

**AGENDA
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
CHAIR ELMER RULLMAN III**

**THURSDAY, JUNE 26, 2025 - 7:00 P.M.
COUNCIL CHAMBERS
2 E. MAIN STREET, ST. CHARLES, IL 60174**

- 1. Call to order**
- 2. Roll Call -**
 - Buening
 - Flamand
 - Rullman
 - Johnston
 - Bambalas
 - Totten
 - (Vacant Seat)*
- 3. Presentation of minutes of the November 14, 2024 meeting.**
- 4. Request for an extension of Variance V-4-2023, filed by Michelle Spruth, owner of the property located at 722 S 9th Ave.**
- 5. Additional Business from Board members or Staff**
- 6. Public Comment**
- 7. Adjournment**

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TTY), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).



June 20, 2025

RE: File No. V-4-2023
722 S. 9th Ave.
St. Charles, IL 60174

Dear Board Members:

Enclosed is a request for an EXTENSION of Variation V-4-23. This request is scheduled for the Zoning Board of Appeals meeting on **June 26, 2025 at 7:00 pm**. The meeting will be held in Council Chambers.

If you have any questions regarding the application or the meeting, please contact our office at (630) 377-4443 or email me at Bsylvester@stcharlesil.gov.

Sincerely,

Bruce Sylvester

Bruce Sylvester,
Assistant Director of Community Development, P&E

Enclosures:

Staff Report

Heritage. Community. Service. Opportunity.

Two East Main Street

St. Charles, IL 60174

PHONE: 630-377-4400

www.stcharlesil.gov

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, NOVEMBER 14, 2024
COUNCIL CHAMBERS**

Members Present: Elmer Rullman, III, Chair
Scott Buening
Christopher Johnston
Laura Halpenny
John Bambalas
Samantha Flamand
Ross Totten

Member Absent: None

Also Present: Bruce Sylvester, Assistant Director of Community Development P&E
Brandon Orlando, Applicant
Court Reporter

1. Call to order

Chair Rullman called the meeting to order at 7:10 p.m.

2. Roll call

Secretary Buening called roll with seven members present. There was a quorum.

3. Presentation of minutes of the April 25, 2024 meeting

A motion was made by Mr. Bambalas, second by Mr. Totten, with a unanimous voice vote to approve the minutes of the April 25, 2024 meeting.

4. Variance Application V-1-2024, filed by Brandon Orlando, owner of the property located at 420 Iroquois Ave.

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Ms. Halpenny and seconded by Ms. Flamand as follows:

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

Whereas, the St. Charles Zoning Board of Appeals has reviewed File V-1-2024 received on 10/01/24 from Brandon Orlando for the property located at 420 Iroquois Ave. in the

City of St. Charles, IL for a 9-foot reduction of the 30 foot front yard set-back requirement from the front (east) property line along North 5th Avenue (Highway 25), to allow a 21-foot front-yard set-back from the east property line;

Whereas, the particular surroundings, shape or topographic conditions of the specific property involved would result in a practical difficulty or particular hardship to the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; and

Whereas, the conditions upon which the petition for a variation is based would not be applicable generally to other property within the same zoning classification; and

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

Whereas, the practical difficulty or practical hardship has not been created by any person 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 to the neighborhood in which the property is located; and

Whereas, the proposed variation will not impair an adequate supply of light and air to the adjacent property or substantially increase congestion of the public streets or increase the danger of fire, endanger public safety, or substantially diminish or impair property values within the neighborhood;

Now, therefore, the St. Charles Zoning Board of Appeals grants the variation request with the stipulations as specified in Section 17.040.310, variation of the Municipal Code of the City of St. Charles, subject to the following conditions; applicant shall not widen the driveway, apron, curb or cut onto Iroquois Avenue so as to maintain the existing separation between the driveway and the corner of Iroquois and North Fifth Avenue.

Roll called:

Ayes: Buening, Halpenny, Flamand, Rullman, Johnston, Bambalas, Totten

Nays: None

Absent: None

Motion carried by vote of 7-0.

5. Additional Business from Board members or Staff – None.

6. **Public Comment-** None.
7. **Adjournment at 7:25 p.m.**



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Transcript of Hearing - 420 Iroquois Avenue

Date: November 14, 2024

Case: St. Charles Zoning Board of Appeals

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In re:
ST. CHARLES ZONING BOARD OF APPEALS

RECORDED HEARING

Job No.: 557746
Pages: 1 - 16
Transcribed by: Lauren Bishop

1 MR. CHAIRMAN: (Inaudible).

2 MALE SPEAKER 1: So moved.

3 MR. CHAIRMAN: It is moved (inaudible). All
4 in favor, aye?

5 GROUP: Aye.

6 MR. CHAIRMAN: (Inaudible).

7 MALE SPEAKER 2: Second.

8 MR. CHAIRMAN: Who?

9 MALE SPEAKER 2: Me, second on that.

10 FEMR. CHAIRMAN: I will second on that.

11 MR. CHAIRMAN: (Inaudible) V12024,
12 (inaudible) Orlando, owner of the property, located
13 at 420 Iroquois (phonetic) Avenue in St. Charles.

14 MR. CHAIRMAN: Thank you, Mr. Chairman.
15 This is variants -- a variation of V12024, the
16 property located at 420 Iroquois Avenue. The
17 requested action is a zoning period -- zoning
18 variation to reduce the front yard setback nine feet
19 along the east property line which is North Fifth
20 Avenue, Highway 25. If approved, building setback
21 from North Fifth Avenue be reduced require 30 feet to
22 21 feet. The applicant is proposing to instruct and
23 addition on the east side of the house to accommodate
24 a larger attached garage, approved and allow the

1 addition to be 21 feet away from the east property
2 line where 30 feet is going to require -- the
3 property is currently in a development with a single-
4 family home and a single attached garage. The
5 property is one traditional single-family residential
6 district. The property was noticed in Daily
7 (inaudible) on October 28th, 2024, certified mailed
8 to those within 250 feet, also on that same date,
9 October 28th, 2024. And here is --

10 MR. CHAIRMAN: Is the petitioner present?

11 MALE SPEAKER 2: Yes.

12 MR. SYLVESTER: Mr. Chairman, do you mind
13 if I give a quick staff introduction before the
14 applicant comes up?

15 MR. CHAIRMAN: That is fine.

16 MR. SYLVESTER: Thank you, Mr. Chairman.
17 Members of the board, my name is Bruce Sylvester
18 (phonetic). I'm the assistant director of Community
19 Development for the city St. Charles and I know
20 historically, staff hasn't given a presentation prior
21 to the applicant coming up and presenting their
22 request, but as a relatively new hire with the city,
23 I'm trying to change some of our procedures a little
24 bit by just giving a very brief staff report

1 outlining some major points that you might want to
2 focus your attention on before having the applicant
3 come up. So I'll do that very briefly. Before I do
4 though, I was probably remiss in letting all of you
5 know, that the person who previously staffed this
6 board, Rachel Heintzman (phonetic), left the city
7 about a month ago for another opportunity in another
8 community. So if you're just hearing that now, sorry
9 I didn't let you know that sooner that Rachel left
10 employment with the city of St. Charles, after six
11 years here, a little over a month ago. So I'm going
12 to be filling in at these meetings going forward.

