

**MINUTES
CITY OF ST. CHARLES ZONING
BOARD OF APPEALS
THURSDAY, MAY 4, 2023
COUNCIL CHAMBERS**

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

Member Absent: Scott Buening

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

Chairman Rullman called roll with four members present. There was a quorum.

3. Presentation of minutes of the March 23, 2023 meeting

A motion was made by Mr. Studebaker with a unanimous voice vote to approve the minutes of the March 23, 2023 meeting.

4. Variation Application V-2-2023, filed by Matthew and Bernadette Sweeney, record owners of the property located at 303 N 3rd Ave. in the City of St. Charles.

Chairman Rullman summarized/read into the record the following:

The requested action is two zoning variations 1. Reduce the rear yard setback on the north property line from 30 feet to 7.3 feet and 2. Allow up to 34.83% of the building coverage, which is 9.83% over the maximum allowed 25 % for up to an additional 573.63 square foot of building coverage;

- The applicant is proposing construction of a detached garage, breezeway and addition.
- Primary use of the property is for a residence
- Submitted resolution from the Historic Preservation Commission
- Submitted letter from Dean Bemis, nearby property owner

- Submitted letter from Tom and Pat Pretz, nearby property owners
- Submitted letter from Adam and Elizabeth Suwanski, nearby property owners
- Submitted letter from Kristin Dean, nearby property owner
- Submitted letter from Charles and Susan Izzo, nearby property owners
- Submitted letter from Karen and Brian Graf
- Submitted letter from Paul and Brenda McMahon, nearby property owners
- Submitted letter from Tim Nelson
- Submitted letter from Miles Tischhauser

Chairman Rullman swore in the following:

- Matthew and Bernadette Sweeney, Property Owners
- Willis Loof- 516 N. 3rd Ave.
- Dean Bemis- 304 N 2nd Ave.
- Pat Pretz- 214 Chestnut Ave.
- Tom Pretz- 214 Chestnut Ave.
- Susan Izzo- 312 N. 2nd Ave.
- Charles Izzo- 312 N. 2nd Ave.
- Gloria Sweeney- 594 Gray St., Geneva
- Michael Sweeney- 594 Gray St., Geneva
- Miles Tischhauser- 733 S 2nd St.
- Kim Malay- Historic Preservation Commission Chairperson
- Steven Smunt- Historic Preservation Commission Vice 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-2-2023 dated 4/12/23 and received on 4/12/23 from Matthew and Bernadette Sweeney for the property located at 303 N. 3rd Ave., St. Charles, Illinois 60174, for 1. Reduce the rear yard setback on the north property line from 30 feet to 7.3 feet and 2. Allow up to 34.83% of the building coverage, which is 9.83% over the maximum allowed 25 % for up to an additional 573.63 square foot of building coverage;

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

Roll called(4 aye votes needed to pass):

Ayes: Halpenny, Studebaker, Totten

Nays: Rullman

Absent: Buening

Motion Failed by vote of 3-1; Variation request was denied.

4. Additional Business from Board members or Staff

6. Public Comment- None.

7. Adjournment at 9:22 p.m.



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Transcript of Variation Application for 303 North Third Avenue

Date: May 4, 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: : V-2-2023
Variation Application :
V-2-2023; Property Located At :
303 North Third Avenue. :
-----X

REPORT OF PROCEEDINGS
St. Charles, Illinois
Thursday, May 4, 2023
7:00 p.m. CDT

Job No.: 489134
Pages: 1 - 118
Reported by: Kristine Wesner, CVR

1 Deposition of ST. CHARLES ZONING BOARD OF
2 APPEALS, held at the offices of:

3

4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 630.377.4400

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22 Pursuant to agreement, before Kristine
23 Wesner, Certified Verbatim Reporter, and Notary
24 Public in and for the State of Illinois.

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A P P E A R A N C E S

PRESENT:

ELMER RULLMAN, III, Chairman

LAURA HALPENNY, Member

CHRIS STUDEBAKER, Member

ROSS TOTTEN, Member

ALSO PRESENT:

Russell Colby,

Director of Community Development

Rachel Hitzemann, City Planner

Matthew and Bernadette Sweeney, Petitioners

Transcript of Variation Application for 303 North Third Avenue
Conducted on May 4, 2023

4

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

2 CHAIRMAN RULLMAN: We'll call this
3 meeting to order -- 7 o'clock on the -- the clock
4 on the wall.

5 So with the secretary being absent,
6 I'll do the secretary roll call.

7 Halpenny?

8 MEMBER HALPENNY: Here.

9 CHAIRMAN RULLMAN: Rullman? Here.

10 Studebaker?

11 MEMBER STUDEBAKER: Here.

12 CHAIRMAN RULLMAN: Totten?

13 MEMBER TOTTEN: Here.

14 CHAIRMAN RULLMAN: Absent -- Buening.

15 Four members present. That's a quorum
16 for the Board.

17 So are there any additions or
18 corrections to the minutes for our March 23rd
19 meeting?

20 There are none.

21 I accept a motion for approval --

22 MEMBER STUDEBAKER: Moved.

23 CHAIRMAN RULLMAN: Approved all in
24 favor -- aye?

1 (Chorus of ayes.)

2 CHAIRMAN RULLMAN: Any opposed? Same
3 side. Minutes are accepted without correction.

4 At this time, we'll open the variation
5 application V-2-2023, filed by Matthew and
6 Bernadette Sweeney, record owners of the property
7 located at 303 North Third Avenue in the city of
8 St. Charles. The notice of the meeting was
9 published in the Daily Herald on 4/19/23.

10 Variation application -- they're
11 requesting a variation to reduce their rear yard
12 setback, the north lot line of the property, from
13 30 feet to 7.3 feet and also to allow a
14 34.83 percent of the building coverage, which is
15 9.83 over the maximum allowed 25 percent for up to
16 an additional 573.63 square feet of building
17 coverage. Name of the applicants, Matthew and
18 Bernadette Sweeney -- the phone number,
19 (630)930-7880, and they are the owners of the
20 303 North Third Avenue property in St. Charles.
21 Applicant acquired the property on 6/15 of '22.
22 Use is residential; zoning district is R4.
23 Response to the question if any -- to your
24 knowledge, if any previous applications have been

1 filed in connection with the property --
2 respondent says, no.

3 Reason for the request: Building
4 setbacks and lot coverage; reduce rear yard
5 setback from 30 feet to 7.3; allow 34.83 percent
6 of the building coverage, 9.83 over the maximum
7 allowed 25 percent for an additional 573 square
8 feet. Reason for their request: Construction of
9 a detached garage, breezeway, and addition.
10 Primary purpose for the property will be primary
11 residence.

12 They provided a response to each
13 question. With respect to the particular
14 surroundings, say, the existing house and detached
15 garage are nonconforming with the current zoning
16 codes. The original placement and orientation of
17 the house allowed -- the lot -- precludes any
18 improvement or addition to the structures with the
19 variation of setback and lot coverage allowed for
20 this historically appropriate detached garage and
21 breezeway.

22 They respond, no, to the questions on
23 variation changing the neighborhood -- inadequate
24 supply of light and air to the property. Alleged

1 difficulty has not been created by any person
2 currently having an interest in the property and
3 will not alter the neighborhood.

4 There is a survey attached, and that's
5 either -- who did the survey? Sorry, there's a
6 lot of stuff here. Let me -- plat of survey done
7 by Todd Surveying. And I can't read the date. Is
8 there --

9 Can you read it?

10 MS. HITZEMANN: 12/21/2022.

11 CHAIRMAN RULLMAN: Thank you.

12 There are also several letters in the
13 file from interested parties, residents near the
14 property, and others, and they're both pro and
15 recommending approval, and recommending not
16 approval. We'll enter that as Exhibit A.

17 (V-2-2023 A was marked for
18 identification and was retained by the Board.)

19 So at this time, we'll begin the
20 hearing. So anyone who wishes to testify during
21 this hearing, for any reason, please rise.

22 (Witnesses sworn.)

23 CHAIRMAN RULLMAN: Starting over here,
24 please give your name and address to the recorder.

Transcript of Variation Application for 303 North Third Avenue
Conducted on May 4, 2023

8

1 MR. LOOF: Willis Loof, 516 North
2 Third Avenue.

3 CHAIRMAN RULLMAN: Okay. Keep going.

4 MR. BEMIS: Dean Bemis, 304 North
5 Second Avenue, St. Charles.

6 MS. PRETZ: Pat Pretz, 214 Chestnut
7 Avenue.

8 MR. PRETZ: Tom Pretz, 214 Chestnut
9 Avenue.

10 MS. IZZO: Susan Izzo, 312 North
11 Second Avenue.

12 MR. IZZO: Charles Izzo, 312 North
13 Second Avenue.

14 MS. BERNADETTE SWEENEY: Bernadette
15 Sweeney, 303 North --

16 CHAIRMAN RULLMAN: Speak loud enough
17 for her to hear you.

18 MS. BERNADETTE SWEENEY: --
19 Third Avenue.

20 MR. MATTHEW SWEENEY: Matthew Sweeney,
21 303 North Third Avenue.

22 MS. GLORIA SWEENEY: Gloria Sweeney,
23 594 Gray Street, Geneva.

24 MR. MICHAEL SWEENEY: Michael Sweeney,

1 594 Gray Street, Geneva.

2 MR. SMUNT: Steve Smunt, 473 South
3 Sixth Street.

4 MR. TISCHHAUSER: Miles Tischhauser,
5 733 South Second Street, St. Charles.

6 MS. MALAY: Kim Malay, Historic
7 Preservation --

8 (Simultaneous speech.)

9 MS. MALAY: -- Historic Preservation
10 Chairperson, sir.

11 CHAIRMAN RULLMAN: The petitioner is
12 present?

13 The floor is yours.

14 MR. MATTHEW SWEENEY: Good evening.
15 Thank you for being here, Committee, and thank
16 you, Staff, for being here.

17 Good neighbors, thank you for being
18 here. Good neighbors and friends and family,
19 thank you for being here. I know we'd all, on a
20 nice night like this, rather be out somewhere
21 else, doing something more enjoyable than this,
22 but here we are.

23 So my wife and I bought this pretty
24 cool house about a year ago, and, you know, our

1 initial intention was to use it as a rental
2 property. That's how it was kind of marketed when
3 we bought it, and that was something that we were
4 kind of into -- fixing up even rental houses and,
5 you know, getting a good use out of them and
6 making them a good investment for us.

7 We -- you know, after a couple months
8 of having the house and doing some repairs on the
9 house, we -- we fell in love with it. We fell in
10 love with the neighborhood, and we decided that we
11 would like to make this house our home. The only
12 problem is we have seven kids, and the house --
13 currently, as it is -- is not big enough for, say,
14 much more than a 2-person, 3-person, 4-person
15 family -- say, four people could get in there
16 comfortably. It would still -- it would still be
17 tight.

18 And so what we've been doing since, I
19 think, last October of '22 is working closely with
20 Zoning and working closely with the Historical
21 Commission on trying to come up with a design that
22 both respects the historical nature of the house
23 and the neighborhood, but also something that kind
24 of suits our needs as a larger family. And, you

1 know, after a couple rounds with the Historical
2 Commission, after a couple rounds with the Zoning
3 staff, we came up with a compromise that allowed
4 us to --

5 (Cellular phone rings.)

6 MR. MATTHEW SWEENEY: -- design -- to
7 have a house with a detached garage on it that --
8 that met current zoning requirements as a detached
9 garage, meaning it would get the detached garage
10 bonus -- 500 square feet -- and that we would be
11 able to -- to cite that garage structure, you
12 know, according to detached garage setbacks and --
13 and not have to have that as an attached garage.
14 Because that was one of our first -- one of our
15 first designs was to have -- was to have an
16 attached garage, but when -- after we bought the
17 lot -- and this is kind of one of our hardship
18 things -- is that when we bought the lot, we did
19 not realize that the front of -- the front of the
20 house, or the lot, is actually on Chestnut Street
21 per zoning, right? It looks like the front would
22 be on Third Avenue. It's actually not when you
23 look at the zoning rules and how they determine
24 what the front is.

1 So, anyways, that detached -- that
2 attached garage idea was not going to work, so we
3 came up -- we designed this detached garage, and,
4 you know, I think we did a thoughtful design in
5 terms of keeping the house modest and keeping the
6 structures away from the surrounding lot lines as
7 much as we could. I mean, you'll see in some of
8 the site surveys that I give you -- or show you in
9 a second -- that there -- this garage structure,
10 which I think is the crux of the problem in the
11 neighborhood in terms of our opponents and what
12 they're against -- the size of that -- is a very
13 modest structure. It's a single-story -- it's a
14 single-car garage. As an accessory structure that
15 it was originally designed at, it can only be
16 20 feet high. So we're under -- we're at -- right
17 at 20 feet -- a little bit under, actually, so we
18 were very cognizant of making this project fit
19 into the neighborhood.

20 So let me just go through some of these
21 slides. I know I've probably gotten ahead of
22 myself. So this is the original and how it is
23 today, barring -- we did have it painted. It
24 looks good in the picture right here, but it was

1 kind of falling apart, and it still is falling
2 apart. But we did put a new paint job on it, so
3 it might look a little different if you had driven
4 by it recently.

5 You can see the state of the detached
6 garage on the north side of the property. Really,
7 the historical core of the house is that center,
8 kind of, square structure that has the frieze-band
9 windows in it and the -- kind of the nice cornice
10 that goes around the house. It also has a really
11 cool front door with a -- kind of a cornice
12 buildup and an architrave there with the -- kind
13 of the classic side lights of a Greek Revival
14 house. You know, the front windows there, the --
15 there's not really any original trim on the
16 outside of those windows.

17 And so, really, the only sort of
18 historically accurate parts of this house still
19 are, really, the square shape -- you know, the
20 frieze-band windows, the placement of those
21 frieze-band windows, the placement of the front
22 windows, and then the front door, the trim that
23 surrounds it, and then the cornice that wraps
24 around the roof up there. This addition to the

1 south side of the house is really not an
2 architecturally significant part of the structure,
3 and I think if -- if you were curious and you
4 wanted to look back on the architectural surveys
5 that they did back on this property -- I think it
6 was, like, 1992 or '95 -- that the addition is
7 listed as an insignificant architectural part of
8 that house. So our intent has always been to keep
9 this core kind of the way it is and build -- build
10 an addition onto the -- replace this, kind of,
11 falling apart addition that's here, and then build
12 to the north side, where the garage is at.

