

**MINUTES  
CITY OF ST. CHARLES  
ZONING BOARD OF APPEALS  
THURSDAY, MARCH 23, 2023  
COUNCIL CHAMBERS**

Members Present: Chairman- Elmer Rullman, III  
Scott Buening  
Laura Halpenny  
Chris Studebaker  
Ross Totten

Member Absent:

Also Present: Russell Colby, Community Development Director  
Rachel Hitzemann, 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 five members present. There was a quorum.

**3. Presentation of minutes of the April 22, 2021 meeting**

A motion was made by Ms. Halpenny and seconded by Mr. Buening with a unanimous voice vote to approve the minutes of the April 22, 2021 meeting.

**4. Variation Application V-1-2023, filed by Accession Properties, record owner of the property located at 218 Indiana St. in the City of St. Charles.**

Secretary Buening summarized/read into the record the following:

- The requested action is two zoning variations 1. to permit a non-residential use on a lot that is 4,620 square feet, which is 92 percent of the minimum required 5,000 square foot lot and 2. allow 49.7 % of building coverage, which is 9.7 % over the maximum allowed 40%, for an additional 448 square feet of coverage.
- The applicant is proposing to construct a 2,298 square foot mixed use building with a first-floor office and two upper level residential units.

- The additional square footage is being requested for the purpose of adding a larger office space and additional bedroom in each unit.
- Submitted resolution from the Historic Preservation Commission
- Submitted letter from the Preservation Partners of the Fox Valley
- Submitted email from Any Garcia, nearby property owner
- Submitted letter from Craig Bobowiec

Chairman Rullman swore in the following:

- Brad Saelens- Architect,
- David Schonback- 112 Syril Drive, Geneva
- Paul Kessler- 318-322 South 3<sup>rd</sup> St.
- Craig Bobowiec- 221 South 2<sup>nd</sup> St.
- Kim Malay- Historic Preservation Commission Chairperson
- Note that City staff were also sworn in.

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 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 reviewed File V-1-2023 dated 1/16/23 and received on 2/13/23 from Accession Properties for the property located at 218 Indiana St., St. Charles, Illinois 60174, for 1. Permit non-residential use on a lot that is 4,620 square feet, which is 92 percent of the minimum required 5,000 square feet and 2. Allow 49.7 percent of building coverage, which is 9.7 percent over the maximum allowed 40 percent, for an additional 448 square feet;

**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 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;

**Now, therefore**, the St. Charles Zoning Board of Appeals grants the request with the conditions that two parking spaces be provided on the east side of the building and that the balconies are to comply with zoning setbacks.

**Roll called:**

Ayes: Buening, Halpenny, Studebaker, Totten, Rullman

Nays:

Absent:

**Motion carried; Variation granted by a vote of 5-0.**

- 4. Additional Business from Board members or Staff**
- 6. Public Comment- None.**
- 7. Adjournment at 7:55 p.m.**



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# Transcript of Variation Applications for 218 Indiana Street

**Date:** March 23, 2023

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

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

-----x  
In Re: :  
Variation Applications by :  
Accession Properties; : V-1-2023  
property located at :  
218 Indiana Street. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Thursday, March 23, 2023  
7:00 p.m.

Job No.: 473457  
Pages: 1 - 53  
Reported by: Paula M. Quetsch, CSR, RPR

Transcript of Variation Applications for 218 Indiana Street  
Conducted on March 23, 2023

1 Report of proceedings held at the location of:

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3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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9

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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Transcript of Variation Applications for 218 Indiana Street  
Conducted on March 23, 2023

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PRESENT:

ELMER RULLMAN, III, Chairman

SCOTT BUENING, Member

LAURA HALPENNY, Member

CHRIS STUDEBAKER, Member

ROSS TOTTEN, Member

ALSO PRESENT:

RUSS COLBY, Community Development Division  
Manager

RACHEL HITZEMANN, Planner

Transcript of Variation Applications for 218 Indiana Street  
Conducted on March 23, 2023

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1 P R O C E E D I N G S

2 CHAIRMAN RULLMAN: All right. We'll call  
3 this meeting of the St. Charles Zoning Board of  
4 Appeals to order at 7:00 p.m.

5 Mr. Buening, please read the roll.

6 MEMBER BUENING: Buening is present.  
7 Halpenny.

8 MEMBER HALPENNY: Present.

9 MEMBER BUENING: Rullman.

10 CHAIRMAN RULLMAN: Present.

11 MEMBER BUENING: Studebaker.

12 MEMBER STUDEBAKER: Present.

13 MEMBER BUENING: Totten.

14 MEMBER TOTTEN: Present.

15 MEMBER BUENING: We do have a quorum.

16 CHAIRMAN RULLMAN: Five members present.

17 Any additions or corrections to the  
18 meeting of April 22nd, 2021?

19 (No response.)

20 CHAIRMAN RULLMAN: If there's none, I'll  
21 accept a motion for approval.

22 MEMBER HALPENNY: Motion to approve.

23 CHAIRMAN RULLMAN: All in favor, aye.

24 (Ayes heard.)



Transcript of Variation Applications for 218 Indiana Street  
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1 CHAIRMAN RULLMAN: Opposed.

2 (No response.)

3 CHAIRMAN RULLMAN: Motion carried.

4 At this time we'll open Variation  
5 Application V-1-2023 filed by an Accession  
6 Properties, record owner of the property located  
7 at 218 Indiana Street in the city of St. Charles.

8 Mr. Secretary, please read the relevant  
9 list of items.

10 MEMBER BUENING: Thank you, Mr. Chairman.

11 This is Variation V-1-2023. The property  
12 location is 218 Indiana Street. The requested  
13 action is two items, both zoning variations, the  
14 first which is a permit for a nonresidential use  
15 on a lot that is 4,620 feet, which is 92 percent  
16 of the minimum required 5,000-square-foot lot, and  
17 secondly is an allowance for 49.7 percent of  
18 building coverage, which is 9.7 percent over the  
19 maximum allowed 40 percent, for additional  
20 448 square feet of coverage.

21 The applicant is proposing to construct a  
22 2,298-square-foot mixed-use building with a first-  
23 floor office and two upper level residential units.  
24 While a mixed-use building is permitted in the

1 zoning district, a minimum lot size of 5,000 square  
2 feet is required. The subject lot is less than  
3 that at 4,620 square feet. Additionally, a  
4 maximum 40 percent of the lot can be covered by a  
5 building, and the applicant is requesting to build  
6 an additional 448 square feet of building for the  
7 purpose of adding larger office space and an  
8 additional bedroom in each unit.

9 The existing land use is an existing  
10 private residence. It's currently zoned CBD-2,  
11 Mixed Use Building District, and the applicant is  
12 Accession Properties of Genoa, Illinois.

