

**MINUTES  
CITY OF ST. CHARLES  
ZONING BOARD OF APPEALS  
THURSDAY, APRIL 26, 2018  
COUNCIL CHAMBERS**

Members Present: Chairman- Elmer Rullman, III  
Scott Buening  
Bryan Wirball  
Robert Krawczyk  
James Holderfield  
John Hrivnak

Member Absent: Charles Simpson

Also Present: Russell Colby, Community Development 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**

Mr. Buening called roll with six members present. There was a quorum.

**3. Presentation of minutes of the January 4, 2018 meeting**

A motion was made by Mr. Holderfield and seconded by Mr. Wirball with a unanimous voice vote to approve the minutes of the January 4, 2018 meeting.

**4. Variation Application V-1-2018, filed by Kevin Staton, record owner of the vacant lot on the east side of S. 14<sup>th</sup> St. in St. Charles.**

Secretary Buening summarized/read into record the following:

- Variation Application V-1-2018 filed by Kevin Staton is for a vacant lot on South 14<sup>th</sup> Street.
- The requested action is a zoning variation to reduce the landscape buffer yard along the east property line from 30 feet to 14 feet 7 ½ inches along the north and south portions of the parking lot and 16 feet 7 ½ inches along the middle portion of the parking lot as shown on the site plan which is attached to the materials.

- Proposed is the construction of an eight-unit apartment building on this property. A 30-foot landscape buffer yard is required along the east property line.
- A similar variation was granted by the Zoning Board of Appeals in 2012 for the same property. Approval of that variation expired because the parking lot was not constructed within one year of approval.

Chairman Rullman swore in the following:

- Kevin Staton- 97 E. Rickard, Oswego, IL
- Alex Teipel- 427 W. State St., Geneva, IL

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

**A motion was made by Mr. Holderfield and seconded by Mr. Wirball 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-1-2018 received 3/19/18 from Kevin Staton at 97 E. Rickard Drive, Oswego, IL 60543, for the property located as a vacant lot on S. 14<sup>th</sup> Street in St. Charles, IL, requesting a reduction of the 30 foot landscape buffer yard requirement between the RM-3 and RT-2 Zoning Districts, to 14 feet 7 ½ inches along the north and south portions of the parking lot and 16 feet 7 ½ inches along the middle portion of the parking lot, a reduction of 15 feet 4 ½ inches and 13 feet 4 ½ inches respectively; and

**Whereas**, the particular shape or topographic conditions of the specific property involved would not 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 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 condition:

1. A sidewalk shall be constructed along S. 14<sup>th</sup> Street, and a sidewalk connection to S. 14<sup>th</sup> Street shall be maintained, whether it be by grade or by stairs.

**Roll called:**

Ayes: Rullman, Buening, Wirball, Krawczyk, Holderfield

Nays: Hrivnak

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

5. **Additional Business from Board members or Staff- None**
6. **Public Comment- None.**
7. **Adjournment at 7:20 p.m.**



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# Transcript of Variation Application for Vacant Lot on the East Side of S. 14th St.

**Date:** April 26, 2018

**Case:** St. Charles Zoning Board of Appeals

**Planet Depos**

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BEFORE THE ZONING BOARD OF APPEALS  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
Variation Application for the :  
Vacant Lot on the East Side : V-1-2018  
of South 14th Street, filed :  
by Kevin Staton. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Thursday, April 26, 2018  
7:00 p.m.

Job No.: 168466  
Pages: 1 - 21  
Reported by: Paula M. Quetsch, CSR, RPR

1 Report of proceedings held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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10 Before Paula M. Quetsch, a Certified Shorthand

11 Reporter, Registered Professional Reporter, and a

12 Notary Public in and for the State of Illinois.

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1 PRESENT:

2 ELMER RULLMAN, III, Chairman

3 SCOTT BUENING, Member

4 JAMES HOLDERFIELD, Member

5 JOHN HRIVNAK, Member

6 ROBERT KRAWCZYK, Member

7 BRYAN WIRBALL, Member

8

9 ALSO PRESENT:

10 RUSS COLBY, Planning Division Manager

11 ELLEN JOHNSON, Planner

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P R O C E E D I N G S

CHAIRMAN RULLMAN: We'll call this meeting  
to order at 7:00 on the wall clock in the back.

Mr. Secretary, please read the roll.

MEMBER BUENING: Buening, present.

