

**VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
April 16, 2014**

1. CALL TO ORDER

Chairman Debra Braselton called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, April 16, 2014 at 6:35 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Chairman Debra Braselton, Members Marc Connelly, Gary Moberly, Keith Giltner and Rody Biggert

Absent: Members Bob Neiman and John Callahan

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

3. APPROVAL OF MINUTES – March 19, 2014

Corrections were made to the language of the draft minutes. Member Biggert moved to **approve the minutes of the regularly scheduled meeting of April 16, 2014, as amended.** Member Moberly seconded the motion.

AYES: Members Connelly, Moberly, Giltner, Biggert and Chairman Braselton

NAYS: None

ABSTAIN: None

ABSENT: Members Neiman and Callahan

Motion carried.

4. APPROVAL OF FINAL DECISION

a) V-01-14, 330 Chestnut Street

Chairman Braselton introduced the item asking for changes or corrections. There being none, Member Moberly moved **Approval Of Final Decision for V-01-14, 330 Chestnut Street.** Member Connelly seconded the motion.

1
2 **AYES:** Members Connelly, Moberly, Giltner, Biggert and Chairman
3 Braselton

4 **NAYS:** None

5 **ABSTAIN:** None

6 **ABSENT:** Members Neiman and Callahan

7
8 Motion carried.
9

10 **5. RECEIPT OF APPEARANCES - None**

11
12 **6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS**
13 **TO MAKE PUBLIC COMMENT OF A GENERAL NATURE – None**

14
15 **7. PRE-HEARING AND AGENDA SETTING – None**

16
17 **8. PUBLIC HEARINGS – None**

18
19 **9. NEW BUSINESS – None**

20
21 **10. UNFINISHED BUSINESS – None**

22
23 **11. ADJOURNMENT**

24 With no further business before the Zoning Board of Appeals, Member
25 Moberly made a motion to **adjourn the meeting of the Zoning Board of**
26 **Appeals of April 16, 2014.** Member Biggert seconded the motion.

27
28 **AYES:** Members Connelly, Moberly, Giltner, Biggert and Chairman
29 Braselton

30 **NAYS:** None

31 **ABSTAIN:** None

32 **ABSENT:** Members Neiman and Callahan

33
34 Motion carried.

35
36 Chairman Braselton declared the meeting adjourned at 6:39 p.m.

37
38
39
40 _____
41 Christine M. Bruton
42 Village Clerk
43

Approved: _____

7a

MEMORANDUM

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

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

DATE: May 13, 2014

RE: Zoning Variation – V-02-14; 217 W. 55th Street

In this application for variation, the applicant requests relief from the interior side yard requirements set forth in section 3-110 (D)(2)(b)(i). The request is for 10.41' of relief to the required 17' interior side yard setback. The applicant intends to demolish the house on the 227 W. 55th Street and consolidate both lots in order to construct accessory improvements to the west of the existing house at 217 W. 55th. In order to do this, they need to obtain relief for the existing house, as the code (12-101-C) prohibits the creation of any new non-conformity that would result as part of a subdivision. Given that the newly created lot would have a required interior side yard of 17' based on the new lot width of 160'; the subdivision process cannot move forward until relief is granted for what would be a non-conforming sideyard.

This property is located in the R-2 single-family zoning district in the Village of Hinsdale and is located on the north side of 55th Street between Madison and Grant. Once consolidated, the property will become a conforming lot. It will have a frontage of approximately 160', a depth of approximately 297', and a total square footage of approximately 47,520. The maximum FAR is .20 +2,000 square feet or approximately 11,504 square feet. The maximum building coverage is 25% or approximately 11,880 square feet. The Total Lot Coverage is 50% or approximately 23,760 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-02-14

Zoning Calendar No. V-02-14

VILLAGE OF HINSDALE
APPLICATION FOR VARIATION

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

FILING FEES: RESIDENTIAL VARIATION \$850.00

NAME OF APPLICANT(S): Philip Wolf, Wolf Pack Development, Inc.

