

**MINUTES  
CITY OF ST. CHARLES  
ZONING BOARD OF APPEALS  
THURSDAY, JANUARY 4, 2018  
DENS A & B**

Members Present: Chairman- Elmer Rullman  
Scott Buening  
Bryan Wirball  
Robert Krawczyk  
James Holderfield

Member Absent: Charles Simpson  
John Hrivnak

Also Present: Russell Colby, Planning Division Manager  
Court Reporter

**1. Call to order**

Chairman Rullman called the meeting to order at 7:00 p.m.

**2. Roll call**

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

**3. Presentation of minutes of the June 22, 2017 meeting**

A motion was made by Mr. Buening and seconded by Mr. Holderfield with a unanimous voice vote to approve the minutes of the June 22, 2017 meeting.

**4. Variation Application V-2-2017, filed by John Henry Builder Developer Inc., record owners of the property located at 314 Indiana St. in the City of St. Charles.**

Secretary Buening summarized/read into record the following:

- Variation Application V-2-2017 filed by John Henry Builder Developer Inc., record owner of the property located at 314 Indiana St. in the city of St. Charles.
- The requested action is a zoning variation to reduce the rear yard setback requirement from 30 ft. to 20 ft.
- Increase the maximum building coverage by 141 square feet; from 25% of the lot area (plus a 250 square foot bonus for a detached garage), to 28.2% of the lot area (plus a 250 square foot bonus for a detached garage)

Chairman Rullman swore in the following:

- John Cebrzynski-926 Sunset Rd, Geneva
- Dan Marshall-812 E. Main St., St. Charles
- Bradley Saelens-2659 Blackman Rd, Geneva
- David Saelens-213 S. 3<sup>rd</sup> St., St. Charles

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

**A motion was made by Mr. Holderfield and seconded by Mr. Wirball as follows:**

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

**Whereas**, the St. Charles Board of Zoning Appeals has reviewed File V-2-2017 dated 11/20/17 and received 11/22/17 from Patricia Cebrzynski, representing John Henry Builder Developer, Inc., for the property located at 214 Indiana St., St. Charles, Illinois to reduce the rear yard setback requirement from 30 ft. to 20 ft. and increase the maximum building coverage by 141 sq. ft.; from 25% of the lot area (plus a 250 sq. ft. bonus for a detached garage), to 28.2% of the lot area (plus a 250 sq. ft. bonus for a detached garage); and

**Whereas**, the particular physical surroundings, shape, or topographical condition of specific property involved would result in a practical difficulty or a 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 condition upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classifications; and

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

**Whereas**, the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; and

**Whereas**, the variation, 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 in the neighborhood in which the property is located; and

**Whereas**, the proposed Variation will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or

increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

**Now, therefore,** the St. Charles Zoning Boards of Appeals grants the variation requested, with the stipulations as specified in Section 17.04.310 Variation of the Municipal Code of the City of St. Charles, subject to the following condition:

1. The builder shall mitigate stormwater runoff from the lot by changing the lot grading to divert water away from the properties to the east and by exploring the use of alternative materials for construction of the rear patio.

**Roll called:**

Ayes: Rullman, Buening, Wirball, Krawczyk, Holderfield

Nays: None

**Motion carried; Variation granted. 5-0**

6. **Additional Business from Board members or Staff-None.**
7. **Public Comment-None.**
8. **Adjournment at 7:25 p.m.**



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# Transcript of Variation Application for 314 Indiana Street

**Date:** January 4, 2018

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

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

-----x  
In Re: :  
Variation Application :  
filed by John Henry :  
Builder Developer, Inc., : No. V-2-2017  
record owners of the :  
property located at 314 :  
Indiana Street. :  
-----x

HEARING  
St. Charles, Illinois 60174  
Thursday, January 4, 2018  
7:00 p.m.

Job No.: 171796  
Pages: 1 - 28  
Reported by: Joanne E. Ely, CSR, RPR

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

2

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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13 Before Joanne E. Ely, a Certified Shorthand  
14 Reporter, and a Notary Public in and for the State  
15 of Illinois.