Holderfield.

MEMBER HOLDERFIELD: Here.

MEMBER BUENING: Hrivnak.

MEMBER HRIVNAK: Here.

MEMBER BUENING: Krawczyk.

MEMBER KRAWCZYK: Here.

MEMBER BUENING: Rullman.

CHAIRMAN RULLMAN: Here.

MEMBER BUENING: Simpson.

(No response.)

MEMBER BUENING: And Wirball.

MEMBER WIRBALL: Here.

CHAIRMAN RULLMAN: All right. We have a  
quorum.

Are there any corrections or additions to  
the minutes from the previous meeting held  
January 4th, 2018?

(No response.)

CHAIRMAN RULLMAN: If none, we'll accept



1 the motion accept.

2 MEMBER HOLDERFIELD: So moved.

3 MEMBER WIRBALL: Second.

4 MEMBER KRAWCZYK: Second.

5 CHAIRMAN RULLMAN: It's been moved and  
6 seconded. All in favor, aye.

7 (Ayes heard.)

8 CHAIRMAN RULLMAN: Opposed, same sign.

9 (No response.)

10 CHAIRMAN RULLMAN: The motion is carried.

11 At this time we'll open up the hearing on  
12 Variation V-1-2018.

13 Mr. Secretary, please read the relevant  
14 parts.

15 MEMBER BUENING: Thank you.

16 This is Variation V-1-2018 for a vacant  
17 lot on South 14th Street. Requested action is a  
18 zoning variation to the use of the landscape  
19 buffer yard along the east property line from  
20 30 feet to 14 feet 7 1/2 inches along the north  
21 and south portions of the parking lot and to have  
22 7 1/2 inches along the middle portion of the  
23 parking lot as shown on the site plan which is  
24 attached to the materials.

1           The applicant is proposing to construct an  
2 eight-unit apartment building on the property. A  
3 30-foot landscape buffer is required along the  
4 east property line. The applicant is requesting a  
5 variation to reduce the landscape buffer yard to  
6 allow for construction of a parking lot up to  
7 14 feet 7 1/2 inches from the east property line.

8           A similar variation was granted by the  
9 Zoning Board of Appeals in 2012 for the same  
10 property. Approval of that variation expired  
11 because the parking lot was not constructed within  
12 one year of approval. Existing property is vacant  
13 and zoned RM-3 General Residence District.

14           The property had a legal notice which was  
15 published in the Daily Herald on April 9th, 2018.  
16 There was a certified mailing done on April 6th,  
17 2018, and property was posted with a sign on  
18 April 11th, 2018. There is a site plan that is  
19 attached to the materials that was filed with you,  
20 as well as a plat of survey, and for the record,  
21 the applicant is Kevin Staton of 97 East Rickard  
22 Drive in Oswego, Illinois 60543.

23           The parcel -- there is no PIN number on  
24 here, but it's identified as the lot on South 14th

Transcript of Variation Application for Vacant Lot on the East Side of S. 14th St.  
Conducted on April 26, 2018

7

1 Street south of Main.

2 CHAIRMAN RULLMAN: Is the petitioner  
3 present?

4 Will anyone who wishes to give testimony  
5 on this hearing please rise, raise your right hand.

6 (Whereupon, two witnesses were thereupon  
7 duly sworn.)

8 CHAIRMAN RULLMAN: Would you please give  
9 your name and address to the reporter.

10 MR. STATON: Kevin Staton, 97 East Rickard,  
11 Oswego, Illinois 60543.

12 MR. TEIPEL: Alex Teipel, Architectural  
13 Resources, 427 west State Street, Geneva, Illinois.

14 CHAIRMAN RULLMAN: All right. The  
15 application is open at this time. You are welcome  
16 to make any presentation if you wish to on the  
17 variation.

18 MR. TEIPEL: I know you've seen our prior  
19 petition and you've seen the -- obviously, the  
20 application. I -- you know, I could just repeat  
21 it, but why don't we just see if you guys have any  
22 questions, which we'd be happy to try to answer.

23 I think the -- I think the real key here is  
24 we are providing a landscape buffer as the code

1 would like us to do. We just don't have room to  
2 provide the full 30 feet. But all the property is  
3 north and south. The multifamily that are there  
4 don't provide anything. Granted, I don't know how  
5 long they've been there and when the buffer was  
6 required. But at any rate, they're not there, and  
7 we're going to make every effort we can to put  
8 it in.

