



MEETING AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, May 18, 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
 - a) February 16, 2022
 - b) March 16, 2022
 - c) April 20, 2022
4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT
 - a) V-02-22, 307 South Lincoln Street
5. RECEIPT OF APPEARANCES
6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE
7. PRE-HEARING AND AGENDA SETTING
 - a) V-04-22, 457 South Clay Street
8. PUBLIC HEARING
 - a) V-01-22, 527 – 541 Kensington Court Subdivision
 - b) V-03-22, 933 South Grant Street
9. NEW BUSINESS
10. OLD BUSINESS
 - a) APP-01-22, 110 East Ogden Avenue - Status
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.

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**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
FEBRUARY 16, 2022**

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, February 16, 2022 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Gary Moberly, Joseph Alesia, Keith Giltner (*present by phone*), Tom Murphy, Leslie Lee, John Podliska, and Chairman Bob Neiman

Absent: None

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

3. APPROVAL OF MINUTES

a) January 19, 2022

Following changes or corrections to the draft minutes, Member Podliska **moved to approve the draft minutes of January 19, 2022, as amended.** Member Murphy seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

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

5. RECEIPT OF APPEARANCES – None

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

7. PRE-HEARING AND AGENDA SETTING

a) V-01-22, 527 – 541 Kensington Court Subdivision

Mr. Dave Hellyer, Jay Jordon Homes, addressed the Board explaining they are requesting a variance to install 4' foot solid fencing in the corner yard setbacks of Lot 2 and Lot 9 of the Kensington Court Subdivision. This will provide screening from the Hinsdale Orthopedics parking lot, and relief from site distance triangles. Chairman Neiman asked that the applicant provide more

1 detail with respect to the approving criteria for the public hearing. Mr. Hellyer
2 explained their goal is to create a private community with secure access,
3 although there will not be fencing around the entire perimeter of the subdivision.
4 Director of Community Development Robb McGinnis reminded the Board if the
5 ZBA approves the height and corner side yard setback relief, the matter would
6 go to the Village Board for major site plan review. Mr. Hellyer said they are still
7 working on the architectural, and will have them for the public hearing.
8 The public hearing was set for the next meeting of the Zoning Board of Appeals
9 on March 16.

10
11 **b) APP-01-22, 110 East Ogden Avenue**

12 Chairman Neiman asked the homeowners, the 110 E. Ogden representatives
13 and the Village Attorney to approach the podium. Mr. Jared Staver introduced
14 himself and his wife Kelly and explained that they and Michael and Alice Kuhn,
15 who are unable to attend the meeting, are the homeowners who have filed the
16 appeal. Mr. Patrick Walsh, is the attorney representing Dr. Cara Hartman, the
17 owner of 110 E. Ogden Avenue. Mr. Michael Marrs is the Village Attorney.

18 Chairman Neiman began stating there some initial questions to clarify. He
19 asked Mr. Walsh why the trees were removed, and whose side of the property
20 line were they on. Mr. Walsh said the trees were on his client's property. This
21 has been confirmed by the Village. They put the trees that were requested in
22 early as a gesture of good faith. He does not believe they needed a permit to
23 remove the trees. Chairman Neiman understands that the homeowners are
24 angry. They bought their houses with the trees, and the commercial building
25 at 110 East Ogden Avenue was a one-story building. He suggested that the
26 trees that have been installed do not meet the site plan specifications. Mr.
27 Walsh said the new trees were planted according to the specifications. He
28 believes ComEd will kill the trees anyway because of the easement. Further,
29 the deciduous trees that were there on his client's property did not provide
30 much screening. Discussion followed regarding the level of screening provided
31 by the deciduous trees that were there.

32 Chairman Neiman asked if Mr. Walsh is prepared to work with the homeowners
33 in the spring to plant more trees to provide more screening. He also pointed
34 out that some accommodation to the homeowners would be better than
35 litigation. Mr. Walsh alluded to the conduct of the homeowners, to which
36 Chairman Neiman stated he understands there has been conflict; however,
37 despite all the hard feelings on both sides, some kind of resolution would be in
38 everyone's best interest as both parties have risk. Mr. Walsh said he is always
39 willing to talk and listen.

40 Member Podliska asked about the utility easement. Mr. Mike Zalud, contractor
41 for 110 E. Ogden, explained that ComEd has provided a diagram that illustrates
42 that the power lines will be over the entire south property line, and that they
43 would trim any trees in this location down to 10-15' feet. Therefore, an arborist
44 was hired to identify the trees. These trees were never part of the landscape
45 plan approved by the Plan Commission. Seven new trees were planted
46 according to the plan that will grow to the bottom of the ComEd wires. His
47 arborist identified some of the existing trees as weeds and poison ivy. The one

1 significant tree would have been topped off at 15' feet by ComEd. He was
2 unable to estimate when the new arborvitae would reach their 15' foot height.
3 Mr. Zalud confirmed that the residents received notice of the Plan Commission
4 meetings and that the site plan was available to them.
5

6 Mr. Jared and Ms. Kelly Staver approached the podium to address the Board.
7 Chairman Neiman began by saying Board members have read the appeal, and
8 that the appeal says there are ongoing violations with respect to the three
9 matters that are being appealed, and that is why the Stavers do not think there
10 is a timeliness issue. Chairman Neiman believes there is some support in the
11 code for this position, but there is some risk. He referenced Section 11-
12 502(D)(1) that requires an appeal to be filed "not later than 45 days following
13 the actions appealed from", but also noted Section 11-502(C) that states "an
14 application for appeal to the zoning board of appeals may be filed by any person
15 aggrieved or adversely affected by an order, decision, determination, or failure to act
16 of the village manager acting pursuant to his or her authority and duties under this
17 code". Chairman Neiman suggested to the Stavers that they be prepared to address
18 why they waited until January to file their appeal. Chairman Neiman referenced
19 Section 11- 502(B) that states "the appeal procedure is provided as a safeguard
20 against arbitrary, ill considered, or erroneous administrative decisions. It is intended
21 to avoid the need for resort to legal action by establishing local procedures to review
22 and correct administrative errors. It is not, however, intended as a means to subvert
23 the clear purposes, meanings, or intents of this code or the rightful authority of the
24 village manager to enforce the requirements of this code. To these ends, the
25 reviewing body should give all proper deference to the spirit and intent embodied in
26 the language of this code and to the reasonable interpretations of that language by
27 those charged with the administration of this code". Therefore, if the Village Manager
28 had a reasonable rationale for her decision, the ZBA is required to give deference.
29 The Village Manager concluded the appeal was untimely. Mr. Staver pointed out
30 that, pursuant to the appeal, Ms. Gargano stayed all landscaping activity on the south
31 lot line. However, he believes the code is clear that all proceedings should be stayed.
32 Discussion of the timeliness issue followed. Chairman Neiman referenced Section
33 11-502(E), stating he disagrees with the position of the Village and the Stavers with
34 respect to what constitutes proceedings.

35 Mr. Staver addressed the property line issue and stated their position on the
36 location of the trees and the fence, and that they never thought anyone would
37 come on their property and take down their trees. They tried mediation from
38 August, when the trees were removed, to November, and at that point they
39 evaluated their options. The appeal was filed as timely as possible.

40 Member Moberly asked the Stavers how the stay would help them. Mr. Staver
41 said he wants the code followed, and that it might bring everyone to the table.
42 He said all they ever wanted was to mediate, and for the 110 Ogden people to
43 make it right, but they refused to come to the table.

44 Member Podliska suggested all parties look at the pool screening at Garfield
45 and Minneola as an example of adequate screening. Mr. Staver said he is
46 familiar with this screening, and agreed it would be acceptable.
47

1 Mr. Walsh then said there is a lot of inaccuracy in the representations that have
2 been made. Mr. Walsh and Mr. Staver disagreed as to whether there have
3 been efforts on both sides to mediate this matter.

4 Chairman Neiman said an important point is the property line. This issue could
5 be litigated in Wheaton for a couple of years, but it will cost less to plant more
6 arborvitae to settle than to fight it out in court.

7 Dr. Cara Hartman, owner of 110 E. Ogden Avenue, addressed the Board, she
8 said to provide a different perspective. She said that when this incident
9 happened, emails from the Stavers were perceived by her as threatening to her
10 brand, her practice. She said Mrs. Staver came unannounced to her practice
11 in the middle of day to discuss this. This could have been an amicable gesture,
12 but she was uncomfortable with the arrival of Mrs. Staver. This is what
13 precipitated the involvement of their attorney. However, they have been, and
14 are willing, to work this out, despite a lot of miscommunication. Member
15 Moberly pointed out that given the amount of money being spent on this project,
16 why fight about the cost of additional landscaping. Dr. Hartman said they are
17 abiding by a site plan that was approved, and budgeted. Their survey was
18 taken in 2021 by professionals, and they don't feel they did anything wrong.
19 Mrs. Staver responded defending her visit to Dr. Hartman's practice.

20 Village Attorney Michael Marrs addressed the Board. Chairman Neiman asked
21 if he knows which side of the lot line the trees were on. Mr. Marrs said no, and
22 explained that the Village is asked to intervene on neighbor disputes all the
23 time. When Mr. Staver first reached out to the Village after the trees were
24 removed, we did look into it. The Village spent significant time and resources
25 to reach a resolution. A number of staff went out to the property at different
26 times. Ultimately, the Village cannot resolve this issue as it is a private property
27 boundary dispute. On November 5, 2021, the Village sent a letter to the Stavers
28 explaining this position. The Stavers had the contractors insurance and could
29 pursue a claim. Mr. Staver cited the Wrongful Tree Cutting Act. Mr. Marrs said
30 they could go ahead with that, but November 5 was the end of Village
31 mediation. The new trees were planted on November 3, hence the question of
32 timeliness. Mr. Marrs noted, in fairness to the Stavers, that there is some
33 question as to whether it was contemplated that the trees would remain. This
34 was confirmed by Director of Community Development Robb McGinnis, who
35 explained the approved site plan does not indicate existing trees, as would be
36 typical if significant trees were to remain. The Village has not inspected or
37 approved the installed landscaping.

38 With respect to the landmark tree issue, Mr. Marrs said this is outside ZBA
39 jurisdiction, and requests it be stricken.

40 Mr. Marrs described the timeline, stating that upon receipt of the appeal, the
41 landscaping was stopped the next day. There are no allegations regarding
42 construction. He pointed out this is consistent with how Land Rover was
43 handled when that appeal came in.

44 Chairman Neiman reminded the parties of the ZBA rules with respect to page
45 limits of briefs and length of oral arguments. The ZBA has discretion to
46 disregard the time limits, and parties should be prepared to address the issues.
47 The public hearing was set for the next meeting of the Zoning Board of Appeals

on March 16.

8. PUBLIC HEARING – None

9. NEW BUSINESS – None

10. OLD BUSINESS

Chairman Neiman referenced the Board's discussion last month regarding zoning code revisions. Mr. McGinnis reported staff will regroup and identify those sections that are most problematic before returning to the Board.

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Podliska made a motion to **adjourn the Zoning Board of Appeals of February 16, 2022.** Member Alesia seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Neiman declared the meeting adjourned at 7:57 p.m.

Christine M. Bruton

Approved: _____

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
March 16, 2022

1. CALL TO ORDER

Vice-Chairman Keith Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 16, 2022 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

Due to the fact that Chairman Neiman was attending the meeting electronically, Village Clerk Christine Bruton asked for a **motion and a second to appoint Member Keith Giltner Chairman Pro Tem for tonight's proceedings**. So moved by Member Murphy, seconded by Member Moberly.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

2. ROLL CALL

Present: Chairman Pro Tem Keith Giltner, Chairman Bob Neiman (*present electronically*), Members Gary Moberly, Joseph Alesia, Tom Murphy, Leslie Lee, and John Podliska

Absent: None

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

3. APPROVAL OF MINUTES – None

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

5. RECEIPT OF APPEARANCES

The court reporter administered the oath to all persons intending to speak at scheduled public hearing(s).

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

7. PRE-HEARING AND AGENDA SETTING

a) V-02-22, 307 South Lincoln Street

Attorney Rachel Robert, representing Ms. Natalie & Mr. Nathan Saegesser, homeowners, addressed the Board. She said the architect for the project is Mr.

Bruce George, and the builder is Mr. Dave Knecht. She further explained the home is in a trust, and the beneficial owners are the Saegassers. She explained they are requesting a variation to increase the bulk regulations of FAR applicable in the R4 zoning district from 6,405' square feet to 6,887' square feet to allow for a fourth bedroom on second floor. She explained this is an historic home built in 1894. The master and two bedrooms are on the second floor. They would like to add a fourth bedroom on the second floor to create a conventional four bedroom cluster arrangement. She added the addition would be consistent with the existing structure to preserve the architectural integrity of the home. In total, this is a request for 354' square feet of additional FAR.

It was noted that ZBA approval of this item is a recommendation only to the Village Board of Trustees.

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

8. PUBLIC HEARING

a) V-01-22, 527 – 541 Kensington Court Subdivision

Chairman Pro Tem Giltner opened the public hearing. He explained that the applicant has requested the hearing be continued to next month. He asked for a **motion to continue the public hearing for V-01-22 to the April 20 meeting of the Zoning Board of Appeals**. So moved by Member Podliska. Seconded by Member Alesia.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

b) APP-01-22, 110 East Ogden Avenue

Chairman Pro Tem Giltner opened the public hearing and thanked everyone for abiding by the rules for written submissions, and reminded everyone that oral arguments should be 15 minutes only, and the applicant would have five more minutes to respond to the Village's arguments.

Chairman Neiman said the decision to strike and dismiss based on timeliness and ripeness issues are raised in both parties' briefs. He recommends the oral arguments include not just the merits of the appeal, but also address the timeliness and ripeness issues. Mr. Staver asked for five minutes more to allow for his wife's presentation. Chairman Pro Tem Giltner said there is discretion on time to get to a good conclusion.

Mr. Jared Staver said the Village's motion to dismiss is a contradictory argument. They say they missed the 45-day deadline to file, and the matter is not ripe. They are appealing the cutting down of the trees, and all representations in the site plan. This is an ongoing issue, there is still construction going on, so the 45 days is a red herring, the purpose of the appeal is to try to avoid litigation.

Ms. Kelly Staver addressed the Board stating they have tried to resolve this issue with the owners. They understand the Board would prefer the parties come to an agreement on their own. Mr. McGinnis emailed a suggestion to both parties

1 suggesting the property owner plant trees. The Stavers were amenable, and
2 offered to send quotes, but there was no response. She said the rear of the
3 property is devoid of screening, and this dramatically changes the site plan
4 approval. They did not object to a two-story building, because their trees would
5 screen the building. She cited sections of the zoning code that regulate exterior
6 appearance review, and believes that their properties are neither protected nor
7 enhanced, as required by code. The removal of all the trees dramatically
8 increased noise and negatively impacted their property values. Prior to clear
9 cutting the trees, they could not see the commercial property; now that is all you
10 can see. She believes the proposed site plan is injurious to the enjoyment of their
11 property. She stated that Dr. Hartman said there is aesthetic improvement and
12 enhanced landscape buffering, but this is false. In an email from February 27,
13 2020 regarding the installation of a fence, Dr. Hartman states there will be
14 screening and privacy, but there is not. She referenced the terms of ordinance
15 O2020-07 that states the violation of any term or condition in the ordinance shall
16 be grounds to rescind. The Certificate of Zoning Compliance states the approval
17 is granted based on the information provided to the Village, but if information
18 changes, or the Village's understanding of facts or circumstances changes, this
19 may be rescinded. She believes they have provided more than enough evidence
20 to rescind.

21 Mrs. Staver further contends that the initial application is misleading, as there is
22 no mention of the existing trees. She believes the artist's rendering is misleading
23 because it shows a row of trees that will be planted across the full property line,
24 and those trees are all touching. What has been planted is sparse. The Village
25 has a duty to ensure that what is stated and promised during the review process
26 is followed. She believes the absence of the existing trees on their site plan is a
27 deliberate misrepresentation or an error not consented to by the Village.

28 Chairman Neiman asked Mrs. Staver if she agrees that the 110 E. Ogden owners
29 have not yet planted all the trees that are intended to be planted. She does not
30 think so, but believes the Village should protect them under the regulations of the
31 zoning code. They are asking the Village to enforce the code, and rescind the
32 Certificate of Zoning Compliance and provide the screening that was promised.
33 Further, the seven trees that were planted do not provide screening nor do they
34 appear over their fence.

35
36 Mr. Michael Marrs, attorney for the Village, noted that the history of the matter was
37 reviewed at the prehearing, but since the last ZBA meeting, the Village filed a
38 motion to strike and dismiss the appeal. The first argument is the appeal is not
39 timely filed. Section 11-502(D)1 of the Village zoning code states that appeals
40 should be filed not later than 45 days following the action being appealed. The
41 appellant asserts there is no clear event that constitutes the start of the 45-day
42 period, and that the 45-day period has not begun, which sounds like a ripeness
43 issue. However, Mr. Marrs pointed out the dates of the actions complained about.
44 The appeal was filed on January 14, 2022, 45-days prior to that date is November
45 30, 2021. The Village Manager issued the Certificate of Zoning Compliance on
46 August 17, 2021. They are also appealing the Village Manager's failure to act to
47 enforce the exterior appearance and site plan approval ordinance, and the failure
48 to enforce a code provision regarding landmark trees. The appellants allege this
49 should have happened when construction commenced the following summer, in

2021. This is well before the November 30 trigger date.

He referred to the continuing efforts of the Village to broker a resolution between the parties, but that ended when a letter was sent to the Stavers dated November 5, 2021. This was sent two and a half months before the appeal was filed. The trees that have been planted were planted prior to the November 5 letter. He concluded that by any measure the appeal is untimely, and the ZBA is without jurisdiction to hear it and it should be dismissed.

