St. Charles Zoning Board of Appeals

VARIATION #: V-4-2023

LOCATION: $722 \text{ S. } 9^{\text{TH}} \text{ AVE.}$

Requested Action: Zoning Variation to;

1. Reduce the minimum rear yard setback from 40ft to 29ft, a reduction in 11ft

2. Allow 31% of building coverage (1% over the maximum allowed 30%), roughly 160sf.

Purpose and Scope:

The applicant is proposing to construct an addition to their single-family home.

The PS 2.7 and a District here a 40% recovered by illing a the absorption and a single-family home.

The RS-3 Zoning District has a 40ft rear yard building setback requirement and

30% building coverage requirement.

Existing Land Use: Private Residence

Existing Zoning: RS-3 Suburban Single Family Residential



Zoning Board of Appeals

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



Received 2/23/24			
File #	APPLICATION FOR A VARIATION		
Fee Paid \$	APPLICATION	FUR A VARIATION	
Receipt		RECEIVED	
DI EACE DEDIN'T AND DEOVIE	NE ALL INICODMATION AS DEOLIES'	FEB 23 2024	
APPLICANT & OWNER:	DE ALL INFORMATION AS REQUES	City of St. Charles Community Development	
Applicant's interest in the prope Name and Phone of Owner(s) of Applicant is (check one)	o.com South 9th Ave., St Charles, IL 60174 rty Home Owner f Record*Michelle Spruth Ph. 847-373		
Owner acquired the property on	Attorney Agent X O (date): September 2015	wner Other:	
ADDRESS, USE & ZONING	OF PROPERTY:		
Present Use (commercial, indust Zoning District RS-3 To your knowledge, have any property?_No	al description)722 South 9th Ave, Strial, residential, etc.) _Residential	filed in connection with this	
ACTION BY APPLICANT O	N PROPERTY:		
Appeal Application File Number	ect to this property? (yes or no) _No er _N/A		

^{*}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): <u>This</u> application for a request to vary the zoning requirements at 722 South 9th Ave., St Charles to:
 - 1.) A 19ft setback from the 10 ft utility easement /or 29 ft from the rear fence. Adjusting the rear setback for our property would enable a 14 ft rear extension along the rear width of our home. Please refer to the attached Plat of Survey.
 2.) 31% of Maximum Building Coverage.
- B. Reason for request: Please refer to Attachment A
- C. Purpose for which property will be used: 722 South 9th Ave will continue to be the primary residence for our family.

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)		
	_Please refer to Attachment A		
2.	Are the conditions upon which the petition for a Variation is based applicable, generally, to other property within the same zoning classification? (Explain)		
	_Please refer to Attachment A		
3.	Is the purpose of the Variation based exclusively upon a desire to make more money out of the property? (Explain)		
	Please refer to Attachment A		

4.	Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property? (Explain)		
	Please refer to Attachment A		
5.	Will the Variation, if granted, alter the essential character of the neighborhood? (Explain)		
	Please refer to Attachment A		
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)		
	Please refer to Attachment A		
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)		
	Please refer to Attachment A		

ATTACHMENTS REQUIRED:

- A. <u>PLAT OF SURVEY:</u> 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. <u>FILING FEE</u>: 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. <u>REIMBURSEMENT OF FEES AGREEMENT:</u> 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. <u>REIMBURSEMENT OF FEES INITIAL DEPOST</u>: 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. <u>LETTER OF AUTHORIZATION</u>: 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. <u>DISCLOSURE</u>: 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 herewith are true to the best of my	statements and the statements contained (our) knowledge and belief.	in any documents submitted
N/A Signature of Applicant or agent	N/APrint name of applicant/agent	Date
Signature of owner	Michelle Spruth Print name of owner	Date



REASON FOR REQUEST

A. Variation requested (state specific measurements):

This application for a request to vary the zoning requirements at 722 South 9th Ave., St Charles to enable 14 ft rear extension along the rear width of our home and use of 31% Maximum Building Coverage. Please refer to the attached Plat of Survey.