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Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

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PRESENT:

ELMER RULLMAN, Chairman

SCOTT BUENING, Secretary

JAMES HOLDERFIELD, Member

ROBERT KRAWCZYK, Member

BRYAN WIRBALL, Member

ALSO PRESENT:

RUSSELL COLBY, Planning Division Manager

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

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P R O C E E D I N G S

CHAIRMAN RULLMAN: We'll call this meeting, the Zoning Board of Appeals, at 7:00 o'clock by the clock on the wall.

Mr. Secretary, please call the roll.

SECRETARY BUENING: Buening is present.  
Holderfield.

MEMBER HOLDERFIELD: Here.

SECRETARY BUENING: Hrivnak.

(No response.)

SECRETARY BUENING: Krawczyk.

MEMBER KRAWCZYK: Here.

SECRETARY BUENING: Rullman.

CHAIRMAN RULLMAN: Here.

SECRETARY BUENING: Simpson.

(No response.)

SECRETARY BUENING: And Wirball.

MEMBER WIRBALL: Here.

SECRETARY BUENING: We have a quorum.

CHAIRMAN RULLMAN: We have a quorum.

Everyone has received a copy of the minutes of the June 22nd meeting. Are there any additions or corrections to those minutes?

If not, we'll accept a motion.



Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

5

1 SECRETARY BUENING: So moved.

2 CHAIRMAN RULLMAN: Second?

3 MEMBER HOLDERFIELD: Second.

4 CHAIRMAN RULLMAN: It's been moved and  
5 seconded. All in favor of accepting the minutes  
6 say aye.

7 (Ayes heard.)

8 CHAIRMAN RULLMAN: Opposed by the same  
9 sign.

10 (No response.)

11 CHAIRMAN RULLMAN: At this time we'll open  
12 the Variation Application V-2-2017 filed by John  
13 Henry Builder Developer, Inc., record owners of  
14 the property located at 314 Indiana Street in the  
15 City of St. Charles.

16 Mr. Secretary, please read the appropriate  
17 parts of the application.

18 SECRETARY BUENING: The application filed  
19 is Variation No. V-2-2017 for the property located  
20 at 314 Indiana Street. The zoning variation is to  
21 reduce the rear yard setback requirement from 30  
22 feet to 20 feet and to increase the maximum  
23 building coverage by 141 square feet; from 25  
24 percent of the lot area, plus a 250-square-foot

1 bonus for a detached garage, to 28.2 percent of  
2 the lot area, plus a 250-square-foot bonus for  
3 detached garage.

4 The purpose and scope of this variance is  
5 to the fact that the previous single-family house  
6 on the property was damaged by fire and  
7 demolished. The property is now vacant. The  
8 property owner is requesting the variation in  
9 order to allow the construction of a new  
10 single-family house on the lot as depicted on the  
11 submitted plans. The existing land use of the  
12 property is vacant. The existing zoning is RT-4,  
13 traditional single- and two-family residential.

14 Is that supposed to be transitional, or is  
15 that traditional?

16 MR. COLBY: Traditional.

17 SECRETARY BUENING: Okay. Sorry.

18 Also filed with the application is a  
19 notice of publication of the public hearing in the  
20 Daily Herald dated December 18th, 2017. We have  
21 proof of publication in the Daily Herald.

22 Further as part of the application, we  
23 have a plat of survey of the property from  
24 Johnson-Western Surveying that is dated October

1 31st, 2017. Presumably, that's before the  
2 demolition. It still shows the buildings on the  
3 property.

4 And then there's also a site plan  
5 submitted that is undated showing the proposed  
6 outline of the improvements.

7 And lastly, there is a -- not lastly,  
8 there is a drawing showing the proposed footprint  
9 and architectural plans for this property as  
10 proposed. That is by John Henry Builders and  
11 Marshall Architects, Incorporated, dated November  
12 17th, 2017, consisting of three sheets, including  
13 the elevations for the property or the proposed  
14 building.

15 And then lastly, there is a resolution  
16 from the St. Charles Historic Preservation  
17 Commission dated -- or numbered 11-2017 dated  
18 December 20th of 2017 indicating that they have  
19 reviewed the proposed elevations.

20 And they find that it has no negative  
21 impact on the historic resources of the city and  
22 forwards the following comments into the record:  
23 The variances will allow for an economically  
24 feasible residential development of the property;

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

8

1 that the conceptual architectural plan will  
2 contribute to the existing adjacent architecture  
3 and streetscape in the Historic District; and  
4 therefore, they recommend favorably to the  
5 variance as requested.

