

MEETING AGENDA

**MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, January 23, 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) Regular meeting of December 19, 2018
- 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 HEARINGS**
 - a) V-09-18, 306 North Garfield
 - b) V-11-18, 118 North Monroe
- 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
December 19, 2018

1. CALL TO ORDER

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

2. ROLL CALL

Present: Members Gary Moberly, Joseph Alesia, 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 Court Reporter Kathy Bono

3. APPROVAL OF MINUTES

a) **Regular meeting of October 17, 2018**

Following corrections to the draft minutes, member Giltner moved to **approve the minutes of the regular meeting of October 17, 2018, as amended.** Member Moberly seconded the motion.

AYES: Members Moberly, Giltner, Murphy and Chairman Neiman

NAYS: None

ABSTAIN: Members Alesia and Podliska

ABSENT: Member Engel

Motion carried.

4. APPROVAL OF FINAL DECISIONS

a) **V-06-18, 330 Chestnut**

There being no changes to the draft final decision, Member Murphy moved to **approve the final decision for V-06-18, 330 Chestnut, as presented.** Member Giltner seconded the motion.

AYES: Members Moberly, Giltner, Murphy and Chairman Neiman

NAYS: None

ABSTAIN: Members Alesia and Podliska

ABSENT: Member Engel

Motion carried.

5. RECEIPT OF APPEARANCES

Chairman Neiman administered the oath to all those intending to speak during these proceedings.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-11-18, 118 North Monroe

Mr. Joe Gent, homeowner, addressed the Board stating he and his wife recently moved to Hinsdale. They couldn't find the house they wanted, so they decided to build. The problem with the lots they looked at was they couldn't find a property that would allow everything they wanted on the first floor, including a master suite. This particular property is zoned R-2, they are asking the Board to consider allowing the side yard variances as found in the R-4 zoning area. They have a contract to purchase contingent on approval of the variance.

Mr. Patrick Plunkett, architect for the project, addressed the Board, and pointed out that the lot is 50' x 297', which is very narrow and unlike the others in the R-2 zoning district. The existing house on the property pre-dates current zoning regulations for setback requirements. They would like to apply the R-3 or R-4 zoning requirements for minimum side yard setback to this property because 50' lots are more common in those districts. They would comply with all other R-2 zoning requirements on this property, but feel that the 10' minimum required side yard setback is a hardship on a 50' lot. Discussion followed regarding whether there are other 50' lots in the R-2 district. Mr. Plunkett described the Gent's needs for their home, which would not maximize lot coverage or square footage.

Chairman Neiman instructed Mr. Plunkett that he need not review the criteria for approval until the public hearing, but that if he can demonstrate neighbor approval of the project, particularly the adjoining neighbors, it makes the Board's job easier to consider the request.

Mr. McGinnis pointed out that there was a similar case heard by the ZBA for a corner lot, which was approved by the ZBA some years back. Member Moberly suggested including this material with the packet, but Chairman Neiman cautioned the Board that past decisions are not precedential.

Mr. Plunkett suggested that a compliant 30' foot wide house might be more detrimental to neighborhood property values than one that is more in keeping with those in the area. Member Murphy acknowledged that these cases do not create precedence, but would like to know how many 50' foot lots there are in this district. Mr. McGinnis said he would be able to provide that information for the Board.

8. PUBLIC HEARINGS

a) V-09-18, 306 North Garfield

This matter was postponed prior to the meeting at the request of the applicant.

1
2 **9. NEW BUSINESS**

3 Chairman Neiman, on behalf of the Board, extended condolences to the family of
4 Rody Biggert, who recently passed away. He added there are few families in
5 Hinsdale who have provided as much public service to the community as the
6 Biggert's.
7

8 **10. OLD BUSINESS – None**
9

10 **11. ADJOURNMENT**

11 With no further business before the Zoning Board of Appeals, Member Murphy
12 made a motion to **adjourn the meeting of the Zoning Board of Appeals of**
13 **December 19, 2018.** Member Giltner seconded the motion.
14

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

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** Members Alesia and Podliska
19

20 Motion carried.
21

22 Chairman Neiman declared the meeting adjourned at 7:02 p.m.
23
24

25 _____
26 Christine M. Bruton
27 Village Clerk
28

Approved: _____

MEMORANDUM

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

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

DATE: August 14, 2018

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

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

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

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

Ba

Zoning Calendar No. V-09-18

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Dana Gapinski and John Wheeler

ADDRESS OF SUBJECT PROPERTY: 306 N. Garfield St.

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

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

DATE OF APPLICATION: July 27, 2018



RECEIVED
7-30-18

SECTION I

Please complete the following:

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

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

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

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

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

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

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

b. Engineer: _____

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

d. _____

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

a. N/A
b. _____

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

See attached Exhibits 1a and 1b.

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

8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property. See attached Exhibit 2.
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. See attached Exhibit 3.
10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity. See attached Exhibit 4.
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. See attached Exhibit 5.
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

N/A

SECTION II

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

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest. See attached Exhibit 6.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

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

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

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

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

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

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

See attached Exhibit 7.

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

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

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

See attached Exhibit 5.

SECTION III

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

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements. **See attached Exhibit 7.**
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. **See attached Exhibit 7.**


SECTION IV

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

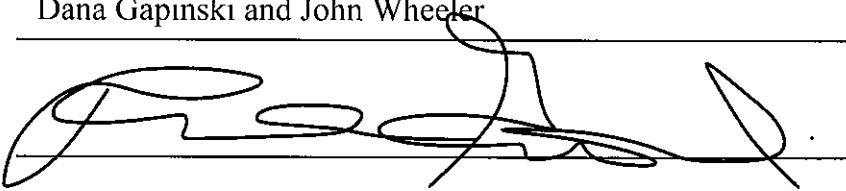
SECTION V

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

Name of Owner: Dana Gapinski and John Wheeler

Signature of Owner: 

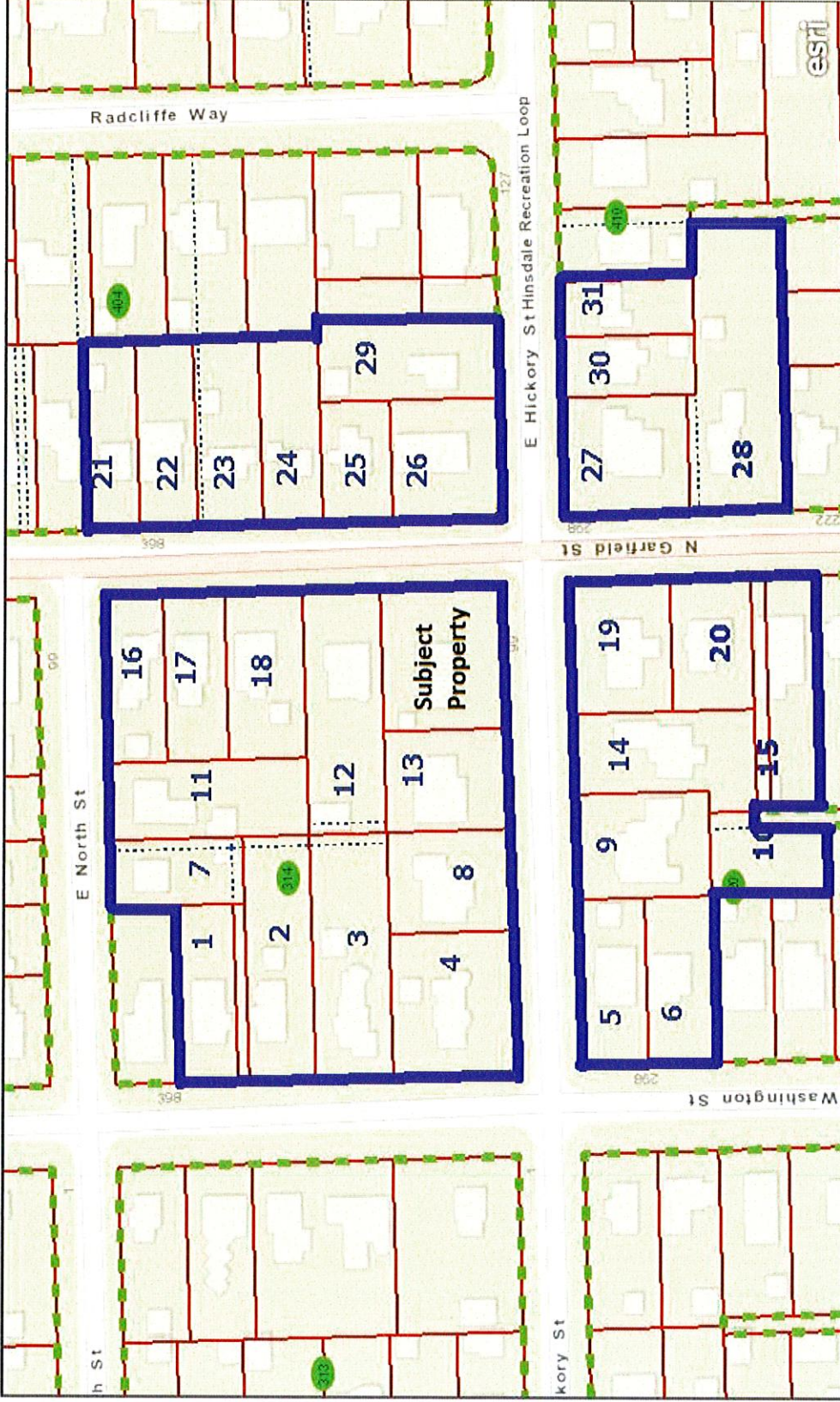
Name of Applicant: Dana Gapinski and John Wheeler

