

**MINUTES  
CITY OF ST. CHARLES  
ZONING BOARD OF APPEALS  
THURSDAY, MAY 28, 2015  
COUNCIL CHAMBERS**

Members Present:

Chairman- Elmer Rullman  
Secretary-Nabi Fakroddin  
Scott Buening  
James Holderfield

Member Absent:

Robert Krawczyk  
Charles Simpson

Also Present:

Russell Colby, Planning Division Manager  
Ellen Johnson, Planner  
Court Reporter

**1. Call to order**

Chairman Rullman called the hearing to order on Thursday, May 28, 2015 at 7:00 p.m.

**2. Roll call**

Roll was called with four members present. There was a quorum.

**3. Presentation of minutes of the April 23, 2015 meeting.**

A motion was made by Mr. Holderfield and seconded by Mr. Buening with a unanimous voice vote to approve the minutes of the April 23, 2015 meeting.

**4. Variation Application V-2-2015, filed by Spiro Douvris, lessee of the property located at 2115 W. Main St. in the City of St. Charles.**

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-2-2015 filed by Spiro Douvris, lessee of the property located at 2115 W. Main St. in the City of St. Charles.
- Letter of Authorization from Spiro Douvris

Chairman Rullman swore in the following:

- Victoria Mantejo, Moran Signs and Lighting, Inc.
- Russell Colby, Planning Division Manager
- Ellen Johnson, Planner

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. Fakroddin as follows:**

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

**Whereas**, the St. Charles Zoning Board of Appeals has reviewed File V-2-2015, dated 3/21/2015, and received 4/15/2015 from Spiro Douvris, for the property located at 2115 W. Main Street, St. Charles, Illinois, for a variation to reduce the right-of-way setback requirement for the freestanding sign from 10 feet to 4 feet 6 inches; and

**Whereas**, the existing sign located on the property is a nonconforming sign; and

**Whereas**, the St. Charles Zoning Ordinance requires all nonconforming signs to be brought into compliance with the Zoning Ordinance sign standards by June 16, 2015; and

**Whereas**, if the sign is relocated to comply with the 10-foot right-of-way setback requirement, the sign will no longer be visible for vehicles traveling east on Main Street; and

**Whereas**, the purpose of the variation is not based exclusively upon a desire to make money on the property; and

**Whereas**, the Variation, if granted, will not alter the essential character of the neighborhood; and

**Whereas**, the granting of the 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 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;

**Now therefore**, the St. Charles Zoning Board of Appeals grants the variation requested, with the stipulations as specified in 17.04.310 of the Municipal Code of the City of St. Charles.

**The motion was seconded by Mr. Buening, with the following amendment:**

**Whereas**, the hardship was created by the taking by IDOT of right-of-way in front of the property, which created the nonconformity.

**The amended motion was seconded by Mr. Fakroddin.**

**Roll called:**

**Ayes:** Buening, Fakroddin, Holderfield, Rullman,

**Nays:** None

**Motion carried; Variation granted. 4-0**

**5. Variation Application V-3-2015, filed by Thomas S. Anderson, ACPESC, LLC, owner of the property located at 1625 E. Main St. in the City of St. Charles.**

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-3-2015 filed by Thomas S. Anderson, ACPESC, LLC, owner of the property located at 1625 E. Main St. in the City of St. Charles.

Chairman Rullman swore in the following:

- Thomas Anderson, 712 Horne St., St. Charles, IL 61074

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. Buening as follows:**

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

**Whereas**, the St. Charles Zoning Board of Appeals has reviewed File V-3-2015, dated 4/22/2015, and received 4/22/2015 from Thomas Anderson, ACPESC, LLC, for the property located at 1625 E. Main Street, St. Charles, Illinois, for a variation to reduce the right-of-way setback requirement for the freestanding sign from 10 feet to 0 foot; and

**Whereas**, the alleged practical difficulty or particular hardship has been created by the Illinois Department of Transportation's expansion of Route 64/Main St. and not by a person presently having an interest in the property; and

**Whereas**, the Variation, if granted, will not alter the essential character of the neighborhood; and

**Whereas**, the granting of the 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 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;

**Whereas**, the existing sign located on the property is a nonconforming sign; and

**Whereas**, the St. Charles Zoning Ordinance requires all nonconforming signs to be brought into compliance with the Zoning Ordinance sign standards by June 16, 2015; and

**Now therefore**, the St. Charles Zoning Board of Appeals grants the variation requested to allow the sign to remain in its current location after the June 16, 2015, compliance deadline with the stipulations as specified in 17.04.310 of the Municipal Code of the City of St. Charles and subject to the condition that the sign be modified to otherwise conform to the standards of the Zoning Ordinance.

**Roll called:**

**Ayes:** Buening, Fakroddin, Holderfield, Rullman,

**Nays:** None

**Motion carried; Variation granted. 4-0**

**6. Variation Application V-4-2015, filed by Thomas S. Anderson, owner of the property located at 303 N. 2<sup>nd</sup> St. in the City of St. Charles.**

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-4-2015 filed by Thomas S. Anderson, owner of the property located at 303 N. 2<sup>nd</sup> St. in the City of St. Charles.
- Letter from Amber Grove McKee, dated May 15, 2015.

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. Buening and seconded by Mr. Fakroddin as follows:**

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

**Whereas**, the St. Charles Zoning Board of Appeals has reviewed File V-4-2015, dated 4/22/2015, and received 4/22/2015 from Thomas Anderson, for the property located at 303 N. 2<sup>nd</sup> St., St. Charles, Illinois, for a variation to reduce the right-of-way setback requirement for the freestanding sign from 10 feet to 7 feet; and

**Whereas**, the physical surrounding shape or topographical condition of the specific property involved would 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 due to the existing parking and driveway configuration; and

**Whereas**, the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; and

**Whereas**, the purpose of the variation is not based exclusively upon a desire to make money on the property; and

**Whereas**, the nonconformity has not been created by a person presently having an interest in the property and is due to the change in the City's sign regulations; and

**Whereas**, the Variation, if granted, will not alter the essential character of the neighborhood; and

**Whereas**, the granting of the 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 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;

**Whereas**, the existing sign located on the property is a nonconforming sign under the St. Charles Zoning Ordinance and without a variation would not be in compliance with the June 16, 2015 deadline set by the City of St. Charles; and

**Now therefore**, the St. Charles Zoning Board of Appeals grants the variation requested with the stipulations as specified in 17.04.310 of the Municipal Code of the City of St. Charles.