13 So this is the proposed plan. You can
14 see the detached garage -- carriage house, if you
15 want to call it that -- to the north side. The
16 single-car garage, you know, we're comfortable
17 with that. We -- you know, everybody wants a big
18 garage, and it's just not possible in this case.
19 So we're totally fine with a single-car garage,
20 and then this (indicating) is the addition that's
21 being proposed for the south side of the property.

22 And I should add that this -- this
23 addition is really being built on almost the same
24 footprint as the one-story part of the house

1 that's already there, so we're not really
2 increasing that footprint much. Most of the
3 footprint increase, the coverage increase that
4 we're talking about, comes from making the
5 detached garage a little bit bigger than the
6 existing garage, and then having this breezeway
7 that we'll get into in a second here.

8 So, you know, when I talk about -- we
9 kind of had a working agreement that this was all
10 going to work if we could use these Nana doors.
11 Nana doors are just a brand name for a folding
12 glass wall and this was sort of a compromise for
13 us to be able to have a bedroom suite in the
14 carriage house, above the garage part, and then
15 also have some sort of enclosed access to be able
16 to get to our main part of the house, where all
17 the kids are living, without having to, you know,
18 put a coat on in the middle of winter or, you
19 know, put bug spray on in the middle of summer.

20 And so, you know, we worked -- we
21 worked for a while -- this whole design period
22 that I'm talking about -- that lasted two or
23 three months. We worked with Zoning and the
24 Historical Commission to kind of come up with,

1 well, how do you guys want this to look? You
2 know, Zoning wants it to look like there's nothing
3 there so it stays true to a breezeway feel and a
4 breezeway look, which is an unopened structure
5 that connects a house to a garage -- or another
6 accessory building, whatever you want to call it,
7 versus, you know, Historical's approach to looking
8 at a historical property like this is that they
9 want that to fit in with the rest of the
10 neighborhood and fit in with the -- with the
11 structure -- the historical part of the structure
12 that you're trying to save.

13 And so we came up -- we came up with a
14 working agreement that, you know, states, you
15 know, we would -- this door would, you know,
16 8-foot high, it would have a 9-foot wide opening
17 when the doors are folded. The exterior house
18 siding would carry through the breezeway, so it
19 wasn't going to be, like, an interior room. It
20 would still be exterior, siding-wise, and it would
21 still have the exterior -- patio finishes would
22 run up into the breezeway as well. So if you were
23 a passerby, you would look at that breezeway, and
24 you might say, well, that's just -- that's not an

1 enclosed part of the house, right? They might see
2 those doors, they might be folded up, or they
3 might be closed. But there would still be a
4 viewpoint of, you know, clarity of going through
5 the house in terms of looking through that
6 breezeway.

7 Those are some of the conditions that
8 Zoning wanted. Historical wanted those doors to
9 look a little bit more old-fashioned in terms of
10 have a frame around them and not be so modern that
11 they took away from the characteristics of the
12 house itself -- the historical part of it.

13 So, anyways, that's kind of our story
14 and how we got here, and I guess -- I mean, I know
15 we're asking for variances in terms of setbacks
16 and lot coverage, but I need to emphasize that
17 this design was, in terms of it being a detached
18 garage, fits the zoning requirements for the city.
19 And I guess it boils down to these doors is what
20 we're talking about, even though we're asking for
21 a variance in terms of setbacks and coverage.

22 I guess it would be good and helpful
23 for us to go through the criteria of why we're
24 asking for this variance. So Criteria no. 1: The

1 Hardship. You know, this existing house and
2 detached garage are nonconforming with current
3 zoning code; no other reasonable designs exist
4 that would give the property a functional garage
5 or allow for a small increase for livable
6 floorspace. The home's orientation on the lot and
7 street address suggests that the front yard runs
8 contiguous with Third Avenue -- and as I already
9 explained, this was our understanding when we
10 purchased the house, but we were later notified
11 that the front yard is actually off of
12 Chestnut Street. I guess you learn something
13 every day, right? And I've been doing this for a
14 long time, and I didn't quite realize that either,
15 so --

16 You know, as an experienced build --
17 remodeler of historic homes in the local area, it
18 would look odd to recreate a second, kind of,
19 front yard design that meets the needs of my
20 family while the original yard holds such historic
21 value. That, in itself, would diminish its
22 presence. I guess what we're trying to say here
23 is that, you know, a historically appropriate
24 design is not achievable without the use of the

1 Nana walls, and we can't have the Nana walls
2 unless you grant us a variance.

3 You know, the Nana walls are pretty
4 integral to this design of us being able to live
5 there and as a family. You know, we -- we joke to
6 ourselves, you know, if we don't have these Nana
7 doors, we'll probably be sleeping in the basement
8 because I don't see a way where we would want to
9 be in the garage and not be able to get through,
10 you know, a conditioned part of a house to be able
11 to get to the kids if we had to. So that's our
12 hardship.

13 Criteria no. 2, does this -- is this
14 applicable to other properties in the
15 neighborhood? We think it's not. I think just,
16 in our hardship there, we talked about some of the
17 unique characteristics that our lot has in terms
18 of how the house is orientated towards
19 Third Avenue, as opposed to being orientated
20 towards Chestnut Street, which is actually the
21 Zoning -- Zoning's definition of a front yard.

22 Point no. 3 in the criteria talks about
23 financial gains. Are we doing this for financial
24 gain? No. You know, this is our primary

1 residence. We spent a lot of time designing this.
2 We have sold our former residence that -- we used
3 to live out in Campton Hills. We sold that back
4 in February. You know, we kind of had to sell
5 that to be able to finance this new build on this
6 thing. So I guess what we're saying, we're all in
7 on this, right? Most of our stuff is packed up in
8 Pods in a storage unit right now, and we're living
9 in an apartment right now. It's much too small
10 for nine people, but we're getting through it.

11 And I just want to reiterate -- because
12 these are some accusations that some of our
13 opponents are pulling up on us -- is that this is
14 not a flip. We love old houses. The house we
15 moved from in Campton Hills was an old farmhouse
16 from 1860. You know, we lived there for 8 years.
17 We love old houses. We like to work on them.
18 It's kind of our passion. Just like our good
19 neighbors, we love -- you know, they love old
20 houses; we love old houses. So our intent here is
21 not to come in and flip this, make a tidy profit,
22 and skedaddle away. We're here for the long run.

23 Did we create this hardship? No, we
24 did not -- number 4.

1 We talked about no. 5 -- will this
2 proposed project alter the neighborhood, the feel
3 of the neighborhood, the historic nature of the
4 neighborhood? Certainly, we think no, and, you
5 know, I think the greatest back up that, you know,
6 we can kind of present towards that ideal is that
7 the Historic Preservation on April 4th -- on
8 April 5th voted unanimously that this project
9 could go ahead.

10 You know, the minutes from April 5th
11 read, motion was made by Dr. Smunt and second by
12 Mrs. Kramer to approve the COA submitted as all
13 zoning criteria had been met. No variances
14 required -- 20-foot height allowance for detached
15 garage/carriage house, and the setback requirement
16 are being followed. We are requesting the
17 applicant, on his final plan, show six-over-six
18 window sashes -- I have done that. We -- be
19 maintained on all principal windows as discussed
20 in the meeting today. We request that the curb
21 cut on Third Avenue remain and Public Works be
22 notified of a blind driveway.

23 You know, that -- you know, within the
24 Historical Preservation Committee, one of their --

1 a lot of their main tenants [sic] of deciding
2 whether that criteria meets their approval is, you
3 know, in terms of size and scale, proportion, you
4 know, windows, all that stuff -- is does it fit
5 into the existing neighborhood? You know, does it
6 disturb the neighborhood? Does it enhance the
7 neighborhood? And we certainly believe that our
8 project does not alter, in one single way, the
9 character of that neighborhood. And, in fact, I'm
10 quite confident that it will enhance the
11 neighborhood. I mean, I think we all agree that
12 house is a dog right now and that it needs to be
13 fixed up. I think that fixing it up and -- well,
14 I just think you should have the right to kind of
15 decide how you want to fix up your own house.

16 And so, no. 6: Is this detrimental or
17 injurious to other people, other properties
18 nearby? Obviously, we say no. You know, I think,
19 in the sense of us enhancing the neighborhood,
20 this also enhances the other properties around it.
21 You know, we've got an engineering plan that's
22 going to take care of all of the runoff that comes
23 off our lot and drains onto the westerly lot.
24 We've got a yard drain system that will take care

1 of that. I know that's not really in your
2 purview; that's more of an engineering thing with
3 City, but the thought -- and some of the
4 accusations that say that, you know, our project
5 is going to cause harm to other people, I think,
6 is a little far-fetched and kind of hurtful as
7 well.

8 Number 7, does this impair light and
9 air or diminish property value in any way? We
10 also agree that this is a no. I think it will
11 enhance property value on -- not only neighbors
12 that are directly abutting us, but also the entire
13 neighborhood over there, and I think that's just a
14 good thing all around.

15 You know, in terms of light and air, I
16 think there's always been a misconception by my
17 good neighbors that this -- this is a huge
18 project, and it's really not. It's quite modest
19 when you compare it to other houses in the
20 neighborhood and, certainly, modest if you were to
21 compare it to other houses in St. Charles itself.
22 And so the idea that light and air will be
23 blocked, I don't think, holds any water because if
24 you look at some of the other houses in that

1 neighborhood, they're much closer to the lot
2 setback lines than we are.

3 Now, granted they were grandfathered
4 in, so they have no choice, you know, to move
5 those structures, but there -- there's structures
6 in the neighborhood that are 1 foot off the lot
7 line. There's structures in the neighborhood that
8 are 10 feet off the front property line. So to
9 say that we're going to impair the light or the
10 air -- I mean, that's a funny one -- or the air of
11 our neighbors, I think, is disingenuous and is not
12 true.

13 So -- you know --

14 MS. BERNADETTE SWEENEY: Mention the
15 carriage house.

16 MR. MATTHEW SWEENEY: You know, just an
17 example of, I think, of how, kind of, we were
18 designing this in a thoughtful way -- you know,
19 the carriage house is 8-1/2 feet from the west
20 property line. The zoning for detached garage
21 says we can be as close as 3 feet, so -- and then,
22 as well, on the north property line, we're
23 6-1/2 feet away from there. Zoning says we can be
24 5 feet. So our intent was never to build this as

1 big as we could. The intent was to keep it
2 modest, respect the neighbors, but still build
3 something that is useful for our family.

4 You know, so those are the -- those are
5 the criteria. I think the Board will agree with
6 all of our answers -- I hope you do anyways. And
7 I think it's important to address some of our good
8 neighbors' concerns that they have with this
9 project. You know, these are quotes directly out
10 of the letters because I really haven't talked to
11 any of the neighbors, and they haven't come to me
12 in terms of concerns. They just voiced them
13 through letters and at the Historical Committee
14 meetings.

15 This is from Paul and Brenda. They're
16 at 304 Chestnut. One of their concerns in a
17 letter they wrote is the carriage house was almost
18 four times the size of the current garage. I
19 mean, that would have to be one big carriage
20 house. The proposed garage is actually only
21 50 percent, one and a half times, larger in square
22 footage than the existing garage. I didn't put a
23 lot of the other figures down here, but I think
24 the height of the existing garage, right now, is

1 about 12 feet. Obviously, we're going to 20 feet.
2 So what is that? Another 80 percent higher. You
3 know, so it's kind of a gross, you know,
4 misstatement to say something like that. I guess
5 it's a scare tactic or whatever. I'm not sure.

6 You know, Paul and Brenda also write,
7 there are no other garages with living spaces
8 above it on lots of this size in the Historic
9 District, and I don't know if that's true. I
10 think there are some other houses in that
11 particular neighborhood that have living spaces
12 above the garages. I don't know for sure.
13 Irregardless, it's irrelevant.

14 You know, that carriage house is within
15 code as an accessory building as we originally
16 designed it. You know, it meets -- it's under the
17 height requirements. I believe it's well-under
18 the square footage requirements, and it's within
19 the setback lines for a detached garage. You
20 know, and for them to say that there are no other
21 garages with living spaces -- they're qualifying
22 it by saying there's no second floor living
23 spaces. But there are other garages in terms of
24 structures on the same block that have living

1 spaces within them. I mean, I believe there's an
2 apartment at 304 North Second Avenue. At least, I
3 think it's an apartment. It's some sort of living
4 structure that's on that lot.

5 Another one of their concerns that
6 multiple people have voiced -- and I think this is
7 another kind of red herring they're just using to
8 distract from other things, seeing what sticks --
9 throwing a bunch of stuff and seeing what
10 sticks -- the driveway between the garage and
11 Third Avenue is dangerous. Well, I mean, that
12 garage -- that driveway's been there since the
13 garage has been there, and that garage is
14 obviously pretty old -- probably 70 years.

15 You know, and to say it's dangerous
16 right now and that -- I think is just -- it's a
17 way to stall the project. You know, I don't think
18 that's a legitimate concern, truthfully. And, you
19 know, our intent with that garage -- or with that
20 driveway is to keep the same curb cut that's
21 there, and we're keeping the same sidewalk that's
22 there. So that approach, which I think had a
23 misconception about it moving closer to the bridge
24 and being more dangerous than it actually is, is

1 not true.

2 You know, I do appreciate the good
3 neighbors looking out for myself and my younger
4 drivers. I have -- we have three teenagers that
5 are, you know, driving, and I do appreciate that.
6 But, you know, I think I can be the judge of
7 what's safe for my family and what's not safe for
8 my family. I could be wrong on this -- and don't
9 quote me -- but I don't think there's been any
10 accidents at that particular site because of that
11 driveway.

12 You know, in addition to, you know, we
13 have to get rid of some trees on the property.
14 There's a hedge tree that's right there at the
15 driveway. It's a mulberry tree. It's kind of a
16 weed tree. That's going to be removed, so that
17 will increase visibility and be good there.

18 MEMBER TOTTEN: Can you go back to the
19 last slide real quick?

20 MR. MATTHEW SWEENEY: For sure.

21 MEMBER TOTTEN: Okay. Thank you.

22 MR. MATTHEW SWEENEY: Yep. This is
23 just a rendering on the elevation of the front of
24 the house. You can see this is, you know, along

1 with the driveway concern, one of the concerns --
2 sorry -- one of the concerns with the driveway was
3 that this power pole is also in the way. You
4 know, and some of the good neighbors were saying,
5 well, how could they possibly back up out of that
6 driveway and not hit that power pole? Well, it is
7 physically possible to do that, so --

8 And I just wanted to kind of show that
9 this is the existing curb cut and this remains,
10 and the driveway kind of swings -- swings around
11 down to the garage, so the approach out of the
12 driveway into the street is no different than it
13 is right now, which should, really, you know,
14 diminish their concerns for the safety of anybody
15 who's driving.