Signature of Applicant: 

Date: July 27, 2018

Neighboring Owners within 250 Feet

DuPageAssessmentParcelViewer



DuPage County Parcel Data.

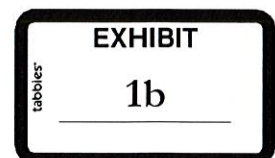
City of Chicago, County of DuPage, County of DuPage, Esri, HERE, Garmin, INCREMENT P, NG, USGS

EXHIBIT

1a

List of Neighboring Property Owners Within 250 Feet

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



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

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

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

PRAIRIE LAND SURVEY COMPANY

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



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

PLAT OF SURVEY

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

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

SURVEYOR'S NOTES

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

STATE OF ILLINOIS)
COUNTY OF WILL)

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

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



LEGEND

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

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

GRAPHIC SCALE

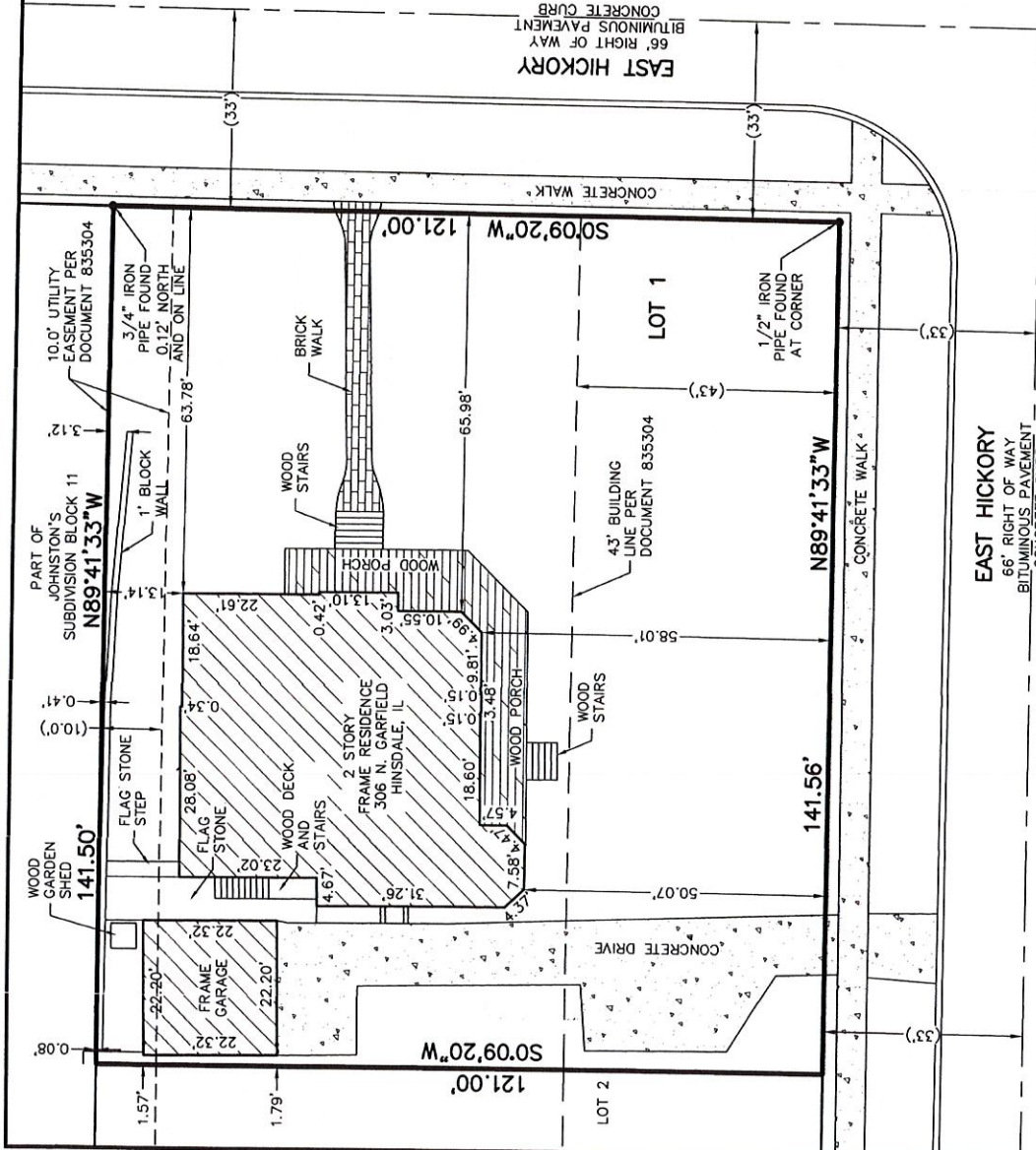
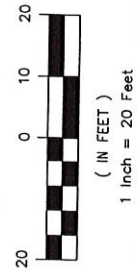
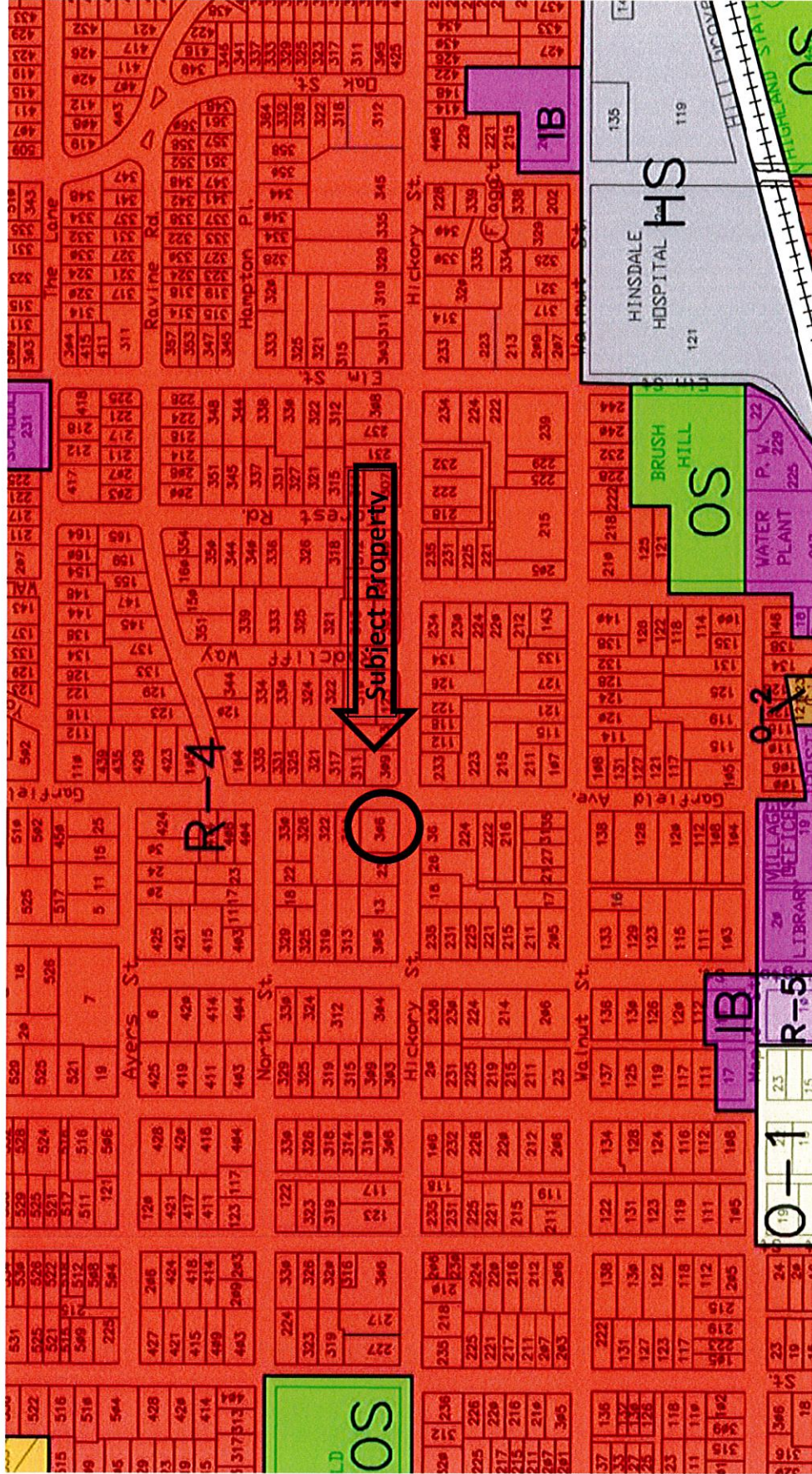


