

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**February 25, 2008**

The regular meeting of the Zoning Board of Appeals was called to order by Vice Chairman Kurt Hezner at 7:03 p.m. at the Village Hall.

Members present: Vice Chairman Kurt Hezner, William Cotey, 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 Hezner moved, seconded by Board Member Robinson, to approve the January 28, 2008, Zoning Board of Appeals meeting minutes, as amended.

Motion carried 5 - 0.

**OLD 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.**

The applicant requested that this item be continued to the March 17, 2008, Zoning Board of Appeals meeting.

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*In the matter of ZBA 07-47, Board Member Howard moved, seconded by Board Member Robinson, to continue this item to the March 17, 2008, Zoning Board of Appeals meeting.*

*Motion carried 5 - 0.*

**NEW BUSINESS:**

**ZBA 08-04    The Tranel Financial Group, Ltd., Applicant**  
**1509 N. Milwaukee Avenue**

**Request is for a variation to allow an electronic message board sign at 1509 N. Milwaukee Avenue in a C-3, General Commercial District.**

Mr. Sanford Stein, petitioner's agent, introduced the sign variation request. He stated that the petitioner is requesting a variation to install an electronic message board sign on an existing freestanding business sign at 1509 N. Milwaukee Avenue that is currently zoned C-3, General Commercial District.

Mr. Stein stated that the proposed sign is a modern sign and is not a flashing sign. Mr. Stein stated that every study done shows that these types of signs are not unsafe.

Mr. Roch Tranel, petitioner, stated that his financial services business has been very involved in the Libertyville community. He stated that he would like approval for the electronic message board sign in order to promote a wide variety of community events.

Mr. John Spoden, Director of Community Development, stated that the proposed sign type is defined as a flashing sign and is not permitted. He stated that a variation may be applied for. He stated that the Zoning Code currently allows electronic message signs, but only limited to conveying a 'time' and 'temperature' message. He stated that the Code does allow for a non-electronic message board type sign whereby individual letters are manually installed, removed or replaced. He stated that the Village has some electronic message board signs. The sign located at the Sports Complex at the northeast corner of Route 45 and Peterson Road was approved as part of a Planned Development. He stated that there is an electronic message board sign installed at Liberty Auto City on East Park Avenue that was approved in 1995. He stated that the most recent approval was in 2002 where an electronic message board sign was installed at Libertyville Bank and Trust on South Milwaukee Avenue. He stated that since 2002 there have been two additional requests for approval for electronic message board signs in the Village, but the Village Board denied both requests. He stated that Libertyville High School also has an electronic message board sign, but the high school did not go through the Village's review and approval process.

Mr. Duane Laska, North Shore Sign Co., stated that the existing sign is 15 feet high and 9 feet wide. He stated that the proposed electronic message board will comprise approximately 40 feet in the center of the sign.

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Mr. Stein read a report from Marchris Engineering Limited that stated vehicular accidents are not likely to be caused by the electronic message board signs. Mr. Stein submitted an article entitled "Signs of Success" to the Zoning Board of Appeals. He stated that the State and Federal highway systems use electronic message board signs that change text every 10 seconds. He stated that the petitioner's proposed electronic message board sign will not flash, but only change the text electronically. He stated that the State of Kentucky has authorized electronic message board signs. He stated that the petitioner's building is extraordinarily set back from the front property line.

Board Member Oakley asked the petitioner to clarify what the hardship is that justifies the variation request. Mr. Stein stated that Village Staff has presented no evidence that the electronic message board sign will be dangerous. He stated that the physical hardship for the petitioner is the extreme setback of their building from the front property line.

Board Member Cotey asked the petitioner to clarify if the physical hardship is the rectangular lot with the existing screening imposed by the trees along the side of the lot. Mr. Stein stated that for vehicles driving southbound they cannot see the building, but only the sign.

Board Member Cotey asked if the circumstances were not self-created. Mr. Stein stated that the hardship is the screening of the building.

Board Member Howard inquired that if the existing freestanding sign location is not going to change, then how would the message board change the situation. Mr. Stein stated that the petitioner's location is not within the downtown business district. He stated that the proposed electronic message board sign will help to bring attention to the petitioner's business.

Board Member Robinson stated that the Libertyville High School sign is somewhat informative in its display of messages, however, the Tranel Financial proposed messages are on a commercial sign. He stated that more property owners will want to have electronic message board signs.

Mr. Stein stated that the Tranel Financial proposed electronic message board sign can advertise multiple services.

Chairman Hezner referred to the "Illustrated Book of Development Definitions" and stated that the definition of a flashing sign is one with any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. He stated that the proposed sign did not receive a favorable recommendation from the Appearance Review Commission. He asked what has changed on the property that would justify the variation. Mr. Stein stated that land is always changing. He stated that the petitioner bought the property in 2000. He stated that the Small Business Administration provided information that concluded that electronic message board signs are safe and legal.