16 And, you know, there was a comment
17 within the letters that said, you know, the
18 bridges have gotten more dangerous since they were
19 rebuilt from the old wooden, you know, roller
20 coaster-type ones they had back in the day. Those
21 ones, in my mind -- if I remember them right --
22 those had much more of a sight impairment than the
23 new ones do if you're driving along the road on
24 Third Avenue, so --

1 And, you know, I just want to point
2 out, too, within this front elevation here -- and
3 it might be little bit hard to see -- but this is
4 the highest point of the proposed addition and
5 it's about 27 feet, I think. This is the existing
6 structure right here (indicating), and so that
7 would be the existing peak. That doesn't change,
8 and that's just a little bit above 24 feet, which,
9 you know, if you're familiar with building at all,
10 it's a very modest ridge height -- height for a
11 house. And then, of course, we got the carriage
12 house here (indicating), where its ridge height is
13 at 20 feet -- a little bit under 20 feet.

14 I'd like to address some of the
15 concerns that Charles and Susan have. You know,
16 they're stating the water runoff from the higher
17 elevations of Third Avenue and 303 North Avenue
18 [sic] -- that's our lot -- to Second Avenue -- so
19 they're talking about going the whole way from
20 Third Avenue all the way to Second Avenue -- has
21 been an ongoing issue. They're saying they have
22 water overflow and flooding into our yard and
23 basement, as well as the Pretz and Bemis
24 properties.

1 Well -- I mean, I'm not a hydrologist,
2 but I can look at a contour map, and I can fairly,
3 clearly see that where the drain -- where the
4 runoff -- surface runoff, anyways -- is going and
5 where it's not going. You know, in terms of -- if
6 you look at this map here -- and I know it's a
7 little small, but if you look at the contours on
8 this map, this is just a county GIS map that
9 anybody can pull up. You know, you can see that,
10 clearly, the -- there's no drainage from our lot,
11 which is 303 right here (indicating) going to the
12 north to 312, which is Charles and Susan's lot.

13 And, you know, his assertion that
14 we -- there's drainage coming all the way from
15 Third Avenue and going all the way over to
16 Second Avenue, I don't think, while technically
17 possible because that's the way the contours kind
18 of show it -- it's very flat in here, right? Most
19 of that water is going to dissipate into the
20 ground before it ever got to Second Street, or
21 even their basement. So to say my -- my lot way
22 over here is causing flooding in their basement
23 way over here, I don't think, is true.

24 And you'll notice back here

1 (indicating), too, these contour lines show that,
2 you know, there's water drainage coming from
3 Charles and Susan's lot into -- into 214, which is
4 the Pretzs' lot, and there's water coming from the
5 Bemis' lot, coming into the Pretzs' lot. I
6 certainly agree that there is water coming from my
7 lot, 303, into the Pretzs' lot. And, you know, as
8 I've said, we've got an engineered yard drain
9 system that catches all this water. We've got 1,
10 2, 3, 4 yard drains, I believe, that are going to
11 be connected with a 4-inch sewer pipe. It'll
12 bring all that water from the side yard and bring
13 it all the way to the front yard, all the way to
14 the front storm sewer that's on the corner of
15 Chestnut and Third Avenue.

16 So I think in terms of mitigating site
17 runoff, on property anyways, we've done that, and
18 I hope that -- I mean, I honestly do hope that
19 improves Tom's problem in his backyard, but I do
20 want to point out that the Pretzs' backyard is a
21 bowl shape, right? It's not one-directional in
22 terms of how the grading goes. They have a basin
23 in the back of their yard, and that's why it
24 catches water. So, in addition, water coming from

1 my property and Bernadette's property, there's
2 also water come from other properties as well, and
3 we are mitigating it. I don't know if the other
4 neighbors want to get in on something --

5 We can -- we can figure something out,
6 if you want to.

7 Back to these points here, one of
8 Charles and Susan's other concerns was that the
9 proposed variance to reduce the setback from
10 current code of 30 to 7.3 -- actually, 6.5 -- from
11 our boundary line will significantly reduce light
12 and air and compromise the health of our gardens,
13 plants, and trees, and our right to quiet
14 enjoyment.

15 You know, I don't know --

16 (Sirens blaring.)

17 MR. MATTHEW SWEENEY: I don't know
18 where this statement comes from because they have
19 a 6-foot privacy fence that's, like, 2 feet away
20 from their garden planters back there. I mean, if
21 anything's blocking the sun, it's that. You know,
22 the right to quiet enjoyment doesn't mean that you
23 don't get to look out at other neighbors' houses
24 and structures. You know, it's -- it's a 20-foot

1 high carriage house. That's pretty minimal.

2 That's very modest.

3 You know, like I said, we're removing
4 that nuisance tree that provides, probably, some
5 shade into their yard, but I have to add that, you
6 know, their -- and they talk about it in their
7 letter -- their yard is full of big, old trees.

8 Well, you can't blame me for shade when you have
9 120-foot cottonwood tree in your backyard, and its
10 branches and its limbs overhang into my yard. So
11 to say that I'm obstructing their sunlight when
12 they have a huge cottonwood tree and other trees
13 in their yard, I think, is pretty disingenuous.

14 You know, another point here that
15 Charles and Susan make is that the lot coverage
16 should not be allowed to increase. You know, I
17 think we've gone through this already that, you
18 know, this house and this project was originally
19 designed to fit in there as a detached garage-type
20 of a project, and we've met all those requirements
21 in terms of setbacks, coverage, in terms of lot.
22 And, you know, I think it's -- it's important to
23 add, too, that, you know, those -- all those
24 zoning requirements were -- were set up with input

1 from the community, right? And they're long-term
2 residents here. I think if they had issues with
3 those zoning requirements, maybe they should have
4 voiced those back then and not right now. My
5 thoughts on that.

6 We talked about this already, how the
7 drainage works. This is just the site plan, and
8 you can see the setbacks. I know it's a little
9 small, but you can see the setbacks from the lot
10 to the north. We're 6-1/2 feet there, we're about
11 8-1/2 feet from the west lot line, and we did talk
12 about, too, how -- you know, the minimums for a
13 detached garage are 3 feet on the side yard
14 interior, and 5 feet on a rear yard. So, once
15 again, we did take care to keep this structure as
16 far away from the neighboring properties as we
17 could.

18 Dean Bemis at 304 has some questions, I
19 guess, about this project. He states, if the
20 requested variances are granted, the structure
21 will only allow 7.5 feet between the property line
22 to the north, 5 feet to the line to the west -- I
23 guess that's 6-1/2 and 8-1/2, we'd call it now --
24 and is over 30-foot tall at each property line.

1 This gross overbuild for a single lot will choke
2 off both air and light for the neighbors on both
3 the north and west property lines.

4 I think, once again, this is just
5 repeating what we've talked about before. North
6 side setback, 6-1/2; the west side is 8-1/2. The
7 design setbacks are more than the minimums that
8 are required -- or more than the minimums that we
9 could go to. And, once again, just like I kind of
10 explained on that last elevation here
11 (indicating), you know, the ridge line of the
12 addition here is 27 feet, not 30 feet, and on the
13 other side of the property, it's 20 feet, not
14 30 feet as -- as the Bemis' are alleging.

15 Let's see what we got here. A couple
16 more points that Dean wants to make, the use of
17 the -- again, a concern about the driveway safety.
18 The use of the existing driveway empties onto
19 North Avenue [sic] and is completely blind to
20 southbound traffic. Use of this driveway ensures
21 accidents will occur.

22 Once again, the current curb cut and
23 sidewalk will not be -- nor were ever planned to
24 be -- moved. You know, I've backed out of that

1 driveway plenty of times, and while you do have to
2 look -- like you do when you back out of
3 everything, to -- in my mind, it's not -- it's not
4 a danger that is unavoidable or something that you
5 can -- if you know that it's there, you'll look
6 twice.

7 Another concern that Dean has is the
8 developer -- I guess that's me; I don't know. The
9 developer claims that he and his family -- two
10 adults and either five or seven children -- will
11 move in and make this their principal residence.
12 The house leaves no room for a yard if the
13 variances are granted. Is this a safe environment
14 for children at play? I think it is, Dean.

15 You know -- you know, they've gone from
16 living on 2-1/2 acres out in the country to,
17 hopefully, living in town with a modest-sized lot,
18 with grass, living right next to one of the
19 greatest parks in Illinois, in terms of
20 Pottawatomie Park. I think they're going to be
21 plenty safe, and I think some of these letters
22 start to get a little personal in terms of
23 accusing us of different things -- you know, one
24 being a flipper and a flipper in a derogatory way.

1 Another not knowing the safety of our children,
2 and I do take offense to that.

3 Tom and Patricia had some concerns.
4 Tom writes, Matt and Bernadette Sweeney have
5 stated in the criteria that this will be our
6 primary residence, but this is also Red Oak
7 Builders and Remodelers -- the family business.
8 The Sweeney family has been buying and flipping
9 homes within the tristate area. The understanding
10 is that two adults and either five or seven
11 children will be living at this site, but the
12 question is for how long? And, you know, again,
13 it's sort of accusatory language -- scare
14 language, you know, meant to drum up opposition
15 to, you know, a worthwhile project.

16 And, Tom, especially coming from you,
17 this is -- it kind of -- I wouldn't say it makes
18 me sad, but it sort of, I guess, hurts my pride a
19 little bit that I did put some trust in you and
20 looked for you -- looked towards you for some
21 guidance in terms of how this project should
22 progress, and, you know, I feel kind of stabbed in
23 the back a little bit that way.

24 Tom also writes, 2300 square-foot

1 living space home is out of place with the
2 character of this neighborhood. The proposed
3 structure violates the city code (see attached)
4 covering mass, space, and scale. Well, as -- as
5 originally designed as a detached garage
6 structure, it met all the city code regarding the
7 mass, regarding the space, regarding the
8 structure. You know, we -- we took great care to
9 design it in that way because we don't want to go
10 through this, and, you know, it's just a -- it's a
11 use of time and of energy that could be better
12 spent doing something else.

13 You know, in terms of, you know, Tom's
14 accusation, that this doesn't fit the
15 neighborhood -- now, I realize that this is, you
16 know, this picture here is -- is not scalable
17 or -- or it could be confirmed accurate. It's a
18 little -- it's a little thing that's on a website
19 that you can plug -- you take a picture, and you
20 give them a known dimension, which is the
21 ridgeline of this house -- which is 27 feet -- and
22 you match -- and you draw another line. It gives
23 you an approximate -- approximate -- height or
24 distance or measurement of another -- of another

1 line, so -- and I -- I've always known this, just
2 by looking at the Pretzs' house, that their house
3 has a presence. It's a cool house. We love it.
4 But -- and it is -- and it is going to be higher
5 than the house, or the addition, that we want to
6 build.

7 You know, so to say that our house has
8 a bigger mass or a bigger scale than any other
9 house in the neighborhood, I don't think, is true.
10 Certainly, the house right next door to us is
11 taller. You know, in addition to that, if we're
12 looking at some of the setbacks just on Chestnut
13 Street, in terms of, you know, our good neighbors,
14 you know, we're proposing a 20-foot setback, and
15 that's -- that's with the window bay that we have
16 designed. The actual -- the actual foundation is
17 22 feet back.

18 You know, on that particular lot, we're
19 the ones who are furthest away from the street, so
20 the idea that we're building some big, humongous
21 thing that's going to overcrowd the street or
22 cause light and air to, all of a sudden,
23 disappear, I don't think is fair. You know,
24 certainly, the Pretzs are at 15-1/2 feet, the

1 Bemises are at about 13 feet, and I think Laura
2 Rice is at -- what does that say? 10, 15 -- I
3 can't read that. And then Liz and Adam, who are
4 over at 215, across the street from us, they're
5 incredibly close at 10 feet, and that's all great.
6 I mean, that makes for a cozy neighborhood and
7 there's certainly nothing wrong with that. But
8 just the accusations that we're crowding out the
9 neighborhood by -- by, you know, building our
10 addition, I think, are not true, so --

11 Anyways, I thank you for your time. We
12 do hope that you grant us these variations, and
13 thank you.

14 CHAIRMAN RULLMAN: All right. Are
15 there any questions from the Board members for the
16 petitioner?

17 MEMBER TOTTEN: How high is the car
18 garage? You said about 12 feet.

19 MR. MATTHEW SWEENEY: It's about
20 12 feet.

21 MEMBER TOTTEN: Yeah?

22 MR. MATTHEW SWEENEY: Yeah, I think.
23 Something like that. Yeah, I should have done one
24 of those measurement things on that. I guess I

1 could have just taken my tape measure out for
2 that.

3 You know, this -- you know, the
4 measurements from the grade to -- to the top of
5 this (indicating) cornice -- or the bottom of this
6 cornice is about, like, 15 feet, 16 feet, I think.
7 Something like that. So I think this is about
8 probably 11 -- 11-1/2, 12 feet.

9 MEMBER TOTTEN: Okay.

10 MEMBER HALPENNY: The top of your ridge
11 on the new garage, it is, apparently, looks like
12 it's under 20 feet anyway, right? So you're
13 going -- is it 17.4 --

14 MR. MATTHEW SWEENEY: On the
15 proposed --

16 MEMBER HALPENNY: Mmhmm. It's under
17 20 feet, or is it a little higher than that?

18 MR. MATTHEW SWEENEY: Yeah. It's at,
19 like, 19 feet, 7 inches, something like that.
20 Yeah. I mean, yeah. Better safe than sorry, so
21 you could go all the way to 20, but if you're --
22 if the framer messes up at all, then --

23 MEMBER HALPENNY: Right. I'm just
24 going on your drawing and elevations.

1 MR. MATTHEW SWEENEY: Yeah. Yeah.

2 Yeah.

3 MEMBER STUDEBAKER: Mr. Sweeney, I have
4 a question. I'm sorry. I haven't been feeling
5 well all week, so I have a hard time tracking it.

6 MR. MATTHEW SWEENEY: Totally
7 understand.

8 MEMBER STUDEBAKER: Which part of this
9 project is bringing you here, multiple parts of
10 it, or is it just the garage? Is it just the
11 breezeway? I'm trying to understand -- I'm trying
12 to follow. Like, is there one thing that you want
13 to change --

14 MR. MATTHEW SWEENEY: Well, it boils --
15 so we're asking for a variation in both setback
16 for that -- for the garage structure and increase
17 in lot coverage.

18 MS. BERNADETTE SWEENEY: Because we're
19 using the Nana doors.

20 MR. MATTHEW SWEENEY: Yeah.

21 MS. BERNADETTE SWEENEY: Only
22 because --

23 MEMBER TOTTEN: The detached, though,
24 fits the zoning --

1 MS. BERNADETTE SWEENEY: Yes. Yes.

2 MEMBER TOTTEN: -- but because it's
3 going -- that walkway to the main residence, it's
4 going to be enclosed, so then it's not considered
5 a detached garage?

