORE THAN 250 SF	TBD
MAXIMUM BUILDING COVERAGE		
MAX. COMBINED TOTAL PRINCIPLE & ACCESSORY USE	25% OF LOT AREA = 3,712.5 SF BLDG COVERAGE EXCEPTIONS 1. 1/4 OF FLR AREA FOR DETACHED GARAGE BUT NOT MORE THAN 125 SF 2. 1ST 200 SF OF COVERED PORCH ON FRONT OR CORNER SIDE	TBD TBD
MAX. ACCESSORY USE	10% OF LOT AREA	TBD
MAXIMUM TOTAL LOT COVERAGE	50% OF LOT AREA = 7425 SF	TBD
MAXIMUM BUILDING HEIGHT	30 FT THE SMALLEST SIDE YARD PROVIDED OF 14 FT OR LESS FROM AVG. GRADE TO MEAN OF ROOF	TBD
MAXIMUM NUMBER OF STORIES	3 STORIES	TBD
MAXIMUM ELEVATION R2 NON-CONFORMING	34 FT PLUS .75 FT FOR EVERY FOOT OF SIDE YARD PROVIDED IN EXCESS OF 6 FT NOT MORE THAN 14 FT BUT NOT TO EXCEED 40 FT. STARTING 1 FT ABOVE LOWEST TOP OF FOUNDATION VISIBLE ABOVE GRADE TO HIGHEST RIDGE.	TBD
DRIVE WAY MAXIMUM WIDTH IN FRONT YARD	20 FT OR 1/3 LOT WIDTH WHICHEVER IS LESS = 20 FT DRIVE AT CURB CAN BE 5 FT WIDER	TBD
DRIVE WAY SETBACK	1 FT OFF PROPERTY LINE	TBD
GARAGE MAXIMUM HEIGHT	15 FT MEAN HGT. OF ROOF	TBD
GARAGE PROXIMITY TO PRINCIPLE	10 FT MIN. DISTANCE	TBD
GARAGE SETBACKS	IF LOCATED REAR 20% OF LOT	TBD
SIDE SETBACK	2 FT	TBD
REAR SETBACK	2 FT	TBD

PATRICK PLUNKETT
architectural design ltd
19 north grant street
hinsdale, il. 60521
630.789.8100

Project:
118 N. MONROE
Scale: N.T.S. Date:
12.09.18



600	3	3	610
231			221
217			22
203	5	3	206

3	2	2	2
---	---	---	---

131	23	136	
127			
121		122	
		*	
111	3	27	3
101	3	27	3

117		
243	27	

Name and Address of Neighboring Owners

(within 250 ft. of 118 N. Monroe St.)

Recorded Owner(s)

Address

Property Type

Eric & Diana Bilenko	122 N. Monroe St.	SFH
Atul & Parita Singla	128 N. Monroe St.	SFH
Atul & Parita Singla	136 N. Monroe St.	SFH
Regnery Geoffrey T. Trust	206 N. Monroe St.	SFH
School District No. 181	201 N. Monroe St.	School
School District No. 181	201 N. Monroe St.	School
Veronoca J. Northey	117 N. Monroe St.	SFH
L014-055 Atg	543 W. Maple St.	SFH
Bary P. O'Brien	527 W. Maple St.	SFH
008002358374 Ctltc	525 W. Maple St.	SFH
Nadine L O'Malley	515 W. Maple St.	SFH
William & Tracey Wheeler	536 W. Maple St.	SFH
Chuan Shen Liu	21 N. Monroe St.	SFH
Daniel & Jamie Letizia	604 W. Maple St.	SFH
Isadore Michael Trust	614 W. Maple St.	SFH
Sam K Reed	622 W. Maple St.	SFH
Scott & Gina Amsbaugh	628 W. Maple St.	SFH
Sarina Renali	634 W. Maple St.	SFH
Lorretta Tomfohrde	638 W. Maple St.	SFH
Roy & Susan Hoff	607 W. Maple St.	SFH
Mark & Jacqueline Gupta	615 W. Maple St.	SFH
James Fletcher	621 W. Maple St.	SFH
Carole Vickers	627 W. Maple St.	SFH
Stephen & Andrea Gernow	631 W. Maple St.	SFH
Carolyn J. Stanek	101 N. Adams St.	SFH
Sarah & Preston Tims	111 N. Adams St.	SFH
Randall J. Woods	121 N. Adams St.	SFH
John & Kelly Francis	127 N. Adams St.	SFH
Linda K. Hyland	131 N. Adams St.	SFH
Aurelemma	628 W. Walnut St.	SFH
Thomas & Natalie Bremner	621 W. Walnut St.	SFH
Gregory R. Andre	625 W. Walnut St.	SFH



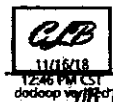
MULTI-BOARD RESIDENTIAL REAL ESTATE CONTRACT 6.1



