



Two East Main Street  
St. Charles, IL 60174  
630.377.4400

**Date: September 22, 2023**

**To: Zoning Board of Appeals**

**From Russell Colby, Community Development Director**

**Re: Appeal for 303 N. 3<sup>rd</sup> Ave. (File A-1-2023)**

**Building Addition Permit for 303 N. 3rd Ave. - Permit Number PRAD202300191 issued June 7, 2023**

#### Status of the Application

- The Board heard this Appeal application at the meeting on July 20, 2023.
- The applicant presentation and public comment were concluded.
- The Board agreed to table the item to the September 28, 2023 meeting.
- No further information has been submitted by the applicant since the July 20 meeting. The minutes and presentation by the applicant have been included in the meeting packet.
- Any member absent from the July 20 meeting who certifies that they have read the minutes of the meeting and reviewed the application may vote upon the Appeal.
- Per the customary practice of the Board, it is recommended to verify with the applicant, prior to any motions, whether they wish to have the application voted on at the meeting, or tabled to a future date.
- The Board can then proceed with offering a Motion on the Appeal application.

#### Form of Motion

The City Attorney has advised that the correct motion, for final action by the Board, is to motion consistent with the applicant's request, and vote on this motion.

In the case of this Appeal, the correct motion is a motion to "reverse" the decision of the Community Development Director. This motion would require 4 yes votes to pass; otherwise, the motion fails, and the applicant's Appeal application is officially denied.

## ST. CHARLES ZONING BOARD OF APPEALS

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**APPEAL #:** A-1-2023  
**LOCATION:** 303 N. 3<sup>RD</sup> AVE.

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**Requested Action:** Zoning Interpretation Appeal:  
Applicant is requesting an appeal to the Director of Community Development’s interpretation of a “Breezeway” outlined in the City’s Zoning Code section 17.30.030 – General definitions.

The Appeal process provides an opportunity for persons affected by administrative decisions by the Director of Community Development and the Building and Code Enforcement Division Manager to appeal those decisions.

**Purpose and Scope:** The review body may affirm or reverse, in whole or in part, or may modify, the order, requirement, decision or determination and to that end, has all the powers of the officer from whom the Appeal is taken. Its decision shall be based on the documents pertaining to the administrative decision transmitted by the Director of Community Development and Building and Code Enforcement Division Manager, as well as any additional testimony presented at the hearing.

**Existing Land Use:** Private Residence

**Existing Zoning:** RT-4 Traditional Single Family Residential





CITY OF  
ST. CHARLES  
ILLINOIS • 1834

Two East Main Street  
St. Charles, IL 60174  
630.377.4400

June 19, 2023

Matthew & Bernadette Sweeney  
303 N. 3<sup>rd</sup> Ave.  
St. Charles, IL 60174

**Re: Building Addition Permit for 303 N. 3<sup>rd</sup> Ave.  
Permit Number PRAD202300191 issued June 7, 2023**

Mr. & Mrs. Sweeney-

The City of St. Charles recently issued a permit for a Building Addition for 303 N. 3<sup>rd</sup> Ave. In order to comply with Zoning Ordinance requirements, there was a condition placed on the permit requiring removal of the "NanaWall" folding glass walls shown on the roofed section connecting the house and garage. This section was intended to be considered a *breezeway* connecting to a *detached garage*.

You recently requested that a Zoning Interpretation be provided, so that you can consider whether to file for an Appeal of the code interpretation regarding your project.

### **Background**

Terms listed in this section are defined in Municipal Code, Section 17.30.030, "General Definitions".

A *Breezeway* is defined as:

***Breezeway.*** A roofed, open-sided structure that connects a principal building with an accessory building.

The house would be considered the *Principal Building*, and the garage an *Accessory Building*:

***Principal Building.*** A non-accessory building in which the principal use of the lot on which it is located is conducted.

***Accessory Building.*** A building that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied for a permitted accessory use. Examples of accessory buildings include private garages and storage buildings.

The plans submitted for permit have been designed to comply with the building coverage and setback requirements for a house and detached garage, with a breezeway connection to the house.

In order to be considered detached, the garage must meet the code definition of a *Detached Building*:

***Building, Detached.*** A building surrounded by open space on the same lot. A building connected to another building only by an unenclosed structure shall be deemed to be a detached building.

The Zoning Ordinance also contains the following definition for *Building, Completely Enclosed*:

***Building, Completely Enclosed.*** A building enclosed by a permanent roof and continuous exterior walls having openings only for windows, screens, and entrance or exit doors.

In summary, the code permits an *Accessory Building* (the garage) to be connected to the *Principal Building* (the house) by a *Breezeway* (an open-sided structure) and the garage would still meet the definition of a *Detached Building*.

### **Interpretation**

It is my interpretation, as the Director of Community Development, that use of the proposed "NanaWall" on the sides of the roofed section connecting the house and garage would not meet the *breezeway* definition of "open-sided", and therefore the structure would be considered enclosed, and the garage would be considered attached, not detached.

The *Completely Enclosed Building* definition identifies that "windows, screens and entrance or exit doors" may constitute part of a "continuous exterior wall". The code does not identify a foldable wall/window like a NanaWall, however, absent such reference in the definition, the NanaWall is similar to large door or large operable window.

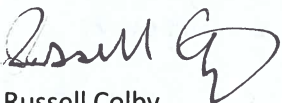
As far as I am aware, this type of design has not previously been proposed for this use or purpose, and therefore I am not aware of there being any past Zoning Interpretation on this issue.

I understand that there may be other factors specific to your project or design, which are not considered in the Zoning Ordinance definitions, but that you would like to present in support of the use of the NanaWalls being considered part of a breezeway.

Therefore, should you wish to pursue this further, you are entitled to file for an Appeal under Section 17.04.300 of the St. Charles Municipal Code, subject to submitting the Appeal application form on the City website.

If you need additional information, I can be contacted at (630) 377-4443 or [rcolby@stcharlesil.gov](mailto:rcolby@stcharlesil.gov)

Sincerely,



Russell Colby

Director of Community Development



# Application for Appeal before the Zoning Board of the Appeals

City of St. Charles - Community & Economic Development Dept.  
2 E. Main St., St. Charles, IL 60174 - (630) 377-4443 - cd@stcharlesil.gov



Do Not Write in this Space – For Office Use Only PLZBAA202300119

Date Received: <u>7-10-23</u>	File Number: <u>A-1-2023</u>
Fee Paid: _____	Receipt No. _____
Date of Hearing: <u>7-20-23</u>	
Action by the Zoning Board of Appeals: _____	(Granted, Denied, Other)
Comments: (include other actions such as continuances)	
_____	
_____	

**Fees:**

**Filing Fee: \$150 at the time of application. Fee is non-refundable.**

**Reimbursement of Fees Deposit:**

**Deposit of \$1,000 for City staff review time, court reporter and transcript fees - Reimbursement Agreement attached.**

**PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED:**

Appeal is taken from the decision of the Building & Code Enforcement Manager and/or the Director of Community Development, a copy of which is attached, for a reversal or modification of said decision by the Zoning Board of Appeals to permit:

(insert use of construction proposed)  
on the property described below, and in conformity with enclosed plans, if applicable.