The second argument goes to ripeness, and he understands the suggestion that it is contradictory, but it is presented in the alternative. Ripeness action has to do with the Village approving the landscaping, but this is still under construction. Normally the trees would have been planted in 2022, but the Village recommended planting early in an effort to end the dispute. The property owner has not requested any inspection of landscaping, and no Certificate of Occupancy has been granted. At the end of project, the property owner will have to request an inspection.

Director of Community Development Robb McGinnis stated the inspectors go out for all final inspections. On commercial properties, the Village Planner and the Village Forester will look at the plantings, and then it goes to him to issue a Certificate of Occupancy.

Following a question from Chairman Neiman, Mr. Marrs acknowledged that there is some confusion on the issue of the existing trees based on comments from the owners in the spring of 2022 regarding a second fence and the inability to access these trees. He did not agree that this necessarily implies the trees were on the Staver's property as there are conflicting surveys.

Member Podliska asked if the Village has the authority to step in at this stage and say the circumstances have changed from the original approval and therefore the site plan needs to be reviewed and possibly changed. Mr. Marrs believes the Village does have that right, and suggests the property owners have some issues that should be brought back to the Village Board of Trustees in the form of a major adjustment. Discussion followed.

Chairman Neiman asked Mr. Marrs if he agrees that only the Board of Trustees can order the 110 owners to add more and bigger trees. All the ZBA can do is stay the effectiveness of an occupancy permit if after the trees were planted, the ZBA disagreed with the issuance. Mr. Marrs agreed. Chairman Neiman then suggested if the ZBA continued this appeal until everything has been planted, the Stavers could in the interim go in front of the Board of Trustees and argue that were factual misrepresentations made and ask the Board to address the issue of whether the site plan needs to be amended. Mr. Marrs said the preferable way to proceed would be for the 110 owners to go before the Board for a major adjustment. Discussion followed. Mr. McGinnis confirmed that under an appeal, the ZBA has the same authority as the Village Manager, and they can direct staff not to issue a Certificate of Occupancy until the applicant goes before the Village Board to get a major adjustment.

Mr. Marrs said it is important for him to make the arguments regarding ripeness so as not to create a precedent with respect to filing appeals. He noted the appellants' assertion that the 110 owner will not comply with the landscaping because the arborvitaes they have planted are not touching. It is his understanding that landscape plans show mature trees, and mature conditions, not conditions at the time of planting. He reiterated the Village has not been asked to inspect the

1 plantings, but even though the plan shows the trees touching, that does not
2 necessarily indicate nonconformity with the landscape plan. Mr. Marrs also
3 reiterated that the ZBA has no jurisdiction under the code with respect to landmark
4 trees.

5 Mr. Marrs stated that in his opinion it is an overreach to shut down a multi-million
6 dollar project to sort out landscaping issues. However, he does agree there is
7 some contradictory information that the property owner would be well-served to
8 address with respect to the fencing issues and the existing trees. He said this
9 started as a trespass and a request to stop the whole project. A major adjustment
10 is the right way to do this.

11 Mr. Staver addressed the Board and quoted the code with respect to the authority
12 of the ZBA in an appeal. He believes the ZBA can enforce the site plan. Member
13 Podliska pointed out that Village Manager cannot change the site plan. Mr. Staver
14 said she can rescind it, and that is what he is asking the ZBA to do. Discussion
15 followed regarding authority to rescind. Mr. Marrs explained that the ordinance is
16 passed by the Village Board, and therefore, it is not within the Village Manager's
17 powers to rescind. Mr. Staver vehemently disagreed, and believes there is no
18 mechanism to take this back to the Village Board. Mr. McGinnis agreed that only
19 the Village Board has the authority to rescind the ordinance. However, if the ZBA
20 determines that staff is not to issue a Certificate of Occupancy until the Village
21 Board considers approving an amended site plan, which is within their authority,
22 then the goal of the appellant is accomplished.

23 Mrs. Staver added they are not necessarily asking the Board to rescind the whole
24 project, but to force them to go back and resubmit a new landscaping plan. She
25 says the property owner has clearly stated that the seven trees they have planted
26 are all they are doing.

27 Member Podliska believes it has been established that there is not a failure of the
28 Village Manager to act, but there has to be another presentation to the Village
29 Board if there is a site plan change. Mr. McGinnis said the problem with rescinding
30 the Certificate of Zoning Compliance is it effectively shuts down the entire job. Mr.
31 Staver suggested the Board could bifurcate a ruling and say the building is okay,
32 but what has been done on the Stavers and the site is not, and send that back to
33 be readdressed. Following a question from Member Murphy, Mr. Staver indicated
34 that a fence would not do them any good unless it was 20-30' feet tall.

35 Member Lee asked what the trigger would be for the property owners to get back
36 in front of the Village Board to reopen the site plan revision discussion.

37 Mr. Marrs stated the mechanism to go back to the Village Board is to file a major
38 adjustment. The Board can then take up the landscaping and screening. He would
39 advise this be done as soon as possible to get clarity on these issues. Mr. Staver
40 said the 110 owners are being 'urged' to file a major adjustment, but they don't
41 have to. He wants some actual action.

42 Mr. Mike Zalud, the general contractor of the project, pointed out that this property
43 was an unsightly vacant building for ten years. The new building has gone before
44 the Plan Commission twice, with the same landscape plan. There were no
45 comments on it whatsoever. He recommended the Board look at a picture of what
46 the property looked like at this time of the year. There are no leaves on any of the
47 trees that we are talking about here. He said the trees were removed because of
48 the engineering plan. They had to dig out the back 12 inches of the property line
49 and fill that with gravel. The trees would not have survived. They planted seven

1 trees because that's what the landscape plan showed. They never said they were
2 done planting there. They only did what was required on the drawing. They
3 planted the trees early to get them growing as early as possible. Following a
4 question from Member Podliska, Mr. Zalud explained that the seven trees that
5 have been planted will be seven feet tall and grow together at maturity, according
6 to the Village forester. He believes they grow about one foot per year, but could
7 not say how long it would take to fill in the width. Following a question from
8 Member Moberly, he stated they are not opposed to planting more trees. He added
9 that Dr. Hartman wants to see a wall of arborvitae at the back of the parking lot.
10 Chairman Pro Tem Giltner remarked that there is the spirit of the landscaping plan,
11 but the Stavers lost something.

12 Member Podliska says the fence is irrelevant now, the point is to get vegetation to
13 the point that it provides effective screening.

14 Member Alesia pointed out that we are spinning our wheels about something that
15 may not come to fruition because they will not seek a Certificate of Occupancy for
16 another two to two and half months.

17 Finally, Mr. Zalud added that the trees they removed were of poor quality and
18 ComEd would have topped them off anyway.

19 Dr. Cara Hartman addressed the Board stating the project is not complete. She
20 has the best interest for this property and wants her investment to look right. She
21 did not want to plant the arborvitae in November, but it was a good faith gesture
22 to work with the neighbors.

23
24 Member Murphy moved to close the Public hearing for APP-01-22, 110 East
25 Ogden Avenue. Member Lee seconded the motion.

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

29 **NAYS:** None

30 **ABSTAIN:** None

31 **ABSENT:** None

32
33 Motion carried.

34 35 DELIBERATIONS

36
37 Chairman Neiman began discussion by recommending dismissing the part of the appeal
38 with respect to the legacy trees as the ZBA has no jurisdiction on this matter. The Board
39 concurred and agreed to strike that motion.

40 Chairman Neiman is not convinced by the Stavers argument of on-going violations, and,
41 therefore, he believes the Village is correct that the appeal is not timely filed. If the ZBA
42 dismissed the appeal as untimely, the Stavers could file a new appeal when the
43 occupancy permit is issued, and then we would be right back where we started. He is
44 inclined to agree with Member Alesia that this is a ripeness issue because not everything
45 is planted yet. At that point, the Stavers could amend their existing appeal to say that
46 we should enjoin the occupancy permit if one is issued, and then we could rule on it. He
47 reminded Board members that the ZBA cannot order the 110 owners to plant bigger trees,
48 only the Board of Trustees can do that.

49 Discussion followed regarding the technicalities of dismissing certain parts of the appeal

1 and continuing others.

2 Mr. McGinnis referenced Section 11-502(D)(4) of the zoning code that states within 30
3 days following the close of a public hearing, the ZBA shall render a decision on the
4 appeal. Such decision may reverse, affirm or modify, in whole or in part, the action
5 appealed from. The code further states the 30 days may be extended with the approval
6 of the applicant. Mr. Staver agreed to extend the 30 days to July, if the property owner
7 anticipates having completed the project in June. Member Murphy said then the only
8 question is whether we want to say anything in the way of instructions to the Village staff
9 regarding the Certificate of Occupancy.

10 Chairman Neiman remarked there is a fairness issue here. The homeowners had a
11 legitimate expectation that the screening would remain. For the cost of some really big
12 evergreen trees, this could be put to bed, but in any case the decision by the ZBA should
13 be made after everything is planted.

14 Member Lee asked about timing, because when the owners ask for a final inspection they
15 will be ready for occupancy. They will lose time waiting for the ZBA to meet. Mr.
16 McGinnis reminded the Board there is a stay on any work along the south lot line, and in
17 order for the owners to plant any additional trees, the ZBA will have to lift the stay.

18 Member Murphy suggested the following actions for the Board: 1. deny the appeal on
19 timeliness grounds; 2. defer action on the second action appealed, and with the
20 agreement of the appellants this will not be resolved within 30 days; 3. deny the appeal
21 regarding landmark trees, as this Board has no jurisdiction; 4. lift the stay on the south
22 side of the property so work can continue.

23 Discussion followed regarding the timing of a major adjustment before the Village Board,
24 and the language of the motion to be made for approval by the ZBA.

25 Member Alesia moved **the Village Manager's issuance of a Certificate of Zoning**
26 **Compliance for the subject property referred to as application No. P-21-9434 is**
27 **dismissed on timeliness; and the Village Manager's failure to act to enforce Title**
28 **VII, Chapter 2 of the Village code regarding landmark trees is dismissed for lack of**
29 **jurisdiction.** Member Moberly seconded the motion.

30
31 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska and Chairman Neiman

32 **NAYS:** None

33 **ABSTAIN:** None

34 **ABSENT:** None

35
36 Motion carried.

37
38 Member Podliska moved to **continue item 2 for ruling to May 18 with the consent of**
39 **the applicant, and lifting the stay on the south lot line, and recommending the 110**
40 **owners apply for a major adjustment to the Board of Trustees related to**
41 **landscaping site plan approval.** Member See seconded the motion.

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

44 **NAYS:** None

45 **ABSTAIN:** None

46 **ABSENT:** None

47
48 Motion carried.

49

1 **9. NEW BUSINESS**

2 Chairman Neiman announced that Member Alesia is moving to Downers Grove and
3 tonight will be his last meeting. He thanked him for his contributions and wisdom at
4 every hearing; he will be missed.

5 Member Alesia thanked Chairman Neiman, and said when former Village Trustee
6 Jerry Hughes suggested he be on the Zoning Board, it turned out to be one of his
7 better rash decisions. He thanked the Board saying it has been great working with
8 everyone.
9

10 **10. OLD BUSINESS – None**

11
12 **11. ADJOURNMENT**

13 With no further business before the Zoning Board of Appeals, Member Podliska made
14 a motion to **adjourn the Zoning Board of Appeals of March 16, 2022.** Member
15 Murphy seconded the motion.
16

17 **AYES:** Members Moberly, Alesia, Giltner, Murphy, Lee, Podliska, Neiman, Chairman
18 Pro Tem Giltner

19 **NAYS:** None

20 **ABSTAIN:** None

21 **ABSENT:** None
22

23 Motion carried.

24
25 Chairman Pro Tem Giltner declared the meeting adjourned at 8:52 p.m.
26
27
28

29 _____
30 Christine M. Bruton
31
32

Approved: _____

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
April 20, 2022

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, April 20, 2022 at 6:31 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Gary Moberly, Keith Giltner, Tom Murphy, Leslie Lee, John Podliska, and Chairman Bob Neiman

Absent: None

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

3. APPROVAL OF MINUTES

a) February 16, 2022

Member Murphy asked the Clerk to verify the contents of the minutes as there appears to be conflicting statements made by persons testifying on the matter of APP-01-22. The minutes will be brought back to the Board to the Board for approval at their meeting in May.

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

5. RECEIPT OF APPEARANCES

The Court Reporter administered the Oath to all persons intending to speak during these proceedings.

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

7. PRE-HEARING AND AGENDA SETTING

a) V-03-22, 933 South Grant Street

Mr. John Green, civil engineer, and Mr. Nathan Lucht, applicant and homeowner, addressed the Board. Mr. Green stated the Village has ordinance requirements regulating the width of aprons for circular driveways. They are requesting relief from this requirement to increase the total width from the allowable 20' feet to 27' feet.

There are some large existing trees in front yard, the choices were either to cut down the trees, build a driveway much closer to the house where the existing landscaping beds are located, or for consideration by the ZBA, construct a small circular driveway on west side of the over-story trees. He explained that passenger automobiles need to begin their turning radii within the public right-of-way. He noted there is no discernable demarcation of public right-of-way,

1 there is no sidewalk. The total requested variation would be 7' feet. He pointed
2 out that on the southerly entrance of the apron, they can do a 10' foot width,
3 but not at the front lot line. They believe this proposal will minimize impervious
4 surface, preserve mature landscaping, minimize lot coverage in the front yard,
5 minimize stormwater run-off and preserve the character of neighborhood. He
6 also pointed out this is a dangerous location for young children as there is
7 significant traffic on 55th Street.

8 Member Podliska asked if all three trees would have to come down. Mr. Green
9 responded that only two would need to be removed. He said these are healthy
10 trees, and although the house is twelve years old, he suspects the trees are
11 older than the house. Discussion followed regarding the possible installation
12 of a sidewalk. Mr. Lucht said there is a sidewalk across the street from his
13 home. He said Grant Street runs into Hinsdale Central High School resulting
14 in significant bumper to bumper traffic. He explained that five of his children
15 will be driving within the next few years, and safety is the biggest concern. He
16 pointed out that only one other house on the block does not have a circular
17 driveway. Mr. McGinnis confirmed that if at some future time the Village should
18 install a sidewalk in this area, it would not impact this variation.

19 Chairman Neiman asked if there was somewhere in the front yard where a pad
20 could be installed for a three-point turn. Mr. McGinnis said this would require
21 a variation in the front yard, but it could be done by right in the back yard. Mr.
22 Lucht anticipates too many cars to use the existing driveway to turn around.
23 Discussion followed regarding alternative locations for a circular driveway.
24 Chairman Neiman asked the applicant to be prepared to review the approving
25 criteria at the public hearing.

26 The public hearing was set for the next meeting of the Zoning Board of Appeals
27 on May 18, 2022.

28 29 **8. PUBLIC HEARING**

30 **a) V-01-22, 527 – 541 Kensington Court Subdivision**

31 Chairman Neiman opened the public hearing. Mr. Dave Hellyer, Construction
32 Manager for J. Jordan Homes, Ms. Julie Laux, owner of J. Jordan Homes, and
33 Mr. Patrick Fortelka, architect, approached the podium.

34 Mr. Hellyer began asking the Board if they had any questions about the new
35 drawings that were provided since the pre-hearing. Chairman Neiman
36 commented the gate appears that light will get through. Mr. Hellyer confirmed
37 this is the case.

38 Member Giltner said he wants to understand generally what is being proposed,
39 and is trying to understand the hardship. Mr. Hellyer responded that they are
40 trying to block the Hinsdale Orthopedic parking lot, to create a sense of
41 community that does not feel like a business district. Mr. McGinnis added the
42 intention is to create a private street with private utilities and a gated entrance,
43 similar to Woodland Park Court across from KLM. He also noted that final
44 approval would be given by the Village Board of Trustees. They would consider
45 whether or not to permit the gated entrance, but as this will all be private
46 property, the ZBA has authority over the fence height variation. The Village
47 Board will consider the gate as a major adjustment to the site plan.

1 Ms. Laux reiterated the unusual location. They are trying to create a luxury
2 experience, in a somewhat non-residential area. This is an unusual
3 circumstance because no other residential area looks at a business the same
4 way. She believes the fence and gate are important to the viability of
5 neighborhood. She wants the gate, but the purchase of the property is
6 contingent on approval of the variance for fence height. In her opinion a
7 landscaping barrier is not economically viable. Mr. Hellyer added there is a
8 sense of security with a fence, as opposed to trees.

9 Member Podliska pointed out that the second floor windows will look at the
10 parking lot. Ms. Laux said the fence provides a compelling illusion. Mr.
11 Fortelka said solid fences are limited to two feet, for the closed portion of the
12 proposed fence they need 4' feet of relief, and for the open portion of the fence
13 they need 2' feet of relief.

14
15 Mr. Hellyer reviewed each of the approving criteria as follows:

16 Unique Physical Condition – created by the grade and proximity to a
17 commercial parking lot.

18 Not Self-Created – other high-end residential areas do not look at commercial
19 property, they are trying to work within the existing lot configuration and
20 location.

21 Denied Substantial Rights – they believe it is an implied right to look at
22 residential not commercial property.

23 Not Merely Special Privilege – they are trying to create the same perspective
24 as other properties in Hinsdale, meeting the standards expected in Hinsdale.
25 Code and Plan Purposes – these luxury code compliant houses will provide the
26 security and beauty expected in Hinsdale.

