



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/5h55w32p>

Meeting ID: 895 3937 4684

Passcode: 902582

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ZONING BOARD OF APPEALS

WEDNESDAY, May 19, 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) March 17, 2021
- b) April 21, 2021

4. APPROVAL OF FINAL DECISIONS & FINDINGS OF FACT

- a) V-03-21, 505 South County Line Road
- b) V-04-21, 120 East Fifth Street

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-06-21, 20 Charleston Road

8. PUBLIC HEARING

- a) V-05-21, 218 West Ogden Avenue *(to be continued by applicant request)*

9. NEW BUSINESS



MEETING AGENDA

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 Brad Bloom at 630-789-7007 or by TDD at **630-789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

www.villageofhinsdale.org

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
MARCH 17, 2021

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5 **1. ROLL CALL**

6 **Present electronically:** Members Gary Moberly, Joseph Alesia, Keith Giltner,
7 Tom Murphy, Leslie Lee, John Podliska, and Chairman Bob Neiman

8
9 **Absent:** None

10
11 **Also Present:** Director of Community Development/Building Commissioner Robb
12 McGinnis and Village Clerk Christine Bruton

13
14 **2. CALL TO ORDER**

15 The regularly scheduled meeting of the Hinsdale Zoning Board of Appeals (conducted
16 electronically via Zoom) was called to order by Chairman Bob Neiman on Wednesday,
17 March 17, 2021 at 6:31 p.m., roll call was taken.

18
19 Chairman Neiman - Opening Remarks:

20 *Due to the ongoing public health emergency, and consistent with the Governor's most recent*
21 *emergency declaration, various Executive Orders entered by the Governor, and the recent*
22 *amendments made to the Open Meetings Act in Public Act 101-640, the Village President has*
23 *been determined that an in-person meeting is not practical or prudent at this time, and this*
24 *meeting will therefore be conducted electronically.*

25 *Public comment is permitted during the public hearing portions of the meeting. I will ask persons*
26 *wishing to make public comment to identify themselves before speaking, spelling their last name*
27 *and stating their address.*

28
29 **3. APPROVAL OF MINUTES**

30 a) **Meeting of February 17, 2021**

31 Following changes to the draft minutes, Member Podliska **moved to approve**
32 **the draft minutes of February 17, 2021, as amended.** Member Moberly
33 seconded the motion.

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

37 **NAYS:** None

38 **ABSTAIN:** None

39 **ABSENT:** None

40
41 Motion carried.

42
43 **4. APPROVAL OF FINAL DECISIONS & FINDINGS OF FACT**

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

45 Following changes to the draft final decision, Member Podliska **moved to**
46 **approve the draft final decision for V-07-20, 425 & 417 Elm Street, as**
47 **amended.** Member Murphy seconded the motion.
48

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

3 **NAYS:** None

4 **ABSTAIN:** None

5 **ABSENT:** None

6
7 Motion carried

8
9 **b) V-01-21, 428 East 55th Street**

10 There being no changes to the draft final decision, Member Podliska **moved to**
11 **approve the draft minutes of V-01-21, 428 East 55th Street, as presented.**
12 Member Giltner seconded the motion.

13
14 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
15 Neiman

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** None

19
20 Motion carried

21
22 **c) V-02-21, 33 South Garfield Avenue, Final Decision**

23 There being no changes to the draft final decision, Member Podliska **moved to**
24 **approve the draft final decision of V-02-21, 33 South Garfield Avenue, as**
25 **presented.** Member Murphy seconded the motion.

26
27 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
28 Neiman

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** None

32
33 Motion carried

34 **d) V-02-21, 33 South Garfield Avenue, Findings of Fact**

35 There being no changes to the draft findings of fact, Member Podliska **moved**
36 **to approve the draft findings of fact for V-02-21, 33 South Garfield Avenue,**
37 **as presented.** Member Murphy seconded the motion.

38
39 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
40 Neiman

41 **NAYS:** None

42 **ABSTAIN:** None

43 **ABSENT:** None

44
45 Motion carried

46

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5. RECEIPT OF APPEARANCES

Court Reporter Kathy Bono administered the oath to all persons intending to speak at the following proceedings.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-04-21, 120 East Fifth Street

Ms. Kate Duncan, attorney representing homeowners Peter and Tina Verros, addressed the Board. She explained the owners constructed a new home on their property that is a through lot. The primary front faces Fifth Street, the secondary front faces Sixth Street. All zoning requirements were met when the house was constructed. She said the nature of a through lot creates two front yards, no rear yard. The secondary front functions as their rear yard. They are proposing a 6' foot cedar fence along this side of the property, but because the code restricts a solid fence in a front yard, they need a variation to install the fence.

Mr. Peter Verros, homeowner, stated there are three reasons they are requesting this variation: 1. the security and safety of their children; 2. To address some privacy concerns; and 3. To create continuity with neighboring fences, providing an aesthetic benefit. A cedar fence would match the existing fence on the rest of the property. They have planted mature yews extending the full lot line on Sixth Street, that are as dense as possible for a solid hedge. Mrs. Verros added they will grow to 15' feet in height, and the existing fence will not be visible.

Mr. Verros added the neighbors to the east and west both have rear lots on Sixth Street, and the neighbor to the east has the same type of fencing. It was confirmed that the proposed fencing will replace the existing metal fence located behind the landscaping.

Member Podliska asked if the neighbor to the east got a variance for his fence. Ms. Duncan did not have that information. It was pointed out the existing fence on the Verros property is compliant, because of the open nature of chain link fence.

Chairman Neiman recommended the applicant provide a fuller, more detailed explanation for each of the approving criteria.

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

8. PUBLIC HEARING

a) V-03-21, 505 South County Line Road (Transcript on file with the Village Clerk)

Chairman Neiman opened the public hearing. Mr. Robert O'Donnell, attorney representing the Mr. Fred Krehbeil and the Fred Krehbeil Trust, addressed the Board to request minimum rear yard setback relief. This property is comprised of four lots of record, designated as #6, #7, #8, and #9. There are only three pin numbers, Lots #7 and #8, where the current house resides, are single pin. The purpose for the request is to create and separate Lots #6 and #9 from the

1 current property. Mr. Krehbeil will donate to Landmarks Illinois a preservation
2 easement that includes the exterior on three elevations, and designated areas
3 on the interior of the home. This donation is purely for preservation purposes,
4 there is no tax consequence. There are no utility lines on Lot #9, and a gas
5 line only on Lot #6, but this would be addressed at such time as the lots may
6 be separated. He explained that he had previously requested and received a
7 zoning interpretation from the Village with respect to Lots #6 and #9, to confirm
8 that they could be separate buildable lots. He referenced exhibits in the
9 application, to illustrate specific relief requests. The existing attached garage
10 includes living space above, and is located 21' feet off the east property line.
11 Therefore, a 29' foot variance is requested. The second variance applies to
12 the patio; the specific measurement of the patio structure being 1.5' feet off the
13 property line from the portion of the patio wall that sticks out the furthest. So,
14 the request is for 8.5' feet of relief from rear yard setback. The patio stairs
15 encroach into Lot #6, but a document will be recorded against both properties
16 to say the owner of 505 County Line will remove the stairs and restore to grade.
17 Mr. O'Donnell addressed the standards for approval:

18 Unique physical condition: As a result of separating Lots #6 and #9, as part of
19 the process of preservation easement, the side yard becomes the rear yard,
20 and the existing garage encroaches. This condition results as part of a process
21 to preserve the existing historic structure. The front yard is 130' feet which is
22 more than three times the required front yard setback, yet the property has a
23 limited rear yard setback.

