

MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, AUGUST 21, 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 July 17, 2019
- 4. APPROVAL OF FINAL DECISIONS**
 - a) V-01-19, 303 East Chicago Avenue
- 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-03-19, 400 S. Pamela Circle
- 8. PUBLIC HEARING**
 - a) V-02-19, 11 West Sixth Street
- 9. NEW BUSINESS**
- 10. OLD BUSINESS**
 - a) Zoning Board of Appeals authority
- 11. ADJOURNMENT**

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

www.villageofhinsdale.org

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
JULY 17, 2019

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1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, July 17, 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, Joseph Alesia, Tom Murphy, Kathryn Engel, John Podliska and Chairman Bob Neiman

Absent: Member Keith Giltner

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

3. ROLL CALL

4. APPROVAL OF MINUTES

a) Meeting of March 20, 2019

Following corrections to the draft minutes, Member Moberly moved to **approve the minutes of the regular meeting of March 20, 2019, as amended.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

b) Meeting of June 19, 2019

There being no corrections to the draft minutes, Member Moberly moved to **approve the minutes of the regular meeting of June 19, 2019, as presented.** Member Engel seconded the motion.

AYES: Members Moberly, Murphy, Engel and Podliska

NAYS: None

ABSTAIN: Member Alesia and Chairman Neiman

ABSENT: Member Giltner

Motion carried.

1
2 **5. APPROVAL OF FINAL DECISIONS – None**

3
4 **6. RECEIPT OF APPEARANCES** –Court Reporter Kathy Bono administered the
5 oath to all persons intending to speak at this evenings proceedings.
6

7 **7. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**
8 **PUBLIC COMMENT OF A GENERAL NATURE – None**
9

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

11 a) **V-02-19, 11 West Sixth Street**

12 Ms. Mary Jawor, homeowner, addressed the Board stating they are asking for
13 a variance to build a semi-circular driveway in the front yard. The code
14 requires 75' feet of frontage, but they only have 67' feet. She explained that
15 in 1987 her property was split from the house on Fifth Street. They bought
16 the house in 1994. At that time there was parking on the street, but as a
17 result of neighbor complaints during renovation of another home in the area,
18 the Village prohibited street parking in 1998. They talked about installing a
19 driveway at that time, but elected not to because of two thriving river birch
20 trees. The trees aged out and have been removed, so now is the time to
21 consider the driveway again. She also noted there is no sidewalk on the
22 block. Chairman Neiman asked if one of the reasons for the driveway was to
23 provide more parking for guests. She confirmed this is the case; currently
24 four cars fit on the driveway, but a circular driveway would add two or three
25 more spots. Member Alesia noted there is another circular driveway on the
26 north side of the street, and wondered if that was granted by variance. Mr.
27 McGinnis stated he would check. Ms. Jawor was advised to clarify any safety
28 issues for the hearing, to represent the neighbor's approval of the proposed
29 driveway if possible, and to be prepared to address each of the approving
30 criteria.

31 Chairman Neiman set the public hearing for the next Zoning Board meeting to
32 be held in August.
33

34 **9. PUBLIC HEARING**

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

36 Chairman Neiman opened the hearing. Mr. Paul Swensen, property owner,
37 and Mr. Dennis Parsons, architect on the project, addressed the Board. Mr.
38 Swensen explained this is a request for a variance to build a new garage; the
39 old garage is decrepit. He pointed out they originally asked for a side and
40 rear yard variance, but staff said there was no need for the rear yard request.
41 With respect to the ash tree on the property, they estimated the tree to be 100
42 years old. However, after conferring with Village Forester John Finnell, Mr.
43 Finnell indicated the tree was more likely between 40-60 years old, but the life
44 expectancy of a white ash tree is up to 260 years. Mr. Finnell advised them
45 to keep the foundation of the garage as far away from the tree as possible, for
46 protection of the tree. Mr. Finnell's emails were provided for the record; Mr.
47 Parsons also distributed an article on preserving trees for Board members.

1 Chairman Neiman confirmed one of the reasons for relocating the garage is to
2 protect the tree. Mr. Swensen said letters were sent to area neighbors, there
3 was no opposition to the request, and there four letters in support from the
4 adjacent neighbors and two directly across the street. Copies were
5 distributed to the Board. Mr. Parsons referenced the site plan for the project
6 which illustrates the buildable area of the property. They would not be able to
7 build the garage without the variation because although the lot is wide, it is
8 unusually narrow. He pointed out there would be no change to the grading of
9 the property, and no re-contouring, therefore no issue with water. The new
10 garage would be bigger, but still within requirements for lot coverage,
11 impervious area and floor area ratio (FAR). He noted that water drains
12 toward the railroad track anyway.

