

**MINUTES
CITY OF ST. CHARLES
ZONING BOARD OF APPEALS
THURSDAY, JULY 24, 2014**

Members Present: Chairman Elmer Rullman III
Secretary Nabi Fakroddin
Scott Buening
James Holderfield
Betty Weisman
Charles Simpson

Member Absent: Robert Krawczyk

Also Present: Russell Colby, Planning Division Manager
Ellen Johnson, Planner
Court Reporter

1. Call Hearing to Order.

Chairman Rullman called the hearing to order at 7:02 PM on Thursday July 24, 2014.

2. Roll call.

Roll was called with six members present.

3. Presentation of Minutes from the January 23, 2013 meeting.

A motion was made by Mr. Buening and seconded by Mr. Fakroddin to accept the minutes as presented.

4. Variation Application V-2-2014, filed by Terry Carlson and Christian Carlson, owners of the property located at 1640 N. 2nd Avenue in the City of St. Charles.

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-2-2014 for 1640 N. 2nd Avenue.
- Variation request was published in the Kane County Chronicle on July 3, 2014.
- Plat of Survey submitted, signed and sealed by William J. Vanderstappen.

Chairman Rullman swore in the following:

- Russell Colby, Planning Division Manager
- Christian Carlson, 2603 Lorraine Circle, Geneva

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

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

Whereas, the St. Charles Zoning Board of Appeals has reviewed File V-2-2014, dated 4/28/14, and received 4/28/14 from Terry and Christian Carlson for the property located at 1640 West Main Street in the City of St. Charles to maintain a sign existing at the 0.8 feet setback; and

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

Whereas, the property 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 the 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

Whereas, if the sign were to be located at the 10-foot setback, it would not be visible to passing traffic.

Now Therefore, the St. Charles Zoning Board of Appeals grants the variation requested, with the stipulations as specified in Section 17.04.310.

Roll Called:

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

Nays: None

Motion carried; Variation granted. 6-0

5. Variation Application V-3-2014, filed by Rodney and Patricia Miller, contract purchasers of property located at 628 N. 2nd Avenue in the City of St. Charles.

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-3-2014 for 628 N. 2nd Avenue.
- Variation request was published in the Kane County Chronicle on July 3, 2014.
- Plat of Survey submitted, signed and sealed by James T. Stowell
- Historic Preservation Commission, Resolution No. 5-2014

Chairman Rullman swore in the following:

- Russell Colby, Planning Division Manager
- Rod Miller, 40W718 Campton Woods Drive, Elburn.

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Ms. Weisman, and seconded by Mr. Fakhroddin as follows:

Whereas, the St. Charles Zoning Board of Appeals has reviewed File V-3-2014, dated 6/26/2014, and received 6/26/2014 from Rodney and Patricia Miller for the property located at 628 North 2nd Avenue, St. Charles, Illinois, for a variation to reduce the front yard setback requirement for the principal building from 20 feet to 9.26 feet and the interior side yard setback requirement for the principal building from 10 feet to 5.7 feet. The front yard is located along the north property line adjacent to Bent Avenue, and the interior side yard along the east property line. There are two front yard setbacks because it is a corner lot; and

Whereas, the proposed variation will not alter the residential 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 properties, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

Whereas, the Historic Preservation Commission, Resolution No. 5-2014, have approved the zoning variation for 628 N. 2nd Avenue.

Now Therefore, the St. Charles Zoning Board of Appeals grants the variation requested with the stipulations specified in Section 17.04.310.

Roll Called:

Ayes: Buening, Fakhroddin, Holderfield, Rullman, Weisman, Simpson

Nays: None

Motion carried; Variation granted. 6-0

6. Additional Business from Board members, Staff, or Citizens. – None.

7. Adjournment at 7:29PM

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

BEFORE THE ZONING BOARD OF APPEALS
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Variation application) No. V-2-2014
for the property)
located at 1640 West)
Main Street.)

REPORT OF PROCEEDINGS
City of St. Charles Council Chambers
Second Floor
2 East Main Street
St. Charles, Illinois 60174

July 24, 2014
7:02 p.m. to 7:11 p.m.

