

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, DECEMBER 10, 2015
COUNCIL CHAMBERS**

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

Member Absent: Charles Simpson

Also Present: Russell Colby, Planning Division Manager
Ellen Johnson, Planner
Court Reporter

1. Call to order

Chairman Rullman called the meeting to order at 7:04 p.m.

2. Roll call

Roll was called with four members present. There was a quorum. Mr. Hrivnak was in attendance but did not participate in the meeting.

3. Presentation of minutes of the October 22, 2015 meeting

A motion was made by Mr. Holderfield and seconded by Mr. Krawczyk with a unanimous voice vote to approve the minutes of the October 22, 2015 meeting.

4. Variation Application V-7-2015, filed by Jerry and Sharon Krusinski, owners of the property located at 1971 Shenandoah Lane in the City of St. Charles.

Secretary Buening summarized/read into record the following:

- Variation Application V-7-2015 filed by Jerry and Sharon Krusinski, owners of the property located at 1971 Shenandoah Lane in the City of St. Charles
- The requested action is a zoning variation to reduce the rear yard setback for an enclosed porch from 40 ft. to 28 ft. 6 in.

Chairman Rullman swore in the following:

- Jerry Krusinski, 1971 Shenandoah Lane, St. Charles
- Russell Colby, Planning Division Manager
- Ellen Johnson, Planner

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Buening and seconded by Mr. Holderfield 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 Zoning Board of Appeals has reviewed File V-7-2015, dated 11/12/2015, and received 11/12/2015 from Jerry and Sharon Krusinski for the property located at 1971 Shenandoah Lane, St. Charles, Illinois, for a variation to reduce the rear yard setback requirement for an enclosed porch from 40 ft. to 28 ft. 6 in.; and

Whereas, the particular physical surroundings, shape, or topographical conditions of the specific property would result in a practical difficulty or particular hardship to the property owner, as distinguished from mere inconvenience if the strict letter of the regulations were to be carried out, due to the configuration of the structure; and

Whereas, the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification due to the configuration of the lot; and

Whereas, the purpose of the variation is not based exclusively upon a desire to make more money on 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 adjacent property, or substantially increase the congestion of 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 Board of Appeals grants the variation requested, with the stipulations as specified in Section 17.04.310 “Variations” of the Municipal Code of the City of St. Charles, subject to the following conditions:

1. The addition shall conform to the site plan as attached in the materials submitted for variation request V-7-2015.

2. There shall be no windows enclosing the porch.
3. The porch shall not be conditioned with heat or air conditioning, except for the fireplace as proposed in the submitted plans.

Roll called:

Ayes: Holderfield, Krawczyk, Rullman, Buening

Nays: None

Motion carried; Variation granted. 4-0

5. **Additional Business from Board members, Staff, or Citizens.**
6. **Adjournment at 7:40 p.m.**

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

-----x
In Re: :
Variation Application :
for the Property Located : No. V-7-2015
at 1971 Shenandoah Lane. :
-----x

HEARING
St. Charles, Illinois
Thursday, December 10, 2015
7:03 p.m.

Job No.: 98021
Pages: 1 - 36
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CCP, FAPR

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Hearing held at the location of:

ST. CHARLES CITY HALL
2 East Main Street
St. Charles, Illinois 60174
(630) 377-4400

Before Melanie L. Humphrey-Sonntag, a Certified
Shorthand Reporter, Registered Diplomate Reporter,
Certified Realtime Reporter, and a Notary Public in
and for the State of Illinois.

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PRESENT:

ELMER RULLMAN III, Chairman

SCOTT BUENING, Secretary

JAMES HOLDERFIELD, Member

ROBERT KRAWCZYK, Member

ALSO PRESENT:

RUSS COLBY, Planning Division Manager

ELLEN JOHNSON, Planner

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P R O C E E D I N G S

CHAIRMAN RULLMAN: All right. We'll open this meeting at 7:03 on the clock on the wall.

And, Mr. Secretary, please call the roll.

SECRETARY BUENING: Holderfield.

MEMBER HOLDERFIELD: Here.

SECRETARY BUENING: Hrivnak.

(No response.)

SECRETARY BUENING: Krawczyk.

MEMBER KRAWCZYK: Here.

SECRETARY BUENING: Rullman.

CHAIRMAN RULLMAN: Here.

SECRETARY BUENING: Simpson, absent.

And, Buening, present.

