

**MINUTES  
CITY OF ST. CHARLES  
ZONING BOARD OF APPEALS  
THURSDAY, OCTOBER 22, 2015  
COUNCIL CHAMBERS**

Members Present: Chairman- Elmer Rullman  
Scott Buening  
James Holderfield  
John Hrivnak  
Robert Krawczyk  
Charles Simpson

Member Absent: None

Also Present: Russell Colby, Planning Division Manager  
Ellen Johnson, Planner  
Court Reporter

**1. Call to order**

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

**2. Roll call**

Roll was called with six members present. There was a quorum.

**3. Presentation of minutes of the May 28, 2015 meeting**

A motion was made by Mr. Holderfield and seconded by Mr. Simpson with a unanimous voice vote to approve the minutes of the May 28, 2015 meeting.

**4. Election of Officers**

A motion was made by Mr. Buening and seconded by Mr. Simpson with a unanimous voice vote to elect Mr. Rullman Chairman.

A motion was made by Mr. Krawczyk and seconded by Mr. Hrivnak with a unanimous voice vote to elect Mr. Buening Secretary.

**5. Variation Application V-6-2015, filed by Parvin-Clauss Sign Co., as representative for Shailesh Patel, owner of the property located at 307 W. Main St. in the City of St. Charles.**

Secretary Buening summarized/read into record the following:

- Variation Application V-6-2015 filed by Parvin-Clauss Sign Co., as a representative for Shailesh Patel, owner of the property located at 307 W. Main Street in the City of St. Charles.
- The requested action is a zoning variation to reduce the right-of-way setback requirement for a freestanding Type B identification sign from 10 feet to 3 feet from the north property line and from 10 feet to 32 inches from the west property line.

Chairman Rullman swore in the following:

- Kishore Mahaden, 1421 Lance Avenue, Elburn, Illinois
- Joseph Aliperta, 575 Canterbury, Carol Stream, Illinois
- Oleg Schulzhenko, owner of 301/305 West Main Street, St. Charles, Illinois
- Russell Colby, Planning Division Manager
- Ellen Johnson, Planner

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

**A motion was made by Mr. Holderfield and seconded by Mr. Krawczyk 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-6-2015, dated 9/23/2015, and received 9/23/2015 from Parvin-Clauss Sign Company as representative for Shailesh Patel, owner of the property located at 307 W. Main St., St. Charles, Illinois, for a variation to reduce the right-of-way setback requirement for a freestanding Type B identification sign from 10 feet to 3 feet from the north property line and from 10 feet to 32 inches from the west property line; and

**Whereas**, the particular physical surroundings, shape, or topographical conditions of the specific property would result in a practical difficulty or particular hardship to the property owner, as distinguished from mere convenience due to the driveway configuration; and

**Whereas**, conditions upon which the petition for variation is based is applicable generally to other property within the same zoning classification; and

**Whereas**, the purpose of the variation is not based exclusively upon a desire to make more money on the property; and

**Whereas**, the practical difficulty or hardship has not been created by any person presently having an interest in the property; and

**Whereas**, the Variation, if granted, will not alter the essential character of the neighborhood; and

**Whereas**, the granting of the 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 congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

**Whereas**, the existing sign located on the property is a nonconforming sign due to the setback of the sign from the right-of-way; and

**Whereas**, the City of St. Charles Zoning Ordinance requires all nonconforming signs to be brought into compliance with the Zoning Ordinance sign requirements;

**Now, therefore**, the St. Charles Zoning Board of Appeals grants the variation requested, upon the conditions that the sign otherwise conform to the standards of the Zoning Ordinance, the height of the sign be increased to 12 feet, and with the stipulations as specified in 17.04.310 of the Municipal Code of the City of St. Charles.

**Roll called:**

Ayes: Holderfield, Krawczyk, Hrivnak, Rullman, Simpson

Nays: Buening

**Motion carried; Variation granted. 5-1**

**6. Additional Business from Board members, Staff, or Citizens.**

Mr. Colby advised members that staff has provided copies of information to update their Zoning Ordinance.

**7. Adjournment at 7:44 p.m.**

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BEFORE THE ZONING BOARD OF APPEALS

CITY OF ST. CHARLES

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IN RE: :

Variation application :

for the property located : No. V-6-2015

at 307 West Main Street. :

- - - - -x

REPORT OF PROCEEDINGS

St. Charles, Illinois

Thursday, October 22, 2015

7:00 p.m.

Job No.: 74355

Pages: 1 - 35

Reported By: Paula Quetsch, CSR

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Report of Proceedings held at the location of:

St. Charles Council Chambers  
2 East Main Street  
Second Floor  
St. Charles, Illinois 60174  
(630) 377-4700

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

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PRESENT:

- ELMER RULLMAN, III, Chairman
- SCOTT BUENING, Acting Secretary
- JAMES HOLDERFIELD, Member
- JOHN HRIVNAK, Member
- ROBERT KRAWCZYK, Member
- CHARLES SIMPSON, Member

ALSO PRESENT:

- RUSSELL COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner

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P R O C E E D I N G S

CHAIRMAN RULLMAN: We will call this meeting  
to order at 7:00.

