



MEETING AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, June 15, 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) May 18, 2022
4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT
5. RECEIPT OF APPEARANCES
6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE
7. PRE-HEARING AND AGENDA SETTING
8. PUBLIC HEARING
 - a) V-03-22, 933 South Grant Street
 - b) V-01-22, 527 – 541 Kensington Court Subdivision
9. NEW BUSINESS
10. OLD BUSINESS
11. ADJOURNMENT

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the ADA Coordinator Brad Bloom at 630-789-7007 or by TDD at **630-789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

www.villageofhinsdale.org

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
May 18, 2022**

1. ROLL CALL

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, May 18, 2022 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

Present: Members Gary Moberly, Keith Giltner, 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

2. APPROVAL OF MINUTES

a) February 16, 2022, March 16, 2022, April 20, 2022

Member Podliska moved to approve the minutes of February 16, 2022, March 16, 2022, and April 20, 2022, as amended. Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

3. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT

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

Member Podliska moved to approve the Findings of Fact for V-02-22, 307 South Lincoln Street, as presented. Member Giltner seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

4. RECEIPT OF APPEARANCES

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

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

1 **6. OLD BUSINESS**

2 a) **APP-01-22, 110 East Ogden Avenue - Status**

3 ***Item taken out of order***

4 Mr. Jared Staver, on behalf of he and his wife, Kelly Staver, addressed the Board.
5 He said they are back for status. In March, the Board gave a clear directive to the
6 owner and contractor of 110 E. Ogden Avenue to go back to the Plan Commission
7 to revisit their site plan. They have done nothing, and there has been no showing
8 of good faith effort on their part to date.

9 Mr. Michael Marrs, attorney for the Village, addressed the Board stating there is
10 not a lot to report, but there have been two significant developments. First, the
11 Village sent a letter to the property owner's representative. As a result of this
12 appeal, Mr. McGinnis and he have reviewed the transcripts on this matter and
13 there had been representations made regarding some of the landscaping along
14 the back, and fencing. The Village advised they should come in for a major
15 adjustment to clear this up so there are no issues with a Certificate of Occupancy.
16 Secondly, the Village has learned the owner is planning some additional
17 landscaping, and they have reached out to staff about the major adjustment
18 process. Things are moving, and hopefully a resolution can be reached.

19 Mr. Patrick Walsh, attorney representing Dr. Hartman, reported Dr. Hartman and
20 general contractor Mr. Michael Zalud have talked to the Village arborist about
21 additional plantings. Contrary to what has been represented, there has been
22 movement on this matter.

23 Chairman Neiman suggested that while they are under no obligation to have a
24 conversation with the homeowners, and although it seems to him they are not
25 going to resolve this amicably, it would be the least expense to his client if you
26 could. Mr. Walsh explained there is a plan to add more arborvitae and 2-3 shade
27 trees. He pointed out that previous conversations have not been productive, and
28 he is trying to get around that by working through the Village staff. He described
29 the additional plantings, and that when grown they will provide screening for the
30 homeowners.

31 Chairman Neiman acknowledged that the lawyers on the Board have been in
32 litigation when the parties cannot stand being in a room with each other, but he
33 strongly recommended that people put their egos and feelings aside, and resolve
34 the problem. Mr. Walsh said he appreciates the suggestion, and will pass it along.
35 Mrs. Staver asked the Board for clarification; a letter was sent to the owner that a
36 Certificate of Occupancy will not be issued without another review of the site plan,
37 but they are already talking about planting additional trees. Will this need
38 approval, and there is the issue of the fence.

39 Director of Community Development Robb McGinnis said the letter that went to
40 the property owner stated they should come back to the Board, the record is muddy
41 enough, that it would be a benefit to all parties to get clarification with respect to
42 the fence, existing landscaping, and the treatment of the south lot line. The
43 application for major adjustment will be brought to the Village Board in an attempt
44 to clarify the intent of the Board when the project was originally approved. The
45 Board will review, there will be notice, and the Stavers will be able to attend the
46 meetings.

47 Mr. McGinnis said he would encourage the Stavers to agree to some date certain
48 for a continuance. Mr. Marrs added that at the last meeting the Board generally
49 agreed that count two of the appeal is not ripe, so this was continued to see how

1 things went. It appears things are still pending, and if the Board wants to continue
2 the matter, the Stavers would need to agree to the continuance, because that is
3 what the code says. Mr. Stavers said he would agree to continue the matter for
4 status to July.

5 Mr. Walsh expressed concern regarding putting the status date out too far. If the
6 Village and the arborist agree, they would like to get that done. Mr. Marrs
7 explained that the stay on the south lot line was lifted. Discussion followed. Mr.
8 McGinnis explained that the major adjustment goes to the Board of Trustees, it is
9 their right to decide if the matter gets remanded back to the Plan Commission.
10 Mrs. Staver said there is another neighbor who is not happy with the fact that a
11 fence will not be built, and this neighbor wanted to go to the Board of Trustees to
12 express their displeasure. She referenced previous discussion where it was
13 indicated that there would be enough arborvitae planted that a person could not
14 walk through the barrier created by the arborvitae.

