



PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY

Project Title/Address:	1001 N. 5 th Ave.		
City Staff:	Ellen Johnson, Planner		
PUBLIC HEARING 8/4/20	X	MEETING 8/4/20	X

APPLICATIONS: Zoning Map Amendment

ATTACHMENTS AND SUPPORTING DOCUMENTS:

Staff Report	Application
Letter from Neighboring Property Owner	

SUMMARY:

The public hearing for this item was opened on July 7. At the hearing, concerns were expressed by the property owners to the north and west. The hearing was continued to July 21 to allow time for discussions with the neighbors.

On July 21, the hearing was continued to August 4 at the request of the applicant to allow additional time for discussions with the neighboring property owners.

No new information has been submitted by the applicant as of Friday.

It is important to note that IF there are any development restrictions for the vacant parcel agreed upon by the applicant and the property owner(s), such as setbacks in excess of the zoning requirement, these restrictions cannot be approved as a condition of approval of the Map Amendment since there is no plan approved with the Map Amendment. Any restrictions would need to be document on either a Plat of Subdivision or some sort of easement agreement/restrictive covenant recorded with Kane County in connection to the property.

A Plat of Subdivision would need to be reviewed by the Plan Commission, Planning & Development Committee, and approved by City Council concurrently with the Map Amendment. An easement agreement/restrictive covenant would need to be provided for P&D Committee’s information and recorded prior to City Council approval of the Map Amendment.

The summary below and attached Staff Report remain unchanged from the July 7th meeting.

The subject property is located at the northwest corner of N. 5th and Delnor Avenues. The property is comprised of two parcels:

- Parcel 1: 11,435 sf – Vacant land fronting Delnor Ave.
- Parcel 2: 15,796 sf – Contains a single-family home constructed in 1925.

The parcels are zoned RS-1 Low-Density Suburban Single-Family Residential (18,000 sf min. lot size).

Jeffrey Johnson, applicant, is seeking approval of a Zoning Map Amendment to rezone the property to the RS-2 Suburban Single-Family Residential District (11,000 sf minimum lot size).

The applicant intends to rehab the existing home on Parcel 2 and make available Parcel 1 for construction of a single-family home. Parcel 1 is not a buildable lot under the existing RS-1 zoning due to its lot size. Rezoning to the RS-2 district would enable development of a home on Parcel 1, and would also bring Parcel 2 into compliance with zoning standards.

The Comprehensive Plan land use designation for the property is Single-Family Detached Residential.

Continued on next page

SUGGESTED ACTION:

Conduct the public hearing on the Zoning Map Amendment and close if all the testimony has been taken.

The Plan Commission may vote on this item should the Commission feel that they have enough information to make a recommendation.

Staff has found the application materials to be complete.

INFO / PROCEDURE – ZONING MAP AMENDMENT APPLICATIONS:

- Revision to the zoning map to change the zoning district of a specific property.
- Public hearing is required, with a mailed notice to surrounding property owners.
- All findings need not be in the affirmative to recommend approval – recommendation based on the preponderance of evidence.

Community & Economic Development
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES
 SINCE 1834

Staff Report

TO: Chairman Todd Wallace
 And Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: 1001 N 5th Ave. – Zoning Map Amendment

