

MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, JULY 17, 2019
6:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a) Meeting of March 20, 2019
 - b) Meeting of June 19, 2019
- 4. APPROVAL OF FINAL DECISIONS – None**
- 5. RECEIPT OF APPEARANCES**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
 - a) V-02-19, 11 West Sixth Street
- 8. PUBLIC HEARING**
 - a) V-01-19, 303 East Chicago Avenue
- 9. NEW BUSINESS**
- 10. OLD BUSINESS**
- 11. ADJOURNMENT**

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

www.villageofhinsdale.org

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
March 20, 2019

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7 **1. CALL TO ORDER**

8 Chairman Bob Neiman called the regularly scheduled meeting of the Zoning
9 Board of Appeals to order on Wednesday, March 20, 2019 at 6:31 p.m. in
10 Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.
11

12 **2. ROLL CALL**

13 **Present:** Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy,
14 Kathryn Engel, John Podliska and Chairman Bob Neiman
15

16 **Absent:** None
17

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

21 **3. APPROVAL OF MINUTES**

22 a) **Regular meeting of January 23, 2018**

23 Following corrections to the draft minutes, Member Alesia moved to **approve**
24 **the minutes of the regular meeting of January 23, 2019, as amended.**
25 Member Podliska seconded the motion.
26

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

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** None
32

33 Motion carried.
34

35 **4. APPROVAL OF FINAL DECISIONS**

36 a) **V-09-18, 306 North Garfield**

37 Following corrections to the draft final decision, Member Podliska moved to
38 **approve the final decision for V-09-18, 306 North Garfield, as amended.**
39 Member Engel seconded the motion.
40

41 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel, Podliska and
42 Chairman Neiman

43 **NAYS:** None

44 **ABSTAIN:** None

45 **ABSENT:** None
46

47 Motion carried.
48

1 **b) V-11-18, 118 North Monroe**

2 Chairman Neiman began discussion explaining that following the public
3 hearing and the Board's vote to approve the variation request, the architect
4 brought plans into the building department for permit, and the house was
5 situated in a different place than originally indicated on the application. To his
6 mind, the issue is that the neighbors received notice of the application so they
7 could voice objections or support if they wanted. The neighbors were notified
8 of a proposed variation, the house was situated in one place, but now the
9 house is in a different place. If the notice is designed for due process, to give
10 neighbors a meaningful opportunity to be heard on whether or not to approve
11 a variation, the information was not accurate. He thought it was important to
12 notify the immediate neighbors most affected by this change to give them
13 another chance to be heard. It is his understanding that with one exception,
14 none of the neighbors are opposed to the new location. The objecting
15 neighbor is to the south of the subject property. Chairman Neiman asked the
16 owner to explain what happened.

17 Mr. Joe Gent, applicant, addressed the Board and stated the explanation
18 centers on the fact that the site exhibit that was submitted with the variation
19 application has a dimension for the front property line to the front building
20 wall, and the building and dimension to the rear property line. These numbers
21 add up to the overall length of the property. They put 40' feet from the
22 property line to the front of the building 'to be determined'. Village code
23 requires the front yard setback be the average setback of adjoining homes on
24 street. They had not done this survey work prior to the variation because they
25 did not yet own the property. However, following purchasing the property, the
26 surveyor determined that slightly less than 43' feet is the required setback on
27 Monroe. Therefore, the building needs to be moved back 3' feet to meet the
28 code requirement. Chairman Neiman pointed out this issue could not have
29 been determined with certainty without the surveyor. Director of Community
30 Development Robb McGinnis stated an applicant is not required to have a
31 survey for a zoning application. Member Alesia suggested estimates could be
32 presented with the application. Mr. Gent explained they were focused on the
33 width issue, not the length, because according to code, a 200' foot house
34 could be built on this property and still comply with front and rear setback
35 requirements. This was not an issue they felt they had to tie down for the
36 variance. Member Moberly confirmed that the house is only moving back 3'
37 feet, and that is the only change. It was noted that this will further affect the
38 sight lines which were a concern voiced by neighbors at the public hearing,
39 nevertheless, the house is code compliant when moved back 3' feet.

40 Ms. Marylou Gent explained that she did the sketch based on their first
41 meeting with the architect. The architect took her sketch for the house, on a
42 297' foot lot, and determined there was no problem with the length of the
43 house. She said the 3' foot change is the culmination of inches on various
44 interior walls. She noted the exhibit does say the 40' feet measurement is 'to
45 be determined'. She said they would like more than the 3' feet they are
46 requesting, and agreed that sight lines are a wonderful thing, but we live in a
47 Village with people next to us or behind us. Member Moberly pointed out that

1 a code compliant house could go further back than what is proposed.

2 Member Podliska said the concern is that people can be heard. The
3 movement of the house 3' feet further back doesn't appear to have generated
4 any new concern with the request. There was a general issue of line of sight,
5 which the Board took into consideration when making the original decision.
6 Chairman Neiman stated he understands now the application says 'to be
7 determined'; that info was available to neighbors, everyone was aware of this
8 possibility. It didn't occur to anyone, but it was noticed properly. Mr.
9 McGinnis explained that a current plat of survey is required and was provided
10 with this application, but that would not solve the problem in this case,
11 because it shows the current house. In his opinion, if the 139' foot
12 measurement was marked with a plus or minus or marked as tentative, we
13 wouldn't be having this conversation.

14 Mrs. Gent asked if the language that specifies the 139' feet off the rear yard
15 lot line in the final decision will have any ramifications for any use of that rear
16 area in the future. Member Podliska pointed out the final decision sets out
17 the conditions under which the variation was approved with respect to the
18 width of the home, and does not specify any condition with regard to the rear
19 yard length. The conditions in this case reference a pervious driveway and
20 drainage management. Discussion followed regarding the conditions of the
21 approval, and the matters discussed in the hearing. Member Podliska pointed
22 out the conditions for approval, as stated in the final decision, do not include
23 reference to the rear setback, therefore there is no future limitation to how the
24 yard can be used.

25 Member Murphy commented on the lack of specificity in the initial submission,
26 suggesting, as he said last time, he would like to have seen more than
27 blocking out. He would like to see this reopened, and see what the house
28 really looks like. Chairman Neiman's issue is the applicant is not required to
29 provide more than they did. The Board voted on something that was an
30 estimate, but was published. The Village might want to close a loophole in
31 the code separately, but the Gents application did not require the survey. He
32 wondered if this would have changed anyone's vote. Mr. McGinnis explained
33 that this case was different in that the Gents were contracted buyers not
34 property owners; how much money can the Village expect them to spend on a
35 property they don't own. A straw poll was taken; none of the members would
36 have changed their original vote.

37
38 Following corrections to the final decision, Member Podliska moved to
39 **approve the final decision for V-11-18, 118 North Monroe, as amended.**
40 Member Engel seconded the motion.

41
42 **AYES:** Members Moberly, Alesia, Giltner, Engel, Podliska and Chairman
43 Neiman

44 **NAYS:** Member Murphy

45 **ABSTAIN:** None

46 **ABSENT:** None
47

1 Motion carried.

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3 **5. RECEIPT OF APPEARANCES – None**

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

7
8 **7. PRE-HEARING AND AGENDA SETTING – None**

9
10 **8. PUBLIC HEARING – None**

11
12 **9. NEW BUSINESS**

13 Member Alesia wondered if it is worth asking Village counsel to make a change
14 to what is required for submission to ZBA. Mr. McGinnis noted the code requires
15 certain submissions; the question is what level of detail is preferred by the
16 Board. Discussion followed. Chairman Neiman suggested Mr. McGinnis convey
17 the Board's concerns, and report back to the Board.

18 Mr. McGinnis noted that if the conditions were in the motion the applicant would
19 have been bound. It was noted that certain assurances were given under oath.
20 Member Podliska added the Board needs to be careful not to be 'super planners'
21 for somebody else's property. The Board agreed to discuss this matter at their
22 next meeting.

23
24 **10. OLD BUSINESS – None**

25
26 **11. ADJOURNMENT**

27 With no further business before the Zoning Board of Appeals, Member Alesia
28 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
29 **March 20, 2019.** Member Giltner seconded the motion.

30
31 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Engel, Podliska and Chairman
32 Neiman

33 **NAYS:** None

34 **ABSTAIN:** None

35 **ABSENT:** None

36
37 Motion carried.

38
39 Chairman Neiman declared the meeting adjourned at 7:29 p.m.

40
41 _____
42 Christine M. Bruton

Approved: _____

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
JUNE 19, 2019**

1. CALL TO ORDER

Vice-Chairman Keith Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, June 19, 2019 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Gary Moberly, Tom Murphy, Kathryn Engel, John Podliska and Vice-Chairman Keith Giltner

Absent: Member Joseph Alesia and Chairman Bob Neiman

Also Present: Director of Community Development/Building Commissioner Robb McGinnis

3. APPROVAL OF MINUTES – None

4. APPROVAL OF FINAL DECISIONS – None

5. RECEIPT OF APPEARANCES – None

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

7. PRE-HEARING AND AGENDA SETTING

a) V-01-19, 303 East Chicago Avenue

Mr. Dennis Parsons introduced himself as the architect for the project and stated they are appearing before the Board this evening to make sure their paperwork is in order, and get any advice the Board may have before the public hearing. Mr. Paul Swenson introduced himself as the homeowner stating they want to construct a garage and want to save a very large, old tree. Mr. Parsons explained that to do so they have to move the garage to the west between 6-7' feet closer to the lot line than the code allows. Mr. Swenson added that this is an ash tree that he has spent a significant amount of money to save from the emerald ash borer. Mr. Parsons stated that Village Forester John Finnell told them the further away from the tree they can construct the garage, the better. Due to the unusual shape of the lot, the side yard setback required would be 13' feet. They are requesting a more traditional set back. Mr. Swenson confirmed they have spoken with the neighbors and there are no objections to the proposed garage. This will be a two-story garage; Mr. Swenson intends to use the second story for storage. Mr. Parsons confirmed it is code compliant. Discussion followed regarding the health and actual age of the ash tree on the property. It was confirmed

there is no rear yard variation required, as was originally indicated on the application.