- 1 **1. THE PARTIES:** Buyer and Seller are hereinafter referred to as the "Parties".
- 2 Buyer Name(s) [please print] Joseph & Marylou Gent
- 3 Seller Name(s) [please print] Jeffrey Bope and Carol Lyn Bope
- 4 If Dual Agency Applies, Complete Optional Paragraph 31.
- 5 **2. THE REAL ESTATE:** Real Estate shall be defined as the property, all improvements, the fixtures and Personal
- 6 Property included therein. Seller agrees to convey to Buyer or to Buyer's designated grantee, the Real Estate
- 7 with approximate lot size or acreage of 50 X 297 commonly known as:
- 8 118 N Monroe St., HINSDALE, IL 60521
- 9 Address City State Zip
- 10 DuPage 0902417009
- 11 County Unit # (If applicable) Permanent Index Number(s) of Real Estate
- 12 If Condo/Coop/Townhome Parking is Included: # of spaces(s) identified as Space(s) # ;
- 13 [check type] ☐ deeded space, PIN: ☐ limited common element ☐ space.
- 14 **3. PURCHASE PRICE:** The Purchase Price shall be \$ After ment of
- 15 Earnest Money as provided below, the balance of the Purchase Price, as adjusted by prorations, shall be paid at
- 16 Closing in "Good Funds" as defined by law.
- 17 **4. EARNEST MONEY:** Earnest Money shall be held in trust for the mutual benefit of the Parties by [check one]:
- 18 ☒ Seller's Brokerage; ☐ Buyer's Brokerage; ☐ As otherwise agreed by the Parties, as "Escrowee".
- 19 Initial Earnest Money of \$ 30,000 shall be tendered to Escrowee on or before 5 day(s) after Date
- 20 of Acceptance. Additional Earnest Money of \$ shall be tendered by 20 .
- 21 **5. FIXTURES AND PERSONAL PROPERTY AT NO ADDITIONAL COST:** All of the fixtures and included Personal
- 22 Property are owned by Seller and to Seller's knowledge are in operating condition on the Date of Acceptance,
- 23 unless otherwise stated herein. Seller agrees to transfer to Buyer all fixtures, all heating, electrical, plumbing,
- 24 and well systems together with the following items of Personal Property at no additional cost by Bill of Sale at
- 25 Closing [Check or enumerate applicable items]:
- | | | | |
|------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> Refrigerator | <input type="checkbox"/> Central Air Conditioning | <input type="checkbox"/> Central Humidifier | <input type="checkbox"/> Light Fixtures, as they exist |
| <input type="checkbox"/> Oven/Range/Stove | <input type="checkbox"/> Window Air Conditioner(s) | <input type="checkbox"/> Water Softener (owned) | <input type="checkbox"/> Built-in or attached shelving |
| <input type="checkbox"/> Microwave | <input type="checkbox"/> Ceiling Fan(s) | <input type="checkbox"/> Sump Pump(s) | <input type="checkbox"/> All Window Treatments & Hardware |
| <input checked="" type="checkbox"/> Dishwasher | <input type="checkbox"/> Intercom System | <input type="checkbox"/> Electronic or Media Air Filter(s) | <input type="checkbox"/> Existing Storms and Screens |
| <input checked="" type="checkbox"/> Garbage Disposal | <input type="checkbox"/> Backup Generator System | <input type="checkbox"/> Central Vac & Equipment | <input type="checkbox"/> Fireplace Screens/Doors/Grates |
| <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Satellite Dish | <input type="checkbox"/> Security System(s) (owned) | <input type="checkbox"/> Fireplace Gas Log(s) |
| <input checked="" type="checkbox"/> Washer | <input type="checkbox"/> Outdoor Shed | <input type="checkbox"/> Garage Door Opener(s) | <input type="checkbox"/> Invisible Fence System, Collar & Box |
| <input checked="" type="checkbox"/> Dryer | <input type="checkbox"/> Planted Vegetation | <input type="checkbox"/> with all Transmitters | <input type="checkbox"/> Smoke Detectors |
| <input type="checkbox"/> Attached Gas Grill | <input type="checkbox"/> Outdoor Play Set(s) | <input type="checkbox"/> All Tacked Down Carpeting | <input type="checkbox"/> Carbon Monoxide Detectors |
- 35 Other Items Included at No Additional Cost:
- 36
- 37 Items Not Included:
- 38
- 39 Seller warrants to Buyer that all fixtures, systems and Personal Property included in this Contract shall be in
- 40 operating condition at Possession except:
- 41 A system or item shall be deemed to be in operating condition if it performs the function for which it is
- 42 intended, regardless of age, and does not constitute a threat to health or safety.
- 43 If Home Warranty will be provided, complete Optional Paragraph 34.

Buyer Initial Buyer Initial
Address: 118 N Monroe ST, HINSDALE, IL 60521

Seller Initial Seller Initial



511 THIS DOCUMENT WILL BECOME A LEGALLY BINDING CONTRACT WHEN SIGNED BY ALL PARTIES AND DELIVERED TO THE PARTIES OR THEIR AGENTS.
 512 THE PARTIES REPRESENT THAT THE TEXT OF THIS COPYRIGHTED FORM HAS NOT BEEN ALTERED AND IS IDENTICAL TO THE OFFICIAL
 513 MULTI-BOARD RESIDENTIAL REAL ESTATE CONTRACT 8.1.

514 11/14/18
 515 Date of Offer
 516 11/16/18
 517 DATE OF ACCEPTANCE
 518 Buyer Signature
 519 Buyer Signature
 520 **Joseph & Marylou Gent**
 521 Print Buyer(s) Name(s) [Required]
 522 **441 E. Walnut**
 523 Address
 524 **Hinsdale IL 60521**
 525 City State Zip
 526 **marylougent@yahoo.com**
 527 Phone E-mail
 528 Seller Signature
 529 **Carol Lyn Bope**
 530 Print Seller(s) Name(s) [Required]
 531 **Jeffrey L Bope Carol L Bope**
 532 Address
 533 City State Zip
 534 Phone E-mail

FOR INFORMATION ONLY

529 **Lorenz & Sellis Realty Group 26177 478026599** Coldwell Banker Residential RE 22025
 530 Buyer's Brokerage MLS # State License # Seller's Brokerage MLS # State License #
 531 **3636 W. 111th St. 2nd floor Chicago 60655** **5 S Prospect Ave Clarendon Hills 60514**
 532 Address City Zip Address City Zip
 533 **Laura Byrne 235824 475129835** **Mike McCurry 223106 471000234**
 534 Buyer's Designated Agent MLS # State License # Seller's Designated Agent MLS # State License #
 535 **(630) 461-5099** **(630) 447-9393 (781) 810-9571**
 536 Phone Fax Phone Fax
 537 **lauracullenbyrne@gmail.com** **mike@mccurryhomes.com**
 538 E-mail E-mail
 539 **Domnic Mancini domm1@msn.com**
 540 Buyer's Attorney E-mail Seller's Attorney E-mail
 541 **133 Fuller Rd. Hinsdale IL 60521**
 542 Address City State Zip Address City State Zip
 543 **(603) 325-2580 (630) 325-5169**
 544 Phone Fax Phone Fax
 545 Mortgage Company Phone Homeowner's/Condo Association (if any) Phone
 546 Loan Officer Phone/Fax Management Co./Other Contact Phone
 547 Loan Officer E-mail Management Co./Other Contact E-mail

551 **Illinois Real Estate License Law requires all offers be presented in a timely manner; Buyer requests verification that this offer was presented.**
 552 **Seller rejection: This offer was presented to Seller on _____, 20____ at _____ A.M./P.M. and rejected on _____**
 553 **_____, 20____ at _____ A.M./P.M. [Seller Initials]**

554 © 2015, Illinois Real Estate Lawyers Association. All rights reserved. Unauthorized duplication or alteration of this form or any portion thereof is prohibited. Official form available at
 555 www.irela.org (website of Illinois Real Estate Lawyers Association). Approved by the following organizations, September 2015: Illinois Real Estate Lawyers Association • DuPage County Bar Association •
 556 McHenry County Bar Association • Northwest Suburban Bar Association • Will County Bar Association • Behindere Board of REALTORS® • Chicago Association of REALTORS® • Heartland REALTOR®
 557 Organization • Hometown Association of REALTORS® • Illini Valley Association of REALTORS® • Kane/DeKalb-Iroquois-Ford County Association of REALTORS® • Mainstreet Organization of
 558 REALTORS® • North Shore-Barrington Association of REALTORS® • Oak Park Area Association of REALTORS® • REALTOR® Association of the Fox Valley, Inc. • Three Rivers Association of
 559 REALTORS®

Buyer Initial MG Buyer Initial JB Seller Initial CB Seller Initial CB
 Address: **118 N Monroe ST, HINSDALE, IL 60521**
 Page 13 of 13



MEMORANDUM

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

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

DATE: August 14, 2018

RE: Zoning Variation – V-09-18; 306 N. Garfield

In this application for variation, the applicant requests relief from the minimum corner side yard setback requirements set forth in section 3-110.D.2(a)(i) footnote 8 for the construction of a porte cochere. The applicant is requesting a 13'9" reduction from the block average of 44'7" to 30'10".