6 CHAIRMAN RULLMAN: That will all be marked  
7 as Exhibit A.

8 (Exhibit A marked for identification and  
9 retained by the Board.)

10 CHAIRMAN RULLMAN: Is the owner present?

11 All right. Will anyone who wishes to give  
12 testimony on this hearing please rise. Raise your  
13 right hand.

14 (Witnesses duly sworn.)

15 CHAIRMAN RULLMAN: Please give your name  
16 and address to the reporter.

17 MR. CEBRZYNSKI: My name is John  
18 Cebzynski. I live at 926 Sunset Road in Geneva.

19 MR. MARSHALL: Dan Marshall, 812 East Main  
20 Street, St. Charles.

21 MR. BRADLEY SAELENS: Bradley Saelens,  
22 2659 Blackman Road in Geneva.

23 MR. DAVID SAELENS: David Saelens, 213  
24 South Third Street, St. Charles.

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

9

1 CHAIRMAN RULLMAN: Thank you.

2 The floor is yours to make any  
3 presentation you wish.

4 MR. CEBRZYNSKI: Do you want me to just --

5 CHAIRMAN RULLMAN: It's up to you.

6 MR. CEBRZYNSKI: I don't know that there's  
7 much to say. It's pretty straightforward with our  
8 layout. We tried to design a home that would fit  
9 virtually over the same footprint; and because the  
10 home was burnt down, we had to get the -- get a  
11 variance. We're asking for a variance for 10  
12 feet.

13 We're still going to increase the backyard  
14 by about 3 more feet based on what it was  
15 originally. We are asking for some floor-area  
16 ratio accommodation of about 100 and -- I forget  
17 the number. It's a little over 100 square feet.

18 But I think the home -- when we were at  
19 the Historic Commission, they seemed to have no  
20 problem with it. They liked the way it sat on the  
21 lot. The garage virtually is almost where the  
22 other garage was if you look at the plan; and  
23 we're going to -- we'll be moving the home forward  
24 a little bit, but that will also allow for a

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

10

1 20-foot backyard versus the 17 that was there.

2 CHAIRMAN RULLMAN: Any questions from the  
3 Board members?

4 SECRETARY BUENING: In regards to the  
5 footprint, what is the purpose of shifting the  
6 garage? Is that just to meet the minimum setback  
7 on the side yard? It shows the original setback  
8 was 4.9 feet. Is that closer to a 3-foot setback?  
9 Is that what's being proposed?

10 MR. CEBRZYNSKI: Yes.

11 SECRETARY BUENING: Okay. And then the  
12 breezeway that you're proposing to connect the two  
13 buildings, is that going to remain open?

14 MR. CEBRZYNSKI: Yes.

15 SECRETARY BUENING: It will not be  
16 enclosed.

17 MR. CEBRZYNSKI: No.

18 SECRETARY BUENING: What is your setback  
19 for the actual building itself from the property  
20 line and then also the stoop that you're  
21 proposing?

22 MR. MARSHALL: The building -- I'll answer  
23 that, if I may. The building is 8 feet and the  
24 stoop is 2 feet.

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

11

1 MEMBER HOLDERFIELD: Dan, I can't hear.

2 MR. MARSHALL: I'm sorry. The building is  
3 8 feet back, and the stoop is 2 feet back.

4 SECRETARY BUENING: How does that compare  
5 to other buildings? Have you compared that?

6 MR. MARSHALL: That is -- we are allowed  
7 to go up to 6.3 feet. So we're 2 feet back  
8 farther than the allowable front yard setback.

9 SECRETARY BUENING: Under the zoning code.

10 MR. MARSHALL: Under the zoning code,  
11 yeah. And then the porches are allowed to go into  
12 the front yard. So we're showing a 6-foot porch  
13 right now, and so that puts us about 2 feet back  
14 from there.

15 SECRETARY BUENING: Okay.

16 MR. MARSHALL: Enough for a couple of  
17 steps before you hit the sidewalk.

18 SECRETARY BUENING: Right.

19 MEMBER HOLDERFIELD: The house adjacent to  
20 the east looks to be -- well, it's close to the  
21 porch -- about 5 feet off the sidewalk?