Mr. Buening, please call the roll.

SECRETARY BUENING: Holderfield.

MEMBER HOLDERFIELD: Here.

SECRETARY BUENING: Hrivnak.

MEMBER HRIVNAK: Here.

SECRETARY BUENING: Krawczyk.

MEMBER KRAWCZYK: Here.

SECRETARY BUENING: Rullman.

CHAIRMAN RULLMAN: Here.

SECRETARY BUENING: Simpson.

MEMBER SIMPSON: Here.

SECRETARY BUENING: And Buening, present.

CHAIRMAN RULLMAN: Six members present.

Are there any additions or corrections to  
the meeting from the May 28th, 2015, meeting?

(No response.)

CHAIRMAN RULLMAN: If there are none, can I  
have a motion to approve?

MEMBER HOLDERFIELD: So moved.

MEMBER SIMPSON: Seconded.

CHAIRMAN RULLMAN: Move and seconded. All

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1 in favor.

2 (Ayes heard.)

3 CHAIRMAN RULLMAN: Opposed.

4 (No response.)

5 CHAIRMAN RULLMAN: Next item is election of  
6 officers. So we need a chairman and either a vice  
7 chairman or a secretary. It's in the past been a  
8 secretary by title, but it doesn't make any difference  
9 to me.

10 SECRETARY BUENING: So I'll make a motion  
11 for Rullman to be chairman.

12 MEMBER SIMPSON: Second.

13 CHAIRMAN RULLMAN: Moved and seconded. Any  
14 discussion?

15 (No response.)

16 CHAIRMAN RULLMAN: If not, all in favor.

17 (Ayes heard.)

18 CHAIRMAN RULLMAN: All right. So would we  
19 prefer by title -- do we care? The person is going to  
20 read the record and serve as chairman in the event  
21 that the chairman is absent. So it's been called a  
22 secretary historically. We can continue to do that or  
23 call it a vice chairman.

24 MEMBER SIMPSON: Do you have a preference?

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1 CHAIRMAN RULLMAN: I don't.

2 MEMBER SIMPSON: It doesn't matter to me.

3 CHAIRMAN RULLMAN: All right. It's the  
4 secretary then, I guess.

5 Nomination for secretary.

6 MEMBER KRAWCZYK: I nominate Mr. Buening if  
7 he'll accept.

8 MEMBER HRIVNAK: Second.

9 CHAIRMAN RULLMAN: Any discussion? If not,  
10 all in favor.

11 (Ayes heard.)

12 CHAIRMAN RULLMAN: At this time we'd like to  
13 open the variation application V-6-2015 filed by  
14 Parvin-Clauss Sign Company as representative for  
15 Shailesh Patel, owner of the property located at  
16 307 West Main Street in the city of St. Charles.

17 Mr. Secretary, please read the appropriate  
18 documents.

19 SECRETARY BUENING: This is Variation  
20 No. V-6-2015. The property is located at 307 West  
21 Main Street. The requested action is a zoning  
22 variation to reduce the right-of-way setback  
23 requirement for a freestanding Type B identification  
24 sign from 10 feet to 3 feet from the north property

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1 line and from 10 feet to 32 inches from the west  
2 property line.

3 The existing freestanding sign on the  
4 property does not meet the right-of-way setback  
5 requirement in the north and west property lines and  
6 is therefore a nonconforming sign. The St. Charles  
7 Zoning Ordinance requires all nonconforming signs to  
8 be brought into compliance with the zoning ordinance  
9 sign standards.

10 The Applicant is requesting the variation  
11 due to concerns that adjacent properties will obstruct  
12 visibility of the sign if it were to be set back  
13 10 feet from the property lines.

14 The existing land use is commercial, and the  
15 existing zoning is CBD-1 Central Business District.  
16 The Applicant is Parvin-Clauss Sign Company, care of  
17 Mary Clauss, with Shailesh Patel as the applicant that  
18 has filed the application which was submitted on  
19 September 21st, 2015, and received by the community  
20 development department on September 23rd of 2015.

21 CHAIRMAN RULLMAN: Was it published?

22 SECRETARY BUENING: I do not have that  
23 information.

24 MS. JOHNSON: The legal notice was published

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1 on October 7th in the Kane County Chronicle.

2 CHAIRMAN RULLMAN: Thank you.

3 Is the petitioner present?

4 Okay. Well, anyone who wants to be heard on  
5 this petition please rise, raise your right hand.

6 (Three witnesses duly sworn.)

