

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-2-2015
LOCATION: 2115 W. MAIN ST.

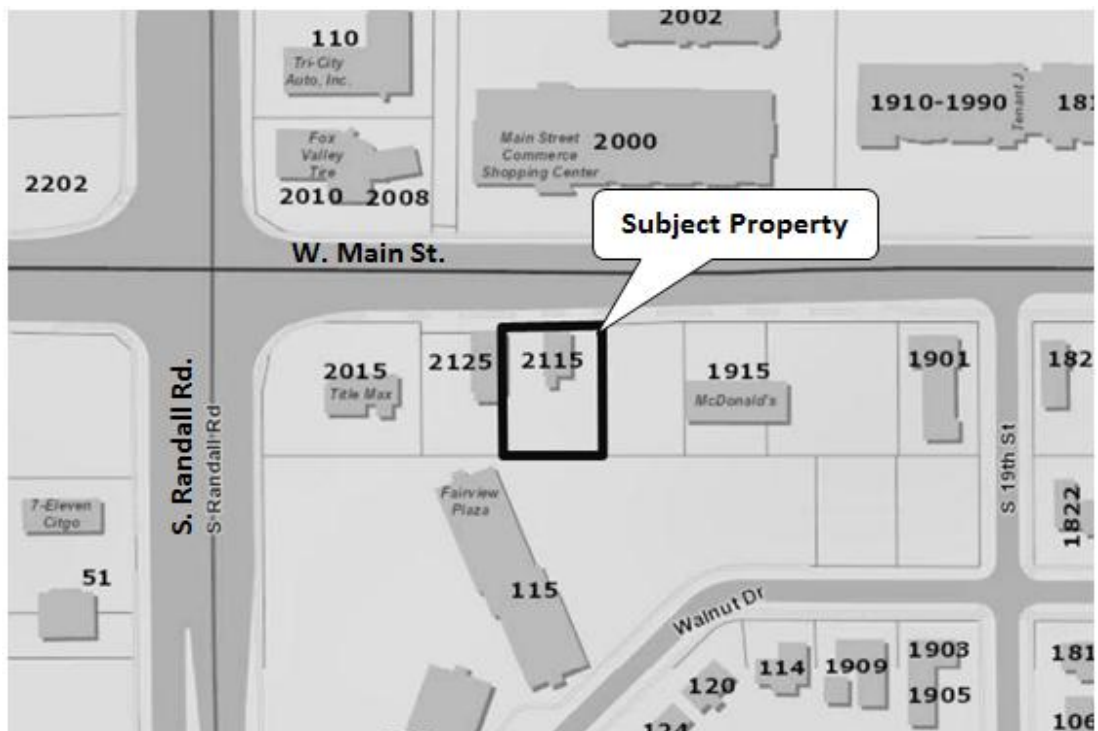
Requested Action: Zoning variation to reduce the right-of-way setback requirement for a freestanding sign from 10 ft. to 4 ft. 6 in.

Purpose and Scope: The existing freestanding sign located on the property does not meet the right-of-way 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 June 16, 2015, or 15 years after the sign is erected, whichever is later.

The applicant is requesting the variation due to the location of the building and concern that the sign will no longer be visible for vehicles traveling east on W. Main St. if the sign is relocated to comply with the 10 ft. setback requirement. Therefore, the applicant is requesting this variation to allow the sign to remain in its current location after the June 16, 2015 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 4/15/15
File # V-2-2015
Fee Paid \$ 300.00
Receipt _____

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* SPIRO DOUVRIS - BEEF SHACK
Phone 630-380-4444 Email Address sbd@beefshack.com
Address/City/State/Zip 830 N. ROSELLE RD., HOFFMAN ESTATES, IL, 60169
Applicant's interest in the property BUSINESS - RESTAURANT
Name and Phone of Owner(s) of Record* ZANNIS, MENELADS + CHRISOULA
PH: (630)377-8316
Applicant is (check one) Attorney Agent Owner Other: TENANT
Owner acquired the property on (date): 8/1/87

