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**LOCATION:** 824 W. MAIN ST.

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**Requested Action:** Zoning variation to reduce the front yard setback requirement for a freestanding sign from 10 ft. to 1 ft.

**Purpose and Scope:** The existing freestanding sign located on the property does meet the front yard setback requirement, and is therefore a non-conforming sign. The St. Charles Zoning Ordinance requires all non-conforming signs to be brought into compliance with the Zoning Ordinance sign standards by October 16, 2015, or 15 years after the sign is erected, whichever is later. The applicant is requesting this variance to allow the sign to remain in its current location after the deadline.

**Existing Land Use:** Commercial

**Existing Zoning:** BL Local Business District



# CITY OF ST. CHARLES

ZONING BOARD OF APPEALS  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984

FOR OFFICE USE
Received <u>8/25/14</u>
File # <u>V-4-2014</u>
Fee Paid \$ <u>300.00</u>
Receipt _____

## APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

### APPLICANT & OWNER:

Name of Applicant\* ROBERT + CLAUDIA NORR Phone 630 377 6112  
Address/City/State/Zip 6N531 PALOMINO DR. ST. CHARLES IL 60175  
Applicant's interest in the property OWNER  
Name and Phone of Owner(s) of Record\* ROBERT + CLAUDIA NORR  
630 377 6112  
Applicant is (check one)  Attorney  Agent  Owner  Other: \_\_\_\_\_  
Owner acquired the property on (date): 1990

### ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 824 W. MAIN ST ST. CHARLES IL 60174  
Present Use (commercial, industrial, residential, etc.) RETAIL  
Zoning District BL LOCAL BUSINESS DISTRICT  
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) MAINTAIN SIGN AT EXISTING SET BACK OF 1 FT INSTEAD OF REQUIRED 10 FT SET BACK.
- B. Reason for request PRE-EXISTING SIGN, IF MOVED BACK SIGN WOULD NOT BE VISIBLE DUE TO BUILDING NEXT DOOR
- C. Explanation of purpose for which property will be used EXISTING USE - RETAIL

**ACTION BY APPLICANT ON PROPERTY:**

- A. What physical characteristics would prevent the property from being used in conformity with the requirements of the zoning ordinance? BUILDING NEXT DOOR TO THE WEST 830 W. MAIN HAS NO SET BACK.
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) NO
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) YES - MAINTAIN VISIBILITY OF THE BUSINESS ALONG THE STREET
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) NO
- E. Based on your answers to the preceding questions, check the box that you believe most accurately states your position with regard to the property if the property is permitted to be used only under the conditions allowed by regulations in the zoning district. Explain the basis for your answer:
- Cannot yield a reasonable return \_\_\_\_\_
- Is greatly reduced in value WITH OUT MAINTAINING THE SIGN LOCATION THE BUSINESS WOULD HAVE NO VISIBILITY ON THE STREET
- The owner is deprived of all reasonable use of the property SAME AS ABOVE

**HARMONY WITH GENERAL PURPOSE AND INTENT:**

- A. Will the proposed variation alter the essential character of the property? (explain) NO THE SIGN COMFORMS TO THE ORDANACE REQUIREMENT, LOCATION IS THE ONLY ISSUE

- B. Will the proposed 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. EXISTING SIGN WITH NO ISSUES TO DATE
- C. Will the proposed variation(s) 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? (explain) NO NO ISSUES WITH THE SIGN TO DATE

**ATTACHMENTS REQUIRED:**

- A. One (1) copy of a plat of survey or plot plan (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. A written certified list containing the registered owners, their mailing addresses 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, proved 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. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Avenue, Geneva.
- C. 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 to the City of miscellaneous fees is as follows: **Review hours by Building and Code Enforcement Division Manager, Publication of legal notice; court reporter and transcript fees; mailing (postage) costs.** The reimbursement of these miscellaneous fees *must be paid prior to issuance of any permit* in connection with the requested action.
- E. Letter of authorization from the property owner as to the request for the zoning variation must be included, if such authorization is applicable.
- F. Disclosure of beneficiaries of a land trust must be included, if applicable.
- G. A 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 in commenced within such period.

