

Minutes
St. Charles Zoning Board of Appeals
October 25, 2012
7:00pm in City Council Chambers

Present: Elmer Rullman III, Chairman
Nabi Fakroddin, Secretary
Scott Buening
Dominica Piga
Charles Simpson
Betty Weisman

Absent: James Holderfield

Also Present: Bob Vann, Building & Code Enforcement Division Manager
Debbie Graffagna, Recording Secretary
Sonntag Court Report

1. Call meeting to order.

Chairman Rullman called the meeting to order at 7:00pm.

2) Announcement of new member Mr. Scott Buening.

Chairman Rullman announced that Mr. Scott Buening was appointed to fill the vacant position on the Zoning Board. Everyone welcomed Scott.

3) Presentation of the minutes from the meeting held on March 22, 2012.

Chairman Rullman asked if there were any correction or additions for the minutes.

A motion was made by Mr. Fakroddin and seconded by Mr. Simpson to accept the minutes as presented.

Roll was called with a unanimous voice vote to approve the motion.

4) Roll call:

Secretary Fakroddin called roll with six-6 members present and one-1 member absent.

5) Variation application V-3-2012, for the property located at 602 Fox Glen Drive. Mr. Manthei, the owner and petitioner of the property was present.

Exhibits for this application include:

- Exhibit A – Variation application V-3-2012
- Exhibit B – Four pictures of the property at 602 Fox Glen Drive, submitted by Mr. Manthei.

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Secretary Fakroddin read into the record the following:

- Variation application V-3-2012, Exhibit A.
- Variation request was published in the Kane County Chronicle on October 8, 2012.

Chairman Rullman swore in the following:

- Mr. Robert Manthei, 602 Fox Glen Drive, St. Charles, IL
- Anthony Money, 637 Fox Glen Drive, St. Charles, IL
- Bob Vann, Building & Code Enforcement Division Manager
- Debbie Graffagna, Senior Administrative Assistant

Chairman Rullman asked the petitioner, Mr. Manthei if he had additional information to present to the Board members. Mr. Manthei addressed to the Board their need for the height variation for the fence. Mr. Manthei submitted Exhibit B, four-4 pictures that demonstrated the view issues. Mr. Money, President of the Home Owners Association addressed to the Board that the fence was needed to block view of the road. Building Official Bob Vann explained to the Board that the State of Illinois removed the trees and they will not be replaced.

Discussion pursued between the applicant, board members, and city staff. To read further on the discussion during this hearing, please refer to the attached transcript for application V-3-2012 for the property located at 602 Fox Glen Drive in the City of St. Charles. The original transcript for this hearing is available in the Building and Code Enforcement Division Office.

Chairman Rullman asked if there were any objectors, there were none. With no objectors, a motion was requested.

A motion was made by Ms. Piga and seconded by Secretary Fakroddin, amended by Ms. Weisman and seconded by Chairman Rullman, as follows:

WHEREAS, it is the responsibility of the St. Charles Board of Zoning Appeals to review all applications for variations; and

WHEREAS, the St. Charles Zoning Board of Appeals has reviewed File V-3-2012, dated September 20, 2012 and received September 20, 2012 from Mr. Robert Manthei for the property located at 602 Fox Glen Drive in the City of St. Charles for 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; and

WHEREAS, the proposed variation will not alter the essential character of the property;
and

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WHEREAS, the proposed variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

WHEREAS, the proposed variation will not 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; and

WHEREAS, the request for this variation is necessitated; and

WHEREAS, the barrier trees have been removed between the property and Route 25 due to expansion of the roadway; and

WHEREAS, as the physical position of the property is unique and is creating another challenge for the homeowners in which the fence would solve;

NOW THEREFORE, the St. Charles Board of Zoning Appeals grants the variation requested, with the stipulation that, as specified in section 17.42.040 C of the Municipal Code of the City of St. Charles, this “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 month, or the use is commenced within such period.”

Chairman Rullman asked if there was any additional discussion, there was none.