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 2115 W. MAIN ST., SAINT CHARLES, IL 60174
Present Use (commercial, industrial, residential, etc.) COMMERCIAL
Zoning District BL
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) 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): REQUEST FOR SIGN TO BE 4'-6"
FROM PROPERTY LINE.
- B. Reason for request: DUE TO SIGN BEING CUT TO REQUIRED HEIGHT
THE SET BACK REQUIRED OF 10' WILL BE BLOCKED BY OWNER'S
BUILDING MAKING DIFFICULT FOR CUSTOMERS TO FIND LOCATION
- C. Purpose for which property will be used: PYION SIGN FOR BUSINESS
IDENTIFICATION

CRITERIA FOR VARIATION:

The Board of Zoning Appeals may approve a Variation only when it makes written findings with respect to each requested Variation, based upon the evidence presented at the public hearing, that strict compliance with the regulations and standards of the Zoning Ordinance would create practical difficulties or particular hardships for the subject property, and the requested Variation is consistent with the stated purposes and intent of the Zoning Ordinance.

In making its determination of whether practical difficulties or particular hardships exist, the Board of Zoning Appeals must take into consideration the extent to which evidence has been submitted substantiating the criteria have been met.

Provide a response under each item to substantiate that the requested variation meets the criteria:

1. Do the particular physical surroundings, shape or topographical condition of the specific property involved result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out? (Explain)

REQUIRED SETBACK OF 10' WILL RESULT IN SIGN BEING
BLOCKED FROM ON COMING TRAFFIC BY OWNER'S BUILDING
CUSTOMER FEAR LOSS OF BUSINESS.

2. Are the conditions upon which the petition for a Variation is based applicable, generally, to other property within the same zoning classification? (Explain)

NO, THE EXISTING BUILDING IS LOCATED CLOSER TO MAIN ST.
THAN THE BL ZONING CLASSIFICATION CURRENTLY REQUIRES FOR
NEW CONSTRUCTION

3. Is the purpose of the Variation based exclusively upon a desire to make more money out of the property? (Explain)

NO, THE SIGN IS USED FOR BUSINESS IDENTIFICATION. REQUIRING
THE 10 FT. SETBACK WOULD RESULT IN A LOSS OF BUSINESS
DUE TO LACK OF VISIBILITY.

4. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property? (Explain)

IDOT ACQUIRED 10 FT. OF RIGHT-OF-WAY IN 2007, CREATING
THE NON CONFORMING SETBACK FOR THE SIGN.

5. Will the Variation, if granted, alter the essential character of the neighborhood? (Explain)

NO, SIGN POLE WILL REMAIN IN SAME LOCATION. ONLY TOP SECTION
WILL BE RE-LOCATED TO OPPOSITE SIDE OF SIGN POLE.

6. Will granting of the Variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (Explain)

SIGN HEIGHT WILL BE TO CODE. VARIANCE WILL ONLY BE FOR SETBACK

7. Will the proposed Variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood? (Explain)


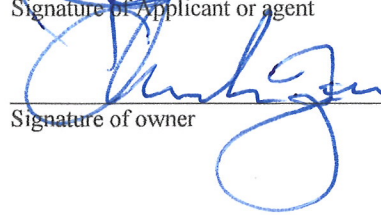
NO, SIGN ^{HEIGHT} WILL COMPLY TO CODE. VARIANCE WILL ONLY BE FOR
SETBACK.

ATTACHMENTS REQUIRED:

- A. **PLAT OF SURVEY:** One (1) copy of a plat of survey (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. **MAILING LIST:** A written certified list (form attached) containing the registered owners, their mailing 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. Registered owner information may be obtained at the St Charles Township Assessor's office, 1725 Dean St., St. Charles, (630) 584-2040. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Ave., Geneva, and (630) 232-5935. The DuPage County Recorder of Deeds is located in the DuPage County Government Center, 421 N. County Farm Rd., Wheaton, and (630) 682-7200.
- C. **FILING FEE:** 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. (NOTE: After the public hearing, you will be billed for the City's fees incurred during review of the application, including the cost of the certified mailing, newspaper notice publication, and Court Reporter at the hearing. This payment is in addition to the filing fee.)