The public hearing was set for July 17, 2019 at 6:30 p.m.

8. PUBLIC HEARING – None

9. NEW BUSINESS

10. OLD BUSINESS

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the meeting of the Zoning Board of Appeals of June 19, 2019.** Member Engel seconded the motion. Voice vote taken, all in favor, motion carried.

Vice-Chairman Giltner declared the meeting adjourned at 6:40 p.m.

Christine M. Bruton

Approved: _____

7a

MEMORANDUM

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

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

DATE: July 5, 2019

RE: Zoning Variation – V-02-19; 11 W. 6th Street

In this application for variation, the applicant requests relief from the driveway requirements set forth in 9-104-F(3)(e)(ii)(A) for the construction of a circular driveway. The code requires that lots be a minimum of 75' wide to be allowed a circular driveway and two curb cuts. The subject lot is 67.26' wide and the specific request is for 7.75' of relief.

This property is located in the R-4 Single family Residential District in the Village of Hinsdale and is located on the north side of Sixth Street between Lincoln and Washington. The property has a frontage of approximately 67.26, an average depth of 125', and a total square footage of approximately 9,533.25. The maximum FAR is approximately 3,483 square feet, the maximum allowable building coverage is 25% or approximately 2,383 square feet, and the maximum lot coverage is 60% or 5,719.

cc: Kathleen Gargano, Village Manager
Zoning file V-02-19

Zoning Calendar No. V-02-19

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

VARIATION FILING FEE: \$850.00

NAME OF APPLICANT(S): Mary & Michael Jawor

ADDRESS OF SUBJECT PROPERTY: 11 West Sixth St.

TELEPHONE NUMBER(S): [REDACTED]
[REDACTED]

If Applicant is not the property owner, Applicant's relationship to the
property owner: N.A.

DATE OF APPLICATION: 7/3/2019



RECEIVED
CB 7/3/19

SECTION I

Please complete the following:

1. Owner. Name, address, and telephone number of owner: Mary & Michael Jarwo
11 West Sixth St., Hinsdale [REDACTED]
2. Trustee Disclosure. In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: N.A.
3. Applicant. Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the subject property: N.A.
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 11 West Sixth St.
Please see attached Survey for legal
description.
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: N.A.
 - b. Engineer: N.A.
 - c. Laslo Landscaping James Laslo 630.852.8849
laslolandscaping@gmail.com 115 Woodland Dr.
Oak Brook, IL 60523
 - d. Daniel Bryan 630.920.0777
Bryan Associates Inc. Architects
433 South Bruner St., Hinsdale
bryanrktec@sbcglobal.net

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

a. N.A.

b. _____

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

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

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

SECTION II

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

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

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.)

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.)

5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe

support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a variation:

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

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

SECTION III

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

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

SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a nonfundable application fee of \$25.00 plus an additional amount based on the specific relief sought as follows:

RESIDENTIAL PROPERTIES	
Appeal to the Zoning Board of Appeals	\$1,075
Variation	\$825
Fence Variation	\$825
NONRESIDENTIAL PROPERTIES	
Appeal to the Zoning Board of Appeals	\$1,075
Variation	\$825
Fence Variation	\$825

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:

Mary L. Jawor Michael J. Jawor

Signature of Owner:

Mary L. Jawor Michael J. Jawor

Name of Applicant:

N.A.

Signature of Applicant:

N.A.

Date:

July 3, 2019

Neighboring Owners

Mr. & Mrs. Gerald Moore
515 South Lincoln St.

Mr. & Mrs. William Blomquist
22 West Fifth Street

Mr. & Mrs. John Magnan
16 West Fifth Street

The Diamantakos
504 South Washington Street

Mr. & Mrs. James Vogts
510 South Washington Street

Mr. & Mrs. Thomas Panoff
518 South Washington Street

Mr. & Mrs. Airhart
434 South Washington Street

Mr. & Mrs. Allen
433 South Lincoln Street

Mrs. Dorothy Ernest
4 East Fifth Street

Mr. & Mrs. Scott Pjesky
507 South Washington

The Martin Family
513 South Washington Street

Ms. Susan Ruge
517 South Washington Street

Mr. & Mrs. Scott Fryzel
602 South Washington Street

Resident/"Chicago Title 8002370328"
606 South Washington Street

Mr. & Mrs. Mark Konieczka
610 South Washington Street

Mr. & Mrs. Robert Brown
614 South Washington Street

Mr. & Mrs. Neil McMonagle
618 South Washington Street

Ms. Colleen Healy
4 East Sixth Street

Mr. & Mrs. Regis Kenna
607 South Washington Street

Mr. & Mrs. Brent Shephard
601 South Lincoln Street

Mr. & Mrs. John Anos
605 South Lincoln Street

Mr. & Mrs. Steve Treadwell
609 South Lincoln Street

Mr. & Mrs. Wilson
615 South Lincoln Street

Mr. Jonathan Springer
504 South Lincoln Street

Mr. & Mrs. Jeff Meredith
508 South Lincoln Street

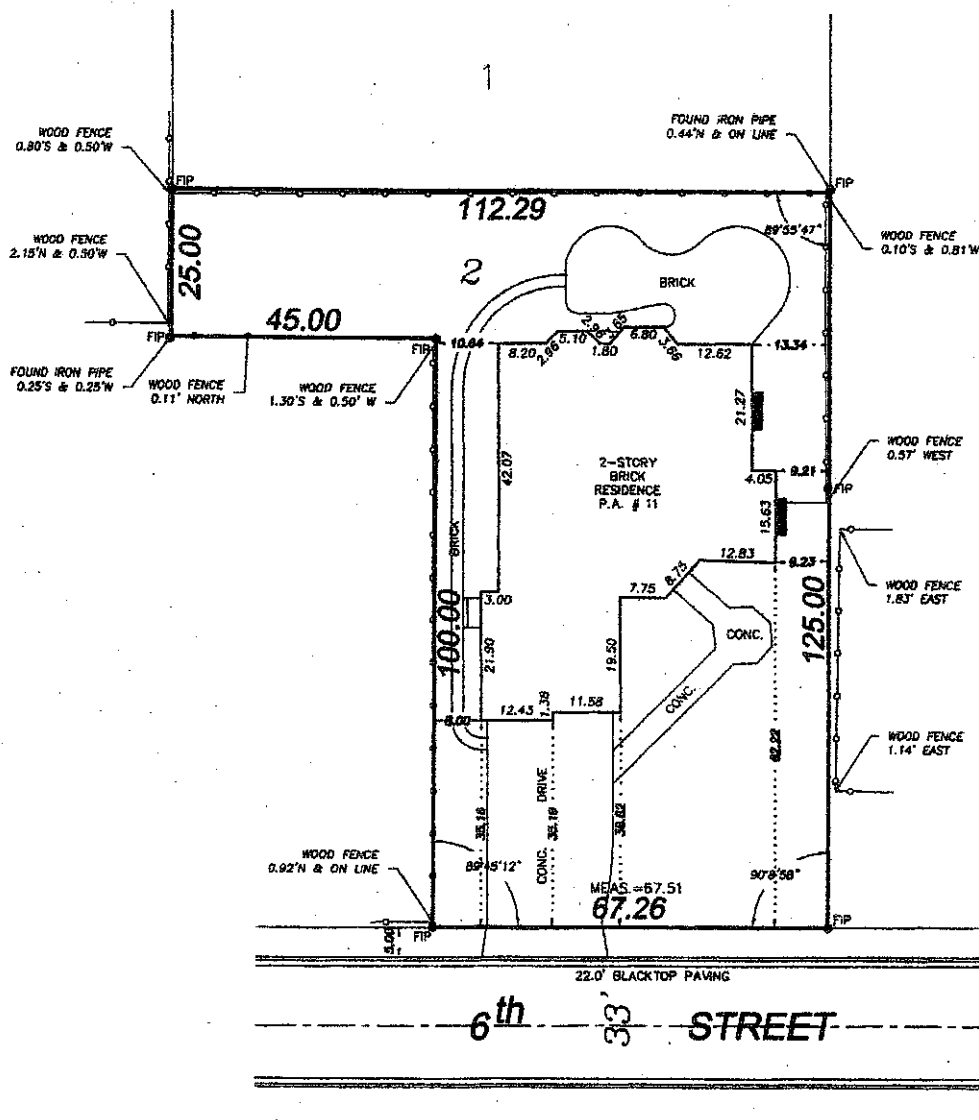
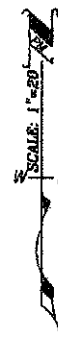
Mr. & Mrs. Peter Rush
512 South Lincoln Street

Mr. & Mrs. Gregory Cameron
518 South Lincoln Street

Mr. & Mrs. Awad
602 South Lincoln Street

PLAT OF SURVEY

LOT 2 IN MCGUIRE'S SUBDIVISION, BEING A RESUBDIVISION OF LOT 11 (EXCEPT THE EAST 2 FEET OF THE NORTH 88 FEET OF SAID LOT 11) AND THE EAST 45 FEET OF LOT 12 (EXCEPT THE SOUTH 100 FEET OF SAID LOT 12) IN BLOCK 14 IN TOWN OF HINSDALE, BEING A SUBDIVISION OF THE NORTHWEST 1/4 (EXCEPT THE RAILROAD LANDS) OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MCGUIRE'S SUBDIVISION RECORDED JULY 28, 1987 AS DOCUMENT R87-111756, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS } S.S.
COUNTY OF DU PAGE }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.