13 Okay. Real quick, Board Member Buning
14 (phonetic) gave some of the basics. All of this is
15 included in the staff report that was sent out before
16 the meeting. We're doing those digitally now. Did
17 everyone get the -- the packet? Good. Everyone
18 hopefully had a chance to take a look at it?
19 Excellent. Just want to point out that on corner
20 lots, sometimes what is the -- the front yard versus
21 the -- the street side or the exterior yard can be
22 confusing. This is a corner property so I included
23 the definition from our zoning ordinance for what is
24 a -- what is the definition of a corner lot and more

1 specifically what is the front yard and importantly,
2 for this particular proposal, the yard facing Fifth
3 is the front yard.

4 Second, there's a provision in our zoning
5 ordinance that if there are other existing buildings
6 on the same block that are non-conforming, that can
7 be a factor in allowing a new building that doesn't
8 conform with the setback requirement and there are
9 other properties on this block that are non-
10 conforming with regard to the setback, from Fifth
11 Avenue and that summarized in the staff report as
12 well. I don't know if everyone can see this. It was
13 in your staff report. The applicant lives at 420
14 Iroquois, which is right here where my cursor is.
15 There are only three buildings to the north on the
16 same block. The one immediately adjacent meets the
17 setback, but the to further north do not. And then
18 the -- the numbers and the average of all of those
19 properties -- of the setbacks of all of those
20 properties is in the staff report.

21 Third, just pointing out that the lot is
22 non-conforming and it was plaited as non-conforming.
23 It does not meet our minimum lot size for the zoning
24 district that it lies within. And then lastly, I know

1 I met with each of you during some trainings and just
2 -- I'll remind you that there are some criteria that
3 you should keep in mind as you consider this request.
4 These criteria need to be satisfied in order for the
5 variance to be approved. So I'll leave the aerial
6 image on the screen. That's the conclusion of my
7 presentation, unless their questions and Mr.
8 Chairman, if you want to have the applicant come up,
9 I'm done with my report.

10 MR. CHAIRMAN: Thank you. (Inaudible)
11 please raise. Raise your right hand.

12 (Whereupon the oath was administered.)

13 MR. CHAIRMAN: All right. (Inaudible).
14 Thank you.

15 MALE PETITIONER: Thank you, Bruce and the
16 Board for your time to review and consider my
17 variance application. In preparing the application
18 reviewing the approval criteria in Title 17, Chapter
19 4, Section 310 of the St. Charles code of ordinances,
20 a couple of thoughts came to mind that I wanted
21 articulate tonight around hardship because a lot of
22 the application and a lot of the criteria talked
23 about demonstrating hardship. As Bruce mentioned, a
24 lot is non-conforming. One of the criterias was

1 around the individual creating hardship, I didn't
2 create the hardship, I inherited it when I purchased
3 the home back in 2013. I'm going to talk about rehabs
4 that I've done to the home. Just know that the
5 physical structure and dimensions of the dwelling
6 haven't changed since I purchased the home in 2013.
7 The true hardship here is obviously the house was
8 built in 1955. Safe to assume the zoning ordinances
9 were different back then, but the true hardship is
10 that the single car garage is on the east side of the
11 dwelling, which is three feet from the setback. And
12 the only way to accommodate a standard garage is to
13 go through a variance process. And I think just those
14 three things together is exactly why we have a
15 variance process and to consider the -- that sort of
16 hardship. So I'm kind of a bottom-line guy. It's
17 really -- that's the issue. If the house was there
18 was -- this is a raw piece of land and you could
19 probably work within the dimensions, the -- I've got
20 a much bigger yard and on the west side of that,
21 where you could shift the home to the west to
22 accommodate. You could go vertical if you had a raw
23 piece of land. There's been other renovations in
24 Potawatomi Park that have gone vertical recently but

1 the reality is I'm dealing with hardship that the
2 garage already exists on these set of the property
3 and that's what I'm working with.

4 The only other thing that I would just
5 state is that approval criteria five speaks not to --
6 not altering the character of the neighborhood. I
7 think my history as a neighbor on 420 speaks to being
8 one of whose enhanced and improved the character and
9 appearance of our street. Since I purchased the home
10 in 2013, I've completely rehabbed my home over four
11 phases working with the city of St. Charles and the
12 appropriate manner along the way. Bob Van was in the
13 -- was one of the building department personnel at
14 the time and said, I -- you did it the right way. I
15 took a home that was heading down a path of neglect
16 in 2013 and turned it into one that I know my
17 neighbors enjoy and I'm very proud to call home. So
18 again, thank you for your time and consideration.
19 I've spoken to my immediate neighbors around me,
20 everybody's -- the ones that are immediately around
21 me are in favor of this. There's nobody here content
22 -- contesting it. So I think that that speaks to the
23 neighbor that I've been.

24 MR. CHAIRMAN: Does the board have

1 questions?

2 MALE SPEAKER 2: I have some questions. So,
3 when you purchased the home, was it a one car garage
4 at that time? It looks like it was a one-car --

5 MALE PETITIONER: It was.

6 MALE SPEAKER 2: So there was another --
7 was it on the west side of the existing garage? Was
8 it a garage at some point in the past? That is kind
9 of what it looks like.

10 MALE PETITIONER: The way it's configured
11 today is the way I purchased it in 2013. I can't
12 speak to anything prior to 2013.

13 MALE SPEAKER 2: Right. Right. Right.

14 MALE PETITIONER: Yeah.

15 MALE SPEAKER 2: And then your neighbor to
16 the north --

17 MALE PETITIONER: Steve.

18 MALE SPEAKER 2: -- did he see what you're
19 proposing?

20 MALE PETITIONER: Yeah. Yeah. He actually
21 texted me last week when you get the letter and he
22 said he would be here in my in my favor but he's out
23 of town.

24 MALE SPEAKER 2: Okay.

1 MALE PETITIONER: Yeah.

2 MALE SPEAKER 2: The only thing I would
3 note is that with the garage addition, his for -- his
4 driveway is on the back or side of his house.

5 MALE PETITIONER: Yeah.

6 MALE SPEAKER 2: So the only thing I would
7 want to make sure that it's not going to block his
8 driveway. Are those trees yours or are those his?

9 MALE PETITIONER: Those are mine. Those
10 (inaudible). So all that landscaping you see is mine
11 and the trees as well as (inaudible) that's out
12 there.

13 MALE SPEAKER 2: Is that going to come down
14 there with the addition do you think or no?

15 MALE PETITIONER: No. There's some low-
16 lying ground cover that will have to be probably
17 taken out, but the (inaudible) and the -- the trees
18 that are there are not -- won't need to be disturbed.

19 MALE SPEAKER 2: Okay. I think there was a
20 -- oh, I am sorry. One of the questions --

21 MALE PETITIONER: Sure.

22 MALE SPEAKER 2: This is probably more for
23 staff. The rear yard setback and the live
24 configuration is the way it is, is west side line.

1 That's the rear.

2 MALE SPEAKER 3: Correct.

3 MALE SPEAKER 2: So I assume that that
4 district has a yard setback of somewhere in between
5 25 and 30 of range.

6 MALE SPEAKER 3: Correct.

7 MALE SPEAKER 2: So even if they wanted to
8 put a garage addition on that side, they would still
9 need a variance anyway?

10 MALE SPEAKER 3: Correct.

11 MALE SPEAKER 2: That's all.

12 MR. CHAIRMAN: Any discussion of the board?
13 Motion?

14 FEMALE SPEAKER 1: I would like to make a -
15 - well, I would like to make a motion to approve the
16 variances requested that he has applied for. Does
17 anybody want to second?

