

CITY OF ST. CHARLES

ZONING BOARD OF APPEALS
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

RECEIVED
SEP 20 2012

Building & Code Enforcement
St. Charles, IL

FOR OFFICE USE	
Received	<u>9-20-2012</u>
File #	<u>V 3-2012</u>
Fee Paid \$	<u>300.00</u>
Receipt	<u>070411</u>

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* ROBERT MANTHEI Phone (C) 630-254-2833
Address/City/State/Zip 602 FOX GLEN DR ST CHARLES 60174
Applicant's interest in the property OWNER
Name and Phone of Owner(s) of Record* ROBERT & JOPI MANTHEI
(H) 630-377-8276 (C) 630-254-2833
Applicant is (check one) Attorney Agent Owner Other: _____
Owner acquired the property on (date): X APRIL 1, 2005

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 602 FOX GLEN DR ST CHARLES
Present Use (commercial, industrial, residential, etc.) RESIDENTIAL
Zoning District RE-2
To your knowledge, have any previous applications for variations been filed in connection with this property? ~~NO~~ YES
If YES, provide relevant information I SUBMITTED ONE PREVIOUSLY FOR A LANDSCAPE BARRIER FENCE

ACTION BY APPLICANT ON PROPERTY:

Permit applied for and denied? (yes or no) _____
An Appeal was made with respect to this property? (yes or 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) REQUESTING 8' FENCE HEIGHT ON SIDE YARD
124 FT. LONG VS. 6.4" HEIGHT PER CODE
See Attached page 3A
- B. Reason for request SEE ATTACHED
- C. Explanation of purpose for which property will be used RESIDENCE

ACTION BY APPLICANT ON PROPERTY:

- A. What physical characteristics would prevent the property from being used in conformity with the requirements of the zoning ordinance? NONE
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) NO
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) NO
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) NO
- E. Based on your answers to the preceding questions, check the box that you believe most accurately states your position with regard to the property if the property is permitted to be used only under the conditions allowed by regulations in the zoning district. Explain the basis for your answer:
- Cannot yield a reasonable return _____
- Is greatly reduced in value BARRIER (TREE) REMOVED BETWEEN
MIA PROPERTY AND RT 25 EXPANSION
- The owner is deprived of all reasonable use of the property _____

HARMONY WITH GENERAL PURPOSE AND INTENT:

- A. Will the proposed variation alter the essential character of the property? (explain) No

ATTACHMENT

Request a one (1) foot eight (8) inch height variation commencing at the northwest lot corner heading in a southerly direction for a distance of 124 feet for the construction of an eight (8) foot high fence

B. Will the proposed variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (explain)

No

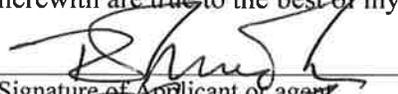
C. Will the proposed variation(s) impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood? (explain)

No

ATTACHMENTS REQUIRED:

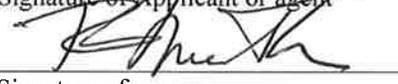
- A. One (1) copy of a plat of survey or plot plan (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses.
- B. A written certified list containing the registered owners, their mailing addresses 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, proved 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. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Avenue, Geneva.
- C. 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.
- D. Reimbursement to the City of miscellaneous fees is as follows: **Review hours by Building and Code Enforcement Division Manager, Publication of legal notice; court reporter and transcript fees; mailing (postage) costs.** The reimbursement of these miscellaneous fees *must be paid prior to issuance of any permit* in connection with the requested action.
- E. Letter of authorization from the property owner as to the request for the zoning variation must be included, if such authorization is applicable.
- F. Disclosure of beneficiaries of a land trust must be included, if applicable.
- G. A variation shall lapse after twelve months from the date of grant thereof unless construction authorized is commenced on a building permit for the use specified by the variation within twelve months, or the use in commenced within such period.

