

	<b>HISTORIC PRESERVATION COMMISSION AGENDA ITEM EXECUTIVE SUMMARY</b>			
	<b>Agenda Item Title/Address:</b>	Zoning Variation: 314 Indiana St.		
	<b>Proposal:</b>	Construct a new house		
	<b>Petitioner:</b>	John Henry Builder		
<b>Please check appropriate box (x)</b>				
	<b>PUBLIC HEARING</b>		<b>MEETING 12/20/17</b>	<b>X</b>
<b>AGENDA ITEM CATEGORY:</b>				
	Certificate of Appropriateness (COA)		Façade Improvement Plan	
	Preliminary Review		Landmark/District Designation	
	Discussion Item	X	Commission Business	
<b>ATTACHMENTS:</b>				
Zoning Variation application				
<b>EXECUTIVE SUMMARY:</b>				
<p>The house at 314 Indiana St. was heavily damaged in a fire in July 2017. The Commission approved a COA to allow for demolition of the structure based on the extensive damage. The lot is now vacant.</p> <p>John Henry Builder has purchased the property and is proposing to construct a new house on the lot. Construction of the house as proposed will require a variation to two requirements:</p> <ol style="list-style-type: none"> <li>1. Reduction of the minimum rear yard setback from 30 ft. to 20 ft. (The former house has a 17 ft. rear yard setback).</li> <li>2. Increase of the maximum building coverage by 141 square feet, from 25% (plus a 250 square foot bonus for a detached garage), up to 28.2% (plus a 250 square foot bonus for a detached garage. (The former house was comparable in footprint and lot layout to the proposed house.)</li> </ol> <p>The formal Zoning Variation application has been forwarded for the Commission to make a recommendation to the Zoning Board of Appeals.</p> <p>Per the Zoning Ordinance, the Commission's recommendation is to address the potential impact of the variation on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.</p> <p>Preliminary floor plans and a front elevation have been provided. Given that the proposed house will require a future COA approval, the Commission can also provide preliminary comments on the architectural design.</p>				
<b>RECOMMENDATION / SUGGESTED ACTION:</b>				
Provide comments and a recommendation to the Zoning Board of Appeals regarding the variation.				

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



FOR OFFICE USE
Received <u>11/22/17</u>
File # <u>V-2-2017</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\* John Henry Builder Developer, Inc  
Phone 630-262-3800 Email Address bernie@johnhenry.pro  
Address/City/State/Zip 15 Woodlawn St. Geneva, IL 60134  
Applicant's interest in the property Owner  
Name and Phone of Owner(s) of Record\* Same as applicant

Applicant is (check one)  Attorney  Agent  Owner  Other: \_\_\_\_\_  
Owner acquired the property on (date): 10-19-2017

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

Address of Property (attach legal description) 314 Indiana St  
Present Use (commercial, industrial, residential, etc.) Residential  
Zoning District RT-4  
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 N/A  
Appeal approved? (yes or no) N/A  
Appeal Application accompanies this request for variation? (yes or no) 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): 1) Zoning variance for rear yard and setback 20' requested vs. 30' 2) Building Coverage Variance - additional 1411 square feet requested (see overlay survey)
- B. Reason for request: Provide functional home on non-conforming lot which is very small
- C. Purpose for which property will be used: Single family Residence

**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) Yes  
The size and shape of the property creates a hardship. The parcel is 4371.7<sup>#</sup> which is less than the minimum required in the zoning district of 5,000 sf. The depth of the parcel is less than a typical lot in the zoning district (66 ft as opposed to the common depth of 100+ ft) Both the size and shape of the lot result in (+)
- 2. Are the conditions upon which the petition for a Variation is based applicable, generally, to other property within the same zoning classification? (Explain)  
No, the lot size does not meet the minimum zoning district standards, and is not typical of other lots in the zoning district
- 3. Is the purpose of the Variation based exclusively upon a desire to make more money out of the property? (Explain)  
No, the proposed house design provides for a 3 bedroom house that is economically viable to construct

#1 cost. a limited building envelope due to setback and building coverage requirements.