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.

Robert Dorier  
Signature of Applicant or agent

ROBERT DORIER  
Print name of applicant/agent

8-20-14  
Date

Robert Dorier  
Signature of owner

ROBERT DORIER  
Print name of owner

8-20-14  
Date

# PLAT OF SURVEY

BY  
 LAND SURVEYING CONSULTANTS OF ILLINOIS P.C.  
 12 EAST WILLOW ST. LOMBARD ILL. 60148 (708) 620-7589  
 OF

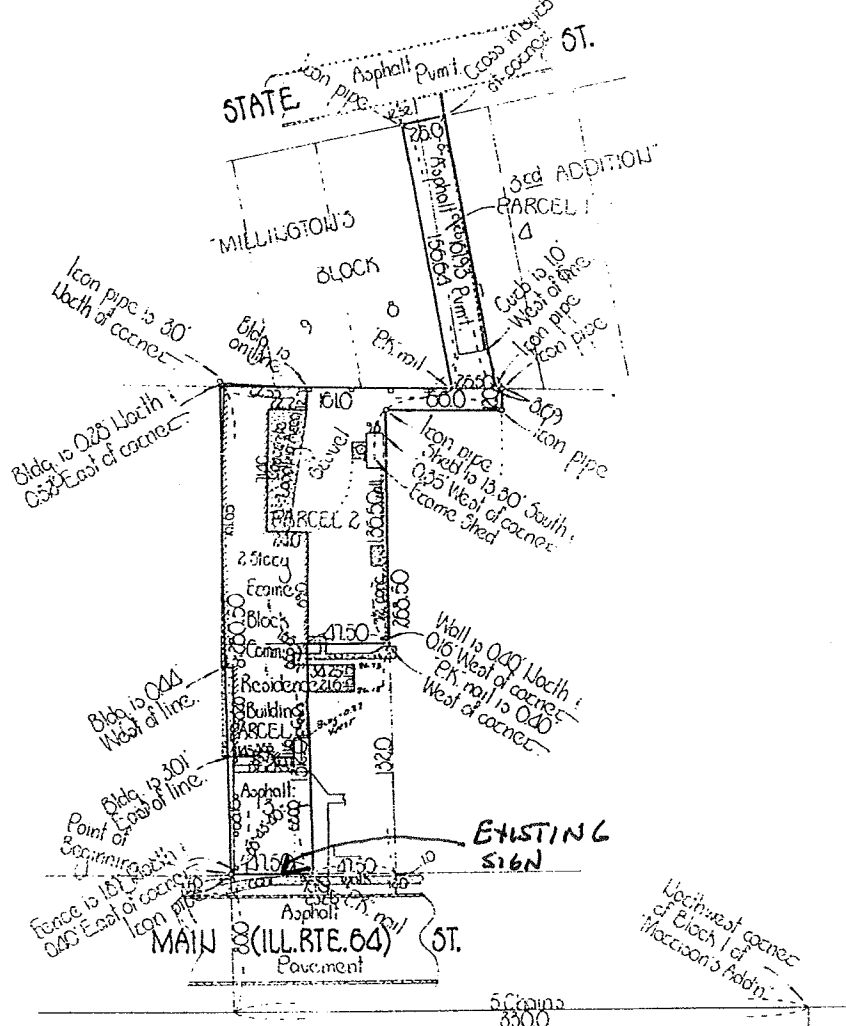


1 INCH = 60 FEET



**Parcel 2**  
 THAT PART OF THE SOUTH EAST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT NORTH 1 DEGREE WEST 80 FEET AND SOUTH 89 DEGREES WEST 5 CHAINS FROM THE NORTHWEST CORNER OF BLOCK 1 OF MORRISON'S ADDITION TO ST. CHARLES; THENCE NORTH 1 DEGREE WEST 132 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREE WEST 148.5 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF MAIN STREET 142 FEET; THENCE SOUTH 1 DEGREE EAST 12 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF MAIN STREET 64.00 FEET; THENCE SOUTH 1 DEGREE EAST 136.50 FEET; THENCE WEST PARALLEL WITH MAIN STREET 47.50 FEET; THENCE SOUTH 1 DEGREE WEST 132.00 FEET TO THE NORTH LINE OF MAIN STREET; THENCE WEST ALONG NORTH LINE OF MAIN STREET 47.50 FEET; THENCE NORTH 1 DEGREE WEST 132.00 TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

