

ST. CHARLES ZONING BOARD OF APPEALS

VARIATION #: V-4-2015
LOCATION: 303 N. 2ND ST.

Requested Action: Zoning variation to reduce the right-of-way setback requirement for a freestanding sign from 10 ft. to 7 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 in conflict with the parking lot and drive aisle. 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: CBD-1 Central 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-4-2015</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
Phone 630-247-9592 Email Address tom.anderson@colonial
Address/City/State/Zip 333 N. Randall Rd StC. 60174 cafe.com
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): June 2000

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 303 N. 2nd St. (formerly 300)
 Present Use (commercial, industrial, residential, etc.) commercial
 Zoning District CBD-1
To your knowledge, have any previous applications for variations been filed in connection with this property? None
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): 7'0" setback instead of 10'

Reduced sqft. ok @ 50
Lower height to 12'0" (See Attached - Sign)

B. Reason for request: If 10'-will extend into parking & drive way.

Need space for curbs and landscaping to protect sign.
Use of one existing pole will allow new design (see attached)
new design at less cost.

C. Purpose for which property will be used: Existing use remains.

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)

If set back 10' - sign will be in parking and driveway area. The use of one existing pole will create a special looking at reasonable cost.

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 - the sign at 305 N. 2nd has same situation

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 value -

will we
these
required
changes

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

NO - the city is requesting the change

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

NO - there is an existing sign

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 - the existing sign has been in the neighborhood for many years.

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 - getting back the sign improve the area w/ landscaping.

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
<u>Thomas S. Anderson</u> Signature of owner	<u>Thomas S. Anderson</u> Print name of owner	<u>22 Apr 15</u> Date

**OWNERSHIP DISCLOSURE FORM
PARTNERSHIPS**

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Tom S. Anderson, being first duly sworn on oath depose and say that I am a
General Partner of Thomas S. and Cristina Anderson Trust dated 1998, an Illinois

(General) (Limited) Partnership and that the following persons are all of the partners thereof:

- Thomas S. Anderson (General)(Limited) Partner
- Cristina St. Anderson (General)(Limited) Partner
- _____ (General)(Limited) Partner
- _____ (General)(Limited) Partner
- _____ (General)(Limited) Partner
- _____ (General)(Limited) Partner

LOCATION: 303 N. 2nd St. - STC 60174

By: Thomas S. Anderson (General)(Limited) Partner

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

Debbie Dieckman
Notary Public





Anderson Properties
303 North Second Street
St. Charles, IL 60174

Existing
** South face of sign,
looking north.*

Same Westerly Pole
cut to the new 12'
height, shrouded
in pole shroud as
shown below with new 49.5 square feet cabinet.

