

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-1-2018

LOCATION: VACANT LOT ON S. 14TH ST.

Requested Action:

Zoning Variation to reduce the landscape buffer yard along the east property line from 30 ft. to 14 ft. 7½ in. along the north and south portions of the parking lot and from 30 ft. to 16 ft. 7½ in. along the middle portion of the parking lot (as shown on the attached site plan).

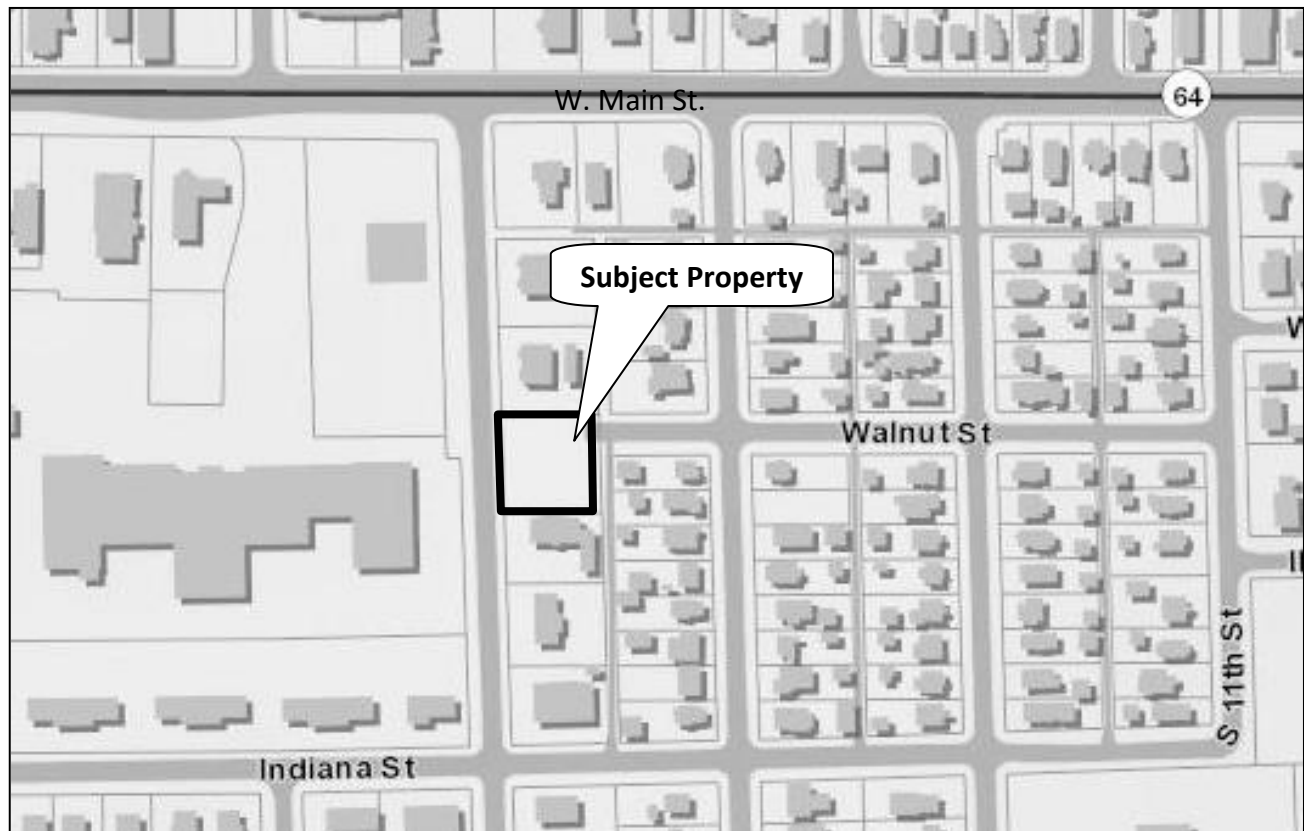
Purpose and Scope:

The applicant is proposing to construct an eight-unit apartment building on the property. A 30 ft. landscape buffer yard is required along the east property line. The applicant is requesting a Variation to reduce the landscape buffer yard to allow construction of a parking lot up to 14 ft. 7½ in. from the east property line.