13 We also have in the records that have been  
14 submitted a resolution from the Historic  
15 Preservation Commission; we have a letter from  
16 Preservation Partners of the Fox Valley; we have  
17 also an email from an Andy Garcia, who is a nearby  
18 property owner; we also have another letter that  
19 is from Craig Bobowiec, a private party, and we  
20 can submit those at the appropriate time.

21 CHAIRMAN RULLMAN: All right. Is the  
22 petitioner present?

23 MR. SAELENS: Good evening, my name is  
24 Brad Saelens. I'm with BDS Architecture. I'm the

Transcript of Variation Applications for 218 Indiana Street  
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1 architectural firm representing my client in this  
2 matter.

3 CHAIRMAN RULLMAN: Everyone who wants to  
4 be heard on this petition, please stand, raise  
5 your right hands.

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

8 CHAIRMAN RULLMAN: Okay. Please give your  
9 name and address to the reporter.

10 MR. KESSLER: Paul Kessler, K-e-s-s-l-e-r,  
11 318 South -- 322 South 3rd Street.

12 MR. BOBOWIEC: Craig Bobowiec,  
13 B-o-b-o-w-i-e-c. I own the property at 221 South  
14 2nd Street.

15 MS. MALAY: Kim Malay and I am the  
16 chairman of the Historic Preservation Commission.

17 MR. SCHONBACK: David Schonback, 112 Syril  
18 Drive, Geneva.

19 MR. SAELENS: Brad Saelens, 100 South  
20 Cambridge Drive in Geneva, S-a-e-l-e-n-s.

21 CHAIRMAN RULLMAN: Let the record show the  
22 City staff was also sworn.

23 And there's a correction.

24 MEMBER BUENING: I'm sorry; I said Genoa,

1 Illinois. I read that wrong; it was Geneva,  
2 Illinois.

3 CHAIRMAN RULLMAN: You have the floor.

4 MR. SAELENS: Thank you. As you stated,  
5 we're here for the variance application. We are  
6 applying for two things. Our property -- or our  
7 proposed building is a mixed-use building. It has  
8 two residential units, and it is one small  
9 commercial office space on the first floor. The  
10 first floor also has two parking spaces, one for  
11 each residential unit.

12 The CBD-2 District is designed for mixed-  
13 use buildings in transition to CBD-1, the downtown  
14 area that's much more urban commercial development.

15 The first application is for the mixed-use --  
16 or the first variance item is for the mixed-use  
17 building on a lot that's less than 5,000 square  
18 feet. This property I believe was divided from a  
19 larger property, and you can see it on the survey,  
20 and it appears that way on the documents from the  
21 City. And it is now below the 5,000-square-foot  
22 requirement. It's actually at 4,620 square feet.  
23 So we would be applying for a variance to build  
24 nonresidential building on that property.

1           The second item is the lot coverage,  
2           somewhat a result of the smaller lot is that we  
3           are proposing to build 49.7 percent lot coverage  
4           on the existing 4,620-square-foot lot. That comes  
5           out to 448 square feet over the maximum allowed  
6           lot coverage for the property.

7           With this being a CBD-2 District and the  
8           goal being to do a mixed-use and transition between  
9           the residential district and the downtown district,  
10          the mixed-use development is appropriate for this  
11          property. We meet most of the zoning requirements  
12          on the property as far as setbacks, height, and  
13          things like that. If the lot was a minimum  
14          5,000-square-foot lot, which we would not be asking  
15          for a variance on, then we'd only be 296 square  
16          feet over our lot coverage.

17          Additionally, there's exceptions in the  
18          zoning code. I'm sure you guys are well aware,  
19          but if we were to detach a garage, we could get  
20          another 250 square feet since the lot is wider  
21          than 65 feet. It's 66 by 70 for reference  
22          roughly. So we would be very close to the lot  
23          coverage is my point here.

24          We worked hard through the Historic

1 Commission and with the client to develop a  
2 property that's viable from everybody's point of  
3 view and provide something that will be a part of  
4 this transition between the residential areas and  
5 the downtown business districts of St. Charles.

6           Additionally, we've reached out to some  
7 neighbors in the area that were on the contact  
8 list. I think it was a 250-foot radius, but I  
9 don't have that in front of me. And so far I've  
10 had nine people sign on in support and two who  
11 were not able to sign on because they're property  
12 owners that live further away verbally support it.  
13 We did not have any that objected to our project  
14 during our meeting with them. Some homeowners  
15 weren't home, so we weren't able to talk to  
16 everybody.

17           As I stated, we have tried to meet every  
18 requirement for the zoning code. The viability of  
19 the project is to keep this as a two-unit  
20 development with some office space on it and  
21 condense it as much as possible on the property to  
22 get as close to that number as we can. We've gone  
23 through various reductions. We're to the point if  
24 we do reduce it any more, we would lose a bedroom

1 unit from each residential. The second floor is a  
2 residential unit, and the third floor is a  
3 residential unit. One is a two-bedroom unit; one  
4 is a three-bedroom. So we would be down to a  
5 one-bedroom and a two-bedroom unit. Additionally  
6 we would lose either all of the office space or a  
7 parking space on the first floor, again, making  
8 this much less viable as a mixed-use development.

9 The criteria -- I can read it if you need  
10 me to, but I also referenced it in the variance  
11 application -- for the CBD-2 District, generally it  
12 states that providing a properly-scaled mixed-use  
13 transition between the single-family neighborhoods  
14 and retail for the CBD-1. That's been our goal  
15 with this.

16 We've created a building that's pedestrian-  
17 orientated. I believe there's a 3D model of it in  
18 other images here; I can find them. Here's one.  
19 So we do have the office space on the first floor,  
20 doors on the first floor to welcome in. We're  
21 meeting the 5-foot setback which is standard in  
22 the district, providing sidewalk access and  
23 everything to the neighborhood.

24 The final unit -- or the final thing I was

1 aware of, there was a letter that was sent in  
2 about parking. We are required one parking stall  
3 per residential unit, which we provided in the  
4 garages for the first floor. The commercial space  
5 is required to have two parking stalls. If you  
6 look at the survey here, there's a 24-foot setback  
7 on the east side of the building. The minimum for  
8 that -- that's technically the rear yard for the  
9 zoning ordinance. The minimum for that is 20 feet,  
10 but with the 24 feet we can park two vehicles back  
11 there for the commercial space, as well, and have  
12 all parking contained on the site, which, again,  
13 would not be really feasible on a property this  
14 small in that area.