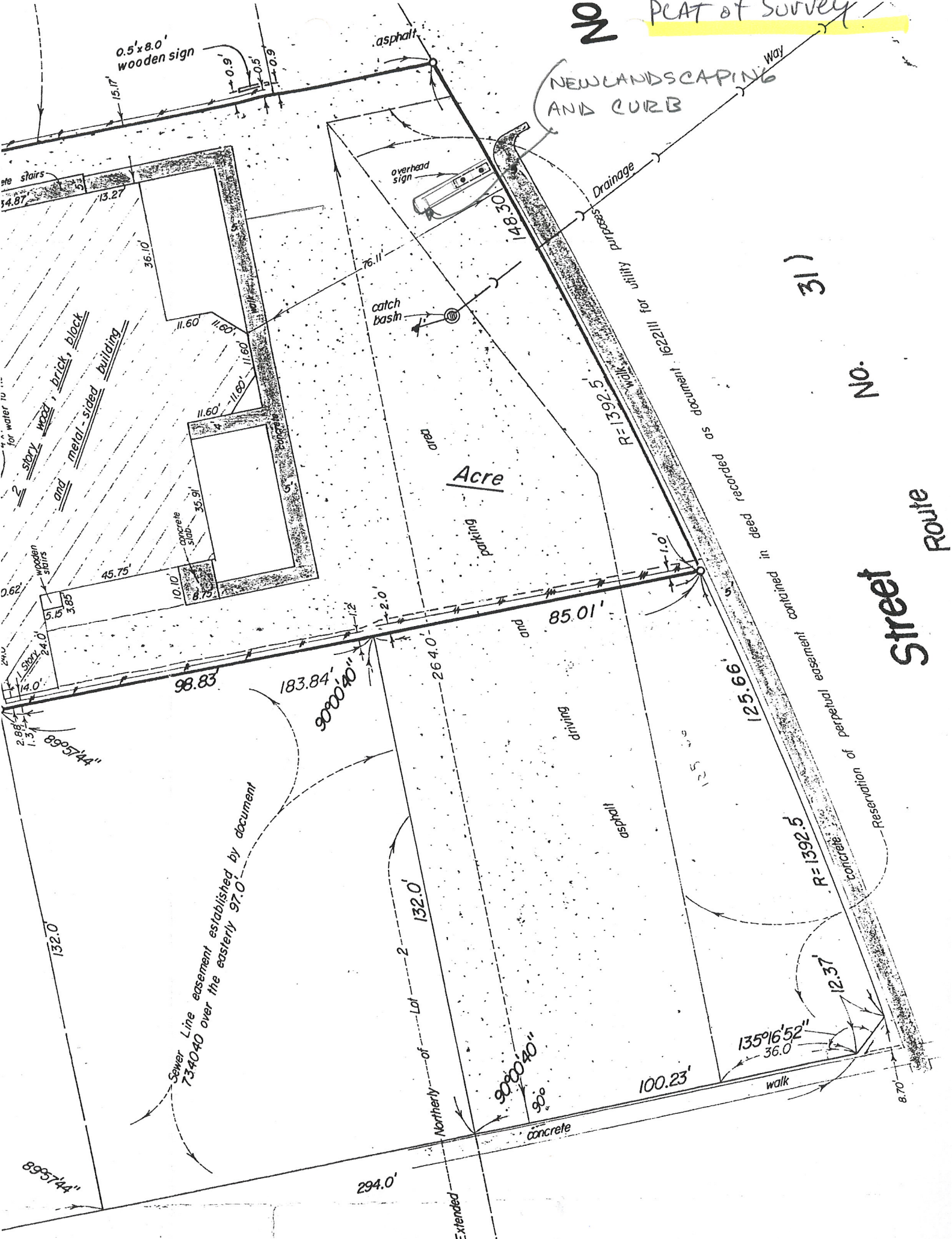


** North face of sign,
looking south.*

Shrubs and additional river rock for sign protection

stuartln@aol.com
630-377-0070

2 PLAT of Survey



31)

No.

Street Route

89°57'44"

Extended

12.37'

135°16'52"

100.23'

concrete

132.0'

132.0'

294.0'

183.84'

98.83'

132.0'

89°57'44"

89°57'44"

