

MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, September 18, 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 August 21, 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 – None**
- 8. PUBLIC HEARING**
 - a) V-02-19, 11 West Sixth Street
 - b) V-03-19, 400 S. Pamela Circle
- 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
AUGUST 21, 2019

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, August 21, 2019 at 6:310 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

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

Absent: Member Kathryn Engel

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

3. APPROVAL OF MINUTES

a) Meeting of July 17, 2019

Following corrections to the draft minutes, Member Moberly moved to **approve the minutes of the regular meeting of July 17, 2019, as amended.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: Member Giltner

ABSENT: Member Engel

Motion carried.

4. APPROVAL OF FINAL DECISIONS

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

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, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: Member Giltner

ABSENT: Member Engel

Motion carried.

5. RECEIPT OF APPEARANCES – None

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

7. PRE-HEARING AND AGENDA SETTING

a) V-03-19, 400 S. Pamela Circle

Ms. Karen Eck, homeowner, addressed the Board, stating they need a variance to build a 25' x 30' sport court. There exists a 6' foot fence around their yard that backs up to Oak Street, Oak School and Safety Village. She explained they got a variance for the 6' foot fence in 2003. She said the yard is also surrounded by large evergreens; nothing in the yard is visible from the street or outside the fence. She illustrated her yard and the area for the Board with pictures on her phone.

She explained they live on a through street, and need the variance because of the lot. If it were a true back yard, a variance would not be required. Director of Community Development/Building Commissioner Robb McGinnis confirmed this lot has a primary and a secondary front yard; the code prescribes a 35' foot setback in secondary yards.

Ms. Eck provided a copy of a letter of support from a neighbor to the Board. Chairman Neiman recommended Ms. Eck address more fully the criteria required for approval; particularly the denied substantial right and merely a special privilege criteria.

The public hearing was set for the next meeting of the Zoning Board of Appeals.

8. PUBLIC HEARING

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

Chairman Neiman announced the applicant in this case has asked for a continuance; the Board expressed no objections to the request.

9. NEW BUSINESS – None

10. OLD BUSINESS

a) Zoning Board of Appeals authority

Chairman Neiman began discussion explaining that this Board had asked Village counsel for an opinion regarding whether the Zoning Board has the authority to ask for more information when they feel it is necessary. The opinion provided by Village Attorney Michael Marrs states the Board can make reasonable requests, and can continue cases accordingly. However, an applicant can decline a request if they so choose.

Discussion followed regarding whether there was merit to amending the application for variation, but consensus was to determine at prehearing, or the public hearing, if more information was necessary rather than unduly burden all applicants at the time of application.

1 **11. ADJOURNMENT**

2 With no further business before the Zoning Board of Appeals, Member Alesia
3 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
4 **August 21, 2019.** Member Podliska seconded the motion.
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6 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Podliska and Chairman
7 Neiman

8 **NAYS:** None

9 **ABSTAIN:** None

10 **ABSENT:** Member Engel
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12 Motion carried.
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14 Chairman Neiman declared the meeting adjourned at 6:58 p.m.
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Christine M. Bruton, Village Clerk
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Ja

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.

Home: 630. 887. 7364
TELEPHONE NUMBER(S): Mary cell 630. 291. 7364
Mike cell 312. 860. 5750

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 Jawor
11 West Sixth St., Hinsdale 630.291.7364
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 Burrer 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.

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

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 distain 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 distain 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 unduly 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

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5
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

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 $\frac{1}{2}$ 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: *J. J. Jawor* 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.

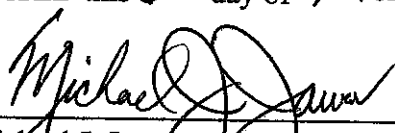
3. The interest of each and every beneficiary under said Trust Agreement and hereunder, and of all persons claiming under any of the beneficiaries, shall be only in the earnings, avails and proceeds arising from the sale or other disposition of the trust property, and such interest is hereby declared 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.

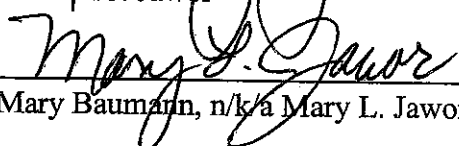
If the title to any of the above real estate now is or hereafter shall be registered, the Registrar of Titles is directed not to register or note in the Certificate of Title, duplicate thereof, or memorial, the words "in trust" or "upon condition", or "with limitation", or words of similar import, in 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

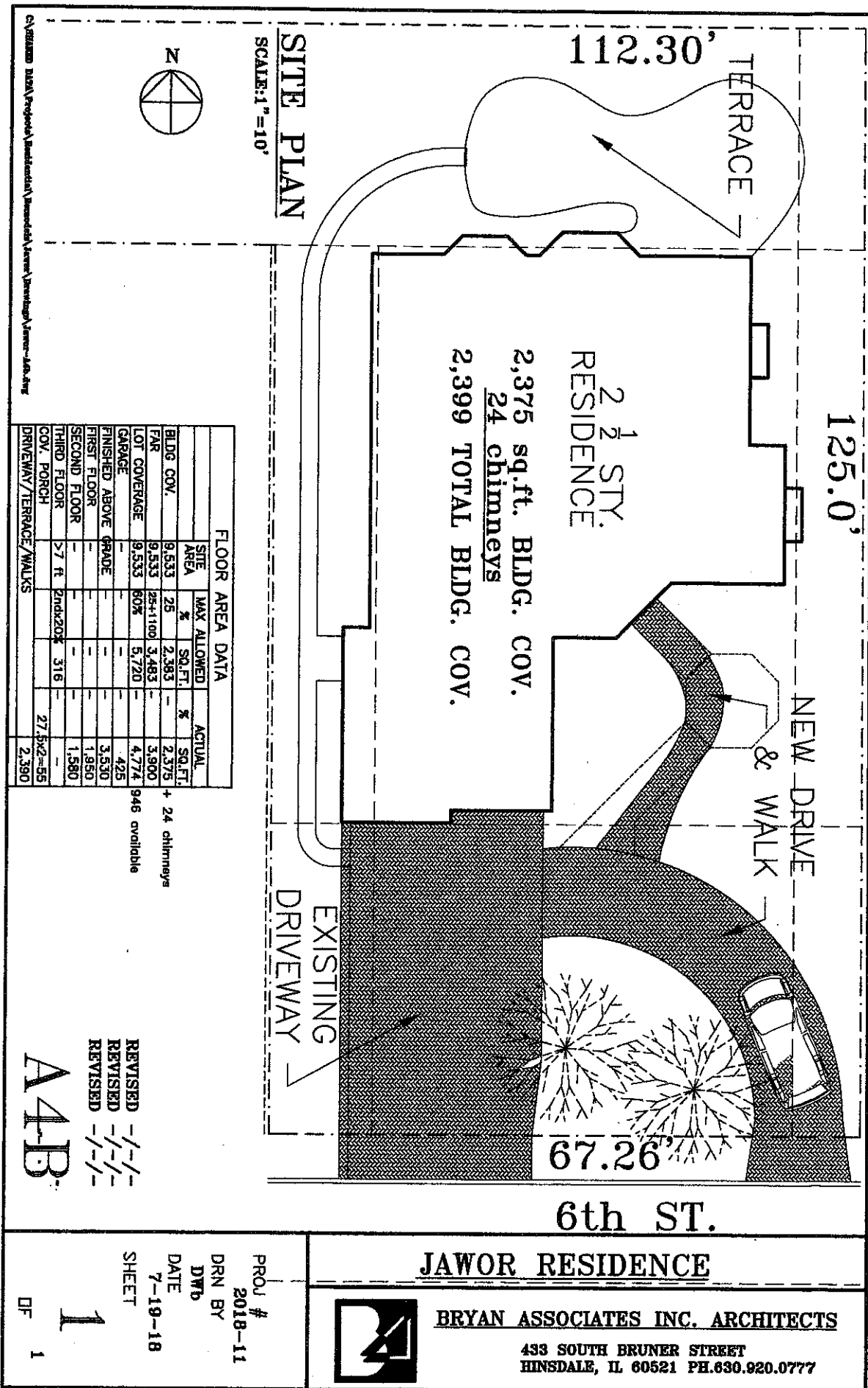
Mail to:

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

Grantee's Address



SITE PLAN
SCALE: 1" = 10'

