

ST. CHARLES ZONING BOARD OF APPEALS

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

Requested Action: Zoning Variation to reduce the rear yard setback from 40ft to 29ft, a 11ft reduction.

Purpose and Scope: The applicant is proposing to construct an addition to their single-family home. The RS-3 Zoning District has a 40ft rear yard building setback requirement. The applicant is requesting an 11ft reduction, to 29ft, to allow for an addition to extend 14ft out from the home (as shown on the attached site plan), to accommodate larger common areas.

Existing Land Use: Private Residence

Existing Zoning: RS-3 Suburban Single Family Residential



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



| |
|------------------------|
| FOR OFFICE USE |
| Received _____ |
| File # <u>V-4-2023</u> |
| Fee Paid \$ _____ |
| Receipt _____ |

APPLICATION FOR A VARIATION

RECEIVED

SEP 19 2023

**City of St. Charles
Community Development**

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

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

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 722 South 9th Ave, St Charles, IL, 60174
Present Use (commercial, industrial, residential, etc.) Residential
Zoning District RS-3
To your knowledge, have any previous applications for variations been filed in connection with this property? No
If YES, provide relevant information _____

ACTION BY APPLICANT ON PROPERTY:

Permit applied for and denied? (yes or no) No
An Appeal was made with respect to this property? (yes or no) No
Appeal Application File Number N/A
Appeal approved? (yes or no) N/A
Appeal Application accompanies this request for variation? (yes or no) N/A

**In the event that the applicant or owner is a trustee of a land trust or beneficiary of a land trust, a statement identifying each beneficiary by name and address of such land trust and defining his/her interest therein must be attached hereto. Such statement shall be verified by the trustee of such trust.*

REASON FOR REQUEST:

A. Variation requested (state specific measurements): _____

This application for a request to vary the zoning requirements at 722 South 9th Ave., St Charles to enable a 19ft setback from the 10 ft utility easement /or 29 ft from the rear fence. Adjusting the ~~easement~~ ^{rear setback} for our property would enable a 14 ft rear extension along the rear width of our home. Please refer to the attached Plat of Survey.

B. Reason for request: Please refer to Attachment A. _____

C. Purpose for which property will be used: _____

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

CRITERIA FOR VARIATION:

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

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

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

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

Please refer to Attachment A. _____

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

Please refer to Attachment A _____

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

Please refer to Attachment A _____

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

__Please refer to Attachment A._____

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

__Please refer to Attachment A._____

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

__Please refer to Attachment A._____

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

__Please refer to Attachment A._____

ATTACHMENTS REQUIRED:


- A. **PLAT OF SURVEY:** One (1) copy of a plat of survey (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses.
- B. **MAILING LIST:** A written certified list (form attached) containing the registered owners, their mailing and tax parcel numbers as recorded in the Office of the Recorder of Deeds in the county in which the property is located and as appears from the authentic tax records of such county, of all property within 250 feet in each direction of the location for which the variation is requested, provided all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Registered owner information may be obtained at the St Charles Township Assessor's office, 1725 Dean St., St. Charles, (630) 584-2040. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Ave., Geneva, and (630) 232-5935. The DuPage County Recorder of Deeds is located in the DuPage County Government Center, 421 N. County Farm Rd., Wheaton, and (630) 682-7200.
- C. **FILING FEE:** Filing fee in the amount of **\$300.00** must be rendered at the time the application is submitted. If payment is made by check, it should be made payable to the City of St. Charles.
- D. **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning

Ordinance. By signing this Agreement, the applicant agrees to reimburse the City all costs incurred during review of the application, including but not limited to: the cost of the newspaper notice publication; certified mailing to surrounding property owners; Court Reporter at the public hearing(s); and City staff time spent on review and administration of the application.

The total cost of an application typically amounts to approximately \$1,000. However, the cost of each application varies depending on the following:

- Location of the property, due to the number of surrounding property owners and resulting number of certified letters that will be sent.
 - Length of the newspaper notice publication which is based on the legal description of the property.
 - Length and number of public hearings, which effect the cost of the Court Reporter. Note that if not all Board members are in attendance at the meeting, the applicant may request a continuation of the public hearing in the interest of having more Board members in attendance at a later meeting. If the public hearing is continued, at the request of the applicant or otherwise, the applicant is responsible for the cost of the Court Reporter at the additional public hearing(s).
 - Amount of City staff time spent on review and administration of the application.
- E. REIMBURSEMENT OF FEES INITIAL DEPOSIT: Deposit of funds in escrow with the City. For properties less than 5 acres, a deposit in the amount of **\$1,000** is needed. For larger properties, see the table in the Reimbursement of Fees Agreement. These funds will be used to reimburse the City for all costs incurred during review of the application, per the Reimbursement of Fees Agreement. The applicant may need to provide additional funds to cover costs.
- F. LETTER OF AUTHORIZATION: Letter of authorization from the property owner as to the request for the zoning variation must be included, if the applicant is not the property owner.
- G. DISCLOSURE: Disclosure of beneficiaries of a land trust must be included, if the applicant or owner is a land trust.