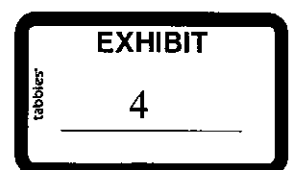
EXHIBIT
2

Hinsdale Zoning Map



Statement of Conformity

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



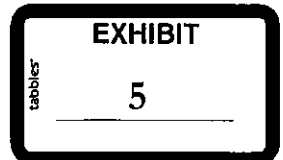
Standards for Variation

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

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

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

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



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

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

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

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

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

- (b) **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

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

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

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

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

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

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

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

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

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

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

- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or**
- (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or**

- (3) Would substantially increase congestion in the public streets due to traffic or parking; or
- (4) Would unduly increase the danger of flood or fire; or
- (5) Would unduly tax public utilities and facilities in the area; or
- (6) Would endanger the public health or safety.

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

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

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

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



EXHIBIT

5a

tabbles



QUIT CLAIM DEED

MAIL TO:

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

NAME & ADDRESS OF TAXPAYER:

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



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

DEC.09,2016

RHSP

9:19 AM

QCD

\$40.00 09-01-314-015

002 PAGES R2016-136683

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

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

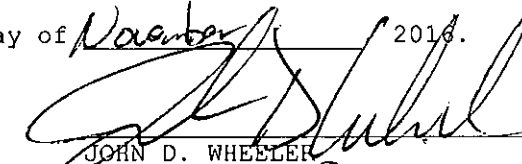
hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.


Permanent Index Number: 09-01-314-015

Property Address: 306 N. Garfield
Hinsdale, IL 60521

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

Dated this 29th day of November, 2016.

 (SEAL)
JOHN D. WHEELER

 (SEAL)
DANA GAPINSKI

EXHIBIT

6

Quit Claim Deed

Page 1

State of Illinois)

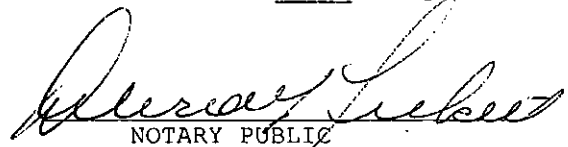
County of DuPage)

SS

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

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




NOTARY PUBLIC
Commission expires: 6-25-2019

This instrument was prepared by:

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

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

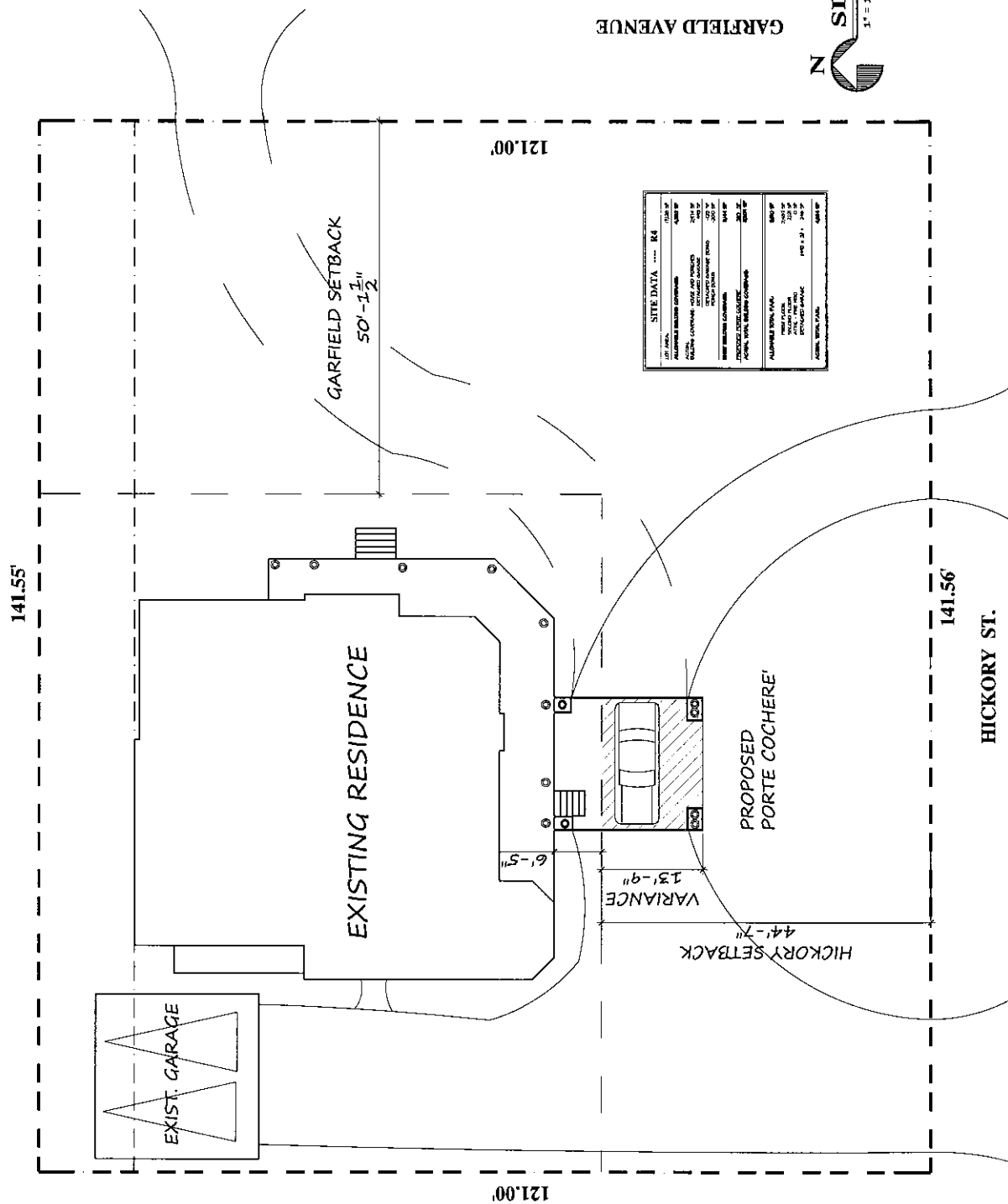
Date: 12/1/2016

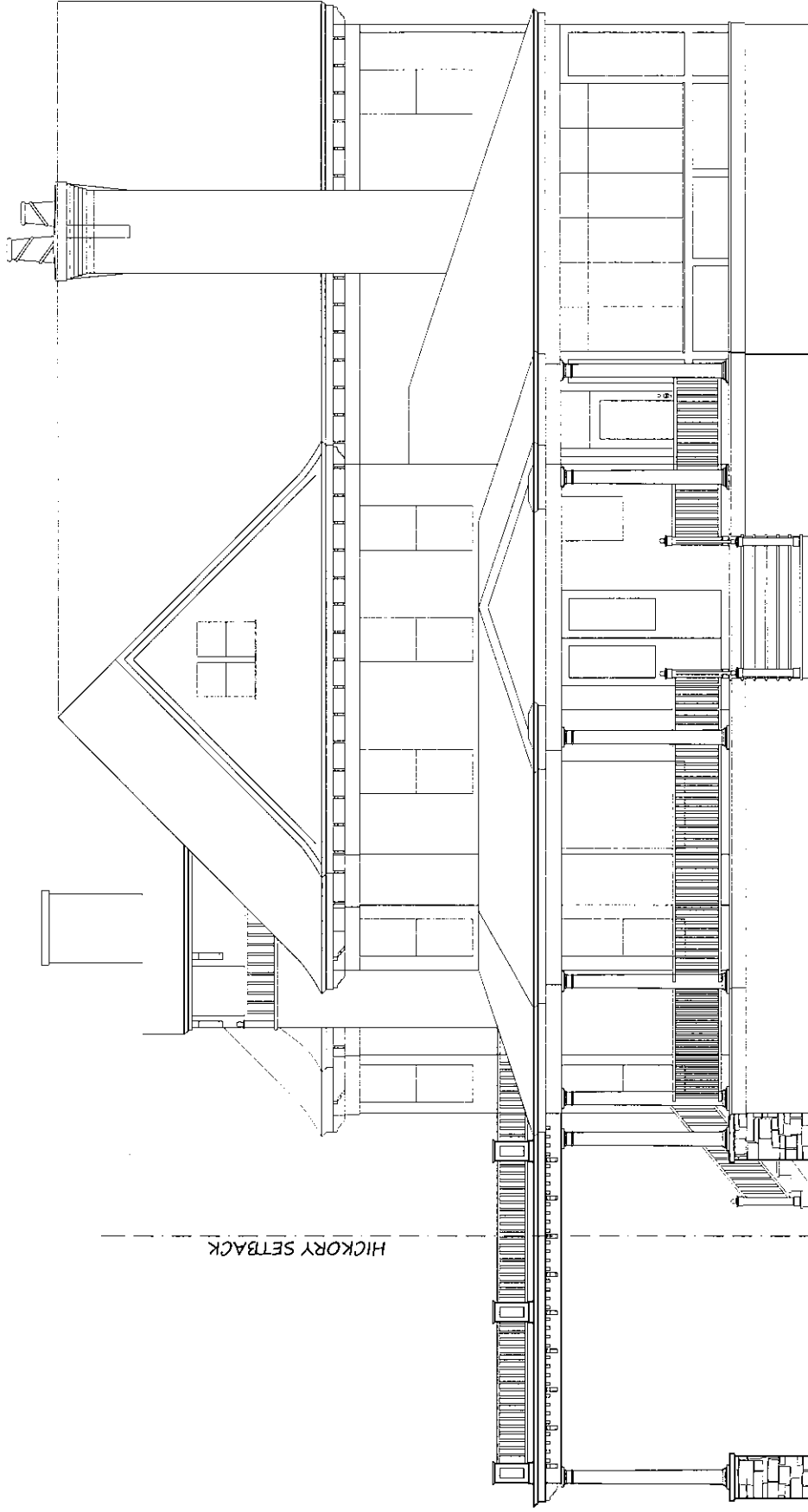
Signature:


Grantor or Agent

Quit Claim Deed

Page 2

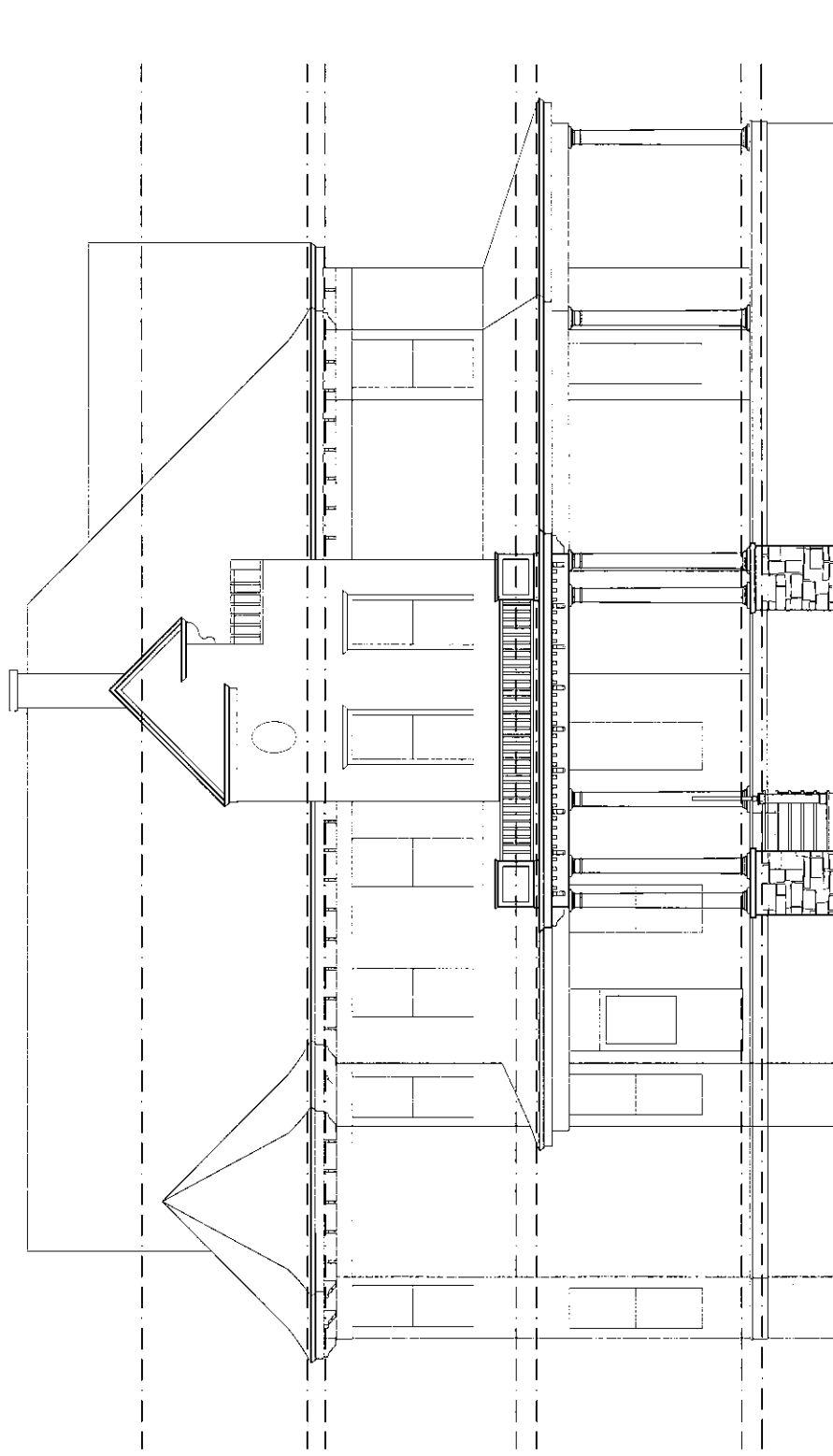




HICKORY SETBACK

VARIANCE
35'-4 1/2"

EAST ELEVATION



SOUTH ELEVATION

MEMORANDUM

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

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

DATE: December 12, 2018

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

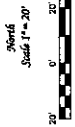

In this application for variation, the applicant requests relief from the minimum interior side yard setback set forth in section 10-105(A)(3)(b)(i) for the construction of a new home. The applicant is requesting a 4' reduction in the minimum side yard setback. The code prescribed minimum is 10'.