Reported by: Joanne E. Ely,
CSR, RPR
Notary Public, Kane County, Illinois

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PRESENT:

- MR. ELMER RULLMAN III, Chairman;
- MR. NABI FAKRODDIN, Secretary;
- MR. SCOTT BUENING, Member;
- MR. JAMES HOLDERFIELD, Member;
- MR. CHARLES SIMPSON, Member; and
- MS. BETTY WEISMAN, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager; and
- MS. ELLEN JOHNSON, Planner.

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014**

3

1 CHAIRMAN RULLMAN: We will call the
2 meeting to order at 7:02 on the clock on the wall.

3 Secretary, please read the roll.

4 MEMBER FAKRODDIN: Mr. Buening.

5 MEMBER BUENING: Here.

6 MEMBER FAKRODDIN: Mr. Fakroddin, here.
7 Mr. Holderfield.

8 MEMBER HOLDERFIELD: Here.

9 MEMBER FAKRODDIN: Mr. Krawczyk, not
10 here.

11 Mr. Rullman.

12 CHAIRMAN RULLMAN: Here.

13 MEMBER FAKRODDIN: Mr. Simpson.

14 MEMBER SIMPSON: Here.

15 MEMBER FAKRODDIN: Ms. Weisman.

16 MEMBER WEISMAN: Here.

17 CHAIRMAN RULLMAN: Questions or
18 additions to the minutes of the January 23rd meeting?

19 (No response.)

20 CHAIRMAN RULLMAN: If not, I'll accept a
21 motion to accept the minutes.

22 MEMBER BUENING: So moved.

23 MEMBER FAKRODDIN: Second.

24 CHAIRMAN RULLMAN: All in favor.

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014**

4

1 (Ayes heard.)

2 CHAIRMAN RULLMAN: Any opposed.

3 (No response.)

4 CHAIRMAN RULLMAN: At this time we will
5 open the variation application V-2-2014 filed by Terry
6 Carlson and Christian Carlson, owners of the property
7 located at 1640 West Main Street in the city of
8 St. Charles.

9 Mr. Secretary, please read the appropriate
10 file.

11 MEMBER FAKRODDIN: Application for a
12 variation, File No. V-2-2014 was received on
13 April 28th, 2014, in the office of the St. Charles
14 Planning Division.

15 The applicants, Terry Carlson and Christian
16 Carlson, have listed their home address as 1130 South
17 5th Street, St. Charles, Illinois 60174.

18 The applicants have indicated the property
19 owners -- have indicated the property owners of record
20 to be Terry and Susan Carlson. The owners acquired the
21 property at 1640 West Main Street, St. Charles,
22 Illinois 60174, a retail store, in 1986.

23 The application is signed by both Terry
24 Carlson and Christian Carlson and is dated April 28th,

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014**

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1 2014.

2 The survey of the property as submitted is
3 sealed and signed by William J. Vanderstappen, a
4 licensed professional land surveyor with Registration
5 No. 035-002709, and dated April 3rd, 2014.

6 Evidence of publication of legal notice is
7 submitted -- and just a second.

8 Mr. Colby, do you know the date?

9 MR. COLBY: Publication.

10 MEMBER FAKRODDIN: The date it was
11 submitted, and it was published in the Kane County
12 Chronicle on what date?

13 Okay. Thank you. Evidence of publication of
14 legal notice is submitted, and it was published in the
15 Kane County Chronicle on July 3rd, 2014.

16 The applicants are requesting a variation to
17 maintain a sign at the existing setback of 0.8 feet
18 instead of the required 10-foot setback. The reason
19 for their request is because it is a preexisting sign.
20 Going back 10 feet to comply with the required setback
21 would obstruct the visibility of the sign due to the
22 building next door.

23 That's all, Mr. Chairman.

24 CHAIRMAN RULLMAN: Thank you.

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014**

6

1 Would everyone wishing to give testimony on
2 this, please rise. Raise your right hand.

3 (Witnesses duly sworn.)

