



## MEETING AGENDA

### ZONING BOARD OF APPEALS WEDNESDAY, October 20, 2021

6:30 P.M.

**MEMORIAL HALL – MEMORIAL BUILDING**  
**19 East Chicago Avenue, Hinsdale, IL**  
*(Tentative & Subject to Change)*

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - a) August 18, 2021
4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT
5. RECEIPT OF APPEARANCES
6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE
7. PRE-HEARING AND AGENDA SETTING
  - a) V-07-21, 31 Blaine Street
8. PUBLIC HEARING
9. NEW BUSINESS
10. OLD BUSINESS
11. ADJOURNMENT

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the ADA Coordinator 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](http://www.villageofhinsdale.org)

VILLAGE OF HINSDALE  
ZONING BOARD OF APPEALS  
MINUTES OF THE MEETING  
August 18, 2021

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5  
6 **1. CALL TO ORDER**

7 Acting Chairman Gary Moberly called the regularly scheduled meeting of the  
8 Zoning Board of Appeals to order on Wednesday, August 18, 2021 at 6:30 p.m. in  
9 Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.  
10

11 **2. ROLL CALL**

12 **Present:** Members Joseph Alesia, Tom Murphy, Keith Giltner (*by telephone*), John  
13 Podliska, Bob Neiman (*by telephone*), and Acting Chairman Gary Moberly  
14

15 **Absent:** Member Leslie Lee  
16

17 **Also Present:** Director of Community Development/Building Commissioner Robb  
18 McGinnis and Village Clerk Christine Bruton  
19

20 **3. APPROVAL OF MINUTES**

21 a) **June 16, 2021**

22 Following changes to the draft minutes, Member Podliska **moved to approve**  
23 **the draft minutes of June 16, 2021, as amended.** Member Alesia seconded  
24 the motion.  
25

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

28 **NAYS:** None

29 **ABSTAIN:** None

30 **ABSENT:** Member Lee  
31

32 Motion carried.  
33

34 **4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT**

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

36 Following changes to the draft final decision, Member Murphy **moved to**  
37 **approve the draft final decision for V-05-21, 218 West Ogden Avenue, as**  
38 **amended.** Member Alesia seconded the motion.  
39

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

42 **NAYS:** None

43 **ABSTAIN:** None

44 **ABSENT:** Member Lee  
45

46 Motion carried.  
47  
48

b) **V-06-21, 20 Charleston Road**

There being no changes to the draft final decision, Member Murphy **moved to approve the draft final decision for V-06-21, 20 Charleston Road, as presented.** Member Podliska seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Lee

Motion carried.

**5. RECEIPT OF APPEARANCES - None**

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

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

**8. PUBLIC HEARING – None**

**9. NEW BUSINESS**

**10. OLD BUSINESS – None**

**11. ADJOURNMENT**

With no further business before the Zoning Board of Appeals, Member Murphy made a motion to **adjourn the Zoning Board of Appeals of August 18, 2021.** Member Podliska seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Member Lee

Motion carried.

Acting Chairman Moberly declared the meeting adjourned at 6:34 p.m.

\_\_\_\_\_  
Christine M. Bruton

Approved: \_\_\_\_\_

7a

## MEMORANDUM

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

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

**DATE:** October 13, 2021

**RE:** Zoning Variation – V-07-21; 31 Blaine

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In this application for variation, the applicant requests relief from the Side Yard Vertical Extensions requirement set forth in section 10-104(B)(2) of the Code in order to construct a second floor addition. This provision affords owners of precode structures the ability to maintain a non-conforming side yard setback, but limits it to no less than 6' by right. The house currently sits approximately 3.75' off the lot line and the specific request is for 2.25' of relief.

This property is located in the R-4 Single family Residential District in the Village of Hinsdale and is located on the east side of Blaine Street between Chicago Avenue and First Street. The property is non-conforming and has an average width of 50', an average depth of approximately 132', and a total square footage of approximately 6,591. The maximum FAR is 2,800 square feet, the maximum allowable building coverage is 25% or approximately 4,395 square feet, and the maximum lot coverage is 60% or 3,954 square feet.

cc: Kathleen Gargano, Village Manager  
Zoning file V-07-21



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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): Sean Taylor

Address of Subject Property: 31 Blaine St, 60521, Hinsdale IL

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

N/A

**FOR OFFICE USE ONLY**

Date Received: 10/15/21 CB Zoning Calendar No. V-07-21

PAYMENT INFORMATION: Check #                      Check Amount \$

**SECTION 1- NAME & CONTACT INFORMATION**

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

Name: Sean Taylor

Address: 31 Blaine St, Hinsdale, 60521

Telephone: 614-783-1290 email: seantay00@gmail.com

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

Name: N/A

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: N/A

b. Engineer: N/A

c. Architect: N/A

d. Contractor: N/A

e. Other: N/A

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

Name: N/A

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ email: \_\_\_\_\_

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

a. N/A

b. \_\_\_\_\_



## SECTION 2- REQUIRED DOCUMENTATION

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

**PIN Number:** 0912202005

**Address:** 31 Blaine St

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.)*

Current zoning in SECTION 10-104B2 acknowledges a need for side yard vertical extensions for older non-conforming historic properties. Although as shown below requires a minimum 6' setback for R-3/R-4.