15 Dr. Cara Hartman addressed the Board stating that this neighbor is Mr. Greg
16 Peters. She explained that the Plan Commission meeting was postponed twice
17 for the benefit of Mr. Peters, but he never came to the meetings to voice his
18 concerns. Additionally, his property is not adjacent to her property; Mr. Peters
19 lives on the other side of Fuller. Mr. Marrs said that being said, the Village would
20 be happy to give notice to Mr. Peters.

21 The matter was set for status in July.
22

23 **7. PRE-HEARING AND AGENDA SETTING**

24 **a) V-04-22, 457 South Clay Street**

25 Chairman Neiman introduced the item and informed the Board that this matter
26 has been withdrawn by the applicant.
27

28 **8. PUBLIC HEARING**

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

30 Chairman Neiman opened the public hearing. Ms. Julie Laux, developer and
31 applicant, and Mr. Patrick Fortelka, architect, approached the podium. Mr.
32 Fortelka explained they have more information on their fence, partial gate and wall
33 for the proposed new development on Monroe. Following feedback from the
34 Board, they have made some adjustments to the design, reducing the amount of
35 masonry at the gates, and lowering the fence from 8" feet to 6" feet. He referenced
36 the new color renderings that were provided to the Board. A 4" foot high open
37 fence is allowed on the property line, they are asking for 2' feet more. Nothing
38 would be taller than 6' feet, except the piers that hold the gate in order for the gate
39 operating mechanism to work.

40 Mr. McGinnis explained said the Village Board will consider this as a major
41 adjustment, and could either approve it themselves or refer it to the Plan
42 Commission. The ZBA has jurisdiction over the height of the fence, and the gate
43 only as it is defined as 'fencing'. Member Moberly admitted being stuck on the
44 look of the fence. Ms. Laux pointed out this is a different situation than that in the
45 Woodlands because that location looks at a park. Mr. Fortelka added this is not
46 just about security, it is an aesthetic consideration, too. Their goal is a more
47 communal and courtyard feel for the development, and the gate will help this.
48 Discussion followed regarding the 'transparency' of the gate. Ms. Laux offered a
49 more open option with a wooden gate; she does not care for wrought iron.

1 Member Giltner commented he is not comfortable with a gated community. Mr.
2 Fortelka said if this property was located more in town, he agrees the gates would
3 become an imposition to the community, however, this is at the edge of Hinsdale
4 in a commercial situation. Ms. Laux added there is no buffer district there.
5 Member Moberly agreed, but pointed out there are other areas in town with similar
6 commercial/residential situations.

7 Chairman Neiman wondered if the application itself needs to be amended as the
8 applicant has reduced the requested variance. Mr. McGinnis believes the
9 application is still accurate. There is an exception in the fence code that allows
10 for a driveway gate to be up to 8' feet, but the fences themselves are limited to 4'
11 feet.

12 Member Murphy is not bothered by the look of the proposed fencing since it is will
13 be lower than originally proposed, and he understands the impact of the parking
14 lot across the street. Member Lee agrees, and appreciates the applicant's efforts
15 to bring things closer to the actual requirement. She added that she is sympathetic
16 to the security concerns with this location so close to Ogden Avenue and the
17 expressway. She prefers the 50% open version of the gate.

18 Member Podliska said he likes the open wrought iron, but thinks this is about the
19 view through that fence as opposed to the security issues. He is uncomfortable
20 with moving quickly toward gating off our homes and creating a bunker mentality.
21 He doesn't want to open up that trend. He believes this is in the realm of special
22 privilege, and not appropriate to grant a variance.

23 Member Murphy does not think that precedence is worrisome because this is an
24 unusual circumstance.

25 Chairman Neiman reminded the applicant they need four affirmative votes, and the
26 ZBA is short a Board member until next month. He cannot know if there will be
27 support for the variance, and noted their application does not fully explain why
28 they believe they meet the approving criteria. He asked them if they would like to
29 continue the matter until the ZBA has a seventh member. Discussion followed.
30 Ms. Laux offered a third option for the gate for Board consideration that is a hybrid
31 of an iron gate and a solid gate. Member Giltner believes there is a compromise
32 and alternatives to what is proposed. He understands aesthetics are subjective,
33 and that this is also market driven, but it is his responsibility to look at it from the
34 community as whole. Perhaps an approval with a condition, so there could be
35 further discussion about what the gate looks like. Mr. McGinnis explained the
36 aesthetics should be left to the Village Board, but acknowledged it is difficult to
37 entirely separate that aspect. However, the ZBA is within their rights to put
38 conditions on their approval.

