



MEETING AGENDA

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/3c3yn4kt>

Meeting ID: 824 4704 2306

Passcode: 867759

Dial in: 1 312 626 6799

ZONING BOARD OF APPEALS WEDNESDAY, MARCH 17, 2021 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 February 17, 2021
- 4. APPROVAL OF FINAL DECISIONS & FINDINGS OF FACT**
 - a) V-07-20, 425 & 417 Elm Street
 - b) V-01-21, 428 East 55th Street
 - c) V-02-21, 33 South Garfield Avenue, Final Decision
 - d) V-02-21, 33 South Garfield Avenue, Findings of Fact
- 5. RECEIPT OF APPEARANCES**
- 6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**
- 7. PRE-HEARING AND AGENDA SETTING**
 - a) V-04-21, 120 East Fifth Street
- 8. PUBLIC HEARING**
 - a) V-03-21, 505 South County Line Road



MEETING AGENDA

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 the 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
February 17, 2021

1. ROLL CALL

Present electronically: Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy, 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

2. 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, February 17, 2021 at 6:32 p.m., roll call was taken.

Chairman Neiman - Opening Remarks:

"On September 18, 2020, Governor Pritzker entered the latest in a string of emergency declarations related to the COVID-19 pandemic. In light of that declaration, and consistent with various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, it is not practical or prudent to conduct an in-person meeting. This Open Regular Meeting of the Zoning Board of Appeals of the Village of Hinsdale is therefore being conducted remotely. Public Act 101-640 allows public bodies to meet remotely during public health disasters, so long as the public is able to monitor the meeting, and certain other conditions are met. Public comment is permitted during the Receipt of Requests, Motions, Pleadings, or Requests to Make Public Comment of General Nature portion of the meeting, and during any public hearing. When we get to those portions of the meeting, I will ask anyone wishing to make public comment to identify themselves."

3. APPROVAL OF MINUTES

a) Meeting of January 20, 2021

There being no changes to the draft minutes, Member Podliska **moved to approve the draft minutes of January 20, 2021, as presented.** Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

1 **4. APPROVAL OF FINAL DECISIONS**

2 a) **Final Decision for V-06-20, 5500 South Grant Street (Hinsdale Central High**
3 **School)**

4 There being no changes to the draft final decision, Member Podliska **moved to**
5 **approve the Final Decision for V-06-20, 5500 South Grant Street (Hinsdale**
6 **Central High School), as presented.** Member Alesia seconded the motion.

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

10 **NAYS:** None

11 **ABSTAIN:** None

12 **ABSENT:** None

13
14 Motion carried.

15
16 b) **Findings of Fact and Recommendation to the Village Board for V-06-20,**
17 **5500 South Grant Street (Hinsdale Central High School)**

18 There being no changes to the draft findings of fact and recommendation,
19 Member Alesia **moved to approve the Findings of Fact and**
20 **Recommendation to the Village Board for V-06-20, 5500 South Grant Street**
21 **(Hinsdale Central High School), as presented.** Member Podliska seconded
22 the motion.

23
24 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
25 Neiman

26 **NAYS:** None

27 **ABSTAIN:** None

28 **ABSENT:** None

29
30 Motion carried.

31
32 **5. RECEIPT OF APPEARANCES**

33 Court reporter, Ms. Kathy Bono, administered the oath to all persons intending to
34 speak during tonight's proceedings.

35
36 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE**
37 **PUBLIC COMMENT OF A GENERAL NATURE – None**

38
39 **7. PRE-HEARING AND AGENDA SETTING**

40 a) **V-03-21, 505 South County Line Road**

41 Mr. Robert O'Donnell, attorney for the applicant, addressed the Board. He
42 explained that this property consists of four lots within the Village. The relief
43 requested requires two variations for rear yard setback. This is not a request
44 for new construction, but a matter of future estate planning. The family intends
45 that the existing home will remain on Lot 7 and Lot 8, but Lot 6 and Lot 9 will
46 ultimately create separate buildable lots. The property is currently before
47 Landmarks Illinois for an historic designation, noting that David Adler was the

1 home's architect. Mr. O'Donnell provided additional details regarding collateral
2 issues including driveways, and the existing stairs and patio. They will be
3 asking, as a condition of the granting of these variances, that because the stairs
4 cross property lines, they must be removed. There is no new construction
5 attendant to this request. This request is occasioned by the reconfiguration of
6 the properties.

7 Mr. O'Donnell said he is familiar with the neighbors contact request, and will do
8 so in advance of the hearing.

9 It was confirmed this variation request is being made for estate planning
10 purposes, that the two subdivided lots could potentially be put up for sale. Mr.
11 O'Donnell said that is the option the Krehbiel's want to create, and confirmed
12 these would be legal non-conforming lots. Discussion followed regarding the
13 legal recording of this. Mr. O'Donnell suggested the removal of the stairs be a
14 condition and be recorded for a new buyer. A new owner would know the
15 conditions of the property they are purchasing at the time of sale.

16 Chairman Neiman asked Mr. O'Donnell and Board members to give thought to
17 the approving criteria regarding special privilege; specifically 'not merely an
18 ability to make more money'. Member Podliska added, in that regard, the
19 request would make it more likely the structure will not be torn down. Mr.
20 O'Donnell said that is the purpose of the entire plan, to make it more
21 economically feasible for future owners to be able to keep the landmarked
22 structure, by confining the structure to only those two lots. He acknowledged
23 that could create profit, but it makes it more feasible to maintain the historic
24 structure. It was not known where the underground utilities are located, or
25 whether they cross lot lines.

26 The public hearing was set for the next meeting of the Zoning Board of Appeals.
27

28 **8. PUBLIC HEARING**

29 **a) V-07-20, 425 & 417 Elm Street**

30 *(A transcript of the following proceedings is on file with the Village Clerk.)*

31 Ms. Jenna Edelmayer, from Michael Abraham Architecture, addressed the Board
32 stating the homeowners are looking to purchase the vacant lot next to their
33 property and consolidate the lots. They currently own 425 Elm Street. The vacant
34 lot next door is 417 Elm Street. Due to the existing conditions of the location of
35 the principal structure, they are asking for relief from Section 3-110 for bulk
36 requirements. The existing property meets the zoning requirements for an R-1
37 property; it is under on building coverage, and slightly over on FAR, because of a
38 screened in porch. All the setback requirements are met, but consolidating the
39 lots creates a new minimum interior side yard setback. The owners are not
40 planning any new construction, and will need 5' feet 10" inches of relief so the
41 house can remain in its current location. Mr. Steve Groetsema, homeowner, said
42 they purchased the property in November 2019, and since then have been
43 extensively renovating the interior and exterior. They like the idea of consolidating
44 to create open green space, and not overbuilding the lot. They reached out to all
45 neighbors, and have received unanimous support from all. Ms. Edelmayer
46 reviewed each of the approving criteria pointing out that with respect to the
47 character of the neighborhood, this would preserve an historic home, prevent

1 overcrowding, and would result in a lot that is more in keeping with the R1 district
2 requirements. Member Moberly pointed out it is easier to combine lots than
3 separate them at some point in the future. Mr. Groetsema said he understands
4 this is a permanent solution.

5 There was no one on the line waiting to speak, and there were no further questions
6 from the Board.

7 Member Podliska moved to **close the public hearing for V-07-20, 425 & 417**
8 **Elm Street**. Member Giltner seconded the motion.

9
10 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
11 Neiman

12 **NAYS:** None

13 **ABSTAIN:** None

14 **ABSENT:** None

15
16 Motion carried.

17 18 **DELIBERATIONS**

19
20 Member Podliska began discussion stating he is favor of approving this request,
21 because by doing so the property is more in compliance with the code in terms of
22 lot coverage and FAR, it will facilitate more open space, and the location of the
23 house will not be changed. Board members concurred.

24
25 Member Moberly moved to **approve the variation request in case V-07-20, 425**
26 **& 417 Elm Street**. Member Giltner seconded the motion.

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

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** None

33
34 Motion carried.

35 36 **b) V-02-21, 33 South Garfield Avenue**

37 *(A transcript of the following proceedings is on file with the Village Clerk.)*

38 Ms. Jamie Zaura, project architect, and Mr. Kevin Flynn, homeowner, were
39 present, summarizing their request for lot coverage relief and a reduction in the
40 parking requirement. The main building is currently office space, the former
41 barn on the property is the residence. The parking requirement is for nine
42 spaces, they can only provide four, including an ADA compliant spot. The
43 allowable lot coverage is 80%, the property requires 86.3%. Ms. Zaura
44 addressed the approving criteria, noting the 118 year old home was built before
45 the current zoning regulations, and the lot is unusually small relative to others
46 in the area. They have spoken to the neighbors, two of which have written
47 letters of support. The current tenants will remain, and clients will park on the

street as occurs now.

There was no one on the line waiting to speak, and there were no further questions from the Board.

Member Moberly moved to **close the public hearing for V-02-21, 33 South Garfield Avenue**. Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

DELIBERATIONS

Member Moberly began discussion stating he is in favor of approving this request. He drove by the property and observed there is not much room for parking, and doesn't believe it is necessary as he had no difficulty parking on the street. Board members agreed. Member Podliska confirmed the Zoning Board has final authority on parking, but it is a recommendation only on lot coverage. He believes with respect to both variances, it is important to maintain a building such as this, to preserve the atmosphere and character of the area.

Member Podliska moved to **approve the variation request known as V-02-21, 33 South Garfield Avenue**. Member Lee seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

c) **V-01-21, 428 East 55th Street** *(Item taken out of order)*

(A transcript of the following proceedings is on file with the Village Clerk.)

Mr. Mahesh Patel, homeowner, and his neighbor to the south, Dr. Jim Murray were present. Mr. Patel explained he wants to build a house on the vacant lot behind his 5500 County Line property. To build a custom home he needs variances for total lot area, lot depth and front yard setback.

Unique physical condition: Mr. Patel said these lots are oriented 90 degrees, and most face 55th Street. The required lot width and depth are not met. This is a larger lot, but because of the orientation it is considered short. It was done this way deliberately, he believes, but given 55th Street is a four lane road, it is preferable to exit to less-trafficked County Line Road.

Not self-created: Both lots were conveyed in the title as Lot 1 and Lot 2. The purchase of the properties was a single transaction.

1 Denied substantial right: In his mind these are two lots, not allowing him to build
2 a house a second lot would deny his substantial rights. He believes it was
3 always meant to be built.

4 Special privilege: If you look at the back yard of all properties in area, it makes
5 no sense to have this massive back yard. Half of the lot is wooded. Mr. Patel
6 said the two lots create an unusually large back yard that is a hardship to
7 maintain. Member Podliska pointed out that Mr. Patel has a larger back yard,
8 but other homes in the area have a larger front yard. Mr. Patel said the homes
9 facing 55th Street are smaller lots because of economic reasons. A million
10 dollar home would not be justified at this location because of traffic. He
11 believes his home is more comparable to the lots facing 55th Street than the
12 homes facing County Line Road. Discussion followed regarding the size of
13 area lots.

14 Code and plan purposes: Other than the three requested variances, all other
15 building code requirements would be met.

16 Essential character of the area: It is not detrimental to the public welfare, it
17 does not impair light and air, nor does it increase any condition on the road.
18 There is enough parking within the property line. It does not present a danger
19 of flood or fire, unduly tax public utilities or injure the public health or safety.
20 Member Podliska commented on the matter of public safety, and expressed
21 concerns about the driveway exiting onto 55th Street. A circular driveway was
22 discussed, and Mr. McGinnis confirmed that any curb cuts would ultimately be
23 a County decision. Discussion followed regarding the left turn lane in front of
24 the house. Mr. Patel said there is a property at Garfield and 55th Street with a
25 similar situation, but he acknowledged this will be a challenge. Chairman
26 Neiman pointed out that none of the homes that front 55th Street can make a
27 left, as there is a double yellow line. Member Giltner asked if the existing front
28 yard setback might have been allowed in anticipation of having a house built in
29 the backyard. Mr. McGinnis could not confirm. Mr. Patel stated the existing
30 house was built in 1970, and discussed a 1956 survey that indicates there were
31 no homes built close to 55th Street.

32 No other remedy: There is no other remedy for him other than granting these
33 variances, because the house is rotated 90 degrees, there is no way to match
34 lot depth. It meets the setback, but not the block average.

35 Mr. Patel confirmed there are no objecting neighbors.

36 Dr. Murray stated the Patels are excellent neighbors and he is fortunate they
37 want to stay here. He is excited for the new construction, and hopes the Board
38 will allow this to take place.

39 Member Podliska moved to **close the public hearing for V-01-21, 428 East**
40 **55th Street.** Member Giltner 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 **DELIBERATIONS**
4

5 Member Podliska began discussion stating he is on the fence on this matter, and
6 noted this is a recommendation to the Village Board. Member Moberly commented
7 the Village Board does not like separating lots, and two of the three ZBA
8 recommendations were reversed by Trustees. They are concerned with impact to
9 water and sewer and the effect on schools. The two that were overturned were
10 considerably larger lots than this one. He is concerned as to whether this request
11 meets the criteria of a true hardship. Member Giltner shared these concerns, and
12 added the conditions are harder to justify than previous ZBA recommendations. In
13 the spirit of the code and the role of the ZBA, he is leaning toward not approving.
14 Members Alesia concurred. Member Murphy agreed and added the requested
15 relief numbers are large, and it is a significant departure from the code to
16 accommodate the requests. Member Lee feels the overall size of the change
17 required makes it difficult to feel positively, and there is the safety consideration
18 and proximity to 55th Street. Member Podliska agreed with respect to the safety,
19 and said that 428 is too small a lot, and too far below the standards of the code.
20

21 Member Giltner moved to **reopen the public hearing for V-01-21, 428 East 55th**
22 **Street. Member Lee seconded the motion.**
23

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

26 **NAYS:** None

27 **ABSTAIN:** None

28 **ABSENT:** None
29

30 Motion carried.
31

32 Mr. Patel pointed out the zoning map that indicates a house number is assigned
33 to this lot. Why would that be if it is not buildable. He believes his house was built
34 and located as it is in anticipation of building on the second lot. He does not
35 believe another home on this lot would increase the density of the area. Member
36 Murphy said when the property was subdivided the zoning requirements were
37 much different, and if a house had been built we would be stuck with that, but they
38 didn't and now there are different zoning requirements. The Board has to be
39 guided by the current code. Mr. McGinnis confirmed that if a house had been built
40 on the second lot, it could be reconstructed, but because it was never improved it
41 has to meet the three-prong test for a legal nonconforming lot of record in the
42 zoning definitions, including the bulk regulations in Section 10-105. Chairman
43 Neiman offered an alternative suggestion to build one house on both lots, but Mr.
44 Patel said it is not economically feasible to tear down his house and build one. He
45 hears the concerns, but it doesn't sound fair to him. He has an address, and it
46 matches other lots on 55th Street. He doesn't believe anyone will buy this property
47 and build a larger house because of the location. He believes his is a reasonable

request.