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*SECTION 10-104B2. Side Yard Vertical Extensions: Any portion of a precode structure that is nonconforming with respect to a required side yard may be extended vertically within its existing perimeter walls;*

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*provided, however, that no such extension shall be allowed within ten feet (10') of any side lot line in the R-1 and R-2 districts or within six feet (6') of any side lot line in the R-3 and R-4 districts; and*

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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.)*

We are seeking a 2.25' relief from the current 6' required side yard vertical extension noted in 10-104B2, allowing vertical expansion to match current 3.75' offset of existing 1st floor addition.

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Additional Background: We are seeking a variation to the required 6' setback from the northern lot line, and requesting the 2nd story addition be permitted to extend to the same northern exterior wall as the 1st floor.

This will create a consistent sight line, add symmetry to design, and enable a more natural looking design to complement the historic home which resides in Robbins Park Historic District.

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In addition it will enable adequate square footage for a future master suite, modernizing this 120+ year old home for many years into the future.

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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.)*

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The minimum variation would require the new construction to be built within the same property setback as the original structure prior to the 6' requirement. This requirement is 3.75 from northern property line to

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**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.

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

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| <b>SECTION 6- SUBJECT PROPERTY ARCHITECTURAL<br/>DRAWINGS/SURVEYS</b> |
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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.***

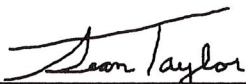


**SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE**

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): Sean Taylor

Signature of Applicant: 

Signature of Applicant: \_\_\_\_\_

Date: 10/12/2021



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

# 31 Blaine St. - Application for Variation (Additional Attachments)

## SECTION 2 - REQUIRED DOCUMENTATION

### 1. Subject Property:

PIN Number: 0912202005

Address: 31 Blaine St, Hinsdale, IL 60521

Legal Description: THE NORTH 38 FEET OF LOT 7 AND THE SOUTH 12 FEET OF LOT 8 IN GLADSTONE PARK, BEING A RESUBDIVISION OF BLOCK 4 IN ROBBINS FIRST ADDITION TO THE TOWN OF HINSDALE, BEING A SUBDIVISION IN THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPLE MERIDIAN ACCORDING TO THE PLAT OF SAID GLADSTONE PARK, RECORDED SEPTEMBER 7, 1887 AS DOCUMENT 38039, IN DUPAGE COUNTY, ILLINOIS



2. Title

## AFFIDAVIT OF TITLE

The undersigned, NEAL T. AYALA-JOHNSON f/k/a/ NEAL T. JOHNSON and EFRAIN AYALA-JOHNSON f/k/a EFRAIN AYALA hereinafter referred to as Seller(s) do/does hereby depose and say as follows:

1. Seller(s) own(s) certain real estate (hereinafter referred to as the Property), which is legally described as follows:

THE NORTH 38 FEET OF LOT 7 AND THE SOUTH 12 FEET OF LOT 8  
IN GLADSTONE PARK, BEING A RESUBDIVISION OF BLOCK 4 IN  
ROBBINS FIRST ADDITION TO THE TOWN OF HINSDALE, BEING A  
SUBDIVISION IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF  
SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE  
THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID  
GLADSTONE PARK, RECORDED SEPTEMBER 7, 1887 AS  
DOCUMENT 38039, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index Number: 09-12-202-005

Property Address: 31 Blaine Street, Hinsdale, IL 60521

2. Seller(s) is/are over 18 years of age and under no legal disability.

3. This Affidavit is made by Seller(s) in connection with the sale of the Property to SEAN TAYLOR and JANELLE TAYLOR, hereinafter referred to as Buyer(s) and is given to induce the Buyer(s) to make or complete the purchase of the Property.

4. No labor, services, or materials have been furnished or delivered to the Property or used for improvements or repairs thereof at any time within the past four (4) months that have not been fully and completely paid for, and Seller(s) have/had no debts, outstanding contracts, or liabilities that could give rise to or result in a lien or a claim of lien against the Property under the Illinois Mechanic Lien Act. Seller(s) also state that he/she/they have not done anything to the property that would adversely affect the title since the effective date on the title commitment up through and including the closing date.

5. All fixtures now located in or on the Property are fully paid for and are not subject to any conditional sales contracts, chattel mortgages, or other security interests.

6. No persons are in possession of the Property except Seller(s), and there are no leases, oral or written or other arrangements concerning the Property under which any person other than Seller(s) has any possessory rights in the Property.

7. To the knowledge of Seller(s), there are no presently existing violations of any restrictions or easements of record affecting the Property.

8. There is no outstanding contract, unrecorded deed, mortgage, or other conveyance affecting the Property executed by Seller(s) or to the knowledge of Seller(s).



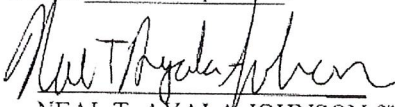
9. Neither Seller(s) nor his/her/their agent has received any notice from any city, village, or other governmental authority of any violation of any applicable dwelling or building code or any other law or regulation.

10. To the knowledge of Seller(s), the current use of the property is permitted under the existing zoning laws.

11. There are no unpaid assessments levied by any homeowners', condominium, or similar association with jurisdiction over the property.

