ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #:	V-1-2023
LOCATION:	218 INDIANA STREET

Requested Action:

Zoning Variations:

1. Permit a non-residential use on a lot that is 4,620sf (92% of the minimum required 5,000sf)
2. Allow 49.7% of building coverage (9.7% over the maximum allowed 40%) for an additional 448sf

Purpose and Scope:

The applicant is proposing to construct a 2,298sf mixed use building with a first-floor office and two upper level residential units. While a mixed-use building is permitted in the zoning district, a minimum lot size of 5,000sf is required. The subject lot is 4,620sf. Additionally, a maximum of 40% of the lot can be covered by building. The applicant is requesting to build an additional 448sf of building for the purpose of having a larger office space and an additional bedroom in each unit.

Existing Land Use: Private Residence

Existing Zoning: CBD-2 Mixed Use Business District

Zoning Board of Appeals

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

ST. CHARLES
SINCE 1834

PLVAR202300098

FOR OFFICE USE
Received _____
File # V-1-2023
Fee Paid $ 1300.00
Receipt _____

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* Accession Properties
Phone 630.404-7689 Email Address Dschonback@hotmail.com
Address/City/State/Zip 112 Syrll Dr Geneva, IL 60134
Applicant's interest in the property owner
Name and Phone of Owner(s) of Record* Accession Properties 630.404-7689

Applicant is (check one) __ Attorney __ Agent ✓ Owner __ Other: _____
Owner acquired the property on (date): 1/28/22

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 218 Indiana St. St. Charles
Present Use (commercial, industrial, residential, etc.) residential
Zoning District CBD-2 Periphery
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.*

CITY OF ST. CHARLES
REIMBURSEMENT OF FEES AGREEMENT

City of St. Charles Acct. # _____

I. Owner:

Owner of Property: Accession Properties Date: _____

Owner's Address: 112 Syril Dr Geneva, IL 60134

Owner's Phone Number: 630-404-7689

If Owner is a Land Trust, the names and addresses of the beneficiaries of the Trust:

II. Person Making Request (Petitioner/Applicant):

Name of Petitioner/Applicant: Accession Properties. Dave Schanback

Petitioner's/Applicant's Address: 112 Syril Dr Geneva, IL 60134

Petitioner's /Applicant's Phone Number: 630-404-7689

III. Location of Property:

General Location of Property: 218 Indiana St. Charles

Acreage of Parcel: .12

Permanent Index Number(s): 0934114007

Legal Description (attach as Exhibit A)

IV. Reimbursement of Fees:

If the City determines, in its sole and exclusive discretion, that it is necessary to obtain professional services, including, but not limited to, attorneys; engineers; planners; architects; surveyors; court reporters; traffic, drainage or other consultants, and/or to incur costs related to any required notices or recordations, in connection with any Petition or Application filed by the Petitioner/Applicant, then the Petitioner/Applicant and Owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the City.

The City Administrator is hereby authorized to assign the above described services to the City staff or to consultants, as they deem appropriate. When the City staff renders any services contemplated by this agreement, then in such case the City shall be reimbursed for its cost per productive work hour for each staff person providing said services.

At the time the Petitioner/Applicant requests action from the City, he shall deposit the following amounts with the City as an initial deposit to collateralize the obligation for payment of such fees and expenses:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	$1,000	$2,000	$3,000	$4,000
2 or 3	$2,000	$4,000	$5,000	$7,000
4 or more	$3,000	$5,000	$7,000	$10,000

As the review proceeds, the City shall deduct incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below $500.00, the petitioner/applicant, upon notice by the City, shall be required to replenish the deposit to its original amount. The Petitioner/ Applicant shall replenish the deposit amount within fifteen (15) days of receipt of an invoice directing the replenishment of said deposit. Failure to remit payment within fifteen (15) days will cause all reviews to cease.

A petitioner/applicant who withdraws his petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Administrator may, in his sole discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

Upon the failure to the Petitioner/Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Mayor and City Council, or by any other official or quasi-deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Further, the City may deny any application for a grading, building or other permit if such amounts have not been paid in full.

Upon any failure to reimburse the City in accordance with this section, the City may in its discretion, apply any or all of the initial deposit to the outstanding balance due and/or elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the City, such amounts due shall be deemed delinquent and finance charges in accordance the City's policy for accounts receivable shall be added to the amount due until such amount due, including all delinquency charges, is received by the City. Said lien shall be in an amount equal to the outstanding amount owed to the City.