ADDRESS OF SUBJECT PROPERTY: 217 & 227 w. 55th Street

TELEPHONE NUMBER(S): [REDACTED] (Cell) [REDACTED] (Office)

If Applicant is not property owner, Applicant's relationship to property owner.
Civil Engineer and Development Representative

DATE OF APPLICATION: April 22, 2014



SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Ric & Kathleen Phillips
217 w. 55th Street, Hinsdale, IL 60521, [REDACTED]
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: N/A

3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: Wolf Pack Development, Inc.
2510 Maple Avenue, Downers Grove, IL 60515
Civil Engineer and Development Team for Owners
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 217 & 227 w. 55th Street in Hinsdale, IL
Lots 1 & 2 in Foster & Holm Subdivision of the east 160' of the west 985' (except
the north 33' thereof) of the south 1/2 of the south 1/2 of the southwest 1/4 of section
12, township 38 north, Range 11, east of the third principal meridian, according to the
plat thereof recorded September 8, 1950 as document 603775, in Dupage County, Illinois.
5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:
 - a. Attorney: _____
 - b. Engineer: Wolf Pack Development, Inc.
 - c. Surveyor: Nelson Surveyors, LLC
 - d. _____

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest: None

a. _____
b. _____

7. Neighboring Owners. Submit with this application a 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.

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. - Attached

8. 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. - Attached
9. 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. - Attached
10. 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 Attached Supporting Info
11. 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. - See Attached Supporting Info
12. 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.

-See Attached Supporting Info

SECTION II - See Attached Supporting Info

When applying for a variation from the provisions of the Zoning Ordinance, you must provide the data and information required above, and in addition, the following:

1. 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.
2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

3. Variation Sought. The precise variation being sought, the purpose therefor, 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.)

4. 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.)

5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a 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.
(Attach separate sheet if additional space is needed.)

SECTION III

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

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

SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a non-refundable application fee of \$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.

SECTION V

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

Name of Owner: Ric & Kathleen Phillips

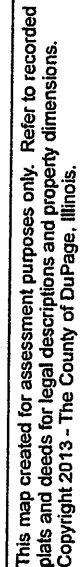
Signature of Owner: Kathleen Phillips

Name of Applicant: Wolf Pack Development, Inc.

Signature of Applicant: [Signature]