4 CHAIRMAN RULLMAN: Please give your name
5 and address to the recorder.

6 MR. CHRISTIAN CARLSON: Christian
7 Carlson, 2603 Lorraine Circle, Geneva, Illinois 60134.

8 CHAIRMAN RULLMAN: Let the record show
9 that Russell Colby, planning division manager, was also
10 sworn.

11 And you are the owner of record?

12 MR. CHRISTIAN CARLSON: The owner of
13 record is my father.

14 CHAIRMAN RULLMAN: Okay. That's the one
15 that's present. That's all we care about.

16 MR. CHRISTIAN CARLSON: He's here.

17 CHAIRMAN RULLMAN: What would you like
18 to present to us?

19 MR. CHRISTIAN CARLSON: What would I --

20 CHAIRMAN RULLMAN: The floor is yours.

21 MR. CHRISTIAN CARLSON: Okay. What I'd
22 like to do is request a variance; and the reasoning for
23 it is if we set the sign back 10 feet, which you guys
24 are requiring, the sign is going to be hidden behind

REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014

7

1 the Midas building. I don't know if you guys are
2 familiar with that. Therefore, we're not going to have
3 any type of exposure.

4 If it is set back 10 feet, it's going to eat
5 up the limited number of five parking spots we have.
6 It's probably going to take two of them up, and we're
7 going to have exposure possibly by people who park at
8 Gabby's Kitchen. That's about it.

9 CHAIRMAN RULLMAN: Okay. I think it's
10 clear. Any questions from the Board?

11 MEMBER BUENING: I have a question for
12 staff.

13 The Midas building, I noticed on the plat of
14 subdivision is a 20-foot building line. I believe that
15 building also is in the same subdivision.

16 Are you aware of what the situation was of
17 why that building encroached over that setback?

18 MR. COLBY: I am not aware of that, but
19 the building as it exists today I think is set back
20 less than 5 feet. I'm not certain how it was
21 constructed that close to the property line.

22 MEMBER BUENING: Thank you. That's all
23 I have.

24 CHAIRMAN RULLMAN: As noted in the

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014**

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1 material we have in front of us, the St. Charles zoning
2 ordinance was changed to require the setback change,
3 and taking care of grandfathered signs, which there are
4 no more grandfathered signs, and so that was rolled
5 back a couple times over the years, but I think this is
6 a unique situation in that the building has a sign.

7 So any other questions?

8 (No response.)

9 CHAIRMAN RULLMAN: Anyone who wishes to
10 offer testimony against this?

11 (No response.)

12 CHAIRMAN RULLMAN: Okay. Let the record
13 show there are no objections to this.

14 If there is nothing further, we will
15 entertain a motion.

16 MEMBER HOLDERFIELD: I'll make a motion.

17 Whereas, the St. Charles Zoning Board of
18 Appeals has reviewed File V-2-2014, dated 4/28/14, and
19 received 4/28/14 from Terry and Christian Carlson for
20 the property located at 1640 West Main Street in the
21 City of St. Charles to maintain a sign existing on the
22 setback of 8 feet -- to keep the existing sign as 8
23 feet and would like to -- how do I say that?

24 CHAIRMAN RULLMAN: .8 feet.

REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014

1 MR. BUENING: Keep the existing sign at
2 .08 feet.

3 MEMBER HOLDERFIELD: Yeah. Keep the
4 existing sign at the .8 feet setback.

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

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

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

17 Whereas, if the sign were to be located at
18 the 10-foot setback, it would not be visible to passing
19 traffic.

20 Now, therefore, the St. Charles Zoning Board
21 of Appeals grants the variation requested, with the
22 stipulations as specified in Section 17.04.310,
23 variation.

24 Are there any additional conditions?

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-2-2014**

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1 MEMBER SIMPSON: Second.

2 CHAIRMAN RULLMAN: It's moved and
3 seconded that the variation be approved.

4 Any other discussion by the Board?

5 (No response.)

