



## MEETING AGENDA

### ZONING BOARD OF APPEALS

WEDNESDAY, March 16, 2022

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 – None
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-02-22, 307 South Lincoln Street
8. PUBLIC HEARING
  - a) V-01-22, 527 – 541 Kensington Court Subdivision
  - b) APP-01-22, 110 East Ogden Avenue
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)

7a

## MEMORANDUM

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

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

**DATE:** March 9, 2022

**RE:** Zoning Variation – V-02-22; 307 S. Lincoln Street

---

In this application for variation, the applicant requests relief from the Floor Area Ratio (FAR) requirements set forth in section 3-110(E)(3) of the Code in order to add a second floor bedroom to a historic home. The specific request is for an increase of 354 square feet.

It should be noted that in the event the Zoning Board of Appeals approves the request, it will move on to the Board of Trustees as a recommendation. The ZBA does not have final authority on the requested variation in this case.

This property is a conforming lot located in the R-4 Residential District in the Village of Hinsdale and is located on the south east corner of Third and Lincoln. The property is approximately 132'x166.5' for approximately 22,027 square feet of lot area. The maximum permitted FAR is approximately 6,405sf. and the existing FAR is approximately 6,533sf.

cc: Kathleen A. Gargano, Village Manager  
Zoning file V-02-22



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): Nathan Saegesser and Natalie Saegesser

Address of Subject Property: 307 South Lincoln Street, Hinsdale, Illinois 60521

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

### FOR OFFICE USE ONLY

Date Received: 3/9/22 CB Zoning Calendar No. V-02.22

PAYMENT INFORMATION: Check # \_\_\_\_\_ Check Amount \$ \_\_\_\_\_

**SECTION 1- NAME & CONTACT INFORMATION**

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

Name: Chicago Title Land Trust Company, as Trustee under Trust Agreement dated June 22, 2011 and known as Trust Number 8002357262

Address: 307 South Lincoln Street, Hinsdale, Illinois 60521

Telephone: (773) 960-9221 email: nsaegesser@gmail.com

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

Name: Nathan Saegesser and Natalie Saegesser

Address: 307 South Lincoln Street, Hinsdale, Illinois 60521

Telephone: (773) 960-9221 email: nsaegesser@gmail.com

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

a. Attorney: Scott M. Day, Day & Robert, P.C. (smd@drm.law)

b. Engineer: \_\_\_\_\_

c. Architect: Bruce George, Charles Vincent George Architects

bgeorge@cvgarchitects.com

d. Contractor: Dave Knecht, Dave Knecht Homes, LLC daveknechthomes@gmail.com

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: Nathan Saegesser and Natalie Saegesser (beneficiaries)

Address: 307 South Lincoln Street, Hinsdale, Illinois 60521

Telephone: (773) 960-9221 email: nsaegesser@gmail.com

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:** 09-12-124-001

**Address:** 307 South Lincoln Street, Hinsdale, Illinois 60521

**Legal Description:**

Lots 2 and 3 in Block 9 in Town of Hinsdale, being a Subdivision of the Northwest Quarter (except railroad lands) of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded August 14, 1866 as Document Number 7738, in DuPage County, Illinois.

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.

**See attached Warranty Deed dated February 7, 2020 and recorded March 2, 2020 under Document No. R2020-020768.**

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.)*

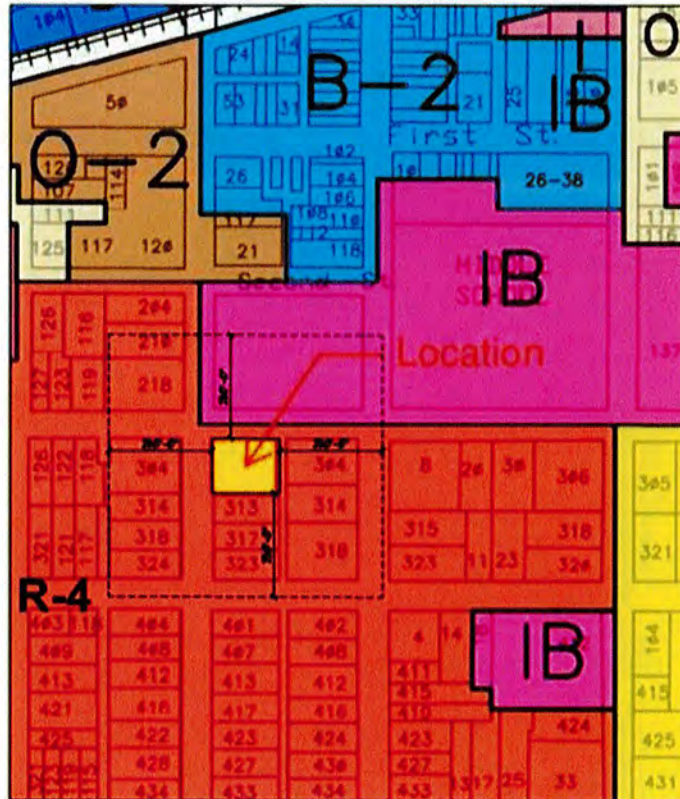
**See attached list.**

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.

**See attached Survey (Site Plan).**

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.

**The existing Subject property is a single-family detached residence in the R-4 zoning district.**



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.

**The Subject Property would remain a single-family residence with no proposed usage change. The proposed addition to the residence is planned to conform with the existing style and conform to the architectural details of the existing residence.**

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*)

**See Section 4 below.**

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.

**To owners' knowledge, there has been no application for variation for this relief in the last two years.**

<b>SECTION 3- ZONING RELIEF REQUESTED</b>
---

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

**Section 3-110 Bulk, Space and Yard Requirement**

**FAR calculation of .2 plus 2,000 square feet of gross floor area**

---

---

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.)*

**To increase existing FAR from  $(22,026.53 \times .20) + 2,000 = 6,405.306$  to 6,900 square feet (permitted = 6,405.306)**

---

---

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.)*

**Minimum required FAR from 6,405.306 to 6,900 square feet (rounded to an even 100 square feet) (increase of 494 square feet)**

---

---

---



**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.

**Applicant's Response:**

**Applicant's home is a unique historic residence (so designated by Historic Certification Consultants for the Village of Hinsdale in 2001) first occupied in 1894, just one year following the Columbia Exposition in the City of Chicago. This historic residence has enjoyed a long history of multiple owners making updates, re-siding, window and door replacements, and additions while maintaining a high degree of fidelity to the colonial revival historic architecture. Unfortunately, the original design provided for just three bedrooms on the second floor (primary family sleeping floor cluster excludes compromised rooms built out in the attic and a full in-law suite built over the garage). This original 1894 sleeping configuration has not changed. To achieve a conventional four-bedroom cluster arrangement, yet maintain fidelity to the historic architecture, an addition of roughly 500 square feet is necessary. (See drawings attached to this Application for Variation). But completing this addition to the second floor will push the square footage over the FAR limitation.**

- (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.

**Applicant's Response:**

The unfortunate impact of the Village R-4 FAR limitation upon efforts to convert old historic architecturally significant homes to floor plates that dovetail with current life style is well known within Hinsdale. Current efforts undertaken by the Village planning propose elimination of the FAR restriction to induce owners of historic structures to reinvest while preserving the architecture for continued community aesthetic enjoyment. Much earlier expansion of this home has left the structure at the old FAR cap, without solving the odd three-bedroom limitation on the second floor.

- (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.

**Applicant's Response:**

Lacking additional FAR through variance, the only means of achieving a four-bedroom sleeping floor cluster would be to propose partial demolition. Doing so would be economically unwise, historically counter-productive, or perpetually entomb this location in an outdated floorplan.

- (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.

**Applicant's Response:**

Applicant merely asks permission to create a family friendly four-bedroom second floor sleeping cluster and avoid partial demolition in the name of honoring FAR regulations that are difficult with historic homes.

- (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.

**Applicant's Response:**

**Applicant submits that the variation if granted would be in harmony with the longstanding efforts by the Village to preserve and enhance historic homes from the 19<sup>th</sup> century.**

- (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.

**Applicant's Response:**

**Applicant submits that the variation if granted would be in harmony with the longstanding efforts by the Village to preserve and enhance historic homes from the 19<sup>th</sup> century.**

- (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.

**Applicant's Response:**

**Applicant submits that partial demolition of a historically significant home is the sole alternative to obtaining additional FAR.**

<p style="text-align: center;"><b>SECTION 5- STANDARDS FOR VARIATION – FENCES</b> <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.

**Applicant Response: No fences are a part of this variation.**



<b>SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS</b>
---

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 applicant, 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): Nathan Saegesser and Natalie Saegesser

Signature of Applicant: 

Signature of Applicant: Natalie Saegesser

Date: March 7, 2022

<b>ADDENDUM – RULES FOR WRITTEN SUBMISSIONS AND ORAL ARGUMENT</b>
---

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.



FD 19-1632

10/1

**WARRANTY DEED  
ILLINOIS STATUTORY**

Mail To:

Thomas J. Anselmo

1771 W. Diehl #120

Naperville, IL 60563

**Name & Address of Taxpayer:**

Chicago Title Land Trust Company, as  
Trustee under Trust Agreement dated June  
22, 2011 and known as Trust Number  
8002357262

307 S. Lincoln Street

Hinsdale, IL, 60521

FRED BUCHOLZ, RECORDER

DUPAGE COUNTY ILLINOIS

03/02/2020 11:59 AM

RHSP

COUNTY TAX STAMP FEE 1,250.00

STATE TAX STAMP FEE 2,500.00

DOCUMENT # R2020-020768

THE GRANTOR(S) William Scott Matzelle and Gretchen Matzelle, husband and wife, of 6101 51st St. S., St. Petersburg, State of Florida, 33715, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) Chicago Title Land Trust Company, as Trustee under Trust Agreement dated June 22, 2011 and known as Trust Number 8002357262

**(BUYER'S ATTORNEY OR BUYER: CHECK APPLICABLE AND STRIKE ALL OTHERS)**

☐ Individually

☐ as Tenants in Common

☐ as Joint Tenants

☐ not as joint tenants, nor tenants in common, but as Tenants by the Entirety

Whose address is 332 The Lane, Hinsdale, IL 60521, all interest in the following described Real Estate situated in the County of DuPage, in the State of Illinois, to wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

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

SUBJECT TO: covenants, conditions and restrictions of record and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate; and general real estate taxes not due and payable at the time of Closing.

Permanent Real Estate Index Number: 09-12-124-001

Address of Real Estate: 307 S. Lincoln Street, Hinsdale, IL, 60521

Dated this 7th day of February, 20 20

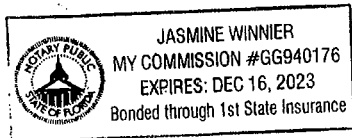
W. Scott Matzelle  
William Scott Matzelle

Gretchen Matzelle  
Gretchen Matzelle

STATE OF Florida, COUNTY OF Piellas ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT **William Scott Matzelle**, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the said instrument as his/her/ their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 7th day of Feb, 20 20

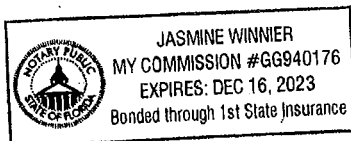


Jasmine Winnier (Notary Public)

STATE OF Florida, COUNTY OF Piellas ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT **Gretchen Matzelle**, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the said instrument as his/her/ their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 7th day of Feb, 20 20



Jasmine Winnier (Notary Public)

Prepared by: *Hawbecker and Garver, LLC, 26 Blaine Street, Hinsdale, IL 60521*

**Exhibit A**

**Lots 2 and 3 in Block 9 in Town of Hinsdale, being a Subdivision of the Northwest 1/4 (except railroad lands) of Section 12, Township 38 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded August 14, 1866 as Document Number 7738, in DuPage County, Illinois.**

**Saegesser Application for Variation  
307 South Lincoln Street  
Hinsdale, Illinois 60521**

**Section 2 Required Documentation**

3. Neighboring owners
- 210 South Lincoln Street, Hinsdale, IL 60521  
Owners: Tschosik, Patrick & E
  - 218 South Lincoln Street, Hinsdale, IL 60521  
Owners: Hutchins, Samantha & R
  - 304 South Lincoln Street, Hinsdale, IL 60521  
Owners: Peterchak, J & J Picerne
  - 314 South Lincoln Street, Hinsdale, IL 60521  
Owners: Abdo, Elizabeth
  - 318 South Lincoln Street, Hinsdale, IL 60521  
Owners: First American Bank FN 10118816
  - 324 South Lincoln Street, Hinsdale, IL 60521  
Owners: Davis, Ernest M. & Elaine
  - 313 South Lincoln Street, Hinsdale, IL 60521  
Owners: Rhatigan, Hannah & Liam
  - 317 South Lincoln Street, Hinsdale, IL 60521  
Owners: Johnson, Stephen
  - 323 South Lincoln Street, Hinsdale, IL 60521  
Owners: Meyer, Keith & Eileen
  - 304 South Washington Street, Hinsdale, IL 60521  
Owners: Coffey, Thomas & Mary
  - 314 South Washington Street, Hinsdale, IL 60521  
Owners: Dobrez, John & Tammy
  - 318 South Washington Street, Hinsdale, IL 60521  
Owners: Powell Tr., Judith F.



- 100 South Garfield Avenue, Hinsdale, IL 60521  
Owners: School District 181

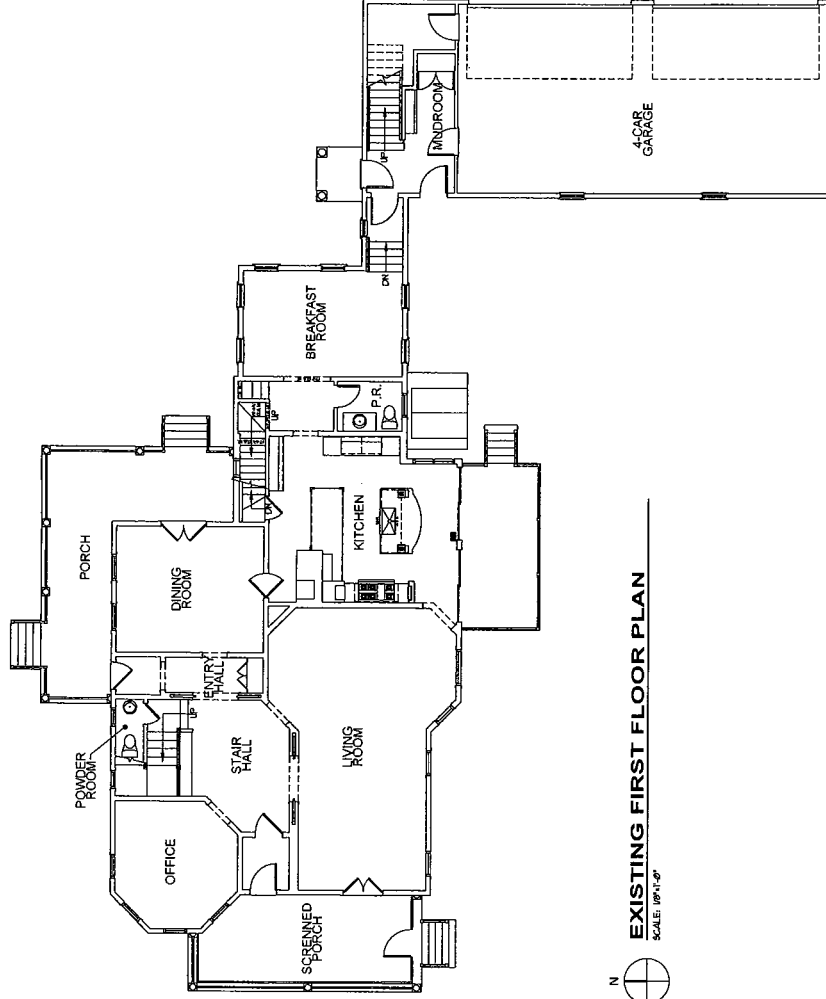
SCALE: 1"=30'

north



 **charles vincent george**  
ARCHITECTS  
1245 E. Diehl Rd. Suite 101 • Naperville, IL 60563  
P: 630.357.2023 • F: 630.357.2662

**Saegesser Basement Remodeling**  
307 S. Lincoln Street - Hinsdale, Illinois  
February 18, 2022 | project 2021-134



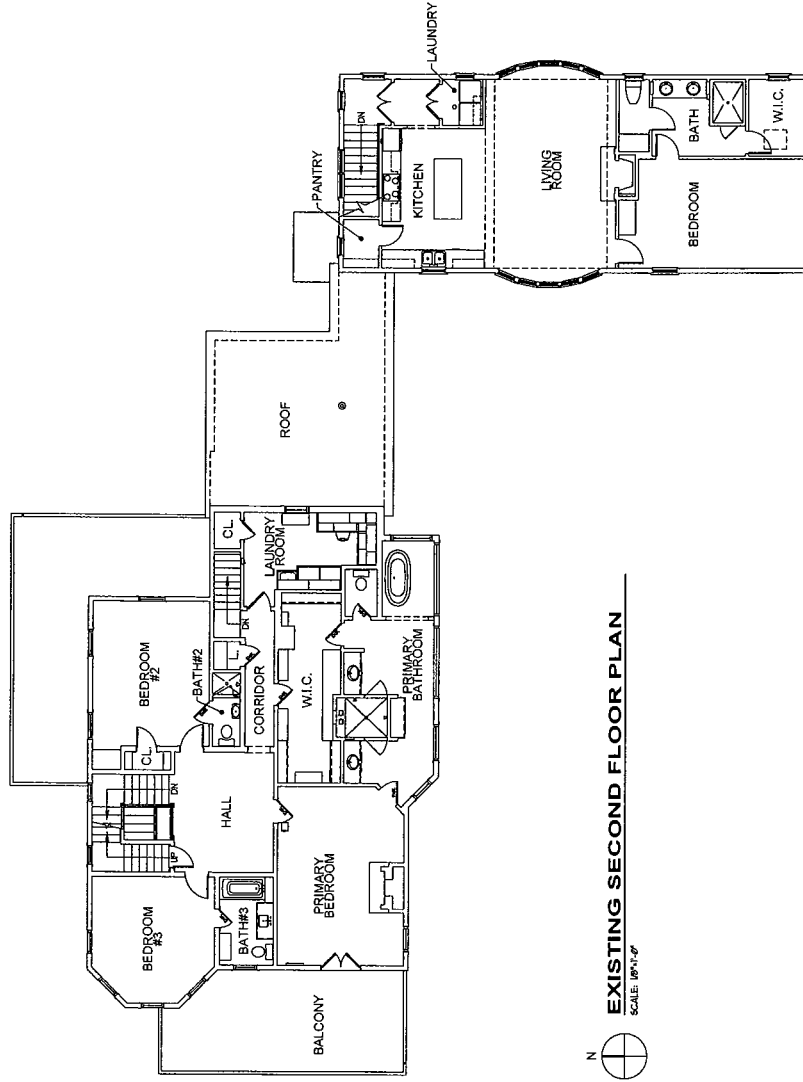
**EXISTING FIRST FLOOR PLAN**

SCALE: 1/8"=1'-0"

Saegesser Basement Remodeling  
 307 S. Lincoln Street - Hinsdale, Illinois  
 February 18, 2022 | Project 2021-194



Charles Vincent George  
 ARCHITECTS  
 1945 E. Duval Rd., Suite 101 - Naperville, IL 60563  
 P: 630-357-2023 • F: 630-357-2662

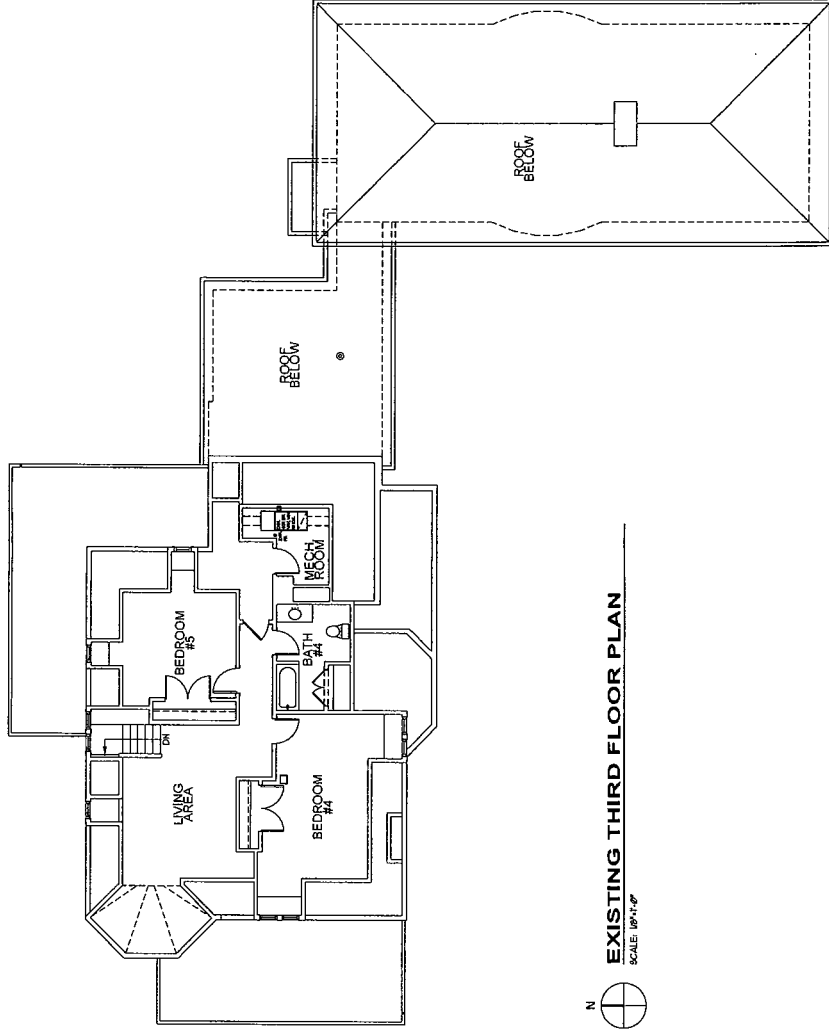



**EXISTING SECOND FLOOR PLAN**  
 SCALE: 1/8"=1'-0"

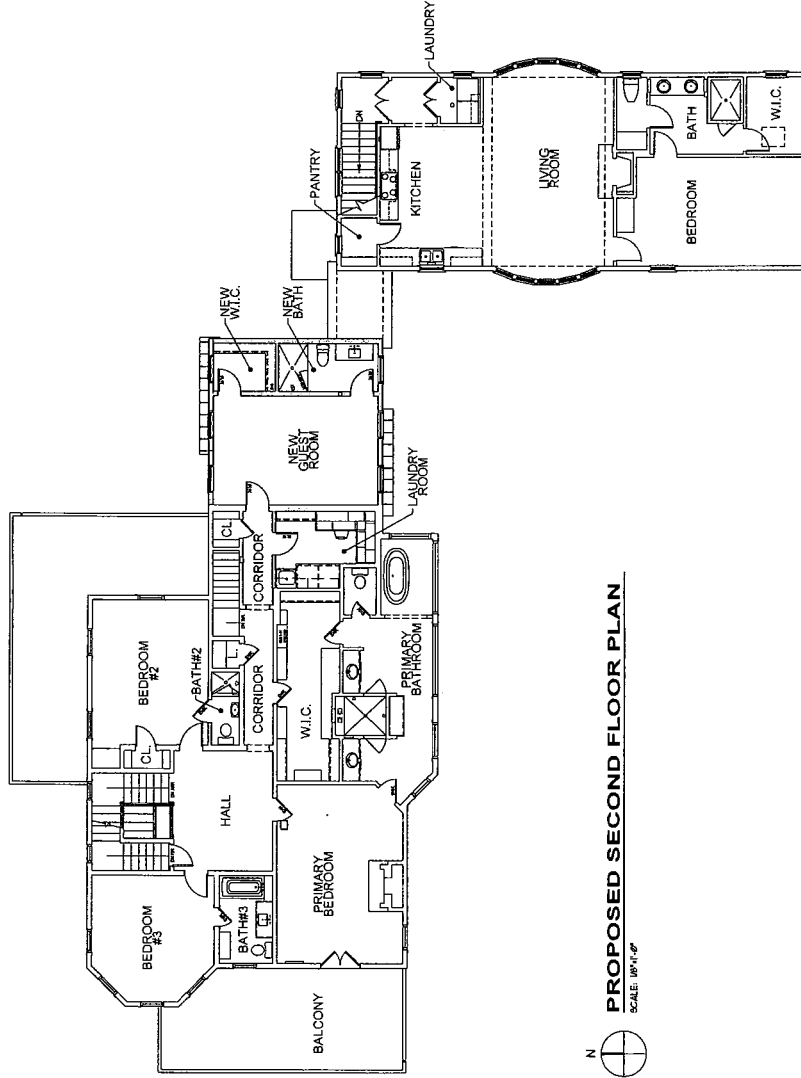


Charles Vincent George  
 ARCHITECTS  
 1945 E. Duell Rd., Suite 101 • Naperville, IL 60563  
 P: 630.397.2663 • F: 630.397.2662