B. Reason for request:

722 South 9th Ave located in St Charles, IL is a 1970s single story ranch house zoned RS-3. As such, RS-3 is designated to have a minimum lot area of 8,400 ft 2 with an allowed coverage up to 30% of the lot size (2,250 ft 2), however because of the setback restrictions, our home has approximately 1,500 ft 2 of allowable lot coverage, a difference of 730ft 2 of additional area which may be allowed by the Code because of setbacks and depth of our lot. The 722 lot on South 9th Ave is almost 1,304 ft 2 (14%) less than the minimum lot size at approx. 7,200 ft 2 .

I purchased the house with two (2) young boys in 2013, COVID, remote school/ work and areas to safely quarantine while keeping other family members of the same family safe working/school highlighted the requirement for additional space.

We are requesting a zoning variation to extend 14 ft of the rear width of our home and 31% Maximum Building Coverage. This would increase would allow larger common living areas whilst adding space for additional bathrooms.

This application to vary the zoning of 722 South 9th Ave. is requested due to the small lot size and restrictions due to the depth of our lot, as detailed above.

As part of our home improvements, it is our intention to submit a planning application for an additional ¾ level to accommodate bedrooms upstairs, small sitting area and bathroom through the planning application process. Please refer to the attached Drawings for details of the proposed zoning variation.

C. Purpose for which property will be used:

722 South 9th Ave will continue to be the primary residence for our family.

CRITERIA FOR VARIATION

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)

Yes, there is a practical difficulty to increasing our communal living area without a request for a zoning variation. The 722 lot is smaller than the minimum required lot size for properties zoned in RS-3 (8,400 sq ft) compared to our lot size of approx. 7,200 sq ft., practical difficulties include:

- Small lot size
- Depth of Lot

- Restricted development due to the 30ft front yard setback requirements.
- Restricted development due to the 40ft rear yard setback requirements.

The above which, necessitates a zoning variance to increase communal living and provision of additional bathroom areas within our home.

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

The above physical conditions are unique to 722 South 9^{th} Ave. My neighbors and other properties near have more regular shaped lots. The 722-lot located on South 9^{th} Ave is unique in that it is smaller than the minimum lot size with a number of restrictions which pose difficulty to increase the useable communal living area within our home from existing 1288 ft² (including 300 ft² garage) 988 ft² living space to 3350 ft² (including 551 ft² garage and 2^{nd} 3/4 level of 940 ft² to allow for 2 bedrooms) .

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

No, the sole intention for this variation is to increase our family communal living area so we can live, work and enjoy a better homelife as a family. The additional space would allow to safely accommodate friends and family in our home, to date we have only been able to hold gatherings outside due to small communal areas.

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

No, the practical difficulty is inherent to the small, irregular size and restricted depth of lot.

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

No, the variation will not alter the character of the neighborhood. The proposed extension will be in the rear of the house. The proposed architecture will be in line with the existing character of the house and it is the intension to enhance the neighborhood.

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

No, the Variation for a rear 14 ft extension to our home will not alter the character of the neighborhood or be detrimental to the public welfare or injurious to other property. The proposed extension would be an improvement as well as increase neighboring property values and aesthetics of our neighborhood.