24 Not self-created. The garage is a pre-code structure.

25 Denied substantial rights – If the variance were not granted, the property owner
26 would be confronted with the prospect of removing the existing patio area, and
27 would have to replace the existing attached garage with a new garage. Further,
28 because of the historic preservation easement that will be created on the north
29 elevation, only a detached garage would be permitted. That garage would not
30 have a living element on second floor as is currently enjoyed. Attached garages
31 are commonly enjoyed by residents in Hinsdale.

32 Not merely special privilege – The separation of the two lots do not require a
33 variance be granted, the owner has the right to do so. The need for the variance
34 lies in the ability to retain the existing attached garage and patio. This variance
35 is not requested to create an opportunity to make money, and is not
36 accompanied by a favorable tax treatment. This request is driven solely by
37 preservation.

38 Purposes of the code, consistent with essential character of area – They are
39 not changing anything, not adding structures, or replacing elements. That
40 which has existed will remain as is. He noted the affidavit of the neighbor
41 adjacent to Lot #9, 531 E. Sixth Street, is fully supportive of the request, and
42 understands that Lot #9 will be the future site of a single family home.

43 Another remedy – There is none, they are just looking to keep what exists in
44 place.
45
46
47

1 **Ms. Suzanne German, from Landmarks Illinois**, addressed the Board stating
2 they are a State wide nonprofit organization advocating for historic preservation
3 for 50 years. She manages the easement program. An easement is a legal
4 agreement between the property owner and the organization: a partnership to
5 agree to preserve the property in perpetuity. The home cannot be demolished
6 or altered without permission. Often, this is the only protection for these
7 properties. Mr. Krehbiel is donating the easement, and not seeking any tax
8 benefit. She outlined the history of the property, and noted exterior and interior
9 changes since it was built, specifically those done by renowned architect, Mr.
10 David Adler. This is the only property of record Mr. Adler worked on in the
11 western suburbs.

12 **Mr. Dennis Parsons, architect**, addressed the Board to discuss the
13 alternatives of what could be built if the variation is not successful. He
14 illustrated where a detached garage could be constructed. There is 2,400'
15 square feet of floor area ratio (FAR) remaining, and the garage could be built,
16 by code, with a 2' foot setback as an accessory structure. It can only be 15'
17 feet high, and would therefore, not be in context with the existing home.

18 Member Moberly asked if easements can be withdrawn. Ms. German said no
19 easement has ever been withdrawn.

20 Mr. McGinnis clarified code definitions for legal non-conforming lots, the
21 required lot size in the R-1 district, and the possible orientation of any future
22 homes.

23 Ms. German explained that, with respect to the patio, the easement donation
24 offers no protection. Mr. O'Donnell said it is possible to move the patio, but it
25 is cohesive and consistent with the current property. Discussion followed
26 regarding the impact of moving the patio, and the impact on the request if it
27 were considered a driveway, motor court, or parking pad. Mr. O'Donnell does
28 not know if architect David Adler had anything to do with the patio structure,
29 but it has existed for decades. He added he is struggling as to why this is
30 problematic, because a new owner of Lot #6 will know about the patio impact
31 to that property before a final sale.

32 Chairman Neiman recalled that last months pre-hearing discussion indicated
33 the motivating factor for the variation request was to be able to sell off the other
34 lots for estate planning purposes. However, the motivation tonight is historic
35 preservation. Mr. O'Donnell said this has not changed, part of making this
36 decision about the property is for the future. The process of the preservation
37 easement donation has been ongoing for more than two years; there is nothing
38 new with that donation being part of estate planning. The decision to preserve
39 the existing structure is in part driven by the fact there will be a new, different
40 owner. Mr. Krehbiel wants to set up the new property owner to do what they
41 should with the historically significant property. This variation request is not
42 motivated by the opportunity to make money by selling buildable lots, but to
43 preserve the existing structure on Lots #7 and #8.

44 **Mr. Matt Bousquette, of 448 East Fourth Street and 445 Woodside**,
45 addressed the Board stating he lives four doors down from the subject property.
46 He reminded the Board that he tried to split his lot to renovate and landmark
47 the historic Zook house. The Zook home encroached by 1.5' feet, so the

1 second lot was not buildable by code, and required a variance. Mr. Krehbeil
2 was part of the group that objected to this effort, but he is making the same
3 arguments now that he opposed then. Mr. Bousquette said he hopes the code
4 applies equitably to all residents.

5 Mr. O'Donnell said he has general familiarity with Mr. Bousquette's issue, but
6 does not think his client is asking that the standards be considered differently
7 or favor one resident over another.

8 Chairman Neiman commented that it is important to remember that Mr.
9 Bousquette's case was approved by ZBA, unfortunately it was a
10 recommendation only, and the Village Board of Trustees overruled the
11 recommendation. So, personally, he is struggling with the idea the ZBA might
12 apply a different standard, when this body approved Mr. Bousquette's request.
13 Whether the applicant in this case was involved in any way of defeating the
14 Village Board approval, there is no evidence before us on that issue, and he
15 struggles with how to take that into consideration. He added that what the
16 Village Board did was tragic, but it is water under the bridge. Discussion
17 followed regarding the extent to which the ZBA should consider the actions of
18 the Village Board when making their determinations. It was noted that the ZBA
19 is not bound by precedent from other cases, and that the ZBA has final authority
20 in this particular matter.

21 Member Podliska moved to **close the public hearing for V-03-21, 505 South**
22 **County Line Road.** Member Giltner 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 **DELIBERATIONS**

32
33
34 Member Podliska began deliberations saying he would be in favor of the request,
35 in part because his questions about the patio are satisfied by the unique physical
36 condition. Those structures that are close to the lot line have been there a
37 considerable length of time, and not disqualifying for the owner to keep them
38 there. Regarding reducing the variation request to the minimum needed, he would
39 like to see it moved back from the lot line because setbacks are in place for
40 aesthetic and safety issues. He described possible vehicular safety issues.
41 However, it has been there a long time, and it would be an extreme request to
42 move it.

43 Member Moberly commented that being the landscape architect and the
44 construction manager on private property is beyond the purview of the Zoning
45 Board. He said he hates to see Lots #6 and #9 built up because there are very
46 few of these fine estates left in Hinsdale. However, the owner has a right to divide
47 the property. It is a shame, but it is their right. He would be in favor of granting

1 the variance.