6 CHAIRMAN RULLMAN: If not, Secretary,
7 please call the roll.

8 MEMBER FAKRODDIN: Mr. Buening.

9 MEMBER BUENING: Aye.

10 MEMBER FAKRODDIN: Mr. Fakroddin, yes.
11 Mr. Holderfield.

12 MEMBER HOLDERFIELD: Yes.

13 MEMBER FAKRODDIN: Mr. Krawczyk. He is
14 absent.

15 Mr. Rullman.

16 CHAIRMAN RULLMAN: Yes.

17 MEMBER FAKRODDIN: Mr. Simpson.

18 MEMBER SIMPSON: Yes.

19 MEMBER FAKRODDIN: Ms. Weisman.

20 MEMBER WEISMAN: Yes.

21 CHAIRMAN RULLMAN: 6 to 0 in the
22 affirmative. The motion is carried, approved. We will
23 close the hearing on variation application V-2-2014.

24 PROCEEDINGS CONCLUDED AT 7:11 P.M.

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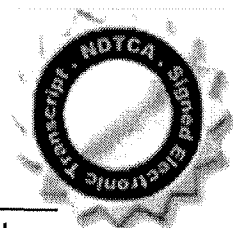
STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

I, JOANNE E. ELY, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled matter and that the foregoing is a true, correct, and complete transcript of my shorthand notes so taken as aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Notarial Seal this 28th day of July, 2014.

Joanne E. Ely

Certified Shorthand Reporter
Registered Professional Reporter



My commission expires
May 16, 2016

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

BEFORE THE ZONING BOARD OF APPEALS
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Variation application) No. V-3-2014
for the property)
located at 628 North)
2nd Avenue.)

REPORT OF PROCEEDINGS
City of St. Charles Council Chambers
Second Floor
2 East Main Street
St. Charles, Illinois 60174

July 24, 2014
7:11 p.m. to 7:29

Reported by: Joanne E. Ely,
CSR, RPR
Notary Public, Kane County, Illinois

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PRESENT:

- MR. ELMER RULLMAN III, Chairman;
- MR. NABI FAKRODDIN, Secretary;
- MR. SCOTT BUENING, Member;
- MR. JAMES HOLDERFIELD, Member;
- MR. CHARLES SIMPSON, Member; and
- MS. BETTY WEISMAN, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager; and
- MS. ELLEN JOHNSON, Planner.

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014**

1 We will open the variation application
2 on V-3-2014 filed by Rodney and Patricia Miller,
3 contract purchasers of the property located at 628
4 North 2nd Avenue in the city of St. Charles.

5 Mr. Secretary, please read the material.

6 MEMBER FAKRODDIN: Application for a
7 variation, File No. V-3-2014 was received on June 26th,
8 2014, in the office of the planning division of the
9 St. Charles Community Economic Development Department.

10 The applicants, Rodney and Patricia Miller,
11 have listed their home address at 40W718 Campton Woods
12 Drive, Elburn, Illinois 60119.

13 The applicants have indicated the property
14 owners of record to be Richard and Betsy Anderson. The
15 owners acquired the property at 628 North 2nd Avenue,
16 St. Charles, Illinois, a residential home in 1986.

17 The application is signed by both the
18 applicant Rodney Miller and the owner Richard Anderson
19 and is dated June 26th, 2014.

20 The survey of the property as submitted is
21 signed and sealed by James T. Stowell, a licensed
22 professional land surveyor with a Registration No.
23 35-1952 and dated April 24th, 1986.

24 Evidence of publication of legal notice is

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014**

4

1 submitted, and I believe it's the same date; isn't it,
2 Mr. Colby?

3 MR. COLBY: That is correct.

4 MEMBER FAKRODDIN: Okay.

5 MR. COLBY: July 3rd.

6 MEMBER FAKRODDIN: Yeah. Evidence of
7 publication of legal notice is submitted, and it was
8 published in the Kane County Chronicle on July 3rd,
9 2014.

10 The applicants are requesting a setback
11 variance for an existing garage with 5.7 feet from the
12 interior side property line versus the required 6 foot
13 or 10 percent of lot width, which is 10 feet.

14 Also the applicants are requesting a setback
15 variance from the front property line. They request
16 20 feet to 9.26 feet for the existing garage entrance.