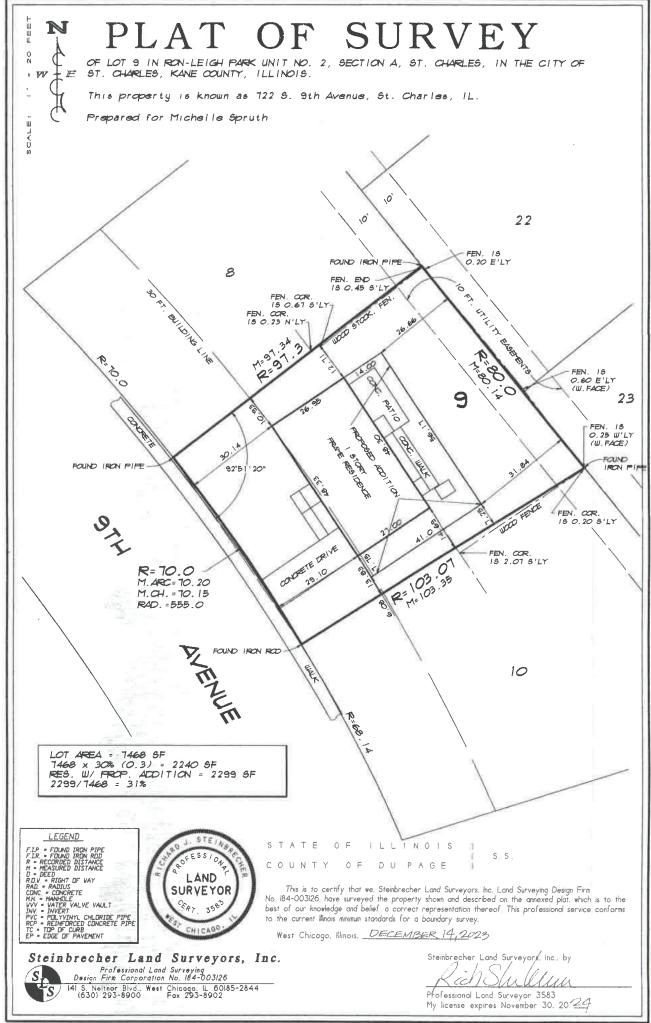
7.) Will the proposed Variation impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood? (Explain)

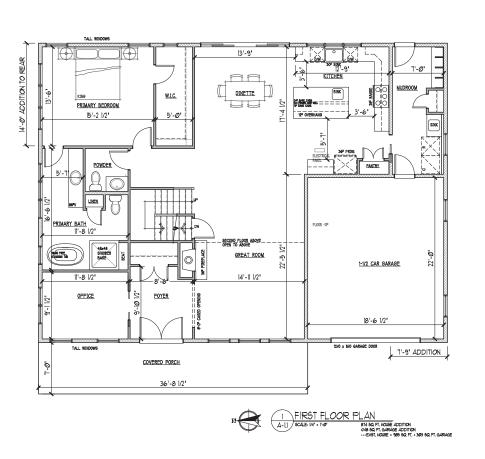
No, the proposed Variation for a 14ft rear extension will not impair the light or air to the adjacent properties. The depth of the proposed expansion has been thoughtfully planned so align to with neighboring properties. Our neighbors have larger houses and yards with multilevel decks. Our proposed extension will provide additional privacy as the extension will be in line with neighboring multilevel decks located at the back of their houses and/ decks. I have discussed our proposed extension/ variation with my neighbors, and they expressed support in the further beautification of our home through increase in communal living space. We have a good relationship with our neighbors and intend to keep them informed as well as listen to any concerns they may have as construction proceeds.

Additional Comments Regarding Proposed Improvements:

It is our intension to request an additional 3/4 level to our home as part of the planning application process. The additional ¾ level will allow move my sons' bedroom upstairs, small sitting area and bathroom to share. The upstairs bedroom will facilitate a safe and comfortable area to isolate separately from other family members if required.

The zoning variance will enable an increase in communal living, separate office and bathroom. The current small lot area limits configuration adequate to provide the above requirements within the area provided. A zoning variance approval, will improve our standard of living while enjoying our existing, neighborhood, community and location since making 722 South 9th Ave our home in 2013.





REVISIONS:

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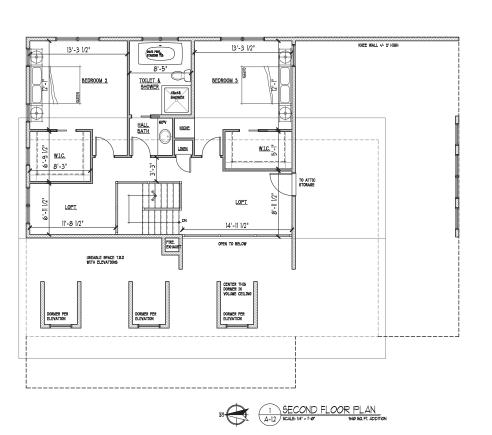
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DATE: 04JAN24
PROJECT #: 23-048
DRAWN BY: BDS