DATE: July 2, 2020

I. APPLICATION INFORMATION:

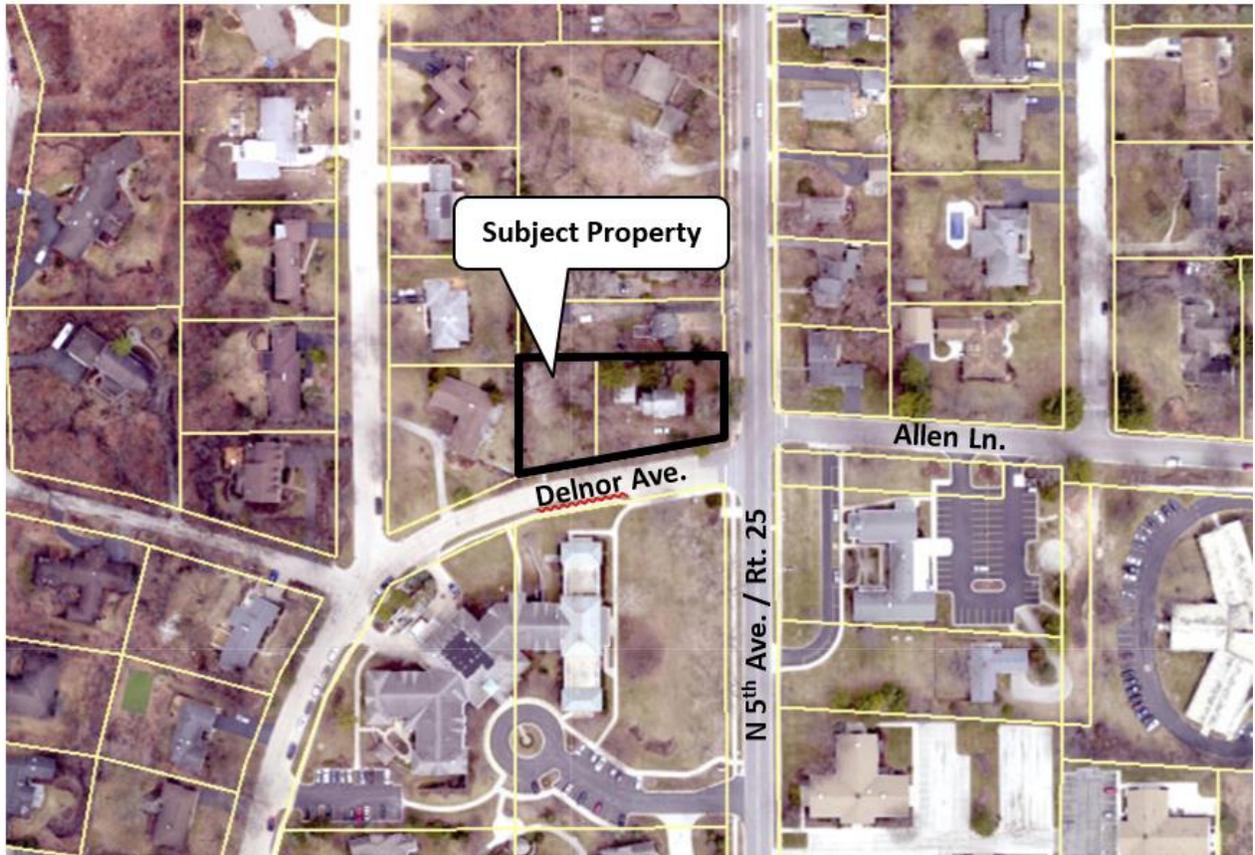
Project Name: 1001 N 5th Ave.