6 MR. MATTHEW SWEENEY: Exactly.

7 MEMBER TOTTEN: Is that what I'm
8 understanding?

9 MR. MATTHEW SWEENEY: Yes. That's
10 true. So the doors -- by putting those folding
11 doors there, that's what's -- that's what's
12 classifying this as an attached garage versus a
13 detached garage, and so --

14 MEMBER STUDEBAKER: The doors were
15 requested by the Historic Commission, or is
16 this --

17 MR. MATTHEW SWEENEY: The doors were --
18 the doors were requested by us, and so we had --
19 we worked with the Historical Commission and
20 Zoning to come to some sort of compromise where
21 Historic liked that idea --

22 MEMBER STUDEBAKER: Right.

23 MR. MATTHEW SWEENEY: -- because they
24 are sort of a modern, contemporary looking thing.

1 But, you know, they came to an understanding,
2 well, as long as they have a frame around it, and
3 aren't -- you know, there's framed ones, and then
4 there's ones that are all glass, and those are
5 certainly very modern-looking. As long as, you
6 know --

7 MEMBER STUDEBAKER: So -- and I
8 understand. I guess what I'm trying to say, so
9 because it's considered, now, an attached garage,
10 the square footage coverage requirement changes?

11 MR. MATTHEW SWEENEY: Yes, sir. And as
12 well as the setbacks.

13 MEMBER STUDEBAKER: Okay.

14 MR. MATTHEW SWEENEY: It's -- it's
15 basically two sets of rules, right? So one set of
16 rule -- one set of rules, in terms of coverage and
17 setbacks, apply if it was a detached garage,
18 versus another set that would apply if it was --
19 if it's considered one structure with the house.
20 And by those standards, we are nonconforming, so
21 that's what we're asking -- that's why we're
22 asking for the variance.

23 MEMBER HALPENNY: Can you go back to
24 the doors? Did you have them on your

1 presentation, or are they just in ours?

2 MR. MATTHEW SWEENEY: Yeah. We got --
3 here's a picture of them.

4 MEMBER HALPENNY: So you did put the
5 frames around them?

6 MR. MATTHEW SWEENEY: Those are the
7 ones with the frames around them, and the
8 Historical Commission would like us to get the
9 white frames, you know, because that's sort of
10 the -- the trim profile.

11 MEMBER HALPENNY: Sure. So it'd be
12 like the example on the --

13 MR. MATTHEW SWEENEY: Exactly.

14 MEMBER HALPENNY: -- the white ones?
15 Okay.

16 MR. MATTHEW SWEENEY: Exactly. Yes.

17 MEMBER HALPENNY: So you did find that
18 compromise with them and put the --

19 MR. MATTHEW SWEENEY: We did -- yes.

20 MS. BERNADETTE SWEENEY: Three panels'
21 worth.

22 MR. MATTHEW SWEENEY: Yeah. Three.
23 Three -- so it's a 9-foot wide space. There'd be
24 three panels, 3-foot wide each.

1 MEMBER TOTTEN: Are you going to
2 actually be able to open them once they're
3 installed --

4 MR. MATTHEW SWEENEY: Yeah.

5 MEMBER TOTTEN: -- like on a beautiful
6 day like today?

7 MS. BERNADETTE SWEENEY: Absolutely.

8 MR. MATTHEW SWEENEY: We sure would.

9 MS. BERNADETTE SWEENEY: Yep.

10 CHAIRMAN RULLMAN: Any other questions?

11 I have a question. In your testimony,
12 you suggested the neighbors should have, maybe,
13 interacted in the zoning requirements. You also
14 testified that the current owners had -- did not
15 create any of the problems themselves. So did the
16 zoning regulations change since the time you
17 bought the property?

18 MR. MATTHEW SWEENEY: No, they have not
19 changed.

20 CHAIRMAN RULLMAN: Well, then, in that
21 sense, you have created the problem yourself.

22 MR. MATTHEW SWEENEY: Well, we were
23 going back and forth with that one, too. But we
24 haven't created a problem because we haven't done

1 anything yet. You know, I think that criteria is
2 really asking -- for an example, you know, did you
3 build the detached garage, say, 5 years ago? And,
4 now, you're coming back to the variance committee
5 asking for -- for more coverage on your lot
6 because you don't have enough because you built
7 that garage 5 years ago. I think we're in a
8 different situation here. We haven't caused a
9 problem yet because we haven't done anything yet.

10 CHAIRMAN RULLMAN: Okay.

11 Anything else you would like to add?

12 MR. MATTHEW SWEENEY: I don't think so.

13 CHAIRMAN RULLMAN: All right. Let me
14 do a couple housekeeping things. I forgot to
15 mention in the actual application that we also
16 have a letter from the Historic Commission,
17 recommending approval. That letter is dated the
18 19th of April in 2023. And in the swearing,
19 please let the record show that the City --
20 Russell Colby and Rachel were also sworn at the
21 same time.

22 Okay. Thank you.

23 MR. MATTHEW SWEENEY: Thank you.

24 MEMBER HALPENNY: Thank you.

1 CHAIRMAN RULLMAN: Anyone else would
2 like to be heard?

3 MR. PRETZ: Tom Pretz, 214 Chestnut
4 Avenue. If you don't mind, I'm going to read some
5 of my things here -- it'd be easier.

6 CHAIRMAN RULLMAN: We have your letter.

7 MR. PRETZ: Pardon me?

8 CHAIRMAN RULLMAN: We have your letter
9 that you wrote.

10 MR. PRETZ: Yeah. I'm -- yeah. If you
11 read through all of the letters and that -- to
12 save you time, having, you know, been on
13 commissions myself, so I don't need to repeat
14 everything if you have, in fact, read all that.
15 But I'll leave it up to you to let, you know,
16 whether you want me to read, read through, answer
17 questions. There are some things that I'd like to
18 definitely state in reference to what was just
19 presented, if that's okay.

20 CHAIRMAN RULLMAN: Absolutely.

21 MR. PRETZ: Okay.

22 MEMBER TOTTEN: He's just saying we
23 have the letter with us, so if you want to read,
24 read it. Do what you need to do.

1 MR. PRETZ: Okay. Whatever's most
2 comfortable.

3 MEMBER TOTTEN: I'm --

4 MR. PRETZ: Okay. Let me read some of
5 it, then you can interrupt me as I go along.

6 Basically, I wanted to thank you for
7 tonight and the opportunity to speak in front of
8 you. I, along with my wife, Patricia, are the
9 owners and residents of 214 Chestnut Avenue, which
10 is Lot 7, a single lot, in Block 33 in the
11 original town of St. Charles, and we live directly
12 west. We abut the lot line of 303 North Third.

13 And, in fact, we -- in the picture up
14 there with the high elevation of the roof -- just
15 for your reference, that is a barn that was moved
16 there by George Fierce's family, and so had -- the
17 original barn is inside. And that's what you're
18 seeing from the structure from the street and the
19 elevation of the roof -- just to give you a little
20 reference --

21 MEMBER TOTTEN: Do you have the
22 measurements, or are his measurements accurate?

23 MR. PRETZ: You know, I do not have
24 those measurements. I'm going to have to go along

1 with what he said.

2 MEMBER TOTTEN: Is that a good
3 guesstimate?

4 MR. PRETZ: But, you know, I
5 couldn't -- I couldn't begin to tell you.

6 MEMBER TOTTEN: I couldn't tell you my
7 own home, so I'm --

8 MR. PRETZ: I do -- I -- I do know that
9 the barn is circa 1852. It's probably about 1848.

10 MEMBER TOTTEN: When was it moved
11 there?

12 MR. PRETZ: It was moved there between
13 1900 and 1903.

14 MEMBER TOTTEN: Okay. So you obviously
15 didn't do it?

16 MR. PRETZ: I did not do it. We've
17 only been there for 18 years, and I'm not that
18 old.

19 MEMBER TOTTEN: You don't look that
20 old.

21 MR. PRETZ: But, anyway, I wanted to
22 say that I'm speaking to you as an owner resident,
23 but I did want to state that I am a retired City
24 Plan Commissioner, and I am a sitting Historical

1 Preservation Commissioner also. And then, never,
2 after reviewing hundreds of COAs and countless
3 exemption requests as a Commissioner, did I think
4 that I would be standing as a resident before this
5 Board, regarding the property next door, which is
6 in the Central Historic District. And I will say
7 that Pat and I are excited, like our other
8 neighbors, to see the change in ownership from a
9 neglected rental property that we have seen since
10 January of 2006, to the Sweeney family.

11 I would like to -- and I'm sorry -- I
12 would like to just quickly jump -- when you
13 mentioned about the resolution by the Historic
14 Preservation Commission, in there, it
15 references -- and -- and you've heard a lot of
16 breezeway and detached garage -- detached carriage
17 house. I would just like to read the definitions
18 of five things, and this comes from General
19 Definitions, which is 17.30.030 in the codebook,
20 the first of which is -- just for the sake of
21 reference -- a breezeway is a roofed, open-sided
22 structure that connects a principal building with
23 an accessory building. And if you take a look at
24 the minutes of the Preservation Commission, it

1 clearly states in there that they are stating that
2 it is an enclosed structure.

3 The other thing, too, is that when
4 we're referring to and we're throwing around the
5 setbacks and the changes from detached to an
6 attached, the definition of a building detached is
7 a building surrounded by open space on the same
8 lot. A building connected to another building
9 only by an unenclosed structure shall be deemed to
10 be a detached building.

11 So, basically, what I'm saying is that
12 we really need to think of this as one large
13 structure, which has been mentioned, because the
14 living space that's being proposed, when I talk
15 about the neighborhood profile, is key. Because
16 the architecture is wonderful -- the size is what
17 the problem is, especially on a single lot, and we
18 have to keep that in mind.

19 The other three things that I did want
20 to mention that come from code -- and, basically,
21 it filters down from the U.S. Department of the
22 Interior and the National Park Service -- there's
23 the National Preservation Act of 1966; and then
24 our city code, which is 17.32, which is Historic

1 Preservation; and then further down, we have
2 17.32.080, which is Certificate of
3 Appropriateness; and then G.2(d), the relationship
4 of building masses and spaces. And it says, the
5 relationship of a structure to an open space
6 between it and adjoining structures should be
7 compatible.

8 And the reason I'm saying that is that
9 this is important when I talk about the
10 neighborhood and the buildings; and then F is
11 scale, the scale of a structure after alteration,
12 construction, or partial demolition should be
13 compatible with its architectural style, and
14 character, and with the surrounding structures.
15 Again, from a neighborhood perspective, that's
16 important.

17 The neighborhood profile -- and I --
18 I'm just going to pull out a few things here and
19 kind of talk to it a little bit instead of reading
20 it line by line, but in the notification area that
21 is bounded by -- and that was a 250-foot
22 notification for the neighbors in that -- by Park,
23 4th, State, and Second Avenues -- there are
24 10 national and city of St. Charles landmarks.

1 That's 16 percent of the city's land mass.
2 There's probably about 65 right now, and what
3 we're talking about as we're talking about -- not
4 only the Historic District of St. Charles; we're
5 talking about the Central Historic District, which
6 is the original town of St. Charles -- 1837.

7 That's in -- I gave you a map in the
8 presentation, and then also followed up with an
9 1860. There's a gap in maps. 1860 showing the
10 lot structure, and then if we move it out
11 500 feet, there are 18 landmarks. And if you go
12 just even a little farther than that, there are
13 many more than that, and I did give a map showing
14 that. That's 28 percent of the landmarks in the
15 area.

16 And then I had said that, for the
17 neighborhood profile, I narrowed it down to just
18 seven houses -- that would be those that are on
19 Chestnut right -- and then right across the street
20 on Third Avenue, as well as across the street on
21 Chestnut -- just seven houses. Because it's more
22 appropriate because, out of that seven, there are
23 five landmarks. Two are national landmarks, and
24 three are city landmarks. And then two date back

1 to -- I think it's 1859 for one, and then between
2 8 -- the other one is between 1850 and 1880. And
3 I'm sorry, I didn't take the time to really dive
4 down on that background.

5 But in the profile that I gave of
6 303 North Third Avenue, which is, currently, 1500
7 square-foot living space on a single lot -- that's
8 Lot no. 8. My home at 214 Chestnut is Lot 7, a
9 single lot, 1500 square feet. 304 North Second,
10 which is the Bemis residence who have owned that
11 for 40 years, that is over 2000 square-foot. So
12 compatible to the 2300 that's being presented, but
13 it sits on two lots, Lots 5 and 6 in Block 33.
14 312 North Second, right around --

15 Now, that's an -- the Bemis house is a
16 national landmark; mine's a city landmark. And
17 Izzos' house, which is 312 North Second -- and
18 they've been owners for 15 years -- they have,
19 basically, a 1500 square-foot house on a single
20 lot. Now, they do own four lots. They own -- in
21 Block 33, they own 1, 2, 3 and 4. The house is
22 on 4; the other three lots are not -- you can't
23 gain entry to them because of the railroad
24 tracks -- the abandoned railroad tracks -- the

1 bridge, and then, obviously, our lot line. So
2 three of the lots are just backyard, except for
3 one little accessory house.

4 215 North Third Avenue, which is across
5 the street from -- right across the street
6 from 303, that is over 2000 square feet and that
7 is on multiple lots on Block 27, 1 and 2.

8 201 Chestnut -- and that's a landmark.

9 201 Chestnut Avenue, the Roches, who have owned
10 that for 15 years, that's over 2000 square feet
11 and that is on two lots in Block 27, Lots 3 and 4.
12 That's a landmark.

13 If we move just directly across the
14 street from Third Avenue, right across from
15 Third Avenue, that's 304 Chestnut Avenue --
16 McMahan -- and they've owned that for 40 years.
17 That is also over 2000 square feet -- and when I'm
18 saying over 2000 square feet, I'm not talking
19 5000 square feet. I'm talking 21, 22, 2300, 2400
20 square feet. That's on multiple lots, 3, 4, 5,
21 and 6 in Block 34. And then 218 Third Avenue --
22 Jarosz, and he's been an owner of his house for
23 40 years. He's at 2000 square feet living space,
24 and he's on multiple lots, 3 and 4, of Block 28.

1 So what I'm saying is that the
2 architecture is good for what's being proposed; it
3 doesn't fit a single lot. The character of the
4 neighborhood, which is basically the central
5 portion of the Central District, is either a
6 single lot with 1500 living space, or 2000 square
7 feet on multiple lots living space. Now, I can't
8 compare the footprints because they're all unique
9 because of their age. We're not talking about
10 cookie-cutter type homes, so to actually figure
11 out the actual square footage is near impossible.

