

Minutes
St. Charles Zoning Board of Appeals
City Council Chambers
Thursday - April 25, 2013

Members Present: Chairman Elmer Rullman III
 Secretary Nabi Fakroddin
 Scott Buening
 Charles Simpson
 Betty Weisman

Member Absent: James Holderfield
 Domenica Piga

Also Present: Bob Vann, Building & Code Enforcement Division Manager (Building
 Official)
 Debbie Graffagna, Recording Secretary
 Sonntag Reporter

1. Call Hearing to Order.

Chairman Rullman called the hearing to order at 7:00 PM on Thursday April 25, 2013.

2. Roll call.

Roll was called with five members present and two members absent.

3. Presentation of Minutes from the March 22, 2012 meeting.

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

4. Variation application V-1-2013, filed by Mr. John Hunecke, representative for Ms. Mary Danielson, owner of the property located at 404 North 5th Street in the City of St. Charles. Mr. Hunecke was present for the meeting.

Chairman Rullman announced that in order for any action to occur on a petition, there must be four affirmative votes. It is not a majority, and with two members absent he asked the applicant if he wished to proceed. Mr. Hunecke answered yes.

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-1-2013 for 404 North 5th Avenue, marked as Exhibit A.
- Historic Preservation Commission from City of St. Charles Resolution No. 2-2013, dated April 17, 2013, marked as Exhibit B;
- Letter from Mr. John Wessel with the St. Charles Park District, dated April 25, 2013, supporting the variation, marked as Exhibit C;

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- Email from City Attorney Gerald Gorski, with a decision that the hearing could be held on this variation. Legal research was conducted due to error in publication based upon a survey that was submitted in error, the decision that the hearing could take place; marked as Exhibit D;
- Corrected plat of survey, which was smaller in size that was submitted by applicant, Mr. Hunecke, marked as Exhibit E;
- Variation request was published in the Kane County Chronicle on April 8, 2013.

Chairman Rullman swore in the following:

- Bob Vann, Building & Code Enforcement Division Manager (Building Official)
- Debbie Graffagna, Sr. Administrative Assistant (Recording Secretary)
- Mr. John Hunecke, 439 Bennett Drive, North Aurora, Il 60542

Chairman Rullman asked the petitioner if he had any additional information to present to the board members. Mr. Hunecke addressed the Board by explaining that he was the grandson of the owner, Mary Danielson and he and his wife have made the decision that they would like to buy the property, but they want to make an addition to the property to bring it up to be more current and suitable for their needs.

Discussion pursued between the petitioner, audience members, board members, and city staff. To read further on the discussion during this hearing, please see the transcript for application V-1-2013 for the property at 404 North 5th Avenue in the City of St. Charles attached with these minutes. The original transcript for this hearing is available in the Building and Code Enforcement Division office.

Chairman Rullman asked if there were any objectors present, there were none.

With no further discussion, Chairman Rullman requested a motion be made.

A motion was made by Ms. Weisman, and seconded by Mr. Fakroddin as follows:

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

Whereas, the St. Charles Zoning Board of Appeals has reviewed File V-1-2013, dated March 28, 2013 and received on March 28, 2013, from Mr. Hunecke, for the property located on 404 North 5th Avenue in the City of St. Charles for variation requesting a 22-foot rear yard setback variation in a RT-3 Traditional Single Family Zoning District commencing 88-feet from the northeast lot corner heading in a southerly direction for 23-feet, at that point heading in an easterly direction for a distance of 5-feet then heading in a southerly direction for a distance of 26-feet to allow a 27-foot rear yard setback variation, at this point gradually decreasing the variation for a distance of 10-feet to allow the construction of an attached garage and living space to a single family dwelling; and

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

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, there are multiple physical characteristics that would prevent the property from being used in conformity with the minimum requirements of the zoning ordinance. The house dates back to the 1870's with the exception of necessary remodeling due to the elevation of Illinois Route 25. The configuration and primary physical elements are original; and