Member Podliska moved to **re-close the public hearing for V-01-21, 428 East 55th Street**. Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

FURTHER DELIBERATIONS

Chairman Neiman asked if any Board members wanted to continue deliberations. Hearing none, he pointed out that, as was raised in the pre-hearing tonight, with respect to special privilege, a request can't be approved to make money off the property, selling the lot raises this question. He is in agreement with the other Board members.

Member Moberly moved to **deny the recommendation of the variation request to the Board of Trustees known as V-01-21, 428 East 55th 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.

9. NEW BUSINESS - none

10. OLD BUSINESS

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Podliska made a motion to **adjourn the regularly scheduled meeting of the Zoning Board of Appeals of February 17, 2021**. Member Murphy seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Neiman declared the meeting adjourned at 8:16 p.m.

Christine M. Bruton

Approved: _____

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

Zoning Calendar: V-07-20

Petitioner: Michael Abraham Architecture

Meeting held: Public Hearing was held virtually on Wednesday, February 17, 2021 at 6:30 p.m., pursuant to a notice published in The Hinsdalean on January 28, 2021.

Premises Affected: Subject Property is commonly known as 425 South Elm Street, Hinsdale, Illinois and is legally described as:

Permanent Index Number 09-12-225-005

THAT PART OF LOT 2 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 216 FEET SOUTHERLY ALONG THE EAST LINE OF ELM STREET FROM THE NORTHWEST CORNER OF SAID LOT 2; THENCE 75 FEET IN A SOUTHERLY DIRECTION ALONG SAID ELM STREET; THENCE EAST 142.0 FEET; THENCE NORTH 73 FEET, MORE OR LESS, TO A POINT DIRECTLY EAST OF THE POINT OF BEGINNING; THENCE WEST 124.75 FEET MORE OR LESS TO THE PLACE OF BEGINNING, IN BLOCK 11 IN W. ROBBINS' PARK ADDITION TO HINSDALE IN THE NORTHEAST QUARTER 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 NUMBER 14048 IN DU PAGE COUNTY, ILLINOIS

Subject: 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 purchase the property located next door at 417 S. Elm Street and consolidate the lots. The specific request is for 5.83' of relief.

The applicant in this case wants to purchase the vacant lot at 417 S. Elm Street and consolidate it with the lot they currently own at 425 S. Elm Street. Because the width of the 425 property would increase, the required side yard setbacks increase as well. Although the house is not moving on the 425 lot, the minimum side yard requirement would go from 8.09' (as it is currently a legal non-conforming lot) to 15.38'. It should be noted that the consolidation, if approved, would reduce the overall degree of non-conformity of the lot by increasing the lot width and lot area.

Facts: This property is a legal non-conforming located in the R-1 Residential District in the Village of Hinsdale and is located on the east side of Elm Street between 4th and 6th Streets. The property is irregular, and contains approximately 11,570 square feet of lot area. The maximum permitted FAR is approximately 3,977sf., the maximum permitted Lot Coverage is approximately 5,785 sf., and the maximum allowable Building Coverage is approximately 2,892 sf..

Action of the Board: Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had been met and recommended approval. A motion to approve the request was made by Member Podliska and seconded by Member Giltner.

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

NAYS: None

ABSTAIN: None

ABSENT: None

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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

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

Zoning Calendar: V-01-21

Petitioner: Mahesh Patel

Meeting held: Public Hearing was held virtually on Wednesday, February 17, 2021 at 6:30 p.m., pursuant to a notice published in The Hinsdalean on January 28, 2021.

Premises Affected: Subject Property is commonly known as 428 East 55th Street, Hinsdale, Illinois and is legally described as:

Permanent Index Number 09-13-207-053

LOT 1 (EXCEPT THAT PART FOR HIGHWAY DESCRIBED IN R92-069606) AND LOT 2 IN AVGERS RESUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT R83-13639, IN DUPAGE COUNTY, ILLINOIS

Subject: In this application for variation, the applicant requests relief from the Minimum Lot Area and Lot Depth requirements set forth in section 10-105: Legal Non-Conforming Lots of Record, in order to create a buildable lot. The specific request is for 2,864 square feet of lot area and 43' of Lot Depth. Additionally, the applicant is requesting Front Yard Setback relief set forth in section 3-110(l)(8) in order to construct a new single family home. The specific request is for 13.25' feet of relief.

Facts: This property is located in the R3 Residential Zoning District in the Village of Hinsdale and is located on the south side of 55th Street between County Line Road and Oak Street. The property has a frontage of approximately 148', a depth of approximately 82', and a total square footage of approximately 12,136. The maximum FAR is .24 plus 1,200 or 4,112 square feet, the maximum Building Coverage is 25% or 3,034 square feet, and the maximum Total Lot Coverage is 50% or 6,068 square feet.

Action of the Board: Members discussed the request and determined that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had not been met. The vote was 7-0 against with several members stating that the amount of relief being requested was simply too great and that based on similar requests being denied by the Board of Trustees, that they could not recommend approval.

AYES: None

NAYS: Members Alesia, Giltner, Lee Murphy, Moberly, Podliska, Chairman Neiman

ABSTAIN: None

ABSENT: None

THE HINSDALE ZONING BOARD OF APPEALS

Chairman Robert Neiman

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

FINAL DECISION

VILLAGE OF HINSDALE ZONING BOARD OF APPEALS PETITION FOR VARIATION

ZONING CASE NO: V-02-21

PETITIONER: Kevin Flynn

APPLICATION: For certain Variations from the Zoning Code of the Village of Hinsdale ("Zoning Code") and to the Hinsdale Village Code relative to total lot coverage requirements and off-street parking requirements in order to lawfully convert an existing residential structure to office use as permitted in the O-1 Specialty Office Zoning District at 33 S. Garfield Street, Hinsdale, Illinois.

MEETING HELD: A Public Hearing was held on Wednesday, February 17, 2021, in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on January 28, 2021.

PROPERTY: The subject property is commonly known as 33 S. Garfield Street, Hinsdale, Illinois (the "Property") and is legally described in Exhibit A attached hereto and made a part hereof.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Kevin Flynn (the "Applicant"), the owner of the Property, for certain variations relative to allowing the lawful conversion of an existing house into an office as permitted in the O-1 Specialty Office Zoning District at the Property, commonly known as 33 S. Garfield Street (the "Application").

The Applicant has requested a variation to the following Section of the Zoning Code of the Village of Hinsdale ("Zoning Code") over which the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") has final authority:

- to Section 9-104.J(a) and (c) to allow a total of four (4) off-street parking spaces, including one (1) handicapped space, instead of the collective nine (9) spaces required by the Zoning Code (three (3) for residential accessory building and six (6) spaces for main building use).

This variation request shall be referred to herein as the "Requested Variation."

In addition to the Requested Variation, an additional variation over which the Village President and Board of Trustees have final authority was sought and recommended for approval by the ZBA. That variation was:

- to Section 6-111.F. of the Zoning Code to allow lot coverage of approximately 86.3%, as opposed to the 80% maximum allowed on lots in the O-1 Specialty Office Zoning District.

This is the “Additional Variation” and, collectively with the Requested Variation, comprise the “Variations”. The proceedings and findings and recommendation of the ZBA on the Additional Variation are detailed in a separate Findings and Recommendation from the ZBA to the Board of Trustees in this matter. The collective Variations are all described in more detail in the Application, a copy of which is attached hereto as **Exhibit B** and made a part hereof.

On February 17, 2021, following the conclusion of the public hearing on this matter, the ZBA indicated its approval of the Requested Variation on a vote of seven (7) in favor, zero (0) opposed, and zero (0) absent, and directed the preparation of this Final Decision.

PUBLIC HEARING: At the combined public hearing on the Variations, Project Architect Jamie Zoura testified as the representative of the Applicant. Ms. Zoura reviewed the Variations for the benefit of the ZBA, and how, in the opinion of the Applicant, the standards for Variations had been met.

Ms. Zoura noted that the main building on the Property is currently utilized as an office, and that the current residence on the Property was a former barn. Collectively, the uses require nine (9) off-street parking spaces – three (3) for the residential use, and six (6) for the office uses. The Property in its existing configuration can only accommodate four (4) spaces, including one (1) handicap space. The current condition of the property is 86.3% lot coverage, instead of the 80% allowed by the Zoning Code.

Ms. Zoura testified that the Property has a unique physical condition in that the home is over 118 years old. The conditions were not caused by the current owners. A number of lots in the O-1 Specialty Office District are larger than this one, which is only fifty (50) feet wide, with a total of 6,668 square feet.

The character of the structures on the Property will not change. The owners to the north and south of the Property have both submitted letters in support of the Variations.

In response to questions, Ms. Zoura testified that the immediate use of the buildings will remain as they currently are. The offices are occupied by an attorney, investment broker and naturopath and those tenants will remain. Clients or tenants unable to park on-site will park in the street, or in the nearby public lot, just as they do now.

There being no further questions or members of the public wishing to speak on the Variations, the Public Hearing related to the Variations was closed.

Members discussed the Requested Variation and agreed that the standards for variations set forth in 11-503(F) of the Hinsdale Zoning Code had been met. A motion to approve the Requested Variation was made by Member Podliska and seconded by Member Lee. The vote on the motion was as follows:

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

NAYS: None

ABSTAIN: None

ABSENT: None

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variation:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:*

2. *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, or 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 owner of the lot. The Property is constrained by its long-existing structures and site configuration, as well as its small size compared to many lots in the O-1 Specialty Office District. It is not possible to fit the required parking spaces on the Property given the lot size and long-existing structures and uses.*

3. *Not Self-Created: The 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 the Zoning Code, for which no compensation was paid. The need for the Requested Variation is not self-created, and is in part driven by the long-existing physical conditions present on the Property, and its platted size. The ZBA finds this standard to have been met.*

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions 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. In this case, requiring the Applicant to conform to the provisions of the Zoning Code for which relief is sought would require significant changes to the long existing physical conditions on the Property, despite the long-standing uses of the Property for the same purposes as now proposed.*

5. *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. The Requested Variation is not sought to make money from use of the Property, but is instead sought in order to make the Property conforming without changing the existing site conditions or uses.

6. 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 the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The Requested Variation is consistent with the existing uses. The ZBA found this standard to have been met.

7. Essential Character Of The Area: The variation would not result in a use or development on the subject property that:

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

The granting of the Requested Variation will make the Property conforming without changes to the existing structures, site conditions or uses. The adjacent neighbors to the north and south both submitted letters in support of the Variations. The Requested Variation will not endanger the public health or safety.

8. No Other Remedy: There is no means other than the requested variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. Limited options exist at this site. The ZBA finds this standard to have been met.

FINAL DECISION:

Based on the Findings set forth above, the ZBA, by a vote of seven (7) in favor, zero (0) opposed and zero (0) absent, APPROVES and GRANTS the following Requested Variation, as described in the Application, a copy of which is attached hereto as Exhibit B and made a part hereof, relative to off-street parking for the residential and office uses as permitted in the O-1 Specialty Office Zoning District at 33 S. Garfield Street, Hinsdale, Illinois:

A variation to Section 9-104.J(a) and (c) to allow a total of four (4) off-street parking spaces, including one (1) handicapped space on the Property, instead of the collective nine (9) spaces required by the Zoning Code (three (3) for residential accessory building and six (6) spaces for main building use).

AYES: _____

NAYS: _____

ABSENT: _____

Signed: _____

Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____

Filed this ____ day of _____, 2021, with the office of the Building Commissioner.

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

THE NORTH 1/2 OF LOT 16 IN GLADSTONE PARK, A SUBDIVISION OF BLOCK 4 OF ROBBINS' FIRST ADDITION TO HINSDALE, IN THE NORTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1887 AS DOCUMENT 38039, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 33 South Garfield Street, Hinsdale, Illinois
PIN: 09-12-201-004-0000

EXHIBIT B

APPLICATION FOR VARIATIONS

**FINDINGS OF FACT AND RECOMMENDATION OF THE
VILLAGE OF HINSDALE ZONING BOARD OF APPEALS TO
THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES**

ZONING CASE NO: V-02-21

PETITIONER: Kevin Flynn

APPLICATION: For certain Variations from the Zoning Code of the Village of Hinsdale ("Zoning Code") and to the Hinsdale Village Code relative to total lot coverage requirements and off-street parking requirements in order to lawfully convert an existing residential structure to office use as permitted in the O-1 Specialty Office Zoning District at 33 S. Garfield Street, Hinsdale, Illinois.

MEETING HELD: A Public Hearing was held on Wednesday, February 17, 2021, in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on January 28, 2021.

PROPERTY: The subject property is commonly known as 33 S. Garfield Street, Hinsdale, Illinois (the "Property") and is legally described in Exhibit A attached hereto and made a part hereof.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Kevin Flynn (the "Applicant"), the owner of the Property, for certain variations relative to allowing the lawful conversion of an existing house into an office as permitted in the O-1 Specialty Office Zoning District at the Property, commonly known as 33 S. Garfield Street (the "Application").

The Applicant has requested a variation to the following Section of the Zoning Code of the Village of Hinsdale ("Zoning Code") over which the Village President and Board of Trustees of the Village of Hinsdale has final authority:

- to Section 6-111.F. of the Zoning Code to allow lot coverage of approximately 86.3%, as opposed to the 80% maximum allowed on lots in the O-1 Specialty Office Zoning District.

This variation request shall be referred to herein as the "Requested Variation."

In addition to the Requested Variation, an additional variation over which the Village Zoning Board of Appeals ("ZBA") has final authority was sought and approved by the ZBA. That variation was:

- to Section 9-104.J(a) and (c) to allow a total of four (4) off-street parking spaces, including one (1) handicapped space, instead of the collective nine (9) spaces required by the Zoning Code (three (3) for residential accessory building and six (6) spaces for main building use).

This is the “Additional Variation” and, collectively with the Requested Variation, comprise the “Variations”. The decision of the ZBA on the Additional Variation is detailed in a separate Final Decision approved by the ZBA in this matter. The collective Variations are all described in more detail in the Application, a copy of which is attached hereto as **Exhibit B** and made a part hereof.

On February 17, 2021, following the conclusion of the public hearing on this matter, the ZBA recommended its approval of the Requested Variation on a vote of seven (7) in favor, zero (0) opposed, and zero (0) absent, and directed the preparation of this Findings of Fact and Recommendation.

PUBLIC HEARING: At the combined public hearing on the Variations, Project Architect Jamie Zoura testified as the representative of the Applicant. Ms. Zoura reviewed the Variations for the benefit of the ZBA, and how, in the opinion of the Applicant, the standards for Variations had been met.

Ms. Zoura noted that the main building on the Property is currently utilized as an office, and that the current residence on the Property was a former barn. Collectively, the uses require nine (9) off-street parking spaces – three (3) for the residential use, and six (6) for the office uses. The Property in its existing configuration can only accommodate four (4) spaces, including one (1) handicap space. The current condition of the property is 86.3% lot coverage, instead of the 80% allowed by the Zoning Code.