13
14 Member Alesia moved to **close the public hearing for V-01-19, 303 East**
15 **Chicago Avenue.** Member Podliska seconded the motion.

16
17 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman
18 Neiman

19 **NAYS:** None

20 **ABSTAIN:** None

21 **ABSENT:** Member Giltner

22
23 Motion carried.

24 25 DELIBERATIONS

26
27 Member Engel began discussion stating that the neighbors are in favor and
28 supportive of the project, it is more likely to improve area, and is aesthetically
29 pleasing. Additionally, the tree will be saved. Therefore, she is in favor of
30 granting this request. Member Alesia agreed, and noted the uniqueness of the
31 lot size is also persuasive.

32 Member Podliska **moved to grant the variance for V-01-19, 303 East Chicago**
33 **Avenue.** Member Alesia seconded the motion.

34
35 **AYES:** Members Moberly, Alesia, Murphy, Engel, Podliska and Chairman
36 Neiman

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** Member Giltner

40
41 Motion carried.

42 43 10. NEW BUSINESS

44 Chairman Neiman recommended the Board discuss the issue that came up in
45 March regarding whether or not the Board can ask for additional information from
46 applicants that might not be provided in their application. This matter will be
47 included as old business at the next meeting of the Zoning Board.

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11. OLD BUSINESS

12. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Alesia made a motion to **adjourn the meeting of the Zoning Board of Appeals of July 17, 2019.** Member Podliska seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

Motion carried.

Chairman Neiman declared the meeting adjourned at 6:58 p.m.

Christine M. Bruton

Approved: _____

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

Zoning Calendar: V-01-19

Petitioner: Paul Swenson

Meeting held: Public Hearing was held on Wednesday, July 17, 2019 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 June 20, 2019.

Premises Affected: Subject Property is commonly known as 303 E. Chicago, Hinsdale, Illinois and is legally described as:

THAT PART OF BLOCK 10 AND 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 EAST 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

Subject: In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 10-105.A.3(b)(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'.

Facts: 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.

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 unique shape of the lot and the shallow depth, the efforts being made to save a mature ash tree, the condition of the existing garage, and the support of the surrounding property owners.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Member Giltner

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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



7a

MEMORANDUM

DATE: August 15, 2019

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

CC: Christine Bruton, Village Clerk

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

RE: Zoning Variation – V-03-19; 400 Pamela Circle

In this application for variation, the applicant requests relief from the setback requirements set forth in 3-110(I)(8) for the construction of a sport court. As this is a through-lot, it has two front yards; a principal front and a secondary front. In this case, the secondary front yard is on Oak Street. The Code requires that the secondary front (the back yard) have a setback of at least 35'. The specific request is for a 25' reduction of the secondary front yard for the construction of a sport court.

This property is located in the R-1 Single family Residential District in the Village of Hinsdale and is located at the end of Pamela Circle west of County Line Road. The property has a frontage of approximately 65', an average depth of 148.45', and a total square footage of approximately 17,424. The maximum FAR is approximately 5,381 square feet, the maximum allowable building coverage is 25% or approximately 1,345 square feet, and the maximum lot coverage is 50% or 8,712.

cc: Kathleen Gargano, Village Manager
Zoning file V-03-19

Zoning Calendar No. V-03-19

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): Richard & Karen Eck

ADDRESS OF SUBJECT PROPERTY: 400 Pamela Circle

TELEPHONE NUMBER(S): 630-325-4745

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

DATE OF APPLICATION: August 1, 2019

 RECEIVED
CB 8/14/19

SECTION I

Please complete the following:

1. **Owner.** Name, address, and telephone number of owner: Richard & Karen Eck
400 Pamela Cir, Hinsdale, 630-325-4745

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.) _____

LOT 12 IN A. E. FOSSIER & CO.'S PAMELA CIRCLE, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8, 1960 AS DOCUMENT 978787, IN DUPAGE COUNTY, ILLINOIS.

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

a. Attorney: _____

b. Engineer: _____

c. Contractor: Power Court, 734 Hickory Ln, West Chicago, IL 60185

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: *N/A*

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:

We are seeking a variation of the 35' setback that is required for a backyard court.

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

The variation that we are seeking is to have the 35' setback to be reduced to 10'.

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

A variation to a 10' setback will allow the proposed backyard court to fit comfortably. Any other variation would not allow the backyard court to fit comfortably.

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.)

There is no other remedy for the backyard court to fit comfortably in the yard.

