



MEETING AGENDA

Due to the ongoing public health emergency, and based on the authority provided by Executive Order 2020-07, issued by Governor Pritzker on March 16, 2020, as most recently extended by Executive Order 2020-33, dated April 30, 2020, and Executive Order 2020-32, issued by Governor Pritzker on April 30, 2020, limiting public gatherings and suspending the Open Meetings Act physical presence requirement, this meeting will be conducted electronically. The meeting will still be broadcast live on Channel 6 and the Village website.

Public comments are welcome on any topic related to the business of the Zoning Board of Appeals when received by email or in writing by the Village Clerk prior to 4:30 p.m. on the day of the meeting. Emailed comments may be sent to Village Clerk Christine Bruton at cbruton@villageofhinsdale.org. Written comments may be submitted to the attention of the Village Clerk at 19 E. Chicago Avenue, Hinsdale, Illinois 60521. While emailed or written comments are encouraged, public comment may also be made by following the Zoom instructions below:

Join Zoom Meeting:

<https://tinyurl.com/y265kzto>

Meeting ID: 894 3803 5205

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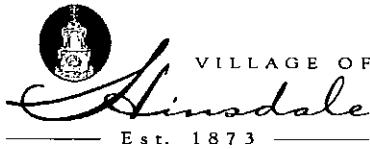
Passcode: 827978

ZONING BOARD OF APPEALS WEDNESDAY, October 21, 2020 6:30 P.M.

This meeting will be conducted electronically. A live audio stream of the meeting will be available to the public via Channel 6 or on the Village website

(Tentative and Subject to Change)

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a) Meeting of July 15, 2020
 - b) Special Meeting of July 23, 2020
- 4. APPROVAL OF FINAL DECISIONS- None**
- 5. RECEIPT OF APPEARANCES – None**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
 - a) V-05-20, 448 East Fourth Street



MEETING AGENDA

8. PUBLIC HEARING

a) V-03-20, 329 East Sixth Street

(This matter has been continued at the request of the applicant.)

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.

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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
July 15, 2020**

1. CALL TO ORDER

The regularly scheduled meeting of the Hinsdale Zoning Board of Appeals (conducted electronically via Zoom) was called to order by Chairman Bob Neiman on Wednesday, July 15, 2020 at 6:31 p.m., roll call was taken.

Chairman Neiman read the following statement:

Due to the ongoing public health emergency, and based on the authority provided by Executive Order 2020-07, issued by Governor Pritzker on March 16, 2020, as most recently extended by Executive Order 2020-33, dated April 30, 2020, and Executive Order 2020-32, issued by Governor Pritzker on April 30, 2020, limiting public gatherings and suspending the Open Meetings Act physical presence requirement, this meeting will be conducted electronically. The meeting will still be broadcast live on Channel 6 and the Village website.

Public comments are welcome on any topic related to the business of the Zoning Board of Appeals at Regular and Special Meetings when received by email or in writing by the Village Clerk prior to 4:30 p.m. on the day of the meeting. Emailed comments may be sent to Village Clerk Christine Bruton at cbruton@villageofhinsdale.org. Written comments may be submitted to the attention of the Village Clerk at 19 E. Chicago Avenue, Hinsdale, Illinois 60521. While emailed or written comments are encouraged, public comment may also be made by phoning into the meeting at 312.667.4792 Conference Code 581537. If you have questions regarding communication to the Board during the meeting, please contact Assistant Village Manager/Director of Public Safety Brad Bloom at 630.789.7007.

2. ROLL CALL

Present by telephone: Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy (arr. 6:49) Leslie Lee, John Podliska, and Chairman Bob Neiman

Absent: None

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

3. APPROVAL OF MINUTES

a) Meeting of June 17, 2020

Following changes to the draft minutes, Member Podliska **moved to approve the draft minutes of June 17, 2020, as amended.** Member Giltner seconded the motion.

AYES: Members Moberly, Alesia Giltner, Lee, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: Member Murphy

Motion carried.

1
2 **4. APPROVAL OF FINAL DECISIONS - None**
3

4 **5. RECEIPT OF APPEARANCES** – The court reporter administered the oath to all
5 persons intending to speak during the public hearings
6

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

10 **7. PRE-HEARING AND AGENDA SETTING** – None
11

12 **8. PUBLIC HEARING**

13 a) **V-04-20, 318 South Garfield Street** (*A transcript of the following proceedings*
14 *is on file with the Village Clerk.*)

15 Mr. Thomas Prame, property owner and applicant, addressed the Board.
16 Chairman Neiman asked him to summarize his request, and explain why he
17 meets the applicable standards for approval. Mr. Prame stated the request is
18 for a modest extension to the existing kitchen into what was a four season's
19 room that collapsed last fall into itself. The foundation was gone. Their
20 architect recommended extending the home 8' feet to square off the building,
21 which would address his water issues. He noted there is no foundation under
22 the southwest side of the kitchen either. He explained there would be no
23 change to the appearance or the architecture of the home, and there would be
24 no visual impact to his neighbors. This addition results in a 96' foot increase
25 in the floor area ratio (FAR) of the home. The footprint is the same as the porch
26 that was there, but because this area will now be enclosed, it increases the
27 FAR. He noted that there were no negative comments from his neighbors; in
28 fact, they were supportive of his request.

29 Regarding the standards for variation, Mr. Prame stated the following:

30 Unique physical condition: The home was constructed in the 1920's, and was
31 not designed to drain water away from the home. Water collects in the corner
32 of the home as a result, and a new home next door causes more water to
33 collect. The solution is to extend the roofline to get water away from the corner
34 and foundation.

35 Not Self-created: This water/foundation issue is not a result of their renovations
36 to the home, but was inherited with the purchase of the property.

37 Denied Substantial Rights: This relates only to the longevity and safety of the
38 home. It adds no monetary value to the home; he just wants it to last another
39 100 years.

40 Not Merely Special Privilege: This is only to ensure the safety and soundness
41 of the structure.

42 Code and Plan Purposes: This property is his primary home and personal
43 residence, and as such is not detrimental to the public welfare or injurious to
44 the civic enjoyment of surrounding properties. This proposed change is located
45 at the back corner of their home. It cannot be seen from the street, nor does it
46 impose restrictions to the neighbor's property. There is no impact to light and
47 air or increase in parking congestion. There is no increased danger of flood or

1 fire, or burden to public utilities or danger to public health or safety.
2 No Other Remedy: He believes this to be the only long-term remedy.
3

4 Chairman Neiman asked if Board had any questions. Member Alesia asked
5 what would happen to the water now that it will not collect at the corner of his
6 property. Are their plans to protect the neighbors? Mr. Prame said the water
7 runs well between his property and 320 S. Garfield. The new roof will direct
8 water to the existing drainage between the two properties. Following a question
9 from Member Podliska, Mr. Prame confirmed that the lot was subdivided around
10 1972, long before they bought the property in 2014. Chairman Neiman
11 confirmed that the FAR increase is indirectly related to the sale of the land, and
12 the subsequent subdivision. There were no more questions or comments from
13 the Board.
14

15 Member Podliska moved to close the public hearing for **V-04-20, 318 South**
16 **Garfield Street. Member Moberly seconded the motion.**
17

18 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
19 Neiman

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** None
23

24 Motion carried.
25

26 D E L I B E R A T I O N S

27
28 Member Podliska began deliberations stating this is a large house and this request is
29 only a 96' square foot increase. The house is already in excess of the allowable FAR
30 and maximum lot coverage; however, it was the subdivision of the property that made
31 the numbers in excess. On the original lot, this would not have been an issue.
32 Therefore, he concluded that if Mr. Prame was the owner at the time of the
33 subdivision, the problem would be self-created, but Mr. Prame purchased the house
34 long after the subdivision. For that reason, he thinks it is appropriate to recommend
35 approval. Additionally, Member Moberly pointed out that the code was not the same
36 in the 1970's. All other members agreed with the rationale presented by Member
37 Podliska.