- D. LETTER OF AUTHORIZATION: Letter of authorization from the property owner as to the request for the zoning variation must be included, if the applicant is not the property owner.
- E. DISCLOSURE: Disclosure of beneficiaries of a land trust must be included, if the applicant or owner is a land trust.

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 of Applicant or agent | <u>SPIRO DOUVRIS</u> Print name of applicant/agent | <u>3/20/15</u> Date |
|  Signature of owner | <u>CHRIS ZANNIS</u> Print name of owner | <u>3/21/15</u> Date |

March 18th, 2015

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

FROM: Spiro Douvris / Beef Shack
2115 W. Main Street
St. Charles, IL 60174


RE: BEEF SHACK OWNER AUTHORIZATION

To whom it may concern,

Please accept this letter as authorization for Moran Signs & Lighting, Inc. (Victoria Moritez)
to act on my behalf regarding my pylon sign zoning variation for my business (BEEF SHACK)
property located at 2115 W. Main St. in St. Charles, IL. On 5/28/15, 2015 at
7:00pm at Zoning Board of Appeals Meeting. DATE TO BE DETERMINED
BY CITY OF ST. CHARLES

If there is any question or concern I (Spiro Douvris) can be reached at 630-380-4444.

Sincerely,



Spiro Douvris
Owner
Beef Shack

LETTER OF AUTHORIZATION

Proposal #14909 Beef Shack.pdf

Variance Application.pdf

Mailing List.pdf

March 19th, 2015

To Whom It May Concern:

This letter is to inform you that my name is CHRIS ZANNIS and I am the owner of the property located at **2115 W. Main St, Saint Charles, IL 60174**

I have leased the location **2115 W. Main St.**, to SPICE DOUVREIS who is authorized to occupy the **2115 W. Main St.** location and to put up sign on the premises for his/her business and may apply for a zoning variation if needed.

Please call me at 630-596-6661 if you have any questions.

Sincerely,
[Signature]
CHRIS ZANNIS

Store Front= 25.10' +/-
 Property Frontage= 111.22' +/-
 Sign Dimensions= 5' x 5'
 Above Ground= 6'-8" +/-

PROPOSED SIGN
Total Sign Area = 42.25 SQ. FT.

