

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, OCTOBER 22, 2020
COUNCIL CHAMBERS**

Members Present: Chairman- Elmer Rullman, III
Scott Buening
Ryan Bongard
James Holderfield
Linda Paslay

Member Absent: Steve Spurling
Bryan Wirball

Also Present: Russell Colby, Assistant Director-Community & Economic Development
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 27, 2019 meeting

A motion was made by Mr. Holderfield and seconded by Mr. Buening with a unanimous voice vote to approve the minutes of the June 27, 2019 meeting.

4. Variation Application V-1-2020, filed by Zach Derrico, record owner of the property located at 620 N. 3rd Ave. in the City of St. Charles.

Secretary Buening summarized/read into the record the following:

- The requested action is a zoning variation to allow a 5' rear yard setback for a detached garage.
- Proposed is the construction of a 24x24 foot detached garage with a 4' overhang facing the home.
- The applicants are requesting to construct the garage 5' from the rear lot line of the block, which is located on the east property line along 4th Ave.
- Detached garages are not permitted to encroach into the rear yard of through lots, requiring a 40' rear yard setback.

Chairman Rullman swore in the following:

- Zach Derrico- 1206 S. 4th St., St. Charles, IL
- Lisa Norris- 209 Auburn Ct., St. Charles, IL

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. Buening and seconded by Mr. Bongard 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-1-2020 dated 9/22/20 and received of the same date from Zach Derrico for the property located at 620 North 3rd Avenue, St. Charles, Illinois 60174, for a rear yard 5 ft. setback; and,

Whereas, the particular shape or topographic conditions of the specific property involved would not result in a practical difficulty or particular hardship to the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; and

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

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

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

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

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

Whereas, the proposed variation will not impair an adequate supply of light and air to the adjacent property or substantially increase congestion of the public streets or increase the danger of fire, endanger public safety, or substantially diminish or impair property values;

Now, therefore, the St. Charles Zoning Board of Appeals grants the request 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. A 20 ft. setback reduction is approved (resulting in a rear yard setback of 20 ft.)

Roll called:

Ayes: Buening, Bongard, Holderfield, Rullman, Paslay

Nays:

Absent: Spurling, Wirball

Motion carried; Variation granted by a vote of 5-0.

5. Additional Business from Board members or Staff- None

6. Public Comment- None.

7. Adjournment at 7:53 p.m.



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Transcript of Variation Application For 620 North 3rd Avenue

Date: October 22, 2020

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 FOR THE :
PROPERTY LOCATED AT :
620 NORTH 3RD AVENUE, : V-1-2020
FILED BY ZACH :
DERRICO. :

- - - - - X

REPORT OF PROCEEDINGS
St. Charles, Illinois
THURSDAY, OCTOBER 22, 2020
7:00 P.M. CST

JOB NO.: 272212
PAGES: 1 - 39
REPORTED BY: RENEE E. BRASS, CSR, RPR

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

2

1 Report of proceedings held at the location of:

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4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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12 Before Renee E. Brass, CSR, RPR.

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Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

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PRESENT:

ELMER RULLMAN, III, Chairman

SCOTT BUENING, Member

JAMES HOLDERFIELD, Member

RYAN BONGARD, Member

LINDA PASLAY, Member

ALSO PRESENT:

RUSS COLBY, Planning Division Manager

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

4

1 CHAIRMAN RULLMAN: I will now call this
2 meeting to order of the St. Charles Board of
3 Zoning Appeals at 7:00 according to the clock on
4 the wall.

5 Secretary, please call the roll.

6 MEMBER BUENING: Bongard.

7 MEMBER BONGARD: Here.

8 MEMBER BUENING: Buening. Here.
9 Holderfield.

10 MEMBER HOLDERFIELD: Here.

11 MEMBER BUENING: Paslay.

12 MEMBER PASLAY: Here.

13 MEMBER BUENING: Rullman.

14 CHAIRMAN RULLMAN: Here.

15 MEMBER BUENING: Spurling.

16 (No response.)

17 CHAIRMAN RULLMAN: We have five members
18 present and one not present.

19 All right. Are there any corrections or
20 additions to the minutes from our previous
21 meeting?

22 MEMBER HOLDERFIELD: Excuse me. I am
23 having a tough time hearing you.

24 CHAIRMAN RULLMAN: An additions or

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

1 corrections to the previous meeting?

2 (No response.)

3 CHAIRMAN RULLMAN: The minutes are the
4 June 27, 2019, meeting.

5 MEMBER BONGARD: I have no changes.
6 Hearing none, I ask for a motion for approval.

7 MEMBER HOLDERFIELD: So moved.

8 MEMBER BUENING: Second.

9 CHAIRMAN RULLMAN: All in favor?

10 (Chorus of ayes.)

