

KANE COUNTY DEVELOPMENT DEPARTMENT

Subdivision and Zoning Division, Kane County Government Center
719 Batavia Avenue
Geneva, Illinois 60134
Office (630) 232-3492
Fax: (630) 232-3411

Received Date

APPLICATION FOR A VARIATION

Instructions:

To request a variation for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 09-11-276-011
	Street Address (or common location if no address is assigned): 6N559 Rt. 25, St. Charles, Illinois

2. Applicant Information:	Name AMI Properties, Inc.	Phone 847-494-5959
	Address 386 E. Irving Park Road	Fax
	Roselle, Illinois 60122	Email bthakkar007@yahoo.com

3. Record Owner Info:	Name AMI Properties, Inc.	Phone 847-494-5959
	Address 386 E. Irving Park Road	Fax
	Roselle, Illinois 60122	Email bthakkar007@yahoo.com

Zoning and Use Information:

Current zoning of the property: B-1, with Special Use

Current use of the property: Convenience Store/Liquor Sales

Reason for Request: SEE ATTACHED SHEET

Variation requested (state specific measurements):

Reason for request:

Action by Applicant on Property: SEE ATTACHED SHEET

What physical characteristics would prevent the property from being used in conformity with the requirements of the Zoning Ordinance?

Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain)

Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain)

The Kane County Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "make your case" by explaining how your request will not:

1. Impair an adequate supply of light and air to adjacent property.

2. Increase the hazard from fire and other dangers to adjacent property.

3. Diminish the value of adjacent land and buildings.

4. Increase congestion or create traffic hazards.

5. Impair the public health, safety, comfort, morals and general welfare.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Certification of Notification of adjacent property owners
- Aerial (air photo) with property clearly highlighted contact:
The Sidwell Co., 675 Sidwell Dr., St. Charles, IL (630) 549-1000
- Trust Disclosure (If applicable)
- Application fee (make check payable to Kane County Development Department)
- Site Plan drawn to scale showing house, well and septic. See survey → no new improvements to be constructed.

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.


Record Owner

4-18-16
Date

Applicant or Authorized Agent

Date

**ACTION BY APPLICANT / REASONS FOR
REQUEST FOR VARIATION(S)**

Petitioner hereby requests a variation of the following variations:

Section 25-14-1-7:	Total number of parking spaces required; and
Section 25-14.1-2(c):	Parking Setback for parking area
Section 25-15.1-2(c)-(f):	Landscaping Requirements for the parking area

In each instance, the following are the reasons for the request(s):

1. PARKING SPACES:

Required:	24
Actual:	16

Variance of eight (8) spaces is requested.

2. SETBACK FOR PARKING AREA:

Required setback:	Twenty (20') feet.
Actual space:	Four (4±') feet, more or less.

Variance of sixteen (16±') feet (plus or minus, per survey) is requested.

3. LANDSCAPING FOR PARKING AREA AND PARKING AREA SETBACK:

Required:	-- Minimum of 10% to be landscaped = 613 s.f. of landscaping.
	-- Minimum of two (2) native trees per each ten (10) spaces.

Variance requested:	-- Owner will add bushes/shrubs, not more than three (3') feet in height, within the four (4') foot setback area at the front of the lot to screen the parking lot area from the highway;
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-- No landscaping would be required in the parking area itself, in order to preserve the existing parking spaces.

REASONS FOR THE VARIANCES:


- 1) The Subject Property has long been improved with a commercial building housing a grocery store and/or liquor store and a restaurant area.
- 2) The total area of the lot in question is 20,038 s.f. (.46 acres), improved with a building of approximately 4,368 s.f, and a parking area of 6,130 s.f.