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

*No, the non-conforming lot has existed for many years. The previous house was a legal non-conforming structure dating from the early 1900's that was destroyed by an accidental fire.*

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

*No, the previous house had an existing non-conforming rear set back of 17.7 feet and building coverage, including garage, of 1346 sq ft. The adjacent block has a mix of lot and building configurations and the rear yard areas and building coverage are not consistent.*

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 variation would permit a setback that is greater than the previous legal non-conforming setback of the house that existed on the lot from the early 1900's until August 2017. The building coverage is comparable to the previous existing house. The new house will not be greater than the previous house.*

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 new house will meet all other code requirements applicable to new buildings, with exception of these items where a variation has been requested. The reduced rear yard setback and increased building coverage will not create any new impacts to the neighborhood.*

*#6 cert. impact than the previous home.*

#### **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.

Patricia M. Cusz  
Signature of Applicant or agent

Patricia Cebrynski 11-20-17  
Print name of applicant/agent Date

Patricia M. Cusz  
Signature of owner

Patricia Cebrynski 11-20-17  
Print name of owner Date

# Plat of Survey of Part of Lot 6 Block 51 Original Town of St. Charles St. Charles, Kane County, Illinois

## Surveyor's Notes

Basis of Bearings Topcon Network.  
 Descriptions, easements and Servitudes shown hereon are based upon Chicago Title Insurance Company ALTA Commitment for Title Insurance Commitment Number 17WNW521382GV, having an Effective Date of September 28, 2017.

Parcel identification reported as 09-34-113-008-0000 in ALTA Commitment for Title Insurance Number 17WNW521382GV issued by Chicago Title Insurance Company, dated September 28, 2017.

This plat is not valid without the Surveyor's original signature and seal.

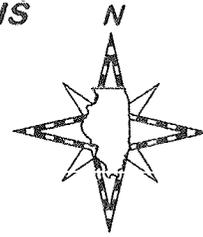
Buildings Shown hereon were heavily damaged in a fire, do to mounds of debris there might be additional improvements not shown hereon.

Compare the data on this plat with your deed and or Certificate of Title. Also compare all points prior to building by the same and report any differences to the Surveyor immediately.

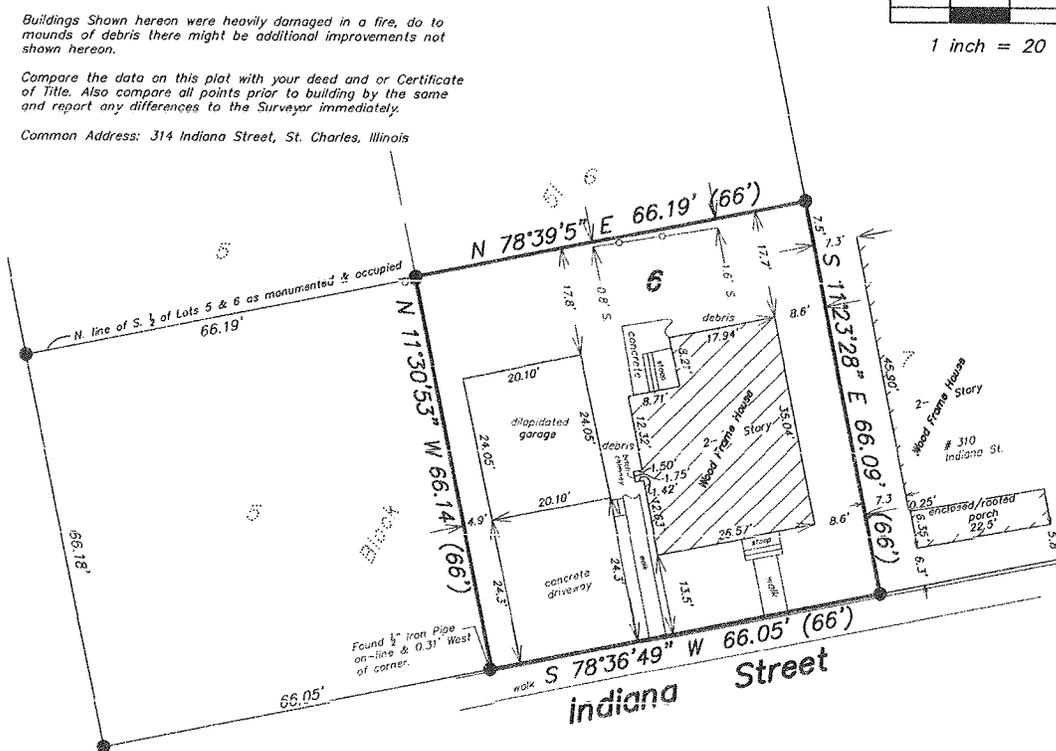
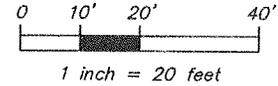
Common Address: 314 Indiana Street, St. Charles, Illinois