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

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 10TH DAY OF MAY, A.D., 2017.

Robert V. Lambert, Jr.
ILLINOIS LAND SURVEYOR NO. 1863, LICENSE EXPIRES 11/30/18
ILLINOIS DESIGN FIRM NO. 184-008317

REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES TO THE SURVEYOR.

• = FOUND IRON STAKE
○ = SET IRON STAKE

ORDERED BY: JAWER, MARY

ORDER NO. 17-D-95, FILE NO. 170248

LAMBERT & ASSOCIATES
LAND SURVEYORS

955 WEST LIBERTY DR., WHEATON, IL. 60187
PHONE: (630) 653-6331 FAX: (630) 653-6396

Application for Variance
Section I

7. List is attached.
8. Survey is attached.
9. Existing zoning is residential zone R4 similar to all neighboring owners.
10. Conformity statement. We are requesting a variance of the zoning standard that requires a minimum 75 feet frontage in order to install a semi-circular driveway. Our property is 67.26 feet, a variance of about 10%. As an alternative, we would request the ability to put in a 12' x 18' parking pad adjacent to the east side of the driveway but forward of the front yard setback.

Our request is based on the following reasons, unique to our situation:

1. When we contracted to purchase our home at 11 West Sixth street in July of 1994, there was street parking in front of the property and parking had been allowed since its construction in 1987. This was very important because there were no sidewalks and the street is extremely narrow on our block between Washington and Lincoln streets.
2. In the fall of 1998, with the redevelopment of the property at 518 South Washington, the northwest corner of Washington and Sixth and a property that runs along the east side of our property, problems arose. The extensive truck traffic that marks the demolition, foundation excavation and subsequent cement delivery, all managed from the more convenient access off Sixth street, caused residents exiting the alley supporting the 600 block of Washington and Lincoln streets to voice compromised visibility issues to the Village and the police. Upon investigation of these complaints, the Village posted "No Parking" signs from Washington west to Grant street, a latent realization that the narrowness of Sixth street prohibited parking.
3. Sixth street is the first street to run from Jackson to County Line south of the tracks, generating considerable traffic. Sixth is the emergency vehicle route to the large Madison school section of the Village that is west of our home. This in addition to being the street on the southern border of Robbins park, the Village's second largest park but arguably the busiest hosting soccer, flag football & baseball practices and games seasonably as well as the crucial snow hill at Madison school. Sixth also hosts Madison school and St. Isaac Jogues at the northern end of one-way northbound Clay street, entered from Sixth. Mornings and evenings are filled with train commuters making their way to the Metra. With The Community House, Hinsdale Middle School and Hinsdale Central in the greater neighborhood, the traffic is robust with cars, professionals, students and athletes.
4. In the fall of 1999 and early 2000, we worked diligently with neighbors and trustees to get a sidewalk installed on the north/our side of the street, from Washington to Grant. Concurrent to our appearances at Village meetings was the group ultimately responsible for kickstarting the Master sidewalk program but, at this time, there was no effort to complete the sidewalk infrastructure within the Village. The plan we put forth with the backing of a trustee was turned down in January of 2000. One irrefutable point was the narrow street would be completely utilized to properly stage the largest firetrucks in the event of a house fire. Due to personal health challenges that arose at that time, we reluctantly accepted our defeat.

5. The Master sidewalk program was subsequently implemented but contains nearly insurmountable requirements for us to think one will ever get installed. Among the issues are:
 1. No trees will be cut down to make way for the sidewalks. What this requirement doesn't realize is that the 5 feet of un-sidewalked parkway on the extremely narrow stretch of Sixth street between Washington and Grant have been effectively treated as private property by many of the homeowners, resulting in trees and landscaping having been planted over the last 20-plus years. These trees likely should never have been planted as they compromise pedestrians' ability to get out of the street safely when traffic doesn't not yield to them, which is often.
 2. A sidewalk will not be installed unless all homeowners along both blocks of Sixth between Washington and Grant streets agree to its installation. This stipulation effectively gives any one homeowner rights over public property, namely the 5 feet of parkway the Village owns from the curb north. For many of the homes along this stretch, the homeowners have effectively privatized the parkways. We privately hope the Village will realize the hazards inherit on Sixth street, a major east-west street so close to the center of the downtown business area, schools, etc. and exercise its responsibility to public safety by installing a sidewalk on the north side of the street. The traditional process burdens safety minded homeowners with having to confront neighbors to put forth and support an unfavorable proposal, namely de-privatizing the parkway.
6. Given Sixth street's narrowness, as the popular larger cars, SUVs and innumerable service trucks make right turns onto the street, the required turning radius is greater than 50% of the street's width, creating a treacherous situation for pedestrians that is exasperated when there is traffic in the opposite lane. There is effectively little safe haven given the parkway is downward slopping on much of the street as well as the compromising private landscaping on the parkway.
7. The combination of no sidewalks and no parking along Sixth street in front of our home presents an untenable situation to our frequent guests. As long time Chicagoans from larger families, many of our guests must walk in the street after parking on either Washington or Lincoln once our driveway fills up. This situation is dangerous given the busy, narrow street and guests not necessarily expecting so much traffic. This is only amplified during the winter months when longer nights and snow-covered, dimly lit, icy streets make this walk especially perilous.
8. During the day, to allow for service workers' access to our home, we either park our cars in front of our neighbors' houses or have the service trucks park there, limiting their ability to quickly retrieve different tools, etc. As incidences of car/service truck thefts persists, we would prefer to have our cars on our property.
9. In addition to the busy pedestrian and vehicular traffic on Sixth, when we and our service providers exit our driveway we must also contend with traffic from the alley as well as obscured visibility due to our westerly neighbor's fence (which is entirely to code). The narrowness of the street gives us basically no room to maneuver. A semi-circular drive with a second, easterly exit would allow a safer exit.

It would be fair to think: why did they ever purchase the home? As working professionals coming from the city, we viewed the home in the later evening and on a Sunday before we contracted to purchase it. We experienced this relative 'quiet street' characteristic during the 4 years we remained childless, city working professionals. Walking in the street to catch the train before 7:00 a.m. and generally after 6/6:30 p.m. those years was no big deal as we always assumed it would be an easy affair to get a sidewalk since the home is surrounded by a network of sidewalks on all but the western block (Sixth from Lincoln to Grant), we paid a premium and still do in our property taxes to live in close, walkable proximity to the Village business district and library, Metra & schools serving the preschool to high school population. To have had the frontage parking taken away and no sidewalks installed feels wrong and unexplainable when during the weekdays and Saturdays, Sixth street is a main artery for all things Hinsdale. Seeing the disdain of drivers' faces as we walk to school, town, the train and numerous daily dog walks, seeming to say "Get out of the street", we smile to say "if only".

While this situation has been brewing a very long time, we did not want to remove two large river birch on our property that effectively 'stood in our way'. Unfortunately, they aged out in the last year at 30 years old and were taken out this spring after we were exhausted from cleaning up their constant branch dropping. With the river birch gone, we are looking for the variance approval to allow us to amend our parking and safety issues as well as re-landscape our front property.

11. The issue of zoning standards is addressed on the subsequent pages in Section II following.

Section II

1. Title is attached.
2. Ordinance 9-104F(3)(e)(ii)(A) requires a interior lot to have a frontage greater than or equal to 75 feet to install a semi-circular driveway.
3. We seek relief from provision 9-104F(3)(e)(ii)(A) requiring an interior lot to have a frontage greater than or equal to 75 feet to install a semi-circular driveway.
4. Minimum Variation requested is a reduction to 67.26 feet for the permit to install a semi-circular driveway. This is just about a 10% variation and the only one requested. Our alternative would be for approval for a parking pad, extending east from our driveway approximately 12 x 18' forward of the front yard setback.

Item 5. Standards for Variation

- (a) Unique Physical Condition would refer to our lot having been subdivided in 1987 for the specific purpose of construction of a separate home from the original, larger property located at 16 West Fifth street. While it is a legal, nonconforming lot in the R4 zone, the lack of Village infrastructure on this important street so close to town in the form of frontage parking, traffic amelioration and sidewalks makes daily errands, dog walks and the in and out of the driveway of a typical suburb family dangerous.

When we contracted in July 1994 and subsequently purchased the home in November 1994, there was parking allowed on the street in front of our home. In 1998, as the property at 518 South Washington was being redeveloped with truck traffic obscuring visibility, residents pulling out of the alley serving the 600 block of Lincoln and Washington streets voiced concern to the Village. The Village realized parking should not have been allowed on Sixth street, due to its narrowness and immediately posted it "No Parking". Our block is also without sidewalks and unlikely to get them, given the Village imposed dynamics of consent that must prevail in order to secure them.

- (b) Not self-created as we did not develop the property, rather are the second owners of the home. As stated, the Village did not have the street marked "No Parking" before the property was Village-approved for division/redevelopment or for the 11 years thereafter.
- (c) Denied Substantial Rights refers to our inability to have safe, easy access to our cars when there is a need to have them parked off property, say for service calls or workers' trucks who need ready access to tools, etc. The loss of parking in front of our home, combined with no sidewalks, creates unsafe passage for ourselves, family, friends and service people as the street is extremely narrow. The narrowness creates a dangerous passage for those in the street, especially when 2 cars are travelling in opposite directions, cars turning onto Sixth (impossibly tight turning radius), poor weather, icy and/or snowy streets or at night, which from November to mid-March, extends from 4:30/5:00 p.m. onward and is the part of the year which includes the social Christmas and New Year's holidays. The general disdain shown on drivers' faces says "Get out of the street", there being little recognition that there are no sidewalks to escape to. Most of the rest of the Village, with similar or less vehicular and foot traffic with proximity to the downtown business area and/or schools generally enjoys wider streets with at least one sidewalk for safe passage. We would actually urge the Village to override the sidewalk guidelines and install them to get the many pedestrians out of the dangerously narrow but busy street.
- (d) Not Merely Special Privilege as, stated previously, the Village had approved property division and home construction without marking the street as a "No Parking" zone. This change after our purchase, combined with no sidewalks despite a nearly complete network of sidewalks surrounding us to support foot traffic to the four schools, commuter trains, downtown business area and active Robbins park belies the inherent premium values homes in this area enjoy and pay property taxes on.
- (e) Code & Plan Purposes: Granting of the Variance is in no way disharmonious with the current residential homes surrounding ours. We are the only home fronting Sixth street on our block and a few of the homes in our neighboring owner's area also have semi-circular driveways. The existence of the alley removes the need for driveways for many.

