

# 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

D2-2013-0005

## 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): 09-14-100-032
	Street Address (or common location if no address is assigned): 6N029 RT. 25

2. Applicant Information:	Name James Cooper	Phone 847-212-4530
	Address 6N029 RT 25	Fax
	St. Charles, IL	Email C2742C@GMAIL.COM

3. Record Owner Information:	Name James and Deborah Cooper	Phone 847-212-4530
	Address 6N029 RT 25	Fax
	St. Charles, IL	Email C2742C@GMAIL.COM

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

RURAL LOT, Neighbor's house APPROX 100' FROM RESIDENCE.

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

NO FIRE HAZARDS CREATED.

3. Diminish the value of adjacent land and buildings.

THE OPPOSITE IMPROVEMENTS HAVE HELP INCREASE VALUE, TAX ASSESSMENT INCREASED BY 23%.

4. Increase congestion or create traffic hazards.

RESIDENCE IS SET BACK 175' FROM RT. 25

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

NONE.

**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.

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.

JAMES AND DeBORAH COOPER 4/11/13  
Record Owner Date

[Signature] 4/11/13  
Applicant or Authorized Agent Date

**Zoning and Use Information:**

Current zoning of the property: E-2 District Estate

Current use of the property: Residential

**Reason for Request:**

Variation requested (state specific measurements):  
Poorly Built Existing Room Addition was 5.18 From Property Line

Re Built Addition is now 4.61 From Property Line at  
Closest Point of Obscure Line.

Reason for request:  
Existing Residence was Grandfathered 5.18 From Line.

WHAT started AS Repairs Turned To Total Re Build.

**Action by Applicant on Property:**

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

The Main Residence is 5.94 From Obscure Property Line. The  
Angle of Line prevented compliance.

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

NO - The improvements were intended to make the property livable

for my family. with the completed renovations, we are  
still approx \$150K under in mortgage.

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

The Property was purchased in 2006 with intentions of a  
Total Rebuild. Full plans & specs developed in 2006,

Lending Denied due to market crash, we completed  
the improvements out of pocket looking past foreclosure

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:

cont... IF variance request is denied and improvements  
must be removed, property will be forced into  
fore closure. we are proud members of Kane  
County community and look forward to continuing

# TOWN OF ST. CHARLES

*Supervisor*  
John Arthur Anderson

1725 Dean Street  
St. Charles, Illinois 60174-1691

*Assessor*  
Colleen M. Lang

## COUNTY OF KANE

*Trustees*  
Terry W. Cross  
Paul D. Lencioni  
Todd E. Wallace  
Mary Lynn Swanson

*Supervisor* 630/584-9342 \* *FAX* 630/584-7082  
*Assessor* 630/584-2040 \* *FAX* 630/584-7963  
*Highway Commissioner* 630/584-3496 \* *FAX* 630/762-0861

*Highway Commissioner*  
Ronald C. Johnson

*Clerk*  
Jack G. Brainard

15 May 2013

Keith Berkhout  
Building and Zoning Division  
Kane County Development  
& Community Services Dept.  
719 S Batavia Ave  
Geneva, IL 60134

RE: James Cooper, ET UX  
Reason: Side yard Setback for home addition done without  
Permit (4.61', 5.39' Variance)

Dear Keith:

I have reviewed the above-mentioned application along with our Highway  
Commissioner, Ron Johnson and we have no concerns or recommendations for  
this Application for a Variation. Thank you for the information.

Sincerely,



John Arthur Anderson  
Supervisor

JAA/srb



*The Beauty Spot of the Fox Valley*

## Berkhout, Keith

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**From:** Harlan Spiroff <spiroff@thesglawfirm.com>  
**Sent:** Monday, June 03, 2013 2:08 PM  
**To:** Berkhout, Keith  
**Cc:** clerk@villageofwane.org  
**Subject:** 5N029 Route 25 - Cooper Variation Application

Keith -

The Village Board's direction to me was to inform you and the ZBA that the Village is not pleased Mr. Cooper failed to obtain the necessary permits for his home addition and that with regard to the side yard variation, the Village has no comment.