22 MR. MARSHALL: 6.3. About 5.

23 MEMBER HOLDERFIELD: Drive-by calculation.

24 MR. MARSHALL: Yeah.

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

12

1 MEMBER HOLDERFIELD: Most of the homes  
2 around there and the church on the corner are  
3 built right up almost to the sidewalk --

4 MR. MARSHALL: Yes.

5 MEMBER HOLDERFIELD: -- on that 5 foot or  
6 6 foot range, it appears.

7 MR. MARSHALL: Yeah. The house to the  
8 west faces Third Street -- I guess or Fourth  
9 Street. And so that's kind of their side yard  
10 setback there, and they're settled farther back.  
11 Their garage is right up close to the property  
12 line or on the property line. I think they're  
13 close.

14 But then the house across the street was a  
15 later-built house, I think, and that's actually  
16 pretty close to the street compared to -- for that  
17 era of house. I don't know exactly what it is but  
18 they are -- and there's not a lot of streets  
19 facing that -- or houses facing that street right  
20 there, but the ones that are are pretty close.

21 It holds the streetscape, which is kind of  
22 nice in that way, so.

23 SECRETARY BUENING: The lot size there is  
24 obviously unusual, since it was probably platted



1 at 66-by-132 originally --

2 MR. MARSHALL: Yeah.

3 SECRETARY BUENING: -- and at some point  
4 it was truncated by --

5 MR. MARSHALL: Yeah.

6 SECRETARY BUENING: Who knows how it was  
7 deeded, but it looks like it's the apartment  
8 building, you know, the apartment building behind  
9 there, but that was obviously sometime prior to  
10 the '60s or earlier that that happened it seems  
11 but --

12 MR. MARSHALL: It looks like it. It's the  
13 style and the architecture of the apartment  
14 building.

15 SECRETARY BUENING: It's not terribly  
16 modern.

17 CHAIRMAN RULLMAN: Any other questions  
18 from the Board members?

19 MEMBER KRAWCZYK: Can you discuss a little  
20 bit about the increase in the buildable area?

21 MR. MARSHALL: Sure. We laid the house  
22 out sort of as a minimum that we could see a  
23 family or sort of the demographic that we see  
24 living here. Really, it's a very diminutive

1 house. It's a pretty small house. We've got rid  
2 of the formal dining room, formal living room.  
3 It's really one big room on the first floor, and  
4 you just kind of compact the footprint as small as  
5 possible to get that, and with still leaving a  
6 laundry/mud room and a pantry and some of the  
7 things we think we would need to develop this  
8 house.

9           Smaller than this seemed to be that it  
10 would not be feasible to develop the house and be  
11 able to sell it for at the market rate. It seemed  
12 like this was about the smallest we could make it.  
13 It's still smaller than the house next to it and  
14 the houses around it. So it's a tough thing to  
15 get even smaller than this.

16           MEMBER KRAWCZYK: And there will be a full  
17 basement?

18           MR. MARSHALL: Yes, sir.

19           SECRETARY BUENING: What is actually the  
20 square footage of the house?

21           MR. MARSHALL: The house is 1,004. And  
22 the garage is --

23           SECRETARY BUENING: On both levels?

24           MR. MARSHALL: No. That's just the first

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

15

1 floor.

2 SECRETARY BUENING: Okay. It's around  
3 2,000 square feet total?

4 MR. MARSHALL: If you counted the stair  
5 twice. Some people count the stair. Some people  
6 don't count the stair --

7 SECRETARY BUENING: Right.

8 MR. MARSHALL: -- but, yeah, a little  
9 less. It fills up fast though. There's only  
10 three bedrooms upstairs is what we're planning.

11 CHAIRMAN RULLMAN: Any other questions  
12 from the Board members?

13 (No response.)

14 CHAIRMAN RULLMAN: Are there any  
15 objectors? I'm sorry?

16 MR. BRADLEY SAELENS: I just have a  
17 comment that's somewhat related to that.

18 CHAIRMAN RULLMAN: All right.

19 MR. BRADLEY SAELENS: I have a comment  
20 that's somewhat related to that.

21 My father is here, and I'm kind of helping  
22 him understand this. He lives on Third Street at  
23 213. If you look at the map, he's kind of east  
24 and a little bit north of the subject property.