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

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

[illegible]

Plat of Survey









LINE TYPE LEGEND

FENCE ——— X ——— X ——— X ——— X ——— CHW
CENTERLINE OF OVERHEAD WARES ——— CHW

ABBREVIATION LEGEND

(D) = DEAD
E = EAST
ELY = EASTERLY
MG = MEASURED DISTANCE
N = NORTH
NLY = NORTHERLY
RD = RECORD DISTANCE
L.W. = RIGHT OF WAY
S = SOUTH
SLY = SOUTHERLY
W = WEST
WLY = WESTERLY

SYMBOL LEGEND

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

NOTES:

- 1) A CURRENT TITLE REPORT WAS NOT FURNISHED. THEREFORE, ALL RESTRICTIONS, COO DECLARATIONS, ROAD VARIATIONS, AND EASEMENTS MUST BE SHOWN.
- 2) ALL UTILITIES MAY NOT BE SHOWN. CALL UTILITIES AT 1-800-852-6070 FOR FIELD LOCATION OF UNDERGROUND UTILITIES PRIOR TO ANY GRADING OR CONSTRUCTION.
- 3) PARCELS CONTAINING APPROXIMATELY 147 ACRES MEET.
- 4) ALL NEIGHBORS SHOWING HEREON ARE REQUESTED TO SHOW NEIGHBOR RELATIONSHIP AND ARE NOT BASED ON ANY FORM BEARING HEREON.
- 5) THIS PROPERTY MAY BE WITHIN THE COMPACTED LIMITS OF THE VILLAGE OF HANDELS AND AS SUCH IS SUBJECT TO ZONING AND BUILDING RESTRICTIONS.
- 6) FIELD WORK COMPLETED ON DECEMBER 11, 2012.

STATE OF ILLINOIS,
COUNTY OF KANE,)
ss.)
9.8

WE, ROSELINE CONSULTANTS, LLC, ELIJAHOS PROFESSIONAL DESIGN FIRM NO. 194-007086, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT LANCER MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EMBLEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE.

LE GEORGE WATKINS
DATED AT MONTGOMERY, ILLINOIS ON DECEMBER 12, 2010.
10-11000-0

[illegible][illegible]

8b

Zoning Calendar No. ✓-11-18

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Joseph & Marylou Gent

ADDRESS OF SUBJECT PROPERTY: 118 N. Monroe

TELEPHONE NUMBER(S): 219-688-2444

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

Applicant is Buyer as per the purchase agreement attached.

DATE OF APPLICATION: 12/12/2018



RECEIVED
CB 12/12/18

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: _____
Jeffrey & Carol Bope, 118 N. Monroe, Hinsdale. 630-654-2958
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: NA

3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: _____
Contract Purchasers, Joseph & Marylou Gent, 441 E. Walnut, Hinsdale. 219-688-2444

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

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

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:
- a. None
- b. _____
7. Neighboring Owners. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
- Refer to attached name and address of neighboring owners.
- After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.
8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
- Refer to attached Survey
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
- R2 - Single Family Residential District - Legal Non-conforming Lot of Record. Refer to Zoning Chart.
10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
- NA
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.
- Refer to attached Memo.
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.
- NA

SECTION II

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

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.

Refer to Memo and Attachment.

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

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

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

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

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

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

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

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

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

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

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

Refer to Attached Memo.

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

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

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

SECTION III

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

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

SECTION IV

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

SECTION V

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

Name of Owner:

^{as}
[✓]
Jeffery & Carol Bope

Signature of Owner:

Jeffery Bope Carolyn Bope

Name of Applicant:

Joseph & Marylou Gent

Signature of Applicant:

Joseph Gent Marylou Gent

Date:

12/11/2012

PATRICK PLUNKETT
architectural design ltd.

Memo Attachment - Village of Hinsdale Application for Variation

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

Reference Zoning Application for Variation

Section I

4. Subject Property Legal Description:

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

11. Zoning Standards:

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

Section II

1. Title:

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

5. Standards for Variation:

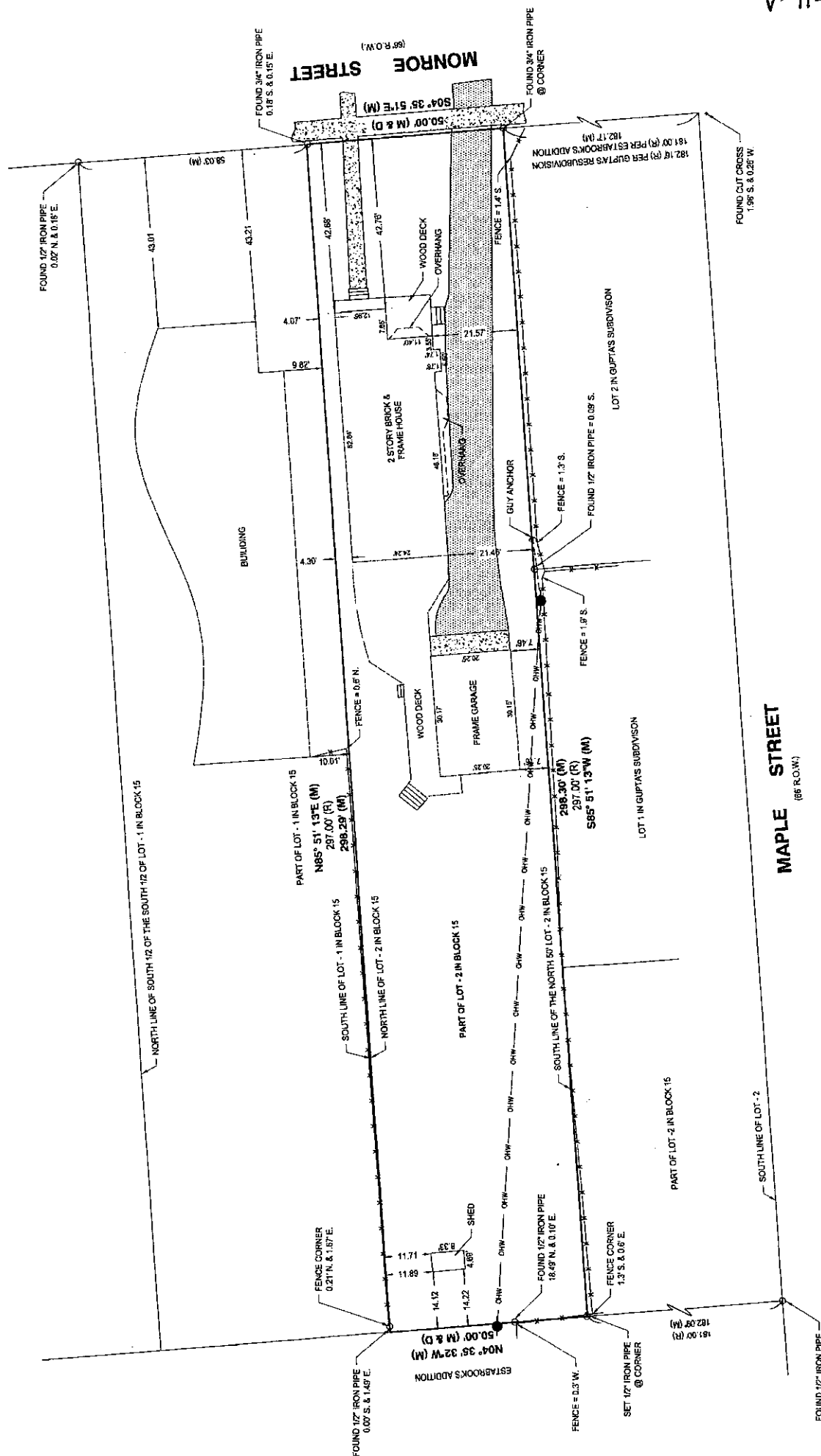
- The current building side yard setbacks are less than what we are proposing with the Variance request. We are proposing to increase the side yard setbacks on both sides with more than what is at the property currently. Existing North side yard setback is 4.04' going to New 6' and Existing South side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