27 Essential Character of the Area – would not negatively impact the area in any
28 way

29 Chairman Neiman questioned whether a gated community is consistent with
30 Hinsdale. Mr. Hellyer said there is one in Hinsdale as a standard. Member
31 Podliska noted a Madison cul de sac with a similar layout that has no fencing
32 or gates. They do have a better view across the street, but he does not believe
33 the fence will fix this. Further, although there is a focus on security, he does
34 not agree that what is proposed is in character with the community or the
35 neighborhood. Ms. Laux pointed out that the other cul de sacs do not face a
36 commercial parking lot. This is an unusual location as there is commercial to
37 the west and a school to the north.

38 Mr. Fortelka explained these are small parcels, and tight by Hinsdale standards,
39 however, they are designed for empty nesters and include ground floor main
40 suites.

41 Member Giltner asked if there were meetings or approvals from the Plan
42 Commission or Village Board on this concept. Mr. McGinnis said this proposal
43 has not been contemplated by any other Board. The Kensington project was
44 platted and approved. The current seller is working to get the residential
45 properties sold. The Board would consider this proposal as a major adjustment.
46 Mr. Hellyer noted they have had no input from any neighbors, and Mr. Fortelka
47 reiterated this project would be an asset for the neighborhood.

1 Member Podliska moved to **close the public hearing for V-01-22, 527 – 541**
2 **Kensington Court Subdivision.** Member Moberly seconded the motion.

3
4 **AYES:** Members Moberly, Giltner, Murphy, Lee, Podliska and Chairman
5 Neiman

6 **NAYS:** None

7 **ABSTAIN:** None

8 **ABSENT:** None
9

10 Motion carried.
11

12 **DELIBERATIONS**

13
14
15 Chairman Neiman began deliberations and asked for comments from the Board.
16 Member Podliska began stating that the parking lot across street is beyond the control
17 of the applicant and therefore not self-created. The need for a certain appearance or
18 security to market the homes is a special privilege. There is no reason why this wall
19 has to go up that is dictated by circumstances at the location, nor is he convinced a
20 fence will achieve the desired result. This would be a gated community, and he is
21 inclined to vote no.

22 Member Giltner said the gate is not typical and does not happen that often. His initial
23 response is this is a bit of a red flag, and agrees the high wall has a prison look.
24 However, the development is a good thing, so he is up in the air.

25 Member Moberly feels the proposed fence is out of character for the area. It would
26 be good for their clients, perhaps, but it does not address the look for the neighbors
27 who are already there. He believes other remedies are available, so he would not be
28 in favor.

29 Member Lee also believes there may be another remedy. She understands
30 landscaping is expensive, but so is a wall and a gate.

31 Member Murphy said he doesn't feel as strongly that the look is offensive, and accepts
32 the parking lot argument, but gated communities are few and far between. It seems
33 out of keeping with neighborhood.

34 Chairman Neiman asked if there is some background on the proposal; has there been
35 any discussion at the Plan Commission or the Village Board regarding fencing and a
36 gated community. Mr. McGinnis said there has been no other discussion by any other
37 Board or Commission.

38 Chairman Neiman wondered if there is any desire of the Board to allow the applicant
39 to continue their application and take into account what has been said to develop an
40 alternative plan. The Board agreed to this proposal.

41 Member Podliska moved to **reopen the public hearing for V-01-22, 527 – 541**
42 **Kensington Court Subdivision.** Member Giltner seconded the motion.
43

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

45 **NAYS:** None

46 **ABSTAIN:** None

47 **ABSENT:** None

1
2 Motion carried.

3
4 Chairman Neiman asked Ms. Laux if she would like to continue this matter and bring
5 this to the Board next month. She said she would and thanked the Board for the
6 option to do so.

7 Member Giltner moved to **continue the public hearing for V-01-22, 527 – 541**
8 **Kensington Court Subdivision.** Member Podliska seconded the motion.

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

11 **NAYS:** None

12 **ABSTAIN:** None

13 **ABSENT:** None

14
15 Motion carried.

16
17 a) **V-02-22, 307 South Lincoln Street**

18 Member Podliska asked to confirm the accurate floor area ratio (FAR)
19 number. Mr. McGinnis said the as-built condition of the property is currently
20 code compliant, and not over allowable FAR. The application asks for 353.71'
21 square feet of additional FAR.

22 Mr. Scott Day, attorney representing the homeowners, addressed the Board.
23 Also present is Mr. Bruce George, architect, and the homeowners, Nathan and
24 Natalie Saegesser. Mr. Day explained this variation requests relief from
25 Section 3-110 which sets forth allowable FAR in the R-4 residential district.

26 The subject property is a corner lot, and has front yard on Third Street, but is
27 located on Lincoln Street. He referenced illustrations provided in the packet to
28 show the one-story area between the garage and the home that is the proposed
29 location for the second floor addition. He described the historic home built in
30 1894, that although it is 6,000' square foot home, it only includes three
31 bedrooms in the main cluster. The inside floor plans are not designed for the
32 current generation, and a four bedroom cluster is ideal for three children. The
33 proposed design will enhance and maintain the fidelity of the current structure,
34 and the variation request will preserve the residence and the architecture. He
35 pointed out that the Village is currently looking hard at FAR and impact its
36 impact on historic preservation. Although this is a parallel element, they are
37 seeking a variation at this time.

38 The hardship is related to the interior of the home, the three bedroom
39 configuration does not work for this family. This is not self-created as they are
40 respectful of historic preservation, but would like a livable floor plan. Whether
41 or not they would be denied their substantial rights is a judgement decision of
42 the Board. It is not merely special privilege to create a family friendly fourth
43 floor sleeping cluster. This will not result in a use that isn't in harmony with the
44 code or its intent. He believes this is an appropriate circumstance to grant this
45 variance.

46 Member Podliska suggested if the goal is to have the children and parents on
47 the same floor, maybe the third floor would work. Mr. Day explained the third

1 floor rooms are compromised as it is a converted attic, with the limitations of
2 ceiling height and dormers.

3 Ms. Lee asked about any other remedy. Mr. George said the separation of the
4 spaces is a problem even though there is good square footage. The second
5 floor is limited, with a detached second floor addition. As the current structure
6 is maxed out on FAR the only solution would be to tear down a portion of the
7 coach house and add that FAR to the house. There would be a way to do this,
8 but it is not economically feasible. Discussion followed.
9

10 Member Podliska moved to **close the public hearing for V-02-22, 307 South**
11 **Lincoln Street.** Member Giltner seconded the motion.
12

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

15 **NAYS:** None

16 **ABSTAIN:** None

17 **ABSENT:** None
18

19 Motion carried.
20
21

22 DELIBERATIONS

23

24 Member Moberly began discussion stating he would be in favor of this request, and
25 believes the applicant has made their case. He believes the addition looks nicer than
26 the current property, and added this Board is sensitive to historic preservation.
27 Member Podliska stated he would be in favor, as the ceiling issues on the third floor
28 eliminate it as a viable alternative. Member Giltner stated he is favor of an
29 improvement to a house of this age and character. Member Lee agrees, this is
30 centralized to this property, and does not negatively impact the neighbors.

31 Member Murphy pointed out this is already a six bedroom house, and expressed
32 concern about setting precedent going over allowable floor area ratio. Member
33 Moberly said he thought about that, too, but the footprint of the house remains the
34 same. If the applicant wanted to expand into the yard he would be opposed. Member
35 Podliska agrees with that argument.

36 Chairman Neiman agrees Member Murphy's concern is valid, but the fact that the
37 proposed addition is confined to the existing building, and understanding the odd
38 configurations of old houses, this seems like an ideal solution to an antiquated floor
39 plan.
40

41 Member Podliska moved to **recommend approval to the Village Board of V-02-22,**
42 **307 South Lincoln Street.** Member Moberly seconded the motion.
43

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

45 **NAYS:** None

46 **ABSTAIN:** None

47 **ABSENT:** None

1
2 Motion carried.

3
4 **9. NEW BUSINESS – None**

5
6 **10. OLD BUSINESS – None**

7 Member Giltner asked if APP-01-22, 110 East Ogden Avenue will be before the
8 Board next month, and will there be anything new. Mr. McGinnis explained it is
9 too early to say. The Village sent a letter to the property owner regarding the
10 need for a major adjustment, and that no occupancy permit will be issued until
11 that is done. He is not aware of any communication between the parties, but there
12 is still time as the project will not be ready for occupancy very soon.
13

14 **11. ADJOURNMENT**

15 With no further business before the Zoning Board of Appeals, Member Podliska
16 made a motion to **adjourn the Zoning Board of Appeals of April 20, 2022.**
17 Member Moberly seconded the motion.
18

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

20 **NAYS:** None

21 **ABSTAIN:** None

22 **ABSENT:** None
23

24 Motion carried.

25
26 Chairman Neiman declared the meeting adjourned at 8:17 p.m.
27
28
29

30 _____
31 Christine M. Bruton
32

Approved: _____

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

ZONING CASE NO: V-02-22

PETITIONER: Nathan and Natalie Saegesser.

APPLICATION: For a Variation from the floor area ratio requirements set forth in Section 3-110(E)(3) of the Zoning Code of the Village of Hinsdale ("Zoning Code"), in order to add a second floor bedroom to an existing residence located at 307 S. Lincoln Street, Hinsdale, Illinois.

MEETING HELD: A Public Hearing was held on Wednesday, April 20, 2022, in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on February 24, 2022.

PROPERTY: The subject property is commonly known as 307 S. Lincoln Street, Hinsdale, Illinois (the "Property") and is legally described in **Exhibit A** attached hereto and made a part hereof.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Petitioners Nathan and Natalie Saegesser (collectively, the "Applicant"), beneficiaries of the Property, which is held in trust by Chicago Title Land Trust Company, for a variation from the floor area ratio (FAR) requirements set forth in Section 3-110(E)(3) of the Zoning Code in order to add a second floor bedroom to their home located on the Property (the "Requested Variation").

The Property is a conforming lot located in the R-4 Residential District in the Village of Hinsdale and is located on the southeast corner of Third and Lincoln. The property is approximately 132' x 166.5' for approximately 21,780 square feet of lot area. The maximum permitted Floor Area Ratio ("FAR") is approximately 6,356 sf. and the existing FAR is approximately 6,356 sf. The Applicant seeks the Requested Variation to increase the FAR by 354 sf.

The Board of Trustees, upon a recommendation from the Zoning Board of Appeals of the Village of Hinsdale ("ZBA"), has final authority over the Requested Variation.

The Requested Variation is described in more detail in the Application, a copy of which is attached hereto as **Exhibit B** and made a part hereof.

On April 20, 2022, following the conclusion of the public hearing on this matter, the ZBA recommended its approval of the Requested Variation on a unanimous vote of six (6) in

favor and zero (0) opposed, and directed the preparation of this Findings and Recommendation.

PUBLIC HEARING: At the public hearing on the Requested Variation, Owner's representative Scott Day testified on behalf of the Applicants. He explained the history of the historic home and described the proposed second floor addition. Mr. Day addressed the issue of hardship in this matter. He noted the confined established size of the lot, the large existing house on the large lot, additions to the house done by previous generations, and how despite the changes over the years, the existing three-bedroom configuration that does not really work in a modern home remains. He noted the hardship is related to the configuration of the interior of the home and what has already been constructed on the lot. He also noted that they were trying to preserve the existing historic structure through the variation process as opposed to tearing down a portion of the home in order to build the second story room addition and still meet FAR. Mr. Day then addressed the remaining standards for receiving a variation and how, in the opinion of the Applicants, the standards had been met. Mr. Day and the project architect answered questions from the ZBA members.

No comments were received from neighbors. There being no further questions or members of the public wishing to speak on the application, the portion of the Public Hearing related to the Requested Variation was closed.

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

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

NAYS: None

ABSENT: None

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

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

2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that*

amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot. The Property hosts a historic home and coach house that date back to the 1890s. Despite the large size of the lot and home, and previous additions, the second floor has only three (3) bedrooms, and the configuration of the bedrooms is not consistent with the size of the home and modern standards. The Applicants are seeking this minor variation in lieu of having to demolish a portion of the home to achieve the required FAR.

3. Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. The need for the Requested Variation is not self-created, and is instead driven by the long-existing residence on the Property, the original design and configuration of the home, and the manner in which additions were built through the years. The Requested Variation is necessary in order to preserve the historic residence in such a way that it has a livable floor plan consistent with modern standards. The ZBA finds this standard to have been met.

4. Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. The ZBA finds this standard to have been met.

5. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The Variation is not sought to make more money from use of the Property, but is instead sought in order to provide a family-friendly cluster of bedrooms consistent with modern living in a way that preserves the existing exterior architecture of the residence and coach house. The ZBA finds this standard to have been met.

6. Code and Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The Variation is consistent with the existing use and the Village's interest in preserving existing historical residences. The ZBA found this standard to have been met.

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

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

The residence on the Property is long-existing. The granting of the Requested Variation will allow an improvement to occur at the Property in a way that creates a more modern livable space inside, while preserving the existing exterior architecture of the historic residence and coach house. The Requested Variation will not affect the neighbors, or endanger the public health or safety.

8. *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 property.* The ZBA finds this standard to have been met.

RECOMMENDATION:

Based on the Findings set forth above, the ZBA, by a unanimous vote of six (6) in favor and zero (0) opposed, recommends to the President and Board of Trustees that the Requested Variation, as described in the Application, a copy of which is attached hereto as Exhibit B and made a part hereof, relative to the FAR requirements set forth in Section 3-110(E)(3) of the Zoning Code, in order to add a second floor bedroom to a home located in the R-4 Residence Zoning District on the Property at 317 S. Lincoln Street, be GRANTED:

- A 354 square foot Variation from the FAR requirements set forth in Section 3-110(E)(3) of the Zoning Code.

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

Date: _____

EXHIBIT A

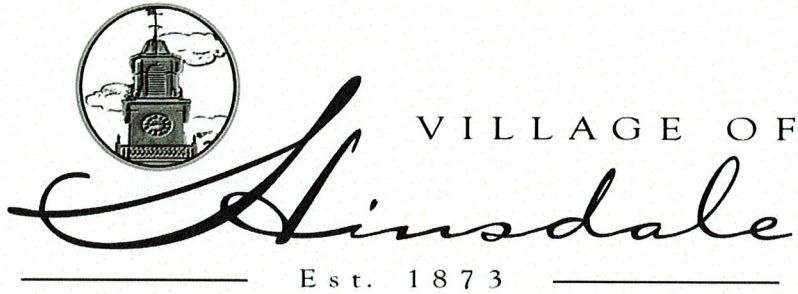
LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

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.

COMMONLY KNOWN AS: 307 S. Lincoln Street, Hinsdale, Illinois
PINS: 09-12-124-001

EXHIBIT B

**APPLICATION FOR VARIATION
(ATTACHED)**



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.)

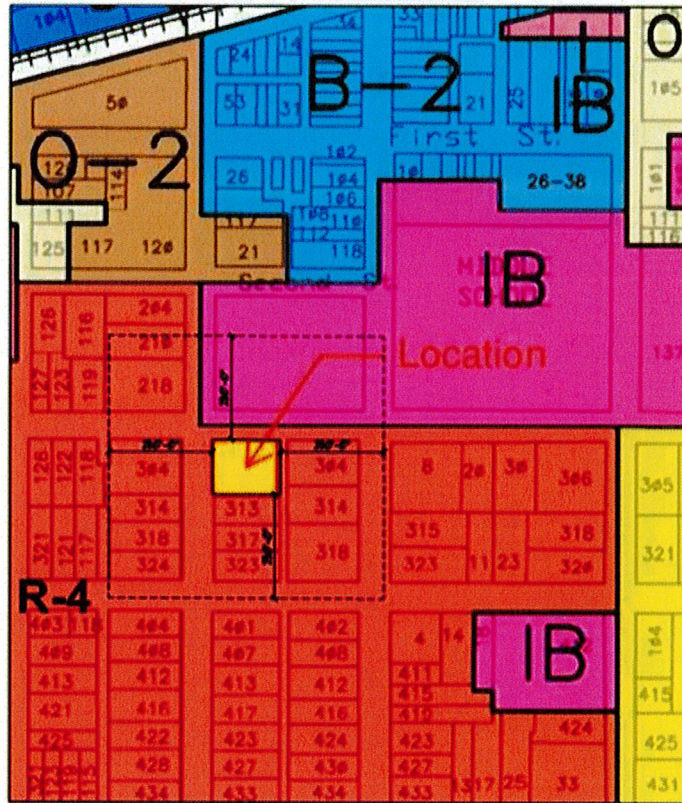
See attached list.

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.

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.)*

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 19th 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 19th 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;">SECTION 5- STANDARDS FOR VARIATION – FENCES <i>AS SET FORTH IN SECTION 9-12-3(J)</i></p>

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

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

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

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS

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

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

SECTION 7 - EXPLANATION OF FEES & APPLICANT SIGNATURE

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

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

Name of Applicant(s): Nathan Saegesser and Natalie Saegesser

Signature of Applicant: 

Signature of Applicant: Natalie Saegesser

Date: March 7, 2022

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

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

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

8. Any such brief or letter containing less than 20 pages of text and exhibits combined must be firmly stapled in the upper left-hand corner of the brief or letter. Briefs or letters that contain more than 20 pages of combined text and exhibits must be spiral bound on the left-hand side in a manner that does not interfere with the legibility of any such text or exhibits.
9. If any such brief or letter cites any code section, ordinance, statute, or court decision, then such legal authority must be attached in its entirety as an exhibit to the brief or letter, and the exhibit number must be included in the index required under paragraph 6.
10. The ZBA will not consider briefs or letters that do not meet all of these requirements.
11. At the hearing on any such appeal or variance request, the party that filed the appeal or the variance request has a maximum of 15 minutes to present their initial arguments regarding why the ZBA should grant such appeal or variance request; the Village may then have a maximum of 15 minutes to respond; and the party that filed the appeal or variance request may then have five minutes to reply. These time limits may be extended by a maximum of five minutes per side in the ZBA's discretion. These time limits apply only to oral argument by a party to the ZBA regarding whether the facts support a conclusion that the ZBA should grant the appeal or variance request under the applicable zoning standards, but not to any witness testimony that any party may wish to present.
12. Any non-party to any such appeal or variance request who wishes to address the ZBA at the hearing on any such appeal or variance request, may have a maximum of five minutes to address the ZBA regarding whether the ZBA should grant the appeal or variance request.