Date: 4/24/14

✓ 250 feet
BEYOND PROPERTY



ADDRESSES FOR PROPERTIES WITHIN 250 FEET OF 227 and 217 West 55th STREET, HINSDALE

Parcel Number
09-12-320-019

Parcel Address
944 S GRANT ST
HINSDALE, 60521

Billing Address
YUSUF, SHAHID
96 LIVERY CT
OAK BROOK IL 6052

Parcel Number
09-12-320-018

Parcel Address
938 S GRANT ST
HINSDALE, 60521

Billing Address
KUO, JIM FA JEN & MAI P
74 63RD ST
WILLOWBROOK IL 60527

Parcel Number
09-12-320-017

Parcel Address
932 S GRANT ST
HINSDALE, 60521

Billing Address
SANDOVAL, ANDRES
932 S GRANT ST
HINSDALE IL 60521

Parcel Number
09-12-320-016

Parcel Address
928 S GRANT ST
HINSDALE, 60521

Billing Address
ADS, A & N ELGANZOURI
928 S GRANT ST
HINSDALE IL 60521

Parcel Number
09-12-320-015

Parcel Address
920 S GRANT ST
HINSDALE, 60521

Billing Address
DZIEDZIC, FLORIAN & INEZ
920 S GRANT ST
HINSDALE IL 60521

Parcel Number
09-12-320-014

Parcel Address
916 S GRANT ST
HINSDALE, 60521

Billing Address
WESELY, MERIDEL A
916 S GRANT ST
HINSDALE IL 60521

Parcel Number
09-12-320-013

Parcel Address
910 S GRANT ST
HINSDALE, 60521

Billing Address
SEO, R & H TRAINOR
910 S GRANT ST
HINSDALE IL 60521

Parcel Number
09-12-320-012

Parcel Address
906 S GRANT ST
HINSDALE, 60521

Billing Address
KUREK, WALTER S & KAREN
906 S GRANT ST
HINSDALE IL 60521

Parcel Number
09-12-320-011

Parcel Address
217 W 55TH ST
HINSDALE, 60521

Billing Address
PHILLIPS, RICHARD & K
217 W 55TH ST
HINSDALE IL 60521

ADDRESSES FOR PROPERTIES WITHIN 250 FEET OF 227 and 217 West 55th STREET, HINSDALE

Parcel Number
09-12-320-010

Parcel Address
227 W 55TH ST
HINSDALE, 60521

Billing Address
FEDERAL NATIONAL MTG
1 S WACKER DR
UNIT 1400 CHICAGO IL 60606

Parcel Number
09-12-320-009

Parcel Address
218 W 9TH ST
HINSDALE, 60521

Billing Address
KLINE, MICHAEL & C A
218 W 9TH ST
HINSDALE IL 60521

Parcel Number
09-12-320-008

Parcel Address
226 W 9TH ST
HINSDALE, 60521

Billing Address
MESSINA, HEATHER
226 W 9TH ST
HINSDALE IL 60521

Parcel Number
09-12-320-007

Parcel Address
945 S VINE ST
HINSDALE, 60521

Billing Address
BATRA, RAJEEV & RADHIKA
945 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-320-006

Parcel Address
937 S VINE ST
HINSDALE, 60521

Billing Address
IRMEN, WALTER & JO ANN
937 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-320-005

Parcel Address
931 S VINE ST
HINSDALE, 60521

Billing Address
CARROLL, RICHARD & ALICIA
931 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-320-004

Parcel Address
923 S VINE ST
HINSDALE, 60521

Billing Address
BATRA, RAJEEV & RADHIKA
923 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-320-003

Parcel Address
917 S VINE ST
HINSDALE, 60521

Billing Address
PORTLAND, MICHAEL & SUSAN
917 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-320-002

Parcel Address
911 S VINE ST
HINSDALE, 60521

Billing Address
CASS, STEPHEN & MARY
911 S VINE ST
HINSDALE IL 60521

ADDRESSES FOR PROPERTIES WITHIN 250 FEET OF 227 and 217 West 55th STREET, HINSDALE

Parcel Number
09-12-320-001

Parcel Address
903 S VINE ST
HINSDALE, 60521

Billing Address
MORENO, JOSE
903 S VINE ST
HINSDALE, 60521

Parcel Number
09-12-319-014

Parcel Address
948 S VINE ST
HINSDALE, 60521

Billing Address
WEEK, MICHAEL & P KOCOUR
948 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-319-013

Parcel Address
940 S VINE ST
HINSDALE, 60521

Billing Address
VAUGHAN, ANN L
940 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-319-012

Parcel Address
932 S VINE ST
HINSDALE, 60521

Billing Address
HELSLEY, ERIC & SUSAN
932 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-319-011

Parcel Address
924 S VINE ST
HINSDALE, 60521

Billing Address
MILES, JOHN F & MARY P
924 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-319-010

Parcel Address
918 S VINE ST
HINSDALE, 60521

Billing Address
BACHMAN, DOUGLAS & MICHELLE
918 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-319-009

Parcel Address
910 S VINE ST
HINSDALE, 60521

Billing Address
BOMBA, BRYAN A & SUSAN L
910 S VINE ST
HINSDALE IL 60521

Parcel Number
09-12-319-008

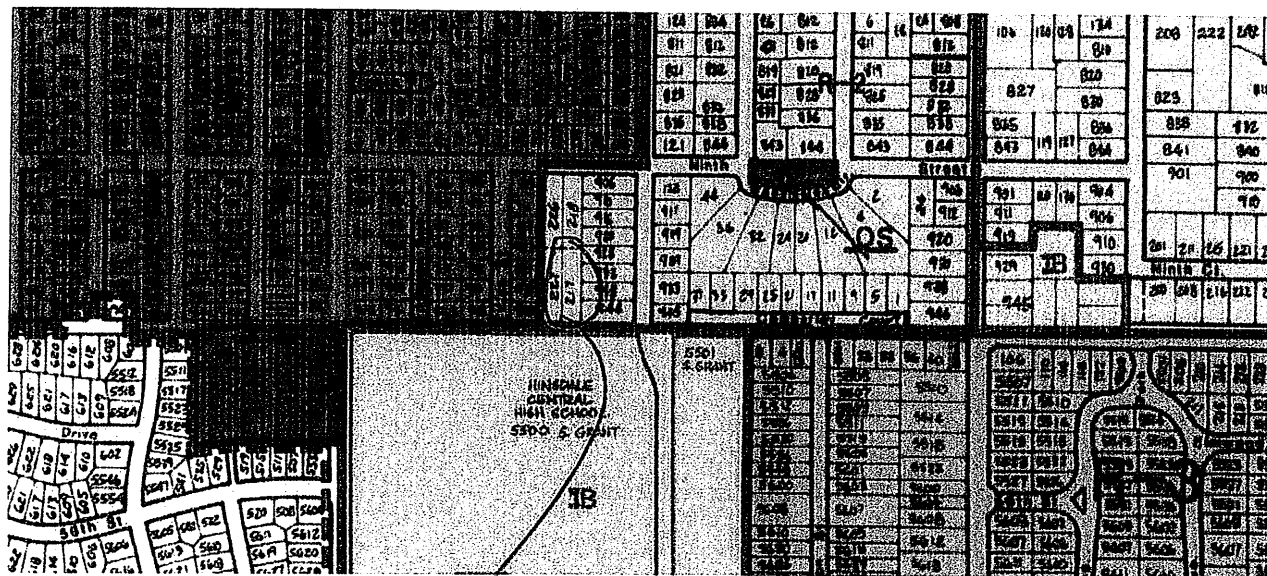
Parcel Address
904 S VINE ST
HINSDALE, 60521