Whereas, the retaining wall, slope, and drainage pattern resulting from the elevation of Illinois Route 25 inhibit or prevent potential additions within the buildable area of the lot; and

Whereas, the property is bordered by public properties on all sides, the park district property on the north and east sides and a former rail line to the south. There are no structures or buildable properties adjacent to this property; therefore, there would be no neighbors directly affected by the variation; and

Whereas, the purpose of the variation is based on more than a desire to make money. This has been a goal of John Hunecke to own and live in this house and to make it easy to live in and comfortable to enjoy the family. The alleged difficulty was not created by any person having an interest in the property, the hardship being the elevation of Illinois Route 25; and;

Whereas, the proposed variation is being requested to preserve the essential character of the property and not intended to alter it. Due to the age and the original condition of the house, there are no other practical options for any additions or alterations that would be compliant; and

Whereas, the Historic Preservation Commission Resolution 2-2013 has approved the variation application for 404 North 5th Avenue, and they do comment that an addition to the rear of the structure would be more appropriate and sensitive to the architecture of the structure than an addition to either the north or south side; and

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Whereas, it is noted on the new plat of survey that was handed out here at the meeting, there is a change from 88 feet to 84 feet to determine the beginning point of the variation;

Now Therefore, the St. Charles Zoning Board of 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 months, or the use is commenced with such period.”

Roll Call:

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

Nays: None

Motion carries – Variation Granted

5. Additional Business.

Building Official, Bob Vann advised the Board that the variation process is being reviewed to make sure that we are current of all processes and regulations. This will include the written request for a variation; we will still have a request, but will not be so detailed. Mr. Vann explained some of the issues that have occurred over the years, such as typing errors, errors in the survey, not all of the properties are within the 250 feet, etc. are having the meeting to be postponed. He further advised them the application itself is being reviewed and might require some changes. We will need to follow state statutes and anything that is being changed will be reviewed by the city attorney.

6. Adjournment of meeting.

The meeting adjourned at 7:50pm.

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

/dlg

1 PRESENT:

2 MR. ELMER RULLMAN III, Chairman;

3 MR. NABI FAKRODDIN, Secretary;

4 MR. SCOTT BUENING, Member;

5 MR. CHARLES SIMPSON, Member; and

6 MS. ELIZABETH WEISMAN, Member.

7 ALSO PRESENT:

8 MR. BOB VANN, Building & Zoning Commissioner; and

9 MS. DEBBIE GRAFFAGNA, Recording Secretary.

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1 CHAIRMAN RULLMAN: We will call this
2 hearing to order at 7:00 o'clock by the clock on
3 the wall.

4 Mr. Secretary, please call the roll.

5 SECRETARY FAKRODDIN: Mr. Buening.

6 MEMBER BUENING: Here.

7 SECRETARY FAKRODDIN: Mr. Fakroddin,
8 here.

9 Mr. Holderfield.

10 (No response.)

11 SECRETARY FAKRODDIN: Absent.

12 Ms. Piga.

13 MS. GRAFFAGNA: Absent.

14 SECRETARY FAKRODDIN: Absent.

15 Chairman Rullman.

16 CHAIRMAN RULLMAN: Here.

17 SECRETARY FAKRODDIN: Mr. Simpson.

18 MEMBER SIMPSON: Here.

19 SECRETARY FAKRODDIN: Ms. Weisman.

20 MEMBER WEISMAN: Here.

21 SECRETARY FAKRODDIN: We have five
22 out of seven.

23 CHAIRMAN RULLMAN: Okay. Five
24 present and one absent.

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1 Just as a general piece of information, the
2 way the Zoning Board works, in order for any
3 action to occur on a petition, we must have four
4 affirmative votes. It's not a majority. So
5 there's two members absent. So just so you're
6 informed of that, and if you wish to proceed, we
7 certainly can proceed.