38 Member Podliska moved to **approve a recommendation for approval to the Village**
39 **Board of Trustees in the matter known as V-04-20, 318 South Garfield Street.**
40 Member Moberly seconded the motion.
41

42 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
43 Neiman

44 **NAYS:** None

45 **ABSTAIN:** None

46 **ABSENT:** None
47

1 Motion carried.

2
3 b) **V-03-20, 329 East Sixth Street** (*A transcript of the following proceedings is*
4 *on file with the Village Clerk.*)

5 Chairman Neiman opened the public hearing. Mr. Michael Abraham, architect
6 for the project, summarized the variation request stating they want to move a
7 110-year-old carriage house off the neighbor's property to the north and add a
8 concrete foundation. They are asking for a variation for height, as the existing
9 historic structure exceeds allowable height, and 12' square feet of lot coverage
10 relief, which is the square footage that is currently on the neighbor's property.
11 As stated in their application, they are currently 3,400' square feet over on lot
12 coverage with the house and driveway as is. The proposed exterior stairway
13 and the carriage house are fully within allowable setbacks, and no setback relief
14 is required.

15 Ms. Jen Reenan stated they received the online material, and noted a letter
16 from the Lauerman's attorney that, according to the ZBA rules, was submitted
17 late. They felt they have had productive and lengthy discussions with the
18 Lauerman's, however, Mr. Lauerman's first concern was light, and then it was
19 water, now it is the staircase. They have tried to find solutions, at considerable
20 cost. With regard to the proposed exterior staircase, she believes Mr. Klein
21 has incorrectly applied the code section. The staircase is within the buildable
22 space. In fact, they could build an outside staircase on the existing building.
23 She does not think it should be a concern of the ZBA. She made note of the
24 National Landmark status of the building. Further, if they want to use the
25 property for something, it is not the Lauerman's concern; it will not be habitable
26 space. Under no circumstances will they pour a foundation on the Dugan's
27 property. They only want a safe and secure structure, with a code compliant
28 foundation on their property. The alternative is to tear it down and rebuild in
29 the proposed location, which is a less costly alternative. The foundation needs
30 to be on their property, and not crossing the Dugan's property line.

31 Regarding the standards for variation with respect to height, Mrs. Reenan
32 presented the following:

33 Unique Physical Condition: The building cannot be restored in the current
34 location as it straddles the lot line of the adjacent property. The north side of
35 the building cannot be maintained without asking the neighbor for access, as
36 there is a pre-existing fence. Moving the structure will provide more direct
37 access to the utility lines. This home is an historic pre-code structure, one of
38 48 properties on the National Register for Historic Places in DuPage County.
39 They could lose this designation if they have to tear down the coach house.

40 Not Self-created: This building was constructed 120 years ago, well prior to
41 their ownership. She stated a change in use is not relevant to their request.
42 The 4.7' feet excess height encompasses the hip roof and the cupola.

43 Denied Substantial Rights: They would be denied the right to improve and
44 save their historic carriage house by preserving its height, and to move the
45 structure onto their property within the allowable setbacks. They would also be
46 denied the right to use their property in the same way others enjoy their
47 secondary structures.

1 Not Merely Special Privilege: By virtue of this request, they are only asking for
2 the right to move the building onto their property, to secure, maintain and utilize
3 the building safely.

4 Code and Plan Purposes: They want to use the upper level for storage and
5 personal family space, not for habitation. They may want more space and
6 privacy, but the property lines are what they are mainly addressing.

7 Essential Character of the Area: The proposed project will enhance the
8 character of the area, and will not cause injury to the Lauermans.

9 No Other Remedy: Restoring the garage in the current location is not feasible,
10 as it is not on their property. The staircase and the use of the space is not a
11 subject for the ZBA to consider.

12
13 Chairman Neiman asked if any Board members had any questions relative to
14 the height request. Member Podliska asked about the cupola, relative to the
15 15' foot permitted roof height. It was explained that the cupola is not included
16 in the height of the roof calculation, and that the roof is 4.7' feet higher than
17 allowed without the cupola. Member Moberly understands the Reenan's desire
18 to move the structure onto their property, but wondered why not move it 2-3'
19 feet south, as opposed to west toward the Lauerman's. Mr. Reenan said they
20 would have to move the garage a minimum of 4' feet south in order to
21 accommodate the existing porte cochere, and provide a comfortable turning
22 radius for today's vehicles. He mentioned that he takes issue with the assertion
23 regarding the loss of light. He said if you look at the project as a whole, the
24 light has been increased as they have removed a significant tree already, and
25 will remove two more if the variations are approved. He thinks that is a fair
26 compromise for both parties, and noted that his last conversation with Mr.
27 Lauerman indicated that they were in agreement on light, privacy and drainage.
28 Chairman Neiman asked why not install an internal staircase. Mr. Reenan said
29 their contractor and architects have said that it would take up too much space,
30 reducing their 3-car garage to a 2-car garage, and lost space upstairs. Mr.
31 Abraham added that the exterior staircase creates an additional buffer,
32 because without it they could move the house farther west. Mr. Reenan said
33 a variation is not required for the staircase, and they did not think it would be
34 an issue, because it is allowed. Member Podliska asked if the maximum
35 accessory coverage includes the staircase. Mr. Joel Rafferty said no because
36 it has no roof, it is an external uncovered stair. Member Moberly said the
37 Historic Preservation Commission (HPC) looked at this matter, and he
38 wondered how they felt about the stairs, and does it destroy an historic element
39 of the structure. Mr. Jim Prisby, representing the HPC, said they had zero issue
40 with stairs. Chairman Neiman asked that Mr. Prisby hold his comments until the
41 Reenan's are finished with their presentation.

42 Mrs. Reenan said they have had an historic consultant since the beginning of
43 the project, who reviewed the plans, and has advised the staircase cannot be
44 on the south or east side because of the streetscape. The consultant was
45 supportive of the stairs on the west side. Mr. Reenan believes everything has
46 been done with historical preservation in mind, and the stairs will be attractive,
47 and an improvement over the Lauerman's current view. Member Alesia asked

1 what the current access to the upper level is. Mrs. Reenan explained there is
2 a trap door in the ceiling, and a pull down ladder. Currently, it is a three-car
3 garage. Member Alesia confirmed they would lose a garage space with an
4 internal staircase. Member Murphy asked Mr. McGinnis if it is accurate that the
5 garage could be moved, and the staircase could be added later by right. Mr.
6 McGinnis said the request before the ZBA includes plans for the staircase, if
7 the construction varied from the plans, it would be flagged and have to go back
8 to the ZBA. Mr. Abraham said the stairs do not need a variation. Mr. Reenan
9 said they could have applied without the staircase, and then would not have
10 had to go back to the ZBA for the staircase because it would not be necessary.
11 The staircase does not increase the height or the building coverage. Mr.
12 McGinnis confirmed that if the drawings had not originally included the stairwell,
13 they could have installed the staircase without a variation. Member Murphy
14 feels this speaks to how concerned the ZBA should be with the stairs.
15 There were no further questions from the Board regarding the height.

16
17 With respect to the maximum building coverage, Mr. Abraham said the
18 responses are the same as those included in the record. They are requesting
19 an increase in square footage by approximately 1%. Mrs. Reenan said this is
20 12' square feet, the additional surface that is on the Dugan's property. The
21 staircase does not increase the building overage, nor encroach in any side or
22 rear yard.
23 The Board had no further questions about this maximum building coverage
24 request.