(f) Essential Character of the Area

- (1) It could be said providing more parking on our property is a benefit to our neighbors who would not have our cars, our guests' cars or service trucks parked in front of their homes. Not having 4 cars parked in our driveway but spread out on the semi-circle would allow more maneuvering room as we exited.
 - (2) We have never landscaped the parkway so nothing will have to be removed or changed, resulting in no changes for our neighbors. Stated previously, we removed two large but dying river birch earlier this spring as they had aged out.
 - (3) With expanded on-property parking, we would actually be pulling in and out fewer times on days when service people were expected and would get more of our guests out of the street in the evening when it can be hard to see pedestrians.
 - (4) Our drainage is already buried and flows directly into the sewer on the west side of our home so there is no risk of increased flood. No fire issues; no street parking allows all lanes to be clear at all times.
 - (5) No undue taxing of public utilities or facilities.
 - (6) At the risk of repetition, more on-property parking reduces our pulling in and out as we jockey the cars around to make room for service providers and guests as well as reducing pedestrians in the street who must park and walk from either Washington or Lincoln streets.
- (g) To provide us with comparable conveniences our neighboring owners enjoy and allow us the maximum flexibility with respect to parking, and in and out flexibility, etc. the semi-circular drive is the only remedy. We have suggested the parking pad as a poor alternative only because it offers another spot but does not really allow any in and out capability; an entire lane of the driveway must be open to achieve that.

Section III

See attached Byran Associates drawing for requested information.

DEED IN TRUST

THE GRANTORS

Michael J. Jawor and Mary
Baumann, n/k/a Mary L. Jawor,
Husband and Wife
11 W Sixth St
Hinsdale, IL 60521-4400

R98-078369

RECORDER
DU PAGE COUNTY

98 APR 27 PM 2:15

Blaney

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of the Village of Hinsdale, County of DuPage, and State of Illinois, in consideration of the sum of Ten and no/100's Dollars, and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby conveys and quit claims to Michael Jay Jawor and Mary L. Jawor, as Co-Trustees, under the terms and provisions of a certain Trust Agreement dated the 19th day of February, 1998, as amended from time to time, and designated as the Michael Jay Jawor Post Marital Trust, and to any and all successors as Trustee appointed under said Trust Agreement, or who may be legally appointed, an undivided 1/2 interest in the following described real estate:

Permanent Real Estate Index Number: 09-12-126-010

Address of Real Estate: 11 W Sixth St, Hinsdale, IL 60521-4400

[Transfer Exempt Under Provisions of Section 4, Paragraph (e) Illinois Real Estate Transfer Tax Act.

By: *Jay Zohel* Atty. Date: March 6, 1998]

TO HAVE AND TO HOLD the said real estate and appurtenances thereto upon the trusts set forth in said Trust Agreement and for the following uses:

1. The Trustee (or Trustees, as the case may be), is invested with the following powers: (a) to manage, improve, divide or subdivide the trust property, or any part thereof, (b) To sell on any terms, grant options to purchase, contract to sell, to convey with or without consideration, to convey to a successor or successors in trust, any or all of the title and estate of the trust, and to grant to such successor or successors in trust all the powers vested in the Trustee. (c) To mortgage, encumber or otherwise transfer the trust property, or any interest therein, as security for advances or loans. (d) To dedicate parks, street, highways or alleys, and to vacate any portion of the premises. (e) To lease and enter into leases for the whole or part of the premises, from time to time, but any such leasehold or renewal shall not exceed a single term of 199 years, and to renew, extend or modify any existing lease.

2. Any party dealing with the Trustee with regard to the trust property, whether by contract, sale, mortgage, lease or otherwise, shall not be required to see to the application of the purchase money, loan proceeds, rental or other consideration given, nor shall be required to see that the terms of the trust

have been compiled with, or to enquire into the powers and authority of the Trustee, and the execution of every contract, option, deal, mortgage or other instrument dealing with the trust property, shall be conclusive evidence in favor of every person relying upon or claiming under such conveyance or other instrument; that at the time of the execution and delivery of any of the aforesaid instruments, the Trust Agreement above described was in full force and effect; that said instrument so executed was pursuant to and in accordance with the authority granted the Trustee, and is binding upon the beneficiary or beneficiaries under said Trust Agreement; and if said instrument is executed by a successor or successors in trust, that he or they were duly appointed and are fully invested with the title, estate, rights, powers and duties of the preceding Trustee.

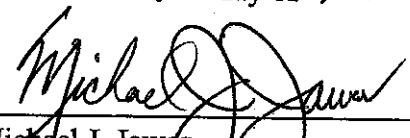
3. The interest of each and every beneficiary under said Trust Agreement and hereunder, and of all persons claiming under any of the beneficiaries, shall be only in the earnings, avails and proceeds arising from the sale or other disposition of the trust property, and such interest is hereby declared to be personal property only, and the beneficiary or beneficiaries of the trust shall not have any title or interest therein, legal or equitable, except as stated.

- All of the covenants, conditions, powers, rights and duties vested hereby, in the respective parties, shall inure to and be binding upon their heirs, legal representatives and assigns.

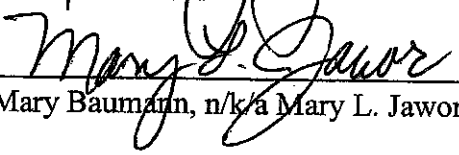
If the title to any of the above real estate now is or hereafter shall be registered, the Registrar of Titles is directed not to register or note in the Certificate of Title, duplicate thereof, or memorial, the words "in trust" or "upon condition", or "with limitation", or words of similar import, in compliance with the statute of the State of Illinois in such case made and provided.

The Grantors hereby waive and release any and all right and benefit under and by virtue of the Statutes of the State of Illinois providing for the exemption of homestead from sale or execution or otherwise.

DATED this 6th day of MARCH, 1998



Michael J. Jawor (SEAL)



Mary Baumann, n/k/a Mary L. Jawor (SEAL)

State of Illinois, County of Cook ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Michael J. Jawor and Mary Baumann, n/k/a Mary L. Jawor, Husband and Wife personally known to me to be the same persons whose name subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this *6th* day of *March*, 1998

Commission expires ~~July 3, 1999~~ *66*

Barbara Blacharczyk
Notary Public



LEGAL DESCRIPTION

LOT 2 IN MCGUIRE'S SUBDIVISION, BEING A RESUBDIVISION OF LOT 11 (EXCEPT THE EAST 2 FEET OF THE NORTH 88 FEET OF SAID LOT 11) AND THE EAST 45 FEET OF LOT 12 (EXCEPT THE SOUTH 100 FEET OF SAID LOT 12) IN BLOCK 14 IN TOWN OF HINSDALE, BEING A SUBDIVISION OF THE NORTHWEST 1/4 (EXCEPT THE RAILROAD LANDS) OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MCGUIRE'S SUBDIVISION RECORDED JULY 28, 1987 AS DOCUMENT R87-111756, IN DUPAGE COUNTY, ILLINOIS.

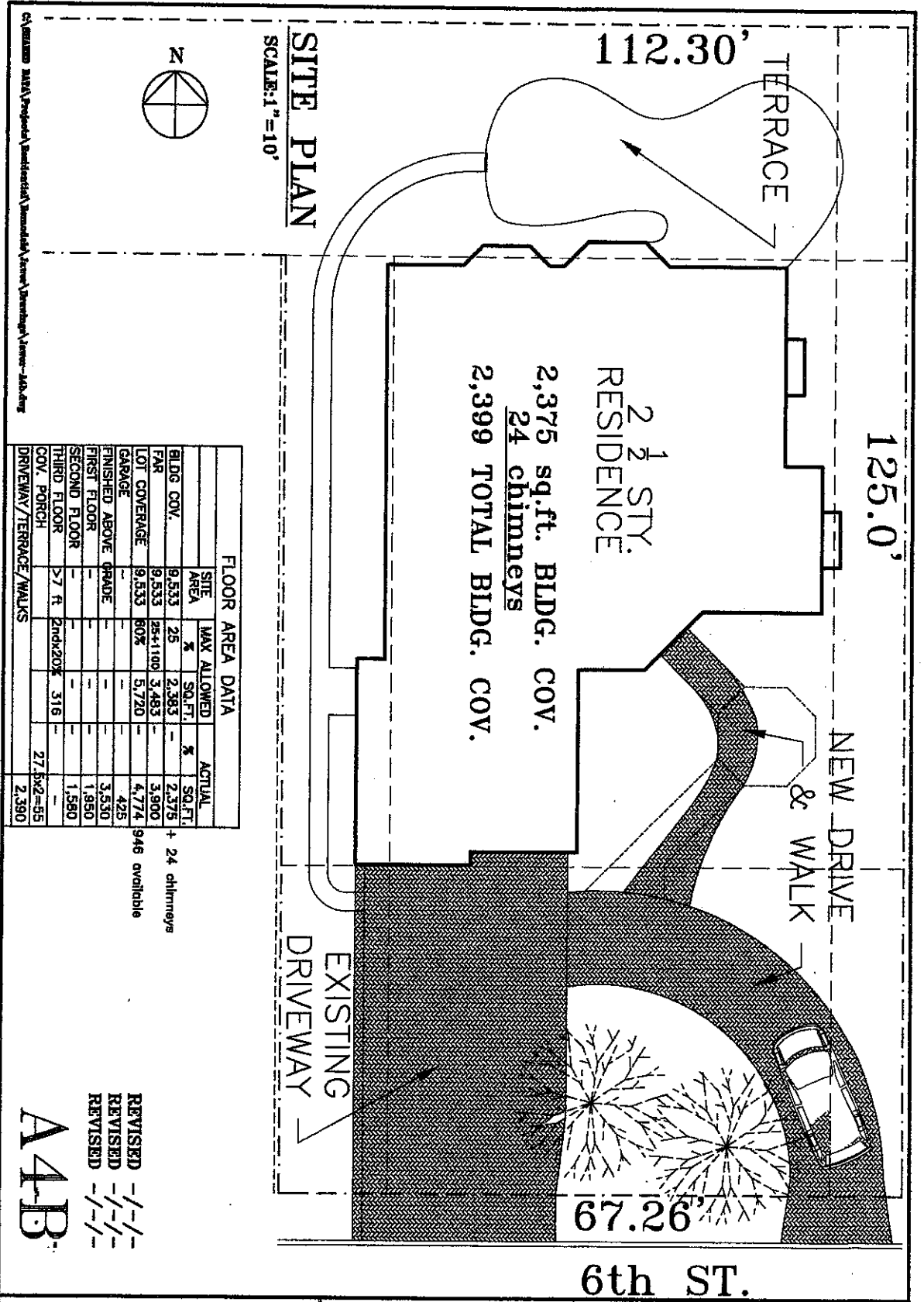
This instrument was prepared by: Jay Zabel & Associates, Ltd. 55 W. Monroe, Suite 3950, Chicago, Illinois 60603