Roll Call:

Ayes: Buening, Fakroddin, Piga, Rullman, Simpson, and Weisman

Nays: None

Motion carries – variation is granted as requested.

6) Additional items from Board members, staff, or citizens.

Chairman Rullman asked if there was additional business to discuss, there was none.

7) Adjournment of meeting.

With no further business to discuss, Chairman Rullman adjourned the meeting at 7:28pm.

Respectfully submitted,
Nabi Fakroddin, Secretary
St. Charles Zoning Board of Appeals

/dlg

S61959

STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

BEFORE THE ST. CHARLES ZONING BOARD OF APPEALS

In the Matter of:)
)
Variation Application) No. V-3-2012
Filed by Robert Manthei,)
the Owner of the Property)
Located at 602 Fox Glen)
Drive in the City of)
St. Charles.)

REPORT OF PROCEEDINGS had at the hearing of the above-entitled matter before the St. Charles Zoning Board of Appeals, taken in the offices of the City of St. Charles, 2 East Main Street, St. Charles Illinois, on October 25, 2012, at the hour of 7:00 p.m.

PRESENT:
MR. ELMER RULLMAN, III, Chairman;
MR. NABI FAKRODDIN, Secretary;
MR. SCOTT BUENING, Member;
MS. DOMENICA PIGA, Member;
MR. CHARLES SIMPSON, Member; and
MS. ELIZABETH WEISMAN, Member.
ALSO PRESENT:
MR. BOB VANN, Building & Zoning Commissioner; and
MS. DEBBIE GRAFFAGNA, Recording Secretary.

CERTIFIED ORIGINAL

CHAIRMAN RULLMAN: Let me call the meeting of the St. Charles Board of Appeals to order at seven o'clock according to the clock on the wall.

And I'd like to announce we have a new member, Scott Buening, joining us for this meeting.

Mr. Secretary, please call the roll.

SECRETARY FAKRODDIN: Mr. Buening.

MEMBER BUENING: Here.

SECRETARY FAKRODDIN: Nabi Fakroddin, here.

Mr. Holderfield.

CHAIRMAN RULLMAN: Absent.

SECRETARY FAKRODDIN: Ms. Piga.

MEMBER PIGA: Here.

SECRETARY FAKRODDIN: Mr. Rullman.

CHAIRMAN RULLMAN: Here.

SECRETARY FAKRODDIN: Mr. Simpson.

MEMBER SIMPSON: Here.

SECRETARY FAKRODDIN: Ms. Weisman.

MEMBER WEISMAN: Here.

SECRETARY FAKRODDIN: There's six

present.

CHAIRMAN RULLMAN: Six present and one absent. The presentation of minutes from March 22nd, everyone has a copy, I believe.

Are there any corrections or additions to those minutes?

(No response.)

CHAIRMAN RULLMAN: If none, I'll accept a motion for approval.

SECRETARY FAKRODDIN: Approve.

MEMBER SIMPSON: Second.

CHAIRMAN RULLMAN: It's been moved and seconded. This will be accepted as presented.

All in favor?

(The ayes were thereupon heard.)

CHAIRMAN RULLMAN: Any opposed?

(No response.)

CHAIRMAN RULLMAN: Mr. Secretary, we have a variation application from Robert Manthei. And is the Applicant present?

SECRETARY FAKRODDIN: Yes.

CHAIRMAN RULLMAN: Mr. Secretary, please read in the application for variation.

SECRETARY FAKRODDIN: Application for

1 variation, File No. V-3-2012, was received on
2 September 20th, 2012, in the office the
3 St. Charles Building and Zoning Department. The
4 Applicant, Robert Manthei, has listed his home
5 address as 602 Fox Glen Drive, St. Charles,
6 Illinois, 60174.

7 The Applicant, Robert Manthei, has listed
8 Robert and Jodi Manthei to be the owners of
9 record. The owners acquired the property
10 commonly known as 602 Fox Glen Drive,
11 St. Charles, Illinois, on April 1, 2005.