7 CHAIRMAN RULLMAN: Will you give your name,  
8 please, and address to the recorder.

9 MR. MAHADEN: My name is Kishore Mahaden.  
10 Address is 1421 Lance Avenue in Elburn, Illinois 60119.

11 CHAIRMAN RULLMAN: Let the record show that  
12 Mr. Colby and Ms. Johnson are also sworn.

13 The floor is yours.

14 MR. MAHADEN: Good evening. Thank you.

15 Parvin-Clauss Sign Company is acting on  
16 behalf of Mr. Patel, the property owner. We have  
17 applied for this appeal variation application in order  
18 to match the setback of the existing sign at the  
19 property.

20 The existing sign sets back from North Avenue,  
21 the North Avenue property line 36 inches, and we would  
22 like to match that setback for the new sign. The  
23 property line running parallel to Fourth Street, that  
24 setback is 32 inches, and we'd like to match that

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1 setback with the new sign, as well.

2 The main reason for this is from a  
3 visibility standpoint. If the setback is per the City  
4 code, we would lose a lot of visibility, especially  
5 for a motorist driving eastbound. There's landscaping  
6 and buildings in the way that could potentially -- or  
7 will hinder the sight lines for the sign. So because  
8 of that, that's why we're asking if we could match the  
9 setback of the existing sign for visibility purposes.

10 And that's really the core of our  
11 application.

12 CHAIRMAN RULLMAN: Any questions from the  
13 Board?

14 MEMBER HOLDERFIELD: I have a question I  
15 think I'd ask staff. The existing sign that's on the  
16 property presently, before the expansion of Route 64,  
17 Main Street, was it in compliance with our code at  
18 that time?

19 MR. COLBY: I don't believe we have any  
20 information that Route 64 right-of-way was expanded in  
21 this location anytime recently.

22 MEMBER KRAWCZYK: I have a couple questions.

23 One is the site plat of survey does not  
24 include the curbing that's around the sign, and I

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1 found that important.

2 And, also, you plan to put the new sign on  
3 the exact concrete pad as the existing sign; is that  
4 correct?

5 MR. MAHADEN: That's correct.

6 MEMBER KRAWCZYK: That little circle that's  
7 right behind your sign, the flagpole, when was that  
8 installed?

9 MR. MAHADEN: The flagpole --

10 MEMBER KRAWCZYK: It's a little circle.

11 MR. MAHADEN: That I don't know.

12 MEMBER KRAWCZYK: You don't know if that was  
13 installed? I'm just curious if that flagpole was done  
14 after the property was purchased, or was that on the  
15 existing property when it was purchased?

16 MR. MAHADEN: I'm not the property owner.  
17 I'm not sure.

18 MR. ALIPERTA: May I be sworn in to speak?

19 CHAIRMAN RULLMAN: Yes, you may. Please  
20 stand, raise your right hand.

21 (Witness duly sworn.)

22 CHAIRMAN RULLMAN: Give your name and  
23 address to the reporter, please.

24 MR. ALIPERTA: Joseph Aliperta, address is

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1 575 Canterbury, Carol Stream, Illinois.

2 Gentlemen, I'm here -- I'm actually  
3 representing Shailesh Patel, the business owner. I'm  
4 with Parent Petroleum. We're the fuel marketer for  
5 this station.

6 We've done business for the station for, I  
7 would say over 20 years. That flagpole was installed  
8 prior to us ever doing business there, prior to  
9 Shailesh owning the property here about a year ago  
10 roughly. So we don't know when it was initially  
11 installed.

12 MEMBER KRAWCZYK: Thank you.

13 MR. ALIPERTA: Certainly.

14 SECRETARY BUENING: I have a couple  
15 questions. When you were trying to site the sign -- I  
16 understand that you were probably trying to look at  
17 the easiest way to locate that sign because it's on  
18 the existing foundation with the same utility  
19 connection. But did you actually look at -- you know,  
20 that island is on -- it was mentioned that, you know,  
21 it's not on the plat of survey, which is a little  
22 surprising. But I went out there and measured it, and  
23 you have adequate room within that island to build a  
24 sign that would comply and not encroach on the parking

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1 lot area. Did you actually look at that and determine  
2 whether or not that was even a possibility?

3 MR. MAHADEN: We did. Joseph and I went out  
4 and looked at that. And because of the proposed sign  
5 size and the sight lines coming -- driving east as you  
6 come over the hill, that was -- there's existing -- on  
7 the opposite corner there's landscaping that -- shrubs  
8 that we felt it would hinder the sight lines as you  
9 were approaching the station. So that was -- that was  
10 our biggest concern.

11 As far as setting it back into the island  
12 more, that would have been ideal because there would  
13 have been more room for landscaping and whatnot and  
14 flexibility as far as size. However, it all had to do  
15 with the sight lines.