12 MEMBER TOTTEN: Was this brought up
13 with the Historic Commission when they were going
14 over the plans for the lot with all these examples
15 of --

16 MR. PRETZ: Yes.

17 MEMBER TOTTEN: -- 2300 and they
18 still --

19 (Simultaneous speech.)

20 MR. PRETZ: Yes. I -- okay. So I am
21 speaking to you as a resident, and you're
22 asking --

23 MS. MALAY: I'll be able to answer
24 those questions.

1 MEMBER HALPENNY: Yeah. We'd like you
2 to --

3 MEMBER TOTTEN: Please.

4 MEMBER HALPENNY: Hoping you can add
5 some -- thank you.

6 MEMBER TOTTEN: Thank you.

7 MS. MALAY: Yes. The Commission did
8 hear the testimony on this, and we did still agree
9 to approval -- recommending approval for this
10 project.

11 MEMBER TOTTEN: Okay. Thank you.

12 MEMBER HALPENNY: Thank you.

13 MS. MALAY: I'll be happy to go into
14 the details of why after the presentation.

15 CHAIRMAN RULLMAN: Okay. Thank you.

16 MEMBER HALPENNY: Thank you very much.

17 MR. PRETZ: So there was mention -- and
18 I'll continue on -- there was mention of the 5-0
19 vote to support moving forward as far as what was
20 presented. I would just tell you, I did -- I
21 abstained because of my proximity to the
22 property -- that it's a little bit of a bind when
23 you're approving architecture.

24 I do believe that there may have been,

1 you know, I mean to say this as a resident --
2 there may be a misstep as far as taking a look at
3 the mass, size, and scale of the lot and
4 understanding, but it was also, I think, maybe the
5 interpretation of what a breezeway really was, and
6 the rest led -- and so it puts the Commission in a
7 very difficult spot to not -- to approve
8 architecture and not move it forward to the
9 appropriate -- the appropriate authority to take a
10 look.

11 And, basically, what I was -- what I
12 was saying is that -- and there was mention
13 concerning -- there's no existing garage --
14 contains living space above the structure. My
15 statement was taking -- was taken out of text
16 [sic]. That is the local neighborhood. There is
17 no living space above any of the garages and
18 not -- not in the entire Historic District. So it
19 may exist, you know -- I can't address that.

20 And then with that, I had asked that
21 the -- either the Zoning Board denies the request
22 entirely, or to modify their request to a reduced
23 lot coverage model more appropriate for the size,
24 which is -- excuse me -- the mass, space, and

1 scale and move the proposed setbacks on the west
2 and north boundaries closer to the existing
3 structure as it is today, and only grant what is
4 currently permitted by code with no exceptions.
5 But that relates to the neighborhood -- the
6 neighborhood profile.

7 Are there any questions on what I said?

8 MEMBER HALPENNY: You mentioned that it
9 was 17 years, I believe, that that home has been a
10 rental home?

11 MR. PRETZ: Correct. And even longer
12 than --

13 MEMBER HALPENNY: Longer than that?

14 MR. PRETZ: Yes. Because when you --
15 when I get to -- just mention -- and the
16 information I have concerning the driveway,
17 because there's two driveways. There's a driveway
18 on Third Avenue and also a driveway on Chestnut --
19 and I'll talk to that. I had some pictures that I
20 had put in there that the County Recorder provided
21 me as we took a look at that information and
22 that -- and I forgot what your question was.

23 MEMBER HALPENNY: Well, I wanted to
24 verify, first, that you said 17 years, it had been

1 a rental property?

2 MR. PRETZ: Yes.

3 MEMBER HALPENNY: And I just -- guess
4 I -- you know, we have a lot of letters in
5 support. I'm not going to make a statement on my
6 own right now for myself and how I feel, but I --
7 being that it's that long and that they took a lot
8 of time and worked with the Historic Commission
9 and received unanimous recommendation for
10 approval, which -- I mean, that's a pretty big
11 deal. I just -- I mean, most of the letters were
12 in support because it enhances, not taking away,
13 and also maintaining the current characteristic
14 and taking a design with, clearly, people that --
15 yeah, they'd like to kind of preserve the
16 historic, and then find a compromise to --
17 let's -- we're in 2023 -- maybe make it a little
18 tiny bit modern. And I think he did a really good
19 job of kind of explaining all the other concerns.

20 And we did -- I read all the letters.
21 So there was a lot of neighbors in support and
22 there was a few that weren't. So I was just
23 wondering, don't you feel that -- aren't you
24 grateful that they want to invest in the community

1 and do something that the Historical Commission
2 said would work that also fits the needs of their
3 family?

4 MR. PRETZ: Well --

5 MEMBER HALPENNY: Because for 17 years,
6 it was a rental property, and I drove by. I went
7 to it and looked at it. It's not really a
8 pleasant -- I'm sorry you have to even, currently,
9 see it, so that's what I'm saying. Isn't this an
10 improvement?

11 MR. PRETZ: Yes. And I said --

12 MEMBER HALPENNY: I just want to know
13 if you think it's an improvement.

14 MR. PRETZ: Yes. The architecture
15 is -- is appropriate.

16 MEMBER HALPENNY: Right.

17 MR. PRETZ: The issue at hand, though,
18 is just simply that the size of the building on a
19 single lot is contrary to the neighborhood.

20 MEMBER HALPENNY: Right. But, again,
21 I'm just saying, you also gave examples and cited
22 examples of the square footage and the changes and
23 the different types of historical homes that are
24 currently in there. They weren't all the same

1 amount of 1500, 1500, 1500, so in that, I would
2 say, they're not identical, correct, in the square
3 footage?

4 MR. PRETZ: Well, you have -- you
5 have -- you have to --

6 MEMBER HALPENNY: I'm just asking if
7 they're identical square footage.

8 MR. PRETZ: The -- the only -- the
9 only -- for the most part, the only two homes that
10 would be -- that are -- that would be 312 North
11 Second Avenue and 304 North Second Avenue.

12 MEMBER TOTTEN: Do we have a map we can
13 put up?

14 MR. PRETZ: Those two --

15 MEMBER HALPENNY: Yeah. There is a map
16 in his presentation if we want to look at it.

17 MR. PRETZ: Those two are national
18 landmarks, so they would not have been altered as
19 far as evolution over time.

20 MEMBER HALPENNY: Sure.

21 MR. PRETZ: The other homes, such as --
22 we'll just use my -- my -- my house. My house
23 was -- my barn was brought there and then made
24 into by the family who owned 304 Second Avenue --

1 and they owned all eight lots -- that was brought
2 there as a rental property and that was the intent
3 at that time. They sold off --

4 MEMBER TOTTEN: Seven?

5 MR. PRETZ: -- 303 back when, and then
6 that was brought over as a -- so they brought over
7 my -- my building and then added to it over time.

8 Same with 303, but when you start
9 taking a look at the other two -- like,
10 201 Chestnut right across the street -- that was
11 built on two lots. That was right from the
12 get-go.

13 MEMBER HALPENNY: Because they owned
14 two lots, correct?

15 MR. PRETZ: I would assume that they
16 owned them.

17 MEMBER HALPENNY: Well, that's what I'm
18 saying --

19 MR. PRETZ: But I found -- I have found
20 cases where the people didn't really own them.

21 MEMBER HALPENNY: So I'm saying they
22 have one lot, one existing structure that is not
23 livable, and they are attempting and had spent a
24 lot of time working with the Zoning Department and

1 they're meeting all the requirements -- I mean,
2 technically minus the doors of the breezeway --
3 and they worked with the Historical Commission.
4 And I do respect everything -- where you're coming
5 from. I'm just trying to really understand why
6 it's -- you know, you're so adamant that it's too
7 big for the lot size when there's so many
8 different sizes of homes.

9 MR. PRETZ: Well, because if you
10 take -- if you -- if you go by the code and you
11 open space and -- well, you can't disregard that.
12 That's code.

13 MEMBER HALPENNY: I understand that,
14 but I'm saying there's a lot of time and,
15 probably, financially, that they've put in a lot
16 of money into this -- a lot of careful planning
17 and they did go through all the right parties for
18 this.

19 MR. PRETZ: Yeah. And I -- and --

20 MEMBER HALPENNY: If you had a choice
21 to see this home that they proposed with the
22 blessing of the Historical Commission and
23 recommendation for approval, or to look at the
24 current home, in itself, for maybe another

1 17 years as rental property, what would be your
2 preference? I'm really asking a serious question.

3 MR. PRETZ: I -- I would like it sent
4 back for redesign --

5 MEMBER HALPENNY: That wasn't the
6 question. I'm just saying, as-is or a rental
7 property -- I'm just asking what you prefer.

8 MR. PRETZ: Well, I'm going to -- I'll
9 use this example.

10 MEMBER HALPENNY: Sure.

11 MR. PRETZ: 2 --
12 215 North Second Avenue was a rental property.
13 Okay? My wife and I and another neighbor --
14 actually, 201 Chestnut, the Roches -- we purchased
15 from the two elderly ladies in that house. That
16 was a two-flat rental. We purchased the house, we
17 kept the house original, and we de-rentalized
18 [sic] -- I just made that word up --

19 MEMBER HALPENNY: That's okay.

20 MR. PRETZ: -- the house to bring it
21 down to a single -- single-family residence, and
22 we did it in such a fashion that it would be
23 somewhat difficult, in working with the City and
24 engineering and utilities and that, to undo

1 certain things that -- now, with code -- would
2 require a huge cost in order to convert it back to
3 a rental property. And then, we, in turn,
4 found -- first, we found one lady who loved the
5 house, but it was just a little too much for her
6 as a single parent, and she, in turn, sold it to
7 the Salonskis (phonetic) who now live there and
8 love the house. So it can be done.

9 MEMBER HALPENNY: But that was your
10 preference, right?

11 MR. PRETZ: Sure.

12 MEMBER HALPENNY: Right.

13 MR. PRETZ: And that could be their
14 preference.

15 MEMBER HALPENNY: Did you have any kids
16 at the time that you were trying to fit in there,
17 or was it being -- intended use --

18 MR. PRETZ: No. I wasn't -- we weren't
19 moving in.

20 MEMBER HALPENNY: Right. So that's
21 my -- so what I'm trying to ask you to do -- I'm
22 just asking nicely -- is that if you can step
23 inside their world -- they're taking care of a,
24 you know, a larger scale family, and they're

1 looking to make it so that they can keep that home
2 that they purchased with the dream of making it,
3 you know --

4 CHAIRMAN RULLMAN: Let me interrupt.
5 So there's only certain things that we can
6 consider.

7 MEMBER HALPENNY: Right.

8 CHAIRMAN RULLMAN: Architecture is not
9 one of them.

10 MR. PRETZ: I understand.

11 CHAIRMAN RULLMAN: The Historic
12 Commission does, but I -- let me make sure I
13 understand. Your testimony is the lot coverage,
14 primarily?

15 MR. PRETZ: That and then -- the lot
16 coverage, yes. The water runoff is another one.

17 CHAIRMAN RULLMAN: I think he said he
18 would have -- the engineers would address that.
19 That would have to be addressed in the project.

20 MR. PRETZ: Yes. And I'm glad that
21 they will, but I just want to make sure that it
22 does happen because it was downplayed and, while I
23 appreciated the county map showing where water was
24 coming from, the fact that I live there, I -- and

1 the two pictures I put in there were the most
2 recent rainfall, which was not very much, but you
3 can at least have a little picture of and see the
4 fact that the water does -- I -- I live it. My
5 backyard floods. I know where the water comes
6 from. I also know that it was definitely
7 supported by their engineer -- their surveyor, who
8 did come into my backyard and actually did take a
9 look and said, you know you got -- there's a --
10 there's a water issue problem. And I said, well,
11 thanks for telling me what I already know.

12 CHAIRMAN RULLMAN: Let me make sure I'm
13 correct. As the City -- so if this were approved,
14 the City engineer would have to look at the water?

15 MS. HITZEMANN: Yes. So we do have
16 engineering -- engineering plans that are under
17 review, currently, by our City engineer to confirm
18 that what their engineering proposes in terms of
19 stormwater management is acceptable per the County
20 code.

21 CHAIRMAN RULLMAN: So I'm correct that
22 that issue would have to be addressed if this were
23 approved.

24 MR. PRETZ: That's what I'm asking for,

1 yes. Thank you.

2 And then the last thing I just wanted
3 to talk about was I put a list of criteria to --
4 on how I see it -- as far as a denial or a
5 modification of the request that I'd like to go
6 through.

7 Can you bring that up? Or you know
8 what? That's fine. I'll just read it.

9 For -- to the criteria.

10 MS. HITZEMANN: Mmhmm.

11 MR. PRETZ: Thank you.

12 MS. HITZEMANN: Mmhmm.

13 MR. PRETZ: So I don't -- when I take a
14 look at this, I don't see it as a hardship because
15 a hardship, to me -- unless it's interpreted
16 different -- a hardship is a singular instance,
17 and I say it's more of an inconvenience and not a
18 hardship -- the Third Avenue Bridge, as seen
19 today, has been there since 1988 -- and I provided
20 the pictures to show that -- and many owners of
21 the specific property have come and gone during
22 the past 40 years. Three other homes located at
23 the intersection of Third and Chestnut Avenue
24 experience similar inconveniences, such as limited

1 parking or limited home expansion options.
2 Additionally, all seven homes, including
3 303 Third Avenue, on the north side of Chestnut
4 Avenue, have similar restrictions due to the
5 abandoned railroad location and the two bridges
6 located at Second and Third Avenues, and then I
7 gave the addresses.

8 In no. 2, these lots are all the
9 original town of St. Charles lots, which tend to
10 be smaller and date back to the 1830s. So we
11 have a problem because they're small, and I'll
12 tell you, they are small. I know that in my own
13 backyard. But no other neighboring property -- I
14 don't believe -- would be given the same
15 opportunity to use this request for the
16 variations. Otherwise, I think all of us, you
17 know, the other six homes, are going to come and
18 go, hey, we want to do some kind of buildout plans
19 for whatever.

20 Criteria no. 3: I said, yes, owners
21 come and go, but the structure will be here for
22 decades. And I said, nobody intends to make less
23 money than their investment when it comes time to
24 sell, but it's -- never mind.

1 Number 4 didn't apply.

2 Number 5, I said, yes, allowing a 2000
3 square-foot home on a single original town of
4 St. Charles lot is contrary to the neighborhood,
5 and thus becomes too large in mass, space, and
6 scale for the lot.