**The motion was amended by Mr. Buening at the suggestion of Mr. Holderfiled to include the following condition:**

That the sign be modified to otherwise conform to the standards of the Zoning Ordinance.

**The amended motion was seconded by Mr. Fakroddin.**

**Roll called:**

**Ayes:** Buening, Fakroddin, Holderfield, Rullman

**Nays:** None

**Motion carried; Variation granted. 4-0**

**7. Variation Application V-5-2015, filed by Alvin Catella, tenant of the property located at 801 E. Main St. in the City of St. Charles.**

Secretary Fakroddin summarized/read into the record the following:

- Variation Application V-5-2015 filed by Alvin Catella, tenant of the property located at 801 E. Main St. in the City of St. Charles.
- Letter of Authorization from Lucia D. Catella.

Chairman Rullman swore in the following:

- Alvin Catella, 1101 S. 10<sup>th</sup> St., St. Charles, IL 60174

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. Fakroddin and seconded by Mr. Buening as follows:**

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

**Whereas**, the St. Charles Zoning Board of Appeals has reviewed File V-5-2015, dated 11/25/2014, and received 5/8/2015 from Alvin Catella, for the property located at 801 E. Main Street, St. Charles, Illinois, for a variation to reduce the right-of-way setback requirement for the freestanding sign from 10 feet to 2 feet 6 inches; and

**Whereas**, the existing sign located on the property is a nonconforming sign; and

**Whereas**, the St. Charles Zoning Ordinance requires all nonconforming signs to be brought into compliance with the Zoning Ordinance sign standards by June 16, 2015; and

**Whereas**, the location of the building results in an inability to move the sign back 10 feet to comply with the setback requirement; and

**Whereas**, the purpose of the variation is not based exclusively upon a desire to make money on the property; and

**Whereas**, the Variation, if granted, will not alter the essential character of the neighborhood; and

**Whereas**, the granting of the 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 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;

**Now therefore**, the St. Charles Zoning Board of Appeals grants the variation requested to allow the sign to be set back 2 feet 6 inches after the June 16, 2015, compliance deadline with the stipulations as specified in 17.04.310 of the Municipal Code of the City of St. Charles.

**Roll called:**

**Ayes:** Fakroddin, Holderfield, Rullman, Buening

**Nays:** None

**Motion carried; Variation granted. 4-0**

**8. Additional Business from Board members, Staff, or Citizens.**

Mr. Buening thanked Mr. Fakroddin for his years of service on the Zoning Board of Appeals.

**9. Adjournment at 7:52 p.m**

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BEFORE THE ZONING BOARD OF APPEALS

CITY OF ST. CHARLES

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IN RE: :

Variation application :

for the property located : No. V-2-2015

at 2115 West Main Street. :

- - - - -x

REPORT OF PROCEEDINGS

St. Charles, Illinois

Thursday, May 28, 2015

7:00 p.m.

Job No.: 74350A

Pages: 1 - 13

Reported By: Paula Quetsch, CSR



VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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Report of proceedings held at the location of:

St. Charles Council Chambers  
2 East Main Street  
Second Floor  
St. Charles, Illinois 60174  
(630) 377-4700

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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PRESENT:

ELMER RULLMAN, III, Chairman

NABI FAKRODDIN, Acting Secretary

SCOTT BUENING, Member

JAMES HOLDERFIELD, Member

ALSO PRESENT:

RUSSELL COLBY, Planning Division Manager

ELLEN JOHNSON, Planner

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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P R O C E E D I N G S

CHAIRMAN RULLMAN: We'll call this meeting to order at 7:00 on the wall clock here.

Did everyone have a chance to review the minutes of the previous meeting, April 23rd, 2015? Are there any additions or corrections?

(No response.)

CHAIRMAN RULLMAN: If not, I'll take a motion to accept.

MEMBER HOLDERFIELD: So moved.

MEMBER BUENING: Second.

CHAIRMAN RULLMAN: All in favor.

(Ayes heard.)

CHAIRMAN RULLMAN: It's accepted.

MR. COLBY: Mr. Chairman, you need to call the roll.

CHAIRMAN RULLMAN: We do. Thank you very much. Let's call roll. I knew everybody was here.

Mr. Secretary, please call the roll.

MEMBER FAKRODDIN: Mr. Buening.

MEMBER BUENING: Here.

MEMBER FAKRODDIN: Mr. Fakroddin, here.

Mr. Holderfield.

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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MEMBER HOLDERFIELD: Here.

MEMBER FAKRODDIN: Mr. Krawczyk.

(No response.)

MEMBER FAKRODDIN: Mr. Rullman.

CHAIRMAN RULLMAN: Here.

MEMBER FAKRODDIN: Ms. Simpson.

(No response.)

MEMBER FAKRODDIN: Four present and  
two absent.

CHAIRMAN RULLMAN: I should comment for the  
benefit of anyone at the hearing that proceedings at  
the Zoning Board of Appeals require four votes, not a  
simple majority. So since there's four of us here, it  
would have to be a unanimous majority on any motion.  
If at any time you feel like you'd like to have it  
tabled and moved to the next hearing, you can do that.  
We are expecting one more person to arrive but they're  
not here yet.

At this time we'll open the Variation  
Application V-2-2015 filed by Spiro Douvris, lessee of  
the property located at 2115 West Main Street in the  
City of St. Charles.

Mr. Secretary, please read the applicable  
items.

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
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1 MEMBER FAKRODDIN: The Application for a  
2 Variation File V-2-2015 was received on April 15th,  
3 2015, in the office of St. Charles Planning Division.

4 The Applicant, Spiro Douvris, has listed his  
5 home address as 830 North Roselle Road, Hoffman Estates,  
6 Illinois, 60169. The Applicant has indicated the  
7 property owner of record to be Menelaos and Chrisoula  
8 Zannis, Z-a-n-n-i-s.

9 The owner acquired the property of 2,115 --  
10 excuse me -- the owner acquired the property at  
11 2115 West Main Street, St. Charles, Illinois, 60174, a  
12 commercial, property on August 1st, 1987. The  
13 application is signed by Applicant Spiro Douvris and  
14 owner Chris Zannis and is dated March 21st, 2015.

15 The survey of the property as submitted is  
16 signed and sealed by Carol A. Sweet-Johnson, a  
17 licensed professional land surveyor with Registration  
18 No. 035-003342, dated March 31st, 2015.