CHAIRMAN RULLMAN: All right. So we open the meeting with four members present and two members absent -- one member present, unable to vote, and one member absent.

Presentation of the meeting of our last meeting.

Any questions or corrections or additions to the minutes of our last meeting on October 22nd?

(No response.)

CHAIRMAN RULLMAN: If there are none, accept

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1 a motion to approve.

2 MEMBER HOLDERFIELD: I make a motion we
3 approve.

4 MEMBER KRAWCZYK: I'll second.

5 CHAIRMAN RULLMAN: All in favor?

6 (Ayes heard.)

7 CHAIRMAN RULLMAN: They're approved.

8 At this time we'll open the hearing on
9 Variation Application V-7-2015, filed by Jerry and
10 Sharon Krusinski, owners of the property located at
11 1971 Shenandoah Lane in the City of St. Charles.

12 Secretary, please read the appropriate
13 information.

14 SECRETARY BUENING: This is Petition
15 No. V-7-2015. The property is located at
16 1971 Shenandoah Lane. The applicants are Jerry
17 and Sharon Krusinski of the same address.

18 The requested action is a zoning variation
19 to reduce the rear yard setback requirement for an
20 enclosed porch from 40 feet to 28 feet 6 inches.

21 The purpose and scope is that the Applicant
22 has constructed a patio that encroaches into the
23 rear yard setback by 11 feet 6 inches. Patios are
24 permitted to encroach into the rear yard setback;

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1 however, the Applicant is proposing to construct a
2 screened porch on the existing patio. A screened
3 porch is considered to be enclosed; it cannot
4 encroach in the rear yard setback. Therefore, the
5 screened porch must meet the required setback for
6 the principal building, which is 40 feet. The
7 Applicant is requesting the variance to allow the
8 proposed screened porch to be constructed.

9 The existing land use is as a single-family
10 residential. The existing zoning is RS-2, suburban
11 single-family residential and planned unit
12 development in the Majestic Oaks PUD.

13 The application was filed and received by
14 the planning department on November 12th of 2015.
15 In addition, there were three letters of support
16 filed with the application, one from Jane and
17 Xavier Pombar, a second one from Tanveer and
18 Shailah Naseeruddin, and a third one from the
19 Majestic Oaks Homeowner Association board.

20 The notice was published in the Kane County
21 Chronicle on November 18th of 2015 indicating the
22 variances that are being requested in the Kane
23 County Chronicle.

24 CHAIRMAN RULLMAN: Okay. We'll mark that as

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1 Exhibit A.

2 (Exhibit A marked for identification and
3 retained by the Board.)

4 CHAIRMAN RULLMAN: Is the Petitioner
5 present?

6 MR. KRUSINSKI: Yes, sir.

7 CHAIRMAN RULLMAN: Will everyone who wishes
8 to speak on this petition please rise, raise your
9 right hand.

10 (Three witnesses duly sworn.)

11 CHAIRMAN RULLMAN: All right. State your
12 name and address, please, to the reporter.

13 MR. KRUSINSKI: Jerry Krusinski,
14 K-r-u-s-i-n-s-k-i. The address is 1971 Shenandoah
15 Lane in St. Charles.

16 CHAIRMAN RULLMAN: Let the record show that
17 Russell Colby, who is the planning division manager,
18 and Ellen Johnson, the planner for the City of
19 St. Charles, were also sworn.

20 All right. The floor is yours, although
21 I will point out before we begin that we have four
22 members present and this Board -- in order to take
23 any action, there must be 4 affirmative votes.

24 So since it's four and normally it would be

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1 seven, at any time if you feel you wish to
2 discontinue and go to the next scheduled meeting,
3 you're welcome to request that.

4 MR. KRUSINSKI: Thank you.

5 CHAIRMAN RULLMAN: The floor is yours.

6 MR. KRUSINSKI: Thank you, Mr. Chairman and
7 respected Board members.

8 We're here this evening -- my wife, Sharon,
9 is with me -- requesting a variance in our rear yard
10 setback as earlier described for a screened porch
11 enclosure to be added on the exterior of the home,
12 and I'd like to reinforce this is for a screened
13 enclosure. It is not heated, nor will it be air-
14 conditioned. It is on a flat concrete patio, so it
15 is not our intent to increase our living space.