25
26 Mr. and Mrs. Lauerman, addressed the Board, stating they would give some of
27 their time to their attorney, Mr. Matthew Klein. Mr. Klein acknowledged that
28 there has been a lot of agreement between the Reenan's and the Lauerman's
29 on this project, and acknowledged the merits of the Reenan's restoration of
30 their home. With respect to the garage, it is very large and tall, and he made
31 the case that the addition of an exterior staircase and second floor balcony
32 create an even more imposing structure for the Lauerman's. At the increased
33 elevation, these elements are higher than they would be on a conforming
34 garage. He disagrees with the Reenan's architect that the staircase and
35 balcony create a buffer, but rather increase the impact. He also believes the
36 code would require the staircase to be on the east side of the garage, if it were
37 permissible at all. The Lauerman's do not object to the continuation of the
38 existing building, or the relocation of the structure. They object to the additional
39 elements that further reduce the distance from their home and structure.
40 In terms of the approving standards, the hardship is the underlying element,
41 and there is justification for replacing the foundation, and their property rights
42 would include replacing it in its current location, but when there is an imposition
43 to the neighbors, he contends more hardship should be shown. They do not
44 have an obvious right to further use of the second floor, because the structure
45 is non-conforming. They are asking for discretion to use it to a greater extent
46 than a conforming garage. There is no denial of right or special privilege, as
47 the garage can be reconstructed in the current location. The historic nature of

1 this project does not justify the imposition on neighbors. Further, there are
2 reasons for height limits on accessory structures, and added the additional
3 elements to the building are not within the primary elements of the code, and
4 plan and purposes of the code.

5 With respect to the loss of a parking bay to move the stairway inside, modern
6 life allows exceptions to get people to a two-car garage, but a three-car is not
7 an absolute or legal necessity. The alternatives are to rebuild in the current
8 location, relocate with an interior staircase, or relocate with a three-car space
9 and the existing access to the second floor. This two-story structure is larger
10 than many houses in Hinsdale. The negative effect on the Lauermans cannot
11 justify the suggested hardships on the Reenans.

12 Mrs. Lauerman stated hers was a personal statement, thanking her attorney
13 and the Board, and saying they stand by their conclusion they will bear the
14 hardship of this project. She said the building has always been used as a barn
15 or garage, it is not a coach house, and has never been used for recreation.
16 This is not an historic preservation project, but a rebuild wrapped in an historic
17 preservation package that seeks special consideration to the detriment of the
18 neighbors. She clarified that they have never 'ranked' their concerns about
19 light, water and the stairs; they are a package deal. They have tried to focus
20 on each, one at a time, addressed in order of the application. She reiterated
21 their objections to the height and size of the building, as well as the location
22 that will be three feet closer to them. The addition of a 15-foot high staircase
23 and a 9-foot balcony creates more bulk. The Reenan's will not see people
24 going up and down the stairs, but they will. She said they appreciate the
25 Reenan's kind offer to help with water mitigation, but reiterated the problem
26 with the loss of light. The staircase causes a loss of privacy and security and
27 reduces the enjoyment of their property. In addition, there could be a potentially
28 negative impact on the value of their home.

29 Member Giltner asked for clarification regarding the Reenan's proposed
30 landscaping. Mr. Reenan explained they proposed adding an arborvitae screen
31 all the way up to the balcony and privacy fencing, providing a green view, and
32 completely masking the staircase. They intend to remove the two existing
33 spruce trees at a cost of \$12,000 that will improve the light at the front of their
34 house. Mr. Dave Knecht, builder, explained that removing the trees and moving
35 the building still provides a net gain in of sunlight to the Lauerman's east
36 elevation. Mr. Reenan said the cost of all the compromises for the Lauerman's
37 total \$75,000; they tried to find other practical solutions, but since there weren't
38 any, they were willing to spend the money. Mr. Lauerman said removal of trees
39 on the front is good, but is offset by moving the garage south, with a staircase,
40 that will be right in their face. It is a generous offer, but not the solution.

41 Member Podliska asked a question regarding the height of the balcony. Mr.
42 Abraham said the ceiling height of the first floor is 10' feet, and the balcony
43 would be at about 11' feet, not the 15' feet Lauerman's are suggesting.

44 Chairman Neiman suggested that a 9' foot landing or balcony lends itself to
45 sitting outside, and asked the Lauerman's how much of their concern relates to
46 the staircase as opposed to the size of the landing. Mr. Lauerman said he
47 asked the Reenans about using the balcony for sitting, but they said that would

1 not happen. He said their issue is with the stairway, and the comings and
2 goings of people. Mrs. Lauerman said with respect to the balcony, there is no
3 assurance that it will not be used for sitting, and she reiterated her concern
4 about their privacy.

5 Chairman Neiman asked why the balcony or landing needs to be 9' feet wide,
6 and why not install a circular staircase inside the garage. Mr. Reenan said the
7 circular staircase is not as safe for kids to use, nor does it allow for easy access
8 for storage. The size of the balcony is what it is because of the windows
9 underneath, and the historic nature of the property. He assured the Board that
10 they have looked at all of these alternatives, and have spent money on
11 architects and contractors to help them think through how to move the staircase
12 to the inside of the building, but this resulted in significant detriments to their
13 ability to use their space. He added a security camera will be installed. Mr.
14 Abraham confirmed these choices are strictly access considerations.

15 Member Lee verified the current garage has no dormer, but one is being added
16 on the non-visible side. Mr. Abraham said the dormer is not a variable in
17 calculating the height. The dormer relates to the installation of a bathroom.
18 Member Lee confirmed no bathroom currently exists, stating she is trying to
19 understand the current use of the second floor, versus the future use of the
20 upper level. Mr. Abraham said the use is not part of the variation request. Mr.
21 Reenan said the future use is storage, but since they are redoing it, they want
22 to have some flexibility. The house itself is big enough for gatherings, so that
23 is not the intended use of the second floor of the garage.

24 **Mr. Jim Prisby, representing the Historic Preservation Commission,** said
25 the HPC is an advisory board working to protect historic homes, and with their
26 expertise, they would be able to contribute an independent perspective to the
27 task at hand. They met on July 1 and the Commission created and unanimously
28 approved findings and recommendations. They concluded the National
29 Register of Historic Places documents clearly indicate the carriage house was
30 built in 1899, and is a key element to the historic designation bestowed upon
31 the property. However, the wood foundation is crumbling and a proper
32 foundation must be provided to save the structure. They recommend the ZBA
33 consider doing whatever is necessary to allow this structure to be saved for
34 generations to come.

35 Mr. Lauerman responded stating that without the staircase they have no
36 problem.

37 **Ms. Nan Dugan, 540 S. Oak,** addressed the Board stating they fully support
38 the Reenans pulling the building off their property, but they are also concerned
39 about the loss of privacy with the dormer and window, as well as the staircase.
40 Trees might help to mitigate this problem. She would prefer they keep the
41 integrity of the structure as is, and does not understand why they cannot change
42 the two windows underneath the staircase, but can change the upper windows
43 to doors. She also noted the Reenan's enjoy a significant tax benefit, and
44 would encourage them to move the garage off their property, and leaving the
45 space as it is.

46
47 Member Alesia moved to close the public hearing for V-03-20, 329 East

Sixth Street. Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

DELIBERATIONS

Chairman Neiman opened discussion, reminding the Board that this matter is a recommendation to the Village Board for final approval. Member Moberly began discussion stating he concurs with the remarks of Mrs. Dugan. We want to save the garage, and moving it three feet south off the Dugan's' property line on a firm concrete foundation would accomplish the goal of preserving the garage. He is troubled by all the other aspects of the request; the stairs, the dormer, and moving it to the west closer to the Lauermans lot line. He struggles that there have been no alternative remedies proposed, but he wants to save the garage.

Chairman Neiman clarified for the Reenan's that four affirmative votes are necessary from the ZBA for the request to proceed to the Board of Trustees. He said if during our deliberations it appears you do not have the votes, you could reopen the public hearing and ask for a continuance.

Member Podliska said he is largely in agreement with Member Moberly. There are aspects of this proposal that do not go to the historic nature of this structure, they go more to a special privilege for the Reenans. The staircase, the balcony and the dormer are at best arguably neutral, or do not destroy the historical character of the structure. However, the historic character of the structure is not the support for those additions and changes. Further, any other garage in the Village would be built pursuant to the code, and the height would not be allowed.

Member Giltner said he is struggling; the Board considers these requests in their totality, and the rights of the property owner. There has been a lot of good cooperation between the neighbors. The Board cannot predict the future in terms of access control or the use of the balcony.

