

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-5-2014
LOCATION: 2125 W. MAIN ST.

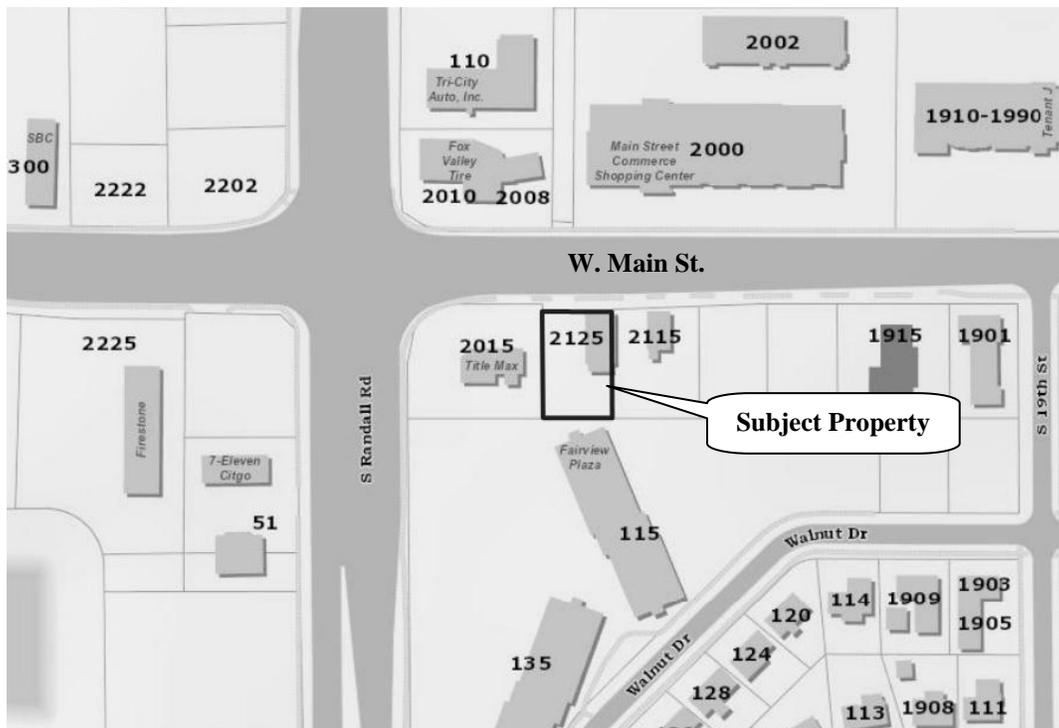
Requested Action: Zoning variation to reduce the front yard setback requirement for a freestanding sign from 10 ft. to 4 ft. 3 in.

Purpose and Scope: The existing freestanding sign located on the property does not meet the front yard setback requirement, and is therefore a non-conforming sign. The St. Charles Zoning Ordinance requires all non-conforming signs to be brought into compliance with the Zoning Ordinance sign standards by October 16, 2014, or 15 years after the sign is erected, whichever is later.

The applicant plans to move the existing sign back from its current location to come closer to complying with the 10 ft. setback requirement. However, the proposed location of the sign still will not meet this requirement. Therefore, the applicant is requesting this variation to allow the sign to be relocated to its proposed location and remain there after the October 16, 2014 compliance deadline.

Existing Land Use: Commercial

Existing Zoning: BL Local Business District



Zoning Board of Appeals
CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

FOR OFFICE USE
Received <u>9-5-2014</u>
File # <u>V-5-2014</u>
Fee Paid \$ <u>300.00</u>
Receipt <u>474428-018</u>

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

(Victor Montejó)

Name of Applicant* Moran Signs + Lighting, Inc Phone 630-366-6775
Address/City/State/Zip 225 James #7, Bensenville IL 60106
Applicant's interest in the property Representing Customer for Sign Variance
Name and Phone of Owner(s) of Record* manuel Artega, 630-235-2352

Applicant is (check one) Attorney Agent Owner Other: Sign Company
Owner acquired the property on (date): 5/1/2005

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 2125 W Main St. St. Charles 60174
Present Use (commercial, industrial, residential, etc.) Commercial - Restaurant
Zoning District BL Local Business
To your knowledge, have any previous applications for variations been filed in connection with this property? NO
If YES, provide relevant information N/A