Ms. Zoura testified that the Property has a unique physical condition in that the home is over 118 years old. The conditions were not caused by the current owners. A number of lots in the O-1 Specialty Office District are larger than this one, which is only fifty (50) feet wide, with a total of 6,668 square feet.

The character of the structures on the Property will not change. The owners to the north and south of the Property have both submitted letters in support of the Variations.

In response to questions, Ms. Zoura testified that the immediate use of the buildings will remain as they currently are. The offices are occupied by an attorney, investment broker and naturopath and those tenants will remain. Clients or tenants unable to park on-site will park in the street, or in the nearby public lot, just as they do now.

There being no further questions or members of the public wishing to speak on the Variations, the Public Hearing related to the Variations was closed.

Members discussed the Requested Variation and agreed that the standards for variations set forth in 11-503(F) of the Hinsdale Zoning Code had been met. A motion to

recommend approval of the Requested Variation to the Village President and Board of Trustees was made by Member Podliska and seconded by Member Lee. The vote on the motion was as follows:

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

NAYS: None

ABSTAIN: None

ABSENT: None

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variation:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:*

2. *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, or 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 owner of the lot. The Property is constrained by its long-existing structures and site configuration, as well as its small size compared to many lots in the O-1 Specialty Office District. The excess lot coverage is an existing condition, and is due to the lot size and long-existing structures and uses.*

3. *Not Self-Created: The 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 the Zoning Code, for which no compensation was paid. The need for the Requested Variation is not self-created, and is in part driven by the long-existing physical conditions present on the Property, and its platted size. The ZBA finds this standard to have been met.*

4. *Denied Substantial Rights: The carrying out of the strict letter of the provisions 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. In this case, requiring the Applicant to conform to the provisions of the Zoning Code for which relief is sought would require significant changes to the long existing*

physical conditions on the Property, despite the long-standing uses of the Property for the same purposes as now proposed.

5. 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. The Requested Variation is not sought to make money from use of the Property, but is instead sought in order to make the Property conforming without changing the existing site conditions or uses.

6. 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 the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The Requested Variation is consistent with the existing uses. The ZBA found this standard to have been met.

7. Essential Character Of The Area: The variation would not result in a use or development on the subject property that:

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

The granting of the Requested Variation will make the Property conforming without changes to the existing structures, site conditions or uses. The adjacent neighbors to the north and south both submitted letters in support of the Variations. The Requested Variation will not endanger the public health or safety.

8. No Other Remedy: There is no means other than the requested variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property. Limited options exist at this site. The ZBA finds this standard to have been met.

RECOMMENDATION:

Based on the Findings set forth above, the ZBA, by a vote of seven (7) in favor, zero (0) opposed and zero (0) absent, recommends to the President and Board of Trustees that the following Requested Variation relative to lot coverage at 33 S.

Garfield Street, Hinsdale, Illinois, in the O-1 Specialty Office Zoning District, as described in the Application, a copy of which is attached hereto as Exhibit B and made a part hereof, be GRANTED:

- A variation to Section 6-111.F. of the Zoning Code to allow lot coverage of approximately 86.3%, as opposed to the 80% maximum allowed on lots in the O-1 Specialty Office Zoning District.

Signed: _____
Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

THE NORTH 1/2 OF LOT 16 IN GLADSTONE PARK, A SUBDIVISION OF BLOCK 4 OF ROBBINS' FIRST ADDITION TO HINSDALE, IN THE NORTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1887 AS DOCUMENT 38039, IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 33 South Garfield Street, Hinsdale, Illinois

PIN: 09-12-201-004-0000

EXHIBIT B

APPLICATION FOR VARIATIONS

7a

MEMORANDUM

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

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

DATE: February 19, 2021

RE: Zoning Variation – V-04-21; 120 E. 5th Street

In this application for variation, the applicant requests relief from the fence requirements set forth in 9-12-3 of the municipal code in order to construct a 6' cedar fence in a front yard. It should be noted that this is a through-lot, and as such, technically has two front yards; the principal front yard (in this case on 5th Street), and a secondary front yard (in this case on 6th Street).

This property is located in the R-1 Single family Residential District in the Village of Hinsdale and is located on the south side of 5th Street between Garfield and Park. The property has a frontage of approximately 130', an average depth of approximately 237', and a total square footage of approximately 30,810. The maximum FAR is approximately 8,162 square feet, the maximum allowable building coverage is 25% or approximately 7,702 square feet, and the maximum lot coverage is 50% or 15,405 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-04-21



19 E. Chicago Avenue, Hinsdale, IL 60521

APPLICATION FOR VARIATION

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

FILING FEE: \$850.00

Name of Applicant(s): CONGEO, LLC

Peter and Tina Verros

Address of Subject Property: 120 E. 5th St., Hinsdale, IL 60521

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

FOR OFFICE USE ONLY

Date Received: 2/16/21 CB Zoning Calendar No. V-04-21

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION 1- NAME & CONTACT INFORMATION

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

Name: Congeo, LLC c/o Peter & Tina Verros

Address: 120 E. 5th St., Hinsdale, IL 60521

Telephone: 312-927-3210 email: pverros@gmail.com

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

Name: SAME AS OWNER

Address: _____

Telephone: _____ email: _____

3. **Consultants.** Name and contact information (phone or email) of each professional consultant advising applicant with respect to this application:

a. Attorney: John J. George, Akerman LLP, 71 S. Wacker Dr., Suite 4700, Chicago, IL jack.george@akerman.com

b. Engineer: Jon Green, Engineering Resource Associates, Inc. 3s701 West Ave., Suite 150, Warrenville, IL
jgreen@eraconsultants.com

c. Architect: _____

d. Contractor: _____

e. Other: _____

4. **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: N/A

Address: _____

Telephone: _____ email: _____

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

a. N/A

b. _____

SECTION 2- REQUIRED DOCUMENTATION

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

PIN Number: 09-12-223-004

Address: 120 E. 5th Street, Hinsdale, IL 60521

2. **Title.** Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.
3. **Neighboring Owners.** 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.
(Note: 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.)
4. **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.
5. **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.
6. **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.
7. **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. *(Section 4 of this application)*
8. **Successive Application.** In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

SECTION 3- ZONING RELIEF REQUESTED

1. **Ordinance Provision.** The specific provisions of the Zoning Ordinance from which a variation is sought: *(Attach separate sheet if additional space is needed.)*

See attached.

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

See attached.

3. **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 attached.

**SECTION 4- STANDARDS FOR VARIATION
AS SET FORTH IN SECTION 11-503(F)**

(Fence Applications – Section 5)

Provide an explanation of the characteristics of the Subject Property that prevent compliance with the provisions of the Zoning Ordinance, and the specific facts you believe support the granting of the requested variation(s). In addition to your general explanation, you must specifically address each of the following conditions required for approval by the Zoning Board of Appeals. Attach a separate sheet of paper to your application marked Section 4 – Standards for 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.

<p style="text-align: center;">SECTION 5- STANDARDS FOR VARIATION – FENCES <i>AS SET FORTH IN SECTION 9-12-3(J)</i></p>

Explanation

You must specifically address each of the following conditions required for approval of a fence by the Zoning Board of Appeals. Attach a separate sheet of paper to your application marked Section 5 – Standards for Variation - Fences.

- (a) Applicant is affected by unique circumstances which create a hardship justifying relief.
- (b) Will not alter the essential character of the locality.
- (c) Will be in harmony with the general purpose and intent of the code.
- (d) Will set no unfavorable precedent either to the locality or to the Village as a whole.
- (e) Will be the minimum necessary to afford relief to the applicant.
- (f) Will not adversely affect the public safety and general welfare.

<p style="text-align: center;">SECTION 6- SUBJECT PROPERTY ARCHITECTURAL</p>

DRAWINGS/SURVEYS

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. If applicable, include any grading changes being proposed.

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.

SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE

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.

By signing below, the owner or their authorized representative, 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 Applicant(s): Congeo, LLC Peter & Tina Verros

Signature of Applicant: 

Signature of Applicant: 

Date: 02 / 11 / 2021

ADDENDUM – RULES FOR WRITTEN SUBMISSIONS

AND ORAL ARGUMENT

The Hinsdale Zoning Board of Appeals (ZBA) unanimously approved and adopted the following rules governing written submissions and oral arguments on November 15, 2017:

1. No party is required to submit legal briefs or letters to the ZBA in support of any zoning appeal or variance request. The only documents that any appellant or zoning variance applicant must submit are the appeal forms and/or variance request forms and accompanying materials already required under the Hinsdale Zoning Code. The party that filed the appeal or the variance request need not retain counsel to represent them, but they may do so if they wish.
2. If any party wishes to submit a separate legal brief or letter detailing the reasons why the ZBA should grant such appeal or variance request, then such party shall deliver to the Zoning Board of Appeals at Hinsdale Village Hall, 19 E. Chicago Avenue, ten (10) signed copies of such briefs or letters at least 14 days before the ZBA meeting when the ZBA will hold the hearing, the appeal, or the variance application.
3. Within seven days thereafter, the Village of Hinsdale may, but is not required, to file a brief or letter in response to any brief or letter that any other party has filed. Any such letter or brief that the Village may file in response shall conform to all of the requirements established in these rules.
4. Any brief or letter submitted in support of or in response to any such letter or brief must be on 8-1/2" by 11" paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. The type face must be 14 point type or larger. A one inch margin is required at the top, bottom, and each side of each page. Each page must have a page number at the bottom.
5. No such briefs or letters shall exceed 12 pages unless the ZBA grants a party's request for an extension of that page limit. Footnotes are discouraged.
6. If any such letter or brief cites to any legal authority, then the letter or brief must contain an index indicating each page number of the letter or brief which cites to that legal authority.
7. If any such brief or letter refers to any other documents, then all such documents must be attached as exhibits. Every such exhibit attached to the brief or letter must be identified with an exhibit number, and must be preceded by a numbered tab corresponding with the exhibit number that protrudes on the right hand side of such brief or letter. All such exhibits must be legible.
8. Any such brief or letter containing less than 20 pages of text and exhibits combined must be firmly stapled in the upper left hand corner of the brief or letter. Briefs or letters that contain more than 20 pages of combined text and exhibits must be spiral bound on the left hand side in a manner that does not interfere with the legibility of any such text or exhibits.

9. If any such brief or letter cites any code section, ordinance, statute, or court decision, then such legal authority must be attached in its entirety as an exhibit to the brief or letter, and the exhibit number must be included in the index required under paragraph 6.
10. The ZBA will not consider briefs or letters that do not meet all of these requirements.
11. At the hearing on any such appeal or variance request, the party that filed the appeal or the variance request has a maximum of 15 minutes to present their initial arguments regarding why the ZBA should grant such appeal or variance request; the Village may then have a maximum of 15 minutes to respond; and the party that filed the appeal or variance request may then have five minutes to reply. These time limits may be extended by a maximum of five minutes per side in the ZBA's discretion. These time limits apply only to oral argument by a party to the ZBA regarding whether the facts support a conclusion that the ZBA should grant the appeal or variance request under the applicable zoning standards, but not to any witness testimony that any party may wish to present.
12. Any non-party to any such appeal or variance request who wishes to address the ZBA at the hearing on any such appeal or variance request, may have a maximum of five minutes to address the ZBA regarding whether the ZBA should grant the appeal or variance request.

Adopted by the Zoning Board of Appeals on November 15, 2017.

SECTION 2

NO. 2

TITLE

See attached

Premier Title
1350 W. Northwest Highway
Arlington Heights, IL 60004
A policy issuing agent of
CHICAGO TITLE INSURANCE COMPANY

Commitment No.: 2016-05447-PT

SCHEDULE A

1. Commitment Date: January 27, 2017
2. Policy (or Policies) to be issued:
 - a. ALTA Loan Policy (6/17/06) \$0.00
Proposed Insured: To Come, its successors and/or assigns as their respective interests may appear.
 - b. ALTA Own. Policy (6/17/06) \$1,725,000.00
Proposed Insured: Congeo, LLC
3. Fee Simple Interest in the land is vested, at the Commitment Date in:
Jean S. Joyner and The Northern Trust Company, as Successor Co-Trustees of the Barbara S. Stucker Revocable Trust, dated September 26, 1991
4. The land referred to in the Commitment is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PREMIER TITLE

BY: _____

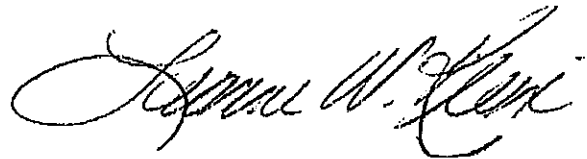


EXHIBIT "A"

File No.: 2016-05447-PT

PROPERTY DESCRIPTION

The land referred to in this commitment is described as follows:

LOT 1 AND LOT 2 (EXCEPT THE WEST 10 FEET THEREOF) IN PEARS ALL'S SUBDIVISION OF LOT 3 IN BLOCK 13 IN BOBBINS PARK ADDITION TO HINSDALE, A SUBDIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID PEARS ALL'S SUBDIVISION RECORDED DECEMBER 12, 1883 AS DOCUMENT 32704, IN DUPAGE COUNTY, ILLINOIS.

Premier Title
1350 W. Northwest Highway
Arlington Heights, IL 60004
A policy issuing agent of
CHICAGO TITLE INSURANCE COMPANY

Commitment No.: 2016-05447-PT

**SCHEDULE B
EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, or other matters that would be disclosed by an accurate survey and inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. Taxes or special assessments that are not shown as existing liens by the public records.

6. Taxes for the year(s) 2016

Taxes for the year(s) 2016 are not yet due or payable.

Note: Taxes for the year 2015 in the amount of \$28,098.26 are paid.

Permanent Index Number: 09-12-223-004

7. The land lies within the Flagg Creek Water Reclamation District which has accepted federal grants for sewage treatment works pursuant to public law 92-500. Federal law requires a user charge system separate from general ad valorem property taxes.

Note: Premier Title must be furnished with a pay-off letter or satisfactory proof of payment from said district.

Note: This exception will not appear on the loan policy, when issued.

8. Note: We find no mortgage of record. This should be explained and this commitment is subject to such further exceptions, if any, as may then be deemed necessary.
9. Covenants, conditions and restrictions (excepting therefrom those prohibited by law) and easements contained in instrument recorded August 30, 2012 as document R2012-119615 relating to the construction of handrail/guardrail for existing stairs.

Note: Said instrument contains no provision for a forfeiture of or reversion of title in case of breach of condition.