Member Alesia congratulated both parties for their compelling arguments and civility. He said there are too many alternatives to both of the variance requests, and if the standards of approval are not met for one of them, then the must fail. He does not believe the following criteria have been met: special privilege, no other remedy, and the essential character of the area in terms of being detrimental to public welfare or materially injurious to the enjoyment of private property or increase danger of flood. He believes there are alternatives.

Member Murphy is on the fence, but it does not make any sense to him to keep the building over the property line. The fact that some of the proposed changes can be done within the code is meaningful.

Member Lee agreed moving the property south to eliminate the encroachment on the Dugan's' property makes sense. She thinks that in the spirit that the Reenans have

1 suggested solutions with vegetation, there is a logical solution for compromise that
2 we have not yet seen.

3 Chairman Neiman acknowledged that taking the staircase into account, other than the
4 effect on the Lauermans, is not part of the variation request, but he, too, is still
5 struggling with alternative solutions. He asked the Reenans, based on what they have
6 heard if they would like to reopen the hearing and ask for a continuance to address
7 the Board's concerns. The Reenans responded they would.

8 Chairman Neiman commended their commitment to preservation, and recognizes
9 there have been many concessions, as do the Lauermans. He said it is not the
10 Board's intent to frustrate their good work. He said he understands how hard it is to
11 rehab on older home, and how much money, time, attention, and love is required.
12 The Board members recognize this, but they have a responsibility to look at the code
13 and find a way to allow what is being asked for, but also address neighbor concerns
14

15 Chairman Neiman asked for a **motion to reopen the Public Hearing on Sixth Street**
16 **to allow the Reenans to request a continuance of the case to see if thy and the**
17 **Lauermans can work together to come up with a different solution.** So moved
18 by Member Podliska. Seconded by Member Moberly.

19
20 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
21 Neiman

22 **NAYS:** None

23 **ABSTAIN:** None

24 **ABSENT:** None
25

26 Motion carried.
27

28 Mr. Reenan requested a continuance of their hearing.
29

30 Member Podliska moved **to approve the Reenan's' request for a continuance.**
31 Member Giltner seconded the motion.
32

33 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
34 Neiman

35 **NAYS:** None

36 **ABSTAIN:** None

37 **ABSENT:** None
38

39 Motion carried.
40

41 Chairman Neiman said this matter will be put on our agenda again, and appreciates
42 everyone's efforts to work together to solve the problems. The Board is very
43 interested in historic preservation, but have a duty to follow the code.
44

45 **9. NEW BUSINESS**

46 **10.OLD BUSINESS** 47

1
2 **11. ADJOURNMENT**

3 With no further business before the Zoning Board of Appeals, Member Podliska
4 made a motion to **adjourn the Zoning Board of Appeals of July 15, 2020.**
5 Member Moberly seconded the motion.

6
7 **AYES:** Members Moberly Alesia, Giltner, Murphy, Lee, Podliska and Chairman
8 Neiman

9 **NAYS:** None

10 **ABSTAIN:** None

11 **ABSENT:** None

12
13 Motion carried.

14
15 Chairman Neiman declared the meeting adjourned at 8:54 p.m.

16
17
18
19 _____
20 Christine M. Bruton

Approved: _____

**VILLAGE OF HINSDALE
MINUTES OF THE SPECIAL MEETING
ZONING BOARD OF APPEALS
July 23, 2020**

The specially scheduled meeting of the Hinsdale Zoning Board of Appeals (conducted electronically via Zoom) was called to order by Chairman Bob Neiman on Thursday, July 23, 2020 at 4:32 p.m., roll call was taken.

1. ROLL CALL

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

Absent: Member Leslie Lee

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

Chairman Neiman read the following for the record:

"This open meeting of the Zoning Board of Appeals of the Village of Hinsdale is being conducted remotely consistent with Governor Pritzker's Executive Order of March 16, 2020, due to the current State of Emergency in the State of Illinois given the outbreak of the novel coronavirus.

In order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, we have been advised and encouraged by the State to postpone consideration of public business where possible, and where a meeting is necessary, to limit public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Act that members of the public body be physically present. Further, all members of public bodies are allowed and encouraged to participate remotely."

2. APPROVAL OF MINUTES – None

3. APPROVAL OF FINAL DECISIONS

a) V-04-20, 318 South Garfield Street

Chairman Neiman asked if anyone had any changes or corrections to the draft document. Hearing none, Chairman Neiman asked for a motion to approve.

Member Podliska made a motion to **approve the Final Decision for V-04-20, 318 South Garfield Street**. Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Member Lee

Motion carried.

1 **4. RECEIPT OF APPEARANCES – None**

2
3 **5. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**
4 **PUBLIC COMMENT OF A GENERAL NATURE**

5
6 **6. PRE-HEARING AND AGENDA SETTING – None**

7
8 **7. PUBLIC HEARING - None**

9
10 **8. ADJOURNMENT**

11 With no further business before the Zoning Board of Appeals, Member Podliska
12 made a motion to **adjourn the special meeting of the Zoning Board of Appeals**
13 **of July 23, 2020.** Member Murphy seconded the motion.

14
15 **AYES:** Members Moberly Alesia, Giltner, Murphy, Podliska and Chairman Neiman

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** Member Lee

19
20 Motion carried.

21
22 Chairman Neiman declared the meeting adjourned at 4:35 p.m.

23
24
25
26
27 _____
28 Christine M. Bruton

Approved: _____

7a

MEMORANDUM

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

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

DATE: October 13, 2020

RE: Zoning Variation – V-05-20; 448 E. 4th Street

In this application for variation, the applicant requests relief from the Interior Side Yard Setback set forth in section 3-110(D)(2)(b) of the Code in order to deed over excess property from the neighboring lot to the west (444 E. 4th Street) The specific request is for 2.63' of relief.

The applicant in this case owns both 444 E. 4th Street and 448 E. 4th Street. The intention is to deed over excess property from the 444 property to the 448 property. Because the width of the 448 property is increasing, the required side yard setbacks increase as well. Although the house is not moving on the 448 lot, the existing setback on the east side of the lot is already non-conforming. Any increase in the width of the lot increases the degree of non-conformity thereby driving the request for relief.

This property is a conforming through-lot located in the R-1 Residential District in the Village of Hinsdale and is located on the south side of 4th Street between Oak Street and County Line Road. The property is irregular and contains approximately 39,957 square feet of lot area. The maximum permitted FAR is 9,991sf., the maximum permitted Lot Coverage is 19,978sf., and the maximum allowable Building Coverage is 9,989sf..

cc: Kathleen A. Gargano, Village Manager
Zoning file V-05-20



19 E. Chicago Avenue, Hinsdale, IL 60521

APPLICATION FOR VARIATION

COMPLETE APPLICATION CONSISTS OF (10) COPIES

(All materials to be collated)

FILING FEES: \$850.00

Name of Applicant(s): Matthew Bousquette

Address of Subject Property: 448 E 4th street

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

FOR OFFICE USE ONLY
Date Received: 10/12/20 CB Zoning Calendar No. V-0520

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION 1- NAME & CONTACT INFORMATION

1. **Owner.** Name, mailing address, telephone number and email address of owner:

Name: Matthew Bousquette

Address: 448 E 4th Street

Telephone: 630-968-2735 email: matt@bousquette.net

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

Name: _____

Address: _____

Telephone: _____ email: _____

3. **Applicant.** Name, address, telephone number and email address of applicant, if different from owner:

Name: _____

Address: _____

Telephone: _____ email: _____

4. **Subject Property.** Address, PIN Number, and legal description of the subject property, use separate sheet for legal description, if necessary.

PIN Number: 448 E 4th Street

PIN # 0912222010

See Attached Legal Description - Exhibit A

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

a. Attorney: Surveyor: ~~Jon~~ Jon Green P.E.

b. Engineer: Engineering Resources Associates, Inc.

c. Architect: 35701 W. Avenue

d. Contractor: Warrenville, IL 60555

630-939-3060

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. _____
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 Exhibit B

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

The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.