SHEET TITLE: FIRST FLOOR PLAN

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SPRUTH RESIDENCE 722 S. 9TH AVE ST. CHARLES, IL

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PROJECT #: 23-048
DRAWN BY: BDS

SHEET TITLE: SECOND FLOOR PLAN

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DRAWN BY: BDS

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SPRUTH RESIDENCE 722 S. 9TH AVE ST. CHARLES, IL

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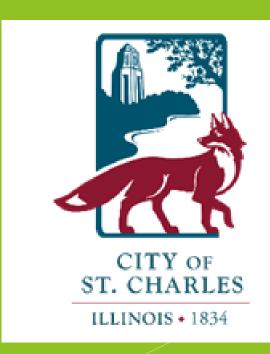
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A-2.1

Zoning Variation Application 722 South 9th Ave





Variations Requested

This presentation is a follow up to my original variation application submitted July 2023, presented to Board October and November 2023.

- Reducing 29ft (at shortest end, varies) setback from the rear fence (19ft from the 10ft utility easement) to enable a 14 ft rear extension along the rear width of our home.
- Increase from use of 30% to 31% of plot area.





Variation Criteria

722 South 9th Ave is a 1970s ranch house zoned RS-3.

Irregular Shape

RS-3 is designated to have a minimum lot area 8,400ft² with allowed coverage up to 30% of the lot size (2,250 ft2), however because of setback restrictions our home has approx. 1,500 ft² of coverage (difference of 730ft²). 722 lot on South 9th has 14% less than the minimum lot size in RS-3.

- Current restrictions reduce the useable area of the lot
 - Restricted development due to the 30ft front yard setback.
 - Restricted development due to the 40ft rear yard setback.
- Small lot size

Other properties

722 South 9th Ave has 14% less than the minimum lot size in RS-3.

Purpose

722 South 9th Ave will continue to be our primary residence and home. The 14ft extension would allow for larger kitchen, living room and space for an additional bathroom. The additional 1% coverage of the plot area allows for the layout as designed.

Practical difficulty

I purchased our home with two (2) young boys in 2013. COVID, remote school and work have heightened the need for additional space in common areas and keeping family safe when sick.

Keeping in character with the neighborhood

Our home improve and extension will be in character with the surrounding homes.

Public welfare

Will not be to the determinant to public welfare or injurious to other property.

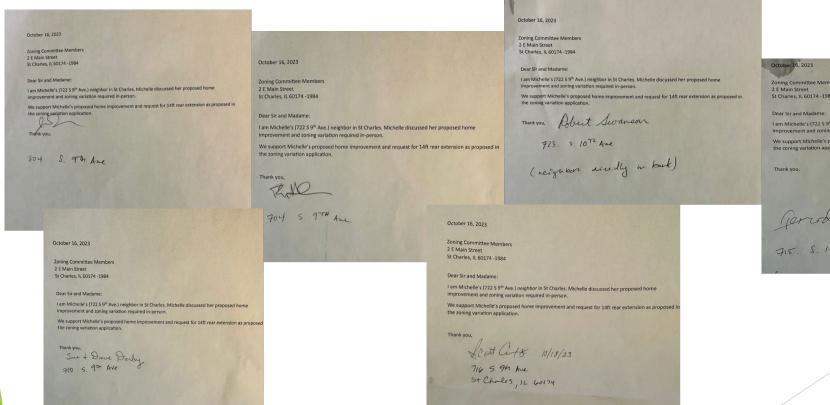
Impact of light, air, traffic, fire, endangerment of public safety, property value to adjacent properties and neighborhood

The proposed variation to allow for a 14ft rear extension will not impair the light, air to adjacent properties. The depth of the proposed expansion has been thoughtfully planned so to align with neighboring properties. Our neighbors have larger houses with multilevel decks and yards. Our home improvement will be in line with neighboring rear multilevel decks.

Thoughtfully Planned and Consultation

I have discussed our proposed home improvement/ zoning variation with our neighbors.