Applicant: Jeffrey Johnson

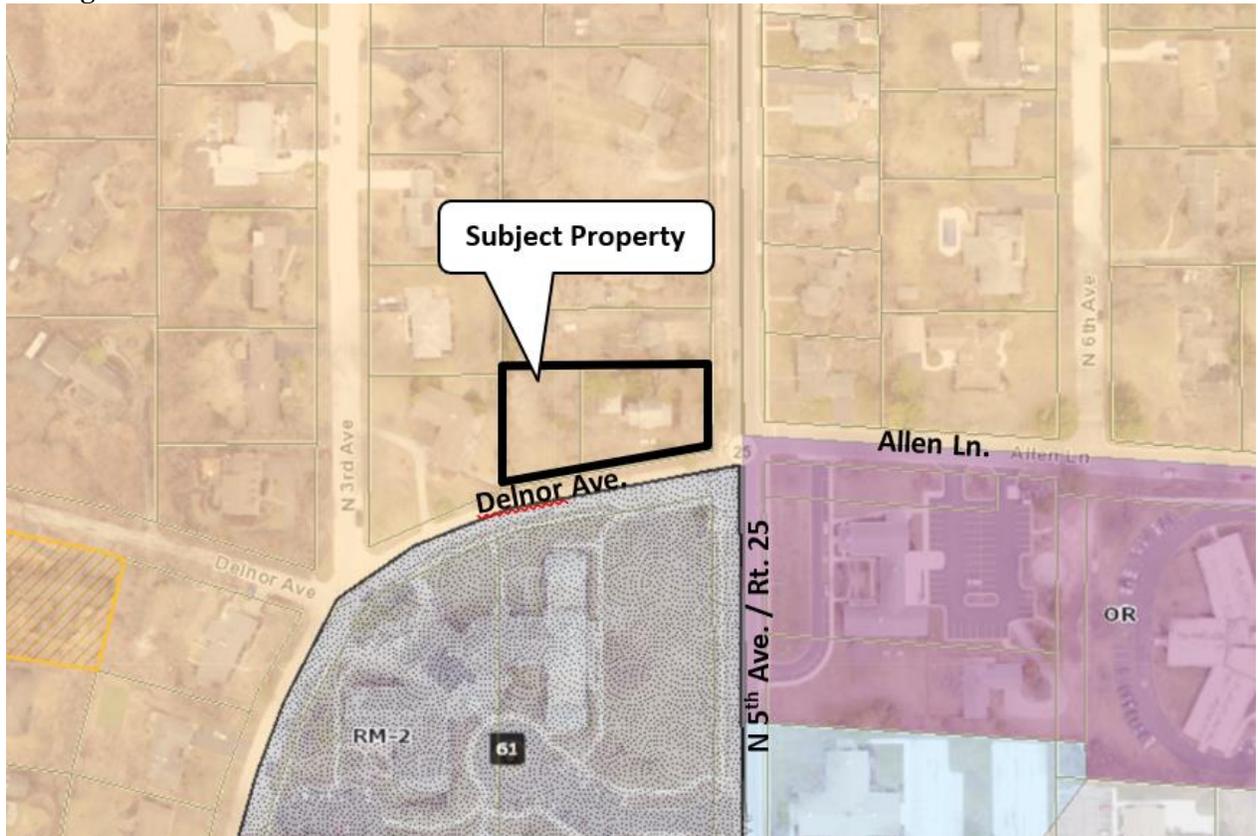
Purpose: Rezone property to the RS-2 District

General Information:		
Site Information		
Location	Northwest corner of N 5 th Ave. and Delnor Ave.	
Acres	27,231 sf (two parcels)	
Applications:	Zoning Map Amendment	
Applicable City Code Sections	Ch. 17.12 Residential Districts	
Existing Conditions		
Land Use	Residential (single-family dwelling)	
Zoning	RS-1 Low Density Suburban Single-Family Residential	
Zoning Summary		
North	RS-1 Low Density Suburban Single-Family Residential	Single-Family homes
East	RS-1 Low Density Suburban Single-Family Residential	Single-Family homes
South	RM-2 Medium Density Multi-Family Residential	River Glen Assisted Living (formerly Delnor Glen)
West	RS-1 Low Density Suburban Single-Family Residential	Single-Family homes
Comprehensive Plan Designation		
Single-Family Detached Residential		

Aerial



Zoning



II. OVERVIEW

A. BACKGROUND

The subject property is located at the northwest corner of N. 5th and Delnor Avenues. The property is comprised of two parcels:

- Parcel 1: 11,435 sf – Vacant land fronting Delnor Ave.
- Parcel 2: 15,796 sf – Contains a single-family home constructed in 1925 at the corner of N 5th and Delnor Avenues, fronting on N 5th Ave.

The parcels are zoned RS-1 Low-Density Suburban Single-Family Residential. The minimum required lot size in the RS-1 district is 18,000 sf.

B. PROPOSAL

Jeffrey Johnson, applicant, is seeking approval of a Zoning Map Amendment to rezone the property to the RS-2 Suburban Single-Family Residential District (11,000 sf minimum required lot size).

The applicant is under contract to purchase the property. He plans to rehab the existing home on Parcel 2 and make available Parcel 1 for construction of a single-family home. Parcel 1 is not a buildable lot under the existing RS-1 zoning due to its lot size. Rezoning to the RS-2 district would enable development of a home on Parcel 1, and would also bring Parcel 2 into compliance with zoning standards.

A plat of survey has been submitted which shows a potential building footprint on Parcel 1.

III. ANALYSIS

A. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property and surrounding neighborhood to the north, east, and west as Single-Family Detached Residential.

The proposed rezoning would retain the intended single-family land use.



B. ZONING

Existing Zoning:

The subject property is zoned RS-1 Low Density Suburban Single-Family Residential. The RS-1 district is described in the Zoning Ordinance as follows:

The purpose of the RS-1 district is to accommodate low density single-family residential development in the City. The minimum lot size in this district is 18,000 sf.

