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**LOCATION:** 2125 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 7 ft. 4 in.

**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, 2014, or 15 years after the sign is erected, whichever is later.

The applicant plans to move the existing sign back from its current location to come closer to complying with the 10 ft. setback requirement. However, the proposed location of the sign still will not meet this requirement. Therefore, the applicant is requesting this variation to allow the sign to be relocated to its proposed location and remain there after the October 16, 2014 compliance deadline.

**Existing Land Use:** Commercial

**Existing Zoning:** BL Local Business District



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

FOR OFFICE USE
Received <u>9-5-2014</u>
File # <u>V-5-2014</u>
Fee Paid \$ <u>300.00</u>
Receipt <u>474428-018</u>

**APPLICATION FOR A VARIATION**

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

**APPLICANT & OWNER:**

(Victor Montejó)

Name of Applicant\* Moran Signs + Lighting, Inc Phone 630-366-6775  
Address/City/State/Zip 225 James #7, Bensenville IL 60106  
Applicant's interest in the property Representing Customer for Sign Variance  
Name and Phone of Owner(s) of Record\* manuel Artega, 630-235-2352

Applicant is (check one)  Attorney  Agent  Owner  Other: Sign Company  
Owner acquired the property on (date): 5/1/2005

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

Address of Property (attach legal description) 2125 W Main St. St. Charles 60174  
Present Use (commercial, industrial, residential, etc.) Commercial - Restaurant  
Zoning District BL Local Business  
To your knowledge, have any previous applications for variations been filed in connection with this property? NO  
If YES, provide relevant information N/A

**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) N/A

*\*In the event that the applicant or owner is a trustee of a land trust or beneficiary of a land trust, a statement identifying each beneficiary by name and address of such land trust and defining his/her interest therein must be attached hereto. Such statement shall be verified by the trustee of such trust.*

**REASON FOR REQUEST:**

- A. Variation requested (state specific measurements) Relocating Existing Pylon Sign to 7'-4" from Curve due to IDOT Expansion.
- B. Reason for request IDOT Expansion
- C. Explanation of purpose for which property will be used Pylon Sign for Business identification

**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? Sign will be less than Required 10' from Curve
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) Not to my knowledge
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) Yes Business identification
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) IDOT Expansion
- 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 \_\_\_\_\_
  - The owner is deprived of all reasonable use of the property Due to IDOT Expansion property's frontage have been reduced drastically

**HARMONY WITH GENERAL PURPOSE AND INTENT:**

- A. Will the proposed variation alter the essential character of the property? (explain) NO, sign will just be relocated in line from previous location of property and will comply more to zoning height requirements

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

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

**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, 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. 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 Planning 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 is 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.

[Signature]  
Signature of Applicant/agent

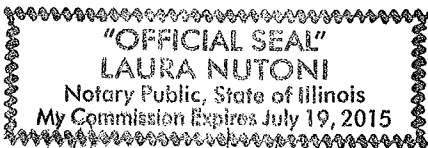
Victoria Montez  
Print name of applicant/agent

9/5/14  
Date

[Signature]  
Signature of owner

MANUEL AJAYG  
Print name of owner

09-05-2012  
Date



Laura Nutoni

September 8<sup>th</sup>, 2014

TO: City of St. Charles  
2 E. Main Street  
St. Charles, IL 60174

FROM: Manuel Artega  
2125 W Main St  
St. Charles, IL 60174

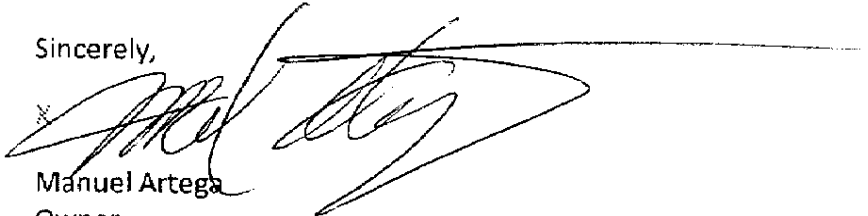
**RE: OWNER AUTHORIZATION**

To whom it may concern,

Please accept this letter as authorization for Moran Signs & Lighting, Inc. (Victoria Montejo) to act on my behalf regarding my pylon sign zoning variation for my business (Los Burrito's Mexicanos) property located at 2125 W. Main St. in St. Charles, IL. On September 25<sup>th</sup>, 2014 at 7:00pm at Zoning Board of Appeals Meeting.

If there is any a question or concern I (Manuel Artega) can be reached at 630-235-2352.

Sincerely,



Manuel Artega  
Owner  
Los Burrito's Mexicanos



Store Front= 29'-7" +/-  
 Property Frontage= 93' +/-  
 Sign Dimensions= 6'-2" x 7'-2"  
 Above Ground= 7'-10" +/-

**PROPOSED SIGN**

**Total Sign Area = 44.19 SQ. FT.**

Colors shown are for presentation purpose and may vary slightly within actual work

**EXISTING SIGN**  
**68.57 SQ. FT. Total Sign Area**



**Relocating One (1) Pylon sign on property to comply with city ordinance**

**PROJECT**

Los Burritos Mexicanos  
 2125 W. Main St.  
 St. Charles, IL

DRAWING NO. SHEET 1 OF 1  
 SCALE: SALES PERSON: GM  
 DATE: 08-28-14

**CUSTOMER APPROVAL**

BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**LANDLORD APPROVAL**

BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**REVISIONS**

DATE	DESCRIPTION

This drawing is the exclusive property of MORAN SIGN & LIGHTING CO. and may not be reproduced in whole or in part without prior written approval.

