

**Minutes**  
**St. Charles Zoning Board of Appeals**  
**City Council Chambers**  
**Thursday July 25, 2013**

Members Present: Chairman Elmer Rullman III  
Secretary Nabi Fakhroddin  
Scott Buening  
James Holderfield  
Domenica Piga  
Betty Weisman

Member Absent: Charles Simpson

Also Present: Russell Colby, Planning Division Manager  
Debbie Graffagna, Recording Secretary  
Sonntag Reporter

**1. Call Hearing to Order.**

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

**2. Roll call.**

Roll was called with six members present and one member absent.

**3. Presentation of Minutes from the April 25, 2013 meeting.**

**A motion was made by Mr. Fakhroddin and seconded by Ms. Weisman to accept the minutes as presented.**

**4. Variation Application, V-2-2013, filed by Mr. Michael Sweeny, builder/contractor for Dean and Jill Raschke, owners of the property located at 911 North 3<sup>rd</sup> Avenue in the City St. Charles.**

Secretary Fakhroddin summarized/read into the record the following:

- Variation Application V-2-2013 for 911 North 3rd Avenue, marked as Exhibit A.
- Variation request was published in the Kane County Chronicle on July 10<sup>th</sup>, 2013.

Chairman Rullman swore in the following:

- Michael G. Sweeney, 594 Gray Street, Geneva, IL 60134
- Russell Colby, Planning Division Manager
- Debbie Graffagna, Sr. Administrative Assistant (Recording Secretary)

**St. Charles Zoning Board of Appeals  
Minutes – July 25, 2013  
Page 2**

Chairman Rullman asked the petitioner if he had any additional information to present to the Board members. Mr. Sweeney addressed to the Board the need to have the setback reduced in the front yard was to accommodate the construction of a new house. He explained that the other homes in the adjoining lots are setback between 40 to 45 feet; the lot slope dramatically to the rear which would be more money to build because of the additional work and materials, and they want to keep conformity on the streetscape. Mr. Sweeney explained that they were unaware of the previous variation on this property and explained that the previous owner had provided them with a survey showing a 40-foot setback, not a 65-foot setback.

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-2-2013 for the property located at 911 North 3<sup>rd</sup> Avenue 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 present, there were none.

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

A motion was made by Mr. Buening, 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-2-2013, dated June 28, 2013 and received on June 28, 2013, from Michael Sweeney for the property located at 911 North 3<sup>rd</sup> Avenue in the City of St. Charles for a front yard setback reduction from 65 feet to approximately 45 feet from the street; 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**, with the physical characteristics would require that they would prevent the property from being used in conformity with the requirements of the zoning ordinance

**St. Charles Zoning Board of Appeals**  
**Minutes – July 25, 2013**  
**Page 3**

due to the topography and the unusual circumstance with the building setback that was proposed on the subdivision when it was platted; that the conditions are not necessarily applicable to other properties within the same zoning classification because of the deviation from the front setbacks on the nearby and adjacent lots; that the variation is not needed based on a desire to make money from the property, but rather to make the property a suitable building lot for their own purposes; and

**Whereas**, that the alleged difficult or hardship was not necessarily created by the people who own the property, rather the platting of the property when it was originally developed and the hardship with the zoning ordinance classification; and

**Whereas**, that the property most likely did not yield a reasonable return due to the larger setback and the rear yard easement that is located as well as the topography of the lot;

**Now Therefore**, the St. Charles Zoning Board of Appeals granted the variation request subject to the following conditions:

- That the hickory tree in the front of the 65 foot building setback area is preserved; and
- That as specified in Section 17.42.040 C of the Municipal of St. Charles, this variation shall lapse after 12 months from the date of grant thereof unless construction authorized in commenced on a building permit for the use specified by the variation within 12 months, or the use is commenced within such a period.

**Roll Call:**

**Ayes:** Buening, Fakroddin, Holderfield, Piga, Rullman, and Weisman

**Nays:** None

Motion carries – Variation Granted

**5. Additional Business.**

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

**6. Adjournment of meeting.**

The meeting adjourned at 7:27pm.