12. Seller(s) does hereby certify the following: (a) Seller(s) is not a nonresident alien for purposes of U.S. income taxation; (b) Seller(s) understands that this Certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement Seller(s) has/have made herein could be punished by fine, imprisonment, or both. Under penalty of perjury, (c) Seller(s) declare(s) that he/she/they has/have examined this Certification and to the best of Seller(s) knowledge and belief it is true, correct, and complete.

Dated: 4-27-17

  
NEAL T. AYALA-JOHNSON f/k/a/  
NEAL T. JOHNSON

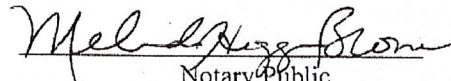
  
EFRAIN AYALA-JOHNSON  
f/k/a EFRAIN AYALA

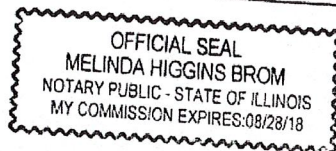
State of Illinois     )  
                              ) SS  
County of Cook     )

I the undersigned, a Notary Public in and for said County, in the State of Illinois, DO HEREBY CERTIFY NEAL T. AYALA-JOHNSON f/k/a/ NEAL T. JOHNSON and EFRAIN AYALA-JOHNSON f/k/a EFRAIN AYALA, are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, April 27, 2017

Commission expires

  
Notary Public



**BILL OF SALE**

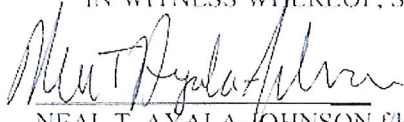
Seller, NEAL T. AYALA-JOHNSON f/k/a/ NEAL T. JOHNSON and EFRAIN AYALA-JOHNSON f/k/a EFRAIN AYALA, in consideration of ten (\$10.00) dollars, receipt whereof is hereby acknowledged, do hereby sell, assign, transfer and set over to Buyer, SEAN TAYLOR and JANELLE TAYLOR, the following described personal property, if any to-wit:

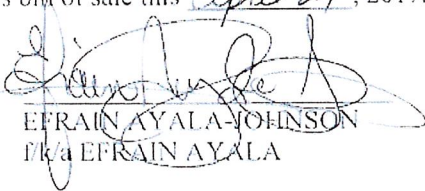
All personal property as listed in the real estate contract between the parties herein and dated March 23, 2017

Sellers hereby represent and warrant to Buyers that Sellers are the absolute owners of said property, that said property is free and clear of all liens, charges and encumbrances, and that Sellers have full right, power and authority to sell said personal property and to make this bill of sale. ALL WARRANTIES OF QUALITY, FITNESS, AND MERCHANTABILITY ARE HEREBY EXCLUDED.

If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Sellers have signed this bill of sale this April 27, 2017.

  
NEAL T. AYALA-JOHNSON f/k/a/  
NEAL T. JOHNSON

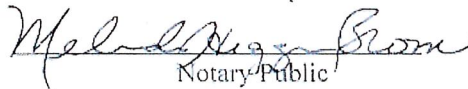
  
EFRAIN AYALA-JOHNSON  
f/k/a EFRAIN AYALA

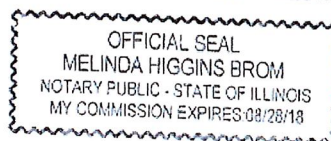
State of Illinois     )  
                              ) SS  
County of Cook     )

I the undersigned, a Notary Public in and for said County, in the State of Illinois, DO HEREBY CERTIFY NEAL T. AYALA-JOHNSON f/k/a/ NEAL T. JOHNSON and EFRAIN AYALA-JOHNSON f/k/a EFRAIN AYALA, are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, April 27, 2017

Commission expires

  
Notary Public



### 3. Neighboring Owners

| <u>Property Address</u> | <u>Owner</u>                           |
|-------------------------|--|
| 15 Blaine St            | Thomas Popson                          |
| 19 Blaine St            | Scott & Danielle Miller                |
| 23 Blaine St            | Kathryn & Richard Munson               |
| 27 Blaine St            | Sean & Meghan Sullivan                 |
| 37 Blaine St            | Anna & Michael Ferguson                |
| 18 Blaine St            | Dennis & Mary Fitzpatrick (Sold 1984?) |
| 22 Blaine St            | David & Edward Chen                    |
| 26 Blaine St            | William Debber                         |
| 32 Blaine St            | 32 Blaine LLC - Dana Kurtz             |
| 38 Blaine St            | Dawn & Julie White                     |
| 139 E 1st St            | Redeemer Lutheran Church               |
| 14 S Park St            | Robert & Laurie Motel                  |
| 18 S Park St            | Edward & Kari Snodgrass                |
| 24 S Park St            | Daniel & Kathryn Cole                  |
| 26 S Park St            | Brian & Susan Peterson                 |
| 34 S Park St            | Geoff & Caitlin Klein                  |

Neighboring Owners (Property within 250' linear feet)



#### 4. Survey



(assumed)