Revisions or modifications of said decision should be granted because: See attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(if more room is required, attach separate sheet to application)

**Zoning Board of Appeals  
Appeal Application  
Page 2**

**Address, Use and Zoning of Property:**

Address: 303 N. 3<sup>RD</sup> AVE  
Use: RESIDENCE  
Zoning District: RT-4

**Action by Applicant of Property:**

Permit applied for and denied? YES, WITH RESTRICTION "REMOVAL OF NANAWALL"  
(Yes or No)  
A previous appeal made with respect to these premises: Yes  
(Yes or No)

**Data of Applicant and owner:**

Name of Applicant (s): MATTHEW SWEENEY  
BERNARDITE SWEENEY

Address of applicant (s): 101 COLTON COURT  
ST CHARLES IL 60174

Email Address for applicant: sweeneymatt074@gmail.com, reddarragh@hotmail.com

Name of Owner (s): MATTHEW SWEENEY  
BERNARDITE SWEENEY

Address of owner (s): 101 COLTON COURT  
ST CHARLES IL 60174

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

<u>Matthew Sweeney</u> Signature of Applicant or agent	<u>MATTHEW SWEENEY</u> Print name of applicant/agent	<u>7/7/23</u> Date
<u>Matthew Sweeney</u> Signature of owner	<u>MATTHEW SWEENEY</u> Print name of owner	<u>7/7/23</u> Date

July 7, 2023

Zoning Board of Appeals

Re: Building Addition Permit for 303 N 3rd Ave, Permit # PRAD202300191

Board Members,

We are asking the zoning board of appeals to grant the use of NanoWalls on the east and west facing breezeway. A NanoWall is a "retractable glass panel system" that was previously approved by the community development office back in December 2022, following approval from the Historical Committee, which ensued shortly thereafter.

Upon this agreement, we (Matt & Bernadette) sold our former home and finalized the building permitting and historical commission COA. **The unexpected and unfounded re-interpretation to disallow the NanoWall was made at a date when our house was already sold and we could not back out of the proposed 303 N 3rd Ave project.** The current interpretation disallowing the NanoWall means that we (Matt & Bernadette) will need to sleep in an unfinished basement, due our family size. Let it be known that redesigning the home, to meet a bedroom standard to fulfill all family members, IS IMPOSSIBLE, due to modest roof heights and with keeping the historical integrity of the home. In other words, we have already attempted.

We will discuss further and kindly answer any questions during the Board of Appeal meeting.

Sincerely,  
Matt And Bernadette Sweeney



Two East Main Street  
St. Charles, IL 60174  
630.377.4400

**Date: July 14, 2023**

**To: Zoning Board of Appeals**

**From Russell Colby, Community Development Director**

**Re: Appeal for 303 N. 3<sup>rd</sup> Ave. (File A-1-2023)**

**Building Addition Permit for 303 N. 3rd Ave. - Permit Number PRAD202300191 issued June 7, 2023**

An Appeal application has been submitted regarding a Zoning Interpretation for this property. The interpretation is outlined in my formal interpretation letter dated June 19, 2023.

The Appeal application that has been submitted also addresses a review process that occurred over a number of meetings with the Historic Preservation Commission. This letter is intended to provide background on this process.

The subject property is located in the Historic District and is subject to a Historic Preservation “Certificate of Appropriateness” approval requirement for exterior modifications. This is a review of both historic preservation requirements and architecture. At the time, the property contained a “Contributing” structure that was comprised of an original building, a later addition and a detached garage.

The owners contacted Community Development staff in Fall 2022 to discuss potential layouts for preliminary presentation to the Historic Commission. The initial layouts that were presented included demolition of the existing addition and detached garage, and construction of new additions with an attached garage. These initial designs did not comply with the Zoning requirements based on the size and setbacks.

Based on preliminary feedback from the Historic Commission and Community Development staff, use of a detached garage was suggested as an alternate design. The Zoning Ordinance grants additional “building coverage” when a detached garage is provided in lieu of an attached garage, and this additional “building coverage” effectively allows for a larger total building footprint on the lot. Additionally, a detached garage is a permitted yard encroachment, which provides more flexibility with minimal setbacks for the garage.

A revised design was then proposed with a detached garage and a connecting “breezeway”. As outlined in the Zoning Interpretation letter, in order to meet zoning requirements, the garage needs to meet the definition of a detached structure, which depends on the classification of the “breezeway” as unenclosed.

The owners had an interest in using some type of temporary enclosure for the breezeway. Community Development staff suggested that the owner could propose a design where the breezeway functioned as an



exterior space, with exterior walls on both the house and garage, with a non-permanent enclosure that was able to be fully opened. It was recommended to present this concept to the Historic Commission as a part of the architectural review, to determine if they would consider this type of design a “breezeway” from an architectural standpoint and whether they would support a “Certificate of Appropriateness” with this type of design.

Ultimately, the Historic Commission supported the design with the breezeway and NanaWall windows/doors. However, during the review process, there were questions raised by some Commissioners and neighbors of the property as to whether or not this type of breezeway enclosure would comply with the Zoning Ordinance definitions.

Community Development staff represented at the meetings that the project compiled with Zoning Ordinance requirements, however, a formal interpretation had not been issued regarding the breezeway NanaWall enclosure. The definitions in the code are not specific to this type of design, and there is no past history of the City approving or denying this type of design for a “breezeway.”

Therefore, at the conclusion of the Historic Preservation COA review, based on the questions raised and the lack of specificity in the Zoning Ordinance, I concluded that, in my opinion, there was not sufficient basis in the code definitions to allow the NanaWall enclosure of the breezeway as proposed. Community Development staff then advised the owners that a variation application would be required to proceed with the project as proposed.

The variation application that was submitted was requesting a reduced rear yard setback and increased building coverage. These variation requests were based on an interpretation that the “breezeway” was enclosed and therefore the garage was attached, not detached. The variation was reviewed and recommended for approval by the Historic Commission on April 19, 2023. The variation application was heard by the Zoning Board on May 4, 2023, and was denied.

I met with the owners on June 2, 2023 to outline what processes are available under the Zoning Ordinance if they still wish to pursue the installation of the NanaWall windows/doors on the breezeway. The options include:

- A new Variation application, but this could not be filed for 1 year, unless there was some change in the project or change in the facts or law related to the request.
- An Appeal to an Interpretation by the Director of Community Development, under 17.04.300 of the Zoning Ordinance. I agreed to issue a formal Zoning Interpretation letter regarding the building permit review for the project for the purpose of submitting an Appeal application.
- A General Amendment (text amendment) to the Zoning Ordinance to clarify the definition in order to specifically allow this type of enclosure on a breezeway.

The building permit for the project was issued on June 7, 2023, with a condition that the NanaWall windows/doors be omitted from the project. The project is now under construction.

The Appeal application was filed and is now up for consideration by the Zoning Board, per the process and procedures of 17.04.300.