1           And overall I agree with the hardship that  
2           they have proposed on the lot. I see what they're  
3           going through definitely. His only concern is  
4           that that area is already prone to flooding and  
5           probably a couple times a year, and his basement  
6           is already getting water in it; and with the  
7           increase of the building size and the decrease of  
8           the setback, it could be worse.

9           I understand that the actual building is  
10          now going to be farther from the rear property  
11          line, and I think that's an improvement. But I  
12          know with the basement and the new development,  
13          that it could potentially create stormwater  
14          problems downstream, which would then affect his  
15          property along with other properties in that  
16          corner because they just collect it all right now.

17          So I just wanted to bring that to  
18          everybody's attention. We've spoken about it  
19          briefly before the meeting, but just so something  
20          is done to minimize that risk to everybody  
21          downstream of that property.

22                 MR. DAVID SAELENS: I don't want it to be  
23                 worse. It's enough right now.

24                 CHAIRMAN RULLMAN: Would you say that's an

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

17

1 objection or just a comment?

2 MR. DAVID SAELENS: It will be a big deal  
3 if the water is coming in my basement more than it  
4 is. I've been there for 20 years, and that's how  
5 they had it 10 times. One of the neighbors had an  
6 ejection pit just east of where you're going to  
7 build. He started pumping his ejection pit into  
8 his backyard, and that would all flow downhill to  
9 my house. It was coming through my back wall. I  
10 have a family room down there.

11 MR. BRADLEY SAELENS: There has been  
12 numerous homeowner solutions, and they just pass  
13 the problem here, pass the problem there; and once  
14 this guy improves, then this guy has to.

15 MR. DAVID SAELENS: I think it showed a  
16 patio in the back too. So that's less ground to  
17 absorb water that's running off there, and it's  
18 flowing toward the -- I've got a creek from my  
19 neighbor's house to the back of my house and  
20 flowing to the basement. That's my only concern.  
21 Otherwise, the house is going to improve the value  
22 of mine, a brand new house.

23 MR. MARSHALL: May I address that?

24 CHAIRMAN RULLMAN: Sure.

1 MR. MARSHALL: We can tell by walking back  
2 there -- John and I noticed that it looks like  
3 something is happening with the sump pump pipes  
4 spewed out there, and we would try to mitigate any  
5 flow off this property from going that way. Right  
6 now the backyard is kind of a hill. We're talking  
7 about cutting it in and creating some retaining  
8 walls so that that water doesn't keep flowing off  
9 of there.

10 We would be tying our sump pump in. So  
11 our sump pump wouldn't go -- spill out. We could  
12 even look at treating the downspouts towards the  
13 front so they're not going towards the back and  
14 basically not making the problem any worse from  
15 this property is what we can control. We can't  
16 really do anything about the neighbors, but here  
17 we could do a lot to try and keep that --

18 MR. BRADLEY SAELENS: Right. The whole  
19 site, your site included, is on a hill. So it's  
20 going to go downhill.

21 MR. DAVID SAELENS: Going toward the  
22 river.

23 MR. MARSHALL: Except if we cut our site  
24 in on the side and here.

1 MR. BRADLEY SAELENS: That would  
2 definitely help, and there's no topography or  
3 anything that shows to understand --

4 MR. MARSHALL: Yeah. We haven't developed  
5 that yet.

6 SECRETARY BUENING: What is the natural  
7 grade of that, of your lot? Is it to the north?  
8 To the south? To the east?

9 MR. MARSHALL: The grade slopes sort of  
10 from the northwest towards the east, basically  
11 sideways across there, a little towards the  
12 southeast as well, but mostly just towards the  
13 straight east and that's -- like all along the  
14 apartment, their whole side yard is just basically  
15 a ramp of water that goes straight into their  
16 house.

17 SECRETARY BUENING: The sheet goes towards  
18 their house.

19 MR. MARSHALL: Right across the patio to  
20 the neighbor. You can see where it goes to his  
21 house. I mean, there's a door sitting there. So  
22 it's not a good situation.

23 SECRETARY BUENING: Obviously, you can't  
24 fix the problem coming from that property, but you

1 could at least mitigate it from what's going on  
2 here.