Saegesser Basement Remodeling  
 307 S. Lincoln Street • Hinsdale, Illinois  
 February 18, 2021 | project 2021-134




**EXISTING THIRD FLOOR PLAN**  
 SCALE: 1/8"=1'-0"



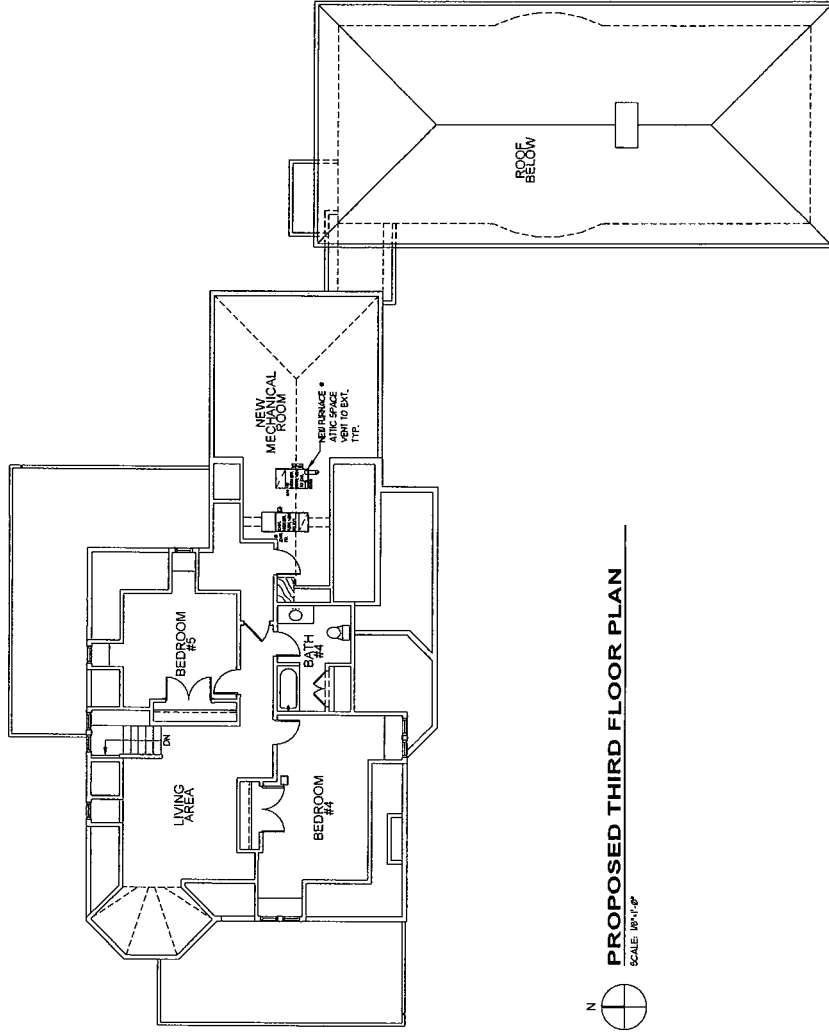
# **PROPOSED SECOND FLOOR PLAN**

SCALE: 1/8"=1'-0"

Saegesser Basement Remodeling  
 307 S. Lincoln Street - Hinsdale, Illinois  
 February 18, 2022 | project 2021-134

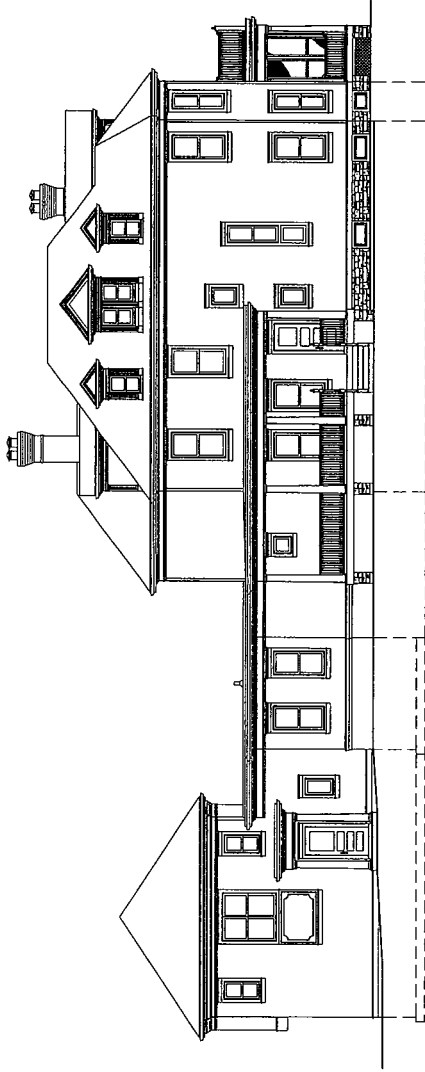


Charles Vincent George  
 ARCHITECTS  
 1445 E. Duell Rd. Suite 101 - Naperville, IL 60563  
 P: 630.357.2003 | F: 630.357.2862



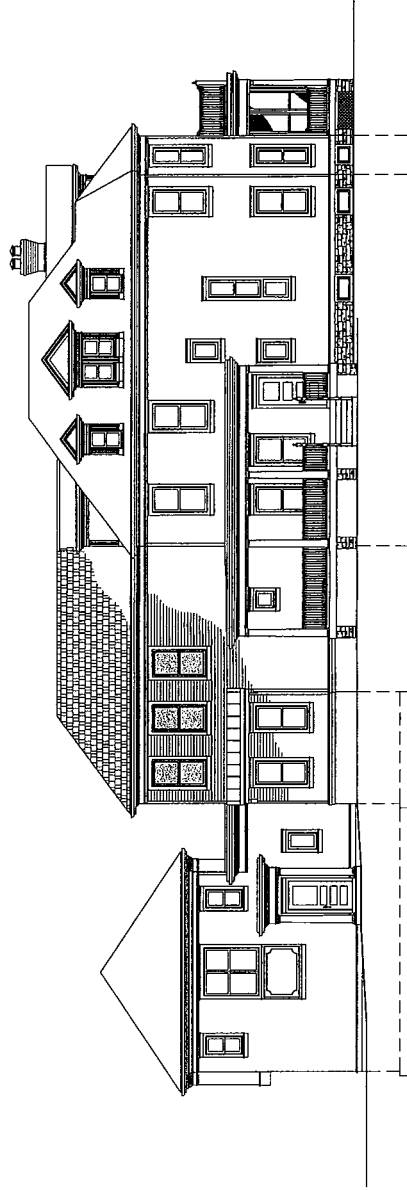

**PROPOSED THIRD FLOOR PLAN**  
 SCALE: 1/8"=1'-0"





1 EXISTING NORTH ELEVATION

SCALE: 1/8"=1'-0"



2 PROPOSED NORTH ELEVATION

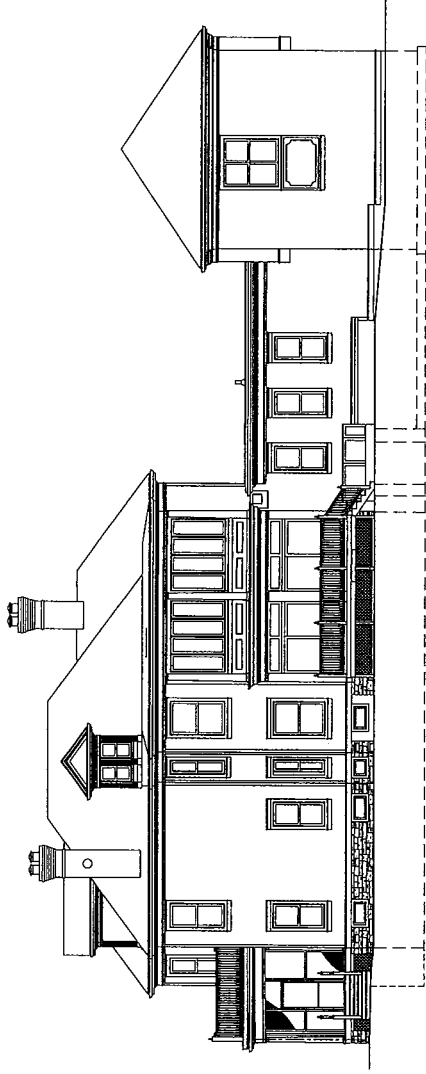
SCALE: 1/8"=1'-0"

Saegesser Basement Remodeling  
307 S. Lincoln Street - Hinsdale, Illinois  
February 18, 2022 | project 2021-134



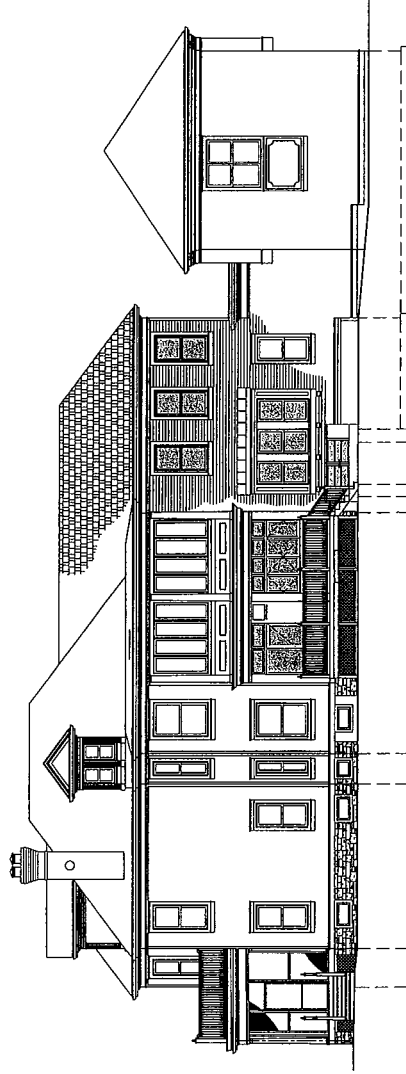
charles vincent george  
ARCHITECTS  
1545 E. Duell Rd. Suite 101 • Naperville, IL 60563  
P: 630.357.2823 • F: 630.357.2862





1 EXISTING SOUTH ELEVATION

SCALE: 1/8"=1'-0"



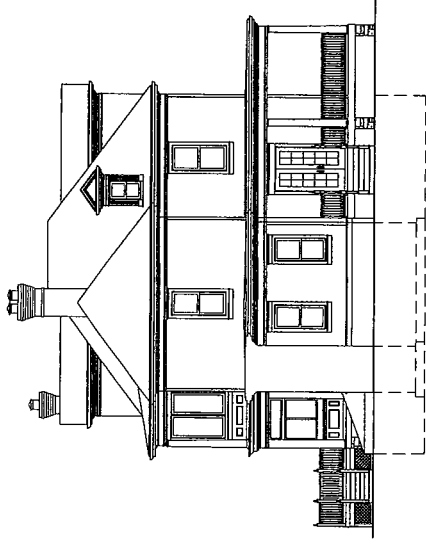
2 PROPOSED SOUTH ELEVATION

SCALE: 1/8"=1'-0"

Saegesser Basement Remodeling  
307 S. Lincoln Street - Hinsdale, Illinois  
February 18, 2022 | project 2021-134

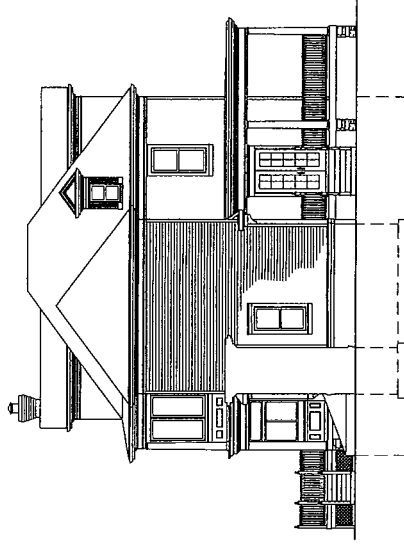


charles vincent george  
ARCHITECTS  
1245 E. Duval Rd. Suite 101 - Naperville, IL 60563  
P: 630.537.2003 - F: 630.537.2881



**1** EXISTING EAST ELEVATION

SCALE: 1/8"=1'-0"



**2** PROPOSED EAST ELEVATION

SCALE: 1/8"=1'-0"



8a

## MEMORANDUM

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

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

**DATE:** February 10, 2022

**RE:** Zoning Variation – V-01-22; 527 (Lot 9) & 541 (Lot 2) Kensington Court, Kensington Court Subdivision

---

In this application for variation, the applicant requests relief from the fence requirements set forth in 9-12-3 and 7-1D-4 of the municipal code in order to construct a 6' solid fence in the corner side yard on lots 9 & 2 in the Kensington Court Subdivision.

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 Monroe Street between Ogden Avenue and North Street. The lots each have a frontage of approximately 80.50', an average depth of approximately 129', and a total square footage of approximately 10,384. The maximum FAR is approximately 3,692 square feet, the maximum allowable building coverage is 25% or approximately 2,596 square feet, and the maximum lot coverage is 50% or 5,192 square feet.

cc: Kathleen Gargano, Village Manager  
Zoning file V-01-22





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): J Jordan Homes LLC

Address of Subject Property: 527 (Lot 9) 541 (Lot 2)  
Kensington Ct. Subdivision

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

Contract pending to purchase

### FOR OFFICE USE ONLY

Date Received: 2/10/22 CR Zoning Calendar No. V-01-22

PAYMENT INFORMATION: Check # \_\_\_\_\_ Check Amount \$ \_\_\_\_\_

**SECTION 1- NAME & CONTACT INFORMATION**

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

Name: Charles Marlas

Address: 743 McLintock Dr. Burr Ridge, 60527

Telephone: [REDACTED] email: [REDACTED]

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

Name: J Jordan Homes LLC

Address: 112 S. Grant St., Hinsdale 60521

Telephone: 312-320-9990 email: julie@jjordanhomesllc.com

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

a. Attorney: Junilla Sledziewski - 312-252-9777

b. Engineer: Jon Green - ERA - jgreen@eraconsultants.com

c. Architect: Raynette Bradford - Raynette@momentdesign.net

d. Contractor: J Jordan Homes - julie@jjordanhomesllc.com

e. Other: Dave Hellyer - dave@jjordanhomesllc.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: N/A

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

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

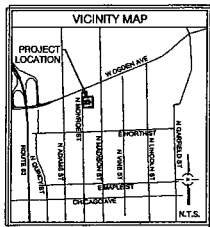
5. **Village Personnel.** Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

a. N/A

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

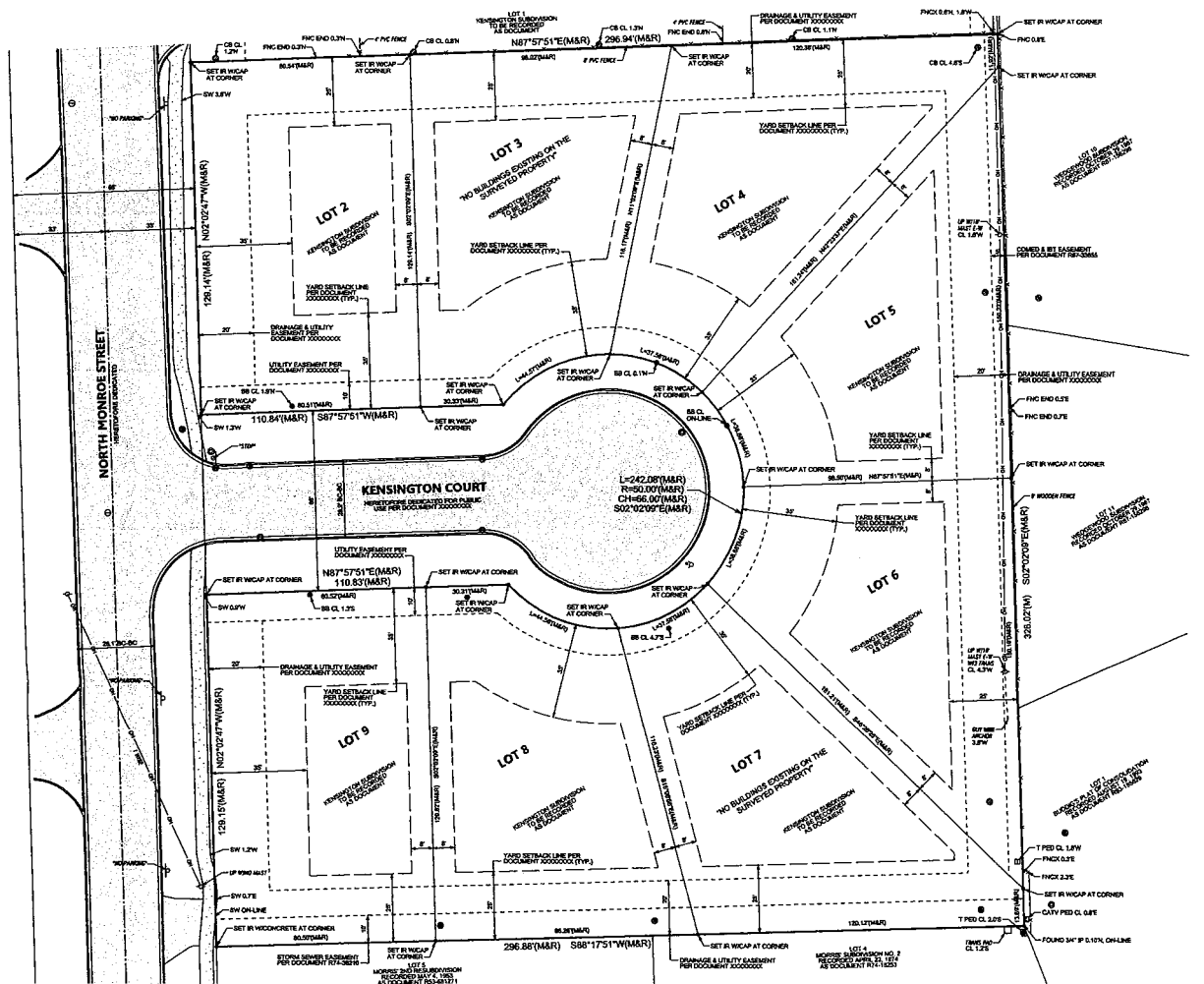
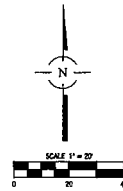
## SECTION 2- REQUIRED DOCUMENTATION

1. **Subject Property.** Address, PIN Number, and legal description of the subject Property, use separate sheet for legal description, if necessary.  
PIN Number: see attached  
Address: see attached
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. N/A
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.)* See Atch
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. See Atch
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. R-4
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. see Atch
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) N/A
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. N/A



# A.L.T.A. / N.S.P.S. LAND TITLE SURVEY

LEGEND			
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100



PROPERTY DESCRIPTION  
LOT 3, INC.

NOTES:  
THIS SURVEY REFLECTS MATTERS OF TITLE AS LISTED ON A COMMENTARY FOR TITLE INSURANCE BY TITLE INSURANCE COMPANY. COMMENTARY IS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF COOK, ILLINOIS.  
AS PREPARED UNDER THE 2014 ILLINOIS STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, EVIDENCE ON OR ABOVE THE SURFACE OF THE SURVEYED PROPERTY OBSERVED IN THE PRESENCE OF CONDUCTING THIS SURVEY, ADDITIONALLY, THIS SURVEYOR HAS NO KNOWLEDGE OF CHANGES, GRADIENTS OR BURN, GRADINGS BEING LOCATED ON THE SURVEYED PROPERTY.  
ALL DIMENSIONS ARE IN FEET AND DECIMAL FRACTIONS THEREOF. NO DISTANCES OR ANGLES SHOWN HEREON MAY BE ASSUMED BY SCALING.  
BOUNDARIES SHOWN HEREON ARE BASED ON THE 2011 ILLINOIS STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS.  
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS.  
SPENCER, INC. IS AN ILLINOIS PROFESSIONAL DESIGN FIRM REGISTERED UNDER LICENSE NUMBER 18-001015.  
NO CEMETERIES, GRAVESITES OR BURIAL GROUNDS WERE DISCLOSED IN THE RECORD DOCUMENTS PRESENTED TO THE SURVEYOR IN THE PRESENCE OF CONDUCTING THIS SURVEY. ADDITIONALLY, THIS SURVEYOR HAS NO KNOWLEDGE OF CEMETERIES, GRAVESITES OR BURIAL GROUNDS BEING LOCATED ON THE SURVEYED PROPERTY.  
TAX P.L.S. PER TITLE COMMITMENT:  
MORTGAGE WERE FOUNDSET AT THE PARCEL CORNERS AS SHOWN, (TABLE A ITEM 1)  
ADDRESS:  
NO ADDRESSES FOR THE SURVEYED PARCELS WERE DISCLOSED IN RECORD DOCUMENTS OR OBSERVED WHILE CONDUCTING THE SURVEY. (TABLE A ITEM 2)  
BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 17002C0012W MAP WITH AN EFFECTIVE DATE OF AUGUST 1, 2015, THE SURVEYED PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AS IDENTIFIED BY FEMA FIRM MAP. (TABLE A ITEM 3)  
PROPERTY SURVEYED CONTAINS 81.84 ACRES, OR 1.81 ACRES, MORE OR LESS. (TABLE A ITEM 4)  
NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY. (TABLE A ITEM 5)  
SUBSTANTIAL FEATURES ARE SHOWN HEREON. (TABLE A ITEM 6)  
THERE ARE A TOTAL OF 20 ADJACENT PARCELS ON THE SURVEYED PROPERTY. (TABLE A ITEM 7)

NOTES FROM TITLE COMMITMENT:

STATE OF ILLINOIS  
COUNTY OF COOK  
TO: NAME OF INSURED  
AND TO: NAME OF LENDER, IF ANY  
AND TO: NAME OF LENDER, IF ANY  
AND TO: NAME OF OTHERS AS NEGOTIATED WITH THE CLIENT  
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY OR MAPS HEREON IT IS BASED UPON WORK MADE IN ACCORDANCE WITH THE 2014 ILLINOIS STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, AND THAT THE SURVEYOR HAS NO KNOWLEDGE OF CHANGES, GRADIENTS OR BURN, GRADINGS BEING LOCATED ON THE SURVEYED PROPERTY.  
GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 IN ROCKFORD, ILLINOIS.