8 MR. HUNECKE: Okay.

9 CHAIRMAN RULLMAN: All right. So
10 presentation of the minutes from our last
11 meeting.

12 SECRETARY FAKRODDIN: Do you want a
13 motion?

14 CHAIRMAN RULLMAN: You could do that.

15 SECRETARY FAKRODDIN: So moved,
16 Mr. Chairman, to approve the minutes.

17 CHAIRMAN RULLMAN: All right.

18 MEMBER SIMPSON: Second.

19 CHAIRMAN RULLMAN: Approved and
20 seconded.

21 All in favor?

22 (The eyes were thereupon heard.)

23 CHAIRMAN RULLMAN: Any opposed?

24 (No response.)

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1 CHAIRMAN RULLMAN: The minutes are
2 approved as submitted.

3 We have a Variation Application
4 No. V-1-2013 filed by Mr. John Hunecke,
5 representative for Ms. Mary Danielsen, owner of
6 the property located at 404 North 5th Avenue,
7 City of St. Charles.

8 Please read the application.

9 SECRETARY FAKRODDIN: Application for
10 a variation, File No. V-1-2013, was received on
11 March 28th, 2013, in the office of the
12 St. Charles Building and Code Enforcement
13 Department.

14 The Applicant, John Hunecke, has listed his
15 home address at 439 Bennett Drive, North Aurora,
16 Illinois 60542.

17 The Applicant, John Hunecke, has listed
18 Mary E. Danielsen to be the owner of record. The
19 owner acquired the property commonly known as 404
20 North 5th Avenue, St. Charles, Illinois in 1945.

21 The application is signed by John Hunecke
22 and Mary E. Danielsen, and it is dated
23 March 28th, 2013.

24 The drawing of the property as submitted is

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1 not a legal service. It is not dated and is not
2 signed by a licensed professional land surveyor.

3 Evidence of publication of legal notice is
4 submitted. It was published in the Kane County
5 Chronicle --

6 MS. GRAFFAGNA: April 8th.

7 SECRETARY FAKRODDIN: Okay.

8 Evidence of publication of legal notice is
9 submitted. It was published in the Kane County
10 Chronicle on April 8th, 2013.

11 The Applicant is requesting a 22-foot
12 rear-yard setback variation in the RT-3,
13 Traditional Single-Family Zoning District,
14 commencing 88 feet from the northeast lot corner,
15 heading in a southerly direction for 23 feet, at
16 that point heading in an easterly direction for a
17 distance of 5 feet, then heading in a southerly
18 direction for a distance of 26 feet to allow a
19 27-foot rear-yard setback variation, at this
20 point gradually decreasing the variation for a
21 distance of 10 feet to allow the construction of
22 an attached garage and living space to a
23 single-family dwelling.

24 In requesting the variation, the Applicant

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1 has indicated difficulties due to the fact the
2 house -- well, difficulties in improving the
3 property due to the fact that the house was built
4 in the 1870s and the raising up of Illinois Route
5 25 over the railroad tracks and the
6 reconstruction of Illinois Route 25 over the
7 years.

8 CHAIRMAN RULLMAN: Mark that as
9 Exhibit A.

10 SECRETARY FAKRODDIN: Okay.

11 The City of St. Charles Historic
12 Preservation Commission Resolution No. 2-2013, a
13 resolution recommending approval of a zoning
14 variation, 404 North 5th Avenue, John Hunecke.

15 "Whereas, it is the responsibility of the
16 St. Charles Historic Preservation Commission to
17 review applications for the zoning variations in
18 the historic district; and

19 "Whereas, the Historic Preservation
20 Commission has reviewed the zoning variation
21 application for 404 North 5th Avenue and has
22 found the variation will have no negative impact
23 on the historic resources of the City,
24 particularly with regard to designated landmarks

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1 and historic districts directly affected; and

2 "Whereas, the Historic Preservation
3 Commission finds approval of said zoning
4 variation application to be in the best interest
5 of the City of St. Charles.

6 "Now, therefore, be it resolved by the
7 St. Charles Historic Preservation Commission to
8 recommend to the Zoning Board of Appeals approval
9 of the zoning variation application for 404 North
10 5th Avenue. The Commission further forwards as a
11 comment that an addition to the rear of the
12 structure would be more appropriate and sensitive
13 to the architecture of the structure than an
14 addition to either the north or south side."