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

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.

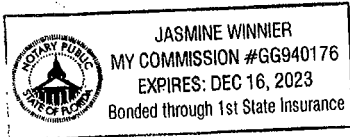
William Scott Matzelle
William Scott Matzelle

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.

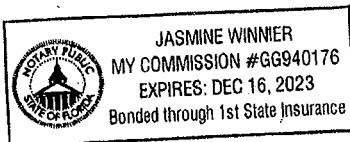


Jasmine Winnier (Notary Public)

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'

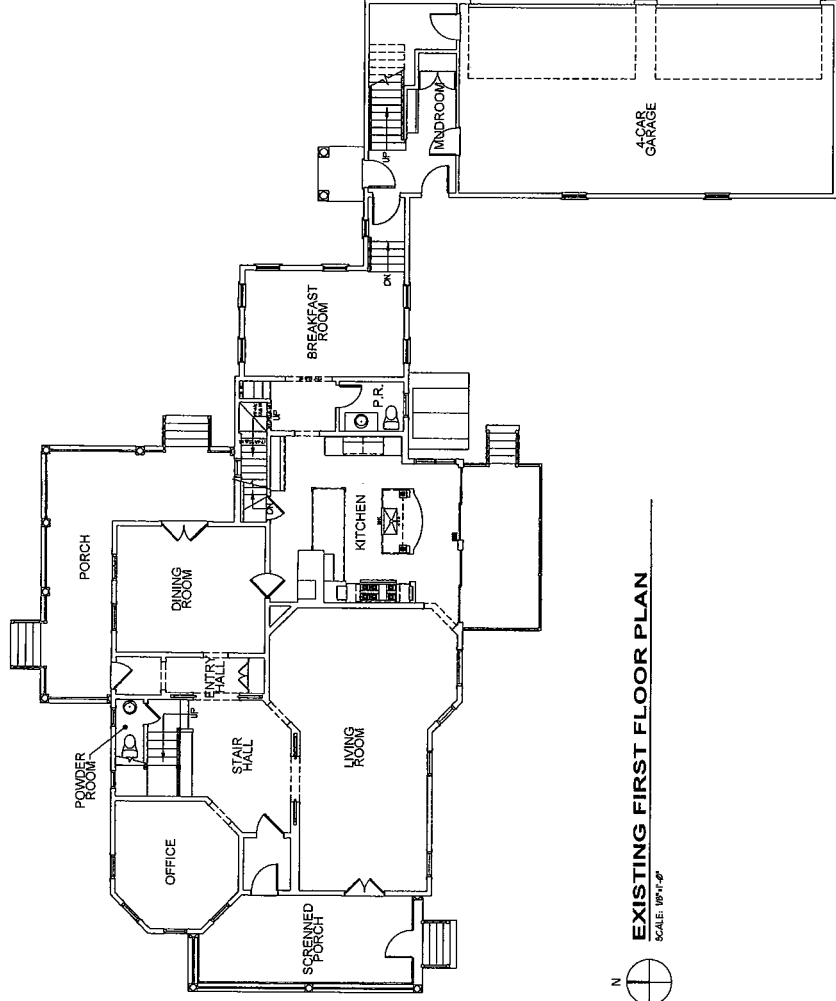
north



SCALE: 1"=30'

 **charles vincent george**
ARCHITECTS
1245 E. DIGHT Rd. Suite 101 • Naperville, IL 60563
P: 630.357.2033 • F: 630.357.2662

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



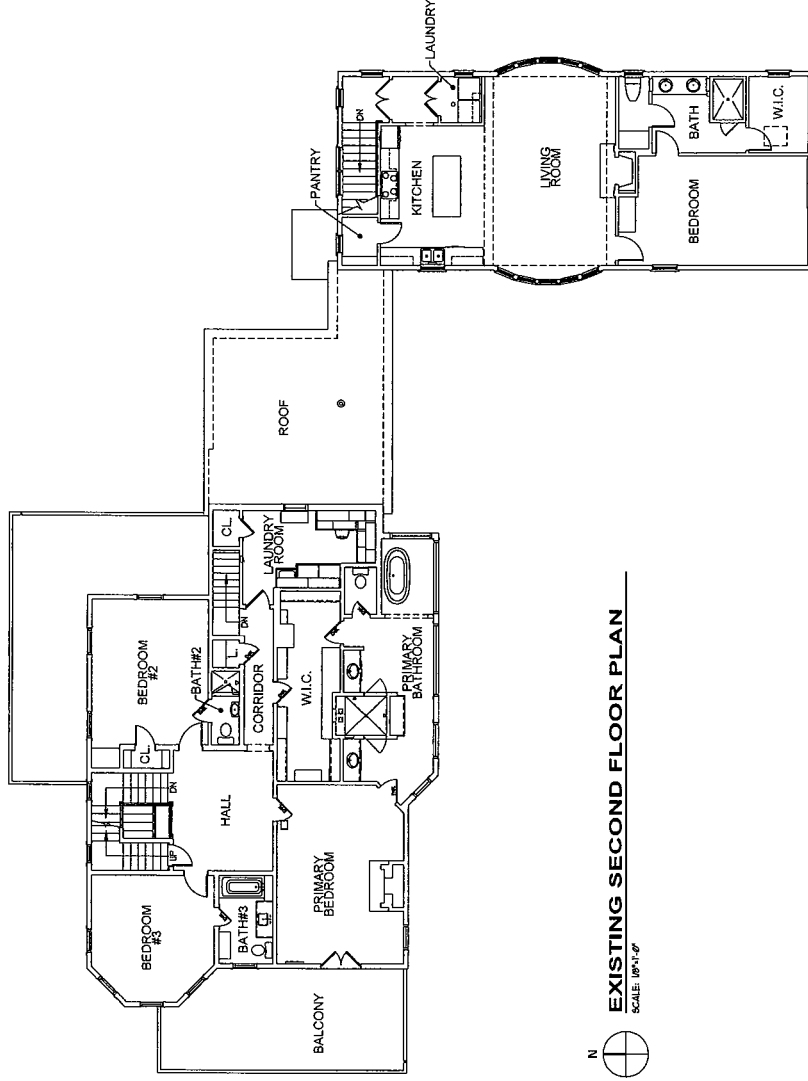
EXISTING FIRST FLOOR PLAN

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

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



Charles Vincent George
ARCHITECTS
1045 E. Dahl Rd. Suite 101 - Naperville, IL 60563
P: 630.357.2033 - F: 630.357.4862



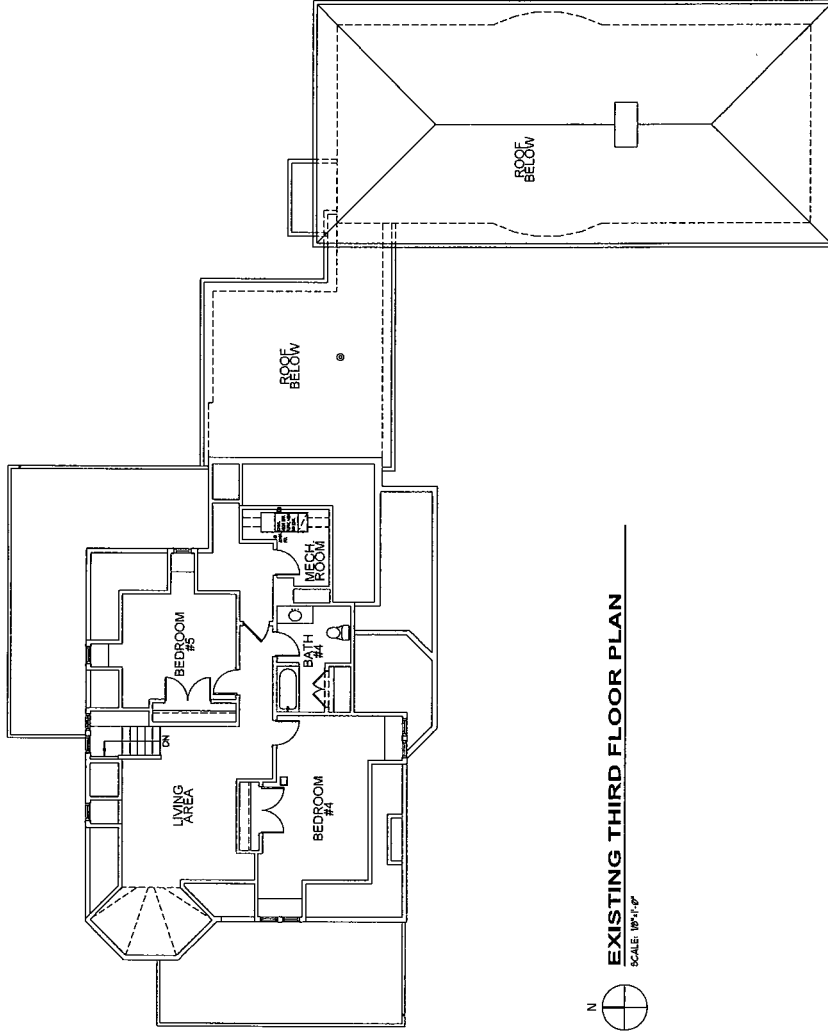
EXISTING SECOND FLOOR PLAN

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



Charles Vincent George
ARCHITECTS
1945 E. Dahl Rd. Suite 101 - Naperville, IL 60563
P: 630.357.2623 • F: 630.357.2662

Saegesser Basement Remodeling
307 S. Lincoln Street - Hinsdale, Illinois
February 16, 2022 | Project 2021-194

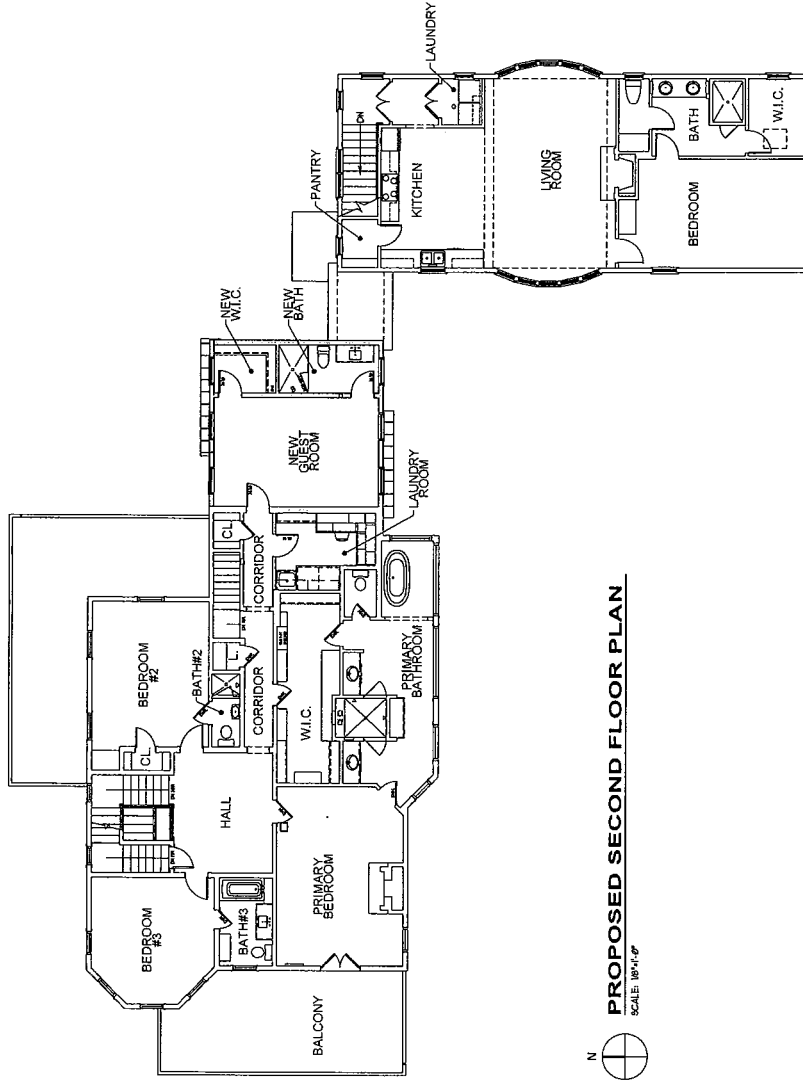


N
EXISTING THIRD FLOOR PLAN
SCALE: 1/8"=1'-0"

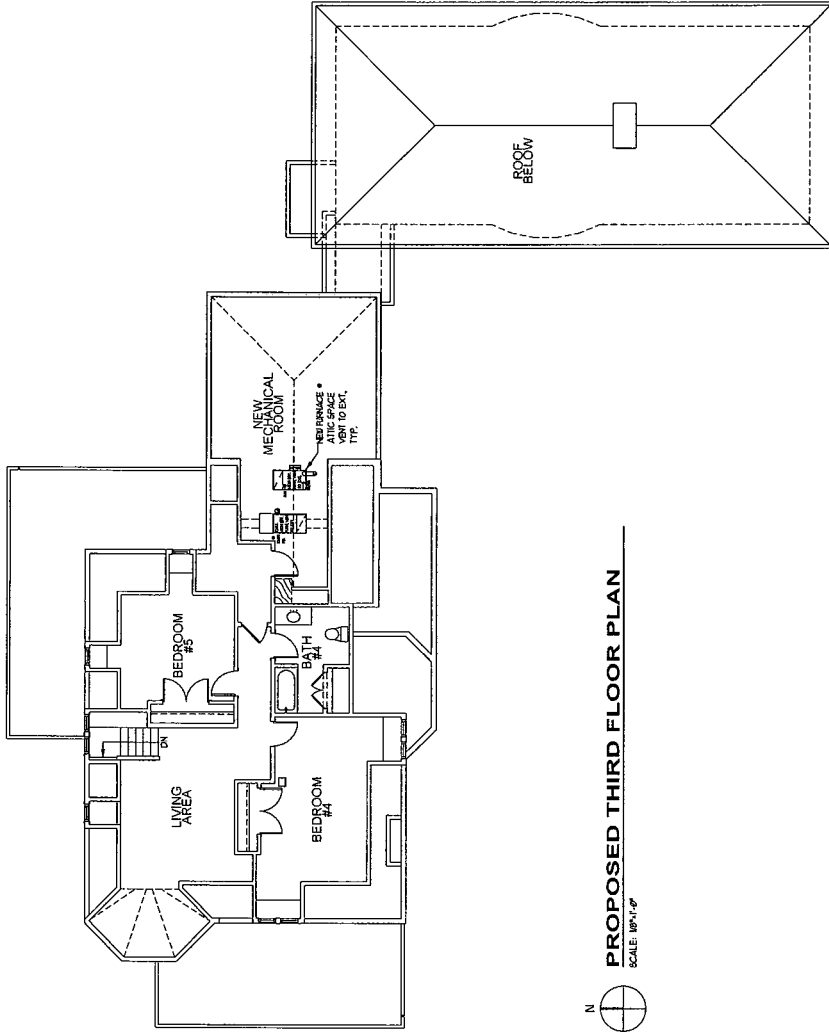


charles vincent george
ARCHITECTS
1045 E. DuSard Rd., Suite 101 - Naperville, IL 60563
P: 630.357.2823 F: 630.357.2862

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

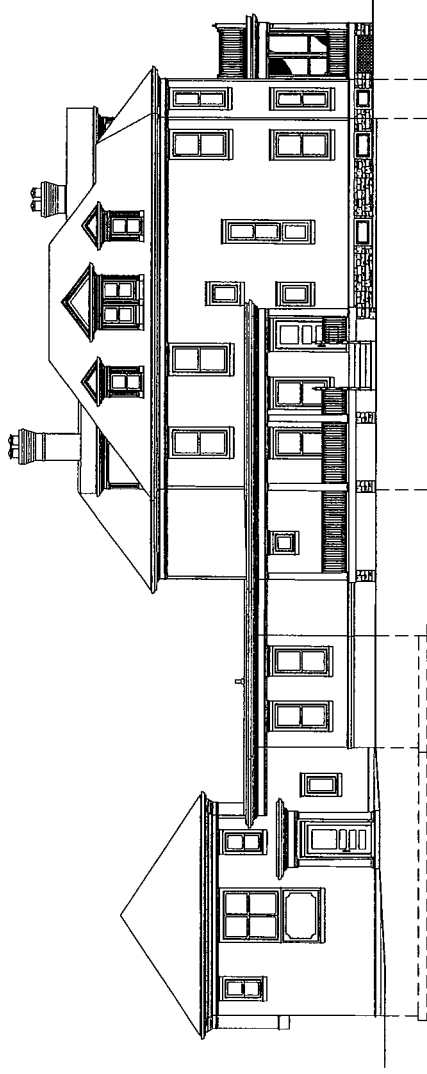



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



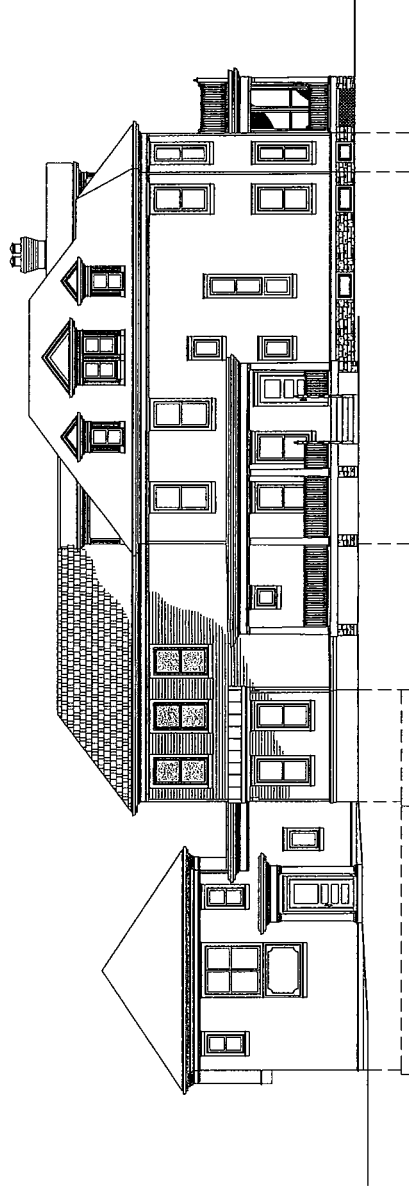
Charles Vincent George
ARCHITECTS
1045 E. Duell Rd. Suite 101 • Naperville, IL 60563
P: 630.357.2023 • F: 630.357.2882