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

ROBERT MANTITELI
Print name of applicant/agent

9-20-12
Date


Signature of owner

ROBERT MANTITELI
Print name of owner

9-20-12
Date

Additional Mailing

Tax Permanent Parcel.	Name of Registered Owner	Mailing Address
09-15-475-001	Manthei, Robert T & Jodi L Revoc Living Tr	602 Fox Glen Drive
09-15-475-002	Vogel, Pamela Ann & Trustee	610 Fox Glen Drive
09-15-476-041	Batza, Stephen M & Debra S	605 Fox Glen Drive
09-15-476-040	Cavitt, Rodney D & Christine	613 Fox Glen Drive
09-15-475-003	Onwuta, Nnameka & Uchenna	618 Fox Glen Drive
09-15-475-004	Ozzello, Karen Trustee	626 Fox Glen Drive
09-15-476-043	City of St. Charles	2 E Main Street
09-15-476-002	Johnson, Matthew & Nicole L	5N257 Rt 25 STC
09-15-476-003	Johnson, Matthew	5N257 Rt 25 STC
09-15-476-039	Des Lauriers, Dennis W & Judith, Trustees	621 Fox Glen Drive
09-15-476-038	Byers, Stephen R & Marsha W	629 Fox Glen Drive
09-15-476-042	City of St. Charles	2 East Main Street
09-15-476-008	Lee, Dennis J	5N202 Glen Sharon Ln
09-15-476-044	St Charles Country Club	1250 Country Club Rd
09-15-403-009	Koran, Patrick M	35W280 Brookwood St
09-15-401-004	Forest Preserve District Of Kane County	1996 S Kirk Road Geneva IL

I. Reason for Request:

To accommodate the widening of Rt. 25 because of the construction of Red Gate Bridge in St Charles, all trees were removed in an area approximately 20 feet east of Rt. 25 and approximately 10 ft. west of my property line my property line at 602 Fox Glen Drive. This removed a landscape barrier between my property and Rt. 25 creating a situation where traffic previously hidden is now completely visible from my back yard area, pool and patio **(Please see Exhibit A)**.

II. Details of city approved fence:

The city of St Charles approved funding for an 8 foot fence to be constructed on 5 home owners properties of Fox Glen Drive which border the east side of the route 25 affected by the widening **(Please see Exhibit B excerpt from govt. services meeting)**. Upon further investigation, it was determined that my portion of the fence could only be constructed a 6 ft. 4 in. height because this area of my property is considered a side yard, since I am on the corner entrance of Rt. 25, actually facing Fox Glen Drive.

My fence line will cover 124 feet of side yard, starting at the NW corner of my property, extending southward to an East West line of site approximately 10- ft. south of the NW corner of my home. No fence is planned between this point and the furthest SE front corner of my property at the entrance to Fox Glen Dr.

In view from my back yard, Rt.25 runs along the west side of my property at a height of 6-11 feet above ground level of my back yard.

Along the proposed fence line, I am submitting for approval of a berm to be constructed below the new fence line at a height of 24 inches at the lowest point, zeroing out at a point approximately 10 ft. south of my rear property line **(Please see Exhibits C & D)**. I am requesting approval for the berm to be built completely be within my west property line to gain fence height against the traffic on Rt. 25. Please note **(Exhibits D & E)** how cars are visible at 6'4" height and how they will not be visible at an 8 foot fence.

My nearest Neighbor within a 250 foot line is to the east of me at 610 Fox Glen Drive (Vic and Pam Vogel). I have spoken to them about the fence and they approve. My back yard looks out over the other 4 property owner's backyards which are wooded on a hillside with little to none visibility of their homes. Across the street from my house (south) there is wooded association property. To the west of my property across Rt. 25 is forest preserve protected property **(Please see exhibit F)**. My final reference document **(Exhibit G)** is from the city code book where it is noted that there can be height exceptions to interior property lines but no reference is made to exterior property lines.

III. Logic behind my request:

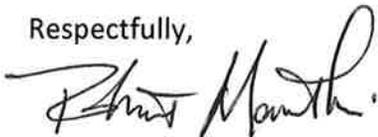
With a pool, 4 children and many friends, my back yard is active every weekend during the summer. Their safety is my first concern. Given that Rt. 25 will now have a stop light just beyond by my property at the Red Gate bridge entrance, I expect traffic to be backed up along my property during peak times. My concern is that with complete visibility into my yard, drivers may be distracted exposing the opportunity for an accident. At a slope of 2.5 to 1, the grade along rt. 25 is steep enough to send a car right into my back/side yard. There are no guardrails along this side of the road. Over the last two years there have been two cases where a car has veered off the road in this area but was stopped by trees bordering my property. One was due to driver negligence and the other icy conditions. This is a safety concern for me and it would present a hardship for me in that I would be out of pocket to make fence repairs.

There is no apparent reason construction wise, why the trees had to be removed along my property. No retaining walls were built or grades changed. Considering that the trees now gone, and being limited to a 6'4' fence even on a reasonable height berm, traffic remains visible from my yard, patio and pool. This condition did not previously exist and one that decreases my property value. If an 8 ft. fence is allowed, it is my opinion that this devaluation will not be an issue.