RS-1 zoning is interspersed throughout the City, encompassing subdivisions including part of Aintree, Royal Fox, The Timbers, Redgate, and The Reserve, platted in the 1970s-2000s. RS-1 zoning also covers the neighborhood north of the subject property, most of which was platted in the 1950s.

Proposed Zoning:

Proposed zoning of the subject property is RS-2 Suburban Single-Family Residential. The RS-2 district is described in the Zoning Ordinance is as follows:

The purpose of the RS-2 district is to accommodate low to medium density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a suburban character. The minimum lot size in this district is 11,000 sf.

RS-2 zoning exists predominately on the northeast side of town. Parts of Royal Fox, Majestic Oaks, Kingswood, and Charlemagne are zoned RS-2, as well as Hunt Club and Surrey Hill. These subdivisions were platted in the 1960s-1990s.

Surrounding Zoning:

The subject property sits on the south end of a neighborhood zoned RS-1; adjacent properties to the north, east and west have this zoning. The River Glen Assisted Living facility directly south is zoned RM-1 (mixed residential). To the southeast, St. Charles Episcopal Church is zoned OR (office/research).

While the single-family properties north, east and west of the subject property are zoned RS-1, a number of these parcels, particularly those fronting N. 5th Ave., do not meet the minimum lot size in the RS-1 district (18,000 sf), similar to the subject property. These parcels would meet the RS-2 lot size requirement (11,000 sf). The aerial image below shows conforming (green) vs. non-conforming (red) lots in the blocks adjacent to the subject property. The presence of these undersized parcels in the vicinity provides a precedent for single-family homes constructed on lots smaller than 18,000 sf.



Bulk Standards:

The table below lists the bulk standards applicable to the RS-1 (current zoning) and RS-2 (proposed zoning) districts compared to Parcels 1 and 2. A plat of survey depicting a conceptual building footprint has been provided by the applicant as an example of what could be constructed on the lot if rezoned to the RS-2 district. The lot dimensions of Parcel 1 and the potential building footprint meet the bulk standards of the RS-2 district.

The existing lot dimensions and house on Parcel 2 are non-conforming to the lot area, lot width, exterior side yard, and rear yard standards of the current RS-1 zoning. Rezoning to the RS-2 district would bring this parcel into zoning compliance.

	Current Zoning: RS-1 District	Proposed Zoning: RS-2 District	Parcel 1 (new house)	Parcel 2 (existing house)
Min. Lot Area	18,000 sf	11,000 sf	11,435 sf	15,796 sf
Min. Lot Width	100 ft.	80 ft.	90 ft.	94 ft.
Max. Building Coverage	20%	25%	Approx. 16%	10%
Max. Building Height	35 ft. / 2 stories, whichever is less	35 ft. / 2 stories, whichever is less	TBD	2 stories
Min. Front Yard	40 ft.	30 ft.	40 ft.	57.8 ft.
Min. Exterior Side Yard	40 ft.	30 ft.	N/A	36.6 ft.
Min. Interior Side Yard	10 ft.	Combined width of 16 ft., neither less than 6 ft.	20 ft.	41.5 ft.
Min. Rear Yard	50 ft.	40 ft.	40 ft.	45 ft.

C. SUBDIVISION

Staff has determined that a Plat of Subdivision will not be required to allow a house to be constructed on Parcel 1. Section 16.02.020 states the following:

Lots of Record that were lawfully conveyed prior to September 17, 2012 that meet the minimum lot width and area requirements of the applicable zoning district in which it is located shall be considered valid lots for the purposes of this title.

The two subject parcels were conveyed separately, to the same party (the current property owner), in 2008. Should the Map Amendment be approved, the parcels will meet the minimum lot width and lot area requirements, therefore meeting the standards to be considered valid lots. As valid lots, subdivision would not be required.

IV. SUGGESTED ACTION

Conduct the public hearing on the Zoning Map Amendment and close if all the testimony has been taken.

The Plan Commission may vote on this item should the Commission feel that they have enough information to make a recommendation.

Staff has found the application materials to be complete. The applicant has submitted Findings of Fact with the application.