19 Evidence of publication of legal notice is  
20 submitted which was published in Kane County Chronicle  
21 on May 7th, 2015. The Applicant is requesting zoning  
22 variation to reduce the right-of-way setback  
23 requirement for a freestanding sign from 10 foot to  
24 4 foot 6 inches. The reason for this request is

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 because the existing freestanding sign located on the  
2 property does not meet the right-of-way setback  
3 requirement and is, therefore, a nonconforming sign.

4 The St. Charles Zoning Ordinance requires  
5 all nonconforming signs to be brought into compliance  
6 with the zoning ordinance sign standards by  
7 June 16th, 2015, or 15 years after the sign is  
8 erected, whichever is later.

9 The Applicant is requesting the variation  
10 due to the location of the building and concern that  
11 the sign will no longer be visible for vehicles  
12 traveling east on West Main Street if the sign is  
13 relocated to comply with the 10-foot setback  
14 requirement.

15 Therefore, the Applicant is requesting this  
16 variation to allow the sign to remain in its current  
17 location after the June 16th, 2015, compliance  
18 deadline.

19 Mr. Chairman, that is the application.

20 CHAIRMAN RULLMAN: I believe there's also a  
21 letter of authorization.

22 MEMBER FAKRODDIN: "To City of St. Charles,  
23 2 East Main Street, St. Charles, Illinois, 60174, from  
24 Spiro Douvris, Beef Shack, 2115 West Main Street,

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 St. Charles, Illinois, 60174, Regarding Beef Shack

2 Owner Authorization:

3 "To Whom it May Concern: Please accept this  
4 letter as authorization for Moran Signs and Lighting,  
5 Incorporated, Victoria Montejo, to act on my behalf  
6 regarding my pylon sign zoning variation for my  
7 business, Beef Shack, property located at  
8 2115 West Main Street in St. Charles, Illinois on  
9 May 28, 2015, at 7:00 p.m. at Zoning Board of Appeals  
10 meeting.

11 "If there is any question or concern, I,  
12 Spiro Douvris, can be reached at (630) 380-4442,"  
13 signed by the owner of Beef Shack, Spiro Douvris.

14 CHAIRMAN RULLMAN: That will all be marked  
15 as Exhibit A.

16 MEMBER FAKRODDIN: Exhibit A.

17 CHAIRMAN RULLMAN: So anyone who wishes to  
18 give testimony on this hearing, please rise, either  
19 for or against, and raise your right hand.

20 MS. MONTEJO: I'm for it.

21 CHAIRMAN RULLMAN: Will you raise your right  
22 hand, please.

23 (Three witnesses sworn.)

24 CHAIRMAN RULLMAN: Please give your name and

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 address to the reporter.

2 MS. MONTEJO: It's Victoria Montejo.

3 CHAIRMAN RULLMAN: And let the record show  
4 that Russell Colby, Planning Division Manager, and  
5 Ellen Johnson, Planner, for the City of St. Charles,  
6 were also sworn.

7 The floor is yours for any additional  
8 testimony you'd like to offer.

9 MS. MONTEJO: Basically -- I'm not sure it  
10 was stated there, but he's also going to bring the  
11 sign down to code. Because it's currently, I believe  
12 at 19 feet at the moment. So he's going to bring it  
13 down to the 15 feet as required by St. Charles. And  
14 he's actually going to flip the sign to the opposite  
15 direction, so it will make it where it's 4 feet 6 inches.

16 MEMBER BUENING: Currently, how far is it  
17 away from the property line?

18 MS. MONTEJO: Currently, right now it's over  
19 the property line. So that's the reason he wanted to  
20 be the 4 feet 6 inches.

21 CHAIRMAN RULLMAN: Any other questions from  
22 the Board?

23 (No response.)

24 CHAIRMAN RULLMAN: Are there any objectors



VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 present?

2 (No response.)

3 CHAIRMAN RULLMAN: Let the record show there  
4 are no objectors present.

5 No further questions, no further testimony,  
6 I accept a motion.

7 MEMBER FAKRODDIN: Whereas, it is the  
8 responsibility of the St. Charles Zoning Board of  
9 Appeals to review all applications for variations;  
10 Whereas, the St. Charles Zoning Board of  
11 Appeals has reviewed File V-2-2015 dated March 21st,  
12 2015, and received April 15th, 2015, from Spiro  
13 Douvris for the property located at 2115 West Main  
14 Street, St. Charles, Illinois, for a variation to  
15 reduce the right-of-way setback requirement for the  
16 freestanding sign from 10 feet to 4 foot 6 inches;

17 Whereas, the existing sign located on the  
18 property is a nonconforming sign;

19 Whereas, the St. Charles Zoning Ordinance  
20 requires all nonconforming signs to be brought into  
21 compliance with the zoning ordinance -- with the  
22 zoning ordinance sign standards by June 16, 2015;

23 Whereas, if the sign is relocated to comply  
24 with the 10-foot right-of-way setback requirement, the

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 sign will no longer be visible for vehicles traveling  
2 east on West Main Street;

3           Whereas, the purpose of the variation is not  
4 based exclusively upon a desire to make money on the  
5 property;

6           Whereas, the variation, if granted, will not  
7 alter the essential character of the neighborhood;

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

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

19           Now, therefore, the St. Charles Zoning Board  
20 of Appeals grants the variation requested to allow the  
21 sign to remain in its current location after the  
22 June 16, 2015, compliance deadline with the stipulations  
23 as specified in 17.04.310 of the Municipal Code of the  
24 City of St. Charles.

VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 That's my motion.

2 MEMBER BUENING: I'll second that. However,  
3 I would also like to ask the motion be amended to  
4 indicate that the hardship was created by the taking  
5 by IDOT of some of the right-of-way in front of the  
6 property and that created the nonconformity.

7 MEMBER FAKRODDIN: I'll second that.

8 CHAIRMAN RULLMAN: All right. It's been  
9 moved and seconded. Any further discussion?

10 Mr. Secretary, please call the roll.

11 MEMBER FAKRODDIN: Mr. Buening.

12 MEMBER BUENING: Yes.

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

15 MEMBER HOLDERFIELD: Yes.

16 MEMBER FAKRODDIN: Mr. Rullman.

17 CHAIRMAN RULLMAN: Yes.

18 The motion carries. The motion is granted.

19 MS. MONTEJO: Thank you.

20 CHAIRMAN RULLMAN: This will close the  
21 Hearing V-2-2015.

22 (Off the record at 7:12 p.m.)  
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VARIATION APPLICATION FOR: 2115 W. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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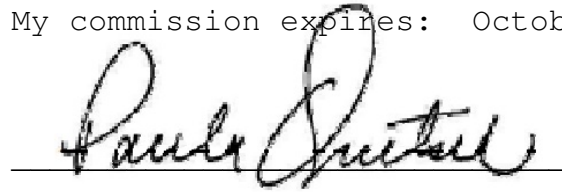
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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 31st day of May, 2015.