9 So we're here to answer questions.

10 CHAIRMAN RULLMAN: Any members of the  
11 Board have any questions?

12 MEMBER HRIVNAK: Yes. It mentioned in  
13 here a question, is this for financial purposes as  
14 a rationale for it, the zoning variance.

15 MR. TEIPEL: No. I mean, to some degree  
16 that's a silly question because when you come to  
17 get a piece of property zoned, you want to do  
18 something to develop it. So yeah, it's a  
19 financial thing. But no, we're trying to meet the  
20 code, meet the parking requirements, the setback  
21 requirements, all the things that are necessary,  
22 and that's what we're doing.

23 MEMBER HRIVNAK: Could those be met from a  
24 planning standpoint with two units?

1 MR. TEIPEL: I'm sure they could, yes, put  
2 one unit up there and you wouldn't have -- we were  
3 in discussions back in 2012 with the City, and they  
4 were more than happy to have this number of units  
5 there, which, again, meets the code requirements  
6 or limitations, whichever you wish to prefer.

7 MEMBER HRIVNAK: All right. There's also  
8 a mention in the application that site coverage  
9 was 55 percent, and I believe the limitation is  
10 40 percent. Am I missing something?

11 MR. TEIPEL: Honestly, I haven't looked at  
12 that since we reapplied. I don't know. Russ --

13 MS. JOHNSON: Yes. The building coverage  
14 limitation is 40 percent, but that does not include  
15 other impervious area. I think the calculation on  
16 the site plan includes the building footprint  
17 as well as the parking lot footprint, but the  
18 40 percent limitation in the zoning ordinance is  
19 only calculated based on the building footprint.

20 MEMBER HRIVNAK: Thank you.

21 MR. TEIPEL: Thank you.

22 MEMBER HOLDERFIELD: I have a question.

23 CHAIRMAN RULLMAN: Holderfield.

24 MEMBER HOLDERFIELD: So this is exactly

1 the same thing that was approved in 2012, what  
2 you're presenting tonight?

3 MR. TEIPEL: That's correct.

4 MEMBER HOLDERFIELD: Okay. And I want to  
5 go back to 2012. We talked about the sidewalk  
6 along the north side, that we encouraged you to  
7 have that as a means to get over to that shopping  
8 center. I'm just wondering as I looked at the  
9 plan here of the elevational height from the  
10 property to the street 14th, is that going to be  
11 sloping down the sidewalk? I know there's a  
12 staircase that goes to nowhere right now.

13 MR. TEIPEL: I think there would have to  
14 be stairs, yes.

15 MEMBER HOLDERFIELD: Okay. Because I didn't  
16 see that on the plan that you submitted. But that  
17 will be incumbent on you, not the City to put that  
18 sidewalk in?

19 MR. TEIPEL: Yes.

20 MR. STATON: I just had one thought is  
21 Grimm's and all those stores used to be there -- I  
22 don't know if it was 2012, but do we still want to  
23 put a set of stairs to cut through there? Because  
24 I don't know what they're going to do with that

1 shopping center anymore.

2 MEMBER HOLDERFIELD: Well, that's true,  
3 but there needs to be access over to that street.  
4 Because even in 2012 the place was pretty well  
5 abandoned but still accessible.

6 So that's all I have to ask.

7 MEMBER KRAWCZYK: I have more of maybe an  
8 informational question to Russel.

9 The northeast corner of the site, the lot  
10 lines come together at the northeast corner, and  
11 you have a setback there. And as best I can tell  
12 from being out there, lot lines meet in the center  
13 or almost the center of the driveway. So is your  
14 plan to remove that driveway that has access to the  
15 unit on the north, or was that something that --  
16 how did that occur on your property?

17 MR. TEIPEL: It occurred just because he  
18 took it as far as we can tell.

19 MEMBER KRAWCZYK: So you're going to truly  
20 landscape that?

21 MR. TEIPEL: We'll talk to them about it, but  
22 he has access a little farther to the north, also.

23 MEMBER KRAWCZYK: Yes, he does.

24 MR. TEIPEL: So that's the intent. But if

1 there's a reason the City didn't want us to, and  
2 he agreed, and we all agreed, we would certainly  
3 negotiate that. But at the moment, yes, you're  
4 right.