## **From the St. Charles Municipal Code, Title 17- Zoning Ordinance**

### **17.04.300 Appeals**

#### **A. Purpose**

The Appeal process provides an opportunity for persons affected by administrative decisions by the Director of Community Development and the Building and Code Enforcement Division Manager to appeal those decisions.

#### **B. Application**

An Appeal may be taken to the appropriate review body by any person aggrieved by a written decision, order or determination under this Title by the Director of Community Development or the Building and Code Enforcement Division Manager, if initiated within forty-five (45) days of the action complained of. The applicant shall file a written application with the Director of Community Development or the Building and Code Enforcement Division Manager. The Director of Community Development and the Building and Code Enforcement Division Manager shall transmit to the review body copies of all documents in their possession relating to the administrative decision being appealed. The Appeal shall be referred to one of the following review bodies, based on the type of decision being appealed:

- Appeal of administrative Design Review Decisions (All Districts except CBD1 and CBD2): Plan Commission
- Appeal of Design Review Decisions (CBD1 and CBD2 Districts only): Historic Preservation Commission
- All other decisions under this Title: Board of Zoning Appeals

#### **C. Procedure**

1. The review body shall establish a time and place for hearing the Appeal and give written notice thereof to all necessary parties not less than 15 days prior to the hearing. The hearing shall be scheduled at a reasonable time, but not later than the review body's second regular meeting following receipt of the Appeal, unless otherwise agreed by the applicant. Any party may appear in person, or by agent or attorney, at the hearing. The review body shall thereafter reach its decision not later than its next regularly scheduled meeting, or within 45 days after the hearing, whichever is greater.
2. Filing of an Appeal shall stay all proceedings in furtherance of the decision appealed unless, in the reasonable opinion of the Director of Community Development or the Building and Code Enforcement Division Manager, a stay would significantly impair protection of the public health, safety and welfare. In such case the proceedings shall not be stayed other than by a court order.
3. The review body may affirm or reverse, in whole or in part, or may modify, the order, requirement, decision or determination and to that end, has all the powers of the officer from whom the Appeal is taken. Its decision shall be based on the documents pertaining to the administrative decision transmitted by the Director of Community Development and Building and Code Enforcement Division Manager, as well as any additional testimony presented at the hearing.

# APPLICATION FOR COA REVIEW

## HISTORIC PRESERVATION "CERTIFICATE OF APPROPRIATENESS"



COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT / CITY OF ST. CHARLES

(630) 377-4443

To be filled out by City Staff

Permit #: 2023 -- 00191 Date Submitted: 2/13/23 COA # 23 -- 7 Admin. Approval: \_\_\_\_\_

### APPLICATION INFORMATION

Address of Property: 303 N. 3RD AVE.



Use of Property:  Commercial, business name: \_\_\_\_\_  
 Residential  Other: \_\_\_\_\_

Building & Code Enforcement  
St. Charles, IL

### Project Type:

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Exterior Alteration/Repair | <input checked="" type="checkbox"/> New Construction   | <input checked="" type="checkbox"/> Demolition         |
| <input checked="" type="checkbox"/> Windows                    | <input type="checkbox"/> Primary Structure             | <input type="checkbox"/> Primary Structure             |
| <input type="checkbox"/> Doors                                 | <input checked="" type="checkbox"/> Additions          | <input checked="" type="checkbox"/> Garage/Outbuilding |
| <input type="checkbox"/> Siding - Type: <u>WOOD (NEW)</u>      | <input type="checkbox"/> Deck/Porch                    | <input type="checkbox"/> Other _____                   |
| <input type="checkbox"/> Masonry Repair                        | <input checked="" type="checkbox"/> Garage/Outbuilding | <input type="checkbox"/> Relocation of Building        |
| <input type="checkbox"/> Other _____                           | <input type="checkbox"/> Other _____                   |  |
| <input type="checkbox"/> Awnings/Signs                         |  |  |

### Description:

Whole house remodel, new siding, windows. Retain existing cornice trim and door front entry trim. Demo existing garage. New detached garage w/ breezeway and mudroom addition.

### Applicant Information:

Name (print): MATTHEW SWEENEY  
 Address: 303 N 3RD AVE, ST. CHARLES 60174  
 Phone: 630 930 7880  
 Email: sweeneymatt074@gmail.com

Applicant is (check all that apply):

- Property Owner
- Business Tenant
- Project contractor
- Architect/Designer

### Property Owner Information (if not the Applicant)

Name (print): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_

### APPLICANT/AUTHORIZED AGENT SIGNATURE

I agree that all work shall be in accordance with the plans, specifications and conditions which accompany this application, and I have read and understand the Historic Preservation COA General Conditions.

Signature: Matthew Sweeney Date: 2/4/23

**THIS PAGE IS TO BE FILLED OUT AT THE HISTORIC COMMISSION MEETING**

**HISTORIC COMMISSION APPROVAL:**

The Historic Preservation Commission hereby issues a Certificate of Appropriateness (COA) authorizing the issuance of a building permit for the proposed work in accordance with the attached plans and any approval conditions, if attached hereto.

  
Chairman Signature

4-5-23  
Date

**Approved:**

- As presented
- Subject to conditions below
- Complete project scope only (all elements must be included)

**CONDITIONS OF APPROVAL**

**Project Specific Conditions:**

1. Go over 6 window sashes on all principle windows
2. ~~Public works be notified of blind drive~~ public works be notified of blind drive
3. \_\_\_\_\_

**General Conditions:**

1. The person signing this form is responsible for communicating the Terms and Conditions listed herein to all contractors for the project.
2. Design, materials and construction methods shall be as shown on the COA, either in the conditions or on the attached plans.
3. The COA approval is limited to the scope of work documented in the plans.
4. No visible or concealed structural elements or historic features may be modified or removed unless identified in the COA approval.
5. Any historic materials that are inadvertently lost or damaged during construction without COA approval must be replaced to the preconstruction condition at the expense of the owner.

**What to do if you encounter unforeseen issues during construction, or if a change to the project is being considered:**

1. Stop work until a revised COA approval is received. Do not discard any materials- All materials must be stored on site until a new COA review is conducted.
2. Contact the City of St. Charles Community Development Division immediately- 630-377-4443. City staff can contact the Historic Preservation Commission Chairman to seek direction. If the issue is of an urgent nature, a special commission meeting can be scheduled at the discretion of the Chairman. The Historic Commission can meet with a minimum of 48 hour notice.
3. Removal of structural elements or historic features without a COA approval is only permitted where the City has determined there is an imminent safety risk. This determination must be made by the City's Building and Code Enforcement Division- 630-377-4406.
4. In the event that any structural elements or historic features must be, or have been removed or dismantled for safety reasons:
  - a. Any deterioration of structural elements or historic features shall be documented by physical or photographic evidence.
  - b. All materials shall be stored on site until a COA review is conducted – do not discard any materials.