12 The application is signed by Robert Manthei
13 and is dated September 20th, 2012.

14 The survey of the property as submitted
15 indicates the date of the drawing to be April 1,
16 2005. It is signed by an Illinois licensed
17 professional land surveyor so named Frank J.
18 McDaniel with registration No. 3256.

19 Evidence of publication of legal notice is
20 submitted. It was published in the Kane County
21 Chronicle on October 5th, 2012.

22 The Applicant is requesting a
23 1-foot-8-inches height variation commencing at
24 the northwest corner of the lot heading in a

1 me come in this evening to speak my piece here
2 and make my request. I believe everyone has seen
3 the property, and so you know what we're dealing
4 with, so I don't have to explain what's going on
5 that much.

6 My property sits approximately 6 to 11 feet
7 below Route 25, and I have a short landscape
8 fence of about 6 feet high. It doesn't cover my
9 whole entire area in the back side yard, but it
10 helped to block out some of 25.

11 When they widened the road for Red Gate
12 Ridge, they took down all the trees that existed
13 between 25 and my property in an area of about
14 20 feet through there. Now I can see over the
15 fence and complete visibility with 25 and what's
16 going on, so the actual block is now gone.

17 The City approved a fence -- an 8-foot
18 fence to go along six homeowners' properties
19 along this area going north of Fox Glen and
20 Route 25. Five of those homes have the fence put
21 in already.

22 Mine is not and that's why I'm here
23 tonight. Their properties all have rear property
24 adjoining 25 which allows them an 8-foot fence,

1 southerly direction for a distance of 124 feet
2 for the construction of an
3 8-foot-high fence.

4 CHAIRMAN RULLMAN: That will be
5 marked as Exhibit A.

6 (The document was thereupon
7 marked Exhibit A
8 for identification as of
9 October 25, 2012.)

10 CHAIRMAN RULLMAN: Will anyone who
11 wishes to give testimony on this hearing please
12 rise, raise your right hand.

13 (The witnesses were thereupon
14 duly sworn.)

15 CHAIRMAN RULLMAN: Please give your
16 name and address to the Reporter.

17 MR. MANTHEI: It's Robert Manthei,
18 M-a-n-t-h-e-i, 602 Fox Glen Drive, St. Charles,
19 Illinois.

20 CHAIRMAN RULLMAN: Let the record
21 show that the Building Commissioner and Secretary
22 have also been sworn in.

23 The floor is yours.

24 MR. MANTHEI: Thank you for letting

1 and mine is considered a side property.

2 So that's why I'm here asking for an 8-foot
3 fence. There's a -- with the stoplight going in
4 up at Red Gate Ridge, I'm concerned that traffic
5 is going to back up along that road coming down
6 along my house. I'm not that far from the top of
7 the hill.

8 At busy times of year -- you know, I've got
9 a swimming pool. I've got children in the
10 backyard. It's going to be completely visible.
11 It has been all summer this year and cars driving
12 by and honking, what have you.

13 One of my concerns is that it's a safety
14 issue, people gawking, looking down the fence
15 versus a block. I don't need anybody having
16 accidents out there.

17 You know, I've had two cars go down in the
18 ditch in the last year, one for negligence and
19 the other one was just icy conditions. But it's
20 a fairly steep drop-off going down there.

21 If it comes into my yard and hits the
22 fence, I'm going to have to do repairs on that.
23 It just seems like to me if it was blocked off
24 more everybody is safe.

1 The fencing is a very nice fence that they
 2 approved, and it's a panel fence that's kind of
 3 got a lower 4-foot panel and a top panel. One of
 4 the things I wanted to bring up is aesthetically
 5 I don't think it's going to look as pleasing
 6 going from the 8-foot down to the 6-foot-4 fence,
 7 especially down my property that's the lowest
 8 point of all these properties.

9 Everyone else sits up on the hill looking
 10 down 25. I'm down below, so, you know, it really
 11 does nothing more than what I have right now.