## Legend

- indicates iron stake
- Meas. indicates measured data
- (60') indicates record data
- indicates wood fence line



## Graphic Scale



State of Illinois)

)ss  
 County of Kane)

This is to certify that I, Carol Sweet-Johnson, an Illinois Professional Land Surveyor of Johnson-Western Surveying, L.L.C. (Illinois Professional Design Firm No. 184-005518), have surveyed and located the improvements on The Southerly 1/2 of Lot 6 in Block 51 of the Original Town of St. Charles, on the West side of Fox River, in the City of St. Charles, Kane County, Illinois as shown by the plat hereon drawn which is a correct representation of said survey and this professional service conforms to the current Illinois Minimum Standards for a Boundary Survey. All distances are given in feet and decimal parts thereof.

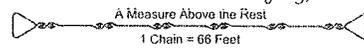
Dated at Geneva, Illinois, October 31, 2017.

*Carol Sweet-Johnson*

Illinois Professional Land Surveyor No. 3342  
 License Expiration Date: November 30, 2018



Prepared by:  
 Johnson - Western Surveying, L.L.C.



Ordered by & Prepared for:  
 John Henry  
 Builder-Developer Inc.

825 West State Street, Suite 207  
 Geneva, Illinois 60134  
 (630) 845-3166 (630) 715-5959 cell  
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Revised to show House setback Lot 7

Field Bk/Page No: electronic	S-T-R:
File Name: 2017-272_Variance.dwg	Drawn by: C S-J
Directory: Projects/2017-272	Job No.: 2017-272