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

| | | |
|--|--|---------------------------------|
| <u>N/A</u> _____ Signature of Applicant or agent | <u>N/A</u> _____ Print name of applicant/agent | _____ Date |
|  _____ Signature of owner | <u>Michelle Spruth</u> _____ Print name of owner | <u>7/25/23</u> _____ Date |

Attachment A

REASON FOR REQUEST

A. Variation requested (state specific measurements):

This application for a request to vary the zoning requirements at 722 South 9th Ave., St Charles to enable modification to the rear setback to 26 ft or 16 ft from the 10 ft utility easement. This would enable a 14 ft rear extension along the rear width of our home. Please refer to the attached Plat of Survey.

B. Reason for request:

722 South 9th Ave located in St Charles; IL is a 1970s single story ranch house zoned RS-3. As such, RS-3 is designated to have a minimum lot area of 8,400 ft² with an allowed coverage up to 30% of the lot size (2,250 ft²), however because of the setback restrictions, our home has approximately 1,500 ft² of allowable lot coverage, a difference of 730ft² of additional area which may be allowed by the Code because of setbacks and depth of our lot. The 722 lot on South 9th Ave is almost 1,304 ft² (14%) less than the minimum lot size at approx. 7,200 ft².

I purchased the house with two (2) young boys in 2013. We enjoy our neighborhood, proximity to town and do not intend to move. Global events including COVID, remote school/ work and areas to safely quarantine while keeping other family members of the same safe highlighted the requirement for additional space. I now work full time remote, which I never anticipated before COVID.

We are requesting a zoning variation to extend 14 ft of the rear width of our home. This would increase would allow larger common living areas whilst adding space for additional bathrooms. This application to vary the zoning of 722 South 9th Ave. is requested due to the small lot size and restrictions due to the depth of our lot, as detailed above. The rear extension would allow for an increase in communal areas from approximately 466 ft² to 844 ft².

As part of our home improvements, it is our intention to submit a planning application for an additional ¾ level to accommodate and move my boys' bedrooms upstairs (two), small sitting area and bathroom through the planning application process.

Please refer to the attached Plat of Survey for details of the proposed zoning variation.

C. Purpose for which property will be used:

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

CRITERIA FOR VARIATION

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

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

- Small lot size
- Depth of Lot

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

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

The above which, necessitates a zoning variance to increase communal living and provision of additional bathroom areas within our home. Total area from approximately 727 ft² to 1,327 ft² (600 ft² increase)

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

The above physical conditions are unique to 722 South 9th Ave. My neighbors and other properties near have more regular shaped lots. The 722-lot located on South 9th Ave is unique in that it is smaller than the minimum lot size with a number of restrictions which pose difficulty to increase the useable communal living area within our home. Adjacent properties are split level with a larger square footage of communal living area.

Proposed

Living Room - 350 ft² (94 ft² increase)
Kitchen + Dining - 400 ft² (240 ft² increase)
2 Bathrooms - 75 ft² (shower) + 75 ft² (bath)

Current

Living Room – 256 ft²
Kitchen – 160 ft²
1 Bathroom (shower only) – 50 ft²

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

No, the sole intention for this variation is to increase our family communal living area so we can live, work and enjoy a better homelife as a family.

COVID and remote school/ work, also identified highlighted the requirement for additional space. The additional space will also allow us to safely accommodate friends and family in our home. To date we have only been able to hold gatherings outside due to small communal areas in our home.

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

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

Whilst I was aware of the inherent restrictions unique to my property, I have not found any other property or neighborhood which we wish to move. We love our neighborhood and our neighbors and wish to improve our home to create a bit larger communal areas where we can bond and welcome friends and family. In addition, the increase space would allow for dedicated areas for remote work/ school. I currently work from home 100% of the time since the start of COVID.

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

No, the variation will not alter the character of the neighborhood. The proposed extension will be in the rear of the house. The proposed architecture will be in line with the existing character of the house, and it is the intension to enhance the neighborhood. I have spoken to my neighbors about the proposed extension and have received enthusiastic support. Letters of support from close neighbors will be presented as evidence.

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

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

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

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

We have a good relationship with our neighbors and intend to keep them informed as well as listen to any concerns they may have as construction proceeds.