12 Alderman Turner's comments -- when we went
 13 to our meeting there, his comment was that, you
 14 know, he approved the fence and thought it was a
 15 good idea. It's kind of a main artery into
 16 St. Charles. We want it to look nice. I think
 17 once you disturb the flow of the fence, it's not
 18 going to look as nice.

19 The bottom line is that it has reduced my
 20 property value, I believe, and, you know, I had a
 21 whole block of trees taken away there for no real
 22 apparent reason. They widened the road a little
 23 bit there.

24 It might have increased elevation a

1 is take property that's like this and even it out
 2 a little bit more so that I can gain a little bit
 3 of height. The fence will look a little bit
 4 nicer as far as being straight across there.

5 The only other thing that I wanted to bring
 6 up was that I don't believe that I'm causing any
 7 inconvenience or frustration for any neighbors.

8 There's no one behind me. There's no one
 9 to the west of me. Route 25 -- and I believe
 10 there's forest preserve on the other side.

11 My request is to ask you to approve an
 12 8-foot fence in this area. I have brought some
 13 additional pictures because I didn't know at the
 14 time that you all would go out and see the site.

15 You know, I could pass those around if
 16 you're interested or if you have any questions.

17 CHAIRMAN RULLMAN: If you submit
 18 those, we have to put them in the record, so it's
 19 up to you.

20 MR. MANTHEI: That's fine. I mean,
 21 they can stay here.

22 There's one in particular picture -- here
 23 is when I was out there. I had a semi coming.
 24 All I wanted to note on here is that in this back

1 little bit. I'm not sure. But they didn't have
 2 to cut away any hillside. They didn't have to
 3 put in any retaining walls. I'm a little
 4 confused on why it had to take place, but I'd be
 5 happy if I could get an 8-foot fence across
 6 there.

7 It's not stretching the whole length of the
 8 yard. It starts in my back corner of my
 9 property -- my northwest property. If you're
 10 considering all that a side yard on my house,
 11 it's just covering the back portion of my side
 12 yard.

13 From there on out, I'm planting pine trees.
 14 I've got evergreens. That ties into the natural
 15 entrance of Fox Glen.

16 If the fence is approved for me, I plan on
 17 continuing those that block, so it just kind of
 18 blends in with the fence.

19 Excuse me. I just have to check my notes.

20 I am putting in a berm because of the slope
 21 of the property. The City has approved a berm.
 22 I have put in plans for that.

23 It will be 24 inches high at the lowest
 24 part of my property, and what it basically does

1 picture you can see the new fence that's coming
 2 in. This is where my landscape fence is here.

3 You can kind of tell the difference of how
 4 much it's going to block out in that picture.
 5 The second one is a picture of the new fence
 6 coming down and then where it will begin through
 7 my property.

8 If you've been out to the site, you'll see
 9 the fence itself, the new fence. It's just kind
 10 of a picture of what I look at every day. I'll
 11 be happy to submit these.

12 CHAIRMAN RULLMAN: They will be
 13 marked, those four pictures.

14 SECRETARY FAKRODDIN: Four pictures.
 15 Okay.

16 MR. MANTHEI: Are there any
 17 questions?

18 CHAIRMAN RULLMAN: Any questions the
 19 Board has?

20 SECRETARY FAKRODDIN: The fence
 21 that you have at the present time, that's
 22 6-foot-4 inches high?

23 MR. MANTHEI: Right.

24 SECRETARY FAKRODDIN: Is it 124 feet

1 long?

2 MR. MANTHEI: No, it's not. It's --
3 I would guess it's 50, 60 feet long. All I did
4 was just put that on a higher section. We don't
5 allow fences in Fox Glen, either, but they accept
6 it as a landscape block so that's what we
7 call it.

8 It's a cedar fence which has got
9 two sections knocked down from the last storm.
10 And the rest of it, once I get the new fence, I'm
11 taking that down.

12 SECRETARY FAKRODDIN: Is that fence
13 going to be erected at the same elevation,
14 or is it going to be on the top of the berm?