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) N/A

**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:

VAM
10/5/14

- A. Variation requested (state specific measurements) RELOCATING EXISTING PYLON SIGN TO 4'-3" FROM CURVE DUE TO IDOT EXPANSION
- B. Reason for request IDOT EXPANSION
- C. Explanation of purpose for which property will be used PYLON SIGN FOR BUSINESS IDENTIFICATION

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? SIGN WILL BE LESS THAN REQUIRED 10' FROM CURVE
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) NOT TO MY KNOWLEDGE
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) YES BUSINESS IDENTIFICATION
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) IDOT EXPANSION
- 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

The owner is deprived of all reasonable use of the property DUE TO IDOT EXPANSION, PROPERTY FRONTAGE HAVE BEEN REDUCED DRASTICALLY

HARMONY WITH GENERAL PURPOSE AND INTENT:

- A. Will the proposed variation alter the essential character of the property? (explain) NO, SIGN WILL JUST BE RELOCATED IN LINE FROM PREVIOUS LOCATION ON PROPERTY AND WILL COMPLY MORE TO ZONING HEIGHT REQUIREMENTS

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

NO

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

NO

ATTACHMENTS REQUIRED:

- A. One (1) copy of a plat of survey or plot plan (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses. ✓
- B. A written certified list containing the registered owners, their mailing addresses and tax parcel numbers as recorded in the Office of the Recorder of Deeds in the county in which the property is located and as appears from the authentic tax records of such county, of all property within 250 feet in each direction of the location for which the variation is requested, 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 Planning Division Manager, Publication of legal notice; court reporter and transcript fees; mailing (postage) costs.** The reimbursement of these miscellaneous fees *must be paid prior to issuance of any permit* in connection with the requested action.
- E. Letter of authorization from the property owner as to the request for the zoning variation must be included, if such authorization is applicable.
- F. Disclosure of beneficiaries of a land trust must be included, if applicable.
- G. A variation shall lapse after twelve months from the date of grant thereof unless construction authorized is commenced on a building permit for the use specified by the variation within twelve months, or the use in commenced within such period.

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

[Signature]
Signature of Applicant/agent

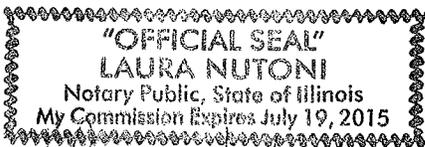
Victoria Montez
Print name of applicant/agent

9/5/14
Date

[Signature]
Signature of owner

MANUEL AJAYG
Print name of owner

09-05-2012
Date



Laura Nutoni

September 8th, 2014

TO: City of St. Charles
2 E. Main Street
St. Charles, IL 60174

FROM: Manuel Artega
2125 W Main St
St. Charles, IL 60174

RE: OWNER AUTHORIZATION

To whom it may concern,

Please accept this letter as authorization for Moran Signs & Lighting, Inc. (Victoria Montejo) to act on my behalf regarding my pylon sign zoning variation for my business (Los Burrito's Mexicanos) property located at 2125 W. Main St. in St. Charles, IL. On September 25th, 2014 at 7:00pm at Zoning Board of Appeals Meeting.

If there is any a question or concern I (Manuel Artega) can be reached at 630-235-2352.

Sincerely,



Manuel Artega
Owner
Los Burrito's Mexicanos

ALTA / ACSM LAND TITLE SURVEY

SCALE 1" = 30'

○=FOUND IRON PIPE

(R) = RECORD DISTANCE

(M) = MEASURED DISTANCE

▬ = CONCRETE/ASPHALT

---X---X---X--- = FENCE

NOTES:

- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
- NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
- THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED BY THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/ STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/ STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY DEPTHS AND DEPTHS: TELEPHONE, ELECTRIC, WATER, SEWER, STORM, AND CABLE T.V.
- THIS IS AN ALTA/ACSM SURVEY. IT IS NOT INTENDED TO BE USED AS THE BASIS FOR ENGINEERING/STRUCTURAL DESIGN.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO.1401 NWS712123 PREPARED BY CHICAGO TITLE INSURANCE COMPANY DATED FEBRUARY 28, 2005. THE FOLLOWING COMMENTS CORRESPOND TO THE ITEMS NUMBERED IN THE ABOVE REFERENCED COMMITMENT.
- MAIN STREET PROPOSED TO BE WIDENED PER CITY OF ST. CHARLES.
- UTILITY EASEMENT REFERRED TO BY DOCUMENT #479731 IS UNPLOTTABLE AS WRITTEN, BUT APPEARS TO RUN ALONG FORMER RIGHT OF WAY OF MAIN STREET AS SHOWN ON PLAT OF SUBDIVISION.