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 Exhibit C

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 Exhibit D

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 Exhibit E

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 Exhibits

12. **Successive Application.** In the case of any application being filed less than two

pg. 3

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

Section 3-110(P)(2)(b)

interior side yard setback

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 Exhibit G

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.)

See Exhibit H

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 Exhibit I

- (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 Exhibit I

SECTION III

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

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements.

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

SECTION IV

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

Name of Applicant: Matthew Bousquette

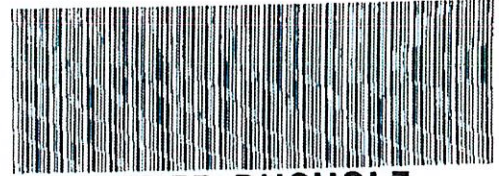
Signature of Applicant: Matthew Bousquette

Date: 10/12/2000

28042471-
2803159 1963WCT

WARRANTY DEED

The Grantors, William T. Jacobs, Jr., and Linda R. Jacobs, husband and wife, of the County of Dupage, and State of Illinois, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, convey and warrant to Matthew C. Bousquette, a married person, of 255 Windsor, Itasca, Illinois 60143, the following described real estate situated in the County of Dupage, in the State of Illinois, to-wit:



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

AUG. 01, 2008

RHSP 11:12 AM

DEED

09-12-222-008

004 PAGES

R2008-120701

See legal description attached hereto as Exhibit "A"

SUBJECT TO: (a) General real estate taxes not due and payable at the time of closing; (b) Special taxes and assessments confirmed after the contract date; (c) Building, building line, use or occupancy restrictions, conditions and covenants of record; (d) Zoning laws and ordinances which conform to the present usage of the Premises; (e) Public and utility easements which serve the Premises; (f) Public roads and highways, if any; and (g) Drainage ditches, feeders, laterals and drain tile, pipe or other conduit.

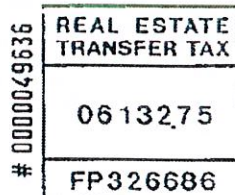
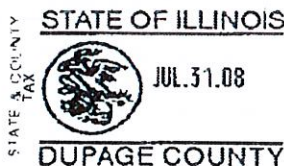
hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

DATED this 23rd day of July, 2008.


William T. Jacobs, Jr.


Linda R. Jacobs

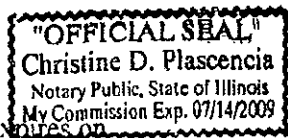
CHARGE C.T.I.C. DUPAGE



STATE OF ILLINOIS)
) SS.
COUNTY OF WILL)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY that William T. Jacobs, Jr. and Linda R. Jacobs, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that they signed, sealed and delivered the same instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 23rd day of July, 2008.



[Signature]
Notary Public

My commission expires on _____.

Municipal Transfer Stamp (If Required)

County/Illinois Transfer Stamp

Name & Address of Preparer:

John S. Gallo, Esq.
Tracy, Johnson & Wilson
2801 Black Road, 2nd Floor
Joliet, Illinois 60435

Return to:

Mr. Paul B. Garver
Hawbecker & Garver
35 S. Garfield
Hinsdale, Illinois 60521

Mail Tax Bills to:

Matthew C. Bousquette
448 E. Fourth Street
Hinsdale, Illinois 60521

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 100 FEET OF LOT 2 (MEASURED PARALLEL TO THE NORTH LINE THEREOF), EXCEPT THE EAST 170 FEET THEREOF, AND THE EAST 1/2 OF VACATED OAKWOOD PLACE LYING WEST OF AND ADJOINING THERETO, IN BLOCK 9 IN W. ROBBIN'S PARK ADDITION TO HINSDALE, BEING A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1871 AS DOCUMENT NO. 14048, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 2 IN OWNER'S RESUBDIVISION OF LOT 1 AND THE EAST 170 FEET OF THE NORTH 100 FEET OF LOT 2 (AS MEASURED PARALLEL TO THE NORTH LINE) OF BLOCK 9 OF W. ROBBINS PARK ADDITION TO HINSDALE, A SUBDIVISION IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 1948 AS DOCUMENT 547307, IN DUPAGE COUNTY, ILLINOIS

PARCEL 3:

THAT PART OF VACATED OAKWOOD PLACE LYING WEST OF AND ADJOINING LOT 2 IN OWNER'S RESUBDIVISION OF LOT 1 AND THE EAST 170 FEET OF THE NORTH 100 FEET OF LOT 2 (AS MEASURED PARALLEL TO THE NORTH LINE) OF BLOCK 9 OF W. ROBBINS PARK ADDITION TO HINSDALE, A SUBDIVISION IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 1948 AS DOCUMENT 547307, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN THE RESUBDIVISION OF BLOCK 8 IN W. ROBBINS PARK ADDITION TO HINSDALE; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 125.00 FEET AND THE CHORD OF WHICH EXTENDS FROM SAID NORTHEAST CORNER OF SAID LOT 1 TO THE NORTHEAST CORNER OF LOT 2 IN OWNER'S RESUBDIVISION OF PART OF BLOCK 9 IN W. ROBBINS PARK ADDITION TO HINSDALE, A DISTANCE OF 26.66 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE A DISTANCE OF 100.00 FEET TO SAID NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 2 EXTENDED WEST A DISTANCE OF 35.25 FEET TO AN IRON PIPE; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 69 DEGREES 14 MINUTES 12 SECONDS AS MEASURED FROM LEFT TO RIGHT WITH THE LAST DESCRIBED LINE A DISTANCE OF 63.05 FEET TO AN IRON PIPE ON THE SOUTH LINE OF SAID LOT 1 EXTENDED EASTERLY; THENCE NORTHEASTERLY A DISTANCE OF 111.14 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, BEING THOSE PORTIONS OF VACATED OAKWOOD PLACE DESCRIBED ON THE PUBLIC ROAD RIGHT OF WAY PLAT OF VACATION, AS DOCUMENT R75-24211 RECORDED ON THE 29TH DAY OF MAY 1975, AS PARCEL 3

P.I.N. 09-12-222-007-0000 (Parcel 1)
09-12-222-008-0000 (Parcel 2 & 3)

ADDRESS: 445 Woodside, Hinsdale, IL 60521 (Parcel 1)
448 E. 4th Street, Hinsdale, IL 60521 (Parcel 2 & 3)

PIN	OWNER	PROPERTY STREET NUMBER	PROPERTY STREET DIRECTION	PROPERTY STREET NAME	PROPERTY APARTMENT	PROPERTY CITY	PROPERTY ZIPCODE
0912221002	NERAD; JERRY & ANN TR	420	E	4TH ST		HINSDALE	60521
0912221004	PIEMONTE; MARCO & ALEXA	419	S	OAK ST		HINSDALE	60521
0912221008	BOUSQUETTE; MATTHEW C	444	E	4TH ST		HINSDALE	60521
0912226006	ARBER; D & C PARK	433	E	6TH ST		HINSDALE	60521
0912221006	BOUSQUETTE; MATTHEW C	444	E	4TH ST		HINSDALE	60521
0912221005	HOLMES; JOYE TR	425		WOODSIDE AVE		HINSDALE	60521
0912221009	BOUSQUETTE; MATTHEW C	444	E	4TH ST		HINSDALE	60521
0912214011	FLAHERTY; MICHAEL & LINDA	425	E	4TH ST		HINSDALE	60521
0912222005	HARRISON TR; MARK & G	436	S	COUNTY LINE RD		HINSDALE	60521
0912226005	ECK; ROBYN TRUST	425	E	6TH ST		HINSDALE	60521
0912214017	DAZE; ERIC & GUYLAINE	445	E	4TH ST		HINSDALE	60521
0912214018	CICERO 7215 & 1ST IL 7224	330	S	COUNTY LINE RD		HINSDALE	60521
0912226012	REBRAG INC	453	E	6TH ST		HINSDALE	60521
0912222010	BOUSQUETTE; MATTHEW C	448	E	4TH ST		HINSDALE	60521
0912222004	CHICAGO TITLE 8002381154	420	S	COUNTY LINE RD		HINSDALE	60521
0912226010	BRICKMAN; DONNA	439	E	6TH ST		HINSDALE	60521
0912226003	YERLIOGLU; BEN E	440		WOODSIDE AVE		HINSDALE	60521
0912226007	BRICKMAN; DONNA	439	E	6TH ST		HINSDALE	60521
0912214012	SCALES; JOHN & KAREN	435	E	4TH ST		HINSDALE	60521
0912222003	BENSON; DONALD & JOAN	455		WOODSIDE AVE		HINSDALE	60521
0912214013	NAPLETON; PAUL & K	441	E	4TH ST		HINSDALE	60521
0912226002	REEDY; MARY M	424	E	WOODSIDE AVE		HINSDALE	60521
0912222009	MALINOWSKI; DIANE R TR	452	E	4TH ST		HINSDALE	60521