My commission expires: October 16, 2017



Notary Public in and for the  
State of Illinois

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BEFORE THE ZONING BOARD OF APPEALS

CITY OF ST. CHARLES

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IN RE: :  
Variation application :  
for the property located : No. V-3-2015  
at 1625 East Main Street. :

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REPORT OF PROCEEDINGS

St. Charles, Illinois

Thursday, May 28, 2015

7:13 p.m.

Job No.: 74350B  
Pages: 1 - 12  
Reported By: Paula Quetsch, CSR

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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Report of proceedings held at the location of:

St. Charles Council Chambers  
2 East Main Street  
Second Floor  
St. Charles, Illinois 60174  
(630) 377-4700

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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PRESENT:

ELMER RULLMAN, III, Chairman

NABI FAKRODDIN, Acting Secretary

SCOTT BUENING, Member

JAMES HOLDERFIELD, Member

ALSO PRESENT:

RUSSELL COLBY, Planning Division Manager

ELLEN JOHNSON, Planner

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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P R O C E E D I N G S

CHAIRMAN RULLMAN: At this time we'd like to open Variation Application V-3-2015 filed by Thomas S. Anderson, ACPESC, LLC, owner of the property located at 1625 East Main Street in the city of St. Charles.

Secretary, please read the application.

MEMBER FAKRODDIN: Application for a variation File No. V-3-2015 was received on April 22nd, 2015, in the office of St. Charles Planning Division. The applicant, Thomas Anderson, has listed his home address as 333 North Randall Road, St. Charles, Illinois, 60174. The Applicant has indicated the property owner of record to be himself, namely Thomas Anderson.

The owner acquired the property of 1625 East Main Street, St. Charles, Illinois, 60174, a commercial property, in 1959. The application is signed by Applicant and owner, Thomas Anderson, and is dated April 22nd, 2015.

The survey of the property as submitted is signed by R.A. Falk, a licensed professional land surveyor with Registration No. 2630 and dated 3rd August 2011. Evidence of publication of legal



VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
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1 notice is submitted which was published in Kane County  
2 Chronicle on May 13, 2015.

3 The Applicant is requesting a zoning  
4 variance to reduce the right-of-way setback  
5 requirement for a freestanding sign from 10 foot to  
6 0 foot. The reason for this request is because the  
7 existing freestanding sign located on the property  
8 does not meet the right-of-way setback requirement and  
9 is, therefore, a nonconforming sign.

10 The St. Charles Zoning Ordinance requires  
11 all nonconforming signs to be brought into compliance  
12 with the zoning ordinance sign standards by June 16th,  
13 2015, or 15 years after the sign is erected, which is  
14 latter.

15 The Applicant is requesting the variation  
16 due to concern that if the sign is relocated to comply  
17 with the 10-foot setback requirement, the sign will be  
18 blocked from view by the nearby traffic signal pole.  
19 Therefore, the applicant is requesting this variation  
20 to allow the sign to remain in its current location  
21 after the June 16, 2015, compliance deadline.

22 That is the application, Mr. Chairman.

23 CHAIRMAN RULLMAN: That will be marked as  
24 Exhibit A.

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1           Anyone wishing to give testimony for or  
2           against, please rise.

3           (Witness sworn.)

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

6           MR. ANDERSON: Thomas S. Anderson, 712 Horne.  
7           The address on the application is my business address.

8           As is stated, Colonial has been there since  
9           1959, and I personally have been working there since  
10          1959. But the situation has evolved that the State of  
11          Illinois has at the corner of -- if I can refer to  
12          your survey that I included here, you can see the  
13          right-of-way in 1959, and they have taken property  
14          twice to make the turning radius, I guess more  
15          conducive to right-hand turns and now have brought it  
16          right to the edge of the sign. For the whole time we  
17          were there we were set back the 10 feet, always have  
18          been until the State acquired this property on  
19          two different occasions, the last time with the last  
20          expansion of Route 64.

21          So that puts us in a situation of --  
22          different than the signs on the east side of us, the  
23          motel and Firestone. If you come down the line,  
24          they're set back 10 feet from their existing

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
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7

1 right-of-way, which is what our old right-of-way used  
2 to be, and now all of a sudden because of the right-  
3 turn radius we would be -- if we're required to move,  
4 it would put us back out of line with everything to  
5 the east.

6 And I submitted a picture that showed the  
7 Best Western and Colonial and the car dealer further  
8 west. It's a nice, low, same as the curve which is  
9 the existing situation. But if you look at the  
10 sidewalk, the sidewalk just moved towards our sign,  
11 not the centerline of the road; we're the same  
12 distance as we always have been.

13 Also, I submitted pictures to show you from  
14 the east side going east -- excuse me, traveling east  
15 from the west side there's -- a stoplight pole is  
16 installed. I measured the pole. It is 18 inches  
17 wide. I mean, 18 inches is a big pole, and if that  
18 sign is required to be moved back towards the south,  
19 that pole is going to be right in the middle of the  
20 sign, and that 18 inches of obstruction will look very  
21 unnatural and definitely limits the visibility of the  
22 property.

23 So that is our two reasons for asking this  
24 variance.

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

8

1 CHAIRMAN RULLMAN: All right. Thank you.

2 Let the record show that Russell Colby and  
3 Ellen Johnson are still sworn from the previous  
4 hearing.

5 Any questions from the Board?

6 MEMBER BUENING: Are you proposing to make  
7 any changes to the sign, or is the sign otherwise in  
8 compliance with the heights?

9 MR. ANDERSON: We're reducing and shrinking.  
10 It's only the setback. So it will become whatever is  
11 required -- whatever is required. 15 feet I think is  
12 the height, and whatever the square footage, we would  
13 be in compliance. So it's only the setback is the  
14 situation.

15 CHAIRMAN RULLMAN: Any other questions?

16 (No response.)

17 CHAIRMAN RULLMAN: Are there any objectors  
18 present?

19 (No response.)