TO: CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCORPORATED BY REFERENCE INTO THE "STANDARD CONTRACT" STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS" FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS.

DATED AT AURORA ON MAY 10, 2005.

MICHAEL C. ENSALACO



ARROW
ODD
AS SURVEYING
PROFESSIONAL LAND SURVEYING SERVICES
E.O.M. & ASSOCIATES, INC.

MAIN STREET

5' TEMPORARY EASEMENT PER DOC. 2004K160737

INLET 0.5'

FOUND IRON 0.4' PIPE 7.0'-NORTH

93.00' (R) 92.96' (M)

7'

THE WESTERLY 268' OF LOT 6 BLOCK 1

29.7'

22.1'

73.0'

73.0'

150.14' (M) 150.00' (R)

1.5'

139591.90 FT.

29.7'

150.00' (R) 150.07' (M)

1.9'

THE EASTERLY 93.0'

93.00' (R) 93.05' (M)

3.7'

4.5'

0.7'

TELEPHONE BOX

TRANSFORMER

GARBAGE AREA

AIR CONDITIONER

ELECTRIC METER

GAS METER

1 STORY COMMERCIAL BUILDING

SIGN

OMANHOLE

INLET

TAKEN FOR ROAD PURPOSES PER CASE 04EKK422 FOR I.D.O.T.

FOUND IRON PIPE 7.0'-NORTH

0.4'

7'

22.1'

29.7'

73.0'

73.0'

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139591.90 FT.

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FOUND IRON PIPE 7.0'-NORTH

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7'

22.1'

29.7'

Store Front= 29'-7" +/-
 Property Frontage= 93' +/-
 Sign Dimensions= 6'-2" x 7'-2"
 Above Ground= 7'-10" +/-

PROPOSED SIGN
Total Sign Area = 44.19 SQ. FT.

Colors shown are for presentation purpose and may vary slightly within actual work

EXISTING SIGN
68.57 SQ. FT. Total Sign Area



Relocating One (1) Pylon sign on property to comply with city ordinance



225 W James Street #7
 Bensenville, IL 60106
 Ph: 630-550-0309 / 630-366-6775
 Fax: 630-206-0953
 Email: info@moransigns.com
 www.moransignandlighting.com

This drawing is the exclusive property of MORAN SIGN & LIGHTING CO. and may not be reproduced in whole or in part without prior written approval.
 MORAN SIGN & LIGHTING CO. does NOT provide primary electric service to sign location. MUST BE PROVIDED BY OTHERS!