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the northeast corner of Garfield and Hickory Street. The property has a frontage of approximately 121', a depth of approximately 141.50', and a total square footage of approximately 17,121. The maximum FAR is approximately 5,309 square feet, the maximum allowable building coverage is 25% or approximately 4,280 square feet, and the maximum allowable lot coverage is 50% or approximately 8,560 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-09-18

8a

Zoning Calendar No. V-09-18

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): Dana Gapinski and John Wheeler

ADDRESS OF SUBJECT PROPERTY: 306 N. Garfield St.

TELEPHONE NUMBER(S): (773) 251-1250

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

DATE OF APPLICATION: July 27, 2018



RECEIVED
7-30-18

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Dana Gapinski and
John D. Wheeler, 306 N. Garfield Street, Hinsdale, IL 60521 (773) 251-1250

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

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

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) Address: 306 N. Garfield Street.

Legal: LOT 1 IN OLD'S RESUBDIVISION OF LOT 3 AND THE EAST 1/2 OF VACATED ALLEY WEST AND ADJOINING SAID LOT 3, IN JOHNSTON'S SUBDIVISION OF BLOCK 11 OF AYER'S ADDITION TO HINSDALE, A SUBDIVISION OF PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OLD'S RESUBDIVISION RECORDED MARCH 13, 1957 AS DOCUMENT 835304, IN DUPAGE COUNTY, ILLINOIS.

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

a. Attorney: Robert T. O'Donnell, 28045 N. Ashley Circle, Suite 101, Libertyville, IL 60048

b. Engineer: _____

c. Architect: Dennis Parsons, 28 Springlake Avenue, Hinsdale, IL 60521

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. See attached Exhibits 1a and 1b.

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 Exhibit 2.
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. See attached Exhibit 3.
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 Exhibit 4.
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 attached Exhibit 5.
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 Exhibit 6.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

Section 3-110.D.2(a)(i) (fn. 8)

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

13'9" variation sought from Hickory Street setback of 44' - 7" to a revised setback of 30'10".

The purpose of the variation is to seek a building permit to construct a porte cochere attached to the Hickory Street frontage. The porte cochere will extend from the existing facade of the house to cover the portion of the circular driveway that passes in front of the house.

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

The minimum variation necessary to construct a porte cochere that spans the existing driveway in the proposed location is exactly that which is sought - 13' 9".

See attached Exhibit 7.

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

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

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

See attached Exhibit 5.

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 Exhibit 7.**
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. **See attached Exhibit 7.**

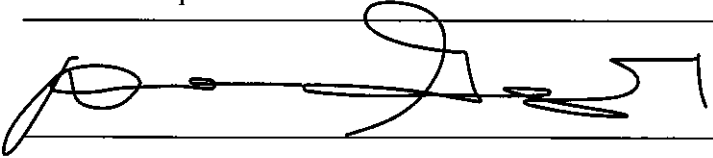
SECTION IV

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.

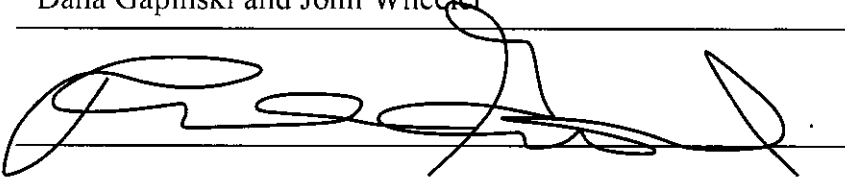
SECTION V

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: Dana Gapinski and John Wheeler

Signature of Owner: 

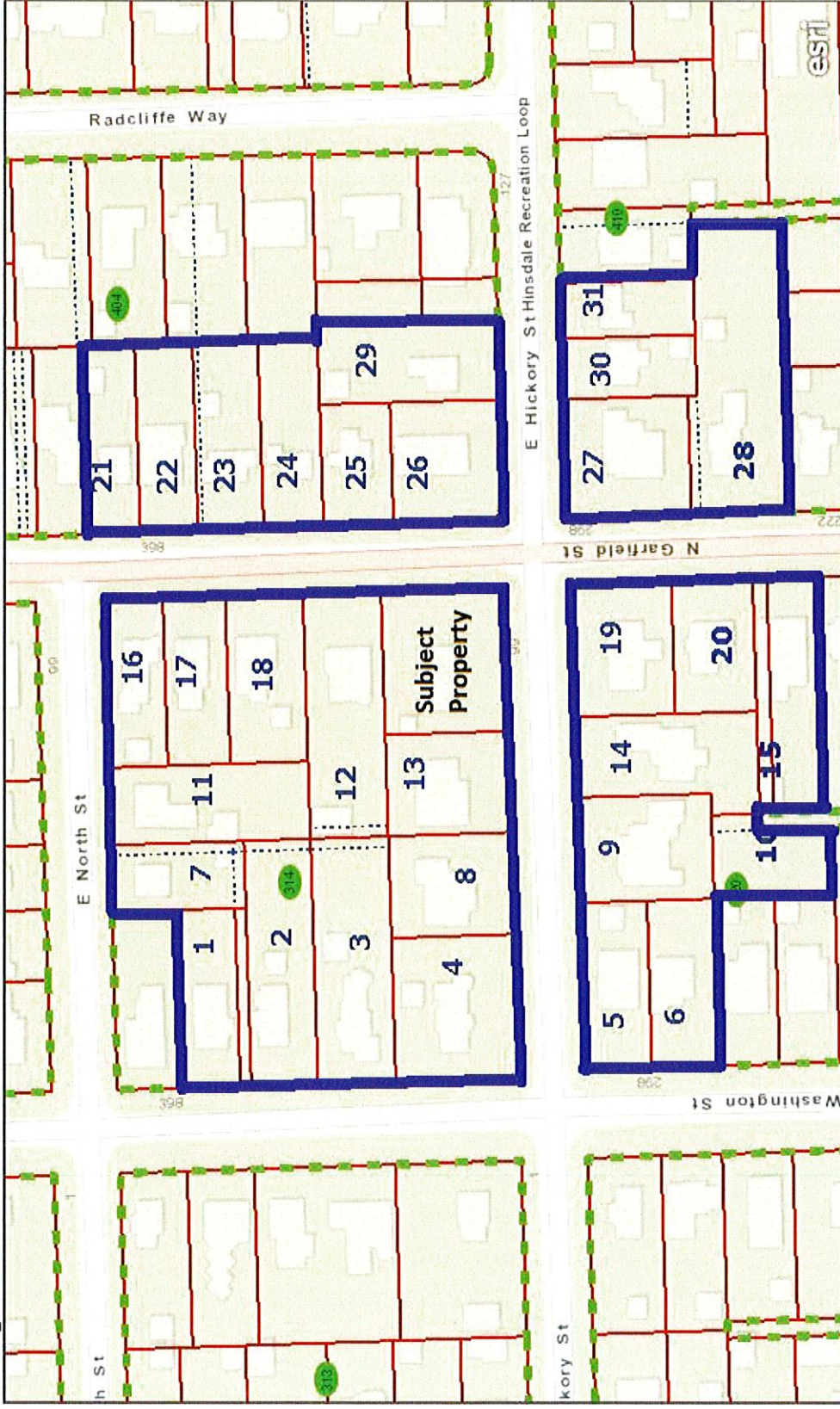
Name of Applicant: Dana Gapinski and John Wheeler