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



1 EXISTING NORTH ELEVATION

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



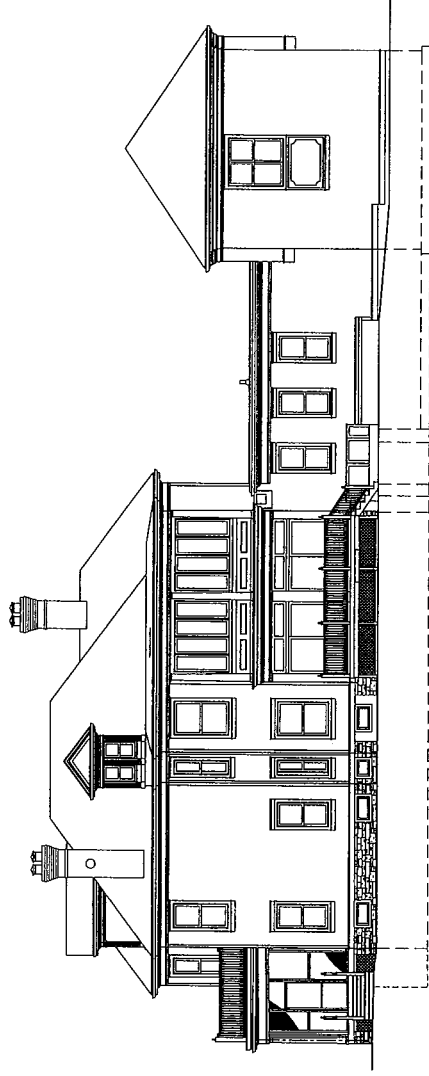
2 PROPOSED NORTH ELEVATION

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

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

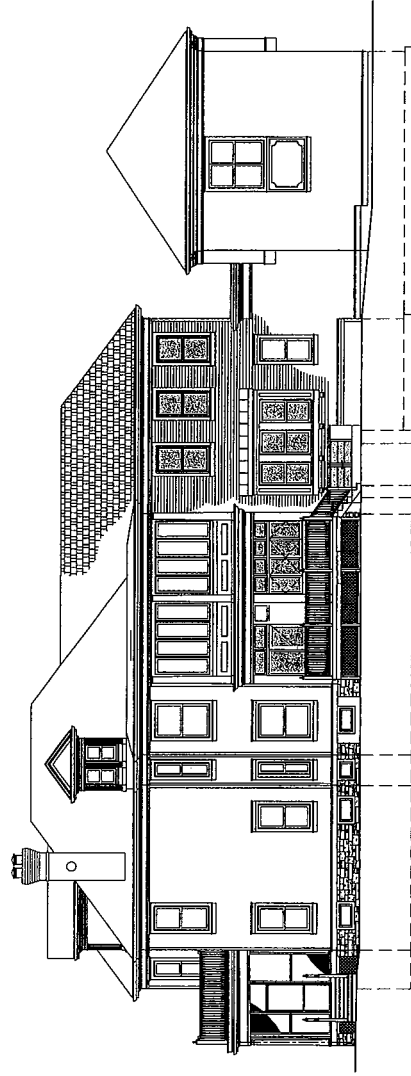


charles vincent george
ARCHITECTS
1245 E. Duell Rd. Suite 101 - Naperville, IL 60563
P: 630.357.2662 • F: 630.357.2662



1 EXISTING SOUTH ELEVATION

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



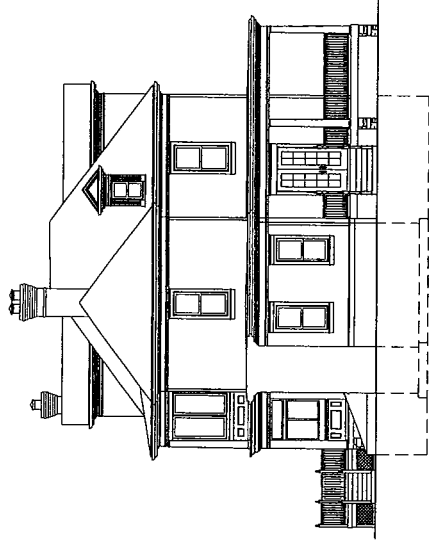
2 PROPOSED SOUTH ELEVATION

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

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

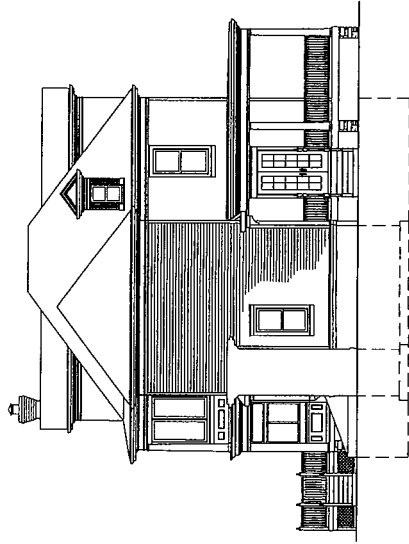


charles Vincent george
ARCHITECTS
1245 E. Duell Rd. Suite 101 - Naperville, IL 60563
P: 630.357.2823 • F: 630.357.2862



1 EXISTING EAST ELEVATION

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



2 PROPOSED EAST 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. DuSard Rd. Suite 101 • Naperville, IL 60563
P: 630.357.2003 • F: 630.357.2662

7a

MEMORANDUM

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

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

DATE: May 5, 2022

RE: Zoning Variation – V-04-22; 457 S. Clay Street

In this application for variation, the applicant requests relief from the Off Street Parking limitations set forth in 9-104-F(2)(b) for the construction of a parking pad. The code prohibits non-enclosed parking in a front or corner side yard.

This property is located in the R-4 Single family Residential District in the Village of Hinsdale and is located on the northeast corner of Clay & 6th Street. The property has a frontage of approximately 60', an average depth of 157', and a total square footage of approximately 10,096. The maximum FAR is approximately 3,623 square feet, the maximum allowable building coverage is 25% or approximately 2,524 square feet, and the maximum lot coverage is 50% or 5,048.

cc: Kathleen Gargano, Village Manager
Zoning file V-04-22



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): Courtyard Custom Builders
(PETER CORLUKA)

Address of Subject Property: 457 S. CLAY HINSDALE

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

FOR OFFICE USE ONLY

Date Received: 4/26/22 CB Zoning Calendar No. V-0422

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION 1- NAME & CONTACT INFORMATION

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

Name: PETER CORLUKA

Address: 84 WINDMILL RD. ORLAND PARK IL 60467

Telephone: 708-218-3556 email: Pete@courtyardcustomhomes.com

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

Name: S. A. A.

Address: _____

Telephone: _____ email: _____

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

a. Attorney: _____

b. Engineer: Ridgeline Consultants 630-801-7927

c. Architect: Kergon & Assoc. 708-352-0446

d. Contractor: _____

e. Other: _____

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

Name: _____

Address: _____

Telephone: _____ email: _____

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

a. NONE

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: 09-12-108-016-0000
Address: 457 S. CLAY ST. Hinsdale
2. **Title.** Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.
3. **Neighboring Owners.** List showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
(Note: After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.)
4. **Survey.** Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
5. **Existing Zoning.** Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
6. **Conformity.** Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
7. **Zoning Standards.** Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. *(Section 4 of this application)*
8. **Successive Application.** In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

SECTION 3- ZONING RELIEF REQUESTED

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

9-104-F-2.B. Parking in required yards:
Now enclosed off street parking for uses specified
in this subsection shall not be located in required
front or corner side yards.

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 be able to add a ^{Porch Pad} ~~entrance~~ in the front of house.
This is needed for parking, (none available in front of
home) Elderly access, young children to access
front entry of home without crossing streets.
The area is high traffic with 2 schools on each
corner.

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.)

Allow a ^{Porch Pad} ~~front entrance~~ to be located in front
or side yard setback

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

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

- (a) **Unique Physical Condition.** The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) **Denied Substantial Rights.** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (d) **Not Merely Special Privilege.** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
- (e) **Code and Plan Purposes.** The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

- (f) **Essential Character of the Area** The variation would not result in a use or development of the Subject Property that:
- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
 - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - (3) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (4) Would unduly increase the danger of flood or fire; or
 - (5) Would unduly tax public utilities and facilities in the area; or
 - (6) Would endanger the public health or safety.
- (g) **No Other Remedy** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.

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

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

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

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS

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

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

SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE

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

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

Name of Applicant(s):

Dee Colch

Signature of Applicant:

[Signature]

Signature of Applicant:

Date:

4/22/22

ADDENDUM – RULES FOR WRITTEN SUBMISSIONS AND ORAL ARGUMENT

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

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

8. Any such brief or letter containing less than 20 pages of text and exhibits combined must be firmly stapled in the upper left hand corner of the brief or letter. Briefs or letters that contain more than 20 pages of combined text and exhibits must be spiral bound on the left hand side in a manner that does not interfere with the legibility of any such text or exhibits.
9. If any such brief or letter cites any code section, ordinance, statute, or court decision, then such legal authority must be attached in its entirety as an exhibit to the brief or letter, and the exhibit number must be included in the index required under paragraph 6.
10. The ZBA will not consider briefs or letters that do not meet all of these requirements.
11. At the hearing on any such appeal or variance request, the party that filed the appeal or the variance request has a maximum of 15 minutes to present their initial arguments regarding why the ZBA should grant such appeal or variance request; the Village may then have a maximum of 15 minutes to respond; and the party that filed the appeal or variance request may then have five minutes to reply. These time limits may be extended by a maximum of five minutes per side in the ZBA's discretion. These time limits apply only to oral argument by a party to the ZBA regarding whether the facts support a conclusion that the ZBA should grant the appeal or variance request under the applicable zoning standards, but not to any witness testimony that any party may wish to present.
12. Any non-party to any such appeal or variance request who wishes to address the ZBA at the hearing on any such appeal or variance request, may have a maximum of five minutes to address the ZBA regarding whether the ZBA should grant the appeal or variance request.

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

The property 457 South Clay sits on the corner of Sixth Street and Clay Street. Directly across the street (on 6th st.) is Madison school. There is no parking allowed on school days on the south side of 6th street and no parking permanently on the north side of 6th street.

On Clay Street, there is no parking allowed permanently on the east side of the street, and on the west side of the street there is street parking for approximately eight cars before you reach the no parking zone for Saint Isaac school.

There is 11 houses on the block of Clay and eight spots for street parking, of which get taken up by parents and visitors to both of the schools on majority of days. This leaves severely limited parking for the entire block, but impacts 457 Clay significantly more due to the fact that we are not allowed to have a front driveway as per zoning code 9-104-F-2B, which does not allow a driveway in the front or side yard setback.

The other homes on the block do not experience as severe of a hardship because they are interior lots and have a portion of their driveway in the front or side yard setback, that allows room for cars to park when visiting that home.

This issue creates a hardship for the owner of 457 S Clay. Having two schools located within one block and three out of the four sides of the street have no parking allowed, meaning access to the home is severely limited. Elderly, young children, or disabled people who need assistance, will need to cross two busy streets to reach the front door of 457 South Clay, if they can find street parking, which is rarely available.

The existing home that was replaced by the new home being built must have experienced the same hardships because they were granted a front driveway approach. We are asking for the same reprieve that was granted or approved by the previous owner.

Regards,
Peter Corluka

To whom it may concern,

My name is Peter Corluka of Courtyard Custom Builders and we are asking for your consideration in granting a variance to zoning code 9-104-F-2B to install a parking pad in front yard of 457 S Clay for parking and access to the front of the home.

The reason we are asking this is due to a unique situation where we have two schools within a one block radius and the only parking available is a half block section of one side of the street on Clay St. The rest of the street parking on Clay and Sixth street is marked "no parking" per Village signs.

Summary

The property in question, 457 South Clay sits on the corner of Sixth Street and Clay Street. Directly across the street (on south side 6th st.) is Madison school and a half block to the north is St Isaac school. There is no parking allowed on school days on the south side of 6th street and no parking permanently on the north side of 6th street.

On Clay Street, there is no parking allowed permanently on the east side of the street (which 457 Clay sits on), and on the west side of the street there is street parking for approximately eight cars before you reach the no parking zone for Saint Isaac school. There are 11 houses on the block of Clay between the corner and St. Isaac school, and approx. 8 spots for street parking available, of which get taken up by parents and visitors to both of the schools on a daily basis. This leaves limited parking for the residents of the block and impacts 457 Clay significantly more, due to the fact that we are not allowed to have a front parking pad as per zoning code 9-104-F-2B, (which does not allow a parking pad in the front or side yard setback). This zoning code in particular affects corner properties due to how the home sits on the lot within setback requirements.

Elderly, young children, or disabled people who may need assistance, will need to cross one or possibly two busy streets to reach the front door of 457 South Clay which can be a hazard. This can become even more challenging in poor weather.

Unique physical condition

What makes this a unique physical condition is there is no parking on three of the 4 sides of 6th St. and Clay St. In addition we have two schools within a block of each other that park cars daily on the one open side of Clay street, virtually eliminating parking for the existing homeowners, and leave us with no access to the front of our home. As far as I can tell, there is not a similar condition in town.

On your typical corner lot in other sections of town, you would have the availability to park on one side of each crossroad, creating more availability and parking options.

Not Self Created

The property was purchased within the existing parking restrictions and school zones. The existing home on this property had a front entry parking pad on Clay Street and garage access on six Street. When we redeveloped the property, the assumption was that we would be able to put in a parking pad in the front like the previous home.

During the permit process we learned that a parking pad is no longer allowed in the front yard. We removed it and planned to monitor the situation during construction. As we became more familiar with the property and traffic patterns, it was clear to us that something needs to be done, which is why I am before you today. The current conditions are not working. Given that the previous owner had a parking pad granted in the front yard, its safe to assume that he struggled with the same hardship.

Denied Substantial Rights.

Everyone who lives on an interior lot enjoys the privilege of having a driveway in the front yard/side yard that leads to an attached garage or a detached garage. This driveway allows you or your guests to be able to pull up to the front of your home safely and unload people away from traffic. This is especially important for elderly grand parents, young children, disabled people, and pets, to be able to exit a car and not have to worry about crossing busy intersections to reach the front door. In this particular case, the traffic pattern is even higher than normal given the proximity of having two schools with constant traffic. My assumption is the Village understands this and is why there is no parking on 3 of the 4 available sides of two streets, which is creating this unique situation of no available parking.

Not Merely Special Privilege

We are not asking for a special privilege but merely to have the same privilege as our neighbors, in the ability to be able to pull up to the front of our home and unload family members, friends, safely and not within the traffic pattern of two busy streets.

Code and Plan Purposes

Granting this zoning variation would not result in anything out of the ordinary visually, from an architectural or engineering standpoint. In essence, adding a parking pad would make it look like every other home in the neighborhood, which has a driveway in the front yard or side yard.

