

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-3-2015
LOCATION: 1625 E. MAIN ST.

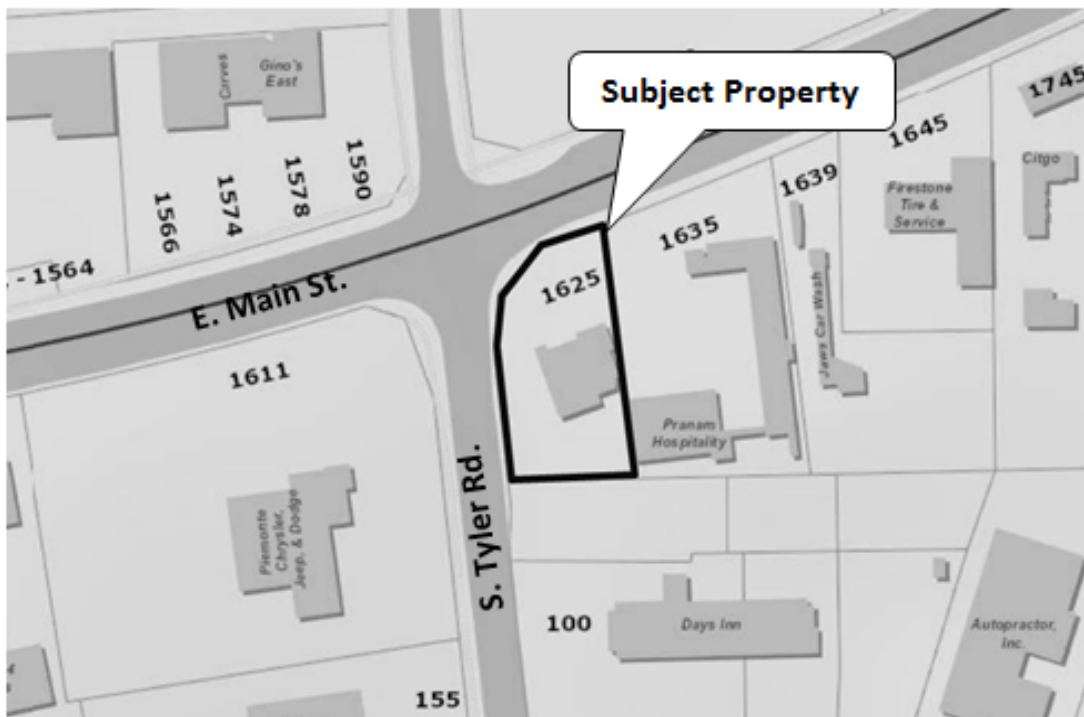
Requested Action: Zoning variation to reduce the right-of-way setback requirement for a freestanding sign from 10 ft. to 0 ft.

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 concern that if the sign is relocated to comply with the 10 ft. setback requirement, the sign will be blocked from view by the nearby traffic signal pole. 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: BC Community Business District



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



| | |
|----------------|-----------------|
| FOR OFFICE USE | |
| Received | <u>4/22/15</u> |
| File # | <u>V-3-2015</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* Thomas S. Anderson ACPESC, LLC
 Phone 630-247-9592 Email Address Tom.Anderson@colonialcafe.com
 Address/City/State/Zip 333 N. Pandal Rd Ste 60174
 Applicant's interest in the property owner
 Name and Phone of Owner(s) of Record* (as above)

Applicant is (check one) Attorney Agent Owner Other: _____
 Owner acquired the property on (date): 1959

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 1625 E. Main St.
 Present Use (commercial, industrial, residential, etc.) Commercial
 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 _____
 Appeal approved? (yes or no) _____
 Appeal Application accompanies this request for variation? (yes or 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): Set back of Extg Sign
after IDOT property purchase is 0 feet.
- B. Reason for request: (see attached statement)
- C. Purpose for which property will be used: Extg commercial use as
a restaurant

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)

The center line of Rt. 64 on the curve has not changed. Due to the Rt. 64 improvement projects, all signs along Rt. 64 at 10 feet set back are the same distance from the center line as the current location of the Colonial sign. The Colonial sign would be set back further than other signs on the south side of Rt. 64 if moved.

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

Yes, for the properties along Rt. 64 that have been impacted due to the Rt. 64 improvement projects (see above).

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

No, just to maintain its value.

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

No, the sign was in compliance until IDOT took property for the radius of the right turn lane from Tyler Road. Property was also taken on two different Route 64 improvement projects (see survey).