7 Number 6, granting the variation is
8 detrimental to the public welfare as a whole as it
9 will set the trend and example that a multi-lot
10 sized house -- and I'm using the -- as I described
11 it -- the original town of St. Charles -- that a
12 multi-sized home can be built on a single city
13 Historic District lot, thus overpowering existing
14 area landmark historic homes, and thus entire
15 historic neighborhood districts themselves.

16 And then the last one was concerning --
17 and I know we downplayed the light, the air -- not
18 too sure about that one -- but the light. And I
19 said, 4 years ago, I hired Turf Care Enterprises,
20 and they still perform work to help grow a lawn in
21 my backyard, using, you know, their magic,
22 specialized seeds, et cetera. Four years later,
23 including tree trimming and many dollars spent, it
24 is still an uphill climb to establish a lawn.

1 There's not enough sunlight in the yard even
2 today. Few plants -- the few plants that do grow,
3 hostas, give me some green, and I did say I'm
4 thankful for this.

5 If this home, with its size, is
6 permitted and in the setbacks that they're asking
7 for, it, basically -- and I'm the one that's
8 living there, so I've seen this -- the partial
9 sunlight that comes from the east will be greatly
10 reduced and gone. I'm limited already and adding
11 to that only makes it a little bit more difficult
12 as far as my ability. And I can't put AstroTurf
13 back there because I have a drainage problem --
14 runoff water, so I'm stuck. But --

15 MEMBER TOTTEN: Have you addressed your
16 light concerns?

17 MR. PRETZ: I'm sorry?

18 MEMBER TOTTEN: Have you addressed
19 light concerns with other neighbors before they
20 bought the house -- or even with the previous
21 owner of the home? Were any trees or bushes or
22 anything that are overhanging in your yard -- have
23 you addressed that --

24 MR. PRETZ: Those -- those have all

1 been cut back.

2 MEMBER TOTTEN: Okay.

3 MR. PRETZ: Yeah.

4 MEMBER TOTTEN: So you have addressed
5 that?

6 MR. PRETZ: Well, yes. Doing
7 everything, you know -- everything that is
8 possible to -- trying to get -- what do you call
9 the tops of trees? You know, trying to get it up,
10 you know, and all that -- and trim and the hanging
11 over and that, and there really is not a -- there
12 really -- I mean, there's a scrub tree in 303 in
13 front that had been referred to, but that doesn't
14 come into play as far as hindering anything in the
15 yard and really -- as far as trees itself, the
16 trees that had been addressed are either in the
17 lot behind me or the lot to the west of me. And,
18 in harmony, we have -- we've done our best to make
19 sure that we control all of that, and it's quite
20 costly, even for us. But it's more the -- the
21 structure itself and maybe the placement of where
22 that structure is that will be the difficult [sic]
23 and probably impede the eastern sunlight, even --

24 CHAIRMAN RULLMAN: So the sunlight

1 issue is a current issue though, right?

2 MR. PRETZ: I'm sorry?

3 CHAIRMAN RULLMAN: The sunlight issue
4 is a current issue?

5 MR. PRETZ: Yes. It'll just be -- yes.
6 Yeah. It -- it --

7 MEMBER TOTTEN: So they're not
8 necessarily creating a problem for you? They
9 may -- in your opinion, they may make the problem
10 worse because you're already experiencing --

11 MR. PRETZ: I'm -- I'm already
12 experiencing --

13 MEMBER TOTTEN: And you're already
14 experiencing a drainage issue, so the -- their
15 proposal is not going to magically make all that
16 happen. So you're already dealing with all
17 that --

18 MR. PRETZ: That -- that -- that -- in
19 a very early conversation, probably about 10 years
20 ago with the City when they were trying to help me
21 correct the runoff problem back then -- very
22 difficult because I have no place for my water to
23 go. They're -- it -- the City -- they can't --
24 they couldn't help, and at that time, they said

1 that the only opportunity you have is that, if
2 something of consequence took place at 303, that a
3 runoff correction would be made. Other than that,
4 if the house remained as it is today, the water
5 situation continues because they don't --

6 MEMBER TOTTEN: So your water
7 situation -- because I believe he mentioned
8 before, he was maybe willing to have a
9 conversation with the neighbors to improve the
10 drainage situation, so --

11 MR. PRETZ: But --

12 MEMBER TOTTEN: Your drainage situation
13 could improve if you two work together to find a
14 solution. In my neighborhood, before I moved in,
15 we had a really bad drainage issue, and four of
16 the homeowners got together, they all pitched in,
17 and they fixed it. So right -- like, a year
18 before I moved in. So sounds like there could be
19 some cooperation between you two to address your
20 concerns. Because the house as it is right now --
21 the problem's not going away.

22 MR. PRETZ: I understand that.

23 (Simultaneous speech.)

24 CHAIRMAN RULLMAN: Let me understand --

1 MR. PRETZ: And if they don't do
2 anything with the house, I -- I understand that.
3 But if they do proceed and do something with the
4 house, then it becomes -- I believe it's their
5 responsibility to make the correction.

6 CHAIRMAN RULLMAN: So I think you just
7 testified that when you went to the City 10 years
8 ago, they said if anything major happened at 303,
9 the water problem would be dealt with; is that
10 correct?

11 MR. PRETZ: That -- that would be my
12 opportunity to be able to have the water problem
13 corrected.

14 CHAIRMAN RULLMAN: Thank you.

15 MR. PRETZ: Which is -- if engineering
16 is going to do their thing, with any kind of new
17 construction, then my assumption would be that the
18 City is taking a look at that and providing
19 whatever means through the owners.

20 CHAIRMAN RULLMAN: All right. Do you
21 have anything additional you'd like to say? We
22 have a lot of folks here who would like to
23 testify.

24 MR. PRETZ: I -- no. I thank you for

1 your time, unless you have anymore --

2 CHAIRMAN RULLMAN: Thank you.

3 MR. PRETZ: Thank you.

4 CHAIRMAN RULLMAN: Who else would like
5 to testify here? So -- fine.

6 MR. SMUNT: Ladies first.

7 MEMBER HALPENNY: Chivalry is not dead.

8 THE COURT REPORTER: Can you state your
9 name, please?

10 MS. MALAY: Sure. Kim Malay, Historic
11 Preservation Chairman.

12 What I'd like to talk about tonight is
13 why the Commission recommended approval for this
14 project.

15 First off, I think it's been stated
16 pretty clearly that, basically, the garage
17 structure -- where it's being proposed, the size
18 that it is being proposed -- if it was built as a
19 detached, it meets standards. It meets code.

20 What throws it into question is what,
21 basically, is the passthrough. Okay? And at that
22 point, with the Nana system -- and we're actually
23 one of them that recommended the Nana system -- to
24 give that clarity, to give the flexibility of

1 being able to have a completely open breezeway --
2 as a good fit -- okay -- not considering it to be
3 an enclosed structure at that point. Okay? We
4 felt that that was the least intrusive.

5 And I will say, the Sweeneys did come
6 to us when they got told they were going to have
7 to come before you. They actually brought us a
8 proposal of an enclosed structure. Okay? And,
9 you know, the proposal was -- the roofline of the
10 garage was completely going up, and it was walled
11 in and that massing was very strong. The Nana
12 system allowed for them to have a very soft
13 massing.

14 But, you know, for us, the way we
15 approached it was -- regardless, we're getting,
16 pretty much, the same amount of massing and
17 structure. It's a matter of how it's handled, and
18 when the Commission looks at a project -- I think
19 I heard you right before the meeting say,
20 everything is taken kind of on its own merit --
21 that's the same with Preservation. We work very
22 hard to preserve the resources that we have,
23 versus lose them because of nonuse, you know, or
24 adaptability. So we work very hard to preserve

1 what we do have and work to make it the best it
2 can be, with the least amount of negative impact
3 to a neighborhood, and I think over our 30 years,
4 we've done a pretty good job of that.

5 MEMBER HALPENNY: Yes.

6 MS. MALAY: And this is a case where it
7 has been a rental property for several years.

8 MEMBER HALPENNY: 17.

9 MS. MALAY: It has been let go when it
10 comes to maintenance and that type of thing, and
11 this is a great opportunity to turn it back into a
12 single-family home and let it be usable.

13 And so that was -- you know, obviously
14 we looked at it from the architectural and the
15 historic perspective of it, but those were the
16 reasons why we recommended, like, the Nana system
17 and that type of thing. Okay?

18 CHAIRMAN RULLMAN: Okay. Thank you.

19 MEMBER HALPENNY: Thank you so much.

20 MS. MALAY: Mhmm.

21 MEMBER HALPENNY: Thank you.

22 MR. IZZO: I would like to speak.

23 (Simultaneous speech.)

24 CHAIRMAN RULLMAN: Everybody's going to

1 get a chance to talk.

2 MR. IZZO: Thank you, sir.

3 MR. SMUNT: Steve Smunt. I'm the Vice
4 Chair of the Historic Preservation Commission.

5 Smunt, S-M-U-N-T. Okay.

6 We heard out of scale, mass, just too
7 big for the neighborhood, and based upon very
8 small lot sizes. And I would say that my dear
9 friend, Tom Pretz, who I serve on the Commission
10 with, is, unfortunately, representing a minority
11 opinion on the Historic Preservation Commission
12 when it comes to size and mass and an overbuilt
13 lot -- overbuilding on a lot.

14 The Historic Preservation Commission
15 believes that the proposed building does fit the
16 lot size, and it does fit the neighborhood, not
17 only the square block that it's on, but it fits
18 the structures across the street -- the height,
19 scale, et cetera. And even when we looked at the
20 plat of survey, the proposed structure doesn't
21 look any bigger than Mr. Bemis' property. He's
22 got two structures on his lot. Granted, it's a
23 double lot, but it's still -- it fits right in
24 there if you're looking just simply at plat of

1 survey.

2 So I really feel that the Historic
3 Preservation Commission did due diligence on
4 architecture, mass, scale, size, air quality, and
5 light. We looked at it all, and I think we did a
6 great -- unanimous opinion when we voted to
7 approve this. Now, if it wasn't for the Sweeneys
8 going for a variance so they can enclose their
9 breezeway with glass doors, this wouldn't even be
10 before you. This would be going for a permit.
11 But because they want to close the glass -- and it
12 was determined that that would cause the garage to
13 become attached to the house -- by definition,
14 we're here today.

15 But I really feel that this should --
16 you should be approving this variance. And my
17 residence is in the Moody-Millington subdivision.
18 I have a breezeway attaching a detached garage,
19 and I have living space above it. And guess who
20 approved it unanimously? The Historic
21 Preservation Commission, including Tom Pretz,
22 approved my --

23 UNIDENTIFIED PUBLIC MEMBER #2: It's an
24 open breezeway.

1 MR. SMUNT: Yes.

2 UNIDENTIFIED PUBLIC MEMBER #2: Open --
3 not closed.

4 MR. SMUNT: Yes, but it was -- but the
5 issue was -- there was a question of whether there
6 were any other carriage houses with living space
7 above them, and I built one and it was approved by
8 Historic Preservation Commission.

9 MEMBER HALPENNY: I had one previously,
10 too.

11 (Simultaneous speech.)

12 MR. SMUNT: -- with a breezeway. So
13 they do exist, and we're going to see more and
14 more of them being built as families need to
15 expand their usable space on the lots. That's all
16 I have to say. Thank you so much.

17 MEMBER HALPENNY: Thank you so much.

18 CHAIRMAN RULLMAN: Thank you.

19 MEMBER HALPENNY: Thank you.

20 MR. PRETZ: Can I just say --

21 MEMBER HALPENNY: I'm going to -- the
22 gentleman in the back --

23 Is that okay?

24 CHAIRMAN RULLMAN: Yep. Come on --

1 come on up.

2 MR. IZZO: May I ask, sir --

3 Rachel, I'll be able to bring up the
4 charts and the photos that I provided to you?

5 MS. HITZEMANN: Yeah. Hang on.

6 MR. IZZO: I don't need to bring this
7 up momentarily, but if you could bring up the
8 link, then I can bring those up. I appreciate
9 that. Thank you.

10 MS. HITZEMANN: You can just --

11 MR. IZZO: There we go.

12 MS. HITZEMANN: -- scroll through here.

13 MR. IZZO: And just scroll through
14 right here?

15 MS. HITZEMANN: Yep.

16 MR. IZZO: Thank you.

17 First and foremost, thank you,

18 Mr. Chairman and Committee --

19 THE COURT REPORTER: Can you state your
20 name, sir?

21 MR. IZZO: I apologize. My name is
22 Charles Izzo, and I'm here with my wife, Susan
23 Izzo, this evening, and we reside at 312 North
24 Second Avenue.

1 So thank you, Mr. Chairman and
2 Committee, for allowing us the opportunity to
3 speak this evening on the matter before you. I've
4 already stated my name. Before I -- thank you --
5 before I go into my prepared remarks, I would ask
6 permission to address comments -- a couple of
7 comments that Mr. Sweeney made during his
8 presentation pertaining to the neighborhoods. And
9 it's just --

10 CHAIRMAN RULLMAN: All right. Just
11 remember, everything said here is a matter of
12 public record.

13 MR. IZZO: Yeah. I understand, sir.

14 CHAIRMAN RULLMAN: All right.

15 MR. IZZO: As to who we are, I think
16 was the question -- and with your permission, I
17 would be remiss if I failed to state we are not
18 opponents, which Mr. Sweeney referred to us
19 multiple times this evening as. So who are we?
20 We are homeowners, we are taxpayers, we are
21 residents of St. Charles, some in this room for
22 over 45 years -- my wife and I for over 30 years.

23 Who are we? We're old home people.
24 We're caretakers of historic homes and properties

1 that we've invested heavily in, in love, in labor,
2 and resources, and financial means.

3 Who are we? We're the protectors of
4 St. Charles' historic past, present, and futures.

5 Who are we not? We are not opponents.
6 We are neighbors, and I appreciate the opportunity
7 to share those comments.

8 So my wife and I stand before you today
9 to ask the Zoning Board of Appeals to object to
10 the petitioner's request, Matthew Sweeney's, for
11 multiple code variances at 303 North Third Avenue.
12 If granted, as we've stated, they will have a
13 significant impact to our property. We share
14 approximately an 85-foot boundary line -- our
15 north side, their south side. I think -- as it's
16 been stated numerous times, our home at 312 is a
17 designated national historic landmark, the Andrew
18 Weisel home, built in 1853.