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

/dlg



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PRESENT:

- MR. ELMER RULLMAN III, Chairman;
- MR. NABI FAKRODDIN, Secretary;
- MR. SCOTT BUENING, Member;
- MR. JAMES HOLDERFIELD, Member;
- MS. DOMENICA PIGA, Member;
- MS. ELIZABETH WEISMAN, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager; and
- MS. DEBBIE GRAFFAGNA, Recording Secretary.

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

3

1 CHAIRMAN RULLMAN: All right. We'll  
2 call this meeting to order. It's 7:00 o'clock on  
3 the clock on 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 MEMBER HOLDERFIELD: Here.

11 SECRETARY FAKRODDIN: Ms. Piga.

12 MEMBER PIGA: Here.

13 SECRETARY FAKRODDIN: Mr. Rullman.

14 CHAIRMAN RULLMAN: Here.

15 SECRETARY FAKRODDIN: Mr. Simpson.

16 MS. GRAFFAGNA: Not here.

17 SECRETARY FAKRODDIN: Not here.

18 Ms. Weisman.

19 MEMBER WEISMAN: Here.

20 CHAIRMAN RULLMAN: Okay. Six members  
21 present and one absent.

22 Do we have a presentation of the minutes  
23 from the April 25th meeting, please.

24 SECRETARY FAKRODDIN: Want a motion

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

4

1 to approve?

2 CHAIRMAN RULLMAN: Sure.

3 SECRETARY FAKRODDIN: I make a motion  
4 to approve the minutes of the meeting.

5 CHAIRMAN RULLMAN: Are there any  
6 corrections or additions to the minutes?

7 SECRETARY FAKRODDIN: Who seconded?

8 MEMBER WEISMAN: Second.

9 CHAIRMAN RULLMAN: It's moved and  
10 seconded the minutes be approved as presented.

11 All in favor say aye.

12 (The ayes were thereupon heard.)

13 CHAIRMAN RULLMAN: Opposed same sign.

14 (No response.)

15 CHAIRMAN RULLMAN: At this time we  
16 will open Variation Application V-2-2013, filed  
17 by Mr. Michael Sweeney, builder/contractor for  
18 Dean and Jill Raschke, owners of the property  
19 located at 911 North 3rd Avenue in the City of  
20 St. Charles.

21 Mr. Secretary, please read the application.

22 SECRETARY FAKRODDIN: Okay.

23 Application for a variation, File No. V-2-2013,  
24 was received on June 28th, 2013, in the office of

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

5

1 the St. Charles Building and Code Enforcement  
2 Department.

3 The Applicant, Michael G. Sweeney, a  
4 builder and a general contractor has listed his  
5 home address as 594 Gray Street, Geneva, Illinois  
6 60134.

7 The Applicant has indicated the property  
8 owners of record to be Dean and Jill Raschke. A  
9 letter authorizing Michael Sweeney to represent  
10 Dean and Jill Raschke is on file and signed by  
11 both Dean and Jill Raschke.

12 The owners acquired the property of 911  
13 North 3rd Avenue in St. Charles, Illinois 60174,  
14 a vacant lot, in April of 2013. The application  
15 is signed by Michael G. Sweeney and is dated  
16 June 28th, 2013.

17 The survey of the property as submitted is  
18 signed by Michel Ensalaco, a licensed  
19 professional land surveyor with Registration  
20 No. 2768 and dated June 10th, 2013.

21 Evidence of publication of legal notice is  
22 submitted, and it was published in the Kane  
23 County Chronicle on July 10th, 2013.

24 The Applicant is requesting an 18-foot

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

6

1 building line -- an 18-foot building line setback  
2 variation from 65 feet to 47 feet to allow  
3 portions of an attached garage and 5 feet of a  
4 bay window to encroach beyond the required front  
5 building line setback. The purpose for which the  
6 property will be used is for the construction of  
7 a single-family residence.

8 CHAIRMAN RULLMAN: All right. Is the  
9 Petitioner or his representative present?

10 MR. SWEENEY: Present.

11 CHAIRMAN RULLMAN: Will everyone who  
12 wishes to give testimony on this application,  
13 please rise and raise your right hand.

14 (The witnesses were thereupon  
15 duly sworn.)