FLOOR AREA DATA				
	SITE AREA	MAX ALLOWED	ACTUAL	
	%	SQ. FT.	%	SQ. FT.
BLDG COV.	9.533	25	2.363	2,375
FAR	9.533	25+1100	3.483	3,900
LOT COVERAGE	9.533	60%	5,770	4,774
GARAGE	-	-	-	425
FINISHED ABOVE GRADE	-	-	-	3,530
FIRST FLOOR	-	-	-	1,950
SECOND FLOOR	-	-	-	1,580
THIRD FLOOR	-	-	-	-
COV. PORCH	> 7 ft	2nd x 20 x 3	316	-
DRIVEWAY/TERRACE/WALKS	-	-	-	27.5 x 2 = 55
				2,390

REVISD -/-/-
REVISD -/-/-
REVISD -/-/-
A4B

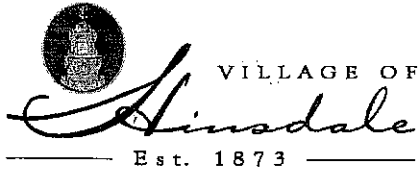
JAWOR RESIDENCE



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
OF 1



8b
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(l)(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

9/13: revised application
attached c/s

Zoning Calendar No. V-03-19, revised

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

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, 739 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. *See Attached*
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 *See Attached*

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: *See attached*
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.) *see attached*
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:
see attached

- attached*
- (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.
- attached*
- (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.
- attached*
- (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.
- attached*
- (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.
- attached*
- (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.
- attached*
- (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 *N/A*

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

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

SECTION V

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

Name of Owner: Richard & Karen Eck

Signature of Owner: Karen Eck

Name of Applicant: Richard & Karen Eck

Signature of Applicant: Karen Eck

Date: 8-23-19

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)**

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 179.91' 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
☐ Special Use Permit
☐ Site Plan
☐ Design Review
☐ Other: _____
☒ Variation
☐ Planned Development
☐ Exterior Appearance

Brief description of request and proposal:

seeking variation of the setback of the "Front" yard on Oak Street

Plans & Specifications: [submit with this form]

Provided: Required by Code:

Yards:

front: _____
interior side(s) / /

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 E. Cull
Applicant's signature

Karen E. Cull
Applicant's printed name

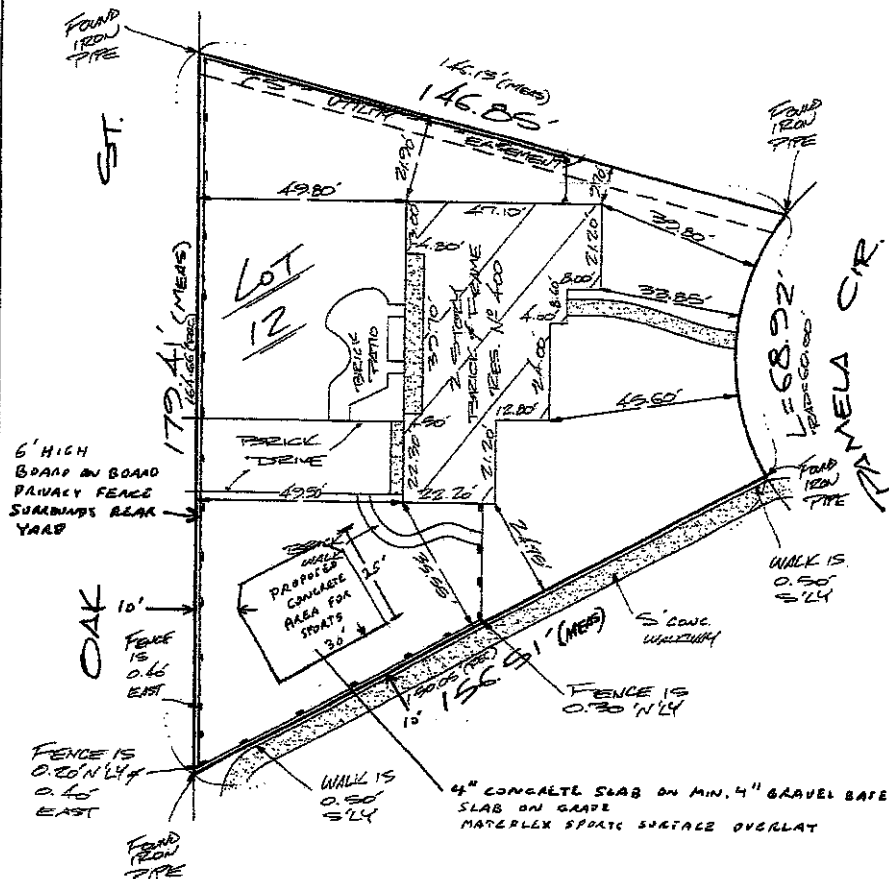
Dated: 0-15-, 20 29

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 SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8, 1980 AS DOCUMENT 978787, IN DUPAGE COUNTY, ILLINOIS.



State of Illinois }
County of Will } SS

I, Michael G. Herwy, 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. Herwy
Illinois Professional Land Surveyor No. 35-2900

CLIENT Neal

JOB No. 32801-00

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

Village of Hinsdale Application for Sport Court Variance

400 Pamela Circle

Home of Richard and Karen Eck, and family (Everett, Vivian, Emerson, and Violet)

ATTACHMENTS

SECTION 1, 9. Existing Zoning:

400 Pamela Circle

- A. Per the Hinsdale Village Zoning, our home on 400 Pamela Circle has two "front" yards. Our actual front yard (in front of our home by our front door and mail box) faces Pamela Circle. All homes facing Pamela Circle also have front yards here. Our backyard (in the back of our home containing our patio, children's play equipment and garage entrance) faces Oak Street; this backyard, as per the Zoning, is called a "front yard". The other homes along our back yard lot line also have back yards here (ours and 2 others). Directly across from our back yard and our neighbors' backyards are two institutional buildings, Oak School and Safety Village, as well as the School Bus line and Carpool Drop off line.

Our home is 20 and 33 feet from two non-residential buildings, respectively, and 120 feet from 55th Street.

Front yards / through street yards (which in this case is our back yard) have a 35 foot step back rule for a sport court. In Hinsdale, zoning allows back yards to have a 10 foot step back for a sport court without any need for a variance. Our backyard can accommodate a 10 foot set back, but not at all a 35 foot step back due to location, space, aesthetics, cost, and reasonability.

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 Subject Property's back yard. The street where the "drop-off" / pick up" turn around point is for school children is directly next to subject property's back yard (as well as our neighbors' backyards). In addition, school buses drop off and pick up through the school day.
- B. SAFETY VILLAGE is zoned Institutional and is located approximately 15 feet from Subject Property's back yard. Like Oak School above, the "drop-off" / pick up" point is located just a few feet from the Subject's back yard
- C. The other homes on Pamela Circle also have a backyard facing Oak School and Safety Village and the Street (407 and 408 Pamela Circle).
- D. 55th Street is about 100 feet to the south and south west of Subject Property.

Graphic representation of existing zoning or property and adjacent area within 250 feet-

400 Pamela Circle--- See Attached Pictures for the following:

- 1. Backyard living space
- 2. 6 foot Cedar Board on Board fence surrounding backyard property
- 3. Backyard professional landscaping for privacy and beauty
- 4. View of Fence from Oak Street, looking into backyard
- 5. Proposed location of 10 foot set back sport court and removal of existing playground set
- 6. View of backyard from the north and south residential neighbors; sport court will be placed on the south side of lot
- 7. View of institutional neighbors to the west of backyard, Oak School and Safety Village

SECTION II, 2. Ordinance Provision:**Provision of Zoning Ordinance from which a variation is being sought:**

Current zoning for a through lot requires a 35 foot set back for a sport court, which in this case would be located in our back yard. All other homes with backyards (not called a through lot) have a standard 10 foot set back for a sport court. These homes DO NOT require a variance. As our backyard is where we want to locate the sport court, we are requesting the same 10 foot set back rule as all other backyards are allowed without any required variance.