2 Trustee Giltner struggles with the parking pad being so close to the lot line.
3 Obviously, the current owner has no objection to this structure because it is in his
4 back yard, but a different owner might object. This Board cannot forecast an
5 outcome, but in the spirit of reducing the variance request, he suggested imposing
6 a condition to make the lot line more consistent with the setback requirements.
7 Otherwise, he is comfortable with the variation that relates to the garage.

8 Trustee Alesia agrees stating he could support the request with the condition. He
9 added he finds it hard to believe part of the motivation for the request is not being
10 done to maximize the financial value.

11 Mr. Parsons confirmed that removal of the patio would result in a 8' foot 10" inch
12 setback.

13 Member Lee agrees, stating she has no issues with the garage. However, the
14 patio side of the property is imposing for a new owner on Lot #6, and agrees with
15 the suggested stipulation. She also struggles with whether or not this is self-
16 created because the need for a variation is a result of the current owner's desire
17 to separate the lots. She agrees the garage request seems reasonable, but
18 believes it would be prudent to provide more of a buffer from the patio for the future
19 owners of Lot #6.

20 Member Murphy would not put a condition on the approval, and believes the
21 garage is more imposing than the patio. He stated asking for the minimum makes
22 sense when you are building something new, but when it is an existing structure it
23 seems less sensible to tear it apart.

24 Chairman Neiman agreed with Member Murphy, stating if there was a neighbor, it
25 would be a different discussion, and would be perhaps more inclined to require the
26 variation come closer to the minimum standard, but given the size of the property,
27 and historic value of the home, it does not make a huge difference to him.

28 Chairman Neiman asked Mr. O'Donnell if he would like to address a possible
29 restriction as presented. If so, the public hearing would be re-opened. Mr.
30 O'Donnell stated he could address this issue, but will not say more until the hearing
31 would be reopened.

32 Chairman Neiman polled the Board regarding placing a condition on the approval.
33 Members Podliska and Murphy suggested this matter would best be negotiated by
34 the buyer and seller at the time of sale, and may impact the price of the property.
35 This is better than a condition imposed at this time. If it diminishes the value of
36 the property, then the market will drive that at the time. This Board is addressing
37 it hypothetically. Members Giltner, Alesia, Lee and Moberly agree there should be
38 a condition placed on the approval.

39 Member Podliska moved to reopen the Public Hearing for **V-03-21, 505 South**
40 **County Line Road**. 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 Mr. O'Donnell asked the Board to keep in mind that the condition regarding the
4 stairs will be recorded for any future owner of the Woodside property, and they
5 can have the stairs removed. The wall and stairs are visible and obvious. The
6 new Woodside property owner will have the opportunity to address the stairs with
7 the seller at the time of sale, as well as the wall. He believes this should be left to
8 the future owners of both properties. Regarding the condition of moving the wall
9 back, it is not known structurally what is under the wall and patio in that area, it
10 would be relevant to determine the appropriateness of imposing that condition. If
11 it cannot be moved, that is actually a denial of the request more than a condition
12 for approval. Mr. Parsons pointed out that two thirds of that area is planted, the
13 masonry is in excellent shape, and he believes there is no harm in leaving the
14 walls as they have always been.

15 Mr. Bousquette referenced a cover letter dated August 30, 2017 for the offer to
16 buy the Zook property that was presented to the Village Board at that time. The
17 group making the offer includes Mr. Krehbiel. However, he is supportive of
18 granting the variance, as he would not like to see this house torn down.

19 Member Podliska moved to **re-close the public hearing for V-03-21, 505 South**
20 **County Line Road**. Member Giltner seconded the motion.

21
22 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
23 Neiman

24 **NAYS:** None

25 **ABSTAIN:** None

26 **ABSENT:** None

27
28 Motion carried.

29
30 **FURTHER DELIBERATIONS**

31
32 Chairman Neiman began by stating the Board could either entertain a motion to grant
33 the variance outright, grant the variance with the condition discussed, or deny the
34 variance. Member Giltner suggested continuing the public hearing, to provide the
35 applicant an opportunity to gather more information regarding the patio.

36 Mr. McGinnis pointed out that if this area is a parking pad not a patio, the setback
37 requirements are reduced.

38 Mr. O'Donnell agreed it might be more helpful to the Board to provide more
39 information regarding the patio, but suggested the Board could vote tonight with
40 respect to the garage request, and continue the patio matter if necessary. Board
41 members agreed this was a reasonable suggestion.

42 Chairman Neiman added he leans toward a preservationist mentality, and it seems
43 to him that moving the wall to get it a little closer seems like a lot of work for not
44 much gain.

45 Member Podliska moved to **approve the variation request V-03-21, 505 South**
46 **County Line Road as it pertains to the garage, and to continue the hearing on**
47 **the patio variation request**. 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 – None

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Moberly made a motion to **adjourn the regularly scheduled meeting of the Zoning Board of Appeals of March 17, 2021.** Member Alesia 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 8:23 p.m.

Christine M. Bruton

Approved: _____

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
April 21, 2021**

1. CALL TO ORDER

The regularly scheduled meeting of the Hinsdale Zoning Board of Appeals (conducted electronically via Zoom) was called to order by Chairman Bob Neiman on Wednesday, April 21, 2021 at 6:34 p.m., roll call was taken.

Chairman Neiman - Opening Remarks:

Due to the ongoing public health emergency, and consistent with the Governor's most recent emergency declaration, various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, the Village President has been determined that an in-person meeting is not practical or prudent at this time, and this meeting will therefore be conducted electronically.

Public comment is permitted during the public hearing portions of the meeting. I will ask persons wishing to make public comment to identify themselves before speaking, spelling their last name and stating their address.

2. ROLL CALL

Present electronically: Members Gary Moberly, Joseph Alesia, Keith Giltner, Tom Murphy, Leslie Lee (arr. 7:05 p.m.), John Podliska, and Chairman Bob Neiman

Absent: None

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

3. APPROVAL OF MINUTES – None

4. APPROVAL OF FINAL DECISIONS & FINDINGS OF FACT – None

5. RECEIPT OF APPEARANCES

Court reporter, Ms. Kathy Bono, administered the oath to all persons intending to speak during the proceedings.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-05-21, 218 West Ogden Avenue

Mr. Patrick McGinnis, representing the applicants, addressed the Board. The property is located in the R4 zoning district, and located on the south side of Ogden Avenue between Vine and Grant Streets. The applicant is requesting relief from the minimum lot width requirement of 70' feet to 63' feet, to subdivide the property into three buildable lots. Two of the proposed lots would be code

1 compliant, the third lot is the interior lot on Grant Street. He pointed out that
2 even with the relief, this lot would still be larger than most of the other lots to
3 the south of the property

4 Member Podliska pointed out that the sign on the property says there are two
5 lots. Mr. Robb McGinnis confirmed it is two lots without a variance, by right.
6 Member Moberly asked for confirmation that the applicant is a developer, not
7 three separate owners for each lot. Member Alesia asked the applicant to
8 identify for the public hearing those nearby lots that are only 50' feet wide.
9 Chairman Neiman reminded Mr. Patrick McGinnis to that support from
10 neighbors can be a factor, and informative for the Board.