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Chairman Hezner stated that the petitioner has the option of requesting an amendment to the Zoning Code that would remove the prohibition of flashing signs. He asked the petitioner if they want the Zoning Board of Appeals to render their recommendation to the Village Board tonight or not.

Mr. Stein stated that they are requesting that the Zoning Board of Appeals render their recommendation tonight. He stated that the Village has no contravening evidence that indicates that electronic message boards are not safe. He stated that the proposed sign is not a flashing sign, but it is an electronic message board sign with changing messages.

Mr. David Pardys, Village Attorney, explained the Zoning Board of Appeals and Village Board of Trustees voting requirements.

*In the matter of ZBA 08-04, Board Member Howard moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to allow an electronic message board sign at 1509 N. Milwaukee Avenue in a C-3, General Commercial District, in accordance with the plans submitted.*

*Motion failed 0 - 5.*

*Ayes: None*  
*Nays: Hezner, Cotey, Howard, Oakley, Robinson*  
*Absent: Moore, Jaffe*

**ZBA 08-05 Joe Massarelli, Liberty Auto City, Applicant**  
**1000 E. Park Avenue**

**Request is for a variation a Variation to increase the maximum permitted number of business signs from two (2) to nine (9) in order to replace a business wall sign and add an additional wall sign logo on the wall of a facility in an I-3, General Industrial District.**

Mr. David Smith, Senior Planner, stated that the petitioner is requesting approval for a sign variation in order to install 2 new wall signs on a vehicle dealership building in an I-3, General Industrial District located at 1000 E. Park Avenue. Mr. Smith stated that there are 7 wall signs that represent Hyundai, Mazda, Subaru, Suzuki, Jeep, and Chrysler vehicle makers and there is the Liberty Auto City Service Entrance wall sign and the Dodge Servicing wall sign as well. He stated that the petitioner is seeking to replace the Subaru wall sign with a modified Subaru text wall sign and a separate Subaru logo wall sign thereby increasing the total wall signs from 8 to 9.

Mr. Terry Weppeler, authorized agent for the petitioner, stated that there was a facade improvement to the subject building in 1995 which had a cohesive sign plan for 8 automobile brand types.

Board Member Robinson stated that he is concerned that the other auto dealer tenants will seek sign variations as well in order to change their branding type styles.

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Mr. Wepler stated that there is nothing that would prevent the other auto dealers from petitioning the Village to change their wall signs.

Board Member Howard asked if Liberty Auto City would pursue this request on their own. Mr. Wepler stated that they probably would not due to the expense involved.

Board Member Howard asked if the Subaru dealership is changing their signage and building facades nationwide. Mr. Wepler stated that he believes that they are.

Board Member Howard stated that the site is zoned I-3, General Industrial District and asked what the land use was before Liberty Auto City was on that site.

Mr. John Spoden, Director of Community Development, stated that he was not certain of the prior land use for that site.

Board Member Howard stated that if all of the auto dealerships chose to redesign their portion of the building differently, he would not be in favor of that. He asked if the Dodge Service sign on Milwaukee Avenue is going to be removed.

Mr. Wepler stated that he cannot answer the question about the Milwaukee Avenue location because the owner is not present at the Zoning Board of Appeals meeting.

Board Member Cotey stated that the Dodge Service sign needed its approval. He stated that he is concerned about the precedent that could be set if the current proposal is approved. He stated that the other auto dealer tenants will demand changes to their wall signs as well. He stated that the proposed Subaru design change is more contemporary, but he cannot support the request. He stated that he does not want the Zoning Board of Appeals to be held hostage by the other auto dealer tenants.

Board Member Oakley stated that the Subaru proposal is a complete facade remodeling job and he is concerned that the other auto dealer tenants will want to do the same thing in that building.

Chairman Hezner stated that he would like to see a unified plan for all of the auto dealer tenants before supporting the Subaru request.

Mr. Wepler requested that the Zoning Board of Appeals render their recommendation tonight for the requested Subaru sign variation.

*In the matter of ZBA 08-05, Board Member Robinson moved, seconded by Board Member Cotey, to recommend the Village Board of Trustees approve a to increase the maximum permitted number of business signs from two (2) to nine (9) in order to replace a business wall sign and add an additional wall sign logo on the wall of a facility in an I-3, General Industrial District, in accordance with the plans submitted.*

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*Motion failed 0 - 5.*

*Ayes: None*

*Nays: Hezner, Cotey, Howard, Oakley, Robinson*

*Absent: Moore, Jaffe*

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 5 - 0.

Meeting adjourned at 8:11 p.m.