V. ATTACHMENTS

- Application for Zoning Map Amendment; received 5/14/2020
- Plat of Survey (showing potential building footprint on Parcel 1)

CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

ZONING MAP AMENDMENT APPLICATION

RECEIVED Received Date
St. Charles, IL

MAY 14 2020

CDD
Planning Division

CITYVIEW	
Project Name:	<u>1001 N. 5th Ave.</u>
Project Number:	<u>2020 -PR- 006</u>
Application Number:	<u>PLMA 202000024</u>

Instructions:

To request a zoning map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a Plan Commission public hearing or meeting date.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 09-27-203-007, 09-27-203-006	
	Street Address (or common location if no address is assigned): 1001 N 5th Ave, St. Charles, IL 60174, and adjacent parcel to the West	
2. Applicant Information:	Name Jeffrey Johnson	Phone (630) 746-9241
	Address 1031 S 2nd St, St. Charles, IL 60174	Fax
		Email jeffrjohnson91@gmail.com
3. Record Owner Information:	Name Christine I Soderstrom, c/o Kerstin A. Barrette, POA, TTEE	Phone (513) 484-3424
	Address 1509 Wisconsin Ave, #301, Grafton, WI 53024	Fax
		Email soderstromestate@gmail.com
4. Billing: <i>To whom should costs for this application be billed?</i>	Name Chad Carls	Phone (630) 204-6472
	Address 1815 Wallace Avenue, Unit # 307 St. Charles, IL 60174	Fax
		Email ccarls@comcast.net

Zoning and Use Information:

Comprehensive Plan Land Use Designation of the property: Single Family Residential

Current zoning of the property: RS-1

Is the property a designated Landmark or in a Historic District? No

Current use of the property: Single Family Residential

Proposed zoning of the property: RS-2

Proposed use of the property: Single Family Residential

If the proposed Map Amendment is approved, what improvements or construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

A full rehab is planned of the existing house. No construction is currently planned for the vacant lot, however amending the zoning would allow for the future construction of a single family home, as shown on attached plat

Attachment Checklist

- APPLICATION:** Completed application form signed by the applicant.
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- PROOF OF OWNERSHIP and DISCLOSURE:**
 - a) A current title policy report; or
 - b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

- LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

- SITE PLAN:** Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

- SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

□ **ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecocat.state.il.us/ecopublic/>

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Record Owner	Date
<i>Jeffrey R. Johnson</i>	5/6/2020
Applicant or Authorized Agent	Date

FINDINGS OF FACT SHEET – MAP AMENDMENT



The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed zoning is more appropriate than the existing zoning. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the property in question, indicate “not applicable” and explain why it does not apply.

1001 N 5th Ave. and adjacent parcel to West
Project Name or Address

5/6/2020
Date

From the Charles Zoning Ordinance, Section 17.04.320.D:

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property. *(Relate the proposed land use and zoning to the land use and zoning of other properties in the area)*

The properties surrounding the subject property are zoned RS-1 on the North, East, and West sides, and all appear to be single family uses. The property to the Southeast is zoned OR and is occupied by the St. Charles Episcopal Church. The property to the South is zoned RM-2, is listed as a planned unit development, and is occupied by Delnor Assisted Living.

2. The extent to which property values are diminished by the existing zoning restrictions. *(Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.)*

The property values of the subject properties are greatly reduced by the current zoning, because even though there are two tax parcels, both individual tax parcels are below the 18,000 square foot minimum lot size, creating a non-conforming use on the existing house parcel, and an unbuildable lot on the vacant parcel next door. If the two parcels are both rezoned to RS-2, our research leads us to believe that the market value of the bare land alone on each individual parcel would be \$120,000, or \$240,000 for both. The current listed asking price for both parcels is \$185,000, including the improvements on one parcel.