15 I believe that's all for now. I'd open it  
16 up to questions from you guys.

17 CHAIRMAN RULLMAN: Any questions from the  
18 Board?

19 MEMBER BUENING: I always have questions.

20 CHAIRMAN RULLMAN: I know.

21 MEMBER STUDEBAKER: That's why he's looking  
22 at you.

23 MEMBER BUENING: A couple of these relate  
24 to staff.



1 First, is there an FAR requirement in this  
2 District?

3 MS. HITZEMANN: We don't have an FAR  
4 requirement; we just have a lot coverage requirement.

5 MEMBER BUENING: That's based on the  
6 square footage?

7 MS. HITZEMANN: Correct.

8 MEMBER BUENING: You indicated you have a  
9 5-foot setback on the west property line, but you  
10 also have balconies, and it looks like you kind of  
11 have a little bit of an encroachment because it  
12 looks --

13 MR. SAELENS: The building is vertical.  
14 The balconies do extend out from the building for  
15 the residential units, but the building itself is  
16 vertical. There's different cladding on the  
17 exterior but it's --

18 MEMBER BUENING: That's not decreasing the  
19 width of it?

20 MR. SAELENS: The square footage on each  
21 floor is pretty much the same.

22 MEMBER BUENING: To staff, the balconies  
23 encroaching is allowable in the front yard then?

24 MS. HITZEMANN: They're allowed to

Transcript of Variation Applications for 218 Indiana Street  
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1 encroach 30 inches into the front yard setback.

2 MEMBER BUENING: So how big are your  
3 balconies going to be?

4 MR. SAELENS: I believe they're 4 feet  
5 right now. We could reduce them to the 3-foot.  
6 They're somewhat decorative. They're part of this  
7 historic meeting, too. We were trying to do the  
8 Greek Revival style and keep access to the  
9 exterior and get light and ventilation to the  
10 upper units.

11 MEMBER BUENING: Staff -- I mean, based on  
12 the structure and how old it is, I would assume  
13 that the lot division was done many, many moons  
14 ago. Do we have any idea when that division might  
15 have happened?

16 MS. HITZEMANN: Yeah, we don't have any  
17 idea when it happened, but it was a long time ago.

18 MEMBER BUENING: Okay. And so then the  
19 area to the east side of the building, you're  
20 saying that you would put additional parking  
21 spaces in there for the commercial?

22 MR. SAELENS: Correct.

23 MEMBER BUENING: Tandem spaces?

24 MR. SAELENS: They would be tandem spaces

1 most likely. They possibly could be slightly  
2 angled, but, again, it's just for the office use.  
3 Currently the owner of the building is both going  
4 to live in one of the units and use that as their  
5 office space. I know that's not a long-term  
6 solution, but as a long-term solution we would  
7 provide parking over there, as well.

8 MEMBER BUENING: Okay. So then with the  
9 tandem spaces, assuming that those would meet  
10 design requirements by zoning code, you have the  
11 two garage ones, you would have adequate parking  
12 on-site to address that?

13 MR. SAELENS: That's correct, yes.

14 MEMBER BUENING: The existing building is  
15 definitely in poor shape. I can see why you would  
16 want to do something different with it. Is it  
17 just a single-family unit on converted two-flat?

18 MR. SAELENS: I believe it's just a  
19 single-family unit. It is in extremely poor shape  
20 to the point where it's possibly falling down.

21 MEMBER BUENING: I can see parts of it  
22 that were.

23 MR. SAELENS: It's been modified many  
24 times over the years, so it's hard to tell exactly

1 what the original building was, but we're working  
2 through the Historic District; they have agreed it  
3 is in bad enough shape that it needs to be knocked  
4 down and not saved.

5 MEMBER BUENING: That's all the questions  
6 I have at this point.

7 MR. SAELENS: Thank you.

8 CHAIRMAN RULLMAN: Any other questions?

9 MEMBER TOTTEN: Yep.

10 CHAIRMAN RULLMAN: All right.

11 MEMBER TOTTEN: You mentioned there's one  
12 garage for each unit; correct?

13 MR. SAELENS: For the residential, yes.

14 MEMBER TOTTEN: Yeah, for the residential  
15 part. Three-bedroom, where would multiple cars  
16 park? Just in the street --

17 MR. SAELENS: Potentially, yes.

18 MEMBER TOTTEN: -- is that the idea?  
19 Because the rooftop can hold a pretty decent-sized  
20 party. All those people would have to crowd the  
21 street to --

22 MR. SAELENS: That's correct. That's true  
23 for any building in the downtown area, not that I  
24 want to contribute to it. Our goal is to park as

1 many cars on the site as possible.

2 MEMBER TOTTEN: But you can only park one car  
3 at a time for each unit for a three-bedroom?

4 MR. SAELENS: That's correct.

5 MEMBER TOTTEN: Which unit is the owner  
6 potentially going to stay in, the two-bedroom or  
7 the three?

8 MR. SAELENS: I believe it's the  
9 three-bedroom.

10 MEMBER TOTTEN: Okay.

11 CHAIRMAN RULLMAN: Anyone else?

12 MEMBER STUDEBAKER: So just to clarify on  
13 the lot coverage component, when you're asking for  
14 a nonresidential use, it potentially could happen  
15 there, but as far as the allowable coverage, if  
16 that happened, would you guys move forward with  
17 the project?

18 MR. SAELENS: I'm not sure I understand.

19 MEMBER STUDEBAKER: If you were granted  
20 the residential use or given the variance for that  
21 to allow the mixed-use, is what I'm trying to say,  
22 not very eloquently, but if you were not granted  
23 the coverage variance, what would that do to your  
24 project?

1 MR. SAELENS: It would make the project  
2 nonviable from the current standpoint. We've  
3 looked at reducing it, and we have reduced as much  
4 as we possibly can without eliminating some other  
5 important aspect of the project. It could be a  
6 single-family home. That's not the intent of the  
7 district, and that's not the intent of the owner  
8 to build a single-family home there. That would  
9 be viable in and of itself. But the intent of the  
10 district and the way the ordinance is written is  
11 that it is a transition, and mixed-use is a goal  
12 of that, and that's what we're trying to fulfill  
13 here with having both.

14 CHAIRMAN RULLMAN: In response to -- one  
15 of the things that we must consider is has the  
16 alleged practical difficulty or particular hardship  
17 been created by any person presently having an  
18 interest in the property. So when did the owner  
19 acquire the property?

20 MR. SAELENS: I don't know the exact date.  
21 We've been working on this for a year and a half  
22 to two years. I can ask him.

23 MR. SCHONBACK: Roughly two years ago.  
24 Before I purchased it I came in -- is it okay if I

1 talk from down here? Two years ago when I had  
2 first found the piece of property I didn't know if  
3 I wanted to buy it, but I wanted to live in  
4 downtown St. Charles and have my office there. So  
5 I came to the Historical Society, and I asked  
6 would it be okay if I built like a three-story  
7 building with a pool and have my office on the  
8 first floor, and they said it's possible, not  
9 going to guarantee it but it's possible. So I  
10 went through with the purchasing of the property,  
11 and I've been learning slowly but surely how this  
12 process works, I guess.