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

No. In 1959, the design of the property put the sign centered in a unique curved parking lot. The sign was located over 10 feet from the R.O.W. (see survey).

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)

No, a sign has been in existing location since 1959.

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, a sign has been in existing location since 1959; no change.

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

Print name of applicant/agent

Date



Signature of owner

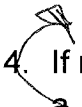
Thomas S. Anderson

Print name of owner

22 Apr 15

Date

Reasons for request: Allow sign to remain in current location and not set back 10 feet. Sign will be lowered and reduced in size.

1. In 1959, the design of the property put the sign centered in a unique curved parking lot. The sign was located over 10 feet from the R.O.W. (see survey).
2. The sign was in compliance until IDOT took property for the radius of the right turn lane from Tyler Road. Property was also taken on two different Route 64 improvement projects (see survey).
3. The center line of Route 64 on the curve has not changed. Now all signs along Route 64 at 10 feet set back are the same from the center line as the current location of the Colonial sign.
4.  If moved:
 - a. The Colonial sign would be set back further than other signs on the south side of Route 64 (see photo).
 - b. From the west, the set back of 10 feet from its current location would place the sign behind the traffic signal pole and limit visibility. The traffic signal pole is 18 inches in diameter and only 25 feet west of the sign (see photo). (The sign is 10 feet wide. If moved 10 feet, the pole would be in front and restrict viewing from all angles at a distance.)

**OWNERSHIP DISCLOSURE FORM
LIMITED LIABILITY COMPANY (L.L.C.)**

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Tom S. Anderson, being first duly sworn on oath depose and say that I am
Manager of ACP ESC, LLC, an Illinois Limited Liability
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

Thomas S. Anderson _____

LOCATION: 1025 E. Main St. Ste 60174

By: Tom S. Anderson, Manager

Subscribed and Sworn before me this 13 day of
May, 20 15.

Dubbi Beckman
Notary Public

Jer Road

metal sign

R=3769.85'
L=177.79'
CH=177.79'
CB=N68°03'11"W

Proposed R.O.W. line

F.A.

found crimp
0.03'E.

55.80'
S74°09'54"E

(5251)

25.00'
N07°54'09"W

IECO116

walk

existing R.O.W. line,
per doc. no. 322667

P.T. STA 115+74.05

found p.k. nail,
0.03'N. & 0.09'W.

(7044)

found p.k. nail,
0.07'N. & 0.10'W.

(7040)

N 68° 51' 02" E

R=3869.85'
L=10.51'
CH=10.51'
CB=S67°46'48"W

R=15.00'
L=26.62'
CH=23.26'
CB=N58°44'57"W

PROP. CURVE 64-3
R.O.W.
1959

R=3869.85'
L=4.84'
CH=4.84'
CB=N70°06'27"E

(6379)

R=3869.85'
L=80.00'
CH=80.00'
CB=N69°33'04"E

entrance
R=3869.85'
L=75.16'
CH=75.16'
CB=N69°30'55"E

found pipe
0.25'N.

R=3869.85'
L=84.89'
CH=84.89'
CB=N68°19'50"E

(5309)

POB IEC0118TE

L=74.38'
CH=74.38'
N68°24'30"E

(6127)

POC IEC0118TE
POB IEC3115TE

PROP. CURVE 64-3
PI STA. =112+34.13
Δ =10° 16' 25" (LT)
D =1° 30' 26"
R =3,801.68'
T =341.76'
L =681.68'
E =15.33'
e =
T.R. =
S.E. RUN =
P.C. STA =108+92.37
P.T. STA =115+74.05

existing R.O.W.
line per doc.
no. 2003K205853

57.67'(57.86')
N50°15'02"E

(5335)

12'x1'
metal sign

(5244)

parking lot

TEMPORARY
CONSTRUCTION
EASEMENT
IEC3115TE

Delnor Ind.
rec'd November 14,

28.47'
N06°34'52"W

(5380)

55.45'(55.45')
N06°58'37"E

(5362)

70.61'
N43°26'02"E

(5244)

67.5'

(5239)

3.13'x4.33' E

(5362)

70.67'
N03°05'24"E

(5333)

18.0'

17.0'

17.6'

33.3'

33.5'

6.0'

24.8'

10.0'

19.9'

31.6'

11.2'

SEE CONTINUATION

Tyler Road

1238.27'
N06°34'52"W

506°34'52"E

88.67'
168.91'

506°34'52"E

10.0'

31.6'

11.2'

19.9'

10.0'

24.8'

6.0'

33.5'

33.3'

17.6'

17.0'

