

## ST. CHARLES ZONING BOARD OF APPEALS

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**VARIATION #:** V-1-2021

**LOCATION:** 3308 GREENWOOD LANE

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**Requested Action:** Zoning Variation to reduce exterior side yard setback from 40 ft. to 33.33 ft. to allow a one car garage addition to encroach 6.66 ft. into the exterior side yard.

**Purpose and Scope:** The applicant is proposing to construct a 21' x 13' addition for the purpose of adding a one car garage. The addition will encroach 6.66 ft. into the 40ft. exterior side yard setback. Attached garages are not permitted to encroach into an exterior side yard.

**Existing Land Use:** Private Residence

**Existing Zoning:** RS-1 Low Density Suburban Single-Family Residential District- Redgate PUD



PL VAR 202100007  
2021R003

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



FOR OFFICE USE	
Received	<u>2/9/2021</u>
File #	<u>V-1-2021</u>
Fee Paid \$	<u>1300</u>
Receipt	<u>                    </u>

**APPLICATION FOR A VARIATION**

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

**APPLICANT & OWNER:**

Name of Applicant\* James Parker  
Phone 630-440-4723 Email Address jparker7302@sbcglobal.net  
Address/City/State/Zip 3308 Greenwood Lane St. Charles IL 60175  
Applicant's interest in the property personal residence  
Name and Phone of Owner(s) of Record\* James & Diane Parker  
630-440-4723  
Applicant is (check one)  Attorney  Agent  Owner  Other: \_\_\_\_\_  
Owner acquired the property on (date): November 1994

**ADDRESS, USE & ZONING OF PROPERTY:**

Address of Property (attach legal description) 3308 Greenwood Lane St. Charles IL  
Present Use (commercial, industrial, residential, etc.) residential  
Zoning District RS-1 RedGate PUD  
To your knowledge, have any previous applications for variations been filed in connection with this property? NO  
If YES, provide relevant information \_\_\_\_\_

**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): Reduce the exterior side yard setback from 40ft. to 33'4" (33.33ft.)  
\_\_\_\_\_
- B. Reason for request: Garage Addition  
\_\_\_\_\_  
\_\_\_\_\_
- C. Purpose for which property will be used: Storage of car or landscape equipment.  
\_\_\_\_\_  
\_\_\_\_\_

**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 lot has a 22ft. drop-off from east to west. There is 40ft. Tree Preservation Easement at the east side of the lot that prevents any development in that area. The most reasonable location for the addition is attached to the east side of existing 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)

We are one of a very small percentage of homes within the Redgate Subdivision with only a two car garage.  
\_\_\_\_\_  
\_\_\_\_\_

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

No. However, when the time comes to sell, a two car garage would be a detriment since almost all other houses in the neighborhood have a 3 car garage.  
\_\_\_\_\_  
\_\_\_\_\_

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

My wife and I built the house in 1994, but at the time of construction talks, a 3 car garage was never discussed.

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

No, it will not. almost ever other home in the neighborhood has at least a 3 car garage. A few of the homes have a 4 car garage.

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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)

Again, the variance would not impact any other properties.

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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)

The garage will not impact the supply of light or air. We are a corner lot and the neighbor to the east is separated from our residence by woods.

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#### **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.

