

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-6-2014
LOCATION: 2536 E. MAIN ST.

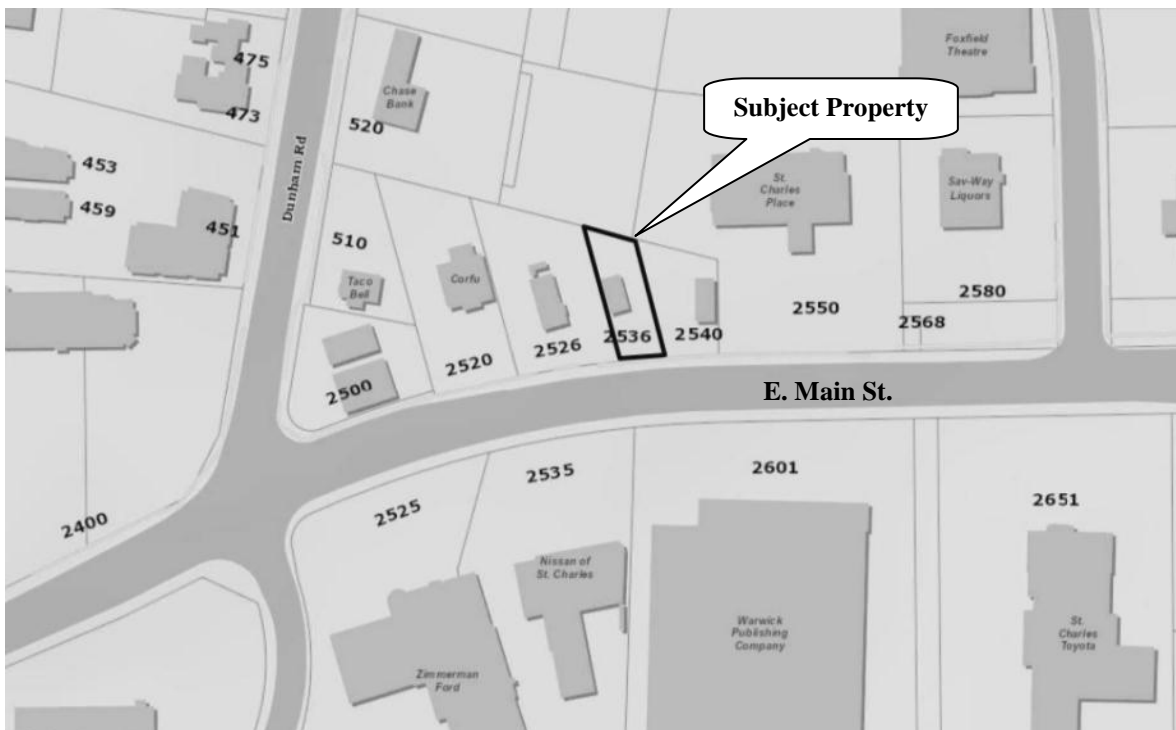
Requested Action: Zoning variation to reduce the front yard setback requirement for a freestanding sign from 10 ft. to 1 ft. 6 in.

Purpose and Scope: The existing freestanding sign located on the property does not 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 is requesting the variation due to the location of underground utilities directly north of the existing sign and the potential for interference with the parking lot if the sign were to be relocated to meet the setback requirement. Therefore, the applicant is requesting this variation to allow the sign to remain in its current location after the October 16, 2014 compliance deadline.

Existing Land Use: Commercial

Existing Zoning: BC Community Business District



CITY OF ST. CHARLES

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

FOR OFFICE USE
Received <u>9/25/2014</u>
File # <u>V-6-2014</u>
Fee Paid \$ <u>300.</u>
Receipt <u>474504-check #3191</u>

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* Melia Linardos Phone 630 660 4643
Address/City/State/Zip 550 Geneva Ct, Geneva IL 60134
Applicant's interest in the property President - owner
Name and Phone of Owner(s) of Record* KFP Family Assoc., L.P., 630 660 4643

Applicant is (check one) Attorney Agent Owner Other: _____
Owner acquired the property on (date): 1950's?