AMI Properties, Inc.
Petition for Variation

- 3) The restaurant area is currently vacant, and Owner desires to change the use of that space to a video gaming cafe.
- 4) The total area of the property in question is not sufficient to provide for the number of parking spaces otherwise required at this location under the current Zoning Regulations. The long-existing setback from State Route 25 does not meet the standards of the Zoning Regulations. There is no room on the property for expansion of the parking area.
- 5) The purpose is not to make more money form the property, but to fully utilize this commercial property in its existing condition, by filling the currently vacant space with a new use, video gaming, in place of the former use, a restaurant area.
- 6) The practical difficulty or particular hardship was not created by the Owner. The size of the zoning lot in question has created a practical difficulty or particular hardship for the Owner in regard to these matters, such that carrying out the strict letter of the regulations is not feasible. The lot is not large enough to allow Owner to meet the requirements of the current zoning regulations for setback and landscaping of the parking area. The lot size, building size and parking lots size have not been altered since the grocery store / restaurant uses were originally permitted. The zoning change at this time is only to allow for a different use, to wit: video gaming, in a portion of the property previously utilized as a restaurant. The parking calculations are the same for each such use (1 space per 100 s.f.). The new use will allow the Owner to fully utilize the existing commercial building.
- 7) The building and parking area are in harmony with the general purpose and intent of the regulations, and with the adjacent commercial/business uses; and the uses on the property serve the neighborhood residents.
- 8) Access from IL 25 into the parking area is adequate; the number of parking spaces has historically been adequate for the uses on the property; there is no room on the property for expansion of the parking facilities that would be feasible.

Respectfully submitted

AMI Properties, Inc.

By: 

Mark Schuster
Bazos, Freeman, Schuster & Braithwaite LLC
1250 Larkin Avenue #100
Elgin, IL 60123
847-742-8800

PROPOSED FINDINGS OF FACT
PETITION FOR VARIATION

A. What physical characteristics would prevent the property from being sued in conformity with the requirements of the Zoning Ordinance?

The property consists of only 20,038 square feet total (.46 acres), and has long been improved with the commercial building / store and restaurant on the premises. The current parking area is 6,130 square feet (30% of the total lot area). There is no additional space available on the site to add parking spaces, or to increase the parking setback. Adding landscaping to the parking area would further reduce the number of parking spaces.

B. Is the purpose of the proposed variation based on more than a desire to make money from the property?

The purpose of the proposed variation is to allow for continued use of the property for commercial/retail purposes, and in particular, to fill the vacant commercial space formerly occupied by a pizza restaurant / carry-out facility with a new user, a video gaming cafe. The owners desire to fully utilize the 4,368 s.f. building as they have in the past. The building is not to be expanded in size.

C. Has the alleged difficulty or hardship been created by any person having an interest in the property?

The alleged "practical difficulty" or "particular hardship" results from the size of the property, which will not accommodate an expansion of the parking area on site. This condition has not been created by any person having an interest in the property, but is a condition that has long existed on the property for its commercial / retail use.

D. The Kane County Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "Make your case" by explaining how your request will NOT:

1. Impair an adequate supply of light and air to adjacent property.

No changes to the exterior of the existing building and/or parking area on the property are proposed with this application, and therefore, use of the property – with a variation of the parking and parking setback requirements – would not impair the supply of air or light to any adjacent property.

2. Increase the hazard from fire and other dangers to adjacent property.

No changes to the exterior of the existing building and/or parking area on the property are proposed, and therefore, use of the property – with a variation of the parking and parking setback

No changes to the exterior of the existing building and/or parking area on the property are proposed, and therefore, use of the property – with a variation of the parking and parking setback requirements – would not increase the hazard from fire, or any other danger, to any adjacent property.

3. Diminish the value of adjacent land and buildings.

No changes to the exterior of the existing building and/or parking area on the property are proposed, and therefore use of the property – with a variation of the parking and parking setback requirements – would not diminish the value of any adjacent land or buildings. The property has for a long time been used for the same commercial – retail use.

4. Increase congestion or create traffic hazards.

No changes to the exterior of the existing building and/or parking area on the property are proposed, and therefore, use of the property – with a variation of the parking and parking setback requirements – would not increase congestion or create traffic hazards. The property fronts on IL 25, a state highway, in an area where the speed zone is 45 mph, accommodating the anticipated turning movements for the businesses existing in this area of St. Charles Township (formerly, Valley View.). It is not anticipated by the Owner that use of the property will be more intense such that the existing parking area, and lesser parking area setback, would create any hazard. There is an adequate entrance to the Subject Property at this time, marked by curbs.

5. Impair the public health, safety, comfort, morals and general welfare.

No changes to the exterior of the existing building and/or parking area on the property are proposed, and therefore, use of the property – with a variation of the parking and parking setback requirements – would not impair the public health, safety, comfort, morals or general welfare.

