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**LOCATION:** 1640 W. MAIN ST. (ST. CHARLES MEMORIAL WORKS)

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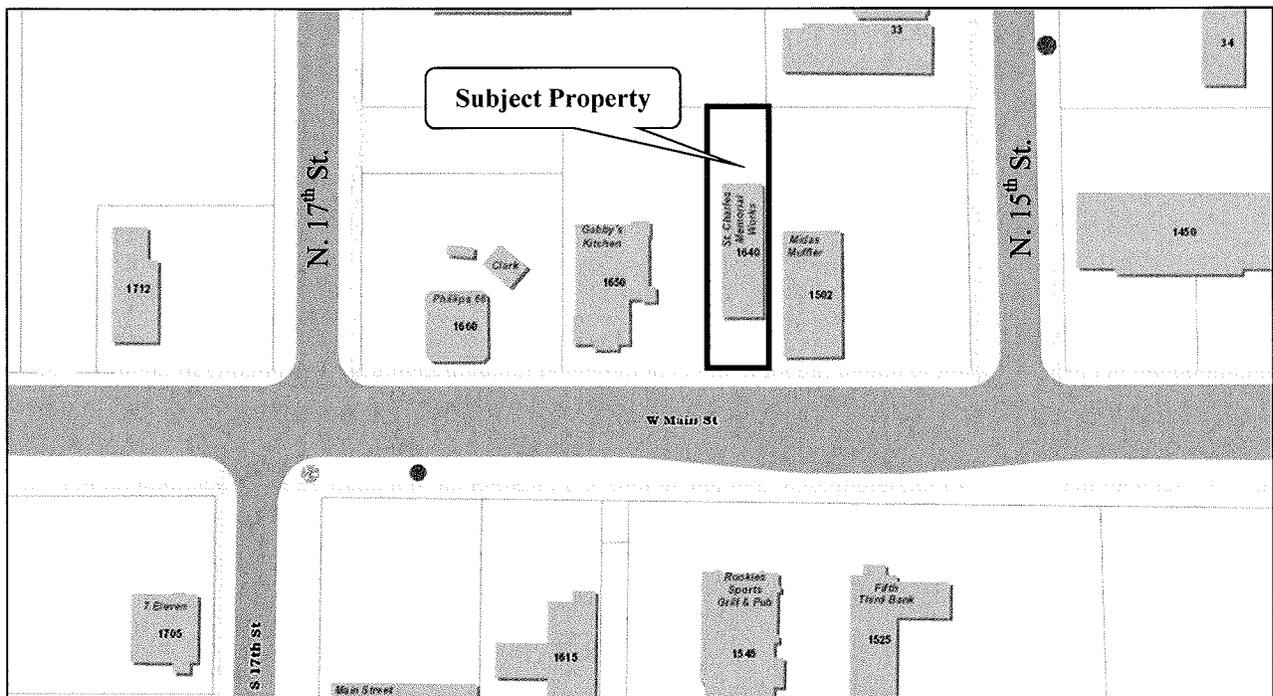
**Applicant:** Terry Carlson and Christian Carlson, Record Owners

**Requested Action:** Zoning variation to reduce the front yard setback requirement for a sign from 10 ft. to 0.8 ft.

**Purpose and Scope:** The St. Charles Zoning Ordinance requires all non-conforming signs to be brought into compliance with the Zoning Ordinance standards by October 16, 2014, or 15 years after the sign is initially constructed, whichever is later. The proposed variation would allow an existing sign on the subject property to remain in its current location after October 16, 2014.