18 FEMALE SPEAKER 2: I'll second that.

19 FEMALE SPEAKER 1: Thank you.

20 MALE SPEAKER 1: Mr. Chairman, before the
21 vote, I would just point out that in the staff
22 report, there is a recommendation to included a
23 condition of approval, which would be that if the
24 variance is granted, that the driveway apron not be

1 widened. We've had other issues in town where
2 driveway aprons are widened at a corner intersection
3 and it can cause some problems. So I provided the
4 staff report to the applicant in advance. He's aware
5 that that's a suggested condition for approval.

6 FEMALE SPEAKER 1: Are you okay with that?

7 MALE SPEAKER 1: Yes.

8 FEMALE SPEAKER 1: Can I add that to my
9 request of approval? Is that in the findings and
10 fact?

11 MALE SPEAKER 2: So we need to -- as part
12 of the motion, you're going (inaudible) done that
13 first.

14 FEMALE SPEAKER 1: So (inaudible). All
15 right. So, I am going to read each one of these,
16 right? Just read them as they are.

17 MALE SPEAKER 2: Yes.

18 FEMALE SPEAKER 1: Whereas the physical
19 reticular physical surroundings shape or
20 topographical condition of the specific property
21 involved would not -- would results in a practical
22 difficulty or particular hardship to the property
23 owner as distinguished from (inaudible) convenience
24 if the strict letter of the regulations were carried

1 out, whereas the conditions upon which the petition
2 for a variation is based would not be applicable.
3 Generally to the property within the same zoning
4 classification. Whereas the purpose of the variation
5 is not based on desire to make more money on the
6 property -- just keep the card. Whereas the alleged
7 practical difficulty or particular hardship has not
8 been created by any person presently having an
9 interest in the property, whereas the variation if
10 granted will not alter the essential character of the
11 neighborhood, whereas, the granting of the variation
12 will not be detrimental to the public welfare or
13 increased interest in the property or improvements in
14 the neighborhood, in which the property is located.
15 Whereas the proposed variation will not impair an
16 adequate supply of light and air to the adjacent
17 property or substantially increase the congestion and
18 the public streets or increase the danger of fire or
19 endanger the public safety or substantially diminish
20 or impair property values within the neighborhood.

21 Now therefore, the St. Charles Board of
22 Appeals, grants the variation requested with the
23 stipulations as specified in 17.04.310, variation of
24 Municipal Code of the city of St. Charles, subject to

1 the following conditions. What? Would you like to
2 read it in entirety -- if the Zoning Board of Appeals
3 choose to approve the request of variance, staff
4 recommends that this condition of approval, applicant
5 shall not widen the driveway, apron, curb, cut onto
6 Iroquois Avenue so as to maintain the existing
7 separation between the driveway and the corner of
8 Iroquois and North Fifth Avenue.

9 MR. CHAIRMAN: Second?

10 FEMALE SPEAKER 2: Second.

11 MR. CHAIRMAN: (Inaudible), call the roll
12 please?

13 MALE SPEAKER 1: Sure. Buning, aye. Lana
14 (phonetic).

15 FEMALE SPEAKER 1: Aye.

16 MALE SPEAKER 1: Albany (phonetic).

17 FEMALE SPEAKER 2: Aye.

18 MALE SPEAKER 1: (Inaudible).

19 MALE SPEAKER 2: Aye.

20 MALE SPEAKER 1: Bambaliss (phonetic).

21 MALE SPEAKER 3: Aye.

22 MALE SPEAKER 1: And Tom?

23 MALE SPEAKER 4: Aye.

24 MALE SPEAKER 1: Motion is approved.

1 FEMALE SPEAKER 1: Congratulations.

2 MALE PETITIONER: Thank you. Thank you.

3 FEMALE SPEAKER 1: So glad you can --

4 MALE PETITIONER: Appreciate it. Appreciate
5 it.

6 FEMALE SPEAKER 1: And thank you for doing
7 all the improvements you have done to that home.
8 That's -- that's nice you want to stay there and make
9 it livable.

10 MALE PETITIONER: Absolutely. It's my home
11 so I appreciate everything. Thank you, guys.

12 FEMALE SPEAKER 1: And also for getting the
13 neighbor's support.

14 MALE PETITIONER: Of course. Thank you.
15 Thank you.

16 MR. CHAIRMAN: Any additional business for
17 the board?

18 FEMALE SPEAKER 1: No. I'd like to make a
19 motion to close. Portion adjourned?

20 MALE SPEAKER 1: Aye.

21 (The recording was concluded.)
22
23
24

CERTIFICATE OF TRANSCRIBER

I, Lauren Bishop, do hereby certify that
the foregoing transcript is a true and correct record
of the recorded proceedings; that said proceedings
were transcribed to the best of my ability from the
audio recording and supporting information; and that
I am neither counsel for, related to, nor employed by
and of the parties to this case and have no interest,
financial or otherwise, in its outcome.

Lauren Bishop

LAUREN BISHOP
PLANET DEPOS, LLC
NOVEMBER 21, 2024

Sylvester, Bruce

From: Michelle Spruth <mspruth@jpowerusa.com>
Sent: Thursday, June 5, 2025 3:32 PM
To: Sylvester, Bruce
Cc: Colby, Russell
Subject: Re: Approval of Zoning Variation V-4-2023 regarding the proposed addition at 722 S 9th Ave., St. Charles - Extension Request
Attachments: V-4-2023 Letter of Motion.pdf

Hello Bruce,

Thank you my medical procedure did go well.

I would like to proceed with a scheduled meeting on June 22, 2025 for determination of my extension request for the attached zoning approval. I will forward letter of support from my neighbors ahead of the meeting.

Thank you,

Michelle Spruth

C: 847-373-2727 (cell # not working until 6/7/25)

From: Sylvester, Bruce <bsylvester@stcharlesil.gov>
Sent: Tuesday, June 3, 2025 1:09 PM
To: Michelle Spruth <mspruth@jpowerusa.com>
Cc: Colby, Russell <rcolby@stcharlesil.gov>
Subject: RE: Approval of Zoning Variation V-4-2023 regarding the proposed addition at 722 S 9th Ave., St. Charles - Extension Request

Hello Michelle—

I hope your procedure went well on May 22nd.

I need to notify Zoning Board members this week whether or not we'll have our meeting on June 22nd—I give them 3 weeks notice so they can plan accordingly.

So, please send me your official, formal request for an appeal by end-of-day Thursday if you'd like to be on the June 22nd agenda.

Again—I don't need any petitions or letters of support—you can provide those later if you wish. But I do need an official request from you if I am to proceed with scheduling the meeting on June 22nd.

Thanks, and let me know if you have questions.

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-4-2023
LOCATION: 722 S. 9TH AVE.

Requested Action: Extension of the previously-approved zoning variation V-4-2023 to reduce the rear yard setback from 40ft to 29ft, a 11ft reduction.

Purpose and Scope: See the attached materials from 2023 for the specifics of the variation. The variation was approved on April 25, 2024 and expired on April 25, 2025. Section 17.04.310 (F) (1) of the Municipal Code states: *"A Variation shall automatically lapse twelve (12) months after the date it is granted, unless the construction (pursuant to a building permit) authorized by the Variation commences within that 12-month period. However, the Board of Zoning Appeals may extend this period, upon written request from the applicant showing good cause."*

Please see the enclosed email from the applicant, dated June 5, 2025, for the applicant's request for an extension. The applicant has asked that the extension be for one-year from the date her request is considered—June 26, 2025, so that the Variation would be in-effect until June 26, 2026.