16 I think it's a little bit appropriate that
17 we give you a little bit of the background and
18 history not only on our proposed addition here, but
19 Sharon and I have lived in St. Charles for over
20 25 years. And we have -- actually, we've lived in
21 the Fox Valley for 25 years, in the Majestic Oaks
22 subdivision for 15 years, and we are very active and
23 committed in this community.

24 We've been members of Baker Memorial United

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1 Methodist Church for 25 years. I happen to be a
2 trustee and the chairman of the trustees. I'm also
3 a board member of the Majestic Oaks Homeowners
4 Association, past director for St. Charles Country
5 Club.

6 And just walking up this evening, it dawned
7 on me that we were a supporter of the Reflections
8 sculpture. So we spend a lot of our time, and we
9 have a very strong commitment. In fact, Sharon has
10 to get back to clean up for the madrigal singers
11 this evening.

12 The reason that we are so interested in
13 creating an addition, a screened porch enclosure, on
14 our home is that we are adjacent -- our home is
15 here, and we are adjacent to the detention area
16 for -- one of the detention areas for our homeowners
17 association.

18 As you can see here in this diagram, this is
19 a flat-bottom basin. It is not -- there's not
20 continued water in the basin. And any time of
21 the year there's constantly stagnant water, whether
22 it's winter -- this was in the fall, just
23 several weeks ago. And in the spring and summer,
24 you can see they cannot even get into the bottom of

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1 this detention pond to mow it and maintain it. So
2 it is problematic. We experience a very terrible
3 mosquito problem in the early -- late afternoon,
4 early evening.

5 And I'd like to point out that all of our
6 surrounding neighbors all have screened-in
7 enclosures, so we are the only ones, quite frankly,
8 that do not. But it is a serious issue. And
9 although the City of St. Charles has a mosquito
10 abatement program, the reality is they can't
11 physically get back here. It's in an enclosed area
12 and it is a continued problem.

13 So this spring we started our first phase of
14 the project, which was a patio and the foundation
15 installation, and I'd like to say that, talking with
16 John earlier, we want to do things right. You know,
17 I have a business. I've lived in the community a
18 long time. And that's why we, you know, properly
19 had documents completed. We submitted for permit
20 for the patio footing and foundation. And as you
21 can see, it was some quite extensive, elaborate
22 foundation work, all below frost line, 12-inch
23 reinforced walls attached to the existing home with
24 reinforcing, and we complied with all of the

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1 requirements. There are our inspection reports. We
2 called for a final inspection.

3 But, you know, I should add that the only
4 two comments that we had on our permit submittal --
5 one was that the stoop must be a 36-by-36 landing,
6 and the other part of our submittal was our plat of
7 survey that said to stay out of the 25-foot tree
8 easement.

9 So we were moving forward with good
10 intentions. We did everything that we were
11 requested during all of the inspections and
12 completed that project as well as some landscaping
13 around the house.

14 During that -- and I would like to add that
15 there was no indication that this was in the 40-foot
16 rear yard setback so -- albeit I've been told that
17 patios can be constructed in the rear set yard
18 [sic]. However, these were 4-foot-deep, you know,
19 12-inch reinforced foundations. And, you know, we
20 just continued to move forward.

21 We then -- when this work was completed and
22 some other miscellaneous landscaping, we proceeded
23 and submitted our next permit to the building
24 department for the three-sided screened-in addition.

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1 Again, we wanted to follow all of the proper
2 protocol.

3 We did so with this here. And, actually,
4 with both of these submittals we included a plat of
5 survey and even took it to one step forward. When
6 we submitted our permit application, we even
7 enclosed with our packet the previously submitted
8 first phase foundation with the permit number and
9 documents and copies enclosed. Again, I wanted to
10 be very straightforward and as comprehensive as
11 possible.

12 But, unfortunately, on October 27th -- and
13 I know the date very specifically -- I received a
14 call that said that we could not proceed with the
15 screened-in enclosure because we were in the rear
16 yard setback.

17 So my normal nature and tendency is to
18 begin, you know, investigating all of these matters.
19 This was our plat of survey that I mentioned earlier
20 that was submitted with both the patio foundation
21 set as well as the building permit for the
22 screened-in enclosure, and our plat of survey
23 clearly indicates a 40-foot setback line, and it
24 also indicates a 25-tree conservation easement.

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1 So the proposed addition here was clearly --
2 there was no conflict from -- to the best of our
3 knowledge.