GABRIEL A. PETERSON, D.L.S., N.E.S.S.  
LICENSE NUMBER: 11-001000  
gabriel@spencerinc.com  
(GABRIEL A. PETERSON SEAL AFFIXED)

REVISIONS:	

CONSULTING ENGINEERS	DATE: 03/20/2020
LAND SURVEYORS	JOB NO: 9587.02
FILE NAME:	9587.02A (1-01-500)
SHEET	3 OF 1

PREPARED FOR:  
KENSINGTON SCHOOL  
743 MCCLINTOCK DRIVE  
BURN RIDGE, ILLINOIS 60527

FOR REVIEW  
PURPOSES ONLY



**Kensington Court**  
**PIN numbers/addresses**  
**2/7/2022**

<b>Lot #</b>	<b>PIN Number</b>
2	09-02-213-018
3	09-02-213-019
4	09-02-213-020
5	09-02-213-021
6	09-02-213-022
7	09-02-213-023
8	09-02-213-024
9	09-02-213-025

Section 2  
Item #3

**Property Address:**

447 N. Monroe  
Hinsdale, Il 60521

Owner:

MITCHELL SAYWITZ  
707 INGLESIDE PL  
EVANSTON IL 60201

**Property Address:**

441 N. Monroe  
Hinsdale, Il 60521

Owner:

SHAHID YUSUF,  
96 LIVERY CT  
OAK BROOK IL 60523-2594

**Property Address:**

444 N. Monroe  
Hinsdale, Il 60521

Owner:

L & IRLANDA JENNINGS  
444 N MONROE ST  
HINSDALE IL 60521

**Property Address:**

454 N. Monroe  
Hinsdale, Il 60521

Owner:

NOELLA & WADE BREWER  
454 N MONROE ST  
HINSDALE IL 60521

**Property Address:**

433 N. Monroe  
Hinsdale, Il 60521

Owner:

JOHN & KATHLEEN HOULIHAN  
433 N MONROE  
HINSDALE IL 60521

**Property Address:**

434 N. Monroe  
Hinsdale, Il 60521

Owner:

JOSEPH & M CHOJNOWSKI  
434 N MONROE ST  
HINSDALE IL 60521

**Property Address:**

521 Morris Lane  
Hinsdale, IL 60521

**Owner:**

THOMAS K. CAULEY  
521 MORRIS LN  
HINSDALE IL 60521

**Property Address:**

Hinsdale Orthopedics  
550 W. Ogden  
Hinsdale, IL 60521

**Corporate Office:**

???

**Property Address:**

Kensington School  
540 Ogden  
Hinsdale, IL 60521

**Corporate Office**

743 McClintock Dr.  
Burr Ridge, IL 60527

--

Kensington Court  
Section II - Conformity

Currently the code allows for a 2' wall at the property line. We are asking for a 6' wall that will block views of the Hinsdale Orthopedics parking lot to the west.

**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.)*

9-12-3(E)1

7-1D-4

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.)*

9-12-3(E)1: we are requesting relief for a 4' additional height on a solid fence in corner yard setbacks on properties listed for screening from Hinsdale Orthopedics parking lot

7-1D4: we are requesting relief on on the sight distance triangle.

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.)*

4' of relief on the allowable height on a solid fence in the corner side yard.

### **Section 3 - Zoning Relief Requested**

**Items #1 - #2 - #3**

J Jordan Homes is under contract to purchase the Kensington Court Subdivision. The intention is to have a gated community with a private street. An HOA will be responsible for the lawn and street maintenance.

**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.

- (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;"><b>SECTION 5- STANDARDS FOR VARIATION – FENCES</b> <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.



#### **Section 4 - Standards for Variation**

##### **Items A - F**

- (a) Unique Physical Condition - to the west is a parking lot for the Hinsdale Orthopedic and is not an acceptable view to the high quality residential homes we're proposing.
- (b) Not Self-Created - A code compliant neighborhood is being suggested for this location that fits in with the residential area
- c - Denied Substantial Rights - yes
- (d) Not Merely Special Privilege - This would only affect residential areas that were directly adjacent to commercial properties
- e - Code and Plan Purposes - 6' is minimum
- (f) Essential Character of the Area - No
- (g) No Other Remedy - Correct

<b>SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS</b>
---

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): J Jordan Homes LLC

Signature of Applicant: 

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

Date: 2/7/2022

<b>ADDENDUM – RULES FOR WRITTEN SUBMISSIONS AND ORAL ARGUMENT</b>
---

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

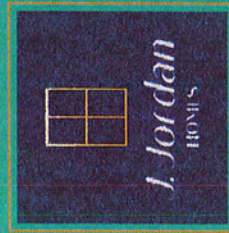
1. No party is required to submit legal briefs or letters to the ZBA in support of any zoning appeal or variance request. The only documents that any appellant or zoning variance applicant must submit are the appeal forms and/or variance request forms and accompanying materials already required under 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.



Supplemental Info 8a



[moment] DESIGN  
ARCHITECTURE + INTERIORS

DIVISION 32

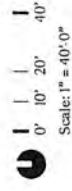
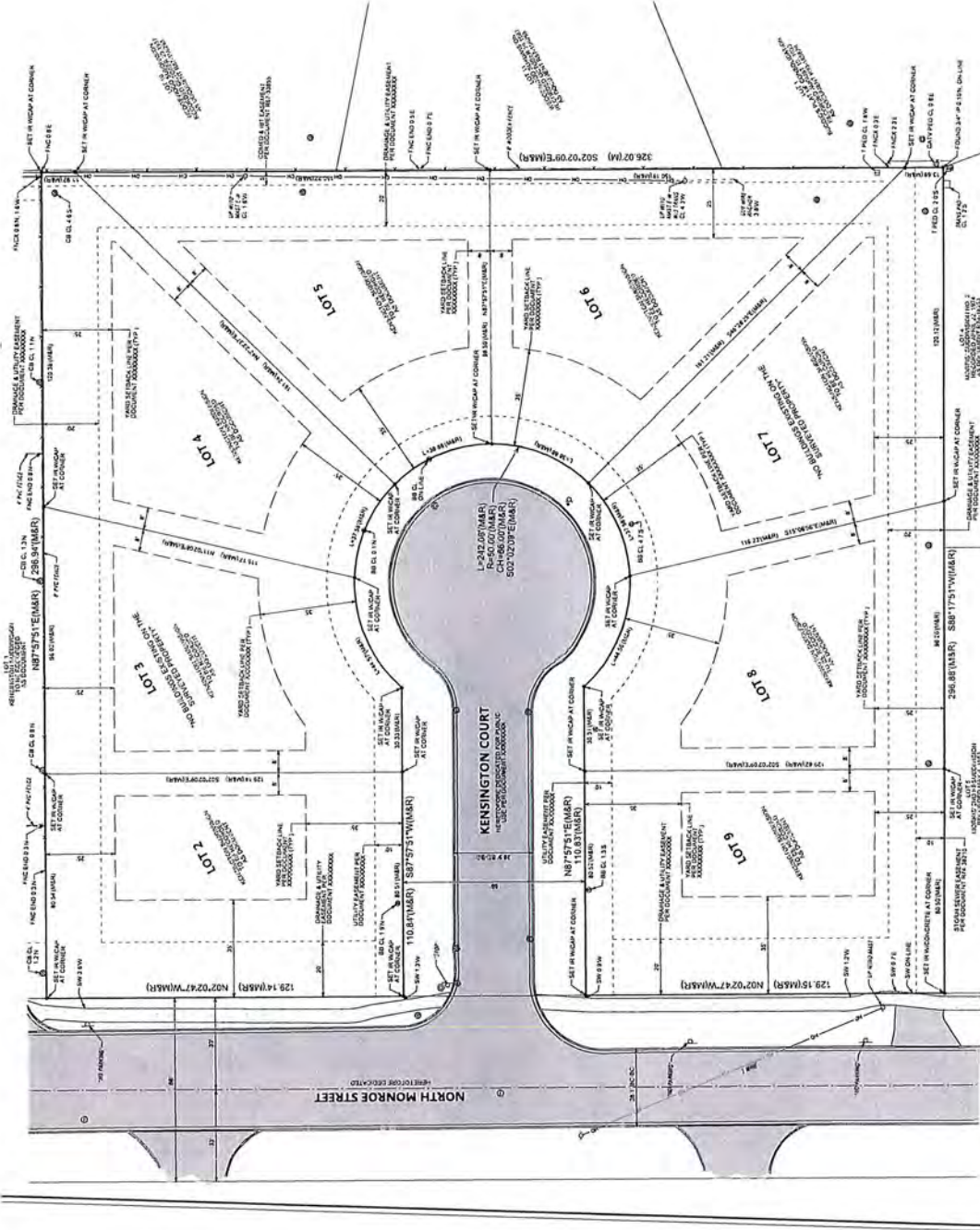
Landscape Architecture & Construction

## THE EIGHT: ENTRY WALL EXHIBITS

March 11 2022

J. Jordan Homes  
The Eight  
Hinsdale, IL





DIVISION 32

moment DESIGN INTERIORS

EXISTING SITE PLAN

March 11, 2024 | Page 2

The Eighth Ward, IL



Looking Northeast



Looking East



Looking West

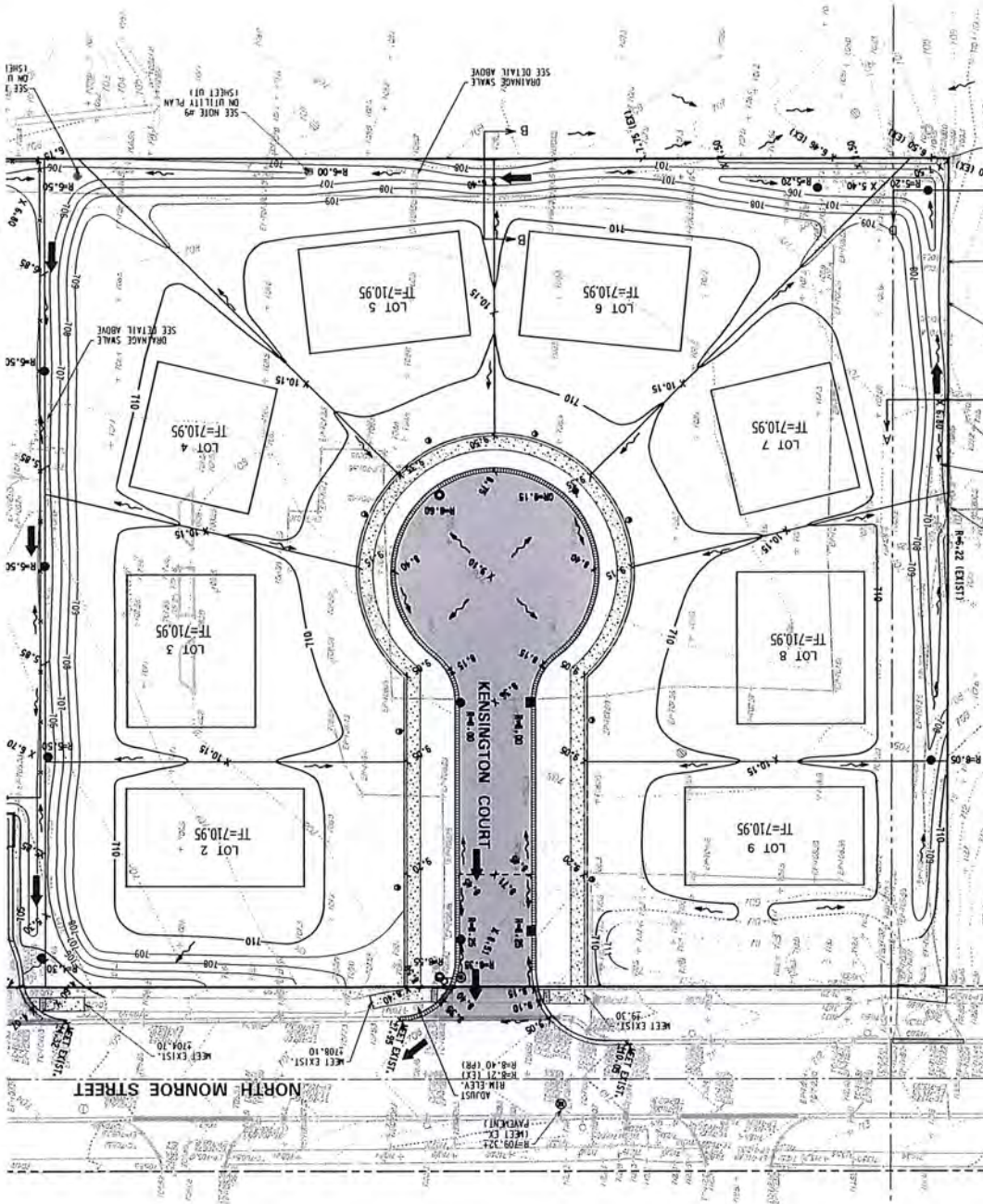


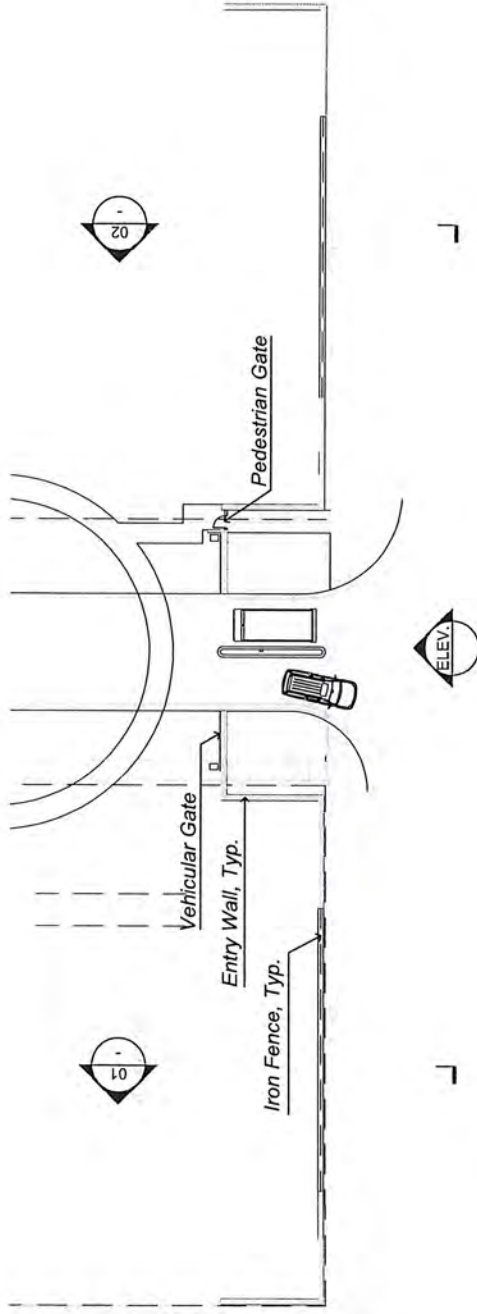
Looking Southeast

## EXISTING CONDITIONS

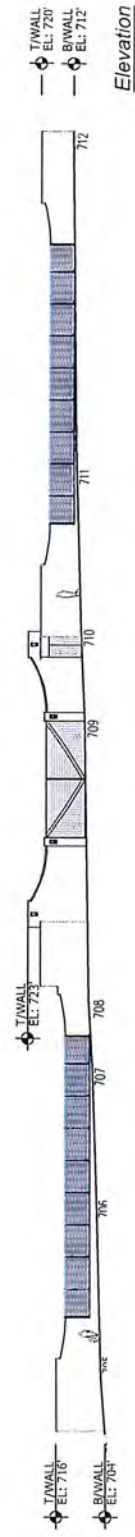
The visual findings of



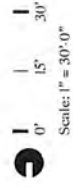

$$\text{for } \pi_2(\lambda) \neq 0, \text{ take } t$$



Plan



Elevation



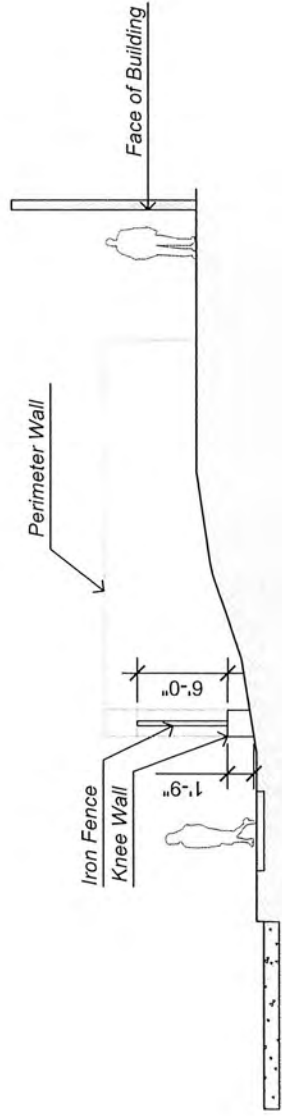
**DIVISION 32**

**[moment] DESIGN**

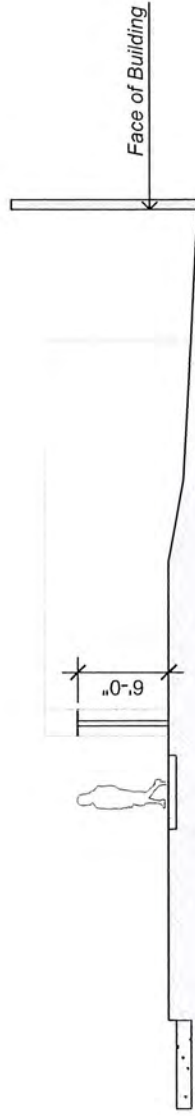
Sheet: 22/24 Page

**PROPOSED ENTRY WALL & GATE**

File: C:\3d\1416\gate.dwg



Section 01



Section 02

## PROPOSED ENTRY WALL & GATE

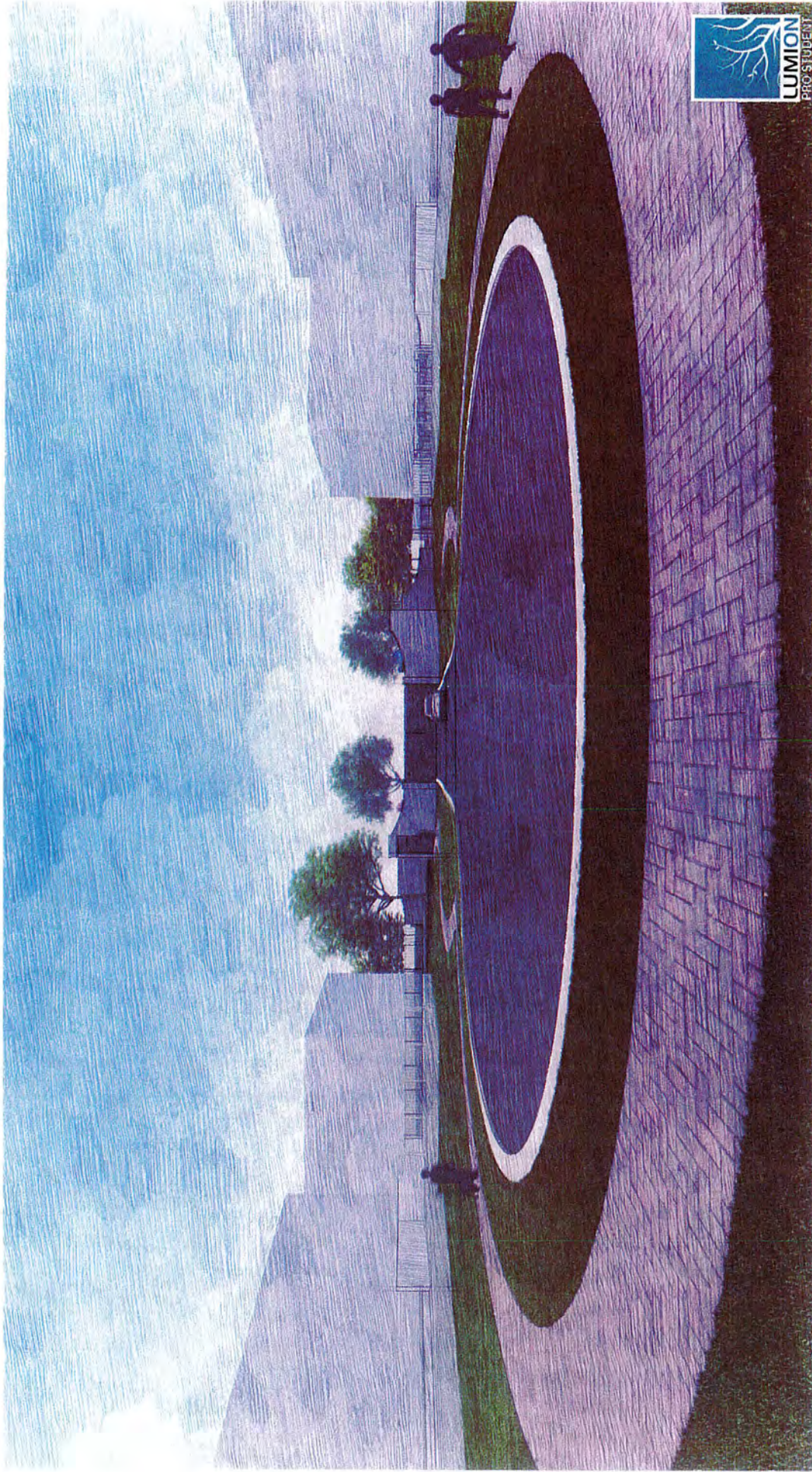
The Eagle's Eye, Dallas, TX

0' 8' 16'  
Scale: 1/8" = 1'-0"

[moment] DESIGN DIVISION 32

March 10, 2023 Page 1





CONCEPT RENDERING

[moment] DESIGN DIVISION32

ARCHITECTURE + INTERIORS

The Digital House, 01

March 11, 2014





## CONCEPT RENDERING

[moment] DESIGN DIVISION:32

ARCHITECTURE + INTERIORS

The Capital Forecasts, IL

April 1, 2011 Page 11









## CONCEPT RENDERING

[moment] DESIGN

DIVISION:2

ARCHITECTURE + INTERIOR

March, 2022 Page 01

File: 24.121 File: 01a





CONCEPT RENDERING

[moment] DESIGN DIVISION 32

10/10/2023 10:10:10

WEBSITE: WWW.MOMENTDESIGN.COM

10/10/2023 10:10:10







86

## MEMORANDUM

**DATE:** February 9, 2022

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

**CC:** Christine Bruton, Village Clerk

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

**RE:** **Formal Appeal – APP-01-22; 110 E. Ogden Avenue**

---

In this application for appeal, the applicants are appealing the issuance of a Certificate of Zoning Compliance issued for the construction currently underway at 110 E. Ogden Avenue (Therapeutic Health Associates).

The specific action being appealed is the Village Manager's issuance of the Certificate of Zoning Compliance for the subject property on or about 8/17/21; the Village Manager's failure to act to enforce Ordinance 2020-07; and the Village Managers failure to act to enforce Title 7, Chapter 2 of the Village Code regarding Landmark Trees.

This property is located in the O-2 Office District in the Village of Hinsdale and is located on the south side of Ogden Avenue between York Road and Washington Street.

cc: Kathleen Gargano, Village Manager  
Zoning file APP-01-22



20 N. Wacker Drive, Ste 1660  
Chicago, Illinois 60606-2903  
T 312 984 6400 F 312 984 6444

15010 S. Ravinia Avenue, Ste 10  
Orland Park, Illinois 60462-5353  
T 708 349 3888 F 708 349 1506

250 Parkway Drive, Ste 330  
Lincolnshire, IL 60069-4300  
T 312 984 6400 F 312 984-6444

7 Northpoint Drive  
Streator, Illinois 61364-1159  
T 815 672 3116 F 815 672 0738

DD 312 984 6419  
mamarrs@ktjlaw.com

www.ktjlaw.com

February 23, 2022

**VIA FEDEX**

Village of Hinsdale  
Attn: Robb McGinnis  
19 E. Chicago Avenue  
Hinsdale, Illinois 60521

**RE: Motion to Strike and Dismiss Appeal re 110 E. Ogden Avenue**

Dear Mr. McGinnis:

Enclosed, for filing in conformance with the Hinsdale Board of Appeals' Rules for Written Submissions and Oral Argument, are 10 copies of the Village of Hinsdale's Motion to Strike and Dismiss the Appeal. The Motion pertains to Zoning Board of Appeals APP-01-22, concerning the landscape and screening dispute at 110 E. Ogden, which is set for hearing before the Zoning Board of Appeals on March 16. Please confirm receipt.