17 The reason for the request is -- the need for
18 a variance is being created by our desire to convert
19 the existing breezeway into living space. Although the
20 new space would be well within setback limits, the
21 garage as it sits would not. The house and garage are
22 already attached by a roof. The additional space would
23 exist primarily under the roof.

24 As the house and garage together are a

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014**

5

1 designated historical landmark residence in
2 St. Charles, the applicants do not want to move or
3 alter the existing garage. The new space will be used
4 in part to provide a bathroom in the residence that is
5 accessible to persons with limited mobility.

6 Currently the home has a first-floor powder
7 room that is not usable by anyone who has physical
8 hardship in mobility. It is also limited in privacy,
9 as the door to the powder room cannot be closed while
10 the room is in use.

11 The connection between the house and garage
12 will also provide the residents an important protection
13 in times of inclement weather.

14 That's about all I can state.

15 CHAIRMAN RULLMAN: We have a resolution,
16 I believe, from the Historic Preservation Commission
17 relative to this property as required.

18 MEMBER FAKRODDIN: That's exhibit --
19 okay. I'll read this letter.

20 A letter from City of St. Charles, Illinois,
21 Historic Preservation Commission, Resolution No.
22 5-2014, a resolution recommending approval of the
23 zoning variation, 628 North 2nd Avenue, Sinton Anderson
24 House, Rodney and Patricia Miller.

REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014

1 "Whereas, it is the responsibility of the
2 St. Charles Historic Preservation Commission to review
3 applications for the zoning variations for designated
4 historic landmarks; and.

5 "Whereas, the Historic Preservation
6 Commission has reviewed the zoning variation
7 application for 628 North 2nd Avenue, the Sinton
8 Anderson House, a historic landmark, and has found the
9 variation will have no negative impact on the historic
10 resources of the city, particularly with regard to the
11 designated landmark; and

12 "Whereas, the Historic Preservation
13 Commission finds approval of said zoning variation
14 application to be in the best interest of the city of
15 St. Charles.

16 "Now therefore, be it resolved by the
17 St. Charles Historic Preservation Commission to
18 recommend to the Zoning Board of Appeals approval of
19 the zoning variation application for 628 North 2nd
20 Avenue. The Commission further forwards the following
21 comments:

22 "The house is a well-preserved historic
23 landmark, and the proposal is an appropriate way to
24 meet the needs of the new owner while still preserving

REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014

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1 the integrity of the house.

2 "Demolition of the garage to provide a new
3 attached garage in conformance with the zoning
4 ordinance requirements would be detrimental to the
5 landmark status of the property, as the Historic
6 Commission considers the garage to be part of the
7 landmark."

8 It's a roll call vote. They were all ayes,
9 no nays, no abstentions, and the motion carried. It
10 passed on the 2nd day of July 2014.

11 CHAIRMAN RULLMAN: All right. There's
12 also two photographs, one from the front of 2nd, and
13 the other one fronting on Bent Avenue for the garage.
14 We can mark that all as Exhibit A.

15 Anyone wishing to be heard on this, please
16 rise. Raise your right hand.

17 (Witnesses duly sworn.)

18 CHAIRMAN RULLMAN: Please give your name
19 and address to the recorder.

20 MR. MILLER: My name is Rod Miller. The
21 current address is 40W718 Campton Woods Drive, Elburn,
22 Illinois 60119.

23 CHAIRMAN RULLMAN: Let the record show
24 Mr. Colby was also sworn.

REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014

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1 Would you like to present anything to the
2 Commission in addition to what's already been proposed?

3 MR. MILLER: After listening to what I
4 wrote, I'm not sure there is much more to add to that,
5 just that I think the important second point that we
6 made for the reason for the addition, that being the
7 powder room or an additional bathroom on the first
8 floor of the house would be very important to us.

9 I know that as it is right now when my father
10 visits, he would not have the ability to use the rest
11 room. He can't go upstairs, and he would not be able
12 to use the current powder room as it exists. So we're
13 hoping that with the addition, we'll have a much more
14 usable user-friendly facility for that.

15 Of course, after the winter we all just lived
16 through around here, it would be nice to have the house
17 attached to the garage. So that would be good as well.