A similar Variation was granted by the Zoning Board of Appeals in 2012. Approval of that Variation expired because the parking lot was not constructed within one year of approval.

Existing Land Use: Vacant

Existing Zoning: RM-3 General Residential District



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



FOR OFFICE USE
Received <u>3/19/18</u>
File # <u>V-1-2018</u>
Fee Paid \$ <u>300 + DEF</u>
Receipt <u>-</u>

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* Kevin Staton
Phone 630-674-6951 Email Address _____
Address/City/State/Zip 97 E. Rickard Dr., Oswego, IL 60543
Applicant's interest in the property Developer
Name and Phone of Owner(s) of Record* Kevin Staton 630-674-6951
Applicant is (check one) Attorney Agent Owner Other: _____
Owner acquired the property on (date): November 30, 2011

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) vacant lot 14th Street, St. Charles, IL.
Present Use (commercial, industrial, residential, etc.) vacant
Zoning District RM-3
To your knowledge, have any previous applications for variations been filed in connection with this property? Yes
If YES, provide relevant information We filed for & received a variance in March 2012

ACTION BY APPLICANT ON PROPERTY:

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

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

REASON FOR REQUEST:

- A. Variation requested (state specific measurements):
A reduction of the 30' landscape buffer between the RM-3 and RT-2 districts to 14' 7 1/2" along the north and south portions of the parking lot and 16' 7 1/2" along the middle portion of the parking lot, as shown on the site plan provided. A reduction of 15' 4 1/2" and 13' 4 1/2" respectively."
- B. Reason for request: To provide adequate parking per the Zoning Ordinance for the proposed apartment development
- C. Purpose for which property will be used: to provide an eight (8) unit two storey apartment building

CRITERIA FOR VARIATION:

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

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

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

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

The property dimensions, it is almost square, do not allow for the building and it's required parking within the setbacks & landscape buffer as prescribed by Code

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

Yes. All properties to the north and south that face 14th Street and about the RT-2 zoning to the east do not have the prescribed landscape buffer

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

No. The hardship is the result of the property dimensions which were established prior to 1920 and restrictions placed on the parcel at later dates.

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

No. The hardship results from the property dimensions & topography; the property slopes dramatically to the west. This dictates the building location.

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

No. As noted in No 2, all the properties to the north and south do not have the buffer. There the landscape buffer we will provide will be an improvement

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

No. The proposed landscape buffer will be an improvement to the neighborhood as opposed to the properties to the north and south which do not provide the buffer.

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

No. The project will not affect the light & air supply to the adjacent properties and will not increase congestion in the public streets. Emergency responders will not be impeded by the project and it will not adversely affect property values in the neighborhood.

ATTACHMENTS REQUIRED:

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

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

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

- Location of the property, due to the number of surrounding property owners and resulting number of certified letters that will be sent.
- Length of the newspaper notice publication which is based on the legal description of the property.
- Length and number of public hearings, which effect the cost of the Court Reporter. Note that if not all Board members are in attendance at the meeting, the applicant may request a continuation of the public hearing in the interest of having more Board members in attendance at a later meeting. If the public hearing is continued, at the request of the applicant or otherwise, the applicant is responsible for the cost of the Court Reporter at the additional public hearing(s).
- Amount of City staff time spent on review and administration of the application.

- E. REIMBURSEMENT OF FEES INITIAL DEPOSIT: Deposit of funds in escrow with the City. For properties less than 5 acres, a deposit in the amount of **\$1,000** is needed. For larger properties, see the table in the Reimbursement of Fees Agreement. These funds will be used to reimburse the City for all costs incurred during review of the application, per the Reimbursement of Fees Agreement. The applicant may need to provide additional funds to cover costs.
- F. LETTER OF AUTHORIZATION: Letter of authorization from the property owner as to the request for the zoning variation must be included, if the applicant is not the property owner.
- G. DISCLOSURE: Disclosure of beneficiaries of a land trust must be included, if the applicant or owner is a land trust.

