

Minutes
St. Charles Zoning Board of Appeals
City Council Chambers
Thursday March 22, 2012

Members Present: Chairman Elmer Rullman III
Secretary Nabi Fakhroddin
James Holderfield
Charles Simpson
Betty Weisman

Member Absent: Domenica Piga

Also Present: Bob Vann, Building & Code Enforcement Division Manager (Building
Official)
Sonntag Reporter

Also Absent: Debbie Graffagna, Recording Secretary

1. Call Hearing to Order.

Chairman Rullman called the hearing to order at 7:00 PM on Thursday, March 22 2012.

2. Roll call.

Roll was called with four members present and two members absent; however, Mr. Simpson arrived at 7:23pm, making it five members present.

3. Presentation of Minutes from the February 23, 2012 meeting.

A motion was made by Ms. Weisman and seconded by Mr. Fakhroddin to accept the minutes as presented.

4. Variation application V-2-2012, filed by Mr. Teipel with Architectural Resources, as architect for the owner Ms. Beverly Staton for the vacant property located on South 14th Street in the City of St. Charles. The architect/agent Mr. Teipel was present for the meeting.

Secretary Fakhroddin summarized/read into the record the following:

- Variation Application V-2-2012 or vacant property on South 14th Street, marked as Exhibit A.
- Letter from Ms. Staton authorizing Mr. Teipel to represent her at the hearing, marked as Exhibit B.
- Variation request was published in the Kane County Chronicle on March 1, 2012.

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Chairman Rullman swore in the following:

- Mr. Alex Teipel, 427 West State Street, Geneva, IL
- Bob Vann, Building & Code Enforcement Division Manager (Building Official)

Chairman Rullman asked the petitioner if he had any additional information to present to the Board members. Mr. Teipel advised the Board that the owner wished a reduction of the 30-foot landscape buffer to provide adequate parking, per the zoning ordinance for the proposed apartment development.

Discussion pursued between the applicant, board members, and city staff. To read further on the discussion on application V-2-2012 for the vacant property on South 14th Street in the City of St. Charles, please refer to the attached transcript prepared by Sonntag Reporting Service.

Chairman Rullman asked if there were any objectors present, there were none.

With no further discussion, Chairman Rullman requested a motion be made.

A motion was made by Mr. Fakroddin, and seconded by Mr. Simpson as follows:

Whereas, it is the responsibility of the St. Charles Zoning Board of Appeals to review all applications for variations; and

Whereas, the St. Charles Zoning Board of Appeals has reviewed File V-2-2012, dated February 22, 2012 and received on February 22, 2012, from Kevin Staton for the vacant property located on South 14th Street in the City of St. Charles for variation from the required 30-foot landscape buffer to 12-foot 2 inches to the north and 16-foot 8-inches to the south, a reduction of 17-feet 10 inches and 13-feet 4-inches, respectfully, to provide adequate off-street parking, and

Whereas, the proposed variation will not alter the essential character of the property; and

Whereas, the proposed variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

Whereas, the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

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Whereas, the property dimensions do not allow the building and its required parking within the setbacks to provide landscape buffers described by code; and

Whereas, all the properties to the north and south that face South 14th Street do not have the prescribed landscape buffers; and

Whereas, the variance requested is to provide code compliant parking for the nine apartments; and

Whereas, the hardship is a result of the property dimensions, which were established prior to 1920, followed by zoning ordinance placed on the parcel at later date;

Now Therefore, the St. Charles Zoning Board of Appeals grants the variation requested, with the stipulation that, as specified in Section 17.42.040 C of the Municipal Code of the City of St. Charles, this “variation shall lapse after twelve months from the date of grant thereof unless construction authorized is commenced on a building permit for the use specified by the variation within twelve months, or the use is commenced with such period.”

Mr. Teipel questioned if the motion does not carry, could they come back before the Board with the variation. Chairman Rullman advised Mr. Teipel that they would be able to reapply; however the motion is a positive motion.

Chairman Rullman explained the procedures of the voting, that there needs to be a minimum of four-4 aye votes for the motion to carry and he advised the applicant that at any time during the hearing they had the right to request the meeting be postponed until the next meeting date. Mr. Teipel advised the Board that he was aware of the voting procedures.

Roll Call:

Ayes: Rullman, Fakroddin, Holderfield, Simpson, and Weisman

Nays: None

Motion carries – Variation Granted

5. Additional Business.

Chairman Rullman asked if there was any additional business to discuss, there was none.

6. Adjournment of meeting.

The meeting adjourned at 7:43pm.

/dlg

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1 S61115

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3 STATE OF ILLINOIS)
) SS.
 4 COUNTY OF K A N E)

5 BEFORE THE ST. CHARLES ZONING BOARD OF APPEALS

6

7 In Re the Matter of:)
)
 8 Variation Application Filed) No. V-2-2012
 by Alex Teipel, with)
 9 Architectural Resources, as)
 Agent for Beverly Staton, the)
 Owner of the Vacant Property)
 10 Located on South 14th Street)
 in the City of St. Charles.)

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12 REPORT OF PROCEEDINGS had at the hearing of

13 the above-entitled matter before the St. Charles

14 Zoning Board of Appeals, taken in the offices of

15 the City of St. Charles, 2 East Main Street,

16 St. Charles, Illinois, on March 22, 2012, at the

17 hour of 7:00 p.m.

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1 CHAIRMAN RULLMAN: I'll call this

2 meeting to order at seven o'clock.

3 Mr. Secretary, roll call, please.

4 SECRETARY FAKRODDIN: Chairman

5 Rullman.

6 CHAIRMAN RULLMAN: Here.

7 SECRETARY FAKRODDIN: Secretary

8 Fakroddin, here.

9 Mr. Holderfield.

10 MEMBER HOLDERFIELD: Here.

11 SECRETARY FAKRODDIN: Ms. Piga,

12 absent.

13 Mr. Simpson, absent.

14 Ms. Weisman.

15 MEMBER WEISMAN: Here.

16 SECRETARY FAKRODDIN: Four out

17 of six.