AS always, the Village appreciates the notice and opportunity to comment.

Harlan Spiroff  
Village Attorney

STATE OF ILLINOIS        }  
  }§  
COUNTY OF KANE         }

TO WHOM IT MAY CONCERN:

Petition No.: 4299

Public notice is hereby given to all persons concerned that on the 10th day of June 2013, A.D. at seven o'clock (7:00 P.M.) Central Time, in the evening of said day, a public hearing will be held at the Kane County Government Center, Bldg. A, 719 S. Batavia Ave., Geneva, IL, to consider the petition of James Cooper, et ux, appealing from the ruling of the Enforcing Officer of the Kane County Zoning Ordinance, refusing to allow a home addition built without permit closer to the sideyard setback than allows (4.61', 5.39' variance) on the following described property:  
Parcel 1: That pt of sections 11 and 14, Twp 40 N, Rge 8 E of the 3<sup>rd</sup> PM, daf: Comcg at the intsectn of the Sly ROW li of St Rte 25 and the W li of sd Sec 14, sd pnt bng 40.1 ft S of the NW cor of sd Sec 14, th S 00°14' E alg sd Sec li 180.83 ft, th S 81°52' E 706.68 ft for a pob, th contug S 81°52' E 92.2 ft, th N 00°14' W 493.46 ft to the Sly ROW li of sd St Rte 25, th SWly alg sd Sly ROW li 93.10 ft, th S 00°14' E 461.25 ft, to the pob, in the Twp of St. Charles, KCI.  
Parcel 2: That pt of the SW Qtr of Sec 11, and pt of the NW Qtr of Sec 14, Twp 40 N, Rge 8 E of the 3<sup>rd</sup> PM, daf: Comcg at the intsectn of the Sly ROW li of St Rte 25 and the W li of Sec 14, Twp 40 N, Rge 8 E of the 3<sup>rd</sup> PM, sd pnt bng 40.1 ft S of the NW cor of sd Sec 14, th S 00°14' E alg the W li of sd Sec 14, 180.83 ft, th S 81°52' E 798.88 ft, th N 00°14' W 212.78 ft to a pnt, sd pnt bng S 00°14' E 272.62 ft frm the S ROW of St Rte 25 and bng the pob, th contug N 00°14' W 192.99 ft, th S 6° 12' 50" E 143.85 ft, th S 17°36' W 49.8 ft to the pob , in the Twp of St. Charles, KCI. The property is located at 6N029 Route 25. All interested persons and especially those owning adjacent and adjoining property are requested to attend said hearing.

KANE COUNTY ZONING BOARD OF APPEALS

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Mark VanKerkhoff  
Zoning Enforcement Officer

DATED at Geneva, Illinois  
this 25th day of May, A.D., 2013

KANE COUNTY DEVELOPMENT DEPT.  
BUILDING & ZONING DIVISION  
719 BATAVIA AVENUE  
GENEVA, IL 60134  
(630) 232-3492

# COUNTY OF KANE

**DEVELOPMENT & COMMUNITY  
SERVICES DEPARTMENT**  
Mark D. VanKerkhoff, AIA, Director



**County Government Center**  
719 Batavia Avenue  
Geneva, IL 60134  
Phone: (630) 232-3480  
Fax: (630) 232-3411

**NOTICE TO:** All adjacent and adjoining property owners of properties located at 6N029 Route 31, Section 14, St. Charles Township (09-14-100-032).

**FROM:** Kane County Building & Zoning Division  
Keith Berkhout, Zoning Planner

**DATE:** May 28, 2013

**RE:** Zoning Board of Appeals Public Hearing

NOTICE IS HEREBY GIVEN that the Kane County Zoning Board of Appeals has received a petition for a public hearing from James Cooper.

THE PETITIONER IS APPEALING the ruling of the Zoning Enforcement Officer of the Kane County Ordinance, refusing to allow a home addition constructed without permit closer to the sideyard setback than allowed (4.61', 5.39' variance).