Regards,
Peter Corluka

Chicago Title and Trust Company

5 Westbrook Corporate Center, Suite 100, Westchester, IL 60154
Phone: (708)409-9039 | Fax: (708)409-9914

MASTER STATEMENT

Proof of ownership

Settlement Date: December 28, 2020
Disbursement Date: December 28, 2020

Escrow Number: 20GNW407022NP
Escrow Officer: Alysia Kramme
Email: krammea@CTT.com

Buyer: Courtyard Custom Homes
457 S. Clay St.
Hinsdale, IL 60521-4035

Seller: The Successor Trustee under Trust Agreement dated August 1, 1996 and known as the
Raymond A. Dufour Declaration of Trust
457 S. Clay St.
Hinsdale, IL 60521-4035

Property: 457 S. Clay St.
Hinsdale, IL 60521-4035
Parcel ID(s): 09-12-108-016-0000

SELLER		BUYER	
\$	DEBITS	\$	CREDITS
FINANCIAL CONSIDERATION			
540,600.00	Sale Price of Property	540,600.00	
	Deposit or earnest money Retained by TBD		10,000.00
PRORATIONS/ADJUSTMENTS			
12,275.55	County Taxes 01/01/20 to 12/28/20		12,275.55
TITLE & ESCROW CHARGES			
150.00	Title - Commitment Update Fee to Mark Metzger		
	Title - CPL Fee to Buyer to Chicago Title Insurance Company	25.00	
50.00	Title - CPL Fee to Seller to Chicago Title Insurance Company		
850.00	Title - Escrow Fees to Chicago Title and Trust Company	850.00	
	Title - Policy Update Fee to Mark Metzger	150.00	
	Title - State of Illinois Policy Registration Fee to Chicago Title Company, LLC		
	Title - Wire Transfer Service Fee to Chicago Title and Trust Company	40.00	
2,475.00	Title - Owner's Title Insurance to Mark Metzger		
	Policies to be issued: Owners Policy Coverage: \$540,600.00 Premium: \$2,475.00 Version: ALTA Owner's Policy 2006		
GOVERNMENT CHARGES			
270.50	Recording Fees to DuPage County Recorder	67.00	
	County Transfer Tax to Chicago Title Company, LLC		
541.00	State Transfer Tax to Chicago Title Company, LLC		

SELLER			BUYER	
\$	DEBITS	\$ CREDITS	\$	DEBITS \$ CREDITS
		MISCELLANEOUS CHARGES		
		Buyer Attorney Fee to Richard R. Wojnarowski		
		Seller Attorney Fee to Mark Metzger	595.00	
		Survey to Workman Land Surveyors		
		Tax Escrow to Metzger Client Trust Acct.		
		Water-Sewer to Flagg Creek Water Reclamation District		
18,142.23		540,600.00		
		Subtotals	542,327.00	22,275.55
		Balance Due FROM Buyer		
		Balance Due TO Seller		520,051.45
522,457.77				
540,600.00		540,600.00		
		TOTALS	542,327.00	542,327.00

I have carefully reviewed the Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

SELLER:

BUYER:

The Successor Trustee under Trust Agreement dated August 1, 1996 and known as the Raymond A. Dufour Declaration of Trust

Courtyard Custom Homes

BY: _____

BY: _____

To the best of my knowledge, the Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

Chicago Title and Trust Company
Settlement Agent

New home driveway layout

Grading Plan

LEAD DESCRIPTION:

SECTION 11.100 OF THE NORTH SIDE OF THE NORTHWEST QUARTER, AND PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DAUPHIN COUNTY, ILLINOIS.

CERTIFICATION

I, **PETER CORLIKA**, a duly licensed Professional Engineer in the State of Illinois, do hereby certify that the above described plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

PETER CORLIKA
Professional Engineer
No. 123456789
State of Illinois

DATE: 11/20/2021

BUILDING SETBACK TABLE

SETBACK	MINIMUM	MAXIMUM
FRONT	5.0'	10.0'
REAR	5.0'	10.0'
SIDE	5.0'	10.0'

BUILDING SETBACK TABLE

SETBACK	MINIMUM	MAXIMUM
FRONT	5.0'	10.0'
REAR	5.0'	10.0'
SIDE	5.0'	10.0'

ALL SETBACKS SHALL BE MEASURED FROM THE EXISTING GRADE AT THE POINT OF SETBACK.

DATE: 11/20/2021

SCHEDULE OF IMPLEMENTATION	WEEK
1. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 1
2. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 2
3. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 3
4. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 4
5. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 5
6. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 6
7. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 7
8. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 8
9. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 9
10. PREPARE AND SUBMIT RECORD DRAWINGS	WEEK 10

IMPERVIOUS AREA TABLE

PERVIOUS	IMPERVIOUS	TOTAL
7,363	72.9%	6,953
2,733	27.1%	3,442
1,835		2,193
150		567
7		78

NET NEW IMPERVIOUS AREA = 709 SF

EXISTING GRADE AT PROPOSED BUILDING CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	717.6
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED GARAGE CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED DRIVEWAY CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED WINDOW WELLS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED DRIVEWAY CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED WINDOW WELLS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED DRIVEWAY CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED WINDOW WELLS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED DRIVEWAY CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED WINDOW WELLS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

EXISTING GRADE AT PROPOSED DRIVEWAY CORNERS

CORNER	EXISTING GRADE
A-NORTHEAST	718.3
B-NORTHEAST	718.3
C-SOUTHWEST	718.3
D-SOUTHWEST	718.3

Scale: 1" = 10'

North

10' 0" 10' 0"

10' 0" 10' 0"

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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.

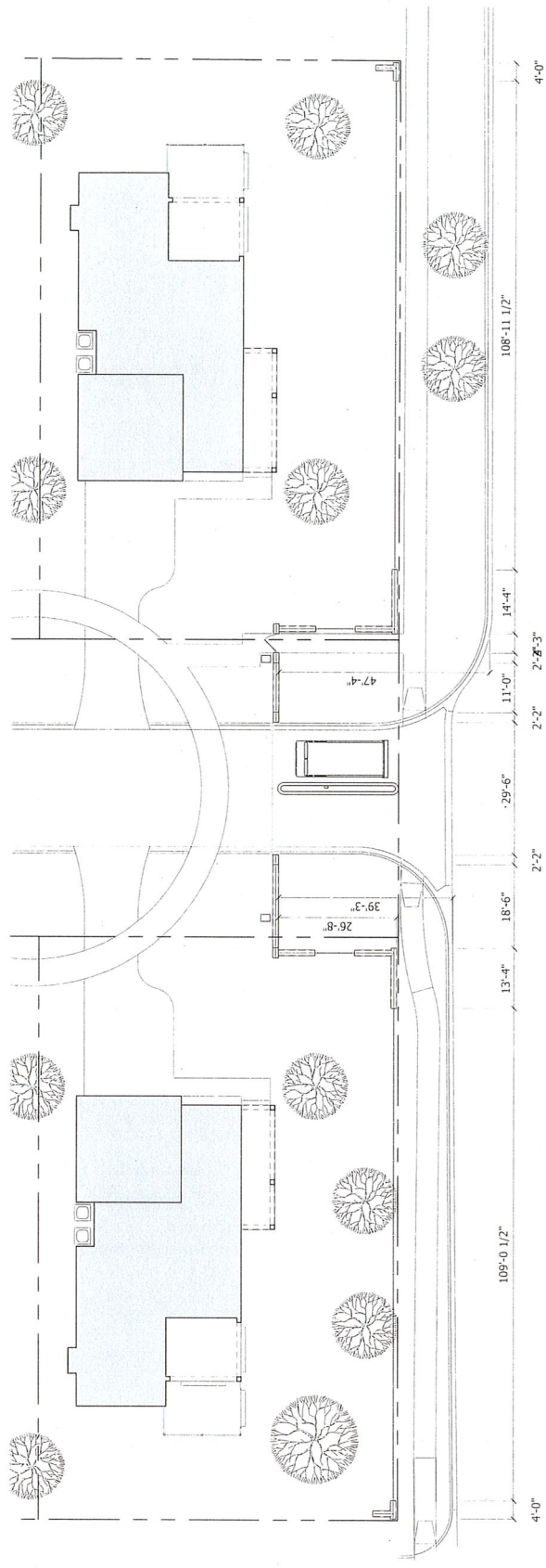
cc: Kathleen Gargano, Village Manager
Zoning file V-01-22

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HMSDALE, IL
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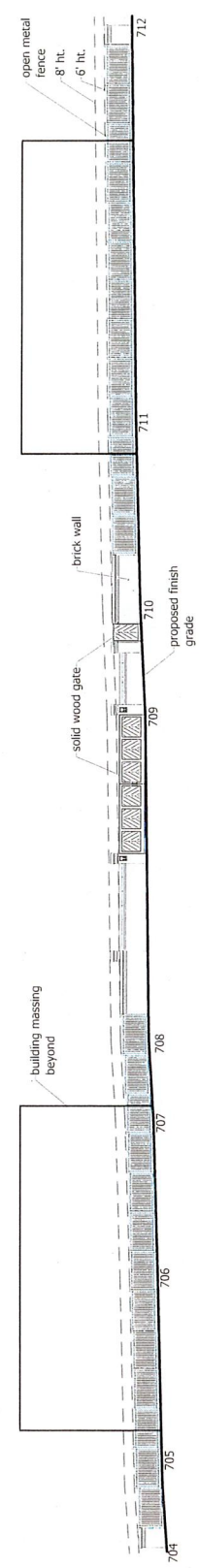
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[moment] DESIGN
ARCHITECTURE + INTERIORS
600 828 8151 www.momentdesign.net

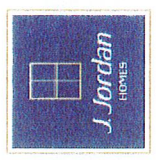


north monroe street

site plan

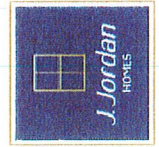


elevation

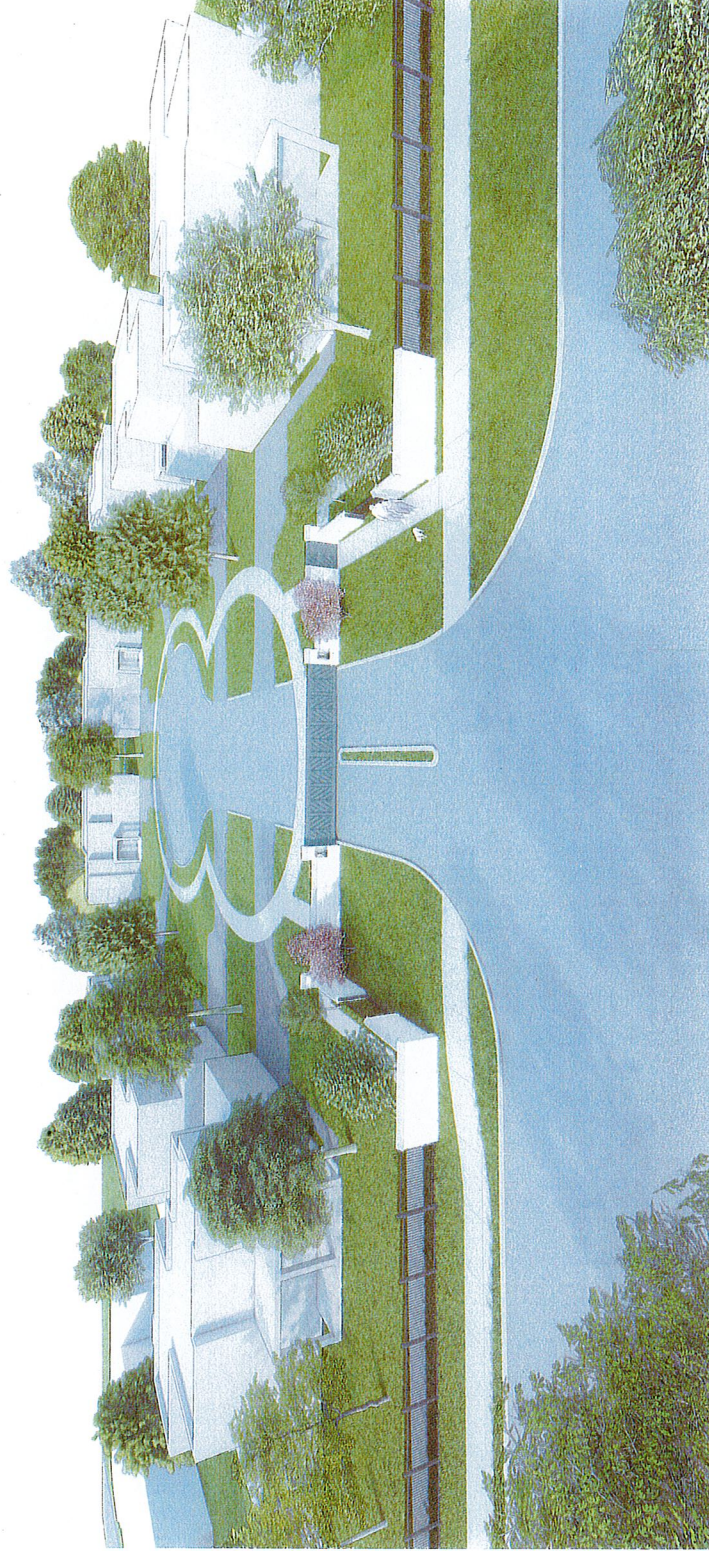




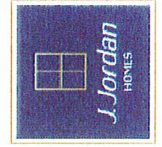
[moment] DESIGN
ARCHITECTURE + INTERIORS
630.628.8161 www.momentdesign.net



the 8
HINSDALE, IL
05.05.22



[moment] DESIGN
 ARCHITECTURE + INTERIORS
 330 826 8161 www.momentdesign.net



the 8
 HINSDALE, IL
 05.05.22



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 McClintock 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.

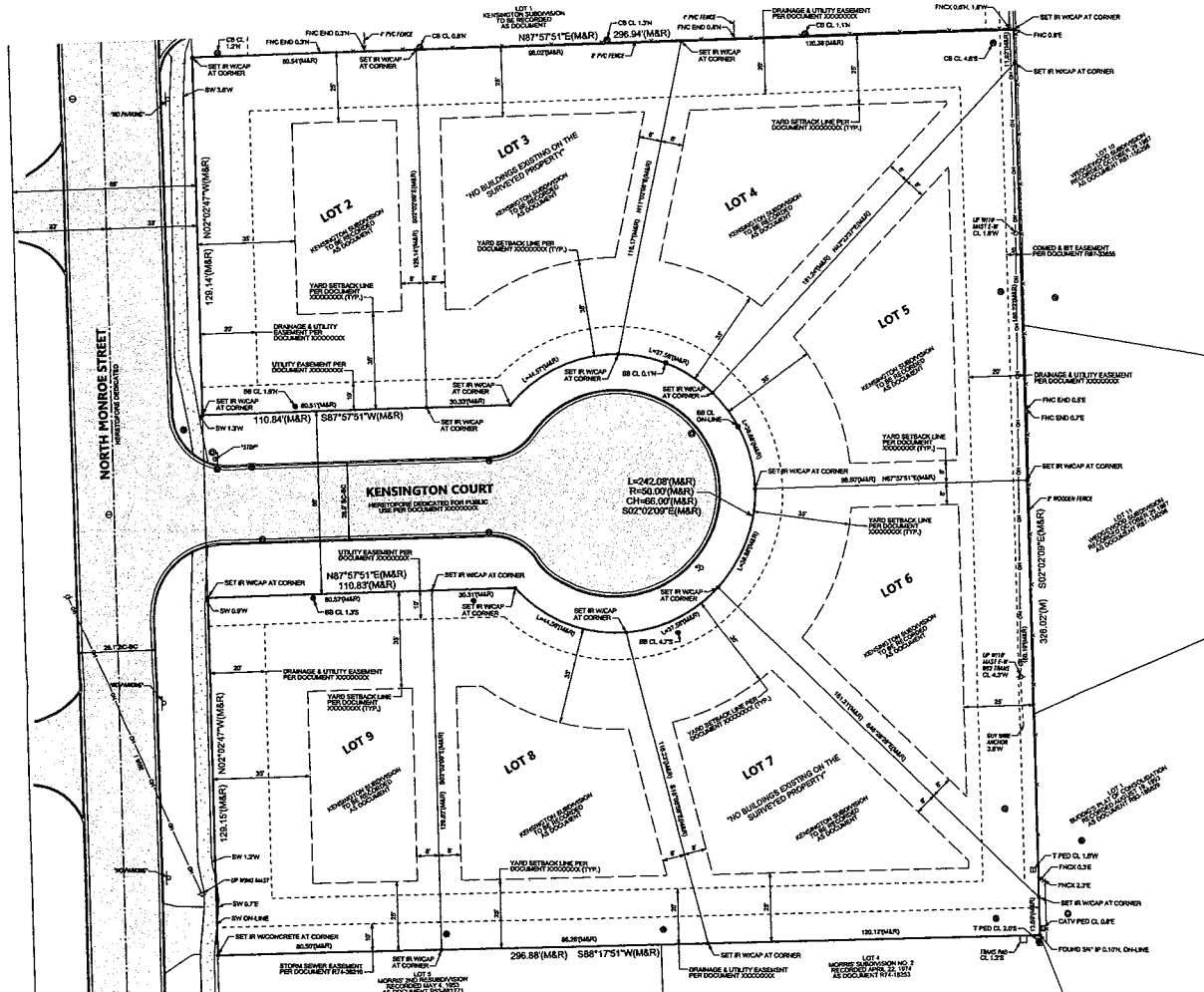
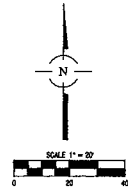
see
Atch

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

[illegible]

CONSULTING ENGINEERS	DATE: 03/20/2020
SITE DEVELOPMENT ENGINEERS	JOB NO: 9587.02
LAND SURVEYORS	FILENAME:
	9587.02ALTA-01-S01TH
	SHEET

Kensington Court
PIN numbers/addresses
2/7/2022

Lot #	PIN Number
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 & I 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 or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) **Denied Substantial Rights.** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

- (f) **Essential Character of the Area.** The variation would not result in a use or development of the Subject Property that:
- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
 - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - (3) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (4) Would unduly increase the danger of flood or fire; or
 - (5) Would unduly tax public utilities and facilities in the area; or
 - (6) Would endanger the public health or safety.
- (g) **No Other Remedy.** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.

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

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

- (a) Applicant is affected by unique circumstances which create a hardship justifying relief.
- (b) Will not alter the essential character of the locality.