SECTION II, 3. Variance Sought:**Precise variation being sought, purpose, and specific feature requiring variation-Variation sought:**

We are seeking a variation that will allow the 35 foot set back required for a through lot to be reduced to 10 feet. A 10 foot set back is allowed for all other homes in their backyard. A 35 foot set back would not fit in our backyard, and would not be feasible to install. The location of the sport court would not allow for a set back of that immense size, anywhere on our property / back yard. The purpose of the sport court would be for our family's enjoyment , just the same as it would be for any other family's use in their backyard. We are not able to play on the street or use a basketball court anywhere else on our property as the road behind our backyard is busy due to the institutional properties of Oak School and Safety Village. Our entire backyard is completely fenced in with a 6 foot cedar fence, allowing no visual or physical access in / out of our yard (unless we electronically open / shut our driveway gate which we only do to enter / exit our driveway. Our backyard is totally private and safe due to the fence as well as the 20-40 foot evergreen and other mature trees which line the entire fence property. There is basically no view into or outside of our backyard space.

Although the present zoning has classified our backyard as a "front yard", for all natural and logical purposes, it is precisely and unequivocally our backyard. In terms of our children's usage, they solely play here and in terms of adult usage, our brick paved patio is located here, our BBQ grill is hooked up here, and as well as all of our outdoor entertaining is conducted in this backyard location. In normal circumstances, a 10 foot set back would be allowed here, but because of the current zoning, we are required to have a 35 foot set back . This set back is not feasible due to the size of our back yard and our space and would not make any sense for our family.

Having a sport court in the privacy of our own backyard will provide a safe space for our children to play. It will eliminate the need to have to play in the street, while constantly worrying about the traffic in / out of Oak School and Safety Village, lack of space to play due to parked cars located by these institutional buildings, loose balls being chased after by our children while on-coming cars are present, avoid the potential of injury or even death from distracted drivers. Having a sport court in our backyard would also be completely hidden from all of our neighbors, including Oak School. The sport court within our own backyard

allows future homeowners of our property to enjoy a safe space to have their children play as well, as our location and size of our home, we think, is a perfect family home.

SECTION II, 5. Standards for Variation:

Statement of characteristics of property that prevent compliance-

Our home on 400 Pamela Circle has a front yard and a back yard. Our back yard, as previously stated, is zoned a "front yard" and is therefore required to have a 35 foot set back instead of the allowed / no variance required - 10 foot set back. Backyards are inherently supposed to represent a safe-zone for children to play close to their houses. A sport court would allow that, although a 35 foot set back is not feasible in the backyard we have due to its size, location, and space. Our backyard is truly our backyard, its primary usage is for backyard activities. We currently have a large Rainbow Play set that has outlived its life, and in its current spot, our growing children would love to play on a sport court instead. Our neighbor to the south has fully supported our decision, and their letter specifically stating their approval is attached.

Our home was already granted approval for a 6 foot fence in our backyard by the Village of Hinsdale Zoning Board of Appeals in 2003. The zoning of a through-lot does not permit a fence over 3 feet high. We presented our case as to the usage of our backyard as really a backyard.... As well as the fact that it is a unique situation and subject to safety concerns. This current request today follows the same logic as the prior approved variance from the village.

5. Standards for Variation, continued:

(a) Unique Physical Condition-

We are affected by unique circumstances that create a hardship justifying relief from the provisions of the zoning. 400 Pamela Circle is unique in that it is 1 of only 3 homes in Hinsdale that has a back yard that faces a busy street and two non-residential buildings, an institutional zoning area. The other 2 homes in this situation are 407 and 408 Pamela Circle. Within Hinsdale, all homes that are on "through streets" have what the zoning refers to as two front yards, one actually being the real back yard. This is the same as our zoning. Pamela Circle, N. Quincy, N. Bruner, N. Bruner Place, Bonnebrea, and 9th Court are in this category, per the Village. However, these situations differ from those existing at the rear of 400 Pamela Circle and the adjacent 2 homes. The homes on Bruner and Quincy are all located on dead-end streets that are used only by local traffic. There are no institutional structures nearby nor is there any significant traffic volume. In contrast, the three homes that have their front yards facing Pamela Circle (including ours) all have their backyards facing the traffic on Oak Street.

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(b) Not Self-Created-

None of the unique physical conditions were created by action or inaction of the Applicant / Owner. They existed at the time Applicant purchased the Subject Property in 2001. They were not fully known to Applicant at the time of purchase. We did not create this situation as defined in this section. The main reasons that we chose our home location was that Hinsdale was known as a safe town, has great schools, and has a reputation for a small-town environment. When we purchased our home in 2001, we were thrilled to know that when our children attend Oak School, they will be able to easily walk there. We wanted our children to attend Oak School, where their Father and Aunts and Uncles and cousins attended. We did not anticipate the zoning restrictions relevant to having our children play safely in the privacy of our own backyard. The variance granted for the fence was helpful, and now we would like our children to safely play basketball / soccer / baseball in our backyard instead of risking their lives playing in the street near heavy car traffic, even including school busses.

(c) Denied Substantial Rights-

We strongly believe that our family will be denied substantial rights if our request is not granted. Owners of other lots in the Village are permitted to install a Sport court with a 10 foot set back. Denial of the relief sought in this Application would prevent Applicant from the full benefit of rights enjoyed by other residents of the Village.

Without a safe place to play all of the sports they love, after outgrowing a much-loved playground set which takes up the same space as a sport court, we will be denying them the continued ability to safely play in their own back yard. We want to shield them from darting onto the traffic-filled, carpool lined street by accident, or running around amongst distracted drivers, risking serious injury or death from our family by a car driver, most likely a parent themselves. Additionally, we feel we have the same rights as almost every single household in Hinsdale for our own backyard play equipment, following the same rules as them. We understand the strict letter of this zoning, to preserve the beauty of front yards in Hinsdale. We absolutely agree with this, but this is in our backyard, basically hidden / unseen from anywhere outside our fully fenced and landscaped back yard.

(d) Not Merely Special Privilege-

Applicant seeks no special privilege, but merely seeks approval to utilize their property in the same manner as other residents of the Village. 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.

The enjoyment of the freedom to play safely in our back yard is not viewed by us as a "special privilege". Additionally, the ability to feel secure in our belongings being on our property is also not viewed by us as a special privilege. "Making more money" from this sport court replacing our swing set as per the application is not an issue here.

(e) Code and Plan Purposes-

By installing a sport court with a 10 foot set back in our back yard, we do not feel any violation of the general or specific purposes nor the intent for which this code was created would occur. It is respectfully submitted that the Code and Plan purposes are best served by the Board's approval of the Code variances sought by the Applicant. The variation would not change the purpose of the Code of harmony of the site and adjacent areas. It does not change the intent of the plan.

Again, we presume that the code is protecting residential homes' front yard beauty and landscaping. The only reason we can not go ahead and install our new play area / sport court for our family in our back yard is because our back yard is zoned as a "front yard". However, as previously mentioned, despite the zoning's definition, our back yard ("front yard" is ONLY used as a back yard. Additionally, the sport court would not be seen from other areas outside of our backyard, thus our sport court would not alter the existing area's look. Additionally, as we presume the zoning is also protecting residential properties from viewing any structures in the front yards of their residential neighbors across the street; the property across the street from our backyard ("front yard") is not residential, it is institutional. We are in a highly unique situation.

(f) **Essential Character**

The variation would not alter the essential character of the locality. Our sport court will be attractive, will be built, keeping with the aesthetics of our neighborhood, and will be hidden in our yard by our existing fence and surrounded by professional landscaping.

Our neighbor supports our request to build a sport court as described in this document, and they live next door to the south where the court would be located. The family's letter is attached.

For all intensive purposes, our yard facing Oak School is our back yard, and faces non-residential, Institutional properties as well as a busy street. The sport court will basically not even be seen at all by anyone other than our family.

1. Our sport court would not be detrimental to the public welfare nor would it adversely affect property values in the area. Firstly, it may even improve public welfare because it would lower the risk of car accidents involving our children or even Oak School / Safety Village students who may run across Oak Street to use our current basketball hoop which is at the very end of the driveway by the street, and then run back out onto the street once they see their ride to pick them up. Secondly, we intend to install a sport court that is very attractive, high end, and will nicely fit into the current landscape of our backyard. Basically it will take up less / same space as our current Rainbow structure. Our current cedar 6 foot high fence, board on board, hides anything and everything from view from anyone outside our yard. Additionally, our current landscaping has mature evergreen trees totally lining the entire backyard lot, even during winter months. Our neighbors will really have no idea we have changed anything at all in our backyard. **Please see attached pictures .**

2. The same amount of light and air would exist

3. No increase of congestion in public streets due to parking or traffic would occur

4. No danger of flood or fire would exist

5. No impact upon public utilities and facilities is foreseen from this variation

6. As mentioned above, our sport court with a 10 foot set back would not endanger the public health or safety; quite the contrary, it would improve them.