11 The public hearing was set for the next meeting of the Zoning Board of Appeals.
12

13 8. PUBLIC HEARING

14 a) **V-03-21, 505 South County Line Road** (*A transcript of these proceedings is*
15 *on file with the Village Clerk.*)

16 Chairman Neiman opened the public hearing. Attorney Robert O'Donnell,
17 representing the Krehbiel Trust, addressed the Board. He explained the
18 hearing was continued to address one of the two variations requested to allow
19 a structure to remain as is. The structure is a parking area. At the last hearing
20 on March 17, there was clear concern as to the extent of the variance
21 requested. At the time, the area was designated as a patio area, and as such
22 requires a 10' foot setback. At the time the application was made, it was
23 debated whether to call it a patio or a parking area, that requires only a 6' foot
24 setback. Given comments from Board members about the 8.5' feet of relief
25 necessary to preserve a patio, Mr. O'Donnell addressed this issue with the
26 Village, and got a zoning interpretation. He has received a written response
27 that determines this a parking area, and as such requires a 6' foot setback.
28 Therefore, relief to allow the structure to remain is reduced to 4.5' feet. The
29 purpose of requesting an interpretation was to lessen the relief sought. The
30 parking area is located between two large planters, to the west of the stairs.
31 The required 6' foot setback cuts through the parking space and planters. The
32 impact on the subject property, if they have to remove to comply, diminishes to
33 some extent the function of the motor court and driveway. There is no present
34 impact to the future 526 Woodside property, because it is owned by the
35 applicant. A future owner is protected because a covenant will be recorded to
36 require the stairs to be removed. Any future owner would either accept this, or
37 it would be the subject of negotiation between parties.

38 **Mr. Dennis Parsons**, architect, addressed the difficulty of taking a masonry
39 wall apart and having it look as good as it does today. He described the
40 difficulty of restoration work, and does not think this is a good idea. The parking
41 area is not intrusive, is well-maintained, and in good condition. This is not
42 detrimental to the property to the east, as a purchaser could decide if it is a
43 deal breaker. Discussion followed regarding new construction, and the wall as
44 an amenity. Mr. Parsons said the brick wall has a custom cap and great patina.
45 The edge of the wall is a foot off the lot line. Discussion followed about what a
46 future owner might do. Member Podliska pointed out a substantial redesign of
47 the existing driveway will have to take place to accommodate Lot #7. An

1 opportunity will exist to correct the loss of a parking space in the area in dispute.
2 The driveway that now exists to County Line Road will need to be re-done, too.
3 He believes this is an opportunity to move it back the required distance to meet
4 the code. Mr. Parsons believes the cure is worse than the disease. Member
5 Podliska thinks because the new lot will be lower, the wall will be imposing. Mr.
6 O'Donnell added that even if the parking area is pulled back the 4.5' feet, there
7 will still be a retaining wall, and it would be a solid wall since the stairs will be
8 gone. Member Giltner commented the wall can be as formidable as it wants, if
9 it is code compliant.

10 There were no further questions from the Board.

11 Member Podliska moved to close the public hearing for **V-03-21, 505 South**
12 **County Line Road**. Member Murphy seconded the motion.

13
14 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman
15 Neiman

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** None

19
20 Motion carried.

21 22 23 **DELIBERATIONS**

24
25 Member Murphy began discussion stating he believes it is okay to leave the
26 structure as is. He hears the concerns, but it could be assumed the new buyer will
27 build a fence anyway. Since the structure already exists, he believes it is too
28 speculative to determine what a future buyer will require. Member Giltner is trying
29 to balance the cost of removal, with agreeing to the variance. He is troubled with
30 letting the market determine the outcome, but having to move it is a significant
31 effort, a fence will make it a non-issue. This is a unique situation, and he is leaning
32 in favor.

33 Member Podliska said the anomaly is that the lot to the east is not owned, and the
34 Board has no input from a homeowner. He believes this puts a heavier burden on
35 the Zoning Board to comply with the code. The ZBA stands in the place of a future
36 owner. The 6' foot requirement is there for a reason. He acknowledges it would
37 be a big job to remove the wall, but the driveway reconfiguration will also be a big
38 job.

39 Member Alesia concurs with Member Podliska's arguments.

40 Member Moberly agrees, and added there is still 60,000' square feet of land left
41 on Lots #7 and #8. This will allow plenty of room to accommodate any reasonable
42 number of cars. He hates to see the wall removed, but the potential new owner is
43 not here.

44 Member Lee agrees that without the owner of the property to make a counter
45 discussion, it is up to the Board, and the encroachment is still significant. She
46 believes it is difficult to expect this to play out in a real estate situation. Chairman
47 Neiman says he leans toward the historic preservation aspect, and the request is

1 only 4' feet.

2 Member Moberly moved to approve the variation know as **V-03-21, 505 South**
3 **County Line Road**. Member Giltner seconded the motion.

4
5 **AYES:** Member Murphy and Chairman Neiman

6 **NAYS:** Members Moberly, Alesia, Giltner, Lee, and Podliska

7 **ABSTAIN:** None

8 **ABSENT:** None

9
10 Motion denied.

11
12 b) **V-04-21, 120 East Fifth Street** (*A transcript of these proceedings is on file*
13 *with the Village Clerk.*)

14 Chairman Neiman opened the public hearing. Mr. John George, attorney
15 representing the applicants, addressed the Board. Peter & Tina Verros have
16 built a new single family home, with a privacy fence. This is a unique property
17 as it is a through lot, there are two 'front' yards, Fifth Street is the primary front,
18 and Sixth Street is the secondary front. The home is code compliant R1 zoning,
19 but the code restricts fences in the front yard to 24' inches or 4' feet, the owner
20 wants 6' feet. He noted the fence cannot be a solid construction.

21 Mr. Verros explained there are three reasons they are making this request; 1.
22 the safety and security of the family; 2. privacy, there is a pool in the yard; and
23 3. this would improve the aesthetics of their fencing, as a portion of the existing
24 fence is a 6' foot solid fence. The existing east and west boundary fence is 6'
25 foot solid cedar. A 5' foot aluminum fence currently exists on Sixth Street, and
26 they want to replace it with cedar. He described the dense hedge of 7' foot
27 yews they have installed to shield the fence from view. Mrs. Verros added they
28 planned with their landscaper to find plantings that would be higher than the
29 fence, and green all year long. The yews will grow to 15' feet, and the fence
30 would not be visible behind the shrubbery. Mr. Verros pointed out that the
31 property to the east on Sixth Street has a similar through lot, and have a 6' foot
32 solid cedar fence, painted a darker grey color. He added that the owners to the
33 east and west have no objection to the fence. And although the owners on the
34 south side of Sixth Street object, the fence will be covered by evergreens. Mr.
35 George confirmed his client wants a totally secure back yard. Mrs. Verros
36 reported three separate instances where the police have been called because
37 of random dogs in the yard. She is fearful for the safety for children.