Mail to:

Jay Zabel
Jay Zabel & Associates, Ltd.
55 W Monroe Suite 3950
Chicago, IL 60603

Name & Address of Taxpayer:

Michael Jay Jawor
11 W Sixth St
Hinsdale, IL 60521-4400
Grantees Address



SITE PLAN
SCALE: 1"=10'

FLOOR AREA DATA

	SITE AREA	MAX ALLOWED	ACTUAL
	AREA	%	sq.ft.
BLDG COV.	9,533	25	2,375
FAR	9,533	25+1100	3,483
LOT COVERAGE	9,533	80%	5,720
GARAGE	-	-	425
FINISHED ABOVE GRADE	-	-	3,530
FIRST FLOOR	-	-	1,950
SECOND FLOOR	-	-	1,580
THIRD FLOOR	-	-	-
COV. PORCH	> 7 ft	2nd/20%	316
DRIVEWAY/TERRACE/WALKS	-	-	27,502-95
			2,390

+ 24 chimneys
946 available

REVISED -/-/-
REVISED -/-/-
REVISED -/-/-
A4B

JAWOR RESIDENCE

BRYAN ASSOCIATES INC. ARCHITECTS

433 SOUTH BRUNER STREET
HINSDALE, IL 60521 PH.630.920.0777



PROJ # 2018-11
DRN BY DWB
DATE 7-19-18
SHEET 1
DF 1

Ja

MEMORANDUM

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

FROM: Timothy S Ryan, CBO
Deputy Building Commissioner

DATE: June 11, 2019

RE: Zoning Variation – V-01-19; 19 303 East Chicago Avenue

In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 10-105.A.3(b)(i) for the construction of a detached two-car garage. The applicant is requesting a 7.8' reduction in the required interior side yard from 13.8' to 6.0'.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the north side of Chicago between Oak & Park. The property has a frontage of approximately 128', a depth that varies between 66' and 99.86', for a total square footage of approximately 10,615. The maximum FAR is approximately 3,747.6 square feet, the maximum allowable building coverage is 25% or approximately 2,653.75 square feet, and the maximum allowable lot coverage is 50% or approximately 5,307.5 square feet.

Please note the attached copy of Page 4 of the application. Following staff review, corrections are noted in red.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-01-19

Zoning Calendar No. V-01-19


VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Mr. Paul Swenson

ADDRESS OF SUBJECT PROPERTY: 303 East Chicago Avenue

TELEPHONE NUMBER(S): (of Applicant): 

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

Applicant is property owner

DATE OF APPLICATION: June 10, 2019



RECEIVED
CB 6/10/19

SECTION I

Please complete the following:

1. **Owner.** Name, address, and **telephone number** of owner: Mr. Paul Swenson, 303 East Chicago Avenue, Hinsdale, IL 60521; [REDACTED]
2. **Trustee Disclosure.** In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: N/A
3. **Applicant.** Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the subject property: N/A
4. **Subject Property.** Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 303 East Chicago Avenue, Hinsdale, IL 60521 (See Attachment "A" for legal description.)

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

Attorney: Norman V. Chimenti, Esq., 10 S. LaSalle St., Chicago, IL 60603
Architect: Dennis Parsons, Parsons Architects, 28 Springlake Ave., Hinsdale, IL 60521
Arborist: John Finnell, Certified Arborist, Superintendent of Parks and Forestry, Village of Hinsdale

5. **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) _____

6. **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. (The list of required names and addresses is appended to this Application as Attachment "B.")

After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out,

sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.

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

8. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. The Subject Property is located in the R-4 Residential Zoning District. Attached to this Application as Attachment "D" is a portion of the Official Map of the Village in which the Subject Property is highlighted, and depicts the use and development of adjacent areas at least 250 feet in all directions from the Subject Property. To the east, south and west of the Subject Property, the area is developed with single family residences in the R-4 District. To the north of the Subject Property, the area is developed with railroad tracks and a railroad right-of-way. To the north of the tracks, the area is developed for use as a hospital and various structures for municipal use.

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

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

11. 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 Property, date of acquisition of such interest, and the specific nature of such interest. Applicant became the sole owner of the Subject Property on July 30, 1996. Please see Attachment "G" Warranty Deed evidencing title.

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought: Sec. 3-110D.2.(b)(i) and Sec. 3-110D.3.(b) [minimum interior lot side and rear yards]. The Subject Property is a legal nonconforming lot of record.

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.)

Due to the Subject Property's irregular shape and dimensions, the proposed detached garage cannot be located in the rear 20% of the lot. (The existing legal nonconforming deteriorated garage also is not located in the rear 20%.) For those and other reasons stated herein, Applicant seeks a reduction of the minimum interior lot side yard requirement of 13.8 ft. to 6 ft., and of the rear yard requirement from 25 ft. to 4 ft.-8 in.

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 variations sought by Applicant are the minimum variations that are necessary to preserve a significant 100-plus year old Ash tree that Applicant has protected at the Subject Property, to enhance the safe parking and screening of automobiles from the view of neighbors, and to enable safer exit from the Subject Property by eliminating the need for backing out onto Chicago Avenue. It is not possible to locate the improved replacement detached garage on the easterly or other portions of the Subject Property.

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

Please see Attachment "H" for Applicant's general explanation and for Applicant's statement regarding compliance with all specific standards for the grant of the variations sought.

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

(b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the

provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

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

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

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

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

- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
- (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (3) Would substantially increase congestion in the public streets due to traffic or parking; or \
- (4) Would unduly increase the danger of flood or fire; or
- (5) Would unduly tax public utilities and facilities in the area; or
- (6) Would endanger the public health or safety.

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

SECTION III

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as

the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements. Please see Attachment "I", consisting of architectural Site Plan, Elevations and Plans & Section for the replacement detached garage. Please also refer to Group Attachment "J" for four photos depicting the Ash tree and its location, the location and fencing of the angled rear lot line and the dilapidated existing detached garage.

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. Again, please refer to Attachment "I" for bulk zoning and other zoning information pertaining to both the existing lot and improvements, and to the proposed detached garage. With the exception of the relief sought in this Application, the Subject Property and its uses are fully in compliance with the requirements of the Zoning Code as a legal nonconforming lot and pursuant to previously granted variances, as was also determined by the ZBA in 2003 in its Final Decision in Zoning Calendar V-5-03.

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: Mr. Paul Swenson

Signature of Owner: _____

Paul Swenson

Name of Applicant: Mr. Paul Swenson

Signature of Applicant: _____

Paul Swenson

ATTACHMENT A

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

THAT PART OF BLOCK 10 AND THE VACATED PORTION OF CHICAGO AVENUE ADJOINING SAID BLOCK 10 TO THE SOUTH IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF CHICAGO AVENUE (AS LOCATED AND ESTABLISHED IN 1944) 530.0 FEET WEST OF THE WEST LINE OF OAK STREET, AS MEASURED ON SAID NORTH LINE OF CHICAGO AVENUE; THENCE WEST ALONG SAID NORTH LINE OF CHICAGO AVENUE, 128.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF OAK STREET, 66.87 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY (AS LOCATED AND ESTABLISHED IN 1944); THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, TO A POINT ON A LINE WHICH IS 530.0 FEET WEST OF AND PARALLEL WITH SAID WEST LINE OF OAK STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF OAK STREET, 99.86 FEET TO THE PLACE OF BEGINNING, IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1868 AS DOCUMENT 9611, IN DU PAGE COUNTY, ILLINOIS.