18 Outside of what you've presented already and
19 the pictures I think you have in front of you, I don't
20 have anything additional to add to that.

21 CHAIRMAN RULLMAN: Now, this is a corner
22 lot.

23 MR. MILLER: This is a corner lot, yes.

24 CHAIRMAN RULLMAN: Therefore, it

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014**

9

1 requires it to have two front yards -- the setback for
2 two front yards.

3 MR. MILLER: Uh-huh.

4 CHAIRMAN RULLMAN: It appeared on
5 inspection to me that --

6 THE COURT REPORTER: Can you speak up a
7 little bit?

8 CHAIRMAN RULLMAN. It's not any closer
9 to Bent Avenue than your home is -- your current
10 property is; is that correct?

11 MR. MILLER: You're asking me if the
12 home to the east of me is any closer to the --

13 CHAIRMAN RULLMAN: Well, it doesn't look
14 as though it is any closer than the setback.

15 MR. MILLER: I don't think that it is.
16 Yeah. I haven't really paid attention, you know, when
17 I've been over there to that other existing house.

18 CHAIRMAN RULLMAN: It's not the same.
19 Any questions from anyone on the Board?

20 (No response.)

21 CHAIRMAN RULLMAN: Are there any
22 objectors present?

23 MR. MILLER: He has a question.

24 CHAIRMAN RULLMAN: I'm sorry. Go ahead.

REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014

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1 MEMBER BUENING: A question for staff.
2 Assuming that the side yard on Bent Avenue is
3 considered front yard because of the short frontage.

4 MR. COLBY: That's correct.

5 MEMBER BUENING: So therefore, that's
6 why the interior side on the east side is the side yard
7 that's encroaching.

8 MR. COLBY: That's correct.

9 MEMBER BUENING: If a variance is
10 granted for this, that doesn't mean they could expand
11 along the entire front based on the setback that's
12 reduced. If they decided they wanted to expand, they
13 will have to come back for another variance.

14 MR. COLBY: Yes. That's correct. The
15 approval will be based on the drawing on the survey
16 that shows the actual area.

17 MEMBER BUENING: Thank you.

18 MEMBER WEISMAN: That's what I
19 understood is what they want to do is not going to
20 change the footprint at all.

21 MR. MILLER: Correct. Yeah. The
22 addition would fall primarily underneath the roof that
23 is already there. It's 7 feet wide between the house
24 and the garage, and it's about 20 feet long, and then

**REPORT OF PROCEEDINGS -- 07/24/2014
PETITION NO. V-3-2014**

11

1 the improvement would go, I'm guessing, 2 or 3 feet
2 behind the garage as well.

3 CHAIRMAN RULLMAN: Anything else from
4 the Board?

5 (No response.)

6 CHAIRMAN RULLMAN: Are there any
7 objectors present?

8 (No response.)

9 CHAIRMAN RULLMAN: Let the record show
10 there's no objectors present.

11 If there's nothing further from the Board, I
12 would consider a motion.

13 MEMBER WEISMAN: I'll try it.

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

17 Whereas, the St. Charles Zoning Board of
18 Appeals has reviewed File V-3-2014, dated 6/26/2014,
19 and received 6/26/2014 from Rodney and Patricia Miller
20 for the property located at 628 North 2nd Avenue,
21 St. Charles, Illinois, for a variation to reduce the
22 front yard setback requirement for the principal
23 building from 20 feet to 9.26 feet and the interior
24 side yard setback requirement for the principal

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1 building from 10 feet to 5.7 feet.

2 The front yard is located along the north
3 property line adjacent to Bent Avenue, and the interior
4 side yard along the east property line. There are two
5 front properties -- two front yard setbacks on this
6 because it is a corner lot.

7 Whereas, the proposed variation will not
8 alter the residential character of the property; and

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

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

19 Whereas, the Historic Preservation
20 Commission, Resolution No. 5-2014, have approved the
21 zoning variation for 628 North 2nd Avenue.

22 Therefore, the St. Charles Zoning Board of
23 Appeals grants the variation requested with the
24 stipulation that is specified in Section 17.04.310,

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1 variation of the municipal code of the city of
2 St. Charles.