10. Terms, powers, provisions and limitations of the trust(s) under which title to the land is held.
11. A certification of trust executed by the trustee in accordance with 760 ILCS 5/8.5, together with excerpts of the trust agreement and amendments thereto relating to the designation of trustees and the power of the

SCHEDULE B

(Continued)

trustee to act in the current transaction should be furnished, or;

In the alternative, the trustee, in his or her sole discretion, may deliver to the Company a full copy of the trust agreement, together with all amendments thereto under which title to the land is held.

The Company reserves the right to add additional items or make further requirements after review of the requested documentations.

NOTE TO CLOSER: THIS EXCEPTION IS WAIVED. JB/PT. PLEASE COLLECT THE DATED AND EXECUTED STATEMENT(S) FROM THE TRUSTEE(S), AS FOLLOWS: "I(we) certify that the trust(s) stated on Schedule A of the title insurance commitment is(are) in full force and effect and has(have) not been revoked, modified, or amended in any manner."

12. Note: Pursuant to the Illinois Good Funds law added to the Title Insurance Act, effective 1/1/10, for all sums owed in aggregate amounts of \$50,000 or greater, which must be unconditionally and irrevocably credited to Premier Title's account prior to any disbursement, it will ONLY ACCEPT WIRED FUNDS from any & all parties, whether the funds are related to a closing and deposited by buyer(s), seller(s), lender(s), etc.; or whether related to a construction escrow; or any other type of deposit. Automated Clearing House (ACH) transactions will not be accepted.

Please be advised that effective November 1, 2011, Premier Title WILL NO LONGER ACCEPT ANY THIRD PARTY CHECKS. All incoming checks for sums in the aggregate amounts of under \$50,000 MUST be a CASHIER'S CHECK, drawn on a local Bank and made PAYABLE DIRECTLY TO PREMIER TITLE.

To expedite the real estate transaction and avoid any issues at the closing, please wire in all funds.

13. Under the provisions of the Illinois Religious Freedom Protection and Civil Union Act, the parties to a Civil Union or any substantially similar legal relationship recognized by another state, are the same as those of married persons. Any reference herein to "spouse", "marital rights", "husband", "wife" or similar reference to marital status or rights associated with marital status, shall include parties to a Civil Union or any substantially similar legal relationship recognized by another state and the rights thereunder.
14. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature. Effective June 1, 2009, if any document of conveyance for Cook County Residential Real Property is to be notarized by an Illinois notary public, Public Act 95-988 requires the completion of a Notarial Record for each grantor whose signature is notarized. The Notarial Record will include the thumbprint or fingerprint of the grantor. The grantor must present identification documents that are valid; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
15. We note that Congeo is a foreign LLC, as defined in 805 ILCS 180/45-1 et seq. Relative thereto, Premier Title should be furnished with the following:
- (a) evidence of the legal existence in the LLC'S home state;
 - (b) certification that no event of dissolution has occurred;
 - (c) a copy of the articles of organization, together with any amendments thereto;
 - (d) a copy of the operating agreement, if any, together with any amendments thereto;
 - (e) a list of incumbent managers or of incumbent members if managers have not been appointed; and
 - (f) a resolution that both authorizes the contemplated transaction and authorizes and names the appropriate signatories to execute the transaction documentation.

SCHEDULE B
(Continued)

Note: In the event of a sale of all or substantially all of the assets of the LLC, or of a sale of LLC assets to a member or manager, Premier Title should be furnished with a copy of a resolution authorizing the transaction adopted by the members of said LLC.

Note: We have learned that the United States department has interpreted the statute 42 USC 3604 to mean title companies are prohibited from either providing copies of, or reflecting as exceptions in title commitments, preliminary reports or policies, restrictive covenants which are in violation of the statute. In light of this interpretation, we believe it necessary to include the following "carve out" as part of the language of any exception for restrictive covenants included in all title evidence:

If any document referenced herein contains a covenant, condition or restriction violative of 42 USC 3604(c), such covenant, condition or restriction to the extent of such violation is hereby deleted.

END OF SCHEDULE B



PREMIER TITLE

*A policy issuing agent of Chicago Title,
First American, & Attorneys' Title Guaranty Fund*

PREMIER TITLE PRIVACY STATEMENT

Premier Title ("PT") respects and is committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by PT. It pledges that it will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between PT and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by PT, including collection through any PT website and any online features, services and/or programs offered by PT (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than PT.

How Information is Collected

The types of personal information PT collects may include, among other things (collectively, "Personal Information"): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender, marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of its business, it may collect Personal Information about you from the following sources

- o Applications or other forms it receives from you or your authorized representative;
- o Information it receives from you through the Website;
- o Information about your transactions with or services performed by us, its affiliates, or others; and
- o From consumer or other reporting agencies and public records maintained by governmental entities that it either obtains directly from those entities, or from its affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. PT's servers automatically log each visitor to the website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit its pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, PT or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. It, its advertisers, and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of PT's web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number, time and date of a page view; and a description of the page on which the Web Beacon resides. PT may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. PT may assign you a unique internal identifier to help keep track of its future visits. It may use this information to gather aggregate demographic information about its visitors, and it may use it to personalize the information you see on the Website and some of the electronic communications you receive from it. PT keeps this information for its internal use, and this information is not shared with others.

Third Party Opt Out. Although PT does not presently, in the future it may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about its online usage activity.

You can opt-out of online behavioral services through anyone of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- o You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- o You can opt-out via the Consumer Choice Page at www.aboutads.info.
- o For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.yitsonlinechoices.com.
- o You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by PT is used for three main purposes:

- o To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- o To improve its products and services that it performs for you or for Third Parties.
- o To communicate with you and to inform you about PT's, PT's affiliates and third parties' products and services.

When Information is Disclosed by PT

PT may provide your Personal Information (excluding information it receives from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- o To agents, brokers, representatives, or others to provide you with services you have requested, and to enable PT to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- o To third-party contractors or service providers who provide services or perform marketing services or other functions on PT's behalf;
- o To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- o To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when PT might disclose information about you, it might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of PT, its users or the public.

PT maintains reasonable safeguards to keep the Personal Information that is disclosed to it secure. It provides Personal Information and non-Personal Information to its affiliated companies, and other businesses or persons for the purposes of processing such information on its behalf and promoting the services of its trusted business partners, some or all of which may store your information on servers outside of the United States. It requires that these parties agree to process such information in compliance with PT's Privacy Notice or in a similar, industry-standard manner, and it uses reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of its trusted business partners may be subject to that party's own Privacy Notice. PT does not, however, disclose information it collects from consumer or credit reporting agencies with its affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

PT also reserves the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of PT, its users or others.

PT reserves the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the PT business and/or assets. It also cannot make any representations regarding the use or transfer of your Personal Information or other information that it may have in the event of its bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of its assets in any of the above described proceedings. Furthermore, it cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the Information that is disclosed to PT.

Information from Children

PT does not collect Personal Information from any person that it knows to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that PT's Privacy Notice will govern its use of Personal Information, but also that information that is voluntarily given by children - or others - in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. PT encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. PT is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either it uses or you voluntarily elect to utilize, it does not share any of the Personal Information that you provide to it with any of the websites to which the Website links, although it may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that PT may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing PT with your Personal Information, you consent to both its collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices with Your Personal Information

Whether you submit Personal Information to PT is entirely up to you. You may decide not to submit Personal Information, in which case PT may not be able to provide certain services or products to you.

You may choose to prevent PT from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for

which you subsequently gave authorization by notifying it by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of PT. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by PT to the extent that provision of your Personal Information is required to apply for an open position.

If PT collects Personal Information from you, such information will not be disclosed or used by PT for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways Information is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of PT and correct inaccuracies of that information in its records, please contact it in the manner specified at the end of this Privacy Notice. It asks individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and it may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

No Representations or Warranties

By providing this Privacy Notice, PT does not make any representations or warranties whatsoever concerning any products or services provided to you by its affiliated companies. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by PT and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. PT makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of PT and your exclusive remedy with respect to the use of any product or service provided by PT including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent to This Privacy Notice

By submitting Personal Information to PT, you consent to the collection and use of information by it as specified above or as it otherwise sees fit, in compliance with this Privacy Notice, unless you inform it otherwise by means of the procedure identified below. If it decides to change this Privacy Notice, it will make an effort to post those changes on the Website. Each time it collects information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. It may use comments, information or feedback that you may submit in any manner that it may choose without notice or compensation to you.

If you have additional questions or comments, please let PT know by sending your comments or requests to:

Corporate Counsel/Chief Privacy Officer 1350
W. Northwest Hwy, Arlington Heights, IL 60004

Copyright 2015. Premier Title. All Rights
Reserved.

Effective as of May 1, 2015

NO. 3

LIST OF NEIGHBORING OWNERS

See attached.

09-12-132-015
EVANGELICAL COVENANT
CHURCH OF HINSDALE
412 S GARFIELD ST
HINSDALE IL 60521

09-12-132-020
AKINS, MARILYN P
424 S GARFIELD AVE
HINSDALE IL 60521

09-12-132-021
DETTORE, D DONALD
33 E 5TH ST
HINSDALE IL 60521

09-12-133-009
GLEASON, HEATHER
36 E 5TH ST
HINSDALE IL 60521

09-12-133-013
WINTERFIELD, ROLAND & C
514 S GARFIELD AVE
HINSDALE IL 60521

09-12-133-014
SAWYER, DAVID & CAROL
518 S GARFIELD AVE
HINSDALE IL 60521

09-12-215-002
WILLIAMS, SANDRA TR
415 S GARFIELD AVE
HINSDALE IL 60521

09-12-215-003
HILLEGASS, DANIEL & K
112 E 4TH ST
HINSDALE IL 60521

09-12-215-004
SEIDMAN LIVING TRUSTS
122 E 4TH ST
HINSDALE IL 60521

09-12-215-005
SCALZO, CYNTHIA M
126 E 4TH ST
HINSDALE IL 60521

09-12-215-006
GLASER, ANNE M
134 E 4TH ST
HINSDALE IL 60521

09-12-215-007
KENDALL, LAURA & BOB
138 E 4TH ST
HINSDALE IL 60521

09-12-215-008
TEMPLETON, JENNIFER H
148 E 4TH ST
HINSDALE IL 60521

09-12-215-009
DOMINGUEZ, J & A TROJECKI
418 S PARK AVE
HINSDALE IL 60521

09-12-215-010
BITAUTAS, JAMES & CLAIRE
425 S GARFIELD AVE
HINSDALE IL 60521

09-12-215-011
GALIN, JAMES
431 S GARFIELD AVE
HINSDALE IL 60521

09-12-215-012
CHIRA, TITUS & ROBERTA
115 E 5TH ST
HINSDALE IL 60521

09-12-215-013
MASON, PETER & MEG
121 E 5TH ST
HINSDALE IL 60521

09-12-215-018
TRAUT TRUSTS
420 S PARK AVE
HINSDALE IL 60521

09-12-215-019
JANKOWSKI, MICHAEL & C
127 E 5TH ST
HINSDALE IL 60521

09-12-215-020
MC NICHOLS, JAMES & JILL
145 E 5TH ST
HINSDALE IL 60521

09-12-223-001
CAMPBELL, JOHN & GEORGANNE
108 E 5TH ST
HINSDALE IL 60521

09-12-223-002
GEIERSBACH, F & C BURGER
513 S GARFIELD AVE
HINSDALE IL 60521

09-12-223-003
HOLSTEN, PETER M
114 E 5TH ST
HINSDALE IL 60521

09-12-223-005
BAUSCHARD, JOHN H & TRACY
132 E 5TH ST
HINSDALE IL 60521

09-12-223-006
WALKER, MARY JANE TR
506 S PARK AVE
HINSDALE IL 60521-4642

09-12-223-007
SOLBERG, BRIAN J
516 S PARK AVE
HINSDALE IL 60521-4642

09-12-224-001
BESIO, GREGORY & SUZANNE
425 S PARK AVE
HINSDALE IL 60521

09-12-224-008
WINTRUST ASSET MGMNT CO
TRUST LFT 1360
205 E 6TH ST
HINSDALE IL 60521

09-12-304-014
MC LAUGHLIN, ERIN
602 S GARFIELD ST
HINSDALE IL 60521

09-12-304-015
MA, J & M JIA
606 S GARFIELD ST
HINSDALE IL 60521

09-12-304-016
RUGE, NICHOLAS & JULIA
612 S GARFIELD ST
HINSDALE IL 60521

09-12-304-017
HRUBES, BRYAN & REBECCA
616 S GARFIELD ST
HINSDALE IL 60521

09-12-304-018
AMBROSE, ROBERT J & LYNN
620 S GARFIELD ST
HINSDALE IL 60521

09-12-305-013
CRISOSTOMO, PAUL & MARY
632 S GARFIELD ST
HINSDALE IL 60521-4461

09-12-400-001
INCOBRASA INDUSTRIES LTD
540 E US HIGHWAY 24
GILMAN IL 60938-6078

09-12-400-002
DILLS, P G & D P
114 E 6TH ST
HINSDALE IL 60521

09-12-400-003
TRADER, WILLIAM & MARIE
118 E 6TH ST
HINSDALE IL 60521-4650

09-12-400-0004
CUCULICH, BRYAN & LINDSAY
124 E 6TH ST
HINSDALE IL 60521

09-12-400-005
TROMBLY, RYAN & LIONA
132 E 6TH ST
HINSDALE IL 60521

09-12-400-006
NOELL III, JOHN W & MEGAN
138 E 6TH ST
HINSDALE IL 60521-4650

09-12-400-007
HAARLOW, WILLIAM
144 E 6TH ST
HINSDALE IL 60521-4650

09-12-400-008
BOLENBAUGH, KYLE & DARCI
617 S GARFIELD AVE
HINSDALE IL 60521

09-12-400-015
YAQUB GST EXEMPT TR
618 S PARK AVE
HINSDALE IL 60521-4644

09-12-401-001
GRUBE, JOHN P
208 E 6TH ST
HINSDALE IL 60521

09-12-401-003
PARROTT, KEITH & KRISTY
619 S PARK AVE
HINSDALE IL 6052

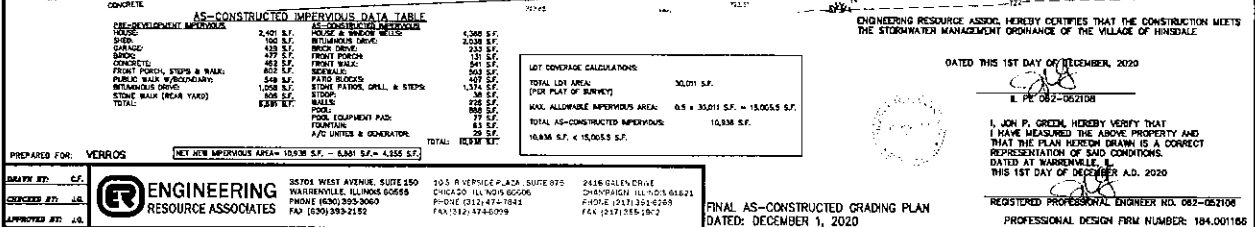
NO. 4

SURVEY

See attached.