13 CHAIRMAN RULLMAN: Well, so you didn't  
14 reduce the lot size, though? It wasn't your  
15 action to reduce the lot size?

16 MR. SCHONBACK: No, sir.

17 CHAIRMAN RULLMAN: So when you acquired  
18 it, it was under -- nothing has changed; it was  
19 still under 5,000 square feet when you acquired it?

20 MR. SCHONBACK: Yes.

21 CHAIRMAN RULLMAN: So in essence, you knew  
22 that that was there.

23 My second question, and I think you  
24 mentioned it, was even if you had 5,000 feet

1 you're asking for a larger footprint.

2 MR. SAELENS: It's a smaller percentage but  
3 yes, we would still be over the 40 percent at  
4 5,000.

5 CHAIRMAN RULLMAN: Okay.

6 MR. SAELENS: So we know it's not a  
7 perfect solution here, and we've tried to design  
8 it down as tight as possible. We all know the  
9 building that's there, and we're trying to make it  
10 as viable as we can for the site and the location  
11 and with all the other zoning rules and regulations.

12 MEMBER HALPENNY: I do have a question.  
13 You said you've been working with SHPO -- right? --  
14 or the State Historical society like the whole  
15 time, so they have that --

16 MR. SAELENS: No, we've been working with  
17 St. Charles.

18 MEMBER HALPENNY: -- the St. Charles  
19 Historical Society, and they have been pretty good  
20 with giving feedback, and you've been  
21 incorporating that into the --

22 MR. SAELENS: Yeah, we went -- I think  
23 we've been to four or maybe five meetings with  
24 them in the development of the project to get the



1 looks that fit within all the historic guidelines  
2 and match the character of the neighborhood. The  
3 style is Greek Revival, which there's numerous  
4 other buildings in the neighborhood. Many of them  
5 are similar in size and bulk right within the  
6 project zone.

7 CHAIRMAN RULLMAN: Are there any objectors  
8 present? All right. Would you please stand raise  
9 your right hands.

10 (Whereupon, the witnesses were thereupon  
11 duly sworn.)

12 CHAIRMAN RULLMAN: Make sure the reporter  
13 has your name and the mic is yours.

14 MR. KESSLER: I object to this because I  
15 believe that --

16 MEMBER STUDEBAKER: Can you state your  
17 name, please?

18 MR. KESSLER: Yes, my name is Paul Kessler.  
19 I'm objecting because I believe the building is  
20 too large for that lot. I think it's a great plan  
21 except for the size, and I'm glad someone is  
22 trying to get something in there because the  
23 building is unsafe and unsightly.

24 I do -- it's already been stated that the

1 minimum lot requirement and the minimum lot coverage  
2 ratio -- I believe a reasonable accommodation might  
3 be to allow a 2,000-square-foot building on a  
4 smaller lot size because that is something that  
5 cannot be changed, but I object to the larger lot  
6 coverage because that's an artificial constraint.

7 I believe that there could be things that  
8 could be done to reduce the size of the building.  
9 I don't know that we have to have indoor parking.  
10 Do we have to have an extra bedroom in both units?  
11 I notice that there is an elevator that only  
12 serves the top unit. So is that really necessary  
13 or is that a luxury?

14 So there are other things like this that  
15 could be done to reduce the footprint of the  
16 building.

17 CHAIRMAN RULLMAN: Where do you live in  
18 relation to the property?

19 MR. SAELENS: I live at 318 South 3rd Street.

20 CHAIRMAN RULLMAN: Thank you.

21 Any questions?

22 (No response.)

23 CHAIRMAN RULLMAN: Thank you.

24 MR. BOBOWIEC: My name is Craig Bobowiec.

1 I didn't realize you were going to have the letter  
2 that I submitted to the Historic Commission with  
3 my grievances. I agree that the building, the  
4 size and scale is just massive for the surrounding  
5 properties and the designs of the homes and things  
6 like that, and my big issue is the parking. I  
7 mean, a couple of you gentlemen pointed out that  
8 if there's a three-bedroom, there's going to  
9 be at least two cars per unit, and just adding  
10 two parking stalls in the back 24-foot easement  
11 there is not going to provide enough parking, and  
12 for guests for the parties up on the rooftop.

13 I'm glad he's trying to do something  
14 there, but I think if you took the office space  
15 out, which is so minimal anyways in the design, I  
16 mean, just a nice duplex I think could still fit  
17 his two- and three-bedroom design and still blend  
18 better in the area right around it because everything  
19 basically is duplexes in that neighborhood.

20 And that's just my feelings.

21 CHAIRMAN RULLMAN: Where are you --

22 MR. BOBOWIEC: I don't live in the  
23 neighborhood. I own 221 South 2nd Street on the  
24 corner there. You know, I've owned it since 1985,

1 and I just kind of have a feeling for that street  
2 and the neighboring properties, you know, and I --  
3 that rooftop deck and parties of 20 and 30 people  
4 just -- it's not going to impact me directly, but  
5 I feel for the people who are going to live in  
6 that neighborhood that it's just going to change  
7 the whole feeling of the neighborhood, and that's  
8 going to be a pain to them if that happens all  
9 summer long. I mean, that's one of the big  
10 griefs, but I guess the designs allow it.

11 So those are just my thoughts.

12 CHAIRMAN RULLMAN: Thank you.

13 MS. MALAY: My name is Kim Malay. I'm the  
14 chairman of the Historic Preservation Commission.  
15 I wanted to give you guys a chance to ask any  
16 questions that you may have had of the Historic  
17 Commission's recommendation. And if you had read  
18 the minutes and the recommendation, you notice  
19 that it was a split decision, so I wanted to give  
20 you the opportunity to ask any questions you may  
21 have on why.

22 MEMBER HALPENNY: I do have a question.

23 It sounds like you've been working closely  
24 with the owner and the architect on this, and I

1 did see that it's, you know -- and everyone is  
2 different and the split is not a problem for me.  
3 But when it comes to conforming and somebody  
4 coming to our community that actually wants to  
5 improve the situation, as long as they've met the  
6 criteria and they've taken your guidance and your  
7 recommendations and incorporated them into their  
8 designs and plans, it seems like they've been very  
9 open to that.

10 And the fact that they're coming here, and  
11 they're going to do something, that building -- I  
12 went by the building and everything else, I think  
13 I share everybody else's feeling that it's  
14 definitely an eyesore on top of a safety problem.

15 So you're not going to be able to  
16 preserve, or enhance, or upgrade, or modify, or  
17 redo a foundation. It's got to be scrapped pretty  
18 much. And I think the fact that this gentleman  
19 spent two years trying to go through the process  
20 and learn what's involved -- because apparently  
21 he's got some ideas, and we want businesses to come,  
22 and if people can live there and conduct business,  
23 as long as they have been working with you guys,  
24 that makes me feel a lot better that they've been

1 working with you and that the feedback that you've  
2 given, it sounds like they been incorporating that  
3 into the drawings.