15 MR. MANTHEI: The fence that's going
16 in behind that existing one in the area where the
17 existing fence is, the land may be up about
18 8 inches or so back in there. It kind of
19 drops off.

20 I've kind of made it level with the land
21 that's underneath the current fence and just
22 brought it straight over it. When it slopes
23 down, that's why I bermed it up.

24 SECRETARY FAKRODDIN: There is one

1 talking about there was an IDOT 50-foot from the
2 center of the roadway. There was a metal fence
3 that was there in existence just to mark their
4 50-foot easement.

5 When we talked to the City, we got approval
6 to remove the fence, but when we got to Bob's
7 house -- because he wanted the fence to block the
8 light and the traffic, he didn't want the big
9 fence to go right along the end of his property.
10 There is still a metal fence there.

11 When I met with the City inspector on
12 Monday this week, what we agreed would be best to
13 make the City requirements would be that we would
14 leave the existing metal fence to go past -- if
15 this is Bob's fence coming down to the back of
16 the property, this metal fence would come up and
17 we'd leave a gap.

18 So if there was any deer or so game or --
19 so anything there wouldn't be a trap. They could
20 get in and out without dashing across 25.

21 What we agreed with the inspector is in
22 Bob's property, that metal fence -- because of
23 crashes and whatever, two sections of the
24 existing metal fence are torn down. So what the

1 existing fence in the State right-of-way?

2 MR. MANTHEI: Right.

3 SECRETARY FAKRODDIN: Is that
4 going to remain, or is it going to be pulled
5 down?

6 MR. MANTHEI: They got approval, the
7 neighborhood. I could ask Tony to speak.

8 MR. MONEY: Am I allowed to?

9 CHAIRMAN RULLMAN: Not unless you're
10 sworn in.

11 MR. MONEY: I can swear in.

12 CHAIRMAN RULLMAN: Raise your right
13 hand.

14 (The witness was thereupon duly
15 sworn.)

16 CHAIRMAN RULLMAN: Please give your
17 name and address to the Reporter.

18 MR. MONEY: My name is Anthony Money,
19 M-o-n-e-y. That's 637 Fox Glen Drive,
20 St. Charles, Illinois, 60174. And I am chairman
21 of the design review committee of the Woods of
22 Fox Glen Homeowners Association.

23 If I could speak about the existing fence,
24 there was -- right at four of those houses we're

1 City inspector said we could do was replace some
2 of the good ones that we haven't taken down yet
3 so that it's a complete fence that then just
4 overlaps slightly with Bob's fence.

5 There will be a gap of maybe 15 feet,
6 enough to let game travel through without getting
7 them boxed in.

8 Does that answer your question?

9 SECRETARY FAKRODDIN: Yeah.

10 MR. MONEY: Thank you.

11 SECRETARY FAKRODDIN: Thank you.

12 CHAIRMAN RULLMAN: Any other
13 questions?

14 MEMBER SIMPSON: Help me understand
15 the berm. So it says here you're submitting for
16 approval for a berm. Has that been approved?

17 MR. MANTHEI: Yes. That will not be
18 built -- that's strictly on my property line.

19 MEMBER SIMPSON: So you're building
20 that, and you're paying for that?

21 MR. MANTHEI: Right. So where my
22 property line comes down coming into my yard by
23 about 6 foot is where I'm building the berm.
24 With the previous fences that we mentioned, that

1 a 6-foot-4 fence?
2 MR. VANN: There is a set amount,
3 dollar amount, that City Council approved. So, I
4 mean, if it goes over or if it goes under -- if
5 it goes under, they pay that amount. If it goes
6 over, they have the homeowners make up that
7 difference.

8 MEMBER BUENING: Thank you.

9 MEMBER PIGA: I have one other
10 question. You're asking -- when I was out there,
11 I saw -- you said it was probably about 60 feet,
12 the fence that you currently have, and that
13 you're asking for it to be 124 feet.