18 CHAIRMAN RULLMAN: Four members

19 present and two members absent.

20 So I'll just say at this point the way this

21 Board operates is, in order for us to act on any

22 motion, it requires four affirmative votes on

23 that motion.

24 So as we proceed here, if at any time

2

1 PRESENT:

2 MR. ELMER RULLMAN, III, Chairman;

3 MR. NABI FAKRODDIN, Secretary;

4 MR. JAMES HOLDERFIELD, Member;

5 MR. CHARLES SIMPSON, Member; and

6 MS. ELIZABETH WEISMAN, Member.

7 ALSO PRESENT:

8 MR. BOB VANN, Building & Zoning Commissioner.

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1 someone would like to defer because of the lack

2 of members, you can request that up to the point

3 in time of a vote on -- the motion and vote.

4 Mr. Secretary, can we have the minutes from

5 the April 22nd [sic] meeting?

6 SECRETARY FAKRODDIN: To summarize

7 the minutes of February 23rd, 2012, Zoning Board

8 meeting, the St. Charles Zoning Board of Appeals

9 granted Variation Application V-1-2012, requested

10 by John Marshall for the property located at

11 1120 East Main Street in the city of St. Charles

12 for the construction of a portion of off-street

13 parking stalls necessitated by State of Illinois'

14 acquisition of right-of-way to widen Route 64.

15 That's the summary.

16 CHAIRMAN RULLMAN: Any corrections or

17 additions to the previous minutes?

18 (No response.)

19 CHAIRMAN RULLMAN: If not, I'll

20 accept a motion to approve.

21 MEMBER WEISMAN: I make a motion to

22 pass the minutes.

23 CHAIRMAN RULLMAN: Motion made and --

24 MEMBER HOLDERFIELD: -- seconded.

REPORT OF PROCEEDINGS -- 03/22/2012
ALEX TEIPEL, NO. V-2-2012

<p style="text-align: right;">5</p> <p>1 CHAIRMAN RULLMAN: All in favor 2 say aye. 3 (The ayes were thereupon heard.) 4 CHAIRMAN RULLMAN: Opposed? Also aye. 5 (No response.) 6 CHAIRMAN RULLMAN: The motion's 7 carried. Minutes are approved as read. 8 Mr. Secretary, we at this point will open 9 the variation application from Kevin Staton, and 10 will you please read in the application for 11 variation. 12 SECRETARY FAKRODDIN: Application for 13 a variation, File No. V-2-2012, was received on 14 February 22nd, 2012, in the office of the 15 St. Charles Building and Zoning Department. The 16 Applicant, Kevin Staton, has listed his home 17 address as 97 East Richard, Oswego, Illinois 18 60543. 19 The Applicant, Kevin Staton, has listed 20 Beverly Staton to be the owner of the record -- 21 the owner who acquired the property commonly 22 known as 20 South 14th Street, St. Charles, 23 Illinois, on November 30th, 2011. 24 The application is signed by both Kevin</p>	<p style="text-align: right;">7</p> <p>1 south of the northeast lot corner, heading in a 2 southerly direction for a distance of 86 feet, to 3 allow a 13-foot-4-inches landscape buffer setback 4 variation for the installation of off-street 5 parking stalls. 6 That's it, Mr. Chairman. 7 CHAIRMAN RULLMAN: Let that be marked 8 as Exhibit A. 9 (The document was thereupon 10 marked Exhibit A for 11 identification as of 12 March 22, 2012.) 13 CHAIRMAN RULLMAN: Do we have a 14 letter from the owner authorizing Mr. Staton to 15 act on her behalf? 16 MR. TEIPEL: We do. Would you like 17 that? 18 CHAIRMAN RULLMAN: Would you submit 19 that, please. 20 MR. TEIPEL: Sorry. 21 CHAIRMAN RULLMAN: Let the record 22 show that we have a letter, "I, Beverly Staton, 23 hereby give permission to Kevin Staton and Alex 24 Teipel of Architectural Resources to discuss any</p>
<p style="text-align: right;">6</p> <p>1 Staton and Beverly Staton and is dated 2 February 22nd, 2012. 3 The survey of the property as submitted 4 indicates the date of the drawing to be 5 November 12th, 2011. It is signed and sealed by 6 an Illinois licensed professional land surveyor 7 named Michael C. Ensalaco with the Registration 8 No. 2768. 9 Evidence of publication of legal notice is 10 submitted. It was published in the Kane County 11 Chronicle on March 1st, 2012. 12 The Applicant is seeking variation from the 13 required 30-foot landscape buffer between the 14 zoned RM-3 and RT-2 Districts to 12 foot 2 inches 15 to the north and 16 foot 8 inches to the south, a 16 reduction of 17 foot 10 inches and 13 foot 17 4 inches, respectively, commencing at a point 18 12 feet 2 inches west and 6 feet south of the 19 northeast lot corner, heading in a southerly 20 direction for a distance of 20 feet, to allow a 21 17-foot-10-inch landscape buffer setback 22 variation for the installation of off-street 23 parking stalls and commencing at a point 24 approximately 16 feet 6 inches west and 50 feet</p>	<p style="text-align: right;">8</p> <p>1 and all business relating to the property at 2 20 South 14th Street, St. Charles," and the 3 letter is signed. It is undated so we'll accept 4 that as of today's date. 5 Mark that as Exhibit B, please. 6 (The document was thereupon 7 marked Exhibit B for 8 identification as of 9 March 22, 2012.) 10 SECRETARY FAKRODDIN: B. Thank you. 11 CHAIRMAN RULLMAN: All right. Would 12 anyone who would like to testify on this 13 application please rise, raise your right hand. 14 (Two witnesses were thereupon 15 duly sworn.) 16 CHAIRMAN RULLMAN: Please give your 17 name and address to the Recorder. 18 MR. TEIPEL: Alex Teipel, 19 T-e-i-p-e-l, and the office address is 427 West 20 State Street in Geneva. 21 THE COURT REPORTER: Thank you. 22 CHAIRMAN RULLMAN: And let the record 23 show the building commissioner was also sworn. 24 All right. Would you like to present your</p>