4 On the split decision, was there anything  
5 that we should consider that came up that is  
6 something we should hear about?

7 MS. MALAY: So kind of let me give you a  
8 little background on the Historic Commission.  
9 First, part of our responsibility is not only  
10 preserving. Our scope is much larger than that.  
11 It is also to make sure that we protect the  
12 district and negative impacts of that district.

13 So we see probably, I don't know, at least  
14 100 new projects in the 20 years that I've been  
15 involved with the Commission. Okay? We've  
16 approved a lot of what happened on 1st Street and  
17 any of the new homes that you see and new buildings  
18 that you see within that Historic District. But  
19 one of the things that we do have to look at is, a  
20 new project, or an addition, or anything like that,  
21 is a change going to have a negative impact on the  
22 district itself and the properties around it.

23 This property is situated in an area that  
24 has a lot of Queen Anne's and other style older

1 homes. Some of them have been turned into a  
2 business; some of them are still single-family.  
3 So it is a mixed area.

4 We have no problem with a mixed-use idea.  
5 Where the split really came in, again, as many  
6 people have said, is the size and the fact that  
7 they're asking to go beyond what is allowed on the  
8 zoning. That's where we were having the issue.  
9 There's been some of us who have had a concern  
10 about the massing of that building and how it fits  
11 on that property in conjunction to what the other  
12 properties around it are. And the other issue is  
13 setting the precedent for future development in  
14 that area should any of those other homes  
15 eventually turn.

16 So that's what we were basing our split  
17 decision on. It had nothing to do -- I will say  
18 the developer has worked very hard with us. We  
19 have come a long way from the original proposal,  
20 and we are very grateful for that. But it was a  
21 concern for some of the Commission, and it  
22 actually was a split -- it literally was a tie,  
23 but as chairman, I didn't vote.

24 But it is a -- you know, it is a concern.

1 So I just -- that's why I wanted to make sure you  
2 understood where we were coming from. It's not --  
3 we know that that building needs to come down.  
4 We've actually walked that building. We've been  
5 there; we've seen it in person, as we do with just  
6 about any project that is in potential of  
7 demolition, and we definitely agree that that  
8 building needed to come down. So it has nothing  
9 to do with the idea of trying to preserve that.

10 MEMBER HALPENNY: So if constructed as is --  
11 should the variance be granted, both variances, if  
12 that was constructed, would you say that that does  
13 not conform with the appearances of that district  
14 for the mixed use?

15 MS. MALAY: So, again, it's the massing.  
16 It's the size of that building on that lot. And,  
17 again, we understand -- we have a situation in  
18 front of us right now that does meet the zoning  
19 codes. It is rather large. Again, they have  
20 worked with us to at least make it look a little  
21 smaller or, you know, a little better, but they  
22 are maximizing every bit that they can, and we  
23 understand that they meet the zoning requirements  
24 on that. You know, but in this case they are



1 asking -- and, you know, as you see in the  
2 commission vote, they did vote it to go that way  
3 and recommend it, but there is a lot of concern  
4 about the sizing.

5 MEMBER HALPENNY: When -- and I've been in  
6 St. Charles for 10 years, but first time on the  
7 ZBA. In the time that -- you've worked with a lot  
8 of the people because you're very involved.  
9 Granting these two variances, if it were to  
10 happen, do you really feel it sets precedent all  
11 the time in the history of making exceptions once  
12 in a while where it makes sense? Because, you  
13 know, going through a special use, we still have  
14 criteria, so I don't -- it's not that we're doing  
15 an ordinance rewrite; correct? I mean, it's a  
16 variance, two variances.

17 MS. MALAY: Correct, it's a variance.

18 MEMBER HALPENNY: So when I hear that,  
19 sometimes I just want to remind people it's being  
20 heard on its own merit. It's not always about  
21 just setting a precedent.

22 MS. MALAY: I agree with you in one respect,  
23 but a little bit more of my background is I actually  
24 used to work with the Planning Department.

1 MEMBER HALPENNY: I appreciate that.

2 MS. MALAY: So I have been involved with a  
3 lot of the things that have happened in this town.  
4 And, you know, I guess my response would be  
5 unfortunately, it does more than you think it  
6 does. And I say that with the PUDs. You know,  
7 because we do a PUD, again, very similar in one  
8 respect to a zoning variance but on a grander  
9 scale and more restrictions.

10 MEMBER HALPENNY: Well, I was thinking of  
11 the evolution of St. Charles in 10 years and the  
12 construction and everything else that we've done,  
13 and I think we've all evolved in our way that we  
14 expect height, different things. I mean, it's  
15 really been nice, actually; it's been kind of  
16 refreshing. So I just am wondering, like I said,  
17 but -- my opinion, and I'm just wondering from  
18 you, like I said, granting these two variances, if  
19 they've worked with you thus far and you're only  
20 down to like size, is there a compromise? He's  
21 basically saying with the owner that they have  
22 compromised along the whole way. We've talked to  
23 size, I understand exactly what he's talking  
24 about. What more can you trim off the budget?

1 MS. MALAY: And I understand.

2 MEMBER HALPENNY: Is there something else  
3 that you thought that they could trim off the  
4 project when you had your meetings?

5 MS. MALAY: You know, I think that really  
6 kind of depends on the architecture, the internal  
7 layout, and that type of thing to see how it can  
8 work. It sounds like they have done that.

9 You know, I -- again, that's where the  
10 decision was coming into play. You know, is it  
11 the best thing for that property when other things  
12 can be put there and meet the requirement.

13 MEMBER HALPENNY: How long has that  
14 property been in that condition? Do we know?

15 MR. COLBY: An extended period of time.

16 MS. MALAY: But, again, there are things  
17 that could but --

18 MEMBER HALPENNY: Are there any other  
19 applications that have been brought to you guys to  
20 look at for that same property?

21 MS. MALAY: I think we had one before,  
22 didn't we?

23 MEMBER HALPENNY: In how many years?

24 MS. HITZEMANN: I think that was before I

1 got here.

2 MEMBER HALPENNY: So more than 20 years.

3 MS. MALAY: No, it's only within the last  
4 five, I think.

5 MEMBER HALPENNY: But not materialized.

6 MS. MALAY: But I don't think it was up  
7 for sale for that long, either. I think it's only  
8 been a couple years.

9 MEMBER HALPENNY: Because it's been there  
10 like that for as long as I've been here.

11 MS. MALAY: You're right. It was a rental  
12 property and I would just say it wasn't a good  
13 property.

14 So I don't disagree at all. My big thing  
15 is I just want you to understand where we're  
16 coming from --

17 MEMBER HALPENNY: Oh, I'm grateful.

18 MS. MALAY: -- because we have seen that  
19 precedent can be set in many ways. So that is  
20 just something to weigh on, the Historic District.  
21 We've done a lot in our Historic District.