SECTION III

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

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

SECTION IV

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

SECTION V

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

Name of Owner:

Richard & Karen Eck

Signature of Owner:

Name of Applicant:

Richard & Karen Eck

Signature of Applicant:

Date:

Section 1., 7. Neighboring Owners:

**Nihal and S. Gooneratne
407 Pamela Circle
Hinsdale, IL 60521**

**Betty Roney
406 E. 9th Street
Hinsdale, IL 60521**

**John and C. McElbroy IV
414 E. 9th Street
Hinsdale, IL 60521**

**Gavan and Karen Farley
422 E. 9th Street
Hinsdale, IL 60521**

**Thomas and Pamela Litvay
430 E. 9th Street
Hinsdale, IL 60521**

**William and Jody Boak
423 Pamela Circle
Hinsdale, IL 60521**

**TR and Elsa Agnoli
424 Pamela Circle
Hinsdale, IL 60521**

**Gene and Betsy Neri
416 Pamela Circle
Hinsdale, IL 60521**

**Ramesh and Sunita Melvani
408 Pamela Circle
Hinsdale, IL 60521**

**Linda Hurney
415 E. Pamela Circle
Hinsdale, IL 60521**

**School District No. 181
5901 S. County Line Road
Hinsdale, IL 60521**

**Walter and Valerie Jacus
424 E. 55th Street
Hinsdale, IL 60521**

**Anthony Lin
5505 S. Oak Street
Hinsdale, IL 60521**

**John Szafran
420 E 55th Street
Hinsdale, IL 60521**

**Susan Zecca
5504 S Oak Street
Hinsdale, IL 60521**

NOTE:

Parcel 09-13-206-055 is vacant (at time of proposal submission)

SECTION 1, 9. Existing Zoning:

***Description of existing zoning of property & adjacent area within 250 feet
400 Pamela Circle:***

- A. Per the Hinsdale Village of Zoning, 400 Pamela Circle has two "front" yards. The actual front yard (in the front of the house by the front door and mail box) faces Pamela Circle. All homes facing Pamela Circle also have front yards there. The backyard yard (in the back of the house which contains the patio, children's play equipment and garage entrance) faces Oak Street; this backyard, as per the Zoning, is called a "front yard". All other homes along the back yard lot line also have backyards there. Directly across from the backyard and the neighbors' backyard is an institutional building.
- B. 400 Pamela Circle is zoned R1 Single Family.

Adjacent Areas (within 250 feet):

- A. Oak School is zoned **institutional** and is located approximately 30 feet from the property's backyard. The street where the "drop-off/pick-up" turn-around point is for the school children is directly next to the property's back yard (as well as the neighbor's backyards).
- B. Safety Village is zoned **institutional** and is located approximately 15 feet from the property's backyard. Like Oak School, the "drop-off/pick-up" point is located just a few feet from the property's backyard.

SECTION 2, A-B

- A. **Unique Physical Condition:** Per the Hinsdale Village of Zoning, 400 Pamela Circle has two "front" yards. The actual front yard (in the front of the house by the front door and mail box) faces Pamela Circle. All homes facing Pamela Circle also have front yards there. The backyard yard (in the back of the house which contains the patio, children's play equipment and garage entrance) faces Oak Street; this backyard, as per the Zoning, is called a "front yard". All other homes along the back yard lot line also have backyards there. Directly across from the backyard and the neighbors' backyard is an institutional building. The property therefore does not have the traditional backyard. The homeowners had submitted a fence variance to have a privacy fence install in the "backyard" of the property, which was granted by the city back in 2003.
- B. **Not Self-Created:** Per the Hinsdale Village of Zoning and the homebuilder, this property was created as a through lot with no backyard, which created this unique physical condition of the property. There has been no change of the property lines by the homeowner.
- C. **Denied Substantial Rights:** By approving this variation, the homeowner of 400 Pamela, there would be no depriving of any substantial rights of the homeowner.

- D. Not Merely Special Privileges: The approval of the variation would not be due to alleged hardship or difficulty or special privileges.
- E. Code and Plan Purpose: The approval of 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 purpose 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 approval of the variation would not have any materially detriment to the public welfare or material injurious to the enjoyment, would not impair an adequate supply of light or air to the properties near by, would not increase congestion in the public streets, would not increase the danger of flood or fire, would not unduly tax public utilities and facilities, or would not endanger the public health or safety.