The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the City's right to seek relief of such fees against any or all are responsible parties in a court of competent jurisdiction.

Any remaining balance of funds deposited pursuant to this Agreement shall be refunded upon the later occurring of the following events: completion of City deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, or issuance of a building permit upon the real property in question.

BY SIGNING BELOW, THE PETITIONER/APPLICANT AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER/APPLICANT AND OWNER AGREE THAT PETITIONER/APPLICANT AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE CITY OF ST. CHARLES, AND AS SET FORTH HEREIN.

City of St. Charles

David Schonback
Petitioner/Applicant

By: _____
City Administrator

Accession Properties
Owner

_____
Attest

Date: 1/16/23

Date: _____

REASON FOR REQUEST:

A. Variation requested (state specific measurements):

1) Build a Non-Residential building on a non-conforming lot. Lot size is 4620, min. is 5000.

2) Increase in lot coverage (see attached chart)

B. Reason for request:

Provide a new mixed-use building to replace an existing Single family residence that is damaged and failing

C. Purpose for which property will be used:

Mixed-use. 1st floor parking, office, mechanical.
2nd & 3rd floor residential.

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)

   ** See attached document for all 7 items **

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

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

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

_____
_____
_____

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

_____
_____
_____

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)

_____
_____
_____

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)

_____
_____
_____

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

1) Yes, the current property is 66'x70' or 4620 square feet. The minimum standard for this zoning district, for a non-residential use, is 5000 sq. ft. This lot was split previously, resulting it the lot's size being smaller than most in the district. This lot is located in the CBD-2 zoning district, which is the "Mixed-Use Business District" by name. The stated purpose of this district is "to provide for a properly scaled mixed-use transition between single-family residential neighborhoods and the retail core of the CBD-1 Central Business District. The CBD-2 District permits a mix of retail, service, office, and medium-density residential uses within buildings that are of a reduced height and scale than that permitted in the CBD-1 District. However, development in this district is also intended to retain a pedestrian oriented character, similar to that of the CBD-1 District."
Additionally, if the building were to be reduced to meet the lot coverage ratio, it would involve a significant impact to the usability of the building. To meet the ratio, the building would have to be reduced by about 9' in depth (resulting in a 32' deep building), or 12'-6" in width (resulting in a 43'-6" wide building). This would result in the loss of parking space, a large part of the office space, and the reduction of a bedroom on each floor.

2) No, this small size of this lot makes the 40% lot coverage rule difficult to follow for non-residential use. The rules are based upon the larger lot size that is common in this district. The building meets all setbacks, and has a larger rear yard setback than required (24' instead of 20'). The current building does not meet the rear yard setback requirements. The proposed building also conforms to the height and number of units allowed per the zoning code.

3) No, this building is located on the border of the central historic district. The owner has previously worked with the historic preservation commission to design a building that meets their approval. The location of this site is also at a primary route of travel into the central historic district, and this building compliments the historic nature of the district.
The proposed building provides a 2 bedroom unit and a 3 bedroom unit. These are typical of units available in the surrounding area. There is a single office space located on the first floor.
Additionally, a parking space has been provided for each dwelling unit in the building, thus increasing the building footprint. This was done based on the difficulty parking in the downtown area.

4) No, the lot size and coverage hardship was in place when the lot was purchased. The current home is structurally failing, in danger of falling, and does not fit the character of the neighborhood. It appears on the zoning map that this property was previously divided into 2 properties. If the lot was still the original size, this variation would not be necessary.

5) Yes, the current home is dangerous and structurally failing. It has had alterations and repairs that do not meet the standards required. The new building proposed will meet the stated purpose of the CBD-2 district and provide a mixed use that helps to blend the existing residential areas into the downtown commercial areas. The new building will be designed and constructed to meet the current guidelines and standards for the zoning district, and the historic district. This will bring the new building up to the current standards and set an example for the neighboring properties.

6) No, the proposed building will be a vast improvement in both public welfare and neighborhood appeal. As previously stated, the existing building is in danger of falling down. The new building will meet all the required setbacks, include pedestrian access, and show a design consistent with the historic district standards.