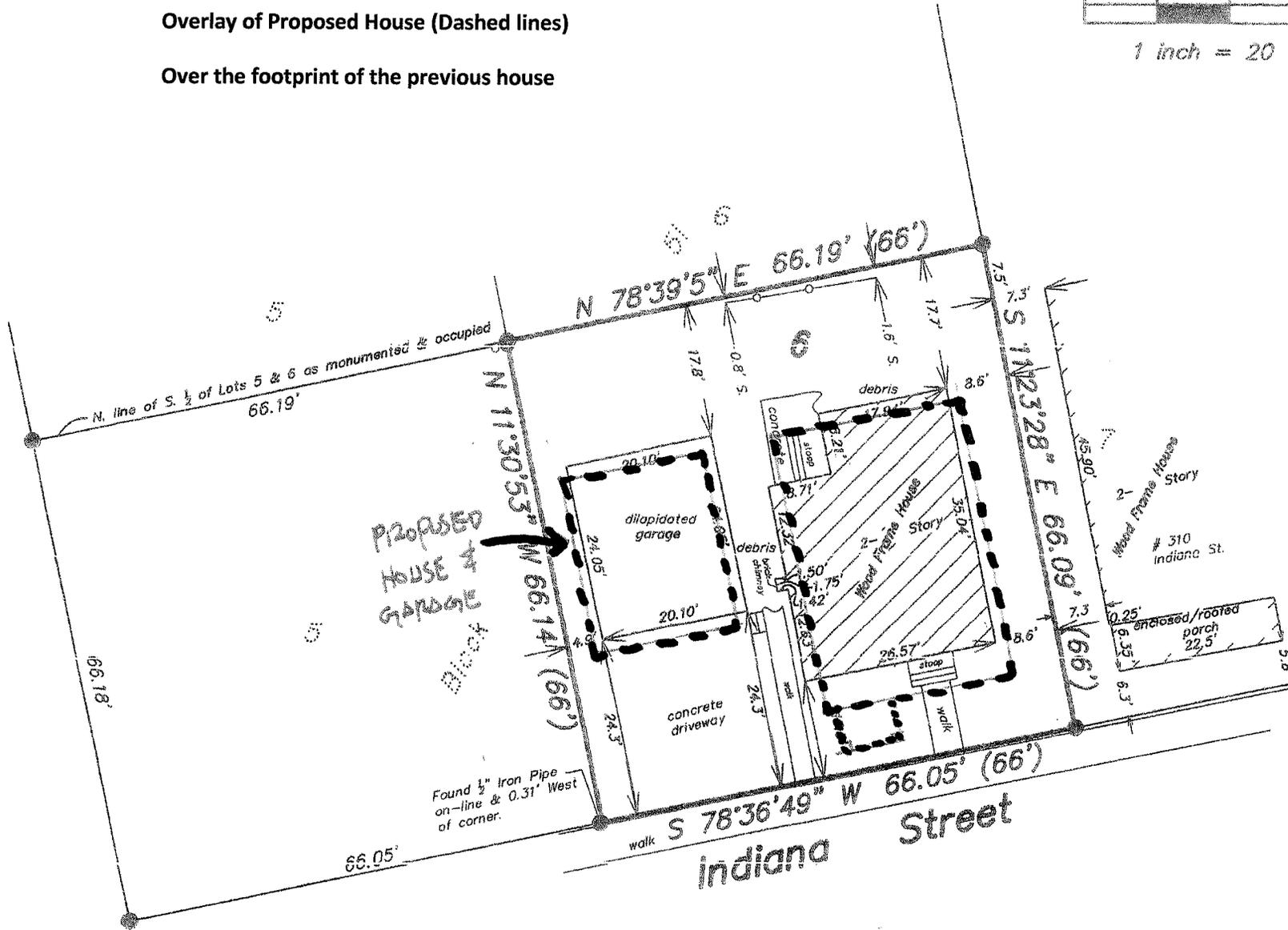
314 Indiana Street

Overlay of Proposed House (Dashed lines)

Over the footprint of the previous house



1 inch = 20 feet



314 INDIANA STREET  
ST. CHARLES, IL.

LOT AREA 4,371.7 SF  
 x.25 1,092.93  
 DETACHED GARAGE BONUS +250  
 BASE ALLOWED 1,342.93 SF.  
 BLDG COV.