15 CHAIRMAN RULLMAN: Let that be marked
16 as Exhibit B.

17 SECRETARY FAKRODDIN: Exhibit B.
18 Okay.

19 This was passed on the 17th day of
20 April 2013.

21 Okay. There is another one.

22 This is a letter from the parks department,
23 St. Charles Park District.

24 "Per your letter dated April 8th, the Park

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1 District has reviewed the application for a
2 variation -- for a variance for this property
3 adjacent to our Delnor Woods Park.

4 "Additionally Mr. and Mrs. John Hunecke and
5 Mr. David Hunecke respectfully presented their
6 improvement plan and request for a City-setback
7 variance to the Park District Board at our board
8 meeting on April 9, 2013.

9 "The board members commended the applicants
10 on their efforts to preserve and improve the
11 historic homestead.

12 "Furthermore, the board communicated their
13 full support of the rear-yard setback variance
14 provided that there was no impact on the Park
15 District property by the construction.

16 "To help ensure that the park's natural
17 area is not in any way inadvertently impacted by
18 construction, routing, or material storage, Park
19 District staff asked that the property boundaries
20 in that immediate vicinity remain clearly marked
21 and visible through the construction period.

22 We look forward to the completed
23 improvements to this property, and we have been
24 most appreciative of the Hunecke family's

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1 courtesy and professionalism in regard to this
2 matter."

3 CHAIRMAN RULLMAN: Let that be marked
4 Exhibit C.

5 SECRETARY FAKRODDIN: Exhibit C.

6 CHAIRMAN RULLMAN: There was a
7 question on a minor error in the publication, and
8 we addressed the City attorney for an opinion on
9 the impact of that, and we're going to enter in
10 part the reply, the salient part of the reply.

11 SECRETARY FAKRODDIN: This is the
12 reply we received:

13 "That said, I will assume that the notice
14 mailed and published contains a street address of
15 the property and that a change in the dimension
16 does not affect the number or identities of
17 property owners that would be entitled to receive
18 written notice.

19 "Assuming those two things to be true, I
20 would assume that further legal research would
21 demonstrate that the notice was legally
22 sufficient.

23 "Further, the risk of proceeding is on the
24 Applicant. If you want to, you could give the

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1 Applicant an option for republishing and
2 remailing the required written notice.

3 I would suggest that it is our belief that
4 it is okay, but that we don't make
5 representations on legal matters that he's
6 entitled to rely on, and if this discrepancy
7 becomes an issue, he is proceeding at his own
8 risk."

9 CHAIRMAN RULLMAN: Let that be marked
10 Exhibit D.

11 SECRETARY FAKRODDIN: Yes.

12 CHAIRMAN RULLMAN: Would anyone who
13 wishes to be heard on this application, please
14 rise. Raise your hand.

15 (The witnesses were thereupon
16 duly sworn.)

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

19 MR. HUNECKE: My name is John
20 Hunecke, 439 Bennett Drive, North Aurora,
21 Illinois 60542.

22 CHAIRMAN RULLMAN: Please let the
23 record show that the Building Commissioner and
24 Recording Secretary of the Board, Bob Van and

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1 Debbie Graffagna, were also sworn.

2 MR. HUNECKE: Good evening.

3 CHAIRMAN RULLMAN: You have the
4 floor.

5 MR. HUNECKE: Okay. As I mentioned,
6 I'm John Hunecke. I'm the grandson of Mary
7 Danielsen. She has lived at 404 North 5th Avenue
8 for more than 60 years now; and recently, she has
9 come to the decision that it's time that she has
10 to vacate the property and move on to an assisted
11 care facility.

12 My wife and I have made the decision that
13 we'd like to buy the property; and in doing so,
14 we'd like to make an addition to the property to
15 bring it up to be a little more current and
16 suitable for our needs, including things like an
17 attached garage and a little bit more suitable
18 living space.