(g) No other Remedy-

For all of the reasons stated in this Application, only by the grant of the requested variation would the Applicant be permitted a reasonable use of the Subject Property without adverse consequences, granting the same rights as all other property owners with their backyards.

There is no other remedy for the backyard court to fit comfortably and look "normal" and appealing in our backyard unless we are granted the variance to have the standard Hinsdale Zoning backyard set back of 10 feet, instead of the through lot backyard / front yard set back of 35 feet.

There is no other remedy to ensure the safety of our children and the safety of others playing in our back yard and allowing them to continue to have a safe space to enjoy outside. Although the playground set was fun for years and years, our children now are too big for that type of play, and we want to provide them with the play-opportunities consistent with their age, while at the same time feel confident that they are within our eye-sight, away from harms way such as traffic, buses, and parking cars.

The Village of Hinsdale
19 E. Chicago Avenue, Hinsdale, Illinois 60521

August 20, 2019

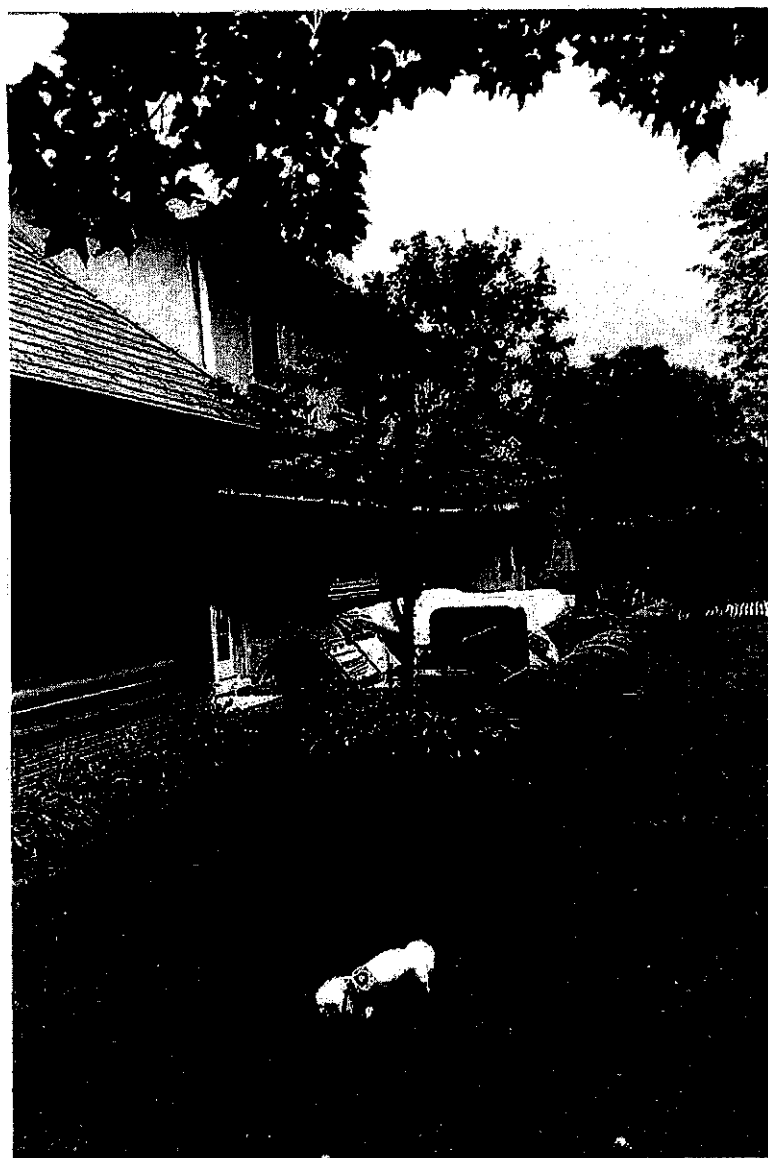
To Whom it May Concern,

We have no issue with the Eck Family building a sport court in the backyard of 400 Pamela Circle. We live next door and fully support their plan. Please feel free to contact us with any further questions.

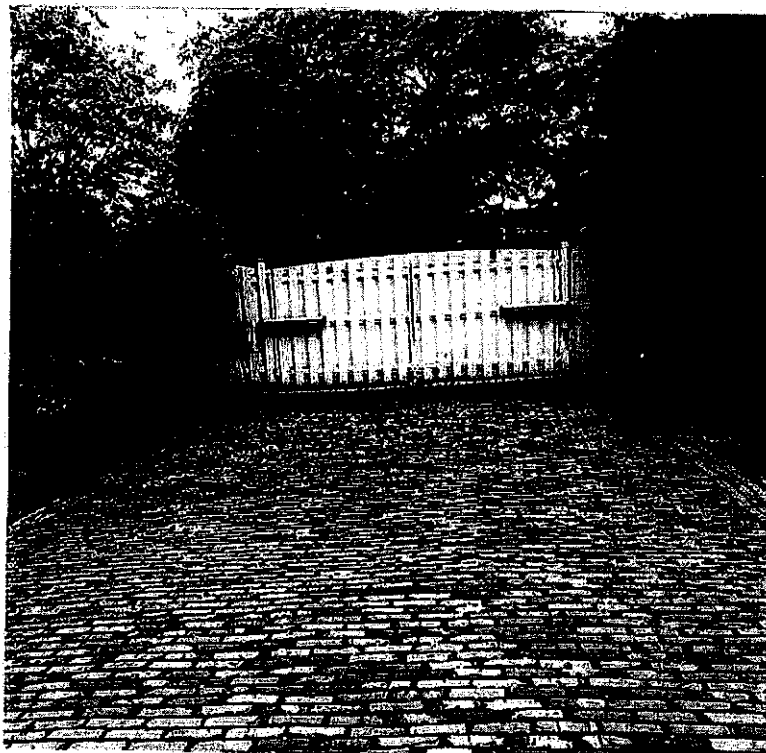
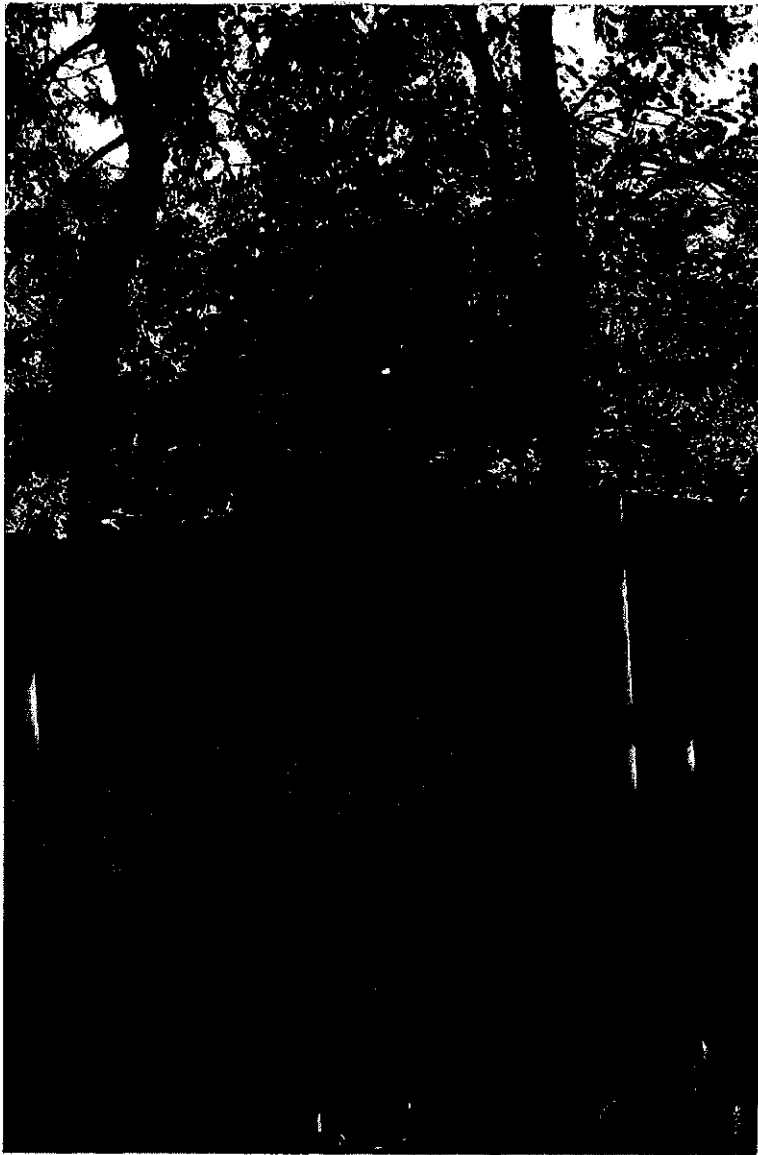
Thank you,

A handwritten signature in black ink, appearing to read 'Grace Shin', with a stylized flourish at the end.