LEGAL DESCRIPTION

That part of the Northeast $\frac{1}{4}$ of Section 11, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows:

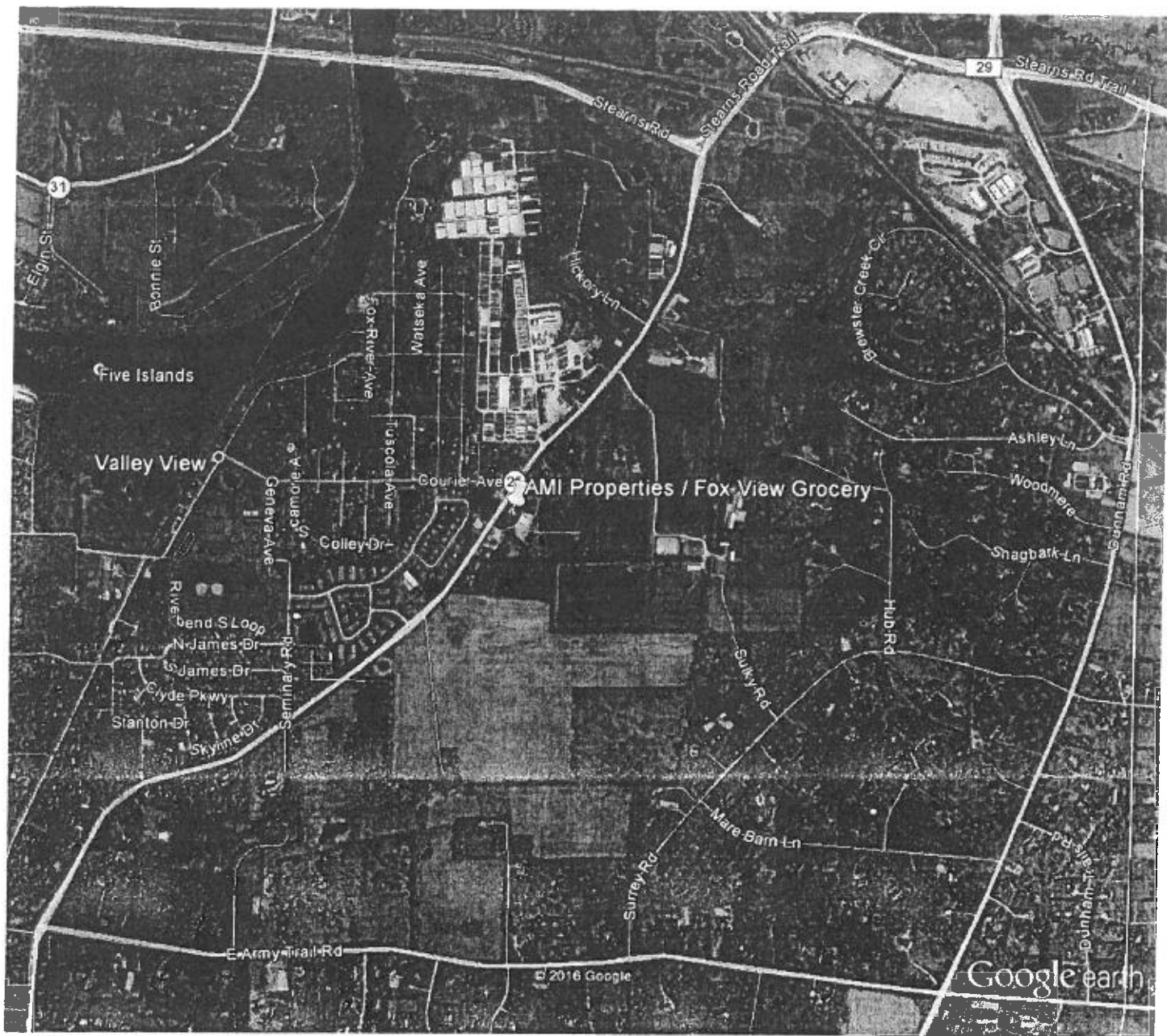
Commencing at the Southwest Corner of said Northeast $\frac{1}{4}$; thence North 2 degrees, 22 minutes, 0 seconds West along the westerly line of said Northeast $\frac{1}{4}$, 531.4 feet; thence North 86 degrees, 28 minutes, 0 seconds East 1279.38 feet to the center line of Illinois State Route No. 25; thence southwesterly along said center line 225.93 feet for a point of beginning; thence South 63 degrees, 02 minutes, 30 seconds East at right angles to said center line, 200.0 feet; thence South 26 degrees, 57 minutes, 30 seconds West parallel with said center line, 100.0 feet; thence North 63 degrees, 02 minutes, 30 seconds West at right angles to the last described courts, 200.0 feet, to said center line; thence North 26 degrees, 57 minutes, 30 seconds East along said center line, 100.0 feet to the point of beginning, in the Township of St. Charles, Kane County, Illinois.