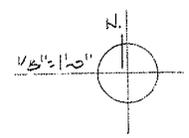
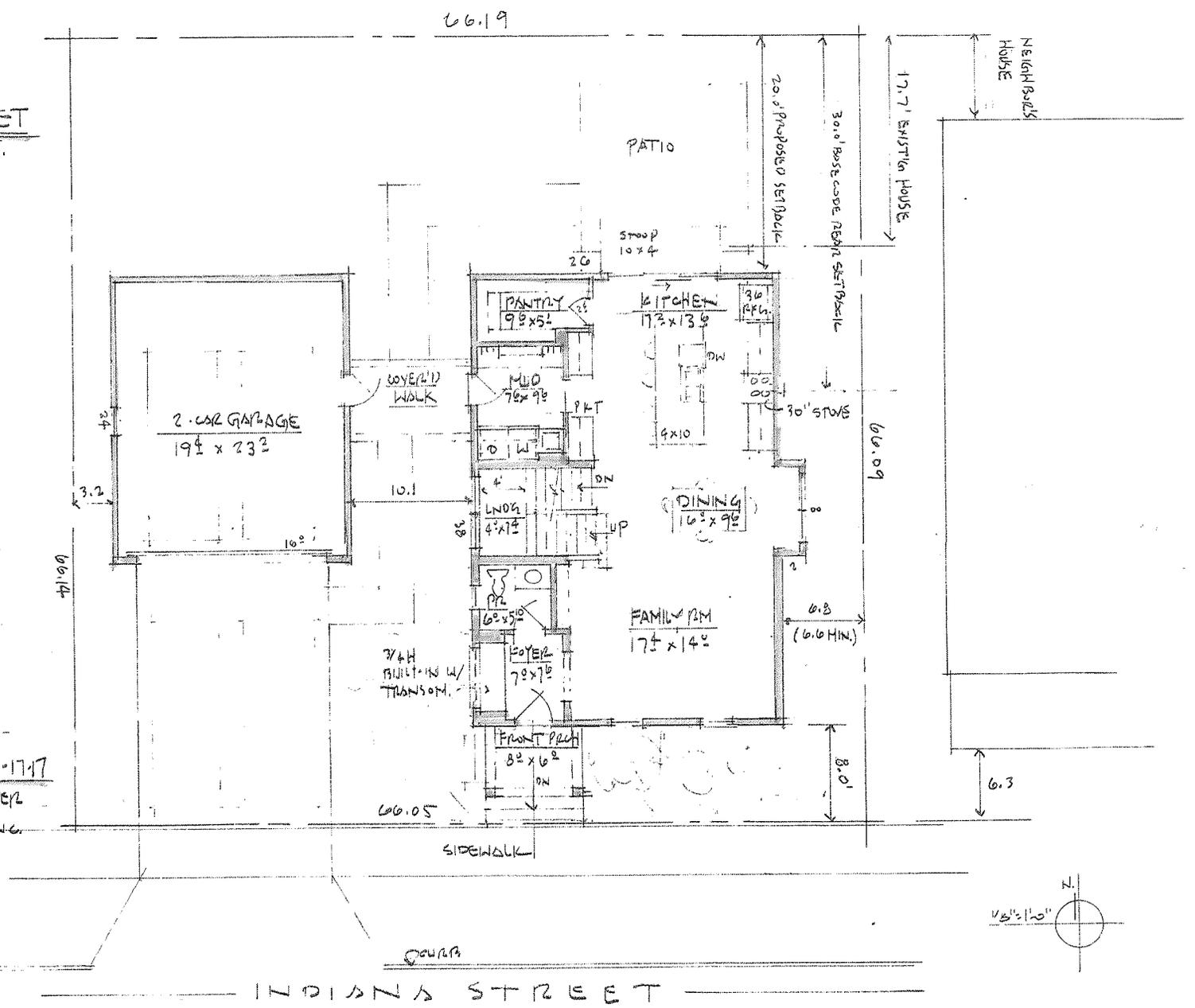
PROPOSED:  
 HOUSE : 1,004  
 GARAGE : 480  
 1,484 SF