Cook County Side

PIN	OWNER	PROPERTY STREET NUMBER	PROPERTY STREET DIRECTION	PROPERTY STREET NAME	PROPERTY APARTMENT	PROPERTY CITY	PROPERTY ZIPCODE
18-07-110-002-0000	KEVIN & KARA BOYLE			329 S COUNTY LINE RD		HINSDALE	60521
18-07-110-003-0000	JEROME & MARYKAY HINES			403 S COUNTY LINE RD		HINSDALE	60521
18-07-110-004-0000	PAUL S DRUMM			411 S COUNTY LINE RD		HINSDALE	60521
18-07-110-006-0000	ROBERT PECKENPAUGH TR			429 S COUNTY LINE RD		HINSDALE	60521
18-07-110-020-0000	WILLIAM & JANE HULESCH			421 S COUNTY LINE RD		HINSDALE	60521

Source: <https://maps.cookcountyil.gov/cookviewer/mapviewer.html?searchType=address&search=hinsdale%20il#>

Exhibit B 11



Map created for assessment purposes only. Refer to recorded
plats or deeds for legal descriptions and property dimensions
Copyright The County of DuPage, Illinois
www.dupageco.org



PIN: 0912221004

Exhibit B 2/8

PIN: 0912221008

PIN	0912221008
OWNER	BOUSQUETTE; MATTHEW C
PROPERTY STREET NUMBER	444
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226006

PIN	0912226006
OWNER	ARBER; D & C PARK
PROPERTY STREET NUMBER	433
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	6TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912221006

PIN	0912221006
OWNER	BOUSQUETTE; MATTHEW C
PROPERTY STREET NUMBER	444
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912221005

PIN	0912221005
OWNER	HOLMES; JOY E TR
PROPERTY STREET NUMBER	425
PROPERTY STREET DIRECTION	
PROPERTY STREET NAME	WOODSIDE AVE
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

Exhibit B 3/8

PIN: 0912221009

PIN	0912221009
OWNER	BOUSQUETTE; MATTHEW C
PROPERTY STREET NUMBER	444
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912214011

PIN	0912214011
OWNER	FLAHERTY; MICHAEL & LINDA
PROPERTY STREET NUMBER	425
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912222005

PIN	0912222005
OWNER	HARRISON TR; MARK & G
PROPERTY STREET NUMBER	436
PROPERTY STREET DIRECTION	S
PROPERTY STREET NAME	COUNTY LINE RD
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226005

PIN	0912226005
OWNER	ECK; ROBYN TRUST
PROPERTY STREET NUMBER	425
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	6TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

Exhibit B 4/8

PIN: 0912214017

PIN	0912214017
OWNER	DAZE; ERIC & GUYLAINE
PROPERTY STREET NUMBER	445
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912214018

PIN	0912214018
OWNER	CICERO 7215 & 1ST IL 7224
PROPERTY STREET NUMBER	330
PROPERTY STREET DIRECTION	S
PROPERTY STREET NAME	COUNTY LINE RD
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226012

PIN	0912226012
OWNER	REBRAG INC
PROPERTY STREET NUMBER	453
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	6TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912222010

PIN	0912222010
OWNER	BOUSQUETTE; MATTHEW C
PROPERTY STREET NUMBER	448
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

Exhibit B 5/8

PIN: 0912222004

PIN	0912222004
OWNER	CHICAGO TITLE 8002381154
PROPERTY STREET NUMBER	420
PROPERTY STREET DIRECTION	S
PROPERTY STREET NAME	COUNTY LINE RD
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226010

PIN	0912226010
OWNER	BRICKMAN; DONNA
PROPERTY STREET NUMBER	439
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	6TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226003

PIN	0912226003
OWNER	YERLIOGLU; BEN E
PROPERTY STREET NUMBER	440
PROPERTY STREET DIRECTION	
PROPERTY STREET NAME	WOODSIDE AVE
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226007

PIN	0912226007
OWNER	BRICKMAN; DONNA
PROPERTY STREET NUMBER	439
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	6TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

Exhibit B 6/8

PIN: 0912214012

PIN	0912214012
OWNER	SCALES; JOHN & KAREN
PROPERTY STREET NUMBER	435
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912222003

PIN	0912222003
OWNER	BENSON; DONALD & JOAN
PROPERTY STREET NUMBER	455
PROPERTY STREET DIRECTION	
PROPERTY STREET NAME	WOODSIDE AVE
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912214013

PIN	0912214013
OWNER	NAPLETON; PAUL & K
PROPERTY STREET NUMBER	441
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

PIN: 0912226002

PIN	0912226002
OWNER	REEDY; MARY M
PROPERTY STREET NUMBER	424
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	WOODSIDE AVE
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

EXHIBIT B 7/8

PIN: 0912222009

PIN	0912222009
OWNER	MALINOWSKI; DIANE R TR
PROPERTY STREET NUMBER	452
PROPERTY STREET DIRECTION	E
PROPERTY STREET NAME	4TH ST
PROPERTY APARTMENT	
PROPERTY CITY	HINSDALE
PROPERTY ZIPCODE	60521

Map Report DuPage County GIS

Exhibit B 3/8

OWNER AND TAX BILL ADDRESS
MATTHEW BOUSQUETTE
448 E. FOURTH STREET
HINSDALE, IL 60521

COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS
COUNTY OF CHICAGO }
1955.

[illegible]

SIGNATURE _____

PLEASE TYPE/PRINT THE AUTHORIZED INDIVIDUAL'S NAME, TITLE, CORPORATION/COMPANY NAME, AND ADDRESS:

NOTARY CERTIFICATE

DATE ORDER BY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____

NOTARY PUBLIC

VILLAGE BOARD CERTIFICATE

APPROVED BY THE PRECIDENT AND VILLAGE BOARD OF THE
VILLAGE OF HENSDALE.

WILLAGE PHL 900CH

VILLAGE ENGINEER'S CERTIFICATE

COUNTY OF DUPAGE

WILSON, LINDSAY, hereby certify that the LAND APPROXIMATELY DESCRIBED IN THE ATTACHED PLAT AND THE PLANS AND SPECIFICATIONS THEREON MEET THE MINIMUM REQUIREMENTS OF SAID CITY AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

DATE: AT HENDERSON, DUFFALO COUNTY, MINNESOTA THIS _____ DAY OF _____

VILLAGE ENGINEER

ATTENDANCE:					
DATE	HT	DESCRIPTION	DATE	HT	DESCRIPTION

DELIVER BY: TBA
 CHECKED BY: TBA
 APPROVED BY: TBA


ENGINEERIN
 RESOURCE ASSOCIATE

35701 WILST AVENUE, SUITE 150
WARRICKVILLE, ILLINOIS 60595
PHONE (630) 353-3060
FAX (630) 393-2152

105 BROADWAY, SUITE 415
CHICAGO, ILLINOIS 60601
TEL: (312) 757-7293
FAX: (312) 757-7293

2226 CALVERT
CHICAGO, ILLINOIS 60604
PHONE (312) 367-6500
FAX (312) 367-6502

MATTHEW BOUSQUETTE
444 & 448 E. 4TH STREET
HINSDALE, ILLINOIS

BOUSQUETTE'S RESUBDIVISION

**BOUSQUETTE'S
RESUBDIVISION**

SURVEY NOTES

2. LOCATIONS BASED ON FIELD SURVEY BY ENGINEERING RESOURCE ASSOCIATES, INC., MAY 10, 2018.
3. 1/4" IRON PINS SET AT ALL CORNERS (UNLESS OTHERWISE NOTED).