19 We started looking at the property and did
20 a little investigation, and because of some of
21 the factors that have come into play since the
22 house was originally constructed, particularly
23 the raising of Route 25 and relocating the
24 driveway, there are pretty limited options for

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1 building an addition on the property.

2 We looked at options north and south, and
3 because of the historic nature of the house,
4 being that it was built in the 1870s, the
5 architectural features don't lend itself to
6 building -- the house was built in a very linear
7 design, built in a stretch design just in an
8 architecture suitable for the house.

9 We did a little investigation of where the
10 property lines were. I met with Bob Vann and
11 other members of the building department and
12 looked at different options for where we could
13 address an addition.

14 I approached the Park District and made an
15 offer to either purchase additional property to
16 alleviate the rear-yard setback or swap property
17 from the southern area so their net acreage was
18 the same, but they informed me their boundaries
19 were not amendable because of the way the park
20 was formed.

21 So I then appeared before the park board,
22 presented my plans and proposed architecture, and
23 explained the reasoning for it, the same
24 reasoning I offered in that, and as you read into

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1 the record, they were in support of the plan.

2 If you're familiar with the property,
3 originally the driveway entered from the south
4 side of the house, and because of the raising of
5 Route 25 and the retaining walls that were
6 installed, they then moved the driveway to the
7 north side of the house. This was prior to the
8 property being formed in the shape it was. It
9 was part of a greater piece of property at the
10 time.

11 They then divided off this piece of
12 property using the boundary line off of Lot 3 of
13 Block 36 and the north property or the north edge
14 of the retaining wall creating a boundary that
15 didn't leave any space behind the house for
16 continuing access around from the south side,
17 rather than coming from the north side.

18 And the grade of descent, it comes down.
19 As it comes down into the lot there, it prevents
20 the driveway from being turned any sharper to
21 build within what would be conventionally the
22 buildable area of the yard with the front-yard
23 and the rear-yard setbacks.

24 So that was the reason we came for the

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1 variance, and our variation application was
2 building within the conventional footprint of the
3 lot, it just wasn't feasible with the drainage
4 pattern, everything sloping off to the east, and
5 the grade descent coming down the driveway.

6 So from that point, we made our
7 presentation to the Historic Commission, went
8 over our plans and intentions there to get their
9 support on the matter, and we proceeded on to
10 this point.

11 CHAIRMAN RULLMAN: Would you like to
12 comment on the difference in this particular
13 drawing that was submitted?

14 MR. HUNECKE: Certainly. Originally,
15 as I mentioned, the parcel itself was part of the
16 greater Norris property, and we had dated back
17 to a -- it wasn't a plat of survey, it was a
18 boundary easement that had been put in with a
19 raised Route 25, and that plan showed that the
20 north property line here was a little more than 2
21 feet to the north of where it was and a little
22 bit to the east of where it was.

23 We used that reference point on the basis
24 of this north retaining wall and the dimensions

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1 provided off the retaining wall that comes across
2 the front to triangulate getting the house in
3 this position where it is.

4 Some of the discrepancy came in because of
5 the stone foundation and where actually the
6 surveyor had measured from, but the majority of
7 it was right in that property point that we had
8 made the basis off of.

9 So the plan was to scale off of that
10 reference line, which then once that was provided
11 to this plat of survey from Donahue and
12 Thornhill, it clearly defines exactly where the
13 property lines were that established that we had
14 made an error in the site plan that we presented
15 with the application and made the correction.

16 CHAIRMAN RULLMAN: What is that error
17 that the Board is looking at?

18 MR. HUNECKE: The error was -- came
19 to be -- when the application was submitted, we
20 had requested a region for the variance area and
21 the -- I guess it would be, Bob, you probably
22 conducted -- narrowed it down to the exact area
23 that we had drawn in the configuration of the
24 house. The scaled representation of that was off

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1 the wrong basis line. So taken from scale, it's
2 scaled at 88 feet, and that drawing was in error.