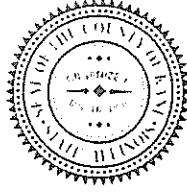
NOTICE IS ALSO GIVEN that a public hearing to consider said request will be held before the Kane County Zoning Board of Appeals on June 10, 2013, A.D., at the Kane County Government Center, 719 S. Batavia Avenue, Geneva, IL at 7:00 p.m.. Said Notice was published in the Kane County Chronicle on May 25th, 2013. All interested parties are invited to attend the public hearing, present testimony for or against the petition and cross-examine witnesses presenting testimony for or against the petition.

DOCUMENTS ARE ON FILE and available for public inspection during regular business hours at the Kane County Development Department, Kane County Government Center, 719 S. Batavia Ave., Geneva, IL. **If you have any further questions, please call Keith Berkhout at (630) 232-3495.**

# COUNTY OF KANE

**DEVELOPMENT & COMMUNITY  
SERVICES DEPARTMENT**

Mark D. VanKerkhoff, AIA, Director



**County Government Center**

719 Batavia Avenue

Geneva, IL 60134

Phone: (630) 232-3480

Fax: (630) 232-3411

June 21, 2013

James Cooper  
6N029 Route 25  
St. Charles, IL 60175

RE: Sidyard setback variance for home addition  
Petition No.: 4299

Dear Mr. Cooper,

This office has received the results of the Kane County Zoning Board of Appeals public hearing held on Monday, June 10, 2013.

The petition for a variation to allow a home addition constructed without permit closer to the sidyard setback than allowed (4.61'; 5.39' variance) for the property located at 6N029 Route 25, Section 14, St. Charles Township, Kane County, Illinois, has been **GRANTED**.

Before beginning any construction on said premises (including signs), a building permit is required. Applications for a permit are available from the Kane County Building Permit Division, 719 S. Batavia Avenue, Geneva, Illinois.

If you have any questions, please contact this office.