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

Application for Certificate of Zoning Compliance

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

Applicant's name: Richard + Karen Eck

Owner's name (if different): _____

Property address: 400 S Pamela Cir Hinsdale

Property legal description: [attach to this form]

Present zoning classification: R-1, Single Family Residential

Square footage of property: 16,350 sf

Lot area per dwelling: _____

Lot dimensions: 68.92' x 156.51' x 179.41' x 146.85'

Current use of property: R-1 Single Family Residential

Proposed use: Single-family detached dwelling
 Other: Concrete Area for Sports

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

Brief description of request and proposal:
seeking variation of the setbacks of the "front" yard on Oak Street

Plans & Specifications: [submit with this form]

	Provided:	Required by Code:
Yards:		
front:	_____	_____
interior side(s)	<u> / </u>	<u> / </u>

Provided:

Required by Code:

corner side
rear

Setbacks (businesses and offices):

front:

interior side(s)

corner side

rear

others:

Ogden Ave. Center:

York Rd. Center:

Forest Preserve:

_____/_____

Building heights:

principal building(s):

accessory building(s):

Maximum Elevations:

principal building(s):

accessory building(s):

Dwelling unit size(s):

Total building coverage:

Total lot coverage:

Floor area ratio:

Accessory building(s):

Spacing between buildings:[depict on attached plans]

principal building(s):

accessory building(s):

Number of off-street parking spaces required: _____

Number of loading spaces required: _____

Statement of applicant:

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

By:

Karen Ecl
Applicant's signature

Karen Ecl
Applicant's printed name

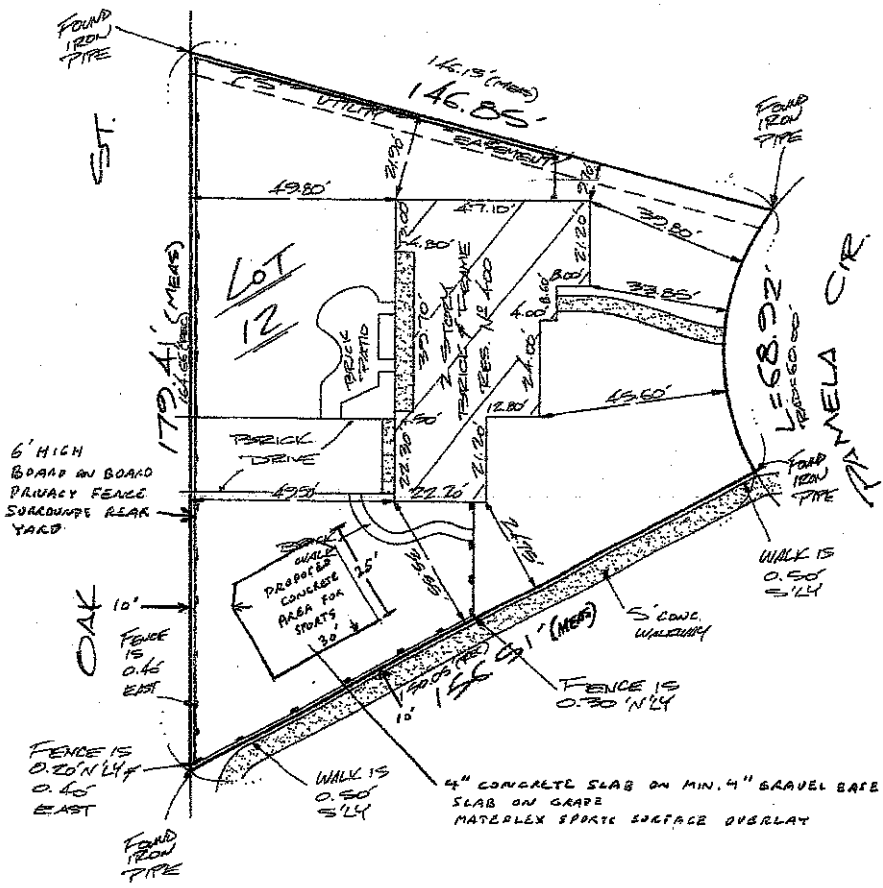
Dated: 8-15-2019

Residential Surveying Service P.C.

108 Lee Lane Bolingbrook IL 60440
 PH (630) 759-0205 FAX (630) 759-9291

PLAT OF SURVEY

LOT 12 IN A. E. FOSSIER & CO.'S PAMELA CIRCLE, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8, 1960 AS DOCUMENT 978787, IN DUPAGE COUNTY, ILLINOIS.



State of Illinois }
 County of Will }SS

I, Michael G. Hervey, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the parcel of land hereon described and that the Plat hereon drawn is a correct representation of said survey.

Dated this 6TH day of JUNE, A.D., 2000, at Bolingbrook, Illinois.

Michael G. Hervey
 Illinois Professional Land Surveyor No. 35-2900

CLIENT NEAL
 JOB No. 32201-00

For Building Lines, Easements and Other Restrictions not shown hereon refer to your Deed, Title Policy, Ordinance, etc.