James R. Parker  
Signature of Applicant or agent

James R. Parker  
Print name of applicant/agent

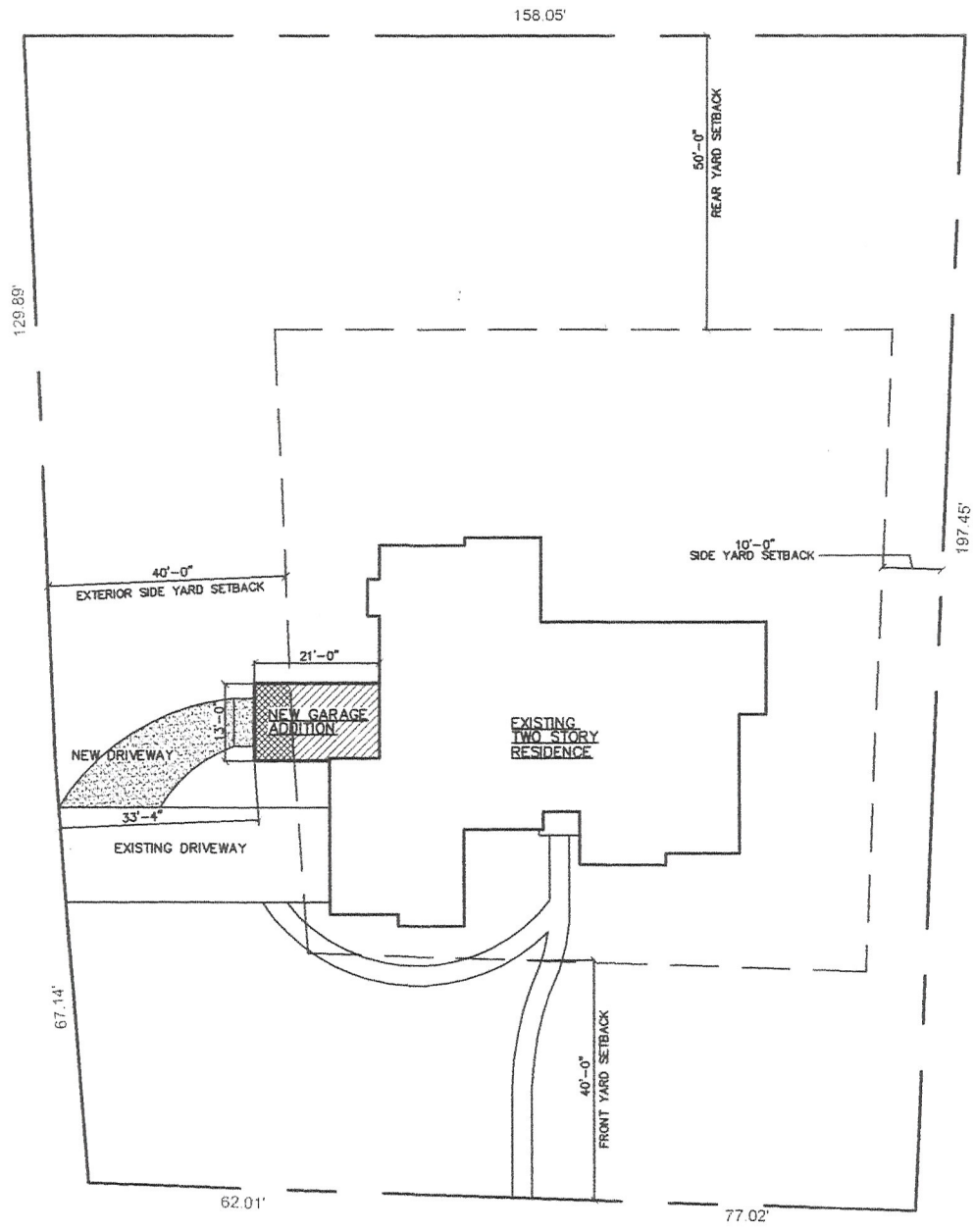
01/06/2021  
Date

James R. Parker  
Signature of owner

James R. Parker  
Print name of owner

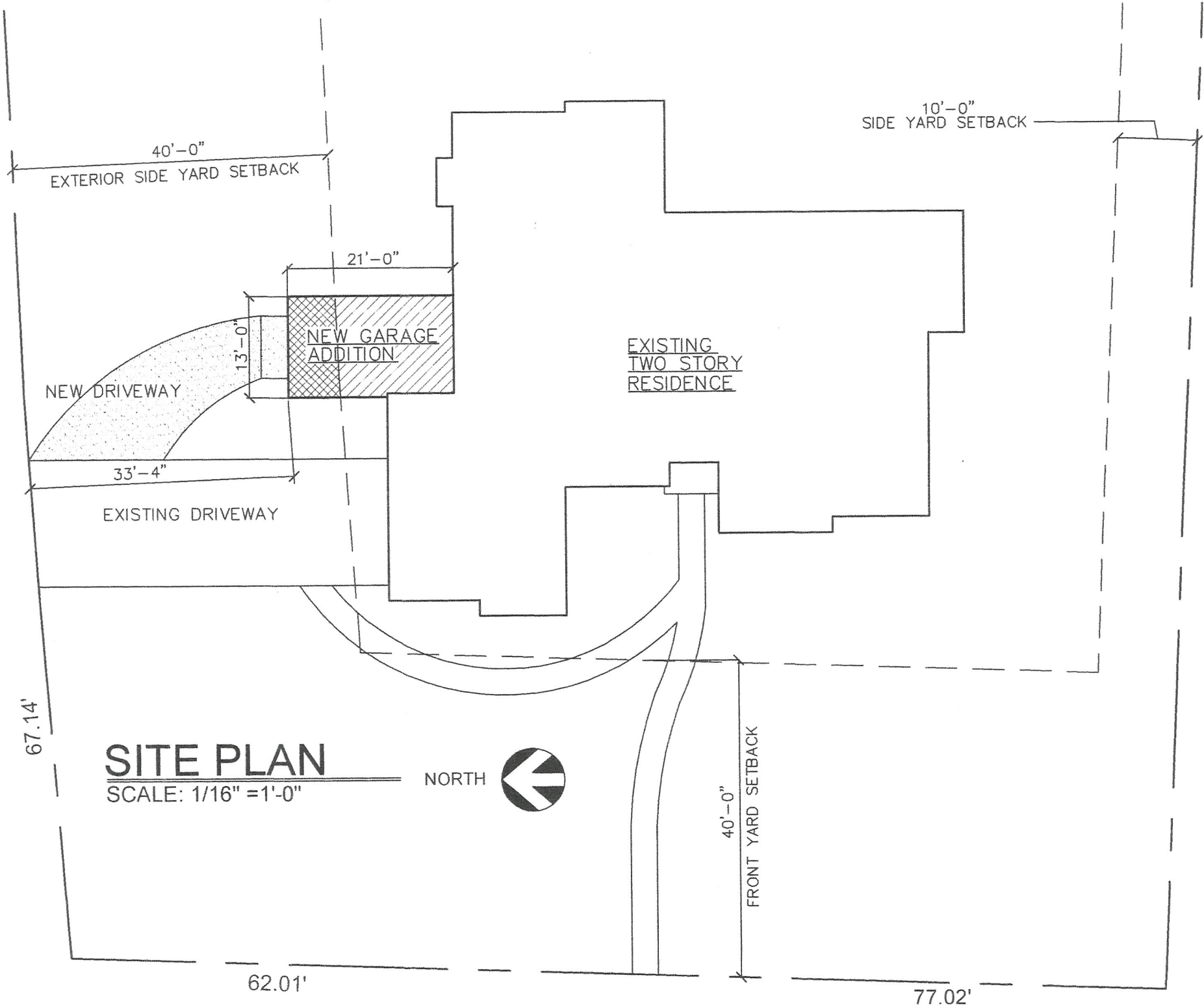
01/06/2021  
Date





**SITE PLAN**  
 SCALE 1/32" = 1'-0"



