

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-1-2020
LOCATION: 620 N 3RD AVE.

Requested Action: Zoning Variation to allow a 5ft. rear yard setback for a detached garage.

Purpose and Scope: The applicant is proposing to construct a 24' x 24' detached garage with a 4' overhang facing the home. The applicant is requesting to construct this garage 5ft. from the rear lot line of a through lot. The rear lot line is the east property line / 4th Avenue. Detached garages are not a permitted encroachment into the rear yard of through lots and are required to comply with the 40ft. rear yard setback.

Existing Land Use: Private Residence

Existing Zoning: RT-1 Traditional Single-Family Residential District





ST. CHARLES
SINCE 1831

APPLICATION FOR A VARIATION

**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): Requesting a 5' setback, on through lot, at back of home for new 24' x 24' garage plus a 4' overhang facing home.
- B. Reason for request: My wife and I both work, full time out of our home. With Covid, we will be home schooling our son and future children. We will be converting our existing garage into a class room and office space. We will need new garage space for our vehicles.
- C. Purpose for which property will be used: Builder, who is the home owners, personal family home.

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)

Although 4th Avenue, on this block is designated as a street, it functions as an alley. There are a total of three homes with their back yards on this street and only one home that faces this street. The difficulty with this lot is that it is a through lot. The required set back for this lot, would result in a very small backyard. In addition, the adjacent neighbor has their additional garage at the same setback that we want to place our new garage.

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

This, through lot, condition seldom exists in this Zoning District. The requested variance, is for the same setback as the adjacent neighbor. Also please note that the neighbor directly to the north, 630 N 3rd Avenue, also has a non conforming side yard setback. There would be no other neighbors, on this block, that would want this same variance.

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

This variance is requested for the sole purpose of making this my family home, for many years. It is not to make more money. We have carefully constructed and have been sensitive to every detail to preserve and enhance this stately Tudor home.

Typically on a home with this historic character, there would have always been a seperate coach house. Because of COVID, we simply need more room. We both work from home and we will be home schooling. Using existing attached garage space for home office and class room.

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

No. This hardship is evidenced by the minimal size of the backyard. In addition, because of COVID, we need to reconfigure existing interior garage space for a home school classroom. The hardship has been created by several factors; COVID and the need to have more space for both home offices and home schooling.

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

It will absolutely not alter the character of the neighborhood. Please keep in mind there are very few homes on this block. There are only 3 homes that back up to 4th Avenue, only 1 home that faces 4th Avenue and one home that its side yard is on 4th Avenue. This is a very small block.

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)

Absolutely not. As you can see from the photos there are other cars, boats, work vehicles parked on the Avenue. Adding a garage on our property will help to keep vehicles off the street.

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)

It will not impair any of the adjacent lots.

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.
- D. **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. 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

Zach Derrico "member"

Print name of applicant/agent

9/28/20

Date



Signature of owner

Zach Derrico

Print name of owner

9/22/20

Date

620 North 3rd Avenue, New Garage Location



Our home today, without the proposed new garage.

Neighbors home w/ garage very close to back lot line.

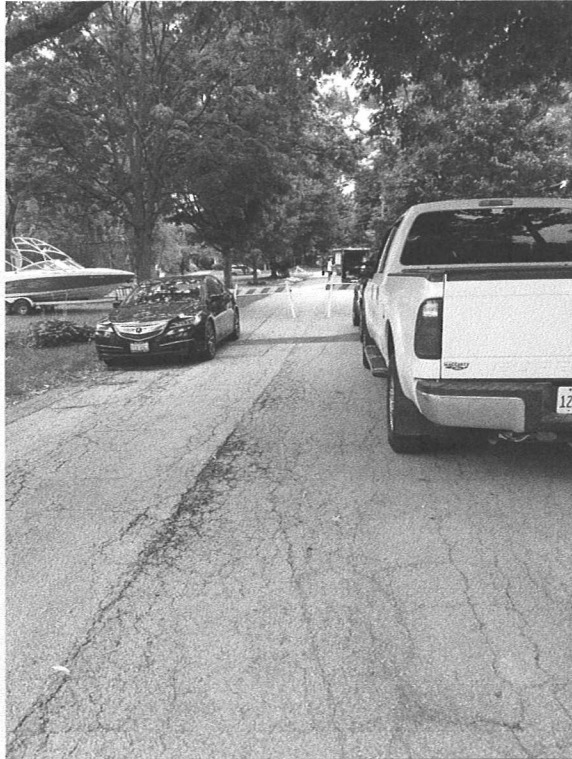


Only home on this block that faces 4th Avenue.