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ALEX TEIPEL, NO. V-2-2012

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1 petition?
2 MR. TEIPEL: Yeah.
3 You've got this, I think, the site plan.
4 Should I just put it here? Is that good enough?
5 CHAIRMAN RULLMAN: That will be
6 acceptable.
7 MR. TEIPEL: Okay.
8 CHAIRMAN RULLMAN: We do have a site
9 plan.
10 MR. TEIPEL: There are -- I've made
11 some small changes to it that don't affect the
12 zoning at all. In the back here I've pushed this
13 in 1 foot, just pushed it forward. That gives me
14 a little animation to the exterior facades.
15 CHAIRMAN RULLMAN: Okay.
16 MR. TEIPEL: So that's -- other than
17 that, everything else is the same. On my drawing
18 I made a mistake, but yours is correct
19 dimensionally.
20 So what we're trying to do, obviously, is
21 develop the property. And Kevin has discussed
22 with Bob and -- is it O'Roark? -- I can't think
23 of his first name -- what we were doing.
24 And, basically, they encouraged Kevin to go

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1 for the 9 -- he started out wanting to go for
2 10 apartments, but we really just don't have the
3 space for that. But one of their reasons was
4 because they wanted to get -- the City was
5 encouraging him to get the -- what do you call
6 them? -- the affordable --
7 CHAIRMAN RULLMAN: Affordable housing
8 units?
9 MR. TEIPEL: -- affordable housing
10 units, so he'll be providing one or two of those
11 here.
12 And with that in mind, we tried to develop
13 nine units. It's a three-story unit, three on
14 each floor. And to do that we need 15 parking
15 spaces. We provided 16 here.
16 And in order to do that, we need more
17 space, obviously. My drawing shows the 30-foot
18 buffer here, which was never there when this
19 piece of property was originally platted way back
20 in the '20s.
21 And the other, I think, really important
22 factor is none of the properties on this alley --
23 they're all apartment buildings. This is
24 residential here but these are all apartments.

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1 None of the -- none of the properties north or
2 south provide any buffer strip. They provide
3 their parking right up to the alley.
4 We will be providing what -- you know, a
5 good-size buffer strip. And, in fact, as I was
6 sitting here listening, if you really wanted
7 this to align, I could pull this back. It's
8 about 4 feet. I've already pulled it back a
9 little bit.
10 So we could -- we could make this 16 foot
11 up here, also. We could -- if that was more
12 agreeable to you.
13 I did check different parking layouts. You
14 know, I thought diagonal parking is theoretically
15 supposed to get you more. I got nine parking
16 spaces with diagonal. You don't even come close
17 to existing.
18 And straight in you can get -- I've got it
19 here. I think it was 13. But you reduce your
20 buffer space because you have to have 24 feet
21 behind it.
22 So this is really about the best layout I
23 think you can do, and it meets our -- everything
24 else -- and Bob can correct me if I'm wrong --

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1 meets the Zoning Ordinance except for that
2 landscape buffer.
3 CHAIRMAN RULLMAN: What would be the
4 impact if you were not granted this variation?
5 MR. TEIPEL: I don't know. Kevin
6 would sort of have to respond to that. There's
7 not a whole lot of potential to reduce the number
8 of units and, therefore, the parking and,
9 therefore -- but even if you reduce the number of
10 units, you're still going to run up against that
11 buffer because of our -- you know, I'm right up
12 against all the side yard setbacks. I'm sort of
13 maximizing that.
14 And then you have to get your -- I mean,
15 obviously, you put three units on there and that
16 would work. We need 1.7 parking spaces per
17 apartment.
18 CHAIRMAN RULLMAN: Well, the question
19 really relates to the fact that it's the number
20 of apartments that require the number of parking
21 spaces, and that's something under your control.
22 So in what respect are you not creating the
23 need for a variation?
24 MR. TEIPEL: I'm sorry? My hearing