Two East Main Street
St. Charles, IL 60174
630.377.4400

May 5th, 2024

Ms. Michelle Spruth
722 S 9th Ave.
St. Charles, IL 60174

Emailed to: mspruth@yahoo.com

Re: Approval of Zoning Variation V-4-2023 regarding the proposed addition at 722 S 9th Ave., St. Charles – Letter of Motion

Dear Ms. Spruth,

A public hearing before the St. Charles Zoning Board of Appeals was held on April 25, 2024 to hear Variation File V-4-2023, submitted by you for the proposed addition at 722 S. 9th Ave. in the City of St. Charles. A motion was made, with a vote of 7-0 to approve the Variation. The motion was as follows:

A motion was made by Ms. Halpenny and seconded by Mr. Totten as follows:

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

Whereas, the St. Charles Board of Zoning Appeals has received File V-4-2023 received 2-26-2024 from Michelle Spruth, property owner, for the property located at 722 S 9th Ave., St. Charles, IL 60174, requesting variations for 1. Reduce the minimum rear yard setback from 40ft to 26.66 ft, a reduction in 13.4ft and 2. Allow 31% of building coverage (1% over the maximum allowed 30%), roughly 160sf;

And

Whereas, the particular shape or topographic conditions of the specific property involved would result in a practical difficulty or particular hardship to the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; and

Whereas, the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classifications; and

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

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

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

Now, therefore, the St. Charles Zoning Boards of Appeals grants the variation requested, with the stipulations as specified in Section 17.04.310 of the Municipal Code of the City of St. Charles.

Subject to the following conditions:

1. The plans submitted with the application

Roll Called: **Ayes:** Rullman, Buening, Johnston, Halpenny, Totten, Flamand, Bambalas
 Nays:

Motion carried; Variation granted. 7-0

This letter serves as documentation for approval of the Variation. The minutes of the meeting will be available after they are approved by the Zoning Board of Appeals at their next meeting.

Please be advised of the following:

- A Variation shall automatically lapse twelve (12) months after the date it is granted, unless the construction (pursuant to a building permit) authorized by the Variation commences within that twelve (12) month period. However, the Board of Zoning Appeals may extend this period, upon written request from the applicant showing good cause.
- A Variation is granted to a specific property and authorizes the conduct of the Variation only on the property identified in the application and is not transferable to other properties.
- The approval of a Variation authorizes the relief from strict conformance with specific provisions of this Title, but does not authorize the establishment or extension of any use, development, construction, reconstruction, alteration or moving of any building or structure prior to obtaining all other required approvals, including building permits and occupancy permits.

If you have any questions, please feel free to contact our office.

Sincerely,



Rachel Hitzemann, Planner
Community Development Dept.
City of St. Charles
(630) 377-4443
rhitzemann@stcharlesil.gov

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-4-2023
LOCATION: 722 S. 9TH AVE.

Requested Action: Zoning Variation to;

1. Reduce the minimum rear yard setback from 40ft to 29ft, a reduction in 11ft
2. Allow 31% of building coverage (1% over the maximum allowed 30%), roughly 160sf.

Purpose and Scope: The applicant is proposing to construct an addition to their single-family home. The RS-3 Zoning District has a 40ft rear yard building setback requirement and 30% building coverage requirement.

Existing Land Use: Private Residence
Existing Zoning: RS-3 Suburban Single Family Residential



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



FOR OFFICE USE
Received <u>2/23/24</u>
File # _____
Fee Paid \$ _____
Receipt _____

APPLICATION FOR A VARIATION

RECEIVED

FEB 23 2024

**City of St. Charles
Community Development**

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* Michelle Spruth Phone 847-373-2727
Email Address mspruth@yahoo.com
Address/City/State/Zip7 22 South 9th Ave., St Charles, IL 60174
Applicant's interest in the property Home Owner
Name and Phone of Owner(s) of Record*Michelle Spruth Ph. 847-373-2727
Applicant is (check one)
____ Attorney ____ Agent X Owner ____ Other: _____
Owner acquired the property on (date): September 2015

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 722 South 9th Ave, St Charles, IL, 60174
Present Use (commercial, industrial, residential, etc.) Residential
Zoning District RS-3
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) 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:

- A. Variation requested (state specific measurements): This application for a request to vary the zoning requirements at 722 South 9th Ave., St Charles to:
- 1.) A 19ft setback from the 10 ft utility easement /or 29 ft from the rear fence. Adjusting the rear setback for our property would enable a 14 ft rear extension along the rear width of our home. Please refer to the attached Plat of Survey.
 - 2.) 31% of Maximum Building Coverage.
- B. Reason for request: Please refer to Attachment A
- C. Purpose for which property will be used: 722 South 9th Ave will continue to be the primary residence for our family.

CRITERIA FOR VARIATION:

The Board of Zoning Appeals may approve a Variation only when it makes written findings with respect to each requested Variation, based upon the evidence presented at the public hearing, that strict compliance with the regulations and standards of the Zoning Ordinance would create practical difficulties or particular hardships for the subject property, and the requested Variation is consistent with the stated purposes and intent of the Zoning Ordinance.

In making its determination of whether practical difficulties or particular hardships exist, the Board of Zoning Appeals must take into consideration the extent to which evidence has been submitted substantiating the criteria have been met.

Provide a response under each item to substantiate that the requested variation meets the criteria:

1. Do the particular physical surroundings, shape or topographical condition of the specific property involved result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out? (Explain)

Please refer to Attachment A

2. Are the conditions upon which the petition for a Variation is based applicable, generally, to other property within the same zoning classification? (Explain)

Please refer to Attachment A

3. Is the purpose of the Variation based exclusively upon a desire to make more money out of the property? (Explain)

Please refer to Attachment A

4. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property? (Explain)

__ Please refer to Attachment A. ☐ _____

5. Will the Variation, if granted, alter the essential character of the neighborhood? (Explain)

__ Please refer to Attachment A. _____

6. Will granting of the Variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (Explain)

__ Please refer to Attachment A. _____

7. Will the proposed Variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood? (Explain)

__ Please refer to Attachment A. _____

ATTACHMENTS REQUIRED:

- A. **PLAT OF SURVEY:** One (1) copy of a plat of survey (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. **MAILING LIST:** A written certified list (form attached) containing the registered owners, their mailing 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. Registered owner information may be obtained at the St Charles Township Assessor's office, 1725 Dean St., St. Charles, (630) 584-2040. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Ave., Geneva, and (630) 232-5935. The DuPage County Recorder of Deeds is located in the DuPage County Government Center, 421 N. County Farm Rd., Wheaton, and (630) 682-7200.
- C. **FILING FEE:** 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 OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning

Attachment A

REASON FOR REQUEST

A. Variation requested (state specific measurements):

This application for a request to vary the zoning requirements at 722 South 9th Ave., St Charles to enable 14 ft rear extension along the rear width of our home and use of 31% Maximum Building Coverage. Please refer to the attached Plat of Survey.

B. Reason for request:

722 South 9th Ave located in St Charles, IL is a 1970s single story ranch house zoned RS-3. As such, RS-3 is designated to have a minimum lot area of 8,400 ft² with an allowed coverage up to 30% of the lot size (2,520 ft²), however because of the setback restrictions, our home has approximately 1,500 ft² of allowable lot coverage, a difference of 730ft² of additional area which may be allowed by the Code because of setbacks and depth of our lot. The 722 lot on South 9th Ave is almost 1,304 ft² (14%) less than the minimum lot size at approx. 7,200 ft².