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

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS

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


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

SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE

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

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

Name of Applicant(s): J Jordan Homes LLC

Signature of Applicant:  Mark J. Lutz, Managing Member

Signature of Applicant: _____

Date: 2/7/2022

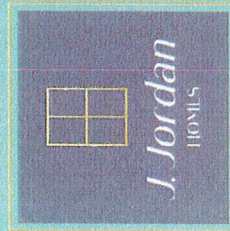
ADDENDUM – RULES FOR WRITTEN SUBMISSIONS AND ORAL ARGUMENT

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

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

8. Any such brief or letter containing less than 20 pages of text and exhibits combined must be firmly stapled in the upper left hand corner of the brief or letter. Briefs or letters that contain more than 20 pages of combined text and exhibits must be spiral bound on the left hand side in a manner that does not interfere with the legibility of any such text or exhibits.
9. If any such brief or letter cites any code section, ordinance, statute, or court decision, then such legal authority must be attached in its entirety as an exhibit to the brief or letter, and the exhibit number must be included in the index required under paragraph 6.
10. The ZBA will not consider briefs or letters that do not meet all of these requirements.
11. At the hearing on any such appeal or variance request, the party that filed the appeal or the variance request has a maximum of 15 minutes to present their initial arguments regarding why the ZBA should grant such appeal or variance request; the Village may then have a maximum of 15 minutes to respond; and the party that filed the appeal or variance request may then have five minutes to reply. These time limits may be extended by a maximum of five minutes per side in the ZBA's discretion. These time limits apply only to oral argument by a party to the ZBA regarding whether the facts support a conclusion that the ZBA should grant the appeal or variance request under the applicable zoning standards, but not to any witness testimony that any party may wish to present.
12. Any non-party to any such appeal or variance request who wishes to address the ZBA at the hearing on any such appeal or variance request, may have a maximum of five minutes to address the ZBA regarding whether the ZBA should grant the appeal or variance request.

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



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ARCHITECTURE & CONSTRUCTION

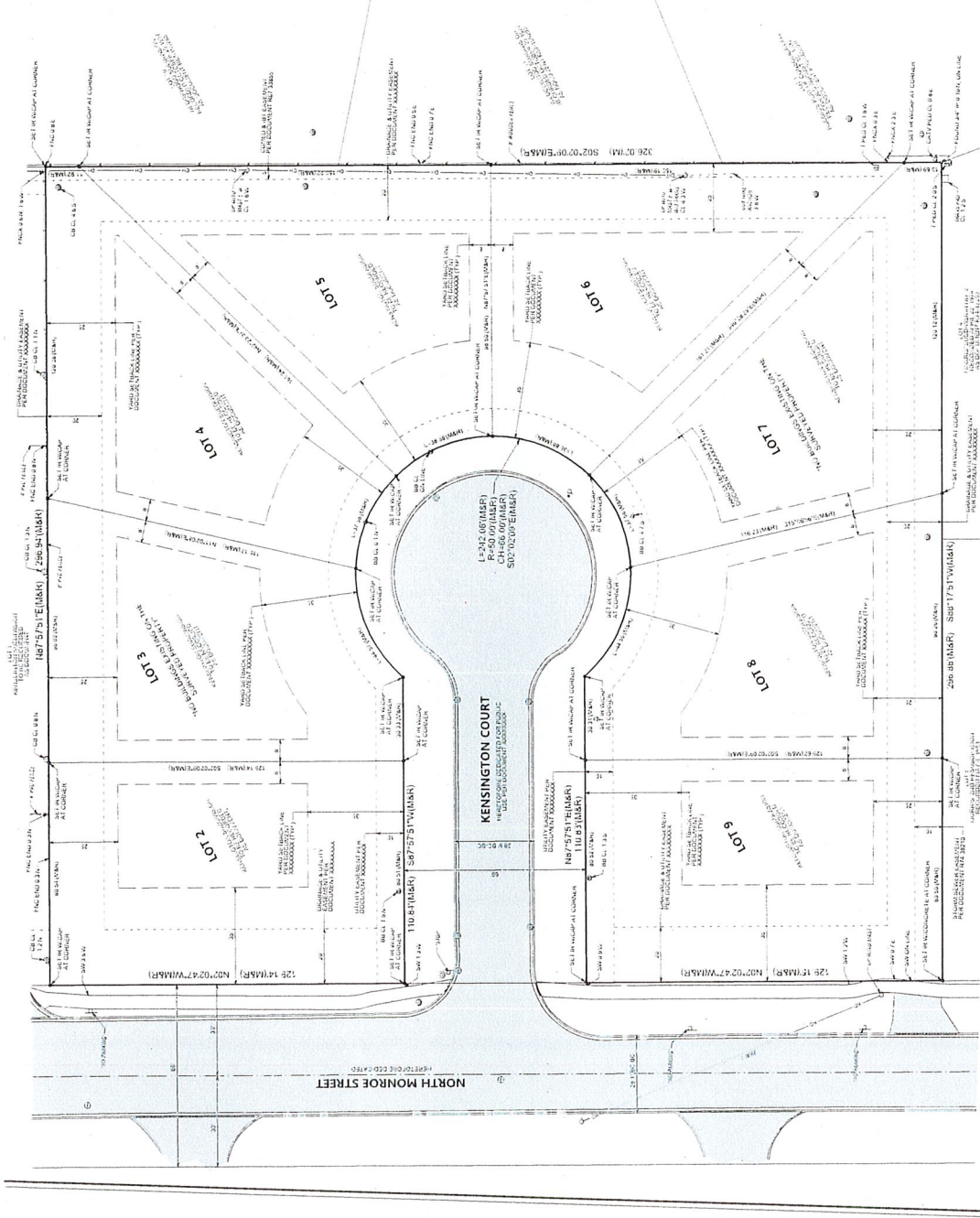
DIVISION:32

Landscape Architecture & Construction

THE EIGHT: ENTRY FENCE & GATE EXHIBITS

April 11 2022

*J. Jordan Homes
The Eight
Hinsdale, IL*



0' 10' 20' 40'

Scale: 1" = 40' 0"

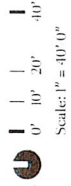
DIVISION 32

[moment] architects

EXISTING SITE PLAN

10/15/2014 10:55:00 AM

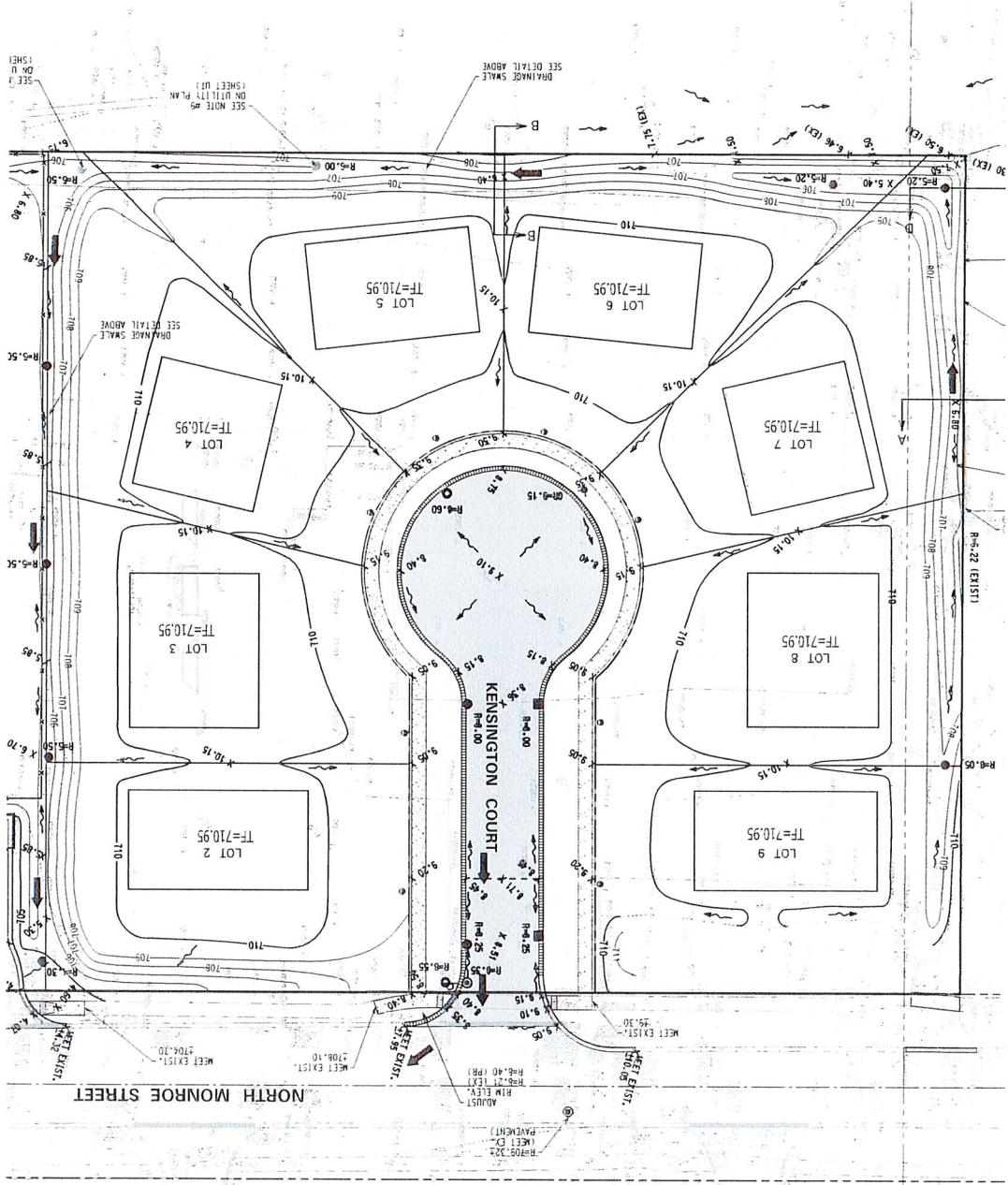
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DIVISION 32

[moment] CONSULTING

EXISTING TOPOGRAPHY

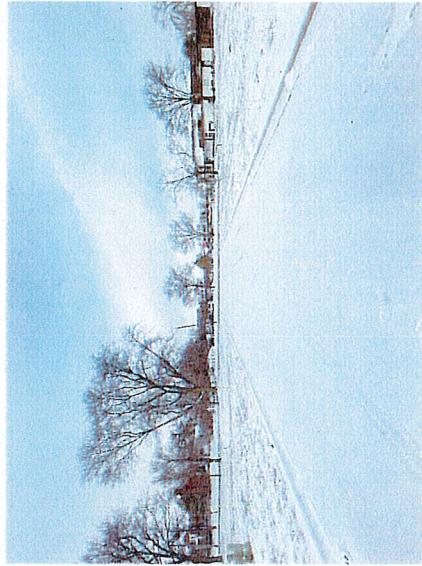




Looking Northeast



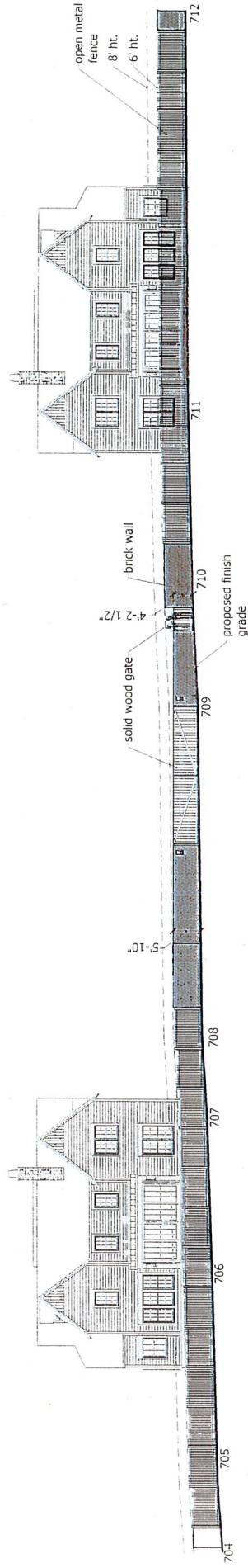
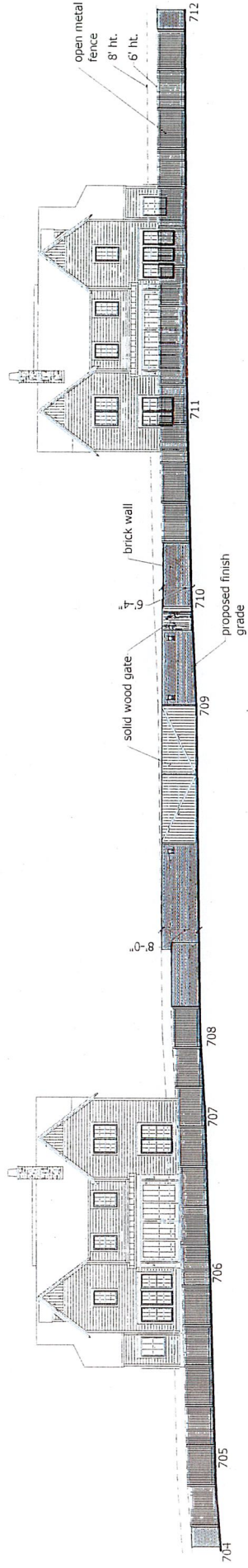
Looking East



Looking West



Looking Southeast





OPTION A: CONCEPT SKETCH



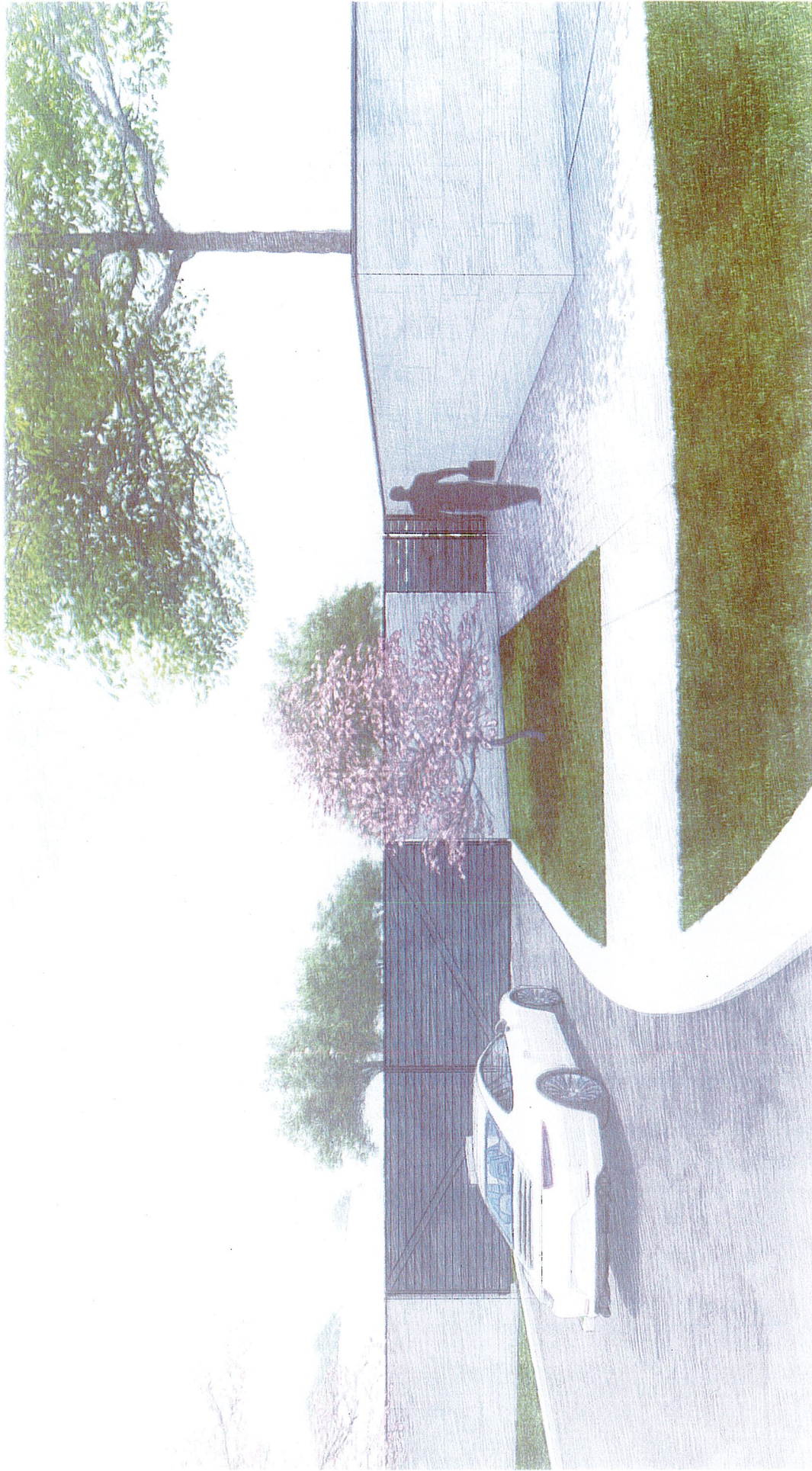
OPTION A: CONCEPT SKETCH



OPTION A: CONCEPT SKETCH



OPTION A: CONCEPT SKETCH



OPTION A: CONCEPT SKETCH



OPTION A: CONCEPT SKETCH



OPTION A: CONCEPT SKETCH

MEMORANDUM

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

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

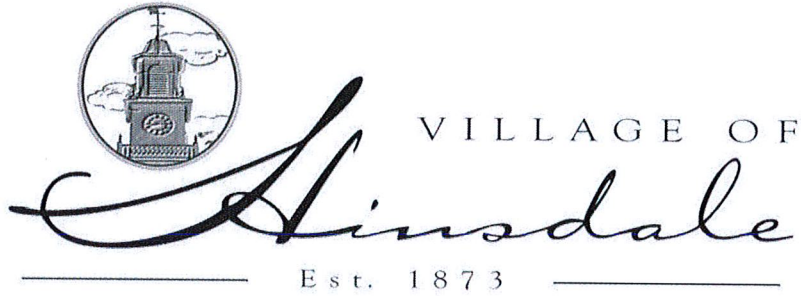
DATE: March 22, 2022

RE: Zoning Variation – V-03-22; 933 S. Grant Street

In this application for variation, the applicant requests relief from the driveway width requirements set forth in section 9-104(F)(3)(C) of the Code in order to construct a circular driveway. The specific request is for an increase of 7' over the 20' permitted by code.