LOT 1 AND LOT 2 (EXCEPT THE WEST 16 FEET THEREOF) PEARSCALL'S SUBDIVISION IN BLOCK 13 IN ROBBS PARK ADDITION TO HINSDALE, A SUBDIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER, SECTION 12, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PEARSCALL'S SUBDIVISION RECORDED DECEMBER 12, 1883 AS DOCUMENT 32704, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 120 E. 5TH STREET, HINSDALE, ILLINOIS
 PH: 08-12-223-004
 LOT AREA: 30,348 SQ. FT. (MEASURED)



NO. 5

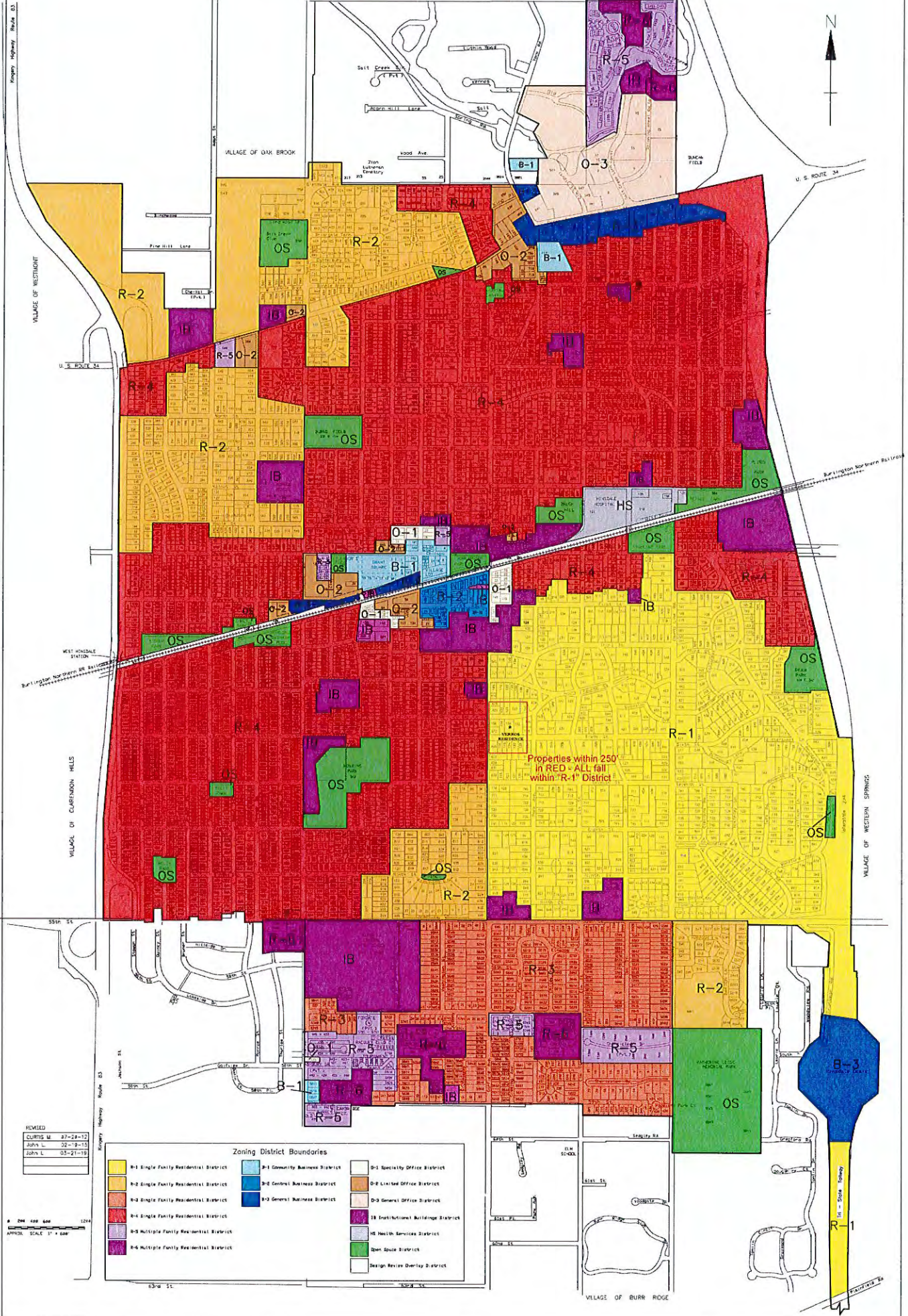
EXISTING ZONING

The existing zoning for the subject property is R-1 District. The subject property is a Through Lot with its primary front yard facing Fifth Street and its secondary front yard facing Sixth Street. The property is approximately 30,000 square feet. Applicant recently constructed a new single family home on the property in place of a previously existing single family home. Both homes faced Fifth Street with the rear of both homes facing Sixth Street.

Applicant seeks to construct a six foot (6') solid cedar privacy fence in the secondary front yard, along Sixth Street.

The property is surrounded by the R-1 zoning district on all sides. Single family homes are adjacent to all sides of the property. Just west of Garfield Avenue, less than a block from the property, the zoning changes to the R-4 District, with single family homes being the primary use.

VILLAGE OF HINSDALE 2019



REMOVED
CURTIS M. 27-28-12
JOHN L. 22-19-13
JOHN L. 05-21-19

0 200 400 600 800
APPROX. SCALE 1" = 600'

Zoning District Boundaries		
R-1 Single Family Residential District	B-1 Community Business District	SO-1 Specialty Office District
R-2 Single Family Residential District	B-2 Central Business District	SO-2 Limited Office District
R-3 Single Family Residential District	B-3 General Business District	SO-3 General Office District
R-4 Single Family Residential District	IB Institutional Building District	HS Health Services District
R-5 Multiple Family Residential District	OS Open Space District	Design Review Overlay District
R-6 Multiple Family Residential District		

NO. 6

CONFORMITY

This approval is for a variation for a proposed six foot (6') solid cedar privacy fence in the secondary front yard on a Through Lot. The request for fence variations conforms with both the Village Official Comprehensive Plan and the Official Map, however the fence will not be in conformity with the strict terms of the Hinsdale Zoning or Hinsdale Village Code.

Applicant believes that it is justified in seeking approval for a variation from the Village Code to allow for the proposed fence because there is a provision for fence variations specifically in the Code. Applicant believes it can meet the standards set forth by the Municipal and Zoning Codes for the granting of a variation for the fence Applicant has proposed.

NO. 7

ZONING STANDARDS

Please see response to Section II, No. 5 of this Application package for specific variation standards and Applicant's proposed satisfaction of each standard.

NO. 8

SUCCESSIVE APPLICATION

N/A

SECTION 3

NO. 1

ORDINANCE PROVISION.

The specific provisions of the Zoning Ordinance from which a variation is sought are as follows:

1. Section 9-12-3(E)(1)(A): No fence or part thereof shall be permitted in excess of the following height limits: Residential districts and lots used for residential purposes: Front yard, except for subsection E1d, E1e and E1f of this section (solid fences shall be limited to 24 inches in height as measured from the natural grade as set forth in subsection H3 of this section): Four feet (4').

– Applicant requires a variation from this Section in order to allow a solid cedar fence in the secondary front yard with a height of six feet (6').

2. Section 9-12-3(H)(3): No “solid fence”, as defined herein, shall be permitted that exceeds twenty four inches (24”) in height as measured from the natural grade in any front yard or any corner side yard. A “solid fence” is a fence in which the open spaces, when viewed at a right angle to the vertical fence plane, constitute less than one-third (1/3) of the total fence contour. The “total fence contour” is the entire square foot area within and between the outside vertical outline of the fence. The “open spaces” are areas within the “total fence contour”, which when viewed at right angles to the vertical fence plane, allow clear visibility through said fence plane.

– Applicant requires a variation from this Section in order to allow a solid cedar fence with a height of six feet (6').

NO. 2

VARIATION SOUGHT

Applicant seeks a variation in accordance with Section 9-12-3(J)(2) which allows the Zoning Board of Appeals to vary the provisions of the Code in order to allow an alternative fence.

Specifically, Applicant seeks:

1. A variation to allow a six foot (6') solid fence in the secondary front yard on the Subject Property.

NO. 3

MINIMUM VARIATION

Applicant requires the following minimum variation in order to permit the proposed fence:

1. A variation to allow a six foot (6') solid fence in the secondary front yard on the Subject Property.

SECTION 5

STANDARDS FOR VARIATION - FENCES

Compliance with the Zoning Ordinance is not possible and variations from the strict letter of the Zoning Code are required for the following reasons:

(a) Applicant is affected by unique circumstances which create a hardship justifying relief.

The Subject Property is unique because it is a Through Lot. While Through Lots are contemplated to some extent by the Zoning Code, they are not a typical condition within the Village and are not the type of lot that was contemplated by the drafters of the Zoning Code for applying various provisions of the Zoning Code, such as setbacks, etc. And, while Through Lots are referenced in some sections of the Zoning Code, fences for Through Lots are not contemplated. As a result, this presents a unique challenge for the Subject Property. Solid fences, such as the one proposed by Applicants, are typically located, and are allowed by the Zoning Code to be located, in a rear yard. Further, fences in a rear yard are allowed by the Zoning Code to be 6 feet tall. As a Through Lot, the Subject Property does not have a rear yard. Instead, the Subject Property has a secondary front yard which is subject to the same front yard fence standards as a typical front yard on a typical lot, even though in this case the secondary front yard is Applicants' "back yard."

Applicants purchased the Subject Property and constructed a new home on the Subject Property. In constructing this home, Applicants followed all requirements of the Zoning Code, including facing the front of the home onto Fifth

Street, rather than Sixth Street. As a result of this, and as a result of the Through Lot condition, Applicant's "back yard" facing Sixth Street is now subject to front yard standards in the Zoning Code since it is the secondary front yard, and this secondary front yard condition significantly limits the type of fence that can be constructed. Applicants did not create this condition, rather the secondary front yard condition on Sixth Street (and resulting request for variations for a fence) is as a result of the Through Lot condition coupled with the Zoning Code requirements for positioning the home's front yard facing Fifth Street.

Because of the Through Lot condition, if Applicants were required to carry out the strict letter of the Zoning Code, Applicants rights for safety and privacy for their family living on the Subject Property would be deprived since they would not be allowed to construct a typical fence that is found in most in rear yards.

Applicants built this house for their young family and while they are happy to be part of the vibrant Hinsdale community, and this neighborhood in particular, they still seek a fence in the rear of their home to provide security and protect their family from intrusions onto their property. Fencing in their "back yard" will also offer privacy so that they can enjoy their back yard without neighbor oversight. Many homes throughout Hinsdale have rear yard six foot solid privacy fences to provide these same protections. Applicants are only deprived of these rights because of the Through Lot condition of the Subject Property resulting in two front yards and no rear yard, which limits the size and type of fence that can be constructed.

The ability to erect the proposed fence on the Subject Property is not a special privilege. Because the Through Lot condition is unique, Applicants have encountered a hardship in that they do not have a rear yard and rather have two front yards (one primary front yard and one secondary front yard) resulting in the

inability to erect a fence that will secure the Subject Property and allow for their family's privacy.

(b) The variation will not alter the essential character of the locality.

The lots that are adjacent to the Subject Property have the same condition as the Subject Property in that they are on Through Lots with their front yard facing Fifth Street and their "back yard" or secondary front yard facing Sixth Street. The home that is directly east of the Subject Property has a solid six foot fence in its secondary front yard along Sixth Street. Applicants are proposing to match this fence in their own secondary front yard. Please note that Applicants fence will be installed amidst existing trees and shrubbery and so will be mostly covered by these trees and shrubs and will be difficult to see through the trees and shrubs. As a result, granting of the variation will not alter the essential character of the neighborhood.

(c) The variation will be in harmony with the general purpose and intent of this section.

Solid six foot fences are allowed by the Municipal Code to be located in rear yards. Many homes throughout the area in fact have such fences. The Through Lot condition of Applicants property creates a hardship in that rather than a rear yard they have two front yards. Since this type of fence is permitted in rear yards, the variation will be in harmony with the general purpose and intent of this section of the Municipal Code.

(d) The variation will set no unfavorable precedent either to the locality or to the Village as a whole.

As aforementioned, the property to the east of the Subject Property has a six foot solid fence in its secondary front yard, extending the width of its property. Accordingly, granting Applicants this variation will not set a precedent since the type of fence Applicants are seeking is already present on the property next door to them.

(e) The variation will be the minimum necessary to afford relief to the applicant.

Applicants are seeking the minimum relief necessary to allow for the six foot solid fence to be located in their “back yard” which the Village considers a secondary front yard due to the Through Lot condition of the Subject Property.

(f) The variation will not adversely affect the public safety and general welfare.

Construction of a six foot solid fence on the Subject Property will in no way impact or adversely affect the public safety and general welfare.

SECTION 6

NO. 1

Drawings/Photographs/Renderings depicting location of proposed fence

See attached.