PIN: 09-11-276-011
Common Address: 6N559 Rt. 25, St. Charles, Illinois



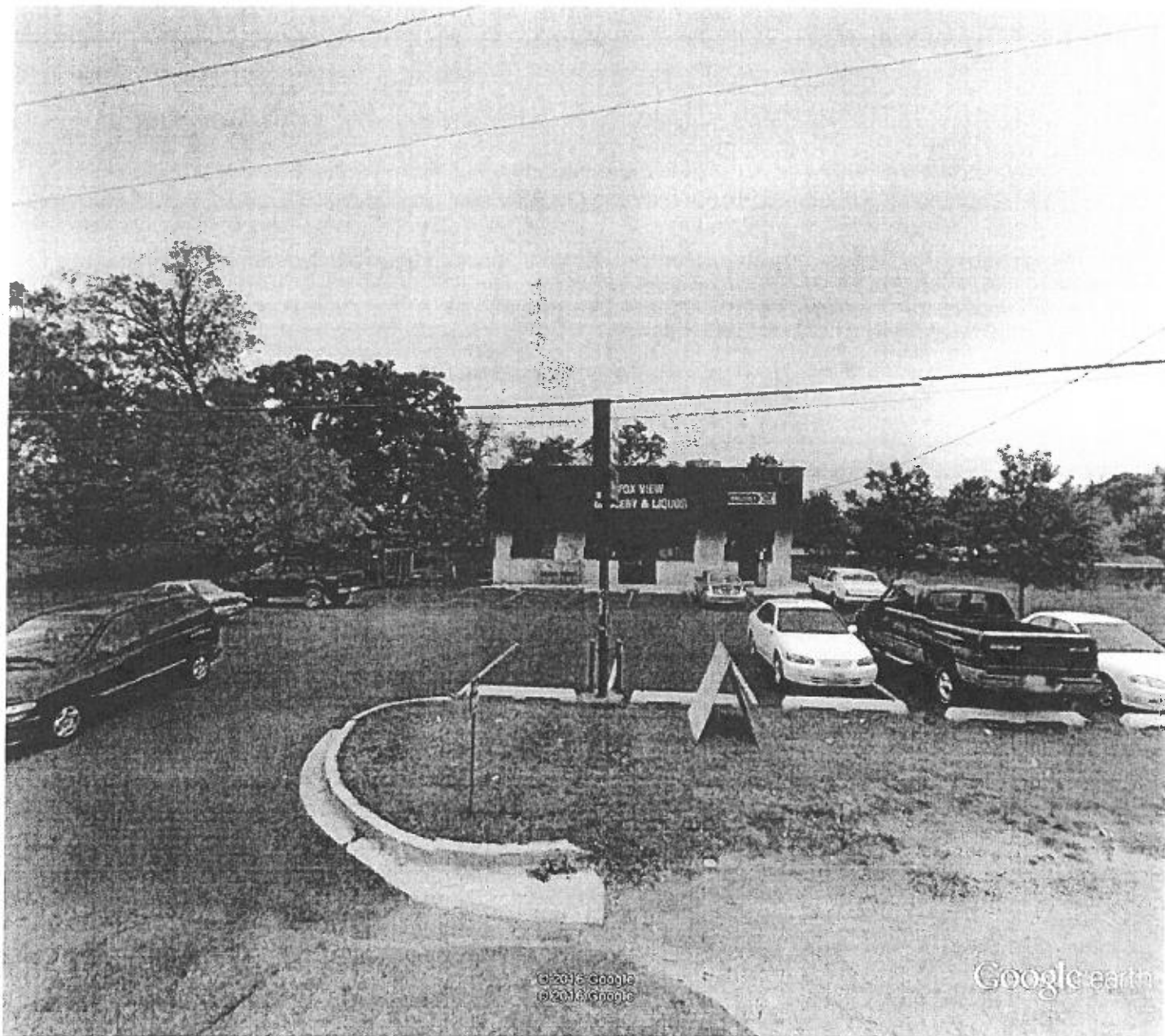
Google earth





Google earth