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

18 MR. SWEENEY: Michael G. Sweeney, 594  
19 Gray Street, Geneva, Illinois.

20 CHAIRMAN RULLMAN: Let the record  
21 show that Russell Colby, planning division  
22 manager, and Debbie Graffagna also have been  
23 sworn.

24 All right. The floor is yours,

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

7

1 Mr. Sweeney.

2 MR. SWEENEY: Thank you.

3 Good evening, everyone. I'm sorry to bring  
4 you out on such a beautiful evening and ruin your  
5 dinner hour.

6 But what we are attempting to do or would  
7 like to do is to build a custom home on this lot,  
8 and the home, if you have a copy of the survey,  
9 is certainly in keeping with the homes that are  
10 adjacent to it, at least the homes that are to  
11 the north across the street.

12 What the owner is trying to do two-fold  
13 with the request of this variance is to, one,  
14 kind of make the best use of the lot and the lot  
15 size that's there without forcing the house so  
16 far back to the rear.

17 If you look at the adjoining homes to the  
18 north and across the street, they're all -- both  
19 adjoining homes to the north and south and across  
20 the street, those homes are at a 40, 45 foot  
21 maximum setback right now; and by having this  
22 house set back 65 feet, both homes on the north  
23 and south will end up having, you know, a view of  
24 basically the major part of the side of their

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

1 home and kind of impede some of the view of the  
2 homes, particularly to the north.

3 Also with the grade variation on the lot --  
4 the lot slopes pretty dramatically to the rear  
5 towards Pottawatomie golf course; and by pushing  
6 the house that far back, you would have to dig  
7 much deeper garage footings, garage wall, extra  
8 stone, do additional work on the house that, you  
9 know, it would cost some substantial dollars to  
10 do that. So that's what our request is about.

11 Item two is basically to keep kind of  
12 conformity on the streetscape. If this house is  
13 set that far back, you know, it just would look  
14 awkward and odd as far as the rest of the homes  
15 that are already built there.

16 So that's what we're trying to do with this  
17 request.

18 CHAIRMAN RULLMAN: I have one  
19 question on the application.

20 You indicated that no applications for  
21 variations have been filed in connection with  
22 this property. I believe that's inaccurate.

23 MR. SWEENEY: Well, we did not know  
24 that at the time of -- when I filed this, Bob

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

9

1 Vann brought it to my attention a couple of days  
2 later, I can't remember the exact day, that there  
3 had been a previous request for this same type of  
4 a variation by the person that sold the property,  
5 Ray Schaeffer, I believe is his name; and I  
6 just -- we didn't know that there had been a  
7 request to do that. I guess at that time it had  
8 been approved. I don't know if it was a 40- or a  
9 45-foot setback.

10 Part of the confusion was also when  
11 Mr. Raschke purchased the property, during the  
12 negotiation phase, he received a survey from Ray  
13 Schaffer, the previous owner, and it showed a  
14 40-foot setback on this particular survey that he  
15 presented.

16 Then when he went to the closing -- in the  
17 meantime -- I should rephrase my time line.

18 He went into negotiations on the property,  
19 so we went into the preliminary drawings of the  
20 plan, the site plan, and everything else, and  
21 then when Dean finally had the -- Mr. Raschke had  
22 the closing on the lot is when we discovered that  
23 there was a 65-foot setback on the property,  
24 which evidently Ray Schaffer did not inform the

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

10

1           buyer that there had been a variance request and,  
2           you know, what have you to get it changed to that  
3           40-foot setback.

4                        So that's where -- you know, that's where  
5           we're at with that particular issue.

6                        CHAIRMAN RULLMAN: So it's correct  
7           that there was a previous application for a  
8           setback variance which I believe was approved and  
9           construction was not begun within the required  
10          one year and so the variation --

11                       MR. SWEENEY: Correct.

12                       CHAIRMAN RULLMAN: -- went away at  
13          that point.

14                       Any questions from the Board?

15                       MEMBER HOLDERFIELD: Go ahead.

16                       MEMBER BUENING: After you.

17                       MEMBER HOLDERFIELD: Well, I visited  
18          the site today, and I have a question.

19                       The property to the south of you, the older  
20          home apparently is 40 feet back.

21                       MR. SWEENEY: Uh-huh.

22                       MEMBER HOLDERFIELD: The house to the  
23          north of you seems to be 65 or 60; is that true?