7) No, the proposed building meets all the zoning regulations for the property except the lot coverage and minimum lot area for a mixed use building. This includes compliance with height, setbacks, and size per dwelling unit. By meeting these conditions, the building will not negatively impact the surrounding properties. The building will provide parking (included on site), greatly reduce the rise of fire, increase public safety, increase property values in the area, and increase tax revenue to the city.

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 DEPOST: 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	David Schonbeck Print name of applicant/agent	1/16/23 Date
Signature of owner	Accession Properties Print name of owner Dave Schonbeck	1/16/23 Date

218 Indiana St. 2,296 sq. ft. Proposed Bldg.

Lot Size	Allowed 40% coverage	Difference
4620	1848	-448 sq. ft.
5000	2000	-296 sq. ft.
4620	49.7% coverage	0 sq. ft.
5000	46% coverage	0 sq. ft.

PLAT OF SURVEY

By

JOHN D. REBIK & ASSOCIATES

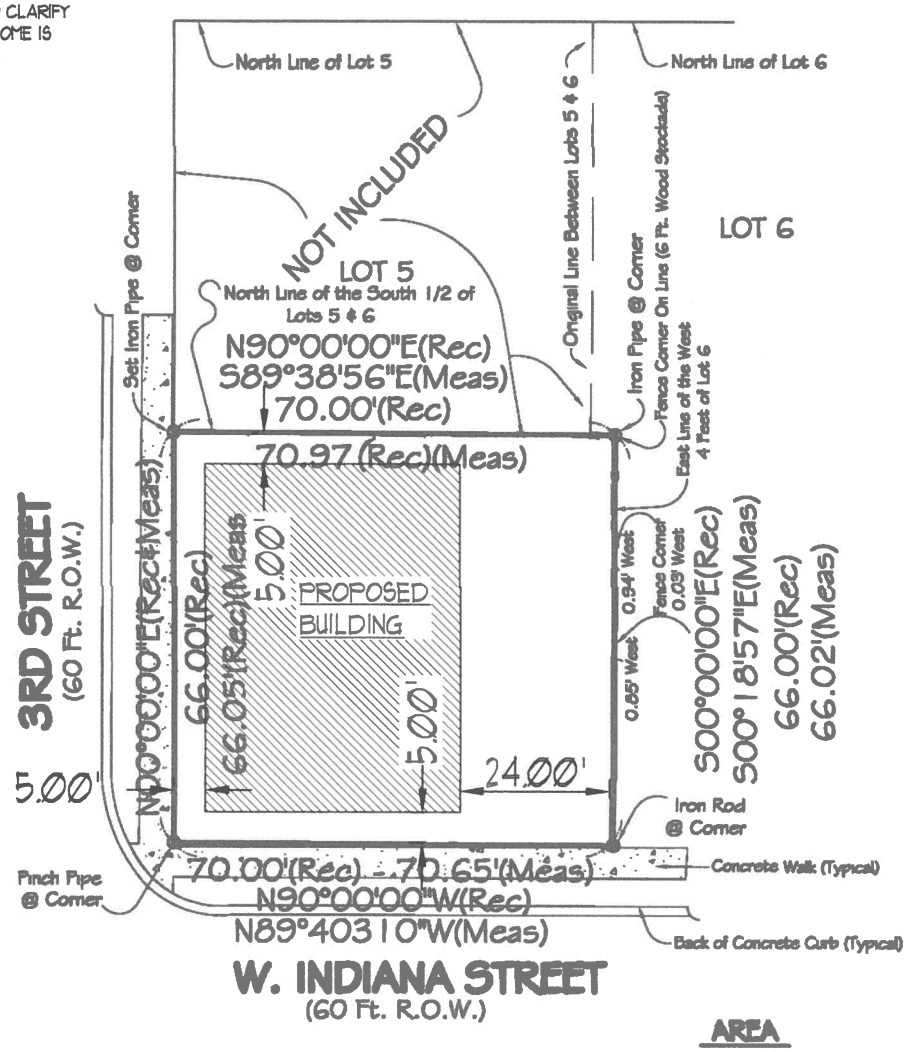
Land and Construction Surveys
35 W 388 Miller Road
Dundee, Illinois 60118 (847) 428-3456

Of

The Southerly Half of Lot 5 and the West 4 feet of the Southerly Half of Lot 6 in Block 42 of THE ORIGINAL TOWN OF ST. CHARLES, on the West side of the Fox River, in the City of Saint Charles, Illinois.