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ALEX TEIPEL, NO. V-2-2012

<p style="text-align: right;">13</p> <p>1 is bad.</p> <p>2 CHAIRMAN RULLMAN: So one of the</p> <p>3 things we want to look at is is the variation</p> <p>4 created by some act that you've done or is there</p> <p>5 some topographical or other feature of the</p> <p>6 property that caused it to happen.</p> <p>7 And it appears that, since you chose the</p> <p>8 number of units, that's what translates into the</p> <p>9 number of parking spaces. So the question is,</p> <p>10 can you give me some testimony indicating why you</p> <p>11 did not create this hardship yourself?</p> <p>12 MR. TEIPEL: Well, again, I think</p> <p>13 it's relative to sort of when this lot was</p> <p>14 platted and then, after the fact, this buffer was</p> <p>15 required. Apparently, none of the other units on</p> <p>16 this alley and on 14th Avenue have a buffer strip</p> <p>17 and needed it. I don't know when they were</p> <p>18 built; I don't know when the buffer was required,</p> <p>19 you know, when that became part of the Ordinance.</p> <p>20 I haven't researched that.</p> <p>21 But I think that's the issue, is that that,</p> <p>22 you know, was instituted after -- quote/unquote --</p> <p>23 after the fact, and that's what creates the</p> <p>24 difficulty.</p>	<p style="text-align: right;">15</p> <p>1 that within the ordinance?</p> <p>2 MR. TEIPEL: No. No. Absolutely</p> <p>3 not. The buffer line . . . I'm a little turned</p> <p>4 around here.</p> <p>5 Okay. The buffer line is here, 30 feet</p> <p>6 back. If I were to provide the parking for</p> <p>7 six units, I would still need -- I would have a</p> <p>8 smaller buffer because I need the 24 feet behind</p> <p>9 the parking area.</p> <p>10 That was a little bit interesting to me. I</p> <p>11 checked that out yesterday, I think.</p> <p>12 And I can --</p> <p>13 CHAIRMAN RULLMAN: Any questions from</p> <p>14 the Board?</p> <p>15 MEMBER HOLDERFIELD: I'm having a</p> <p>16 tough time getting my head around this exactly as</p> <p>17 the proposal was written.</p> <p>18 So, really, we're talking about --</p> <p>19 everything is on the east side of the property in</p> <p>20 regards to the buffer; right?</p> <p>21 MR. TEIPEL: Yes.</p> <p>22 MEMBER HOLDERFIELD: All right. Has</p> <p>23 nothing to do with the north and south side?</p> <p>24 MR. TEIPEL: Correct.</p>
<p style="text-align: right;">14</p> <p>1 I mean, I know it's not necessarily an</p> <p>2 acceptable excuse or reason, you know, but</p> <p>3 three units on this piece of property is not an</p> <p>4 economical way to go. I don't even know what the</p> <p>5 price of the -- you know, what the selling price</p> <p>6 of the land was, but it almost doesn't matter.</p> <p>7 CHAIRMAN RULLMAN: Okay. So we could</p> <p>8 hear testimony on the economics of that.</p> <p>9 MR. TEIPEL: I'm sorry?</p> <p>10 CHAIRMAN RULLMAN: We could hear</p> <p>11 testimony on the economics of that.</p> <p>12 MR. TEIPEL: Have you looked into the</p> <p>13 cost of what other units were --</p> <p>14 MR. STATON: No.</p> <p>15 MR. TEIPEL: -- if you went down to</p> <p>16 six units or something like that?</p> <p>17 MR. STATON: No.</p> <p>18 MR. TEIPEL: If we had six units,</p> <p>19 it's 1.7, so that's 2, carry 4 -- that's 11 --</p> <p>20 it's about -- 11, almost 12 parking spaces.</p> <p>21 Even that . . . yeah.</p> <p>22 See, if I were -- if I were to provide</p> <p>23 13 parking spaces, I'd need a smaller buffer.</p> <p>24 CHAIRMAN RULLMAN: But you could do</p>	<p style="text-align: right;">16</p> <p>1 MEMBER HOLDERFIELD: When we read the</p> <p>2 request, I just -- I've been to the property two</p> <p>3 or three times and have considered it a</p> <p>4 little bit.</p> <p>5 So the 12 feet 1 inch is at the north side</p> <p>6 from the property line to where the buffer is</p> <p>7 or -- is that --</p> <p>8 MR. TEIPEL: Yes. I've got to look</p> <p>9 at mine, also, but -- yeah. The 12 -- yeah. The</p> <p>10 12 feet is at the north.</p> <p>11 MEMBER HOLDERFIELD: All right. And</p> <p>12 then it runs down. And as we get to the south</p> <p>13 side, it becomes --</p> <p>14 MR. TEIPEL: It increases to 16 foot</p> <p>15 8. So we have a 16-foot buffer along two-thirds</p> <p>16 of the property versus a 30-foot that's required</p> <p>17 by the Code.</p> <p>18 MEMBER HOLDERFIELD: And if it were</p> <p>19 six units instead of nine --</p> <p>20 MR. TEIPEL: If it were six, we'd</p> <p>21 have --</p> <p>22 MEMBER HOLDERFIELD: -- you still</p> <p>23 could not meet the ordinance?</p> <p>24 MR. TEIPEL: That's right. We'd have</p>

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ALEX TEIPEL, NO. V-2-2012

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1 a smaller buffer.
2 MEMBER HOLDERFIELD: Smaller buffer?
3 I don't get that. Once again, I'm not following.
4 MR. TEIPEL: We'd still have a
5 buffer, but instead of being 16 feet, it would be
6 8 and 8, 8.
7 So it would be only 8 feet of buffer
8 because we need --
9 MEMBER HOLDERFIELD: Wait a minute.
10 If you're reducing the number of units from
11 nine to six --
12 MR. TEIPEL: But I'm parking them
13 differently.
14 SECRETARY FAKRODDIN: Parking
15 requirements is 1.7 cars to a unit?
16 MR. TEIPEL: Right.
17 SECRETARY FAKRODDIN: Times 6 would
18 be about 10.2 or 11 spaces.
19 MR. TEIPEL: Okay. I -- okay.
20 Okay. So this provides 13. So I can drop
21 some, and I'd have more greenspace on the side,
22 but I still have -- with this type of a parking
23 layout, I still have a lesser buffer.
24 I almost think it's really significant that

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1 this is the only property that's going to provide
2 any buffer at all, not to mention a -- you know,
3 16 foot is a good-sized buffer. We could get
4 whatever planting the landscape Code requires
5 and . . . obviously, none of the neighbors have
6 had any complaints that I'm aware of. I don't
7 know if Bob's aware of any.
8 MR. VANN: Mr. Chairman, can I add
9 something to this?
10 There's a -- I don't know if you notice.
11 There's a fire hydrant that is located in the
12 upper portion of that drive -- next to that drive
13 aisle. Where it says "30-foot setback, landscape
14 buffer," that little symbol there is a fire
15 hydrant.
16 MR. TEIPEL: Do you see that?
17 MR. VANN: That's located in the
18 buffer zone.
19 MEMBER HOLDERFIELD: Here?
20 MR. TEIPEL: Yeah.
21 MR. VANN: One of the things that we
22 requested him to do was put that in the buffer
23 zone or in the landscape setback so he's
24 accomplished that.