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


Signature of Applicant or agent

Print name of applicant/agent


Date



Signature of owner



Print name of owner



Date



I hereby certify that this plan was prepared under my supervision and to the best of my knowledge they comply with the building ordinances, zoning ordinances and the Illinois Accessibility Code and ANSI A117.1-1986.
 Expires: 11/30/14

SITE PLAN
 Multi-Family Dwelling for:
 Kevin Stanton
 14th Street
 St. Charles, Illinois 60174

Date: 03/16/18
 Scale: AS NOTED
 Drawn: R.M.A.
 Job #: 11-2042

Sheet

SP1
 Of 1 Sheet

14th STREET

WALNUT STREET

MULTI FAMILY BUILDING
 8 UNITS @ 1,122 SF/ UNIT
 4,624 SF FOOTPRINT

AFFORDABLE UNITS REQ'D

1 to 10 Dwelling Units: 5 percent
 (8) Dwelling Units = 0.4* units
 * Fee In-Lieu of Affordable Units to be determined at 40% of per unit cost

PARKING REQUIREMENTS

Multi-Family Dwelling:
 Two-Bedroom Units: 1.7 per du
 (8) Two-Bedroom Units = 13.6 req. spaces
 Parking Spaces Provided = 13 spaces
 ADA Parking Provided = 1 space
 Total Parking Provided = 14 spaces

HARD SURFACES

Building Footprint = 4,624 sq.ft.
 Parking (Bituminous) = 5,218 sq.ft.
 Patios (Concrete) = 247 sq.ft.
 Stoops (Concrete) = 141 sq.ft.
 Leed Walks (Conc.) = 534 sq.ft.
TOTAL: 10,764 sq.ft.
 (or 55%)

RM-3 ZONING DATA

	Code Req'd	Provided
Min. Lot Area:	Multiple-Family: 2,200 sf/du (8) 2,200 sf/du = 17,600 sq.ft.	19,415 sq.ft.
Min. Lot Width:	65 ft	141'-6" wide
Max. Bldg. Coverage:	40% = 7,766 sq.ft.	23% or 4,624 sq.ft.
Max. Bldg. Ht.:	45 ft or 4 stories	34'-1 1/2" high
Min. Front Yard:	30 ft.	30 ft.
Min. Side Yard:	25 ft. each side	25 ft. each side
Min. Rear Yard:	30 ft.	53'-7 1/2"
Landscape Buffer Yards:	30 ft.	Varies
Req'd Green Space:	15% = 2,912 sq.ft.	45% or 8,651 sq.ft.