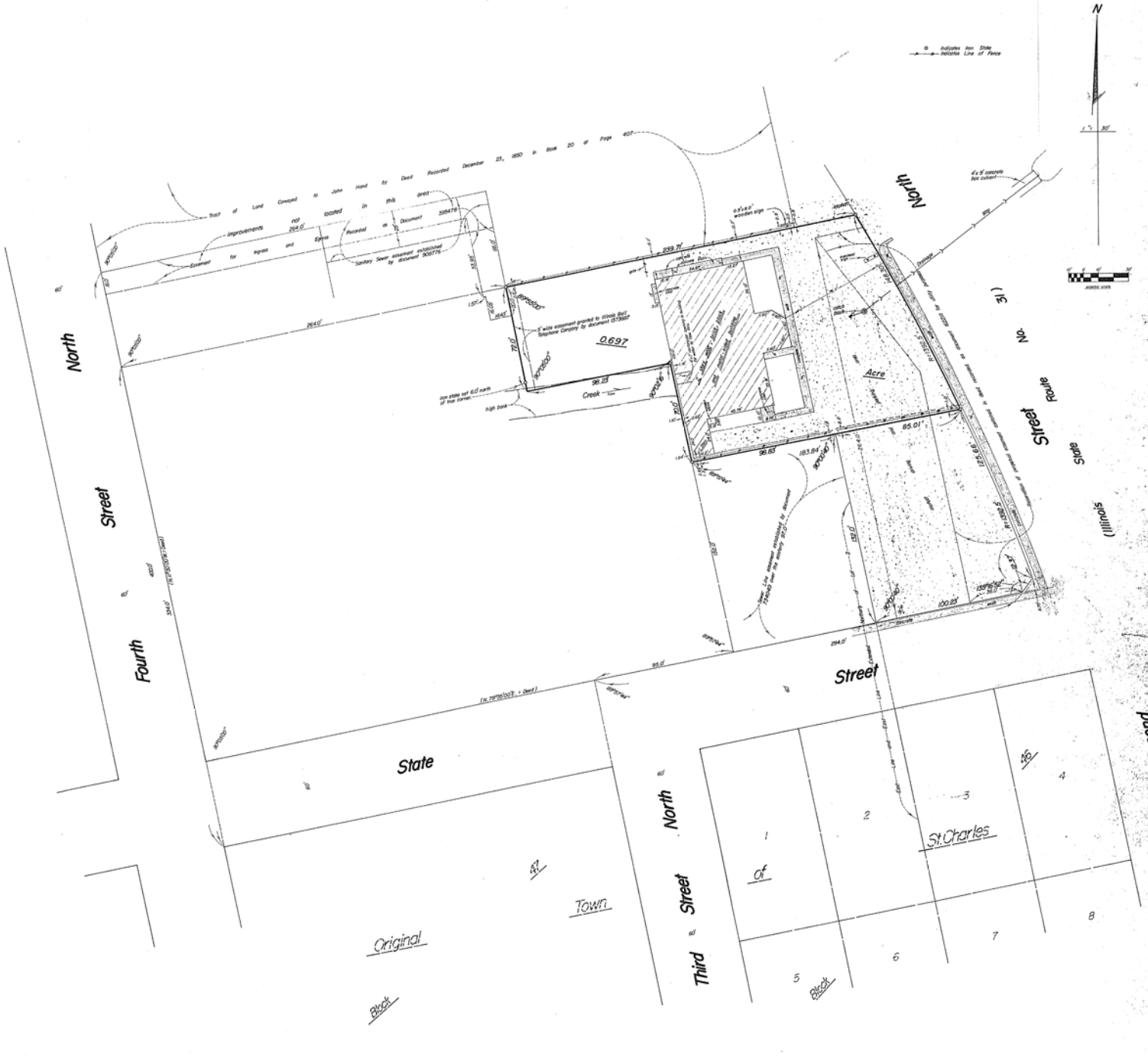
89°57'44"

89°57'44"

89°57'44"

89°57'44"

Plat of Survey of
Part of the Southwest Quarter of Section 27-40-8
 City of St. Charles Kane County Illinois



State of Illinois) This is to certify that I, Russell P. Dry, an Illinois Professional Land Surveyor of Donahue and Thornhill, Inc., have surveyed and located the improvements on that part of the Southwest Quarter of Section 27, Township 40 North, Range 14 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of Block 47 of the Original Town of St. Charles; thence North 11°30'00" West along the easterly line of Fourth Street North 400.0 feet; thence North 78°35'00" East parallel with the northerly line of State Street 248.0 feet; thence southerly parallel with said easterly line 66.0 feet to the southerly line of a tract of land conveyed to John Hand by Deed Recorded December 23, 1856 in Book 20, Page 407; for a point of beginning; thence southerly parallel with said easterly line 72.0 feet; thence easterly parallel with said northerly line 98.23 feet to a line drawn parallel with and 95.0 feet easterly of the westerly line of Third Street North extended measured along said northerly line of State Street; thence southerly parallel with said westerly line 79.0 feet to a line drawn parallel with and 132.0 feet northerly of the northerly line of said State Street; measured along a line drawn parallel with said Third Street North; thence easterly parallel with said northerly line 183.84 feet to the westerly right of way line of Illinois State Route No. 31; thence northwesterly along the westerly line of said State Route, being a curve to the left having a radius of 1392.50 feet, 158.30 feet to the southerly line extended easterly of said John Hand Tract; thence westerly along said southerly line extended and said southerly line 239.71 feet to the point of beginning, in the City of St. Charles, Kane County, Illinois and containing 0.697 acre as shown by the plat hereon drawn which is a correct representation of said survey and location. All distances are given in feet and decimal parts thereof.

Dated at Geneva, Illinois, August 16, 2000
Russell P. Dry
 Russell P. Dry
 Illinois Professional Land Surveyor No. 2753
 DONAHUE AND THORNHILL, INC.
 7 RICHARDS STREET
 GENEVA, ILLINOIS 60134
 (630) 232-7418