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 2536 E. Main St.
Present Use (commercial, industrial, residential, etc.) Commercial - Bosa Donuts
Zoning District BC
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) 9 ft. 6" 8 foot set back variation to allow an existing sign to be lowered to be in compliance with the current zoning district
- B. Reason for request Due to locations of underground utilities and parking limitations
- C. Explanation of purpose for which property will be used Current use is business use and there will not change in use.

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? Due to the underground utilities and parking limitation, including cable, city sewer, and gas.
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) Shared access of driveway for 2 businesses. Reduced space in parking lot area due to re-construction of the parking lot.
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) Yes. To comply with the city's amortization sign requirements by June of 2015.
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) No - there are utilities, city sewer main running north of existing sign.
- 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 the required parking spaces and the amortization requirements.

HARMONY WITH GENERAL PURPOSE AND INTENT:

- A. Will the proposed variation alter the essential character of the property? (explain) No
All existing businesses have existing free-standing signs.

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. If the sign was moved it would be over public utilities that need to be maintained.

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.
If it was relocated it would be in the parking lot and it would be a hazard to drivers. Recent improved parking lot and landscape better to enhance the property. Sign value would be lowered to further increase property value.

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 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.

Melia Linardos
Signature of Applicant or agent

Melia Linardos
Print name of applicant/agent

9/25/14
Date

Tula Ellis
Signature of owner

Tula Ellis
Print name of owner

9/25/14
Date

**KFP Family Associates, L.P.
Kacheres Management Co., LLC
550 Renee Ct.
Geneva, IL 60134
630-232-7622**

September 25, 2014

City of St. Charles

Please be advised as managing partners of Kacheres Management Co., LLC that runs KFP Family Associates, L.P. authorizes Melia Linardos to be the acting agent to handle the variation request for the sign at 2536 E. Main St., (Bosa Donuts).

Regards,


Georgia Mangos Darras


Tula Ellis



City of St. Charles, Illinois
 Two East Main Street, St. Charles, IL 60174-1984
 Phone: 630-377-4400 Fax: 630-377-4440 - www.stcharlesil.gov

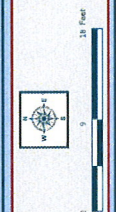
Precision GIS

RAYMOND ROGINA Mayor
MARK KOENEN City Administrator



Sewer line
 ↘

Data Source:
 Aerial Imagery: City of St. Charles, Illinois
 Vector Data: City of St. Charles, Illinois
 Drape: County, Illinois
 Coordinate System: Illinois State Plane East
 North American Datum 1983
 Project on: September 25, 2024 01:57 PM



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PLAT OF SURVEY
DALE FLOYD LAND SURVEYING L.L.C.
 2600 HESLINGER ROAD SUITE A
 GENEVA, ILLINOIS 60134
 PHONE: 630-232-7755 FAX: 630-232-7775



THAT PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 24 NORTH, RANGE 8 EAST OF THE THIRD NORTHWEST QUARTER, QUARTER 134, RANGE 8 EAST, COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER, THE EAST LINE OF SAID QUARTER, COMMENCING AT THE POINT OF BEGINNING, BEARING S75°25'10\"/>



State of Illinois S.S.
 County of Kane
 Dale Floyd Land Surveying L.L.C.
 Professional design firm, License No. 004-004129
 Do hereby certify that the above described plat was prepared and surveyed in the manner represented on the plat and is a true and correct representation thereof.
 Dimensions are shown in feet and decimal parts thereof.
 Geneva, Illinois 11-27 A.D. 2014
 Illinois Professional Land Surveyor No. 035-002976

NOTE: This professional conforms to the current Illinois standards for a secondary survey.
 Compare all points to the original survey once before any other work is done.
 Structure located on this plat is a secondary survey.
 Illinois Professional Surveyor No. 035-002976
 Job No. 000314-3 License expiration date 11-30-2014



KFP Peach Acres, L.P.
 McCallum Ranch, L.P.
 550 Renee @ Geneva Dr. 60134
 630-250-7630

Existing sign at 2536 E. 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

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.