P.I.N. #09-34-114-007

NOTE:
SURVEY EDITED TO REMOVE EXISTING HOME ON LOT IN ORDER TO CLARIFY NEW BUILDING LOCATION. HOME IS STILL EXISTING ON THE LOT.



AREA

4,620.00 SQ. FT.

Scale: 1 inch equals 20 feet.
Distances are marked in feet and decimal parts thereof.

Ordered by: JAIME SERANO
Checked by: J.D.R. Surveyed by: D.K.R.

Surveyor has made no investigation or independant search for easements of record, encumberances, restrictive covenants, ownership title evidence or any other facts which an accurate and current title search may disclose, unless the title commitment number and effective date are shown hereon.

Building lines, if any, shown hereon are building lines shown on the recorded subdivision plat. Consult local authorities for building lines established by local ordinances.

Please check legal description with Deed; also compare all points before building and report ANY DISCREPANCY IMMEDIATELY.

ORDER NO 10-3799.5/6

STATE OF ILLINOIS }
COUNTY OF KANE } S.S. December 21, 2021.

This Professional Service does not conform to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys.

This is to certify that I have surveyed the above described property according to the Official Record, and the above plat correctly represents said survey.

JOHN D. REBIK 2429 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS DUNDEE, IL

by John D Rebik

Illinois Professional Land Surveyor No. 2429
(License Expires November 30, 2022)

BDS ARCHITECTURE

PLAT OF SURVEY

By

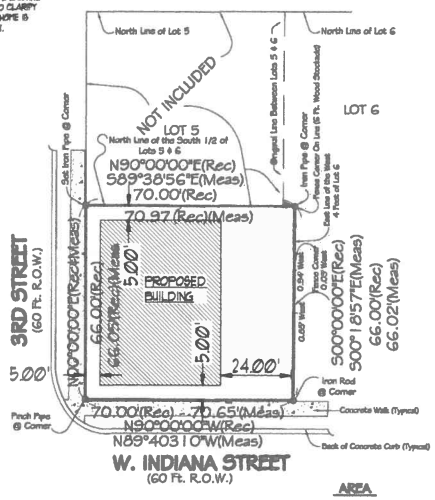
JOHN D. REBIK & ASSOCIATES
Land and Construction Surveys
35 W 388 Miller Road
Dundee, Illinois 60118 (847) 428-3456

Of

The Southerly Half of Lot 5 and the West 4 feet of the Southerly Half of Lot 6 in Block 42 of THE ORIGINAL TOWN OF ST. CHARLES, on the West side of the Fox River, in the City of Saint Charles, Illinois.

P.I.N. #09-34-114-007

NOTE:
SURVEY EDITED TO REMOVE EXISTING HOME ON LOT IN ORDER TO CLARIFY NEW BUILDING LOCATION. HOME IS STILL EXISTING ON THE LOT.



AREA
4,620.00 SQ. FT.

Scale: 1 inch equals 20 feet.
Distances are marked in feet and decimal parts thereof.

Ordered by: JAIME SERANO
Checked by: J.D.R. Surveyed by: D.K.R.

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ORDER NO. 10-3799.5/6

STATE OF ILLINOIS }
COUNTY OF KANE } S.S. December 21, 2021.

This Professional Service does not conform to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys.

This is to certify that I have surveyed the above described property according to the Official Record, and the above plat correctly represents said survey.

JOHN D. REBIK 35 W 388 MILLER ROAD DUNDEE, ILLINOIS 60118 PROFESSIONAL LAND SURVEYOR 2429 STATE OF ILLINOIS NOV. 30

by _____
Illinois Professional Land Surveyor No. 2429
(License Expires November 30, 2022)

1 A-0.0 ARCHITECTURAL SITE PLAN
SCALE: 1" = 20'-0"

REVISIONS:

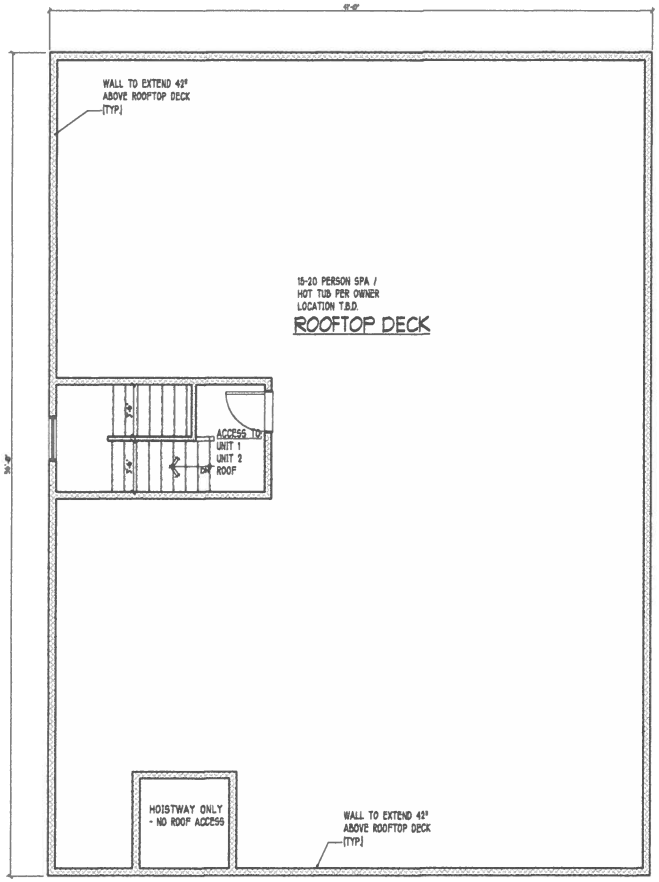
No.	Date	Description
	01-20-23	VARIANCE SUBMIT.

PROJECT:
MIXED USE BUILDING
218 INDIANA ST.
ST. CHARLES, IL 60174

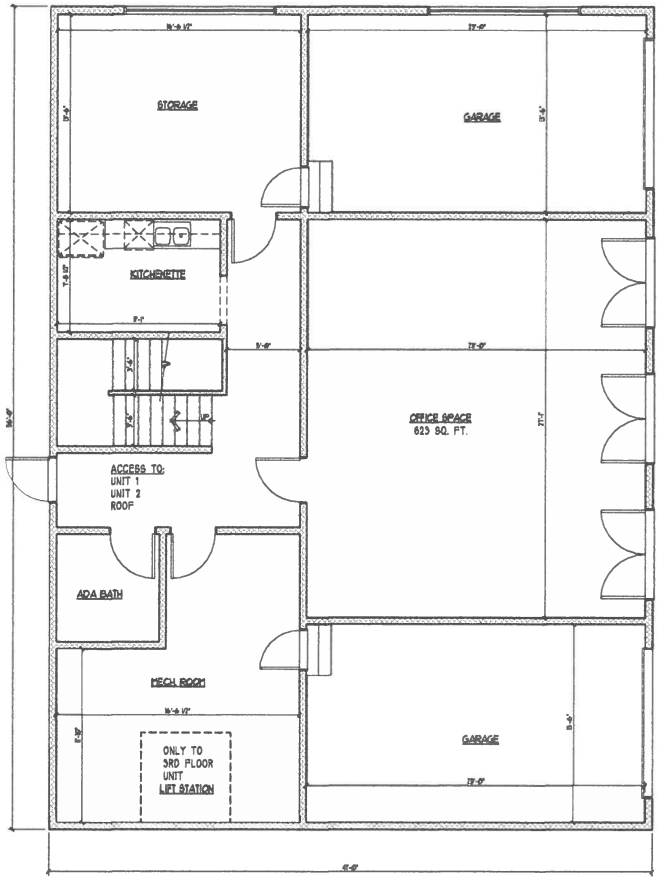
BDS ARCHITECTURE
101 E. CAMBRIDGE DR.
LOMBARD, IL 60148 BDSARCH.COM

DATE: 20JAN23
PROJECT #: 22-056
DRAWN BY: BDS
SHEET TITLE: PROPOSED SITE PLAN
SHEET: A-0.0

© 2023 BDS ARCHITECTURE, LLC



1 A-1.1 ROOF / DECK PLAN
SCALE: 1/4" = 1'-0"



2 A-1.1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0" FOOTPRINT = 3,216 SQ. FT.

REVISIONS:

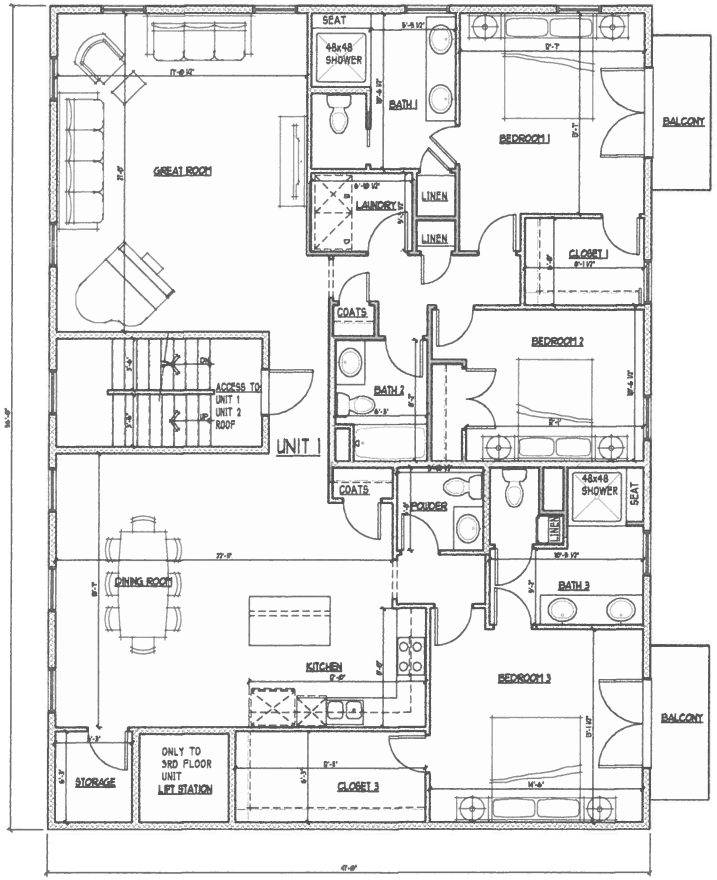
No.	Date	Description
	01-20-23	VARIANCE SUBMIT.