39 Member Moberly commented he would have liked all these options included in the
40 packet so they could have been better digested. Member Podliska reminded the
41 applicant of their burden to prove the seven criteria to grant a variance. He
42 believes they are creating a problem with special privilege and no other remedy.
43 Ms. Laux agreed to continue the hearing.

44 Member Podliska moved to **continue the public hearing on V-01-22, Kensington**
45 **Court to the June meeting of the Zoning Board of Appeals.** Member Moberly
46 seconded the motion.
47
48
49

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Neiman urged the applicant to fully address the approving criteria for next month's public hearing.

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

Chairman Neiman introduced the item stating the applicant has asked the matter be continued to the next meeting of the Zoning Board. The Board agreed to the continuance.

9. NEW BUSINESS – None

10. OLD BUSINESS

a) APP-01-22, 110 East Ogden Avenue - Status

Item previously addressed.

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 May 18, 2022.** Member Moberly seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chairman Neiman declared the meeting adjourned at 7:39 p.m.

Christine M. Bruton

Approved: _____

8a

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 CR 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.

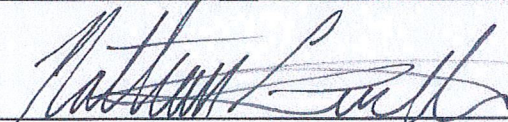
In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or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

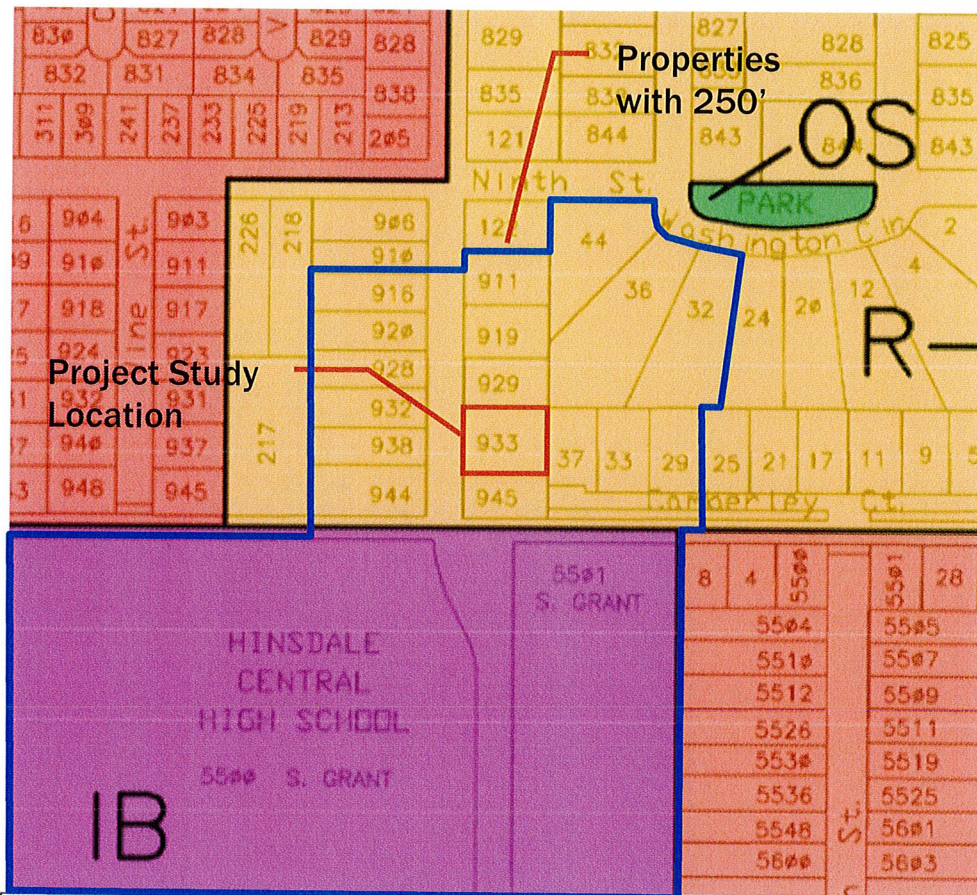
By signing below, the owner or their authorized representative, states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

