

MINUTES OF THE ZONING BOARD OF APPEALS
January 28, 2008

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

Members present: Chairman Mark Moore, William Cotey, Kurt Hezner, Terry Howard, Walter Oakley, and Andy Robinson.

Members absent: Chairman Mark Moore and Howard Jaffe.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Pat Sheeran, Project Engineer.

Board Member Oakley moved, seconded by Board Member Robinson, to approve the December 17, 2007, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 07-47 Graham Enterprises, Inc., Applicant
109 S. Milwaukee Avenue**

Request is for variations to: 1) increase the maximum allowed number of business signs from 2 to 19 in order to replace certain business signs and logos; 2) increase the maximum allowed gross surface area for business signs from 92.5 square feet to approximately 306.25 square feet in order to replace certain business signs and logos; 3) increase the maximum allowed height of a freestanding business sign from 20 feet to 21 feet in order to replace a freestanding sign on its existing base with an improved electronic price sign; 4) reduce the minimum required setback for a freestanding sign from 5 feet to approximately 1.5 feet in order to replace a freestanding sign on its existing base with an improved electronic price sign; 5) reduce the minimum required setback for a freestanding sign from 5 feet to approximately 1 foot in order to permit a car wash identity sign to remain in its current location; and 6) increase the maximum permitted number of free standing business signs from 1 to 2 in order to replace a freestanding sign on its existing base with an improved electronic price sign and to allow an existing free standing car wash identity sign to remain for a gas station, automatic car wash, and mini-mart in a C-2 Downtown Community Commercial District.

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Mr. David Smith, Senior Planner, stated that the applicant is requesting multiple sign variations in order to replace Citgo signage with Shell and Maverick branding signage for a gas station, automatic car wash, and mini-mart, in a C-2, Downtown Community Commercial District for the gasoline station located at 109 S. Milwaukee Avenue.

Mr. Smith stated that the applicant is proposing to replace the freestanding Citgo identity sign with an improved electronic price sign approximately 126.5 square feet in sign area at 21 feet in height. Mr. Smith stated that the existing sign is currently located at the northeast corner of the lot at a non-conforming setback of approximately 1.5 feet from the property right of way line. Mr. Smith stated that on the north, south, and east elevations of the canopy the word "Shell" and image striping of red and yellow will be applied. Mr. Smith stated that on the building facade, the Maverick brand logo will be applied to the east facing and northeast facing elevations. Mr. Smith stated that the existing car wash building wall signs will remain at the north, south, and east facing elevations. Mr. Smith stated that the existing car wash program sign will remain along the west property line between the refuse enclosure and the car wash. Mr. Smith stated that the existing 48 square foot car wash identity sign will remain along the south property line near Milwaukee Avenue.

Mr. Smith stated that although not all signs on site are subject to being replaced, all signs are subject to Zoning Code compliance if any one of them are changed.

Mr. John Graham, petitioner, stated that there is a need to identify both brands including the Maverick Car Wash and the Shell gas station in a more prolific way. He stated that they both operate under one entity under single ownership.

Board Member Oakley asked what the hardship is that justifies the variation requests. Mr. Graham stated that during construction on the site in 1994, private land along the perimeter and adjacent to the Milwaukee Avenue and Route 176 right of ways was dedicated to IDOT. He stated that this dedication reduced the setback for the freestanding ID sign.

Board Member Howard asked if the total number of signs requested is necessary. He asked the petitioner if he knows what the percentage of customers is who are purchasing the car wash only. Mr. Graham stated that the car wash sales are weather contingent. He stated that the addition of the mini-mart in front of the car wash prohibits significant line of site to the car wash so they need the number of signs requested.

Board Member Howard asked for clarification regarding the gas pump toppers. Mr. Graham stated that they are selling three types of car washes and the pump topper signs are used to advertise the three types of car washes that can be purchased at the pumps, as well as inside the mini-mart. He stated that the pump toppers are not unique at gas stations. He stated that the car wash menu at the back of the property near the car wash entry is necessary because it is unseen from the public right of way. He stated that the pump toppers are not visible from the road as well.

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Board Member Howard stated that he would like clarification on the separate uses versus separate businesses, yet still be under single ownership and how this would affect the freestanding sign that maintains both the Shell brand and the Maverick brand.

Mr. Graham stated that if he were to move the freestanding identity sign back it would interfere with the utility infrastructure.