PROJECT:
MIXED USE BUILDING
218 INDIANA ST.
ST. CHARLES, IL 60174

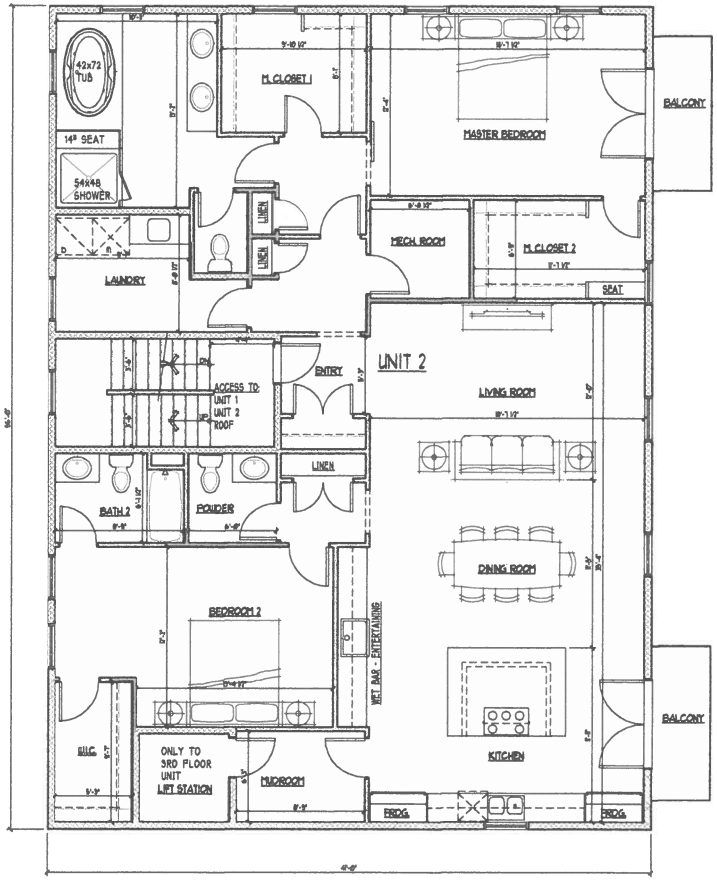
BDS ARCHITECTS
103 S. CAMBRIDGE DR.
GENEVA, IL 60134
BDSARCHITECTS

DATE: 20JAN23
PROJECT #: 22-056
DRAWN BY: BDS
SHEET TITLE: FIRST FLOOR PLAN, ROOF PLAN
SHEET: A-1.1

© 2023 BDS ARCHITECTURE, LLC



1 A-12 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0" UNIT 1: 2,280 SQ. FT.



2 A-12 THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0" UNIT 2: 2,289 SQ. FT.

REVISIONS:

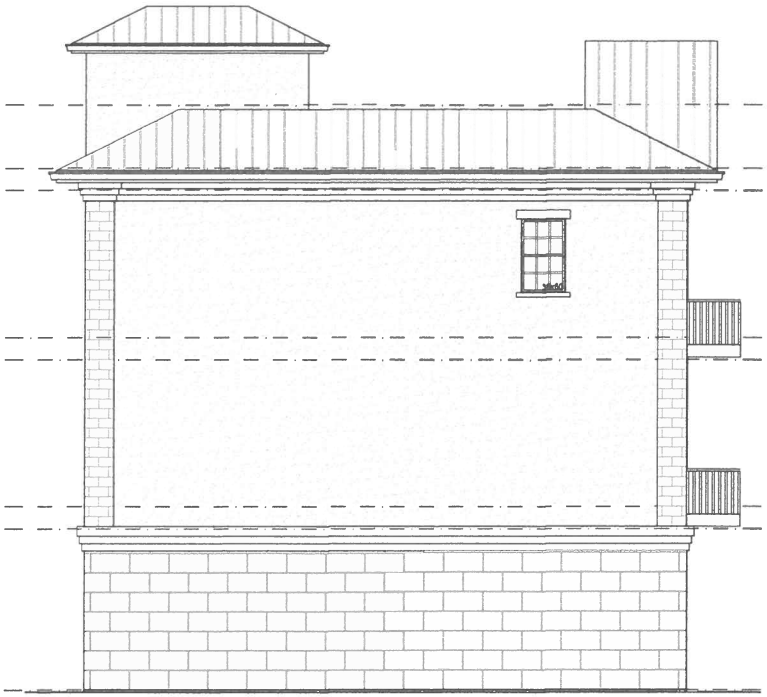
No.	Date	Description
	01-20-23	VARIANCE SUBMIT

PROJECT:
MIXED USE BUILDING
218 INDIANA ST.
ST. CHARLES, IL 60174

BDS ARCHITECT
100 S. CAMBRIDGE DR.
GENEVA, IL 60134
BDSARCHITECT

DATE: 20JAN23
PROJECT #: 22-056
DRAWN BY: BDS
SHEET TITLE: SECOND & THIRD FLOOR PLANS
SHEET: A-1.2

© 2023 BDS ARCHITECTURE, LLC



1 A-2.1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

2 A-2.0 WEST ELEVATION
SCALE: 1/4" = 1'-0"

REVISIONS:

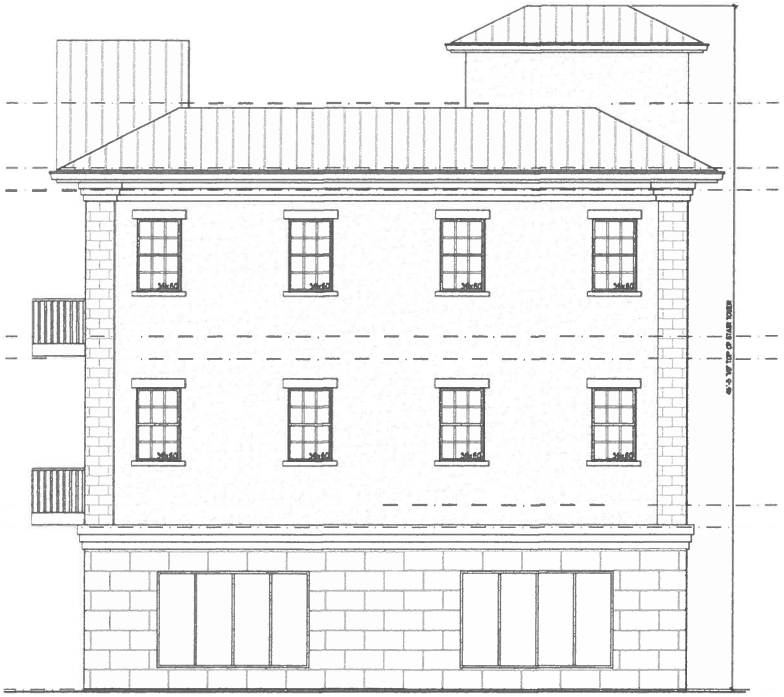
No.	Date	Description
	01-20-23	VARIANCE SUBMIT.