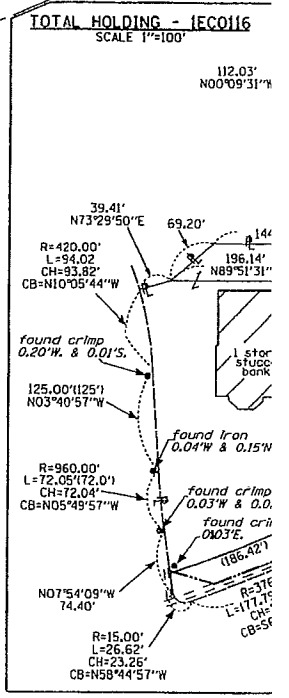
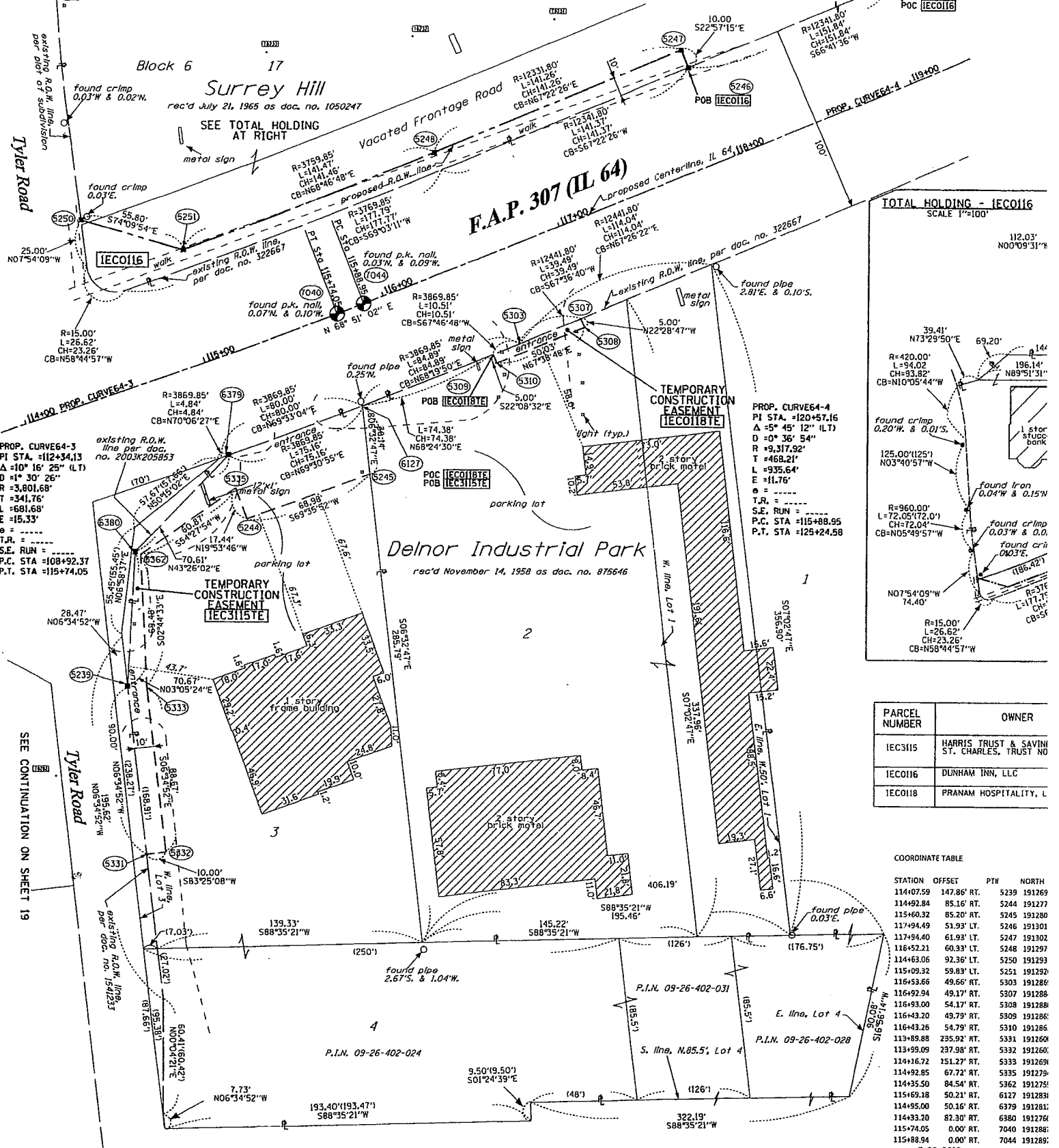
18.0'