38 Mr. George summarized the approving criteria. He said the unique nature of
39 a through lot creates a hardship. Village code does not address fencing codes
40 for through lots. The proposed fence is permitted on a normal lot. The
41 proposed fence is in harmony with neighborhood, in fact, the property to the
42 east has the same type of fencing in their secondary front yard. Mr. McGinnis
43 explained that this owner was allowed to rebuild their existing legal non-
44 conforming fence in 2004, noting the code was changed in 2006 and would no
45 longer be permitted. Mr. George asserted it is still in harmony as the fence
46 exists. He said this owner is not setting a precedent. They spent time and
47 energy to do the landscaping correctly to shield the fence from neighbors. The

1 Verros thought the aluminum fence would be temporary. Chairman Neiman
2 suggested the installation of a 3' foot fence, but Mr. George said they want a
3 better barrier, and a solid 3' foot fence is also not allowed under the zoning
4 code. He went on to explain there is no adverse impact to the surrounding
5 community. There is separate criteria for fences, and these have been met.

6 Member Podliska confirmed a fence could be no higher than 5' feet, and cannot
7 be solid, but an open fence could be backed up with chicken wire to prevent
8 animals from getting in the yard. Mr. Verros said they were not aware of the
9 through lot fence requirement, so they ordered the solid fencing for the other
10 part of the yard and wanted it fully enclosed, and to match the existing fence.
11 Mr. McGinnis explained there is no problem with a cedar fence if it is 33% open.
12 Discussion followed about the permitted height of the fence.

13 **Mr. Bill Trader of 118 E. Sixth Street**, addressed the Board. He lives across
14 the street from the applicant and believes the property can be secured with
15 wrought iron or aluminum fencing that would not be onerous to neighbors. He
16 believes the fence would be visible.

17 There were no further questions.
18

19 DELIBERATIONS

20

21 Member Podliska said he is looking at the criteria of any other remedy, and thinks
22 that since a wrought iron fence can go to 5' feet, and that kind of fence with chicken
23 wire is a barrier and obstruction for safety. With respect to the landscaping in front
24 of the fence, the ZBA is not in a position to require landscaping. If there was a change
25 in the owner's thinking about landscaping, there would be no recourse. In light of
26 objections, and alternatives, he cannot approve. Member Alesia agrees, there are
27 multiple neighbors objecting, there are other remedies. The applicant must meet all
28 criteria. Member Lee agrees. Member Murphy said you cannot see the fence, why
29 not condition approval on screening on the street side. He is not offended by the solid
30 fence, it will be difficult to see any time of year, and matches the existing fence.
31 Member Moberly added the owner already has privacy and there are other avenues
32 available to increase safety. Member Giltner says the owner has done a lot to mitigate
33 the impact of fence, but having a row of trees that go to 15' feet have an impact, and
34 is not like what would be in a front yard. He understands the aesthetics aspect, but
35 that is not a hardship we can consider. Chairman Neiman agrees with the majority of
36 the Board, all criteria are not met, and there are alternatives.

37 Member Murphy moved to approve the variance known as **V-04-21, 120 East Fifth**
38 **Street**. Member Moberly seconded the motion.
39

40 **AYES:** Member Murphy

41 **NAYS:** Members Moberly, Alesia, Giltner, Lee, Podliska and Chairman Neiman

42 **ABSTAIN:** None

43 **ABSENT:** None
44

45 Motion denied.
46
47

1 **9. NEW BUSINESS**

2 Member Podliska asked if the Board will continue to meet by Zoom. Chairman
3 Neiman said we meet in compliance with the Governors orders that allow meeting
4 remotely, and it seems the best practice to accommodate everybody who might
5 like to attend.
6

7 **10. OLD BUSINESS – None**

8
9 **11. ADJOURNMENT**

10 With no further business before the Zoning Board of Appeals, Member Podliska
11 made a motion to **adjourn the regularly scheduled meeting of the Zoning**
12 **Board of Appeals of April 21, 2021.** Member Murphy seconded the motion.
13

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

16 **NAYS:** None

17 **ABSTAIN:** None

18 **ABSENT:** None
19

20 Motion carried.
21

22 Chairman Neiman declared the meeting adjourned at 8:19 p.m.
23
24

25 _____
26 Christine M. Bruton
27
28

Approved: _____

FINAL DECISION

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

Zoning Calendar: V-03-21

Petitioner: Frederick A. Krehbiel, as Trustee of the Frederick A. Krehbiel Trust

Meeting held: Public Hearings were held virtually on Wednesday, March 17, 2021 at 6:30 p.m. and on April 21, 2021 at 6:30 p.m., pursuant to a notice published in The Hinsdalean on February 25, 2021.

Premises Affected: Subject Property is commonly known as 505 S. County Line Road, Hinsdale, Illinois and is legally described as:

Permanent Index Number 18-07-115-037
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

Subject: 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.

Facts: 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.

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 for the reduction of the 50' required Rear Yard in order to maintain the existing attached garage in its existing location. 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 hearing was then continued until April 21, 2021 in order to consider the request to allow the existing parking area to remain at 1.4' off the rear lot line. Members discussed the request and agreed that the standards for variation set forth in 11-503 (F) of the Hinsdale Zoning Code had not been met. Specific reasons cited included the fact that much of the existing driveway was going to need to be removed in order to sell off the corner lot, the fact that the members felt they had a duty to protect a future owner of the property at 526 Woodside, and the fact that the existing parking area was so close to the lot line. A motion to approve the request was made by Member Moberly and seconded by Member Murphy.

AYES: Member Murphy and Chairman Neiman

NAYS: Members Moberly, Alesia, Giltner, Lee, Podliska,

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-04-21

Petitioner: CONGEO, LLC

Meeting held: Public Hearing was held virtually on Wednesday, April 21, 2021 at 6:30 p.m. pursuant to a notice published in The Hinsdalean on March 25, 2021.

Premises Affected: Subject Property is commonly known as 120 E. 5th Street, Hinsdale, Illinois and is legally described as:

Permanent Index Number 09-12-223-004
LOT 1 AND LOT 2 (EXCEPT THE WEST 10 FEET THEREOF) IN PEARSALL'S SUBDIVISION IN BLOCK 13 IN ROBBINS 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 PEARSALL'S SUBDIVISION RECORDED DECEMBER 12, 1883 AS DOCUMENT 32704, IN DUPAGE COUNTY, ILLINOIS

Subject: 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).

Facts: 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.

Action of the Board: Members discussed the request and agreed that the standards for variation set forth in 9-12-3 (J) of the Hinsdale Municipal Code had not been met. A motion to approve the request was made by Member Murphy and seconded by Member Moberly.