4 But further investigating this, we -- you
5 know, I analyzed the St. Charles codes that front
6 yard setbacks are typically 30 feet, rear yard
7 setbacks 40 feet, which I learned, as well as the
8 PUD for the Majestic Oaks subdivision, same thing:
9 Front yard setbacks, 30 feet; rear yard, 40 feet.

10 And so it -- you know, I quickly learned
11 that our front yard setback was 40 feet, an
12 additional 10 feet from what is typical by the City
13 of St. Charles Code as well as the planned unit
14 development documents.

15 So I reached out to some of the officials
16 here to try to help sort out why there was that
17 discrepancy in the front yard, albeit different, not
18 applicable to my rear yard setback, but we, in
19 essence, lost 10 feet of buildable area with our
20 footprint shifting everything back.

21 So the City was very, very helpful, but
22 I would like to, you know, read a statement from one
23 of the officials here after I questioned why there
24 was this disparity.

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1 "Hi, Jerry. Technically the zoning
2 requirements in this case, the requirements
3 specified in the PUD ordinance, apply regardless of
4 the building line shown on the plat. I've attached
5 the plat of subdivision for the Majestic Oaks
6 Unit 2. This is strange that the building line is
7 marked as 30 feet for the entire subdivision" --
8 that's all of these green lines here -- "other than
9 your cul-de-sac, which is marked as 40 feet. I do
10 not know the reason for this. I'm sorry. I do not
11 have a better answer for you."

12 So, again, the only reason I'm pointing this
13 out to you is, for some reason, four of the lots on
14 our cul-de-sac were penalized by reducing -- by
15 increasing the front yard setback and, in essence,
16 I'm losing 10 feet in the rear yard setback.

17 So the point that I want to make is I'm not
18 here this evening to blame or make accusations or
19 criticize anything with the City, but there is just
20 a unique situation here that I'm trying to deal with
21 as it relates to better understanding all of these
22 here setbacks.

23 So this is what it all boils down to, and
24 I think this drawing that I have prepared really

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1 will help clarify several of these things.

2 The key dilemma that we have is we have a
3 very irregular-shaped lot configuration, and with
4 several encumbrances in the proposed building area
5 for the screened-in porch really limits me to put
6 our screened addition there. And those encumbrances
7 are we have the exhaust for the furnaces down below;
8 we have air-conditioning units. There is a 36-inch
9 grade differential.

10 We also have done our best to avoid all of
11 the window wells into the basement. And probably
12 the most critical component for our screened
13 enclosure at this location is that's the only door
14 that we have exiting on the back side of the home
15 off of our kitchen. We do not have any access out
16 of this corner of the house, nor does the internal
17 layout of the home lend itself to this.

18 So these are just some of the photos -- if
19 you visited the back of the home, I'm sure you
20 recognize some of these things.

21 But now, with that being said, the proposed
22 area that we can -- we are requesting the variance
23 for or the encroachment area equates to about
24 256 square feet. It's this area here.

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1 Ironically, the loss of square footage in my
2 front yard is 622 square feet if we were to
3 calculate that as a comparison, so it's only a
4 portion of what we've lost. And even with this
5 addition here, we are still way, way under our
6 overall lot coverage requirement for the City to
7 meet with the Code as it relates to this.

8 And, Mr. Chairman, you know, you also read
9 the letters. We do have letters of support from our
10 neighbors. Only two would be potentially able to
11 view this screened-in area. It would not be viewed
12 from the front of the street. You just physically
13 would not be able to see it.

14 So maybe I should stop here and see if you
15 have any particular questions.

16 CHAIRMAN RULLMAN: Any questions from the
17 Board?

18 MEMBER KRAWCZYK: Yeah, I have a couple.

19 It seems that the 40-foot -- with 40, if we
20 just took your unit and just pushed it forward, then
21 you'd lose on the side yards, so I think the --
22 whoever designed this pushed it back so you would
23 have appropriate side yards.

24 Unless they reconfigured the garage.

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1 MR. KRUSINSKI: Well, and that's been -- if
2 you go to the engineering drawings -- which
3 I actually have for the development -- my only
4 access point, according to the engineering
5 documents, was restricted to this.

6 That's why we had to pigeonhole -- and you
7 can see the garage goes in at a little bit of an
8 angle.

9 But theoretically we could get it close or
10 pretty darned close if it was 30 feet, sir. Not --
11 may not a hundred percent, but maybe we would have a
12 little more flexibility in the back.