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

EXISTING SIGN
42.25 SQ. FT. Total Sign Area



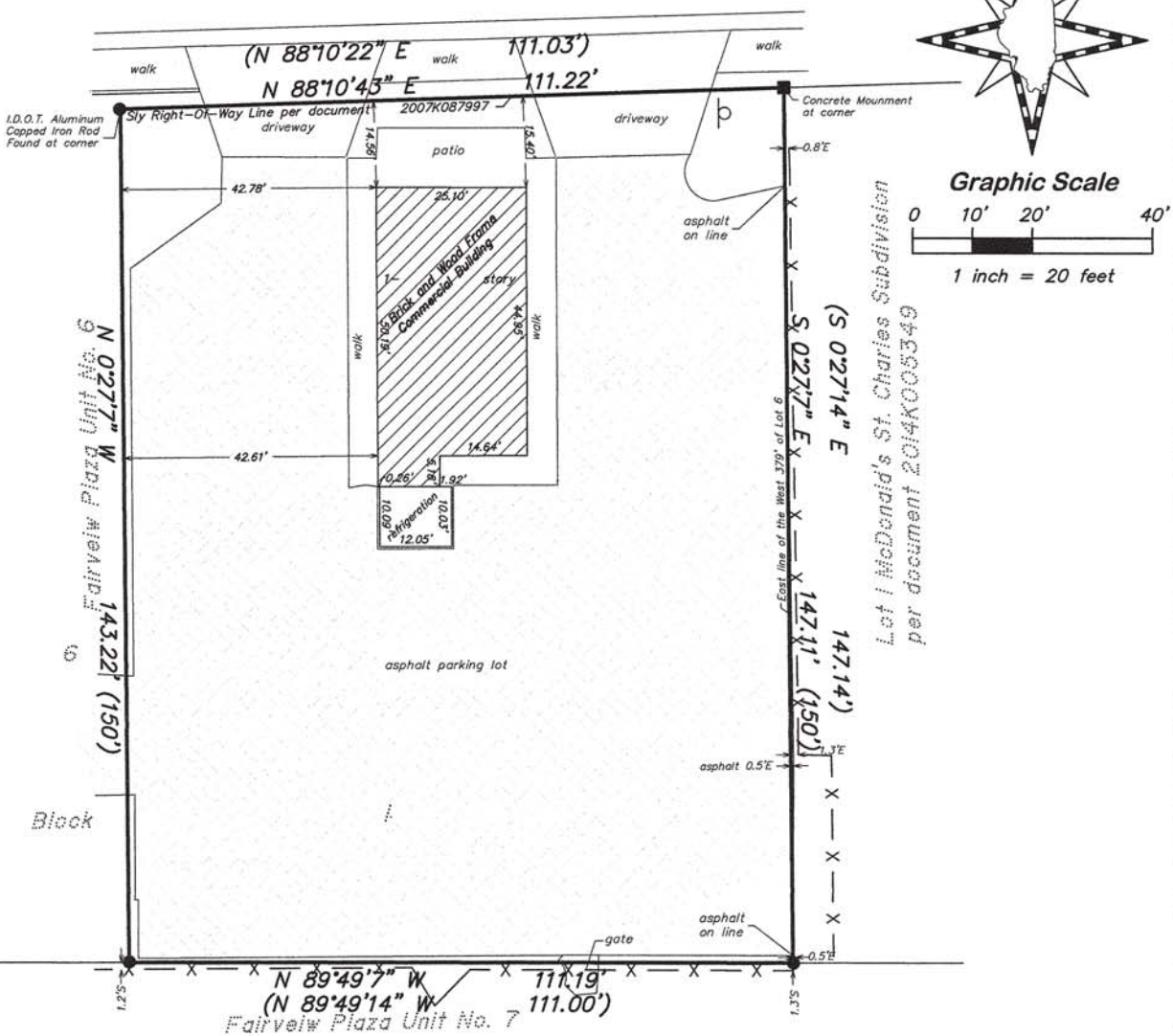
Relocating Top section of Existing Pylon sign on property bring to proper height to comply with city ordinance



| PROJECT | DRAWING NO. | CUSTOMER APPROVAL | LANDLORD APPROVAL | REVISIONS | |  | | | | | | | | |
|--|---|--------------------------|--------------------------|--|------|---|-------------|--|--|--|--|--|--|--|
| Beef Shack 2115 W. Main St. St. Charles, IL | SHEET 1 OF 1 SCALE: SALESPERSON: GM DATE: 04-07-15 | BY: _____ DATE: _____ | BY: _____ DATE: _____ | <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table> | 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! |
| DATE | DESCRIPTION | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

Plat of Survey of Part of Lot 6 Block 1 Fairview Plaza Unit No. 6 St. Charles Kane County Illinois

Main Street (Illinois Rte. 64)



State of Illinois)
County of Kane)

This is to certify that I, Carol Sweet-Johnson, an Illinois Professional Land Surveyor of Johnson-Western Surveying, L.L.C. (Illinois Professional Design Firm No. 184-005518), have surveyed and located the improvements on The Easterly 111 feet of the Westerly 379 Feet measured along the Southerly Line, of Lot 6 in Block 1 of Fairview Plaza, Unit No. 6 in the City of St. Charles, Kane County, Illinois as shown by the plat hereon drawn which is a correct representation of said survey and this professional service conforms to the current Illinois Minimum Standards for a Boundary Survey. All distances are given in feet and decimal parts thereof.

● Indicates iron stake

Dated at Geneva, Illinois, March 31, 2015.

Meas. Indicates measured data

(60') Indicates record data

▭ Indicates asphalt surface

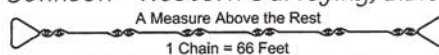
▭ Indicates concrete surface

-x-x-x-x-x- Indicates center line of fence

b Indicates sign

Illinois Professional Land Surveyor No. 3342
License Expiration Date: November 30, 2016

Prepared by:
Johnson - Western Surveying, L.L.C.