14 MR. MANTHEI: Right.

15 MEMBER PIGA: You also have that
16 entryway. When you come into the property,
17 there's all of the entryway, the really beautiful
18 whole gated type of community type of setting and
19 it's really beautiful.

20 Will the 124 feet -- how close does that
21 get to that part of the entryway?

22 MR. MANTHEI: It's going to go about
23 10 or 12 feet past the northwest rear corner of
24 my house. So if you were walking down the side

1 of the house and here is the corner of the house,
2 the fence is going to come past that about
3 12 feet.

4 So it's -- most all of that whole side yard
5 is still all open but those trees -- I've been
6 planting other trees in there to create a
7 landscape block, and now with the 8-foot fence
8 coming in, two of those trees will actually be on
9 the back side of the fence. I plan on putting
10 some more on the front of it so it just kind of
11 blends in.

12 MEMBER PIGA: I'm good.

13 CHAIRMAN RULLMAN: Any other
14 questions?

15 (No response.)

16 CHAIRMAN RULLMAN: Are there any
17 objectors present?

18 (No response.)

19 CHAIRMAN RULLMAN: Let the record
20 show there are no objectors present.

21 All right. If there are no other
22 questions, we'll consider a motion.

23 MR. MANTHEI: Okay. Thank you.

24 MEMBER PIGA: I am going to motion

1 that we approve.

2 Whereas, it is the -- so, whereas, it is
3 the responsibility of the St. Charles Board of
4 Zoning Appeals to review applicants [sic] for
5 variation;

6 And, whereas, the St. Charles Board of
7 Zoning Appeals has reviewed file V-3-2012 dated
8 9/20/2012 and received 9/20/2012 from Robert
9 Manthei for the property located at 602 Fox Glen
10 Drive in the city of St. Charles for an 8 foot in
11 height variation commencing at the northwest
12 corner -- I'm sorry -- 1 foot 8 inches in height
13 variation commencing at the northwest corner of
14 the lot heading in a southerly direction for a
15 distance of 124 for the construction of an
16 8-foot-high fence;

17 Whereas, the proposed variation will not
18 alter the essential character of the property;

19 And, whereas, the proposed variation will
20 not be detrimental to the public welfare
21 or injurious to other property or improvements in
22 the neighborhood in which the property is
23 located;

24 And, whereas, the proposed variation will

1 not impair an adequate supply of light and air to
2 adjacent properties or so substantially increase
3 the danger of fire or otherwise endanger the
4 public safety or substantially diminish or impair
5 property values within the neighborhood;

6 And, whereas, the request for this
7 variation is necessitated;

8 And, whereas, the barrier trees have been
9 removed between the property and Route 25 due to
10 expansion of the roadway.

11 Now, therefore, the St. Charles Board of
12 Zoning Appeals grants the variation requested
13 with the stipulation that as specified in
14 Section 17.42.040.C of the Municipal Code of the
15 City of St. Charles, this variation shall lapse
16 after 12 months from the date of grant thereof
17 unless construction authorized is commenced on
18 the building permit for the use specified by the
19 variation within the 12 months or the use is
20 commenced within such a period.

21 CHAIRMAN RULLMAN: Will you accept
22 one amendment and change? We don't review the
23 applicants. We review the applications, if you
24 will accept that.

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF K A N E)
4

5
6 I, Lisa A. Larsen, Certified Shorthand
7 Reporter No. 084-004299, CSR, RPR, and a Notary
8 Public in and for the County of Kane, State of
9 Illinois, do hereby certify that I reported
10 in shorthand the proceedings had in the
11 above-entitled matter and that the foregoing is
12 a true, correct, and complete transcript of my
13 shorthand notes so taken as aforesaid.

14 IN TESTIMONY WHEREOF I have hereunto set my
15 hand and affixed my Notarial Seal this 12th day
16 of November, A.D. 2012.

17 

18
19 Certified Shorthand Reporter
20 Registered Diplomat Reporter
21 Certified Realtime Reporter
22 Fellow of the Academy of
23 Professional Reporters

24 My commission expires
May 25, 2014