Grace Shin
408 Pamela Circle



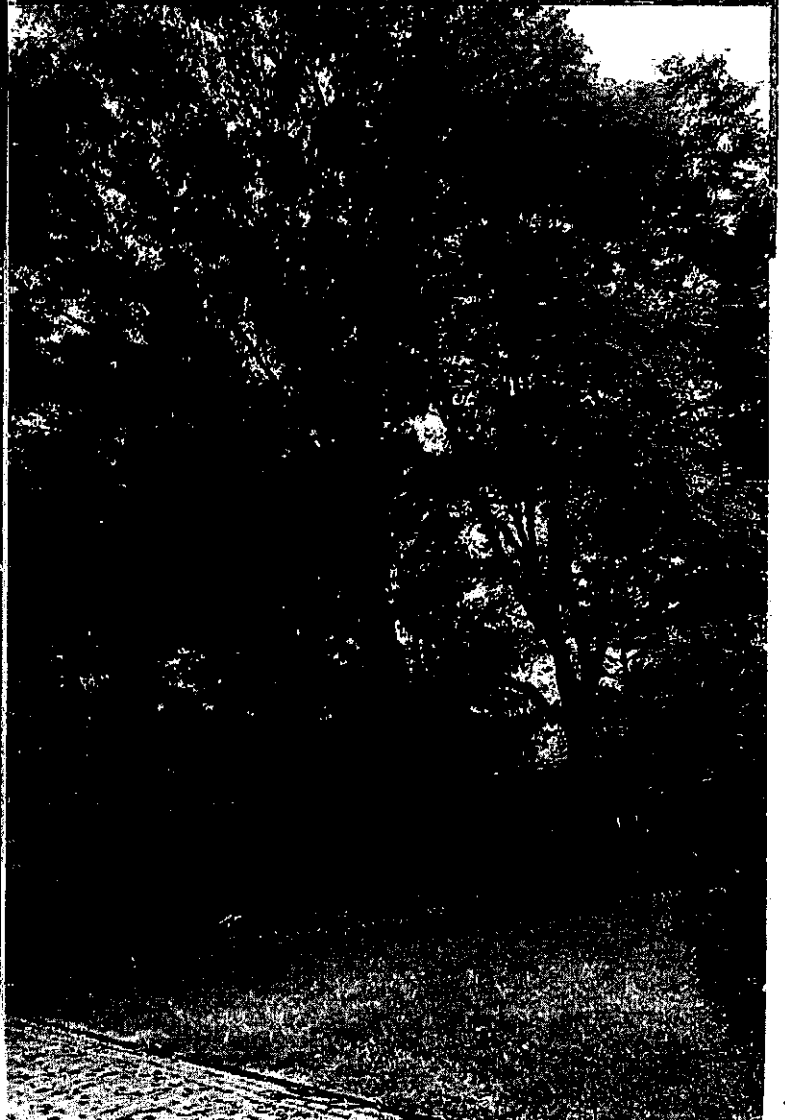
400 Pamela circle
• Backyard,
Living / Playing
Space