19

1 MR. TEIPEL: Yeah. This other
2 wouldn't do it, too.
3 MEMBER HOLDERFIELD: So if I'm seeing
4 this right, that -- the 16 feet 8 inches is a
5 buffer zone?
6 MR. TEIPEL: Right.
7 MEMBER HOLDERFIELD: And that's going
8 to be landscaped, you were saying?
9 MR. TEIPEL: Right. It has to be.
10 Right, Bob? It's got to be?
11 MR. VANN: Yeah, that's correct.
12 MR. TEIPEL: And it's got to meet the
13 Code.
14 MR. VANN: The landscaping has to
15 meet the ordinance as far as the screening.
16 MEMBER HOLDERFIELD: And there's two
17 accesses to --
18 MR. TEIPEL: Right.
19 MEMBER HOLDERFIELD: -- to, on the
20 south side, down the alley, you pull in --
21 MR. TEIPEL: I don't -- yeah.
22 MEMBER HOLDERFIELD: -- and coming on
23 Walnut, you can go in?
24 MR. TEIPEL: It's got a roundabout,

20

1 basically, yeah.
2 MEMBER WEISMAN: A question -- I have
3 a question.
4 Alex, can you -- I'm sorry. I'm forgetting
5 what the size is for the parking stalls.
6 Can the stalls be made narrower, not as
7 wide?
8 MR. TEIPEL: The Code requires 9 by
9 18, if I'm not mistaken. I've shown 9 by 20, so
10 I could pull this in a bit if I needed to.
11 But I've always -- you know, I always
12 use -- somebody's going to have a truck and
13 things like that. You'd be better off with a
14 deeper parking space. And I still have the
15 24 feet necessary for the drive aisle.
16 MEMBER WEISMAN: And then how far is
17 it from the -- how many feet is it from, say, the
18 back of the building to the start of your parking
19 area?
20 MR. TEIPEL: You know, I didn't put
21 that on there, but I'm looking here and I've got
22 about -- at least -- I've got that one jog that's
23 4 1/2. It's going to be at least that. 9 --
24 it's going to be 10 to 12 feet --

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<p style="text-align: right;">21</p> <p>1 MEMBER WEISMAN: Uh-huh. 2 MR. TEIPEL: -- at the deeper part 3 and maybe -- you know, I don't know. I should 4 have put that on there. I'm sorry. 5 MEMBER WEISMAN: Is that area going 6 to be landscaped, too? 7 MR. TEIPEL: It will probably be 8 mostly grass so that -- I mean, that's kind of 9 a . . . it could be. 10 I know -- my daughter lives in an 11 apartment, and they've got a strip -- you know, 12 2 or 3 feet -- that people plant their own 13 flowers and some bushes and things in there. 14 So yeah. I mean -- and then they each have 15 a little patio. 16 MR. VANN: Mr. Chairman, can I add 17 something else here? 18 The other portion of the Zoning Ordinance 19 requires foundation landscaping around it. Also, 20 there's a Fair Housing Act that we're going to be 21 working with the developer to make sure he meets. 22 The walkways going into the -- into the 23 building are set for that ramping for 24 accessibility.</p>	<p style="text-align: right;">23</p> <p>1 MEMBER HOLDERFIELD: I have a 2 question, Bob. I -- maybe it should be directed 3 to you or -- I don't know -- to the Applicant. 4 But . . . existing situation now is that 5 there's no sidewalk that runs along that property 6 from north to south. 7 MR. VANN: Correct. 8 MEMBER HOLDERFIELD: And what will be 9 the resolution to that? Will there be a sidewalk 10 put in, or how will that be handled? 11 MR. VANN: Typically what happens is, 12 if there's a sidewalk on either side -- I believe 13 there is. If there's a sidewalk north, south of 14 these lots, then the developer would be required 15 to attach those -- or put in that public 16 sidewalk. 17 We haven't gotten that far down the road 18 yet, but that's generally what happens. 19 MR. TEIPEL: Yeah. That's what I 20 would expect, also. 21 MR. VANN: Right. 22 MEMBER WEISMAN: I was wondering 23 about that, too, Bob, about who would be assessed 24 taxes for putting the sidewalk in. Because I got</p>
<p style="text-align: right;">22</p> <p>1 MR. TEIPEL: Right. 2 MR. VANN: So you see there's no 3 steps there or anything, so there's no -- there's 4 ramping that has to occur. That kind of pushed 5 that parking lot to the east slightly. So 6 there's some possibilities there that caused that 7 parking lot to head east. 8 (Whereupon, Member Simpson joined 9 the proceedings.) 10 CHAIRMAN RULLMAN: Let the record 11 show that Mr. Simpson has arrived at 7:23. 12 MR. TEIPEL: Yeah. And the units all 13 will be ADA compliant. I always use 3-foot-wide 14 doors in my projects whenever I can unless 15 there's a good reason not to; you know, linen 16 closet or something like that. 17 So all of these units on the first level 18 will be accessible. And/or convertible. 19 MEMBER HOLDERFIELD: So you have 20 16 slots; is that right? Parking slots. 21 MR. TEIPEL: Yeah, that's correct. 22 And by Code we need 15-point something. 23 MEMBER HOLDERFIELD: Point 3. 24 MR. TEIPEL: Okay.</p>	<p style="text-align: right;">24</p> <p>1 out and I looked, and I thought they looked like 2 they could meet -- one would be kind of on a hill 3 to meet with that part on the north side. 4 But I was wondering -- like on our street 5 we were told our neighbors had to pay for the 6 street that was put in for the school, you know, 7 when they first put that in over by Haines. 8 I was just wondering, when they put a 9 sidewalk in, does the building pay for the whole 10 thing, or are -- the people that are going to 11 move in there, is that going to be part of their 12 rental? 13 MR. VANN: No. That would be part of 14 the development cost. 15 MR. TEIPEL: Right. And there is a 16 sidewalk north and south. It looks like it 17 actually stops about two properties down and 18 doesn't make it all the way to Indiana, but . . . 19 but it still would be a good thing to put in, I 20 think. 21 MR. VANN: No. They would only be 22 responsible for their lot so . . . 23 MR. TEIPEL: Yeah. 24 CHAIRMAN RULLMAN: Any other</p>