3 MR. MARSHALL: He doesn't want any more,  
4 and some of it because that hill now splays out  
5 and goes across this backyard, which it won't do  
6 anymore. We would take some of that area out. So  
7 less water would be going towards them. And then  
8 it would be helpful to have the 20 feet because  
9 then we would have some room to do that.

10 SECRETARY BUENING: And a question to  
11 staff. So I would assume the engineering division  
12 would review grading to make sure that it's not  
13 creating additional grade issues on the  
14 neighboring properties.

15 MR. COLBY: Correct.

16 SECRETARY BUENING: And then what does the  
17 City require in regards to sump tie-in? Does it  
18 require them to be tied into the storm sewer?

19 MR. COLBY: Generally, yes, if there's a  
20 storm sewer that's accessible, which they would be  
21 in this location.

22 SECRETARY BUENING: Okay.

23 MEMBER HOLDERFIELD: So just to clarify,  
24 you're going to mitigate this area. Once again,



1 what would you do as a builder to protect those  
2 people down the hill from you? What are you going  
3 to do on the property?

4 MR. MARSHALL: We're going to change the  
5 grading in the backyard to prevent it from flowing  
6 onto their -- towards their direction.

7 MEMBER HOLDERFIELD: And that would be the  
8 extent of it, just to redirect this by -- you're  
9 going to --

10 MR. MARSHALL: Yeah. I mean, we would  
11 also look at moving the downspouts towards the  
12 front of the house rather than the back of the  
13 house where we can and keeping the sump pump. We  
14 would not put the sump pump out there; and even we  
15 can't connect it, I think we'd go towards the  
16 front instead of the back.

17 MR. CEBRZYNSKI: It was in the back right  
18 as you looked at the lot, and it just came out of  
19 the house, and it just was there. So all of the  
20 water from this house was going east.

21 But Dan is right. We would run the sump  
22 pump up to the front and divert and try to get  
23 everything up to the street side instead of  
24 through the back yards.

1 MR. MARSHALL: And then I think we could  
2 also look at the material for the patio and using  
3 a more pervious paver that would let water through  
4 rather than cement. We haven't talked about what  
5 we're going to use yet on there; but if we know  
6 there's a flooding issue, then that's something  
7 that we could look at.

8 MR. BRADLEY SAELENS: So does the City  
9 allow downspouts to be tied in underground to the  
10 storm sewer system?

11 MR. COLBY: Yes.

12 MR. BRADLEY SAELENS: That would be  
13 something that would certainly help us out.

14 MR. MARSHALL: Yeah. If there's a storm  
15 sewer close. When you said that, I realized -- I  
16 think, it might be at the corner which is --

17 MR. DAVID SAELENS: When it rains, it  
18 pushes off the manhole cover that's at the Third  
19 Street and Indiana Street intersection. Many  
20 times I've seen water squirting out of there.

21 MR. BRADLEY SAELENS: It might be coming  
22 through the manhole -- manhole cover and pushing  
23 the manhole cover right up.

24 SECRETARY BUENING: A question of staff.

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

23

1 That's not a combined sewer; right? That's still  
2 separated there.

3 MR. COLBY: Correct.

4 CHAIRMAN RULLMAN: Are there any other  
5 objectors present?

6 (No response.)

7 CHAIRMAN RULLMAN: Let the record show the  
8 one commenter. We had the discussion.

9 Any other questions from Board members?

10 (No response.)

11 CHAIRMAN RULLMAN: If not, we'll entertain  
12 a motion.

13 I must tell you that this Board is  
14 constituted of seven members; and in order for a  
15 motion to pass one way or the other, it requires  
16 four affirmative votes. So we're a little short,  
17 but just so you know. You always have the option  
18 to request to table to the next meeting, or we can  
19 go forward. It's your choice.

20 MR. CEBRZYNSKI: Is it possible to ask the  
21 members how they feel about it?

22 CHAIRMAN RULLMAN: We don't do straw  
23 votes.

24 MR. CEBRZYNSKI: I think we'd like to move

1 forward.