**APPLICANT/AUTHORIZED AGENT SIGNATURE**

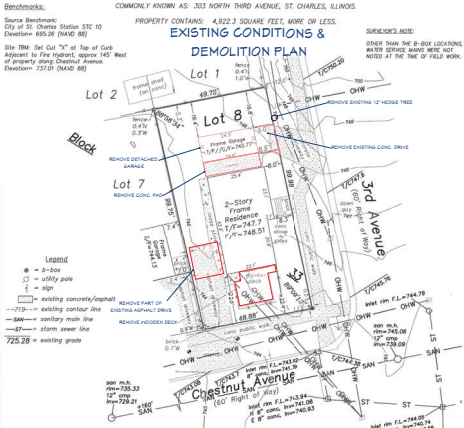
I agree that all work shall be in accordance with the plans, specifications and conditions which accompany this application, and I have read and understand the Historic Preservation COA General and Project Specific Conditions.

Signature:  Date: 4/5/23

**If you have any questions on the information listed above, contact the Community Development Division at 630-377-4443.**

**PLAT OF SURVEY & TOPOGRAPHIC EXHIBIT**

LOT 8 IN BLOCK 33 OF THE ORIGINAL TOWN OF ST. CHARLES, ON THE EAST SIDE OF THE FOX RIVER, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.



Source Benchmark: City of St. Charles Station 57C 10 Elevation: 692.36 (NAVD 88)

Site 1/8" = Set Out "x" of Top of Curb Adjacent to Fire Hydrant, approx 145' West of property along Chestnut Avenue. Elevation: 737.01 (NAVD 88)

COMMONLY KNOWN AS: 303 NORTH THIRD AVENUE, ST. CHARLES, ILLINOIS.

PROPERTY CONTAINS: 4,922.3 SQUARE FEET, MORE OR LESS.

OTHER THAN THE 3'-BOX LOCATIONS, WATER SERVICE (BASIS WERE NOT NOTED AT THE TIME OF FIELD WORK.

STATE OF ILLINOIS ) SS  
 COUNTY OF KENDALL )

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM (LAND SURVEYOR CORPORATION NO. 184-096826), DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR REASONABLE SEARCH FOR EVIDENCE OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATE AT YORKVILLE, ILLINOIS ON JANUARY 10, 2023.

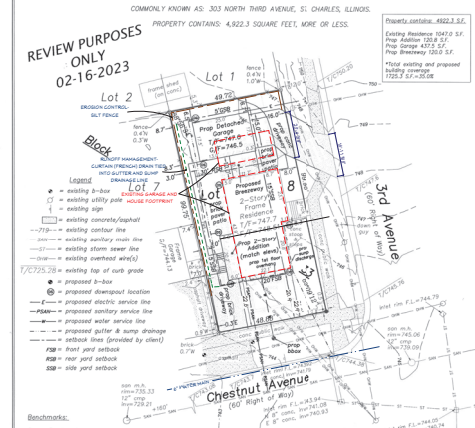
Eric C. Pokorny  
 MICHEL C. ENALACO, P.L.S. 2768, Exp. 11/30/2024  
 ERIC C. POKORNY, P.L.S. 3818, Exp. 11/30/2024

**TODD SURVEYING**  
 Professional Land Surveying Services  
 "Cornerstone Surveying PC"  
 735 John Street, Suite D  
 Yorkville, IL 62458  
 Phone: 630-892-1109 Fax: 630-892-5144  
 Survey is only valid if original seal is shown in red.

Drawn: Matthew Sweeney  
 Date: 2/28/2023  
 File # 2023-02-28  
 Project Number: 2022-1260

**SITE PLAN**

LOT 8 IN BLOCK 33 OF THE ORIGINAL TOWN OF ST. CHARLES, ON THE EAST SIDE OF THE FOX RIVER, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.



Source Benchmark: City of St. Charles Station 57C 10 Elevation: 692.36 (NAVD 88)

Site 1/8" = Set Out "x" of Top of Curb Adjacent to Fire Hydrant, approx 145' West of property along Chestnut Avenue. Elevation: 737.01 (NAVD 88)

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STATE OF ILLINOIS ) SS  
 COUNTY OF KENDALL )

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM (LAND SURVEYOR CORPORATION NO. 184-096826), DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR REASONABLE SEARCH FOR EVIDENCE OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATE AT YORKVILLE, ILLINOIS ON JANUARY 10, 2023.

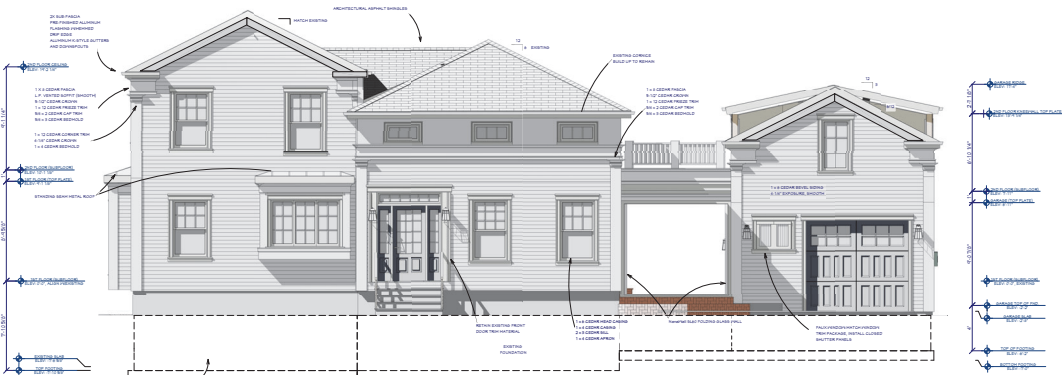
Eric C. Pokorny  
 MICHEL C. ENALACO, P.L.S. 2768, Exp. 11/30/2024  
 ERIC C. POKORNY, P.L.S. 3818, Exp. 11/0/2024

**TODD SURVEYING**  
 Professional Land Surveying Services  
 "Cornerstone Surveying PC"  
 735 John Street, Suite D  
 Yorkville, IL 62458  
 Phone: 630-892-1109 Fax: 630-892-5144  
 Survey is only valid if original seal is shown in red.

Drawn: Matthew Sweeney  
 Date: 2/28/2023  
 File # 2023-02-28  
 Project Number: 2022-1260

BY	UACB	BY	UACB
DATE	1/10/2023	DATE	1/10/2023
BY	UACB	BY	UACB
DATE	1/10/2023	DATE	1/10/2023
<b>SITTESSBT</b>			
<b>R. ANETH</b>			
<b>G. OLSCHKE, REEDED</b>			
<b>SJ OL SW5 PAL L EBOI</b>			
<b>HN SSI SYP SHEL SI RS</b>			
<b>MC-PT-EC-LE-LUV/S/CHICR-A-UGH/REV</b>			
<b>L. AME THE ONE, REBFD</b>			
<b>J. ACCORN SSI SY</b>			
<b>23N 028BSEC: P. L</b>			
<b>RAJ GDI P. EW/REV</b>			
<b>LACSD</b>			
<b>M&amp;B/BLM</b>			
<b>HRAVED</b>			
<b>3&amp;2' 3--4</b>			
<b>H: SSCD</b>			
<b>7</b>			