3

bric

PART OF THE SE 14 OF SECTION 26, TWP. 40 N., R. 8 E. OF THE 3RD. P.M., IN KANE COUNTY, ILLINOIS

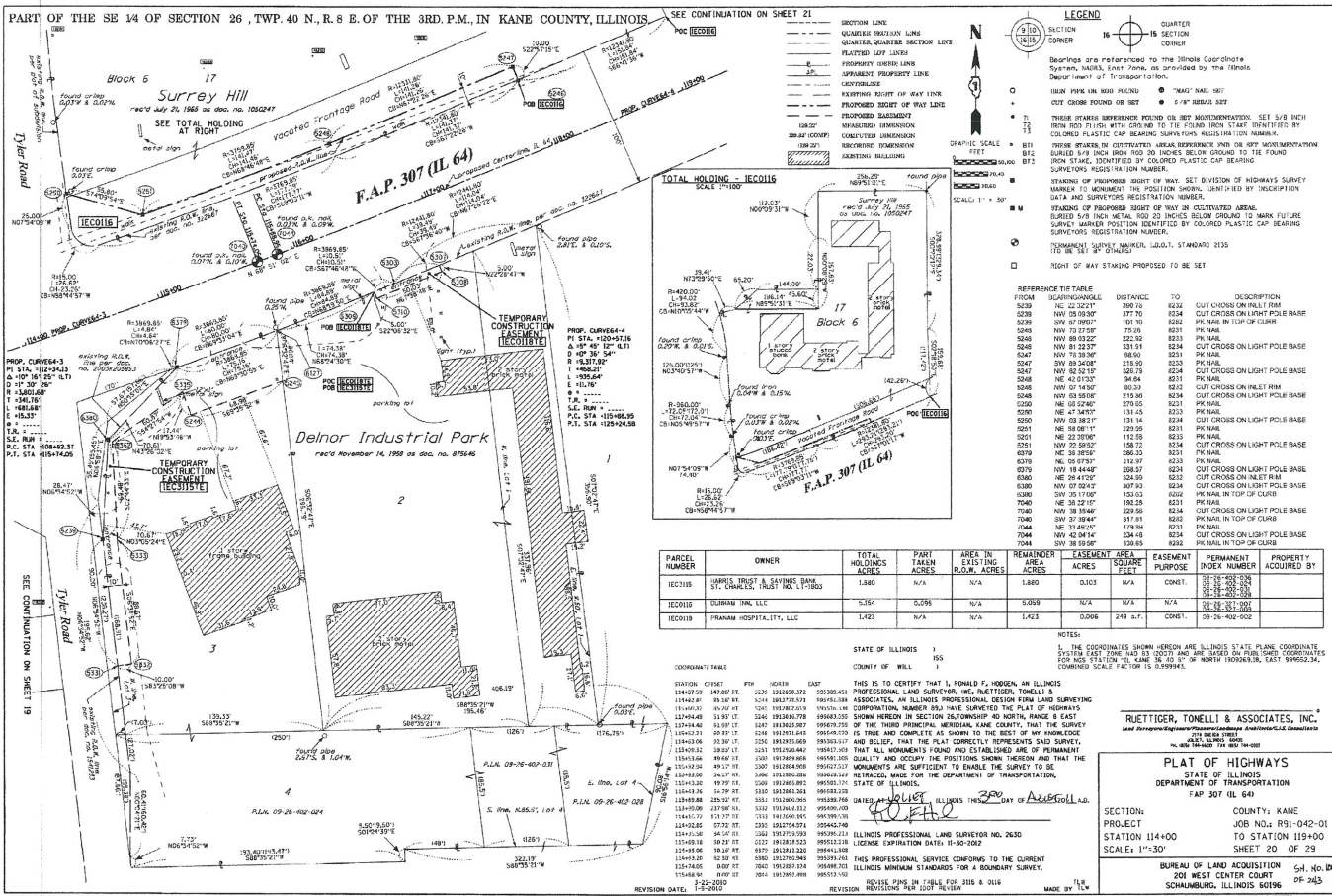
SEE CONTINUATION ON SHEET



| PARCEL NUMBER | OWNER |
|---------------|---|
| IEC315 | HARRIS TRUST & SAVINI ST. CHARLES, TRUST NO |
| IEC016 | DUNHAM INN, LLC |
| IEC018 | PRANAM HOSPITALITY, L |