I purchased the house with two (2) young boys in 2013, COVID, remote school/ work and areas to safely quarantine while keeping other family members of the same family safe working/school highlighted the requirement for additional space.

We are requesting a zoning variation to extend 14 ft of the rear width of our home and 31% Maximum Building Coverage. This would increase would allow larger common living areas whilst adding space for additional bathrooms.

This application to vary the zoning of 722 South 9th Ave. is requested due to the small lot size and restrictions due to the depth of our lot, as detailed above.

As part of our home improvements, it is our intention to submit a planning application for an additional ¾ level to accommodate bedrooms upstairs, small sitting area and bathroom through the planning application process. Please refer to the attached Drawings for details of the proposed zoning variation.

C. Purpose for which property will be used:

722 South 9th Ave will continue to be the primary residence for our family.

CRITERIA FOR VARIATION

- 1.) Do the particular physical surroundings, shape or topographical condition of the specific property involved result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out? (Explain)**

Yes, there is a practical difficulty to increasing our communal living area without a request for a zoning variation. The 722 lot is smaller than the minimum required lot size for properties zoned in RS-3 (8,400 sq ft) compared to our lot size of approx. 7,200 sq ft., practical difficulties include:

- Small lot size
- Depth of Lot

- Restricted development due to the 30ft front yard setback requirements.
- Restricted development due to the 40ft rear yard setback requirements.

The above which, necessitates a zoning variance to increase communal living and provision of additional bathroom areas within our home.

2.) Are the conditions upon which the petition for a Variation is based on applicable, generally, to other property within the same zoning classification? (Explain)

The above physical conditions are unique to 722 South 9th Ave. My neighbors and other properties near have more regular shaped lots. The 722-lot located on South 9th Ave is unique in that it is smaller than the minimum lot size with a number of restrictions which pose difficulty to increase the useable communal living area within our home from existing 1288 ft² (including 300 ft² garage) 988 ft² living space to 3350 ft² (including 551 ft² garage and 2nd 3/4 level of 940 ft² to allow for 2 bedrooms) .

3.) Is the purpose of the Variation based exclusively upon a desire to make more money out of the property? (Explain)

No, the sole intention for this variation is to increase our family communal living area so we can live, work and enjoy a better homelife as a family. The additional space would allow to safely accommodate friends and family in our home, to date we have only been able to hold gatherings outside due to small communal areas.

4.) Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property? (Explain)

No, the practical difficulty is inherent to the small, irregular size and restricted depth of lot.

5.) Will the Variation, if granted, alter the essential character of the neighborhood? (Explain)

No, the variation will not alter the character of the neighborhood. The proposed extension will be in the rear of the house. The proposed architecture will be in line with the existing character of the house and it is the intension to enhance the neighborhood.

6.) Will granting the Variation be detrimental to the public welfare or injurious to other property improvements in the neighborhood in which the property is located? (Explain)

No, the Variation for a rear 14 ft extension to our home will not alter the character of the neighborhood or be detrimental to the public welfare or injurious to other property. The proposed extension would be an improvement as well as increase neighboring property values and aesthetics of our neighborhood.

7.) Will the proposed Variation impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood? (Explain)

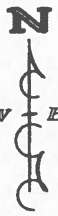
No, the proposed Variation for a 14ft rear extension will not impair the light or air to the adjacent properties. The depth of the proposed expansion has been thoughtfully planned so align to with neighboring properties. Our neighbors have larger houses and yards with multilevel decks. Our proposed extension will provide additional privacy as the extension will be in line with neighboring multilevel decks located at the back of their houses and/ decks. I have discussed our proposed extension/ variation with my neighbors, and they expressed support in the further beautification of our home through increase in communal living space. We have a good relationship with our neighbors and intend to keep them informed as well as listen to any concerns they may have as construction proceeds.

Additional Comments Regarding Proposed Improvements:

It is our intension to request an additional 3/4 level to our home as part of the planning application process. The additional ¾ level will allow move my sons' bedroom upstairs, small sitting area and bathroom to share. The upstairs bedroom will facilitate a safe and comfortable area to isolate separately from other family members if required.

The zoning variance will enable an increase in communal living, separate office and bathroom. The current small lot area limits configuration adequate to provide the above requirements within the area provided. A zoning variance approval, will improve our standard of living while enjoying our existing, neighborhood, community and location since making 722 South 9th Ave our home in 2013.

SCALE: 1" = 20 FEET

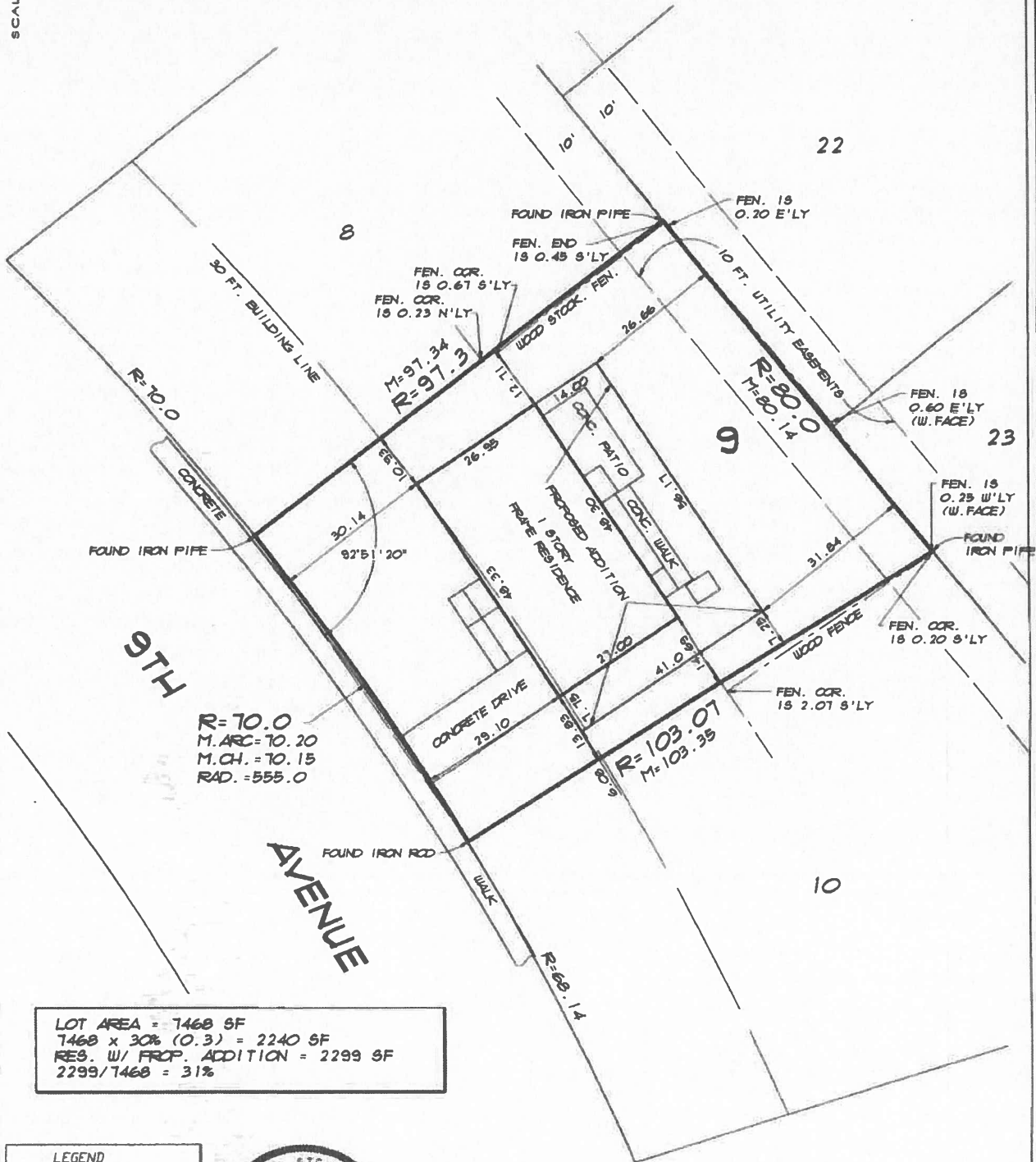


PLAT OF SURVEY

OF LOT 9 IN RON-LEIGH PARK UNIT NO. 2, SECTION A, ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