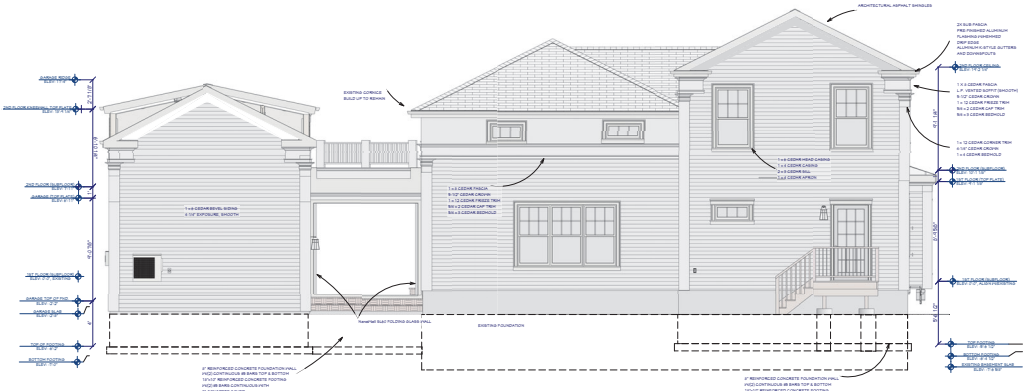
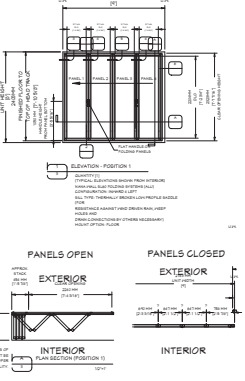


FRONT ELEVATION

SCALE: 1/4" = 1'-0"

WINDOWS & DOORS: PROVIDE MARVIN ELEVATION ALUMINUM GLAZED WINDOWS, INSULATED GLASS PLYLOW E COATING & ARGON GAS. UNITS TO HAVE MINIMUM U-FACTOR VALUE OF 0.27 OR LOWER. HUNTING TO BE TOP ILLUMINATED DIVIDED LIGHT.

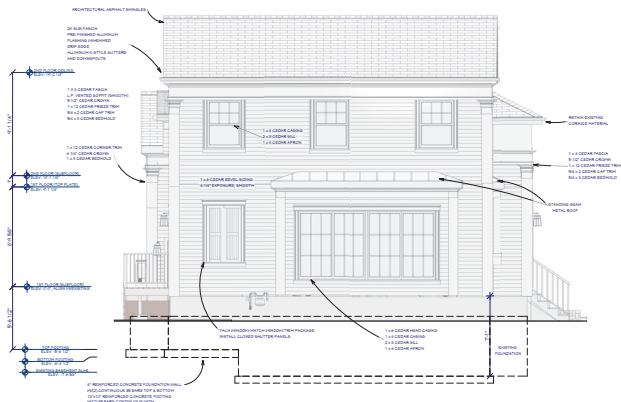
**NanaWall SL60**  
FOLDING GLASS WALL



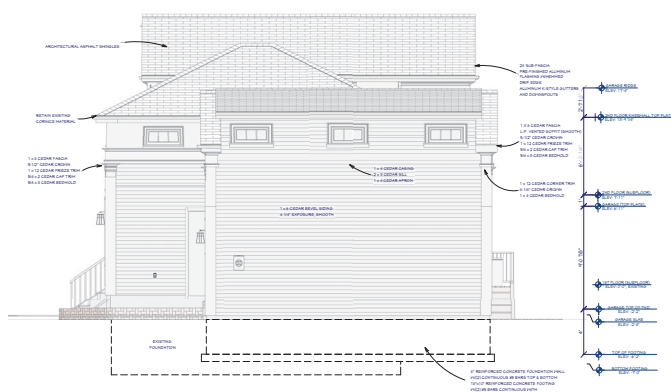
REAR ELEVATION

SCALE: 1/4" = 1'-0"

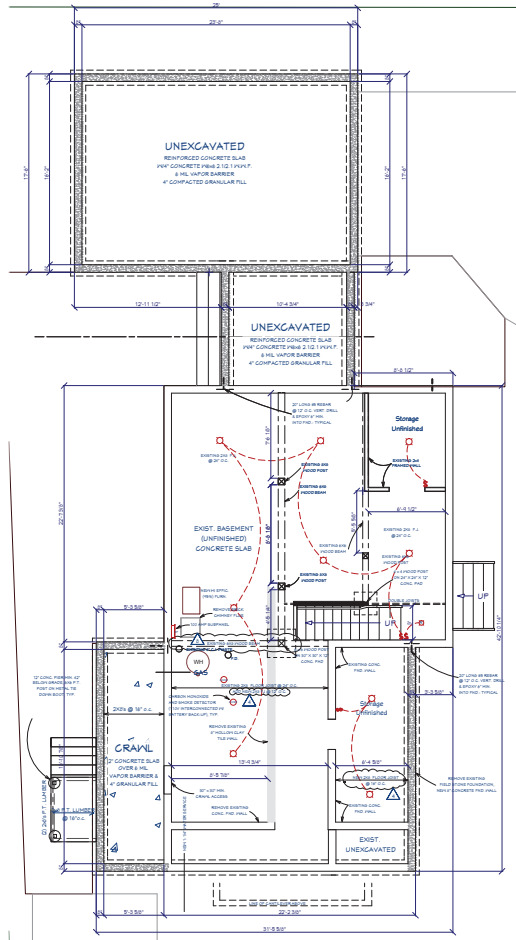
NO. 5	DATE	
NO. 4	DATE	
NO. 3	DATE	
NO. 2	DATE	
NO. 1	DATE	
SITE PLAN		
NHSS: Y 1 1 5		
WE. BE. CONCRETE/VA. R.S. L D S I N S E D D P R A NU S S A O R S N I P S A C S 1-1 U Y H R D I E T S I N K C H E R S I N T P		
D R I E T P L A N I T I T R O G R A M E W U S S A S O P M O B S E R H O D C E W L A H R I N T P		
DE 5:		
RE 1:		
NCEI:		
M2 4 M-4		
NHSS:		
2		