22 MEMBER HALPENNY: You guys have been  
23 awesome.

24 MS. MALAY: We're very proud of, you know,

1 what we've had happen, but this is something that  
2 we're just concerned could become a precedent.

3 MEMBER HALPENNY: Well, I think the  
4 flexibility in size, though, comes in in other  
5 projects in St. Charles where we have been flexible,  
6 and we've allowed larger projects in scale that we  
7 probably never would have allowed 20 years ago or  
8 15 years ago. So I'm just trying to get a better  
9 understanding on where the compromise came in. It  
10 sounds like they compromised quite a bit.

11 And I really appreciate your background  
12 because without that -- you guys are such an  
13 important part to this process. I just want to  
14 understand what happened. So thank you.

15 MS. MALAY: Absolutely.

16 CHAIRMAN RULLMAN: I have a question for  
17 the City. If we were to grant the first permit  
18 for nonstandard use, that won't make the lot  
19 conforming in the future; right? It will still be  
20 a nonconforming lot?

21 MR. COLBY: Yes, that's correct. The  
22 variance would allow this proposal that's before  
23 you to be constructed with a nonresidential use.  
24 It wouldn't change the conforming status of the

1 lot in general.

2 CHAIRMAN RULLMAN: Okay.

3 MEMBER BUENING: Just a follow-up to that.

4 Is there any use that can be built on this that  
5 would conform to the lot size that's there?

6 MS. HITZEMANN: Residential, two units  
7 maximum could fit on -- or would be to code if  
8 they decided to do that or single-family.

9 MEMBER BUENING: Okay. And then,  
10 Mr. Chairman, I have a couple of follow-up  
11 questions to the owner.

12 First question is, when you bought this,  
13 was it your intention to try and rehab it, or did  
14 you always think you were going to knock it down  
15 and do something different.

16 MR. SCHONBACK: Definitely knock it down.  
17 It had been for sale a couple of times over the  
18 course of the last 10 years. Unfortunately, it  
19 was priced to where a developer or someone  
20 couldn't make it viable to do this project. I am  
21 a local realtor in this area, and I worked with  
22 the selling agent to kind of work on a price  
23 because they've had seven years of not being able  
24 to sell it.

1           So we finally came to a number. That's  
2 why I came to the Historical Committee because I  
3 wanted to dot all my i's, cross my T's, for lack  
4 of a better word, and that's kind of where we're  
5 at now.

6           And I did go -- I know this kind of sounds  
7 dorky, but I knocked on every single person's door  
8 in that neighborhood, and I brought like letters  
9 of support from the people that weren't able to  
10 come to this meeting that were all for the project,  
11 the direct neighbors at the lot lines. Some people,  
12 unfortunately, when I did this buffer zone, they had  
13 PO boxes where they lived in like Galena or Morris,  
14 and I wasn't able to drive there, but I drove to  
15 Batavia, and St. Charles, like all the ones that  
16 had rental properties. I drove to their house and  
17 was able to talk to them about it, and I was able  
18 to get to 12 of the 30, and then 5 of those 30 I  
19 wasn't able to get to.

20           MEMBER TOTTEN: So that includes like 214  
21 and --

22           MR. SCHONBACK: I have little notes that I  
23 wrote when I went to see everybody, but here's all  
24 the letters I got from all the addresses.

1 MEMBER TOTTEN: So the property owners  
2 directly next to a property where your pool may be  
3 splashing into their back yard?

4 MR. SCHONBACK: There is no like 20-person  
5 party. I'm 40 years old. I can't put a pool on  
6 the first floor because there's no room.

7 MEMBER TOTTEN: Yeah, fair enough.

8 MR. SCHONBACK: Everybody keeps bringing  
9 that up, sir, and that's not --

10 MEMBER TOTTEN: So those two property  
11 owners, though, are in favor of you building --

12 MR. SCHONBACK: So one of the verbal ones  
13 is the attorney, which would be to the north  
14 because he has a business office. He was unable  
15 to be here, but his paralegal that I spoke with,  
16 she said he's all for it as long as I don't put an  
17 addition right next to his patio.

18 And then the gentleman behind to the east,  
19 it's a two-unit; his tenant was there and he  
20 wasn't there. So obviously, I didn't want a  
21 tenant to sign. Because a lot of these are rental  
22 properties, and I didn't get any signatures from  
23 tenants because they don't own the property.

24 So what I tried to focus on was the people --



1 that's why I went to the different locations, you  
2 know, where they own property, but their house  
3 might have been in Batavia, so I drove to their  
4 house in Batavia and asked how they felt about it,  
5 and those were the signatures I was able to get.

6 MEMBER BUENING: Another follow-up question  
7 I had, too, is, did you look at reducing building  
8 to be in compliance with the square footage, and  
9 what was your main reasoning for not.

10 MR. SCHONBACK: He's probably better; I'm  
11 sorry. I'm not the best at that kind of stuff.

12 MR. SAELENS: I actually created a diagram  
13 I can show you guys that illustrates what we would  
14 have to chop off. And this isn't perfect; it's  
15 taking our floor plan and just eliminating one side  
16 of the building to show you how much we would have  
17 to reduce it in order to meet the 40 percent  
18 coverage.

19 And I'll show it to you. But just to  
20 briefly describe it, the hash pattern on one side  
21 is if you chop that off, this is what we would be  
22 left off, or if we were to chop it off in the  
23 other direction, it would take that much off.

24 So you can see how it eliminates a bedroom,

1 parking space, et cetera. So that is what we would  
2 have to do to get this down to the 40 percent on  
3 the nose maximum coverage.

4 MEMBER BUENING: And then clarification  
5 for the pool. I know that that was something a  
6 lot of people were concerned about. But based on  
7 your architectural drawing you have here, you have  
8 what I'll call a pretty substantive wall of the  
9 roof structure that would be screening the pool.

10 MR. SAELENS: Correct.

11 MEMBER BUENING: I don't see that as being --  
12 if you had 30 people there, I don't see that's  
13 going to be something that's really going to be --

14 MR. SAELENS: We've taken the wall up  
15 close to the 40-foot maximum height in order to  
16 try to hide the roof as soon as possible. It also  
17 contributes to the architecture and other elements,  
18 as well.

19 But it is probably 4 feet tall at least on  
20 that roof, and even for our own documents, we just  
21 threw a number 15 to 20 people maximum on that  
22 roof. I can't imagine once I go through engineering  
23 and everything else that it would be a lot occupancy  
24 higher than that. The client doesn't want it that

1 high anyway; we're just planning for worst case  
2 scenario.