AYES: None

NAYS: Members Moberly, Alesia, Giltner, Murphy, Lee, 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.

7a

MEMORANDUM

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

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

DATE: May 11, 2021

RE: Zoning Variation – V-06-21; 20/22 Charleston Road

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 22 Charleston and consolidate the lots. The specific request is for 2.23' of relief.

The applicant in this case wants to purchase the vacant lot at 22 Charleston and consolidate it with the lot they currently own at 20 Charleston. Because the width of the 20 property would increase, the required side yard setbacks increase as well. Although the house is not moving on the 20 lot, the minimum side yard requirement would go to 25.95'.

This property is located in the R-3 Single family Residential District in the Village of Hinsdale and is located on the south side of Charleston at the end of the block. Upon consolidation, the property will have a frontage of approximately 149.97', an average depth of approximately 222', and a total square footage of approximately 54,317. The maximum FAR is approximately 12,863 square feet, the maximum allowable building coverage is 25% or approximately 13,579 square feet, and the maximum lot coverage is 50% or 27,158 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-06-21



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): Kevin Keevil & Wendy Austin

Address of Subject Property: 20 Charleson Road, Hinsdale IL 60521

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

FOR OFFICE USE ONLY

Date Received: 5/13/21 Zoning Calendar No. V-06-21

PAYMENT INFORMATION: Check # Check Amount \$

SECTION 1- NAME & CONTACT INFORMATION

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

Name: Kevin Keevil & Wendy Austin

Address: 20 Charleston Road. Hinsdale IL 60521

Telephone: 630-248-1962 email: wendy.austin@att.net

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

Name: _____

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: _____

b. Engineer: Jon Green, PE, CFM, Engineering Resource Associates Inc., 3s701 West Ave., Suite #150, Warrenville, IL 60555 630-393-3060

c. Architect: _____

d. Contractor: _____

e. Other: John Daly 630.248.9554 dbi72755@gmail.com

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: _____

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: 09-12-214-002 09-13-214-001

Address: 22 Charleston Road, 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.)*

Interior Side Yard Setback Requirement

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.)*

Property owner is consolidating two lots into one lot. The existing house has an existing interior side yard setback of 23.72 ft. which is currently in compliance as two separate lots. Once consolidated the interior side yard setback requirement is 25.95 ft. A +/- 2.23ft deviation from the minimum required interior side setback for this lot consolidation is requested and required.

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.)*

A +/- 2.23 ft variance is required since a consolidated lot would require a larger interior side lot line. The home is existing and will remain.

**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>

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.

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL 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): Kevin Keevil & Wendy Austin

Signature of Applicant: Wendy Austin

Signature of Applicant: Kevin Keevil

Date: 05/12/21

<p style="text-align: center;">ADDENDUM – RULES FOR WRITTEN SUBMISSIONS AND ORAL ARGUMENT</p>
--

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.

35701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60059
PHONE (830) 393-0060
FAX (830) 393-2182

10 S. RIVERSIDE PLAZA, SUITE 875
CHICAGO, ILLINOIS 60602
PHONE (312) 474-7341
FAX (312) 474-7088

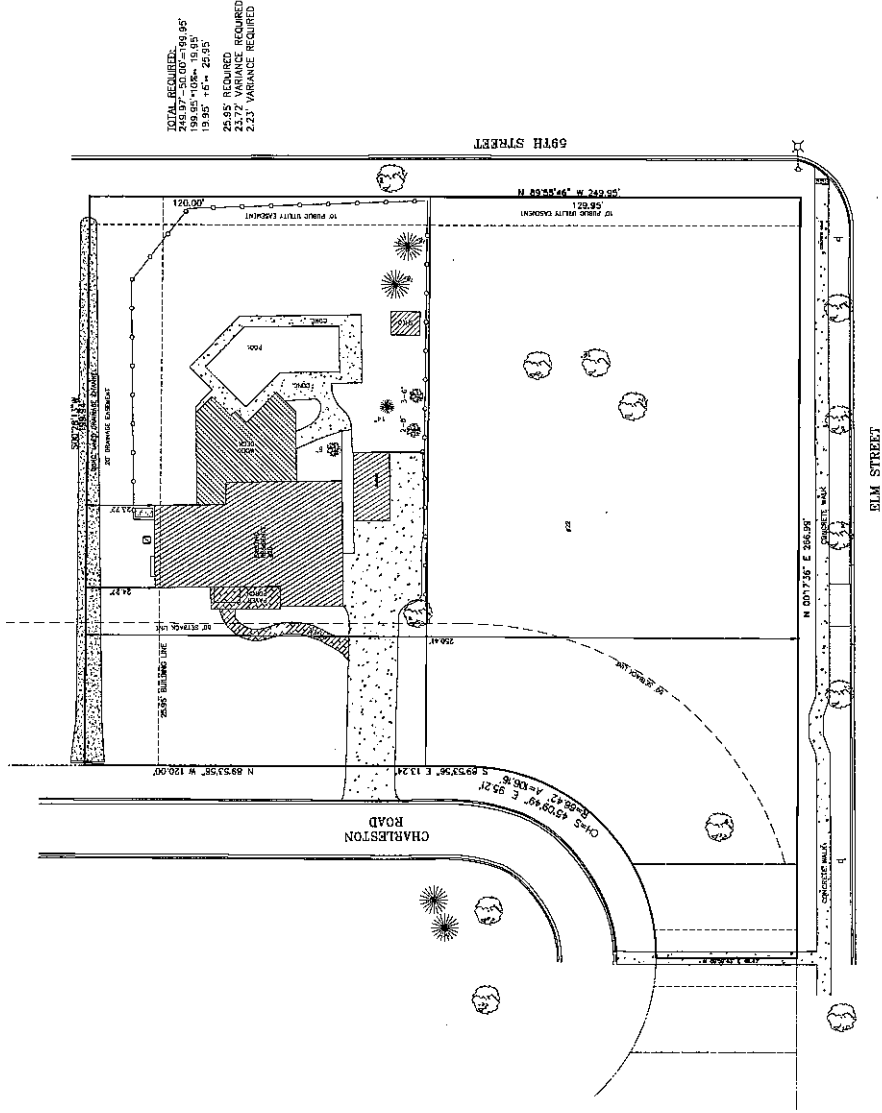
2626 GALEN DRIVE
CHAMPAIGN, ILLINOIS 61824
PHONE (312) 351-8228
FAX (312) 351-1502

WENDY AUSTIN
KEVIN KEVIN

[illegible]

LOTS 12 & 13 IN CHANTICLEER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE 104TH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 25, 1962 AS DOCUMENT R62-24906, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 20 & 22 CHARLESTON ROAD, MINSDALE, ILLINOIS