8a

MEMORANDUM

DATE: August 16, 2019
TO: Chairman Neiman and members of the Zoning Board of Appeals
CC: Robb McGinnis, Director of Community Development
FROM: Christine Bruton, Village Clerk
RE: V-02-19, 11 West Sixth Street

The homeowner/applicant in this case respectfully requests the public hearing be postponed till September, as they have been called out of town.

Thank you.

10a



20 N. Wacker Drive, Ste 1600
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444
OO 312 984 6413
mmarrs@ktjlaw.com

15010 S. Ravinia Avenue, Ste 101
Oakland Park, Illinois 60462-5353
T 708 349 2888 F 708 349 1506
www.ktjlaw.com

MEMORANDUM

**TO: Robb McGinnis
Chan Yu**

FROM: Michael Marrs

DATE: August 15, 2019

RE: Zoning Board of Appeals Authority

ISSUE: You have requested an opinion as to the ability of the Zoning Board of Appeals to request additional information from applicants in order to make a recommendation or decision.

SHORT ANSWER: The Zoning Board of Appeals has the power to make reasonable requests to applicants for additional information or refinements to existing submissions where such information or refinements are necessary for the Zoning Board to make a reasoned decision or recommendation.

AUTHORITY: The Zoning Board of Appeals has the power to grant or deny variations from the requirements of the Zoning Code, and, in those instances where it does not have final decision-making authority, to make recommendations to the Village Board of Trustees regarding variations, following a public hearing. See §§ 11-102.K. and 11-503 of the Hinsdale Zoning Code ("Zoning Code").

The ZBA also has the specific power, "[i]n furtherance of [its] jurisdiction and authority, to make such investigations, maps, reports, and recommendations in connection therewith, relating to zoning and its administration in the village as seem desirable to it.... § 11-102.K.5.

ANALYSIS & OPINION: Variations, by their nature of being exceptions from the Village's Zoning Code, are not easy to obtain. For that reason, applicants will understandably be hesitant to invest in fully-developed plans to bring forward to the ZBA, only to learn in some cases that the relief they sought will be denied, and their expenditures were for a project that will never come to fruition. Often, an applicant is at a very early stage in a project when seeking a variation, and in some cases may not even be the owner, and instead will have nothing more than a contingent purchase contract that hinges on approval of a variation. Given the risks of a denial, and the general point in a project where a variation is typically sought, plans submitted by applicants are often very preliminary in nature, and in some cases may be hand-drawn or otherwise not to scale, and/or provide limited information.

The preliminary information included in some applications sometimes comes into conflict with the desire of the ZBA to have as much specific information at its disposal as possible in order to gain a full understanding of an application. Such information may include more detailed renderings that will allow ZBA members to understand, for instance, exactly where a house as proposed will sit on a lot. Requesting such information may in some cases necessitate an applicant spending additional time or money in order to provide the requested information.

The question then, is whether there are there limits on the ZBA's ability to request additional information. Other than the reference to the ability of the ZBA under § 11-102.K.5. to make "investigations" in furtherance of its mission, this is a subject not directly addressed in the Village's Zoning Code, or any other Zoning Code I have worked with. Given the nature of the ZBA's charge, and ability to conduct investigations, I believe there is clearly authority for the ZBA to make certain requests for additional information. I further believe a standard of reasonableness would apply. Certainly where the materials provided by an applicant fail to provide the ZBA with the information a majority of its members believe is necessary to make a reasoned decision or recommendation, it is reasonable and proper to request it. Conversely, if the ZBA requests fully completed plans that would be relatively costly to provide, where preliminary plans or other information provide sufficient information to make a decision, the request may be unreasonable. Generally, through discussion with an applicant, it seems that in most cases the ZBA and applicant could determine how information sought by the ZBA can be provided in a manner that would not necessitate submission of costly completed plans.

Keep in mind that an applicant always has the option of saying "no," and electing to proceed on the materials submitted. The risk such an applicant runs is that ZBA members who do not feel they have sufficient information may vote no rather than approve something based on guesses or speculation. If an applicant wants to proceed on an application that was set for public hearing, the ZBA cannot hold the application hostage until information is provided.

So, in conclusion, and absent a specific set of facts to analyze, my opinion is that the ZBA generally has the power to seek additional information, so long as the request is reasonable and necessary for the ZBA members to gain a full understanding of an application, even in cases where an applicant may have to make some expenditure to comply with the request. If an applicant does not desire to comply with a reasonable request, the ZBA may proceed to vote based on the information before it.

If you have any follow-up questions based on the above, please contact me.



cc: Kathleen Gargano, Village Manager