### KABAL SURVEYING COMPANY

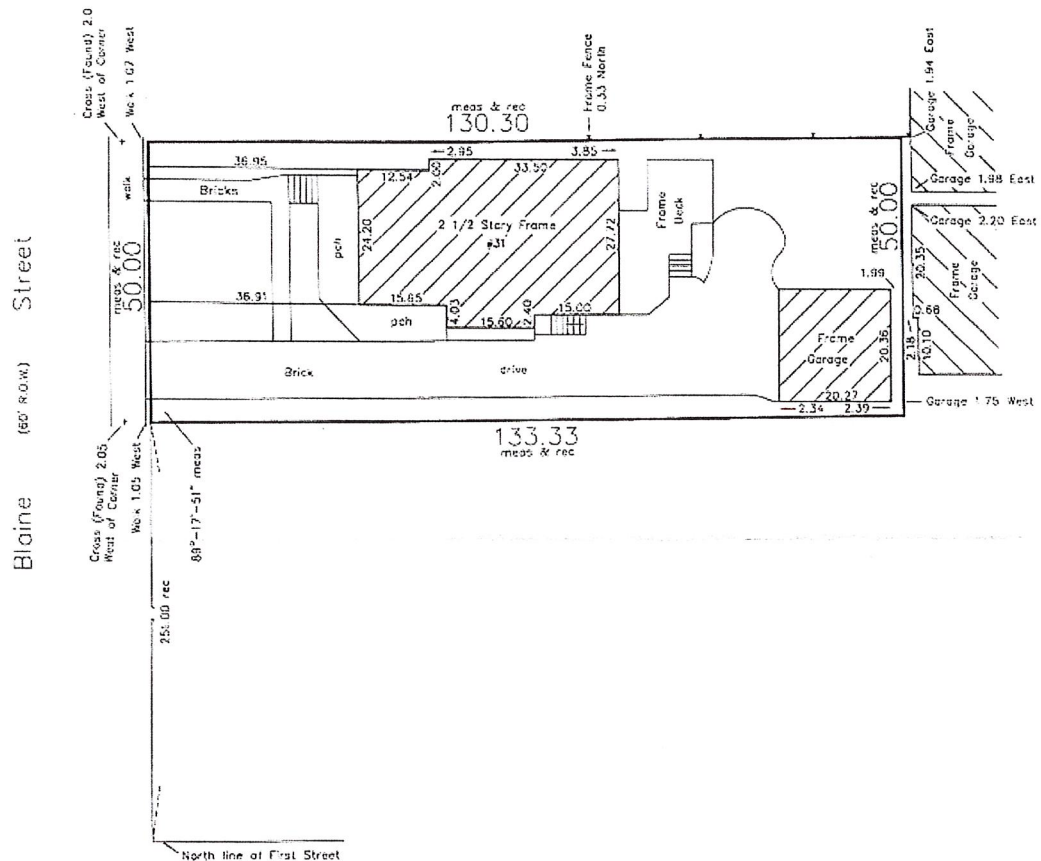
Land Surveying Services

2411 Hawthorne Avenue  
Westchester, Illinois 60154  
(708) 562-2652  
Fax (708) 562-7314  
Registration No. 184-C03601  
email: kabal-surveying@comcast.net

## Plot of Survey

The North 38 feet of Lot 7 and the South 12 feet of Lot 8 in Gladstone Park, being a Resubdivision of Block 4 in Robbins First Addition to the Town of Hinsdale, being a Subdivision in the North half of the Northeast quarter of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat of said Gladstone Park, recorded September 7, 1887 as Document 38039, in DuPage County, Illinois.

Address: 31 Blaine Street, Hinsdale



#### LEGEND

conc = concrete  
R.O.W. = right-of-way  
rec = record  
meas = measured  
pch = porch

Area of property is approximately 6,655 square feet

☒ "X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately

Surveyed October 26 20 09  
Building Located October 26 20 09

|                 |                |     |
|-----------------|----------------|-----|
| Scale: 1 inch = | 20             | ft. |
| Order No.       | 090596         |     |
| Ordered By:     | Brom, Attorney |     |

SURVEY UPDATED APRIL 26, 2017  
SURVEY UPDATED JANUARY 2, 2013  
SURVEY UPDATED OCTOBER 25, 2011



This professional service conforms to the current Illinois minimum standards for a boundary survey