REVISIONS	
DATE	DESCRIPTION

LANDLORD APPROVAL

BY: _____
 DATE: _____

CUSTOMER APPROVAL

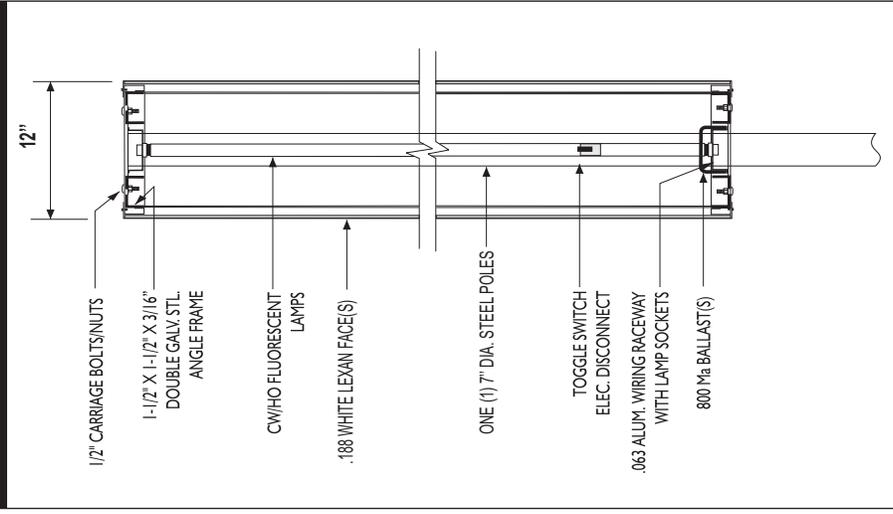
BY: _____
 DATE: _____

DRAWING NO.
SHEET 1 OF 1
SCALE:
SALESPERSON: GM
DATE: 08-28-14

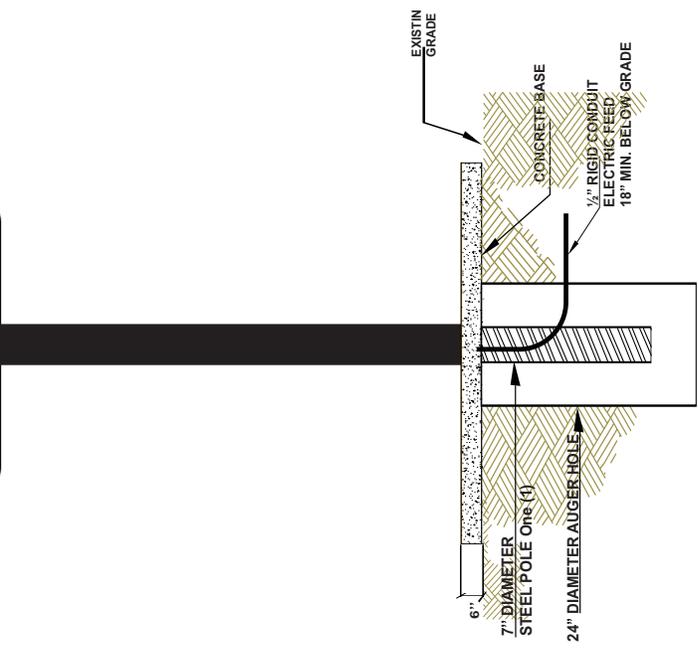
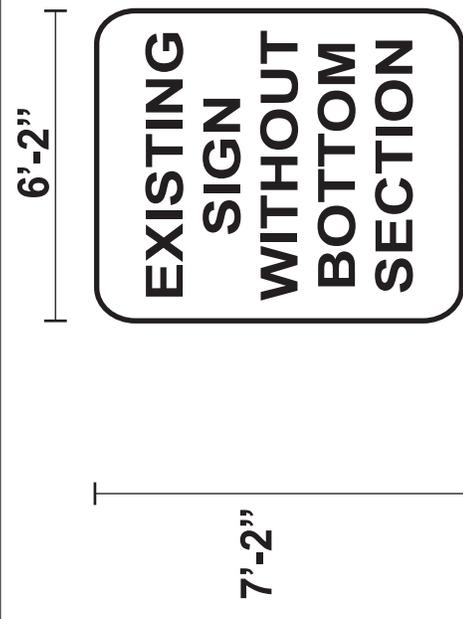
PROJECT