Concerning Alderman Turner's comments (exhibit B), the installation of the red gate bridge and widening of Rt. 25 has disrupted neighborhoods on both sides of the river. I agree with his viewpoint that the 8 foot fence blends well with the surrounding improvements, however I believe the flow of an 8 foot fence dropping to 6'4' on my property, which is already the lowest point of the properties will not look esthetically pleasing.

Finally, I would like to point out that no other properties will be ill affected with the allowance of an 8 ft. fence. This fence will only cover the back portion of my official "side yard " and will have evergreens planted to blend in with the current evergreens on the side of my yard leading up to the entrance of Fox Glen Drive. The property to the west of my fence and Rt. 25 is zoned as forest reserve property which to my understanding, can never be built on. I respectfully ask that the board consider my request for a variance on this and I can assure you the landscape will be maintained and blend well along the area of the fence and area leading up to the Fox Glen Entrance.

Respectfully,



Robert Manthei

Exhibit A

View with tree block



View after trees were removed



Exhibit B – City Approval for 8 ft. Fence on mine and 4 other properties.

Government Services Committee July 23, 2012 Page 6

Mr. Koenen: You had not heard about this before tonight, so the question is if you want to entertain it. If the answer is yes, the next question would be what style fence or how much you would like to commit to the project? If the answer is no, that's a different alternative.

Aldr. Turner: I would say this is a good idea, especially if it's going to roll in with the Red Gate Bridge funds. This is a major project and it has disturbed neighborhoods both on the east and the west side. I definitely want to move forward on this. Regarding the cost, I think in the long run I would rather go to no maintenance vs. having maintenance issues. We are spending a lot of money on how this bridge looks and fits in with the community, I think it's important that the any additions match the bridge so I would go with the SimTek in my opinion.