3. The extent to which the reduction of the property’s value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public. *(If the existing zoning decreases the value of the subject realty, does it also produce any perceptible public benefits?)*

Because the current zoning of the subject properties does not allow the more western parcel to be built on, it may facilitate a picture of large and open lots in the neighborhood, though in their current overgrown and dilapidated state, we believe this effect is minimal. In their current state, we do not believe that the subject properties create any real value to the public.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification. *(Can the subject property reasonably be used for any of the uses currently permitted? Physical and market conditions may be considered.)*

The properties are currently not suitable for the purposes for which they are zoned. A single family residential use is appropriate, however the existing RS-1 zoning does not make development feasible, and creates a non-conforming use of the existing house. The subject properties can not be used for any of the uses currently permitted, because of the current zoning.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located. *(If a property has been vacant longer than other similar properties in the area, it may be an indicator that the existing zoning is inappropriate.)*

As far as we are able to discern, the more Western parcel has always been vacant. It is one of very few remaining vacant parcels in this highly desirable area of St. Charles.

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district. *(Development trends, market forces, and the Comprehensive Plan may be considered.)*

With the proposed RS-2 zoning, the use of the parcels will remain single family residential. The neighborhood in which the properties are located is highly desirable, and home prices have steadily risen, proving a demand for more quality housing stock. Additionally, the change in zoning is the only thing that would make it make sense financially to restore the existing 1925 house to its former glory, creating an attractive entrance into downtown St. Charles along RT. 25.

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

The comprehensive plan dated 2013 recommends the following for detached single family residential neighborhoods: "The City should investigate new methods to improve the conditions of all residential neighborhoods, including maintenance programs and incentives for developing vacant properties, while continuing to enforce building and design codes, regulations, and standards." The proposed RS-2 zoning will make it financially feasible for us to restore the 1925 house, therefore improving the condition of the neighborhood and bringing another house up to code. It will also allow for the future development of a single family home on the vacant property.

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

To our knowledge, the current RS-1 zoning of the subject properties is not the result of an error or omission.

9. The extent to which the proposed amendment creates nonconformities. *(Generally it is not appropriate to rezone a property unless it can comply with the requirements of the new zoning.)*

The proposed amendment to the zoning map does not create any nonconformities, in fact, it corrects one, as the existing house is nonconforming under the current zoning.

10. The trend of development, if any, in the general area of the property in question. *(New development, redevelopment, changes in use, or other changes in the area may help to justify a change in zoning.)*

There is a trend of development and improvement in the area. On the Northern end of the same block as the subject properties, there are two homes that have recently been extensively rehabbed, and it appears that there is at least one custom home lot available from a local homebuilder.

Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

Authorization to Pursue Zoning Amendment

The purpose of this document is for the current owner/s of the tax parcels numbered 09-27-203-007 and 09-27-203-006 in the city of St. Charles, to convey their permission to Jeffrey R Johnson, of 1031 S 2nd St., St. Charles, IL to pursue a zoning amendment to the aforementioned tax parcels on their behalf. The amendment will be to change the zoning from the current RS-1, to an RS-2. The current owner/s also agree to allow access to the exterior of the property as needed for a survey. Additionally, the owner/s grant their permission to file on their behalf a "Soil and Water Conservation District Land Use Opinion Application" and an "Endangered Species Consultation Agency Action Application", as required by the city of St. Charles with a zoning amendment application.

Jeffrey R Johnson Jeffrey R Johnson

Date 5/6/2020

Name/s And Signature/s of Owner/s

* (property address:)
Address 1001 North 5th Avenue, St. Charles, IL 60174

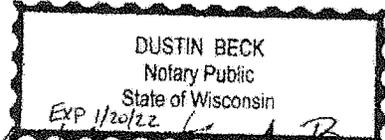
Phone (513) 484-3424 POA/TTEE cell or
soderstromestate@gmail.com

Name Christine I. Soderstrom

Signature [Handwritten Signature] POA/TTEE

SUBSCRIBED AND SWORN BEFORE ME BY
KERSTIN A BARRETTE ON THIS 7th May 2020

Date 3:33 pm May 7, 2020



billing address: Christine Soderstrom /
(assisted living, St. Charles, IL)
residence

1509 Wisconsin Ave.,
#301
Grafton, WI 53024
1 of 3

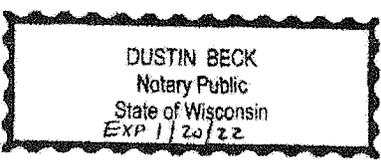
OWNERSHIP DISCLOSURE FORM
LAND TRUST

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, KERSTIN A. BARRETTE, being first duly sworn on oath depose and say that I am
Trust Officer of PN No. 09-27-203-007 & 09-27-203-006
ERNEST G. SODERSTROM &, and that the following
A. CHRISTINE I. SODERSTROM
persons are all of the beneficiaries of Land Trust No. 7601 LCS 5/8.5

By: [Signature], Trust Officer May 20 3:32 pm
POA ~ TTEE

Subscribed and Sworn before me this 7TH day of
May, 20 20.