Signature of Applicant: 

Date: July 27, 2018

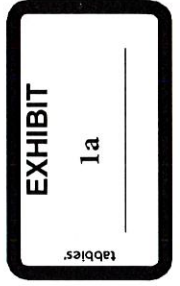
Neighboring Owners within 250 Feet

DuPageAssessmentParcelViewer



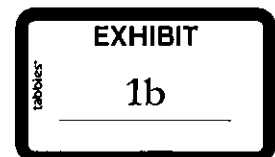
DuPage County Parcel Data.

City of Chicago, County of DuPage, County of DuPage, Esri, HERE, Garmin, INCREMENT P, NGA, USGS



List of Neighboring Property Owners Within 250 Feet

1. Robert A. Cloud & Julia A. Cloud
325 N. Washington St.
Hinsdale, IL 60521
PIN # 09-01-314-002
2. Edward M. Barrow & Elizabeth K. Barrow
319 N. Washington St.
Hinsdale, IL 60521
PIN # 09-01-314-006
3. Christopher P. Boruff & Julie A. Boruff
313 N. Washington St.
Hinsdale, IL 60521
PIN # 09-01-314-007
4. Kevin M. Knaul & Tiffany M. Knaul
305 N. Washington St.
Hinsdale, IL 60521
PIN # 09-01-314-012
5. Richard E. Erwin & Dixie L. Erwin
235 N. Washington St.
Hinsdale, IL 60521
PIN # 09-01-320-001
6. Michael M. Teska & Stephanie L. Teska
231 N. Washington St.
Hinsdale, IL 60521
PIN # 09-01-320-002
7. John G. Crawford
18 North St.
Hinsdale, IL 60521
PIN # 09-01-314-004
8. The Joseph A. Brady III Trust dated September 1, 2000 and the Shannon M. Brady
Trust dated September 1, 2000
15 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-314-013



9. James S. Moody & Amy Moody
18 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-320-008
10. James S. Moody & Amy Moody
18 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-320-024
11. Jeffrey S. Fronza & Meredith T. Fronza
22 E. North St.
Hinsdale, IL 60521
PIN # 09-01-314-016
12. Bradley P. Summers & Loretta L. Summers
314 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-314-011
13. Carol Starrett Pelino, Trustee of the Carol Starrett Pelino Trust dated May 3, 2017
23 E. Hickory St.
Hinsdale, IL 60521
PIN# 09-01-314-014
14. Michael W. Connors & Lorraine Connors
26 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-320-023
15. Melvin Niemeyer and Laurie Condon, Trustees of the M & L Real Estate Trust
222 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-320-014
16. Andrew Van Houtte & Emily A. Van Houtte
330 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-314-008
17. Robert K. Neiman & Caron S. Neiman
326 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-314-009

18. Robert R. Gilmore & Kay T. Gilmore
322 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-314-017
19. Annamalai Thiagarajan
36 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-320-011
20. Anne Pax
224 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-320-012
21. Curtis J. Fahlberg & Patti J. Klope-Fahlberg, Trustees of the Curtis Patti Fahlberg
Living Trust
331 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-404-007
22. Ravi Bansal & Sona Bhat
325 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-404-008
23. James P. Gitzlaff & Renu Thamman
321 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-404-009
24. Villa Benvenuto, LLC
317 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-404-010
25. William J. Gatzulis & Joanna Collias
311 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-404-011
26. George Casson Jr. & Mary E. Casson
309 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-404-012

27. Brian Forsythe & Elaheh Forsythe
233 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-410-001
28. Beth E. Flaming
223 N. Garfield St.
Hinsdale, IL 60521
PIN # 09-01-410-008
29. Michael J. Meyer, Trustee of the Michael J. Meyer Trust dated October 19, 2016 &
Janet M. Meyer, Trustee of the Janet M. Meyer Trust dated October 19, 2016
113 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-404-020
30. Dean V. Stermer & Rowena P. Stermer, Trustees of the Dean v. Stermer and
Rowena P. Stermer Trust under agreement dated December 31, 2002
112 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-410-002
31. Timothy R. Kessler & Kristen Kessler
118 E. Hickory St.
Hinsdale, IL 60521
PIN # 09-01-410-003

PLAT OF SURVEY

2342 Woodhill Court, Plainfield, Illinois
(815) 341-0659
PrairieLandSurvey.com



PLAT OF SURVEY
GAPINSKI, DANA
306 NORTH GARFIELD
HINSDALE, ILLINOIS

PLAT OF SURVEY

OF
LOT 1 IN OLD'S RESUBDIVISION OF LOT 3 AND THE EAST 1/2 OF
VACATED ALLEY WEST AND ADJOINING SAID LOT 3, IN JOHNSTON'S
SUBDIVISION OF BLOCK 11 OF AYER'S ADDITION TO HINSDALE, A
SUBDIVISION OF PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4
OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD
PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OLD'S
RESUBDIVISION RECORDED MARCH 13, 1957 AS DOCUMENT 835304, IN
DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 09-01-314-015
PROPERTY ADDRESS: 306 NORTH GARFIELD STREET, HINSDALE,
ILLINOIS

SURVEYOR'S NOTES

1. DIMENSIONS SHOWN THUS: 50.25' ARE FEET AND
DECIMAL PARTS THEREOF. ANGULAR DATA SHOWN
THUS: 90°00'00" INDICATES DEGREES, MINUTES AND
SECONDS.
2. NORTH ARROW AND BEARINGS BASED ON THE EAST
LINE OF PARCEL AS SHOWN.
3. IMPROVEMENT LOCATIONS ARE BASED ON A FIELD
SURVEY BY PRAIRIE LAND SURVEY COMPANY, ON
7/6/2018.
4. COMPARE YOUR POINTS BEFORE USING SAME AND
REPORT ANY DIFFERENCES.
5. CHECK LEGAL DESCRIPTION WITH DEED OR TITLE
POLICY AND REPORT ANY DISCREPANCY. BUILDING
LINES AND EASEMENTS, IF ANY, SHOWN HEREON ARE
AS SHOWN ON THE RECORDED SUBDIVISION OR AS
INDICATED.