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<p style="text-align: right;">25</p> <p>1 questions from the Board?</p> <p>2 MEMBER SIMPSON: I had one question.</p> <p>3 The property that's immediately east of the</p> <p>4 alley, across from the proposed building, what is</p> <p>5 that exactly? And would that be impacted by --</p> <p>6 MR. TEIPEL: They're residential, all</p> <p>7 of them.</p> <p>8 MEMBER SIMPSON: Is it residential?</p> <p>9 MR. TEIPEL: They're all residential.</p> <p>10 That's the whole reason we need the buffer strip.</p> <p>11 We don't need buffers north and south because</p> <p>12 they're all the same zoning. But across the</p> <p>13 alley -- I don't know if it's -- I don't know off</p> <p>14 the top of my head.</p> <p>15 MEMBER SIMPSON: Have any of those</p> <p>16 residents come forward to challenge this?</p> <p>17 MR. TEIPEL: No, they have not, not</p> <p>18 to my knowledge.</p> <p>19 I did talk to the father of somebody --</p> <p>20 when we were down in the department of</p> <p>21 buildings -- and she didn't have any objections.</p> <p>22 So I don't think was as I pointed out</p> <p>23 before you came in, this would be the only</p> <p>24 property on the west side of the alley that's</p>	<p style="text-align: right;">27</p> <p>1 MR. TEIPEL: Yeah. So you'd be</p> <p>2 at 25.</p> <p>3 I don't know. I haven't gone over the</p> <p>4 economics of this thing. I haven't even really</p> <p>5 thought too much about what it's going to cost to</p> <p>6 build it. It's going to cost at least 200 bucks</p> <p>7 a square foot.</p> <p>8 SECRETARY FAKRODDIN: Had Mr. Staton</p> <p>9 taken that into consideration, to reduce the</p> <p>10 number of units?</p> <p>11 MR. STATON: No.</p> <p>12 MR. TEIPEL: We really haven't</p> <p>13 investigated that to see.</p> <p>14 Kevin was encouraged by the City to go for</p> <p>15 this type of a number. When he went to 10, they</p> <p>16 really weren't -- didn't say, "No, that's not</p> <p>17 going to work."</p> <p>18 And so we actually reduced it in order to</p> <p>19 make this parking thing work.</p> <p>20 MEMBER HOLDERFIELD: Say that again.</p> <p>21 You reduced what?</p> <p>22 MR. TEIPEL: When Kevin started</p> <p>23 talking to the City, they encouraged him to go to</p> <p>24 the -- and correct me if I'm wrong -- to a</p>
<p style="text-align: right;">26</p> <p>1 providing a buffer strip. Every other property</p> <p>2 there -- and they're all apartments -- park right</p> <p>3 up to the alley. They pave from the alley in.</p> <p>4 MEMBER SIMPSON: Okay.</p> <p>5 MEMBER WEISMAN: That's true.</p> <p>6 CHAIRMAN RULLMAN: That may seem</p> <p>7 unfair but it's not something we can consider.</p> <p>8 They were built under the current ordinance at</p> <p>9 the time, and the current ordinance as it exists</p> <p>10 is what we're asking for a variation from.</p> <p>11 MR. TEIPEL: Uh-huh.</p> <p>12 CHAIRMAN RULLMAN: So although it may</p> <p>13 seem unfair, it's not an item we can consider.</p> <p>14 SECRETARY FAKRODDIN: What economic</p> <p>15 impact would you have if you went to six units</p> <p>16 and provided 11 parking places? That means you</p> <p>17 would have a better buffer. Instead of having --</p> <p>18 MR. TEIPEL: Uh-huh.</p> <p>19 SECRETARY FAKRODDIN: -- 16 foot</p> <p>20 8 inches, you probably would have 18 or 20 feet</p> <p>21 because you're cutting down the parking spaces.</p> <p>22 MR. TEIPEL: You could probably pick</p> <p>23 up 9 feet, you think?</p> <p>24 SECRETARY FAKRODDIN: Right.</p>	<p style="text-align: right;">28</p> <p>1 10-unit building with the idea of getting these</p> <p>2 low-rent units in there.</p> <p>3 And in order to make that work, we really</p> <p>4 had to work -- drop it down to nine. We went</p> <p>5 down to less than Kevin was originally thinking</p> <p>6 he might have to -- he might be able to do. I</p> <p>7 mean, it just doesn't work so . . .</p> <p>8 MEMBER HOLDERFIELD: 10 units, you're</p> <p>9 saying now?</p> <p>10 MR. TEIPEL: Yeah.</p> <p>11 SECRETARY FAKRODDIN: Are these going</p> <p>12 to be affordable units?</p> <p>13 MR. TEIPEL: Yes, I think so. Some</p> <p>14 of them for sure. I don't know if it's going to</p> <p>15 be two for sure or what.</p> <p>16 MR. STATON: Well, three on the third</p> <p>17 story.</p> <p>18 MR. TEIPEL: Three are not -- they're</p> <p>19 going to be -- they're going to be premium, or</p> <p>20 they're going to be lower?</p> <p>21 MR. STATON: Lower.</p> <p>22 MR. TEIPEL: So he's going to say --</p> <p>23 he's going to have -- the three top ones will</p> <p>24 be -- I don't know what the term is. I wish I</p>

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1 did. It sounds better than "low rent."
2 CHAIRMAN RULLMAN: Okay. So here are
3 the things that we can consider in granting a
4 variation: The particular physical surroundings,
5 shape, or topographical condition of the specific
6 property involved would result in a practical
7 difficulty or particular hardship to the property
8 owner, as distinguished from a mere
9 inconvenience, if the strict letter of the
10 regulations were carried out.
11 Secondly, we can consider the conditions
12 upon which the variation is based would not be
13 applicable, generally, to other property within
14 the same zoning classification.
15 Thirdly, the purpose of the variation is
16 not based exclusively upon a desire to make more
17 money out of a property.
18 Fourthly, that the alleged practical
19 difficulty or particular hardship has not been
20 created by any person presently having an
21 interest in the property.
22 Fifthly, that the variation, if granted,
23 will not alter the essential character of the
24 neighborhood.