11 CHAIRMAN RULLMAN: Opposed?

12 (No response.)

13 CHAIRMAN RULLMAN: The minutes are
14 approved.

15 I will now open the hearing on Variation
16 V-1-2020 for the property located at 620 North 3rd
17 Avenue in St. Charles.

18 Mr. Secretary, please read the pertinent
19 parts.

20 MEMBER BONGARD: This is Variation
21 V-1-2020 for property located at 620 North 3rd
22 Avenue. The requested action is for zoning
23 variation to allow a 5' rear yard setback for a
24 detached garage.

1 In this case the applicants propose to
2 construct a 24-by-24-foot detached garage with a
3 4' overhang facing the home. The applicants are
4 requesting to construct this garage 5' from the
5 rear lot line of the block. The rear lot line is
6 the east property line of 4th Street -- of 4th
7 Avenue.

8 Detached garage is not permitted to
9 approach into the rear yard through lots that are
10 requiring a plot of 40' rear yard setback.

11 The property is an existing private single
12 family residence in the RT-1 traditional single
13 family residential district.

14 There was a public notice in the Daily
15 Herald published for this variation on
16 October 7, 2020, and mailed notice was sent out to
17 property owners within 250 feet on
18 October 6, 2020.

19 CHAIRMAN RULLMAN: Please note that there
20 is a revised location plot attached and we'll
21 include all of that as Exhibit A.

22 Is the petitioner a resident?

23 MR. DERRICO: Yes.

24 CHAIRMAN RULLMAN: Will everyone who wants

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

7

1 to be heard on this petition please rise, raise
2 your right hand.

3 (Whereupon, three witnesses were thereupon
4 duly sworn.)

5 CHAIRMAN RULLMAN: Yes. Please give your
6 name and address to the reporter.

7 MS. NORRIS: You got my name, right? 209
8 Auburn Court, St. Charles. My name is Lisa
9 Norris.

10 MR. DERRICO: My name is Zach Derrico. I
11 live at 1206 South 4th Street.

12 CHAIRMAN RULLMAN: Please let the record
13 show that Russell Colby was also sworn in for the
14 City.

15 The floor is yours.

16 MS. NORRIS: All right. First, I assume
17 you had all the pages of the packet, right? Okay.

18 CHAIRMAN RULLMAN: Everyone has a packet.

19 MS. NORRIS: Awesome. What I have here is
20 a virtual scan. What I have initially that I want
21 to show you is just a virtual scan of the
22 property.

23 What we are asking for is a 5' setback
24 from the back lot line. If we have to go to the

1 40' setback, it eliminates the majority of his
2 backyard, thus the hardship.

3 On this photo, it's a virtual scan, and I
4 can kind of tour around and show you. This is the
5 neighbor. This is the neighbor directly to the
6 south. His garage is very close to the street. I
7 haven't measured it exactly. It might be 5', but
8 it's very close to the street. It does not have a
9 40' setback at all.

10 Initially we wanted to put the garage
11 closer, and that's what you had in your first
12 packet.

13 What you received today or yesterday was
14 moving it a little further to the north, so this
15 is the typical view from the backyard from the
16 street. This is the street.

17 4th Avenue on this particular block,
18 there's three residences whose backyard faces 4th
19 Avenue. There's one resident directly across the
20 street from the Derrico home which coincidentally
21 Zach and his father did build that home. So the
22 three houses, the back faces this 4th Avenue.
23 Even though it's called an avenue, it's very much
24 an alley.

1 This boat that you are seeing and the
2 Skidoos and little boat, they are typically there
3 all the time. Wonderful neighbor, but I wanted to
4 give you a feel for the fact that it's more like
5 an alley than it is a true street.

6 All right. Let's see. So this is a view.
7 That is your typical view. There's a scan just
8 going from left to right.

9 Those two piers are the existing 10' wide
10 drive, so you can still now be entering through
11 that 10' drive, making a quick left to go into the
12 new garage.

13 I want to show you -- I think in your
14 packet is a view from the second floor showing
15 what the size of the backyard is now. Everybody
16 have that? Is that in the packet? Let me get
17 you -- I have copies.

18 CHAIRMAN RULLMAN: That will be marked as
19 Exhibit B.

20 MS. NORRIS: Are there any questions?

21 You can see from the second floor, the
22 backyard, and if Mr. Derrico has to build a garage
23 40' back, it annihilates their backyard.

24 MEMBER HOLDERFIELD: I have a question.

1 I'm just curious, driving by there, and then
2 looking at the picture from the upstairs out to
3 the lot, will you lose that tree, the large one
4 there?