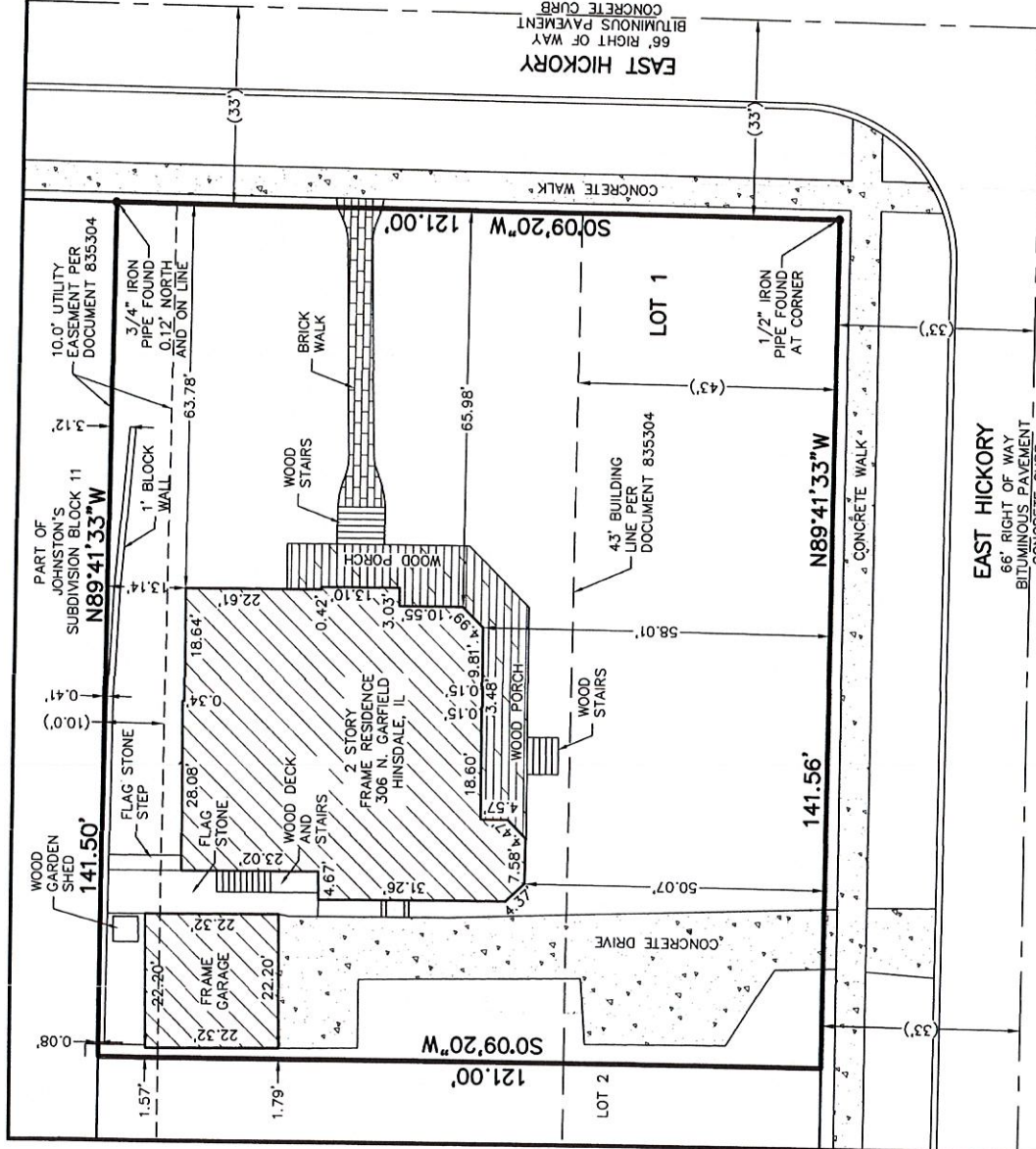
STATE OF ILLINOIS)
COUNTY OF WILL)

I, HEREBY CERTIFY THAT THE PLAT DRAWN HEREON
AND THE SURVEY THAT IT REPRESENTS, WERE
PREPARED AND PERFORMED BY US, AND THAT THIS
PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR BOUNDARY
SURVEYS.

DATED AT PLAINFIELD, ILLINOIS THE 9TH DAY OF JULY
2018.



EXHIBIT
2



LEGEND

- LIMITS OF SURVEY
- CENTER LINE
- SET BACK LINE
- EASEMENT LINE

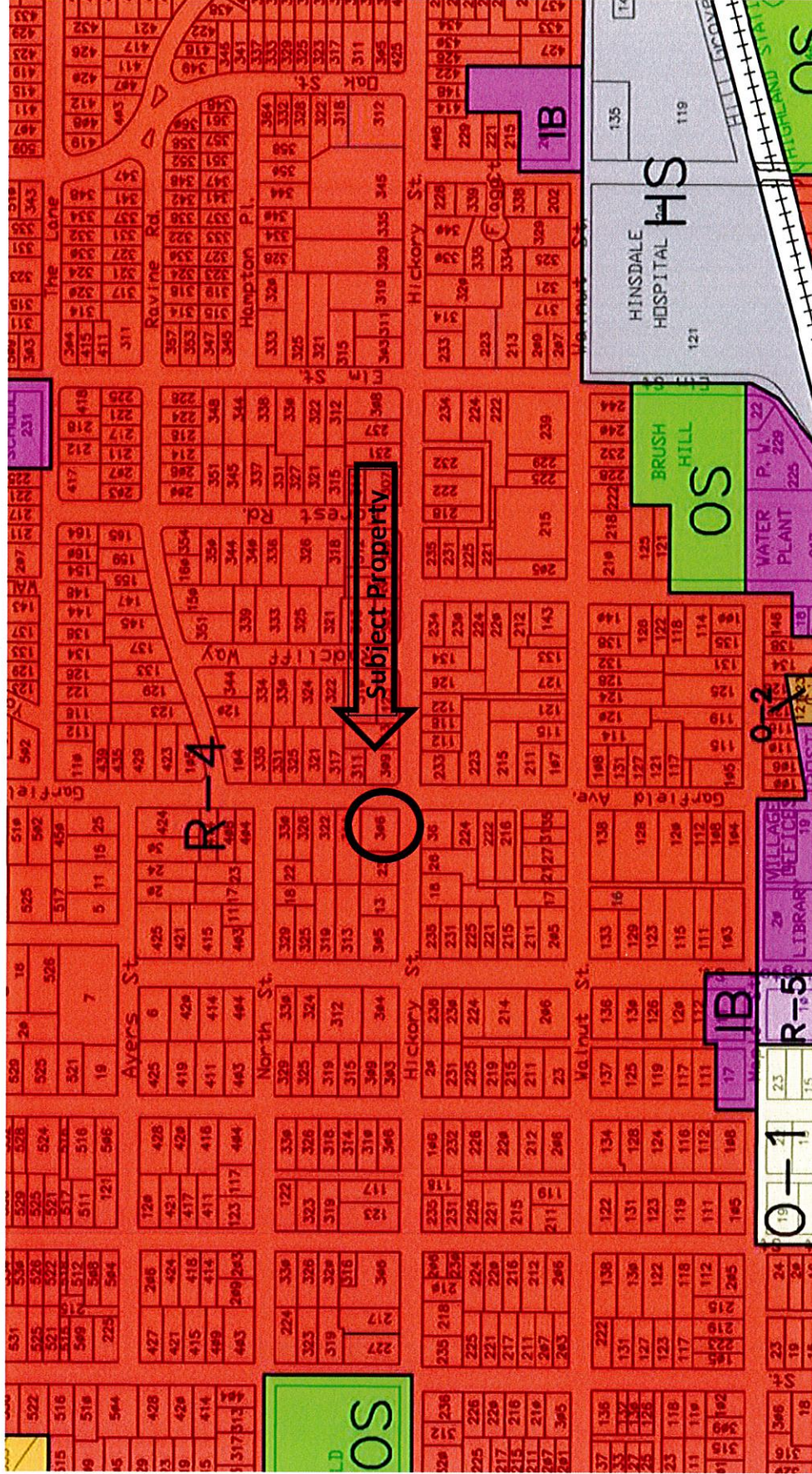
FIELD WORK:	7/6/2018
DRAWN BY:	KB
CHECKED BY:	MS
PROJECT NO.:	18139