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1 Sixthly, that the granting of the variation
2 will not be detrimental to the public welfare or
3 injurious to other property or improvements in
4 the neighborhood in which it's located.
5 And, seventh, that the proposed variation
6 will not impair an adequate supply of light or
7 air to adjacent property or substantially
8 increase the congestion on public streets or
9 increase the danger of fire or endanger the
10 public safety or substantially diminish or impair
11 property values in the neighborhood.
12 So those are the things we can consider in
13 granting a variation, and those are the things we
14 need to have testimony on.
15 MR. TEIPEL: Well, according to
16 here -- that's on page 13, I think.
17 CHAIRMAN RULLMAN: Well, in the
18 ordinance it's on page 17.04-19.
19 MR. TEIPEL: Okay. Well, I think
20 it's here. The topography really doesn't cause
21 us a problem one way or another. We do have a
22 very steep slope on the east side, but that's
23 where the setback falls, and we're fine with
24 that. We're staying within those setbacks --

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1 CHAIRMAN RULLMAN: The east side or
2 the west side?
3 MR. TEIPEL: The west side. I'm
4 sorry.
5 MEMBER HOLDERFIELD: The west side.
6 MR. TEIPEL: I don't know whether
7 these would be applied -- I mean, you know, it
8 really -- it would certainly apply -- the
9 variation would apply to any other property with
10 the same depth. We're about 80 feet, as I
11 recall -- not more than 80. I don't recall. But
12 any other piece of property with the same
13 setbacks, the same depth east to west, would have
14 this same problem.
15 They would have great difficulty providing
16 the 30-foot setback unless they were really long,
17 and they could then sort of put their parking
18 right in the middle or on either end or something
19 like that.
20 But if they're a piece of property with
21 this type of dimension, they would have the same
22 problem for sure.
23 CHAIRMAN RULLMAN: Well, is there
24 testimony, then, that the property plotted under

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1 the old Zoning Ordinance in this district would
2 be bucking up against a different residential
3 district, thus providing a buffer zone, would
4 face the same issue?
5 MR. TEIPEL: Yes. Definitely.
6 And, you know, no, it's not really -- we're
7 not out to -- everybody wants to make money, but
8 that's not the sole purpose for it. You know,
9 he's going out of his way to provide some
10 low-cost units here, a third of what he's going
11 to be doing, which the City wants, and he's
12 perfectly willing to help and do that.
13 We did not create the hardship. We didn't
14 make the ordinance.
15 I was thinking on the way over here,
16 wondering when this lot was platted, what kind of
17 zoning ordinances were in effect, if any, at that
18 point. I don't know. I just was curious.
19 Granting of this variation would not be
20 detrimental to the adjacent properties. I think,
21 actually, it would be a plus because we're going
22 to be providing a buffer that nobody else is
23 providing. We don't -- you know, the light/vent
24 is a nonissue. We're not interfering with

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1 anybody's lighting or ventilation.
2 We've got side yard setbacks and everything
3 else, and we're heading in the same direction.
4 You know, fire safety is a nonissue as far as I
5 can see.
6 CHAIRMAN RULLMAN: Any other
7 questions from the Board?
8 MEMBER HOLDERFIELD: I do have a
9 question, and perhaps there is some negligence
10 here in reading the Code.
11 When we talked about a landscape buffer
12 here, what level is the City requiring that that
13 landscape buffer be? I mean, are we talking
14 about just small shrubs, or do we have to have
15 screening there? And is that mandated?
16 This has been a tough one for me to get my
17 head around.
18 MR. VANN: The Zoning Ordinance is
19 17.26.070, describes landscape buffers.
20 It does talk about what type of land -- not
21 the type of landscaping but the type of
22 screening, how much should be -- should take
23 place -- "The square footage of the landscape
24 buffer shall be at least one shade tree or two

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1 evergreens plus ornamental trees" -- so there's
2 some very -- there's some detail there as far as
3 what they need to do.
4 MR. TEIPEL: Yeah. It's pretty
5 specific.
6 MR. VANN: Yeah. They still will
7 need to meet that. If this goes through, they
8 still have to provide that type of screening
9 requirement. They would still have to meet that
10 landscape buffer.
11 MR. TEIPEL: And, again, we would
12 have to submit a landscape plan for your
13 approval.
14 Would we not?
15 MR. VANN: Correct.
16 MR. TEIPEL: Yeah. So the City has
17 control over that.
18 CHAIRMAN RULLMAN: Any other
19 questions from the Board?
20 (No response.)
21 CHAIRMAN RULLMAN: I have one. And
22 that is, although the property you testified was
23 plotted long prior to the ordinance, the owner
24 actually acquired the property after this

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1 ordinance was in effect and, therefore, should
2 have been well aware of the challenges with the
3 buffer and the parking.
4 And so I'm back to my original question:
5 In what sense has the owner not created the need
6 for the variation by her own actions?
7 MR. TEIPEL: I'm not quite sure how
8 to answer that. I don't think I can -- because
9 they didn't get good advice from the real estate
10 people who helped them buy the property.
11 CHAIRMAN RULLMAN: All right.
12 Any objectors present?
13 (No response.)
14 CHAIRMAN RULLMAN: Let the record
15 show that there are no objectors present.
16 If there are no additional questions, I'll
17 accept a motion.
18 SECRETARY FAKRODDIN: I'll try.
19 Whereas, it is the responsibility of the
20 St. Charles Board of Zoning Appeals to review all
21 applications --
22 MR. TEIPEL: Excuse me. May I ask
23 one question?
24 CHAIRMAN RULLMAN: Not until this

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1 motion is completed.
2 MR. TEIPEL: Excuse me? Too late?
3 SECRETARY FAKRODDIN: Again -- I'll
4 start again.
5 Whereas -- I'll make a motion.
6 Whereas, it is the responsibility of the
7 St. Charles Board of Zoning Appeals to review all
8 applications for variations;
9 And, whereas, the St. Charles Board of
10 Zoning Appeals has reviewed File V-2-2012 dated
11 February 22nd, 2012, and received on
12 February 12th -- February 22nd -- 2012, from
13 Kevin Staton for the property located at 20 South
14 14th Street in the city of St. Charles for
15 variation from the required 30-foot landscape
16 buffer to 12 foot 2 inches to the north and
17 16 foot 8 inches to the south, a reduction of
18 17 foot 10 inches and 13 foot 4 inches,
19 respectively, to provide adequate off-street
20 parking;
21 And, whereas, the proposed variation will
22 not alter the essential character of the
23 property;
24 And, whereas, the proposed variation will

