

MINUTES OF THE ZONING BOARD OF APPEALS
June 13, 2016

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:00 p.m. at the Village Hall.

Members present: Chairman William Cotey, Amy Flores, Walter Oakley, and David Semmelman.

Members absent: Matthew Krummick, Mark Moore, and Kurt Schultz.

Village Staff present: David Smith, Senior Planner; and Fred Chung, Senior Project Engineer.

Board Member Oakley moved, seconded by Board Member Flores, to approve the May 9, 2016, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 16-07 William Watson, Applicant
832 Sherborne Court and 1215 Winchester Road

Request is for a variation to allow a fence to be constructed in the front yard at a height of 4-1/2 feet and to exceed 1/3 the linear length of the front property line within the front yard in an R-3, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the applicant, William C. Watson, is requesting a variation to allow a fence line to be constructed in the front yard at a height of 4-1/2 feet and to exceed 1/3 the linear length of the front property line within the front yard in an R-3, Single Family Residential District located at 832 Sherborne Court. Mr. Smith stated that the applicant is proposing to construct a decorative 4-1/2 foot high black aluminum fence approximately 5 feet from the Winchester Road public sidewalk which is approximately 4 feet from the Winchester Road right-of-way property line.

Mr. Smith stated that the combined two lots owned by Dr. Watson complete a single zoning lot of record. He stated that one lot fronts Sherborne Court and the other fronts Winchester Road which combined creates a double frontage lot. Mr. Smith stated that although the north end of the parcel that fronts Winchester Road functions as the applicant's rear yard, the Zoning Code requires a front yard setback of 40 feet from the Winchester Road right-of-way property line due to the double frontage orientation of the zoning lot.

Dr. Watson, petitioner, stated that due to his double frontage lot he is at a disadvantage with the more restrictive fence regulation for that portion of his property that faces Winchester Road. He stated that it is his intent to enclose his entire rear yard even though it abuts the Winchester Road

Minutes of the June 13, 2016, Zoning Board of Appeals Meeting
Page 2 of 4

right-of-way. He stated that people seem to view his rear yard as public park and it often becomes a cut-through problem. He stated that he is also concerned about security. He stated that his fence proposal will not impede snow removal along the public right-of-way and will not have an adverse impact upon any existing trees.

Chairman Cotey asked the petitioner if he noted Staff's caution outlined in the Staff report regarding Lake County Government's right to require land dedication if they deem it necessary and that it may have an impact upon the proposed fence along the right of way. Dr. Watson stated that he understands the cautionary note in the Staff report.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do tonight regarding the variation request. Dr. Watson stated that he would like for the Zoning Board of Appeals to render a positive recommendation to the Village Board for his fence variation request.

In the matter of ZBA 16-07, Board Member Oakley moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to allow a fence to be constructed in the front yard at a height of 4-1/2 feet and to exceed 1/3 the linear length of the front property line within the front yard in an R-3, Single Family Residential District, in accordance with the plans submitted.

Motion carried 4 - 0.

Ayes: Cotey, Flores, Oakley, Semmelman
Nays: None
Absent: Krummick, Moore, Schultz

ZBA 16-08 Sedgley Partners, LLC, Applicant
1010 S. Milwaukee Avenue

Request is for a variation to increase the maximum number of permitted wall signs per vehicle manufacturer from one (1) to four (4) for a building located in a C-5, Vehicle Dealer Commercial District.

Mr. David Smith, Senior Planner, introduced the petitioner's sign variation request. He stated that the petitioner is requesting to increase the maximum number of permitted wall signs per vehicle manufacturer for a building located in a C-5, Vehicle Dealer Commercial District at 1010 S. Milwaukee Avenue. Mr. Smith stated that the subject property is the Napleton Ford vehicle dealer facility located at the southeast corner of Golf Road and Milwaukee Avenue on approximately 5.6 acres of land.

Mr. Smith stated that the petitioner is requesting approval for one (1) 84.5 square foot Napleton text wall sign on the front west facing building facade, two (2) oval Ford logo signs 21 square feet and 31 square feet in sign area on the front west facing building facade, and one (1) 97.5 square foot Napleton text wall sign on the south facing building facade. Mr. Smith stated that the Zoning Code allows one (1) wall sign per vehicle manufacturer plus one (1) accessory

Minutes of the June 13, 2016, Zoning Board of Appeals Meeting
Page 3 of 4

service wall sign and that the variation requested is to increase the number of permitted business walls signs from one (1) to four (4) is required.

Mr. James Babowice, agent representing the petitioner, distributed photos of the subject site to the members of the Zoning Board of Appeals. He stated that the Napleton Ford facility is being facilitated.

Ms. Bridget Napleton, representing Napleton Ford, stated that the facility is currently being remodeled in accordance to the requirements of the Ford corporation. She stated that the remodeling and the proposed signage is subject to the Ford corporation's mandate.

Mr. Babowice stated that there are several dealerships in the Village with multiple signs on their property and that this proposal would not be setting a precedent.

Board Member Semmelman asked how the proposed sign sizes compare to what was there before. Mr. Babowice stated that one of the proposed Ford emblem ovals measures to 21 square feet which does not exceed the previous size, but that the other Ford emblem oval is 31 square feet and cannot be compared to the previous signage.

Board Member Flores asked why they needed the two Ford oval emblems. Ms. Napleton stated that they are subject to the corporate mandate which dictates what they must have in terms of signage.

Board Member Oakley inquired about the length of time that the subject site was owned or operated by Sessler Ford. Ms. Napleton stated that it may have been approximately 9 years before Napleton took it over.

Chairman Cotey stated that he has difficulty understanding what the hardship is that would justify the sign variation requested. Mr. Babowice stated that the manufacturer has mandated that certain updates to the Ford facilities are out of the control of the local dealers.

Mr. Joe Massarelli, owner/operator of Liberty Auto City located on East Park Avenue in Libertyville, stated that the manufacturers are pushing more now than before to control the auto dealer franchises and that the auto maker corporations do dictate through their mandates to the local dealers how to design their facilities including signage.

Chairman Cotey asked the petitioner what they would like the Zoning Board of Appeals to do tonight. Mr. Babowice stated that they would like for the Zoning Board of Appeals to give a positive recommendation to the Village Board for their variation request.

In the matter of ZBA 16-08, Board Member Semmelman moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to increase the maximum number of permitted wall signs per vehicle manufacturer from one (1) to four (4) for a building located in a C-5, Vehicle Dealer Commercial District, in accordance with the plans submitted.

**Minutes of the June 13, 2016, Zoning Board of Appeals Meeting
Page 4 of 4**

Motion carried 4 - 0.

Ayes: Cotey, Flores, Oakley, Semmelman

Nays: None

Absent: Krummick, Moore, Schultz

COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Flores, to adjourn the Zoning Board of Appeals meeting.

Motion carried 4 - 0.

Meeting adjourned at 7:25 p.m.