Los Burritos Mexicanos
 2125 W. Main St.
 St. Charles, IL

EXISTING DOUBLE FACED INTERNALLY ILLUMINATED CABINET



Relocating One (1) Pylon sign on property to comply with city ordinance



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DATE: 08-28-14

PROJECT
Los Burritos Mexicanos
2125 W. Main St.
St. Charles, IL

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



STAFF MEMO

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

FROM: Ellen Johnson, Planner
Russell Colby, Planning Division Manager

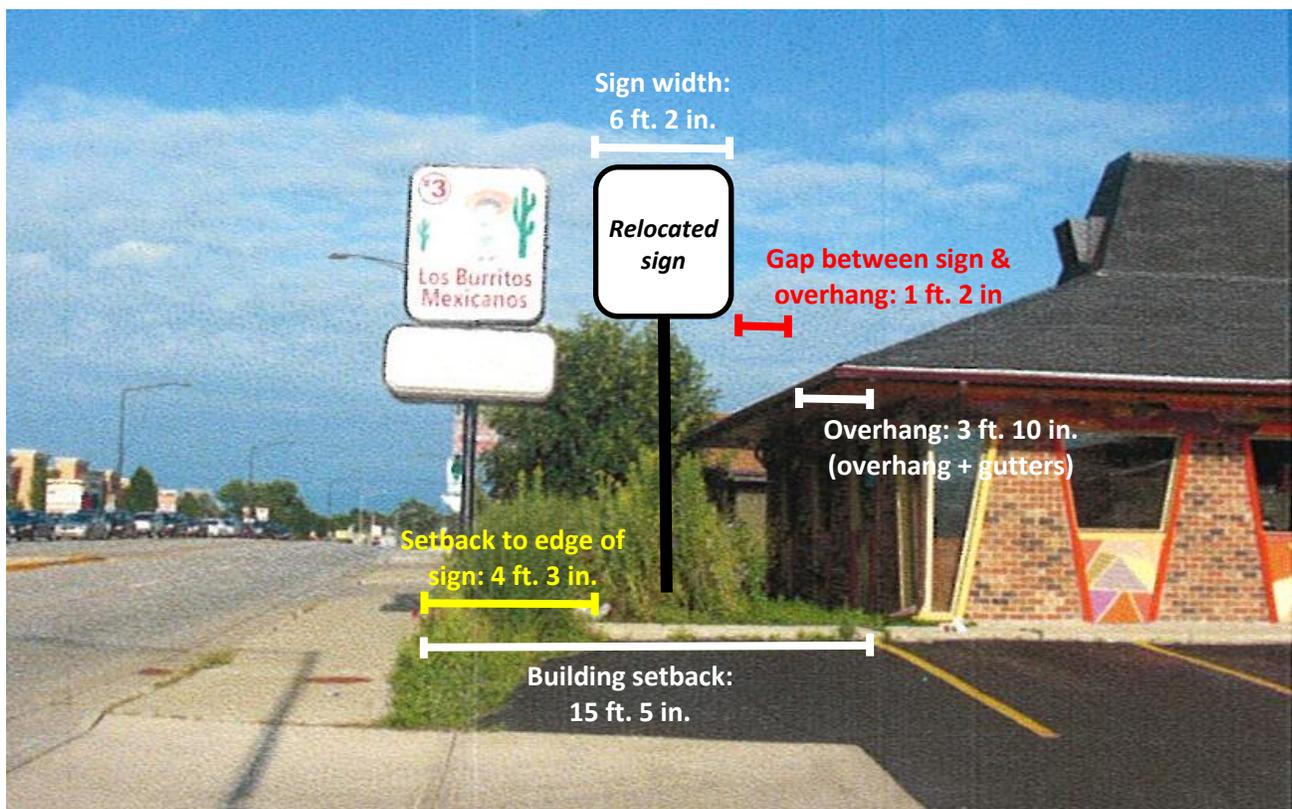
RE: Sign Relocation Diagram – V-5-2014 (2125 W. Main St.)

DATE: October 6, 2014

The following diagram illustrates the requested front setback for the sign located at 2125 W. Main St. and resulting gap between the relocated sign and the building overhang. If the variation is granted to permit the sign to be relocated as proposed, there will be a total of 1 ft. 2 in. between the edge of the sign face and the overhang of the building. This was calculated as follows:

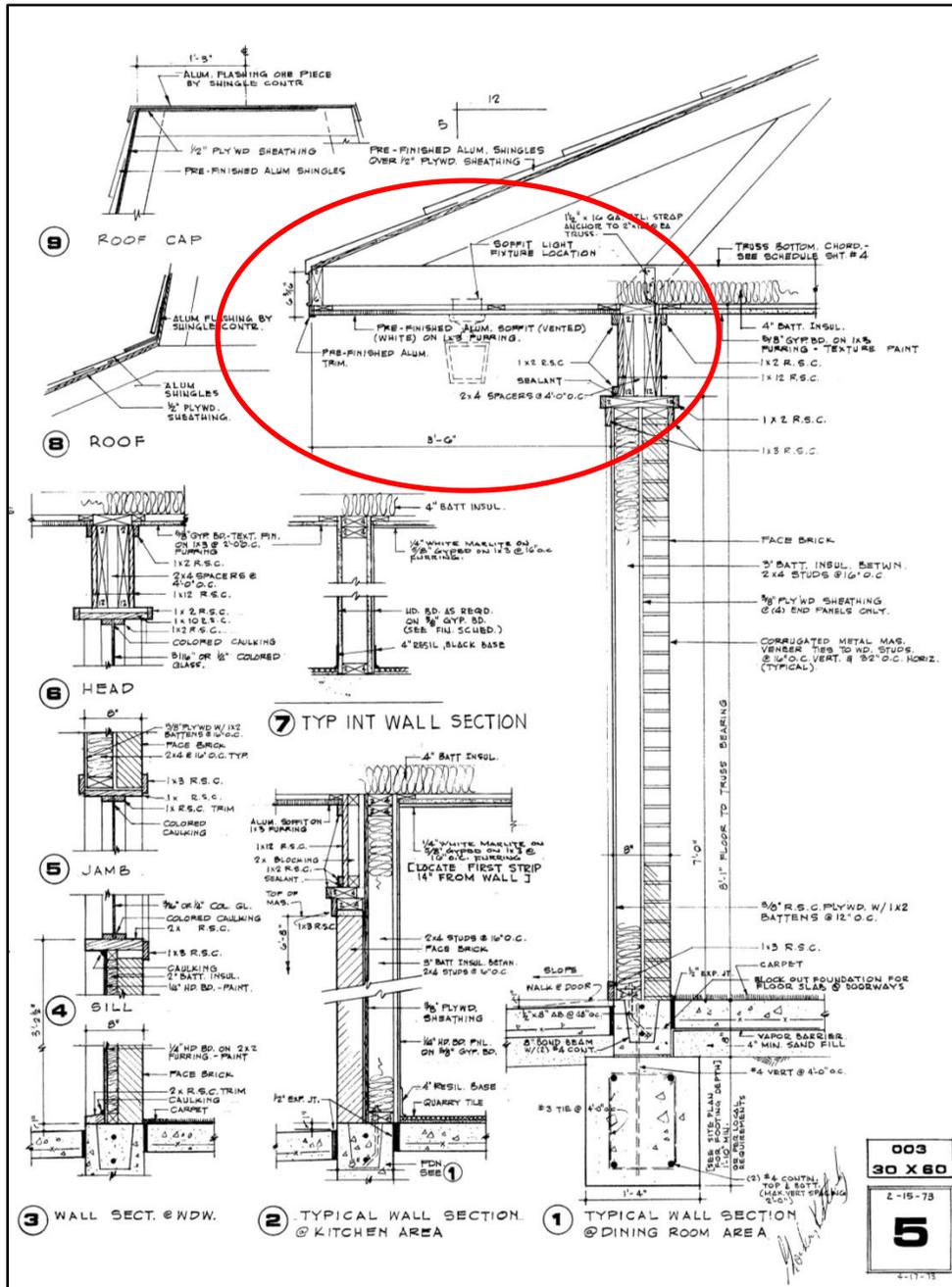
$$15 \text{ ft. } 5 \text{ in.} - (4 \text{ ft. } 3 \text{ in.} + 6 \text{ ft. } 2 \text{ in.} + 3 \text{ ft. } 10 \text{ in.}) = 1 \text{ ft. } 2 \text{ in.}$$

$$(Building \text{ setback} - (sign \text{ setback} + sign \text{ width} + overhang) = gap \text{ between sign \& overhang})$$



Note: Diagram is not drawn to scale.

The width of the overhang (3 ft. 6 in.) was determined by the building plans from 1974, an excerpt of which is provided below. For the total width of the overhang, 4 in. was added to account for the existing gutters.



Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



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: September 16, 2014

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. Per the 2013 modification, the amortization period was to end on October 16, 2014, meaning all nonconforming signs would have had to be brought into compliance with the Zoning Ordinance by this date.

In September 2014, City Council approved a provision that allows the owner of a nonconforming sign to submit a written request for an eight month extension of the amortization period, to June 16, 2015. The request must explain how the nonconformity will be resolved within the extension period. If the owner of a nonconforming sign does not submit an extension request, the October 16, 2014 deadline remains.

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 nonconforming 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 36 remaining nonconforming freestanding signs. Over the past few years, property owners have been advised of the nonconforming status of their signs and the extensions to the amortization period. Most of the wall-mounted nonconforming 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. Staff is in the process of notifying property owners about the option to request an extension of the deadline to June 16, 2015.

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.