GRAPHIC SCALE



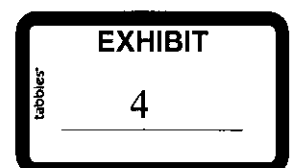
(IN FEET)
1 Inch = 20 Feet

Hinsdale Zoning Map



Statement of Conformity

The subject property is located within, and completely surrounded by, the R-4 Single Family Residential District within the Village. The proposed variation is only for the purpose of constructing an accessory structure, a *porte-cochère*, which is a structure attendant to residential use in character with the R-4 district. The R-4 district allows for higher density residential use and smaller lot size than the R-1, R-2 and R-3 districts. The *porte-cochère* is an accessory structure, which is permitted in the R-4 district pursuant to §3-103 of the Code. Therefore, the proposed variation is in conformity with the Village Map. The applicant has been informed by the Village that the Village does not have a Comprehensive Plan.



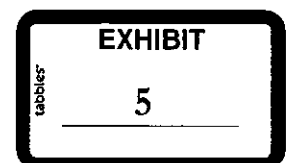
Standards for Variation

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.

RESPONSE: The subject property is located on the northeast corner of Garfield Street and Hickory Street. *See*, site plan attached to this Application as Exhibit 6. The subject property houses a two-story, seven-bedroom residence and a detached, two-car garage located on the northwest corner of the property. The front door of the residence on the subject property faces east on Garfield Avenue. The south façade of the residence contains a side door and a porch facing south on Hickory Street. The subject property has a driveway on the west side of the house which extends from Hickory Street to the detached garage in the northwest corner of the property. Because the garage is detached from the home, there is no place on the property where a driver may travel between a vehicle and the home while protected from the elements.

Applicants seek to construct a *porte-cochère* extending 20' 1" from the southern edge of the porch roof towards Hickory Street. Pursuant to Section 3-110.D.2(a)(i) of the Zoning Code, the required corner side yard setback for the Hickory Street frontage of the subject property is 44' 7". If approval for the variation and construction of the *porte-cochère* is granted, the new setback from the edge of the *porte-cochère* to Hickory Street will be 30' 10".

The permit application to construct the *porte-cochère* will be accompanied by an application for a permit to construct a circular driveway extending from the existing driveway on Hickory Street, passing under the *porte-cochère* on the south side of the residence and terminating at a new curb cut on Hickory Street towards the east end of the property. *See*, renderings of subject property depicting property with proposed *porte-cochère* and circular driveway from the south and east elevations, attached as Exhibits 5a and 5b, respectively. The circular driveway will be in conformance with all applicable code requirements and will not require any variation therefrom.



The addition of the *porte-cochère* will greatly enhance the usefulness of the property, permitting the residents to unload passengers and items from a vehicle under cover from the elements before storing the vehicle in the garage or along the driveway currently existing on the property for such purpose. The purpose of the *porte-cochère* is not to provide additional vehicle storage, but to facilitate the movement of passengers and items between vehicles and the home.

Moreover, the proposed *porte-cochère* is designed to blend seamlessly with the aesthetics of the existing residence. *See* Exhibits 5a and 5b. The construction of the proposed accessory structure will enhance, not detract from, the aesthetic character of the residence and neighborhood.

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.

RESPONSE: Due to the unique arrangement of the homes sharing a frontage on Garfield Street with the subject property, and the homes sharing a frontage on Hickory Street with the subject property, the subject property has two extraordinarily large setbacks on both frontages. Ordinarily, the minimum corner yard setback in the R-4 district is 35'—unless the additional requirements of footnote 8 in §3-110.D.2.(a)(i) apply, requiring the minimum setback to be the average of those of existing buildings sharing the same frontage. However, corner yard setbacks for the subject property are 50' 1 ½" from Garfield and 44' 7" from Hickory. As a result of this requirement, applicants are prevented from building any structure on over 10,000 feet of their 17,000-foot lot, without seeking a variation from the Code.

- (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.

RESPONSE: Applicants have no control over the construction of the residences sharing frontage with their property on Garfield Street, all of which have greater depth than the subject property, or over those sharing frontage on Hickory Street.

- (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.

RESPONSE: Based on the size of applicants' lot, their allowable building coverage is 4,282 square feet. Currently, applicants are using only 3,144 square feet of their lot for building coverage, and they are not able to build any more structures on their lot without a variation, because of their extensive setbacks. The *porte-cochère* would increase applicants' building coverage to 3,504 square feet – still far less than allowable building coverage under the Code. Therefore, the carrying out of the strict letter of the setback provision would preclude applicants from being able to use the full extent of their allowable building coverage for their size lot under the Code.

Moreover, several owners of other lots in the Village enjoy the use of a *porte-cochère* on their property and applicants are not seeking any additional right not commonly enjoyed by owners of other lots in the Village subject to the same provisions.

- (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.

RESPONSE: A *porte-cochère* is not a special privilege or additional right not available to other owners of lots in the R-4 district. Many homes in Hinsdale have both detached garages and *porte-cochères* or carports. The purpose of the *porte-cochère* is to provide an architecturally appealing and useful accessory structure to the residence on the subject property, not to make more money from the use of the subject property.

(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.

RESPONSE: The construction of the proposed *porte-cochère* would be in harmony with the general and specific purposes of the Code. The construction of an architecturally appealing open-air structure in lieu of an attached garage is in line with the pattern of land uses in the Village, and also supports the Code's goal of encouraging and enhancing the preservation of natural resources, aesthetic amenities, and natural features.

The total allowable building coverage on the subject property is 4,282 square feet. Even with the construction of the *porte-cochère*, the total building "coverage" is only 3,509 square feet—well below the allowable coverage. Moreover, while the proposed *porte-cochère* "covers" 365 square feet, it does not provide impermeable surface coverage. The total Floor Area Ratio of the subject property is 4,654 square feet, well below the allowable F.A.R. of 5,310 square feet. The subject property is also in harmony with the Code's purpose of limiting the bulk of new and existing structures.