24                       MR. SWEENEY: No. I measured that,

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

11

1                   and he is right about 44 feet from the property  
2                   line to the -- if you're talking about the new  
3                   house to the north?

4                   MEMBER HOLDERFIELD: I'm talking  
5                   about the new house.

6                   MR. SWEENEY: Yes.

7                   MEMBER HOLDERFIELD: Could you  
8                   substantiate that, Russ, what the setback is on  
9                   that lot? Because just stepping it off --

10                  MR. COLBY: Yes. I believe the  
11                  setback of the house at 925 North 3rd Avenue,  
12                  which is to the north, is at 40 feet because that  
13                  is the building line. That was established when  
14                  the subdivision occurred, and it looks like the  
15                  house was constructed at that line.

16                  MEMBER HOLDERFIELD: You're talking  
17                  about the house north of this lot?

18                  MR. COLBY: Correct.

19                  MEMBER HOLDERFIELD: So it's at 40.  
20                  Okay. My mistake. I just wanted to substantiate  
21                  that.

22                  So there is a line -- well, the older home  
23                  from the south, is that setback listed at 40?

24                  MR. COLBY: I believe so.

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

12

1                   MEMBER HOLDERFIELD: Okay. I just  
2 wanted to get a clarification on that.

3                   MR. SWEENEY: I understand.

4                   MEMBER BUENING: I've looked at the  
5 site plan they've submitted, and I would say it's  
6 probably around a 30-foot setback to the house to  
7 the south.

8                   CHAIRMAN RULLMAN: Do you have a  
9 question, Mr. Buening?

10                  MEMBER BUENING: I do.

11                  CHAIRMAN RULLMAN: Okay.

12                  MEMBER BUENING: One of the issues  
13 that I had or questions I had -- not an issue,  
14 but in your application, it talks about the lot  
15 width at the setback line from 100 feet to  
16 95 feet.

17                  That is not necessary in this case? Is  
18 that -- I wasn't quite sure about that variance.

19                  MR. COLBY: Well, the lot width  
20 requirement for the zoning district is 100 feet.  
21 So the 65-foot setback is being dictated by the  
22 fact that you have to go 65 feet back into the  
23 lot to reach the 100-foot width.

24                  MEMBER BUENING: The other question I

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

1 had is since this was platted with a 40-foot  
2 building line, I'm guessing that this was platted  
3 prior to the adoption of the new zoning ordinance  
4 and that is part of the reason why they got  
5 caught in this?

6 MR. COLBY: Actually, this was  
7 planned before the new zoning ordinance, but the  
8 zoning requirements at that time for the zoning  
9 district I don't believe changed.

10 The subdivision was drawn this way to  
11 enable the developer to fit three lots with these  
12 angled property lines. So it was intentional  
13 when the subdivision was established.

14 MEMBER BUENING: There is a sidewalk  
15 on the south side of this property, and I'm  
16 assuming that's when the original house was  
17 there --

18 MR. SWEENEY: Yes.

19 MEMBER BUENING: -- and it has to be  
20 removed as part of the construction.

21 MR. SWEENEY: We will take that out,  
22 yes.

23 MEMBER BUENING: Then my last  
24 question is the tree, I believe it's a hickory

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

14

1 tree in the front, is that planned to be  
2 preserved?

3 MR. SWEENEY: Yes. We're going to  
4 put a barricade around it. We've already done  
5 tree trimming, and, you know, had an arborist  
6 come out and take a look at it and make sure it's  
7 in good health.

8 We actually -- the way the site plan is set  
9 up right now, we deliberately -- we weren't  
10 trying to get the front of the house, you know,  
11 any farther to the street keeping in mind to  
12 preserve the root system of that hickory tree,  
13 yes.

14 MEMBER BUENING: Thank you.

15 MR. SWEENEY: That's a very valuable  
16 part of the property, and now we can call it a  
17 wooded lot, so. . .

18 MEMBER BUENING: Thank you.

19 CHAIRMAN RULLMAN: Anyone else?

20 Yes.

21 MEMBER WEISMAN: Well, I was just  
22 going to say I noticed that the house to the  
23 north was in line with that hickory tree, and it  
24 appeared that way, and the house to the south was

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

15

1           in line pretty much too, except that it had a  
2           porch that stuck out a little bit, but the whole  
3           thing, the overall appearance I felt was very  
4           good and very acceptable.