A Measure Above the Rest
1 Chain = 66 Feet

825 W. State Street, Suite 207
Geneva, Illinois 60134

(630) 845-3166 (630) 715-5959 cell

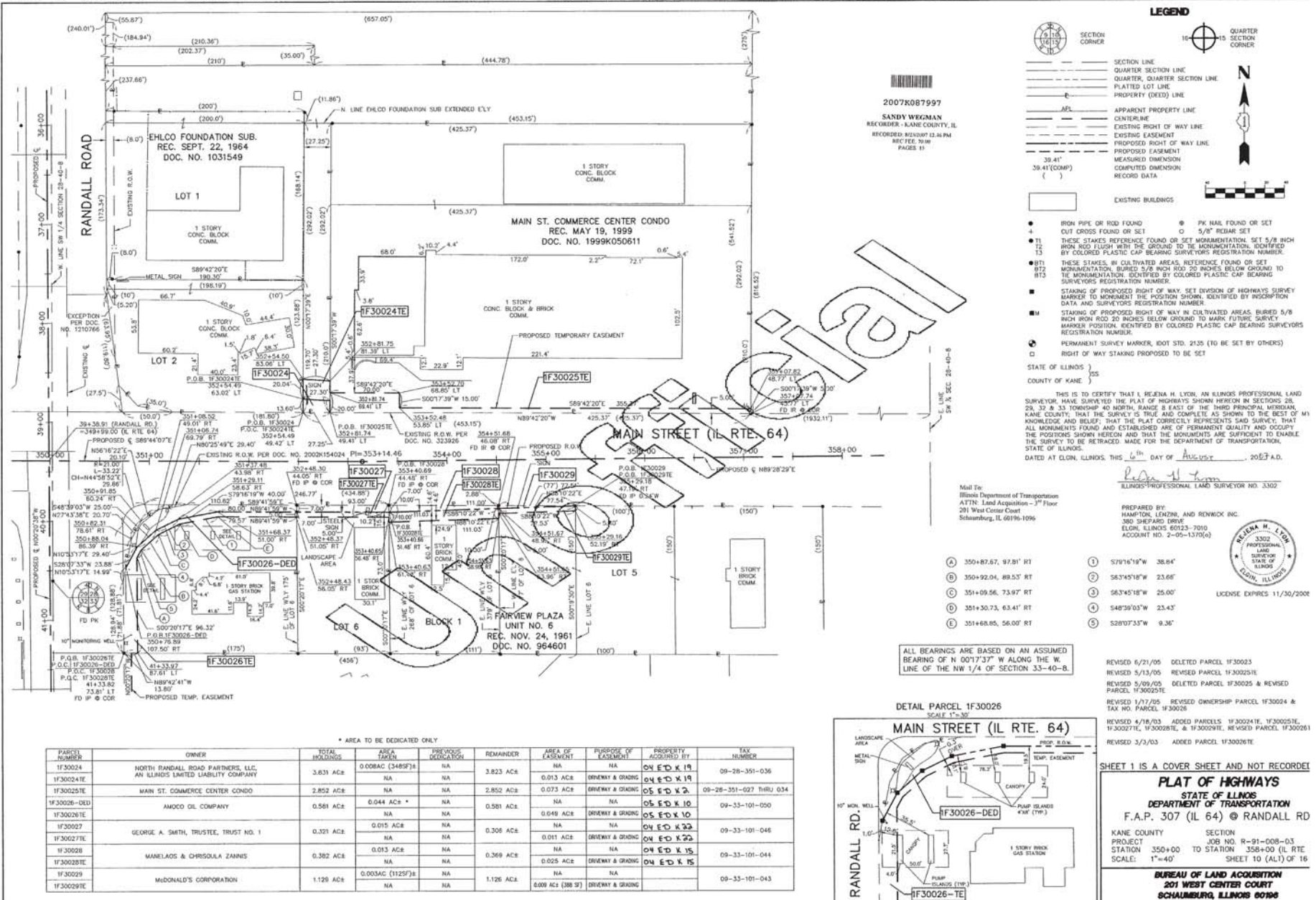
Copyright © 2015 Johnson-Western Surveying, L.L.C.