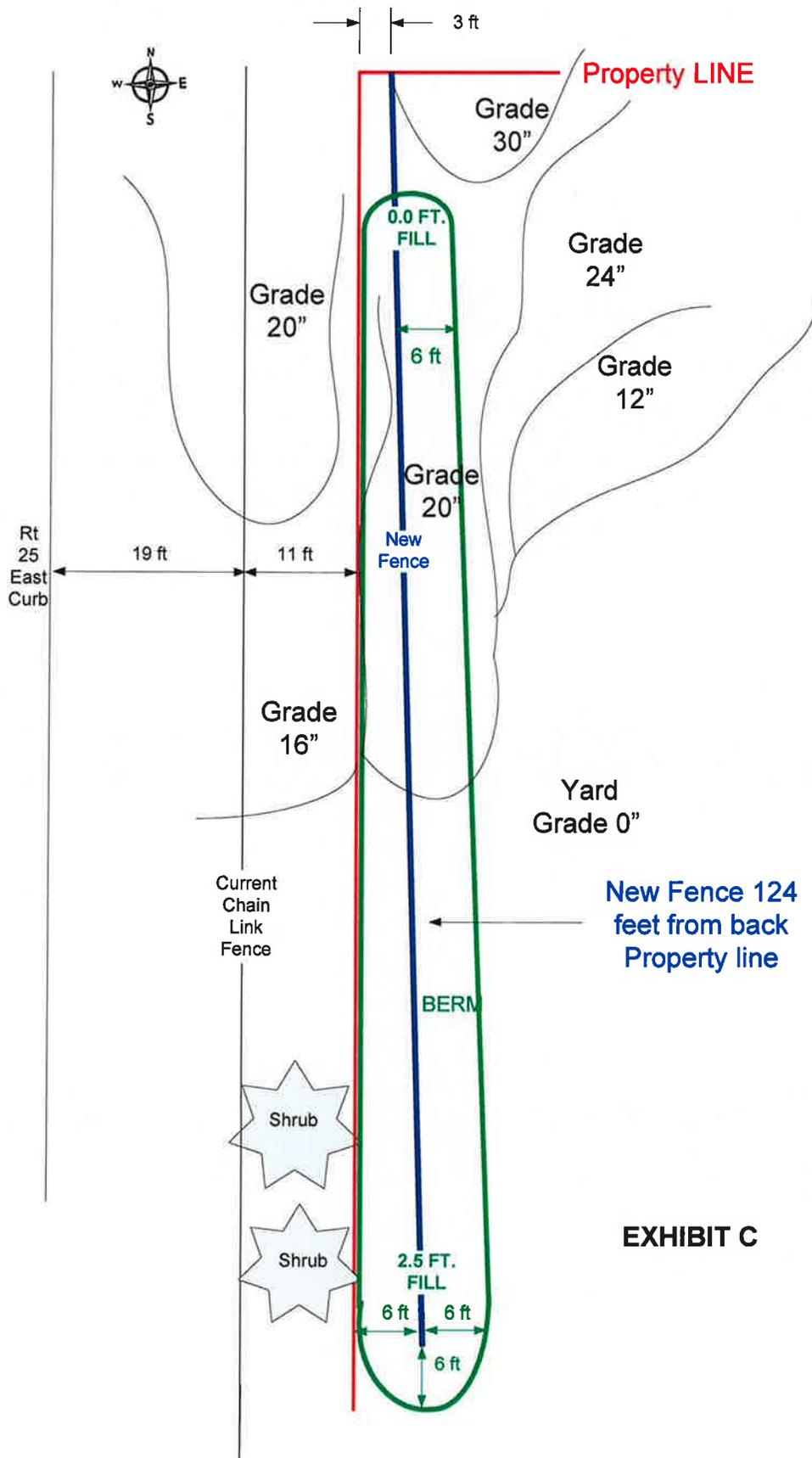


EXHIBIT C

Exhibit D

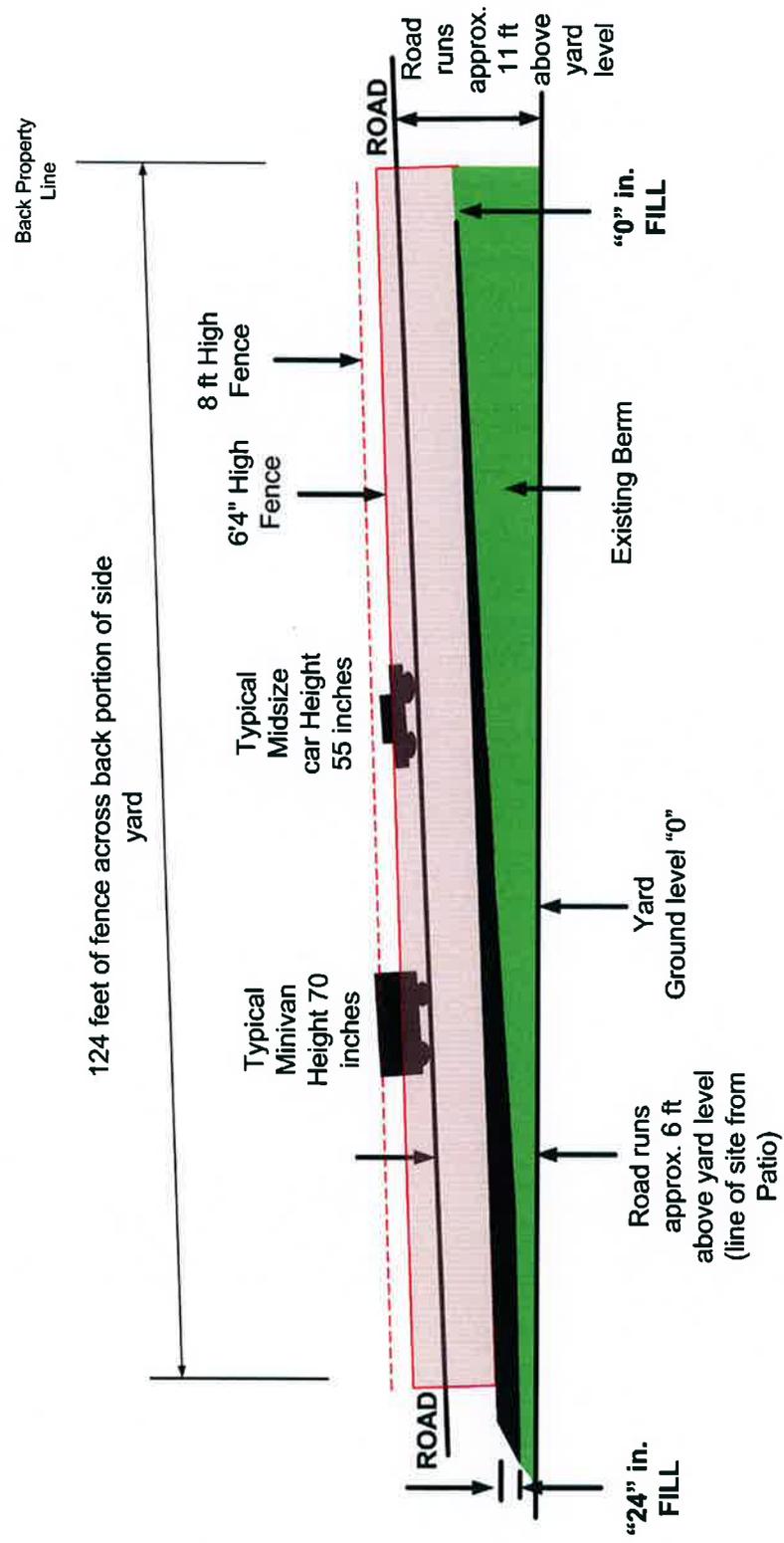


Exhibit E – close up view of situation



Exhibit G - City Code regarding Interior side yard fence height

R. Residential District B&O: Business/Office District CBD: Downtown District

**TABLE 17.22-4
MAXIMUM ALLOWABLE FENCE HEIGHT BY ZONING DISTRICT**

Fence Location	RE, RL, RT and RR Districts	OL, OL, OR, and OR Districts	COB-1 and COB-2 Districts	B-1, B-2 and PL Districts
In Required Front Yard	3 feet, 6 inches	6 feet, 4 inches	4 feet	4 feet
In Required Rear Yard	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
In Required Exterior Side Yard and Required Rear Yard of Through Lot	3 feet, 6 inches	6 feet, 4 inches	4 feet	4 feet
In Required Interior Side Yard	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
In Buildable Area of Lot	8 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet

All Fences are subject to the eight triangle requirements of Section 17.22.010 (C).

Fences on lots in residential districts abutting a nonresidential use or vacant property zoned for nonresidential use Interior side and rear yards only: (8) feet; may be higher than 8 feet where required by topographic conditions to provide screening between a 6 ft. high person standing in the first floor of the residence and a 6 ft. high person standing in the parking area of the nonresidential use, but in no case more than ten (10) feet