5                       MR. SWEENEY: Okay.

6                       CHAIRMAN RULLMAN: Anyone else?

7                       I have a couple of questions.

8                       One, what other avenues did you explore to  
9           provide a garage without needing the variation?

10                      MR. SWEENEY: Well, part of the  
11           reason that he wanted to build the home and  
12           particularly on this lot was because of the view,  
13           the proximity to the park. He has got two young  
14           children that -- they have just fallen in love  
15           with Pottawatomie Park and all the programs that  
16           they have there.

17                      He also has some requirements for size of  
18           what he would like to have, and part of the  
19           problem was he would like to put in an in-ground  
20           pool eventually, and putting the house that far  
21           back would affect his ability to use quite a bit  
22           of his back yard. He would basically lose, you  
23           know, 25-plus feet of his backyard with the size  
24           of home that he is going to be putting up.

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

16

1                   So we looked at a couple of different  
2 designs and plans, but this was the one that, you  
3 know, we came up with. Again, keeping in mind  
4 that we did this assuming that the setback on the  
5 survey that was presented to him at the time of  
6 negotiation on the lot was at 40 feet.

7                   So there's an extreme, you know, amount of  
8 cost that's already been, you know, absorbed into  
9 that with the layout that we have.

10                  I guess you can always say that you can,  
11 you know, design your way around everything, but  
12 the main reason of the setback request is so that  
13 the house is not -- so he doesn't lose any more  
14 of his backyard, plus the fact there's a parking  
15 lot back there that's used by the city that I  
16 think is an overflow for events, things like  
17 that, that, you know, another 25 feet makes a big  
18 difference as far as, you know, practically being  
19 right on top of it and what have you.

20                  CHAIRMAN RULLMAN: We don't usually  
21 grant a variation if it's possible to do it  
22 without a variation on the lot, which is why I'm  
23 asking for the testimony as to why it can't be  
24 done any other way.

**REPORT OF PROCEEDINGS -- 7/25/2013**  
**PETITION NO. V-2-2013**

17

1           I might add a good sled run in the backyard  
2 would end in the river considering the slope of  
3 the land.

4           Would you like to give testimony as to the  
5 actual topography.

6           MR. SWEENEY: And that's part of it  
7 too. If we push the house further back, the  
8 grading -- the way it's originally planned to be  
9 graded is basically the way this house needs to  
10 be sitting on this lot.

11           If we push it back any further, that house  
12 is going to be -- you know, the deeper slope of  
13 the hill -- we'll be building at that slope of  
14 the hill rather than be building at the top of  
15 the hill with the way that the driveway, garage,  
16 and what have you has to -- you know, that's  
17 something that we cannot change. We can't change  
18 the grading plan or what have you because there's  
19 also a detention/retention pond in the back. You  
20 know, we can't disturb that grade back there.  
21 So, like I say, anything that forces this house  
22 further back, you know, has a problem with that  
23 detention pond that's there.

24           Again, with the grade, it's kind of

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

18

1 imperative that this house kind of sits where  
2 it's designed to be at right now. Because even  
3 though this lot is 100 feet wide, you would end  
4 up having issues with, you know, how do you grade  
5 side yards so that they're not so steep and  
6 sloped and what have you. You would still need  
7 to be able to, you know, maintain the property  
8 and mow and landscape it -- landscaping wise.

9 That's kind of the reason I think that if  
10 we would have known it was a 65-foot setback the  
11 place there, there might not have been a closing  
12 on the property because it's a difficult lot to  
13 build on. It's not that easy to build on a  
14 sloped lot.

15 CHAIRMAN RULLMAN: Does there appear  
16 to be some easements here? It doesn't really  
17 tell me what they are unless it runs around here,  
18 public utilities. Do you have a --

19 MR. SWEENEY: Yes. There's 5-foot  
20 side yard setback easements, 10 foot in the rear,  
21 but then back south -- I'm sorry, the back  
22 northwest corner of the property is part of the  
23 overall drainage detention/retention basin that  
24 they have there that was put in to handle any

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

19

1 runoff from these three lots that were  
2 redeveloped.