5 MEMBER KRAWCZYK: My question -- I didn't  
6 have time to look it up in the book. When you say  
7 "landscape," you really mean landscape; it can't  
8 be a driveway; right?

9 MR. COLBY: Correct. There's specific  
10 planting requirements for what needs to be placed  
11 in a landscape buffer yard. So that area where  
12 there is existing pavement, in order to meet the  
13 planting requirements, that would need to be  
14 removed.

15 MEMBER KRAWCZYK: So the driveway will  
16 be gone?

17 MR. STATON: Uh-huh.

18 MEMBER KRAWCZYK: Because that wasn't shown  
19 on your plans that you're removing that driveway.

20 MEMBER BUENING: I have a couple  
21 questions -- I'm sorry.

22 MEMBER KRAWCZYK: I'm done.

23 MEMBER BUENING: So I presume that this  
24 was actually a right-of-way at one point in time



1 and it was vacated for whatever reason, but I  
2 notice that there's several utilities that are  
3 there. What's the intention with the existing  
4 utilities that are there?

5 MR. TEIPEL: They will remain. Again,  
6 we've actually discussed that with the City, and  
7 we're very close to the setbacks that we should  
8 have, but the City had agreed, the water the  
9 department and everybody, that it would be all  
10 right.

11 MEMBER BUENING: Because I think there's  
12 actually a storm sewer.

13 MR. TEIPEL: Right. That's correct I think.

14 MEMBER BUENING: Is that on an easement?

15 MR. TEIPEL: I don't think so. But it's  
16 there and it's going to stay there.

17 MEMBER BUENING: All right. Staff has  
18 verified that that's okay?

19 MR. COLBY: Yes. The separation distance is  
20 adequate based on where they placed the building.

21 MEMBER BUENING: I know we talked about the  
22 sidewalk going down to the shopping center, but  
23 what about 14th Street? Are you going to link the  
24 two sidewalks north and south? There's sidewalks

1 on both sides of this property north and south.

2 MR. TEIPEL: Again, nobody has brought it  
3 up. If the City requires it, obviously, we will  
4 do that.

5 MEMBER BUENING: I would recommend that  
6 you add that as a condition.

7 MR. TEIPEL: I think it's probably a  
8 good idea.

9 MEMBER BUENING: There's a missing link  
10 that section there.

11 CHAIRMAN RULLMAN: Any other questions?

12 MEMBER BUENING: Unfortunately, our site  
13 plan wasn't terribly clear, but I see it on the  
14 version we have here. I was trying to figure out  
15 the exact layout of the parking spaces, but you  
16 have them along the north end, south end, and the  
17 center?

18 MEMBER HRIVNAK: So there's 12 spaces, is  
19 that correct?

20 MR. TEIPEL: Again, I apologize but I  
21 haven't looked at the site plan in a year probably.  
22 I should have before but --

23 MEMBER WIRBALL: 14 I think.

24 MR. TEIPEL: Kevin here thinks there were

1 19. There was a -- the code requires a 1.7 ratio,  
2 and I think we met that.

3 CHAIRMAN RULLMAN: Any other questions  
4 from Board members?

5 (No response.)

6 CHAIRMAN RULLMAN: All right. We'll mark  
7 all that as Exhibit A.

8 Are there any objectors present?

9 (No response.)

10 CHAIRMAN RULLMAN: Let the record show  
11 there are no objectors present.

12 And so if -- any further discussion by  
13 the Board?

14 (No response.)

15 CHAIRMAN RULLMAN: If not, we'll accept a  
16 motion.

17 MEMBER HOLDERFIELD: Do you want me to  
18 make the motion?

19 MEMBER BUENING: You can make it. You're  
20 so good at it.

21 MEMBER HOLDERFIELD: Whereas, it is the  
22 responsibility of the St. Charles Board of Zoning  
23 Appeals to review all applications for variations;  
24 and

1           Whereas, the St. Charles Board of Zoning  
2 Appeals has received File V-1-2018 dated  
3 3/19/18 and received 3/19/18 from Kevin Staton at  
4 97 East Rickard Drive, Oswego, Illinois 60543 for  
5 the property located as a vacant lot on 14th Street  
6 in St. Charles, Illinois, for a reduction of the  
7 30-foot landscape buffer between RM-3 and RT-2,  
8 District 2, 14 feet 7 1/2 inches along the north  
9 and south portions of the parking lot and 16 feet  
10 7 1/2 inches along the middle portion of the  
11 parking lot, a reduction of 15 feet 4 1/2 inches  
12 and 13 feet 4 1/2 inch inches respectively and  
13 provide adequate parking per the zoning ordinance  
14 for the proposed part of the development; and