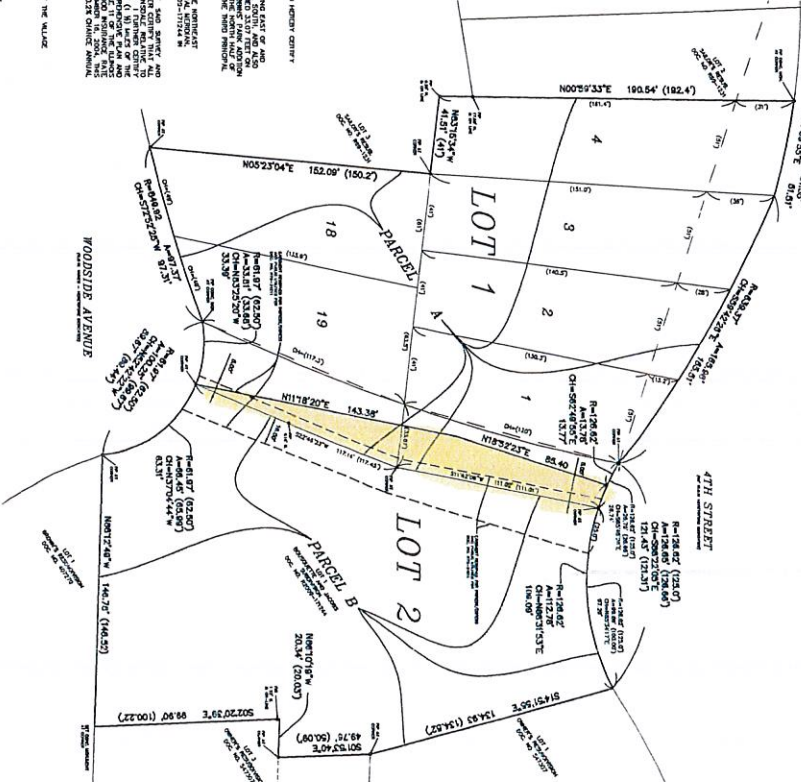
LEGEND.

LOT LINE
BOUNDARY LINE
EASEMENT LINE

ABERREVALIONS

A	ARC UP
CH	CHORD
CONC	CONCRETE

EAST
FOLIOED WITH FINE
TYPING
NORTH
MALIKS
R.O.M.C.
WENT OF WAY
SOUTH
WEST
BALLING SCRATCH LINE
DOLLAR
DECIDED INFORMATION
INFORMED INFORMATION



AREA SUMMARY	
LOT 1	= 47,960 SQ. FT. (1.101 AC.)±
LOT 2	= 43,408 SQ. FT. (0.997 AC.)±
TOTAL SUBDIVIDED AREA	= 91,368 SQ. FT. (2.098 AC.)±

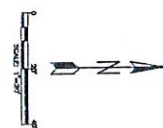
SCALE:	1"=30'
DATE:	JULY 10, 20
JOB NO:	151012
SHEET	1 OF 1

Q:\PROJECTS\Bouquetta\151012.00 444-445-4thStHraddle\CADD\151012 PLAT OF SUBDIVISION.dwg Updated by: tsmartinez 7/10/2011

Exhibit C 1/2

NOTES:
T/T - TOP OF FOUNDATION
B.T.F. - FINISHED TOP OF FOUNDATION

WANT OF LOT 1 IS A POWER PARK, ADJACENT TO HINSDALE AND PART OF LOT 2 IN OWNERS REDEVELOPMENT OF LOT 1 TOGETHER WITH PART OF LOT 3 OF THE NORTHWEST 1/4 AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 28 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN DAVISON COUNTY, MINNESOTA. OWNED BY THE STATE OF MINNESOTA.



1
CATCH BASIN
FI: 600.34
I: 601.8 4(N)
I: 603.3 4(S)
I: 608.3 4(W)
I: 609.8 4(WC2)

ENGINEERING RESOURCE ASSOC. HEREBY CERTIFIES THAT THE CONSTRUCTION MEETS THE STORMWATER MANAGEMENT ORDINANCE OF THE VILLAGE OF HINSDALE

IL PE 062-052106

REGISTERED PROFESSIONAL ENGINEER NO. 062-052108
PROFESSIONAL DESIGN FIRM NUMBER: 184.001106

2501 WEST AVENUE, SUITE 100
WARRICKVILLE, ILL 60593
PHONE: (630) 393-3600
FAX: (630) 393-3152

108 RIVERSIDE PLAZA, SUITE 875
CLINTON, ILL 61826
PHONE: (217) 252-8811
FAX: (217) 252-8899

3092 FORT BRIDGE COURT
CHICAGO, ILL 60622
PHONE: (312) 351-6588
FAX: (312) 355-0902

FINAL GRADING PLAN DATED: OCTOBER 21, 2015

#9 EXISTING ZONING

The subject property is zoned R-1 Single Family District. The subject property is a single-family residence. The subject property will remain a single-family residence in conformance with the applicable Village Zoning Code.

Exhibit D

#10 CONFORMITY

The subject property is an R-1 residential lot that conforms to the width, depth and square footage requirements of the Hinsdale Village Code. The specific dimensions, shape, and location of the lot can best be ascertained by viewing the survey of the property attached hereto as Exhibit C. The issue arising in this variance request relates to the fact that the existing easterly interior side-yard setback is 10.41 feet. The existing house (built before the current side-yard setbacks were adopted in the Code) would require an 11.941 foot setback under the current Village Code. However, this existing non-conformity condition predates the Village's adoption of the side-yard setbacks set forth in Section 3-110 of the Village Code and the house has existed with this side-yard setback for approximately 36 years. All other setbacks and location and size requirements are in conformity with the Code.

Applicant seeks a variance to add an additional 3,526 square feet of property to the west side of his property by deeding footage from his adjoining property located at 444 E 4th Street. Applicant is the owner of both 448 and 444 E 4th Street. Both lots are through lots that run street to street – from 4th Street to Woodside. The proposed additional width varies from zero additional width in the rear of the property (Woodside) to approximately 11 feet at the front of the property (4th Street) and can best be understood by reference to the attached survey of the proposed re-subdivision. The proposed additional property is highlighted in yellow. The existing structure at 448 is not being changed or altered in any way. It will remain in its current location. Applicant seeks only to add a small amount of width to the westerly side of his yard at 448. After approval of this requested variance the end result would be that 448 and 444 would remain the two largest lots on the block and well in excess of the required 30,000 minimum square footage. 448 would consist of 43,408 square feet and 444 would be 47,960 square feet. They would also meet all other requirements post-transfer with the one exception of the existing westerly side-yard setback of the existing house at 448 E 4th.

Under the Village's unique method for determining interior side-yard setbacks, the existing easterly side-yard setback requirement would increase because of the additional width being added to the property. The Village calculates the interior side-yard setback by a formula that is roughly stated as

Exhibit E
113

"6 feet + 10% of the width over 50 feet." The steps necessary for the calculation of the interior side-yard setback are as follows:

- 1) first determines the median distance from the street to the front of all of the houses on the block;
- 2) secondly, determine the width of the subject property at the median distance;
- 3) Third, calculate the amount of the width over 50 feet;
- 4) Fourth, calculate 10% of the distance over 50 feet;
- 5) Fifth, add 6 feet to the 10% amount of width

This calculation yields the required interior yard setback.

In this application, the current width of the existing 448 property, as measured at the required median location from the street, is 109.41 feet.

Applicant is adding 10.94 feet in width at the median location. This makes the proposed new lot 120.35 feet in width at the median measurement location.