20 CHAIRMAN RULLMAN: Let the record show there  
21 are no objectors present, and with that we'll accept a  
22 motion.

23 MEMBER HOLDERFIELD: Whereas, it is the  
24 responsibility of the St. Charles Zoning Board of

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

1 Appeals to review all applications for variations;

2           Whereas; the St. Charles Zoning Board of  
3 Appeals has reviewed File V-3-2015 dated April 22nd,  
4 2015, received April 22nd, 2015, from Thomas Anderson,  
5 ACPESC, LLC, for the property location at 1625 East  
6 Main Street in the city of St. Charles for the zoning  
7 variation to reduce the right-of-way setback  
8 requirement from 10 feet to 0 feet;

9           Whereas, the alleged practical difficulty or  
10 particular hardship has been created by the Illinois  
11 Department of Transportation's expansion of  
12 U.S. Route 64/Main Street and not by a person  
13 presently having an interest in the property;

14           Whereas, the variation, if granted, will not  
15 alter the essential character of the neighborhood;

16           Whereas, the granting of the variation will  
17 not be detrimental to the public welfare or interest  
18 to other property improvements in the neighborhood in  
19 which the property is located;

20           Whereas, the proposed variation will not  
21 impair an adequate supply of light and air to the  
22 adjacent property, will substantially increase  
23 congestion in a public street or increase the danger  
24 of fire or substantially diminish or impair property

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
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1 values in the neighborhood;

2 Whereas, the existing sign located on the  
3 property is a nonconforming sign;

4 Whereas, the St. Charles Zoning Ordinance  
5 requires all nonconforming signs to be brought into  
6 compliance with the zoning ordinance sign standard by  
7 October 16, 2014;

8 Now, therefore, St. Charles Zoning Board of  
9 Appeals grants the variation request with the  
10 stipulation as specified in Section 17.04.310,  
11 variation of the Municipal Code of the City of  
12 St. Charles subject to the following conditions that  
13 the sign be reduced to compliance and that the square  
14 footage of the sign will also be altered to meet  
15 compliance of that ordinance.

16 MEMBER BUENING: I'll second it.

17 CHAIRMAN RULLMAN: Any further discussion?

18 (No response.)

19 CHAIRMAN RULLMAN: It's been moved and  
20 seconded.

21 Mr. Secretary, please call the roll.

22 MEMBER FAKRODDIN: Mr. Buening.

23 MEMBER BUENING: Aye.

24 MEMBER FAKRODDIN: Mr. Fakroddin, yes.

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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Mr. Holderfield.

MEMBER HOLDERFIELD: Yes.

MEMBER FAKRODDIN: Mr. Rullman.

CHAIRMAN RULLMAN: Yes.

MEMBER FAKRODDIN: Four yeses.

CHAIRMAN RULLMAN: The variance is approved.

This will close Application V-3-2015 filed by  
Thomas S. Anderson.

(Off the record at 7:24 p.m.)

VARIATION APPLICATION FOR: 1625 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 31st day of May, 2015.

My commission expires: October 16, 2017



Notary Public in and for the  
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BEFORE THE ZONING BOARD OF APPEALS

CITY OF ST. CHARLES

- - - - -x

IN RE: :  
Variation application for :  
the property located at : No. V-4-2015  
303 North Second Street. :

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REPORT OF PROCEEDINGS

St. Charles, Illinois

Thursday, May 28, 2015

7:24 p.m.

Job No.: 74350C  
Pages: 1 - 15  
Reported By: Paula Quetsch, CSR

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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Report of proceedings held at the location of:

St. Charles Council Chambers  
2 East Main Street  
Second Floor  
St. Charles, Illinois 60174  
(630) 377-4700

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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PRESENT:

ELMER RULLMAN, III, Chairman

NABI FAKRODDIN, Acting Secretary

SCOTT BUENING, Member

JAMES HOLDERFIELD, Member

ALSO PRESENT:

RUSSELL COLBY, Planning Division Manager

ELLEN JOHNSON, Planner

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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P R O C E E D I N G S

CHAIRMAN RULLMAN: At this time we'd like to open the Variation Application V-4-2015, filed by Thomas S. Anderson for the property located at 303 North Second Street in the city of St. Charles.

The Applicant is present and still sworn, as are Russell Colby and Ellen Johnson.

Is there anyone else that wants to give testimony on this application?

(No response.)

CHAIRMAN RULLMAN: If not, Mr. Secretary, please read the application.

MEMBER FAKRODDIN: Application for a variation File V-4-2015 was received on April 22nd, 2015, in the office of St. Charles Planning Division. The Applicant, Thomas Anderson, has listed his business address as 333 North Randall Road, St. Charles, Illinois 60174.

The Applicant has indicated the property owner of record to be himself, namely Thomas Anderson. The owner acquired the property of 303 North Second Street, St. Charles, Illinois, 60174, a commercial property, in June of the year 2000.

The application is signed by Applicant and

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 owner, Thomas Anderson, and is dated April 22nd, 2015.  
2 The survey of the property as submitted is not signed.  
3 Excuse me for a second. It is not signed.

4 The survey of the property as submitted is  
5 not signed, sealed, and dated by a licensed  
6 professional land surveyor, is it?

7 CHAIRMAN RULLMAN: It's on the back.

8 MEMBER FAKRODDIN: Yes. We have a  
9 correction here. The survey of the property as  
10 submitted is signed by John Thornhill -- no, sorry --  
11 Russell Ory, O-r-y, with Professional Land Surveyor's  
12 Number 2753 and is dated August 16th, 2000.

13 Evidence of publication of legal notice is  
14 submitted which was published in the Kane County  
15 Chronicle on May 13th, 2015.

16 The Applicant is requesting zoning variation  
17 to reduce the right-of-way setback requirement for a  
18 freestanding sign from 10 foot to 7 foot. The reason  
19 for this request is because the existing freestanding  
20 sign located on the property does not meet the  
21 right-of-way setback requirement and is, therefore, a  
22 nonconforming sign.

23 The St. Charles Zoning Ordinance requires  
24 all nonconforming signs to be brought into compliance

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 with the zoning ordinance sign standards by June 16th,  
2 2015, or 15 years after the sign is erected, whichever  
3 is latter.

4 The Applicant is requesting the variation  
5 due to concern that if the sign is relocated to comply  
6 with the 10-foot setback requirement, the sign will be  
7 in conflict with a parking lot and drive aisle.  
8 Therefore, the Applicant is requesting this variation  
9 to allow the sign to remain in its current location  
10 after the June 16th, 2015, compliance deadline.