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- (a) **Unique Physical Condition.** The Subject Property is exceptional as compared to the other lots subject to the same provisions by reason of unique physical condition conforming or nonconforming. Conforming lot widths in R2 Districts are 100 ft wide. Even a legal Nonconforming lot in R2 is 70 ft wide. R3 & R4 Nonconforming widths are 50 ft wide. The Min. Side Yard requirement for R2 is created for wider lots common in an R2 Zoning District. This is not a wide lot and is very narrow for an R2 district. The inherent hardship is a 30 ft wide buildable house compared to a 35 ft wide buildable house with the requested variance.
- (b) **Not Self-Created.** The unique physical condition is not the result of any action or inaction of the owner. The lot is existing and unique to the Zoning District due to narrow width. The broad stroke of the R2 Zoning designation on this shaped lot creates a unique hardship, if complying to R2 Zoning Min Side Yard requirements forcing a very narrow house.
- (c) **Denied Substantial Rights.** Carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the owner substantial rights commonly enjoyed by other owners. For such a deep narrow lot you have limited home width to view and access the rear yard and space behind the home. You have a limited connection to such a vast amount of land. Proportionally the allowable buildable width is not similar to other properties in Zoning District. The Zoning Minimum Total Side Yards is 15ft and if you add up the min. side yard per the R2 Zoning of 10 ft min. side yard each yard, that adds up to 20 ft. This is 5 ft more restrictive than what the Min. Total allows of 15 ft in R2. If you apply the R3 Zoning nonconforming Min. Side Yard of 6 ft to one side yard and use the Min. Total side yard of 15 ft, the other side yard is automatically 9 ft for a Min Total side yard of 15 ft complying with Min. Total side yard standard Zoning requirement, which we will meet. And throughout the Village, it seems as though the Village understood on a 50 ft wide lot, a property owner should have the right to build a 35 ft wide house, which a 35 ft wide house allows a livable floor plan. A 35 ft buildable width does not create a hardship, which is what we are requesting.
- (d) **Not Merely Special Privilege.** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owner or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. There is an existing home on the lot that does not comply with current Zoning. We plan to increase the side setbacks further away from the side property lines than the current buildings on the lot. We would like to build a home with a 35 ft width, which is typical for the Hinsdale Zoning ordinance in other Districts which have more common 50 ft wide lots.

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- (e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan. This variance would be in harmony with the Village Zoning throughout the Village, as we will maintain proportionally proper side yard setbacks, which will be wider than what is existing on the lot today.
- (f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that:
 - (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of the property of improvements permitted in the vicinity; or
 - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - (3) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (4) Would unduly increase the danger of flood or fire; or
 - (5) Would unduly tax public utilities and facilities in the area, or
 - (6) Would endanger the public health or safety.



Russell Schomig PLS # 2446
William Schomig

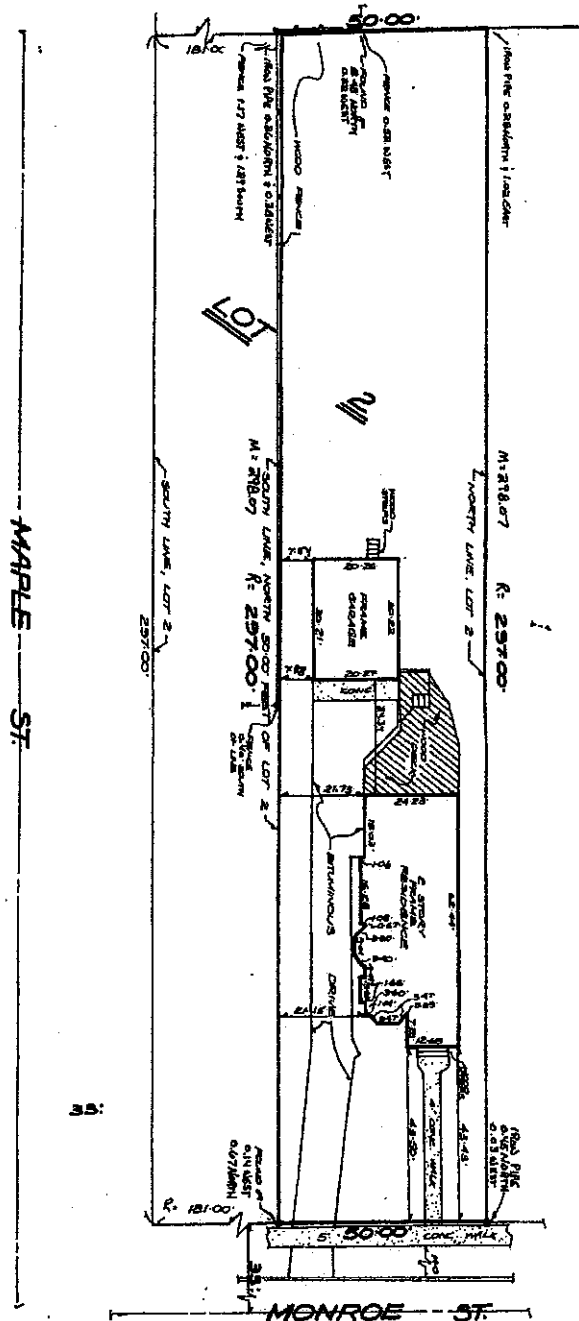
SCHOMIG LAND SURVEYORS, LTD.

Plat of Survey

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

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

COMMON ADDRESS: 118 NORTH MONROE STREET



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

Surveyed AUGUST 18, 1992

Building Located AUGUST 18, 1992

Ordered by: Jeffery L. Bope

Plat Number 92NNR7 Scale 1" = 30 Feet

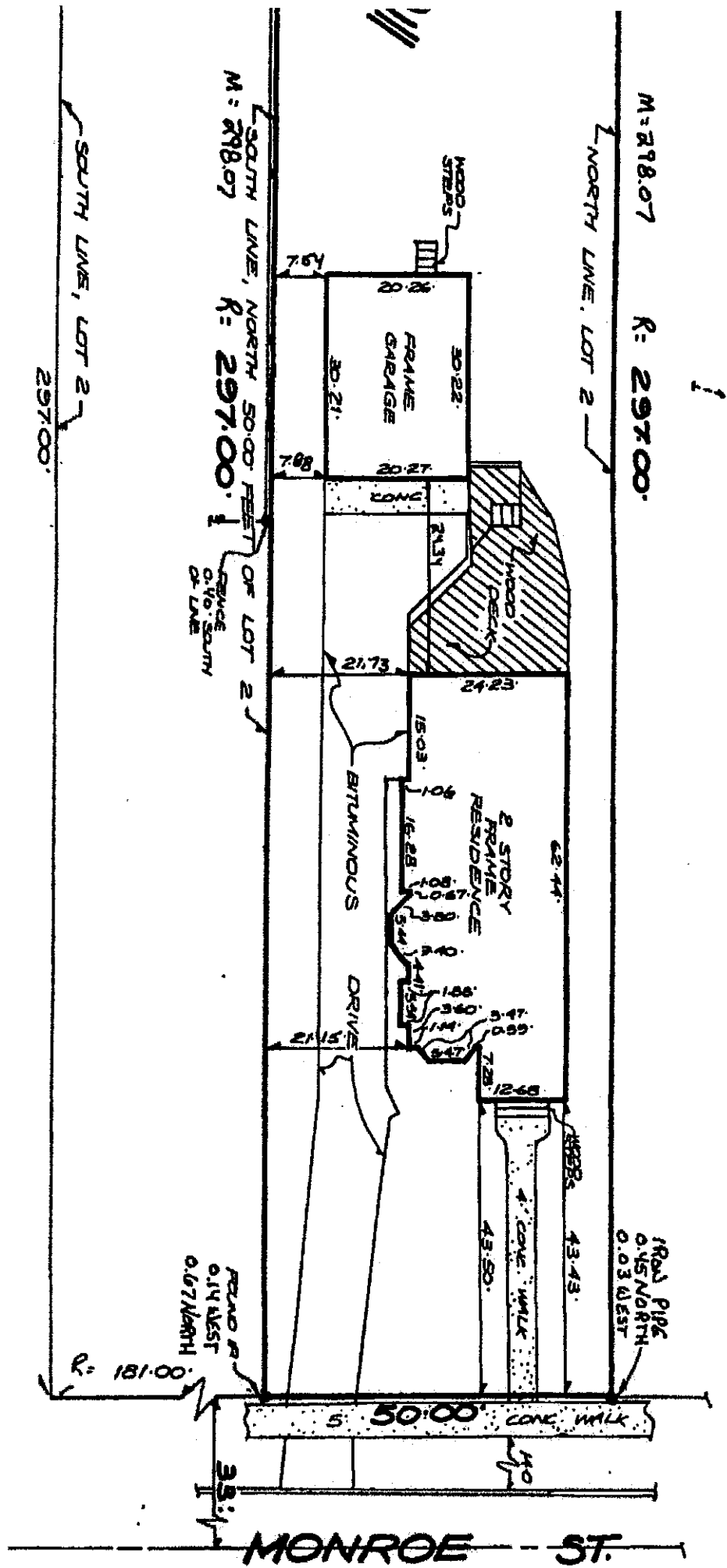
STATE OF ILLINOIS } ss.
COUNTY OF COOK }