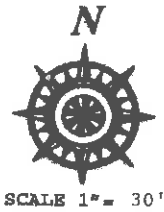




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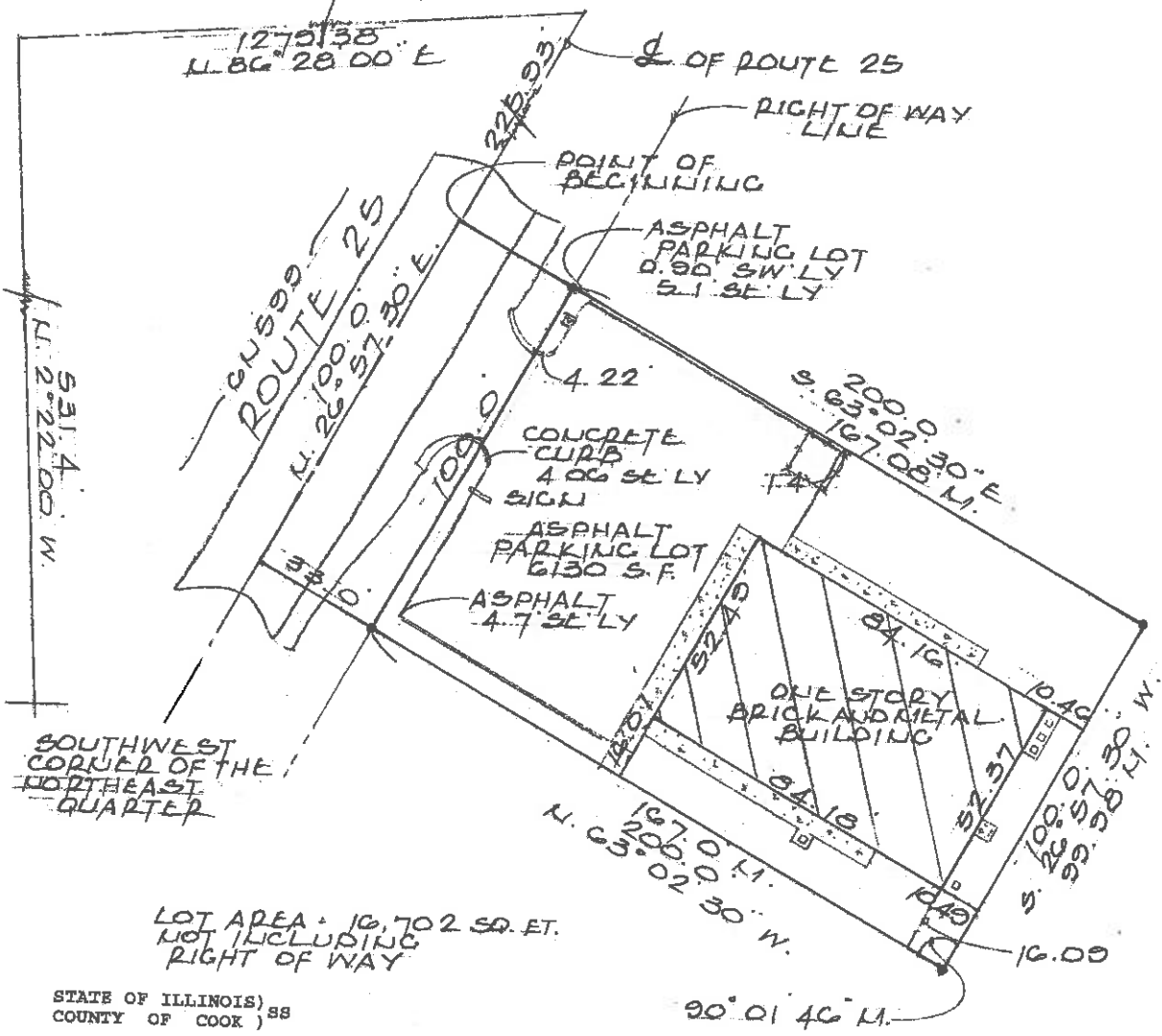