11 That is the application.

12 CHAIRMAN RULLMAN: That will be marked as  
13 Exhibit A. I think we also have a letter here.

14 MEMBER FAKRODDIN: This is a letter from  
15 Amber Grove McKee, property manager, Grove-Pratt  
16 Properties, 311 North Second Street, Suite 304,  
17 St. Charles, Illinois, 60174 dated May 15, 2015,  
18 addressed to St. Charles Zoning Board of Appeals, City  
19 of St. Charles, 2 East Main Street, St. Charles,  
20 Illinois, 60174, regarding File V-5-2015, 303 North  
21 Second Street, St. Charles, Illinois, 60174.

22 "Dear Zoning Board of Appeals Members: I'm  
23 a property manager for the owners of the building  
24 located at 311 North Second Street, commonly referred

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 to as St. Charleston Center, which is located slightly  
2 north of 303 North Second Street. We have received a  
3 notice from the City of St. Charles informing us that  
4 Tom Anderson, the owner of the 303 North Second Street  
5 property will be receiving a zoning variation to  
6 reduce the right-of-way setback requirement for a  
7 freestanding sign from 10 feet to 7 feet. This letter  
8 is to inform you that we support Mr. Anderson's  
9 request, and we ask the City to grant the variation."

10 Signed by Amber Grove.

11 CHAIRMAN RULLMAN: Let that be marked  
12 Exhibit B.

13 MEMBER FAKRODDIN: Thank you.

14 CHAIRMAN RULLMAN: Would the petitioner like  
15 to offer any additional testimony?

16 MR. ANDERSON: This property on Route 31, as  
17 mentioned by the letter from Grove Properties, the  
18 other signs that we came before you have the same  
19 situation of setting it back. It's going to be in the  
20 middle of the parking lot in that area.

21 So the request that we have is that we're  
22 going to move it to -- if you refer to the picture of  
23 the existing sign as shown, and if we use one of the  
24 poles which is 7 feet back, not 10 feet back, we are

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 getting close to the requirement, but we can use an  
2 existing pole which is a very good size to create an  
3 interesting shaped sign rather than just a standard  
4 two posts on either side, and I think that would  
5 create an interesting sign for the area. But  
6 primarily it also keeps the sign out of the drive and  
7 the parking area to the west.

8 Your survey shows the sign and an expanded  
9 planter area, which the print also shows, and to  
10 protect the sign we need to have -- in the driveway  
11 you need to have some landscaping around it. Somebody  
12 can back a truck right up into it which overhangs.

13 So we are presenting to you that this would  
14 be an attractive sign for the area and ask for the  
15 variance of 7 instead of 10 feet.

16 CHAIRMAN RULLMAN: Any questions from the  
17 Board?

18 MEMBER HOLDERFIELD: I have one question.

19 When viewing the sign as it was kind of  
20 described in the application, I'm looking north  
21 towards the sign, and we have two posts, one on the  
22 east and one on the west.

23 Which post is going to be the one that  
24 you're going to keep to mount the sign on, the one



VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 closest to the road or further away?

2 MR. ANDERSON: The one furthest east, which  
3 then takes it 7 feet away from the sidewalk.

4 MEMBER HOLDERFIELD: West?

5 MR. ANDERSON: West is the one that remains,  
6 correct.

7 MEMBER HOLDERFIELD: I think I'm confused.  
8 I'm looking north. You're saying that you're going to  
9 remove one of those posts?

10 MR. ANDERSON: Correct.

11 MEMBER HOLDERFIELD: Is the post you're  
12 going to remove the one nearest the highway, which  
13 would be the one on the east, or the one on the west  
14 towards the building and the parking lot?

15 MR. ANDERSON: The west one remains. The  
16 east one --

17 MEMBER HOLDERFIELD: Will be removed?

18 MR. ANDERSON: -- will be removed, yes.

19 MEMBER HOLDERFIELD: So the sign will go  
20 west from that point?

21 MR. ANDERSON: West. It goes part of the  
22 way into the driveway/parking lot, enough that what is  
23 remaining is still a comfortable drive for people  
24 backing in and around the sign, and we're going to put

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 a planter area around it on the west side.

2 MEMBER HOLDERFIELD: So that post would be  
3 7 feet back?

4 MR. ANDERSON: Correct. The existing post,  
5 yes, is 7 feet from the property line.

6 MEMBER BUENING: I'm pretty well familiar  
7 with the property; I go through there all the time. I  
8 do appreciate the effort you've made to try and  
9 squeeze the sign in there because I know how tight it  
10 is in there, and it is kind of a -- you really don't  
11 have a lot of places to put it on this particular  
12 property.

13 So I think what you're proposing would help  
14 quite a bit, and at least you're trying to bring it  
15 into compliance even if it's not fully.

16 CHAIRMAN RULLMAN: Any other questions or  
17 comments from the Board?

18 (No response.)

19 CHAIRMAN RULLMAN: Are there any objectors  
20 present?

21 (No response.)

22 CHAIRMAN RULLMAN: Let the record show there  
23 are no objectors present.

24 At this time we'll entertain a motion.

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 MEMBER BUENING: Make a motion to approve  
2 the variance subject to the variation standards;

3 Whereas, it is the responsibility of the  
4 St. Charles Zoning Board of Appeals to review all  
5 applications for variation;

6 Whereas, the St. Charles Zoning Board of  
7 Appeals has reviewed File V-4-2015 dated April 22nd,  
8 2015, and received April 22nd, 2015, from  
9 Thomas Anderson for the property located at  
10 303 North second Street in the city of St. Charles  
11 variance to reduce the right-of-way setback from  
12 10 feet to 7 feet;

13 Whereas, the physical surrounding shape or  
14 topographical condition of the specific property  
15 involved would result in a practical difficulty or  
16 particular hardship to the property owner as  
17 distinguished from a mere inconvenience if the strict  
18 letter of the regulations were carried out due to the  
19 existing parking and driveway configuration;

20 Whereas, the conditions upon which the  
21 petition for variation is based would not be  
22 applicable generally to other property within the same  
23 zoning classification;

24 Whereas, the purpose of the variation is not

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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1 based exclusively upon a desire to make more money out  
2 of the property;

3           Whereas, the alleged practical difficulty  
4 and particular hardship has not been created by any  
5 person presently having an interest in the property;

6           Whereas, the variation, if granted, will not  
7 alter the essential character -- I should say has not  
8 been created by a person presently having an interest  
9 in the property due to the change in the sign  
10 regulations by the City;

11           Whereas, the variation, if granted, will not  
12 be alter the essential character of the neighborhood;

13           Whereas, the granting of the variation will  
14 not be detrimental to the public welfare or injurious  
15 to other property or improvements in the neighborhood  
16 in which the property is located;

17           Whereas, the proposed variation will not  
18 impair an adequate supply of light and air to the  
19 adjacent property or substantially increase the  
20 congestion in public streets, or increase the danger  
21 of fire, or endanger the public safety, or  
22 substantially diminish or impair property values  
23 within the neighborhood;

24           Whereas, the sign is a nonconforming sign

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
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1 under the St. Charles Zoning Ordinance and without a  
2 variance would not be in compliance with the June  
3 16th, 2015, deadline set by the City of St. Charles;

4 Now, therefore, the St. Charles Zoning Board  
5 of Appeals grants the variation requested with the  
6 stipulations as specified in Section 17.04.310,  
7 variation of the Municipal Code of the City of  
8 St. Charles.