2 CHAIRMAN RULLMAN: All right. In that  
3 case, I'll entertain a motion.

4 MEMBER HOLDERFIELD: I'll make a motion.

5 Whereas, it is the responsibility of the  
6 St. Charles Board of Zoning Appeals to review all  
7 applications for variations;

8 And whereas, the St. Charles Board of  
9 Zoning Appeals has reviewed File V-2-2017, dated  
10 11/22/17, and received 11/22/17, from John Henry  
11 Builder Developers, Incorporated, for the property  
12 located at 314 Indiana Street in the City of  
13 St. Charles for a zoning variation to reduce the  
14 backyard setback requirement from 30 feet to 20  
15 feet; two, to increase the maximum building  
16 coverage by 141 square feet from 25 percent of the  
17 lot area, plus a 250-square-foot bonus for a  
18 detached garage, to 28.2 percent of the lot area,  
19 plus a 250-square-foot bonus for a detached  
20 garage;

21 And whereas, the particular physical  
22 surroundings, shape, or topographical condition of  
23 specific property involved would result in a  
24 practical difficulty or a particular hardship to

1 the property owner, as distinguished from a mere  
2 inconvenience, if the strict letter of the  
3 regulations were carried out;

4 And whereas, the condition upon which the  
5 petition for a variation is based would not be  
6 applicable, generally, to other property within  
7 the same zoning classifications;

8 And whereas, the purpose of the variation  
9 is not based exclusively upon a desire to make  
10 more money out of the property;

11 And whereas, the alleged practical  
12 difficulty or particular hardship has not been  
13 created by any person presently having an interest  
14 in the property;

15 And whereas the variation, if granted,  
16 will not alter the essential character of the  
17 neighborhood.

18 Now, therefore, the St. Charles Zoning  
19 Boards of Appeals grants the variation requested,  
20 with the stipulations as specified in Section  
21 17.04.310, Variation, of the Municipal Code.

22 With these amendments, the builder will  
23 mitigate the lot by changing grading to divert  
24 water away from the properties to the east of the

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

26

1 lot and will explore the use of materials to -- in  
2 the construction of the rear patio to aid in this  
3 mitigation.

4 CHAIRMAN RULLMAN: Second?

5 MEMBER WIRBALL: I'll second.

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

8 SECRETARY BUENING: Discussion on the  
9 motion?

10 CHAIRMAN RULLMAN: Yes.

11 SECRETARY BUENING: I think we didn't have  
12 the two whereases regarding the welfare and the  
13 supply of light and air.

14 CHAIRMAN RULLMAN: Okay.

15 SECRETARY BUENING: I think we can add  
16 those to the motion as well.

17 MEMBER HOLDERFIELD: I have no problem  
18 with that.

19 CHAIRMAN RULLMAN: All right. Second?

20 MEMBER WIRBALL: Second.

21 CHAIRMAN RULLMAN: It's been moved and  
22 seconded. All in favor -- Mr. Secretary, call the  
23 roll. I'm sorry.

24 SECRETARY BUENING: Buening, aye.

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

27

1 Holderfield.  
2 MEMBER HOLDERFIELD: Yes.  
3 SECRETARY BUENING: Krawczyk.  
4 MEMBER KRAWCZYK: Yes.  
5 SECRETARY BUENING: Rullman.  
6 CHAIRMAN RULLMAN: Yes.  
7 SECRETARY BUENING: And Wirball.  
8 MEMBER WIRBALL: Yes.  
9 SECRETARY BUENING: Motion passes.  
10 CHAIRMAN RULLMAN: The motion is carried.  
11 The Building Commission is your next stop.  
12 MR. CEBRZYNSKI: Thank you.  
13 MR. MARSHALL: Thank you. Appreciate your  
14 time. Thanks for coming out on a cold night.  
15 CHAIRMAN RULLMAN: Any other additional  
16 business? If not, we'll entertain a motion to  
17 adjourn.  
18 MEMBER KRAWCZYK: Motion to adjourn.  
19 MEMBER HOLDERFIELD: Second.  
20 CHAIRMAN RULLMAN: All in favor?  
21 (Ayes heard.)  
22 CHAIRMAN RULLMAN: The meeting is  
23 adjourned at 7:25 by the clock on the wall.  
24 (Off the record at 7:25 p.m.)

Transcript of Variation Application for 314 Indiana Street  
Conducted on January 4, 2018

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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 9th day of January, 2018.

My commission expires: May 16, 2020

*Joanne E. Ely*



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