

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-1-2016
LOCATION: 255 38TH AVENUE

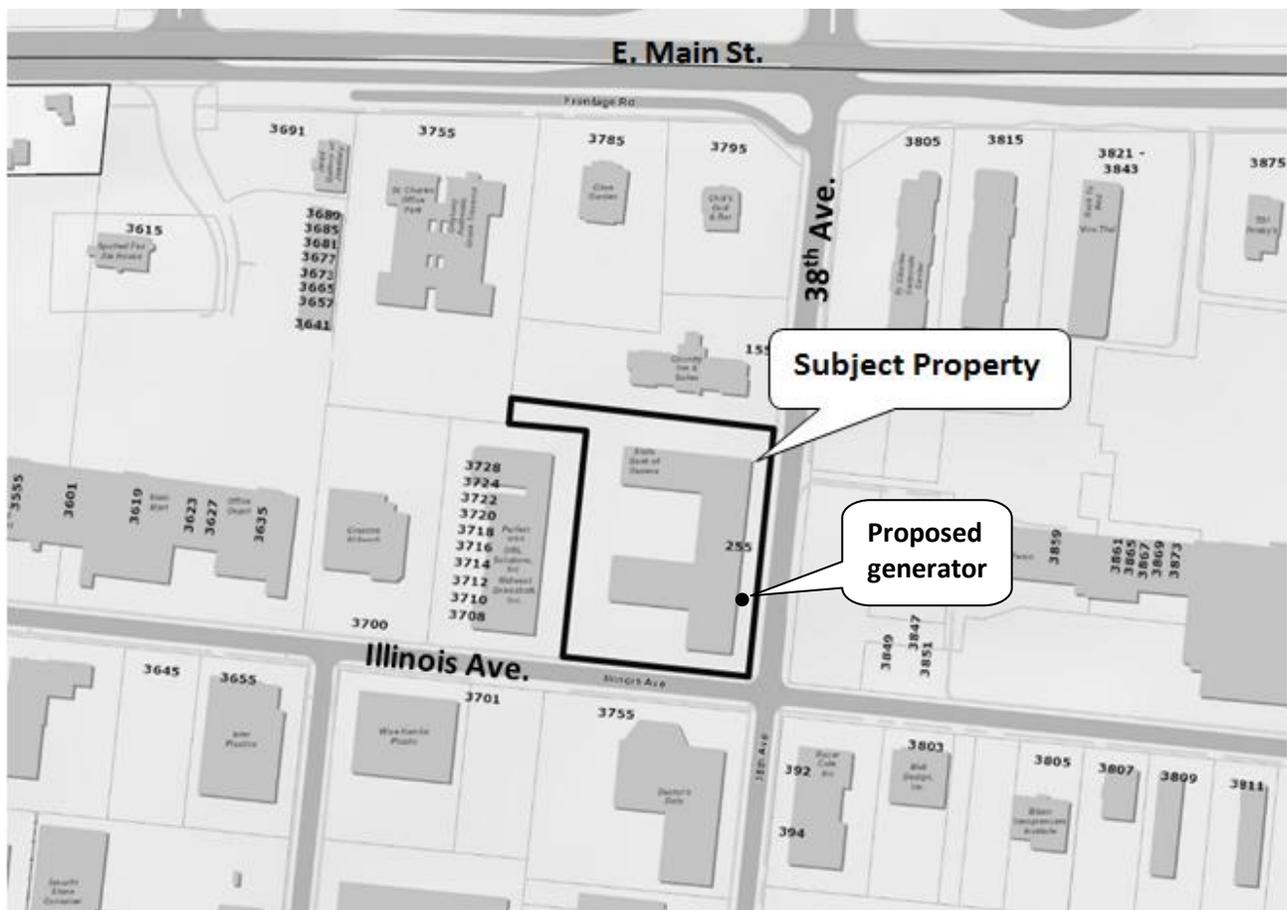
Requested Action: Zoning Variation to reduce the exterior side yard setback requirement for a ground-mounted generator from 40 ft. to 20 ft. 9 in.

Purpose and Scope: The applicant is requesting the Variation in order to permit installation of a diesel generator within the exterior side yard setback along 38th Avenue.