(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.

RESPONSE: The proposed variation satisfies this requirement. The *porte-cochère* will be a tasteful adornment to the southern façade of the residence facing Hickory Street, as well as the eastern façade of the residence which faces Garfield Street. *See*, Exhibits 5a and 5b. The proposed variation will complement the character of the neighborhood and will not have an injurious effect on neighboring property values. As an open structure, the proposed *porte-cochère* will not impair the supply of light or air to other properties. The proposed structure will alleviate the existing difficulty regarding loading/unloading of vehicles on the subject property during inclement weather and will not affect that on the public streets. The proposed structure will have no effect on stormwater drainage and will not unduly increase the danger of fire, unduly tax public utilities and facilities in the area, or 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.

RESPONSE: Applicants might have sought to relieve their lack of coverage from inclement weather between their vehicles and their residence, by seeking an even greater variance in order to build a larger garage attached to their residence. However, this would certainly affect the bulk and F.A.R. of their property, require a much greater setback from the one they are currently seeking, and potentially have other effects on the character of the neighborhood. Instead, the applicants' proposed solution to their overhead protection problems is that which least affects the character of the neighborhood, the aesthetic nature of the subject property, and the F.A.R. of the

subject property. Applicants believe the *porte-cochère* they seek to construct if the requested variation is granted supports the most reasonable use of the subject property in light of the existing difficulty.



EXHIBIT

5a

tabbles



QUIT CLAIM DEED

MAIL TO:

Aurora M. DeCook, Esq.
190 S. LaSalle St., #1700
Chicago, Illinois 60603

NAME & ADDRESS OF TAXPAYER:

John D. Wheeler &
Dana Gapinski
306 N. Garfield
Hinsdale, IL 60521



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

DEC.09,2016

RHSP

9:19 AM

QCD

\$40.00 09-01-314-015

002 PAGES R2016-136683

THE GRANTOR, DANA GAPINSKI, married to JOHN D. WHEELER, 306 N. Garfield, of the Village of Hinsdale, County of DuPage, State of Illinois, for and in consideration of TEN (\$10.00) DOLLARS and other good and valuable consideration in hand paid, does hereby QUIT CLAIM and CONVEY unto the GRANTEES, JOHN D. WHEELER and DANA GAPINSKI, husband and wife, 306 N. Garfield, of the Village of Hinsdale, County of DuPage, State of Illinois, not as Joint Tenants or as Tenants in Common, but as TENANTS BY THE ENTIRETY, the following described real estate situated in the County of DuPage, in the State of Illinois, to wit:

LOT 1 IN OLD'S RESUBDIVISION OF LOT 3 AND THE EAST 1/2 OF VACATED ALLEY WEST AND ADJOINING SAID LOT 3, IN JOHNSTON'S SUBDIVISION OF BLOCK 11 OF AYER'S ADDITION TO HINSDALE, A SUBDIVISION OF PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OLD'S RESUBDIVISION RECORDED MARCH 13, 1957 AS DOCUMENT 835304, IN DUPAGE COUNTY, ILLINOIS.

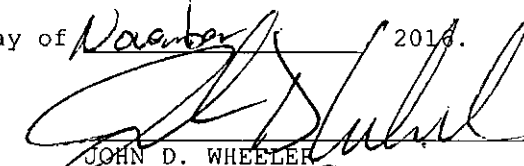
hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.


Permanent Index Number: 09-01-314-015

Property Address: 306 N. Garfield
Hinsdale, IL 60521

This Quit Claim Deed is being executed by JOHN D. WHEELER solely for the purpose of waiving his homestead rights in the property.

Dated this 29th day of November 2016.


JOHN D. WHEELER (SEAL)


DANA GAPINSKI (SEAL)

EXHIBIT

6

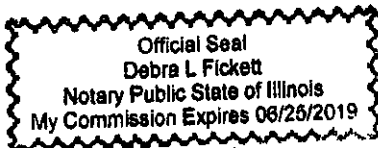
Quit Claim Deed

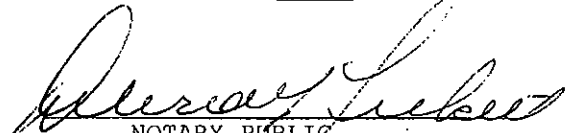
Page 1

State of Illinois)
) SS
County of DuPage)

I, the undersigned, a Notary Public in and for said County, in said State, DO HEREBY CERTIFY that JOHN D. WHEELER and DANA GAPINSKI, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they have signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 29 day of November, 2016.




NOTARY PUBLIC
Commission expires: 6-25-2019

This instrument was prepared by:

Aurora M. DeCook, Esq.
Madden, Jiganti, Moore & Sinars LLP
190 South LaSalle St., Ste 1700
Chicago, IL 60603
(312)346-4101

Exempt under provisions of Paragraph E, Section 4 of the Real Estate Transfer Act.