5 MS. NORRIS: Mr. Derrico did have the
6 arborist there.

7 MR. DERRICO: We are trying to save it,
8 but there's -- because I would like nothing more
9 than to save the tree, so we are trying to save
10 the tree because we're not 100 percent certain
11 right now.

12 We are trying to possibly adjust the
13 garage to favor the tree more so it wouldn't
14 damage the roots, but there's a little bit of risk
15 and concern.

16 I mean you go through these steps and the
17 tree wants to die here maybe in a few years
18 anyhow, so just trying to weigh all that, but
19 obviously I would like to try to save the tree.
20 We're just not sure if we can.

21 MEMBER HOLDERFIELD: I was just wanting to
22 hear your concerns. I appreciate that.

23 It's such a lovely, large tree, so...

24 MEMBER BUENING: Do you know what type of

1 tree that is?

2 MS. NORRIS: It's an ash.

3 MEMBER BUENING: That's going to be tough
4 to save.

5 CHAIRMAN RULLMAN: Any other questions for
6 the Board?

7 MEMBER BUENING: Yeah. I have a few. Did
8 you -- I guess I'm trying to figure out exactly
9 why you couldn't come closer to -- it seems to be
10 a very substantive variance what you're asking
11 for. If this were a single-family residence
12 facing this way, you would have a much greater
13 setback.

14 I'm concerned about the gravity or the
15 extent of the variation you are asking for. Seems
16 to be pretty excessive.

17 MS. NORRIS: We are really trying to
18 maximize what yard is left.

19 MEMBER BUENING: The problem is that the
20 hardship you're creating is your own. You have
21 got a large structure and you have got a detached
22 garage. You want to add on to that. I guess I'm
23 having a hard time seeing the justification for
24 that, to be honest.

1 MS. NORRIS: Well, look at the neighbor's
2 also. And every time I have gone there, we're
3 seeing boats, and we are seeing everything else.
4 His garage is -- I didn't measure it, but it could
5 be 5' from the street.

6 MR. DERRICO: It is 5' off the property
7 line.

8 MEMBER BUENING: And to that notion, I
9 think, I had staff ask, look into that, and as far
10 as I know, they don't have any knowledge of how
11 they got the application, so it may be a
12 nonconformance situation. Doesn't necessarily
13 need a permit. So...

14 MS. NORRIS: I can't answer that. I know
15 that three out of the four houses back up to 4th
16 Avenue, and that house is beyond the setback. The
17 house on the corner is beyond the required
18 setback, so we are trying to be neighborly.

19 We have scaled the building so that it's
20 appropriate. It's going to be charming. It's
21 going to be a detached garage like a Tudor home
22 should have, so we are not trying to overpower or
23 overscale that elevation.

24 MEMBER BUENING: Would you be willing to

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

13

1 reduce the variance?

2 MS. NORRIS: What are you talking about?

3 MEMBER BUENING: Would you be willing to
4 instead of having 5', say 20 feet?

5 MS. NORRIS: We discussed at one point
6 15', but we really -- I'd like to say no, but
7 we're not going to say no. We will discuss
8 anything.

9 We just really want it back as far as it
10 can, because it also masks off the neighbor's
11 garage and everything that they keep there.

12 When we pull it forward, it annihilates
13 the backyard and now we are seeing everything.

14 It's a lovely house next door, but there's
15 always a lot of stuff there.

16 MEMBER BUENING: Okay. That's all.

17 CHAIRMAN RULLMAN: Any other questions?

18 (No response.)

19 CHAIRMAN RULLMAN: I have a couple. The
20 fact that the garage on that property next door is
21 about the same is a mitigating fact.

22 I looked at the property. The main
23 question I had was the same one as Mr. Holderfield
24 had about the mature trees. At that time, I was

1 told, well, it's a garage. It will be over far
2 enough, it won't have any impact on that tree.

3 MS. NORRIS: At that point when there was
4 going to be another drive coming up, it totally
5 cleared the tree.

6 MR. DERRICO: Yes. You're exactly right.

7 The initial plan was to put the garage in
8 the southeasterly corner, and you enter off of
9 4th, so it would be very similar, proportionate to
10 the neighbor's garage, and then we got an email
11 about a week, week and a half ago saying you
12 weren't allowed to enter off of 4th Avenue, that
13 we were only allowed two entry points, one on 3rd
14 and one on 4th, which has always been there, so
15 positively the tree would stay if we could have
16 stuck to the original plan with the overhead door
17 facing 4th Avenue.

18 CHAIRMAN RULLMAN: You have a through lot,
19 which makes a difference here. But generally I'm
20 finding it hard also to see why it needs to be 5'
21 setback. I know you want to maximize the yard,
22 but I presume -- how long have you owned the home?