15           Whereas, the particular shape or  
16 topography conditions in the specific profit  
17 involved would result -- I'm sorry -- would not  
18 result in a practical difficulty or particular  
19 hardship -- no, I guess that would be -- correct? --  
20 the specific property would not result in a  
21 particular difficulty or particular hardship to  
22 the property owner as distinguished from a mere  
23 inconvenience if the strict letter of the  
24 regulations were carried out;

1           Whereas, the conditions upon which the  
2 petition for variation is based would be  
3 applicable generally to other property within the  
4 same zoning classification; and

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

8           Whereas, the alleged practical difficulty  
9 or particular hardship has not been created by any  
10 person presently having an interest in the  
11 party; and

12           Whereas, the variation, if granted, will  
13 not alter the essential character of the  
14 neighborhood; and

15           Whereas, the granting of the variation will  
16 not be detrimental to the public welfare, interest  
17 in other property or improvements in the  
18 neighborhood in which the property is located; and

19           Whereas, the proposed variation will not  
20 impair adequate supply of light and air to the  
21 adjacent property or substantially increase the  
22 congestion in the public streets or increase the  
23 danger of fire or endanger the public safety or  
24 substantially diminish or impair property values

1 within the neighborhood;

2 Now, therefore, the St. Charles Zoning  
3 Board of Appeals grants the variation requested with  
4 the stipulation as provided in Section 17.04.31 of  
5 the municipal code.

6 Are there any additions?

7 MEMBER BUENING: Why don't we do second,  
8 and then we can add additions if we wish to do so.

9 MEMBER WIRBALL: I'll second the motion.

10 MEMBER BUENING: I would offer to add a  
11 condition that a sidewalk be constructed along  
12 14th Street, as well as to maintain the sidewalk  
13 connection to 14th Street, whether it be by grade  
14 or by stairs. I'm not sure they can use those  
15 stairs or not. You're saying remove those, but  
16 I'm not sure how they would get the proper grade.  
17 So I'll cut it off with that as an amendment to  
18 the motion.

19 CHAIRMAN RULLMAN: Is that acceptable?

20 MEMBER HOLDERFIELD: It is. It is  
21 acceptable.

22 CHAIRMAN RULLMAN: All right. Subject to  
23 the amendment, all in favor of the amendment  
24 say aye.

1 (Ayes heard.)

2 CHAIRMAN RULLMAN: Any opposed --

3 MEMBER HRIVNAK: Yes, opposed.

4 CHAIRMAN RULLMAN: -- to the amendment?

5 MEMBER HRIVNAK: I'm good with the  
6 amendment.

7 CHAIRMAN RULLMAN: Then in that case it's  
8 been -- we have a motion; it's been seconded; an  
9 amendment has been added. So at this point we'll  
10 vote on the amendment. Mr. Secretary please call  
11 the roll -- I'm sorry -- on the motion,  
12 Mr. Secretary please call the roll.

13 MEMBER BUENING: Buening, aye.

14 Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 MEMBER BUENING: Hrivnak.

17 MEMBER HRIVNAK: No.

18 MEMBER BUENING: Krawczyk.

19 MEMBER KRAWCZYK: Yes.

20 MEMBER BUENING: Rullman.

21 CHAIRMAN RULLMAN: Yes.

22 MEMBER BUENING: And Wirball.

23 MEMBER WIRBALL: Yes.

24 MEMBER BUENING: Five-four.

1           CHAIRMAN RULLMAN: It needs four affirmative  
2 votes. There are five, so the motion carries.

3           MR. TEIPEL: We thank you, gentlemen.

4           CHAIRMAN RULLMAN: This will close the  
5 variation of V-1-2018. Is there any other  
6 business to come before the Board?

7           (No response.)

8           CHAIRMAN RULLMAN: If not, we'll accept a  
9 motion to adjourn.

10          MEMBER BUENING: So moved.

11          MEMBER KRAWCZYK: Second.

12          CHAIRMAN RULLMAN: All in favor.

13          (Ayes heard.)

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

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, 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 1st day of May, 2018.

My commission expires: October 16, 2021



\_\_\_\_\_  
Notary Public in and for the  
State of Illinois