16 SECRETARY BUENING: The canopy is being  
17 rebranded, as well, I would assume. Are you putting  
18 actual signage on the canopy, as well?

19 MR. MAHADEN: There is the Shell pecten logo  
20 on at least two sides.

21 SECRETARY BUENING: So the public would be  
22 able to notice from the canopy which is a very large  
23 structure, obviously, as it is a gas station; correct?

24 MR. MAHADEN: Yes.

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1                   SECRETARY BUENING: My concern is the sign  
2 as it is right now is an elevated sign and does not  
3 present visibility -- I use this gas station  
4 regularly, so I'm very well aware of the situation.  
5 The elevated sign doesn't present a visibility issue.  
6 I'm also concerned that now by lowering of the sign  
7 that that is going to create a visibility issue, so I  
8 have concerns about the variance, to be honest  
9 with you.

10                   I guess that's all I have.

11                   MEMBER HRIVNAK: Have you considered  
12 anything in the way of pedestrian and bicycle traffic  
13 around that corner in terms of placement? My only  
14 thought is that if a bicycle approaching Main Street  
15 at that corner makes -- you know, given the height  
16 requirement would be blind going around that corner as  
17 far as hitting a pedestrian. So I don't know, was  
18 that part of the consideration at all?

19                   MR. MAHADEN: Not specifically bicycles but  
20 we were looking at it from a standpoint of a car  
21 pulling out from 4th Street. We did talk about that,  
22 okay, can they see over the sign to see oncoming  
23 traffic, and that was a consideration.

24                   We felt that the visibility was going to be

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1 sufficient especially since we did have 3 feet back  
2 from the property line, and we weren't hanging over  
3 the sidewalk or anything. So we thought it would be  
4 sufficient.

5 MEMBER HRIVNAK: You have a drawing of the  
6 proposed signage here.

7 MR. MAHADEN: Yes.

8 MEMBER HRIVNAK: Just a question for you.  
9 At the base plate, is there a shear connection there  
10 so in the event that a vehicle were to hit it that it  
11 would shear off, or is this sign pretty much anchored?

12 MR. MAHADEN: The way we would use -- we  
13 would mount the sign to the existing concrete base  
14 with epoxy anchors. So it would be -- it would be a  
15 permanent way of mounting the sign. But as far as  
16 like a breakaway connection --

17 MEMBER HRIVNAK: Yeah, sure, breakaway  
18 connection.

19 MR. MAHADEN: It wasn't designed in that  
20 manner, not this version.

21 MEMBER KRAWCZYK: I have a question for the  
22 staff. Is there a requirement of distance between  
23 that stop sign and any other signs in the area?

24 MR. COLBY: No, there's no specific

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1 requirement that there be a separation from the  
2 business sign and a traffic control sign, no.

3 SECRETARY BUENING: Another question for  
4 staff. Do we have a vision triangle requirement in  
5 the ordinance that requires a clear zone?

6 MR. COLBY: We do. But this property, it's  
7 in the CBD-1 zoning district which actually allows  
8 buildings up to the property lines. So I believe -- I  
9 want to check that. This zoning district may be  
10 exempt from that requirement.

11 There's a section of the Code 17.22.010F,  
12 and it specifically provides an exemption for the  
13 CBD-1 zoning district that the sight triangle is not  
14 required to be complied with because of the building  
15 setback.

16 SECRETARY BUENING: Thank you.

17 CHAIRMAN RULLMAN: Any other questions?

18 MEMBER SIMPSON: Sir, one of the things we  
19 look at is whether there's any practical difficulty or  
20 particular hardship to the property owner of meeting  
21 the requirements of the code as distinguished from  
22 mere inconvenience. Can you give me -- can you  
23 explain if there is more than just an inconvenience to  
24 you, or do you believe this is going to impact your

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1 business?

2 MR. MAHADEN: Well, we feel that the -- it  
3 would impact the business from the standpoint of doing  
4 comparison shopping for gas. With the proposed sign  
5 design, the price digits are bigger, thus more visible.  
6 We feel that that would really help Mr. Patel's  
7 business a lot. Right now the digits are a little  
8 hard to read, and I go by the sign quite a bit, so I  
9 have noticed in the past that the digits are a little  
10 harder to read.

11 With this proposed design the LED price  
12 digits would stick out. And since a lot of people  
13 comparison shop for gas, it would help him out a lot.

14 CHAIRMAN RULLMAN: That speaks to the  
15 visibility or the readability of the sign but I have a  
16 concern, also. What other -- how did you look at this  
17 and say, could we put a sign on the property that  
18 would comply with the ordinance? Is it possible to do  
19 that and still have it visible?