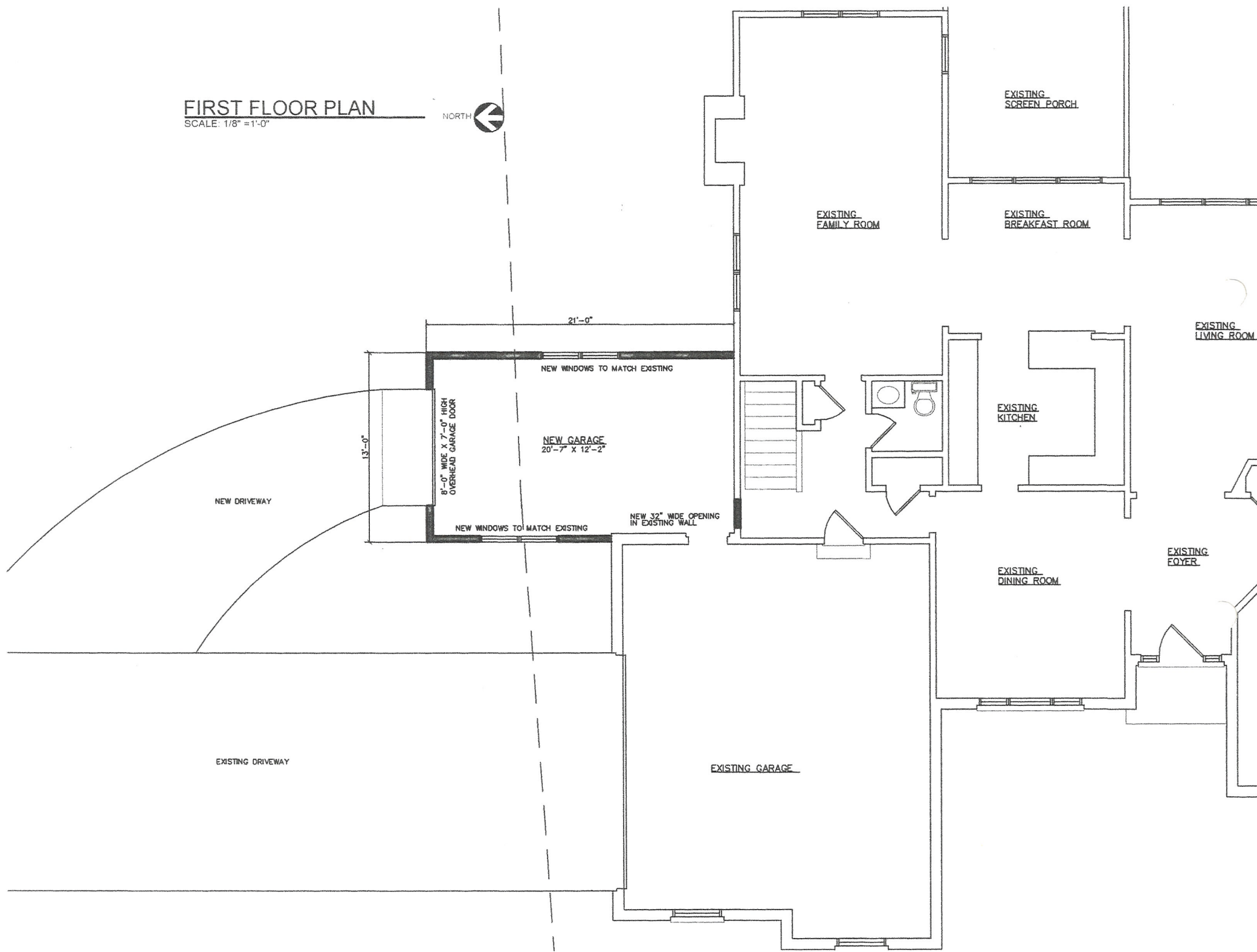




# FIRST FLOOR PLAN

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

NORTH





WEST ELEVATION  
SCALE 1/8" = 1'-0"



**NORTH ELEVATION**

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





**EAST ELEVATION**

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