STATE OF ILLINOIS }  
COUNTY OF COOK }

I, STEPHEN J. BALEX, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

*Stephen J. Balex*

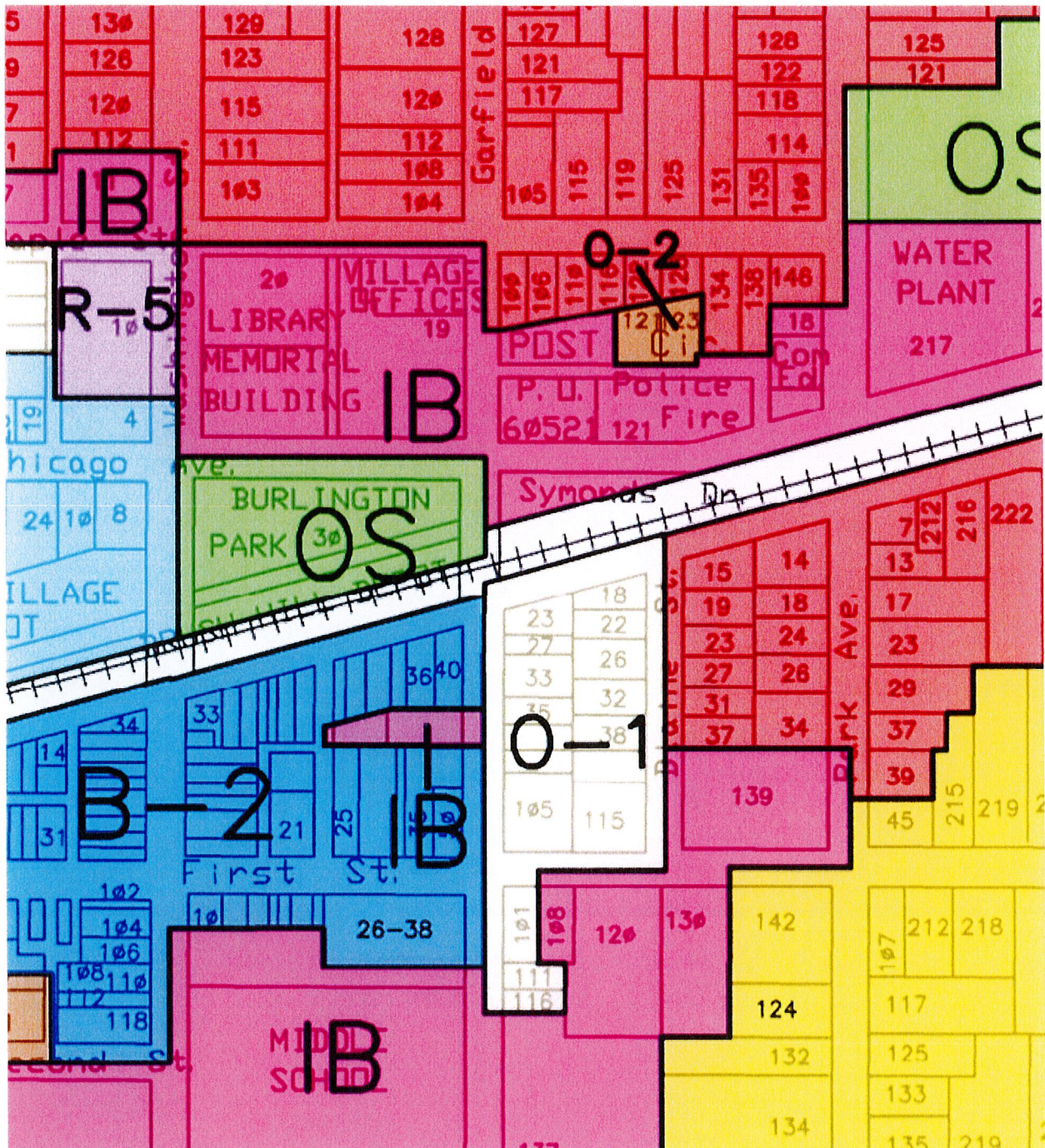
Illinois Professional Land Surveyor No. 035-001712  
My license expires on November 30, 2018

ORIGINAL SEAL IN RED



##### 5. Existing Zoning

The subject property is located within the Robbins Park Historic District. Current zoning for where subject property exists on eastern side of Blaine St is R4 single family residential district. On the western side O-1 speciality office district, along with Institutional Building (IB) zoning for the churches on the southern portion of Blaine St.





#### 6. Conformity

The subject property has an existing 1st floor addition that is estimated to have been added in the 1960's-1970's, which while at the time was conforming and followed existing structure on northern exterior, is now non-conforming based on current code which requires vertical structures to be 6' from property line. This variation is requesting that the new addition added to the 2nd floor would be allowed to maintain the same (not to exceed) existing footprint on the northern wall of the original 1st floor addition. It was suspected this addition was planned, but not executed on, based on the flat roof and strong roof structure built to carry 2nd floor load. Allowing this variation to support non-conforming structure would allow the new structure to more naturally fit the historic victorian home through increased symmetry and design flow. It would also improve space utilization without creating an unsightly structure which extends far beyond footprint to the east (rear of lot).

#### 7. Zoning Standards

Statement provided in Section 4

#### 8. Successive Application (N/A)



## **SECTION 4 - STANDARDS FOR VARIATION AS SET FORTH IN SECTION 11-503(F) (*Fence Applications - Section 5*)**

### **A. Unique Physical Condition:**

The current property includes an existing 1st story addition that was built approximately ~50 years ago prior to the new vertical sideyard setback requirement of 6' for R-4. The current first floor addition is 3.75' to northern property line. It appears given the flat roof and 2x10 structural support in the ceiling that the original owners intentions were likely to build a second floor bedroom, however for whatever reasons did not proceed with the project (ie. health, moved, fiscal challenges, down turn economy). Unfortunately the modern zoning rules prevent a simple vertical scaling upwards on the northern footprint, currently only allowing a variation for nonconforming properties to a 6' setback, creating design complexity and reducing functionality of the space. Had the new addition been completed as both a 1st and 2nd floor addition today, the entire footprint would have been consistent and simply extended further East. The fact the project has spanned multiple decades with changing code presents a unique physical condition and challenge where the original vision can't be executed without a variation or alternatively sacrificing visual design symmetry, utilization, or complete demolition.