PLAT OF SURVEY



OF PROPERTY DESCRIBED AS:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE NORTH 2 DEGREES, 22 MINUTES, 0 SECONDS WEST ALONG THE WESTERLY LINE OF SAID NORTHEAST 1/4, 531.4 FEET; THENCE NORTH 86 DEGREES, 28 MINUTES, 0 SECONDS EAST 1279.38 FEET TO THE CENTER LINE OF ILLINOIS STATE HIGHWAY ROUTE NO. 25; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 225.93 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 63 DEGREES, 02 MINUTES, 30 SECONDS EAST AT RIGHT ANGLES TO SAID CENTER LINE 200.0 FEET; THENCE SOUTH 26 DEGREES, 57 MINUTES 30 SECONDS WEST PARALLEL WITH SAID CENTER LINE 100.0 FEET; THENCE NORTH 63 DEGREES 02 MINUTES, 30 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 200.0 FEET TO SAID CENTER LINE; THENCE NORTH 26 DEGREES, 57 MINUTES, 30 SECONDS EAST ALONG SAID CENTER LINE 100.0 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS.



LOT AREA - 10,702 SQ. FT.
NOT INCLUDING
RIGHT OF WAY

STATE OF ILLINOIS)
COUNTY OF COOK) ss

I, GERALD SOPHA, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A TRUE AND ACCURATE REPRESENTATION THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED: MARCH 19, 2016