13 MEMBER KRAWCZYK: And you also said that
14 certain neighbors had a screened-in porch. How many
15 have been added on from the original construction
16 and how many are integrated with the original
17 construction?

18 MR. KRUSINSKI: That's an addition. That's
19 an addition. That's an addition there.

20 I think this home here was an existing porch
21 that they just enclosed.

22 That's the only original.

23 So we have multiple that were added at a
24 later date.

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1 MEMBER KRAWCZYK: Okay. So the unit that's
2 on my -- on my podium here to the other side of
3 you --

4 MR. KRUSINSKI: That one?

5 MEMBER KRAWCZYK: This one here.

6 That one. That was an open porch and they
7 enclosed it?

8 MR. KRUSINSKI: It was actually -- they
9 had -- it was roofed and columns --

10 MEMBER KRAWCZYK: It's on the corner.

11 MR. KRUSINSKI: It was actually -- the roof
12 came over and the columns were existing, and I think
13 they simply screened it.

14 MEMBER KRAWCZYK: Okay.

15 MR. KRUSINSKI: And maybe that's a better
16 clarification. The structure was existing from a --
17 and they just -- they screened it in later.

18 MEMBER KRAWCZYK: Okay. It did seem like it
19 was part of the original development.

20 MR. KRUSINSKI: Yes. They screened it at a
21 later date.

22 MEMBER KRAWCZYK: And I didn't check the
23 other ones, so I don't know about those.

24 MR. KRUSINSKI: Well, I know that these were

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1 definitely additions.

2 MEMBER KRAWCZYK: And then you had no dates
3 on the photos so -- obviously, the foundation photo
4 was in the spring because you said you started in
5 the spring.

6 And when was this photo taken?

7 MR. KRUSINSKI: Well, those were taken
8 during construction --

9 MEMBER KRAWCZYK: Okay.

10 MR. KRUSINSKI: -- after we received our
11 patio, slash, foundation permit.

12 MEMBER KRAWCZYK: And I'm just -- I'll just
13 ask the question.

14 You didn't show us what it looks like today.
15 Correct?

16 MR. KRUSINSKI: Okay.

17 MEMBER KRAWCZYK: Okay. So you have added
18 some construction to the patio. Has that been
19 permitted and inspected?

20 MR. KRUSINSKI: What do you mean by "added"?

21 I've basically enclosed the -- or I paved
22 the entire area, and the fireplace is all in the --
23 that's there.

24 MEMBER KRAWCZYK: But the fireplace is

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1 there.

2 MR. KRUSINSKI: Yes.

3 MEMBER KRAWCZYK: Okay. Has that been
4 inspected?

5 MR. KRUSINSKI: It's just a -- it's a
6 fireplace enclosure. I was looking at, you know,
7 the prefabricated units that are -- what are they?
8 And I just ended up building that.

9 MEMBER KRAWCZYK: Okay. Because that
10 doesn't appear on any of the drawings of existing
11 construction.

12 MR. KRUSINSKI: Well, I didn't realize that
13 that would be required. It's a freestanding
14 fireplace.

15 MEMBER KRAWCZYK: Okay. That's -- I think
16 that's it for me.

17 CHAIRMAN RULLMAN: All right. The fireplace
18 has been there a while. It was there when I
19 visited, I know, so --

20 MR. KRUSINSKI: Yes. Yeah.

21 CHAIRMAN RULLMAN: Any other questions?

22 SECRETARY BUENING: I have some.

23 As to the setback line, my best guess is --
24 based on looking at the plat -- that the lots in

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1 this particular cul-de-sac only have a 50-foot
2 frontage along the cul-de-sac. The other cul-de-sac
3 has more than 50 -- around 54, marginally larger.

4 It's pretty typical in many ordinances to
5 require a larger setback when you have a frontage
6 that's below a certain threshold just because you
7 want to push the houses back so that they're not all
8 converging.

9 MR. KRUSINSKI: I understand the -- yeah.

10 SECRETARY BUENING: So I think that's
11 probably why that setback was there.

12 MR. KRUSINSKI: Ours is the only cul-de-sac.
13 That's what's so -- four lots out of the
14 subdivision. Seems like, you know, we were
15 penalized, obviously.

16 SECRETARY BUENING: And I don't know that
17 I would consider it penalized, but that's probably
18 why they did that.

19 So the southwest corner of your house, you
20 said that there's no door and it's not possible to
21 provide access there. What is that part of your
22 house? Is that a living room?