Please feel free to contact me with any questions.

Sincerely,  
KLEIN THORPE & JENKINS, LTD.

Michael A. Marrs

Enclosure

**BEFORE THE ZONING BOARD OF APPEALS  
HINSDALE, ILLINOIS**

Jared Staver, Kelly Staver,	)	
Michael Kuhn and Alice Kuhn	)	
	)	
Appellants,	)	
	)	
vs.	)	APP-01-22
	)	
Village of Hinsdale	)	
an Illinois municipal corporation,	)	
	)	
Appellee.	)	
	)	

**MOTION TO STRIKE AND DISMISS THE APPEAL**

NOW COMES the VILLAGE OF HINSDALE (the "Village), Appellee, by and through its attorneys, Klein, Thorpe and Jenkins, Ltd., and for its Motion to Strike and Dismiss the Appeal in the above-titled matter, states and alleges as follows:

This Zoning Appeal concerns screening along the south edge of property located at 110 E. Ogden Avenue (the "Property"). The building on the Property is being redeveloped by Dr. Cara VanWormer-Hartman (the "Property Owner") pursuant to various approvals given by the Village. The Property Owner is expanding and redeveloping the vacant one-story commercial building on the Property for use as a medical office building.

Appellants Jared and Kelly Staver and Michael and Alice Kuhn (the "Appellants"), who live adjacent to the south edge of the Property, have filed this appeal (the "Appeal") to the Village's Zoning Board of Appeals ("ZBA") relating to three (3) alleged actions or inactions of the Village Manager.

The "Actions Appealed," as stated in the Appeal, are as follows:

- 1) The Village Manager's issuance of Certificate of Zoning Compliance for the subject property referred to as Application #P21-9434.
- 2) Village Manager's failure to act to enforce Ordinance No. O2020-07 "An Ordinance Approving an Exterior Appearance and Site Plan for Expansion and Redevelopment of an Existing Building – Dr. VanWormer – 110 E. Ogden Avenue".
- 3) Village Manager's failure to act to enforce Title 7, Chapter 2 of the Village Code regarding Landmark Trees.

Appellants, in the Appeal, request various forms of relief, including issuance of a Temporary Restraining Order staying all work at the Property, a declaration that the Certificate of Zoning Compliance issued for the Property is void, and other actions.

The Village asserts that all three of the alleged actions or inactions that form the basis of the Appeal are time barred by the Village Code. In the alternative, even if the ZBA finds the actions or inactions complained of are not time barred, the matters at issue are not yet ripe for hearing before the ZBA, as the landscaping and screening work at issue here is incomplete and unapproved by the Village. Finally, the Village asserts that the ZBA is without jurisdiction to hear the count concerning enforcement of the Village Code, and that count should be stricken. In the event the ZBA does find that the Appeal is properly before it, the Village believes that the Appellants demand that the entire project on the Property be stayed pending resolution of this Appeal goes well beyond the actions appealed by the Appellants and the relief necessary to maintain the status quo relative to screening along the south property line.

**I. ALL THREE CLAIMS ARE TIME BARRED:**

The Appeal is not timely filed. Section 11-502(D)(1) of the Village's Zoning Code provides that appeals shall be filed "not later than forty five (45) days following the action being appealed and in accordance with the requirements of section 11-301 of this article." Zoning Code, § 11-502 is included in its entirety as part of **Exhibit 1**.

The Appeal was filed on January 14, 2022. All of the complained of actions or inactions took place more than forty five (45) days prior to the filing of this Appeal. The Ordinance at issue was approved on March 16, 2020. The alleged failure of the Property Owner to adhere to the requirements of the approved site plan and Ordinance is alleged by the Appellants to have occurred “[w]hen construction commenced the following summer.” See Addendum to Appellants Application for Zoning Appeal, page 2 of 4. The alleged wrongful removal of trees by the Property Owner of 110 E. Ogden took place on August 16, 2021. See Addendum to Appellants Application for Zoning Appeal, page 2 of 4. The issuance of the Certificate of Zoning Compliance that the Appellants complain of was issued on August 17, 2021. See Executed and dated Certificate of Zoning Compliance attached as **Exhibit 2**. Appellant Staver, on behalf of all of the Appellants, communicated extensively with the Village and Property Owner throughout the fall of 2021, making essentially the same arguments he makes here and repeatedly insisting the Village should issue a stop work order for the site. The plants alleged to provide inadequate screening were planted on or before November 3, 2021. See November 3, 2021 email from Michael Zalud to R. McGinnis attached hereto as **Exhibit 2**. The Village spent significant resources investigating the Appellant's allegations, and

determined that the Property Owner's actions to date had, as far as the Village could ascertain, conformed to Village approvals. The Village ended communication with Mr. Staver in a letter dated November 5, 2021, in which the Village notes that it had unsuccessfully attempted to negotiate a resolution to what the Village found to be a private dispute between adjoining landowners. The November 5, 2021 Letter from Village Manager Gargano to Appellant Staver ("Village Letter of November 5, 2021") is attached as **Exhibit 3**. No further activity related to screening along the south lot line of the Property has occurred since. By any measure then, the actions being appealed occurred more than forty five (45) days prior to the filing of the appeal on January 14, 2022. The Appeal is untimely, the Zoning Board of Appeals is without jurisdiction to hear it, and it should be dismissed.

## **II. EVEN IF NOT TIME BARRED, THE ISSUES ON APPEAL ARE NOT RIPE:**

Even if the ZBA finds that the Appeal is timely filed, the Appeal is not ripe.

Some initial plantings were made on the Property along the south lot line in the fall as opposed to the spring of 2022 at the request of the Village, in an effort to put an end to the Appellants complaints. Despite those initial



plantings, the landscape and screening work is incomplete at this time. No inspections of the landscape and screening work have been requested or performed, and no Village approvals of the landscape and screening work have been given.

In addition, the Project as a whole is still under construction and months away from completion. While the Village has conducted several inspections tied to certain aspects of the construction of the building itself, the Village has not been requested to conduct inspections or give final approval to, or issue a Certificate of Occupancy for, the Project as a whole.

Allegations that the Village has failed to require adherence to the landscape and screening plan approvals are premature, where the Village has not been asked to either inspect or approve the landscape and screening work, and all parties agree that the work is incomplete at this time. Without final inspections and approvals occurring, it cannot be said that the Property Owner has failed to adhere to the landscape plan and other approvals at issue here. The issues appealed are not ripe and the ZBA should dismiss the appeal in its entirety.

III. **THE ZBA IS WITHOUT JURISDICTION TO HEAR APPEALS RELATED TO ALLEGED ACTIONS OR INACTIONS RELATED TO VILLAGE CODE PROVISIONS REGARDING LANDMARK TREES:**

The Appellants appeal the Village Manager's alleged "failure to act to enforce Title 7, Chapter 2 of the Village Code regarding Landmark Trees." Consideration of that allegation is beyond the jurisdiction of the ZBA.

The Zoning Appeal process set forth in Section 11-502 of the Zoning Code gives the ZBA authority to "hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Village Manager acting pursuant to his or her authority and duties under this Code and to that end the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the village manager with respect to any order, decision, or determination being appealed." See Zoning Code, §11-502.A. (emphasis added) attached as part of **Exhibit 1**.

As defined in Section 12-206 of the Zoning Code, the definition of Zoning Code is: "The Hinsdale zoning code; that is, this code. Unless the context specifically requires otherwise, all references to this code shall be deemed to refer to any certificate, permit, approval, resolution, or ordinance granted or adopted pursuant to this code." Zoning Code, §12-206, attached as part of **Exhibit 1**.

As the "Zoning" in its name implies, the ZBA then, hears appeals related to the Zoning Code, not the Village Code. The ZBA has no more authority in an appeal to opine on the alleged failure of the Village Manager to enforce the Village's Landmark Tree Ordinance contained in the Village Code than it does to opine on an action or inaction of the Manager related to animal control, health and safety matters, business licensing, vehicle licensing, pet licensing, utility work, fireworks, raffles, or any number of other Village Code provisions, as opposed to Zoning Code provisions. The Village Manager's actions or inactions related to her enforcement powers and decisions under the Village Code are simply not within the jurisdiction of the ZBA. The ZBA does not have jurisdiction over the alleged failure of the Village Manager to enforce the Village's Landmark Tree Ordinance in Title 7, Chapter 2 of the Village Code, and that allegation should be stricken and dismissed from the Appeal.

**IV. APPELLANTS DEMANDS FOR A STAY OF THE ENTIRE PROJECT ARE AN OVERREACH:**

In the event the ZBA were to find that this Appeal was timely filed, that the issues are ripe, and that the ZBA otherwise has proper jurisdiction over this matter, it is the Village's position that the stay issued by the

Village providing that no further work should occur along the south property line was proper in scope.

The Appellants arguments can be distilled down to allegations that the Property Owner wrongfully removed trees that were on their property, and has failed to install plantings and screening per approvals given by the Village, and that the Village should therefore take some enforcement action against the Property Owner. As noted previously, the landscape and screening work has not been subject to a final inspection or in fact any official inspection. Further, the Village has repeatedly emphasized to the Appellants that the Village has not found the Property Owner to currently be in violation of any zoning approvals given, that the Village is not in a position to resolve or referee what is essentially a property line dispute involving conflicting surveys, and that, if Appellants feel there was a wrongful trespass, they could pursue a private action against the Owner either through the State's Wrongful Tree Cutting Act (740 ILCS 185/0.01) or otherwise. See Village Letter of November 5, 2021, attached as **Exhibit 3**.

Upon receipt of this Appeal, the Village notified the Property Owner's agent that "[g]iven that the issues raised in the appeal all relate to the screening along the shared property line between 110 E. Ogden and the residences to the south, no further work concerning screening may be

performed along that property line until the ZBA proceedings are completed or this matter is otherwise resolved.” See January 17 email from R. McGinnis to Michael Zalud attached hereto as **Exhibit 4**. As the ZBA is aware through various emails sent by Appellant and Appellant’s counsel on which the ZBA was copied, the Appellants have repeatedly asserted that the Village Manager is instead obligated to shut down the entire Project.

A “stay” or “stop work order” shutting down the entire Project is an unnecessary and extreme overreaction to the acts appealed from. Section 11-502(E) of the Zoning Code provides that when an appeal is properly filed, the Village shall act to “stay all proceedings in the furtherance of the action appealed from.” Zoning Code, §11-502(E), attached as part of **Exhibit 1**. Every single allegation in the Appeal, and all requested relief, concerns the screening along the south property line of the Property adjacent to the Appellants properties. The actions, or inactions, concerning screening, are the “actions appealed from” in this matter. In conformance with that Section, the Village, upon receipt of the Appeal, and despite the Village’s assertions that the Appeal is neither timely filed or, in the alternative, ripe, promptly advised the Owner that there should be no further activity taken concerning the screening along the south property line until such time as the ZBA proceedings are completed or the matter is

otherwise disposed of. There are no allegations concerning the building or any other aspect of the Project, and staying the totality of a million-plus dollar Project while minor issues concerning landscape and screening work that has yet to be completed are addressed makes no sense.

In addition, as noted at pre-hearing, the likely intent of the stay language in Section 11-502(E) of the Zoning Code (attached as part of **Exhibit 1**) is to stay any official Village approvals or other actions in furtherance of the acts appealed from, not to physically halt work on an entire project. As noted in Section 11-502(B) of the Zoning Code (attached as part of Exhibit 1), the appeal process is “provided as a safeguard against arbitrary, ill considered, or erroneous administrative decisions” and is not “intended as a means to subvert the clear purposes, meanings, or intents of this code or the rightful authority of the village manager to enforce the requirements of this code.” To hold that the stay language authorizes any further work on entire projects upon filing of an appeal is contrary to the direction given the ZBA in Section 11-502(B) in that it would give disgruntled neighbors unwarranted power to shut down entire projects they do not like for months at a time simply by filing an appeal, regardless of the merits.

**WHEREFORE**, the Village of Hinsdale respectfully prays that the Zoning Board of Appeals enter an Order as follows:

- 1) Dismissing the Appeal on the basis that it is not timely filed pursuant to Section 11-502(D)(1) of the Zoning Code and therefore, and the ZBA therefore lacks jurisdiction over this cause in its entirety; and
- 2) In the alternative, dismissing the Appeal in its entirety on the basis that the matters at issue are not ripe for consideration by the ZBA at this time;
- 3) Dismissing and striking Count 3 of the Appeal as a Village Code enforcement matter beyond the jurisdiction of the ZBA; and/or
- 4) In the alternative, finding that a stay of the entire project is unnecessary and either affirming the stay of the Village Manager of any further work along the south property line, or lifting the stay entirely so that landscaping screening work may be completed.

Respectfully submitted,



Michael A. Marrs  
Klein, Thorpe and Jenkins, Ltd.

## **EXHIBIT 1 – CITED ZONING CODE PROVISIONS**

### **Sec. 11-502: Appeals:**

A. Authority. The Zoning Board of Appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Village Manager acting pursuant to his or her authority and duties under this Code and to that end the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the village manager with respect to any order, decision, or determination being appealed.

B. Purpose: The appeal procedure is provided as a safeguard against arbitrary, ill considered, or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intents of this code or the rightful authority of the village manager to enforce the requirements of this code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this code and to the reasonable interpretations of that language by those charged with the administration of this code.

C. Parties Entitled To Appeal: An application for appeal to the zoning board of appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination, or failure to act of the village manager acting pursuant to his or her authority and duties under this code.

#### **D. Procedure:**

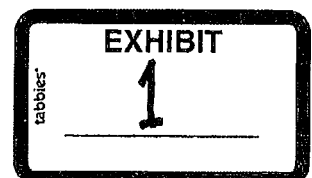
1. Application: An application for appeal to the zoning board of appeals shall be filed not later than forty five (45) days following the action being appealed and in accordance with the requirements of section 11-301 of this article.

2. Action By Village Manager: Upon receipt of a properly completed application for an appeal, the village manager shall forthwith transmit to the zoning board of appeals the application together with all papers constituting the record upon which the action appealed from was taken.

3. Public Hearing: A public hearing shall be set, noticed, and conducted by the zoning board of appeals in accordance with section 11-303 of this article.

4. Action By Zoning Board Of Appeals: Within thirty (30) days following the close of the public hearing, the zoning board of appeals shall render a decision on the appeal in the manner and form specified in subsection 11-102H of this article. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the board of appeals, is proper to be made in the premises. The failure of the board of appeals to act within such thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

E. Stay Of Proceedings: An application for appeal properly filed pursuant to subsection D of this section shall stay all proceedings in the furtherance of the action appealed from, unless the village manager certifies to the zoning board of appeals after the application for appeal has been filed with the manager that, by reason of facts stated in the certificate, a stay would, in the manager's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the board of appeals or by the circuit court on application, upon reasonable written notice to the manager and on due cause shown.





F. Right To Grant Variation In Deciding Appeals: In any case where the application for appeal is accompanied by an application for variation in accordance with section 11-503 of this part, the zoning board of appeals shall have the authority to grant, as part of the relief, a variation, but only in strict compliance with each provision of said section 11-503 of this part.

G. Conditions And Limitations On Rights Granted By Appeal: In any case where this code imposes conditions and limitations upon any right, any such right granted by the zoning board of appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal. (1991 Code)

**Sec. 12-206: Definitions:**

\*\*\*

Zoning Code: The Hinsdale zoning code; that is, this code. Unless the context specifically requires otherwise, all references to this code shall be deemed to refer to any certificate, permit, approval, resolution, or ordinance granted or adopted pursuant to this code.

12

# VILLAGE OF HINSDALE

## Certificate of Zoning Compliance

Subject to the statements below, the Village has determined that, based on the information included in Application #P21-9434 for a Certificate of Zoning Compliance, the proposal described in this certificate appears to comply with the standards made applicable to it by the Hinsdale Zoning Code.

This certificate is issued to:

**Zalud**

Address or description of subject property:

**110 East Ogden Avenue**

Use or proposal for subject property

For which certificate is issued:

**Commercial Building Renovation**

Plans reviewed, if any: *See attached plans, if any.*

Conditions of approval of this certificate:

**Work under this certificate shall be limited to that authorized under the above listed permit and Letter of Agreement only.**

*Note: other conditions may be attached to approval of any pending zoning application.*



**NOTE ALL OF THE FOLLOWING CAREFULLY:**

This approval granted in this certificate has been granted based on the information provided to the Village and the Village's understanding of the facts and circumstances related to the proposal at this time. If (a) any information provided to the Village changes, (b) any new information is becomes available or is discovered, or (c) the Village's understanding of the facts and circumstances otherwise changes, then this certificate may be rescinded.

This certificate does not signify Building Code Review or approval and is not authorization to undertake any work without such review and approval where either is required. See the Hinsdale Building Code for details.

Before any structure to which this certificate is applicable may be occupied or used for any purpose, a Certificate of Occupancy must be obtained. See Section 11-402 of the Hinsdale Zoning Code and the Hinsdale Building Code for details.

Subject to an extension of time granted pursuant to the Hinsdale Zoning Code, this certificate shall become null and void six months after the date on which it was issued unless construction, reconstruction, remodeling, alteration, or moving of a structure is commenced or a use is commenced.

If this certificate is issued in violation of the provisions of the Hinsdale Zoning Code, whether intentionally, negligently, or innocently, then it shall be void *ab initio* and shall give rise to no rights whatsoever.

By:

Kathleen Mangione (B9B)  
Village Manager

Dated:

Aug 17, 2021

# 3611015\_v1

**Michael A. Marrs**

---

**From:** Mike Zalud <mike@courtlandgc.com>  
**Sent:** Wednesday, November 03, 2021 3:30 PM  
**To:** Robert McGinnis  
**Subject:** 110 E Ogden - Arborvitae Installed

Rob,

The arborvitae have been installed along the South property line.

Thank you,  
Mike





Sent from my iPhone

Village Hall  
19 East Chicago Avenue  
Hinsdale, Illinois 60521-3431  
630-789-7000



Fire & Police Departments  
121 Symonds Drive  
Hinsdale, Illinois 60521-3744  
Fire 630-789-7060  
Police 630-789-7070

November 5, 2021

Jared and Kelly Staver  
115 Fuller Road  
Hinsdale, IL 60521

Mr. and Mrs. Staver

I am following up on our numerous communications regarding your allegations that a contractor for the owner of 110 E. Ogden Avenue improperly removed vegetation from your property located at 115 Fuller Road. Since you first brought your allegations to the Village's attention in August, the Village has allocated resources and devoted significant time to your concerns.

As the Village does with all complaints, it has investigated the matter. This has included investigation by the Village's Code Enforcement Officer, Community Development Director, the Village Planner, the Assistant Village Manager, the Village Manager and Police Department staff.

I understand and empathize that the screening of your property from Ogden Avenue was impacted by the removal of vegetation in connection with the work on the adjacent 110 E. Ogden Avenue property. You contend that some of the vegetation removed was located on your property. Unfortunately, the vegetation that you assert was removed is not shown on any survey or map and that, as I am sure you understand, has made this situation very challenging.

In addition, there are apparently conflicting surveys showing conflicting fence locations, and due to these conflicting surveys staff has not been able to definitively determine that any vegetation was removed from your property.

Reconciliation of surveys is a matter to be worked out between the surveyors themselves, as Village staff has neither the expertise nor resources to do so.

Further, nothing in any of my discussions with the Village attorney and staff leads me to believe that the building on 110 E. Ogden Avenue is not being constructed according to the approved plans, or that there has been any deviation from the approved landscape plan. Nor, has there been any reported action by the contractor to remove any additional trees or other vegetation since August 16, 2021.

The Village had no basis to issue a "stop work order" given this was a one-time alleged trespass occurrence as opposed to an ongoing course of action, or action creating a dangerous or unsafe condition. The situation-based scenarios involving construction of permanent structures you have posed to me and other Village staff would certainly have resulted in stop work orders,



but are simply not analogous to a one-time event of removal of landscape materials at a disputed boundary line where there was no ongoing violation.

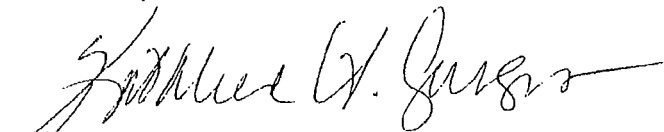
In this instance, and at your request, the Village did attempt to mediate this dispute, and unfortunately has been unsuccessful in reaching a negotiated resolution between yourself and the owner of 110 E. Ogden Avenue and their contractor.

It appears at this point that the parties are at an impasse. You have the contractor's insurance certificate and are, of course, free to pursue civil and other remedies as you determine to be appropriate, including an action against the owner and contractor pursuant to the Wrongful Tree Cutting Act (740 ILCS 185/1 *et seq.*), if you think you have a case to be made under that Act.

The Village simply does not have the resources or ability to referee and/or mediate these private disputes and therefore generally remains uninvolved, absent a clear code violation.

Given all of the foregoing, the Village's position is that this is a private property matter between you, the owner of the 110 E. Ogden Avenue property, and the owner's contractor.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen A. Gargano", with a long horizontal flourish extending to the right.

Kathleen A. Gargano  
Village Manager

Cc: Hinsdale Village Board of Trustees  
Michael Marrs, Village Attorney, Klein Thorpe and Jenkins

**Michael A. Marrs**

---

**From:** Robert McGinnis <rmcginnis@villageofhinsdale.org>  
**Sent:** Monday, January 17, 2022 10:40 AM  
**To:** Mike Zalud (mike@courtlandgc.com)  
**Cc:** Cara VanWormer (drcara@therapeutic-health.com); Kathleen Gargano; Bradley Bloom; Michael A. Marrs  
**Subject:** Appeal for 110 E. Ogden  
**Attachments:** DOC011722-01172022103601.pdf

Mike,

This office is in receipt of a formal appeal filed by Mr. Staver. See copy attached.

Subsection 11-502.E. of the Village's Zoning Code provides as follows:

E. Stay Of Proceedings: An application for appeal properly filed pursuant to subsection D of this section shall stay all proceedings in the furtherance of the action appealed from, unless the village manager certifies to the zoning board of appeals after the application for appeal has been filed with the manager that, by reason of facts stated in the certificate, a stay would, in the manager's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the board of appeals or by the circuit court on application, upon reasonable written notice to the manager and on due cause shown. Given that the issues raised in the appeal all relate to the screening along the shared property line between 110 E. Ogden and the residences to the south, no further work concerning screening may be performed along that property line until the ZBA proceedings are completed or this matter is otherwise resolved.

Should you have any questions, please contact me directly.

Regards,

**Robert McGinnis, MCP**

Village of Hinsdale

Director Of Community Development/

Building Commissioner

Office 630-789-7036

Fax 630-789-7016

[rmcginnis@villageofhinsdale.org](mailto:rmcginnis@villageofhinsdale.org)







**BEFORE THE ZONING BOARD OF APPEALS  
HINSDALE, ILLINOIS**

JARED STAVER, KELLY STAVER,	)	
MICHAEL KUHN and ALICE KUHN,	)	
	)	
Appellants,	)	
	)	
VS.	)	APP-01-22
	)	
VILLAGE OF HINSDALE	)	
an Illinois municipal corporation,	)	
	)	
Appellee.	)	

**APPELLANTS' RESPONSE TO VILLAGE'S MOTION  
TO STRIKE AND DISMISS THE APPEAL**

NOW COME the Appellants, JARED STAVER, KELLY STAVER, MICHAEL KUHN and ALICE KUHN (hereinafter referred to as "Appellants"), with their Response to the Village's Motion to Strike and Dismiss, and states as follows:

The Village of Hinsdale ("Village") puts forth two contradictory arguments in its Motion to Strike the instant appeal. First, the Village argues that the present appeal is time barred, meaning that the appeal wasn't filed soon enough. Second, the Village argues that the present appeal is not ripe, meaning that the appeal was filed too soon. The Village is speaking out of both sides of its mouth, and both arguments fail to take into consideration the unique circumstances of what appears to be a case of first impression for this board.