3 MEMBER BUENING: I assume you understood  
4 the structural implications of putting a pool on  
5 a roof.

6 MR. SAELENS: I do. We've talked about  
7 that. We haven't addressed it yet because we have  
8 to get through this first. But yes, it's not an  
9 easy task, and if it becomes too costly or too hard  
10 to do, then it might go away just be a roof, too.

11 CHAIRMAN RULLMAN: What is the access  
12 restriction to the pool?

13 MR. SAELENS: It's for the building only.  
14 There was a comment about the elevator. The  
15 elevator does go to each floor. Part of it is  
16 that it's a commercial building. Part of it is if  
17 you're living on the third floor, getting your  
18 groceries in, it might be easier.

19 MR. SCHONBACK: The main reason is if my  
20 mom and my dad visit. My mom is not going to be  
21 able to do three flights of stairs. So it's just  
22 a lift station; it's not even a real elevator. So  
23 that way my parents can get to my house.

24 MR. SAELENS: But only the building has

1 access to it. There is an interior staircase that  
2 is for tenant use only for the rooftop, so the two  
3 residential units.

4 CHAIRMAN RULLMAN: Pools are a funny sort  
5 of thing in the summertime.

6 MR. SAELENS: Can I address some of the  
7 other comments with them?

8 CHAIRMAN RULLMAN: Sure, if you'd like.

9 MR. SAELENS: The variance process we did  
10 decide to undertake, and it's my understanding  
11 working with Rachel that it is not as common of an  
12 occurrence here in St. Charles. But as was stated  
13 by a few people, the PUD process is for much larger  
14 developments. If we were going to redo this  
15 neighbor, we would be investigating a PUD process.  
16 We're specifically looking for this building on  
17 this property at this time, and I don't want to  
18 say we're not going to set a precedent, but we're  
19 not intending to do that. It's very specific to  
20 what we need to make this a viable solution for  
21 us, and that's why we've chosen the variance process,  
22 not a PUD or anything else.

23 The sizing and the mass, as you can see  
24 kind of on the diagram, too, even if we were to

1 reduce say the depth of the building to get to  
2 that 40 percent number, it wouldn't change the  
3 height; it wouldn't change the front yard setback;  
4 it wouldn't change the side yard setback. It  
5 would simply be pulling back on something that's  
6 not visible from the street anyway because we meet  
7 all of the other requirements.

8 So, again, we've tried stay as close as we  
9 can to those requirements, but the lot size is  
10 just the hardship that we're facing here. And I  
11 understand that was existing, and we're just  
12 trying to develop it the best that we possibly can  
13 in this scenario.

14 MEMBER HALPENNY: I think it's great that  
15 he wants to bring mixed use. I mean, we're trying  
16 to get businesses to come into St. Charles, and  
17 he's got the combination of both.

18 And I appreciate your diligence in talking  
19 to all your neighbors and really making an effort.  
20 Did you want to submit those letters?

21 MEMBER BUENING: They can do so.

22 MEMBER HALPENNY: You didn't have it in  
23 your package, but you're welcome to submit them.

24 MR. SCHONBACK: Do I just give them to

1 Rachel?

2 MEMBER HALPENNY: Yes. You might as well  
3 do it appropriately. That way we have that.

4 AUDIENCE MEMBER: Can I speak? I didn't  
5 get sworn in but I'd be happy to.

6 MEMBER HALPENNY: Did you get sworn in?

7 AUDIENCE MEMBER: No.

8 MEMBER HALPENNY: You need to be sworn in  
9 before you can speak.

10 (Witness duly sworn.)

11 CHAIRMAN RULLMAN: Give your name and  
12 address, please, to the reporter.

13 MR. MOSS: Bryan B-r-y-a-n; Moss M-o-s-s.  
14 I own 100 South 3rd Street through 220 South 3rd  
15 Street.

16 THE COURT REPORTER: Thank you.

17 MR. MOSS: So I wasn't -- didn't come  
18 here -- I was just really being nosy more than  
19 anything and didn't have an opinion until I sat  
20 through this and really listened to everyone.  
21 And, you know, coming up with my thoughts through  
22 this is a lot has changed in St. Charles in the  
23 last 25 years that I've been around here, and, you  
24 know, we've seen half the downtown torn down and

1 rebuilt, and all this new economic development  
2 that has come, and all the historical preservation  
3 that has been kept, and destroyed, and been  
4 rebuilt, as well. So there has been a good mix of  
5 that, and I believe that this project sits kind of  
6 right in the middle of all that.

7           You know, we talked about the zoning; we  
8 talked about how it fits into the community, how  
9 it fits -- and I own quite a bit property there on  
10 3rd Street, and, you know, I think that I didn't  
11 have an opinion until I sat here, and I really at  
12 first thought it was going to be too tall. And I  
13 know that we talked on the street one day when I  
14 saw you taking pictures of it, and that was my  
15 first thought was the height of the building, and  
16 how it fits, and squeezing it in on this lot size.

17           But, you know, when we really started,  
18 thinking outside the box here, I think it fits.  
19 And I think that what they've done with Historical  
20 Preservation, how the property architecturally  
21 fits the neighborhood, as we look across the  
22 street and go to Indiana Street and 3rd Street  
23 across from my apartment building, there's an  
24 apartment building there that has some pillars,

1 has some architectural design elements that match  
2 this property; it's a three-story building that's  
3 tall, as well.

4 I have to state that I've kind of changed  
5 my mind on what I felt, and I think I'm for this  
6 property being developed. And it's -- the square  
7 footage that we're off on zoning isn't that much  
8 space when you really start adding up the grand  
9 scheme of it. I really want some future development  
10 to continue to happen in our community, and I think  
11 that the residential mixed-use is really important,  
12 as well.

13 So that's my two cents, whatever it's worth.

14 MEMBER HALPENNY: Thank you very much.

15 CHAIRMAN RULLMAN: Thank you.

16 Any other questions from the Board?

17 (No response.)

18 CHAIRMAN RULLMAN: Anyone else who would  
19 like to speak on this?

20 (No response.)

21 CHAIRMAN RULLMAN: I would consider a  
22 motion from the Board.

23 MEMBER HALPENNY: I'd like to make a  
24 motion to approve both variances.



Transcript of Variation Applications for 218 Indiana Street  
Conducted on March 23, 2023

45

1 CHAIRMAN RULLMAN: All right. We have to  
2 have findings of fact for that.

3 MEMBER STUDEBAKER: Elmer, just a point of  
4 clarification. Are we doing the findings of fact  
5 on both, or can we split the motion?

6 MEMBER HALPENNY: I can restate it if it  
7 needs to be done separately. Does it need to be  
8 done separately, or can it be done together?  
9 Because there are two variances.