**Parcel 1**  
 THE NORTHEAST 25 FEET OF LOT 7 IN BLOCK 4 OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, LAKE COUNTY, ILLINOIS



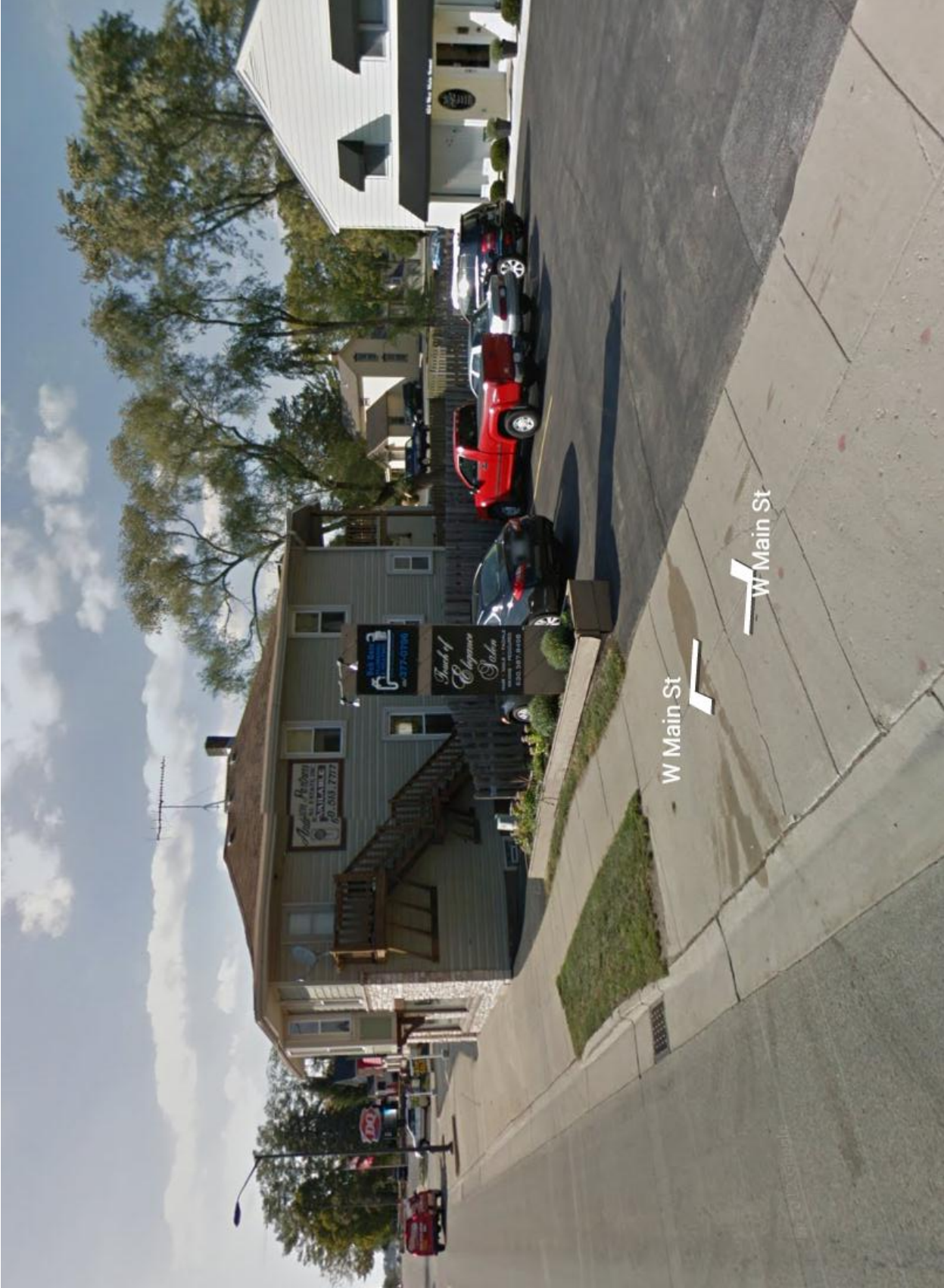
ADDRESS 824 N. Main St. Charles  
Ill. 60148  
 ORDER NO. 10-1912  
 BOOK 189 PAGE 61