It is the Appellants' position that because the project is still under construction and months away from completion (as conceded by the Village in its motion) that the forty-five day appeal deadline has not even begun to run. This isn't the typical case where an applicant appears for a variance which is denied by the Board. In that situation, it is clear that the forty-five day deadline would begin to accrue on the day that the Board denied a variance.

In this case, there is no clear event that constitutes the start of the forty-five day countdown. It cannot be when the Ordinance was approved, as the property owner had not cut down Appellants' trees by that time nor planted substandard trees along the property line. Nor is it November 3, 2021, when the property owner planted the first set of trees, because they have not finished planting the screening trees along the Applicants' fence line, in particular the four nine-foot Douglas Fir trees (which remain unplanted to this day). Nor should the Village Manager's November 5, 2021, letter be considered the starting point. That letter dealt with the Appellants' claims of trespass whereas the present appeal deals with the property owners failure to conform to the approved landscaping plan and the screening issues that arose out of the property owners removal of the Appellants' trees that were located on the Appellants' property—which Appellants argue warrants a re-evaluation of the property owner's landscaping plan as the situation at the property line is not what was considered by the Plan Commission and clearly does not

conform to the Village's requirements that commercial businesses abutting residential homes provide adequate screening. **Section 9-107.**

Ultimately, it is the Appellants position that the appeal cannot be deemed untimely while construction remains ongoing at the subject site. If the Board deems the instant appeal untimely, Appellants would be able to renew their appeal after the Village conducts its final inspection and approval of the landscape plan. As such, Appellants ask that the Board hear the instant appeal, as the appeal will inevitably be heard by the Board.

The Village seems to realize the unique situation presented in the instant appeal because in the same motion that seeks to bar the appeal as untimely, the Village also argues—on the opposite end of the spectrum—that the matter is not ripe for appeal. These arguments are obviously contradictory and likely reflect the Village's tacit understanding that it's disingenuous to argue that an appeal is untimely while construction remains ongoing at the subject site and while the landscaping remains incomplete and grossly inadequate, despite assurances from the property owner during the plan review process that there “will be ample privacy[.]”

It is the Appellants' position that the matter is ripe for adjudication. While the property owner still has additional trees to plant along the Appellants' property line, it is clear from what has been planted that the property owner cannot comply with the approved landscaping plan. The landscape plan that was approved by the

Plan Commission shows seven Nigra Arborvitae that are wide enough to touch one another and provide full screening for the Appellants' residences. However, it is clear from the photos produced by Appellants that the planted trees are nowhere close to touching one another and that the property owner has deviated from the approved landscaping plan. **Exhibit 1: Staver Survey and Photos.** Further, the landscape plan calls for seven-foot trees, and it is also clear from the photographs that the planted trees are not seven-feet as they fail to even protrude over the Appellants' existing fence.

As such, because it is clear from the existing landscape work that the property owner cannot comply with the approved landscape plan, and because the screening has drastically changed due to the property owners removal of Appellant's trees, this matter is ripe for the Board's adjudication. In the alternative, if the Board believes the matter is not yet ripe, Appellants ask that the Board hold the appeal in abeyance until the Village has had an opportunity to give final approval to the finished project.

Further, due to the property owners removal of trees on Appellants' property, this Board should re-evaluate the property owner's landscaping plan, as the Plan Commission approved the landscaping plan with the understanding that Appellants' trees would not be removed. As Mr. McGinnis stated during the previous Board meeting, the landscape plan submitted by the property owner did not indicate that any trees or vegetation would be removed. In fact, as Mr.

McGinnis stated, the fence that was proposed along the Appellants' property line was seemingly rejected because it would deny access to the existing landscaping (which Mr. McGinnis added, "is now gone."). Further, the site plan and landscaping plan provided by the property owner did not show Appellants' existing trees, which even the Village admitted were present in a September 1, 2021, email, and whose stumps are still visible in contemporary photographs. **Exhibit 2:** Village Email. As such, it is clear that the information provided to the Village by the property owner was inaccurate, and that this Board has the duty to re-examine the property owner's landscaping plan to ensure property screening for the nearby residences.

The Certificate of Zoning Compliance issued by the Village Manager on August 17, 2021, clearly states that the approval is granted "based on...information provided to the Village" and that "if (a) any information provided to the village changes, (b) any new information becomes available or is discovered, or (c) the Village's understanding of the facts and circumstances otherwise changes, then this certificate may be rescinded." **Village Motion Exhibit #2.**

In this case, all three factors weigh in the Appellants' favor. Information provided to the Village has clearly changed, as the site plan and landscaping plan submitted by the property owner was inaccurate in that it failed to show Appellants' trees and vegetation along the property line and did not indicate that any tree or vegetation would be removed by the property owner. Lastly, the facts

and circumstances have dramatically changed as the existing trees and vegetation that were present when the Plan Commission approved the project—and which were wrongfully removed by the property owner—no longer provide the screening that the Plan Commission assumed would remain along the property line. Taken together, these factors warrant the rescission of the property owner's Certificate and a re-examination of the site's landscaping plan to ensure that it affords sufficient screening to the nearby residences.

While the village attorney argues that this Board does not have authority to hear appeals regarding the property owners wrongful removal of Landmark Trees, the plain meaning of the Village Code indicates otherwise. The Code indicates that this Board has the authority to review “decisions” and “the failure to act” of the “Village Manager acting pursuant to his or her authority and duties under this Code.” The Code also indicates that this Board “shall have the same powers” as the Village Manager. There are no limitations in the Code delineating what matters the Board may hear. As written, the Code affords broad powers to the Zoning Board of Appeals. While the village attorney may be fearful of the Board wielding such power, the Code clearly gives this Board the statutory authority to hear appeals to all actions or inactions of the Village Manager “under this Code.” Further, the Ordinance approved by the Village related to the site states that “Any violation of any...ordinance” shall be grounds for rescission of the Ordinance approving the project. **Exhibit 3:** Ordinance. As the property owner failed to comply with the

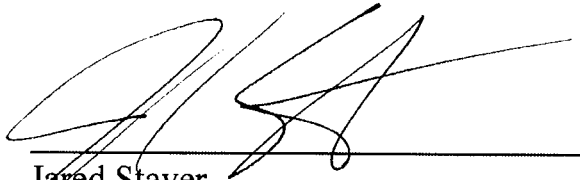
Landmark Tree Ordinance, this Board should rescind the projects approval until the Appellants' concerns are addressed.

Lastly, the Appellants urge the Board to consider that the purpose of appeals such as these is to “avoid the need for resort to legal action” and that the Board should “give all proper deference to the spirit and intent embodied” in the Code. The Appellants come in good-faith seeking this Board’s assistance in ensuring that the “ample screening” that the property owner assured the Plan Commission comes to fruition. Today, there is no screening between the two properties that shields the Appellants’ residences from the commercial business that will soon be operating on the site (and whose nuisance will only increase when opened for business). The Appellants would much prefer that this Board help resolve the present dispute without the matter escalating to litigation in the circuit court, which would be extremely costly and time consuming. Such an escalation would be unfair to the nearby residents who are suffering the consequences of the property owners faulty landscape plans and wrongful removal of their trees, and would be unfair to the taxpayers of Hinsdale, who would be forced to be a party to the litigation. We sincerely hope that an equitable solution can be reached by the Board at the next meeting.



Respectfully Submitted,

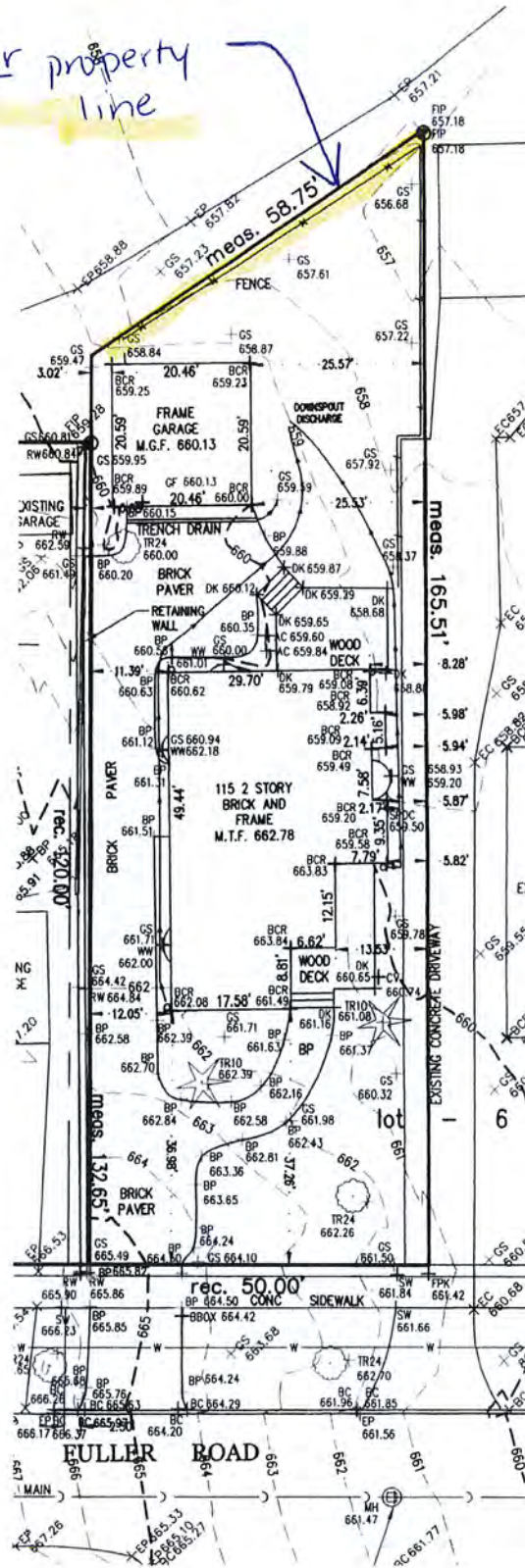
By:



---

Jared Staver  
For Appellants

Our fence w/in our property line



FRONT YARD COVERAGE  
FRONT YARD AREA 1,854 SF  
IMPERVIOUS AREA 834 SF  
PERCENT IMPERVIOUS 44.98

SURVEYORS NOTE:  
CHECK LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY  
IMMEDIATELY. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND REPORT ANY  
DISCREPANCY AT ONCE. BUILDING LINES, IF ANY, SHOWN HEREON ARE BUILDING  
LINES SHOWN ON THE RECORDED SUBDIVISION PLAT. CONSULT LOCAL AUTHORITIES  
FOR BUILDING LINES ESTABLISHED BY LOCAL ORDINANCES.

ORDER NO.: 1933

**DJA** CIVIL ENGINEERS & SURVEYORS

Dave Johnson and Associates, Ltd.  
323 S. Hale Street  
Wheaton, Illinois 60187  
ph. 630 752 8600 fax. 630 752 9556  
e-mail: DJA@DJAonline.net

STATE OF ILLINOIS)  
COUNTY OF DU PAGE) S.S.

THE UNDERSIGNED ENGINEER HAS REVIEWED THE FINAL  
GRADING FOR THE ABOVE PROPERTY AND CERTIFIES THE  
GRADING GENERALLY CONFORMS TO THE APPROVED  
GRADING PLAN.

DATED AT WHEATON, IL. THIS 19TH DAY OF SEPTEMBER  
A.D. 2008.

STATE OF ILLINOIS)  
COUNTY OF DU PAGE) S.S.

I, WARREN D. JOHNSON, HEREBY CERTIFY THAT I HAVE  
SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON  
DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.  
DATED AT WHEATON, IL. THIS 19TH DAY OF SEPTEMBER A.D.  
2008.

ILLINOIS REGISTERED LAND SURVEYOR NO. 297

EXHIBIT

STAVEL SURVEY









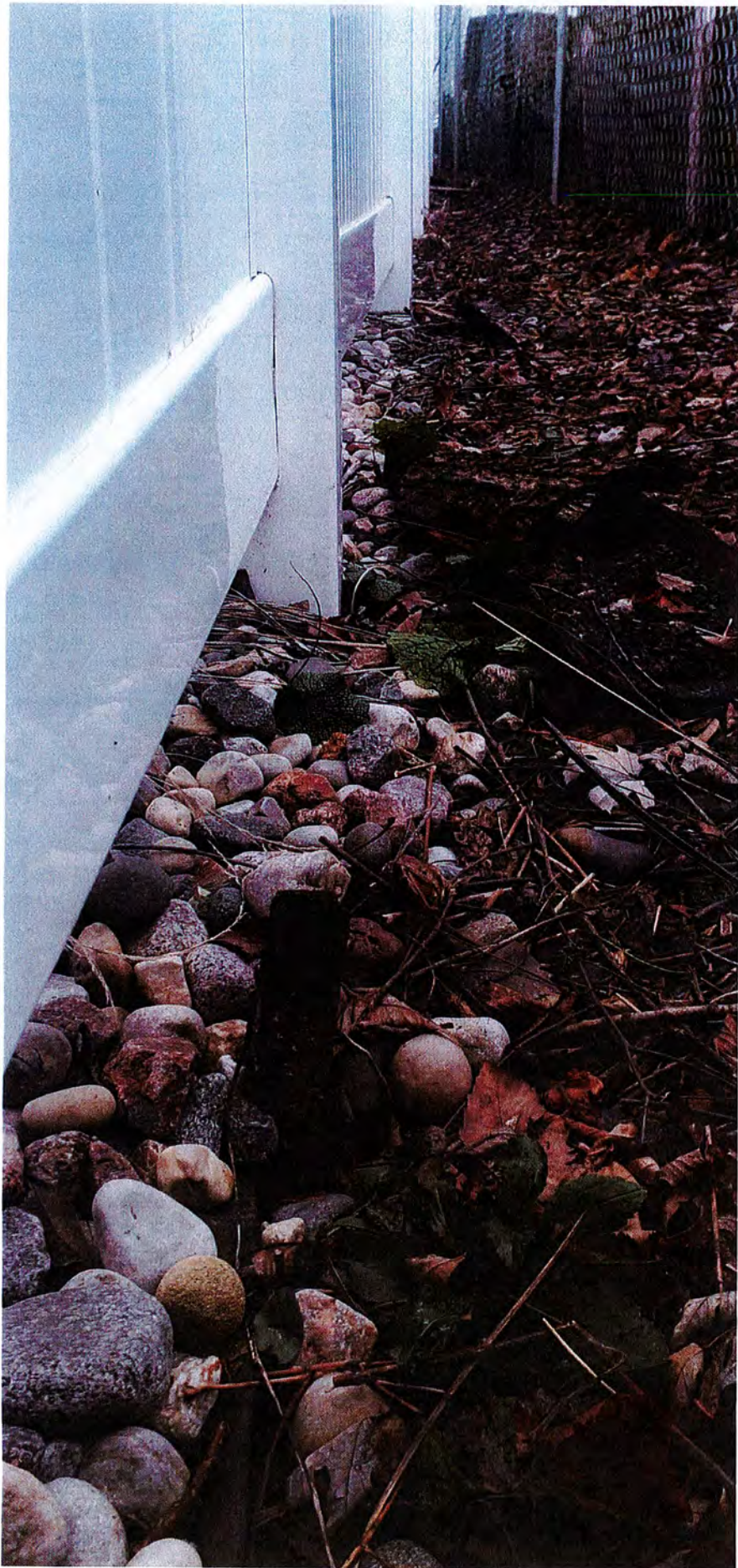














So there is an acknowledgement that there are trees between the two fences and today there are none.

**From:** Bethany Salmon <bsalmon@villageofhinsdale.org>  
**Sent:** Wednesday, September 1, 2021 8:36 AM  
**To:** Robert McGinnis <rmcginnis@villageofhinsdale.org>  
**Cc:** Kathleen Gargano <kgargano@villageofhinsdale.org>; Bradley Bloom <bbloom@villageofhinsdale.org>  
**Subject:** RE: VBOT - Minutes from 3/16/20

Robb,

At the 3/3/20 BOT meeting, the project architect stated that putting a fence in would be problematic because there would be gaps where the new fence wouldn't connect to the existing fences on the adjacent properties. The fencing would also compromise existing landscaping and trees because they would effectively be stuck between two fences. It was also noted that there are two garages on the adjacent properties that help create a buffer and block visibility to the parking lot. President Cauley referenced the email submitted prior to the Plan Commission meeting from the person wanting the fence and stated their concern was about egress between the properties – so it was determined that a dense wall of arborvitae would effectively block any ingress/egress between properties. President Cauley and Trustee Stifflear were okay with the 10' foot buffer zone and the wall of arborvitae instead of the fence. The time between first and second read would give anyone else concerned about the arborvitae rather than a fence time to contact the Village.

At the 3/16/20 BOT meeting, Luke stated it was determined that the applicant could not construct the fence because it would be required to be constructed on the adjacent properties. So it was determined that the 10 foot parking lot setback and dense 7 foot tall row of arborvitae be planted along the property line to create a barrier between the adjacent properties.

The minutes are accurate based on my watching of the video, but obviously conflict with the condition of approval in the original ordinance (Ord. No. O2020-07) that states "Fence Extension. The Applicant shall extend the existing white fence along the rear property line." It is possible that the ordinance text should have actually been amended after the meeting to remove this condition. I think it is definitely worth us asking Luke if he remembers what the intent was here. It was never directly stated to amend the ordinance at the meeting, but it probably should have been.

When I reviewed the Major Adjustment, I went off of the ordinance text and asked the applicant to revise their plans so that the fence required as part of the condition of approval was shown on the plans. Because of this, the revised plans approved as part of the Major Adjustment do show partial fencing to be constructed on the 110 E. Ogden property in the areas where there is existing chain link is on the adjacent residential properties. The applicant never brought up the previous conversations at the Board meeting with me or the fence issues, so I wasn't even aware that this was discussed at the previous meeting.

It should be noted that the fence is technically not required and screening can be achieved with landscaping.

- Section 9-107(A)(1) - Parking Lot Screening: "Every parking lot shall be buffered and screened by a perimeter landscaped open space having a width of at least ten feet (10') or the width of the required yard, whichever is less. Village owned parking lots shall be exempt from this requirement."
- Section 9-107(H)(2) - For Nondwelling Uses Abutting Residential Uses, the following landscaping and screening is required along the rear lot line: "Any side or rear lot line abutting a dwelling use or a residential district shall be buffered by a perimeter landscaped open space of at least five feet (5') in width along such lot line which shall be sufficient to provide a screen at least six feet (6') in height along the entire length of such line."
- Section 9-107(L) - Perimeter Landscaped Open Space: "Except as expressly provided otherwise in the regulations requiring a perimeter landscaped open space, such open space shall extend along the entire length of the lot line in question and shall have width equal to ten feet (10') or the depth of the yard required along the lot line in question, whichever is greater. Perimeter landscaped open space shall be broken only by required access drives. Such perimeter landscape space shall be suitably surfaced with grass, ground cover, material, or a combination thereof; and shall contain landscaping such as ornament





appropriate screening devices such as decorative walls, fences, or berms, or a combination thereof. The landscaping and screening treatment of such space shall be so designed and maintained as to preserve unobstructed vision of the street and sidewalk at points of access and as not to interfere with, or be damaged by, work within any public or utility easement unless the village manager shall determine that no other location is reasonably feasible."

Let me know if you need anything else and if we want to discuss further.

**Bethany Salmon**

Village Planner  
Village of Hinsdale  
19 E. Chicago Avenue, Hinsdale, IL 60521  
630-789-7035  
[bsalmon@villageofhinsdale.org](mailto:bsalmon@villageofhinsdale.org)

**From:** Robert McGinnis <[rmcginnis@villageofhinsdale.org](mailto:rmcginnis@villageofhinsdale.org)>  
**Sent:** Tuesday, August 31, 2021 3:19 PM  
**To:** Bethany Salmon <[bsalmon@villageofhinsdale.org](mailto:bsalmon@villageofhinsdale.org)>  
**Cc:** Kathleen Gargano <[kgargano@villageofhinsdale.org](mailto:kgargano@villageofhinsdale.org)>; Bradley Bloom <[bbloom@villageofhinsdale.org](mailto:bbloom@villageofhinsdale.org)>  
**Subject:** FW: VBOT - Minutes from 3/16/20

Bethany,

Please see below and attached and square it against the approving ordinance. Obviously the ordinance controls, but I do not want to forward on to Steve and Luke until we are confident the intention was to have them construct a fence along that line. The minutes, the ordinance, and the plans, seem to infer that the intention was to have their fence connect to the existing fence on the neighbor's property which is not possible.

Thanks-

Regards,

**Robert McGinnis, MCP**  
Village of Hinsdale  
Director of Community Development/  
Building Commissioner  
Office 630-789-7036  
Fax 630-789-7016  
[rmcginnis@villageofhinsdale.org](mailto:rmcginnis@villageofhinsdale.org)

**From:** Mike Zalud [<mailto:mike@courtlandgc.com>]  
**Sent:** Tuesday, August 31, 2021 2:46 PM  
**To:** Robert McGinnis <[rmcginnis@villageofhinsdale.org](mailto:rmcginnis@villageofhinsdale.org)>  
**Subject:** Fwd: VBOT - Minutes from 3/16/20

----- Forwarded message -----

**From:** Mike Zalud <[mike@courtlandgc.com](mailto:mike@courtlandgc.com)>  
**Date:** Mon, Aug 30, 2021 at 10:35 AM  
**Subject:** Fwd: VBOT - Minutes from 3/16/20  
**To:** Robert McGinnis <[rmcginnis@villageofhinsdale.org](mailto:rmcginnis@villageofhinsdale.org)>

**VILLAGE OF HINSDALE**

**ORDINANCE NO. O2020-07**

**AN ORDINANCE APPROVING AN EXTERIOR APPEARANCE AND SITE PLAN  
FOR EXPANSION AND REDEVELOPMENT OF AN EXISTING BUILDING – DR.  
VANWORMER-HARTMAN - 110 E. OGDEN AVENUE**

**WHEREAS**, Studio21 Architects, on behalf of Dr. Cara VanWormer-Hartman (the "Applicant") has submitted an application (the "Application") seeking exterior appearance and site plan approval for the construction of a second story and other redevelopment of the existing commercial building at 110 E. Ogden Avenue (the "Subject Property"). The Subject Property is located in the O-2 Limited Office Zoning District and is legally described in Exhibit A attached hereto and made a part hereof; and

**WHEREAS**, the Subject Property is currently improved with a vacant one-story commercial building. In addition to the second story addition, comprehensive façade and rear parking lot landscaping improvements are also proposed. The Applicant desires to purchase and occupy the Subject Property as a medical office building with future medical office tenants. The proposed improvements are depicted in the Exterior Appearance and Site Plans attached hereto as Exhibit B and made a part hereof; and

**WHEREAS**, the Application has been referred to the Plan Commission of the Village and has been processed in accordance with the Hinsdale Zoning Code ("Zoning Code"), as amended; and

**WHEREAS**, on February 12, 2020, the Plan Commission of the Village of Hinsdale reviewed the Application at a public meeting pursuant to notice given in accordance with the Zoning Code; and

**WHEREAS**, the Plan Commission, after considering all of the testimony and evidence presented at the public meeting, recommended approval of the proposed Exterior Appearance and Site Plans on a vote of six (6) ayes, zero (0) nays, and three (3) absent, as set forth in the Plan Commission's Findings and Recommendation in this case ("Findings and Recommendation"), a copy of which is attached hereto as Exhibit C and made a part hereof; and

**WHEREAS**, the President and Board of Trustees have duly considered the Findings and Recommendation of the Plan Commission, and all of the materials, facts and circumstances affecting the Application, and find that the Application satisfies the standards established in subsection 11-604F of the Zoning Code governing site plan review, and the standards established in subsection 11-606E of the Zoning Code governing exterior appearance review, subject to the conditions stated in this Ordinance.