9 MEMBER FAKRODDIN: I'll second the motion.

10 CHAIRMAN RULLMAN: Any further discussion?

11 MEMBER HOLDERFIELD: I would also like to  
12 offer to amend this at this particular point in time.  
13 I'd like to include in the motion that the reduced  
14 square footage of the sign will be brought into  
15 compliance.

16 MR. ANDERSON: Yes.

17 MEMBER HOLDERFIELD: And lowering the height  
18 to 12 feet to be in compliance with the ordinance.

19 MEMBER BUENING: I'll amend my motion to  
20 add that.

21 MEMBER FAKRODDIN: I'll second the amended  
22 motion.

23 CHAIRMAN RULLMAN: It's been moved and  
24 seconded, the amended motion. Any further discussion?

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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(No response.)

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

MEMBER FAKRODDIN: Mr. Buening.

MEMBER BUENING: Aye.

MEMBER FAKRODDIN: Mr. Fakroddin, yes.

Mr. Holderfield.

MEMBER HOLDERFIELD: Yes.

MEMBER FAKRODDIN: Mr. Rullman.

CHAIRMAN RULLMAN: Yes.

MEMBER FAKRODDIN: Four yeses.

CHAIRMAN RULLMAN: The variation is  
approved. Thank you very much.

This will close Variation V-4-2015 filed by  
Thomas Anderson.

(Off the record at 7:39 p.m.)

VARIATION APPLICATION FOR: 303 N. SECOND STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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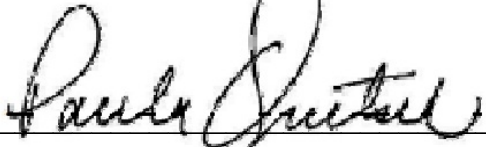
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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 31st day of May, 2015.

My commission expires: October 16, 2017



Notary Public in and for the  
State of Illinois

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BEFORE THE ZONING BOARD OF APPEALS

CITY OF ST. CHARLES

- - - - -x

IN RE: :

Variation application for :

the property located at : No. V-5-2015

801 East Main Street. :

- - - - -x

REPORT OF PROCEEDINGS

St. Charles, Illinois

Thursday, May 28, 2015

7:39 p.m.

Job No.: 74350D

Pages: 1 - 13

Reported By: Paula Quetsch, CSR



DEPOSITION OF VARIATION APPLICATION FOR: 801 E. MAIN STREET  
CONDUCTED ON THURSDAY, MAY 28, 2015

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Report of proceedings held at the location of:

St. Charles Council Chambers  
2 East Main Street  
Second Floor  
St. Charles, Illinois 60174  
(630) 377-4700

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

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PRESENT:

ELMER RULLMAN, III, Chairman

NABI FAKRODDIN, Acting Secretary

SCOTT BUENING, Member

JAMES HOLDERFIELD, Member

ALSO PRESENT:

RUSSELL COLBY, Planning Division Manager

ELLEN JOHNSON, Planner

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P R O C E E D I N G S

CHAIRMAN RULLMAN: At this time we'd like to open Variation Application V-5-2015 filed by Alvin Catella, a tenant of the property located at 801 East Main Street, St. Charles.

Mr. Secretary, please read the application.

MEMBER FAKRODDIN: Application for Variation File V-5-2015 was received on May 8th, 2015, in the office of St. Charles Planning Division. The Applicant, Alvin Catella, represented by Paul Rzewuski, has listed his home address as 801 East Main Street, St. Charles, Illinois, 60174. The Applicant has indicated the property owners of record to be Alvin Catella and Lucia Catella.

The owners acquired the property of 801 East Main Street, St. Charles, Illinois, 60174, an office building on May 25th, 1979. The application is signed by Applicant's representative, Paul Rzewuski, and owner, Lucia Catella, and is dated November 25th, 2014.

The survey of the property as submitted is signed and sealed by Ronald Hodgen, H-o-d-g-e-n, Licensed Professional Land Surveyor with Registration No. 2530 and dated August 18, 2011.

Evidence of publication of legal notice is

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1 submitted which was published in the Kane County  
2 Chronicle on May 13, 2015.

3 The Applicant is requesting zoning variation  
4 to reduce the right-of-way setback requirement for a  
5 freestanding sign from 10 foot to 2 foot 6 inches.  
6 The reason for this request is because the existing  
7 freestanding sign located on the property does not  
8 meet the right-of-way setback requirement and is  
9 therefore a nonconforming sign.

10 The St. Charles Zoning Ordinance requires  
11 all nonconforming signs to be brought into compliance  
12 with the zoning ordinance sign standards by  
13 June 16, 2015, or 15 years after the sign is erected,  
14 whichever is latter.

15 The Applicant is requesting the variation  
16 due to the location of the building which results in  
17 an inability to move the sign back 10 feet to comply  
18 with the setback requirement. Therefore, the  
19 Applicant is requesting this variation to allow the  
20 sign to be set back 2 foot 6 inches after the  
21 June 16th, 2015, compliance deadline.

22 That is the application. There's a letter  
23 here from Lucia D. Catella, 801 East Main Street,  
24 St. Charles, Illinois, 60174 addressed to City of

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1 St. Charles, Illinois, 2 East Main Street, St. Charles,  
2 Illinois, 60174. It's dated May 11th, 2015.

3 "Dear Sir or Madam: I am the owner of the  
4 property located at 801 east Main Street in  
5 St. Charles, Illinois. I hereby give Paul Rzewuski  
6 authority to act on my behalf in all proceedings that  
7 have to do with the signs at or on the building at  
8 801 East Main Street, St. Charles.

9 "Yours truly, Lucia Catella."