23 MR. DERRICO: Two years.

24 CHAIRMAN RULLMAN: How long?

1 MR. DERRICO: Two years.

2 CHAIRMAN RULLMAN: Two years. So in a
3 manner of speaking, it's something you knew when
4 you bought the house, what the regulations were
5 and what you --

6 MR. DERRICO: I saw the neighbor and what
7 they were able to do. I just assumed I would be
8 able to do the same thing.

9 CHAIRMAN RULLMAN: I don't know how the
10 neighbor did it. I don't think it was a recent
11 variation -- in fact, I know it wasn't a variation
12 in the last 50 years, I can tell you that, but it
13 is a mitigating factor.

14 But the point is the limiting factor of a
15 through house, that's a consideration. The tree
16 is a consideration.

17 MS. NORRIS: Would it not be a
18 consideration that we don't have any neighbors
19 here objecting? We don't have any letters that
20 have objected to this. Everyone has been
21 notified.

22 I know there was somebody who came to city
23 hall just to ask questions to get a comfort level
24 with it.

1 MEMBER BUENING: The trouble is once it's
2 approved, it's a permanent situation, so you sell
3 it. The garage is still there, so it's something
4 that isn't movable, be concerned about. So
5 somebody else moves in, they don't like that, the
6 variance is granted.

7 If the variance were granted, it would not
8 be able to be moved.

9 UNIDENTIFIED WOMAN: Can I say something?
10 We will be living in the house forever. We will
11 never be moving from this house, so -- but I
12 understand that the next person who comes to this
13 home, that could obviously be -- would be many,
14 many years from now, but we will never be leaving
15 this home for many, many years from now, so would
16 that be a consideration?

17 MS. NORRIS: If you have driven by, take
18 an opportunity to knock on the door, go inside and
19 see what the Derricos have done. You would be so
20 impressed. Every detail has been followed. It
21 just shows how he wants to handle the garage.

22 MEMBER PASLAY: I have a question. Just
23 wondering why you didn't just add on the garage to
24 the east side of the existing garage.

1 MS. NORRIS: Well, it's an interesting
2 turn of events called COVID. Both now work from
3 home. Children are going to be home schooled, and
4 we think it's a big house, but change those
5 dynamics.

6 Now you have two home offices instead of
7 maybe one, and you have kids that need a learning
8 center. I don't even think that was in the
9 equation when it was first designed.

10 MEMBER PASLAY: Not adding the new garage
11 on to the east side of the existing garage?

12 I mean you pull into the driveway and you
13 can just pull into the garage.

14 MR. DERRICO: The problem is that the
15 design was already done a few years ago and all
16 this stuff hit, so it just wasn't thought through
17 as part of the original design.

18 MEMBER PASLAY: Okay.

19 CHAIRMAN RULLMAN: If I look at the
20 rendition here, it looks like the garage is a
21 two-story space. What is above the garage?

22 MR. DERRICO: I would like to put my
23 office above there at some point.

24 CHAIRMAN RULLMAN: I thought you were

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

18

1 going to put your office in the house?

2 MR. DERRICO: Well, it's another option.

3 MEMBER BONGARD: Are you planning to use
4 the second floor for residential purposes?

5 MS. NORRIS: No.

6 MR. DERRICO: No.

7 MS. NORRIS: Detached garages are always
8 coach houses in a house like this. We wouldn't
9 have the story there, so whatever it's used for,
10 we want that there.

11 CHAIRMAN RULLMAN: Question for the City.
12 Are there any issues with working or living space
13 above the garage?

14 MR. COLBY: There are not, provided the
15 principal use of the structure is a garage, an
16 accessory occupied space is permitted.

17 CHAIRMAN RULLMAN: Okay. Any other
18 questions?

19 MEMBER HOLDERFIELD: I have one. There's
20 always a concern about the architecture of the
21 garage, and we see a west elevation, and it
22 appears that there's a dormer. Is that true?
23 Will there be a dormer on the east side as well?

24 MS. NORRIS: That's another good question.

1 I didn't realize we needed elevations. It was
2 suggested to me that we draw some elevations so
3 you can get a better feel for things. That dormer
4 was put there for the stairs because there's an
5 interior stair. I don't know. It can.

6 MEMBER HOLDERFIELD: I understand that,
7 and one of my concerns in mind was that the
8 integrity of 4th Avenue be kept intact in regards
9 to rebuilding the quality of the carriage house
10 garage to the south and the building was
11 commensurate with the architecture of the house.

12 The architecture will be English Tudor
13 commensurate with the architecture of the house,
14 existing house on the block?