STATE OF ILLINOIS  
 COUNTY OF DU PAGE  
 I, TIMOTHY J. KRISCH, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF CORRECT AT 60° FAHRENHEIT.

REFER TO DEED, TITLE POLICY AND LOCAL ORDINANCE FOR BUILDING RESTRICTIONS. NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING.

DATE 30 Aug 1992  
 [Signature]  
 ILLINOIS REGISTERED LAND SURVEYOR #2502



W Main St

W Main St

Community & Economic Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



**STAFF MEMO**

**TO:** Chairman Elmer Rullman  
And the Members of the Zoning Board of Appeals

**FROM:** Russell Colby, Planning Division Manager

**RE:** Zoning Ordinance Sign Amortization

**DATE:** September 16, 2014

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In October 2006, the City completely revised the Zoning Ordinance (Title 17 of the City Code). Included was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of the Zoning Ordinance after a 3-year period, by October 16, 2009. This provision was modified by City Council in 2009, 2011 and 2013 to provide extensions to the amortization period due to the economic downturn and ongoing construction on Route 64. Per the 2013 modification, the amortization period was to end on October 16, 2014, meaning all nonconforming signs would have had to be brought into compliance with the Zoning Ordinance by this date.

In September 2014, City Council approved a provision that allows the owner of a nonconforming sign to submit a written request for an eight month extension of the amortization period, to June 16, 2015. The request must explain how the nonconformity will be resolved within the extension period. If the owner of a nonconforming sign does not submit an extension request, the October 16, 2014 deadline remains.

A nonconforming sign is a sign that does not meet the current Zoning Ordinance requirements for the applicable zoning district, either due to the setback of the sign from the property lines, the height of the sign, or the size of the sign face.

The ordinance change in 2006 ended the ability of nonconforming signs to be “grandfathered” under the Zoning Ordinance. (Previously, nonconforming signs could continue to be maintained but could not be otherwise altered. This allowed the signs to continue to be painted and for sign faces to be changed).

City staff has identified a total of 36 remaining nonconforming freestanding signs. Over the past few years, property owners have been advised of the nonconforming status of their signs and the extensions to the amortization period. Most of the wall-mounted nonconforming signs have come into compliance over the past few years, since these tend to be refaced frequently.

Since fall 2013, staff initiated the process of notifying property owners of the upcoming October 16th deadline and has since been shepherding business and property owners through the permitting process. Some properties have already come into compliance, some are currently in the process of installing new signs, and a few others are in for sign permits. Staff is in the process of notifying property owners about the option to request an extension of the deadline to June 16, 2015.

The Zoning Ordinance allows a variation to be granted to reduce a sign setback only. A variation cannot be granted to sign height or size requirements.

City staff have advised certain property owners with nonconforming signs that their sign may meet the standards for a variation to the setback requirements due to the conditions of their property. These include situations where if the sign were brought into conformance with the setback requirement, the sign's new location would either: 1) make the sign no longer visible to passing traffic, 2) place the sign within an existing parking lot that cannot be modified to reduce the number of parking spaces, or 3) conflict with other structures on the site, such as a building.