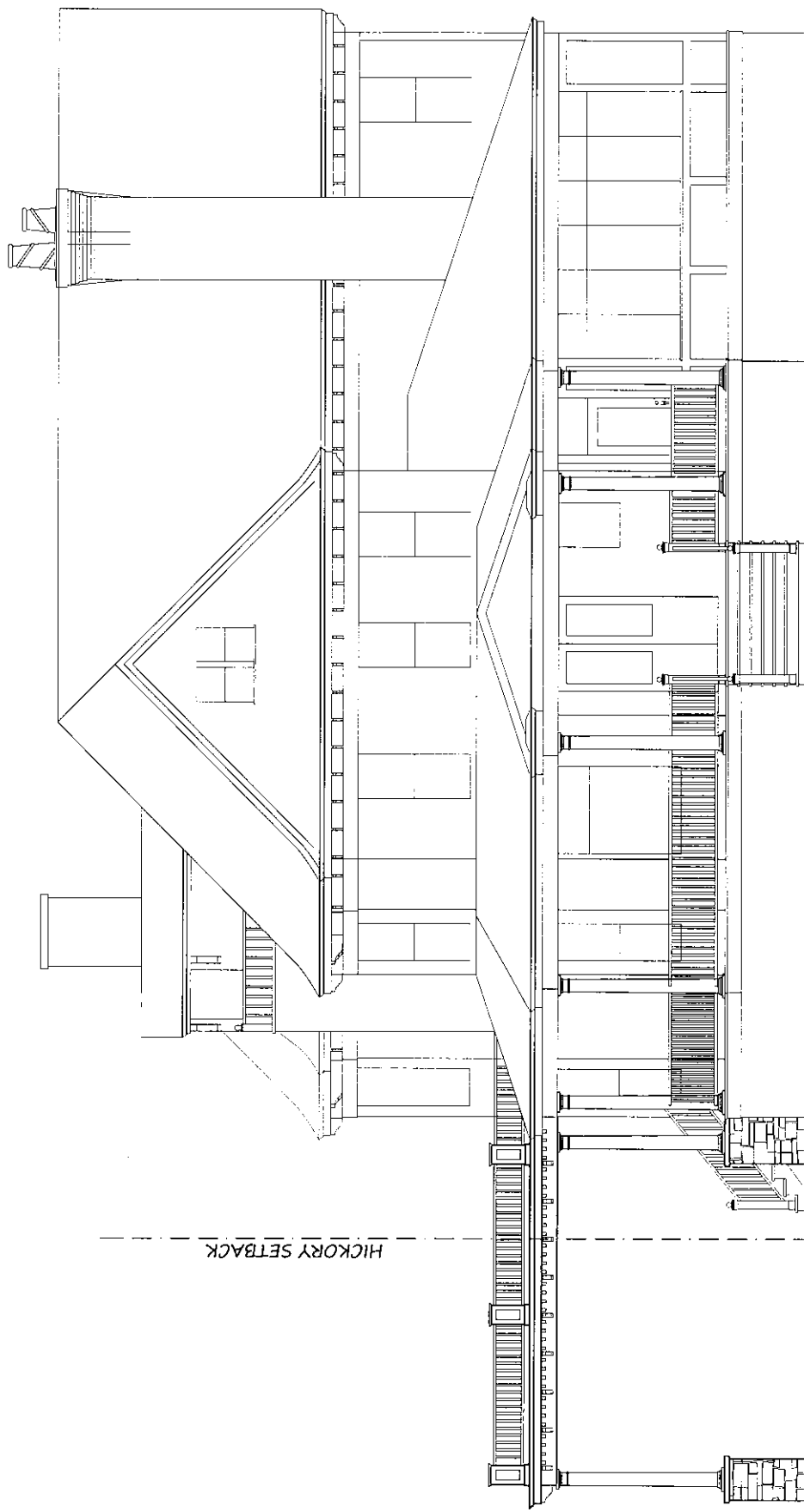
Date: 12/1/2016

Signature:

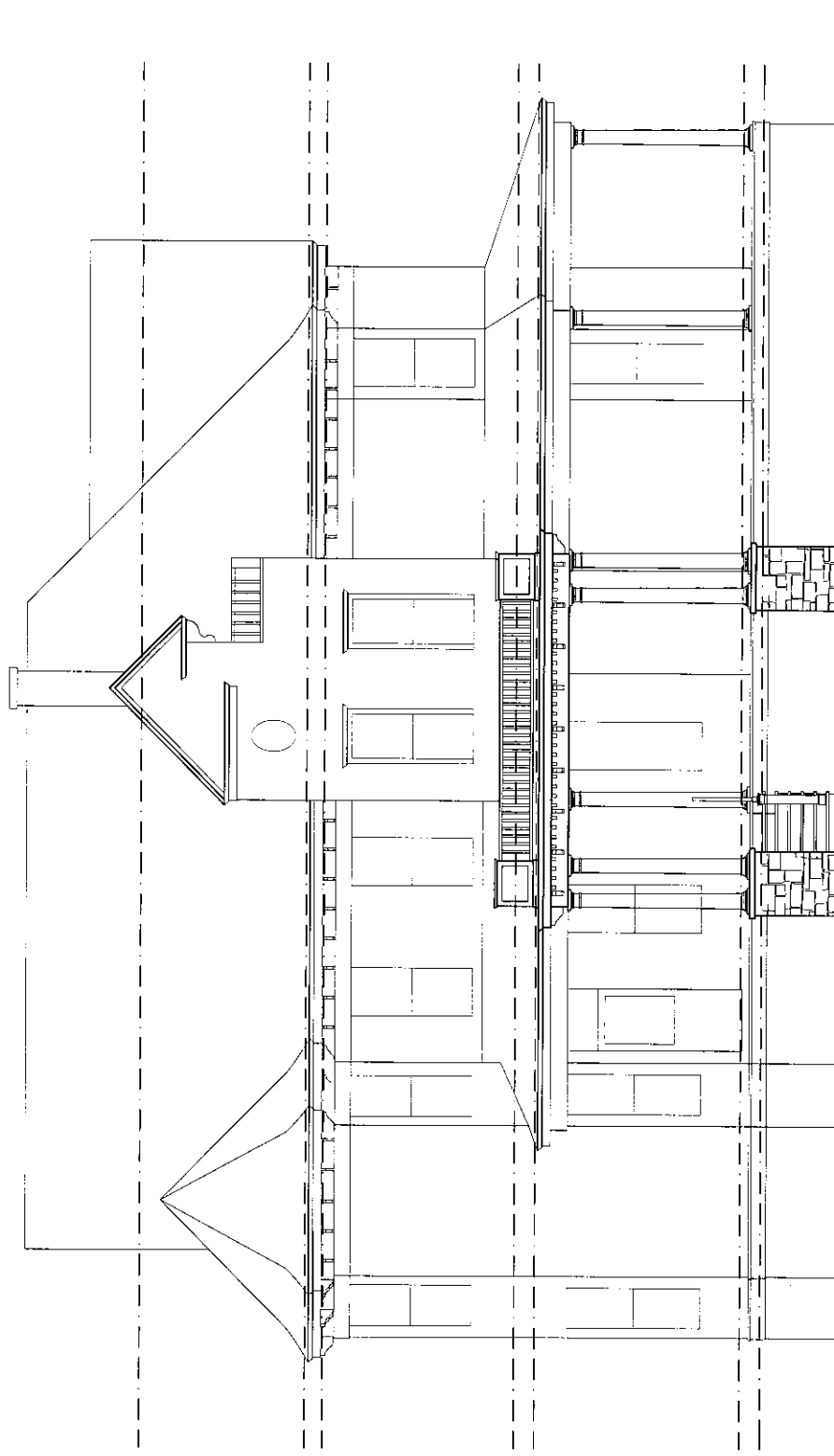

Grantor or Agent



SITE DATA		R4	
LOT AREA	13,011 sq		
APPROXIMATE BUILDING COVERAGE	4,000 sq		
ACTUAL BUILDING COVERAGE	4,000 sq		
APPROXIMATE DRIVEWAY COVERAGE	4,000 sq		
ACTUAL DRIVEWAY COVERAGE	4,000 sq		
APPROXIMATE TOTAL BUILDING COVERAGE	8,000 sq		
ACTUAL TOTAL BUILDING COVERAGE	8,000 sq		
APPROXIMATE TOTAL PAVEMENT AREA	2,000 sq		
ACTUAL TOTAL PAVEMENT AREA	2,000 sq		
APPROXIMATE DRIVEWAY COVERAGE	4,000 sq		
ACTUAL DRIVEWAY COVERAGE	4,000 sq		
APPROXIMATE TOTAL PAVEMENT AREA	4,000 sq		
ACTUAL TOTAL PAVEMENT AREA	4,000 sq		



EAST ELEVATION



SOUTH ELEVATION