15 MR. DERRICO: Yes.

16 MS. NORRIS: Yes. And you can see that.
17 You can see what's been done to the house on the
18 scan.

19 MEMBER HOLDERFIELD: I just liked that
20 there could be a high pitched roof to be more in
21 line with Tudor style.

22 MS. NORRIS: We always like that too.

23 MEMBER HOLDERFIELD: I would rather see
24 it.

1 MS. NORRIS: Going back, Mr. Buening, to
2 your concern about we could do a different
3 setback, our goal obviously is to get this
4 approved tonight. We can talk about that. I
5 don't want to leave without something to move
6 forward with.

7 MEMBER BUENING: Mr. Chairman, I would
8 support a variance as long as it's no less than
9 20'.

10 MS. NORRIS: How did you arrive at 20'?
11 Where is that number --

12 MEMBER BUENING: It's one half of what the
13 prior setback is. It's also if the garage were
14 converted to such that it faces the other street,
15 it would have enough depth for a driveway for
16 parking.

17 MS. NORRIS: Would the Zoning Board of
18 Appeals consider a separate drive to get back to
19 that 20'?

20 MEMBER BUENING: That's up to the City
21 whether or not they would do that. Maybe they can
22 combine that if -- I can understand why they do
23 want multiple driveways. So...

24 MS. NORRIS: Right.

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

21

1 MEMBER HOLDERFIELD: I can't hear.

2 MS. NORRIS: Is that a RES question that
3 you --

4 CHAIRMAN RULLMAN: You're proposing a
5 variation of 20 rather than 40'?

6 MEMBER BUENING: Correct.

7 CHAIRMAN RULLMAN: Is that acceptable to
8 petitioner?

9 MS. NORRIS: Would a 20' setback be
10 acceptable, if possibly a separate drive coming
11 right off 4th Avenue?

12 MR. DERRICO: Then the tree --

13 MEMBER HOLDERFIELD: We are talking not a
14 5' setback, but 20?

15 MEMBER BUENING: 20', correct.

16 MEMBER PASLAY: Plus another driveway.

17 MS. NORRIS: Plus another drive off of 4th
18 Avenue.

19 MEMBER HOLDERFIELD: So there would be a
20 garage off of 4th Avenue directly?

21 MS. NORRIS: Yes.

22 MEMBER BUENING: If the driveway goes
23 there, then you wouldn't be able to save the tree
24 because the driveway is going right there.

1 MR. DERRICO: No. It would fit. That was
2 the original plan. Tree would be fine because we
3 already bermed it in and --

4 MEMBER BUENING: In this location?

5 MR. DERRICO: It would be back to the
6 original location, which would be the
7 southeasterly corner.

8 MEMBER BUENING: Okay.

9 MEMBER HOLDERFIELD: Wouldn't that be
10 further away from the tree?

11 MR. DERRICO: That would be further away
12 from the tree.

13 MS. NORRIS: Right, which would be better
14 to help save the tree.

15 MEMBER HOLDERFIELD: Okay. Yes.

16 MS. NORRIS: Which in your original
17 packet, that's where it was.

18 MEMBER HOLDERFIELD: Yes. We saw that,
19 southeast corner. You moved it further north.

20 MS. NORRIS: Right. So if we moved it
21 back to where we had it in your first packet, did
22 the 20' setback, if we could get a separate drive
23 from 4th Avenue going to that detached garage.

24 MEMBER HOLDERFIELD: That's --

1 CHAIRMAN RULLMAN: Is that acceptable to
2 the City?

3 MR. COLBY: There's a limitation on the
4 number of drive access points to a residential
5 lot. Maximum number is two. There's two that
6 exist today, one on 4th Avenue, one on 3rd Avenue.

7 MEMBER PASLAY: Can they remove one of
8 them if they're not using it?

9 MR. COLBY: Yes, they could.

10 MEMBER HOLDERFIELD: I think the whole
11 thing for me from the beginning, I'm just going to
12 tell you where I'm at on this, is that I thought
13 if the garage was on 4th Avenue, that would take
14 away from the character that's been established of
15 the carriage house. I thought that it would be
16 nice that there would be no garage door lifting up
17 off of 4th Avenue. I was worried that you were
18 going to propose that. When I saw this plan
19 tonight that you're coming in on the existing
20 driveway, making a left turn, going into the
21 garage, to me that was more desirable, and as I
22 understood it from the building codes,
23 regulations, we already have one access west and
24 one going east, so with the one garage door in the

1 west wing, you have two accesses to your property.

2 MS. NORRIS: Right.

3 MEMBER HOLDERFIELD: Okay.

4 MEMBER BUENING: I wasn't suggesting that
5 you move it. I would like -- I don't have a
6 problem with your revised plan with it shifting to
7 the middle of the lot. I would rather see one
8 driveway access, so what I was suggesting is a
9 shift back so it's 20', keep it in the center lot,
10 but shift it back so it's 20' back. That is what
11 I was suggesting. So still an existing driveway,
12 still in use.