Billing Address
FIASCONE, MATTHEW & K
904 S VINE ST
HINSDALE IL 60521

HINSDALE CENTRAL HIGH SCHOOL
5500 S GRANT ST
HINSDALE IL 60521

Note: Information obtained from www.dupageco.org/PropertyInfo/PropertyLookup.aspx

HINSDALE ZONING MAP



217 W. 55TH ST.
ZONING - R-2

227 W. 55TH ST.
ZONING - R 2

ZONING SOUTH - IB
ZONING - WEST - R 4

SUPPORTING INFORMATION FOR VARIATION REQUEST

217 West 55th Street – Phillips Residence

10) Conformity - The requested variation is for reduction of the side yard setback for the existing home. When constructed the home met the requirements for the side yard setback. This variation is being requested to allow consolidation of two properties 227 West 55th Street and 217 West 55th Street. As shown on the Zoning map provided, the existing zoning is R-2 for each lot. As shown on the surveys included with this application the existing lot width for each lot is currently only 80 feet, substandard to the R-2 minimum lot width of 100 feet. By combining these two lots two substandard lots become one conforming lot. However, when the lots are combined the setback for the existing home is no longer in compliance, therefore resulting in this request for a variation.

11) Zoning Standards - Other than the requested variation for side yard setback on the existing home, all other Zoning Standards can be met. Any future auxiliary structures will meet the setbacks for the combined lot.

12) Successive Application – This is the first time that this request is being made for a variation.

SECTION II

- 1) Title – Evidence of Title for the Subject Property, 217 west 55th Street, for the existing residence has been attached. The adjoining property, 227 West 55th Street was purchased earlier this year. This deed has additionally been attached.
- 2) Ordinance Provision. -The specific provision of the Zoning Ordinance from which a variation is sought is Section 3-110(D)(2)(b)(i).
- 3) Variation Sought. The variation sought is a reduction of the required side yard setback as part of a lot consolidation that will eliminate two non-conforming lots and replace them with one conforming lot.
- 4) Minimum Variation. - The minimum variation sought is a 10.41' reduction to the 17.0' required side yard setback to match the existing 6.59' setback of the existing wing wall.
- 5) Standards for Variation. – The Subject Property was originally constructed in compliance with the Village of Hinsdale Zoning Ordinance approximately 10 years ago. The property would remain in compliance if the two non-conforming lots are not consolidated. The

existing home is still fairly new so demolition of the existing home to achieve the required setback once the lots are consolidated would not be an option in this case.

- 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 home that is fairly new. Rebuilding or relocating the existing home on the Subject Property amounts to more than a mere inconvenience to the owner and arises out of the existing conditions 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 adequate supply of light and air to properties and improvements in the vicinity; or
- (3) Would substantially increase congestion in the public streets due to traffic or parking; or
- (4) Would not Unduly increase the danger of flood; or
- (5) Would not unduly tax public utilities and facilities in the area; or
- (6) Would not endanger the public health and safety.

g. No Other Remedy. There is no means other than the requested variation by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Property. In order to combine the two substandard lots into one lot in conformance with current ordinance and build an accessory building in the future, approval of this Variation is required.