ATTACHMENT B

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

Subject Property:
303 East Chicago Avenue
Hinsdale, Illinois 60521
(PIN: 09-01-420-013)

<u>PIN's of Neighboring Properties</u>	<u>Owner of Record and Street Address</u>
09-12-203-017	Steven and Linda Swenson 2 South Elm Street Hinsdale, IL 60521
09-12-203-018	Frank Heidler IV 6 South Elm Street Hinsdale, IL 60521
09-12-203-019	Kerry Lynch 10 South Elm Street Hinsdale, IL 60521
09-12-203-020 09-12-203-027	Robert Stegman 14 South Elm Street Hinsdale, IL 60521
09-12-203-004	Jason Caliento 222 East Chicago Avenue Hinsdale, IL 60521
09-12-204-001 09-12-204-002	Neal and Efrain Johnson 304 East Chicago Avenue Hinsdale, IL 60521
09-12-204-003	Thomas Zoells 13 South Elm Street Hinsdale, IL 60521
09-12-204-017	Robert Perna 2 Orchard Place Hinsdale, IL 60521
09-12-204-019	Kevin and Theresa McClear 22 Orchard Place Hinsdale, IL 60521

Attachment B – Page 2

09-01-420-001

09-01-420-002

Michelle Kennedy
245 East Chicago Avenue
Hinsdale, IL 60521

09-01-420-014

Arleen Doyle
309 East Chicago Avenue
Hinsdale, IL 60521

09-01-420-006

B&K Klimkowski Franks
317 East Chicago Avenue
Hinsdale, IL 60521

09-01-420-015

Peter and Sarah Hagerman
323 East Chicago Avenue
Hinsdale, IL 60521

09-01-419-001

09-01-419-002

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

09-01-416-001

AHS Midwest Region
c/o Elm Street Property Management
120 North Oak Street
Hinsdale, IL 60521

ATTACHMENT C

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

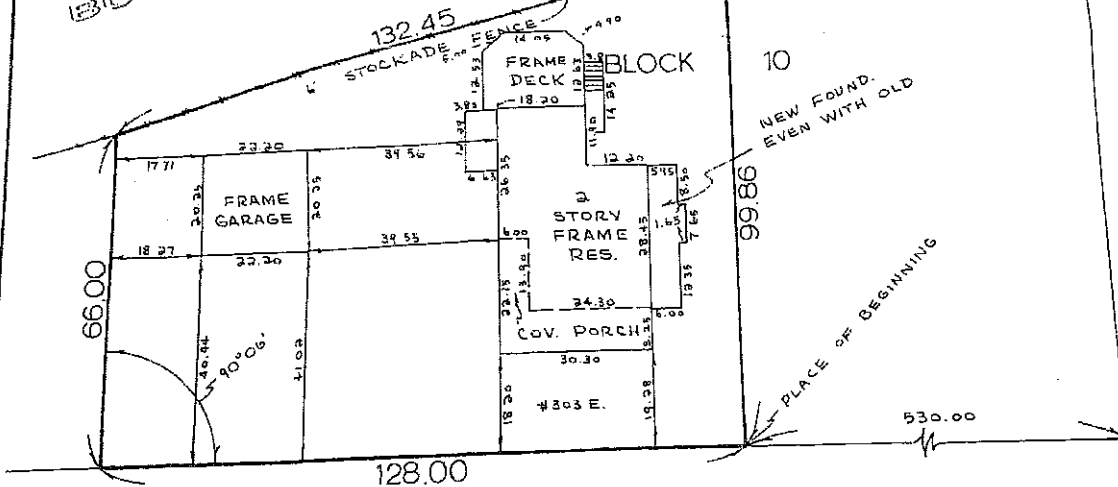
PLAT OF SURVEY of

THAT PART OF BLOCK 10 AND THE VACATED PORTION OF CHICAGO AVENUE ADJOINING SAID BLOCK 10 TO THE SOUTH IN ALFRED WALKER'S ADDITION TO THE TOWN OF KINSDALE, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF CHICAGO AVENUE (AS LOCATED AND ESTABLISHED IN 1944) 530.0 FEET WEST OF THE WEST LINE OF OAK STREET, AS MEASURED ON SAID NORTH LINE OF CHICAGO AVENUE; THENCE WEST ALONG SAID NORTH LINE OF CHICAGO AVENUE, 128.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF OAK STREET, 66.87 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY (AS LOCATED AND ESTABLISHED IN 1944); THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, TO A POINT ON A LINE WHICH IS 530.0 FEET WEST OF AND PARALLEL WITH SAID WEST LINE OF OAK STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF OAK STREET, 99.86 FEET TO THE PLACE OF BEGINNING, IN ALFRED WALKER'S ADDITION TO THE TOWN OF KINSDALE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1868 AS DOCUMENT 9611, IN DU PAGE COUNTY, ILLINOIS.

SCALE 1" = 20'

P.I.N. 09-01-420-013

BURLINGTON NORTHERN RAILROAD



CHICAGO AVENUE

State of Illinois
County of DuPage

This is to certify that I, RONALD W. SCOTT, Illinois Land Surveyor No. 1630, have surveyed the above described property as shown on the annexed Plat, which is a correct representation of said survey. All distances are in feet and decimals thereof, and are corrected to a temperature of 68° Fahrenheit.

Given under my hand and seal this 26th day of March A.D. 1946

Ronald W. Scott (Seal)
Illinois Land Surveyor No. 1630

For Building Restrictions and
Easements refer to your Ab-
stract, Deed, Guarantee Policy
and Local Ordinances.

COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE AT ONCE

NEW FOUND. LOCATED
AUG. 30, 2003

Ronald W. Scott

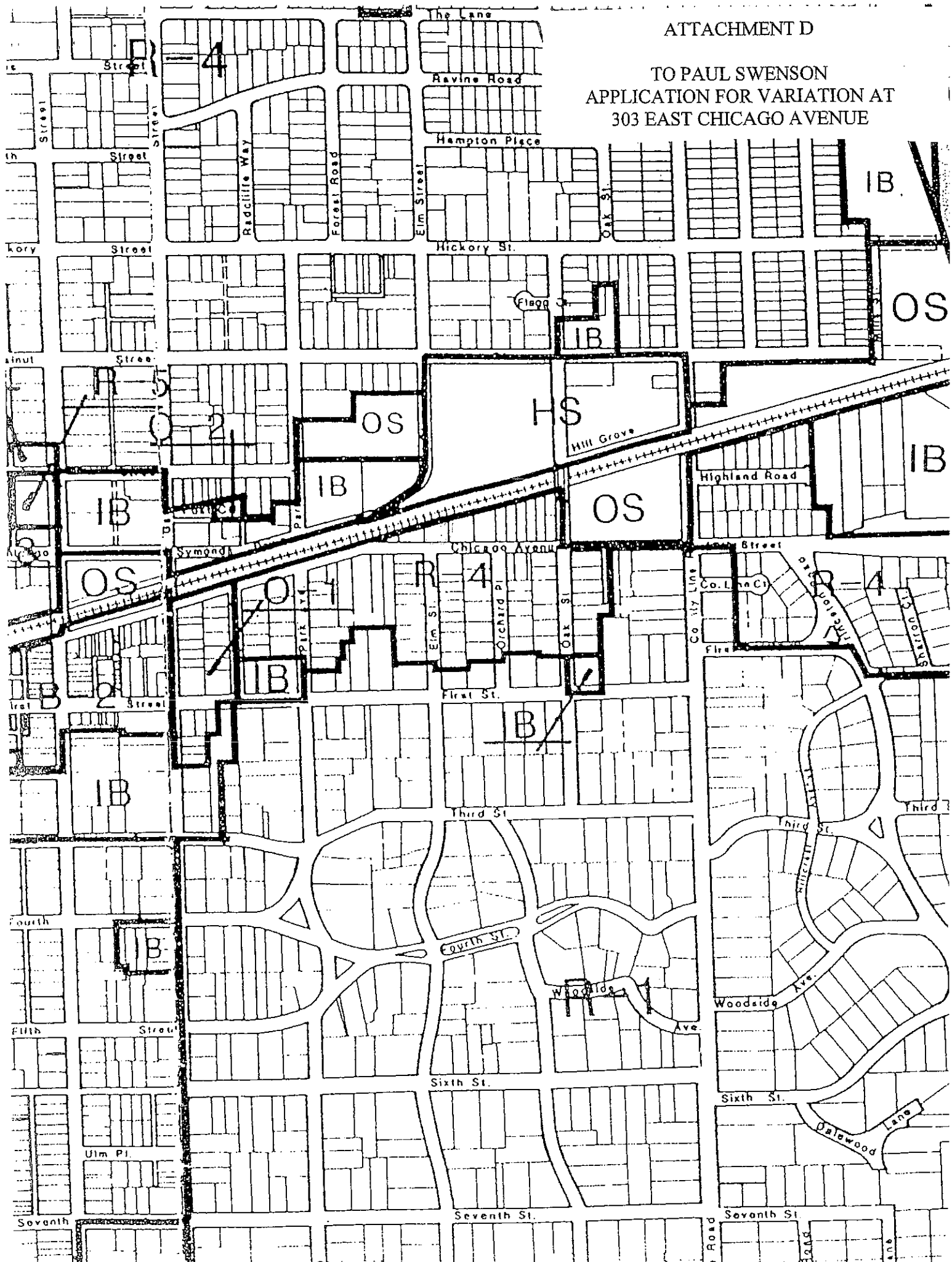
DECK AND NEW FOUND.
LOCATED AUG. 7, 2003

Ronald W. Scott

IRON PIPES AT ALL
CORNERS UNLESS
OTHERWISE NOTED.

JOB NO. 5493
BOOK E-20 PAGE 52
DRAWN BY RWS.
CHECKED BY B.L.W.