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

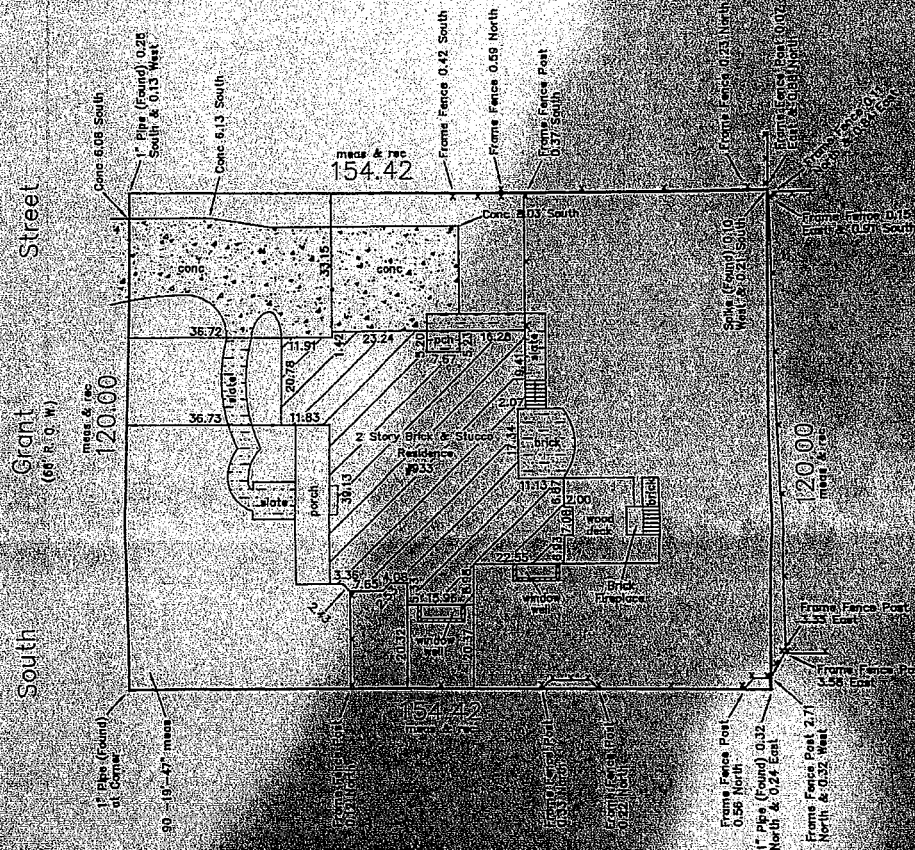
Land Surveying Services

Plat of Survey

10407 West Cermak Road
Westchester, Illinois 60154
(708) 562-2652
Fax (708) 562-7314
email: kabal-surveying@comcast.net
website: KabalSurveyingCompany.com
Registration No. 184-003061

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 South half of the Southwest quarter of Section 12, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois.

Address: 933 South Grant Street, Hinsdale



Legend

Red line = boundary
Black line = easement
Blue line = utility

Black line = fence
Blue line = water

Black line = road
Blue line = railroad

Black line = other

Black line = other

Black line = other



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

STATE OF ILLINOIS
COUNTY OF DU PAGE

Order by: _____
Order no.: _____
Date: _____

Surveyed by: _____
Date: _____
Scale: _____
North arrow: _____

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.



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

Revised



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

revised
Date Received: 6/3/22 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: 630-990-8000 email: Charles@KensingtonSchool.com

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: Patrick Keeley - Piccione Keeley & Assoc - info@PKLaw.com

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: _____

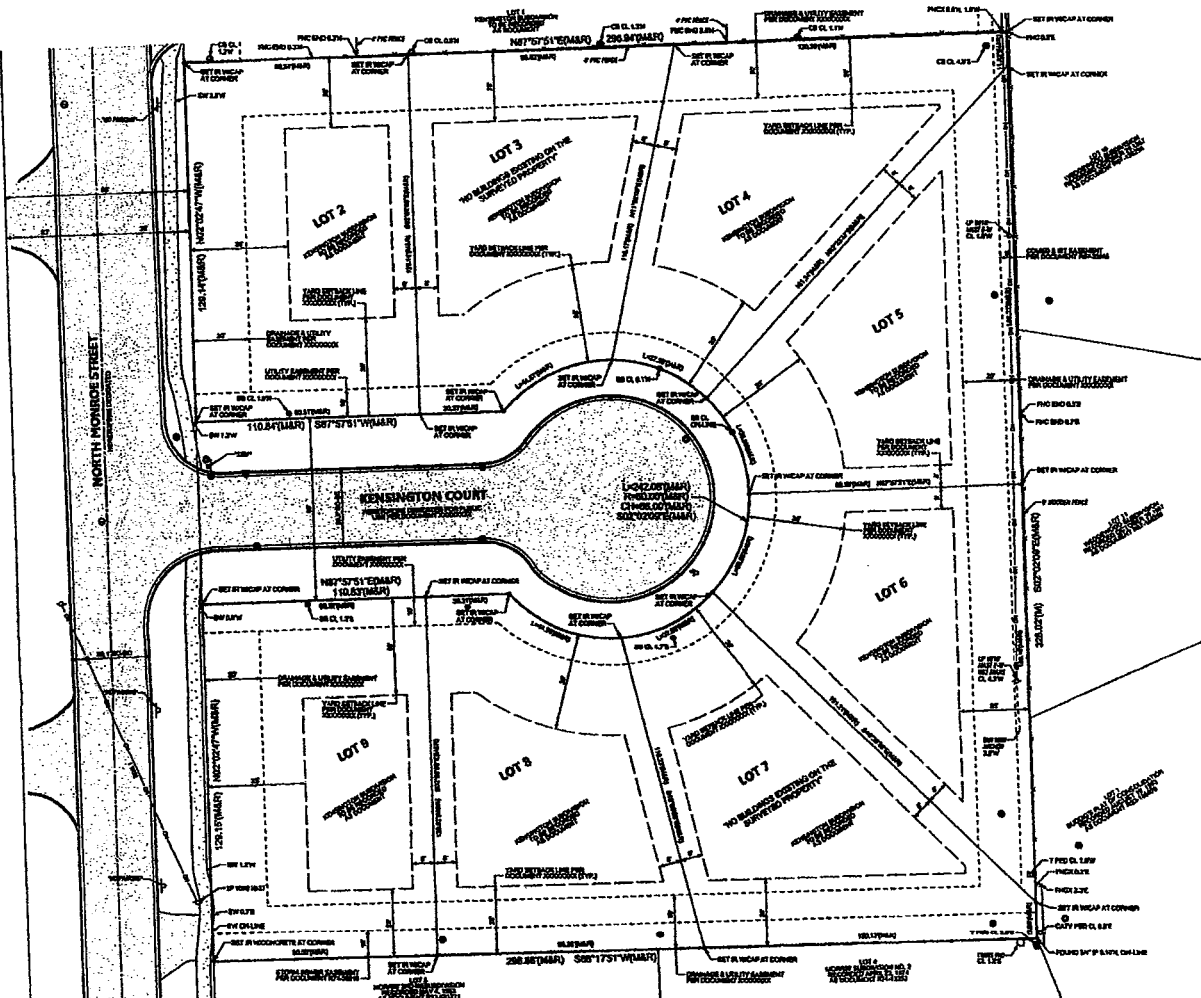
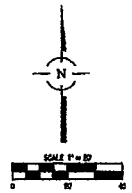
5. **Village Personnel.** Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