20 + 22 Charleston, Hinsdale, IL 60521			
Lot Consolidation/Fence Variance Request			
All properties within 250'			
			Mail To
Property Address			Address per Prop Tax Bill
KRAUSE; JEFFREY A TR	244 Meadowbrook Ln, Hinsdale IL 60521		KRAUSE; JEFFREY A TR
WIESBROCK; DANIEL & ANN	248 Meadowbrook Ln, Hinsdale IL 60521		WIESBROCK; DANIEL & ANN
SCHALLER; ROBERT V & NANCY	249 Meadowbrook Ln, Hinsdale IL 60521		SCHALLER; ROBERT V & NANCY
SOOD; JITEN; & SONAM	5818 South Elm St, Hinsdale, IL 60521		SOOD; JITEN; & SONAM
DULCE; HUGO & SORAYA	5822 South Elm St, Hinsdale, IL 60521		DULCE; HUGO & SORAYA
CUCHNA; JOHN R & SALLY A	5826 South Elm St, Hinsdale, IL 60521		CUCHNA; JOHN R & SALLY A
O TOOLE TR; MAGDALEN B	13 Charleston Road, Hinsdale IL 60521		O TOOLE TR; MAGDALEN B
DAY; MARGOT JANE TR	14 Charleston Road, Hinsdale IL 60521		DAY; MARGOT JANE TR
WOOD; KYLE A & DAWN D	15 Charleston Road, Hinsdale IL 60521		WOOD; KYLE A & DAWN D
FITZGERALD; PATRICK & C A	16 Charleston Road, Hinsdale IL 60521		FITZGERALD; PATRICK & C A
CLARK; ELIZABETH & CARL	17 Charleston Road, Hinsdale IL 60521		CLARK; ELIZABETH & CARL
NATARAJAN; B ET AL	18 Charleston Road, Hinsdale IL 60521		NATARAJAN; B ET AL
JHR REAL ESTATE LLC	19 Charleston Road, Hinsdale IL 60521	Prop Tax mailing address	JHR REAL ESTATE LLC
ABRAM; THOMAS & MARCIA	21 Charleston Road, Hinsdale IL 60521		ABRAM; THOMAS & MARCIA
FULLER; ETHAN	301 E 59th St, Hinsdale IL 60521		FULLER; ETHAN
FYLSTRA; RAYMOND A & C	309 E 59th St, Hinsdale IL 60521		FYLSTRA; RAYMOND A & C
SHETTY; RAVI & NAYA	315 E 59th St, Hinsdale IL 60521	Prop Tax - Bank @ actual address	SHETTY; RAVI & NAYA
HARRIS BK HINSDALE L-2931	319 E 59th St, Hinsdale IL 60521		HARRIS BK HINSDALE L-2931
ZHANG; XUEJIE & X	323 E 59th St, Hinsdale IL 60521	Prop Tax mailing address	ZHANG; XUEJIE & X
ANGELOPOULOS; GREGORY & S	327 E 59th St, Hinsdale IL 60521		ANGELOPOULOS; GREGORY & S

8a

MEMORANDUM

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

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

DATE: April 13, 2021

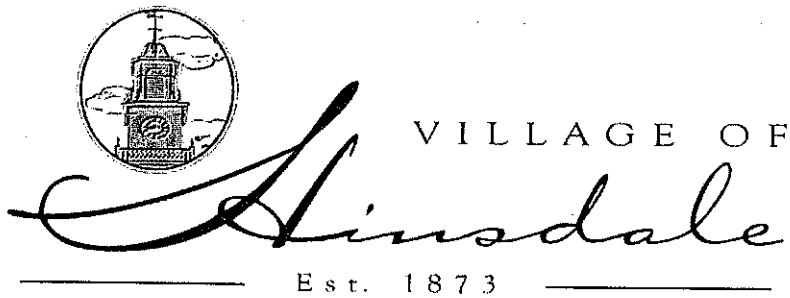
RE: Zoning Variation – V-05-21; 218 W. Ogden Avenue

In this application for variation, the applicant requests relief from the minimum lot width requirement in the Code in order to subdivide the property into three buildable single family lots. The applicant intends to demolish the structures and associated improvements and subdivide the property into three parcels; one code compliant lot on Vine Street, one code compliant corner lot on Grant and Ogden, and one interior lot on Grant Street short of the minimum lot width requirement set forth in 3-110(C)(3).

The specific relief is for a reduction in minimum lot width for the interior lot from 70' to 63', for 7' of relief. It should be noted that the Zoning Board of Appeals (ZBA) has final authority on this request as it is within 10%. Should the ZBA grant the requested relief, the application will move on to the Plan Commission and Board of Trustees for consideration of the Subdivision Plat.

This property is located in the R-4 single-family zoning district in the Village of Hinsdale and is located on the south side of Ogden Avenue between Vine and Grant Street. The property has a frontage of approximately 106', a depth of approximately 353', and a total square footage of approximately 47,222. The maximum FAR is 20% +2,000 square feet or approximately 11,444 square feet. The maximum building coverage is 25% or approximately 11,805 square feet. The Total Lot Coverage is 50% or approximately 23,611 square feet.

cc: Kathleen Gargano, Village Manager
Zoning file V-05-21



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): KAL DEVELOPMENT GROUP LLC

Shabbir Karimi, Manager and Abbas Al-Qamari, Manager

Address of Subject Property: 218 W. Ogden Avenue, Hinsdale, IL 60521

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

FOR OFFICE USE ONLY

Date Received: 4/12/21 Zoning Calendar No. V-05-21

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION 1- NAME & CONTACT INFORMATION

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

Name: KAL DEVELOPMENT GROUP LLC

Address: 1835 Elmore Avenue, Downers Grove, IL 60515

Telephone: (630) 667-4428 email: shabbir@kaldevgroup.com

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

Name: KAL DEVELOPMENT GROUP LLC

Address: 1835 Elmore Avenue, Downers Grove, IL 60515

Telephone: (630) 667-4428 email: shabbir@kaldevgroup.com

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

a. Attorney: Peter Coules, Jr., Donatelli & Coules, Ltd. - peter@donatellcoules.com

b. Engineer: Brian Leprich, Engineering Resource Associates, Inc. - bleprich@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: _____

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. _____

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: 09-01-117-001; 09-01-117-005; 09-01-117-006; 09-01-117-002
Address: 218 W. Ogden Avenue, 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 3- ZONING RELIEF REQUESTED

1. Ordinance Provision.

Sec. 3-110 (C)(3)(a) – Minimum Lot Area and Dimensions: Lot Width

2. Variation Sought.

The Applicant seeks a variation for a reduction of the minimum lot width for an interior lot in the R-4 Zoning District from 70' to 63'. The proposed lot would have a 67.99' lot width at the street, along Grant Street, and would have a 63' lot width at the property setback line. This 63' lot width at the building line is still greater than the average lot width of the four (4) lots to the south, along the same block on Grant Street, in which most houses are on 50' lots.

3. Minimum Variation.

The minimum variation of the lot width at the property setback that is necessary in order to achieve the desired zoning lots is a reduction of the 70' lot width requirement to 63'. Applicant is not seeking any additional variations beyond what is necessary to establish the new zoning lots.