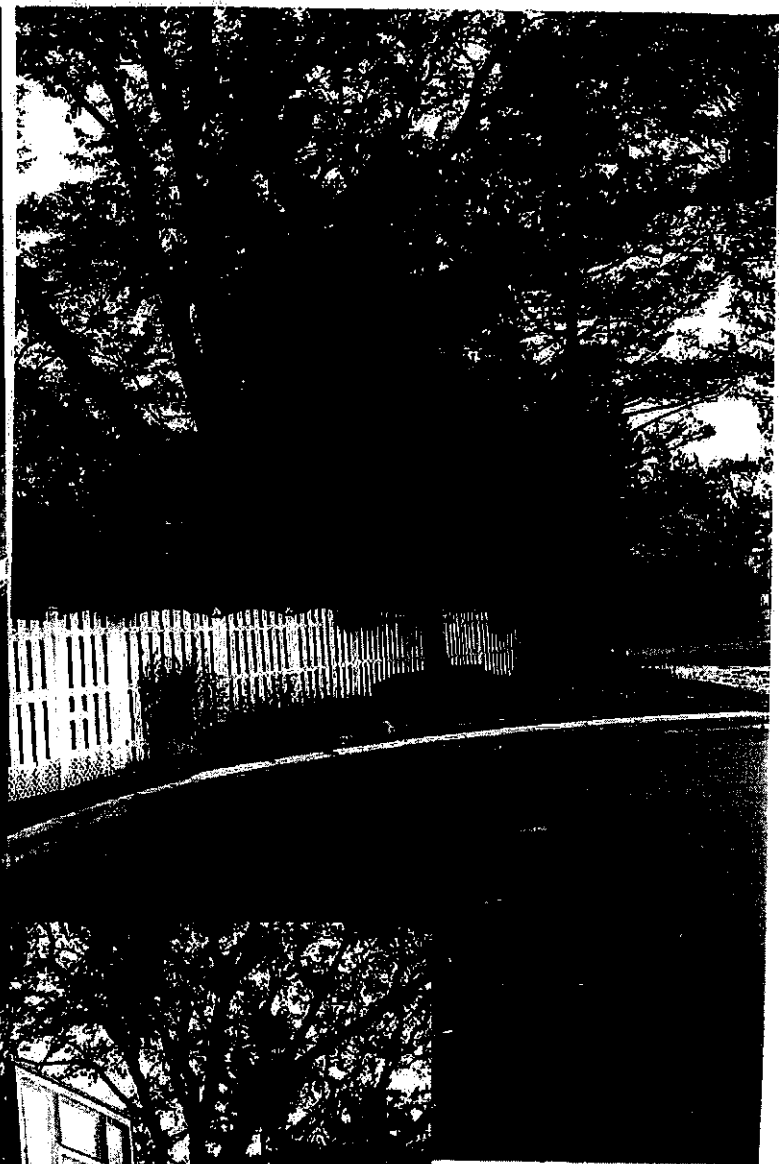


400 Ronelac.

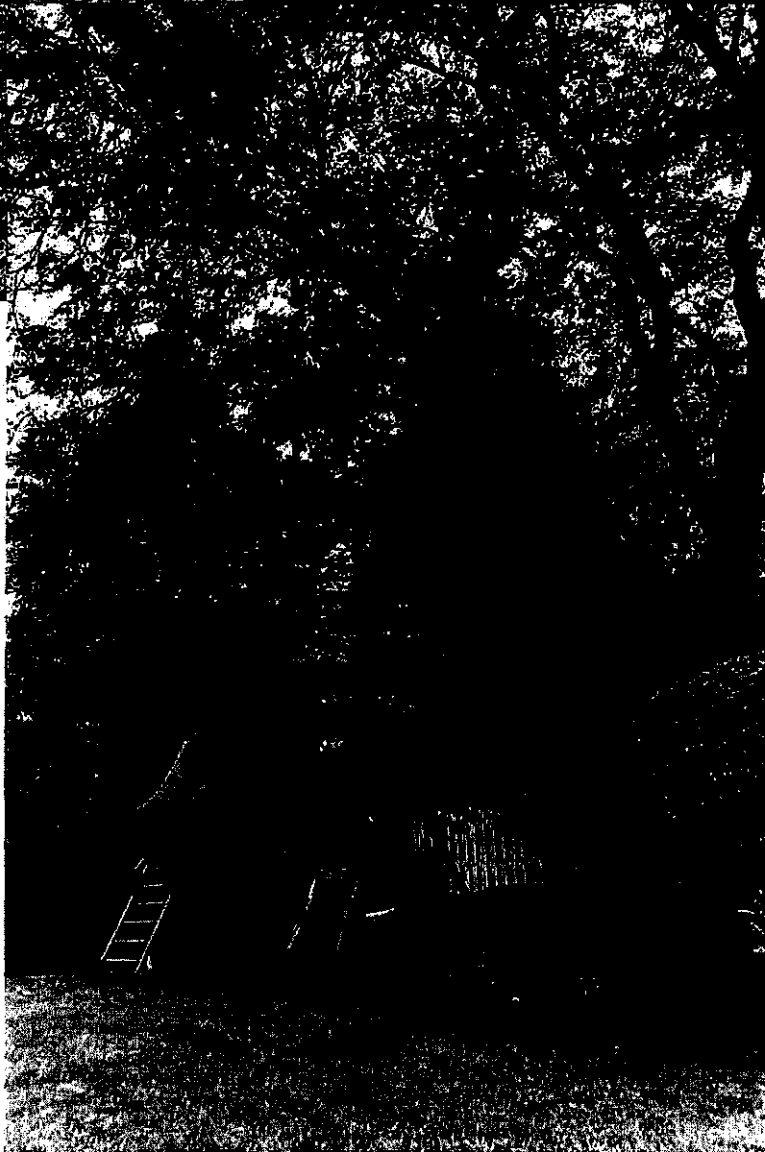
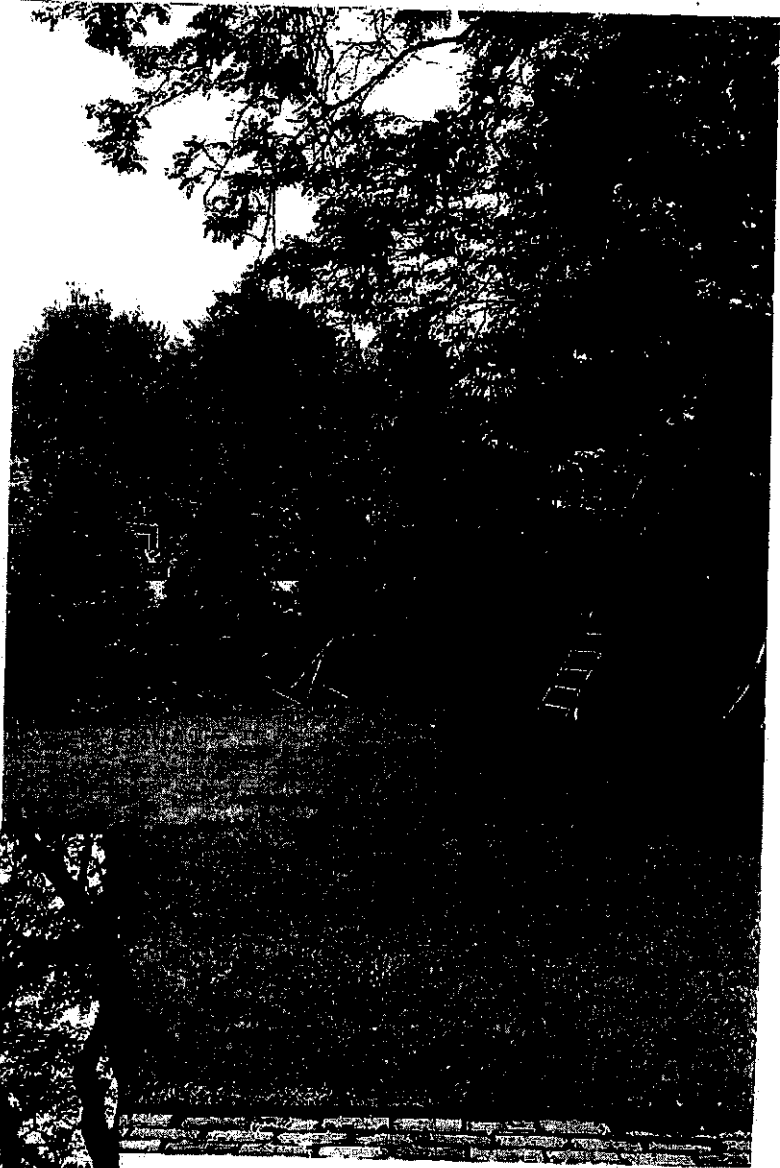
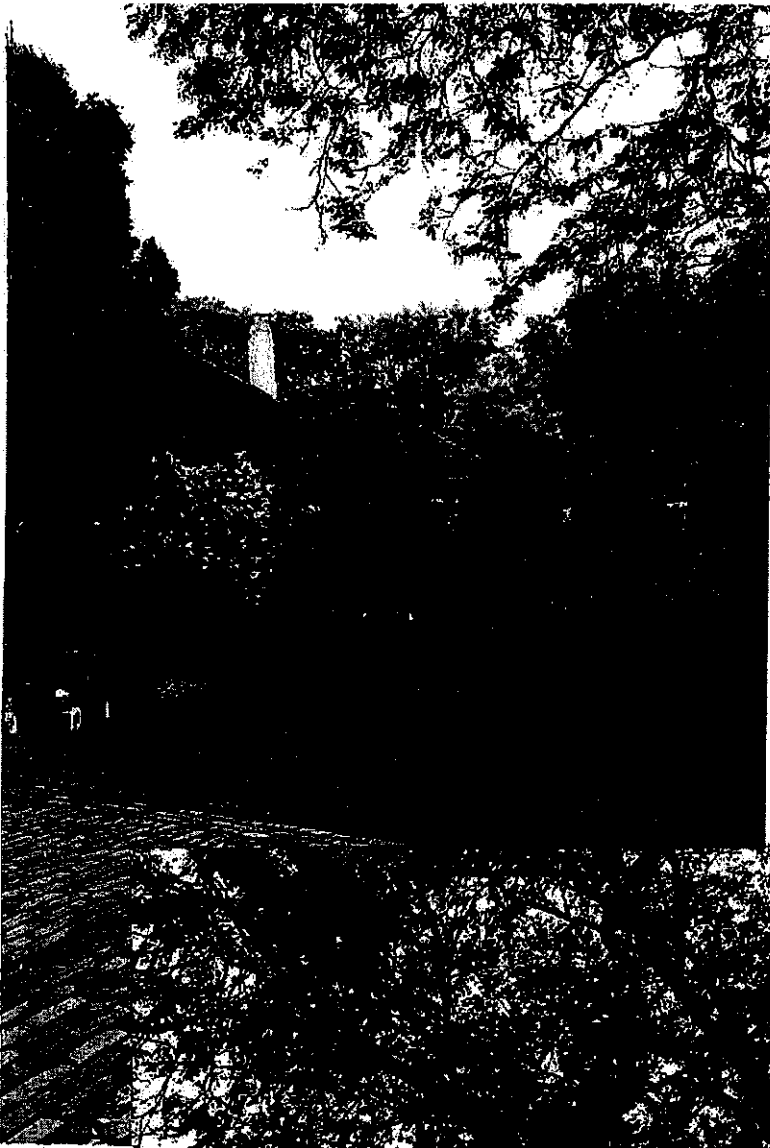
- approved by Village Variance 2003
- cedar board on board 6 foot fence
- Completely surrounds backyard with gate to street