10 MR. COLBY: I think it could be done  
11 either way, but if it's separated, you need to  
12 take action on them both.

13 MEMBER STUDEBAKER: Right.

14 MEMBER HALPENNY: I was just trying to  
15 consolidate.

16 MEMBER BUENING: You can consolidate if  
17 you want, just the pleasure of the Board.

18 MEMBER HALPENNY: So I'm just going to go  
19 read these three?

20 MEMBER BUENING: If you're going to make a  
21 motion, you can make a motion with that and make  
22 sure you say the findings of fact on those items.

23 MEMBER HALPENNY: We don't have discussion  
24 first?

1 MEMBER BUENING: We have some discussion  
2 sometimes, but if you're ready to make a motion.

3 CHAIRMAN RULLMAN: The findings of fact.

4 MEMBER HALPENNY: So we're not -- since  
5 it's my first day, maybe I will -- I do know what  
6 I want to do but I didn't realize I had to put  
7 this all in right now.

8 MEMBER BUENING: If you'd like, I can make  
9 the motion on your behalf.

10 MEMBER HALPENNY: Yes, because I know how  
11 it works on the other side.

12 MEMBER BUENING: Yeah, it's -- you'll  
13 understand.

14 MEMBER HALPENNY: Got it.

15 MEMBER BUENING: So the motion is in favor  
16 of -- the motion is to be in favor of both the  
17 variances at this point.

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

21 Whereas, the St. Charles Zoning Board of  
22 Appeals has reviewed File V-1-2023 dated 1/16/2023  
23 and received February 13th, 2023, from Accession  
24 Properties for the property located at 218 Indiana

1 Street in the city of St. Charles for 1) permit a  
2 nonresidential use on a lot that is 4,620 square  
3 feet, which is 92 percent of the minimum required  
4 5,000 square feet, and 2) allow 49.7 percent of  
5 building coverage, which is 9.7 percent over the  
6 maximum allowed 40 percent, for an additional  
7 448 square feet;

8           Whereas, the particular physical  
9 surroundings, shape, or topographical condition of  
10 the specific property would result in a practical  
11 difficulty or particular hardship to the property  
12 owner, as distinguished from a mere inconvenience,  
13 if the strict letter of the regulations were to be  
14 carried out;

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

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

22           Whereas, the variation, if granted will  
23 not alter the essential character of the  
24 neighborhood;

1           Whereas, the granting of the variation  
2 will not be detrimental to the public welfare or  
3 injurious to other property or improvements in the  
4 neighborhood in which the property is located;

5           Whereas, the proposed variation will not  
6 impair an adequate supply of light and air to  
7 adjacent property, or substantially increase the  
8 congestion in the public streets, or increase the  
9 danger of fire, or endanger the public safety, or  
10 substantially diminish or impair property values  
11 with the neighborhood;

12           Now, therefore, the St. Charles Zoning Board  
13 of Appeals grants the variations requested with  
14 the stipulations as specified in Section 17.04.310,  
15 Variation of the Municipal Code of the City of  
16 Charles.

17           I know this is your motion, but I would  
18 offer two conditions, if I could.

19           MEMBER HALPENNY: Absolutely.

20           MEMBER BUENING: The first is to add  
21 two commercial parking spaces for the commercial  
22 lot on the east side of the building, and then  
23 secondly correct the balconies to comply with the  
24 zoning setbacks.

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1 MEMBER HALPENNY: A hundred percent agree.

2 CHAIRMAN RULLMAN: Second? Is there a  
3 second?

4 MEMBER TOTTEN: Second.

5 MEMBER BUENING: So you're the first, and  
6 you'll be the second. I read it but --

7 MEMBER HALPENNY: I know, yes, but thank  
8 you. I've been on the other side for 25 years  
9 but yes.

10 CHAIRMAN RULLMAN: Please call the roll.

11 MEMBER BUENING: Buening, aye.  
12 Halpenny.

13 MEMBER HALPENNY: Aye.

14 MEMBER BUENING: Rullman.

15 CHAIRMAN RULLMAN: Aye.

16 MEMBER BUENING: Studebaker.

17 MEMBER STUDEBAKER: Aye.

18 MEMBER BUENING: And Totten.

19 MEMBER TOTTEN: Aye.

20 CHAIRMAN RULLMAN: All right. We all want  
21 an invitation to the pool party as long as it's  
22 been structurally --

23 MR. SCHONBACK: Hold on. What do we have?  
24 Five, six, seven? We're good.

1           MEMBER HALPENNY: But we're going to  
2     invite them, too. Thank you everybody for your  
3     time. And I'm sorry; your name for the chairman?  
4     You're the chairman?

5           MS. MALAY: Yes.

6           MEMBER HALPENNY: Thank you very much for  
7     providing all that background because that made me  
8     feel a lot better knowing you guys were that  
9     involved and we appreciate that.

10          And thank you for investing in St. Charles.  
11     I heard you say you're a realtor, and I know you  
12     have a lot of choices in what you do, and I am  
13     grateful that you are going to take on a project,  
14     and that's why I am in support of that. I do  
15     think going forward if you buy any other  
16     properties in St. Charles, I would just say maybe  
17     now that you're going through the process, the  
18     reason why I was more inclined to actually make  
19     that motion was because you did so much due  
20     diligence. In your next purchase, because you are  
21     a realtor, if you decide to keep investing, which  
22     we'd love you to continue doing, just make sure  
23     when you're working with your architect and  
24     developer that you start with your square footage.

1 The less time you have to come do this -- because  
2 it puts us still in the difficult position.

3 MR. SCHONBACK: Ma'am, we tried that, and  
4 I learned a lot. Because that's me; I'm also a  
5 builder and this is only my first step.  
6 Unfortunately, the Historical Society told me what  
7 my first step should be, so I spent a year and a  
8 half back and forth because, like I said, all I  
9 wanted to do is what was best for the community.

10 MEMBER HALPENNY: I'm really happy  
11 you're here.

12 CHAIRMAN RULLMAN: When I get a word in  
13 edgewise here, I'd like to close the public  
14 hearing and ask, is there any additional business  
15 from Board members or staff?

16 (No response.)

17 CHAIRMAN RULLMAN: And since the public  
18 has left, I guess we don't have any public  
19 comment now.

20 MEMBER HALPENNY: Sorry.

21 CHAIRMAN RULLMAN: So I'll entertain a  
22 motion for adjournment.

23 MEMBER BUENING: So moved.

24 MEMBER STUDEBAKER: Second.

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1 CHAIRMAN RULLMAN: All in favor.

2 (Ayes heard.)

3 CHAIRMAN RULLMAN: Opposed.

4 (No response.)

5 CHAIRMAN RULLMAN: This meeting is

6 adjourned.

7 (Off the record at 7:55 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 27th day of March, 2023.

My commission expires: October 16, 2025



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

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