3 CHAIRMAN RULLMAN: Would that  
4 easement -- those easements present any  
5 difficulty in terms of moving the garage into the  
6 rear yard?

7 MR. SWEENEY: Pardon me?

8 CHAIRMAN RULLMAN: If you were to try  
9 to put the garage on the rear of the building and  
10 not need the setback in front, what impact would  
11 the easements have on that?

12 MR. SWEENEY: Well, to put a garage  
13 on the rear of the house would almost be  
14 impossible. You would have to narrow the -- you  
15 would have to narrow the width of the house, and  
16 you'd also have to make a major expense on  
17 building retaining walls and what have you  
18 because from the front corner of the garage, the  
19 top of the elevation right now as proposed is  
20 760.5.

21 We just get to the back of the house  
22 where -- it shows just below the first-floor  
23 deck, you've got a grade drop there of 9 feet, a  
24 grade drop of 9 feet and about a 45-foot depth.

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

20

1                   So you've got some major, major issues of  
2                   how to grade that and terrace it off. I mean,  
3                   you'd have to put in stone, like I say, stone  
4                   retaining walls to make that grade work, and to  
5                   put a driveway around to the back of the house is  
6                   almost impossible. I mean, the cost would be,  
7                   you know, \$60,000, \$70,000 just to put in a  
8                   retaining wall and a point to the driveway and  
9                   everything else.

10                  I don't think it would be in the same  
11                  overall aesthetic look of the other homes that  
12                  are built in that area. I don't think that they  
13                  would want to see a garage -- you know, people  
14                  driving their car down at night with the lights  
15                  flashing through the back of their other yards  
16                  and, you know, what have you.

17                  CHAIRMAN RULLMAN: Okay. Well, those  
18                  are the things we consider.

19                  MR. SWEENEY: I understand that.

20                  CHAIRMAN RULLMAN: Anything else?

21                  MR. SWEENEY: Not that I can think of  
22                  other than we're really trying to preserve the  
23                  integrity of the street as far as the view of the  
24                  street from the other homes that are already

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

21

1           there.

2                   Do you have anything?

3                   This is Mr. Raschke, by the way. I don't  
4 know what else I can say.

5                   CHAIRMAN RULLMAN: All right. Are  
6 there any objectors present?

7                                 (No response.)

8                   CHAIRMAN RULLMAN: Let the record  
9 show there are no objectors present.

10                  MR. SWEENEY: Thank you very much.

11                  CHAIRMAN RULLMAN: You're welcome.

12                  If there are no questions or further  
13 discussion --

14                  MEMBER BUENING: In looking at the  
15 RS-1 District -- I guess this is directed at  
16 staff. The front setback is required at 40 feet  
17 and with the lot width and everything else, there  
18 is a requirement for 50 percent average.

19                  How does that come into play with some of  
20 the discussions when they had to apply for a  
21 variance in the first place?

22                  MR. COLBY: We looked at that as a  
23 separate requirement, as in the averaging could  
24 not trump the requirement for the minimum lot

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

22

1 width; therefore, that position would not be able  
2 to be used in this situation unless the ordinance  
3 was granted -- variance was granted.

4 CHAIRMAN RULLMAN: Anything else?

5 I will entertain a motion.

6 MEMBER BUENING: I'll make a motion.

7 Ready for a motion?

8 CHAIRMAN RULLMAN: We're ready for a  
9 motion.

10 MEMBER BUENING: I'll make a motion  
11 to approve the variance with a separate condition  
12 of preserving the hickory tree in front.

13 Do you want me to read the whole thing?

14 CHAIRMAN RULLMAN: The whole thing  
15 and then whatever the findings of fact are.

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

20 Whereas, the St. Charles Board of Zoning  
21 Appeals has reviewed File V-2-2013, dated 6/28/13  
22 and received 6/28/13, from Michael Sweeney, for  
23 the property located at 911 North 3rd Avenue in  
24 the city of St. Charles for a front-yard setback

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

23

1 reduction from 65 feet to approximately 45 feet  
2 from the street;

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

6 Whereas, the proposed variation will not be  
7 detrimental to the public welfare or injurious to  
8 other property or improvements in the  
9 neighborhood in which the property is located;  
10 and

11 Whereas, the proposed variation will not  
12 impair an adequate supply of light and air to the  
13 adjacent property, or substantially increase the  
14 danger of fire, or otherwise endanger the public  
15 safety, or substantially diminish or impair  
16 property values within the neighborhood.