Board Member Howard asked if there are other gas stations in the Village that went through the sign variation process. Mr. John Spoden, Director of Community Development, stated that the Citgo station on Peterson Road went through the process previously.

Board Member Robinson asked if the petitioner would be willing to remove the 48 square foot freestanding car wash sign. Mr. Graham stated that they have a conveyor car wash, not the roll over wash type. He stated that they have the capacity to wash 80 cars per hour. He stated that they need the 48 square foot car wash sign for the visibility because the car wash is located behind the mini-mart store.

Board Member Hezner stated that the petitioner demonstrate the hardship of the lack of visibility.

Board Member Cotey stated that he is concerned about the possible future electronic pump toppers. He stated that the petitioner should reduce the number of signs. He stated that the petitioner does not need the 48 square foot sign.

Mr. Graham stated that the actual site appears less busy with signage than what the plans on paper seem to convey.

Board Member Cotey asked if the petitioner can incorporate the car wash sign onto the Shell freestanding identity sign and remove the existing 48 square foot car wash sign.

Board Member Hezner stated that there shouldn't be the pump toppers. He stated that he needs to see the hardship demonstrated in the petition. He stated that Sign No. 7 (48 square foot car wash sign) be removed. He stated that there are too many signs. He stated that other gas station sign programs should be reviewed.

In the matter of ZBA 07-47, Board Member Robinson moved, seconded by Board Member Cotey, to continue this item to the February 25, 2008, Zoning Board of Appeals meeting.

Motion carried 5 - 0.

ZBA 08-01 Lake County Neurosurgery, Applicant
712 S. Milwaukee Avenue

Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from 10 feet to approximately 3 feet in order to allow a reduced landscaped open space to remain in a C-3, General Commercial District.

ZBA 08-02 Lake County Neurosurgery, Applicant
712 S. Milwaukee Avenue

Request is for a variation to reduce the minimum required setback for parking from 10 feet to approximately 3 feet in order to allow a developed parking lot to remain in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, introduce the variation requests. Mr. Smith stated that the petitioner is requesting variations to reduce the minimum required Perimeter Landscaped Open Space and to reduce the minimum required setback for parking in a C-3, General Commercial District located at 712 S. Milwaukee Avenue.

Mr. Greg Dose, attorney representing the petitioner, stated that the subject site was issued a building permit to construct a one story 4,976 square foot office building with 30 parking spaces for an office building. He stated that a minimum of 10 feet is required for both the parking setback and Perimeter Landscaped Open Space. He stated that an error was made in identifying the location of the front property line. He stated that the development was constructed with the parking lot setback approximately 3 feet from the front property line which also reduces the minimum required Perimeter Landscaped Open Space to 3 feet wide along the front property line. He stated that they are requesting the variations and that there will be no negative impact upon adjacent properties. He stated that they are meeting the landscape requirements for along the other property lines.

Mr. Rich Rogers, authorized agent for the petitioner, stated that there was an error in the plat of survey. He stated that there was 7 feet taken from the front of the property for an easement by IDOT. He stated that the discrepancy was discovered after construction. He stated that the hardship is the undiscovered error in the plat of survey.

Board Member Hezner stated that should the petitioner acquire adjacent property in which additional parking spaces can be utilized, that the encroachment of the existing parking spaces along the petitioner's front property line be removed.

Mr. David Pardys, Village Attorney, discussed the method of property dedication to IDOT. He stated that ultimately, the property owner is responsible for Code compliance.

In the matter of ZBA 08-01, Board Member Oakley moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation a variation to reduce the minimum required Perimeter Landscaped Open Space from 10 feet to approximately 3 feet in order to allow a reduced landscaped open space to remain in a C-3, General Commercial District, in accordance with the plans submitted.

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Motion carried 5 - 0.

In the matter of ZBA 08-02, Board Member Howard moved, seconded by Board Member Cotey, to recommend the Village Board of Trustees approve a variation to reduce the minimum required setback for parking from 10 feet to approximately 3 feet in order to allow a developed parking lot to remain in a C-3, General Commercial District, in accordance with the plans submitted.

Motion carried 5 - 0.

COMMUNICATIONS AND DISCUSSION:

Board Member Robinson made a motion, seconded by Board Member Cotey, to adjourn the Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Meeting adjourned at 8:13 p.m.