**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

**SECTION 1: Recitals.** The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

**SECTION 2: Approval of Exterior Appearance and Site Plans.** The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and Sections 11-604 and 11-606 of the Hinsdale Zoning Code, adopts the Findings and Recommendation of the Plan Commission, and approves the Exterior Appearance and Site Plans attached to, and by this reference, incorporated into this Ordinance as **Exhibit B** (the "Approved Plans"), subject to the conditions set forth in Section 3 of this Ordinance.

**SECTION 3: Conditions on Approvals.** The approvals granted in Section 2 of this Ordinance are expressly subject to all of the following conditions:

- A. **Compliance with Plans.** All work on the exterior of the Subject Property shall be undertaken only in strict compliance with the Approved Plans attached as **Exhibit B**.
- B. **Compliance with Codes, Ordinances, and Regulations.** Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Hinsdale Zoning Code shall apply and govern all development on, and improvement of, the Subject Property. All such development and improvement shall comply with all Village codes, ordinances, and regulations at all times.
- C. **Building Permits.** The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
- D. **Color of Building.** The Applicant shall revise the color of the building in the proposed plans reviewed by the Plan Commission from bright white to ivory or another more muted color.
- E. **Fence Extension.** The Applicant shall extend the existing white fence along the rear property line.
- F. **After Hours Lighting.** The Applicant shall dim the parking area lights to security levels during non-business hours.

**SECTION 4: Violation of Condition or Code.** Any violation of any term or condition stated in this Ordinance, or of any applicable code, ordinance, or regulation

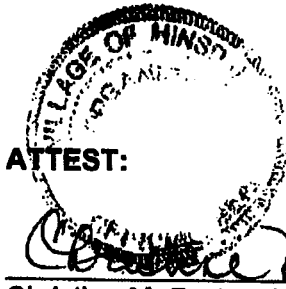
**ADOPTED** this 16th day of March, 2020, pursuant to a roll call vote as follows:

**AYES:** Trustees Posthuma, Stifflear, Hughes, Byrnes

**NAYS:** None

**ABSENT:** Trustees Banke and Haarlow

**APPROVED** by me this 16th day of March, 2020, and attested to by the Village Clerk this same day.



**ATTEST:**

Christine M. Bruton  
Christine M. Bruton, Village Clerk

Thomas K. Cauley, Jr.  
Thomas K. Cauley, Jr., Village President

**ACKNOWLEDGEMENT AND AGREEMENT BY THE APPLICANT TO THE CONDITIONS OF THIS ORDINANCE:**

By: Cap

Its: owner

Date: March 16, 2020



19 E. Chicago Avenue, Hinsdale, IL 60521

## APPLICATION FOR ZONING APPEAL

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

**FILING FEES: \$1,100.00**

Name of Applicant(s): Jared Staver, Kelly Staver, Michael Kuhn, & Alice Kuhn

Address of Subject Property: 110 East Ogden Avenue, Hinsdale IL 60521  
(if applicable)

If Applicant is not property owner, Applicant's relationship to property owner:  
Applicants are all residential property owners to the south of the subject property.

### FOR OFFICE USE ONLY

Date Received: 11/14/22 Zoning Calendar No. \_\_\_\_\_

PAYMENT INFORMATION: Check # \_\_\_\_\_ Check Amount \$ \_\_\_\_\_

## SECTION I

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

Cara Van Wormer-Hartman. [REDACTED]

Therapeutic Health Associates. 230 East Ogden Ave, Hinsdale, IL 60521

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

Unknown to appeal applicants.

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

Jared and Kelly Staver. 115 Fuller Road, Hinsdale, IL 60521 [REDACTED]

Michael and Alice Kuhn. 117 Fuller Road, Hinsdale, IL 60521 [REDACTED]

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

110 East Ogden Avenue, Hinsdale, IL 60521.

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

a. Attorney: \_\_\_\_\_

b. Engineer: \_\_\_\_\_

c. Architect: \_\_\_\_\_

d. Contractor: \_\_\_\_\_

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

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

7. **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.

***Provide information responsive to Items 8-11 only if applicable:***

8. **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.
9. **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.
10. **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.
11. **Successive Application.** In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

## SECTION II

When applying for an appeal to the Hinsdale Zoning Board of Appeals, provide the data and information required in Section I, and in addition, the following:

1. **Action Appealed.** The specific order, decision, determination, or failure to act from which an appeal is sought: (Attach copy of any documents evidencing the action appealed.)

See attached addendum.

---

---

---

---

---

---

2. **Facts.** The facts of the specific situation giving rise to the original order, decision, determination, or failure to act and to the appeal therefrom:

See attached addendum.

---

---

---

---

---

---

3. **Relief Sought.** The precise relief sought:

See attached addendum.

---

---

---

---

---

---



4. **Statement of Errors**. A statement of your position regarding each alleged error in the order, decision, determination, or failure to act being appealed and why the relief sought is justified and proper:

See attached addendum.

---

---

---

---

---

### SECTION III

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

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

## SECTION IV

1. **Application Fee and Escrow.** Every application must be accompanied by a non-refundable application fee of \$500.00 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, which are deducted from the original escrow payment. A separate invoice will be sent if these expenses exceed the original escrow amount.
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 or her 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 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 applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

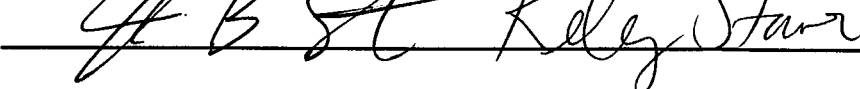
## SECTION V

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

Name of Owner: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Name of Applicant: Jared Staver

Signature of Applicant: 

Date: 1-14-2022

## ADDENDUM TO APPLICATION FOR ZONING APPEAL

### SECTION II

#### 1. ACTION APPEALED

- 1) Village Manager's issuance of Certificate of Zoning Compliance for the subject property referred to as Application #P21-9434.
- 2) Village Manager's failure to act to enforce Ordinance No. O2020-07 "An Ordinance Approving An Exterior Appearance and Site Plan For Expansion and Redevelopment of an Existing Building - Dr. VanWormer-Hartman - 110 E. Ogden Avenue."
- 3) Village Manager's failure to act to enforce Title 7, Chapter 2 of the Village Code regarding Landmark Trees.

#### 2. FACTS

This case arises out of the failure of the Village Manager to enforce the terms of Ordinance No. 02020-07 (hereinafter "the Ordinance") by failing to ensure that the property owner of 110 E. Ogden (hereinafter "subject property") provide adequate screening to the residential homes adjacent to the subject property to the south. Mr. and Mrs. Staver have resided at 115 Fuller Road—directly south of the subject property—for the last thirteen years where they currently raise their two boys. Mr. and Mrs. Kuhn have resided at 117 Fuller Road for over twenty years. Prior to the subject property's redevelopment, the Appeal Applicants had abundant screening between their backyards and the subject property. **Exhibit 1: Photos.** Now there exists virtually no screening between the subject property and the Appeal Applicant's backyards, contrary to and in violation of the Ordinance, approved site plan, and representations of the subject property's owner during the plan review process. **Exhibit 2: Photos.**

Dr. Cara Van-Wormer-Hartman (hereinafter "Property Owner") submitted a Plan Commission Application for Site Plan Approval and Exterior Appearance related to a chiropractic clinic she intended to operate at the subject property. The Exterior Appearance and Site Plan Review Criteria submitted during the application process indicated that, "[t]he proposed changes to the property do not impact the adjacent properties in a negative fashion and only add to an aesthetic improvement," and "[t]he property to the east and west are open parking

lots and are not being screened. However, there will be an enhanced landscape buffer to the residential property to the south.” **Exhibit 3.** Further, in correspondence with village staff, the Property Owner assured the Hinsdale Community Development Department that “there will be ample privacy from arbor vitae and other taller greens” for the residential properties to the south. **Exhibit 4: Email from Property Owner.**

At the meeting of the Hinsdale Board of Trustees on March 16, 2020, a second reading was approved for the Ordinance and the meeting minutes indicated that “arborvitae will be planted densely to provide a barrier,” along the south lot line. **Exhibit 5: Approved Ordinance & Minutes.** Additionally, Section 3(E) of the approved Ordinance called for the extension of a fence along the rear property line. At all times during the plan review process, the Village of Hinsdale conditioned approval of the redevelopment on the Property Owner providing sufficient screening to the residential neighbors to the south, and the Property Owner was aware of this condition and informed village staff that there would be “ample privacy.”

When construction commenced the following summer, the Property Owner failed to adhere to the requirements of the approved site plan and Ordinance. Recent photographs of the Staver’s backyard show that there is neither “ample privacy,” “an enhanced landscape buffer,” nor “densely” planted trees along the south lot line. **Exhibit 2.** The trees planted by the Property Owner are sparsely laid out and provide absolutely zero screening for the residences to the south. Furthermore, on August 16, 2021, the Property Owner’s agents wrongfully removed trees that were on the Staver and Kuhn’s property, and which provided screening from the subject site. As such, not only has the Property Owner failed to provide the adequate screening necessitated by the site plan, but her agents further aggravated the situation by removing trees that were not on her property and which helped screen the residences to the south from the subject site. Further, the Property Owner’s site plan does not show compliance with the Ordinance mandating a fence along the rear property line and there appears to be no intention by the Property Owner to build the fence as required by the approved Ordinance.

Some of the trees removed from the Staver and Kuhn’s property were “Landmark Trees,” defined as any tree that is eight inches in diameter or more measured at four and a half feet from the ground. The Village of Hinsdale requires fourteen days notice by any person who proposes to remove a landmark tree, and there is no indication that this was done by the Property Owner or

her agents. See Title 7, Chapter 2, Section 6 of the Village Code of Hinsdale. The Hinsdale Village Code also mandates that any person in violation of this section “shall be punished by a fine of not more than five hundred dollars for each offense.” 7-2-11. When the Stavers contacted the Village of Hinsdale seeking a resolution of this issue, John Finnell, Superintendent of Parks and Forestry, recommended to Mr. McGinnis (Director of Community Development) that the Property Owner plant “some evergreens in the 10-20 foot height category.” **Exhibit 6.** Despite this recommendation, the Property Owner planted trees that are substantially smaller and that provide no screening for the residential neighbors.

It is clear that the situation at the site is markedly different from what was approved by the Plan Commission. The residential neighbors to the south of the site have lived on Fuller Road far longer than the new commercial development, and they are entitled to quiet enjoyment and use of their property. At the very least, they are entitled to the Property Owner providing the type of screening that existed prior to the redevelopment. Thus, a re-examination of the Property Owner’s development, and the failure of the Village Manager to act, is necessary by the Zoning Board of Appeals.

### **3. RELIEF SOUGHT**

The Certificate of Zoning Compliance was issued based upon the material representation that the Property Owner would provide sufficient screening to the residential homes to the south of the subject site. Further, the Ordinance requires that the Property Owner construct a fence along the south property line. Appeal Applicants respectfully request that the Zoning Board of Appeals grant the following relief:

- 1) Issue a temporary restraining order staying all work in furtherance of Ordinance No. O2020-07 and the Certificate of Zoning Compliance as related to the development at 110 East Ogden Avenue.
- 2) Find that the Village Manager’s issuance of the Certificate of Zoning Compliance is void due to the failure of the property owner to comply with the site plan, her misrepresentations regarding adequate screening for residences to the south of the subject site, and her failure to construct a fence along the south lot line.

- 3) Find that the Village Manager has failed to enforce the plan language of the Ordinance by failing to act to ensure the Property Owner construct a fence along the rear property line as stated in Section 3(E) of the Ordinance.
- 4) Find that the Village Manager has failed to enforce the approved site plan and Ordinance by failing to ensure that the Property Owner provide adequate screening to the residential homes to the south.
- 5) In the alternative, modify the Certificate of Zoning Compliance to require that the Property Owner perform as follows:
  - 1) Plant a minimum of two rows of semi-mature trees that are staggered and achieve at least 15 feet in height closest to south property line and minimum of 20 feet for the second row just to the north of the first row of trees. Appeal applicants prefer that the trees be 'Full Speed A Hedge American Pillar Arborvitae' due to their height and quick growth; and
  - 2) In conformity with the Ordinance, construct a large fence, set back 10 feet to the north of the south lot line of the subject property, up to the maximum allowable height according to Hinsdale Title 9, Chapter 12, and Section 3, along the entire south lot line of the subject property abutting the residential neighbors.

#### **4. STATEMENT OF ERRORS**

It is clear that the Property Owner is in violation of the approved Ordinance by failing to provide adequate screening to the residential neighbors to the south and by failing to construct a fence along the south lot line as mandated in Section 3(E) of the Ordinance. Further, the Village Manager has failed in her duty to enforce the approved site plan and Ordinance. Thus, it is necessary for this board to reexamine the development and provide the requested relief to the aggrieved residential neighbors. The proposed remedies will cure the site's defects, allow for the redevelopment to continue, and provide the necessary screening for the residential neighbors to the south of the subject property.





EXHIBIT

1

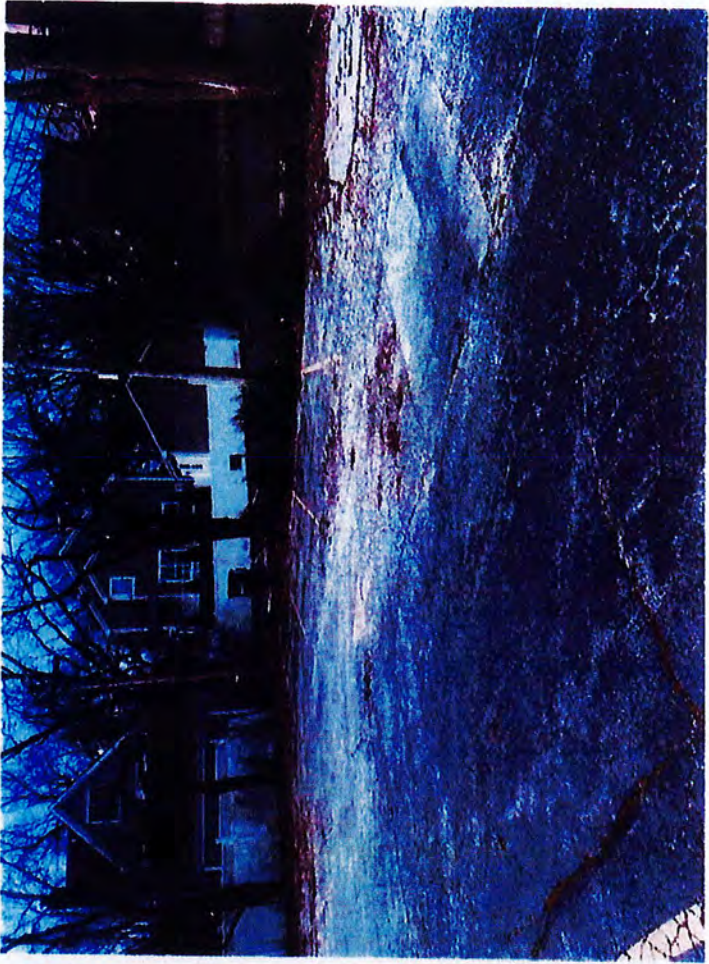


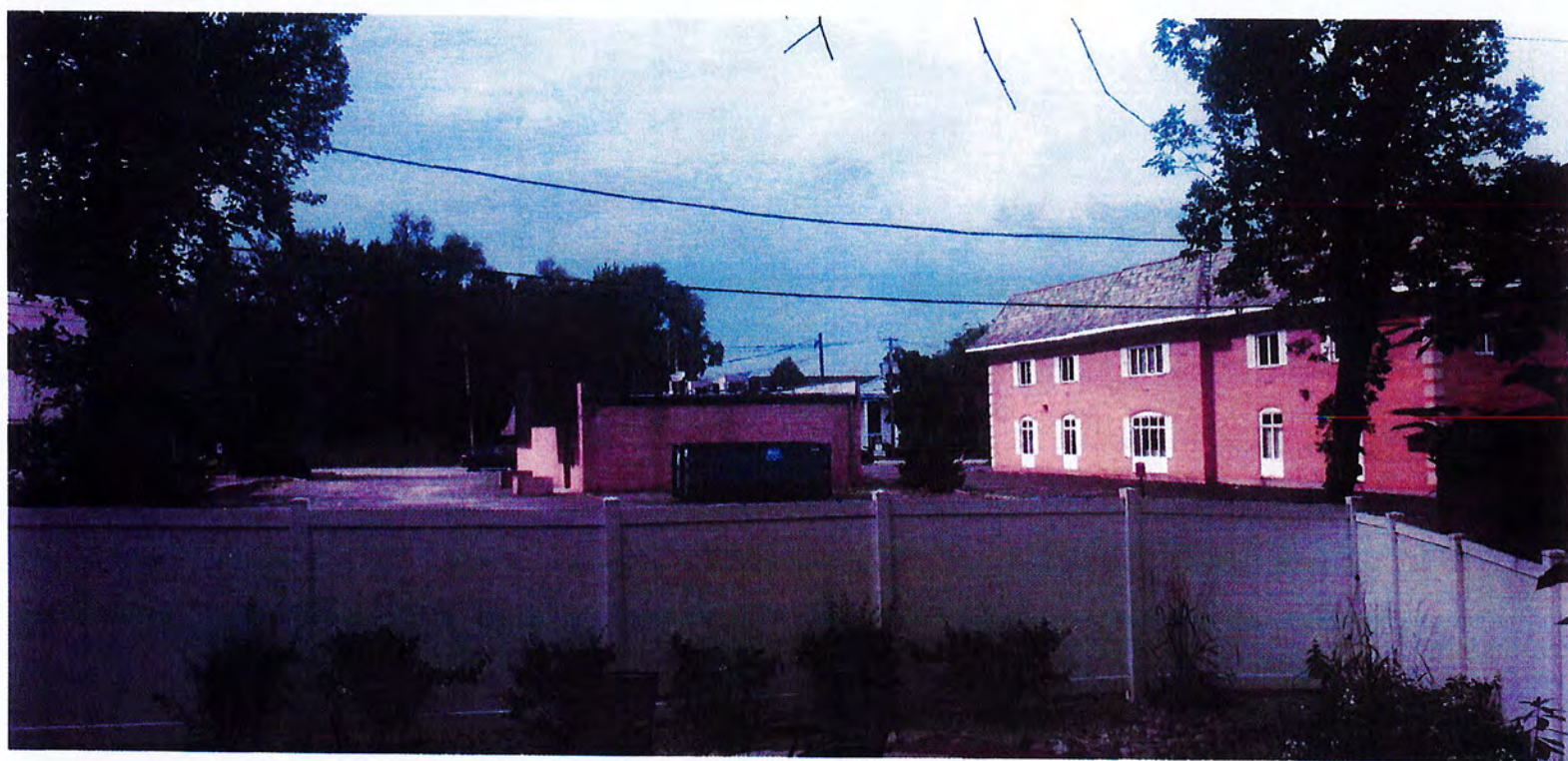
























**COMMUNITY DEVELOPMENT  
DEPARTMENT  
EXTERIOR APPEARANCE AND  
SITE PLAN REVIEW CRITERIA**

**Address of proposed request 110 E Ogden**

**REVIEW CRITERIA**

Section 11-606 of the Hinsdale Zoning Code regulates Exterior appearance review. The exterior appearance review process is intended to protect, preserve, and enhance the character and architectural heritage and quality of the Village, to protect, preserve, and enhance property values, and to promote the health, safety, and welfare of the Village and its residents. Please note that Subsection Standards for building permits refers to Subsection 11-605E Standards and considerations for design permit review.

**\*\*\*PLEASE NOTE\*\*\*** If this is a non-residential property within 250 feet of a single-family residential district, additional notification requirements are necessary. Please contact the Village Planner for a description of the additional requirements.

**FEES for Exterior Appearance/Site Plan Review:**

**Standard Application: \$600.00**

**Within 250 feet of a Single-Family Residential District: \$800**

Below are the criteria that will be used by the Plan Commission, Zoning and Public Safety Committee and Board of Trustees in reviewing Exterior Appearance Review requests. Please respond to each criterion as it relates to the application. Please use an additional sheet of paper to respond to questions if needed.

1. *Open spaces.* The quality of the open space between buildings and in setback spaces between street and facades.

The footprint of the existing building remains as is with a second story addition added. The new ground level addition at the rear of the building will conform with all setbacks. The existing paved parking area has been reduced. A ten foot (10'-0") landscape buffer has been maintained along the rear property line. New plantings will be installed around the perimeter of the updated building and around the parking area where possible.

2. *Materials.* The quality of materials and their relationship to those in existing adjacent structures.

Stone veneer, horizontal siding & EFIS are being placed on the exterior of the updated structure. These are all materials used throughout the village. The adjacent building to the west appears to be an EFIS or plaster finish.

3. *General design.* The quality of the design in general and its relationship to the overall



character of neighborhood.

The addition and façade changes to the structure will greatly improve the design of this outdated structure and will better match both the character and the scale of the surrounding commercial structures.

4. *General site development.* The quality of the site development in terms of landscaping, recreation, pedestrian access, auto access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

The vehicular access to the site will remain unchanged. However the parking and access arrangement will be updated to provide more landscape area while also providing for the parking requirements of the building.

5. *Height.* The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

The new structure will be approximately 29' - 8" to the top of the parapet, which although lower than adjacent structures will more closely conform in height.

6. *Proportion of front façade.* The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

The front facade is proportioned appropriately for the size and use of this building.

7. *Proportion of openings.* The relationship of the width to the height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

Windows have been added to all of the facades providing a pleasing amount of building fenestration. The existing building had no windows on the facades.

8. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

A pleasing rhythm of windows is provided on the front and side facades to avoid massive blank walls. A lower roof was added at the stairway location to reduce the massing and account for the lack of windows in the stairway area.

9. *Rhythm of spacing and buildings on streets.* The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.

With the existing structure already in place, there is not a lot of flexibility as to the location of the building on the lot. However, the width of the building was not increased allowing for the open space to the west of the existing structure to remain.

10. *Rhythm of entrance porch and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

Since the parking is located to the rear of the building, the entrances to both the first

floor clinic and second floor offices are located toward the rear corner of the structure with a lower, human scale entry.

11. *Relationship of materials and texture.* The relationship of the materials and texture of the façade shall be visually compatible with the predominant materials to be used in the buildings and structures to which it is visually related.

The predominate exterior material relates to the building to the west. This will be an EFIS material with a baton pattern to provide shadow and interest. The building entrance is broken off from the main structure with a wood accent wall and a wood and glass lobby area.

12. *Roof shapes.* The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

The flat roof is compatible with the two adjacent structures which both have flat roofs. A parapet is provided to provide equipment screening with out the need for separate equipment screening. Sloped roofs have been added to accent the entries and stairs.

13. *Walls of continuity.* Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

This structure will be of similar character as the adjacent structures, which are independent buildings without a lot of closure using walls.

14. *Scale of building.* The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.

The scale of the building, although relatively smaller than the adjacent structures does provide a pleasant massing, along with a defined building entry.

15. *Directional expression of front elevation.* The buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

The non-directional character of the front elevation is a direct reflection of the limitations of this particular site. The building has been transformed from a windowless squat facade into a light and airy expression of a wellness clinic.

16. *Special consideration for existing buildings.* For existing buildings, the Plan Commission and the Board of Trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

This existing building had no redeeming characteristics from which to work from.

Below are the criteria that will be used by the **Plan Commission and Board of Trustees** in determining if the application does not meet the requirements for Site Plan Approval. Briefly describe how this application will not do the below criteria. Please respond to each criterion as it relates to the application. Please use an additional sheet of paper to respond to questions if needed.

Section 11-604 of the Hinsdale Zoning Code regulates Site Plan Review. The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this code was enacted unless careful consideration is given to critical design elements.