23 MR. KRUSINSKI: I have an office and, you
24 know, just another, you know, seating room.

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1 But that's really not where, you know, the
2 family would congregate.

3 SECRETARY BUENING: Explain to me a little
4 bit more about your permits.

5 You said you got two permits, one was for
6 the patio and one was for the enclosure.

7 MR. KRUSINSKI: Yes, sir.

8 SECRETARY BUENING: Why did you elect to do
9 that as opposed to applying for them all at the same
10 time?

11 MR. KRUSINSKI: Quite frankly, I was
12 really -- I wanted to get all of the site work done
13 and the landscaping, and I didn't know if we would
14 get this built this year or in the springtime. That
15 was one of the things. I wanted to break it apart
16 separately.

17 There was an economic motivation, as well,
18 because we were doing some landscaping and some
19 other things around the house, so we were -- I felt
20 it would just be the best to separate the two.

21 SECRETARY BUENING: When you applied for
22 your --

23 MR. KRUSINSKI: But I actually had, you
24 know, the drawings completed by the same architect

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1 in two separate packages.

2 SECRETARY BUENING: When you applied for
3 that first permit, did you advise the City that you
4 were planning to have an enclosure at that time?

5 MR. KRUSINSKI: No. I just -- I never came
6 in, met. I just basically submitted the documents
7 and picked up an application.

8 I regret not having a pre -- you know -- a
9 premeeting beforehand, but, quite frankly, I just
10 thought it was just so straight, you know, and
11 simple.

12 SECRETARY BUENING: I'll be honest. One of
13 the things I'm wrangling with is the hardship part
14 of it. I do think you have potentially a unique
15 situation because of, you know, the lot and the
16 setback.

17 But as I understand it -- you're the first
18 owner of this home; correct?

19 MR. KRUSINSKI: That is correct.

20 SECRETARY BUENING: Okay. And how involved
21 were you in the placement of the home on the site
22 when it was built?

23 MR. KRUSINSKI: Well, you know, we were
24 working with the builder, and we looked at several

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1 different lots and things of that nature.

2 So, you know, I would say I was involved but
3 did not anticipate, when we were doing that, that we
4 would really be required to build a screened-in
5 area. That wasn't part of the master plan.

6 It just so happened, after 15 years of
7 dealing with some of these challenges, we've -- we
8 know that we want to stay in this area. We love the
9 neighborhood; we love the home. That's why we're
10 doing some improvements, spending more money.

11 We want to stay there, but the need is
12 really because of -- we just can't go in the
13 backyard in the late afternoons or early evenings.
14 It's that simple.

15 SECRETARY BUENING: Well, when you built the
16 house and you had the door there, I mean, what was
17 your thought at the time you built the house? What
18 were you going to put out there?

19 Were you thinking a patio or just an
20 enclosure?

21 MR. KRUSINSKI: We had a patio -- a paver
22 patio there previously. That is correct. That was
23 torn up to redo this. There was an existing paver
24 patio that was there at the time of our original

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1 construction.

2 It's basically the same footprint, quite
3 frankly. If you go to a previous aerial, you'll see
4 that.

5 SECRETARY BUENING: Right.

6 Okay. That's all I have right now.

7 CHAIRMAN RULLMAN: Just a general comment:
8 PUDs have always been an issue because there's
9 back-and-forth with the City, that some things are
10 given, some things are not when they design the PUD.

11 So it's always been a bit of an issue, and
12 it doesn't necessarily follow the cookie cutter of
13 the ordinance.

14 However, we're specific in things we can
15 consider, special circumstances, unique
16 circumstances, unique shape of the lots.

17 In this case, we have testimony of a
18 mosquito issue that's probably pretty unique in
19 St. Charles with the low level, so those are things
20 that we certainly can consider.

21 MEMBER KRAWCZYK: I do have another -- just
22 a follow-up on one of the things.

23 Can you tell me a little bit of what kind of
24 activity is behind your house? You do have some

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1 tree -- you have a tree line, then you have that
2 open area. That open area is pretty wide open.

3 MR. KRUSINSKI: Yeah, it is.

4 And quite frankly, this is just a -- this is
5 actually photographed sort of down in the lower pond
6 area. There's no activity, In fact, because you can
7 see there's no sidewalks; there's no access points
8 here.