**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

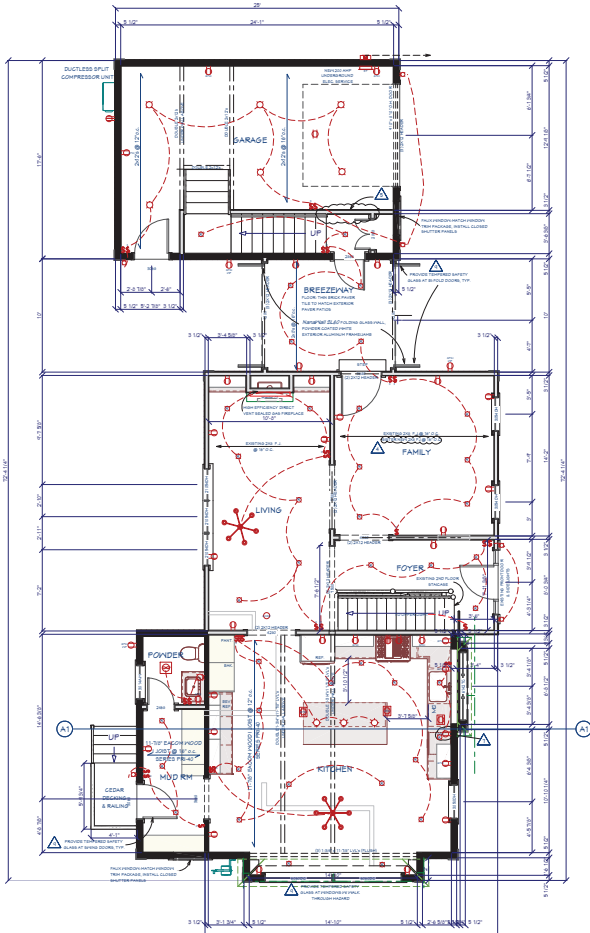


**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"

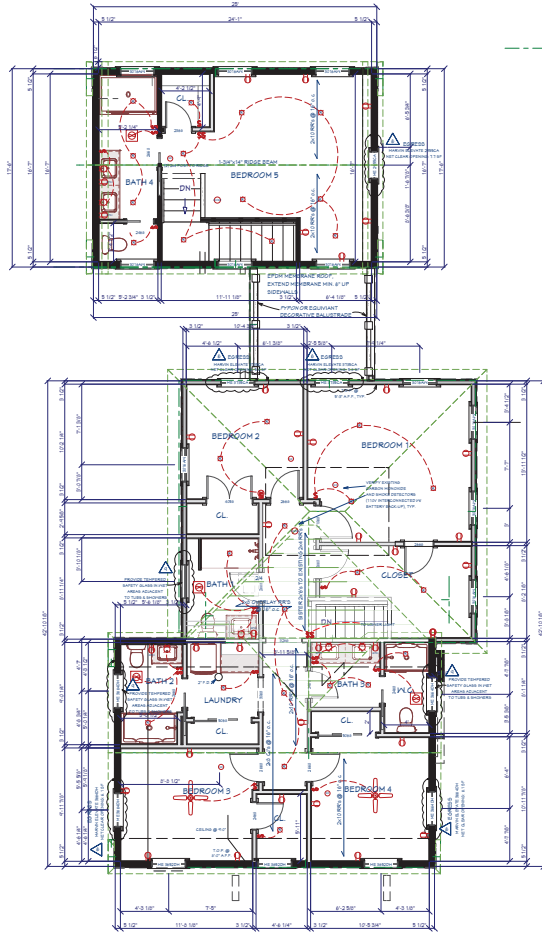


**FOUNDATION CONSTRUCTION PLAN**  
SCALE: 1/4" = 1'-0"

NO.		DESCRIPTION		BY	DATE
SHEET TITLE: <b>ELEVATION &amp; ADDITION FOUNDATION CONSTRUCTION PLAN</b>					
PROJECT DISCIPLINE: <b>REMODEL &amp; ADDITION SWEENEY RESIDENCE 303 N THIRD AVE, ST CHARLES, IL</b>					
DRAWINGS PROVIDED BY: <b>MATT SWEENEY 411867 BETH RD CAMPTON HILLS, IL</b>					
DATE: <b>3/13/23</b>					
SCALE: <b>1/4" = 1'-0"</b>					
SHEET: <b>3</b>					



FIRST FLOOR CONSTRUCTION PLAN  
SCALE: 1/4" = 1'-0"



SECOND FLOOR CONSTRUCTION PLAN  
SCALE: 1/4" = 1'-0"

DATE REVISION	3	REV
REF: 3/21/2017 U: 3 F N: 847 P N N S / F O LG : : O : JAU : L S N : O D : / - / ADMINSURVY : ALVADHOUSE LABS		
NPV: W / IE / II / LDP&: W E124' E±- 4 LH: : VW <b>4</b>		

**ROOF CONSTRUCTION**  
 ARCHITECTURAL ASPHALT SHINGLES  
 SYNTHETIC UNDERLAYMENT  
 ICE & WATER SHIELD FROM  
 FASCIAGUTTER TO 24" BEYOND  
 EXTERIOR WALL LINE  
 1/2" POLYWOOD SHEATHING  
 2X10 RAFTERS @ 16" O.C.  
 2X6 CEILING JOISTS @ 16" O.C.  
 AIR BATTLE  
 HIGH DENSITY R-49 INSULATION MVVAPOR  
 RETARDER ON WARM SIDE OF INSULATION  
 1/2" DRYWALL TAPED & SANDED

**2ND FLOOR CEILING**  
 1/2" SUB-FASCIA  
 PRE-FINISHED ALUMINUM  
 FLASHING FINISHED  
 DRIP EDGE  
 ALUMINUM K-STYLE GUTTERS  
 AND DOWNSPOUTS

1X CEDAR FASCIA TRIM  
 L.P. VENTED SOFFIT (SMOOTH)  
 5" CEDAR BEDMOLD  
 5/8" CEDAR FREEZE TRIM  
 5/4" CEDAR HEAD TRIM

**2ND FLOOR (SUBFLOOR)**  
 ELEV. 10'-1 1/2"  
**1ST FLOOR (TOP PLATE)**  
 ELEV. 9'-1 1/2"

**WALL CONSTRUCTION**  
 5" BEVELED CEDAR SIDING  
 TYVEK WEATHER RESISTIVE BARRIER  
 1/2" OSB SHEATHING  
 2X8 STUDS @ 16" O.C.  
 HIGH DENSITY R-20 INSULATION MVVAPOR  
 RETARDER ON WARM SIDE OF INSULATION  
 1/2" DRYWALL TAPED & SANDED

**NOTE:**  
 PLANS REPRESENT IECC 2019  
 (TABLE 402.1.2, ZONE 5)  
 COMPLIANCE BY PRESCRIPTION

**1ST FLOOR (SUBFLOOR)**  
 ELEV. 0'-0", ALIGN P/EXISTING

**WALL CONSTRUCTION**  
 DRAINAGE MAT  
 ASPHALT DAMPROOFING  
 3" REINFORCED CONCRETE FOUNDATION WALL  
 6-1/2" POLY-ENCAPSULATED THERMAL  
 FIBERGLASS INSULATION OR EQUAL  
 (2) #5 BARS TOP & BOTTOM

**TOP FOOTING**  
 ELEV. -3'-6 1/2" BELOW 1ST FLOOR  
**BOTTOM FOOTING**  
 ELEV. -5'-4" 1/2"  
 EXISTING BASEMENT SLAB  
 ELEV. -7'-5 5/8" BELOW 1ST FLOOR

**FLOOR CONSTRUCTION**  
 3/4" HARDWOOD FLOORING  
 3/4" T&G OSB DECKING  
 2X12 FLOOR JOISTS @ 16" O.C.  
 PVBRIDGING @ MID-SPAN  
 1/2" DRYWALL TAPED & SANDED