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][illegible]**MOTLS FROM WILEY.COM**

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 side yard property line. We are requesting a variance to allow a 6' partial 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

9-12-343

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

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

3. **Minimum Variation.** A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

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

Section 3 - Zoning Relief Requested
Items #1 - #2 - #3

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

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

(Fence Applications – Section 5)

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

- (a) **Unique Physical Condition**. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.
- (b) **Not Self-Created**. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (c) **Denied Substantial Rights**. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (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 4 – Standards for Variation as set forth in Section 11-503(F)

Pursuant to the standards for variation for fences, as set forth in Section 9-12-3J (and Section 5 of the Application for Variation), we submit the following responses:

- a. **Applicant Is Affected By Unique Circumstances Which Create A Hardship Justifying Relief:** The residential lots contained in the Subject Property are across from commercial property which is a unique circumstance because most residential lots in Hinsdale are not across commercial property particularly a commercial parking lot. This unique circumstance creates a hardship for the owners of the residential lots on the Subject Property because their views of a commercial parking lot are not appropriate for a suburban community such as Hinsdale.
- b. **Variation Will Not Alter The Essential Character Of The Locality:** The variation of a 4' solid brick fence will not alter the essential character of the locality as the brick fence are similar to other brick fences in Hinsdale, the brickwall is only 2' higher than the height permitted, and the brick fence is limited in length from the front driveway entrance and is only transitional to a substantially longer open metal fence.
- c. **Variation Will be in Harmony with the General Purpose and Intent of the Code:** The variation requested will be in harmony with the general purpose and intent of this Section as a 4' brick fence which is of limited length and transitions to an open metal fence at the front of the Subject Property is of an architectural design suitable for a good suburban community such as Hinsdale. In addition, the variation will not be so radically different as to impair the marketability or property values of the existing residents in Hinsdale. A brick fence is the same material as many homes in Hinsdale. In addition, the variation of a 4' brick fence is consistent with transitioning from commercial to residential property while providing some privacy for residences which are designed consistent with the Hinsdale community.
- d. **Variation Will Set No Unfavorable Precedent Either To The Locality Or To The Village As A Whole:** The slight increase of 2' for a solid brick fence of limited length and which transitions to an open metal fence is not a radical or significant change and in fact increases the neighborhood view of the residents behind such fence.
- e. **Variation Will Be The Minimum Necessary To Afford Relief To The Applicant:** An increase in height of the brick fence of 2' is minimal, the variation in height is only to match the 4' height of the open metal fence and the increase in height of the brick fence is for only a small portion of the overall fencing around the residences on the Subject Property.
- f. **Variation Will Not Adversely Affect The Public Safety And General Welfare:**

In addition, you would need to meet the standards for variation as set forth in Section 11-503(F) (and Section 4 of the Application for Variation):