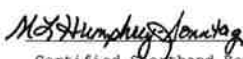

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<p style="text-align: right;">37</p> <p>1 not be detrimental to the public welfare or 2 injurious to other property or improvements in 3 the neighborhood in which the property is 4 located;</p> <p>5 And, whereas, the proposed variation will 6 not impair an adequate supply of light and air to 7 adjacent properties or substantially increase the 8 danger of fire or otherwise endanger the public 9 safety or substantially diminish or impair 10 property values within the neighborhood;</p> <p>11 And, whereas, the property dimensions do 12 not allow the building and its required parking 13 within the setbacks to provide landscape buffers 14 described by Code;</p> <p>15 And, whereas, all the properties to the 16 north and south that face 14th Street do not have 17 the prescribed landscape buffer;</p> <p>18 And, whereas, the variance requested is to 19 provide Code-compliant parking for the nine 20 apartments;</p> <p>21 And, whereas, the hardship is a result of 22 the property dimensions, which were established 23 prior to 1920, followed by zoning restrictions 24 placed on the parcel at later dates;</p>	<p style="text-align: right;">39</p> <p>1 CHAIRMAN RULLMAN: As I pointed out 2 to you before, this Board doesn't -- works on a 3 basis where there has to be four affirmative 4 votes --</p> <p>5 MR. TEIPEL: I know.</p> <p>6 CHAIRMAN RULLMAN: -- for any motion 7 to pass.</p> <p>8 Also, you can request it to be tabled or 9 later heard, if you wish to, a month from now at 10 any time.</p> <p>11 MR. TEIPEL: Okay. That's what I was 12 wondering.</p> <p>13 But -- do you want to just go ahead?</p> <p>14 MR. STATON: (Indicating.)</p> <p>15 MR. TEIPEL: Okay. We'll just -- 16 we'll let you vote.</p> <p>17 CHAIRMAN RULLMAN: All right.</p> <p>18 MR. TEIPEL: We'd appreciate it.</p> <p>19 CHAIRMAN RULLMAN: Mr. Secretary, 20 please call the roll.</p> <p>21 SECRETARY FAKRODDIN: Chairman 22 Rullman.</p> <p>23 CHAIRMAN RULLMAN: Yes.</p> <p>24 SECRETARY FAKRODDIN: Secretary</p>
<p style="text-align: right;">38</p> <p>1 Now, therefore, be it resolved -- now, 2 therefore, the St. Charles Board of Zoning 3 Appeals grants the variation requested with the 4 stipulation that, as specified in 5 Section 17.42.040.C of the Municipal Code of the 6 City of St. Charles, this variation shall lapse 7 after 12 months from the date of granting thereof 8 unless construction authorized is commenced on 9 the building permit for the use specified in the 10 variation within 12 months or the use is 11 commenced within such period.</p> <p>12 CHAIRMAN RULLMAN: Second?</p> <p>13 Second?</p> <p>14 MEMBER SIMPSON: Second.</p> <p>15 CHAIRMAN RULLMAN: All right. It's 16 been moved and seconded.</p> <p>17 Now, Mr. Teipel, your question?</p> <p>18 MR. TEIPEL: I was going to ask if -- 19 about withdrawing the -- you know -- if the vote 20 is a negative vote, can we come back with 21 variations again? That was my question.</p> <p>22 CHAIRMAN RULLMAN: You can reapply; 23 however, you have a positive motion made.</p> <p>24 MR. TEIPEL: Okay.</p>	<p style="text-align: right;">40</p> <p>1 Fakroddin, yes.</p> <p>2 Mr. Holderfield.</p> <p>3 MEMBER HOLDERFIELD: Yes.</p> <p>4 SECRETARY FAKRODDIN: Mr. Simpson.</p> <p>5 MEMBER SIMPSON: Yes.</p> <p>6 SECRETARY FAKRODDIN: Ms. Weisman.</p> <p>7 MEMBER WEISMAN: Yes.</p> <p>8 MR. TEIPEL: Thank you.</p> <p>9 CHAIRMAN RULLMAN: That's five yes.</p> <p>10 The motion carries.</p> <p>11 And you get with the building commissioner.</p> <p>12 And this will close the hearing on V-2-2012.</p> <p>13 MR. TEIPEL: Thank you. We 14 appreciate it.</p> <p>15 CHAIRMAN RULLMAN: Any additional 16 business to come before the Board?</p> <p>17 MR. VANN: No.</p> <p>18 (There followed a discussion 19 outside the record.)</p> <p>20 CHAIRMAN RULLMAN: The meeting is 21 adjourned at 7:43.</p> <p>22 (Which were all the proceedings 23 had in the above-entitled matter 24 at the hour of 7:43 p.m.)</p>

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)
3

4 I, MELANIE L. HUMPHREY-SONNTAG,
5 Certified Shorthand Reporter No. 084-004299, CSR,
6 RDR, CRR, FAPR, and a Notary Public in and for
7 the County of DuPage, State of Illinois, do
8 hereby certify that I reported in shorthand the
9 proceedings had in the above-entitled matter and
10 that the foregoing is a true, correct, and
11 complete transcript of my shorthand notes so
12 taken as aforesaid.

13 IN TESTIMONY WHEREOF I have hereunto set my
14 hand and affixed my Notarial Seal this 29th day
15 of March, 2012.

16
17  

18 Certified Shorthand Reporter
19 Registered Diplomat Reporter
20 Certified Realtime Reporter
21 Fellow of the Academy of
22 Professional Reporters

23 My commission expires
24 March 9, 2014