### **B. Not Self Created**

The existing original house was built 2.9' off the property line in the early 1890's, with the addition in the mid 1900's being built 3.75' off the property line. We are trying to create and improve the historic properties modern utilization for our growing family, within design challenges not self created.

### **C. Denied Substantial Rights**

Owner's today building new greenfield addons for both 1st and 2nd floors are able to abide by the 6' setback without sacrificing visual or utilization in their designs due to pre-existing building structures that are non-conforming. The subject property is prevented such rights based on an existing structure attached to the historic original building. Code today supports non-conforming vertical extensions for many home owners, however not to the 3.75' needed for our project and to retain a seamless transition from original structure. While the 1st floor addon could conceptually be completely demoed and rebuilt as a 1st and 2nd story addition to code, this approach is not fiscally feasible given the more modest size of this lot and home. It could at worse trigger a potential complete demolition of the house of future owners, opposed to demoing and rebuilding just the legacy addition.

### **D. Not Merely Special Privilege**

Hinsdale home owners commonly enjoy having a primary bedroom with on-suite bathroom on the same floor as their children. Given the nature of this historic home, we are unable to enjoy this simple and common modern design element. Today the finished 3rd floor attic is utilized as a make-shift primary bedroom, separating the children on the 2nd floor. This leads to early morning challenges with tired toddlers tripping on stairs after having scary dreams or needing parental assistance, in addition to significant effort moving laundry from 3rd floor to basement laundry (traversing four floors - twice). Modern homes do not have such design challenges.

It has become sadly common in Hinsdale that these historic design challenges have led many home owners to consider tearing down our beautiful old homes, rather than making some minor modifications to modernize and sustain them for many future generations. We believe this simple variation not only helps sustain design aspects of this historic Victorian home, but modernizes it in such a manner that would help preserve it against future owners' consideration of tearing it down. Blaine Street is one of the unique streets in Hinsdale in which it appears all remaining homes are original to the block - preserving this through approving a modified vertical extension variation appears beneficial to our community, historic preservation advocates, and current/future homeowners.

#### E. Code and Plan Purposes

Construction of the current home and planned design are within the general feel of the neighborhood, contributing a Victorian Era design.

#### F. Essential Character of the Area

We do not believe this variation would create any ill effect on other parties, in fact by allowing the variation to extend to the North it will reduce the size of expansion to the East, maximizing light onto neighbors property to the north, in addition to providing a more aesthetically pleasing design for neighboring owners. The requested variation does not extend the addition any further than it already exists towards the neighboring home to the North, which is also separated by a driveway.

#### G. No Other Remedy

Multiple options have been considered to create the addition without the variation being requested. A complete tear down of the existing 1st story structure to rebuild 1st/2nd is economically not feasible given the modest nature of building and property size. An alternative design was explored to cannibalize existing living space into the 2nd floor, however it creates a visually abrasive design ruining the historic nature of the preserved original 2nd level floorplan. It also reduces usable space, therefore reducing the modernization and longterm attractiveness of this historic home to future owners, as well as reducing the attractiveness of funding the improvement investment for current owners.