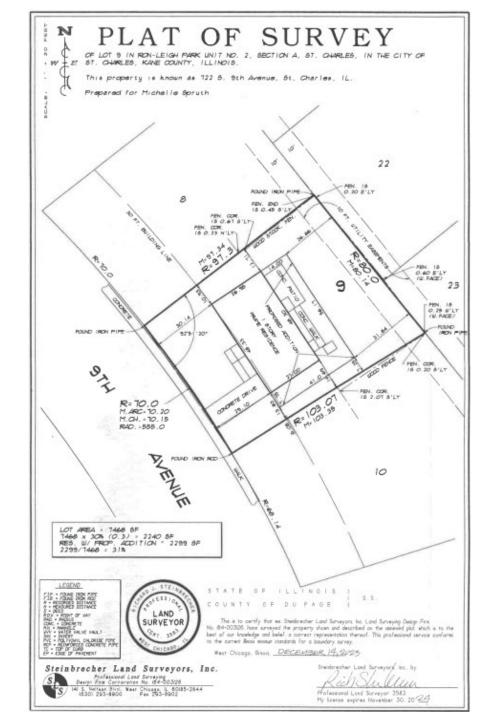
All of my neighbors within 250ft of our home were supportive of the proposed variation to our property. Seven (7) neighbors in proximity of our home have provided written support presented in the October 2023. No objections received to date and further letters of support for the April 2024.



October 16, 2023 Zoning Committee Members St Charles, IL 60174 -1984 Dear Sir and Madame: I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home improvement and zoning variation required in-person We support Michelle's proposed home improvement and request for 14ft rear extension as proposed

St Charles, IL 60174 -1984 I am Michelle's (722 S 9th Ave.) neighbor in St Charles. Michelle discussed her proposed home We support Michelle's proposed home improvement and request for 14ft rear extension as proposed the zoning variation application

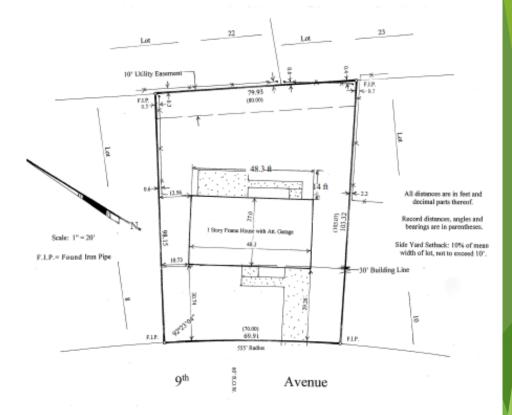
Updated Survey



Plat of Survey

LOT 9 OF RON-LEIGH PARK UNIT NO. 2, SECTION A, ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

> Commonly known as 722 S. 9th Avenue, St. Charles. P.I.N. 09-34-235-004



State of Illinois) SS County of Kendall)

 Thomas J. Todd, an Illinois Professional Land Surveyor, do hereby certify that the plat shown hereon, being completed in the field on September 21, 2015, is a correct representation of a survey performed at and under my direction.

This professional service conforms to the current Illinois minimum professional service conforms to the current Illinois min

Signed and sealed at Oswego, Illinois on Seamer 14,2015, 1000 \$2487

Thomas J. Todd

Illinois Professional Land Serveyor No. 2467

My license will expire Nev. 30, 2016

OF NAMES

True North
Surveying & Mapping, Ltd.
Ouvego 630,554,2321

. 15-288-164 Prepared for Herbert & Eckburg, LLLP of Aurora.

Design Layouts of Proposed Home Improvement

Front View



Side Profile



Design Layouts of Proposed Home Improvement

Rear View







Additional Comments

- ▶ It is our intension to request ¾ level to our home as part of the planning application process. The additional ¾ level will be my sons' bedrooms and small sitting area and bathroom to share.
- Upstairs bedroom will facilitate safe and comfortable area while maintaining well being for the rest of the family, if required.
- ► The approval of this zoning variance will enable an increase in communal living, office and bathroom.
- Increasing the area of our home through this zoning variance will improve our standard of living while enjoying our existing neighborhood, community and location since making 722 South 9th Ave our home in 2013.