Beauty + Romance



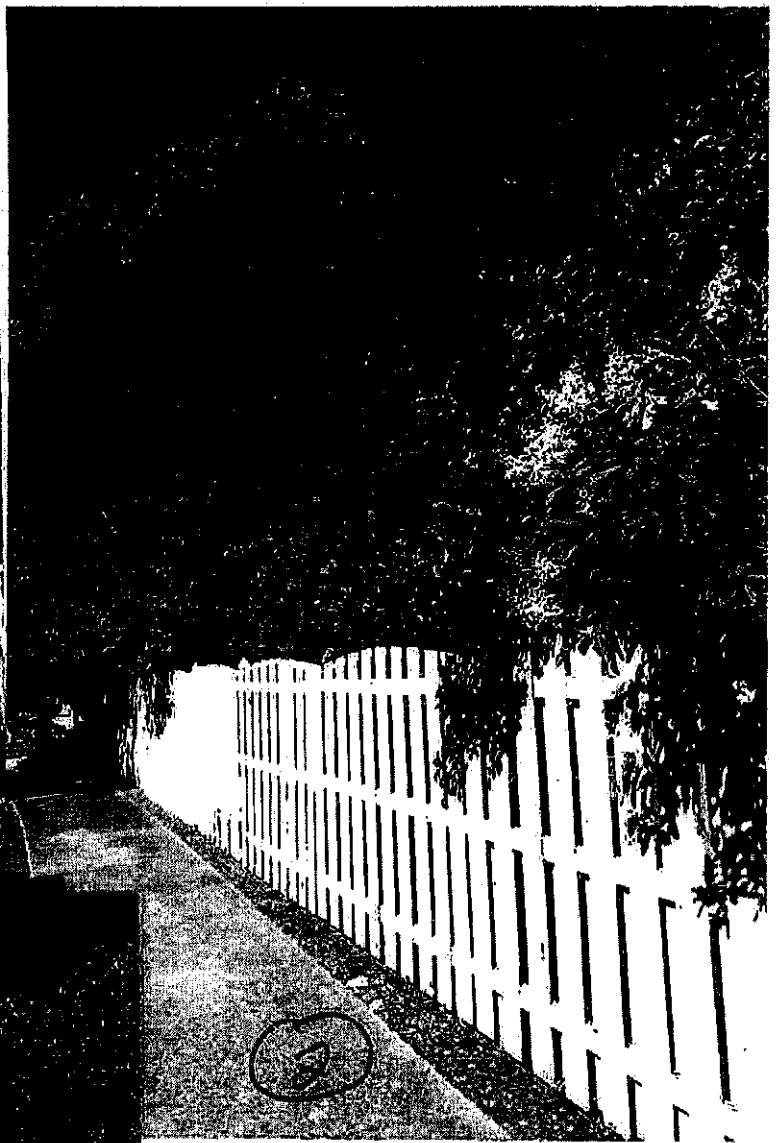


400 Bona Vista Circle
 view of fence
 from Oak Street,
 at backyard
 location



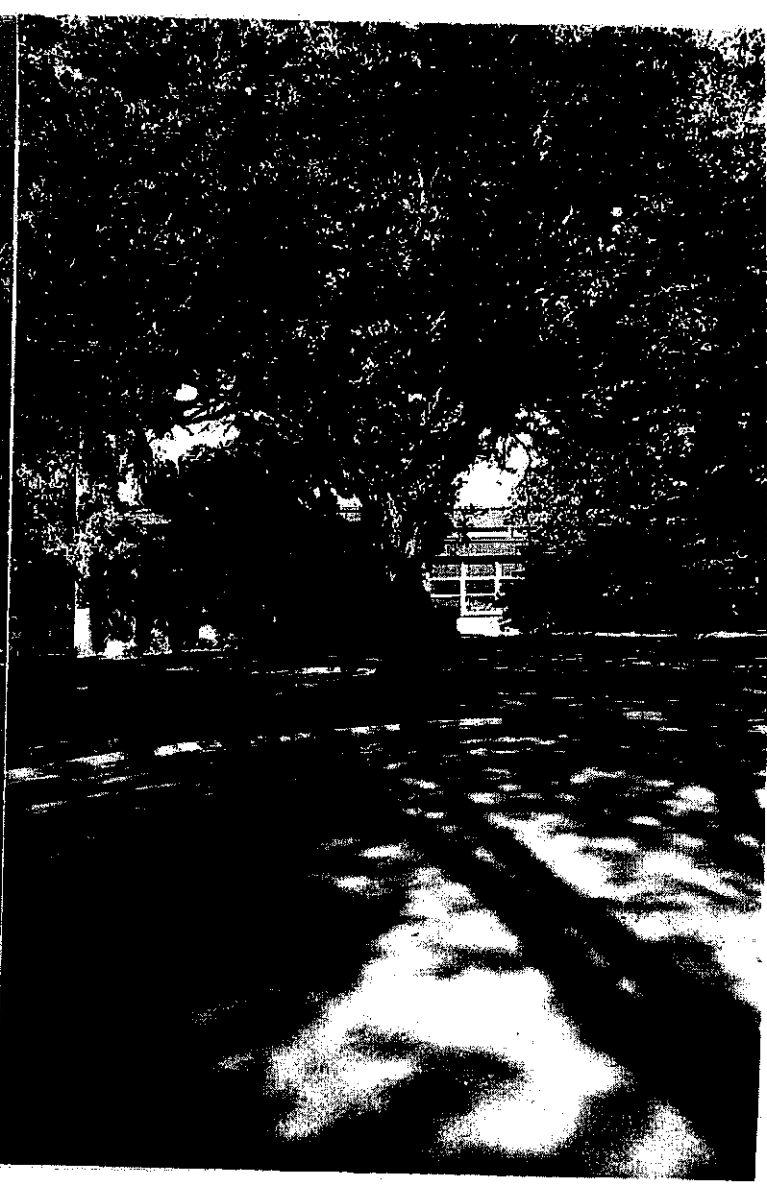
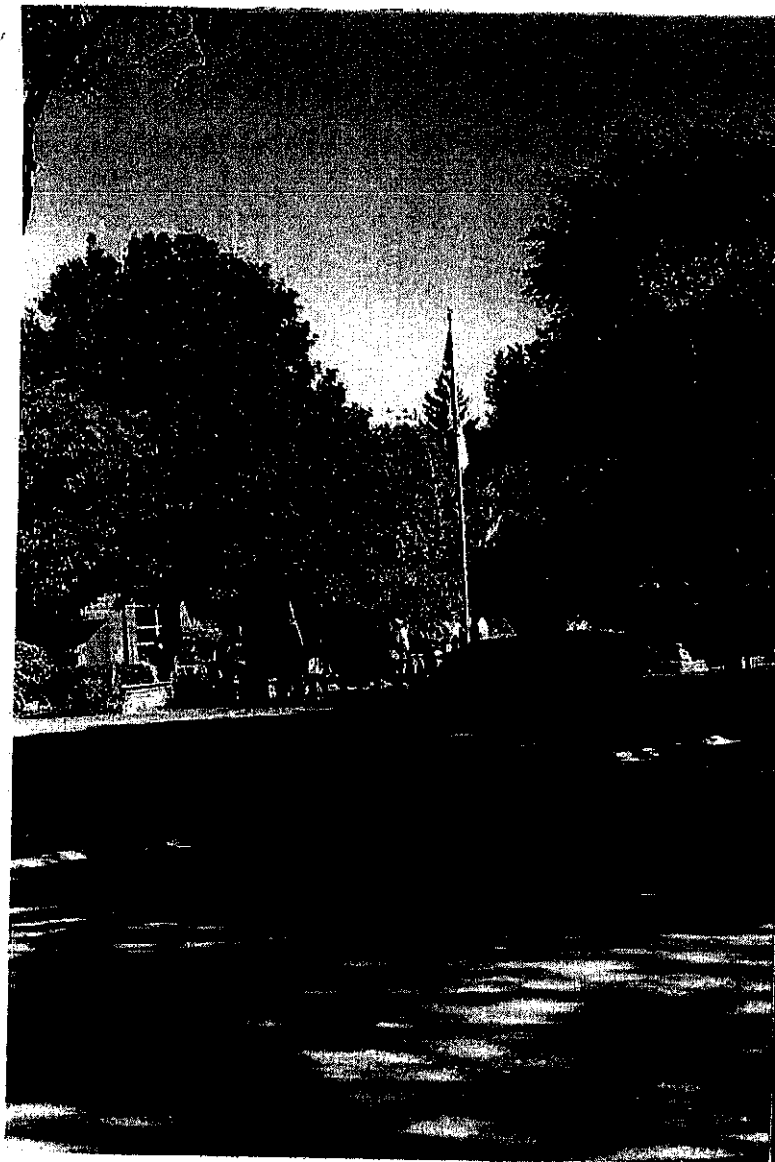
400 Pamela Cude

- Proposed location of 10 foot setback for Sport court
- Removal of existing Play set