13 MR. DERRICO: We would have zero yard if
14 we were to do that.

15 What about something like 10' off the
16 property line?

17 MEMBER BUENING: It's up to the Board,
18 what everybody else wants to do. I'm just telling
19 you my position, 20'.

20 MEMBER PASLAY: That's only another 10',
21 though, off the street, right? You already
22 planned --

23 MS. NORRIS: It would be 10' off the
24 property line, so the property line is where the

1 piers are. That's -- where those piers are right
2 now, that's the property line. So it's 10' to the
3 west.

4 You can see where the property line is
5 from the street in between here and here. That
6 would be another 10' from that point.

7 CHAIRMAN RULLMAN: Up to you. We can go
8 forward as originally proposed or if you accept,
9 we can go forward with 10.

10 MS. NORRIS: I think I need to hear from
11 Mr. Buening if you would accept anything less.

12 MEMBER BUENING: I'm only one vote on the
13 Zoning Board. My position, I would not support a
14 variance less than 20'.

15 MEMBER HOLDERFIELD: Just I have a hearing
16 problem, so your proposal is to have 4th Avenue --

17 MEMBER BUENING: No. My position is to go
18 with the amended site plan they had, but with a
19 driveway off the existing driveway, shift the
20 garage 20' from the east property line. Instead
21 of 5, 20'.

22 MEMBER HOLDERFIELD: What are --

23 CHAIRMAN RULLMAN: Straight?

24 MEMBER BUENING: Just go straight back an

1 additional 15'.

2 MEMBER HOLDERFIELD: Instead of 5, 20.

3 MEMBER BUENING: 5.

4 MEMBER BONGARD: I have a question for the
5 City. Just for background, when was the last time
6 we saw a similar request to this? Not to put you
7 on the spot.

8 MR. COLBY: I can't recall a similar
9 request to this. The Zoning Board doesn't see
10 many variance requests and it doesn't meet
11 frequently, so we don't have a track record to be
12 able to quantify the types of variances received.

13 CHAIRMAN RULLMAN: We're kind of limited
14 in what we can consider, and so some of the things
15 we have to consider is did the owner create the
16 problem themselves.

17 One of the things that makes this
18 different is it's a throughway rather than
19 driveway through a neighborhood. That's a little
20 different situation. It gives them a double
21 street setback, basically, so like a corner lot,
22 so a couple things that are unique.

23 MS. NORRIS: And it's a short little block
24 where three of the four houses face this back

1 street.

2 CHAIRMAN RULLMAN: Is it acceptable to you
3 to go straight back 15' or 20'?

4 MR. DERRICO: The problem is if we were to
5 set it 20' to the property line, there, you have
6 nothing left of our yard.

7 CHAIRMAN RULLMAN: It's up to you. We can
8 go forward with the original proposal.

9 So let me explain one little thing here:
10 The way the Zoning Board works is there's seven
11 members on the Board. In order for it to take any
12 action, we have to have four affirmative votes for
13 that action.

14 MS. NORRIS: When we were initially
15 talking with Rachel Rust (phonetic), something was
16 thrown out about 15 feet. I guess I would like to
17 ask, would that possibly be acceptable, and maybe
18 that's a RES question initially.

19 MR. COLBY: What's the question?

20 MS. NORRIS: When we first emailed all of
21 this information over to talk about the variance,
22 at one point we talked about maybe 15'. Is
23 that -- I know it's up to you, it's all up to you,
24 but I just wanted to know how the City would feel

1 about 15'.

2 MR. COLBY: So 15' is the minimum setback
3 distance for a garage from a property line in an
4 exterior side yard, so in terms of a zoning
5 standard, it's comparable. That's where that
6 number comes from.

7 MS. NORRIS: Okay. Would you consider
8 that?

9 MEMBER BUENING: I stated my position,
10 20'.

11 MS. NORRIS: I won't ask you again.

12 MR. DERRICO: That's a tough one. I would
13 like to add, my wife and I went through great
14 pains in the last two years trying to restore this
15 home to address this so it looks like its former
16 self.

17 The house is 97 years old. We could have
18 taken the easy way out and done just about
19 anything else. It would have been easier.

20 I'm a St. Charles resident. I care a lot
21 about what I am doing, and it's just a little
22 frustrating that what I -- I put blood, sweat, and
23 tears into this.

24 It's very difficult for me to get pushback

1 from you guys with how much of myself I've given
2 to this house to do it justice for the
3 neighborhood, for the city.

4 So I just -- we have made a lot of
5 sacrifices, a lot of sacrifices. I just ask that
6 you consider that I'm a lifelong St. Charles
7 resident. I care a lot about what I do. I take a
8 lot of pride in what I do, and I think it shows.