1. The site plan fails to adequately meet specified standards required by the Zoning Code with respect to the proposed use or development, including special use standards where applicable.

The use of the building as a health and wellness clinic is an allowed use in the O-2 zoning district.

2. The proposed site plan interferes with easements and rights-of-way.

There have been no changes to any easements or right-of-ways.

3. The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.

The proposed changes greatly enhance the site by adding additional landscape area to the otherwise fully paved parking lot and modifications to the structure dramatically add to the visual interest of the property.

4. The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.

The proposed changes to the property do no impact the adjacent properties in a negative fashion and only add to an aesthetic improvement.

5. The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably creates hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off the site.

Nothing has been proposed to the site plan that would impose any unreasonable hazards to safety. The access from Odgen Ave. remains unchanged and the flow within the parking lot has been improved. The traffic aisle to the west of the building has been increased in width to allow for proper two way traffic.

6. The screening of the site does not provide adequate shielding from or for nearby uses.

The property to the east and west are open parking lots and are not being screened. However, there will be an enhanced landscape buffer to the residential property to the south.

7. The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are

incompatible with, nearby structures and uses.

The proposed site development includes adding landscape areas that were not previously there and would be considered compatible to the adjacent commercial properties.

8. In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.

This site plan is not in connection with a special use permit.

9. The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned ordinance system serving the community.

The existing site drainage will remain relatively the same as the existing conditions.

10. The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility system serving the Village.

The site does not place unreasonable increased in utility needs based on the medical office use proposed.

11. The proposed site plan does not provide for required public uses designated on the Official Map.

The site remains the same in this respect.

12. The proposed site plan otherwise adversely affects the public health, safety, or general welfare.

There is nothing proposed for this site that has any adverse affect to the public health, safety, or general welfare.



**From:** Dr. Cara VanWormer-Hartman <[REDACTED]>  
**Sent:** Thursday, February 27, 2020 3:26 PM  
**To:** Chan Yu <[cyu@villageofhinsdale.org](mailto:cyu@villageofhinsdale.org)>  
**Cc:** [Bill@studio21architects.com](mailto:Bill@studio21architects.com)  
**Subject:** Re: 110 E Ogden - Facade color change renderings?

Hi Chan and Bill,

Regarding the fence, I'm certainly not trying to be difficult but I do not understand the benefit of a fence if there is a gap where egress can still occur. This is an added expense and I do not see any benefit. In addition, with the money we're spending for improvement and expansion of the greenspace there will be ample privacy from arbor vitae and other taller greens.

I just got color swatches from Bill today so will hopefully have a final rendition soon.

Cara

On Thu, Feb 27, 2020 at 10:25 AM Chan Yu <[cyu@villageofhinsdale.org](mailto:cyu@villageofhinsdale.org)> wrote:

Yes please, also, would it be to match the existing white fence on the other properties?

I understand the color on paper issue, please just try your best. If you can, please bring a color sample to the meeting and offer to pass it around to the Board, comparing the initial white and ivory white.

Thank you, -Chan

**From:** [Bill@studio21architects.com](mailto:Bill@studio21architects.com) <[Bill@studio21architects.com](mailto:Bill@studio21architects.com)>  
**Sent:** Thursday, February 27, 2020 10:20 AM  
**To:** Chan Yu <[cyu@villageofhinsdale.org](mailto:cyu@villageofhinsdale.org)>; 'Dr. Cara VanWormer-Hartman' <[REDACTED]>  
**Subject:** RE: 110 E Ogden - Facade color change renderings?

Chan,



**VILLAGE OF HINSDALE**

**ORDINANCE NO. O2020-07**

**AN ORDINANCE APPROVING AN EXTERIOR APPEARANCE AND SITE PLAN  
FOR EXPANSION AND REDEVELOPMENT OF AN EXISTING BUILDING – DR.  
VANWORMER-HARTMAN - 110 E. OGDEN AVENUE**

**WHEREAS**, Studio21 Architects, on behalf of Dr. Cara VanWormer-Hartman (the "Applicant") has submitted an application (the "Application") seeking exterior appearance and site plan approval for the construction of a second story and other redevelopment of the existing commercial building at 110 E. Ogden Avenue (the "Subject Property"). The Subject Property is located in the O-2 Limited Office Zoning District and is legally described in Exhibit A attached hereto and made a part hereof; and

**WHEREAS**, the Subject Property is currently improved with a vacant one-story commercial building. In addition to the second story addition, comprehensive façade and rear parking lot landscaping improvements are also proposed. The Applicant desires to purchase and occupy the Subject Property as a medical office building with future medical office tenants. The proposed improvements are depicted in the Exterior Appearance and Site Plans attached hereto as Exhibit B and made a part hereof; and

**WHEREAS**, the Application has been referred to the Plan Commission of the Village and has been processed in accordance with the Hinsdale Zoning Code ("Zoning Code"), as amended; and

**WHEREAS**, on February 12, 2020, the Plan Commission of the Village of Hinsdale reviewed the Application at a public meeting pursuant to notice given in accordance with the Zoning Code; and

**WHEREAS**, the Plan Commission, after considering all of the testimony and evidence presented at the public meeting, recommended approval of the proposed Exterior Appearance and Site Plans on a vote of six (6) ayes, zero (0) nays, and three (3) absent, as set forth in the Plan Commission's Findings and Recommendation in this case ("Findings and Recommendation"), a copy of which is attached hereto as Exhibit C and made a part hereof; and

**WHEREAS**, the President and Board of Trustees have duly considered the Findings and Recommendation of the Plan Commission, and all of the materials, facts and circumstances affecting the Application, and find that the Application satisfies the standards established in subsection 11-604F of the Zoning Code governing site plan review, and the standards established in subsection 11-606E of the Zoning Code governing exterior appearance review, subject to the conditions stated in this Ordinance.



**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

**SECTION 1: Recitals.** The foregoing recitals are incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

**SECTION 2: Approval of Exterior Appearance and Site Plans.** The Board of Trustees, acting pursuant to the authority vested in it by the laws of the State of Illinois and Sections 11-604 and 11-606 of the Hinsdale Zoning Code, adopts the Findings and Recommendation of the Plan Commission, and approves the Exterior Appearance and Site Plans attached to, and by this reference, incorporated into this Ordinance as **Exhibit B** (the "Approved Plans"), subject to the conditions set forth in Section 3 of this Ordinance.

**SECTION 3: Conditions on Approvals.** The approvals granted in Section 2 of this Ordinance are expressly subject to all of the following conditions:

- A. **Compliance with Plans.** All work on the exterior of the Subject Property shall be undertaken only in strict compliance with the Approved Plans attached as **Exhibit B**.
- B. **Compliance with Codes, Ordinances, and Regulations.** Except as specifically set forth in this Ordinance, the provisions of the Hinsdale Municipal Code and the Hinsdale Zoning Code shall apply and govern all development on, and improvement of, the Subject Property. All such development and improvement shall comply with all Village codes, ordinances, and regulations at all times.
- C. **Building Permits.** The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
- D. **Color of Building.** The Applicant shall revise the color of the building in the proposed plans reviewed by the Plan Commission from bright white to ivory or another more muted color.
- E. **Fence Extension.** The Applicant shall extend the existing white fence along the rear property line.
- F. **After Hours Lighting.** The Applicant shall dim the parking area lights to security levels during non-business hours.

**SECTION 4: Violation of Condition or Code.** Any violation of any term or condition stated in this Ordinance, or of any applicable code, ordinance, or regulation

ADOPTED this 16th day of March, 2020, pursuant to a roll call vote as follows:

AYES: Trustees Posthuma, Stifflear, Hughes, Byrnes

NAYS: None

ABSENT: Trustees Banke and Haarlow

APPROVED by me this 16th day of March, 2020, and attested to by the Village Clerk this same day.



ATTEST:

Thomas K. Cauley, Jr., Village President

Christine M. Bruton

Christine M. Bruton, Village Clerk

ACKNOWLEDGEMENT AND AGREEMENT BY THE APPLICANT TO THE CONDITIONS OF THIS ORDINANCE:

By: Cauley

Its: owner

Date: March 16, 2020

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

**THAT PART OF LOT NUMBER 3 OF JELLIES SUBDIVISION AND LOT NUMBER 5 IN BLOCK NUMBER 3 OF THE ORIGINAL TOWN OF FULLERSBURGE (EXCEPT THAT PORTION INCLUDED IN JELLIES SUBDIVISION) AND (EXCEPT THE WESTERN PORTION THEREOF) AND LOT NUMBER 4 IN BLOCK 3 (EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT NUMBER 4; THENCE WEST 83 FEET; THENCE SOUTH 358 LINKS; THENCE EAST 75 FEET TO THE SOUTHEAST CORNER OF LOT NUMBER 4; THENCE NORTH 358 LINKS TO THE PLACE OF BEGINNING) IN THE ORIGINAL TOWN OF FULLERSBURG AND ORE PARTICULARY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY OF OGDEN AVENUE 71 FEET NORTHEASTERLY OF THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF OGDEN AVENUE WITH THE WEST LINE OF VACATED GARFIELD AVENUE; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF OGDEN AVENUE 79 FEET; THENCE SOUTHEASTERLY 235.85 FEET TO A POINT ON THE SOUTH LINE OF LOT 4 IN BLOCK 3 OF THE ORIGINAL TOWN OF FULLERSBURG; WHICH SAID POINT IS 104 FEET NORTHEASTERLY OF THE INTERSECTION OF THE SOUTH LINE OF LOT 5 IN BLOCK 3 OF THE ORIGINAL TOWN OF FULLERSBURG WITH THE EAST LOT LINE OF LOT 3 IN JELLIES SUBDIVISION; THENCE SOUTHWESTERLY 104 FEET TO SAID INTERSECTION; THENCE NORTHWESTERLY TO THE PLACE OF THE BEGINNING, ALL IN THE NORTHEAST QUARTER OF SECTION NUMBER 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.**

**P.I.N.: 09-01-202-202-0000**

**COMMONLY KNOWN AS: 110 E. OGDEN AVENUE, HINSDALE, IL 60521**

---



**TOPOGRAPHICAL SURFACE BOUNDARY DEFINITION FOR TOPOGEOMORPHOLOGY**

**ORDER NO.**  
**18-0640**

**ALTA/NSPS LAND TITLE SURVEY**

**Scale - 1 inch = 25 feet**

LEGEND	
	MANHOLE
	CATCH BASIN
	UTILITY METER
	FENCE POST
	SIGN
	UTILITY POLE
	OVERHEAD WIRE
	ELECT. METER
	TELEPHONE INTERFACE BOX
	CONCRETE
	BLACKTOP

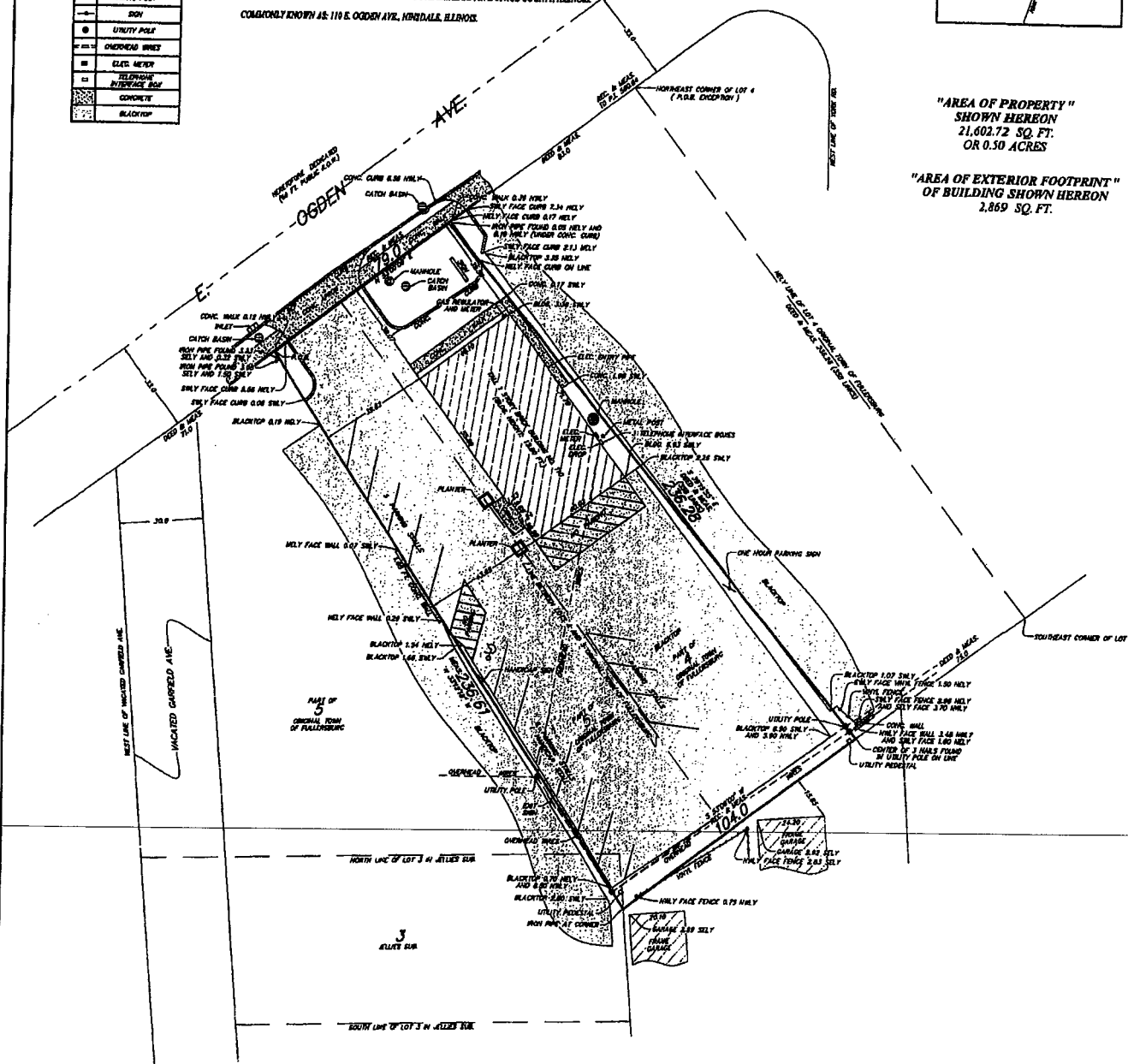
THAT PART OF LOT NUMBER 1 OF HILLBIE SUBDIVISION AND LOT NUMBER 5 OF THE ORIGINAL TOWNSHIP OF FULLERSBURG (EXCEPT THAT PORTION INCLUDED IN JELLES SUBDIVISION) AND (EXCEPT THE WESTERN PART) THERAP AND LOT NUMBER 11 OF BLOCK 1 (EXCEPT THAT PORTION THERAP DESCRIBED AS FOLLOWS: COMMENCED AT THE NORTHWEST CORNER OF LOT NUMBER 4 THENCE WEST 81 FEET; THENCE SOUTH 151 FEET TO THE SOUTHWEST CORNER OF LOT NUMBER 4 THENCE NORTH 151 FEET TO THE PLACE OF BEGINNING) IN THE ORIGINAL TOWNSHIP OF FULLERSBURG AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF WAY LANE OF OGDEN AVENUE THENCE NORTH EASTERLY TO THE INTERSECTION OF THE SOUTHWEST 1/4 RIGHT OF WAY LANE OF OGDEN AVENUE THENCE SOUTH 1/4 RIGHT OF WAY LANE OF OGDEN AVENUE THENCE EAST SOUTHEASTLY ALONG THE SOUTHERLY RIGHT OF WAY LANE OF OGDEN AVENUE THENCE SOUTH 1/4 RIGHT OF WAY LANE OF OGDEN AVENUE THENCE EAST SOUTHEASTLY 235.85 FEET TO A POINT ON THE SOUTH LINE OF LOT 5 IN BLOCK 1 OF THE ORIGINAL TOWNSHIP OF FULLERSBURG; THENCE SOUTHWESTERLY TO THE PLACE OF BEGINNING, WHICH SAID POINT IS 164 FEET NORTHWESTERLY OF SOUTHWESTERLY 164 FEET TO SAID INTERSECTION; THENCE NORTHWESTERLY TO THE PLACE OF BEGINNING, ALL IN THE NORTHEAST QUARTER OF SECTION NUMBER 1, TOWNSHIP 10 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUTCH COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 110 E OGDEN AVE, HINDALE, ILLINOIS.

COMMONLY KNOWN AS: 110 E. OGDEN AVE., HINSDALE, ILLINOIS

**"AREA OF PROPERTY"  
SHOWN HEREON  
21,602.72 SQ. FT.  
OR 0.50 ACRES**

**"AREA OF EXTERIOR FOOTPRINT"  
OF BUILDING SHOWN HEREON  
2,869 SQ. FT.**



THE PROPERTY SHOWN HEREON REFLECTS MATTERS OF TITLE AS CONTAINED IN GREATER ILLINOIS TITLE COMPANY COMMITMENT FOR TITLE INSURANCE COMMITMENT NO. 20006912, EFFECTIVE DATE: OCTOBER 19, 2018.

**NOTE:**  
The legal descriptions based on the plat is a copy of the land survey and  
placed by the client and for accuracy MUST be compared with the Deed.  
For building restrictions refer to your Abstract, Deed or Covenants.

Compare distances between points before building and report any discrepancy to the office immediately

Dimensions shown here are not to be scaled or used


Field work completion date : October 30, 2018.

ORDERED BY:  
JCH SHELST, P.C.

STATE OF ILLINOIS)  
COUNTY OF COOK )

JENS K. DOE PROFESSIONAL LAND SURVEYORS P.C., DOES HEREBY CERTIFY TO: H2M IIA, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, AND GREATER ILLINOIS TITLE COMPANY THAT THIS MAP ON PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2014 "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSP LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSP, AND INCLUDES ITEMS 1, 2, 4, 7 (a), (c), & 9, 11 (visible utilities only), 14, 16, 17 AND IS COMPLIANT "A" THEREOF.

DATED THIS 6TH DAY OF NOVEMBER

  
 KEVIN DUFFY  
 (ILLINOIS PROFESSIONAL AND SURVIVOR)  
 MY LICENSE EXPIRES 11-30-16

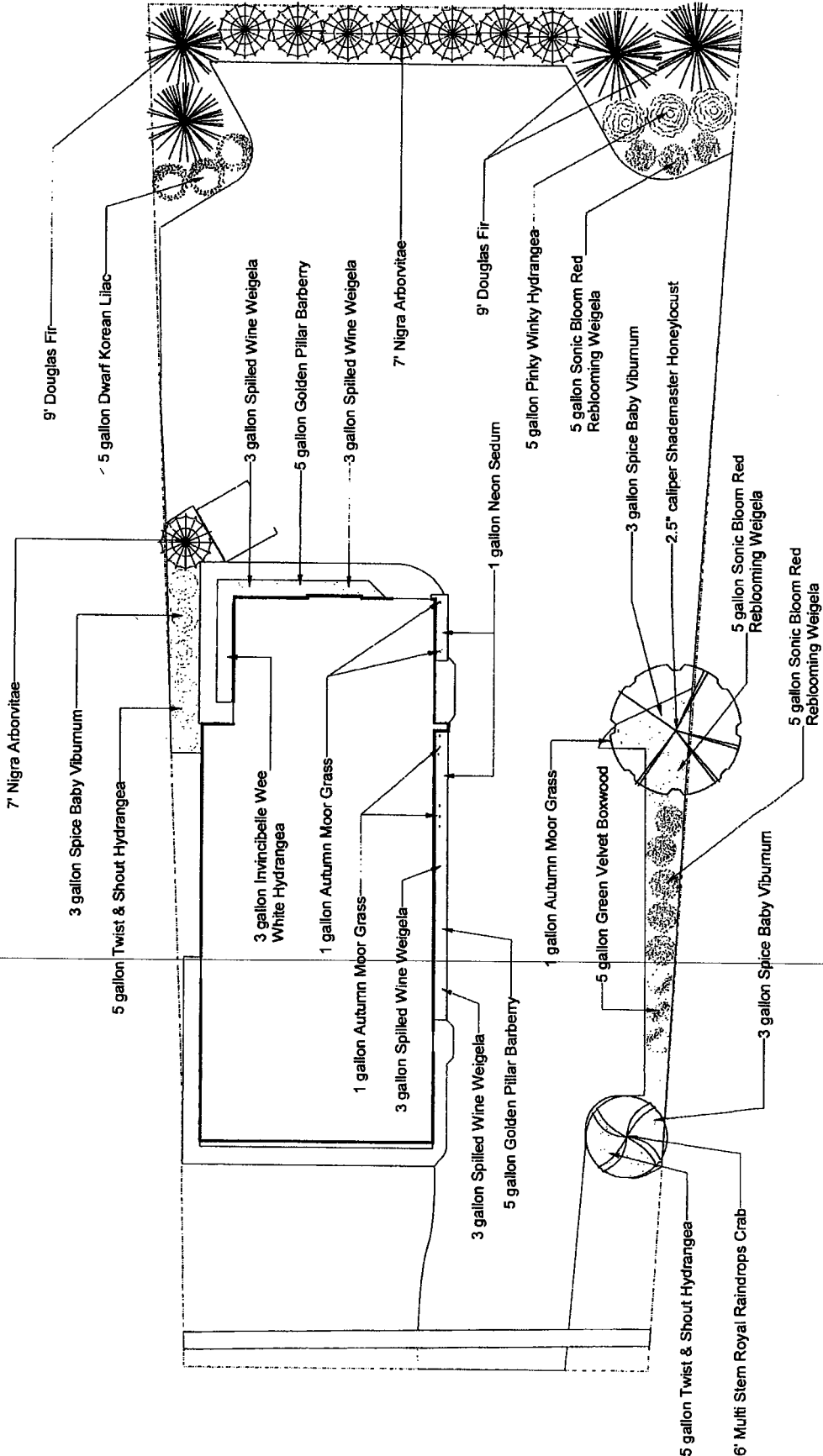
Project:  
110 E Ogden Ave  
Hinsdale, IL 60521

Design by:

*CMS Landscapes Inc*

5719 Pershing Ave  
Downers Grove, IL 60516  
Phone: (630)319-1380  
info@cmslandscapes.com

  
Scale: 1/8" = 10"



# VILLAGE OF HINSDALE

## Certificate of Zoning Compliance

Subject to the statements below, the Village has determined that, based on the information included in Application #P21-9434 for a Certificate of Zoning Compliance, the proposal described in this certificate appears to comply with the standards made applicable to it by the Hinsdale Zoning Code.

This certificate is issued to:

**Zalud**

Address or description of subject property:

**110 East Ogden Avenue**

Use or proposal for subject property

For which certificate is issued:

**Commercial Building Renovation**

Plans reviewed, if any: *See attached plans, if any.*

Conditions of approval of this certificate:

**Work under this certificate shall be limited to that authorized under the above listed permit and Letter of Agreement only.**

---

*Note: other conditions may be attached to approval of any pending zoning application.*

**NOTE ALL OF THE FOLLOWING CAREFULLY:**

**This approval granted in this certificate has been granted based on the information provided to the Village and the Village's understanding of the facts and circumstances related to the proposal at this time. If (a) any information provided to the Village changes, (b) any new information is becomes available or is discovered, or (c) the Village's understanding of the facts and circumstances otherwise changes, then this certificate may be rescinded.**

**This certificate does not signify Building Code Review or approval and is not authorization to undertake any work without such review and approval where either is required. See the Hinsdale Building Code for details.**

**Before any structure to which this certificate is applicable may be occupied or used for any purpose, a Certificate of Occupancy must be obtained. See Section 11-402 of the Hinsdale Zoning Code and the Hinsdale Building Code for details.**

**Subject to an extension of time granted pursuant to the Hinsdale Zoning Code, this certificate shall become null and void six months after the date on which it was issued unless construction, reconstruction, remodeling, alteration, or moving of a structure is commenced or a use is commenced.**

**If this certificate is issued in violation of the provisions of the Hinsdale Zoning Code, whether intentionally, negligently, or innocently, then it shall be void *ab initio* and shall give rise to no rights whatsoever.**

By: \_\_\_\_\_  
Village Manager

Dated: \_\_\_\_\_, 20\_\_\_\_

# 3611015\_v1

**VILLAGE OF HINSDALE  
VILLAGE BOARD OF TRUSTEES  
MINUTES OF THE SPECIAL MEETING  
March 16, 2020**

The specially scheduled meeting of the Hinsdale Village Board of Trustees was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, March 16, 2020 at 7:32 p.m., roll call was taken.