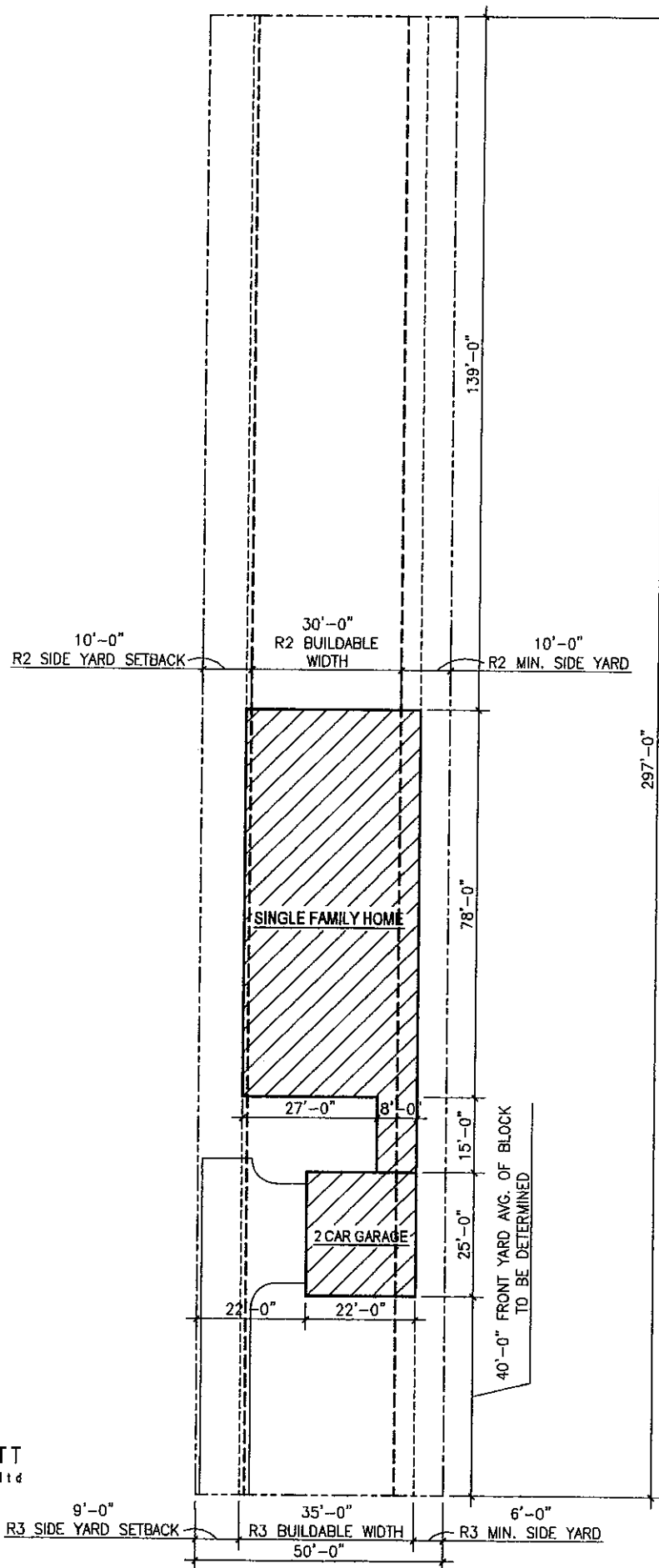
We, SCHOMIG LAND SURVEYORS, LTD. as Illinois Licensed Professional Land Surveyors, hereby certify that we have surveyed the property described in the caption to the plat hereon drawn and that the said plat is a true and correct representation of the same.

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

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

Russell W. Schomig
PROFESSIONAL ILLINOIS LAND SURVEYOR





1 SITE PLAN

SCALE: NTS

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

Project:
118 N. MONROE

Scale:
N.T.S.

Date:
12.07.18

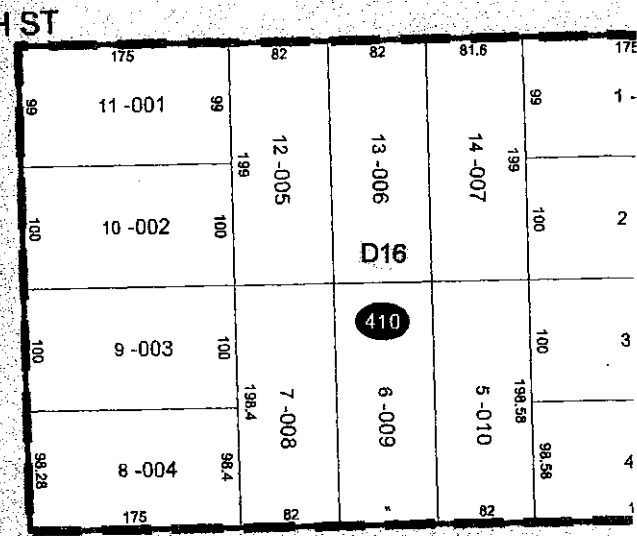
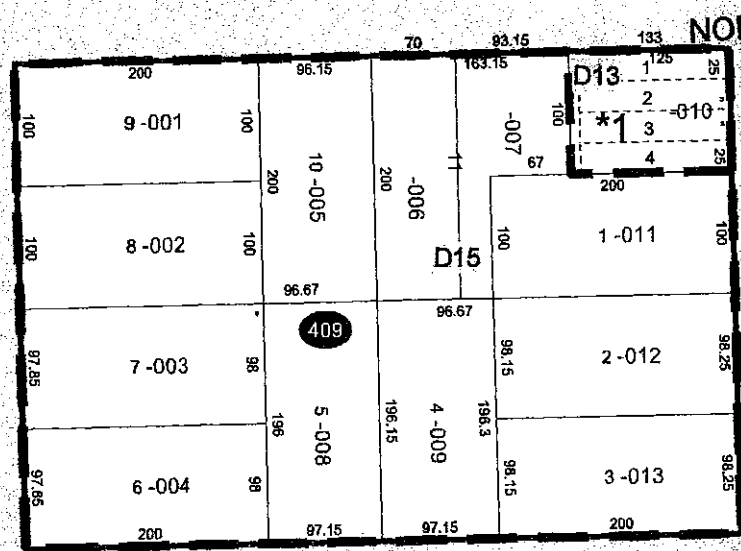
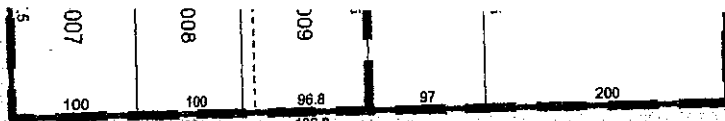
ZONING PROJECT DATA CHART
NEW SINGLE FAMILY RESIDENCE