19 One of the questions that was asked
20 during the Preservation meeting is, why now? Many
21 people have asked us this multiple times, why now?
22 We, first, learned of the proposal to
23 significantly rebuild and increase the size of the
24 existing property in early March. Once we

1 learned -- unbeknownst to us, the petitioner had
2 been working on a design and meeting with City
3 departments to seek approval. Once we became
4 aware, we became actively involved in
5 preservation, attending meetings to gain
6 information that included scope, scale, and impact
7 to our properties and the historic neighborhood.

8 At the April 5th, 2023, Historic
9 Preservation meeting, we were led to believe, at
10 that time, there were no variances that would be
11 required for this property, only to learn at the
12 April 19th meeting, not only were there one, but
13 multiple variances that would be required. We are
14 deeply concerned and disappointed by the HPC to
15 issue a Certificate of Appropriateness at its
16 April 5th meeting, knowing that the variances
17 proposed by Mr. Sweeney would have an impact on
18 the historic homes associated with this section,
19 as well as the neighborhood. I know we've spoken
20 about scope and size, but I have some
21 illustrations and some photos I would love to
22 share with you so we can visually see what the
23 proposed impact would be, not only to our
24 property, but the Pretzs' property.

1 We believe -- and a comment that I
2 would make -- if these variances are approved by
3 the Committee, we believe they would have a
4 detrimental impact to our home property in the
5 Historic District and future requests. Some may
6 argue -- and we understand -- that past zoning
7 variance approvals have set a precedent. We
8 believe that each request should be addressed
9 individually.

10 Quickly, three areas that we believe
11 negatively impact [sic] -- we talked about water
12 mitigation. My wife and I have -- because of the
13 basement, it's river limestone that came out of
14 the Fox River 180 years ago. It's porous. Our
15 basement flooded. We've invested heavily to
16 mitigate the basement, the back yard, and the
17 patio areas, where, at times, in heavy rains --
18 keeping in mind that our yard is heavily
19 landscaped with trees and beds and grass, all in
20 great condition -- we would get anywhere from 2 to
21 5 inches of rain on our patio against our home
22 that would eventually find its way into the
23 basement. We spent tens of thousands of dollars
24 to mitigate that problem, and so far, in the time

1 that we've been in that home, we still have water
2 problems, but not nearly as many.

3 The second thing we talked about,
4 reduced air and light -- the tree that was
5 referenced, the cottonwood -- and how it,
6 potentially, could come over and block the garden
7 area that we've referred to here, let me just be
8 clear: That tree sits on the north line --
9 lawn -- I'm sorry -- the north line -- boundary
10 line of our property. It's approximately 175 to
11 200 years old. It's been struck multiple times
12 over the years by -- by lightning, and we've gone
13 to great lengths to keep it healthy and to reduce
14 the impact to the surrounding properties.

15 And then, finally, the last comment I
16 wanted to make pertaining to our issues has to do
17 with the height. Water mitigation, I think, we
18 spent a lot of time, but the point I want to make,
19 it is a real. Now, I've heard -- and I appreciate
20 the fact that some on Persimmon Drive in Persimmon
21 Fields -- similar issue where the neighbors come
22 together, and they've been working to mitigate the
23 water problem because of the amount that stands in
24 a simple rain. I understand that.

1 But each of us that are here tonight
2 have dealt with these water issues at considerable
3 expense. The setback from the boundary line, it
4 does reduce the light. And I know -- I don't mean
5 to be repetitive here. The northeast side of our
6 property is already partially shaded, which I
7 would agree with, by large trees, as I mentioned,
8 dating back to the 1800s. If built, the carriage
9 house, in close proximity to our neighbor's
10 (phonetic), would further mitigate. Our backyard
11 faces east, the sun moves south, it settles in the
12 west towards the front of our property, which
13 allows light -- currently, allows some light over
14 this space.

15 The lot coverage that we've spoken
16 about -- you have the numbers. Tom has addressed
17 it -- 1500 square feet. What's being asked is
18 35 percent to the current lot size, and the only
19 reason this works and the reason we're here --
20 I've heard a number of things -- it all starts
21 with the breezeway. I had the pleasure of meeting
22 Matt soon after he bought the home and actually
23 started work on the home to return it to a livable
24 rental, and it migrated from a livable rental to

1 the proposal that we have here in front of us
2 today.

3 What I'd like to do now is just share
4 with you a couple photos and illustrations so that
5 we can just highlight some of the issues that
6 we've talked about. If I do this correctly, I
7 should be able to bring these up.

8 Got a live mouse here?

9 MS. HITZEMANN: It's actually the other
10 one. You can just --

11 MR. IZZO: If I just come down and
12 click on it, I can get it?

13 MS. HITZEMANN: Yeah.

14 MR. IZZO: Thank you. What do I have
15 to do to open it, Rachel?

16 MEMBER TOTTEN: Hit the middle button.

17 MS. HITZEMANN: You can scroll up and
18 down over here.

19 MR. IZZO: Okay. I got it. Thank you.

20 So the first photo really speaks to the
21 egress and the safe access onto West Second Avenue
22 [sic], adjacent to the Second Avenue Bridge. It
23 provides us a clear view in both directions, both
24 north and south, which includes the Second Avenue

1 Bridge. It allows us to enter and to exit the
2 driveway. Our open line of sight is approximately
3 40 feet, so any concerns that we have pertaining
4 to Second Avenue, it allows us ample time to
5 adjust.

6 The second chart I'd like to show is
7 the area we talked about -- oops -- is the example
8 of the Third Avenue Bridge -- very similar to our
9 egress. If you look at this particular diagram
10 and you see the telephone pole, the carriage house
11 that's being proposed would sit in alignment with
12 that pole -- obviously, away from the street. But
13 the line of sight issue onto Third Avenue becomes
14 a serious safety issue. Unlike the 40 feet that
15 we have with clear line of sight, there is
16 virtually no line of sight for southbound traffic
17 going across that bridge when exiting that
18 driveway.

19 MEMBER TOTTEN: Has there been any
20 accidents?

21 MR. IZZO: That driveway has not been
22 used for the time that we've lived at 312 --

23 MEMBER TOTTEN: I mean, the house has
24 been there for forever --

1 MEMBER HALPENNY: Yeah.

2 MEMBER TOTTEN: -- for the people that
3 have -- are there any known documented accidents
4 that have happened at that --

5 MR. IZZO: I -- I can't speak to that.

6 UNIDENTIFIED PUBLIC MEMBER #3: We can.
7 We live on North Third. Nobody parks there.

8 UNIDENTIFIED PUBLIC MEMBER #4: Nobody
9 has parked there. We've been there 15 years.
10 Nobody's ever parked in front of that garage.
11 Nobody's ever used it.

12 UNIDENTIFIED PUBLIC MEMBER #3: -- the
13 only one since he started living there.

14 MR. IZZO: Thank you.

15 MEMBER TOTTEN: That doesn't answer my
16 question though. Has there been an accident?

17 UNIDENTIFIED PUBLIC MEMBER #3: No.

18 UNIDENTIFIED PUBLIC MEMBER #4: No
19 accidents.

20 UNIDENTIFIED PUBLIC MEMBER #3: Nobody
21 uses it.

22 MEMBER TOTTEN: Okay.

23 MEMBER HALPENNY: Thank you.

24 MEMBER TOTTEN: It's a simple --

1 UNIDENTIFIED PUBLIC MEMBER #3: If they
2 used it, yes, there will be an accident because
3 they drive too fast on that street.

4 MEMBER TOTTEN: What about the 15 years
5 before then?

6 UNIDENTIFIED PUBLIC MEMBER #4: We
7 don't know.

8 MEMBER TOTTEN: Okay. Well, if there's
9 a documented accident, that's what I'm asking. So
10 the house is --

11 What year was this built?

12 MR. MATTHEW SWEENEY: It was put on
13 that site roughly 1910.

14 MEMBER TOTTEN: Okay. So we've had
15 automobiles for a long time and that bridge, or a
16 variation of that bridge, has been around for a
17 long time, so that's why I'm asking.

18 UNIDENTIFIED PUBLIC MEMBER #3: No one
19 uses that drive.

20 MR. IZZO: I can't speak to that.

21 MEMBER TOTTEN: Yeah.

22 MR. IZZO: Okay. So the next chart
23 that I have here -- this is a picture of the
24 historic portion -- the center portion of the home

1 with the overlay. What I was able to do was to
2 take from the architectural and Photoshop a
3 three-dimensional of the carriage house with a
4 single-car garage and where the proposed breezeway
5 would be. Although it's not an exact -- to
6 scale -- which I would agree with -- it does show
7 the visual impact of the size, the setback, and
8 where the proposed breezeway would go.

9 So --

10 MEMBER TOTTEN: Do you have a version
11 of that that's farther back?

12 MR. IZZO: I -- I do -- well -- so this
13 version -- I don't know why it's doing this now.
14 This is taken from the Third -- the east side of
15 Third Avenue on top of the bridge abutment, so
16 once I go over that, I'm in somebody's property or
17 along the railroad tracks.

18 MEMBER TOTTEN: Okay.

19 MR. IZZO: So of the three points that
20 we talked about -- mitigation, scale, and size --
21 this picture tells the story, at least for us, it
22 does. The placement of the telephone pole is
23 accurate, the placement of the distance between
24 our boundary line and the carriage house is

1 accurate, the height of the carriage house is
2 accurate at 20 feet, taken off the architectural.

3 When I talk about water mitigation,
4 it's pretty plain to see, the water flows from
5 Third to Second to the river. You can see the
6 spillway that's created by the carriage house and
7 our boundary line, and as Mr. Pretz had mentioned,
8 in the far corner, next to the carriage house, you
9 can see where that water gathers and then flows
10 into his property and our property.

11 The overall size by relationship, just
12 to put it in perspective, the garden cottage that
13 you see behind the fence on the right, at the
14 roofline, it's approximately 12-1/2 feet.
15 Obviously, the property to the left of the
16 proposed carriage house, I believe we heard
17 20 feet. The wall that you see when you look at
18 the architectural again, our foot -- our fence
19 being 6-foot -- and I'll show you a picture in a
20 minute of the roofline of the existing garage,
21 which will be demolished -- is going to be,
22 approximately, 14 feet taller than that fence, and
23 a solid white wall, with the exception -- as you
24 can see in the drawing -- of three small windows,

1 which I assume will be part of the master bedroom.

2 MEMBER TOTTEN: Are you going to have
3 windows facing --

4 MR. MATTHEW SWEENEY: There will be
5 windows, but they're small, awning-type windows.

6 MR. IZZO: At the top elevation. At
7 the top elevation.

8 What I was not able to capture from the
9 architecture drawings, and then post -- this is
10 simply an illustration -- I'm sorry -- this photo
11 is for illustrative purposes only, but what it
12 does show is the effect of the setback to 5 feet
13 on the Pretzs' side. This will be the second
14 historic home that is being affected and,
15 obviously, impacting the serenity, the
16 peacefulness of this tremendous and beautiful
17 backyard that he has. You can also see in the
18 foreground -- the bottom left -- our fence and the
19 gutter to the cottage house -- just, again, for
20 illustrative purposes, of where this is going to
21 sit on the property.

22 I included this picture really for one
23 purpose. My wife and I undertook a 5-year plan
24 to -- from 2015 to 2020 -- to restore the gardens

1 and the cottages to the 1986 -- I'm sorry -- 1982
2 and 1996 landscape architectural plans. We use
3 these rear gardens and this garden cottage as a
4 respite and a special place to entertain family
5 and friends and community. The size and scale, as
6 we saw in the previous chart, will overwhelm this
7 structure.

8 MEMBER TOTTEN: Where's their house in
9 reference?

10 MR. IZZO: It would be right here
11 (indicating). The fence that we just looked at is
12 right here (indicating) --

13 MEMBER TOTTEN: Okay.

14 MR. IZZO: -- and that cottage --
15 there's two windows on the back side.
16 Approximately, that spot is the boundary line, and
17 that's where the cottage house, or the carriage
18 house, would be going forward.

19 MEMBER STUDEBAKER: Can I interrupt you
20 for one second?

21 MR. IZZO: Yes, sir.

22 MEMBER STUDEBAKER: If there was no
23 breezeway issue that we're talking about today, we
24 would not be having any of these conversations --

1 MR. IZZO: We wouldn't be here this
2 evening, sir.

3 MEMBER STUDEBAKER: Okay. Just making
4 sure.

5 MR. IZZO: Absolutely. It's just the
6 first question I asked after I looked at this with
7 Matt. And I said, what's this breezeway thing?
8 And, of course, the breezeway was directed by the
9 Historic Commission, and the gentleman was up here
10 previous to me that said, Greek revivals do not
11 have carriage houses attached to them, and they
12 came up with this workaround.

13 MEMBER STUDEBAKER: Okay.

14 MR. IZZO: Crazy.

15 The next two, again, we talked about
16 the gardens, and why do we make the garden so
17 important to us? You may or may not know, our
18 home at 312 has been the featured home at the
19 Pottawatomie Garden Walks multiple times. In
20 fact, we were the celebrated home in 2018, at the
21 90th anniversary of the Pottawatomie Garden.

22 You're probably familiar with America
23 in Bloom. The St. Charles' America in Bloom, a
24 national program, selected our property and our

1 gardens to be the representative for Historical
2 Preservation, to which St. Charles, not only
3 received national recognition, but numerous awards
4 from the national America in Bloom Committee, and
5 part of that was the entire garden and not just
6 the patio area and the historic home itself.

7 Here's a second view. You can see the
8 sunlight that we see. This sunlight here you see
9 is about -- about noon. Where's the sun? The sun
10 is over here (indicating) to the south, moving,
11 obviously, to the west. The picture I'm going to
12 show you now is when we get morning sun for about
13 four to five hours. You can see the roofline of
14 the garage that will be demolished, 6-foot fence
15 at 14 people -- at 14 feet to that, and then how
16 do we say light and air is not impacting the
17 space?

18 And I'd just like to conclude, if I
19 could -- just a final remark here. I said, in
20 conclusion, we ask that each of the requested
21 variances be denied. Thank you, again, for the
22 time to be able to present this matter to all of
23 you. I really believe that the best interest, to
24 your point, attached or smaller in scale.

1 But it's irrelevant, but I mentioned in
2 the Historic Preservation -- my son and I looked
3 at the same property. We looked at the same
4 property, though, for restoration and not
5 overbuild. Restoring the product -- the property
6 to its historic significance and, at that time,
7 then, making a decision -- do we sell it? Do we
8 own it? Do we rent it? But how do we care for
9 it? Because we have a responsibility. So thank
10 you very much for your time.