**Present:** Trustees Matthew Posthuma, Luke Stifflear, Gerald J. Hughes, Neale Byrnes, and President Tom Cauley

**Absent:** Trustees Scott Banke and Laurel Haarlow

**Also Present:** Village Manager Kathleen A. Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom, Police Chief Brian King, Finance Director Darrell Langlois, Director of Community Development/Building Commissioner Robb McGinnis, Director of Public Services George Peluso, Superintendent of Parks & Forestry John Finnell and Village Clerk Christine Bruton

**PLEDGE OF ALLEGIANCE**

President Cauley led those in attendance in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**a) Regular Meeting of March 3, 2020**

Following changes to the draft minutes, Trustee Byrnes moved to **approve the draft minutes of the regular meeting of March 3, 2020, as amended.** Trustee Hughes seconded the motion.

**AYES:** Trustees Stifflear, Hughes, Byrnes and President Cauley

**NAYS:** None

**ABSTAIN:** Trustee Posthuma

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

**VILLAGE PRESIDENT'S REPORT**

President Cauley reported on the emergency measures taken by the State of Illinois in response to the COVID-19 virus. Governor Pritzker has limited public gatherings, and bars and restaurants will be closed beginning tonight at 9:00 p.m. However, it is anticipated that grocery stores, pharmacies and gas stations will remain open. The Department of Community and Economic Opportunity (DCEO) has a survey where it is collecting data related to the impact of COVID-19. He encouraged Hinsdale small businesses to complete the survey. This link is on the Village



website. Staff is also staying abreast of and State or Federal initiatives to assist small business owners, noting these businesses make up the bulk of Hinsdale's retail community.

Out of an abundance of caution for Village employees, Village Hall is closed to the public, however, all essential municipal services, Public Services, Police and Fire, will remain in operation. There are drop-off locations at the Police Department and at the front door of Memorial Hall, staff will continue to process Village business and answer phones. The Village Board intends to continue to hold meetings for the foreseeable future.

Village Manager Kathleen Gargano added that by executive order, changes have been made to the Open Meetings Act regulations regarding meetings; and between now and the next meeting, the details will be worked out.

President Cauley urged people to visit the Village website for up-to-date information on the status of meetings and municipal services. He reminded residents to practice social distancing to slow down the spread of the virus, and to stay home to the greatest degree possible. He noted this is an ever-evolving situation and the Village continues to adjust as information becomes available. If people have questions, they should call the Village offices or him directly.

President Cauley reported good news with respect to the recent rash of car thefts. Last week the Hinsdale Police Department arrested seven individuals responsible for overnight auto thefts and burglaries that occurred in the Village. A stolen automobile and firearms were recovered in raids in South Holland and Dolton. The Police Chief anticipates additional arrests and additional criminal charges. He reminded residents how important it is to lock their vehicles and remove their key fobs to help eliminate the opportunity for overnight crime.

Finally, President Cauley said he got a call from a resident because the Community House has determined to close as a polling place tomorrow, and voters have been directed to the fairgrounds in Wheaton. Staff made an attempt to move the polling place to Memorial Hall, however, the County wouldn't allow it at this late date.

#### **Chamber of Commerce – Annual Event Calendar** *(Item taken out of order)*

Ms. Eva Field and Ms. Melissa Waters, representing the Chamber of Commerce, addressed the Board regarding their request to the Village for support for their annual events. Ms. Field noted that the Garage Sale has been dropped for the time being, but the Wine Walk was very successful. The Board had no objections to the Chamber requests.

### **CITIZENS' PETITIONS**

None.

### **FIRST READINGS – INTRODUCTION** *(Items taken out of order)*

#### **Zoning & Public Safety (Chair Stifflear)**

- a) Approve an ordinance approving a variation from Section 6-111(E) of the Village of Hinsdale Zoning Ordinance at 908 N. Elm Street, Hinsdale, IL – Case Number V-06-19

Trustee Stifflear introduced the item that comes to this Board, following a recommendation of the Zoning Board of Appeals to approve a request for an increase in floor area ratio (FAR) for an O-3 pre-code structure. The current medical building is already over the allowable FAR, and they are requesting an additional 294' square feet, a .1% increase, in order to enclose the entry and create a vestibule. The Zoning Board of Appeals approved the request 6-0 at a public hearing held on January 15, and Trustee Stifflear agrees this request meets the criteria for approval.

The Board agreed to move this item forward for a second reading at their next meeting.

- b) **Approve a Referral to Plan Commission of a Request to Hold a Public Hearing for Consideration of, and a Recommendation to the Board of Trustees on, a Temporary 180-day Moratorium on the Issuance of any Demolition Permits or other Building or Zoning Approvals involving the Demolition of Landmarked Single-Family Homes, or of any Single Family Homes within the Village or within the Robbins Park and Central Business District Historic Districts**

Trustee Stifflear introduced the item which is a follow-up on a proposed moratorium that President Cauley discussed in his remarks two weeks ago regarding the teardown of historically significant homes in the Robbins Park historic district. This matter can be heard by the Board, or referred to the Plan Commission with a vote tonight. Any potential moratorium will allow a debate on what a long-term historic preservation ordinance may codify to protect historically significant structures, and insure that those homes are not razed during the process. The Plan Commission would hear public comment and provide the Board with a recommendation. At the last meeting of the Village Board, Historic Preservation Commission members asked the Village to do something about this. If the Plan Commission holds a public hearing, it would come back to the Village Board for a final vote. Trustee Stifflear suggested the Board consider and provide direction to the Plan Commission regarding the length of the moratorium, six months has been recommended; whether the moratorium should be Village-wide or apply only to Robbins Park and/or the Central Business District (CBD); apply to all buildings, or only to contributing buildings, and if we include all buildings, a waiver or appeal process should be considered. President Cauley noted this matter addresses the concept of having a moratorium, not regulations to preserve historic homes. He views the Board of Trustees as an appellate body and that public hearings should be conducted by the Plan Commission or the Zoning Board of Appeals. This is a sensitive issue, lots of people in the community want to see older homes preserved, but owners want to develop them, or they can't sell them as they are. The Historic Preservation Commission has asked us to do something, but we don't know what that is yet. No determinations have been made.

Trustee Hughes reminded the Board there are significant homes outside the Robbins historic district. He would suggest, in terms of scope, that the moratorium apply to contributing homes in Robbins and something based on age, pre-war homes, located outside the district. Director of Community Development Robb McGinnis said there were about 40 demolitions in 2019, and since 2008, 24 homes were demolished in Robbins, 19 of which were contributing homes.

Trustee Posthuma agrees property rights should be protected, but also agrees this issue should be looked at. Discussion followed regarding the length of the moratorium the Board agreed to keep it as short as possible to realistically evaluate the problem, but no more than 6 months. Trustee Stifflear agrees that property rights are important, and that this

should only apply to properties that contribute to the historic definition in Robbins and the CBD.

**Mr. Mike Ryan, 125 E. Eighth Street**, addressed the Board, and echoed their comments but stressed that some houses might not be worthy of being on a list of what is unique and special, stating that some houses should truly come down. He appreciates the Board's consideration of the property rights of owners. President Cauley said he would like to see the opportunity for rehabbing these homes maximized, possibly with incentives regarding FAR, or waiving construction fees or setback requirements.

**Mr. Mark Weber, 427 S. Stough**, addressed the Board stating he is building a home at 6<sup>th</sup> & County Line that was a tear down. They looked at rehabbing the property, but they couldn't make the numbers work; economics ruled the outcome. He is concerned about property rights, and he wants Hinsdale to grow. He agrees it would be best to work through this issue quickly.

Trustee Stifflear made an initial motion that was revised following discussion of the Board regarding whether or not to include buildings outside the Robbins historic district, and if so, of what vintage. The Board agreed to make the motion more broad and let the Plan Commission refine the parameters. Trustee Byrnes asked that the motion include parameters for a waiver process. Ms. Gargano asked that the motion include landmarked homes.

Trustee Stifflear moved to **Approve and refer to Plan Commission a request to hold a public hearing for consideration and recommendation to the Village Board on a temporary, not to be longer than 180 days, moratorium on the issuance of demolition permits or other building or zoning approvals, involving the demolition of any single-family home or building that is historically significant or landmarked, Village-wide.** Trustee Posthuma seconded the motion.

**AYES:** Trustees Posthuma, Stifflear, Hughes, and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

---

**c) Approve an ordinance to change certain parking regulations in the Central Business District (CBD)**

Trustee Stifflear introduced the item that relates to new parking regulations in the central business district once the new parking deck is open sometime this summer. He believes there is general agreement on the Board regarding the following: the goal of the parking ordinance is to move merchants and employees off the street and into the deck to free up spaces for shoppers and restaurant patrons; move to zoned parking that includes 3-hour parking in metered spots, 6-hour free parking for everyone in the lower level of the parking deck, and 8-hour parking in the Washington and Garfield lots for \$1.00/per day. Merchants and employees will have free and unlimited access to the deck after registering their vehicles. If registered vehicles park on the street in a metered spot, a ticket will be issued. Ticket fees will increase from \$8 to \$25. Parking will be monitored by License Plate Reading (LPR) technology. Vehicles parked in the CBD for greater than three hours total, including multiple spots, will be ticketed. Fines are being increased as a way to influence behavior, not as a

revenue generating tool. Additional 15-minute spots will be added to high traffic areas, such as Starbucks or a dry cleaner. Additional commuter permits will be issued. The other matter to bring to resolution is the resident versus non-resident parking matter; should everyone park for free in the CBD or should residents park for free, and non-residents continue to pay a per hour charge to be collected by the meters.

Trustee Hughes stated he believes the question is whether or not the Village continues, for some period of time, to require non-residents to pay for on-street parking in the CBD on a per use basis. Initially, the thought was to enable residents not to have to feed meters by building those costs into the price of their vehicle sticker. The benefit would be convenience, and possibly an incentive to patronize the businesses in town because their parking was already paid. He noted that estimates indicate that only 10% of the people parking in the CBD are residents. He believes the only people actually parking for free in the alternative proposal are non-residents. He explained the cost to each Hinsdale household over the next 20 years for the parking deck is about \$50.00 annually. He asked what will work best to accomplish the objective of making street parking readily available, what is practical, and what is fair. The CMAP study recommended using price is a tool to allocate sparse parking inventory. Price, limits, and supply are the tools we have now, but he does not believe it is safe to cast aside price as a tool and assume limit and supply are adequate tools because true demand is still unknown. Human behavior is unpredictable, and it is unknown how easy it will be to get people to park in the garage. The time limit could be a factor. He recommends solving all other issues, before eliminating price.

Trustee Posthuma agrees, and wants to make sure the deck does what it's supposed to do, which is free up CBD parking. He would like people's first inclination be to park at the deck, but is concerned that if parking is free downtown, people will not be incented to use the deck. He agrees residents are already paying for parking in many ways. Trustee Byrnes believes the signage will be a problem, as well as the message sent to non-residents, which he believes could be a barrier to sales in the CBD. He noted that if all the merchants and employees that are currently parking on the street parked in the deck, it would be full.

President Cauley explained that he sees the cost of the deck to the resident or non-resident in the same way as the cost of infrastructure work. When the streets are fixed, anybody can drive on them. The deck is another infrastructure project. No other town charges different rates depending on residency, many towns have free parking. He believes the signage would create complexity, but it is the three-hour time limit that controls the problem, not the fee. If estimates are correct that 80% of downtown shoppers are non-residents, their patronage is central to the vitality and vibrancy of the downtown. Free parking will contribute to this, it is good for everybody, and residents will get a benefit from sales tax revenues. He recommends keeping the meters, make the parking free, and if it doesn't work, then change it. Trustee Stifflear thinks the inconvenience of not charging residents and charging non-residents outweighs some of the possible problems, and agrees the meters will still be in place if we have to make a change.

The Board agreed to move this item forward for a second reading at their next meeting.

**Administration & Community Affairs (Chair Hughes)**

- a) **Approve an Ordinance Amending Section 6-6-5 (Village Permit Parking Lots) of Title 6 (Motor Vehicles and Traffic), Chapter 6 (Stopping, Standing and Parking) of the Village Code of the Village of Hinsdale Relative to Parking Permit Fees**

Trustee Hughes introduced the item regarding whether commuter lot permit fees should be raised from \$310/per 6 months to \$375/per six months. He explained there are a variety of reasons to do this including the fact there has not been an increase since 2006, and there is a 15 month waiting list. He thinks the wait list should be under one year; President Cauley concurs. Discussion followed regarding the amount of the increase. The Board agreed they would feel better if this fee was reviewed more often, but pointed out that this is about the same as an annual cost of living increase, or about \$5.00/per year.

Trustee Byrnes noted the permit price for the Highlands and West Highlands stations is not being raised, and are \$280/per six months. Ms. Gargano explained that the motivation for reviewing the fees was an effort to manage downtown parking, but staff can review Highland fees and paybox rates, too. She cautioned that with respect to the Highlands parking, the Village receives METRA funds, and therefore METRA needs to be consulted about raising any fees.

The Board agreed to move this item to the consent agenda of their next meeting.

## **CONSENT AGENDA**

### **Administration & Community Affairs (Chair Hughes)**

- a) On behalf of Trustee Haarlow, Trustee Hughes moved **Approval and payment of the accounts payable for the period of March 4, 2020 to March 16, 2020, in the aggregate amount of \$1,329,100.92 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.**

**AYES:** Trustees Posthuma, Stifflear, Hughes, and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

*The following items were approved by omnibus vote:*

- 
- b) **Approve an Ordinance to Collect Cable Public Education Government (PEG) fees to fund the replacement of cable broadcast equipment (First Reading – March 3, 2020)**
- c) **Accept a proposal from Williams Architects/Aquatics for design engineering and construction management services for Community Pool renovations in the amount of \$61,800 (First Reading – March 3, 2020)**

### **Environment & Public Services (Chair Byrnes)**

- d) **Approve the award of Custodial Services Bid #1669 to Bravo Service, Inc., for custodial services within Village facilities for one term (20 months), in the amount not to exceed \$117,000**

Trustee Byrnes moved to approve the Consent Agenda, as presented. Trustee Posthuma seconded the motion.



**AYES:** Trustees Posthuma, Stifflear, Hughes, and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

## **SECOND READINGS / NON-CONSENT AGENDA – ADOPTION**

### **Zoning & Public Safety (Chair Stifflear)**

- a) **Approve an Ordinance Approving an Exterior Appearance and Site Plan for Expansion and Redevelopment of a Paddle Court Warming Hut – Hinsdale Platform Tennis Association – 5901 S. County Line Road** *(First Reading – March 3, 2020)*

Trustee Stifflear introduced the item that relates to the expansion and renovation of the HPTA paddle hut located at the southeast corner of KLM, zoned Open Space. He noted the Plan Commission reviewed this request in February 2020, and recommended approval by a vote of 6-0. He noted there were no public comments on this matter.

Trustee Stifflear moved to **Approve an Ordinance Approving an Exterior Appearance and Site Plan for Expansion and Redevelopment of a Paddle Court Warming Hut – Hinsdale Platform Tennis Association – 5901 S. County Line Road**. Trustee Hughes seconded the motion.

**AYES:** Trustees Posthuma, Stifflear, Hughes, and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

- b) **Approve an Ordinance Approving Variations Relative to the Replacement and/or Construction of New Improvements for Hinsdale Central High School at 5500 S. Grant Street, Hinsdale, Illinois – Hinsdale Township High School District 86 - Case Number V-05-19** *(First Reading – March 3, 2020)*

Trustee Stifflear introduced this and the following item regarding Hinsdale Central High School. He recapped the five unanimously recommended ZBA variations, and noted that the majority of these variations are pre-existing, but because of the expansion they have to be reconsidered. The second matter before the Board is in regards to the new two-story structure, 33,040 square foot pool facility and site renovations. This was reviewed by the Plan Commission and recommended by a vote of 5-0. Neighbors were notified, and questions regarding construction updates and construction traffic were addressed.

**Ms. Bonnie Sartore, 5716 Foxgate Lane**, addressed the Board representing the Foxgate Homeowners Association. Their concern is the relief for only 23 additional parking spaces. They have been neighbors to the high school for a long time, and support this project in the majority, but the parking situation is unacceptable and dangerous. Every current space is filled, 23 additional spaces is not adequate for the additional activity this project will cause. She said they did not get notice of the public hearing nor has there been any community outreach. President Cauley noted the school is landlocked, and asked her what the

alternative might be. She said she doesn't know, but stressed there will be a whole different level of activity. She thinks they need a parking garage. She complained the project has gone so far, and the communication with neighbors has been nil.

Trustee Stifflear is sympathetic, and noted that numbers indicate that enrollment will stay flat or go down. He said when this project came in front of the Board he was surprised there were 23 new parking spots. Although there could be increased intensity of use because of the pool, this parking issue predates this project. Practically, it is impossible to provide what the code prescribes.

President Cauley is worried about the process. When the Board is told residents don't have concerns, but show up at second read stating they didn't get notice, he is inclined to hold up to talk to these residents.

Mr. Graal, representing the school, addressed the Board. He said Foxgate was on the resident notification list, letters were sent, and signage was posted onsite. There was an issue with letters, so they postponed the Plan Commission hearing and resent the mailing. The certified mailing receipts have been returned to the Village. They have conducted monthly facility meetings for almost a year that have been posted and are open to the public. They have had conversations with other residents on 57<sup>th</sup> Street regarding property damage from flying baseballs, and with residents about the fence off the alleyway. Mr. Graal said he will bring this matter back to the district. Staff will verify who has received the certified mailings.

The Board agreed to postpone action on this item for further consideration at their next meeting.

Trustee Byrnes asked about the netting at the baseball field proposed for the first base line on 57<sup>th</sup> Street, but not the third base line along Grant Street where parking is allowed. Mr. Graal explained that his team looked at installation along Grant Street, but it was a cost concern. Trustee Byrnes said his vote is contingent on modifying the net, and it was noted that Trustee Banke also had concerns about this issue. Mr. Graal clarified the Board wants netting on the first and third base lines, but not the backstop. He will bring this back to the district, and although he doesn't have exact numbers, he estimates the cost of the safety netting as requested would be between \$35,000 – \$50,000.

---

**c) Approve an Ordinance Approving an Exterior Appearance and Site Plan for a New Natatorium and Various Other Improvements for Hinsdale Central High School at 5500 S. Grant Street - Hinsdale Township High School District 86\*\* (First Reading – March 3, 2020)**

The Board agreed to postpone action on this item for further consideration at their next meeting.

**d) Approve an Ordinance Approving an Exterior Appearance and Site Plan for Expansion and Redevelopment of an Existing Building – Dr. Vanwormer-Hartman - 110 E. Ogden Avenue\*\* (First Reading – March 3, 2020)**

Trustee Stifflear introduced the item for a property that has been vacant for 10 years. The applicant has provided a code compliant site plan for a medical office facility, and has addressed Plan Commission recommendations. A fence cannot be installed on the south lot line because that is private property, but there is a 10' foot green space in the parking lot setback and arborvitae will be planted densely to provide a barrier.

Trustee Stifflear moved to **Approve an Ordinance Approving an Exterior Appearance and Site Plan for Expansion and Redevelopment of an Existing Building – Dr. Vanwormer-Hartman - 110 E. Ogden Avenue.** Trustee Hughes seconded the motion.

**AYES:** Trustees Posthuma, Stifflear, Hughes, and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

### **DISCUSSION ITEMS**

a) **Parking deck update**

Assistant Village Manager/Director of Public Safety Brad Bloom stated there is nothing new to report.

b) **Tollway update**

Mr. Bloom reported the sound walls on Peirce Park are expected to be complete by April 1, and the landscaping is finished.

c) **Chamber of Commerce – Annual Event Calendar** (*Addressed earlier with Presidents Report*)

d) **Integrated Pest Management (IPM)**

Superintendent of Parks & Forestry John Finnell, acting as IPM Manager for the Village, gave his annual report to the Board and residents. He stated the goal of integrated pest management is the control of insects, disease, weeds and other pests through environmentally sensitive and economical practices. Hinsdale has had annual compliance since 1995 ensuring public health, safety, and welfare by limiting reliance on chemical pesticides. He outlined the IPM process for turf maintenance, prairie maintenance, tree preservation, sustainable landscape, and mosquito abatement. Recommendations were made for 2020 work in these areas.

### **DEPARTMENT AND STAFF REPORTS**

a) **Engineering**

b) **Public Services**

The report(s) listed above were provided to the Board. There were no additional questions regarding the content of the department and staff reports.

Ms. Gargano reported Village measures with respect the ever-changing developments with the coronavirus. The best place to check for current information is the Illinois Department of Public Health (IDPH) website, there is information and links on the Village website, and there is information running on Channel 6. Staff will continue to provide updated information to residents. Regarding reported activity at the DuPage Medical Group offices, she explained they are serving as a test facility, but it is not open to the public, only for IDPH referred patients. Ms. Gargano complemented Department Head staff because in February when reports were coming in from China, they took steps to identify how to address social

distancing and still maintain service delivery to residents. She said the general service telephone numbers are still being answered by staff during this period when offices are closed to the public.

Trustee Hughes commented on the idea of a remote meeting and thinks this is a good idea, although probably not for the next Board meeting. However, if this lasts a long time, and there is a light agenda, we should learn how to do this. Ms. Gargano said we don't have 'turnkey' technology at this time, but will look at everything we can to make it available in the future.

#### **REPORTS FROM ADVISORY BOARDS AND COMMISSIONS**

No reports.

#### **CITIZENS' PETITIONS**

None.

#### **TRUSTEE COMMENTS**

None.

#### **ADJOURNMENT**

There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee Hughes moved to **adjourn the specially scheduled meeting of the Hinsdale Village Board of Trustees of March 16, 2020.** Trustee Byrnes seconded the motion.

**AYES:** Trustees Posthuma, Stifflear, Hughes, and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustees Banke and Haarlow

Motion carried.

---

Meeting adjourned at 9:09 p.m.

ATTEST: \_\_\_\_\_

Christine M. Bruton, Village Clerk

**Christine Bruton**

---

**From:** Robert McGinnis  
**Sent:** Wednesday, September 1, 2021 4:22 PM  
**To:** Kathleen Gargano;Bradley Bloom  
**Subject:** Fwd: 110 E Ogden - landscape  
**Attachments:** doty-nurseries-fact-sheet-fairview-juniper.pdf; doty-nurseries-fact-sheet-mountbatten-juniper.pdf; doty-nurseries-fact-sheet-star-power-juniper.pdf; doty-nurseries-fact-sheet-taylor-juniper.pdf; doty-nurseries-fact-sheet-wintergreen-arborvitae.pdf

Sent from my iPhone

Begin forwarded message:

**From:** John Finnell <JFinnell@villageofhinsdale.org>  
**Date:** September 1, 2021 at 2:25:32 PM CDT  
**To:** Robert McGinnis <rmcginnis@villageofhinsdale.org>  
**Subject:** 110 E Ogden - landscape

Robb,

Not much room there with the limited landscape space and overhead wires. I wouldn't recommend shade or ornamental trees. I would stick with some evergreens in the 10-20 foot height category. Some ideas attached.

Best regards,

John

John Finnell  
Village of Hinsdale  
Superintendent of Parks and Forestry

P 630 789 7043  
E jfinnell@villageofhinsdale.org