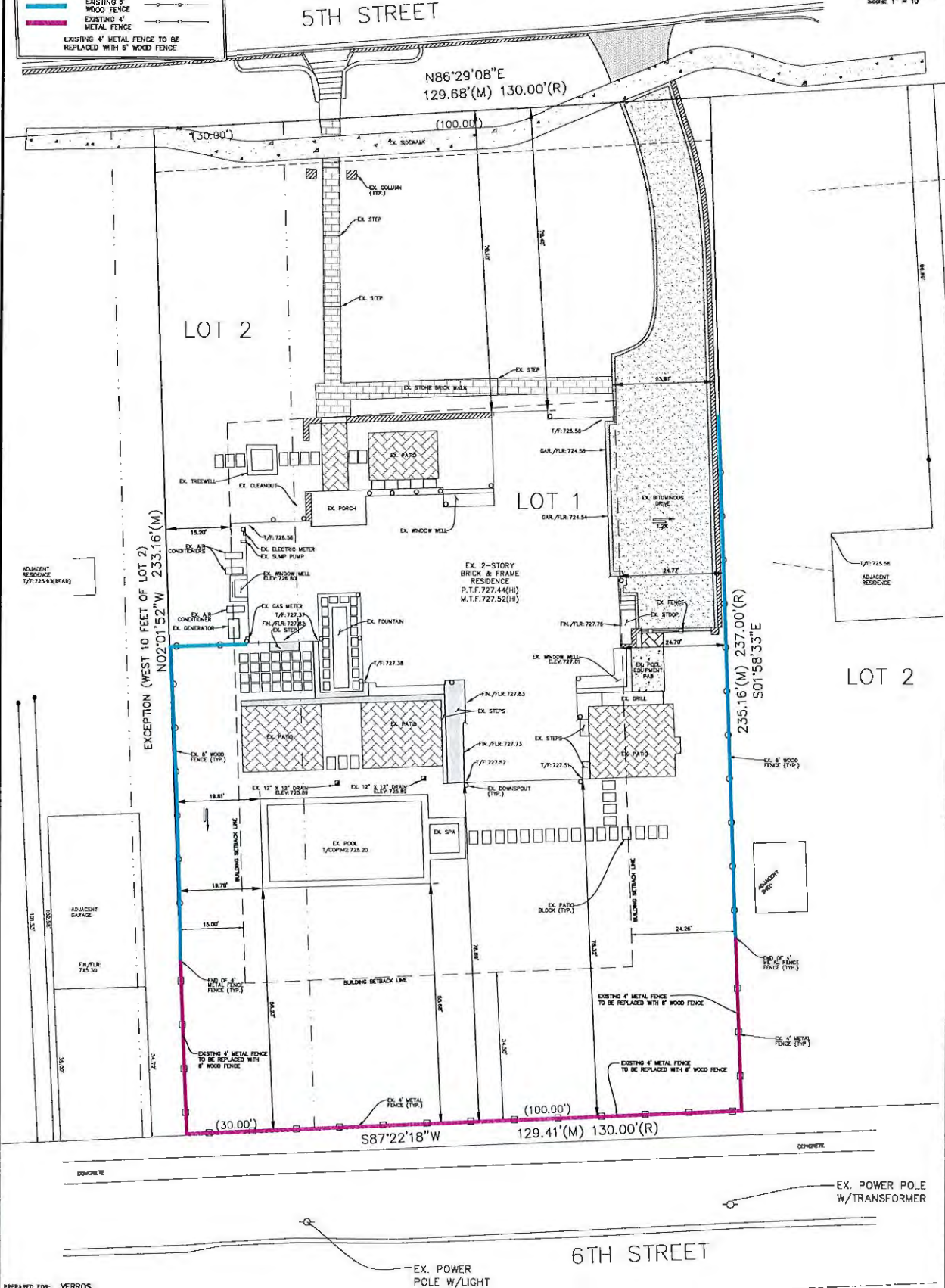
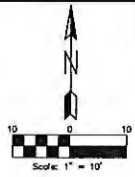
FENCE EXHIBIT

LEGAL DESCRIPTION

LOT 1 AND LOT 2 (EXCEPT THE WEST 10 FEET THEREOF) IN PEARSON'S SUBDIVISION IN BLOCK 13 IN ROBINS PARK ADDITION TO KINSDALE, A SUBDIVISION IN THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PEARSON'S SUBDIVISION RECORDED DECEMBER 12, 1983 AS DOCUMENT 32704, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 130 E. 5TH STREET, KINSDALE, ILLINOIS
 PIN: 05-12-223-004
 LOT AREA: 30,328 SQ. FT. (MEASURED)

KEY	
	EXISTING 6" WOOD FENCE
	EXISTING 4" METAL FENCE
EXISTING 4" METAL FENCE TO BE REPLACED WITH 6" WOOD FENCE	



PREPARED FOR: VERROS

DRAWN BY: R.L.
 CHECKED BY: A.B.
 APPROVED BY: A.B.



35701 WEST AVENUE, SUITE 150
 WARRICKVILLE, ILLINOIS 60558
 PHONE: (830) 393-0060
 FAX: (830) 393-2192

550 E. KANSAS STREET, SUITE 200
 CHICAGO, ILLINOIS 60605
 PHONE: (312) 474-2461
 FAX: (312) 474-2461

240 W. KANSAS STREET, SUITE 200
 CHICAGO, ILLINOIS 60605
 PHONE: (312) 332-4332
 FAX: (312) 332-4332

FENCE EXHIBIT DATED: FEBRUARY 2, 2020

PROFESSIONAL DESIGN FIRM NUMBER: 184.001186













NO. 2

Zoning Detail

N/A

8a

MEMORANDUM

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

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

DATE: January 27, 2021

RE: Zoning Variation – V-03-21; 505 S. County Line Road

In this application for variation, the applicant requests relief from the Rear Yard Setback requirements set forth in 3-110(D)(3)(b) in order to break out two underlying Lots of Record from the existing Zoning Lot at 505 S. County Line Road. Once the underlying Lots of Record are no longer part of the current Zoning Lot, the Front Lot Line of 505 S. County Line will move from Woodside to County Line and the Interior Side Lot Line will become the Rear Lot Line. Given this, the existing garage and patio will both become encroachments into this newly defined Required Rear Yard. In the R-1 zoning district, the Required Rear Yard is 50' and the specific request is to allow the existing attached garage and patio to remain as permitted encroachments.

This property is located in the R-1 Single family Residential District in the Village of Hinsdale and is located on the east side of County Line Road between Woodside and 6th Street. The property has a frontage of approximately 300', an average depth of approximately 400', and a total square footage of approximately 120,000. The maximum FAR is approximately 26,000 square feet, the maximum allowable building coverage is 25% or approximately 30,000 square feet, and the maximum lot coverage is 50% or 60,000.

cc: Kathleen Gargano, Village Manager
Zoning file V-03-21

ing it forward, rger at a time



Kelly Abate Kallas

said, "I like to do one good thing a day. This will be today's thing. Please allow me."

And with stuttering and stammering and arms covered in goosebumps, I accepted. The children and I sat down and talked about the man, the kindness he showed us. My

sons were totally embarrassed, of course, but I think eventually the message came through.

I believe this with my whole self: that stranger may well have changed our lives with his gesture. Not by providing a meal for us, which we so blithely order and buy routinely, but because he showed us that kindness and selflessness exist and are actually practiced. In a world gone mad with violence and hatred, one man helped me without thought of ever receiving credit or repayment.

When I accepted his generous offer, I told him I'd pay his kindness forward. And so despite our crazy end-of-summer schedule, and the fact that I was driving without my license (note to Hinsdale PD — will never happen again, I promise, and remember, this is a column about kindness), we stopped at the Hinsdale Food Pantry on the way home. We wrote a check for those truly hungry, in honor of our hamburger benefactor. To pay it forward.

And now with the hope that you will help me honor him, and kindness in general, by paying it forward too, in your own ways, in your own lives, in your own hearts.

— *Kelly Abate Kallas of Hinsdale is a guest columnist. This piece was first published Aug. 21, 2014.*

Better options exist than tying ribbons of plastic

Death brings up deep emotions and a desire to honor deceased loved ones. While we feel compassion towards those motivated to express their grief by partaking in the new ritual of tying plastic ribbons around parkway trees, our circle of compassion also includes the health of the environment.

We are finding fragments of plastic ribbons on sidewalks, parkways and streets. We are facing a growing global plastic pollution crisis.

There is no end in sight as virgin plastics continue to be produced. Plastic doesn't biodegrade and most plastic never gets recycled. What little amounts do get recycled cannot be recycled forever. Eventually plastics break down into micro- and nanoplastics that contaminate soil, find their way into waterways and into living organisms, and infiltrate treated drinking water. The

Conservation Foundation in Naperville recently led a discussion with a staff member of Shedd Aquarium about the Let's Shedd Plastics movement. She mentioned that an estimated 22 million pounds of plastic debris enters the Great Lakes annually. About half of that total enters Lake Michigan, the source of our drinking water. These staggering quantities were the conclusion of a study done by Matthew Hoffman of Rochester Institute of Technology.

Surely we can think of eco-friendly tributes such as planting a tree, purchasing a bench for a park or forest preserve, or making a donation to a charity. We challenge your readers to write in with other suggestions for eco-friendly tributes which both honor the memories of loved ones and sustain the environment. — **Matthew and Delores Caruso, Hinsdale**

Levinthal will focus on improving D86 schools

The D86 BOE needs Debbie Levinthal at the table.

I know Debbie Levinthal first as a neighbor, but when D86 started discussing curriculum changes, Debbie stepped up to advocate for our kids and the academic excellence of our schools. More than a concerned parent, Debbie approached the proposed curriculum changes calmly as a seasoned teacher — sitting down with teachers and administrators to understand what motivated the changes and what metrics demonstrated these changes would improve outcomes for all students.

As a former high-level math teacher at New Trier and Stevenson, Debbie Levinthal brings a refreshing passion and perspective to the school board

— representing parents and teachers. As a parent, Debbie understands how important it is for parents to be heard. As a BOE member, Debbie will advocate for more two-way communication. As a teacher, Debbie knows that teaching to the middle fails both ends of the spectrum: students who struggle and students who need a challenge. While the current board suggests Hinsdale 86 hasn't updated curriculum in decades, as a teacher, Debbie knows that curriculum evolves on an ongoing basis.

Debbie moved to Hinsdale for our schools, and as a Hinsdale 86 board member she is dedicated to raising excellence with integrity — to improve the schools that inspired her to make Hinsdale her home. — **Kim Nibeck Notaro, Hinsdale**

ZBA should approve Krehbiel's rezoning request

I read with some interest The Hinsdalean's recent article (Feb. 25) regarding the rezoning application for the property located at 505 S. County Line Road. This property is owned by Fred Krehbiel, a third generation Hinsdale resident. Fred had a very successful business career and has been a major benefactor to the village and other Chicago area non-profits for

many years. I suspect that the request for a zoning modification is to preserve the residence. The statement by the ZBA chairman that this request is to enable the owner to possibly divide the property "so they can sell off the other two lots and make more money" is absurd. I hope the ZBA uses some common sense and approves the request. — **Frederick C. Meyers, Hinsdale**





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): Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust, dated June 4, 1981.

Address of Subject Property: 505 S. County Line Road, Hinsdale, IL 60521.

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

FOR OFFICE USE ONLY

Date Received: 1/25/21 CB Zoning Calendar No. V-03-21

PAYMENT INFORMATION: Check # Check Amount \$

SECTION 1- NAME & CONTACT INFORMATION

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

Name: Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust, dated June 4, 1981

Address: 505 S. County Line Road; Applicant may be contacted through counsel (Robert O'Donnell or Hayleigh Herchenbach of O'Donnell Callaghan LLC)

Telephone: (847) 367-2750 email: rodonnell@och-law.com; hherchenbach@och-law.com

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: Frederick A. Krehbiel is Trustee of the Frederick A. Krehbiel Trust, dated June 4, 1981, and has authority to file this application

Address: 505 S. County Line Road; Applicant may be contacted through counsel (Robert O'Donnell or Hayleigh Herchenbach of O'Donnell Callaghan LLC)

Telephone: (847) 367-2750 email: rodonnell@och-law.com; hherchenbach@och-law.com

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

Name: Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust, dated June 4, 1981

Address: 505 S. County Line Road; Applicant may be contacted through counsel (Robert O'Donnell or Hayleigh Herchenbach of O'Donnell Callaghan LLC)

Telephone: (847) 367-2750 email: rodonnell@och-law.com; hherchenbach@och-law.com

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

PIN Number: 18-07-115-037; 505 S. County Line Road; Lots 7 and 8 in Block 4 in Highlands, being a subdivision of the northwest quarter and the west 800 feet of the north 144 feet of the southwest quarter of Section 7, Township 38 north, Range 12 east of the third principal meridian, according to the plat thereof recorded November 16, 1891, as Document 1569674 in Cook County, Illinois.

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

a. Attorney: Robert O'Donnell and Hayleigh Herchenbach; O'Donnell Callaghan LLC; 28045 N. Ashley Circle, Suite 101, Libertyville, IL 60048

b. Engineer: Mark H. Landstrom; Landmark Engineering LLC; 7808 W. 103rd Street, Palos Hills, IL 60465 (surveyor).

c. Architect: Dennis Parsons; Parsons Architects LLC; 28 Springlake Avenue, Hinsdale, IL 630567

d. Contractor: _____

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. Attached as Exhibit 1.

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. Attached as Exhibits 2a-b.
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. Attached as 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. Attached as 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. Attached as 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.

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. Attached as Exhibit 6.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

Section 3-110 (D)(3)(b); minimum rear setback for an interior lot located in the R-1 Zoning District.

Section 3-110(I)(5)(p); patios may not be located within 10 feet of any rear lot line.

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.)

Included in Exhibit 5.

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.)

Included in Exhibit 5.

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 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.


Attached as 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 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.

Name of Applicant: Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust, dated June 4, 1981.

Signature of Applicant: 

Date: Jan 17 2021

EXHIBIT 1

List of Neighboring Owners

<u>Address</u>	<u>Owner</u>
420 South County Line Road	Chicago Title Land Trust Company, as Trustee of Trust No. 8002381154 dated June 24, 2019
421 South County Line Road	Chicago Title Land Trust Company, as Trustee of Trust No. L-339 dated January 15, 1981
429 South County Line Road	Robert Earl Peckinpugh, as Trustee of the Robert Earl Peckinpugh Declaration of Trust dated December 10, 1977
436 South County Line Road	Georgia H. Harrison, as Trustee of the Georgia H. Harrison Trust dated September 10, 2010, and Mark H. Harrison, as Trustee of the Mark H. Harrison Trust dated September 10, 2010
600 South County Line Road	Robert Joseph D'Arco, as trustee of the Robert Joseph D'Arco Trust Dated April 5, 2011, and Janice D'Arco, as trustee of the Janice D'Arco Trust Dated April 5, 2011
611 South County Line Road	John and Kathryn Dills
540 Dalewood Lane	Diane M. Kane, as Trustee of the Diane M. Kane Revocable Trust dated July 31, 1995
555 Dalewood Lane	555 Dalewood LLC
439 East 6th Street	Donna Brickman

448 East 6th Street	Carolyn J. Ryan, as Trustee of the Carolyn J. Ryan Living Trust dated May 27, 1994
453 East 6th Street	Rebrag Inc.
531 East 6th Street	Betty S. Boyd, As Trustee of the Betty S. Boyd Declaration of Trust dated June 8, 1982
535 East 6th Street	Cynthia P. Manos, as Trustee of the Cynthia P. Manos Trust dated April 26, 1996
600 East 6th Street	Martyn and Tania Bentley-Dean
605 East 6th Street	Richard and Annamarie Beuke
455 Woodside Avenue	Donald and Joan Benson
526 Woodside Avenue	Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust dated June 4, 1981
530 Woodside Avenue	Annie S. Terry, as Trustee of the AJIJ Living Trust dated July 5, 2007
535 Woodside Avenue	Anne Theophilos
542 Woodside Avenue	Chicago Title Land Trust Company, as Trustee of Trust No. 8002351290 dated August 8, 2008

LOTS 6, 7, 8 AND 9 IN BLOCK 4 IN HIGHLANDS, BEING A SUBDIVISION OF THE NORTHWEST QUARTER AND THE WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1891, AS DOCUMENT 1569576, IN COOK COUNTY, ILLINOIS.



ENGINEERING LLC
DESIGN FIRM REGISTRATION NO. 184-005577
7808 W. 103RD STREET
PALOS HILLS, ILLINOIS 60465-1529
Phone (708) 589-3737

BEARINGS SHOWN HEREON (IF ANY) ARE BASED ON I.L. S.P.C. EAST ZONE, NAD83.
NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAN
ALONE AND NO DIMENSIONS, LENGTHS OR WIDTHS SHOULD BE ASSUMED FROM
SCALING. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED
PRIOR TO COMMENCEMENT OF CONSTRUCTION.

FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON,
REFER TO DEEDS, ABSTRACTS, TITLE POLICIES, SEARCHES OR COMMITMENTS,
DOCUMENTS, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

120,000 SQ. FT.
2.755 ACRES
(more or less)



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

DATED: 7/27/18

MARK H. LANOSTROM I.P.S. No. 2625
 LICENSE RENEWAL DATE: NOVEMBER 30, 2018
 SURVEY No. 18-07-056-6-9

2b

LEGAL DESCRIPTION

A survey map showing two adjacent lots, Lot 7 and Lot 8, separated by a dashed line. The map includes bearings and distances for all boundaries.

Lot 7 (Top):

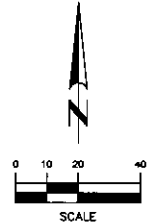
- Top boundary: 300.00' N 87°56'12" E
- Left boundary: 100.00' (top section), 100.00' (bottom section)
- Right boundary: 100.00' S 1°58'21" E
- Internal dashed line: 115' (top section), 07' (bottom section)

Lot 8 (Bottom):

- Bottom boundary: 300.00' S 87°56'12" W
- Left boundary: 100.00' (top section), 100.00' (bottom section)
- Right boundary: 100.00' S 1°58'21" E
- Internal dashed line: 115' (top section), 07' (bottom section)

Other Labels:

- Top left: SOUTH LINE OF WOODSIDE AVENUE
- Center: LOT 7, LOT 8
- Internal dashed line: 115', 07', 115', 07'
- Bottom center: P.I.N.



LANDMARK

SUBJECT PROPERTY AREA
60,000 SQ. FT. (more or less)



MARK H. LANDSTROM I.P.L.S. No. 2625
 LICENSE RENEWAL DATE: NOVEMBER 30, 2018
 SURVEY No. 18-07-066-7-8

EXHIBIT 3

Excerpt from Hinsdale Official Zoning Map

Zoning Classification of Subject Property = R-1

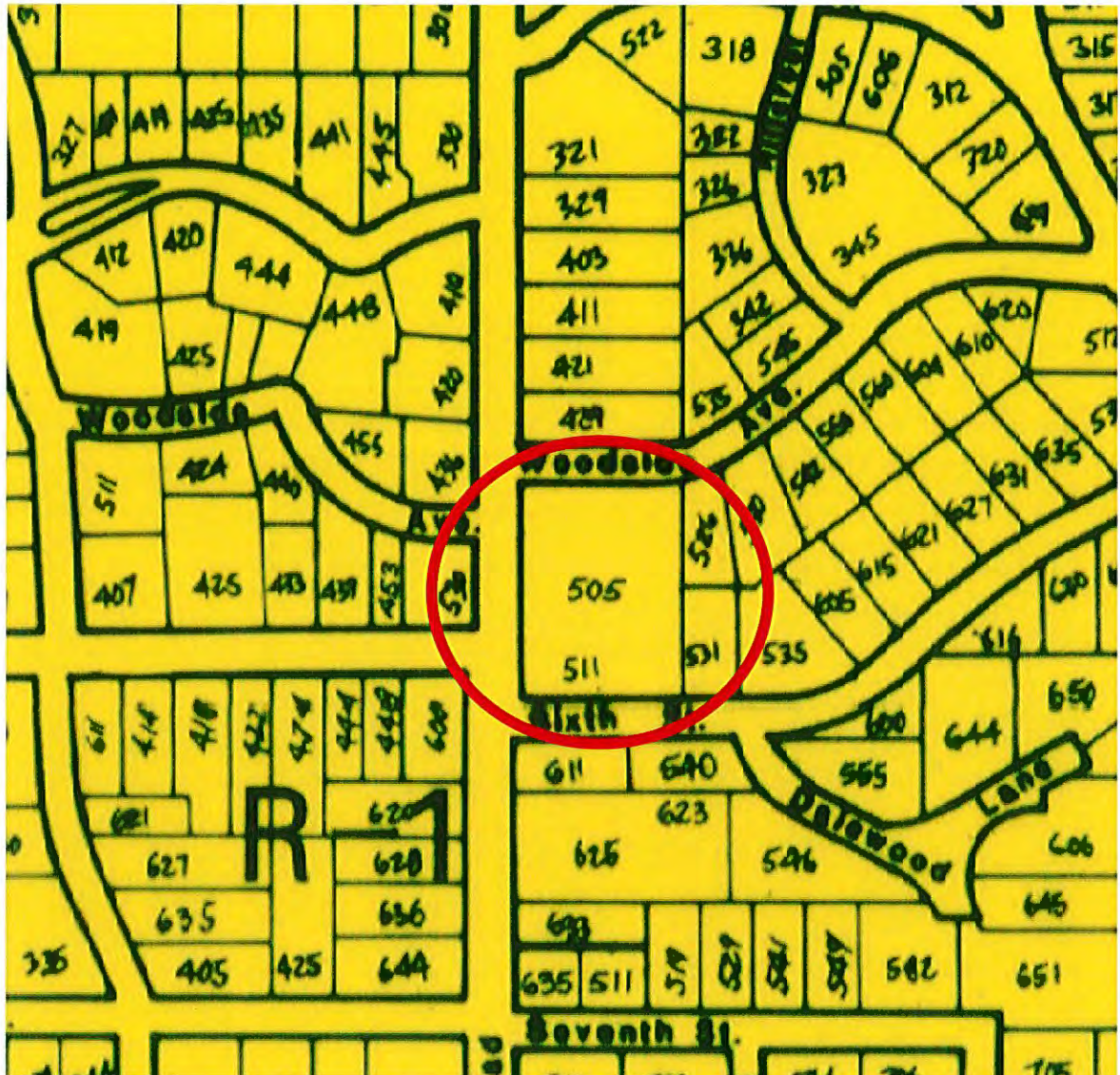


EXHIBIT 4

Statement Concerning Conformity

The subject property is located within, and completely surrounded by, the R-1 Single Family Residential District within the Village. The applicant seeks two variations pursuant to Section 11-503(E)(1)(a), which is a permitted variation in the R-1 Single Family Residential District. Therefore, granting the proposed variations on the subject property would be in conformity with the Official Map.

EXHIBIT 5

Statement Concerning Variation Sought, and Compliance with Variation Standards

The Subject Property

The subject property contains a single-family residence on one zoning lot that borders Woodside Avenue, County Line Road, and 6th Street in the Village. *See*, Exhibit 2b. The zoning lot consists of four underlying lots of record: Lot 6 (PIN: 18-07-115-036), Lots 7 and 8 (PIN: 18-07-115-037) and Lot 9 (PIN: 18-07-115-038) within Block 4 of the Highlands subdivision. Applicant proposes forming three, separate zoning lots from the underlying lots of record, according to their PINs. *See*, Exhibit 2a. Lot 6 will become a corner lot, with frontage on Woodside and County Line Road. Lots 7 and 8, which contain the residence, will become a single zoning lot with its front yard facing County Line Road. The driveway currently serving the residence, which is located on Lots 6 and 7, will be removed and a new driveway for the existing property constructed on new Lot 7+8, upon application for and receipt of the appropriate permits. Lot 9 will become a corner lot, with frontage on County Line Road and 6th Street.

Applicant has previously confirmed with the Village that Lots 6 and 9 remain underlying lots of record and can be built upon as separate single-family lots in compliance with §10-104 of the Zoning Code, as legal, nonconforming lots of record.

Variations Sought

The only variations that are necessary to achieve the three, separate zoning lots arise by virtue of the orientation of new Lot 7+8. Currently, the front yard of the residence is facing Woodside Avenue, and the rear yard abuts 6th Street. When Lots 7+8 becomes a single zoning lot, the front yard of that lot will face County Line Road. The new front yard exceeds 130' in depth, which greatly exceeds the

minimum 35' front yard requirement in the R-1 district. *See*, Exhibit 7; Zoning Code, §3-110(D)(1).

The north side yard is 26.4' and the south side yard is 60.8', both of which exceed the required 21' minimum. *See*, Exhibit 7; Zoning Code, §3-110(D)(2)(b)(i). However, two existing structures on the property will then encroach into the new, 50' rear yard: the garage and the stone patio. *See*, Exhibit 7; Zoning Code, §3-110(D)(3)(b).

The attached garage extends to 21' from the rear lot line. *See*, Exhibit 7. Because the lot line slightly angles towards the house, the distance between the existing stone patio that will be located in the rear yard ranges from 10.38' to 9.39' at its closest point. Pursuant to §3-110(I)(5)(p), patios may not encroach within 10' of the rear lot line.

The applicant seeks a variation pursuant to Section 11-503(E)(1)(a): a reduction of the 50' rear yard setback regulations of the R-1 district, in order to permit the attached garage and stone patio to remain in their existing locations. This would spare the Applicant from having to remodel or demolish the existing structures.

Other structures encroach into the rear yard setback, but do not need a variance. The encroachment of the swimming pool and landscaped courtyard appurtenant thereto are permissible under §3-110(I)(5)(m), as they do not encroach within 10' of the rear yard lot line. *See*, Exhibit 7.

There is one more encroaching structure, which either already has a variance or was built pre-Code and is therefore legal, nonconforming. At the northeast corner of Lot 7, a set of stairs leads from the subject property onto the adjacent property to the east (PIN: 18-07-115-007). *See*, Exhibit 8.

Applicant currently owns this adjacent property. Applicant would agree to a condition of the variance if the proposed relief is granted, that if in the future PIN 18-07-115-007 and the subject

property are no longer under common ownership, the stairs connecting the two properties shall be removed, or additional relief shall be sought from the Village.

Minimum Variation.

The minimum variation of the rear yard setback that is necessary in order to achieve the desired zoning lot is a reduction of the 50' rear yard setback to 21' where the garage exists; and a reduction of the 10' patio setback only for the portions of the existing patio that encroach beyond 10', up to 9.39' from the rear yard lot line. *See*, Exhibit 7. Applicant is not seeking to construct any additional structures within the rear yard setback or any additional variation beyond that which is necessary to accommodate the existing structures.

Standards for Variation.

The subject property is a single-family residential zoning lot consisting of four, underlying lots of record. The four lots of record were created when the original plat of the Highlands subdivision was recorded on November 16, 1891. *See*, Exhibit 9, Affidavit of Mark Landstrom, ¶ 5. The four lots measure 100' in width and 300' in depth. *See*, Exhibit 2a.

Applicant is seeking this variation for estate planning purposes. The goal is to preserve the historical integrity of the existing home while not burdening Applicant's future heirs with trying to sell a residential lot four times larger than a typical lot. Applicant is simultaneously seeking a historical designation with Landmarks Illinois to preserve the west façade of the home facing County Line Road, and four of the interior rooms, which were designed by David Adler. However, the perpetual addition of Lots 6 and 9 as side yards for the existing home on Lots 7+8 is not necessary for the continued historic preservation of the home, and the immense size of the four-lot property may deter future purchasers. With the division to three zoning lots, Lot 6 and Lot 9 can be separately

developed with single family residences in compliance with §10-104 of the Zoning Code, and the existing home can maintain its historic nature on a more manageable lot size, on Lots 7+8. Moreover, the creation of the 60,000 square foot zoning lot on Lots 7+8 will not result in a greater amount of impervious surface on that lot than allowable by the Code. In fact, even after the removal of the extra permeable surface on Lots 6 and 9, Lots 7+8 will have a total impervious area of 16,776 square feet – which is over 13,000 less than the 30,000 square feet allowable for a lot of this size. *See*, Exhibit 7.

Granting the variation to allow this division will not result in any greater encroachment from the subject property towards the property of its neighbors to the east, as it would merely be a retroactive approval of an existing structure. While, as a result of this variation, some day in the future new homes may be constructed on Lots 6 and/or 9, those homes would be required to be in compliance with §10-104 of the Code, which should therefore minimize any impact on adjacent properties. Moreover, while Lots 6 and 9 are legal, nonconforming lots, they are each greater in area than their immediate neighbors to the east, respectively, and can therefore comfortably accommodate a new residence. *See*, Exhibit 8.

- (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 or 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: The unique physical condition of the subject property is that the structures, including the historic residence, the garage, the landscaped gardens, pool and patio, all exist before the “new” 50’ rear yard setback will be introduced to the east property line. Notwithstanding the encroachment into the new rear yard setback, the subject property has an abundance of green yard space, including

a generous 130' front yard setback, the lot size of 60,000 square feet is twice the minimum 30,000 square foot requirement in the R-1 District, and the actual impervious area is over 13,000 less than total allowable impervious area. *See*, Exhibit 7.

- (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: Applicant has owned the subject property for over 30 years. The hardship will be created when the dimensions of the newly formed zoning lot cause the front yard to change from the north lot line on Woodside Avenue, to the west lot line on County Line Road, thus making the existing structures along the east side of the property within the new 50' rear yard setback. The garage could not be demolished and rebuilt outside of the rear yard setback. Exhibit 7.

- (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: If the 50' rear yard setback is enforced, Applicant would be forced to demolish a portion of its garage and patio in order to comply with the setback, or would be prevented from ever developing the original, platted lots of record, Lot 6 and Lot 9, with single-family residences, as they were originally platted.

- (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: Applicant is not seeking a special privilege by separating its 120,000 square foot four-lot zoning lot into three zoning lots, each of which meets or exceeds the minimum lot size of 30,000

square feet. Applicant is not seeking a special privilege by requesting that the existing garage and patio be able to remain in order to do so, notwithstanding that they encroach into the new 50' rear yard setback, because they predate the setback.

- (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 stated purpose of the section of the Code from which Applicant is seeking a variance is “to provide a reasonable range of opportunity for the development and preservation of housing types consistent with the existing residential character of the Village.” Village Code, Article III, Single-Family Residential Districts, §3-101 “Purposes.” The proposed variation accomplishes both those purposes. The variation allows the existing home to maintain its current structures, all of which contribute to the Village’s existing residential character. Splitting off Lots 6 and 9 as separate zoning lots will provide a reasonable opportunity for development of new housing consistent with the Village’s residential character.

- (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: This standard is satisfied because the proposed variation does not result in any new use or development of the subject property. The maintenance of the existing structures on the subject property does not lead to any new, adverse impact to nearby properties, because the structures already exist. The future potential addition of up to two, new, Code-compliant residences on Lot 6 and/or 9 will not substantially increase congestion, burden public utilities, or endanger the public health or safety, particularly when the lots were originally platted to house four single-family

residences, and the maximum amount that could exist if the zoning lots are created as proposed is three.