17 In regards to the points on the variance,  
18 the variation would not -- the physical  
19 characteristics, it would require that they would  
20 prevent the property from being used in  
21 conformity with the requirements of the zoning  
22 ordinance due to the topography and the unusual  
23 circumstance with the building line setback that  
24 was proposed on the subdivision when it was

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

1           platted; that the conditions are not necessarily  
2           applicable to other properties within the same  
3           zoning classification because of the deviation  
4           from the front setbacks on the nearby and  
5           adjacent lots; that the variation is not needed  
6           based on a desire to make money from the  
7           property, but rather to make the property a  
8           suitable building lot for their own purposes;  
9           that the alleged difficulty or hardship was not  
10          necessarily created by the people who own the  
11          property, rather the platting of the property  
12          when it was originally developed and the hardship  
13          with the zoning ordinance classification; and  
14          that the property most likely did not yield a  
15          reasonable return due to the larger setback and  
16          the rear-yard easement that is located as well as  
17          the topography of the lot.

18                       Now, therefore, the St. Charles Zoning  
19                       Board of Appeals grants the variation requested  
20                       with the stipulation that, as specified in  
21                       Section 17.42.040.C of the Municipal Code of St.  
22                       Charles, this variation shall lapse after 12  
23                       months from the date of grant thereof unless  
24                       construction authorized is commenced on a

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

25

1 building permit for the use specified by the  
2 variation within 12 months, or the use is  
3 commenced within such period.

4 Now, therefore, the St. Charles Board of  
5 Zoning Appeals grants the variation requested  
6 subject to the following condition, that the  
7 hickory tree in front of the 65-foot building  
8 setback area is preserved, and the stipulation  
9 that, as specified in Section 17.42.040.C of the  
10 Municipal Code of St. Charles, this variation  
11 shall lapse -- that's already been said.

12 SECRETARY FAKRODDIN: I'll second the  
13 motion.

14 CHAIRMAN RULLMAN: It's been moved  
15 and seconded that the variation be approved.

16 Unless there is discussion by the Board,  
17 Mr. Secretary, please call the roll.

18 SECRETARY FAKRODDIN: Mr. Buening.

19 MEMBER BUENING: Aye.

20 SECRETARY FAKRODDIN: Mr. Fakroddin,  
21 aye.

22 Mr. Holderfield.

23 MEMBER HOLDERFIELD: Aye.

24 SECRETARY FAKRODDIN: Ms. Piga.

**REPORT OF PROCEEDINGS -- 7/25/2013  
PETITION NO. V-2-2013**

26

**1** MEMBER PIGA: Aye.

**2** SECRETARY FAKRODDIN: Mr. Rullman.

**3** CHAIRMAN RULLMAN: Yes.

**4** SECRETARY FAKRODDIN: Mr. Simpson is  
**5** absent.

**6** Ms. Weisman.

**7** MEMBER WEISMAN: Aye.

**8** CHAIRMAN RULLMAN: Six, yes; one  
**9** member absent, and the variation is approved.

**10** You can deal with the building  
**11** commissioner.

**12** We will close the hearing on Application  
**13** V-2-2013.

**14** Any additional items from the Board or  
**15** staff?

**16** (No response.)

**17** CHAIRMAN RULLMAN: All right. Thank  
**18** you all for coming. The meeting is adjourned at  
**19** 7:27.

**20** (Which were all the proceedings  
**21** had in the above-entitled matter  
**22** ending at the hour of 7:27 p.m.)

**23**

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

I, JOANNE E. ELY, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled matter and that the foregoing is a true, correct, and complete transcript of my shorthand notes so taken as aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Notarial Seal this 31st day of July, 2013.



*Joanne E. Ely*  
Certified Shorthand Reporter

My commission expires  
May 16, 2016.