3 One, a variation shall automatically lapse
4 within 12 months after the date it is granted, unless
5 the construction, pursuant to a building permit,
6 authorized by the variation commences within that
7 12-month period. However, the Board of Zoning Appeals
8 may extend this period upon written request from the
9 applicant showing good cause.

10 A variation is granted to a specific property
11 and authorizes the conduct of the variation only on the
12 property identified in the application and is not
13 transferable to other properties.

14 The approval of a variation authorizes the
15 relief from strict conformance with specific provisions
16 of this title, but does not authorize the establishment
17 or extension of any use, development, construction,
18 reconstruction, alteration, or moving of any building
19 or structure prior to obtaining all other required
20 approvals, including building permits and occupancy
21 permits.

22 Therefore, the St. Charles -- anything that
23 anybody would like to add?

24 Therefore, the St. Charles Zoning Board of

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1 Appeals grants the variation requested.

2 CHAIRMAN RULLMAN: Is there a second?

3 MEMBER FAKRODDIN: I'll second the
4 motion, Mr. Chairman.

5 CHAIRMAN RULLMAN: Any further
6 discussion by the Board.

7 (No response.)

8 CHAIRMAN RULLMAN: Mr. Secretary, please
9 call the roll.

10 MEMBER FAKRODDIN: Mr. Buening.

11 MEMBER BUENING: Aye.

12 MEMBER FAKRODDIN: Mr. Fakroddin, yes.
13 Mr. Holderfield.

14 MEMBER HOLDERFIELD: Yes.

15 MEMBER FAKRODDIN: Mr. Krawczyk is
16 absent.

17 Mr. Rullman.

18 CHAIRMAN RULLMAN: Yes.

19 MEMBER FAKRODDIN: Mr. Simpson.

20 MEMBER SIMPSON: Yes.

21 MEMBER FAKRODDIN: Ms. Weisman.

22 MEMBER WEISMAN: Yes.

23 MEMBER FAKRODDIN: 6 to 0.

24 CHAIRMAN RULLMAN: The motion to grant

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1 is carried, and the variation is granted.

2 At this time, we will close the hearing for
3 V-3-2014.

4 Is there any additional business?

5 MR. COLBY: No.

6 MEMBER BUENING: And this is for staff.
7 The findings that we have -- one of the things I
8 noticed is that we don't have all seven findings on
9 there. Is it possible that in future petitions, we
10 could have a revised form that would include all the
11 findings on there. It's just hard for us to go back
12 and forth, I think, to catch those.

13 MR. COLBY: Sure.

14 MEMBER BUENING: Thank you.

15 CHAIRMAN RULLMAN: Anything else?

16 (No response.)

17 CHAIRMAN RULLMAN: All right. Then the
18 Chairman of the Zoning Board of Appeals is ready for a
19 motion to close.

20 MEMBER FAKRODDIN: Motion to adjourn,
21 Mr. Chairman.

22 CHAIRMAN RULLMAN: Second.

23 All in favor.

24 (Ayes heard.)

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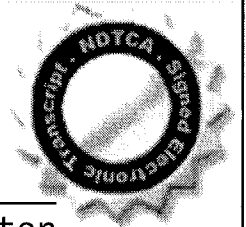
CHAIRMAN RULLMAN: All opposed.
(No response.)
CHAIRMAN RULLMAN: The meeting is
adjourned.
PROCEEDINGS CONCLUDED AT 7:29 P.M.

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

4 I, JOANNE E. ELY, Certified Shorthand
5 Reporter No. 84-4169, CSR, RPR, and a Notary Public in
6 and for the County of Kane, State of Illinois, do
7 hereby certify that I reported in shorthand the
8 proceedings had in the above-entitled matter and that
9 the foregoing is a true, correct, and complete
10 transcript of my shorthand notes so taken as aforesaid.

11 IN TESTIMONY WHEREOF I have hereunto set my
12 hand and affixed my Notarial Seal this 28th day of
13 July, 2014.

14
15 *Joanne E. Ely*
16 _____
Certified Shorthand Reporter
Registered Professional Reporter



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20 My commission expires
May 16, 2016
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