20 MR. MAHADEN: The -- I don't believe that we  
21 would be in compliance with the new code because  
22 seeing that we would have to be -- the maximum height  
23 being 15 feet, to put a new sign according to the new  
24 code setbacks we'd have to go up pretty high, and I

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1 don't think that that was -- that we would be able to  
2 comply with the code based on the height and the  
3 square footage.

4 Joe, do you want to add to that?

5 MR. ALIPERTA: Yeah. I just wanted to add  
6 we met up at the facility with Robert Vann. The  
7 location of the signs are at a really particular  
8 location because of the elements that are surrounding  
9 it. First of all, the business is set back. So the  
10 surrounding businesses have more forefront on the  
11 property line where a lot of their signs are either at  
12 that property line or actually exceed it and hang  
13 over it.

14 With this property the current -- we thought  
15 that the current location of the sign was the best  
16 spot for it and would get the greatest visibility for  
17 our business compared to other competitors.

18 However, in order to come into some -- to  
19 code, in essence, we had to lower it or shift it back.  
20 The lowering of the sign was an issue because of the  
21 intersection, and it would obstruct visibility for  
22 traffic heading eastbound. So when we were out there  
23 with Robert, he had recommended the overall height  
24 which we have come up with and the fact of coming for

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1 the variance to allow for that visibility for  
2 commuters on the roadway. So that's how we determined  
3 the design of the sign.

4 SECRETARY BUENING: What is the maximum  
5 allowable sign height for this district?

6 MR. COLBY: For this particular type of sign  
7 it's 12 feet.

8 SECRETARY BUENING: So they could in theory  
9 go higher because it looks like it's about 8 and 2/3rds  
10 feet high.

11 MR. COLBY: Correct.

12 MEMBER HRIVNAK: Is there a requirement for  
13 the protection of the sign? If their base was back  
14 further, can the sign go up and cantilever toward  
15 there?

16 MR. COLBY: The setback requirement would be  
17 measured to the closest edge of the sign.

18 MEMBER HRIVNAK: Edge of the sign. Okay.  
19 Thank you.

20 CHAIRMAN RULLMAN: Any other questions from  
21 the Board?

22 MEMBER HRIVNAK: Yes. If the sign were to  
23 be moved further east closer to the 10-foot suggested  
24 required setback and not further backwards or to the

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1 south, would that actually improve your visibility  
2 given what you've got here for traffic going to the  
3 east, if you were to actually put it that way so my  
4 line of sight improves that way? So you'd meet one  
5 setback and not meet another setback but improve your  
6 visibility.

7 MR. ALIPERTA: We're prevented from moving  
8 the sign east, further east from the current position  
9 because we have a flagpole. It can go further south,  
10 but then we're losing the commuter visibility.

11 CHAIRMAN RULLMAN: Any other questions from  
12 the Board?

13 (No response.)

14 CHAIRMAN RULLMAN: Are there any objectors  
15 present? Rise and -- do you want to speak?

16 MR. SCHULZHENKO: Yes.

17 CHAIRMAN RULLMAN: Rise and raise your right  
18 hand, please.

19 (Witness sworn.)

20 CHAIRMAN RULLMAN: State your name for the  
21 reporter and your address.

22 MR. SCHULZHENKO: My name is Oleg Schulzhenko.  
23 I'm the owner of 301/305 West Main Street,  
24 St. Charles, Illinois. Thank you.

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1 I'm here on behalf of 305 West Main Street,  
2 The Finery and Blacksmith Bar. So Finery folks, they  
3 put a lot of effort and time in organizing of their  
4 signage and their position in St. Charles. So in  
5 looking at this picture, I totally disagree with the  
6 height of the sign and the positioning and the size of  
7 it because it's blocking completely the view of  
8 The Finery and Blacksmith Bar. And it's becoming  
9 visible approximately from 5th Street going eastbound,  
10 but when going up the hill to 7th Street, it's just --  
11 his position is just blocking completely The Finery  
12 sign, The Finery location itself.

13 So the current sign serves fine concerning  
14 The Finery and Blacksmith Bar because it's high enough  
15 to have good visibility for it, but if it's going to  
16 go this low and it's going to stay on this wide post,  
17 it's going to block completely the business, and it's  
18 staying parallel with 4th Street. Maybe, also, the  
19 gas station can change the position of the height of  
20 the sign or use some other signage which will not  
21 interfere with the business of The Finery.

22 Thank you very much.

23 MEMBER HRIVNAK: I'm looking at -- I just  
24 pulled up the map on that. You're 305 West Main; is

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1 that right?

2 MR. SCHULZHENKO: Yes.

3 MEMBER HRIVNAK: So that appears to be next  
4 door just basically to the east.

5 MR. SCHULZHENKO: Yes. Right next door.

6 MEMBER HRIVNAK: So what you're stating is  
7 the eastbound traffic would not be able to see your  
8 signage; is that correct?