This property is a non-conforming lot located in the R-2 Residential District in the Village of Hinsdale and is located on the east side of Grant Street between Ninth Street and 55th. The property is approximately 120'x154.42' for approximately 18,530 square feet of lot area. The maximum permitted lot coverage is 50% or 9,265sf., the existing lot coverage is 6,840sf., and the proposed lot coverage is 7,307sf.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-03-22



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): Nathen Lucht

Address of Subject Property: 933 S Grant St. Hinsdale, IL 60521

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

FOR OFFICE USE ONLY

Date Received: 4/1/22 CB Zoning Calendar No. V-03-22

PAYMENT INFORMATION: Check # _____ Check Amount \$ _____

SECTION 1- NAME & CONTACT INFORMATION

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

Name: Nathen Lucht

Address: 933 S Grant St. Hinsdale, IL 60521

Telephone: [REDACTED] email: [REDACTED]

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

Name: _____

Address: _____

Telephone: _____ email: _____

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

a. Attorney: _____

b. Engineer: Engineering Resource Associates Inc.

c. Architect: _____

d. Contractor: _____

e. Other: _____

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

Name: _____

Address: _____

Telephone: _____ email: _____

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

a. _____

b. _____

SECTION 2- REQUIRED DOCUMENTATION

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

PIN Number: 0912321005

Address: 933 S Grant St, Hinsdale, IL 60521

2. **Title.** Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.
3. **Neighboring Owners.** List showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.
(Note: After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.)
4. **Survey.** Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
5. **Existing Zoning.** Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
6. **Conformity.** Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
7. **Zoning Standards.** Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. *(Section 4 of this application)*
8. **Successive Application.** In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

SECTION 3- ZONING RELIEF REQUESTED

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

9-104:F.3.(c) Widths: The total width of driveways measured at the lot line on a parcel of property used for residential purposes shall not exceed one-third (1/3) the lot frontage and no single-family driveway shall exceed twenty feet (20') when measured at the front and/or corner side lot line. In the case of a detached garage located not more than ten feet (10') from public alley lot line, the driveway shall not exceed the width of the detached garage. The width of the driveway approach measured at the curb shall in no case be greater than five feet (5') more than the width measured at the property line.

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.)*

Two driveway locations cross the property line. One location is 10 feet wide at the property line. The other is 17 feet. wide, which gives a total driveway width at the property line of 27 feet. So a variation to allow an extra 7' of driveway width at the property line is being sought.

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.)*

7 feet is the minimum variation necessary for the proposed use.

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

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

- (a) **Unique Physical Condition.** The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) **Denied Substantial Rights.** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (d) **Not Merely Special Privilege.** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
- (e) **Code and Plan Purposes.** The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

- (f) **Essential Character of the Area.** The variation would not result in a use or development of the Subject Property that:
- (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
 - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - (3) Would substantially increase congestion in the public streets due to traffic or parking; or
 - (4) Would unduly increase the danger of flood or fire; or
 - (5) Would unduly tax public utilities and facilities in the area; or
 - (6) Would endanger the public health or safety.
- (g) **No Other Remedy.** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.

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

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

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

SECTION 6- SUBJECT PROPERTY ARCHITECTURAL DRAWINGS/SURVEYS

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

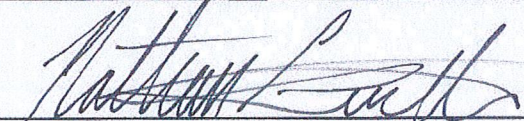
In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or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

SECTION 7- EXPLANATION OF FEES & APPLICANT SIGNATURE

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

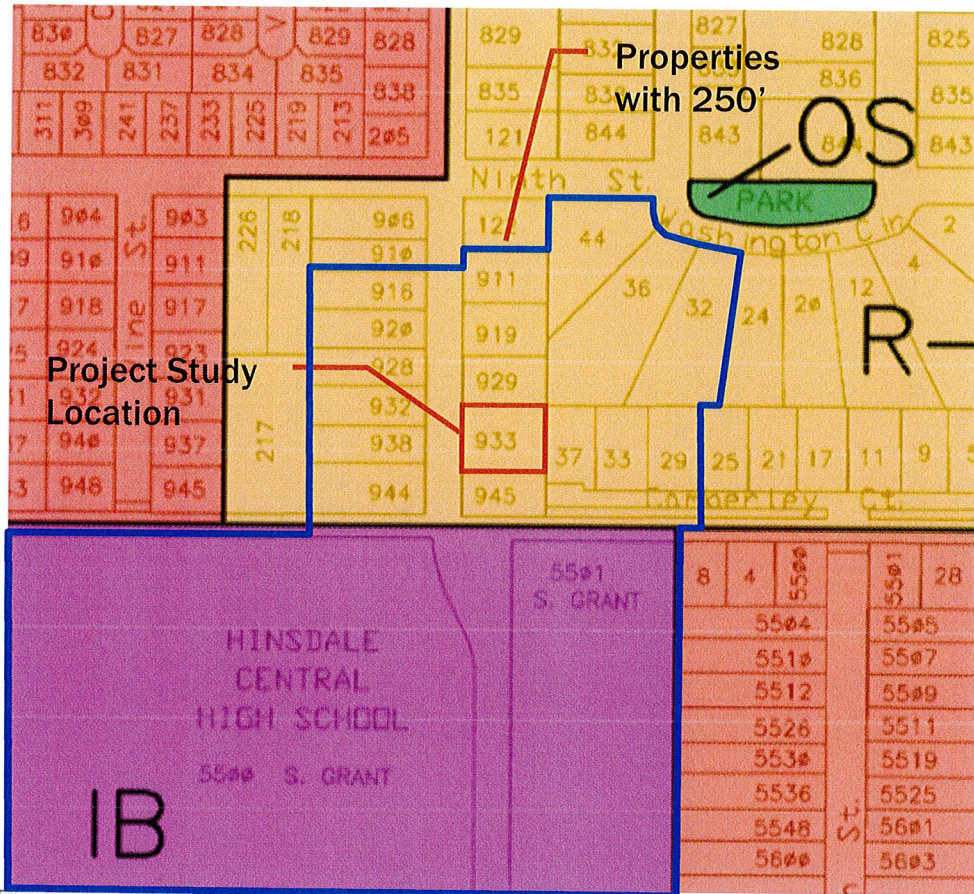
By signing below, the owner or their authorized representative, states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

Name of Applicant(s): NATHAN LUCHT

Signature of Applicant: 

Signature of Applicant: _____

Date: 3/3/22



Zoning District Boundaries

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

Exhibit 1

Zoning Map

Lat/Long: 41° 47' 22.6", -87° 55' 53.8"

Project Study Location



Client: Nathen Lucht
 Project Name: 933 S. Grant St.
 ERA Project #: W21215.00
 Source: Hinsdale 2019 Zoning Map

Not to Scale



Engineering Resource Associates, Inc.

3S701 West Avenue, Suite 150

Warrenville, IL 60555

Phone: (630) 393-3060 FAX: (630) 393-2152

Warrenville | Chicago | Champaign

www.eraconsultants.com

PIN	OWNER	PROPERTY STREET NUMBER	PROPERTY STREET DIRECTION	PROPERTY STREET NAME	PROPERTY APARTMENT	PROPERTY CITY	PROPERTY ZIPCODE
0912320015	DZIEDZIC; FLORIAN & I TR	920	S	GRANT ST		HINSDALE	60521
0912320016	PAREKH; AMI & PRANAV	928	S	GRANT ST		HINSDALE	60521
0912321004	PREUSSER; JEFF & LAURA TR	929	S	GRANT ST		HINSDALE	60521
0912321009	MARUSHKA; PAUL & EMILIA	32	S	WASHINGTON CIR		HINSDALE	60521
0912321008	MACA; ALLAN L JR TR	36		WASHINGTON CIR		HINSDALE	60521
0912321007	VLADISAVLJEVICH; S & P	44	S	WASHINGTON CIR		HINSDALE	60521
0913101027	SCHOOL DISTRICT NO 86			55TH ST		HINSDALE	60521
0913100015	SCHOOL DISTRICT NO 86			55TH ST		HINSDALE	60521
0912320017	CAO; SHUMIN	932	S	GRANT ST		HINSDALE	60521
0912320014	WESELY TR; MERIDEL A	916	S	GRANT ST		HINSDALE	60521
0912320019	YUSUF; SHAHID TR	944	S	GRANT ST		HINSDALE	60521
0912321005	LUCHT; N & M PAINTER	933	S	GRANT ST		HINSDALE	60521
0912321002	VILLA BENVENUTO LLC	911	S	GRANT ST		HINSDALE	60521
0912321032	RISMANTAB-SANY; JALIL & M	945	S	GRANT ST		HINSDALE	60521
0912321017	SMEGO; MARGARET TR	29		CAMBERLEY CT		HINSDALE	60521
0912321003	SATKO; C & B GUTKOWSKI	919	S	GRANT ST		HINSDALE	60521
0912320018	KUO; JIM FA JEN & MAI P	938	S	GRANT ST		HINSDALE	60521
0912321016	DUBAUSKAS; ADAM & OZLEM	33		CAMBERLEY CT		HINSDALE	60521
0912321015	ALLEN; SCOTT	37		CAMBERLEY CT		HINSDALE	60521

THE WEST 154.2 FEET OF THE NORTH 120 FEET OF LOT 10, IN T.H. AND R.W. WILLIS' ADDITION TO HINSDALE, A SUBDIVISION OF THE EAST 1398.54 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 09-12-321-005

COMMONLY KNOWN AS: 933 S. GRANT STREET, HINSDALE, ILLINOIS



KABAL SURVEYING COMPANY

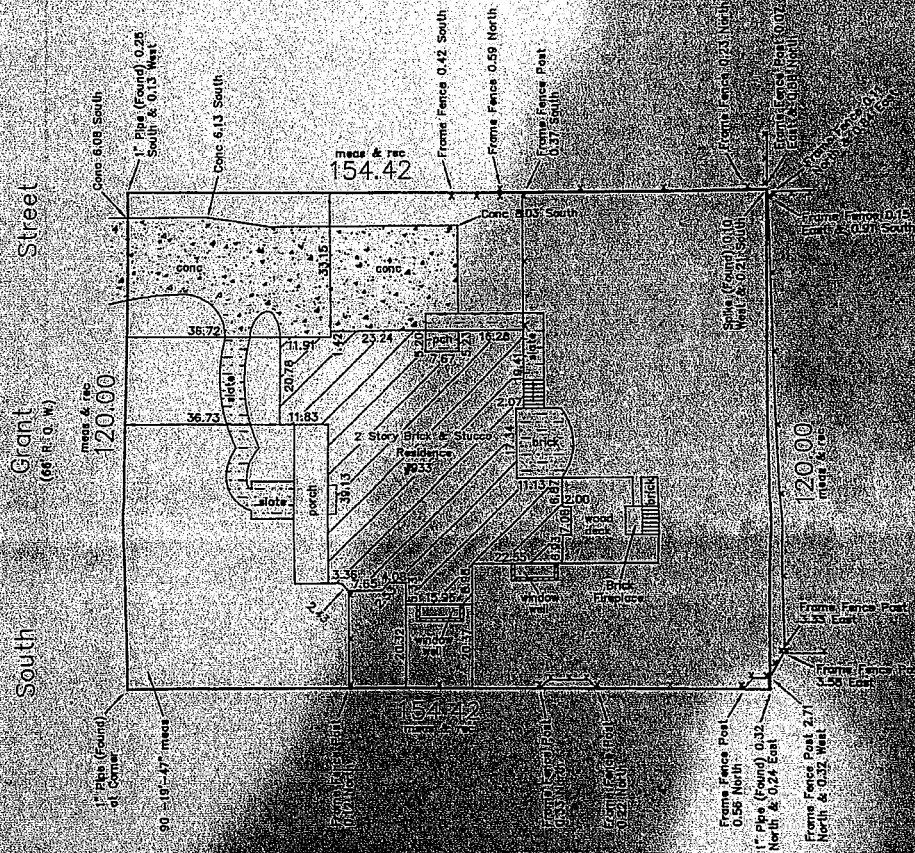
Land Surveying Services

Plat of Survey

The West 154.42 feet of the North 120 feet of Lot 10 in T. H. and R. W. Wills' Addition to Hinsdale, a Subdivision of the East 1398.54 feet of the South half of the Southwest quarter of Section 12, Township 33 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

Address: 933 South Grant Street, Hinsdale

10407 West Cermak Road
Westchester, Illinois 60154
(708) 582-2852
Fax (708) 582-7314
email: kabal-surveying@comcast.net
website: KabalSurveyingCompany.com
Registration No: 184-003061



CEND

W.S. = recorded
C = record
O.W. = original
A = attached

ALL DIMENSIONS ARE IN FEET AND INCHES
ALL DIMENSIONS ARE TO THE CENTER OF THE LOT

Order No. 177
Order By: [Signature]

Mitchell P. Balok
035-003250
PROFESSIONAL
LAND SURVEYOR
STATE OF ILLINOIS

This professional service conforms to the Illinois minimum standards for professional surveying.

STATE OF ILLINOIS
COUNTY OF DU PAGE

035-003250
2022

February 9, 2022

Mr. Robert McGinnis,
Community Development Department
19 E. Chicago Ave.
Hinsdale, IL 60521

SUBJECT: 933 S. Grant St. – Section 4 - Standards for Variation

Dear Mr. McGinnis:

The Lucht family recently purchased the property. The property has no safe allowable on street parking due to the proximity to the adjacent major intersection and traffic signal/turn lane. There is extremely heavy traffic that occurs three times per day in front of this house. Traffic usually occurs from 7:15 am to 8:10 am, then from 2:30 pm – 3:20 pm on school days, and during rush hour from 4:30 pm to 6:00 pm. There are other safety issues with people parking illegally on the west side of Grant St, people pulling U-turns in the road, people driving above the speed limit, and kids running across the street to get in and out of cars. It becomes a safety hazard to back out of the driveway in the morning and afternoon when kids get dropped off and picked up. The owners would like to construct a circle driveway, but there are some existing trees, which they would like to keep. The existing trees limit the location for the driveway close to the property line. To make the driveway safe and navigable a turning radius that extends over the lot line is necessary. The turning radius puts the driveway width at the property line about 7' over the 20' allowable by the zoning code. There is no sidewalk in this location and the grass here extends all the way to the road. There is no discernable barrier which the driveway radiuses are extending over.

Unique Physical Condition:

The current driveway geometry requires vehicles to back out. The site has a close proximity to a busy intersection with a traffic signal and turn lane. There is heavy traffic occurs three times per day in front of this house. The vehicle and pedestrian traffic becomes a safety hazard to backout of the driveway in the morning and afternoon when kids get dropped off and picked up. A circle driveway is necessary to allow for a navigable turn around. There are also existing trees on site which the owner would like to keep. To avoid harming the existing trees the circular driveway needs to be close to the front property line.

Not Self-Created:

The vehicle and pedestrian traffic at the property are preexisting safety issues. This variation is necessary to provide safe vehicle access to the site from the existing vehicle and pedestrian traffic. The existing tree locations are also an existing condition of the site that need to be worked around to avoid harming them.

Denied Substantial Rights:

Being denied the variance would make it necessary to cut down the two healthy trees in the front yard in order to keep the driveway navigable. The two trees are nice looking and provide a buffer to the house from the heavy traffic. The trees also provide shading and fit in with the aesthetic of the neighborhood.

Not Merely Special Privilege:

WARRENVILLE

3S701 WEST AVENUE, SUITE 150
WARRENVILLE, IL 60555
P 630.393.3060

CHICAGO

10 SOUTH RIVERSIDE PLAZA, SUITE 875
CHICAGO, IL 60606
P 312.474.7841

CHAMPAIGN

2416 GALEN DRIVE
CHAMPAIGN, IL 61821
P 217.351.6268

The proposed variance is necessary to provide the same privileges as other homeowners. To have a safe and navigable driveway, to have a buffer to the house from the existing traffic, and to have trees that provide shade and fit in with the aesthetic of the neighborhood.

Code and Plan Purposes:

The requested would be in harmony with the purposes of the zoning code. There is no sidewalk or other distinguishing lot line feature that the additional driveway width at the lot line would harm.

Essential Character of the Area:

The requested variation would not harm the essential character of the area. The variance would not be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property improvements permitted in the vicinity. The variance would not materially impair an adequate supply of light and air to the properties and improvements in the vicinity. The variance would not substantially increase congestion in the public streets due to traffic or parking. The variance would help to reduce traffic congestion by allowing cars to pull out of the driveway forward rather than having to back into a very busy Grant St. The variance would not unduly increase the danger of flood or fire. The variance would not unduly tax public utilities and facilities in the area. The variance would not endanger the public health and safety.

Please feel free to contact me with any questions at 630-393-3060 or jgreen@eraconsultants.com

Sincerely,
ENGINEERING RESOURCE ASSOCIATES, INC.
WARRENVILLE

Jon Green, P. E., C.F.M.