**Existing Land Use:** Retail/Commercial Building (St. Charles Memorial Works)

**Existing Zoning:** BL- Local Business District



# CITY OF ST. CHARLES

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

FOR OFFICE USE	
Received	<u>4/28/14</u>
File #	<u>V-2-2014</u>
Fee Paid \$	<u>300</u>
Receipt	<u>X</u>

## APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

### APPLICANT & OWNER:

Name of Applicant\* Terry Carlson/Christina Carlson Phone 630.584.0183  
Address/City/State/Zip 1130 S. 5th St., St. Charles, IL 60174  
Applicant's interest in the property owner  
Name and Phone of Owner(s) of Record\* Terry & Susan Carlson 630.584.1488

Applicant is (check one)  Attorney  Agent  Owner  Other: \_\_\_\_\_  
Owner acquired the property on (date): 1986

### ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 1640 W. Main St., St. Charles, IL 60174  
Present Use (commercial, industrial, residential, etc.) Retail  
Zoning District BL Local Business District  
To your knowledge, have any previous applications for variations been filed in connection with this property? NO  
If YES, provide relevant information \_\_\_\_\_

### ACTION BY APPLICANT ON PROPERTY:

Permit applied for and denied? (yes or no) NO  
An Appeal was made with respect to this property? (yes or no) NO  
Appeal Application File Number N/A  
Appeal approved? (yes or no) N/A  
Appeal Application accompanies this request for variation? (yes or no) NO

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

**REASON FOR REQUEST:**

- A. Variation requested (state specific measurements) Maintain sign at existing setback of .8' instead of required 10' setback.
- B. Reason for request Pre-existing sign. If moved back sign would not be visible due to building next door.
- C. Explanation of purpose for which property will be used Existing use - Retail

**ACTION BY APPLICANT ON PROPERTY:**

- A. What physical characteristics would prevent the property from being used in conformity with the requirements of the zoning ordinance? Building next door to the East 1502 W. Main doesn't comply with 20' setback requirement.
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) NO
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) Yes. maintain visibility of the business along the street.
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) NO
- E. Based on your answers to the preceding questions, check the box that you believe most accurately states your position with regard to the property if the property is permitted to be used only under the conditions allowed by regulations in the zoning district. Explain the basis for your answer:
- Cannot yield a reasonable return \_\_\_\_\_
- Is greatly reduced in value With out maintaining the sign location the business would have no visibility on the street
- The owner is deprived of all reasonable use of the property same as above

**HARMONY WITH GENERAL PURPOSE AND INTENT:**

- A. Will the proposed <sup>will</sup> variation alter the essential character of the property? (explain) NO  
The sign conforms to the ordinance requirement - location is the only issue.

- B. Will the proposed variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (explain) NO. Existing sign with no issues to date.
- C. Will the proposed variation(s) impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood? (explain) NO. No issues with the sign to date.

**ATTACHMENTS REQUIRED:**

- A. One (1) copy of a plat of survey or plot plan (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses.
- B. A written certified list containing the registered owners, their mailing addresses and tax parcel numbers as recorded in the Office of the Recorder of Deeds in the county in which the property is located and as appears from the authentic tax records of such county, of all property within 250 feet in each direction of the location for which the variation is requested, provided all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Avenue, Geneva.
- C. Filing fee in the amount of **\$300.00** must be rendered at the time the application is submitted. If payment is made by check, it should be made payable to the City of St. Charles.
- D. Reimbursement to the City of miscellaneous fees is as follows: **Review hours by Building and Code Enforcement Division Manager, Publication of legal notice; court reporter and transcript fees; mailing (postage) costs.** The reimbursement of these miscellaneous fees *must be paid prior to issuance of any permit* in connection with the requested action.
- E. Letter of authorization from the property owner as to the request for the zoning variation must be included, if such authorization is applicable.
- F. Disclosure of beneficiaries of a land trust must be included, if applicable.
- G. A variation shall lapse after twelve months from the date of grant thereof unless construction authorized is commenced on a building permit for the use specified by the variation within twelve months, or the use is commenced within such period.