- a. **Unique Physical Condition:** The Subject Property is exceptional as compared to other residential lots subject to the same fencing provisions because, unlike the other residential properties in Hinsdale, the residents on the Subject Property have a very unattractive view from their homes of a commercial parking lot across the street at the Hinsdale Orthopedics business. This inappropriate view for a suburban community such as Hinsdale is more than a mere inconvenience to the residents on the Subject Property and relates to the location of the Subject Property being directly across the street of a commercial property's parking lot.
- b. **Not Self-Created:** The inappropriate and unacceptable view of the commercial property's parking lot is not the result of any action or inaction of either the current owner or the predecessor's owners and this inappropriate view existed at the time of the subject fencing ordinances.
- c. **Denied Substantial Rights:** The carrying out of the strict letter of the fence ordinance provisions would deprive the lot owners of the Subject Property of substantial rights of enjoying appropriate suburban views if they were required to view the commercial parking lot directly across the street.
- d. **Not Merely Special Privilege:** J. Jordan Homes is not seeking a variance to provide the lot owners of the Subject Property some special privilege or additional rights that are not available to owners or occupants of other residential lots subject to the same fencing provision. All residential lots have a right to an enjoyable suburban view and other residential owners in Hinsdale are not required to view commercial parking lots from their residences.
- e. **Code and Plan Purposes:** The variation will 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 Village Code and the fence provision from which the variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan as the variance is consistent with the fencing Code's purpose to have an architectural design suitable for a good suburban community and the variance is not manifestly inferior or so radically different as to impair the marketability or property values of existing residences in the same immediate vicinity. In addition, the variation of a 4' brick fence is consistent with transitioning from commercial to residential property while providing some privacy for residences which are designed consistent with the Hinsdale community.
- f. **Essential Character of the Area:** The variation will not result in a use or development of the Subject Property that: (1) would be material detrimental to

the public welfare or materially injurious to the enjoyment, use, development or value of property of improvements permitted in the vicinity for the reasons already stated herein; or (2) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity as the brick fence would be only 4' tall; or (3) would substantially increase congestion in the public streets due to traffic or parking as this variance would have no impact whatsoever on such issues; or (4) would unduly increase the danger of flood or fire as a brick wall would not have any effect on the danger of flood or fire; or

(5) would unduly tax public utilities and facilities in the area as this variance would have no impact on utilities and facilities in the area; or (6) would endanger the public health or safety as stated previously, the small variance would have no impact on public health or safety.

- g. No Other Remedy: There are no means other than the short variance of increasing the brick fence from 2' to 4' for a relatively short distance by which the hardship of the inappropriate view of the commercial parking lot can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Property as requested by J. Jordan Homes.

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:

[Handwritten Signature], Managing Member

Signature of Applicant:

Date: 6/6/2022

ADDENDUM – RULES FOR WRITTEN SUBMISSIONS AND ORAL ARGUMENT

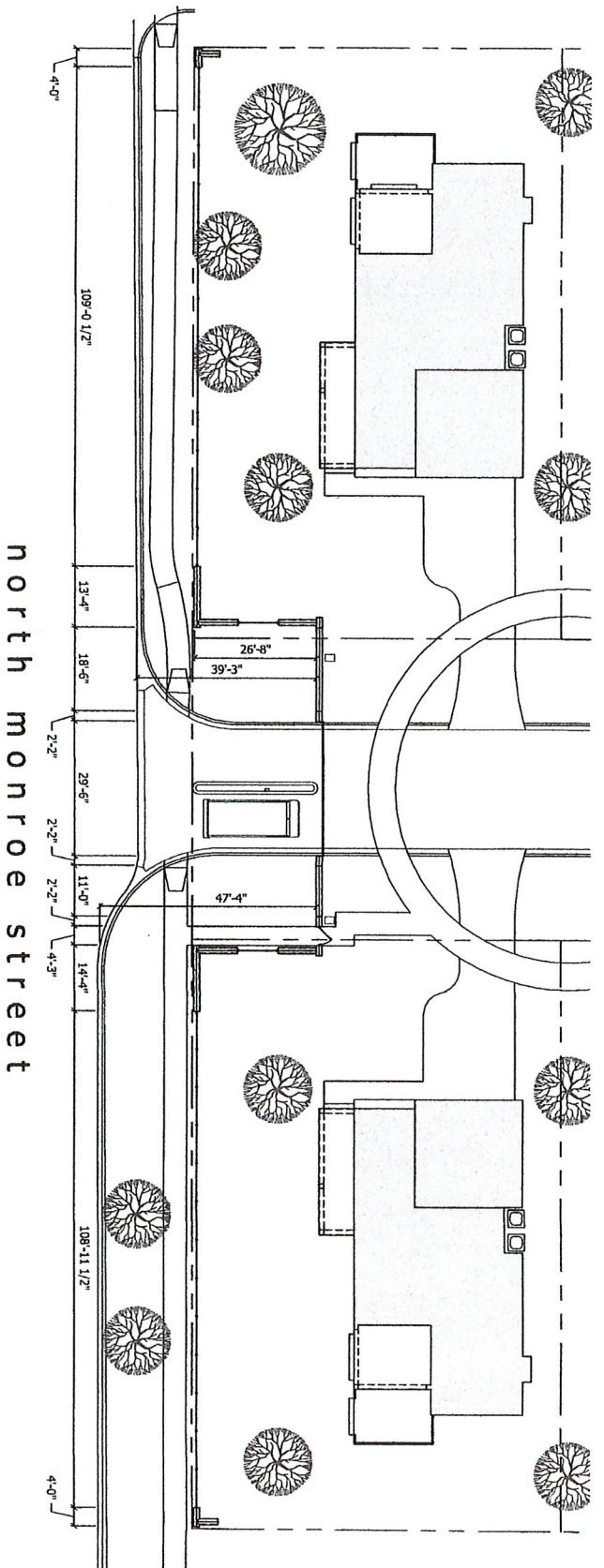
The Hinsdale Zoning Board of Appeals (ZBA) unanimously approved and adopted the following rules governing written submissions and oral arguments on November 15, 2017:

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.

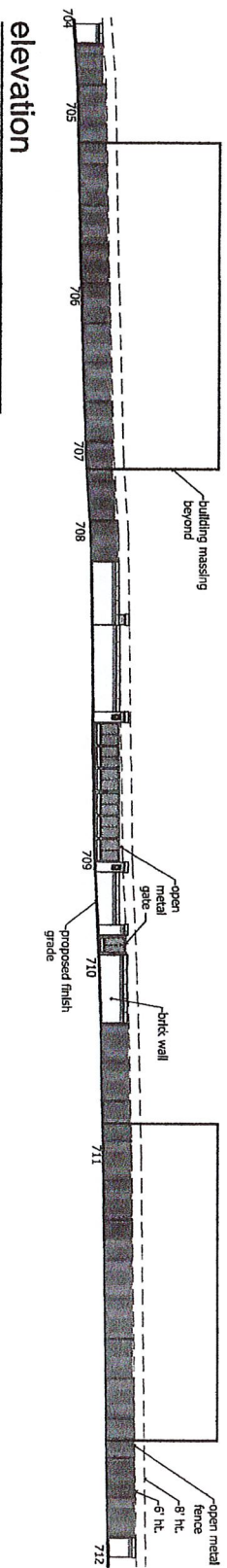
Adopted by the Zoning Board of Appeals on November 15, 2017.