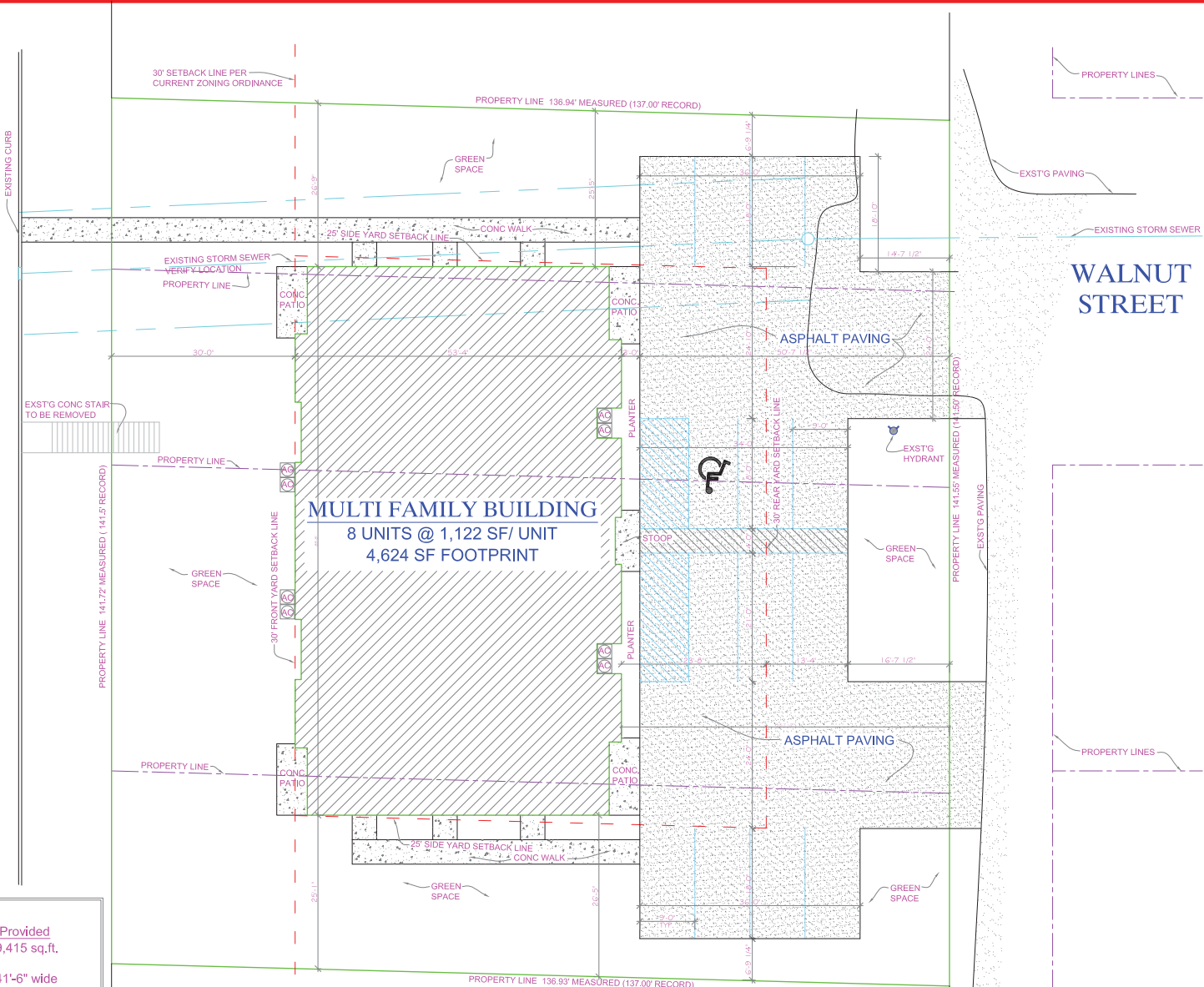
SITE PLAN

SCALE: 1/8" = 1'-0"