- (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: The only alternative to granting the proposed variation would be to partially or completely demolish the existing garage, and to partially demolish the existing patio. Given that the patio encroaches at most 0.61' into the required 10' setback, partial demolition of the patio is unreasonable to accommodate this encroachment and not necessary to fulfill the purpose of the setback. Partial or complete demolition of the garage in order to accommodate the 50' rear yard setback would also create an unreasonable hardship, as the garage could not be rebuilt given the 21' north side yard setback and 50' rear yard setback. *See*, Exhibit 7.

QUITCLAIM DEED IN TRUST

Mail to:

Debra B. Yale, Esq.
630 Dundee Road, Suite 220
Northbrook, Illinois 60062

Mail Tax Bills to:

Frederick A. Krehbiel, Trustee
c/o KF Partners LLC
2215 York Road, Suite 410
Oak Brook, Illinois 60523



Doc# 1627419242 Fee \$46.00

RHSP FEE: \$9.00 PRF FEE \$1.00

AFFIDAVIT FEE: \$2.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/30/2016 04:01 PM PG: 1 OF 5

THIS INDENTURE WITNESSETH, That the Grantors, **Frederick A. Krehbiel II, also known as Frederick A. Krehbiel and Fred A. Krehbiel, and Kathleen K. Krehbiel, also known as Kathleen Krehbiel and Kay K. Krehbiel, husband and wife, of Hinsdale, Illinois**, for and in consideration of Ten and No/100 Dollars (\$10.00) in hand paid, and of other good and valuable consideration, receipt of which is hereby duly acknowledged, do hereby Convey and Quitclaim unto **Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust, dated June 4, 1981, as amended and restated**, the following described real estate in the County of Cook and State of Illinois, to-wit:

Legally described on Exhibit A attached hereto and made a part hereof

Common Address: 505 S. County Line Road, Hinsdale, Illinois 60521

Real Estate Tax Nos.: 18-07-115-006-0000; 18-07-115-014-0000; 18-07-115-004-0000; 18-07-115-007-0000

TO HAVE AND TO HOLD the said real estate with the appurtenances, upon the trusts, and for the uses and purposes herein and in said Trust Agreement set forth, hereby waiving and releasing all homestead rights.

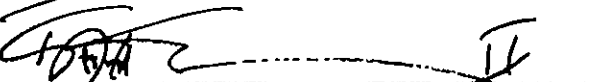
Full power and authority is hereby granted to said Trustee to improve, manage, protect and subdivide said real estate or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, and to resubdivide said real estate as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate, or any part thereof, to lease said real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in present or in future, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 198 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said real estate, or any part thereof, for other real or personal property, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said real estate or any part thereof, and to deal with said real estate and every part thereof in all other ways and


for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said Trustee, or any successor in trust, in relation to said real estate, or to whom said real estate or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, or any successor in trust, be obliged to see the application of any purchase money, rent or money borrowed or advanced on said real estate, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the authority, necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said Trustee, or any successor in trust, in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and in said Agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said Trust Agreement or in all amendments thereof, if any, and binding upon all beneficiaries hereunder, (c) that said Trustee, or any successor in trust, was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

The interest of each and every beneficiary hereunder and under said Trust Agreement and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or any other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

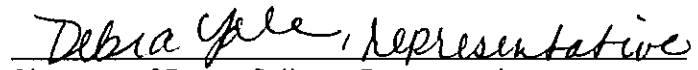
IN WITNESS WHEREOF, the Grantors aforesaid have hereunto set their hands this 19th day of SEPTEMBER, 2016.


 Frederick A. Krehbiel II, also known as
 Frederick A. Krehbiel and Fred A. Krehbiel


 Kathleen K. Krehbiel, also known as Kathleen
 Krehbiel and Kay K. Krehbiel

EXEMPT UNDER PROVISIONS OF PARAGRAPH e, SECTION 4, REAL ESTATE TRANSFER ACT

Date: 9/23/16


 Signature of Buyer, Seller or Representative

STATE OF ILLINOIS)
)
 COUNTY OF DUPAGE)

SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT **Kathleen K. Krehbiel, also known as Kathleen Krehbiel and Kay K. Krehbiel**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the instrument as her free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 19TH day of SEPTEMBER, 2016



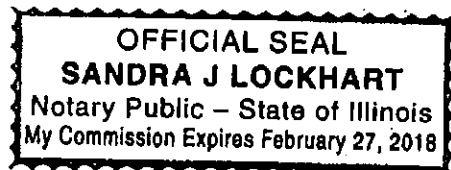
Sandra J. Lockhart
 Notary Public
 My commission expires on FEB. 27, 2018

STATE OF ILLINOIS)
)
 COUNTY OF DUPAGE)

SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT **Frederick A. Krehbiel II, also known as Frederick A. Krehbiel and Fred A. Krehbiel**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 19TH day of SEPTEMBER, 2016



Sandra J. Lockhart
 Notary Public
 My commission expires on FEB. 27, 2018

This instrument was prepared by:
 Debra B. Yale, Esq., 630 Dundee Road, Suite 220, Northbrook, Illinois 60062

EXHIBIT A**LEGAL DESCRIPTION**

LOT 1 IN W.W. THOMPSON'S RESUBDIVISION OF LOTS 4 AND 5 IN BLOCK 4 IN HIGHLANDS, BEING A SUBDIVISION OF THE NORTHWEST 1/4 AND THE WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OF SAID RESUBDIVISION RECORDED MAY 26, 1943 AS DOCUMENT 13081626, IN COOK COUNTY, ILLINOIS.

AND

LOTS 6, 7 AND 8 IN BLOCK 4 IN HIGHLANDS BEING A SUBDIVISION OF THE NORTH WEST ONE-QUARTER AND WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTH WEST ONE-QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1891 AS DOCUMENT NO. 1569676, BOOK 51 OF PLATS PAGE 41 COOK COUNTY, ILLINOIS.

AND

LOT 9 IN BLOCK 4 IN HIGHLANDS, BEING A SUBDIVISION OF THE NORTHWEST 1/4 AND THE WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1891 AS DOCUMENT NUMBER 1569674, IN BOOK 51 OF PLATS, PAGE 41, IN COOK COUNTY, ILLINOIS.

Common Address: 505 S. County Line Road, Hinsdale, Illinois 60521

Real Estate Tax Nos.: 18-07-115-006-0000; 18-07-115-014-0000; 18-07-115-004-0000; 18-07-115-007-0000

STATEMENT BY GRANTOR AND GRANTEE

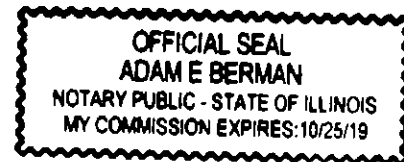
The grantor or its agent affirms that, to the best of their knowledge, the name of the grantor shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated: 9/23/16 Signature: Debra Yate, Agent
Grantor or Agent

Subscribed and sworn to before me by the
said Debra Yate this 23rd day of
September, 2016

Adam E Berman

Notary Public



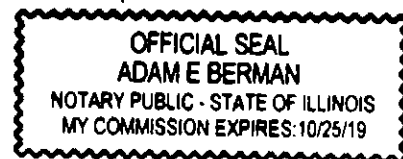
The grantee or its agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated: 9/23/16 Signature: Debra Yate, agent
Grantee or Agent

Subscribed and sworn to before me by the
said Debra Yate this 23rd day of
September, 2016

Adam E Berman

Notary Public



Note: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]

[illegible]

ACTUAL IMPERVIOUS AREA 16,776 SF



SITE PLAN

PARSONS
ARCHITECTS, LLC

28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.567.8135

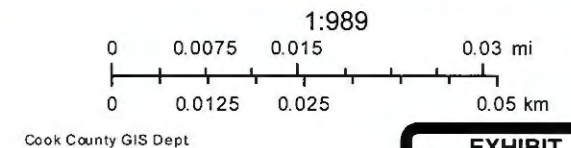
EXHIBIT

2

Cook County CookViewer



January 16, 2021



AFFIDAVIT OF MARK H. LANDSTROM

The undersigned affiant, Mark H. Landstrom, being first duly sworn on oath, states the following:

1. I am an Illinois Professional Land Surveyor, licensed in the State of Illinois and have been so since 1981.
2. I prepared the Plat of Survey dated July 27, 2018, which is attached hereto as Exhibit 1.
3. The Plat of Survey depicts four separate lots: Lot 6, Lot 7, Lot 8 and Lot 9, all located within Block 4 of the Highlands subdivision.
4. The dotted lines on the Plat of Survey indicate the interior lot lines between Lots 6, 7, 8 and 9 of the Highlands subdivision; they do not indicate abrogated lot lines.
5. The plat of the Highlands subdivision was recorded on November 16, 1891, in Cook County, Illinois, as Document 1569674. A true and correct copy of the plat of the Highlands subdivision is attached hereto as Exhibit 2.
6. In the normal course of my work preparing the Plat of Survey, I reviewed the recorded land records of Cook County, as well as the atlas and maps of Cook County prepared by the Sidwell Company.
7. Based on my review, I confirmed that Lots 6, 7, 8 and 9 of the Highlands subdivision have not been consolidated, resubdivided, or replatted since the plat of the Highlands subdivision was recorded.
8. In my professional opinion, Lots 6, 7, 8 and 9 are each current lots of record, as depicted on the plat of the Highlands subdivision.

FURTHER AFFIANT SAYETH NAUGHT



MARK H. LANDSTROM

EXHIBIT

9

tabbles

State of Illinois)
) SS
County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that **Mark H. Landstrom**, personally known to me to be the same
person whose name is subscribed to the foregoing instrument, appeared before me this day in
person, and acknowledged that he signed, sealed and delivered the said instrument as his free
and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 29 day of September, 2020.

Commission expires

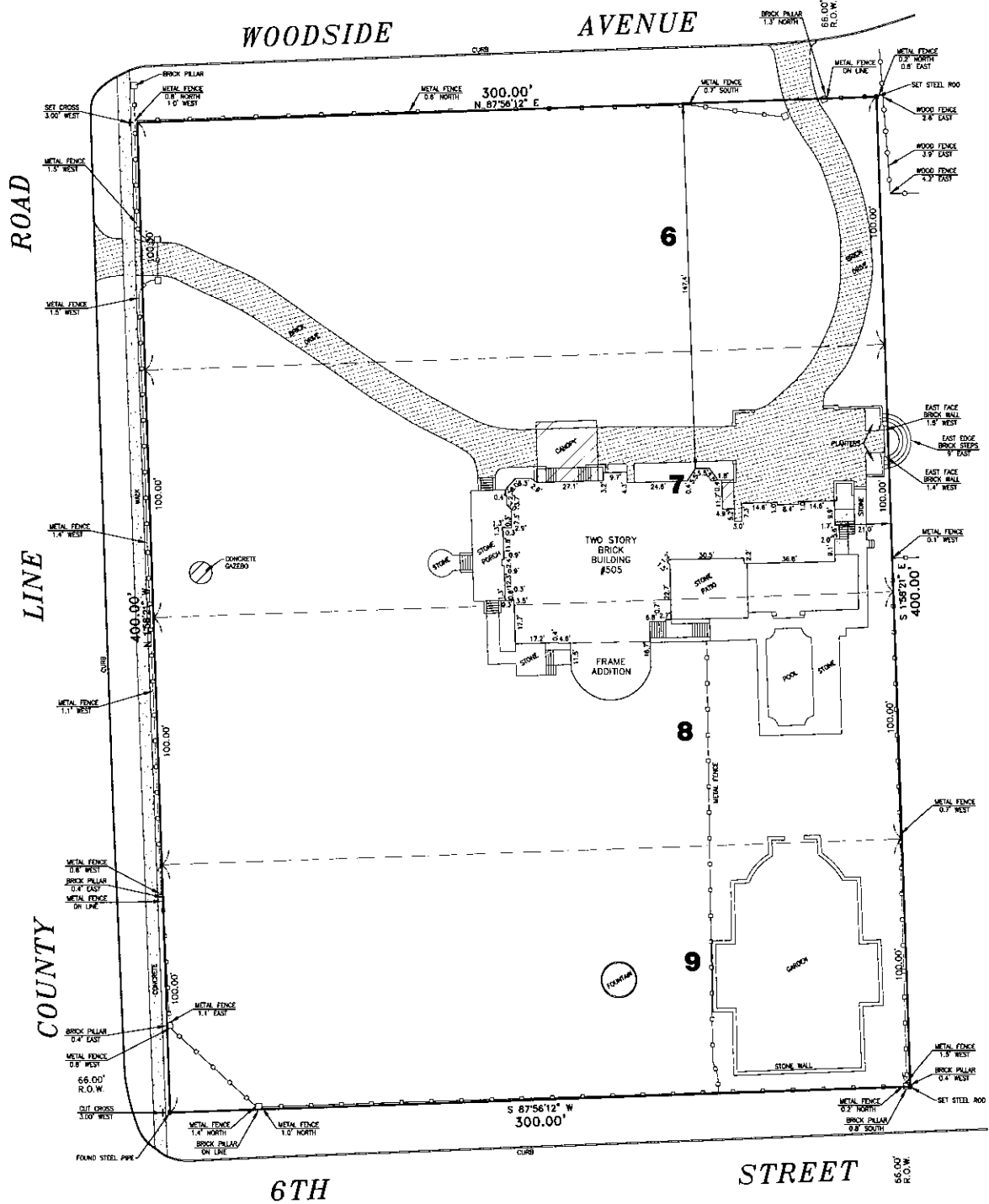
02/26/24

David Landstrom
NOTARY PUBLIC



PLAT OF SURVEY

LOTS 6, 7, 8 AND 9 IN BLOCK 4 IN HIGHLANDS, BEING A SUBDIVISION OF THE NORTHWEST QUARTER AND THE WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1891, AS DOCUMENT 1569674, IN COOK COUNTY, ILLINOIS.



PREPARED FOR: O'DONNELL, CALLAGHAN & HADDAD

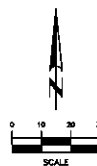
LANDMARK

ENGINEERING LLC
SOUTH FARM RECEPTION NO. 184-000177
7808 W. 103RD STREET
PALOS HILLS, ILLINOIS 60465-1599
PHONE (708) 586-3337

BEARINGS SHOWN HEREON (IF ANY) ARE BASED ON I.T.S.P.C. EAST ZONE, NAD83. NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE AND NO DIMENSIONS, LENGTHS OR WIDTHS SHOULD BE ASSUMED FROM SCALING. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO DEEDS, ABSTRACTS, TITLE POLICIES, SEARCHES OR COMMITMENTS, DOCUMENTS, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

SUBJECT PROPERTY AREA
120,000 SQ. FT.
2.755 ACRES
(more or less)



FIELD WORK COMPLETED: 7/26/18
THIS PROFESSIONAL SERVICE CONFORMS TO THE
CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.
DATED: 7/27/18

MARK H. LANDSTROM, I.P.L.S. No. 2625
LICENSE RENEWAL DATE: NOVEMBER 30, 2018
SURVEY No. 18-07-066-6-9