9 MR. SCHULZHENKO: That's correct, yes, from  
10 7th Street to 5th Street, basically. And from 5th Street  
11 to 3rd Street it's very fast; people will just not be  
12 able to catch the signage.

13 SECRETARY BUENING: It looks like you have a  
14 wall sign on the west side.

15 MR. SCHULZHENKO: Yes.

16 CHAIRMAN RULLMAN: If you were on 4th Street  
17 I'd see that, but I don't see that much from Main Street.

18 MR. SCHULZHENKO: Well, if you are on  
19 7th Street and Main, that's where blockage starts, and  
20 it goes up to 5th Street approximately. So once we  
21 pass 5th Street, you can see the signage, but it's not  
22 long enough for the signage visibility.

23 MEMBER HOLDERFIELD: So you're saying if the  
24 sign was taller either up --

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1 MR. SCHULZHENKO: Yes, it would be fine.

2 MEMBER HOLDERFIELD: In that position but at  
3 a taller height.

4 MR. SCHULZHENKO: Higher up. And for right  
5 now it just sits at the perfect height. It's not  
6 blocking us whatsoever and it sits like on two poles  
7 or something like that.

8 MR. ALIPERTA: One post.

9 MR. SCHULZHENKO: And it's not that wide  
10 post, so it looks fine, the signage.

11 MEMBER HOLDERFIELD: The existing sign  
12 is okay?

13 MR. SCHULZHENKO: It's okay, yes. The  
14 existing sign is fine, yes. People can see the  
15 signage, and people can see the business place, but if  
16 the size of the sign when it goes there this wide and  
17 this tall and set low on a wide post, then, you know.

18 SECRETARY BUENING: Do we know the height of  
19 the existing sign?

20 MR. ALIPERTA: Kishore, do you have that?

21 MR. MAHADEN: It's 12 feet to the bottom of  
22 the cabinet.

23 MR. ALIPERTA: So 16 overall.

24 MR. SCHULZHENKO: Right. Or if this sign

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1 can be repositioned like on the end or something --  
2 see what I mean -- so it will open up the view from  
3 the hill of 7th Street when you're going down  
4 eastbound, that would be fine, too.

5 MEMBER HRIVNAK: I've just pulled up again,  
6 you know, looking at images from up the street looking  
7 at the current sign. In this particular case it's the  
8 former Citgo sign and then looking toward the  
9 305 building, and there doesn't appear to be signage  
10 on the side of that building now, and if there's  
11 signage on the front, I can't see it for the tree.

12 MR. SCHULZHENKO: On the front, yes, you'll  
13 not be able to see, but it has the signage right now  
14 on west wall of the 305.

15 MEMBER KRAWCZYK: And your signage is even  
16 with the first-floor windows?

17 MR. SCHULZHENKO: It is about the window of  
18 the first floor, yes.

19 MEMBER KRAWCZYK: I see that, yes.

20 CHAIRMAN RULLMAN: Any questions?

21 I have a question for the petitioner.

22 MR. SCHULZHENKO: Thank you very much.

23 CHAIRMAN RULLMAN: Thank you.

24 One of the items that you responded to is,

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1 "Will granting the variation be detrimental to the  
2 public welfare or injurious to other property or  
3 improvements in the neighborhood in which the property  
4 is located," and you say, "No, variation will have no  
5 impact on others."

6 So we have some testimony that says maybe  
7 that's not correct.

8 MR. MAHADEN: Well, I would say at the time  
9 we filed the application we didn't know it was going  
10 to hinder the view of anyone else's sign. We took  
11 that question on the application as something, I would  
12 say a little more serious than that as far as like  
13 from a health and safety standpoint. We didn't  
14 realize that that was going to block the view of  
15 someone else's sign.

16 CHAIRMAN RULLMAN: All right. Any other  
17 questions?

18 MEMBER KRAWCZYK: I'm not sure I can ask  
19 this but I'll ask it anyway. Would you be open to  
20 mitigating the other property's issue with the sign by  
21 raising his sign higher so it doesn't interfere with  
22 yours and vice versa?

23 MR. MAHADEN: If that would help, I'm sure  
24 something could get worked out. And I was only -- I

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1 only heard part of it, but his sign is on the  
2 adjacent -- the property next door on the wall facing  
3 North Avenue?

4 SECRETARY BUENING: No, it's west face.

5 MR. MAHADEN: West face, okay. I mean, if  
6 it had to be -- if it would help by raising it.

7 The thing that I was kind of unclear on is  
8 if we're traveling eastbound and we're at 7th Street,  
9 if I'm not mistaken, that would put us at the top of  
10 the hill. That's why I was kind of confused as to why  
11 the visibility of his sign would be hindered. If  
12 anything, our sign going lower could actually help  
13 his cause.