HIGH DENSITY R-21 INSULATION MVVAPOR  
 RETARDER ON WARM SIDE OF INSULATION  
 2X PRESSURE TREATED SILL PLATE W/SILL SEALER  
 1/2" DIA. ANCHOR BOLT @ 48" O.C. & 12"  
 FROM ALL CORNERS AND PLATE ENDS

**FLOOR CONSTRUCTION**  
 REINFORCED CONCRETE SLAB:  
 4" CONCRETE W/ #6 @ 2-1/2" MIN. P.F.  
 6 MIL VAPOR BARRIER  
 4" COMPACTED GRANULAR FILL

18"x10" CONCRETE FOOTING  
 4" DIAMETER PERIMETER DRAIN TILE (PROVIDE  
 FABRIC SOCK OVER DRAINTILE) W/ 1/2" WASHED  
 GRAVEL BASE AND 12" WASHED GRAVEL COVER

**2ND FLOOR KNEE WALL TOP PLATE**  
 ELEV. 15'-3"

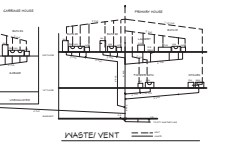
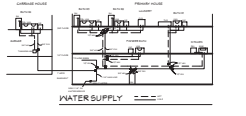
**2ND FLOOR EXISTING**  
 ELEV. 9'-8 1/2"  
**1ST FLOOR CEILING EXISTING**  
 ELEV. 9'-10"

**1ST FLOOR (SUBFLOOR)**  
 ELEV. 0'-0", EXISTING

**PLUMBING FIXTURE UNIT COUNT**

QUANTITY	FIXTURE	UNITS	TOTAL
2	BATHUB	2	0
1	BOWL	1	0
1	CLOTHES WASHER	2	2
1	DISHWASHER	1	1
2	FLOOR DRAIN	0	0
1	KITCHEN SINK	2	2
0	LAUNDRY	3	0
0	LAUNDRY TUB	2	2
0	SHOWER PAN	1	1
0	SHOWER PAN (1.5 GAL)	1	1.5
TOTAL FIXTURE UNITS			15

SUPPLY NEW 1/2" CP WATER SERVICE LINE & 1" METER  
 EXISTING WATER SERVICE LINE 3/4" PB



**BUILDING SECTION**

SCALE: 1/2" = 1'-0"

NO. DISCREPANCY

NO.	DESCRIPTION	BY	DATE

SHEET TITLE  
**SECTION PLAN**

PROJECT DESCRIPTION:  
**REMODEL & ADDITION  
 SWEENEY RESIDENCE**  
 302 N. THIRD AVE., ST. CHARLES, IL

DRAWINGS PROVIDED BY:  
**MATT SWEENEY**  
 614 W. 47th BEVEL RD  
 CAMPTON HILLS, IL

DATE:  
 3/13/23

SCALE:  
 1/4" = 1'-0"

SHEET:  
**1**



EXISTING FRONT ELEVATION



EXISTING LEFT & REAR ELEVATIONS



NanaWall 5L60  
FOLDING GLASS WALL



EXISTING FRONT ENTRY



EXISTING ENTRY AND CORNICE DETAIL

NO.	DESCRIPTION	BY	DATE
SHEET TITLE: SSUPPORTING MATERIAL			
PROJECT DESCRIPTION: REMODEL & ADDITION SWEENEY RESIDENCE 303 N THIRD AVE, ST CHARLES, IL			
DRAWINGS PROVIDED BY: MATT SWEENEY 4118/847 BETH RD CAMPTON HILLS, IL			
DATE: 3/13/23			
SCALE: 1/4" = 1'-0"			
SHEET: 6			



# 303 N 3rd Ave

## Breezeway With Foldable Glass Door System



Open Door System

Closed Door System



# Aerial View Of Breezeway Leading To Primary Bedroom

The foldable glass door system is not utilized for cosmetic or architectural purposes but strictly as a necessary divider that provides protective access to our primary bedroom.



# Foldable Glass Doors Are Not Found In Our Zoning Definitions

What is a foldable glass doors? It is a unique door system that consists of multiple panels of glass that fold open. These glass panels replace walls.

Each panel of the glass wall system is connected together along a single track and folds unto itself to create wide, unobstructed openings.

Traditional multi-track sliders only allow you to use one half of the opening. With a foldable glass door, even with a small 3 panel system, the sense of usable space is expanded and the barrier is removed.

-Nana Wall

# Example: Folding Glass Door System



# Brief Review of Design Meetings with HPC and Zoning Dept.

10.19.22 First preliminary meeting

11.16.22 Preliminary review

12.21.22 Preliminary review: After reviewing foldable glass doors, HPC recommends using divided glass.

1.11.23 Preliminary review: Full glass panels with white frame agreed by both HPC and Zoning.

**Matt and Bernadette accept offer on previous home and close two weeks later on 2.8.23 with confidence COA would follow.**

3.15.23 Initial submitting for COA (Request was made for revision of plans, in regards to symmetry of windows only) First inclination that there were unfounded objections from neighbors-size of home. Tom Pretz expressed FIRST concern that breezeway may not meet requirement of being a breezeway. Please note Mr. Pretz had never spoken against this breezeway concept prior to this meeting. Ms. Hitzmann responds, “City Staff has done their due diligence and has determined it will be interpreted as a breezeway.”

4.5.23 Presentation for revised placement of windows. Approved. Tom Pretz suggests plans be submitted to the Zoning Board of Appeals for review. Ms. Hitzemann responded, “The home meets all of the zoning criteria and would not qualify for a building zoning board of appeals review unless the chairperson and vice chairperson no longer felt the breezeway qualified as a breezeway. MOTION BY MR. PRETZ WAS NOT SECONDED.

COA was approved on 4.5.23

Unknowingly to us, we would receive an email on 4.11.23 that our COA would now not permit the foldable glass doors due to “pushback by neighbors.” As a result, we would be forced to sleep in our unfinished basement as we would have no safe passage to our second floor bedroom. Note that neighbors had objections to our home size NOT breezeway foldable glass doors.



## Technicalities Found Within Zoning Definitions:

**Breezeway:** “A roofed open sided structure that connects a principal building with an accessory building.

Note the zoning definition of breezeway does not state “**permanently** open sided structure.”

This foldable glass door system has the unique ability to fold in from **9'-0" down to approximately 9"**. Foldable glass doors are built and structured to remain folded based on homeowners needs or preferences, unlike a standard door or window.

“Our interior and exterior folding glass walls offer wide, unobstructed openings capable of inswing or outswing configuration.” -Nana Wall

## Technicalities Found Within Zoning Definitions:

**Building, Detached:** “A building surrounded by open space on the same lot. A building connected to another building only by an unenclosed structure shall be deemed to be a detached building.”

Note this definition does not include the words “ **permanently** unenclosed structure.”

This allows for the use of a foldable glass door, as it has the ability to provide an open and unobstructed passageway. The foldable glass door system does not create a permanent enclosure.