3 We came back and actually triangulated that
4 off a true boundary survey and determined that
5 the house in the position was off by a measure of
6 4 feet at that point in time.

7 CHAIRMAN RULLMAN: So the error is in
8 the distance from the starting point to where the
9 variation starts, not in the variation itself.

10 MR. HUNECKE: That is correct. The
11 total square footage or total surface area of the
12 variation, it was the point of commencement that
13 was different from the published and the
14 submitted site plan, not the limits of the
15 building itself.

16 The area that we're requesting the
17 variation for is shifted laterally, but it's no
18 closer to the east property line and there's no
19 more surface area.

20 CHAIRMAN RULLMAN: Do you have
21 smaller versions of this --

22 MR. HUNECKE: I do.

23 CHAIRMAN RULLMAN: -- or are you
24 going to submit this?

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1 MR. HUNECKE: There is a reduced
2 version. The second page will all look the same.
3 It's got the dimensions.

4 SECRETARY FAKRODDIN: This will be
5 Exhibit E.

6 CHAIRMAN RULLMAN: This will be
7 Exhibit E.

8 Any questions from the members of the
9 Board?

10 SECRETARY FAKRODDIN: John Thornhill
11 had signed there that it was made on March 18,
12 1980.

13 MR. HUNECKE: That's correct.

14 SECRETARY FAKRODDIN: That is
15 42 years old.

16 MR. HUNECKE: Yes.

17 SECRETARY FAKRODDIN: You don't have
18 an updated version of it?

19 MR. HUNECKE: I do not. That was a
20 survey that was prepared in conjunction with
21 preparing the deed for the property at the time
22 the property was conveyed to my grandmother.

23 I will note that I did contact Donahue and
24 Thornhill and received this document from them,

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1 and they did the background research and
2 determined they were not aware of any more
3 current surveys having been prepared or
4 amendments to it, and that contact was made in
5 April.

6 CHAIRMAN RULLMAN: Any other
7 questions?

8 MEMBER BUENING: Yeah. I have a
9 couple.

10 This property I believe is not in the
11 floodplain; is that correct?

12 MR. VANN: We believe it's not in the
13 floodplain; correct.

14 MEMBER BUENING: When you looked at
15 the alternatives for the addition, did you look
16 at alternatives where maybe you would have an
17 encroachment but not to the extent that you have
18 it? For example, you've got a three-car garage.
19 Did you investigate maybe making that into a
20 two-car garage, and then did you also look at
21 perhaps putting the screen porch on the back side
22 of the building?

23 MR. HUNECKE: We did look at that,
24 both of those options. A three-car garage in all

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1 reality was one of the key features that was
2 necessary to us. So we didn't put a lot of -- I
3 guess a lot of consideration in not doing the
4 three-car on it.

5 We did look at options for two-car or
6 two-and-a-half or shifting it to the north. The
7 two issues that came into play -- I'm sorry,
8 shifting it to the west so that it wasn't as
9 close to the property line.

10 The two issues hinged on whether the center
11 line of the proposed addition would then engulf
12 the existing house. Part of the architectural
13 feature that we're trying to preserve is the
14 house is kind of built into tiers, where the
15 original house is, you know, a little bit unique
16 to its era. It's got a true full-height second
17 floor, and then the area in the back was a maid's
18 quarters or servant's quarters with a shorter
19 roof and a difference in the architecture.

20 Moving the addition closer to the -- more
21 center of the property would engulf that
22 terracing effect and lose that architectural
23 appeal. So we steered away from that pretty
24 quickly. We didn't want to lose that element of

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1 the house.

2 MEMBER BUENING: How are you going to
3 accommodate the grade change in there? It's a
4 pretty -- relatively significant drop-off towards
5 the creek there. What method of construction are
6 you going to use for that?

7 MR. HUNECKE: Well, the proposed
8 construction is actually farther away from the
9 property line than -- speaking of the garage at
10 this point. The proposed garage is farther away
11 from where the existing garage is now, and our
12 intention is to facilitate better drainage coming
13 out of the interior of what's going to be formed
14 here as a courtyard is to lower the elevation of
15 the driveway and soften some of that grading.