14 But, then again, I haven't -- when I walked  
15 the sight lines with Joseph and one of my other  
16 colleagues, we walked up to the top of the hill and  
17 started walking down on the sidewalk and then on the  
18 street itself to see what kind of visibility we had,  
19 and the thing that really caught our eye was that,  
20 okay, the landscaping on the building across on  
21 4th Street was going to really hinder the view of the  
22 Shell sign if it was based on the code setbacks.

23 But to answer your question, if it would  
24 help, I'm sure we could work something out.

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1 MEMBER HOLDERFIELD: As I understand it, we  
2 don't have any requirement on the height of the sign  
3 in this particular district.

4 CHAIRMAN RULLMAN: There's square footage  
5 for all signs.

6 SECRETARY BUENING: The maximum height is  
7 12 feet?

8 MR. COLBY: Correct.

9 SECRETARY BUENING: Is there a limit on  
10 attached sign heights?

11 MR. COLBY: The height of a wall sign?

12 SECRETARY BUENING: Yes.

13 MR. COLBY: There is not. You can't go past  
14 the height of the roof line.

15 MEMBER HOLDERFIELD: What's the height of  
16 the existing sign now?

17 MR. MAHADEN: The existing sign is 16 feet  
18 from the top of the foundation to the top of the sign.

19 MEMBER HOLDERFIELD: Would that be  
20 compliant?

21 MR. COLBY: No, it would not because the  
22 maximum height allowed is 12 feet.

23 MEMBER HOLDERFIELD: Okay.

24 CHAIRMAN RULLMAN: Are there any other

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1 questions?

2 (No response.)

3 CHAIRMAN RULLMAN: Any discussion?

4 MEMBER HRIVNAK: Just a procedural question.

5 In asking questions in regard to how we might  
6 rationale our decision one way or another, if I wanted  
7 to ask any questions, is there a way to do that?

8 CHAIRMAN RULLMAN: A question from us,  
9 someone on the Board?

10 MEMBER HRIVNAK: No. For example, I have  
11 some rationale that I would like to share in terms of  
12 where I'm headed and I don't know if that's --

13 CHAIRMAN RULLMAN: What we have to do is  
14 find facts, and there are some reasons, and that's  
15 basically in the criteria for variation.

16 MEMBER HRIVNAK: Right.

17 CHAIRMAN RULLMAN: There's facts that we  
18 need to find on these areas and any others that are  
19 pertinent. So this is not a limitation to what we can  
20 ask, but we do need to look at each of these things.

21 MEMBER HRIVNAK: That being the case, I have  
22 a question. The approval criteria states, "The  
23 purpose of the variation is not based exclusively upon  
24 a desire to make more money on the property." So is

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1 there a reason for the signage other than the ability  
2 to market your facility to make more money? How do I  
3 interpret C3 on that?

4 CHAIRMAN RULLMAN: I would give you my  
5 opinion that there is an ordinance -- a provision in  
6 the ordinance for businesses to have signs. They're  
7 limited in terms of square footage and height and  
8 other things. So the fact that there is a sign I  
9 would presume would be to help the business increase,  
10 but personally I would look at that as exclusively.

11 MEMBER HRIVNAK: Thank you for the  
12 clarification.

13 CHAIRMAN RULLMAN: Anything further?

14 SECRETARY BUENING: I would agree. I think  
15 if they were perhaps looking to build a sign that was  
16 substantially larger, or closer to the property line,  
17 or it was a new business that -- where the signage  
18 would attract more business because it says something  
19 else on it, that might be a reason to say that that  
20 was making more money. So that would be a circumstance  
21 where you could say that.

22 CHAIRMAN RULLMAN: Any other discussion? If  
23 not, I would entertain a motion.

24 MEMBER HOLDERFIELD: I will make a motion.

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

4                   Whereas, the St. Charles Zoning Board of  
5 Appeals has reviewed File V-6-2015 dated 9/23/13 and  
6 received 9/23/15 from Parvin-Clauss Sign Company as  
7 representative for Shailesh Patel, owner of the  
8 property located at 307 West Main Street in the city  
9 of St. Charles, the zoning variation to reduce the  
10 right-of-way of setback requirement for a freestanding  
11 Type B identification sign from 10 feet to 3 feet and  
12 for the north property line from 10 feet to 32 inches  
13 on the west property line;

14                   Whereas, the particular physical  
15 surroundings, shape, or topographical condition of the  
16 specific property would result in a practical  
17 difficulty or particular hardship to the property  
18 owner, as distinguished from mere convenience due to  
19 the driveway configuration; and

20                   Whereas, conditions upon which the petition  
21 for variation is based is applicable generally to other  
22 property within the same zoning classification; and

23                   Whereas, the purpose of the variation is not  
24 based exclusively on the desire to make more money on

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1 the property; and

2           Whereas, the practical difficulty or  
3 hardship has not been created by any person presently  
4 having an interest in the property; and

5           Whereas, this variation, if granted, will not  
6 alter the essential character of the neighborhood; and

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

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

17           Whereas, the existing sign location of the  
18 property is a nonconforming sign;

19           Whereas, the City of St. Charles Zoning  
20 Board requires all nonconforming signs be brought into  
21 compliance with the zoning sign statute of  
22 October 16, 2004;

23           Now, therefore, the St. Charles Zoning Board  
24 of Appeals -- and I have two conditions on this.

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1     Should I state these at this point? -- that the sign  
2     be modified to -- that the sign be modified to  
3     otherwise conform to the standards of the zoning  
4     ordinance, and that the height of the sign be  
5     increased to 12 feet. These are subject conditions.