9 I feel like what I am asking, what we are
10 asking has not been a burden. This is a street
11 that only three or four cars a day use. Everybody
12 else uses 3rd Avenue. It's just not a busy
13 thoroughfare. It basically serves myself, the
14 Zimmers directly to the south and then Suchas
15 (phonetic) directly to the east, and nobody has
16 ever objected to anything.

17 I don't think anybody has a problem with
18 what we are asking for and what we're trying to
19 build, so it's just a real head scratcher that we
20 have a lot of pushback from city council for what
21 we are asking, considering that the neighbor has
22 his garage structure that is 5' off the property.

23 So that's -- the way I see it, he was
24 allowed to do it somehow, and I feel I should be

1 allowed to do it.

2 These are three pieces of property, and I
3 don't think there's very many other lots in town
4 that when compared to these three pieces, they are
5 unique, so I understand you're worried about
6 setting a bad precedent, but I don't think there's
7 a whole lot else in the town like it.

8 MEMBER BONGARD: Is there a plan B? If
9 you can't find an agreeable variation, do you guys
10 have a plan B of what you might do back there?

11 MR. DERRICO: Not really. Not at the
12 moment.

13 MEMBER HOLDERFIELD: So you would be
14 agreeable to 15'?

15 MR. DERRICO: We would, yes.

16 MEMBER HOLDERFIELD: Thank you.

17 Considering the size of your backyard, you
18 propose this 20' setback, and I think I was afraid
19 you would be quite close to the lot line than the
20 existing one down there, but it was a compromise,
21 start at 5, 20.

22 And I don't know how to resolve it other
23 than make a motion to one or the other in there,
24 either 15 or 20, make a motion. I would put a

1 15 and vote on it. If it passes, it passes. If
2 it doesn't, it doesn't. That would be it.

3 Do you want to vote on it?

4 MS. NORRIS: We can make 15 work if the
5 Board would agree to that.

6 CHAIRMAN RULLMAN: It's up to you. We can
7 move forward as originally proposed or if you wish
8 to consider, you don't have to, it's up to you.
9 If you wish to, we can vote on it as amended.

10 MS. NORRIS: And then make a motion, vote
11 on 15'. If it does not pass, then bring a motion
12 on 20?

13 CHAIRMAN RULLMAN: You heard the questions
14 from the Board, so it's up to you. If you --

15 MEMBER PASLAY: I think what she's saying
16 is if it doesn't pass, does that mean that they
17 have to stick to the original 40'?

18 MEMBER BUENING: A member -- let's assume
19 we deny it. Can a member make a substitute motion
20 for that?

21 CHAIRMAN RULLMAN: If you disagree with a
22 decision of the Zoning Board, the courts are the
23 next place you go, so you can retain a lawyer and
24 appeal this.

1 MS. NORRIS: Which, I mean, we are not
2 interested in doing that. We really would like to
3 be able to move forward with something tonight.

4 I heard what you said. I totally respect
5 that. I guess I'm just asking one more time if
6 you would agree to 15. I heard what you said, but
7 I've got to ask one more time before I ask you to
8 take a vote.

9 MEMBER BUENING: I'm just one member.
10 That's just my position on this. The rest of the
11 Zoning Board may have a different opinion than I
12 do. That's fine. That's my thoughts.

13 MS. NORRIS: We need four votes?

14 MEMBER BUENING: Four votes.

15 MS. NORRIS: That doesn't include the
16 chairperson, correct?

17 MEMBER BUENING: It does. So the things
18 we can consider are limited, so we have to have
19 findings based upon the evidence at a public
20 hearing; determine whether practical or particular
21 hardships exist. So we can consider the physical
22 surroundings, shape, topographical condition. We
23 can consider those things. But it has to be a
24 hardship to the property owner as distinguished

1 from a mere inconvenience if the strict letters
2 were carried out.

3 The conditions upon which the petition for
4 a variation is based would be not applicable,
5 generally, to other property with the same zoning
6 classification, properties having the same issue,
7 we can accept evidence on that.

8 Not based exclusively on a desire to make
9 more money out of the property, we can accept
10 evidence on that.

11 The alleged practical difficulty or
12 particular hardship has not been created by any
13 person presently having an interest in the
14 property, which is why I asked you about how long
15 you owned the property.

16 The variation, if granted, will not alter
17 the essential character of the neighborhood, so
18 variance on that.

19 And the granting of the variation will not
20 be detrimental to the public welfare or injurious
21 to other properties or improvements in the
22 neighborhood in which the property is located.

23 So those are the things specifically that
24 we can accept evidence on this, so that's what we

1 have to make our decision on. Lots of things
2 might be nice to consider, but we are limited in
3 what we can consider.