Then you subtract 50 feet from the 120.35 feet to arrive at 70.35 feet.
($120.35 - 50 = 70.35$)

Then you calculate 10% of the 70.35 feet to arrive at 7.035 feet.

Then you add 6 feet to the 7.035 feet to arrive at the new interior side-yard setback requirement of 13.035 feet.

The current 448 house is located 10.41 feet from the easterly side-yard. the existing house (built before the current side-yard setbacks were adopted in the Code) would have required an 11.941 foot setback. Thus, the house, as it exists today, is 1.541 feet ($11.941 - 10.41 = 1.541$) over today's interior side-yard setbacks.

The new calculation, after the addition of the proposed footage, results in the existing house requiring a 2.625 variance under the new calculation for interior side-yard setbacks. $(13.035 - 10.41 = 2.625 \text{ feet})$

Thus, Applicant is in reality only seeking an additional 1.094 foot variance to accommodate the new calculation required by the addition of the westerly side-yard property. $(13.035 - 11.941 = 1.094 \text{ feet})$



Exhibit F

#3 VARIANCE SOUGHT

Applicant seeks a reduction of the required interior side-yard setback required under Section 3-110 (D)(2)(b) of the Village Code after the addition of 3,526 square feet to the westerly side of applicant's property at 448 E 4th Street. Applicant seeks to increase the width of his 448 property as set forth above. Under the formula used by the Village to determine the required interior side-yard setbacks, the required side-yard setback would increase by 2.65 feet – which is just 1.094 more than the interior side-yard setback required for the house and lot without the addition of the new westerly side-yard property.

The existing easterly side-yard setback is currently 10.41 feet. Applicant seeks only a minimal variance of the required interior side-yard setback. No structural changes are being sought for the house structure. Applicant merely seeks technical compliance with the Village's interior side-yard setback requirements in order to add a small amount of property to his westerly side yard. The house would remain exactly where it has been for over approximately 36 years.

Exhibit G

SECTION II

#4 Minimum Variation

A variance of 2.625 feet of the interior side-yard setback requirement is sought to accommodate the existing side-yard setback. This application seeks this minimal variance of the interior side-yard setback in order to allow the house structure to remain in its existing location while adding a small amount of property to the westerly side yard. The details are set forth above.

Exhibit A

SECTION II

#5 Standards For Variation.

The proposed addition of 3,526 square feet from 444 E 4th Street to 448 E 4th Street would result in a lot that continues to conform to all the width, depth and size requirements of the Village Code. The existing 448 lot comprises 39,482 square feet and the new 448 lot would be 43,408 square ft. The re-subdivision would have a negligible impact on 444, reducing its size from 51,486 square feet to 47,960 square feet. Both 444 and 448 would remain the two largest lots on the block. The variance would allow the applicant to balance the size of the two lots. The current imbalance in size between 444 (the larger lot) and 448 (the smaller of the two lots) exists because of the previous existence of a now-abandoned public street (known as Oakwood Place) that existed between the two lots. Both houses' driveways fed into that prior street. Years ago the Village abandoned Oakwood Place and deeded the street property to the 444 and 448 lots. Reciprocal easements were granted as between 444 and 448 for use of the previous Oakwood Place as a driveway for both houses. Unfortunately, the Village also abandoned an unknown sewer line coming from a neighboring house on Woodside which burst and poured open raw sewage into applicant's front yard. Neither the offending homeowner, the Village of Hinsdale, nor Flagg Creek provided any assistance to remedy this raw sewage mess. Applicant thus had to tear up his driveway to locate the multiple breaks in the old sewer line and remove it at a cost of over \$25,000.

As part of the driveway repairs, applicant had to repair and improve the existing Village storm drainage and culvert system that meandered and repeatedly crossed over between 444 and 448 E 4th Street as it drained alongside the abandoned Oakwood Place. Applicant straightened out the meandering drainage trench to improve the drainage system which often backed up and overflowed. To accomplish this task, Applicant had to slightly encroach upon the easterly side of the 444 property line. Applicant now seeks to legally record his efforts in order to have full control to maintain the entire area of the drainage system. In effect, applicant is seeking to deed the area of the drainage system to the 448 property.

A Picture of the completed new driveway and the improved drainage system is submitted as Exhibit F.

Exhibit I
1/4

a) Unique Physical Condition

As shown above, the abandonment of Oakwood Place, the broken and abandoned sewer line which caused Applicant to have to tear up his driveway, and the Village's meandering and unkept drainage system presented a unique physical condition.

b) Not Self-Created

The side-yard setback condition is not a self-created condition. The house was built before the current side-yard restrictions were enacted. The house has always been in its current location and will remain in that location.

The sewer line's existence was not disclosed to the Applicant when he purchased the house and no written easement exists identifying the existence of the sewer line. Further, Applicant had no control over a neighbor's sewer line that traversed his property and burst spilling the neighbor's sewage into his yard. Waking up to finding his yard filled with his neighbor's sewage was not something that was self-created by the Applicant.

The Village's meandering drainage system was in a state of disrepair and was negatively impacted when the sewer line burst and spilled raw sewage into the storm drainage system. Absent any help from the owner of the sewer line, The Village of Hinsdale, nor Flagg Creek, the applicant undertook the repair of the sewer and improvement of the drainage system.

c) Denied Substantial Rights

The denial of this variance request would be an injudicious application of the Village Code that would accomplish nothing for the public benefit. Adding a small amount of land to the 448 property makes the existing structure better situated on its lot and appear more harmonious with the surrounding neighborhood. It would help to balance the size difference between the frontage of 444 and 444 E 4th Street. The existing structure would not change and the existing easterly side-yard setback would not change and the house will remain exactly as it has been for approximately 36 years. Denial of this application would serve no purpose.

Exhibit I
214

d) Not merely Special Privilege.

Applicant submits that fixing his neighbor's broken sewer line which destroyed his driveway (the leaking sewer and water pressure created large mounds in multiple locations of applicant's driveway as the sewage flowed into applicant's yard), along with repairing the Village's dilapidated drainage system, can in no way be considered a special privilege. Further, the granting of the variance to grant applicant control over his repair efforts will have zero impact on anyone, especially since applicant owns both parcels of property involved in this matter.

e) Code and Plan Purposes

The requested variance is in the general spirit of the Village Code to promote harmonious appearing residential neighborhoods. The variance will not change the location of any existing structure at 448. It merely balances out the aesthetic appeal of the adjoining properties by making the lots more harmonious in their sizes.

f) Essential Character of the Area

1) The granting of the variance would improve the overall aesthetic character of the area and balance the lot sizes between 444 and 448 to create a more harmonious feel to the block. There would be no detrimental impact whatsoever on the public welfare or would it be injurious to the enjoyment, use and value of the neighborhood.

2 & 3) The variance would have no impact on any environmental concern in the neighborhood with no effect on the supply of light, air or other public matter. Physically nothing would change from its current condition. A property line would simply be moved a few feet. No traffic issues would be affected.

Exhibit I
3/4

4) The impact on potential flooding is actually improved by applicant's efforts to renovate the Villages drainage system that had fallen into disrepair and was indeed entirely clogged when applicant purchased the property.

5/6) Public health, utilities and the reduction in potential flooding have been ameliorated by applicant's repair of the broken sewer line and dilapidated drainage system and has no effect on taxes, utilities or anything else in the area and does not endanger public health or safety.

g) No Other Remedy.

The abandonment of Oakwood Place, combined with the previous meandering storm drainage, which previously traversed between the two adjacent properties at intermittent locations, and the bursting of the neighbor's sewer line, created a unique situation which needed to be repaired and updated. Indeed, the Dupage County Health Department demanded that applicant repair the neighbor's burst sewer line. Thus applicant, as the owner of the two adjacent properties undertook the effort and expense to make the repairs to the Village's drainage system and the burst sewer line. In an effort to maintain control over his improvements, applicant simply seeks to establish these improvements all on one legal property. No other remedy makes practical sense.

Exhibit I
4/4