[Signature]
Notary Public

3/3

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED ON ILLINOIS STATE PLANE, EAST ZONE, NAD83 (2011)

SCALE: 1" = 40'

11" X 17" PRINT IS THE FULL SCALE FORMAT OF THIS SURVEY. ANY OTHER SIZE IS AT AN ADJUSTED SCALE.

LOCATION MAP

NOT TO SCALE

LEGEND

- Found Iron Stake as indicated
- Set 3/4" Iron Pipe
- 59.75' Measured
- (60.00') Record
- Boundary Line
- Centerline of Wooden Fence
- Centerline of Chainlink Fence
- Concrete
- Asphalt
- Building
- N'y Northernly
- S'y Southernly
- W'y Westerly
- E'y Easterly

PROPOSED PLAT OF SURVEY

PARCEL NUMBER TWO LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT C OF DELNOR PARK, ADDITION THREE; THENCE NORTH ALONG THE EAST LINE OF LOTS C & D OF SAID SUBDIVISION 134.80 FEET TO A POINT 143 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT A OF SAID DELNOR PARK, ADDITION THREE; THENCE EAST ALONG A LINE FORMING AN ANGLE OF 90° 24' MEASURED FROM SOUTH TO EAST, WITH THE LAST DESCRIBED LINE 90 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG THE LAST DESCRIBED LINE 148 FEET TO THE WEST LINE OF FIFTH AVENUE NORTH; THENCE SOUTH ALONG SAID WEST LINE 94 FEET TO THE NORTHERLY LINE OF DELNOR AVENUE; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF 150.44 FEET TO A LINE DRAWN SOUTH PARALLEL WITH THE EAST LINE OF SAID LOTS D AND C FROM THE POINT OF BEGINNING.

LEGAL DESCRIPTION

PARCEL NUMBER ONE LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT C OF DELNOR PARK, ADDITION THREE; THENCE NORTH ALONG THE EAST LINE OF LOTS C AND D, 134.80 FEET TO A POINT 143 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT A OF SAID DELNOR PARK, ADDITION THREE; THENCE EAST ALONG A LINE FORMING AN ANGLE OF 90° 24' MEASURED FROM SOUTH TO EAST, WITH THE LAST DESCRIBED LINE 90 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOTS D AND C, 119.25 FEET TO THE NORTHERLY LINE OF DELNOR AVENUE; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE 91.45 FEET TO THE POINT OF BEGINNING; IN THE CITY OF ST CHARLES, KANE COUNTY, ILLINOIS.

SURVEY NOTES

EASEMENTS AND SETBACKS SHOWN HEREON ARE BASED UPON THE RECORDED SUBDIVISION PLAT UNLESS NOTED OTHERWISE.

ALL BUILDING TIES ARE TO THE FOUNDATION CORNERS.

THE PERMANENT PARCEL INDEX NUMBERS FOR THE PROPERTY DESCRIBED HEREON ARE 09-27-203-006 AND 09-27-203-007.

THE PROPERTY DESCRIBED HEREON CONTAINS

PARCEL NUMBER ONE: 11,434.6 SQ. FT. OR 0.263 AC., MORE OR LESS.

PARCEL NUMBER TWO: 15,796.3 SQ. FT. OR 0.363 AC., MORE OR LESS.

PROPERTY COMMONLY KNOWN AS:
1001 N. 5TH AVENUE
ST. CHARLES, IL 60174

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS } SS
COUNTY OF KANE } SS

I, CAROL A. SWEET-JOHNSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON, BEING COMPLETED IN THE FIELD ON 05/07/2020, IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED AT AND UNDER MY DIRECTION.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL
THIS 11TH DAY OF MAY, A.D. 2020.