Ground-mounted mechanical equipment may not encroach into the 40 ft. exterior side yard setback. The applicant is requesting the Variation in order to allow the generator to be installed 19 ft. 3 in. into the required exterior side yard.

Existing Land Use: Office

Existing Zoning: M-2 Limited Manufacturing District



Zoning Board of Appeals
CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



FOR OFFICE USE
Received <u>2/4/16</u>
File # <u>V-1-2016</u>
Fee Paid \$ <u>300.00</u>
Receipt _____

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* W. Alex Taipel
Phone 630-232-1774 Email Address wataipel3@gmail.com
Address/City/State/Zip 427 W. State St., Geneva, IL 60134
Applicant's interest in the property Architect
Name and Phone of Owner(s) of Record* St. Charles Enterprise Center, LLC
77 N. First St. Geneva, IL 60134 (630) 232-7883
Applicant is (check one) Attorney Agent Owner Other: _____
Owner acquired the property on (date): July 2001

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 255 38th Avenue, St. Charles, IL
Present Use (commercial, industrial, residential, etc.) various offices
Zoning District M-2 Limited Manufacturing
To your knowledge, have any previous applications for variations been filed in connection with this property? No
If YES, provide relevant information _____

ACTION BY APPLICANT ON PROPERTY:

Permit applied for and denied? (yes or no) No, Building Permit Granted (for interior renovations only)
An Appeal was made with respect to this property? (yes or no) No
Appeal Application File Number _____
Appeal approved? (yes or no) _____
Appeal Application accompanies this request for variation? (yes or no) _____

**In the event that the applicant or owner is a trustee of a land trust or beneficiary of a land trust, a statement identifying each beneficiary by name and address of such land trust and defining his/her interest therein must be attached hereto. Such statement shall be verified by the trustee of such trust.*

REASON FOR REQUEST:

- A. Variation requested (state specific measurements): See Attached
- B. Reason for request: See Attached
- C. Purpose for which property will be used: See Attached

CRITERIA FOR VARIATION:

The Board of Zoning Appeals may approve a Variation only when it makes written findings with respect to each requested Variation, based upon the evidence presented at the public hearing, that strict compliance with the regulations and standards of the Zoning Ordinance would create practical difficulties or particular hardships for the subject property, and the requested Variation is consistent with the stated purposes and intent of the Zoning Ordinance.

In making its determination of whether practical difficulties or particular hardships exist, the Board of Zoning Appeals must take into consideration the extent to which evidence has been submitted substantiating the criteria have been met.

Provide a response under each item to substantiate that the requested variation meets the criteria:

1. Do the particular physical surroundings, shape or topographical condition of the specific property involved result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out? (Explain)
See Attached
2. Are the conditions upon which the petition for a Variation is based applicable, generally, to other property within the same zoning classification? (Explain)
See Attached
3. Is the purpose of the Variation based exclusively upon a desire to make more money out of the property? (Explain)
See Attached

4. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property? (Explain)

See Attached

5. Will the Variation, if granted, alter the essential character of the neighborhood? (Explain)

See Attached

6. Will granting of the Variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (Explain)

See Attached

7. Will the proposed Variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood? (Explain)

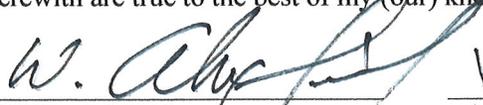
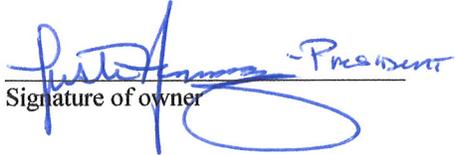
See Attached.

ATTACHMENTS REQUIRED:

- A. **PLAT OF SURVEY:** One (1) copy of a plat of survey (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses.
- B. **MAILING LIST:** A written certified list (form attached) containing the registered owners, their mailing and tax parcel numbers as recorded in the Office of the Recorder of Deeds in the county in which the property is located and as appears from the authentic tax records of such county, of all property within 250 feet in each direction of the location for which the variation is requested, provided all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Registered owner information may be obtained at the St Charles Township Assessor's office, 1725 Dean St., St. Charles, (630) 584-2040. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Ave., Geneva, and (630) 232-5935. The DuPage County Recorder of Deeds is located in the DuPage County Government Center, 421 N. County Farm Rd., Wheaton, and (630) 682-7200.
- C. **FILING FEE:** Filing fee in the amount of **\$300.00** must be rendered at the time the application is submitted. If payment is made by check, it should be made payable to the City of St. Charles. (NOTE: After the public hearing, you will be billed for the City's fees incurred during review of the application, including the cost of the certified mailing, newspaper notice publication, and Court Reporter at the hearing. This payment is in addition to the filing fee.)