9 The only activity is really on the park, but
10 from the park, you know, it's very difficult to see
11 into our backyard.

12 MEMBER KRAWCZYK: So you don't have little
13 kids riding their bicycles behind, even around the
14 cul-de-sac?

15 MR. KRUSINSKI: The only thing that we
16 occasionally get is, when there's a nice snow, some
17 of the little kids will just, you know, have their
18 sleds on the bank of the pond for a couple of hours
19 but that is it.

20 MEMBER KRAWCZYK: Because of that tree line,
21 the vegetation that's natural -- that's there, that
22 was left there or it was planted later -- that does
23 hide whatever you're going to be building there?

24 MR. KRUSINSKI: Oh, you -- you know, you're

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1 correct. You know, when this -- we can't -- let me
2 put it to you this way: From our lot right here,
3 you can't see into the back of these homes. You
4 just physically can't.

5 And, in fact, one of the gentlemen came
6 over, walked through here the other day just to see
7 and introduce himself and -- when he received the
8 certified mail. He just wanted to, you know,
9 understand and I showed him. But he had no
10 objection.

11 SECRETARY BUENING: Is it your intention for
12 this addition, this room, to be a screened room, not
13 closed and also not to be a conditioned space?

14 MR. KRUSINSKI: No. I want to make that
15 very clear.

16 It is purely screened. It's on a concrete
17 slab, a concrete foundation. There will be no heat;
18 there will be no air-conditioning. That's it. It's
19 just a three-sided screened enclosure.

20 SECRETARY BUENING: I have a question for
21 staff.

22 If this were a detached structure, would
23 they be able to locate it as long as it was --
24 whatever the setback is from the home, would they be

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1 able to locate it as a detached structure?

2 MR. COLBY: Yes.

3 And, actually, we permit gazebos and
4 pergolas as permitted encroachments in the rear
5 yard. So if it was separated from the building --
6 there's a required 10-foot separation from the
7 principal structure to the accessory structure, but
8 a similar type of screened enclosure would be
9 permitted in the rear yard.

10 SECRETARY BUENING: Okay. Thank you.

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

13 MEMBER KRAWCZYK: This is one I have.

14 But the fireplace is the heating?

15 MR. KRUSINSKI: It's more aesthetics to me,
16 yeah. But I mean -- it's aesthetics. We had a clay
17 pot fire pit out there for years so --

18 CHAIRMAN RULLMAN: Any other questions?

19 (No response.)

20 CHAIRMAN RULLMAN: Are there any objectors
21 present?

22 (No response.)

23 CHAIRMAN RULLMAN: Let the record show there
24 are no objectors present.

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1 Any further discussion from the Board?

2 (No response.)

3 CHAIRMAN RULLMAN: If not, I'll entertain a
4 motion.

5 SECRETARY BUENING: Before I -- before we
6 make a recommendation, would the Applicant be
7 willing to agree to conditions that would not allow
8 you to ever enclose that with windows, not have it
9 be a conditioned space, and have it comply with the
10 site plan, no expansion unless you amend that
11 special -- unless you amend the variance?

12 MR. KRUSINSKI: Yeah. That's very easy to
13 commit to. We want a screened enclosure, no
14 windows. We will never heat that.

15 I will make that con -- easily be a
16 condition of this approval.

17 SECRETARY BUENING: Okay. I'll make a
18 motion.

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

23 Whereas, the St. Charles Zoning Board of
24 Appeals has reviewed File V-7-2015 dated

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1 November 12th, 2015, and received November 12th,
2 2015, from Jerry and Sharon Krusinski for the
3 property located at 1971 Shenandoah Lane in the city
4 of St. Charles for a variance to reduce the rear
5 yard setback from 40 feet to 28 feet 6 inches;

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

13 Whereas -- due to the configuration of the
14 home structure and the appurtenances to;

15 Whereas, the conditions upon which the
16 petition for variation is based would not be
17 applicable generally to other property within the
18 same zoning classification due to the configuration
19 of the lot;

20 Whereas, the purpose of the variation is not
21 based exclusively on a desire to make more money off
22 the property;

23 Whereas, the alleged practical difficulty or
24 particular hardship has not been created by a person

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1 presently having interest in the property -- that's
2 the one I have the most difficulty with;