Our proposed new
24' x 24' garage loca-
tion with approved
variance.

Variance request for 5' back yard set back for a new 24' x 24' garage with a 4' x 16' overhang. 620 North 3rd Avenue, St. Charles.

620 North 3rd Avenue, New Garage Location



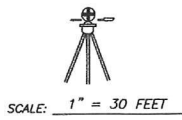
This is 4th Avenue. This day the block was blocked off for a backyard party. This block of 4th Avenue is more like an alley, than a street and only has 4 houses on it. And, only one home faces this block of 4th Avenue.

Please note the boat in adjacent yard.



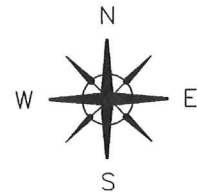
This is the back of our home on 4th Avenue, looking at neighbor directly to the south. Their garage is at the same setback, as we are requesting. Our home and our two neighbors homes are 'Through Lots'.

Variance request for 5' backyard set back for a new 24' x 24' garage with a 4' x 16' overhang. 620 North 3rd Avenue, St. Charles.

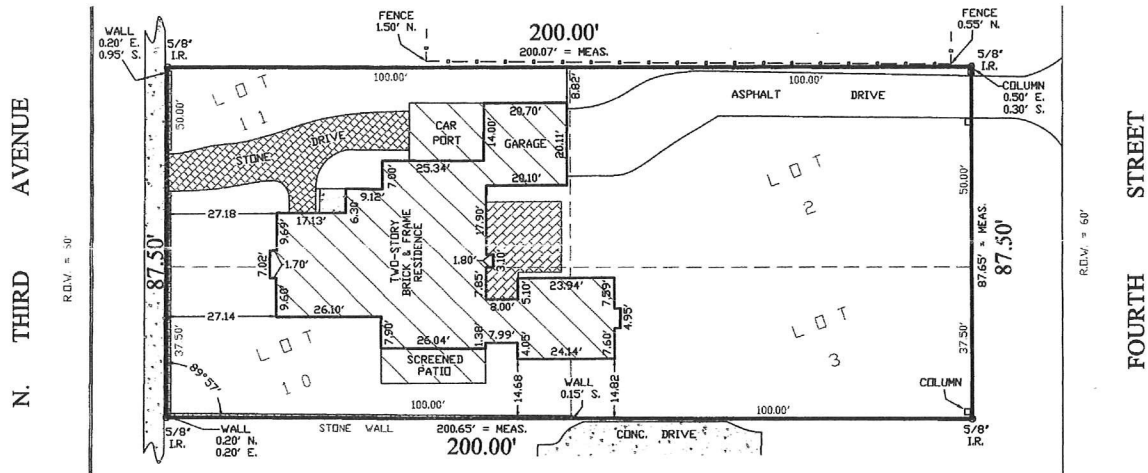


PLAT OF SURVEY

OF:



LOTS 2 AND 11 AND THE NORTHERLY 37 1/2 FT. OF LOT 3 AND NORTHERLY 37 1/2 FT. OF LOT 10, ALL IN BLOCK 4 OF GRANDVIEW ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.



STATE OF ILLINOIS
COUNTY OF KANE

SS: I, ANDREW J. TOBIN, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO THE OFFICIAL RECORD, AND THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS.

BY: Andrew J. Tobin
PROFESSIONAL LAND SURVEYOR
LICENCE NO. 35-3519
EXPIRES 11/30/18



THIS SURVEY IS ONLY VALID WHEN ACCOMPANIED BY AN EMBOSSED SEAL.
ANY DISCREPANCY IN MEASUREMENTS SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.
COMPARE THE DESCRIPTION ON THIS PLAT WITH DEED.
REFER TO DEEDS FOR EASEMENTS AND BUILDING LINES.