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

  
Signature of Applicant or agent

Christina Carlson  
Print name of applicant/agent

4-28-2014  
Date

  
Signature of Owner

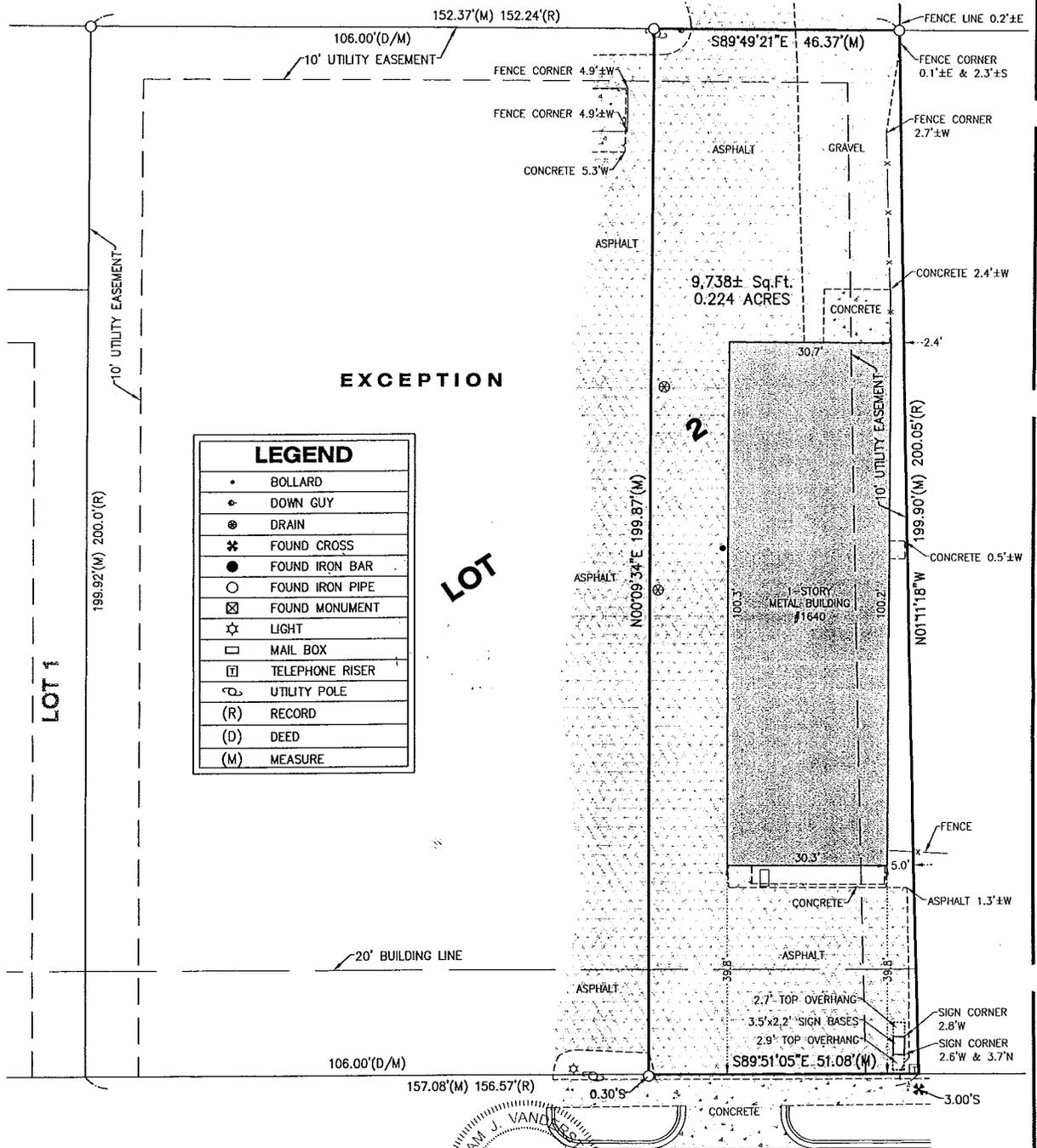
Terry Carlson  
Print name of owner

4-28-2014  
Date



# PLAT OF SURVEY

Lot 2, except the West 106.0 feet thereof in Wexi Subdivision Unit 1, according to the plat thereof recorded August 6th, 1965 as Document No. 1051470 in Kane County, Illinois.