11 CHAIRMAN RULLMAN: Thank you.

12 Anyone else would like to be heard?

13 MR. TISCHHAUSER: Hi, everybody. My
14 name's Miles Tischhauser. I'm the realtor that
15 sold them the house. This gentleman here had an
16 opportunity to buy it, like he mentioned. He
17 chose not to. They've done some really nice
18 things to these properties since they owned it --
19 that's their choice, and that's how they want to
20 utilize their property -- just like the Sweeneys
21 have a choice in how they want to utilize their
22 property.

23 That nice little space there that he
24 had, you know, here -- this a really cool spot.

1 He's just saying that there's going to be a giant
2 structure over there that's going to block his
3 view that he doesn't want to look at. In reality,
4 if this doesn't go through today, the breezeway
5 could go away, technically, if they chose so, and
6 it would be approved because it fits the building
7 permits there, and he would still have to look at.

8 The drainage, that would be resolved.
9 That would help everybody. Everybody has choice,
10 just like I do in my house. I didn't -- I don't
11 have grass growing really good in the one corner
12 of my house, so I cut down a tree. My wife didn't
13 like that, but that's what we had to do in order
14 to get grass to grow there. Everybody has the
15 right to either do that or not do that. They
16 chose not to do that, and that's, you know, the
17 struggle of sunlight, I guess, in their area
18 there.

19 And so I just think that the
20 improvement to the neighborhood, the house will,
21 you know, be something that is going to improve
22 everybody's appearance and it's going to improve,
23 obviously, values, and it's going to solve a lot
24 of the problems. It's just a matter of if there's

1 a breezeway or not, which was already approved by
2 the Historical District. And it's, you know, it's
3 going to be there, I think one way or the other.
4 It's just a matter of if it has a breezeway or
5 not. So I encourage you to think through that and
6 approve it to their favorite. Thank you.

7 MEMBER HALPENNY: Thank you.

8 CHAIRMAN RULLMAN: Anyone else?

9 MR. MICHAEL SWEENEY: Good evening,
10 Board. My name is Michael Sweeney. I'm the
11 president and owner of Red Oak Builders, that my
12 son has been instrumental in. I just want to give
13 an example of something that's very previous
14 [sic]. We just did a major renovation on a house
15 at 1403 South Second Street here in town. That
16 house was within 2 feet of the property line.

17 We ended up having to put in multiple
18 drain inlets, probably about 300 linear feet of
19 piping, to redirect the water away from the
20 structure to the south, and I think St. Charles
21 has probably one of the most strictest water
22 drainage programs. They have just hired a new
23 person to handle it. I think the last name is
24 Hawk; is that right? And she's a tremendous

1 engineer -- very, very strict. We went through
2 multiple efforts to make sure that what the City
3 wanted, we did.

4 And through our efforts, the people
5 have had no drainage problems. I'm talking about
6 the people to the north -- the south that would be
7 affected by it, and we also have had a tremendous
8 relationship with the City of St. Charles Building
9 Department, where I'm on a first-name basis with
10 Tom Medernach, Steve Herra, Holly downstairs, and
11 we have been building in the Fox Valley for
12 probably 35-plus years.

13 We have an impeccable record regarding
14 people calling about mud on the streets or debris
15 blowing in their yard. We've never had one
16 citation. If there's an issue, which that always
17 happens during construction, we immediately
18 correct it. That has never been an issue. We
19 have earned preservation awards from the City of
20 Geneva Historical Department. We have worked on
21 many homes that are even older than this one, and
22 I just wanted to say that also we have never
23 flipped a home in my 40-some years. We do all
24 custom new homes or custom remodeling. If you

1 want to look at a beautiful that we restored, look
2 at 1403 South Second Street. Thank you.

3 MEMBER HALPENNY: Thank you.

4 CHAIRMAN RULLMAN: Thank you.

5 Anyone else would like to be heard?

6 MS. PRETZ: Pat Pretz, 214 Chestnut
7 Avenue. Thank you for the opportunity to speak.

8 What I heard tonight was when they
9 purchased the home and, because of the business
10 they're in, I'm sure they know a lot more than I
11 know about purchasing homes and what you can do in
12 remodeling and restoration. But their original
13 intention was to use it for a rental home, and
14 then they changed their idea and they thought, no,
15 we need it for our family. And what I heard him
16 say tonight is, we needed changes to fit our large
17 family.

18 And I think to myself, well, you know,
19 when you bought it, the restrictions on the lot.
20 You're in a Historic District -- and I guess I'm
21 having trouble -- now, we're here for variances so
22 that they can build a house that is larger than
23 they probably intended when it was going to be a
24 rental, and that's fine. But I'm a rule follower.

1 You shouldn't need a variance if you're following
2 the rules, and I'm sorry you spent money on
3 designing this and planning it, but rules are
4 rules. We wouldn't be here unless a variance was
5 needed, correct?

6 So if something had been designed that
7 was appropriate -- I love saving the 1860 portion
8 because there's a tax advantage to that. When you
9 fix up the property, you're going to get breaks on
10 your taxes, and we all know that. So that's a
11 real incentive, and I get that. That's important.

12 I will say there's a drive on the other
13 side. That garage isn't large enough to put a car
14 in there, and because of the danger of the
15 driveway backing out, there's a side drive that's
16 been used for the whole 16 years that I've seen
17 that rented. Nobody uses the one with the garage
18 because they had another one that was put in,
19 probably in the '70s, because it was dangerous,
20 and it's even more dangerous after the bridge went
21 in in the '80s.

22 So, you know, when you say, have there
23 been any accidents? No, because no one's ever
24 used that. Maybe once or twice or to leave

1 something parked on it, but their daily driveway
2 was the one coming off of Chestnut, not the one
3 coming off Third Avenue.

4 I think when you look at the plan, too,
5 he has a plan to pave that driveway on -- coming
6 off of Chestnut, and then to put in a patio. We
7 just keep putting up bricks and cement on this
8 very small lot. There'll be very little green
9 space between that house and our house. When you
10 put the paver drive in, in addition to the other
11 driveway that's concrete with the new garage --
12 it's not a single-car garage. It's a
13 single-and-a-half-car garage.

14 So, you know, it's -- I understand
15 one-car garage. We have a one-car garage. The
16 problem in this area is you make concessions. We
17 all have. It's part of living -- you're not going
18 to get a perfect house here. It's in a historic
19 neighborhood, and they're quirky. The lots are
20 quirky, and the houses are quirky.

21 We're thrilled that somebody wants to
22 buy this and fix it up -- no one more than we are.
23 We've had all sorts of problems with renters, so,
24 yeah, we're thrilled about it. We love families.

1 We think this is a great idea, and we're all for
2 it. But I hear neighbors saying, oh, they're nice
3 people. We know they're nice people. We get
4 that. But, you know, something is better than
5 nothing is what I'm hearing. Well, why can't that
6 something be appropriate?

7 I know something is better than
8 nothing, but we always envisioned it being someone
9 who would be appropriate and keep it within the
10 constraints of your rules for zoning and not have
11 to ask for a variance that, really, is unkind to
12 the people who have to absorb all your extra
13 building and space. It really is. If you want to
14 be a good neighbor, why don't you keep it within
15 the size it should be? I know that's what we've
16 done.

17 And we bought our house, and we
18 restored it. And we bought the house across the
19 street, which my husband stated, and restored it.
20 And we didn't enlarge it. We just made it better,
21 and I think I'd like to see them make it so it's
22 an appropriate size that we don't have to be
23 asking for a variance. That's what disturbs me.
24 Let's be good neighbors and let's follow the

1 rules.

2 Thank you so much.

3 CHAIRMAN RULLMAN: Thank you.

4 MEMBER HALPENNY: Thank you.

5 CHAIRMAN RULLMAN: Anyone else?

6 MR. LOOF: I'm Willis Loof. I live at
7 516 North Third Avenue -- in a historic home at
8 516 North Third Avenue. We've lived there for
9 15 years and walk Third Avenue downtown during
10 that period of time. When we walk down, we walked
11 past this property every -- all the time. It has
12 been in disrepair. It's been a rental for all
13 that 15 years. We've sought -- we've seen
14 squirrels crawl down out of the roof. We saw all
15 kinds of things.

16 But as far as -- two things that I
17 don't want to repeat because they've already been
18 mentioned here a couple times. First of all, the
19 safety, and you asked about the accidents in front
20 of the garage. Well, there hasn't been any
21 accidents recently because the garage is too small
22 to be used and nobody parked there anyway, and
23 Mr. Izzo really pointed out exactly how dangerous
24 that driveway is.

1 The other thing is, if you pass this
2 and approve it, it's a precedent for our future
3 and what are you going to have in the future for
4 every 25-foot wide lot in St. Charles? So rather
5 than repeat everything, I'll keep it short, but
6 this -- I support the denial of this. Thank you.

7 MEMBER TOTTEN: Thank you.

8 CHAIRMAN RULLMAN: Thank you.

9 MEMBER HALPENNY: Thank you.

10 CHAIRMAN RULLMAN: Anyone else?

11 MR. PRETZ: I just wanted to --

12 CHAIRMAN RULLMAN: All right.

13 MR. PRETZ: Real quick.

14 Tom Pretz, 214 Chestnut.

15 Again, in reference to the carriage
16 house, I'm not referring to carriage houses
17 throughout the Historic District -- the entire
18 St. Charles Historic District. I was only
19 referring to -- there are no carriage houses in
20 the immediate area of the area that I was
21 referring to -- the seven houses.

22 CHAIRMAN RULLMAN: Thank you.

23 Anyone else?

24 If not, the testimony will be closed.

1 Just a comment: Each zoning action stands on its
2 own two feet. They never set a precedent. It's
3 finding of fact in each individual case. So
4 there's no precedent with one versus another.

5 Let me remind the petitioner that this
6 is a seven-member Board. Unfortunately, there's
7 only four members here. Any action we take has to
8 have a unanimous approval of the four of us that
9 are here. If you wish, we could discontinue this
10 until there's more members here, or we can go
11 forward -- it's your choice.

12 MR. MATTHEW SWEENEY: We'd like to move
13 forward.

14 CHAIRMAN RULLMAN: Like to go forward?
15 All right. Then I'd ask if anyone on
16 the Board would like to make a motion.

17 And these are the facts you got to
18 find.

19 MEMBER HALPENNY: I'd like to make a
20 motion to --

21 (Quiet discussion amongst Board
22 members.)

23 MEMBER HALPENNY: I'd like to make a
24 motion to approve the St. Charles Board of Appeals

1 has reviewed file V-2-2023, dated 4/12/23 and
2 received 4/12/23, for Matthew and Bernadette
3 Sweeney for the property located at 303 North
4 Third Avenue in St. Charles for, 1: Reduce the
5 rear yard setback on the north line from 30 feet
6 to 7.3 feet; no. 2: Allow 34.83 percent of the
7 building coverage, which is 98 -- 9.83 percent
8 over the maximum allowed 25 percent for up to an
9 additional 573.63 square foot of building
10 coverage; and --

11 (Quiet discussion amongst Board
12 members.)

13 MEMBER HALPENNY: Whereas, the
14 particular physical surroundings, shape, or
15 topographical condition of the specific property
16 involved would not result in a difficulty or
17 particular hardship to the property owner -- I'm
18 sorry -- as distinguished in a mere inconvenience
19 if the strict letter of the regulations were
20 carried out.

21 Whereas, the conditions upon the
22 petition for a variation is based would not be
23 applicable, generally, to other properties within
24 the same zoning clarification.

1 (Quiet discussion amongst Board
2 members.)

3 MEMBER HALPENNY: Whereas, the purpose
4 of the variation is based exclusively on a desire
5 to make -- or is not based on -- exclusively -- on
6 a desire to make more money out of the property.

7 Whereas, the alleged practical
8 difficulty or particular hardship has not
9 created -- been created by any person presently
10 having interest in the property.

11 Whereas, the variation, if granted,
12 will not alter the essential character of the
13 neighborhood.

14 Whereas, the granting of the variation
15 will not be detrimental to the public welfare or
16 injurious to the property or improvements in the
17 neighborhood in which the property is located.

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

1 Now, therefore, the St. Charles Zoning
2 Board of Appeals grants the variation requested
3 with the stipulations as specified in
4 Section 17.04.310 -- Variation of the Municipal
5 Code of the City of St. Charles, subject to the
6 following conditions, if applicable --

7 (Quiet discussion amongst Board
8 members.)

9 CHAIRMAN RULLMAN: There are no
10 conditions you're putting in there -- unless you
11 want to put it in there?

12 MEMBER STUDEBAKER: Do you need a
13 second?

14 MEMBER HALPENNY: Yeah. Can I have a
15 second? May I have a second, please?

16 CHAIRMAN RULLMAN: Is there a second?

17 MEMBER TOTTEN: Second.

18 CHAIRMAN RULLMAN: Moved and seconded.

19 MEMBER STUDEBAKER: Discussion?

20 CHAIRMAN RULLMAN: Any discussion?

21 MEMBER STUDEBAKER: I just have one
22 comment. I think on one of the (indiscernible),
23 I'm not sure that I agree with the alleged
24 practical difficulty or particular hardship has --

1 I'm not sure if, has not, is accurate. I'm not
2 sure how it changes the motion, but I -- I might
3 argue that they have created the hardship by the
4 breezeway component of whatever this is. So that
5 would be the only thing --

6 CHAIRMAN RULLMAN: It's been moved and
7 seconded.

8 We'll do a roll call vote.

9 Halpenny?

10 MEMBER HALPENNY: Yes.

11 CHAIRMAN RULLMAN: Studebaker?

12 MEMBER STUDEBAKER: Yes.

13 CHAIRMAN RULLMAN: Totten?

14 MEMBER TOTTEN: Yes.

15 CHAIRMAN RULLMAN: Rullman? No.

16 Petitioner, the variation's denied.

17 That ends the hearing on variation

18 V-2-23 -- 2023.

19 Any additional business from Board
20 members or staff?

21 Seeing none. Motion to adjourn?

22 MEMBER STUDEBAKER: Motion to adjourn.

23 MEMBER HALPENNY: Seconded.

24 CHAIRMAN RULLMAN: All in favor?

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(Chorus of ayes.)

(Off the record at 9:22 p.m.)

1 CERTIFICATE OF REPORTER - NOTARY PUBLIC

2

3 I, Kristine Wesner, CVR, the officer before
4 whom the foregoing proceeding was taken, do hereby
5 certify that the foregoing transcript is a true
6 and correct record of the testimony given; that
7 said testimony was taken by me and thereafter
8 reduced to typewriting under my direction; that
9 reading and signing was not requested; and that I
10 am neither counsel for, related to, nor employed
11 by any of the parties to this proceeding and have
12 no interest, financial or otherwise, in its
13 outcome.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 9th day of
16 May, 2023.

17

18

19

20 My Commission Expires: July 02, 2025

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