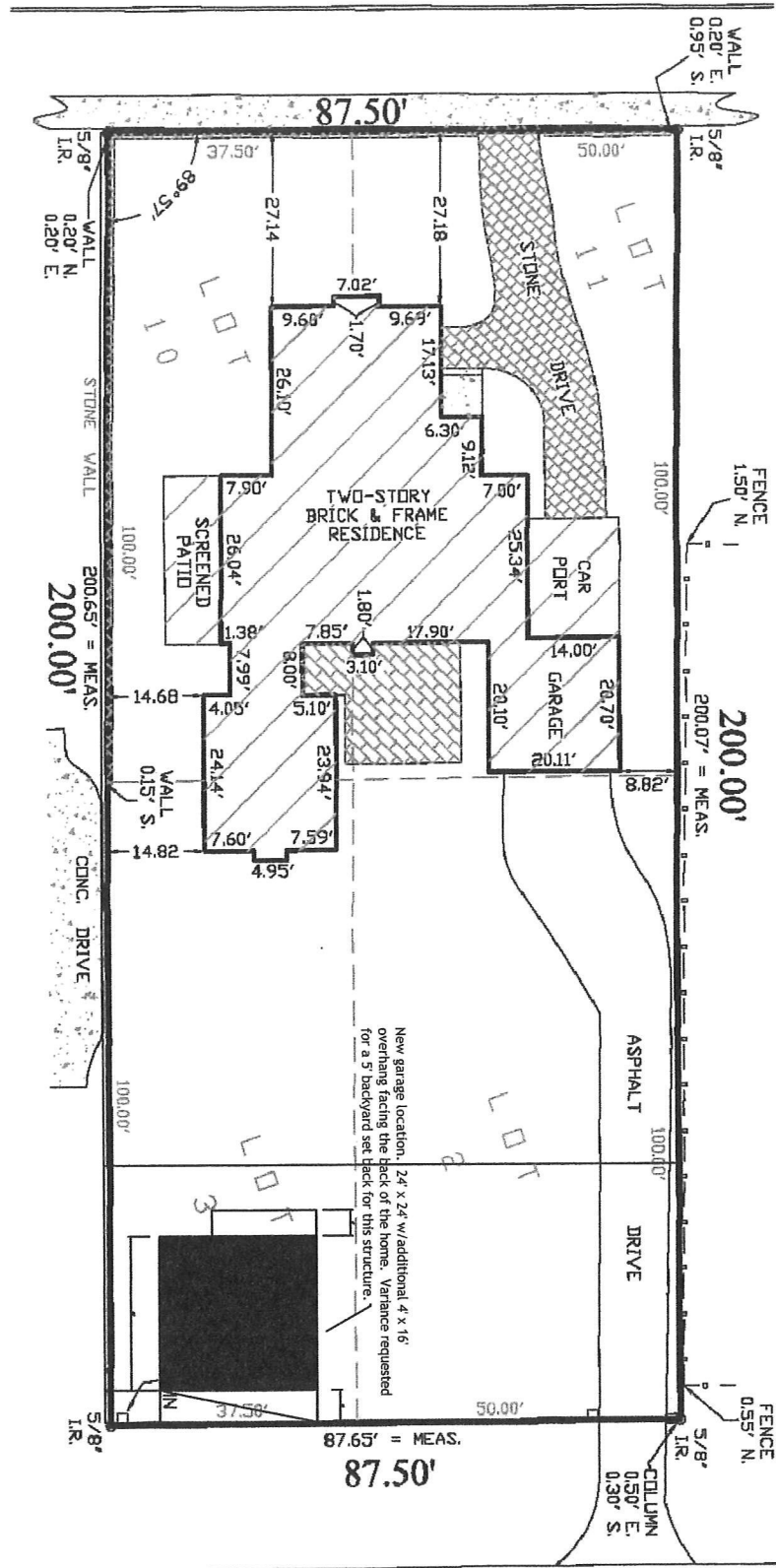
ANDREW J. TOBIN

P.O. BOX 42 DUNDEE ILLINOIS 60118 847-695-4235

DATED: JULY 16, 2018
PREPARED FOR: ARIANO, HARDY, GOETTEL
PROPERTY ADDRESS: 620 N. THIRD AVE.
ST. CHARLES, ILLINOIS
SURVEY ORDER NO.: 18296

INDICATES FOUND STAKE ○ CHAIN LINK FENCING
INDICATES SET STAKE ● WOOD FENCING
INDICATES CONCRETE

R.D.V. = 60'



R.O.W. = 60'

FOURTH STREET