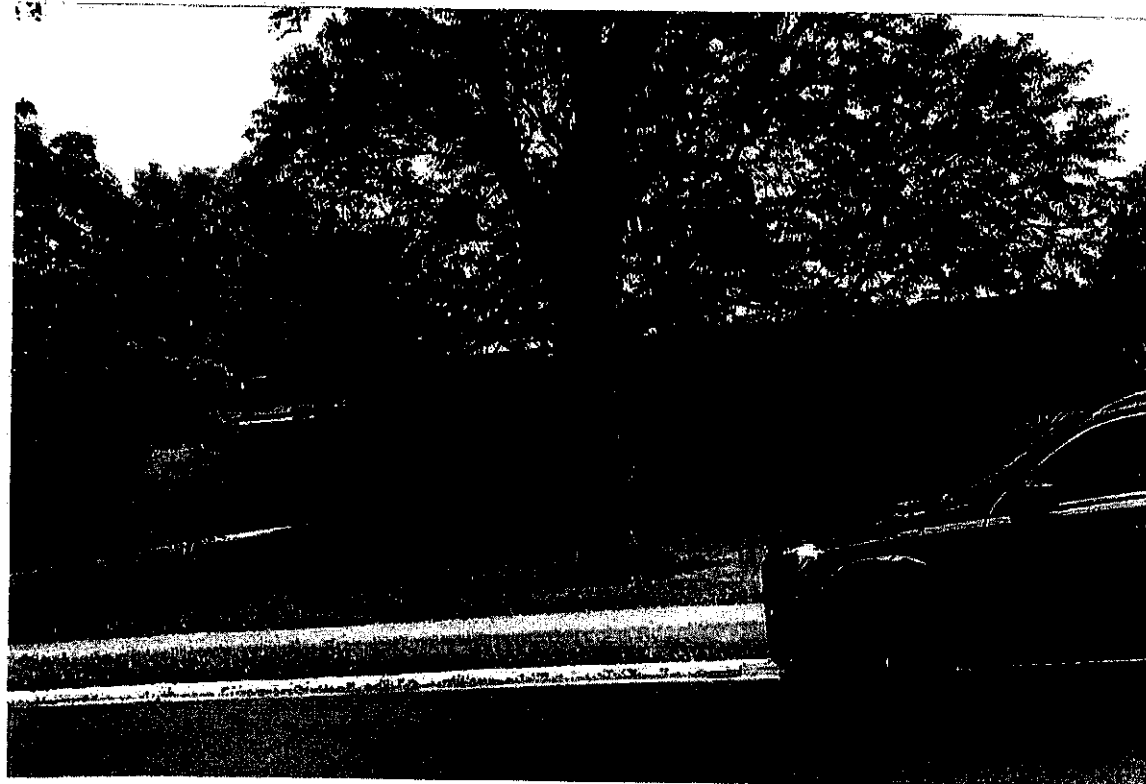


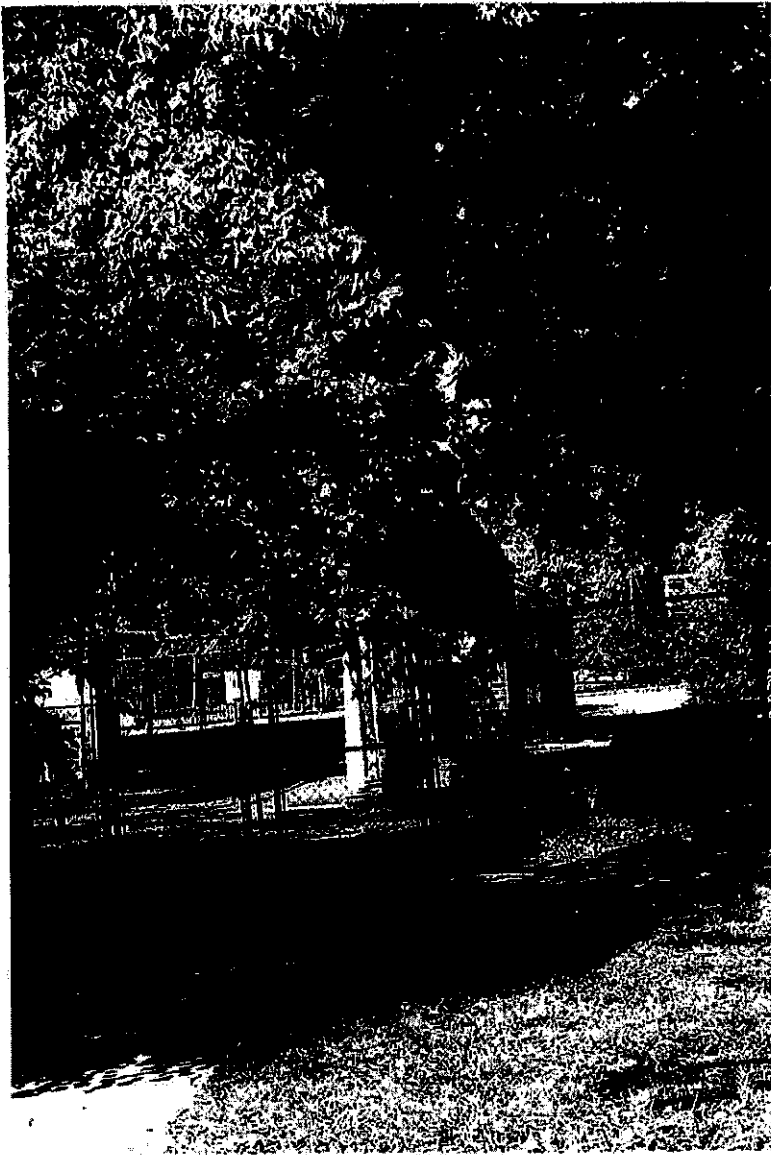
400 Pamela Cude

- ① View of one outside of north side of lot from neighbor
- ② view of one outside of South Side* of lot from neighbor
- * Sport court placement will be on South Side



DO
2nd Circle
 ak
 school -
 viewed
 more
 ckyped,
 ross
 more
 Jude





400 Pamela's

Safety Village, as
viewed from our
backyard, across from
our house



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

Zoning Calendar: F-1-03

Petitioner: Richard and Karen Eck

Meeting held: Public Hearing was held on Wednesday April 16, 2003, at 7:15 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois. Pursuant to a notice published in the Hinsdale Doings on March 27, 2003.

Premises Affected: Subject property is commonly known as 400 Pamela Circle, Hinsdale, Illinois, and is legally described as:

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.

Subject: The variation of Section 3-110 of the Hinsdale Zoning Code is sought and Municipal Code Section 9-12-3 is requested. The request is to increase the height limit of a fence in a front yard from three (3) feet and 1/3 open to a six (6) feet board-on-board type fence (to match the existing) in the "front yard portion" of a through lot.

Facts: This property is located in the R-1 Single Family Residential District in the Village of Hinsdale. This lot is a through lot with frontage on Pamela Circle and the other frontage on Oak Street. The Petitioners, wishing to maintain safety of their children when playing in the yard, are requesting a variation in order to erect a six-foot board-on-board type fence (to match the existing) in the rear of their residence which is considered to be a front yard per the Zoning Ordinance.

The property is subject to substantial vehicular and pedestrian traffic due to the operations of the Oak School. The petitioner's are concerned that a three feet fence would not provide adequate protection to their property and are requesting to erect a six-foot board-on-board type fence to

be consistent with the type of fence that is currently in place on the sides of the property.

Action of the Board:

The members of the Board discussed the facts of the case. The application of the requirement for front yard fences was discussed and the members also discussed the theory in place for maintaining streetscapes for front yards and thought that the application of this petition did not contradict that theory. Other items discussed were the "problems" germane to the area such as the proximity of the petitioner's lot to the school and that it was a unique situation being presented and that the safety issues were quite evident.

The Members present felt that the standards as discussed in Section 11-503 of the Hinsdale Zoning Code and Municipal Code Section 9-12-3 Subparagraph J would not be met should the variation be approved.

Steven Thayer made a motion to approve the variation as requested, seconded by Mary Ann Wands.

AYES: Matthew Fiascone, John Ochoa, Steven Thayer, Mary Ann Wands, Elmer Ramel
NAYES: Paul Anglin
ABSENT: Donna Smith

The zoning variation passes with a five to one vote.

THE HINSDALE ZONING BOARD OF APPEALS


Chairman Paul Anglin

Filed this 6th day of June 2002, with the office of the Building Commissioner


Charles F. Schmidt, Building Commissioner

Copy to Petitioner 6-6-03

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