Additional Comments Regarding Proposed Improvements:

It is our intension to request an additional 3/4 level to our home as part of the planning application process. The additional ¾ level will move my son's bedroom upstairs, small sitting area and

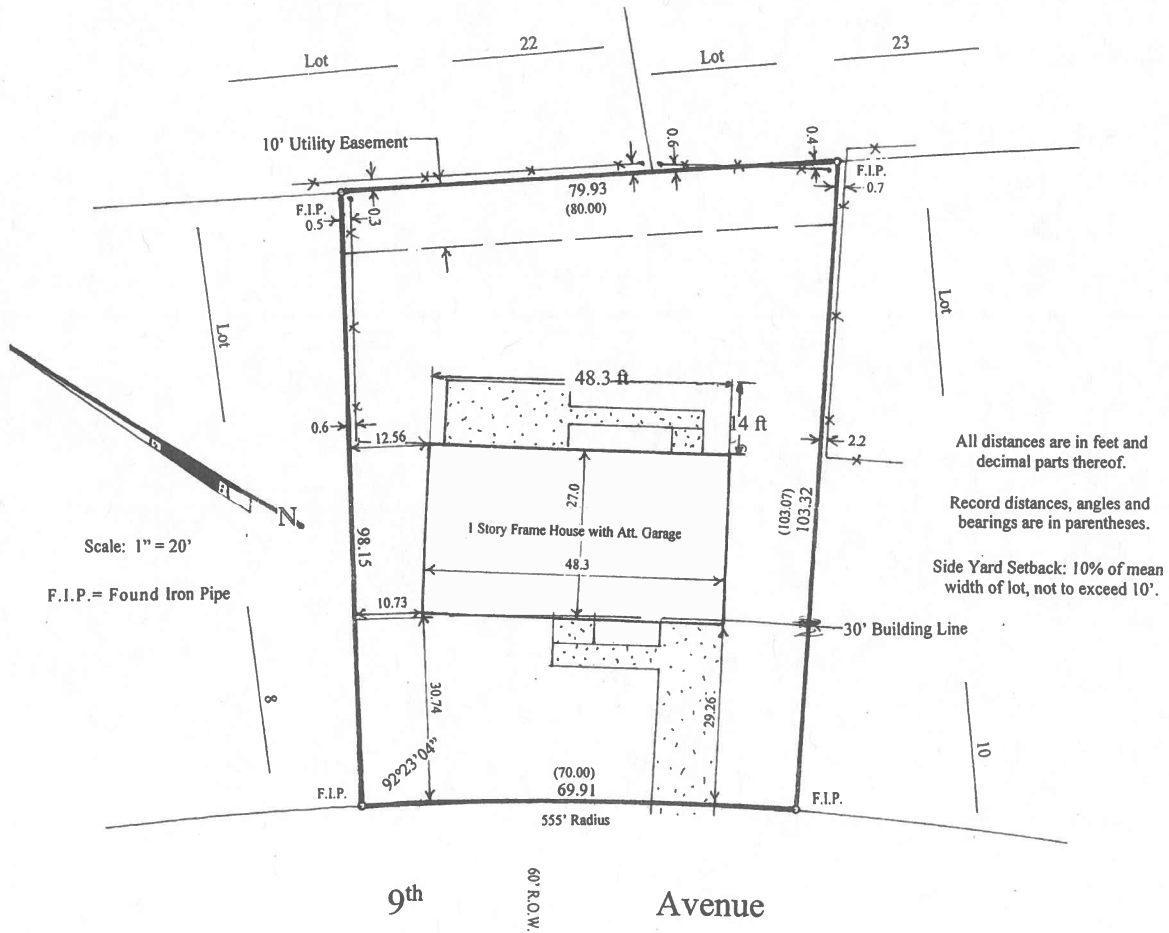
bathroom to share. The upstairs bedroom will facilitate a safe and comfortable area to isolate separately from other family members if required.

The zoning variance will enable an increase in communal living, separate office and bathroom. Presently, our communal area is 727 ft with one bathroom. The small area limits configuration adequate to provide the above requirements within the area provided. Increasing the area to 1,327ft² through a zoning variance approval, will improve our standard of living while enjoying our existing, neighborhood, community and location since making 722 South 9th Ave our home in 2013.

Plat of Survey

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

Commonly known as 722 S. 9th Avenue, St. Charles.
P.I.N. 09-34-235-004



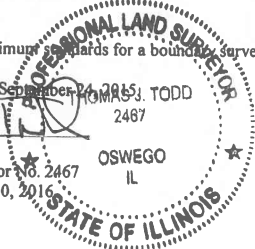
State of Illinois)
 SS
County of Kendall)

I, Thomas J. Todd, an Illinois Professional Land Surveyor, do hereby certify that the plat shown hereon, being completed in the field on September 21, 2015, is a correct representation of a survey performed at and under my direction.

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Signed and sealed at Oswego, Illinois on September 24, 2015, THOMAS J. TODD

Thomas J. Todd
Thomas J. Todd
Illinois Professional Land Surveyor No. 2467
My license will expire Nov. 30, 2016



True North
Surveying & Mapping, Ltd.
Oswego 630.554.2321