## EXCEPTION

LEGEND	
•	BOLLARD
◊	DOWN GUY
⊗	DRAIN
✱	FOUND CROSS
●	FOUND IRON BAR
○	FOUND IRON PIPE
⊠	FOUND MONUMENT
☆	LIGHT
□	MAIL BOX
⊞	TELEPHONE RISER
⊙	UTILITY POLE
(R)	RECORD
(D)	DEED
(M)	MEASURE



## MAIN STREET

STATE OF ILLINOIS ) ) S.S.  
COUNTY OF McHENRY

In my professional opinion and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 4/3 A.D., 2014.

Vanderstappen Surveying & Engineering, Inc.  
Design Firm No. 184-002792

By: *William J. Vanderstappen*  
Illinois Professional Land Surveyor No. 2709

**NOTE:** Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- No distance should be assumed by scaling.
- No underground improvements have been located unless shown and noted.
- No representation as to ownership, use, or possession should be hereon implied.
- This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

CLIENT: CHRISTIAN CARLSON  
DRAWN BY: APG CHECKED BY: WJV  
SCALE: 1"=20' SEC. 28 T. 40 R. 8 E.  
BASIS OF BEARING: ASSUMED  
P.I.N.: 09-28-377-008  
JOB NO.: 140114 I.D. LSS  
FIELDWORK COMP.: 4/2/14 BK. PG.  
ALL DISTANCES SHOWN IN FEET AND DECIMAL REF.  
PARTS THEREOF CORRECTED TO 68° F.

Community & Economic Development  
Planning Division

Phone: (630) 377-4443  
Fax: (630) 377-4062



ST. CHARLES  
SINCE 1834

**STAFF MEMO**

**TO:** Chairman Elmer Rullman  
And the Members of the Zoning Board of Appeals

**FROM:** Russell Colby, Planning Division Manager

**RE:** Zoning Ordinance Sign Amortization

**DATE:** June 20, 2014

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In October 2006, the City completely revised the Zoning Ordinance (Title 17 of the City Code). Included was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of the Zoning Ordinance after a 3-year period, by October 16, 2009. This provision was modified by City Council in 2009, 2011 and 2013 to provide extensions to the amortization period due to the economic downturn and ongoing construction on Route 64. The amortization period will end on October 16, 2014 and all nonconforming signs will have to be brought into compliance with the Zoning Ordinance by this date.

A nonconforming sign is a sign that does not meet the current Zoning Ordinance requirements for the applicable zoning district, either due to the setback of the sign from the property lines, the height of the sign, or the size of the sign face.

The ordinance change in 2006 ended the ability of non-conforming signs to be “grandfathered” under the Zoning Ordinance. (Previously, nonconforming signs could continue to be maintained but could not be otherwise altered. This allowed the signs to continue to be painted and for sign faces to be changed).

City staff has identified a total of 43 non-conforming freestanding signs. Over the past few years, property owners have been advised of the non-conforming status of their signs and the extensions to the amortization period. Most of the wall-mounted non-conforming signs have come into compliance over the past few years, since these tend to be refaced frequently.

Since fall 2013, staff initiated the process of notifying property owners of the upcoming October 16th deadline and has since been shepherding business and property owners through the permitting process. Some properties have already come into compliance, some are currently in the process of installing new signs, and a few others are in for sign permits.

The Zoning Ordinance allows a variation to be granted to reduce a sign setback only. A variation cannot be granted to sign height or size requirements.

City staff have advised certain property owners with nonconforming signs that their sign may meet the standards for a variation to the setback requirements due to the conditions of their property. These include situations where if the sign were brought into conformance with the setback requirement, the sign’s new location would either: 1) make the sign no longer visible to passing traffic, 2) place the sign within an existing parking lot that cannot be modified to reduce the number of parking spaces, or 3) conflict with other structures on the site, such as a building.