This property is known as 722 S. 9th Avenue, St. Charles, IL.

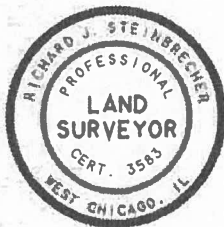
Prepared for Michelle Spruth



LOT AREA = 1468 SF
 $1468 \times 30\% (0.3) = 2240$ SF
 RES. W/ PROP. ADDITION = 2299 SF
 $2299/1468 = 31\%$

LEGEND

F.I.P. = FOUND IRON PIPE
 F.I.R. = FOUND IRON ROD
 R = RECORDED DISTANCE
 M = MEASURED DISTANCE
 D = DEED
 R.D.V. = RIGHT OF WAY
 RAD. = RADIUS
 CONC. = CONCRETE
 M.H. = MANHOLE
 V.V. = WATER VALVE VAULT
 INV. = INVERT
 P.V.C. = POLYVINYL CHLORIDE PIPE
 R.C.P. = REINFORCED CONCRETE PIPE
 T.C. = TOP OF CURB
 E.P. = EDGE OF PAVEMENT



STATE OF ILLINOIS
 COUNTY OF DU PAGE

This is to certify that we, Steinbrecher Land Surveyors, Inc., Land Surveying Design Firm No. 184-003126 have surveyed the property shown and described on the annexed plat, which is to the best of our knowledge and belief a correct representation thereof. This professional service conforms to the current Illinois minimum standards for a boundary survey.

West Chicago, Illinois. DECEMBER 14, 2023

Steinbrecher Land Surveyors, Inc.



Professional Land Surveying
 Design Firm Corporation No. 184-003126
 141 S. Neilnor Blvd., West Chicago, IL 60185-2844
 (630) 293-8900 Fax 293-8902

Steinbrecher Land Surveyors, Inc. by

Rich Shulman
 Professional Land Surveyor 3583
 My license expires November 30, 2024

REVISIONS:	
No.	Description
1	11-02-20 PRELIM DESIGN
2	11-02-20 PRELIM DESIGN
3	11-02-20 PRELIM DESIGN
4	11-02-20 PRELIM DESIGN
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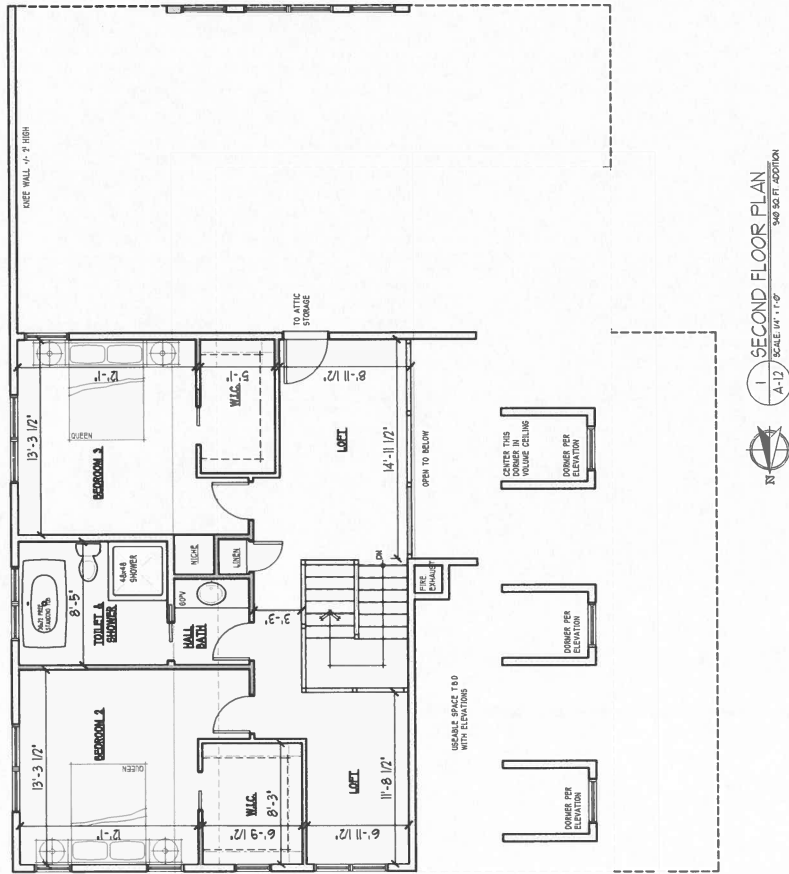
SPRUTH RESIDENCE
722 S. 9TH AVE
ST. CHARLES, IL

BDS
ARCHITECTURE
112
105 S. CARLETON DR.
BOSCH & KOTAK
BOSCH@BOSCH.COM
630.546.7048

DATE: 04JAN24
PROJECT #: 23-048
DRAWN BY: BDS
SHEET TITLE:
SECOND FLOOR PLAN
SHEET:

A-1.2

© 2024 BDS ARCHITECTURE, LLC



REVISIONS:

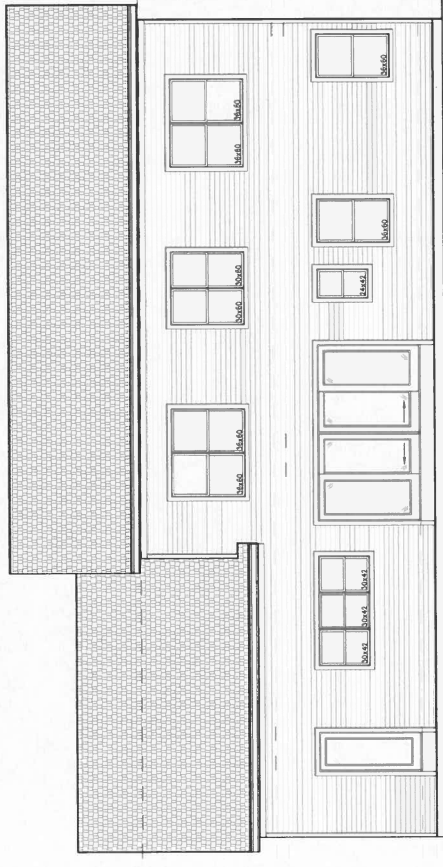
No.	Date	Description
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3	11-05-20	ISSUED FOR PERMITS
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5	11-05-20	ISSUED FOR PERMITS
6	11-05-20	ISSUED FOR PERMITS
7	11-05-20	ISSUED FOR PERMITS
8	11-05-20	ISSUED FOR PERMITS
9	11-05-20	ISSUED FOR PERMITS
10	11-05-20	ISSUED FOR PERMITS