4 MR. DERRICO: Sure.

5 MEMBER BUENING: Mr. Chairman, could I
6 ask, would it be appropriate for us to take a
7 straw poll to see where variance stands on 15
8 versus 20'?

9 CHAIRMAN RULLMAN: No. So here is why.
10 You can table -- we don't have a complete board
11 here. You can ask for it to be tabled to the next
12 meeting, which would be a month from now. We can
13 go ahead and accept your revision. There's
14 options where we are at.

15 MR. DERRICO: When will the next meeting
16 be?

17 CHAIRMAN RULLMAN: The next meeting will
18 be November something.

19 MS. NORRIS: It's the third Thursday of
20 the month.

21 CHAIRMAN RULLMAN: Yes.

22 MS. NORRIS: Can you excuse us for two
23 minutes so we can talk? Can you give us two
24 minutes, please?

1 CHAIRMAN RULLMAN: Go ahead. All right.

2 (Brief break.)

3 MS. NORRIS: All right. Thank you for
4 that time. Respectfully, if you would agree to
5 the 20, we would like that.

6 CHAIRMAN RULLMAN: Modify to the 20'.

7 MS. NORRIS: Yes. Unless you changed your
8 mind to 15 since we went outside.

9 CHAIRMAN RULLMAN: Let's go forward with
10 the -- all right. So are there any objectors
11 present?

12 (No response.)

13 CHAIRMAN RULLMAN: Let the record show
14 that there are no objectors present.

15 I will entertain a motion from the Board.

16 MEMBER BUENING: I'll make a motion to
17 approve the variance subject to a 20' setback.

18 Whereas it is the responsibility of the
19 St. Charles Zoning Board of Appeals to review all
20 applications for variances -- variations;

21 Whereas the St. Charles Zoning Board of
22 Appeals has reviewed plot V-1-2020, dated 9-22 of
23 '20, received on the same date from Zach Derrico.

24 MR. DERRICO: Yes.

1 MEMBER BUENING: For the property located
2 at 620 North 3rd Avenue in the City of St. Charles
3 for a rear area 5' setback;

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

11 Whereas, the conditions upon which the
12 petition for a variation is based would not be
13 applicable, generally, to other property within
14 the same zoning classification;

15 Whereas, the purpose of the variation is
16 not based exclusively upon the desire to make more
17 money out of the property;

18 Whereas the alleged practical difficulty
19 or particular hardship has not been created by any
20 person presently having an interest in the
21 property;

22 Whereas, the variation, if granted, will
23 not alter the essential character of the
24 neighborhood;

1 Whereas, the granting of the variation
2 will not be detrimental to the public welfare or
3 injurious to other property or improvements in the
4 neighborhood in which the property is located;

5 And, whereas, the proposed variation will
6 not impair an adequate supply of light and air to
7 adjacent property or substantially increase the
8 congestion in the public streets or increase the
9 danger of fire, or endanger the public safety, or
10 substantially diminish or impair property values
11 within the neighborhood.

12 Now, therefore, the St. Charles Zoning
13 Board of Appeals grants the variation requested
14 and the stipulation as specified in Section
15 17.04.310, variation of municipal code of
16 St. Charles subject to the following conditions of
17 a 20' setback reduction as opposed to the
18 35 percent.

19 CHAIRMAN RULLMAN: Second?

20 MEMBER BONGARD: Second.

21 CHAIRMAN RULLMAN: Moved and seconded.

22 Secretary, please call the roll.

23 MEMBER BUENING: Bongard.

24 MEMBER BONGARD: Yes.

Transcript of Variation Application For 620 North 3rd Avenue
Conducted on October 22, 2020

1 MEMBER BUENING: Buening. Yes.

2 Holderfield.

3 MEMBER HOLDERFIELD: Yes.

4 MEMBER BUENING: Paslay.

5 MEMBER PASLAY: Yes.

6 MEMBER BUENING: Rullman.

7 CHAIRMAN RULLMAN: Yes.

8 MEMBER BUENING: Spurling, absent.

9 Motion is approved.

10 CHAIRMAN RULLMAN: Variation is granted as
11 amended.

12 MS. NORRIS: Thank you all very much.

13 CHAIRMAN RULLMAN: This will close the
14 hearing on V-1-2020. Any other things to come
15 before the Board?

16 (No response.)

17 CHAIRMAN RULLMAN: All right. Thank you.
18 Stay healthy.

19 (Off the record at 7:53 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Renee E. Brass, CSR, RPR, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing transcript is a true and correct record; that said hearing was taken by me stenographically and thereafter reduced to typewriting under my direction; 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 this 28th day of October 2020.



CSR No. 084-004119 - Expiration Date: May 31, 2021