Ordered by & Prepared for:
Spiro Douvris



| | |
|------------------------------|-------------------|
| Field Bk/Page No: 12/145-146 | S-T-R: 28-40-8 |
| File Name: Survey_work | Drawn by: C S-J |
| Directory: C:\Proj\2015-032 | Job No.: 2015-032 |

PART OF SECTIONS 28 & 33, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS.



2007K087997
 SANDY WEKMAN
 RECORDER - KANE COUNTY, IL
 RECORDED: 04/20/07 12:46 PM
 REC. FEE: \$9.00
 PAGES: 11

LEGEND

- SECTION CORNER
- QUARTER SECTION CORNER
- SECTION LINE
- QUARTER SECTION LINE
- QUARTER, QUARTER SECTION LINE
- PLATTED LOT LINE
- PROPERTY (DEED) LINE
- MEL
- APPARENT PROPERTY LINE
- CENTERLINE
- EXISTING RIGHT OF WAY LINE
- EXISTING EASEMENT
- PROPOSED RIGHT OF WAY LINE
- PROPOSED EASEMENT
- MEASURED DIMENSION
- COMPUTED DIMENSION
- RECORD DATA
- EXISTING BUILDINGS

- IRON PIPE OR ROD FOUND
- CUT CROSS FOUND OR SET
- 5/8" IRON SET
- 5/8" IRON ROD FOUND OR SET MONUMENTATION, SET 5/8" FROM ROAD FLUSH WITH THE GROUND TO THE MONUMENTATION, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- BTI THESE STAKES, IN CULTIVATED AREAS, REFERENCE FOUND OR SET MONUMENTATION, BURIED 2 1/2 INCH ROD 20 INCHES BELOW GROUND TO THE MONUMENTATION, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- STAKING OF PROPOSED RIGHT OF WAY, SET DIVISION OF HIGHWAYS SURVEY MARKER TO MONUMENT THE POSITION SHOWN, IDENTIFIED BY RECORDATION DATA AND SURVEYORS REGISTRATION NUMBER.
- STAKING OF PROPOSED RIGHT OF WAY IN CULTIVATED AREAS, BURIED 5/8 INCH IRON ROD 20 INCHES BELOW GROUND TO MARK FUTURE SURVEY MARKER POSITION, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- PERMANENT SURVEY MARKER, IRON STD. 2135 (TO BE SET BY OTHERS)
- RIGHT OF WAY STAKING PROPOSED TO BE SET

THIS IS TO CERTIFY THAT I, REGINA H. LYON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED THE PLAT OF HIGHWAYS SHOWN HEREON IN SECTIONS 28, 29, 32 & 33 TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY; THAT ALL MONUMENTS FOUND AND ESTABLISHED ARE OF PERMANENT QUALITY AND OCCUPY THE POSITIONS SHOWN HEREON AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED FOR THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS.

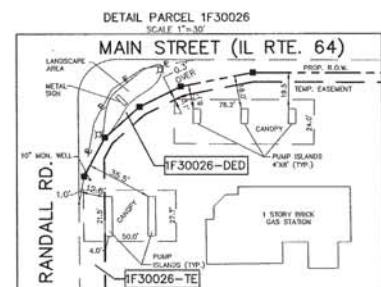
DATED AT ELGIN, ILLINOIS, THIS 11th DAY OF AUGUST, 2007 A.D.

Mail To:
 Illinois Department of Transportation
 ATTN: Land Acquisition - 3rd Floor
 201 West Coast Court
 Schaumburg, IL 60196-1096

REGINA H. LYON
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3302

- PREPARED BY:
 HAMPTON, LENZKE, AND RENKOW INC.
 380 SHEPARD DRIVE
 ELGIN, ILLINOIS 60123-7010
 ACCOUNT NO. 2-09-1370(a)
- LICENSE EXPIRES 11/30/2008
- A 350+87.67, 97.81' RT
 - B 350+92.04, 89.53' RT
 - C 351+09.56, 73.97' RT
 - D 351+30.73, 63.41' RT
 - E 351+68.80, 56.00' RT
 - 1 57°14'19"W 38.84'
 - 2 58°45'18"W 23.66'
 - 3 58°45'18"W 25.00'
 - 4 54°39'03"W 23.43'
 - 5 52°07'35"W 9.36'

ALL BEARINGS ARE BASED ON AN ASSUMED BEARING OF N 00°17'37" W ALONG THE W. LINE OF THE NW 1/4 OF SECTION 33-40-8.