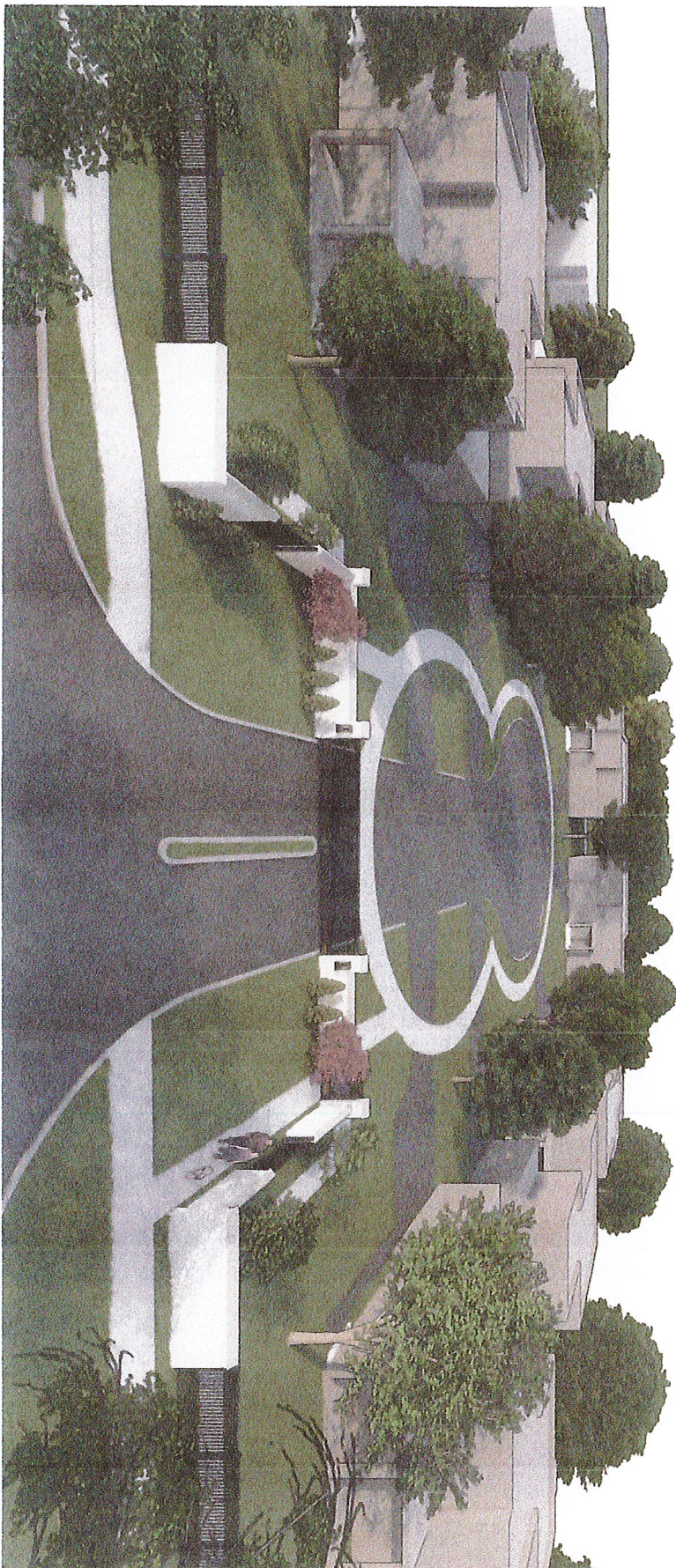
site plan

north monroe street

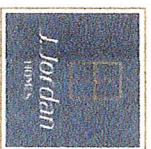


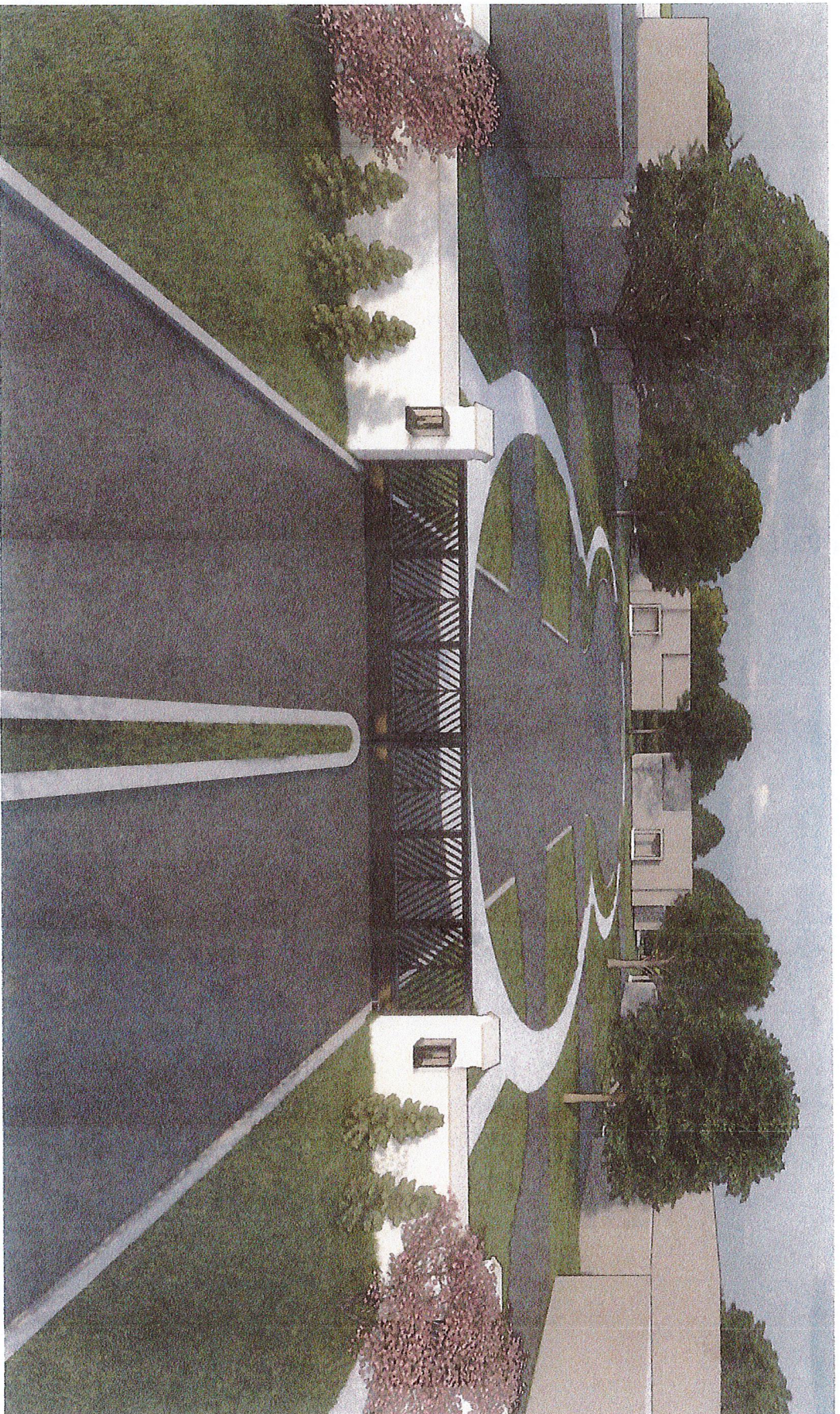
elevation





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