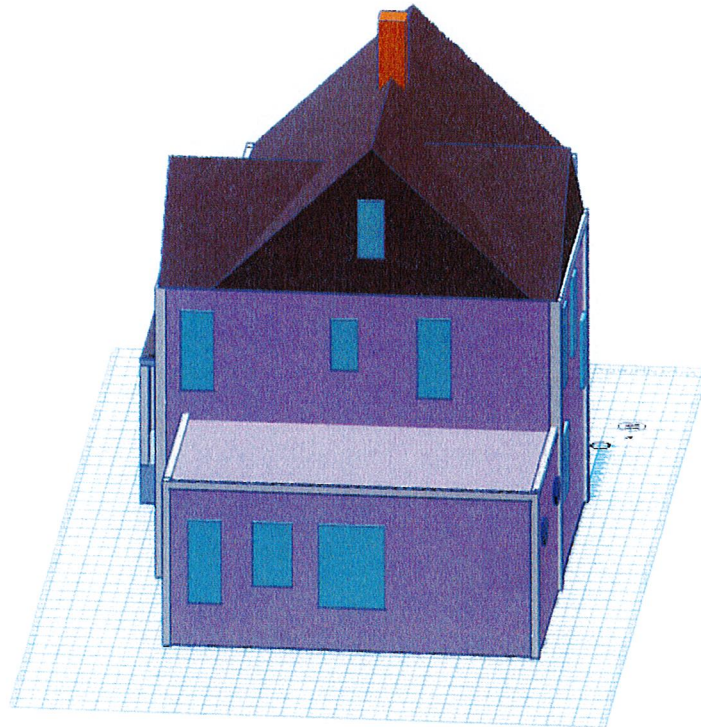


**SECTION 5 - STANDARDS FOR VARIATION - FENCES AS SET FORTH IN SECTION 9-12-3(J) - N/A**

**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 from improvement.

**Current Subject Property (Looking West)**

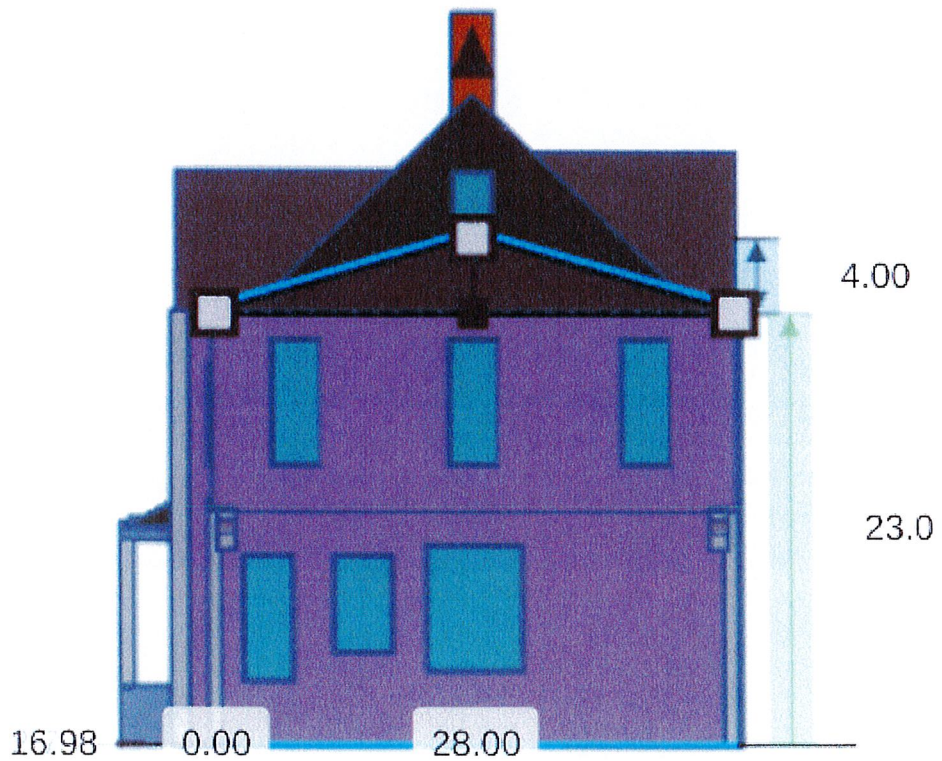


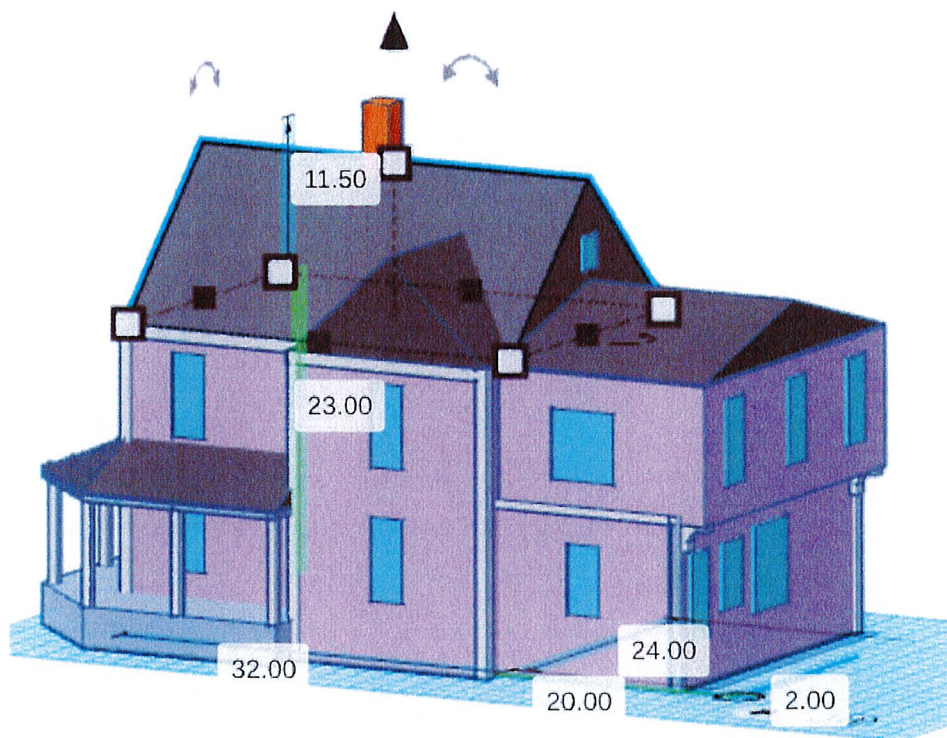
**Current Subject Property (Looking Northwest)**