6             Now, therefore, the St. Charles Zoning Board  
7     of Appeals grants the variation requested as specified  
8     in 17.04.310 of the variations policy of the Municipal  
9     Code of the City of St. Charles.

10            CHAIRMAN RULLMAN: Is there a second?

11            MEMBER KRAWCZYK: Second that.

12            CHAIRMAN RULLMAN: It's been moved and  
13     seconded, the variation being granted subject to  
14     two stipulations.

15            Is there any additional discussion?

16            MEMBER HRIVNAK: Yes. I would add that if  
17     we are to raise the sign to 12 feet that it have  
18     breakaway shear connections at the base for safety  
19     purposes.

20            CHAIRMAN RULLMAN: That's not an issue we  
21     can deal with.

22            MEMBER HRIVNAK: All right.

23            CHAIRMAN RULLMAN: That would be a building  
24     requirement.

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1                   Let me ask the petitioner, are these  
2 acceptable conditions?

3                   MR. ALIPERTA: Can you -- just to clarify,  
4 you want the sign to be a 12-foot overall height. Is  
5 that overhaul height total; correct?

6                   MEMBER HOLDERFIELD: Yes. Presently it's at  
7 15. We're going to 12 because that's as high as we  
8 can go to be in compliance with the code.

9                   MR. ALIPERTA: And the other stipulation was  
10 the breakaway?

11                   MEMBER HRIVNAK: No, that's voided. That's  
12 not our purview, sorry. I still recommend it.

13                   CHAIRMAN RULLMAN: The other one was it  
14 would comply with the ordinance, which it would have  
15 to do.

16                   MEMBER HOLDERFIELD: That's in terms of the  
17 square area of the sign itself, which I think it  
18 already is but just to clarify it.

19                   MR. ALIPERTA: Certainly.

20                   MEMBER HRIVNAK: Clarification question. In  
21 regard to the height of the sign, is 12 feet allowable  
22 or is the height --

23                   CHAIRMAN RULLMAN: That's the maximum.

24                   MEMBER HRIVNAK: -- the height they were

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1 allowed previous?

2 MR. COLBY: 12 feet is the allowable height.

3 MEMBER HRIVNAK: Thank you.

4 CHAIRMAN RULLMAN: Mr. Buening, please call  
5 the roll.

6 SECRETARY BUENING: Holderfield.

7 MEMBER HOLDERFIELD: Yes.

8 SECRETARY BUENING: Krawczyk.

9 MEMBER KRAWCZYK: Yes.

10 SECRETARY BUENING: Hrivnak.

11 MEMBER HRIVNAK: Yes.

12 SECRETARY BUENING: Rullman.

13 CHAIRMAN RULLMAN: Yes.

14 SECRETARY BUENING: Simpson.

15 MEMBER SIMPSON: Yes.

16 SECRETARY BUENING: And Buening. I'll  
17 vote no.

18 CHAIRMAN RULLMAN: All right. There's  
19 5 yes, 1 no, and the variation is granted as  
20 stipulated.

21 MR. MAHADEN: Thank you very much.

22 CHAIRMAN RULLMAN: Before closing this I  
23 would like to add for the record that there are  
24 two other documents that were included with the

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1 original material.

2 One is a letter from the Historic  
3 Preservation Commission since this is in the Historic  
4 Preservation district saying that they had no  
5 objections to this variation, and the other is a  
6 letter of authorization from the current owner  
7 authorizing the sign company to represent them. All  
8 items are put together and marked as Exhibit A, and  
9 then this ends the hearing on Variation V-6-2015.

10 Is there additional business to be  
11 discussed?

12 MR. COLBY: I just wanted to state we have  
13 passed around some copies of information to the board  
14 members to update the zoning ordinance. I know there  
15 were some older versions, and we tried to update  
16 everything, so please do hold onto that.

17 CHAIRMAN RULLMAN: Appreciate that. All  
18 right. No further business to discuss, this meeting  
19 is adjourned at 7:44.

20 (Off the record at 7:44 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 26th day of October, 2015.

My commission expires: October 16, 2017

 \_\_\_\_\_

Notary Public in and for the  
State of Illinois