PREPARED FOR: MARK SCHUSTER

PROPERTY ADDRESS: 6N599 RT. 25
ST. CHARLES, ILLINOIS

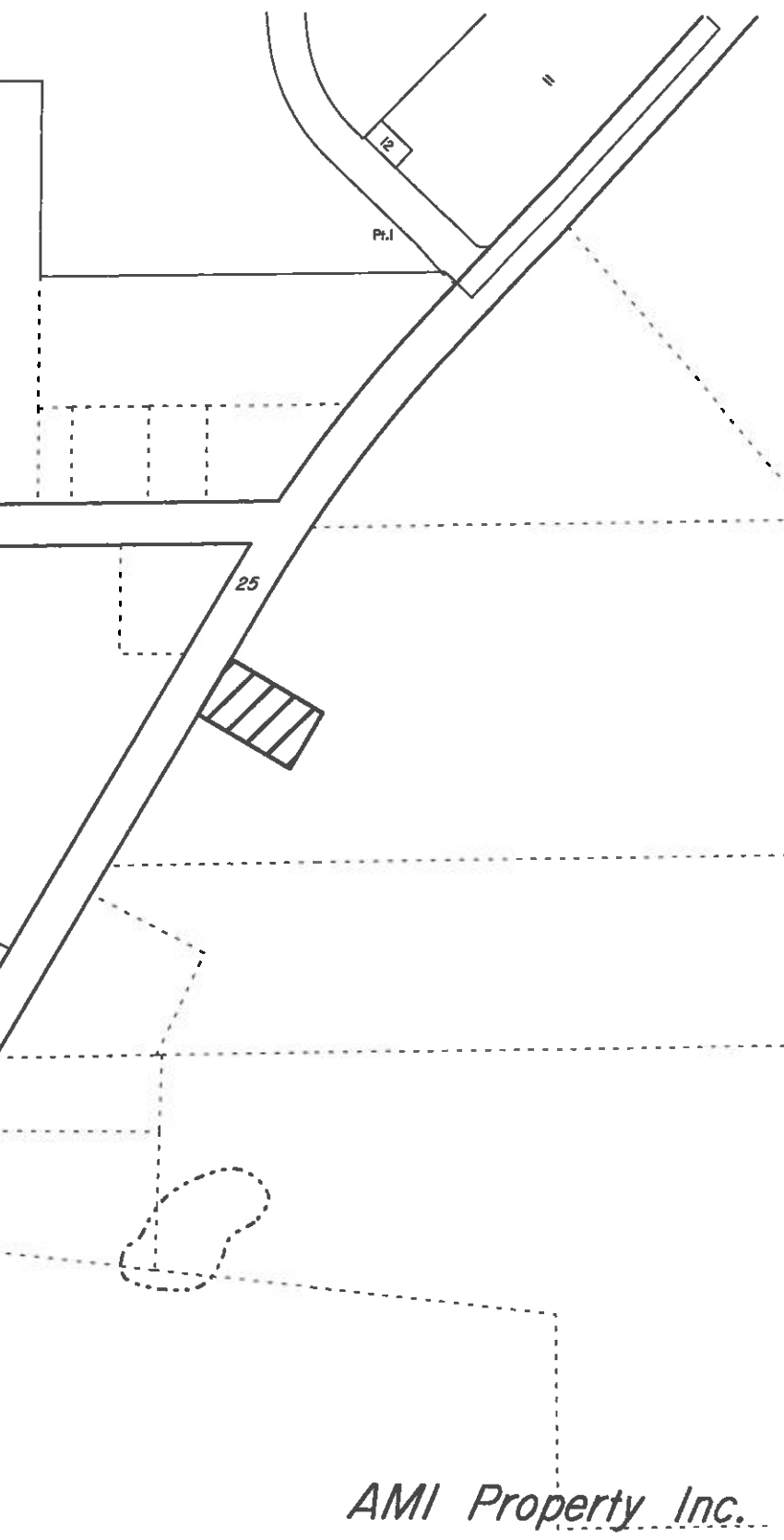
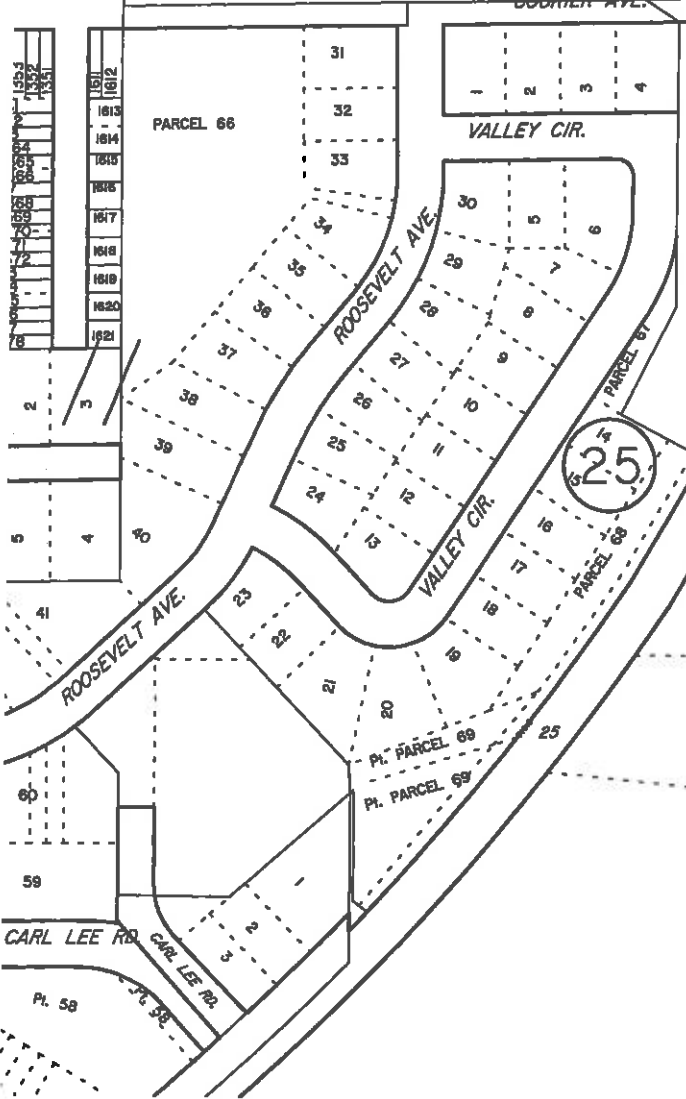
Gerald Sopha
GERALD SOPHA
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2473
LICENSE EXPIRES, NOVEMBER 30, 2016



JERRY SOPHA
PROFESSIONAL LAND SURVEYOR
P.O. BOX 746
ELGIN, ILLINOIS 60121-0746
(847) 695-0960

● METAL STAKE SET. ○ METAL STAKE FOUND.
Any discrepancy in measurements should be promptly reported to the surveyor for explanation or correction.
COMPARE THE DESCRIPTION ON THIS PLAT WITH DEED. REFER TO DEED FOR ENCUMBRANCES AND DISTURBANCES.

1787	1788	1789	1790	1791	1792	1793	1794	1795	1796	1797	1798	1799	1800	1801	1802	1803	1804	1805	1806	1807	1808	1809	1810	1811	1812	1813	1814	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	1851	1852	1853	1854	1855	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
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AMI Property Inc.