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE



ATTACHMENT E

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

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

ATTACHMENT F

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

Applicant seeks the Board's approval to locate a portion of an improved new legal nonconforming detached garage in side and rear yards required by the Zoning Code. The existing detached garage is in a deteriorated condition and is beyond repair, and is accessory to a 125-year old farm house that has been renovated by Applicant. The proposed location of the replacement detached garage is dictated by the irregular shape of Applicant's lot and by the location of a 100-plus year old Ash tree that Applicant seeks to preserve. Applicant believes that the specific standards for granting the variation sought in the Application are met, as detailed in Attachment "H" (Section II, Paragraph 5) of this Application. The Board has authority to grant the relief sought by Applicant. Applicant proposes to demonstrate to the Board that each of the standards articulated as conditions for approval are satisfied by the facts underlying this Application. To that end, Applicant has conferred with legal counsel, obtained the opinion and recommendations of the Village's certified arborist, engaged the services of a professional architect who also is a resident of the Village, and has met or will meet and/or correspond with abutting and other neighbors to describe the Zoning Code relief being sought from the Board and the proposed replacement garage in order to obtain their support of this Application.

R96-130127

96 AUG -7 PM 3:00

RECORDER
DU PAGE COUNTY

J. Tamm

After recording, mail to:

ATTACHMENT G

Mark Becker
1105 West Burlington Avenue
Western Springs, IL ~~60588~~
60558

TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

1500/3
pp

WARRANTY DEED
Individual to Individual

THIS DEED is made as of this 30th day of July, 1996, by Gregory J. Tamm married to Mary Beth Claffey-Tamm of the City of the Chicago in the County of Cook and State of Illinois, Grantors, to Paul F. Swenson, a single person, 241 Cascade Drive, Indian Head Park, IL 60575, Grantee.

Grantor, for and in consideration of the sum of Ten Dollars and No/100ths and other good and valuable consideration, convey(s) and warrant(s) to Grantee, the following described Real Estate, to-wit:

THAT PART OF BLOCK 10 AND THE VACATED PORTION OF CHICAGO AVENUE ADJOINING SAID BLOCK 10 TO THE SOUTH IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF CHICAGO AVENUE (AS LOCATED AND ESTABLISHED IN 1944) 530.0 FEET WEST OF THE WEST LINE OF OAK STREET, AS MEASURED ON SAID NORTH LINE OF CHICAGO AVENUE; THENCE WEST ALONG SAID NORTH LINE OF CHICAGO AVENUE, 128.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF OAK STREET, 66.87 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY (AS LOCATED AND ESTABLISHED IN 1944); THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, TO A POINT ON A LINE WHICH IS 530.0 FEET WEST OF AND PARALLEL WITH SAID WEST LINE OF OAK STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF OAK STREET, 99.86 FEET TO THE PLACE OF BEGINNING, IN ALFRED WALKER'S ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 1 AND PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1868 AS DOCUMENT 9611, IN DU PAGE COUNTY, ILLINOIS.

CHARGE CTI DuPAGE

KTW 108874 . 1

E#96045141 g#9607988 w 1

situated in the County of Du Page, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

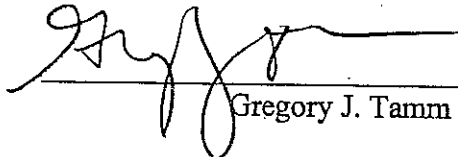
To have and to hold the Real Estate unto Grantee forever.

Permanent Real Estate Number: 09-01-420-013

Address of Real Estate: 303 East Chicago Avenue
Hinsdale, IL 60521

Subject To: a) General real estate taxes not due and payable at time of closing;
b) Special assessments, if any, confirmed after the contract Date of June 17, 1996;
c) Building, building line and use or occupancy restrictions, conditions and covenants of records;
d) Zoning laws and Ordinances;
e) Easements for public utilities;
f) Drainage ditches, feeders, laterals and drain tile, pipe or other conduit; and
g) Party walls, party wall rights and agreements; terms provisions, covenants, conditions and restrictions, if any.

IN WITNESS WHEREOF, Grantors have executed this Deed as of the day and year first above written.



Gregory J. Tamm



Mary Beth Claffey-Tamm

This instrument was prepared by: Heath R. Fear
Pedersen & Houpt, P.C.
161 North Clark Street
Suite 3100
Chicago, Illinois 60601

Tax bills should be mailed to: Paul F. Swenson
303 East Chicago Avenue
Hinsdale, IL 60521

R96-130127

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that Gregory J. Tamm and Mary Beth Claffey-Tamm personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 30th day of July, 1996.

Elizabeth Funcher
Notary Public

Commission expires Aug. 26, 1996

DUPAGE
CO. NO. 022

277267



RB.10690

AUG-7'96

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEPT. OF
REVENUE

378.00

378.00

ATTACHMENT H

TO PAUL SWENSON APPLICATION FOR VARIATION AT 303 EAST CHICAGO AVENUE

A strict application of relevant provisions of the Zoning Code create a particular hardship or practical difficulty due the unique shape and dimensions of the Subject Property, cramped and potentially unsafe access to Chicago Avenue, and the location of a significant 100-plus year old Ash tree in proximity to the existing deteriorated detached garage to be demolished and replaced, as more fully described below. These extraordinary conditions are peculiar to, and inherent to the Subject Property and the existing pre-Code principal residence (itself a significant 125-year old farmhouse renovated by Applicant in 2003), and amount to more than mere inconvenience to Applicant. Such unique conditions relate to, or arise out of the Subject Property, rather than the personal situation of Applicant.

(a) Unique Physical Condition.

The current detached garage is in its original location, it has outlived its useful lifespan, and is atypical of the community and of the immediate neighborhood in which a significant amount of new construction has occurred. The repair of the existing legally noncompliant and deteriorating structure in place (which would be permitted by the Code) is not a viable option, nor would it serve the objectives of the Village's Plan and Code. Unlike the renovated residence at the Subject Property, the current dilapidated detached garage has no historical, aesthetic or practical value in its present state, and the community as a whole, and the immediate neighborhood, would benefit from its replacement.

Unlike properties in the block to the east of the Subject Property, the Subject Property is wider than it is deep, due to the angled railroad right-of-way forming the northerly property line. The depth of properties in the block to the east is greater than the Subject Property, thereby widening the "building envelope" for detached garages that may be located 2 ft. from side lot lines in the rear 20% of those properties. (Please see Attachment "D" to this Application.) Under the formulas contained in the Code, the unique dimensions of the Subject Property have the effects (1) of limiting the rear 20% of the Subject Property to a narrow 12-foot strip at the westerly lot line and located a mere 54 ft. from the front lot line; and (2) and, as a consequence of being unable to locate a detached garage within the rear 20% of the lot, of moving the required westerly side yard building line to an atypical distance of 13.8 ft. and the required rear yard building line to 25 ft. (which is a distance of 6 ft.-8 in. from the front yard required by the Code).

The physical conditions of the Subject Property described above are coupled with the location of the significant Ash tree that would be destroyed if a side yard setback of 13.8 ft. were required. Together, the singular irregular dimensions and shape of the Subject Property, the location of the significant tree, and the restored 125-year old farmhouse add up to unique physical conditions at the Subject Property. All of the foregoing physical conditions, each atypical of the community in themselves and completely unique in their combination, arise out of the Subject Property and

not out of the personal situation of Applicant. Those conditions would affect any owner of the Subject Property.

The Zoning Board of Appeals previously recognized the unique physical condition of the Subject Property when in 2003 this Honorable Board granted Applicant's request for variations in Zoning Calendar V-5-03 to enable Applicant to renovate the farmhouse principal residence. The variances granted in that instance were a reduction of the required front yard and a reduction of the required rear yard. In its Final Decision, the ZBA stated in part, "The Board reviewed the information and evidence presented and agreed that there was a hardship to this property for any kind of improvement and that *some type of variation would be needed for virtually any other improvement . . .*" [emphasis supplied].

(b) Not Self-Created.

None of the foregoing unique physical conditions were created by action or inaction of Applicant/Owner. They existed at the time Applicant purchased the Subject Property in 1996. They were not fully known to Applicant at the time of purchase, and they were not created by government action without compensation, other than the enactment of the Code subsequent to the construction of the existing detached garage.

(c) Denied Substantial Rights.

Owners of other lots in the Village are permitted to fully locate and utilize detached garages that do not strictly conform to the requirements of the Code. Variations in the Code have been granted by the Board to enable such utilization by other residents of nonconforming detached garages based on factors such as irregularly shaped lots and preservation of significant natural amenities such as trees. Upon observation, Applicant believes that other nonconforming detached garages are maintained by residents in the vicinity of the Subject Property. Denial of the relief sought in this Application would prevent Applicant from the full benefit of rights enjoyed by other residents of the Village.

(d) Not Merely Special Privilege.

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

(e) Code and Plan Purposes.

As detailed elsewhere in this Application, it is respectfully submitted that Code and Plan purposes are best served by the Board's approval of the Code variances sought by Applicant. The replacement of the existing deteriorated detached garage with an attractive and tastefully designed new one and the preservation of the Ash tree would result in a use of the Subject

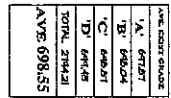
Property which is in harmony with the general and specific purposes of the Zoning Code and Official Comprehensive Plan.

(f) Essential Character of the Area.

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

(g) No Other Remedy.