PROJECT: SPRUTH RESIDENCE
 722 S. 9TH AVE
 ST. CHARLES, IL

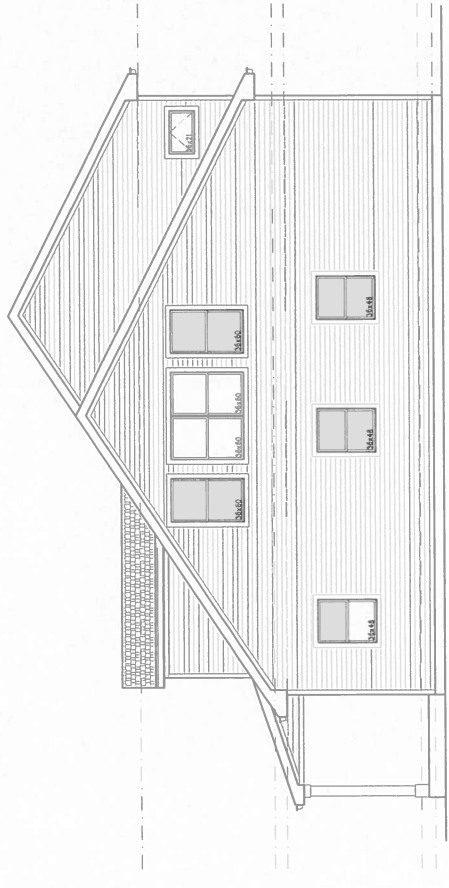
BDS ARCHITECTURE
 112 S. CAMDEN DR.
 ST. CHARLES, IL 62256
 (618) 735-1000
 BDSARCHITECT.COM

DATE: 04JAN24
 PROJECT #: 23-048
 DRAWN BY: BDS
 SHEET TITLE: EXTERIOR ELEVATIONS
 SHEET: A-2.1

A-2.1



1 EAST ELEVATION
 A-2.1 SCALE 1/4"



2 SOUTH ELEVATION
 A-2.1 SCALE 1/4"

Zoning Variation Application 722 South 9th Ave



CITY OF
ST. CHARLES
ILLINOIS • 1834

Variations Requested

This presentation is a follow up to my original variation application submitted July 2023, presented to Board October and November 2023.

- ▶ Reducing 29ft (at shortest end, varies) setback from the rear fence (19ft from the 10ft utility easement) to enable a 14 ft rear extension along the rear width of our home.
- ▶ Increase from use of 30% to 31% of plot area.



Variation Criteria

722 South 9th Ave is a 1970s ranch house zoned RS-3.

► Irregular Shape

RS-3 is designated to have a minimum lot area 8,400ft² with allowed coverage up to 30% of the lot size (2,520 ft²), however because of setback restrictions our home has approx. 1,500 ft² of coverage (difference of 730ft²). 722 lot on South 9th has 14% less than the minimum lot size in RS-3.

- **Current restrictions reduce the useable area of the lot**
 - Restricted development due to the 30ft front yard setback.
 - Restricted development due to the 40ft rear yard setback.
- **Small lot size**

► Other properties

722 South 9th Ave has 14% less than the minimum lot size in RS-3.

► Purpose

722 South 9th Ave will continue to be our primary residence and home. The 14ft extension would allow for larger kitchen, living room and space for an additional bathroom. The additional 1% coverage of the plot area allows for the layout as designed.

► Practical difficulty

I purchased our home with two (2) young boys in 2013. COVID, remote school and work have heightened the need for additional space in common areas and keeping family safe when sick.

► Keeping in character with the neighborhood

Our home improve and extension will be in character with the surrounding homes.

► Public welfare

Will not be to the determinant to public welfare or injurious to other property.

► Impact of light, air, traffic, fire, endangerment of public safety, property value to adjacent properties and neighborhood

The proposed variation to allow for a 14ft rear extension will not impair the light, air to adjacent properties. The depth of the proposed expansion has been thoughtfully planned so to align with neighboring properties. Our neighbors have larger houses with multilevel decks and yards. Our home improvement will be in line with neighboring rear multilevel decks.

Thoughtfully Planned and Consultation

- ▶ I have discussed our proposed home improvement/ zoning variation with our neighbors.
- ▶ All of my neighbors within 250ft of our home were supportive of the proposed variation to our property. Seven (7) neighbors in proximity of our home have provided written support presented in the October 2023. No objections received to date and further letters of support for the April 2024.

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

[Signature]

874 S. 9th Ave

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

[Signature]

704 S 9th Ave

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

Robert Swanson

723 S 10th Ave

(neighbors directly in back)

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

[Signature]

715 S. 10th Ave

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

Sam & Dave Parby

710 S. 9th Ave

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

Scott Cates 11/18/23

716 S. 9th Ave

St Charles, IL 60174

October 16, 2023

Zoning Committee Members
2 E Main Street
St Charles, IL 60174 -1984

Dear Sir and Madame:

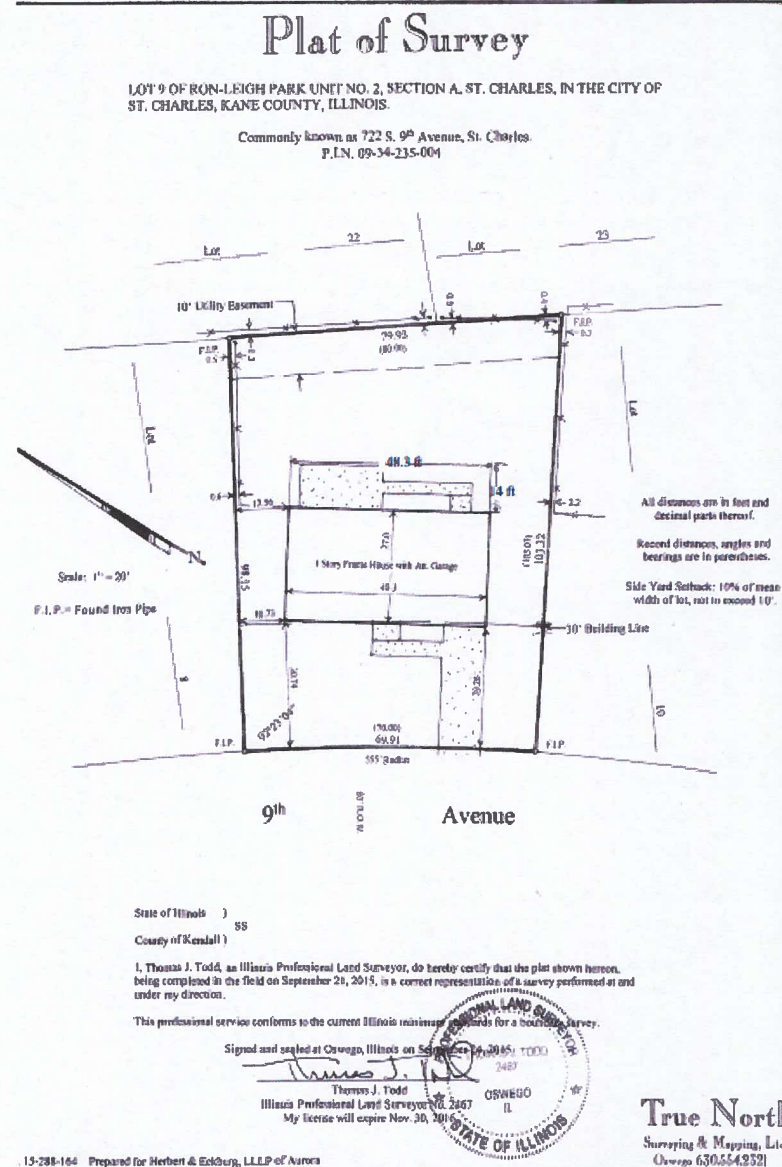
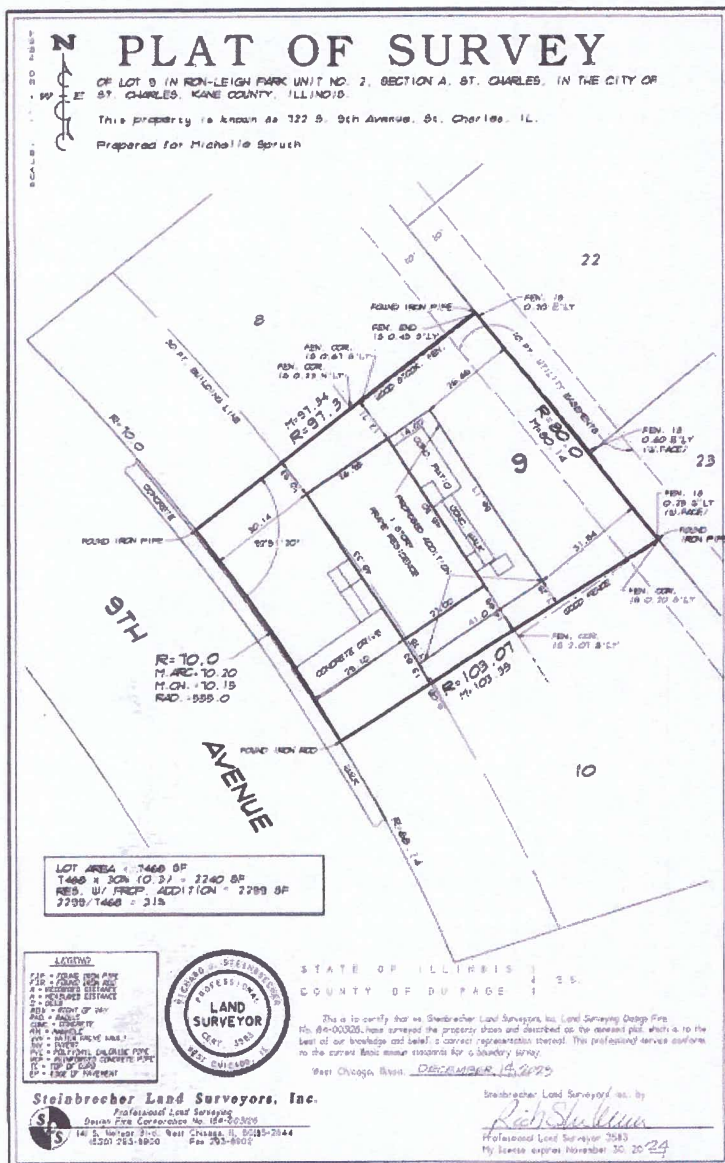
I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person.

We support Michelle's proposed home improvement and request for 14ft rear extension as proposed in the zoning variation application.

Thank you,

[Signature]

806 S. 9th Ave

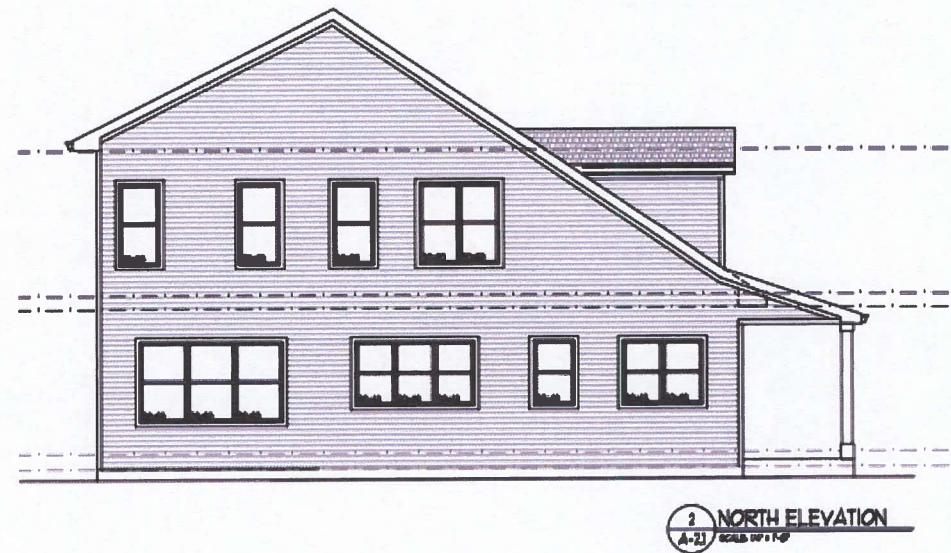


Design Layouts of Proposed Home Improvement

Front View

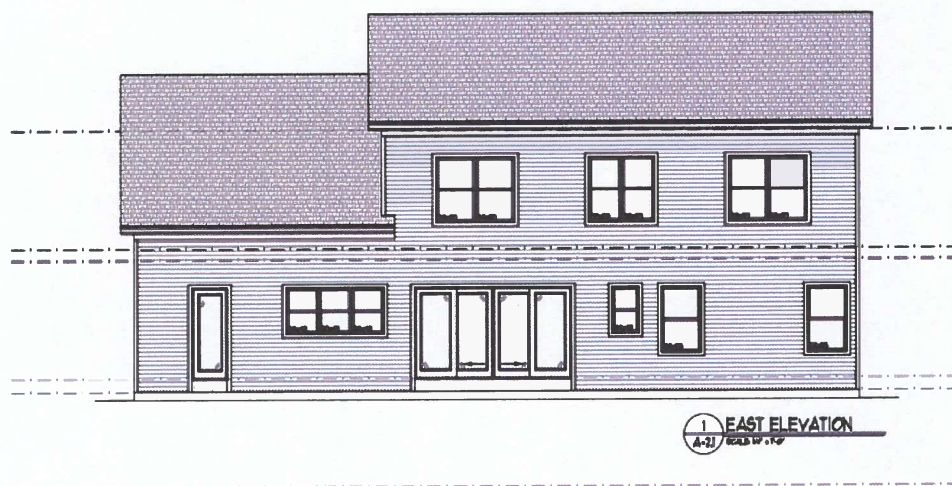


Side Profile



Design Layouts of Proposed Home Improvement

Rear View



Side Profile



Additional Comments

- ▶ It is our intension to request $\frac{3}{4}$ level to our home as part of the planning application process. The additional $\frac{3}{4}$ level will be my sons' bedrooms and small sitting area and bathroom to share.
- ▶ Upstairs bedroom will facilitate safe and comfortable area while maintaining well being for the rest of the family, if required.
- ▶ The approval of this zoning variance will enable an increase in communal living, office and bathroom.
- ▶ Increasing the area of our home through this zoning variance will improve our standard of living while enjoying our existing neighborhood, community and location since making 722 South 9th Ave our home in 2013.