| COORDINATE TABLE | | | |
|------------------|-------------|-----|-------------|
| STATION | OFFSET | PTH | NORTH |
| 114407.59 | 147.86' RT. | | 5239 191269 |
| 114492.84 | 85.16' RT. | | 5244 191277 |
| 115460.32 | 85.20' RT. | | 5245 191280 |
| 117494.49 | 51.93' LT. | | 5246 191301 |
| 117494.40 | 61.93' LT. | | 5247 191302 |
| 116452.21 | 60.33' LT. | | 5248 191297 |
| 114463.06 | 92.36' LT. | | 5250 191293 |
| 115409.32 | 59.83' LT. | | 5251 191292 |
| 116453.66 | 49.66' RT. | | 5303 191286 |
| 116493.00 | 54.17' RT. | | 5307 191288 |
| 116443.20 | 49.79' RT. | | 5309 191286 |
| 116443.26 | 54.79' RT. | | 5310 191286 |
| 113489.88 | 295.92' RT. | | 5331 191260 |
| 113499.09 | 297.98' RT. | | 5332 191260 |
| 114416.72 | 151.27' RT. | | 5333 191269 |
| 114492.85 | 67.72' RT. | | 5335 191279 |
| 114435.50 | 84.54' RT. | | 5362 191275 |
| 114433.20 | 82.30' RT. | | 6380 191276 |
| 115474.05 | 0.00' RT. | | 7040 191288 |
| 115488.94 | 0.00' RT. | | 7044 191289 |

REVISION DATE: 3-22-2010 1-5-2010



| PARCEL NUMBER | OWNER | TOTAL HOLDINGS ACRES | PARCEL TAKEN ACRES | AREA IN EXISTING D.O.M. ACRES | RESIDUAL AREA ACRES | EASEMENT ACRES | AREA SQUARE FEET | EASEMENT PURPOSE | PERMANENT INDEX NUMBER | PROPERTY ACQUIRED BY |
|---------------|---|----------------------|--------------------|-------------------------------|---------------------|----------------|------------------|------------------|------------------------|----------------------|
| 100018 | HARRIS TRUST & SAVINGS BANK ST. CHARLES, TRUST NO. 1-1900 | 1.880 | N/A | N/A | 1.880 | 0.000 | N/A | N/A | N/A | 02-18-102-001 |
| 100019 | DELRAN INC. LLC | 5.754 | 0.098 | N/A | 0.098 | N/A | N/A | N/A | N/A | 02-18-102-002 |
| 100019 | FRANCO HOSPITALITY, LLC | 1.423 | N/A | N/A | 1.423 | 0.006 | 219.57 | CONV. | 02-18-102-002 | |

NOTES:
1. THE COORDINATES SHOWN HEREON ARE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83 (2011) AND ARE BASED ON FULL SURVEY COORDINATES FOR NSD STATION 17, NAD 83 (2011) AT NORTH BOUNDARY, EAST PROGRESS, COMMON SCALE FACTOR IS 0.999945.

STATE OF ILLINOIS)
COUNTY OF WILL)
I, RONALD F. HODSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, ME, RUTTIGER, TONELLI & ASSOCIATES, AN ILLINOIS PROFESSIONAL DESIGN FIRM, LAND SURVEYING ASSOCIATES, AN ILLINOIS PROFESSIONAL DESIGN FIRM, HAVE SURVEYED THE PLAT OF HIGHWAYS SHOWN HEREON IN SECTION 26, 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 THEREON AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED IN WHOLE OR IN PART BY ANY OTHER SURVEYOR.
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2630
LICENSE EXPIRATION DATE 11-30-2022
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MISHKIN STANDARDS FOR A BOUNDARY SURVEY.
REVISED PER ILL. REGS. 310 & 316
REVISIONS PER 2017 31/09/17
DATE: 11-30-2022
MADE BY: TLW

RUTTIGER, TONELLI & ASSOCIATES, INC.
1115 S. WABASH ST., CHICAGO, IL 60605
TEL: 312.467.1000
WWW.RTAAS.COM

PLAT OF HIGHWAYS
STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
FAP 307 (IL 64)
SECTION: COUNTY: KANE
PROJECT: JOB NO: R91-042-01
STATION: 114+00 TO STATION 119+00
SCALE: 1"=30'
SHEET 20 OF 29
BUREAU OF LAND ACQUISITION
201 WEST CENTER COURT
SCHMIDGALL, ILLINOIS 60196
02-18-102-002
SHEET 1 OF 1 - IS A COVER SHEET AND IS NOT RECORDED
RTA 2009-1028 IL 64