**TABLE 17.22-2
FENCE HEIGHT EXEMPTIONS**

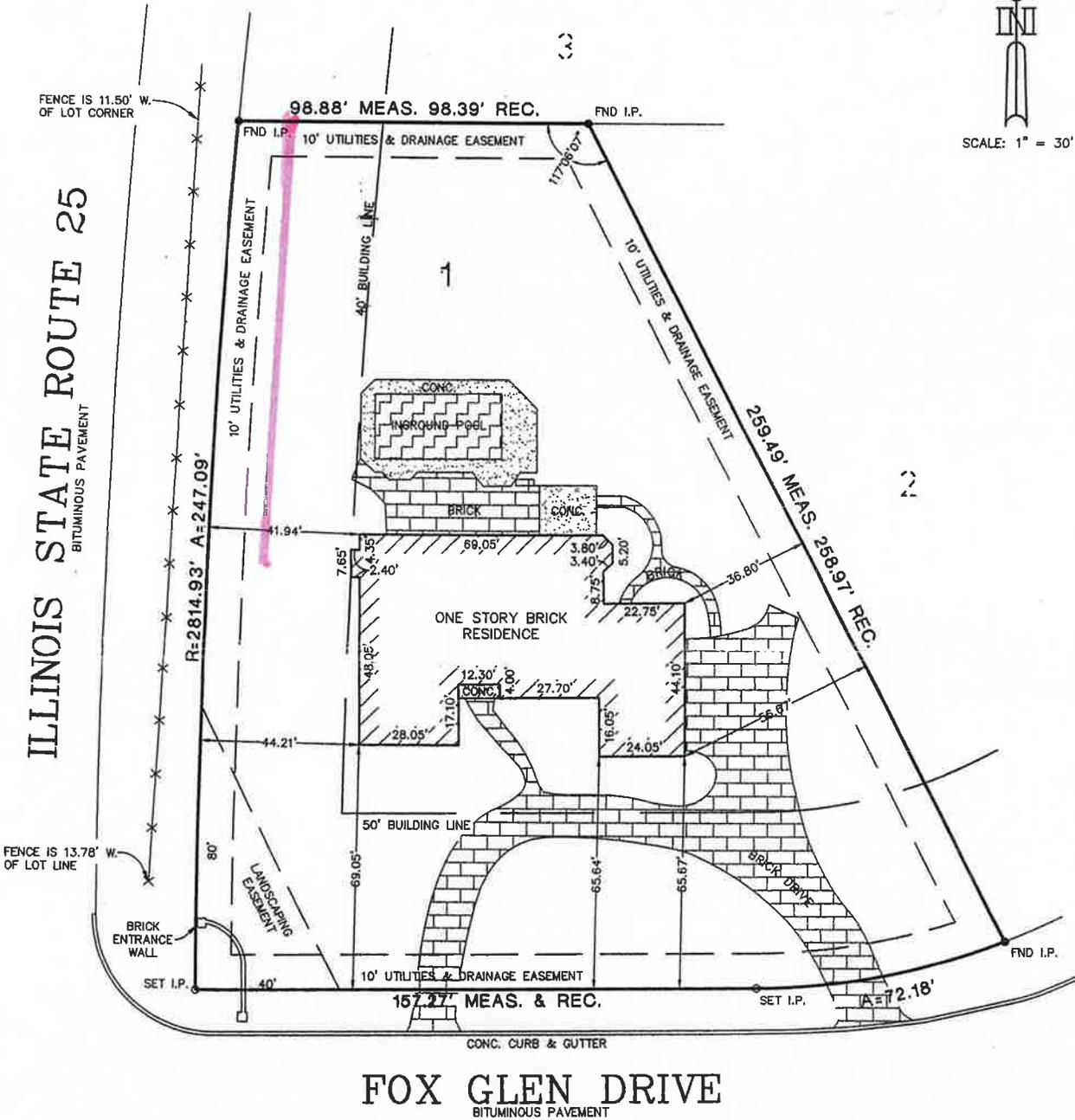
Exemption	Maximum Allowable Fence Heights	Where Exemption Applies
Fences within 40 feet of the right of way of major arterials.	4 feet or less (except where the provisions of this Title are more restrictive)	Any lot abutting Main Street (Rt. 66), Rowland Road and Kirk Road
Fences in outdoor side yards and in the rear yard of through lots where the fence is set back from the right of way line a minimum of 5 feet and the area between the fence and the right of way line is landscaped with at minimum one shrub for every 5 feet of fence length. The landscaping design may be flexible in its arrangement by growing plant materials and providing open areas around gates or other fence openings.	6 feet 4 inches	Residential Districts
Fences on lots in residential districts abutting a nonresidential use or vacant property zoned for nonresidential use	Interior side and rear yards only: (8) feet; may be higher than 8 feet where required by topographic conditions to provide screening between a 6 ft. high person standing in the first floor of the residence and a 6 ft. high person standing in the parking area of the nonresidential use, but in no case more than ten (10) feet	Residential Districts
For tennis courts: shall be excluded and less than 5 feet from a lot line and the finished side of the fence shall face outward or away from the tennis court; the fence is enclosed	10 feet in all yards; tennis courts only	All Districts
Swimming Pools	In accordance with St. Charles Municipal Code requirements as set forth in Title 15	All Districts
Public or private utility facility (for security or screening purposes)	15 feet in all yards	All Districts
Public or private school, public park level, other publicly owned land, or golf course/riding range	15 feet in any yard; 25 feet for backdrops located on ball fields	All Districts

PLAT OF SURVEY

OF
LOT 1 IN WOODS OF FOX GLEN UNIT NO. ONE, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.



SCALE: 1" = 30'



FOX GLEN DRIVE

BITUMINOUS PAVEMENT

State of Illinois)
) S. S.
County of Kane)

I, Frank J. McDaniel, an Illinois Professional Land Surveyor, No. 3256, do hereby certify that the Plat shown hereon is a correct representation of a survey performed at and under my direction. This professional service conforms to the current Illinois minimum standards for a boundary survey.

All dimensions shown in feet and decimal parts thereof.

Given under my hand and seal in St. Charles, Illinois, this 1st day of April, A.D. 2005.

Frank J. McDaniel
Frank J. McDaniel, P.L.S. #3256

License Renewal/Date of Expiration = 11/30/2006

Prepared for: Law Offices of James F. Cooke, Ltd.

Job No. 05-5645

Address: 602 Fox Glen Drive, St. Charles

COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCES AT ONCE.

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FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN HEREON, REFER TO YOUR ABSTRACT, DEED, GUARANTEE POLICY, AND LOCAL ORDINANCES

- IRON PIPE SET
- IRON PIPE FOUND

FJM LAND SURVEYING

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