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

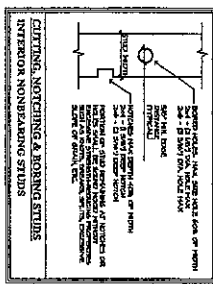
[illegible]

303 EAST CHICAGO AVE

[illegible]

NOTE
ALL EXIST GRADES WILL REMAIN UNCHANGED. THE TOPS OF FOUNDATION HAVE REVISED TO ACCOMMODATE THIS

DRAWING INDEX	
SHEET	DESCRIPTION
A1	WING PLATE, WING BOXES, PLATES AND DRAWING BOARD
A2	DISCRIPTIONS
A3	PLATE PLATE, POSITIONING PLATE, ELECTRONIC, PLATE BOXES
B	WING BOXES

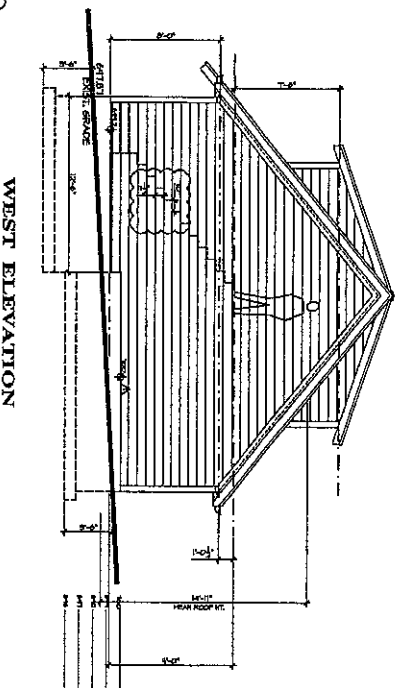
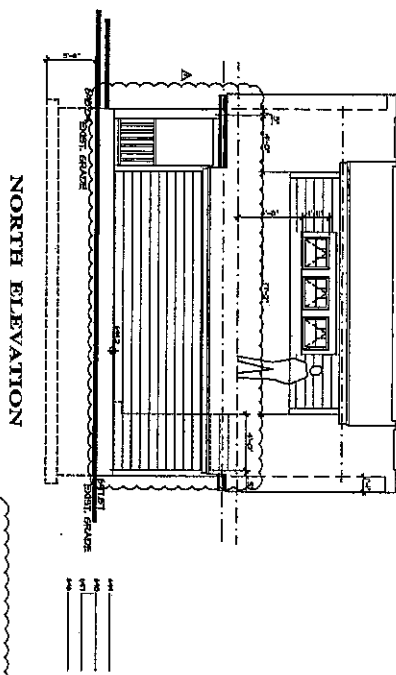
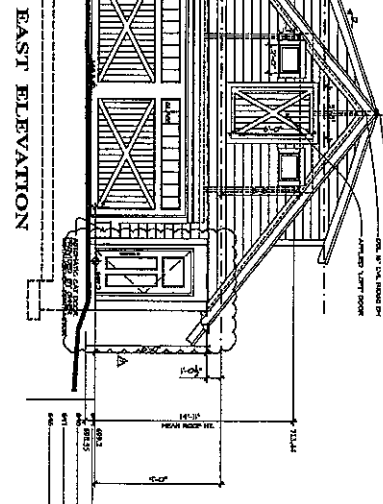
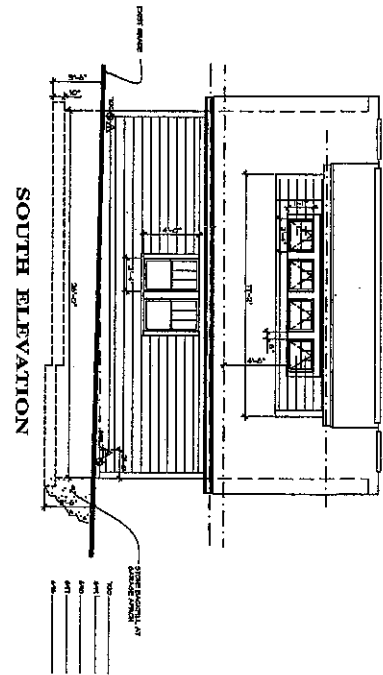
[illegible]

- ALL OTHERS ARE IN COMPLIANCE WITH THE FOLLOWING CODES:
 - 2005 INTERNATIONAL RESIDENTIAL CODE
 - 2005 INTERNATIONAL MECHANICAL CODE
 - 2005 NATIONAL ELECTRICAL CODE
 - 2005 INTERNATIONAL ENERGY CODE FOR RESIDENTIAL BUILDINGS
 - 2004 IBCS PLUMBING CODE
 - VILLAGE OF ARDENNA DESIGN CODE - APPLICABLE

STATEMENT OF COMPLIANCE

I have prepared, or caused to be prepared and signed, this statement of compliance with the provisions of the Federal Acquisition Regulation (FAR) and the FAR Supplement, and certify that, to the best of my knowledge and belief and to the extent of my conscientious obligation, they are in compliance with all applicable building codes and ordinances of the Village of HENNEBEAU, Minnesota.

Signed: _____ Available
ILL REGISTRATION # 00-01514
License Expires 11-2010



NOTE
A
ALL EXIST GRADES WILL REMAIN UNCHANGED. THE TOPS OF FOUNDATION HAVE BEEN REVISED TO ACCOMMODATE THIS

NOT FOR CONSTRUCTION. ALL INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. NO WARRANTY IS MADE BY THE ARCHITECT FOR THE ACCURACY OF THE INFORMATION.

SHEET
A2
OF 5 SHEETS

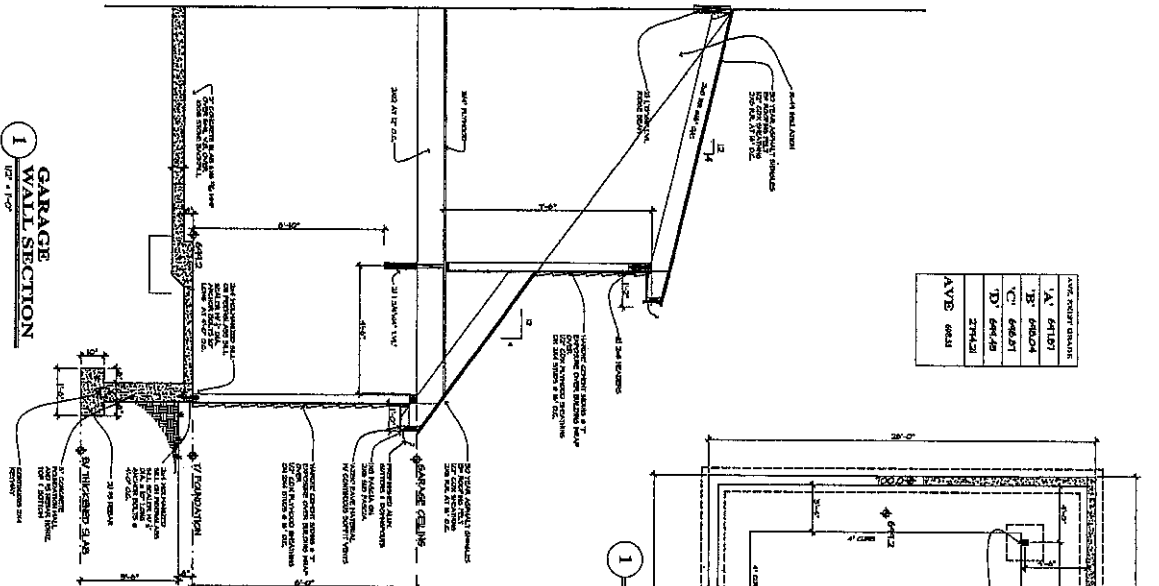
ELEVATIONS
DATE: 01/11/11
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

A NEW GARAGE FOR:
PAUL SWENSON
333 CHICAGO AVE.
HUNTERTOWN, IL

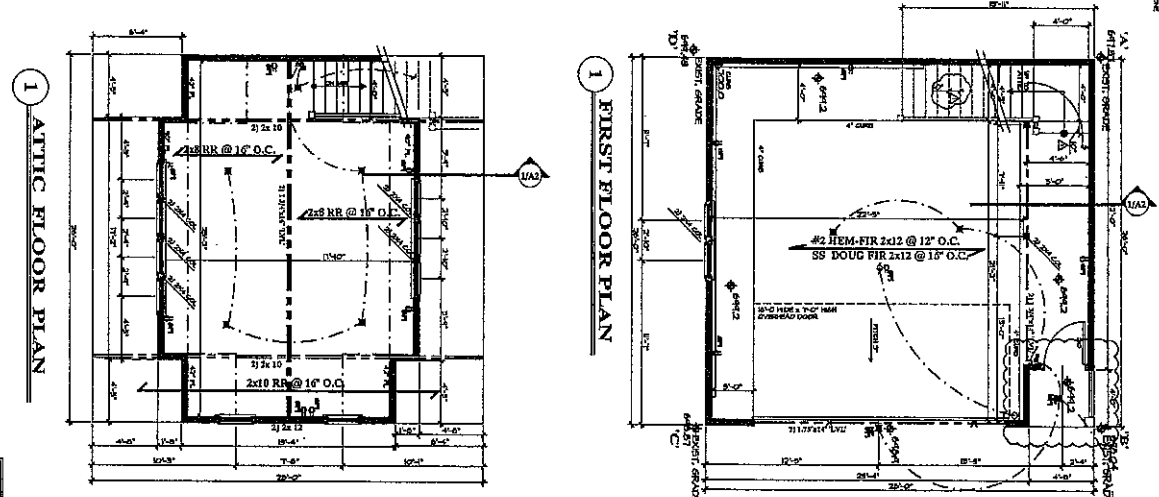
PARSONS
ARCHITECTS, LLC

20 SPRING LAKE AVENUE
HUNTERTOWN, IL 60520
PHONE: 815.832.8115
FAX: 815.832.8116

REVISION	DATE	BY
1	01/11/11	[Signature]
2	01/11/11	[Signature]
3	01/11/11	[Signature]



NOTE
A
ALL EXIST GRADES WILL REMAIN UNCHANGED. THE TOPS OF FOUNDATION HAVE BEEN REVISED TO ACCOMMODATE THIS



AWC, POOLER, BRANIN
ARCHITECTS, LLC
200 CHICAGO AVE
HINSDALE, IL 60521
PHONE: 630.222.2200
WWW.AWCARCHITECTS.COM

GROUP ATTACHMENT J
TO PAUL SWENSON
APPLICATION FOR VARIATION AT
303 EAST CHICAGO AVENUE

[Four Photographs Follow]