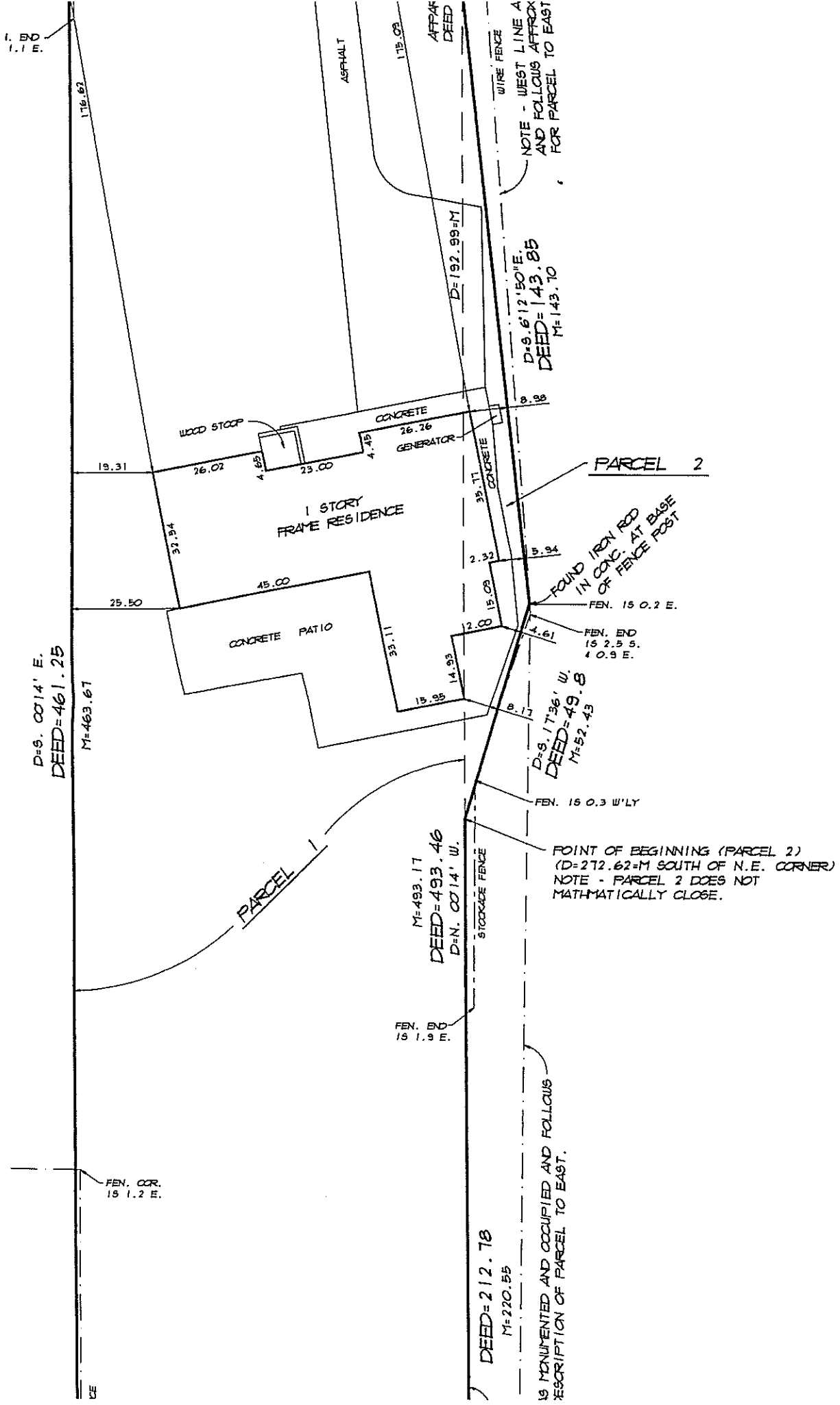
Sincerely,

KANE COUNTY DEVELOPMENT DEPARTMENT

A handwritten signature in black ink, appearing to read "Keith Berkhout", is written over a horizontal line.

Keith Berkhout, Zoning Planner  
Building & Zoning Division





I. END  
1.1 E.

D=9.0014' E.  
DEED=461.25  
M=463.67

176.63

19.31

WOOD STOOP

26.02

4.65

23.00

4.45

CONCRETE

26.26

GENERATOR

1 STORY  
FRAME RESIDENCE

CONCRETE PATIO

25.50

45.00

15.95

14.95

2.00

15.08

2.32

5.94

35.11

CONCRETE

CONCRETE

8.88

D=9.612'50"E.  
DEED=143.85  
M=143.70

NOTE - WEST LINE A  
AND FOLLOWUS AFFRAX  
FOR PARCEL TO EAST

WIRE FENCE

AFFRAX  
DEED

D=192.99=M

176.02

ASPHALT

176.02

176.02

176.02

176.02

176.02

176.02

176.02

176.02

176.02

PARCEL 2

ROUND IRON ROD  
IN CONC. AT BASE  
OF FENCE POST

FEN. 15 0.2 E.

FEN. END  
15 2.5 5.  
4 0.9 E.

D=9.17'36" W.  
DEED=49.8  
M=52.43

FEN. 15 0.3 W'LY

POINT OF BEGINNING (PARCEL 2)  
(D=272.62=M SOUTH OF N.E. CORNER)  
NOTE - PARCEL 2 DOES NOT  
MATHEMATICALLY CLOSE.

PARCEL 1

M=493.17  
DEED=493.46  
D=N.0014' W.