16 I've talked with John at the park district
17 about that, and he agrees that that's the best
18 way to handle the drainage through there.
19 Lessening that grade elevation there is going to
20 do two things: One protect the trees and
21 vegetation that are within the park area and, you
22 know, lessen the impact to the drop-off.

23 The other area where the deck extends, the
24 deck structure is only going to be supported by

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1 pier locations and not a full foundation. So
2 that's going to allow us to transition grade
3 underneath the deck without having the house
4 affecting it.

5 MEMBER BUENING: I do want to commend
6 you for contacting the park district. That was
7 one of my questions I had is whether they would
8 be willing to entertain a land swap. That seemed
9 to be logical. You have kind of that tail of
10 land there that doesn't really have a lot of use
11 to you.

12 MR. HUNECKE: That would have been
13 ideal.

14 MEMBER BUENING: It seems like it
15 would have been better off for them to have that,
16 but I'm guessing because it's a nature preserve
17 or something like that that they didn't allow for
18 you to swap that.

19 MR. HUNECKE: Yeah.

20 MEMBER BUENING: Were you proposing
21 to put a fence along that property line then to
22 delineate that at all, or what was your plan?

23 MR. HUNECKE: Are you speaking with
24 reference to during construction or long-term?

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1 MEMBER BUENING: Long-term.

2 MR. HUNECKE: We'd like to put some
3 type of fencing along there. The issue at play
4 is there's an existing fence on the park district
5 property.

6 MEMBER BUENING: There is. Okay.

7 MR. HUNECKE: They weren't aware that
8 the fence -- they thought the fence was on my
9 grandmother's property.

10 So I've discussed it with John and with
11 Ray, and they said when the time comes, assuming
12 this project moves forward, we would come to
13 terms on whether they're -- we didn't want
14 redundant fences to be a part so --

15 MEMBER BUENING: I didn't know if
16 that was an existing, you know, farm fence or who
17 owned that.

18 MR. HUNECKE: It's a chain-link fence
19 that was put up for the benefit of -- presumably
20 for the benefit of my grandparents living there;
21 but, you know, for one reason or another, it was
22 put up partially on, partially off the property.

23 So the park district is aware of it, and
24 I've agreed to leave it in place during

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1 construction as the physical barrier that they
2 referenced in their letter so that we're not
3 encroaching with debris or any other issues on
4 the property, and then at that point in time,
5 we'll address our fencing.

6 MEMBER BUENING: Okay. Thank you.

7 CHAIRMAN RULLMAN: Any other
8 questions?

9 (No response.)

10 CHAIRMAN RULLMAN: Are there any
11 objectors present?

12 (No response.)

13 CHAIRMAN RULLMAN: Let the record
14 show there are no objectors present.

15 If there's no other questions from the
16 Board, I'll entertain a motion.

17 MEMBER WEISMAN: Whereas it is the
18 responsibility of the St. Charles Board of Zoning
19 Appeals to review all applications for
20 variations;

21 And whereas, the St. Charles Board of
22 Zoning Appeals has reviewed File V-1-2013 dated
23 3/28/2013 and received 3/28/2013 from John
24 Hunecke, Applicant, for the property located at

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1 404 North 5th Avenue in the city of St. Charles
2 60174 for the request of a 22-foot rear-yard
3 setback variation in the RT-3, Traditional
4 Single-Family Zoning District, commencing 88 feet
5 from the northeast lot corner, heading in a
6 southerly direction for 23 feet, at that point
7 heading in an easterly direction for a distance
8 of 5 feet, then heading in a southerly direction
9 for a distance of 26 feet to allow a 27-foot
10 rear-yard setback variation, at this point
11 gradually decreasing the variation for a distance
12 of 10 feet to allow the construction of an
13 attached garage and living space to a
14 single-family dwelling;

15 Whereas, the proposed variation will not
16 alter the essential character of the property;

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

22 And, whereas, the proposed variation will
23 not impair an adequate supply of light and air to
24 adjacent properties or substantially increase the