PROJECT:
MIXED USE BUILDING
218 INDIANA ST.
ST. CHARLES, IL 60174

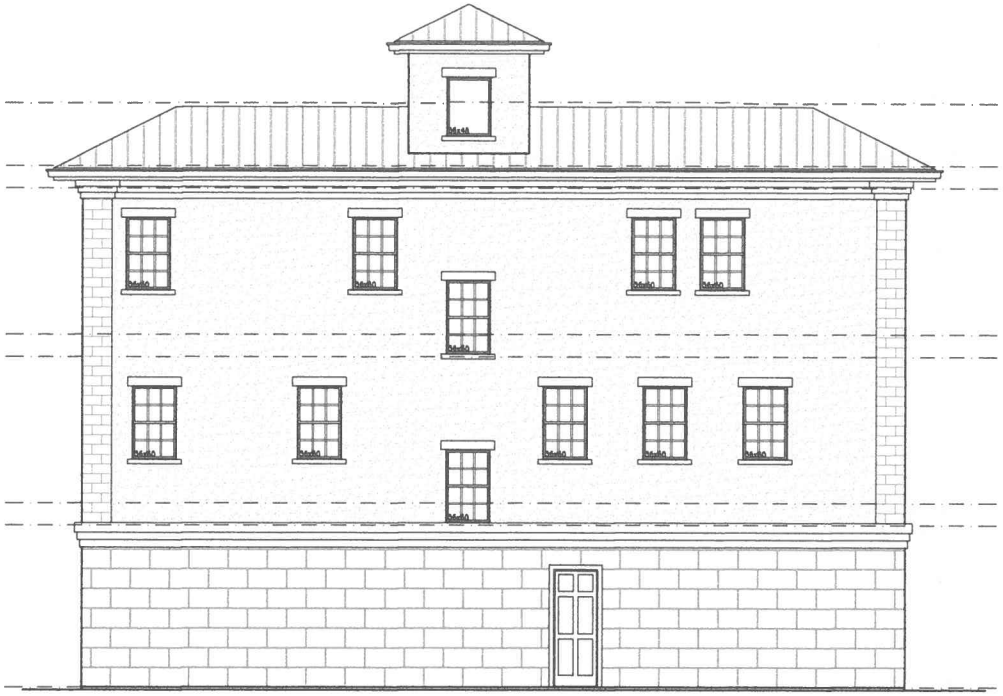
BDS ARCHITECTURE LLC
100 S. CAMBRIDGE DR.
GENEVA, IL 60134
BDSARCHITECTURE.COM

DATE: 20JAN23
PROJECT #: 22-056
DRAWN BY: BDS
SHEET TITLE: EXTERIOR ELEVATIONS
SHEET: A-2.0

© 2023 BDS ARCHITECTURE, LLC



1 A-2.0 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 A-2.1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

REVISIONS:

No.	Date	Description
	01-20-23	VARIANCE SUBMIT.

PROJECT:
MIXED USE BUILDING
218 INDIANA ST.
ST. CHARLES, IL 60174

BDS ARCHITECT
100 S. CAMBRIDGE DR.
GENEVA, IL 60134
BDS@ARCHBDS.COM

DATE: 20JAN23
PROJECT #: 22-056
DRAWN BY: BDS
SHEET TITLE: EXTERIOR ELEVATIONS
SHEET: A-2.1

© 2023 BDS ARCHITECTURE, LLC

BDS ARCHITECTURE

BDS ARCHITECTURE

BDS ARCHITECTURE

BDS ARCHITECTURE

BDS ARCHITECTURE

BDS ARCHITECTURE

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