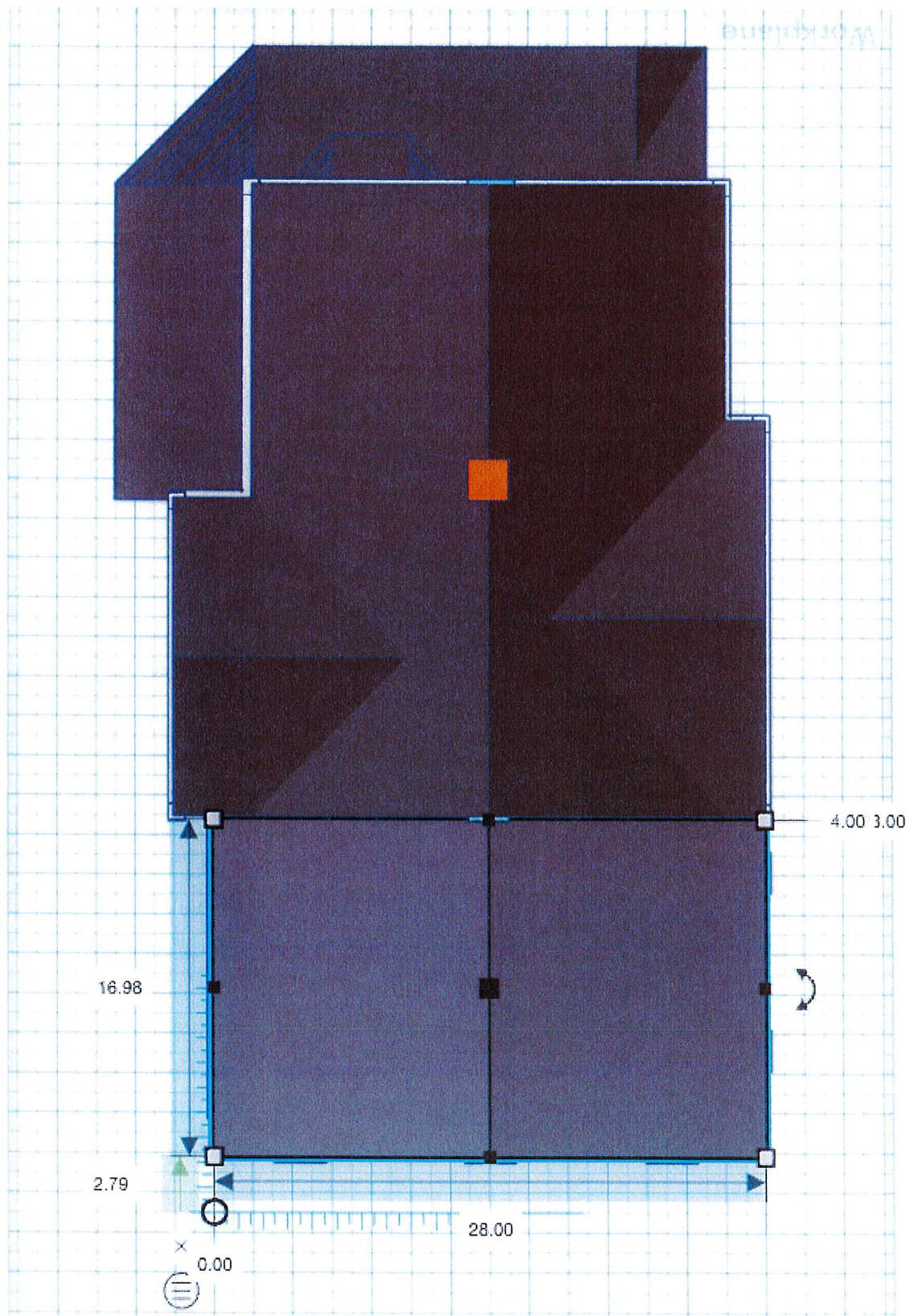
Proposed Addition to Subject Property (Looking West & Northwest)





Proposed Addition to Subject Property (Aerial, Top is West)







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.
  - a. Existing Zoning - R4
  - b. Max Building Coverage
    - i. **Lot Area** -  $50' \times 133.33' = 6591$  sqr ft
    - ii. **Max Lot Coverage** (Under 10,000 sqr ft), (60%) = 3954 sqr ft
    - iii. House (1418) + Garage (400) + Porch Add (128) = 1946 sqr ft
    - iv. **Driveway and Walks** = 1800 sqr feet
    - v. **Total** =  $1946 + 1800 = 3746$  sqr feet
    - vi. **Available** =  $3954 - 3746 = 208$  sqr feet
  - c. Distance to property lines
    - i. Today
      1. To Northern Line: **2.95'** (Addition is 3.75' at nearest)
      2. To Southern Line:  $50' - 3.85' - 27.72' - 2.4' = 16'$
      3. To Western Line: **36.9'**
      4. To Eastern Line:  $131' - 36.9' - 15.65' - 15.6' - 15' = 47.85'$
    - ii. Proposed
      1. To Northern Line: **2.95'** (Addition is 3.75' at nearest)
      2. To Southern Line:  $50' - 3.85' - 27.72' - 2.4' = 16'$
      3. To Western Line: **36.9'**
      4. To Eastern Line:  $131' - 36.9' - 15.65' - 15.6' - 17' = 45.85'$
  - d. Floor Area
    - i. **Max:**  $6,665$  sqr ft lot  $\times .25 + 1,100 = \text{2,766-sqr-ft (2,800 sqr ft - min)}$
    - ii. **Available:**  $2,800$  (Max allowed) -  $1,998$  (Existing 1st & 2nd Floor) -  $0$  (Attic 1930 exclusion) -  $0$  (basement exclusion) -  $200$  (garage @ 50%) = **602 sqr ft (Available)**
    - iii. **Proposed Project:**  $28' \times 17' = 476$  sqr ft (Master Addition)
    - iv. **Remaining After Project:**  $602$  sqr ft -  $476$  sqr ft = **126 sqr ft**