3 Whereas, the variation, if granted, will not
4 alter the essential character of the neighborhood;

5 Whereas, the granting of the variation will
6 not be detrimental to the public welfare or
7 injurious to other property or improvements in the
8 neighborhood in which the property is located;

9 Whereas, the proposed variation will not
10 impair an adequate supply of light and air to the
11 adjacent property or substantially increase the
12 congestion of public streets or increase the danger
13 of fire or endanger public safety or substantially
14 diminish or impair property values within the
15 neighborhood;

16 Now, therefore, the St. Charles Zoning Board
17 of Appeals grants the zoning -- the variation
18 requested with the stipulations as specified in
19 Section 17.04.310, "Variations," Municipal Code of
20 St. Charles, City of St. Charles, subject to the
21 following conditions:

22 No. 1, that the addition shall conform to
23 the site plan as attached in the materials in
24 Variation Request V-7-2015; No. 2, that there shall

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1 be no windows enclosing such enclosure; and, No. 3,
2 that this shall not be a conditioned space with heat
3 or air-conditioning.

4 CHAIRMAN RULLMAN: Construction must begin
5 within 12 months?

6 SECRETARY BUENING: Yeah, and then we could
7 add a fourth condition, that construction would --
8 I mean, that's given as part of the variance but --
9 that shall commence within 12 months.

10 CHAIRMAN RULLMAN: Right.

11 Second?

12 MEMBER HOLDERFIELD: Yes.

13 MEMBER KRAWCZYK: Can I just add one phrase
14 in that, "except for the existing fireplace"?

15 MEMBER HOLDERFIELD: I'm sorry. I couldn't
16 hear you.

17 MEMBER KRAWCZYK: "Except for the existing
18 fireplace."

19 MEMBER HOLDERFIELD: You would have that
20 removed?

21 MEMBER KRAWCZYK: No, add that because he
22 has heat, not to add heat.

23 SECRETARY BUENING: Oh, heat -- not a
24 conditioned space with the exception of the

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1 fireplace?

2 MEMBER KRAWCZYK: Right, the existing
3 fireplace that's already there.

4 SECRETARY BUENING: I'll accept that as an
5 amendment.

6 MEMBER KRAWCZYK: Okay.

7 MR. KRUSINSKI: Can I say --

8 CHAIRMAN RULLMAN: It's been moved and
9 seconded.

10 Mr. Secretary, please call the roll.

11 SECRETARY BUENING: Holderfield.

12 MEMBER HOLDERFIELD: Yes.

13 SECRETARY BUENING: Hrivnak.

14 (No response.)

15 SECRETARY BUENING: Absent.

16 Krawczyk.

17 MEMBER KRAWCZYK: Yes.

18 SECRETARY BUENING: Rullman.

19 CHAIRMAN RULLMAN: Yes.

20 SECRETARY BUENING: And, Buening, yes.

21 CHAIRMAN RULLMAN: Okay. The motion is
22 carried. The variation is granted. Deal with the
23 Building Commissioner.

24 MR. KRUSINSKI: Thank you.

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1 Thank you. We appreciate this. And rest
2 assured we're not going to put windows in so --
3 thank you.

4 CHAIRMAN RULLMAN: All right. Thank you.
5 So at this point --

6 MR. KRUSINSKI: Thank you.

7 CHAIRMAN RULLMAN: -- we'll close the
8 hearing on 7-2015 at 7:40 on the clock on the wall.

9 Any additional business from the staff?

10 MR. COLBY: No.

11 CHAIRMAN RULLMAN: Next meeting scheduled?
12 Not scheduled?

13 MR. COLBY: We do not have anything
14 scheduled for the January meeting, but there still
15 is time for that. We should receive an application.

16 CHAIRMAN RULLMAN: All right. Anything else
17 from the Board?

18 (No response.)

19 CHAIRMAN RULLMAN: I insist you all have a
20 wonderful holiday.

21 MEMBER KRAWCZYK: I'll second that. Thanks.

22 SECRETARY BUENING: All in favor, aye.

23 CHAIRMAN RULLMAN: Motion to adjourn?

24 MEMBER HOLDERFIELD: So moved.

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SECRETARY BUENING: Second.

CHAIRMAN RULLMAN: Okay. All in favor?

(Ayes heard.)

CHAIRMAN RULLMAN: We'll go home.

(Off the record at 7:40 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CCP, FAPR, 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 23rd day of December, 2015.

My commission expires: May 31, 2017

Notary Public in and for the
State of Illinois