REVISED 6/21/05 DELETED PARCEL 1F30023
 REVISED 5/13/05 REVISED PARCEL 1F30025E
 REVISED 5/09/05 DELETED PARCEL 1F30025 & REVISED PARCEL 1F30025E
 REVISED 1/17/05 REVISED OWNERSHIP PARCEL 1F30024 & TAX NO. PARCEL 1F30028
 REVISED 4/18/03 ADDED PARCELS: 1F30024E, 1F30025E, 1F30027E, 1F30028E, 1F30029E, REVISED PARCEL 1F30026E
 REVISED 3/3/03 ADDED PARCEL 1F30026E

SHEET 1 IS A COVER SHEET AND NOT RECORDED

PLAT OF HIGHWAYS
 STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION
 F.A.P. 307 (IL 64) @ RANDALL RD

KANE COUNTY SECTION
 PROJECT 350+00 TO STATION 358+00 IL RTE.
 SCALE: 1"=40' SHEET 10 (AL) OF 16

BUREAU OF LAND ACQUISITION
 801 WEST CENTER COURT
 SCHAMBURG, ILLINOIS 60196

* AREA TO BE DEDICATED ONLY

| PARCEL NUMBER | OWNER | TOTAL ACRES | AREA TAKEN | PREVIOUS DEDICATION | REMAINDER | AREA OF EASEMENT | PURPOSE OF EASEMENT | PROPERTY ACQUIRED BY | TAX NUMBER |
|---------------|---|-------------|-----------------|---------------------|-----------|--------------------|---------------------|----------------------|------------------------|
| 1F30024 | NORTH RANDALL ROAD PARTNERS, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY | 3.831 AC± | 0.008AC (3489)± | NA | 3.823 AC± | NA | NA | 04 E D K 19 | 09-28-351-036 |
| 1F30024E | | | NA | NA | | 0.013 AC± | DRIVEWAY & GRADING | 04 E D K 19 | |
| 1F30025E | MAIN ST. COMMERCE CENTER CONDO | 2.852 AC± | NA | NA | 2.852 AC± | 0.073 AC± | DRIVEWAY & GRADING | 05 E D K 22 | 09-28-351-027 THRU 034 |
| 1F30026-DED | AMOCO OIL COMPANY | 0.581 AC± | 0.044 AC± | NA | 0.581 AC± | NA | NA | 05 E D K 10 | 09-33-101-050 |
| 1F30027E | | | NA | NA | | 0.048 AC± | DRIVEWAY & GRADING | 05 E D K 10 | |
| 1F30027 | GEORGE A. SMITH, TRUSTEE, TRUST NO. 1 | 0.321 AC± | 0.015 AC± | NA | 0.306 AC± | NA | NA | 04 E D K 22 | 09-33-101-046 |
| 1F30027E | | | NA | NA | | 0.011 AC± | DRIVEWAY & GRADING | 04 E D K 22 | |
| 1F30028 | MANELAGS & CHRISOLA ZANNIS | 0.382 AC± | 0.013 AC± | NA | 0.369 AC± | NA | NA | 04 E D K 15 | 09-33-101-044 |
| 1F30028E | | | NA | NA | | 0.025 AC± | DRIVEWAY & GRADING | 04 E D K 15 | |
| 1F30029 | MCDONALD'S CORPORATION | 1.129 AC± | 0.003AC (1125)± | NA | 1.126 AC± | NA | NA | 04 E D K 15 | 09-33-101-043 |
| 1F30029E | | | NA | NA | | 8.009 AC± (388 3') | DRIVEWAY & GRADING | | |