“Folding glass walls are unique door systems that consist of multiple panels of glass that slide and fold open like an accordion. These glass panels **replace walls**, creating a more flexible living space.”  
-AG Millworks

# Technicalities Found Within Zoning Definitions:

**Building, Completely Enclosed:** “A building enclosed by a permanent roof and continuous exterior walls having openings only for windows, screens, and entrance or exit doors.”

It is crucial to note that the east and west facing breezeway are not, in fact, walls but a 9’ spread of foldable glass doors installed between two 4” pilaster columns. A pilaster column is a trim detail meant to enhance a Greek Revival design of the breezeway. It does not have the components of a wall.

Furthermore, building professionals would not define the glass panels doors as a wall because it could not comply to otherwise required structural, electrical and insulation codes.

On the flipside, if we were to replace the foldable glass doors with actual structural walls, by code this same room would then require electrical outlets on each wall. (or no further than 12’ apart or more than 6’ of wall length without an outlet)

“Are sliding glass panels considered to be wall space?”

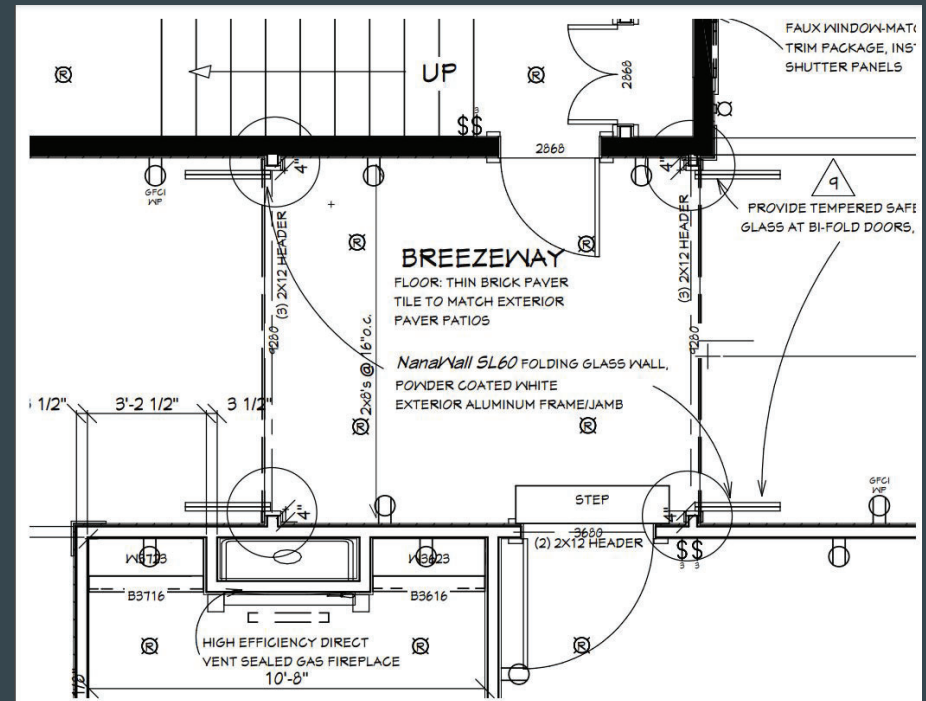
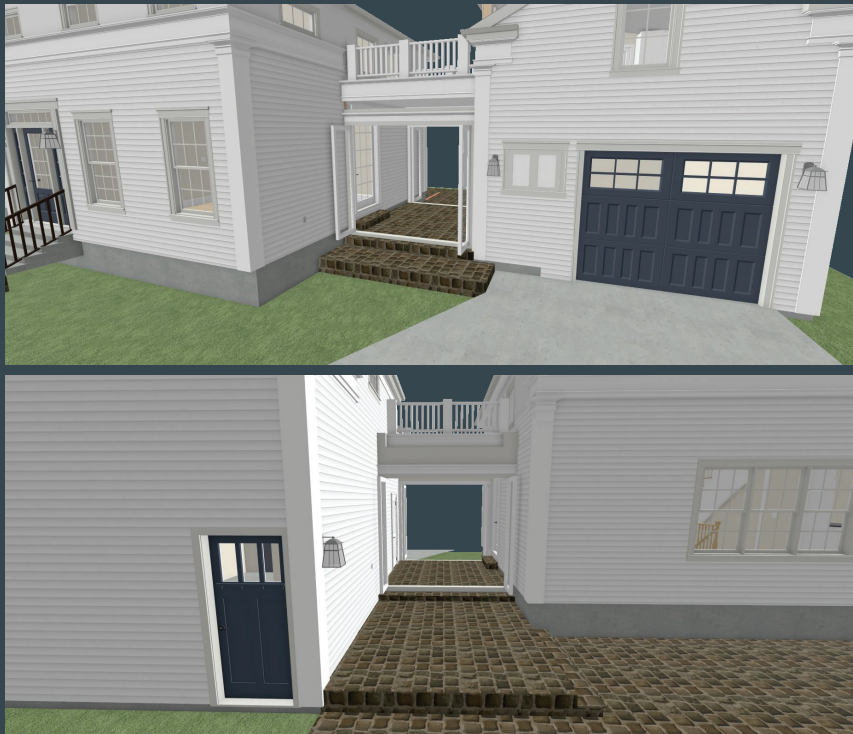
-“As per code the sliding glass door is not considered as walled space but the fixed panels of door glasses shall be considered as a wall space for all purposes. Hence, for the purpose of providing the proper receptacle outlets, sliding glass panels are not considered as wall space. So the given statement is false.” -Chegg.com

## Example Pilaster Columns



# By Zoning Definition-No East and West Facing Walls

## Pilaster Columns





# Continuity Of Interior and Exterior Breezeway Materials

Breezeway north and south walls will continue to maintain exterior siding material and color.

Breezeway floor will continue to maintain exterior paver material and color.



# Supportive Professional Interpretation-Architect

Hello Matt,

I believe that since the foldable glass door system you are proposing can be reduced to a 9 inch width on each side of the roof connecting the principal building with the accessory building on your lot, that this roof structure could be considered open sided and meet the definition of a "breezeway" in the city code. The garage could therefore be deemed a detached building because of its connection to the house by an open sided or unenclosed structure. It then follows that since the unenclosed structure or breezeway has foldable door systems, that there cannot be any true continuous exterior walls, at least not in the sense of building code that requires insulation and electrical outlets in walls, and therefore the permanently roofed connection between the house and garage could not be called completely enclosed according to the definition in the city zoning ordinance.

Tim Nelson, President

Tim Nelson Architect, Ltd.

421 James Street, Geneva, IL 60134

(630) 397-5122, (630) 232-1135 Fax

[timnelsonarchitect.com](http://timnelsonarchitect.com)

# Supportive Professional Interpretation-

Jason's Home Repair  
3N353 Pine Hills Road  
St. Charles, IL 60175  
847-561-9478

July 20, 2023

303 n. 3<sup>rd</sup> Ave, St. Charles

To whom it may concern. My colleges would like to add foldable glass doors to use in an area during fair weather seasons. In this case, the pilasters used are composed of trim materials. They are not recognized as walls. Please consider this innovation as progress and a good solution.

My best regards,

Jason Kudabeck