- D. LETTER OF AUTHORIZATION: Letter of authorization from the property owner as to the request for the zoning variation must be included, if the applicant is not the property owner.
- E. DISCLOSURE: Disclosure of beneficiaries of a land trust must be included, if the applicant or owner is a land trust.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

 _____ Signature of Applicant or agent	<u>W. Alex Teipel</u> _____ Print name of applicant/agent	<u>02/04/2016</u> _____ Date
 _____ Signature of owner	<u>Justin Hertz</u> _____ Print name of owner	<u>2.4.16</u> _____ Date



ARCHITECTURAL RESOURCES

W. ALEX TEIPEL - ARCHITECT
ROBERT M. AKERS - ARCHITECT

427 W. STATE STREET • GENEVA, ILLINOIS 60134
(630) 232-1774 • FAX (630) 232-1786

February 3, 2016



City of St. Charles
Community Development/ Planning Division
Two East Main Street
St. Charles, Illinois 60174-1984

Re: Enterprise Center
255 38th Avenue

Dear Sir or Madam,

The following is in response to your Application for a Variation.

I have completed the APPLICANT & OWNER and ADDRESS information.

REASON FOR REQUEST

- A. Variation requested: We requesting to place a diesel generator in the 40' yard east of the building next to the existing electric transformer. The generator will be placed west of and out of the 20' utility easement along the east property line, and 20'9" from the property line
- B. Reason for the request: The new tenant for the long vacant space is a Houghton Mifflin Harcourt call center that will operate fifteen hours a day six days a week and the generator is necessary to back-up the electric system and insure the continuous operation of the facility in case of an electric power failure.
- C. Purpose for which the property will be used: The portion of the building to be serviced by the generator is to be a customer call center for the Houghton Mifflin Harcourt company.

CRITERIA FOR VARIATION

1. Reason for the request: The requested location is immediately accessible to the building electric service and is the most practical location for the equipment. Other possible locations, besides being remote from the building electric service, would have similar zoning problems or would cause the loss of at least two parking spaces.
2. Conditions applicable to other properties: It is difficult for me to say that if the variation is granted the conditions upon which the request is based would apply to other properties as I do not know the location of the electric service or what the site conditions might be.
3. Purpose for the request: The purpose of the request for the variation is to place the generator in the most practical location relative to the existing building electric service and electric transformer.

4. Creation of hardship: The present property owner did not build the building and has been presented with the existing conditions that they have to work with.
5. Effect on neighborhood character: The variation will not alter the essential character of the neighborhood. In fact the addition of landscaping grouped around the proposed generator and existing transformer will, in my opinion, will enhance the neighborhood.
6. Determent to public welfare: Granting the variation will not be detrimental to the public welfare or injurious to other properties or neighborhood improvements. As stated above the added landscaping will improve a rather dull east façade.
7. Impair light and ventilation: The proposed variation will not impair adequate light and air to adjacent properties. The intent is to recess the equipment into the slope of the open space east of the building and thus it will not interfere with any sunlight exposure to adjacent properties. Nor will it interfere with the movement of air in the neighborhood. The variation, if granted, will not increase the congestion of the public streets or increase the danger of fire. It will not endanger public safety as it will not impede access of any emergency personnel or vehicles, nor will it impair property values. This is all true especially in light of the added landscaping.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Alex Teipel', written in a cursive style.

W. Alex Teipel
ARCHITECTURAL RESOURCES

2/4/16

To Whom It May Concern,

Alex Teipel is authorized to represent St. Charles Enterprise Center, LLC in applying for a variance permit for the location at 255 South 38th Avenue, St. Charles, Illinois.

Thank you,



Justin Heinz
President
St. Charles Enterprise Center, LLC

SHODEEN

SHODEEN GROUP, LLC
77 N. First Street
Suite 7
Geneva, Illinois 60134

phone 630.444.0777
facsimile 630.232.8695

www.shodeen.com