CAROL A. SWEET-JOHNSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3342
LICENSE EXPIRES 11/30/2020



PREPARED BY:

AS

ASM Consultants, Inc.
16 E Wilson St, Batavia IL 60510
Tel (630) 879-0200 Fax (630) 454-3774
advanced@advct.com
Professional Design Firm #184-006014 expires 4/30/2021

PREPARED FOR:

Jeff Johnson
1001 N. 5th Avenue
St. Charles, IL 60174

NO.	DATE	REVISION
1.	05/07/2020	FIELD SURVEY COMPLETED
2.	05/11/2020	FINAL SURVEY COMPLETED

SITE DESIGNATION INFORMATION:
1001 N. 5TH AVENUE
ST. CHARLES, IL 60174

DRAWN BY: EM CHECKED BY: CSJ

PROJECT NO. 674141

PLAT

July 7, 2020

Mr. Mark W. Koenen
City Administrator
City of St. Charles, Illinois
2 East Main Street
St. Charles, IL 60174

Subject: Written Protest to the Zoning Map Amendment for 1001 N. 5th Ave, St. Charles, IL.

This document serves as our formal written protest to the subject community development project, 1001 N. 5th Ave.

Based on the City of St. Charles Municipal Code 17.04.320 Section F. Written Protest. Our property at 300 Delnor Ave, parcel 09-270-129-006 is immediately adjoining the subject property and includes more than twenty percent (20%) frontage proposed to be altered.

According to 17.02.020 – Purpose and intent of the city's zoning code includes c. Protecting the character of established residential neighborhoods; and e. Conserving the value of property throughout the City of St. Charles; and g. Providing adequate light, air, privacy and convenience of access to property.

Our written protest maintains:

- Loss of privacy allowing a structure 20 feet from our property line, a loss of 30 feet of setback from the current zoning on the subject property.
- What is now a rear yard setback on 1001 N. 5th Ave, would turn into a side yard setback. Since our lot is on the corner, we effectively do not have an area considered a rear yard.
- This change would allow a new structure with exposure of our private yard, deck and living area.
- The value of our property would be diminished by this change,
- the character of the neighborhood would change by allowing a smaller lot size and lower set back requirements
- we are concerned this could set a precedence for other unnecessary and detrimental zoning changes in this district.

Considering 17.04.320 – Zoning text and map amendments in the City of St. Charles Municipal Code book and the information provided in the subject Zoning Map Amendment Application. We make the following specific observations in review of the application for this zoning map amendment.

1. The existing uses and zoning of nearby property.

The existing uses and zoning of the nearby property is currently consistent with the 2020 Zoning map. Rezoning the subject property to RS-2 would create a non-conformity with the current zoning of property on the block, this zoning district and the adjacent properties.

2. The extent to which property values are diminished by the existing zoning restrictions.

The applicant refers only to the value of the subject property with no mention of nearby properties. Allowing this zoning change would have a negative impact on nearby properties. It would be preferable on a comparative basis to have the property developed under the current zoning.

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.

Any reduction in the subject property's existing value is not the result of the existing zoning restrictions on the property.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.

Based on recent trends in development in this RS-1 zoning area, there have been at least 7 properties developed with the existing zoning classification.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.

The applicant states a fact that the most western parcel has always been vacant as it is part of the existing property lot known as 1001 N 5th Ave, St. Charles.

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.

Given recent development on other lots in this RS-1 zoning district there does not seem to be a need for a zoning map amendment in this case.

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

While the applicant cites a portion of the Comprehensive plan referencing "maintenance programs and incentives to improve the conditions of all residential neighborhoods", this does not seem consistent with a zoning map application.

The City's Comprehensive plan does state "Regardless of the location or housing type, residential development or redevelopment should be carefully regulated to ensure compatibility

with the scale and character of surrounding and adjacent residential neighborhoods. New infill development, teardown redevelopment, and alterations to existing development should maintain a setback, height, bulk, and orientation similar to its surroundings.”

If restoration of the existing 1925 house is not financially feasible perhaps the applicant should consider a plan which does not require rezoning the property.

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

N/A

9. The extent to which the proposed amendment creates nonconformities.

Re-zoning to an RS-2 would have the effect of creating a non-conformity in this RS-1 Zoning district.

10. The trend of development, if any, in the general area of the property in question.

As already mentioned, there have been multiple properties developed in this zoning district all maintaining RS-1 Zoning.

Sincerely,



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