MORAN SIGN & LIGHTING CO. does NOT provide primary electric service to sign location. MUST BE PROVIDED BY OTHERS!

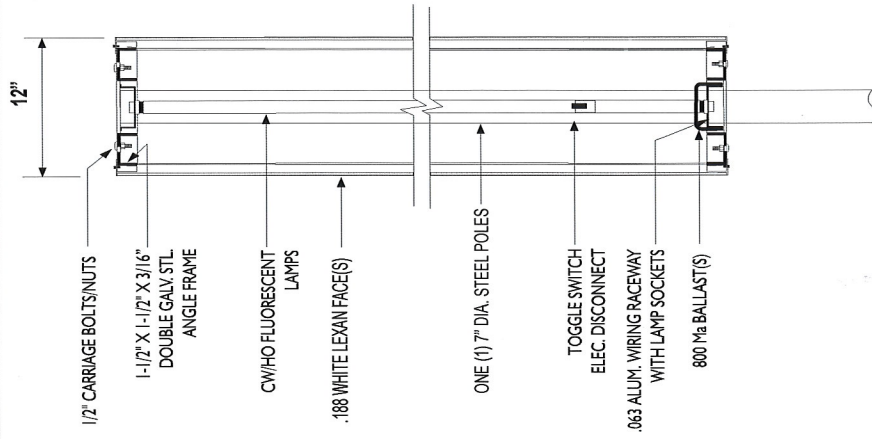
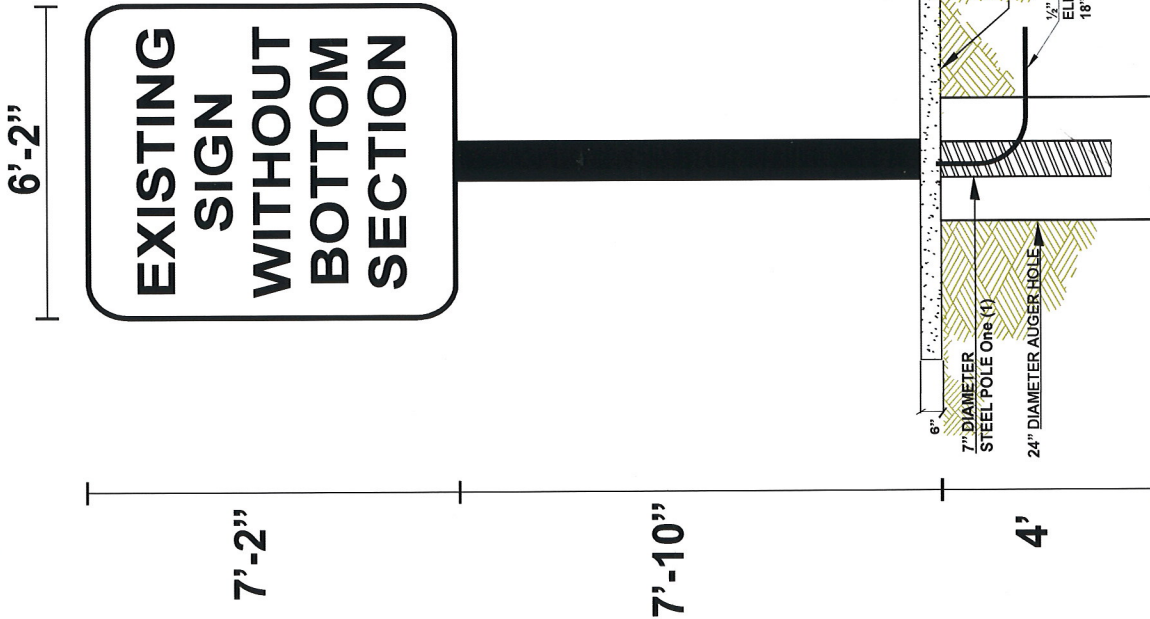


225 W James Street #7  
 Bensenville, IL 60106  
 Ph: 630-450-0309 / 630-366-6775  
 Fax: 630-206-0953  
 Email: info@moran-signs.com  
 www.moran-signandlighting.com



**EXISTING DOUBLE FACED INTERNALLY ILLUMINATED CABINET**

Relocating One (1) Pylon sign on property to comply with city ordinance



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Bensenville, IL 60106  
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REVISIONS	
DATE	DESCRIPTION

**LANDLORD APPROVAL**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**CUSTOMER APPROVAL**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DRAWING NO. 1 OF 1  
SHEET 1 OF 1  
SCALE: SALES PERSON: GM  
DATE: 08-28-14

**PROJECT**

Los Burritos Mexicanos  
2125 W. Main St.  
St. Charles, IL





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.