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1 danger of fire or otherwise endanger the public
2 safety or substantially diminish or impair
3 property values within the neighborhood;

4 Whereas, there are multiple physical
5 characteristics that would prevent the property
6 from being used in conformity with the minimum
7 requirements of the zoning ordinance. The house
8 dates back to the 1870s with the exception of
9 necessary remodeling due to the elevation of
10 Illinois Route 25. The configuration and primary
11 physical elements are original;

12 Whereas, the retaining wall, slope, and
13 drainage pattern resulting from the elevation of
14 Illinois 25 inhibit or prevent potential
15 additions within the buildable area of the lot;

16 Whereas, the property is bordered by public
17 properties on all sides, the park district
18 property on the north and east sides and a former
19 rail line to the south. There are no structures
20 or buildable properties adjacent to this
21 property; therefore, there would be no neighbors
22 directly affected by the variation.

23 And the purpose of the variation is based
24 on more than a desire to make money. This has

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1 been a goal of John Hunecke to own and live in
2 this house and to make it easy to live in and
3 comfortable to enjoy the family. The alleged
4 difficulty was not created by any person having
5 an interest in the property, the hardship being
6 the elevation of Route 25.

7 Whereas, the proposed variation is being
8 requested to preserve the essential character of
9 the property and not intended to alter it. Due
10 to the age and the original condition of the
11 house, there are no other practical options for
12 any additions or alterations that would be
13 compliant;

14 Whereas, the Historic Preservation
15 Commission Resolution No. 2-2013 has approved the
16 variation application for 404 North 5th Avenue,
17 and they do comment that an addition to the rear
18 of the structure would be more appropriate and
19 sensitive to the architecture of the structure
20 than an addition to either the north or the south
21 side;

22 Whereas, it is noted on the new plat of
23 survey that was handed out here at the meeting,
24 there is a change from 88 feet to 84 feet to

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1 determine the beginning point of the variation.

2 Now, therefore, the St. Charles Board of
3 Zoning Appeals grants the variation requested
4 with the stipulation that as specified in Section
5 13.42.040.C of the Municipal Code of the City
6 St. Charles, this variation shall lapse after
7 12 months from the date of grant thereof unless
8 construction authorized is commenced on a
9 building permit for the use specified by the
10 variation within 12 months or the use is
11 commenced within such period.

12 CHAIRMAN RULLMAN: It's been moved.

13 And seconded?

14 SECRETARY FAKRODDIN: I'll second the
15 motion.

16 CHAIRMAN RULLMAN: Moved and seconded
17 that the variation be granted.

18 Any additional discussion by the Board?

19 (No response.)

20 CHAIRMAN RULLMAN: If not,
21 Mr. Secretary, please call the roll.

22 SECRETARY FAKRODDIN: Mr. Buening.

23 MEMBER BUENING: Aye.

24 SECRETARY FAKRODDIN: Mr. Fakroddin,

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1 here, yes.

2 Mr. Holderfield is absent.

3 Ms. Piga is absent.

4 Chairman Rullman.

5 CHAIRMAN RULLMAN: Yes.

6 SECRETARY FAKRODDIN: Mr. Simpson.

7 MEMBER SIMPSON: Yes.

8 SECRETARY FAKRODDIN: Ms. Weisman.

9 MEMBER WEISMAN: Yes.

10 CHAIRMAN RULLMAN: 5, yes; 0, no.

11 The motion therefore carries and passes. The
12 variation is granted with the stipulation that it
13 has to begin construction within one year. Deal
14 with the Building Commissioner after this.

15 That will close the hearing of Application
16 V-1-2013.

17 We have some additional items.

18 MR. VANN: I think for our sake, I
19 think we can probably cease the record. This is
20 just general information.

21 CHAIRMAN RULLMAN: That is accurate.

22 (Which were all the proceedings
23 had in the above-entitled matter
24 ending at the hour of 7:34 p.m.)