118 N MONROE
HINSDALE, IL.

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

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

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

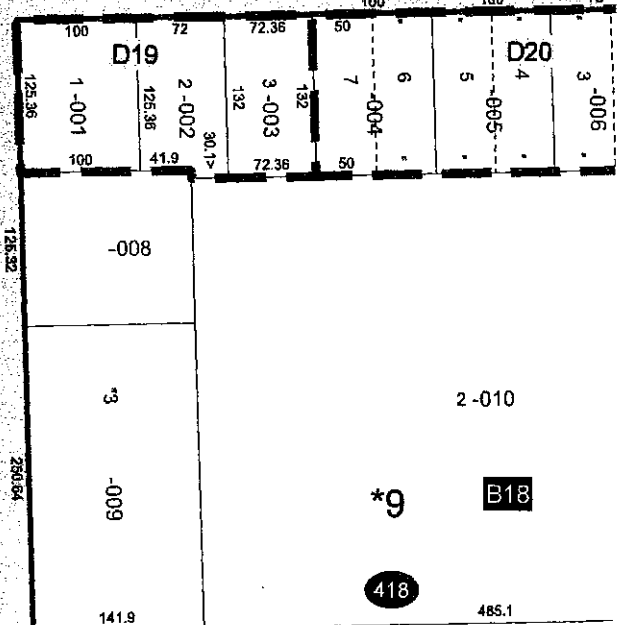
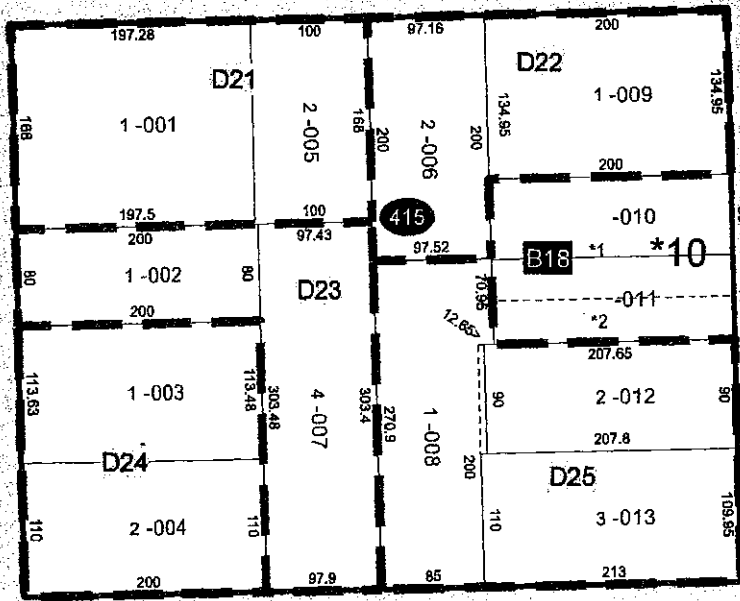


NORTH ST

HICKORY ST

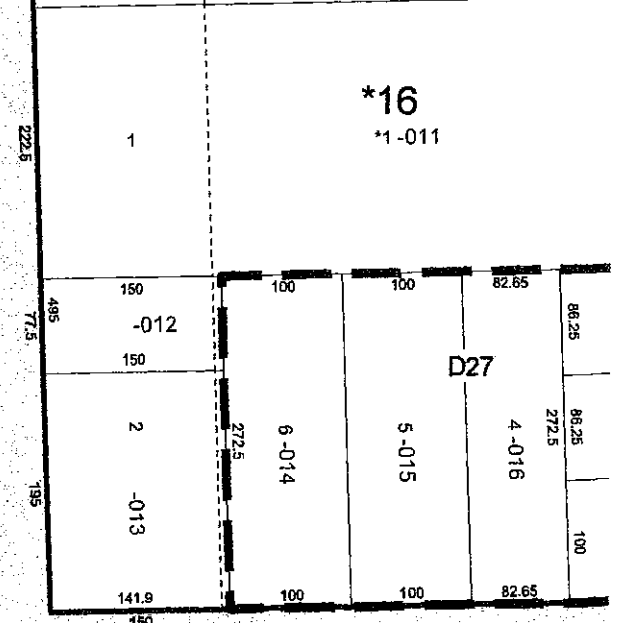
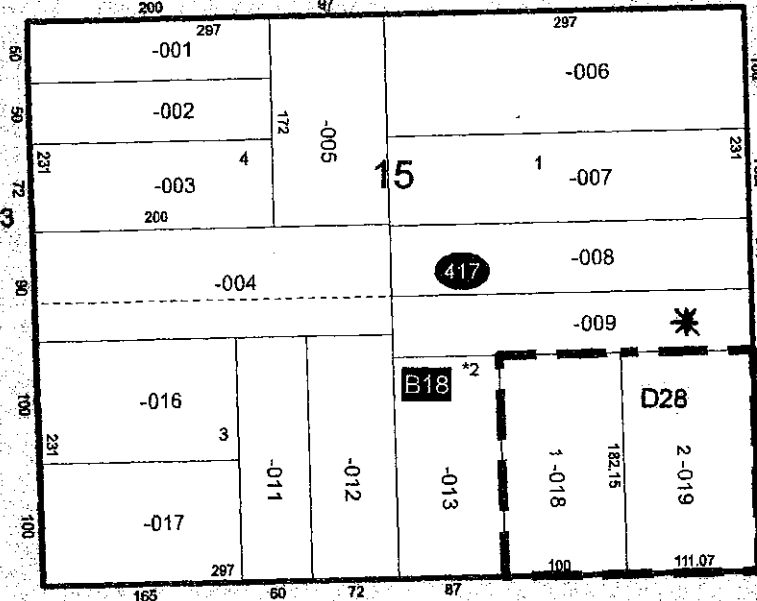
ADAMS ST

MONROE ST

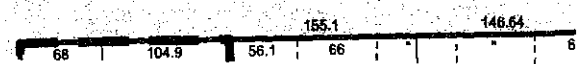


WALNUT ST

D13



MAPLE ST



Name and Address of Neighboring Owners

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

Recorded Owner(s)

Address

Property Type

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

511 THIS DOCUMENT WILL BECOME A LEGALLY BINDING CONTRACT WHEN SIGNED BY ALL PARTIES AND DELIVERED TO THE PARTIES OR THEIR AGENTS.
512 THE PARTIES REPRESENT THAT THE TEXT OF THIS COPYRIGHTED FORM HAS NOT BEEN ALTERED AND IS IDENTICAL TO THE OFFICIAL
513 MULTI-BOARD RESIDENTIAL REAL ESTATE CONTRACT 6.1.

514 11/14/18
515 Date of Offer 11/16/18
516
517 Buyer Signature Carol Lyn Bope
518
519 Buyer Signature Jeffrey L Bope Carol L Bope
520 Joseph & Marylou Gent
521 Print Buyer(s) Name(s) [Required]
522 441 E. Walnut
523 Address
524 Hinsdale IL 60521
525 City State Zip
526 marylougent@yahoo.com
527 Phone E-mail
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FOR INFORMATION ONLY

529 Lorenz & Sellis Realty Group 26177 478026599 Coldwell Banker Residential RE 22025
530 Buyer's Brokerage MLS # State License # Seller's Brokerage MLS # State License #
531 3636 W. 111th St. 2nd floor Chicago 60655 5 S Prospect Ave Clarendon Hills 60514
532 Address City Zip Address City Zip
533 Laura Byrne 235824 475129835 Mike McCurry 223106 471000234
534 Buyer's Designated Agent MLS # State License # Seller's Designated Agent MLS # State License #
535 (630) 461-5099 (630) 447-9393 (781) 810-9571
536 Phone Fax Phone Fax
537 lauracullenbyrne@gmail.com mike@mccurryhomes.com
538 E-mail E-mail
539 Domnic Mancini domm1@msn.com
540 Buyer's Attorney E-mail Seller's Attorney E-mail
541 133 Fuller Rd. Hinsdale IL 60521
542 Address City State Zip Address City State Zip
543 (603) 325-2580 (630) 325-5169
544 Phone Fax Phone Fax
545
546 Mortgage Company Phone Homeowner's/Condo Association (if any) Phone
547
548 Loan Officer Phone/Fax Management Co./Other Contact Phone
549
550 Loan Officer E-mail Management Co./Other Contact E-mail

551 Illinois Real Estate License Law requires all offers be presented in a timely manner; Buyer requests verification that this offer was presented.

552 Seller rejection: This offer was presented to Seller on _____, 20____ at _____ A.M./P.M. and rejected on _____
553 _____, 20____ at _____ A.M./P.M. [Seller Initials]

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556 McHenry County Bar Association • Northwest Suburban Bar Association • Will County Bar Association • Behnders Board of REALTORS® • Chicago Association of REALTORS® • Heartland REALTOR®
557 Organization • Homewood Association of REALTORS® • Illini Valley Association of REALTORS® • Kankakee-Iroquois-Ford County Association of REALTORS® • Mainstreet Organization of
558 REALTORS® • North Shore-Barrington Association of REALTORS® • Oak Park Area Association of REALTORS® • REALTOR® Association of the Fox Valley, Inc. • Three Rivers Association of
559 REALTORS®

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

Seller Initial [Signature] Seller Initial [Signature]