10 CHAIRMAN RULLMAN: That will be marked  
11 Exhibit A.

12 Is the Petitioner or representative here?  
13 Please rise, and raise your right hand.

14 (Witness sworn.)

15 CHAIRMAN RULLMAN: Please give your name and  
16 address to the reporter.

17 MR. CATELLA: Certainly. Alvin Catella,  
18 1101 South 10th Street, St. Charles, Illinois.

19 Mr. Rzewuski wasn't able to be here tonight,  
20 so that letter of authorization didn't really develop  
21 the way we wanted it to. My wife and I are here this  
22 evening.

23 CHAIRMAN RULLMAN: We appreciate that.

24 Please let the record show that Mr. Colby

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1 and Ms. Olson are also still sworn.

2 MR. CATELLA: As stated in the petition, we  
3 are here to get a variance as a result of the taking  
4 of Main Street -- the recent taking by the State of  
5 Main Street, and with that variation we would then  
6 comply with all the requirements of the new sign  
7 ordinance that goes into existence in June -- or we  
8 have to comply by June of 2016 -- 2015.

9 So if there's any questions, I'd be happy to  
10 answer them.

11 CHAIRMAN RULLMAN: Any other questions from  
12 the Board?

13 MEMBER BUENING: How much land did the State  
14 actually take from you as part of the --

15 MR. CATELLA: 10 feet.

16 MEMBER BUENING: So the signs were in  
17 compliance prior to the taking?

18 MR. CATELLA: Oh, yes. The sign has been  
19 there since 1979.

20 MEMBER BUENING: How far back is the  
21 sign now?

22 MR. CATELLA: I'm not certain because we  
23 hired Mr. Rzewuski to work on that. I'm not familiar  
24 with the details of it.

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1 CHAIRMAN RULLMAN: So it's 2 feet 6 inches --  
2 you're requesting the allowance to allow the sign be  
3 set back 2 feet 6 inches after June 16th, so reducing  
4 the requirement -- so it's 7 foot 4 inches --  
5 7 foot 6 inches.

6 MEMBER FAKRODDIN: Right. In other words,  
7 in order to meet the 10-foot setback, he's asking for  
8 2 foot 6 inches in there. So he would still be shy  
9 7 foot 6 inches. Right?

10 MR. CATELLA: I really don't know.

11 MEMBER FAKRODDIN: He's moving the sign  
12 2 foot 6 inches setback. So 7 foot 6 inches is the  
13 variation that he's seeking. Am I right?

14 MEMBER BUENING: Without having the actual  
15 measurements of the existing sign, it looks like it's  
16 approximately where the existing sign is. Again,  
17 without having the specific dimensions out there, it  
18 looks -- just by eyeballing it, it looks like  
19 approximately the same location. So prior to the  
20 State taking, the sign was 12 1/2 feet from the right  
21 of the line.

22 MEMBER FAKRODDIN: Thank you.

23 CHAIRMAN RULLMAN: Any other questions?

24 (No response.)

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1 CHAIRMAN RULLMAN: Any objectors present?

2 (No response.)

3 CHAIRMAN RULLMAN: Let the record show there  
4 are no objectors present.

5 I'll consider a motion.

6 MEMBER FAKRODDIN: I can do it.

7 Mr. Chairman, I make a motion.

8 Whereas, it is the responsibility of the  
9 St. Charles Zoning Board of Appeals to review all  
10 applications for variations;

11 Whereas, the St. Charles Zoning Board of  
12 Appeals has reviewed File V-5-2015 dated November 25th,  
13 2014, and received on May 8th, 2015, from Alvin Catella,  
14 represented by Paul Rzewuski, for the property located  
15 at 801 East Main Street, St. Charles, Illinois, for a  
16 variation to reduce the right-of-way setback requirement  
17 for a freestanding sign from 10 feet to 2 foot 6 inches;

18 Whereas, the existing sign located on the  
19 property is a nonconforming sign;

20 Whereas, the St. Charles Zoning Ordinance  
21 requires all nonconforming signs to be brought into  
22 compliance with zoning ordinance sign standards by  
23 June 16, 2015; and

24 Whereas, due to the location of the building



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1 which results in an inability to move the sign back  
2 10 feet to comply with the setback requirement; and

3           Whereas, the purpose of the variation is not  
4 based exclusively upon a desire to make money on the  
5 property; and

6           Whereas, the variation, if granted, will not  
7 alter the essential character of the neighborhood; and

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

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

18           Now, therefore, the St. Charles Zoning Board  
19 of Appeals grants the variation requested to allow the  
20 sign to be set back 2 foot 6 inches after the June 16,  
21 2015, compliance deadline with the stipulations as  
22 specified in 17.04.310 of the variations policy of the  
23 Municipal Code of the City of St. Charles.

24           MEMBER BUENING: I'll second that.

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1 CHAIRMAN RULLMAN: All right. It's been  
2 moved and seconded. Any further discussion?

3 (No response.)

4 CHAIRMAN RULLMAN: Mr. Secretary, please  
5 call the roll.

6 MEMBER FAKRODDIN: Mr. Buening.

7 MEMBER BUENING: Aye.

8 MEMBER FAKRODDIN: Mr. Fakroddin, yes.

9 Mr. Holderfield.

10 MEMBER HOLDERFIELD: Yes.

11 MEMBER FAKRODDIN: Mr. Rullman.

12 CHAIRMAN RULLMAN: Yes.

13 MEMBER FAKRODDIN: Four yeses.

14 CHAIRMAN RULLMAN: The variation is granted.

15 We'll now close V-5-2015 by Alvin Catella.

16 Any additional business from Board members,  
17 staff, or citizens?

18 MEMBER BUENING: I have one thing. I  
19 believe that the Zoning Board of Appeals should reject  
20 the letter of resignation from Mr. Fakroddin. He's  
21 been a very good and long asset for the Zoning Board  
22 of Appeals for St. Charles, and we really appreciate  
23 his services provided over the years, and he will be  
24 sorely missed.

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1 MEMBER FAKRODDIN: Thank you very much. I  
2 really appreciate it but I think 23 years is a long  
3 time. Thank you for your sentiments.

4 CHAIRMAN RULLMAN: Thank you for your  
5 service.

6 Anything else? If not we'll entertain a  
7 motion to adjourn.

8 MEMBER HOLDERFIELD: So moved.

9 MEMBER BUENING: Second.

10 CHAIRMAN RULLMAN: We'll adjourn this  
11 meeting at 7:52 on the clock on the wall.

12 (Off the record at 7:52 p.m.)

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Notary Public in and for the  
State of Illinois