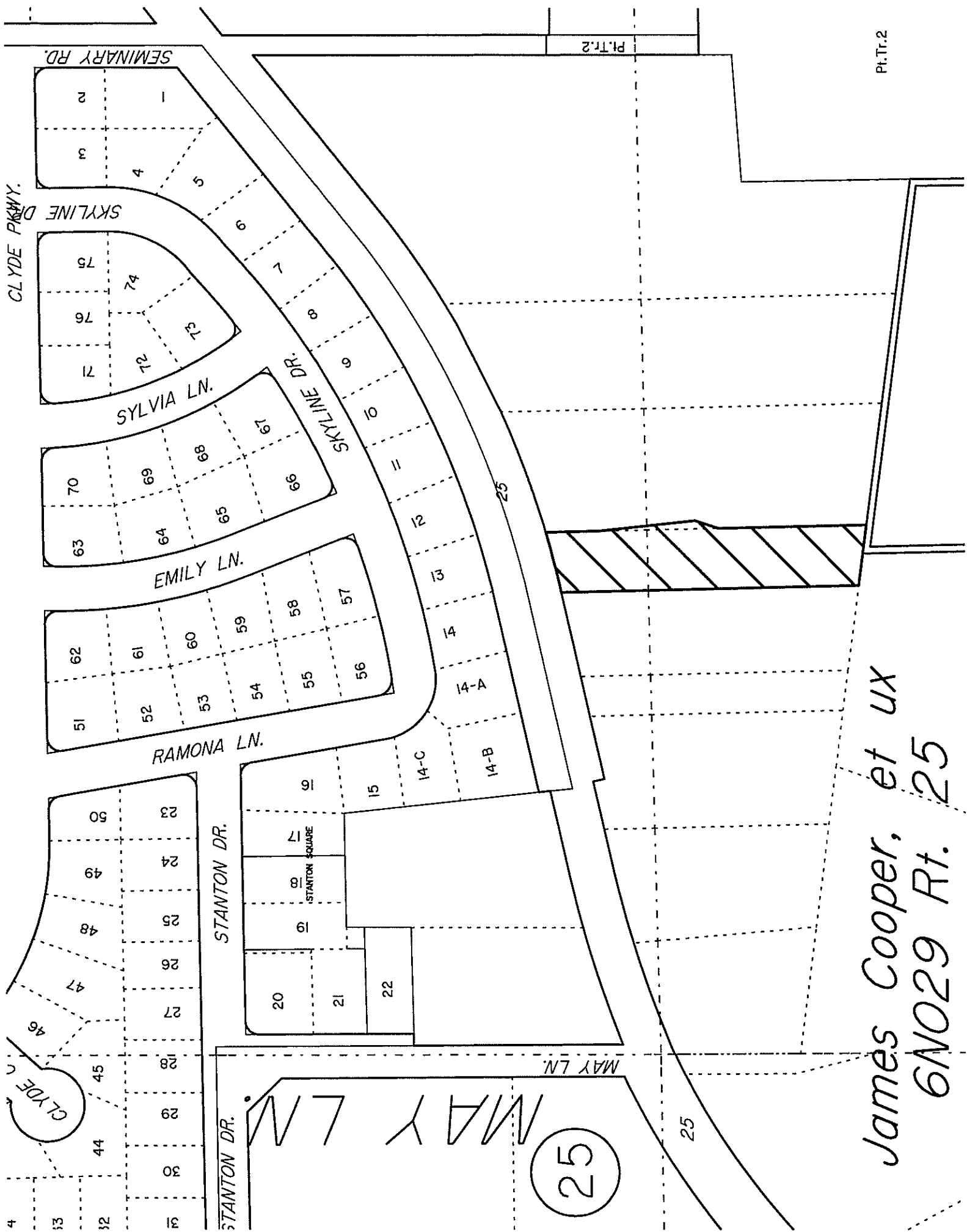
FEN. END  
15 1.9 E.

DEED=212.78  
M=220.55

IS MONUMENTED AND OCCUPIED AND FOLLOWUS  
DESCRIPTION OF PARCEL TO EAST.

FEN. COR.  
15 1.2 E.

CE



*James Cooper, et ux*  
 6N029 Rt. 25

Pt.Tr.2

Pt.Tr.2

25

25

25

STANTON DR.

STANTON DR.

MAY LN.

RAMONA LN.

EMILY LN.

SYLVIA LN.

STANTON SQUARE

CLYDE PKWY.

SEMINARY RD.

SKYLINE DR.

SKYLINE DR.

CLYDE C.

ST. CHARLES TWP.  
T.40 N - R.8 E

map 9