**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 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.
- (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.

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

Unique Physical Conditions.

The unique physical conditions of the subject property are the fact that Ogden Avenue is on an angle (also not excluded as a corner lot when homes are not oriented to face Ogden Avenue) and the width at the setback line is the issue and not at the street.

(a) **Not-Self Created.**

The Applicant purchased the property, which had previously been used for the Hinsdale Animal Hospital. Also the angle of Ogden Avenue creates an issue for the width at the building set back line.

(b) **Denied Substantial Rights.**

If the 70' lot width requirement is enforced and the variance not permitted, only one home can be built on Grant Street and that would be approximately three (3) times (most 50') the average lot on the block and would not be marketable and presently two (2) PIN's on Grant Street so contemplated to be two (2) homes on the subject property.

(c) **Not Merely Special Privilege.**

The Applicant is not seeking a special privilege in seeking the variance for a 63' lot width, as the four lots to the south have a lot width of approximately 50'.

(d) **Code and Plan Purposes.**

The Code and building requirements are intended to help preserve the housing types and residential character of the Village. The proposed variance would allow the Applicant to develop the lots in a manner which is consistent with the surrounding lots and help preserve the housing types and residential character of the area.

(e) **Essential Character of the Area.**

The variance sought by the Applicant would not have a detrimental effect on the essential character of the area or have a negative effect on the public welfare. Rather, the proposed variance will allow the Applicant to develop the property in a manner that is consistent with the essential character of the area, as Applicant will be developing single family residences, rather than the commercial use the property previously had (veterinary clinic), and will not only have a less intensive use and

noise, but will also increase the property taxes for the property, benefiting the Village and the community. Further, it should increase the value of the neighboring properties.

(f) **No Other Remedy.**

There is not another remedy which would allow the Applicant to develop two (2) lots along Grant Street without seeking a variance for one of the two lots. Applicant is seeking a variance of the interior lot in order to allow for the corner lot, which will be along Grant Street and Ogden Avenue, to have a greater lot width in order to provide a great buffer between the home and Ogden Avenue.

- (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>

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.

6. STATEMENT OF CONFORMITY

The subject property is located within the R-4 Single Family Residential District within the Village. The Applicant seeks a variance pursuant to Section 11-503(E)(1)(a), which is a permitted variation in the R-4 Single Family Residential District. Therefore, granting the requested variations on the subject property would be in conformity with the Official Map and permissible under the Code.

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL 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): KAL DEVELOPMENT GROUP LLC - Shabbir Karimi, Manager and Abbas Al-Qamari, Manager

Signature of Applicant: _____



Signature of Applicant: _____

Date: 04/12/2021

The image displays a document page with a prominent header and footer section. The header, located at the top, is a curved grid containing the following numbers from left to right: 412, 400, 326, 322, 318, 314, 310, 224, 216, 208, 200, and 16. The main body of the page is a large, dark, textured area, possibly a scan of a physical document or a placeholder for content. The bottom edge of the page shows a curved footer with a grid of numbers: 97, 575, 563, 555, 545, and 535. The overall appearance is that of a high-contrast, black and white scan of a physical document.

SPECIAL WARRANTY DEED

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY ILLINOIS
03/10/2021 08:18 AM
RHSP
COUNTY TAX STAMP FEE 277.50
STATE TAX STAMP FEE 555.00

DOCUMENT # R2021-037978

Recording requested by, and
After recording return to:
Adnan Kagalwalla
KAL DEVELOPMENT GROUP LLC
1835 Elmore Avenue
Downers Grove, Illinois 60515

STATE OF ILLINOIS

§
§
§
§
§
§

KNOW ALL BY THESE PRESENTS:

COUNTY OF DUPAGE

THAT, ANTHONY T. KREMER, not individually, but solely as Trustee of the Anthony T. Kremer Trust dated January 15, 2003 ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration in hand paid to the undersigned by KAL DEVELOPMENT GROUP LLC, an Illinois limited liability company ("Grantee"), whose mailing address is 1835 Elmore Avenue, Downers Grove, Illinois 60515, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL, REMISE, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described on Schedule 1 attached hereto and made a part hereof for all purposes, together with all of Grantor's right, title and interest in and to the improvements and permanent fixtures situated thereon (collectively, "Property"); subject, however to the matters described on Schedule 2 attached hereto and made a part hereof for all purposes.

THE REMAINDER OF THIS PAGE WAS LEFT BLANK INTENTIONALLY.

TO HAVE AND TO HOLD, subject to the foregoing, the Property, together with all and singular the rights, hereditaments, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor but not otherwise.

EXECUTED this 5 day of March, 2021.

GRANTOR:

ANTHONY T. KREMER, not individually,
but solely as Trustee of the Anthony T.
Kremer Trust dated January 15, 2003

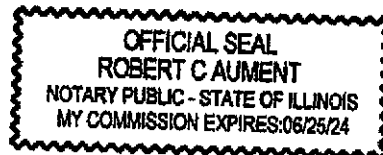
By: 

Anthony T. Kremer, Trustee

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Anthony T. Kremer, not individually, but solely as Trustee of the Anthony T. Kremer Trust dated January 15, 2003, and 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 notarial seal this 5 day of March, 2021.


Notary Public



SCHEDULE 1 TO DEED

LEGAL DESCRIPTION

Legal Description:

LOTS 1, 2, 10 AND 11 IN BLOCK 6 IN LANSING'S ADDITION TO HINSDALE, BEING A SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1891 AS DOCUMENT 45718, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-01-117-001; 09-01-117-005; 09-01-117-006; 09-01-117-002

218 W. Ogden Ave, Hinsdale IL 60521

SCHEDULE 2 TO DEED

EXCEPTIONS

[NOTE: TO BE FINALIZED UPON ISSUANCE OF PRO-FORMA.]

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
2. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
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 WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
6. TAXES FOR THE YEAR 2020 AND 2021.
7. EXISTING UNRECORDED LEASES AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.
8. COVENANTS AND RESTRICTIONS CONTAINED IN AGREEMENT BETWEEN J.W. NEFF AND MARGUERITE NEFF, HIS WIFE, AS FOLLOWS: SAID LOT 11, AFORESAID, SHALL BE USED ONLY FOR AN ANIMAL HOSPITAL AND RESIDENT AND THAT IF, AT ANY TIME, THE USE OF SAID PREMISES AS AN ANIMAL HOSPITAL SHALL BE DISCONTINUED, THAT ALL RIGHT AND CLAIM OF RIGHT TO SAID PROPERTY FOR ANY NON-CONFORMING PURPOSE SHALL THEREUPON TERMINATE AND THE PROPERTY BECOME SUBJECT IN ALL RESPECTS TO THE PROVISIONS OF THE ZONING ORDINANCES OF THE VILLAGE OF HINSDALE THEN APPLICABLE TO THE DISTRICT IN WHICH SUCH PROPERTY MAY THEN BE LOCATED.