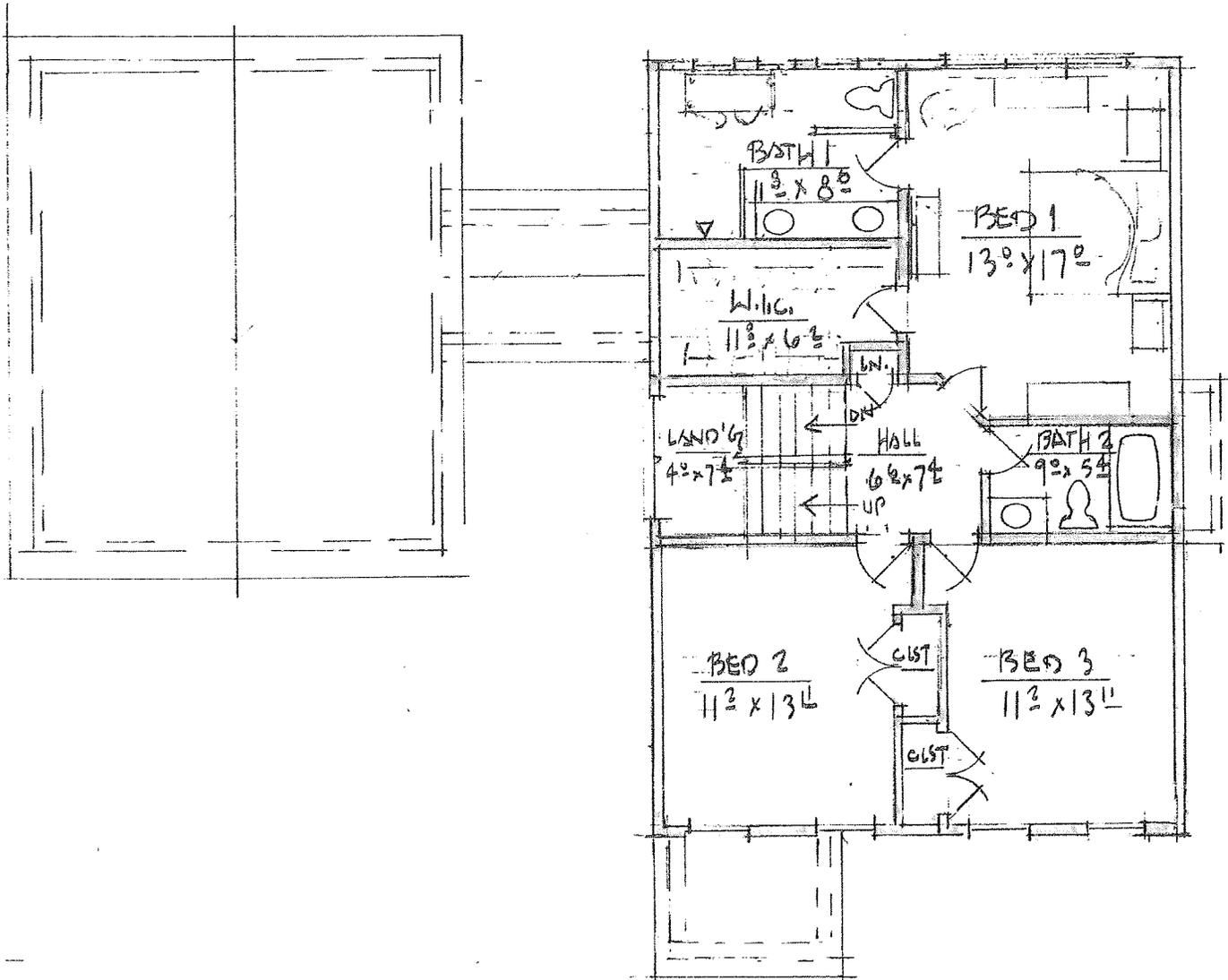
NEED BLDG COV. VARIANCE  
 FOR 141 SF

EXIST'G HOUSE : 863  
 EXIST'G GARAGE : 483  
 1346

PRELIMINARY SITE &  
 FIRST FLOOR PLAN 11-17-17

JOHN HENRY BUILDERS DEVELOPER  
 MARSHALL ARCHITECTS, INC.





- PRELIM, 2ND FLOOR 11-17-17  
 314 INDIANA ST. · ST. CHARLES · IL.  
 JOHN HENRY BUILDER · DEVELOPER  
 MARSHALL ARCHITECTS, INC.



314 INDIANA ST., ST. CHARLES, IL. 11.7.17

JOHN HENRY BUILDER DEVELOPER  
MARSHALL ARCHITECTS, INC.