HOLD HARMLESS STATEMENT

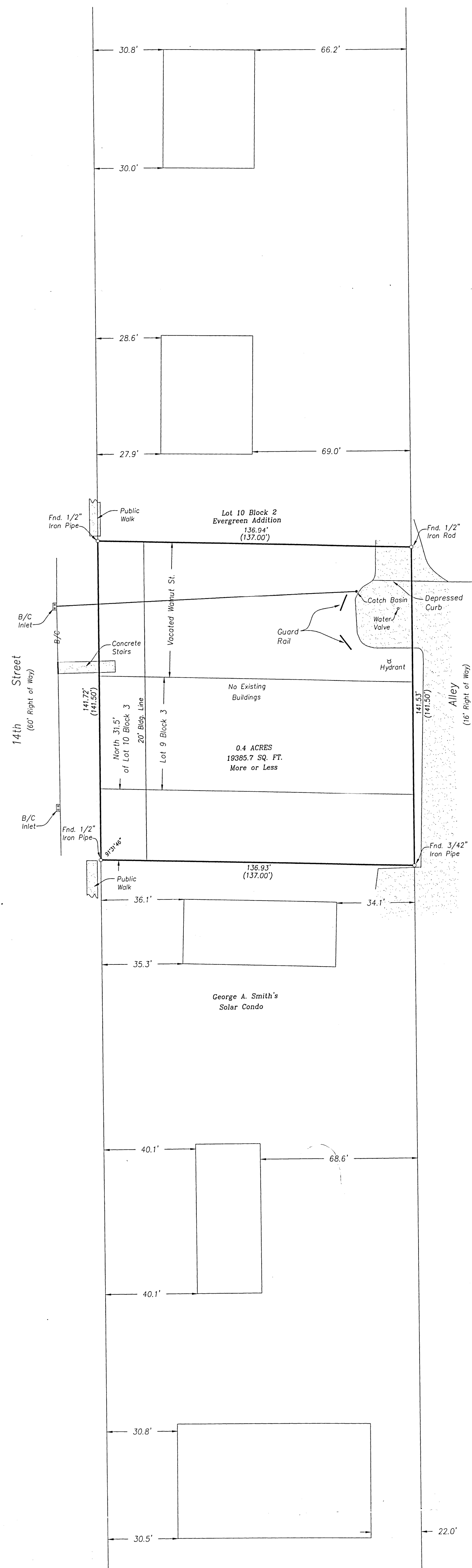
The Architect is not overseeing the construction of the building. The use of these drawings by any Contractor, Subcontractor, Builders, Mechanics, Tradesmen or Workers shall constitute a Hold Harmless Agreement between the drawing User and the Architect. The User shall in fact agree to hold the Architect harmless for any responsibility in regard to construction means, methods, techniques, sequences or procedures and for any safety precautions and programs in connection with the work and further shall hold the Architect harmless for costs and problems arising from the negligence of Contractor, Subcontractor, Builders, Mechanics, Tradesmen or Workers. The use of these Drawings also implies that the Architect shall take no responsibility for the plan User's failure to carry out the work in accordance with the Drawing or Contract Documents.



PLAT OF SURVEY

LOT 9 AND THE NORTH 31.5 FEET OF LOT 10 IN BLOCK 3 OF EVERGREEN ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, AND ALSO THAT PART OF WALNUT STREET AS SHOWN ON THE PLAT OF EVERGREEN ADDITION TO ST. CHARLES, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 10 OF BLOCK 2 OF EVERGREEN ADDITION TO ST. CHARLES; THENCE 137 FEET WESTERLY TO THE SOUTHWESTERLY CORNER OF LOT 10; THENCE 60 FEET SOUTHERLY TO THE NORTHWESTERLY CORNER OF LOT 9 IN BLOCK 3 OF EVERGREEN ADDITION TO ST. CHARLES; THENCE 137 FEET EASTERLY TO THE NORTHEASTERLY CORNER OF LOT 9; THENCE 60 FEET NORTHERLY TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS 20 S. 14TH STREET, ST. CHARLES, ILLINOIS.

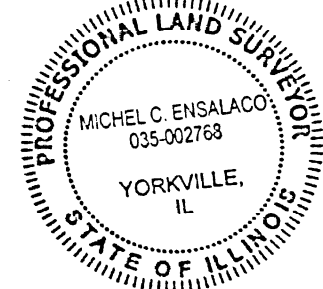


STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

I, MICHEL C. ENSALACO, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2768, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON JANUARY 27, 2012.

Michel C. Ensalaco



MICHEL C. ENSALACO P.L.S. 2768 EXP. 11/30/2012

TODD SURVEYING

PROFESSIONAL LAND SURVEYING SERVICES
BITE SURVEYING, INC.
1304 BUNNET AVENUE, SUITE E
YORKVILLE, ILLINOIS 62458
PHONE 630-892-1309 FAX 630-892-5544

Survey is valid only if original seal is shown in red.

Client:	Kevin Stoen
Book #:	2081
Drawn By:	sk
Plat #:	2161
Reference:	
Field Work Completed:	01-26-12
Rev. Date	Rev. Description
Project Number:	2012-0032

SCALE 1" = 20'
○ FOUND 3/4" DIA. IRON PIPE
UNLESS OTHERWISE NOTED
● SET IRON PIPE 1/2" DIA x 24"
N = NORTH E = EAST
S = SOUTH W = WEST
(XX.XX) = RECORD DISTANCE
XX.XX' = MEASURED DISTANCE
[] = CONCRETE/ASPHALT