

MINUTES OF THE ZONING BOARD OF APPEALS
October 10, 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, Matthew Krummick, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

A quorum was established.

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

Board Member Oakley moved, seconded by Board Member Moore, to approve the September 12, 2016, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS:

**ZBA 16-20 Conventual Franciscan Friars of Marytown, Applicant
1600 W. Park Avenue**

Request is for variations to: 1) increase the maximum permitted number of freestanding signs from one (1) to two (2) in order to install one (1) Quasi-Public monument sign and one (1) Business sign; 2) increase the height of the Quasi-Public monument sign from 6 feet to approximately 8.75 feet as measured from the edge of the road; 3) increase the height of a Business sign from 6 feet to approximately 14'3" feet as measured from the edge of the road; 4) increase the maximum gross surface area for a Business sign from 32 square feet to approximately 66 square feet; and 5) reduce the minimum required setback for a Business sign from 25 feet to approximately 5 feet for property located in an IB, Institutional Buildings District.

Mr. John Spoden, Director of Community Development, introduced the petitioner's proposal. Mr. Spoden stated that the Plan Commission and Zoning Board of Appeals may recall that the petitioner appeared before them at their September 12, 2016, meeting requesting an Amendment to the Zoning Code Section 11, Figure 11-5, in order to expand the Overlay District for Electronic Message Board Signs, a Special Use Permit for an Electronic Message Board Sign, and approval for certain variations for signage for property located in an IB, Institutional Buildings District at 1600 W. Park Avenue.

Mr. Spoden stated that during the course of the September 12, 2016 Plan Commission and Zoning Board of Appeals meeting, the motion was made to continue these matters to the October

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10, 2016 meeting in order to provide the petitioner an opportunity to revise their application materials in response to the DRC Staff report and comments provided by the Plan Commission and Zoning Board of Appeals.

Mr. Spoden stated that the petitioner has submitted revisions to their request. He stated that the proposed number of two (2) freestanding signs remains unchanged, but the new Gift Shop/Conference Center sign (east side) has been reduced from the previously proposed 18'5" in height to 14'3" to include a similar brick base as that of the Chapel monument sign (west side) which is proposed to remain unchanged from the initial plan. He stated that the petitioner is still requesting that Electronic Message Board remain as part of the Gift Shop/Conference Center sign.

Mr. Frank Klepitsch, architect representing the petitioner, stated that in response to the concerns provided by Village Staff and the Plan Commission and Zoning Board of Appeals, they have redesigned the Gift Shop/Conference Center sign by reducing its height while still utilizing the existing sign cabinet and incorporating it into the new sign structure.

Mr. Jim Butts, Project Coordinator for Marytown, stated that the EMB is necessary for the operations of their facility. He stated that the existing Gift Shop/Conference Center sign utilizes a manually operated message board and is over 19 feet in height with a 25 foot setback and the change would be a reduction in height of their sign. He stated that they are one (1) of four (4) National Shrines and they rely on conventions, speakers, and other events. He stated that there is no major difference between an EMB and a manual message board sign. He stated that their property is the only property along Rt. 176 that is large enough to meet the minimum lot area and lot width as established in the Village's EMB Overlay District development standards for EMB's.

Father John Grigus from Marytown, stated that it is important to have the EMB sign. He stated that their services and events bring many people from all over the U.S. and the world to their facility and an EMB will help to facilitate those people searching for their facility. He stated that everything is becoming modernized and electronic. He stated that they currently must use a ladder to change the lettering on the manual message board and that this has become hazardous and a hardship, especially in the winter. He stated that modern technology should be used to carry the Gospel.

Board Member Schultz stated that he is supportive of the materials proposed for the new signage, but does not support the EMB. He stated that he is concerned with the precedent that would be set.

Board Member Semmelman asked if the EMB would be visible from other homes. Mr. Butts stated that there is a 150 foot wide ComEd easement between their facility and the residential neighborhood to the east. He stated that on the south side of Rt. 176 there is the IDOT bike path which is anywhere between 60 and 100 feet wide, then there is a residential area further south beyond the IDOT bike path.

Board Member Semmelman stated that he supports the requests.

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Board Member Moore stated that he likes the design of the signs, but does not support the EMB.

Board Member Flores stated that she likes the design of the signs, but does not support the EMB.

Board Member Oakley stated that he supports the requests.

Chairman Cotey asked if there are other religious institutions with land area that would qualify for the Overlay District development standards. Mr. Spoden stated that only this property is large enough.

Mr. Butts asked the Plan Commission why there is such negative opinion of EMB's. Board Member Flores stated that it seems unjustified to change the established Overlay District for EMB's. She stated she is concerned that it would be a distraction for drivers along Rt. 176.

Mr. Butts stated that it is not the intent to bombard onlookers with frequently changing messages. He stated that the EMB will be done and used tastefully.

Chairman Cotey asked the petitioner if they would like to go to a vote. Mr. Butts stated that they are ready to go to a vote.

In the matter of ZBA 16-20.1), Board Member Schultz moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of freestanding signs from one (1) to two (2) in order to install one (1) Quasi-Public monument sign and one (1) Business sign for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 16-20.2), Board Member Oakley moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to increase the height of the Quasi-Public monument sign from 6 feet to approximately 8.75 feet as measured from the edge of the road for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 16-20.3), Board Member Semmelman moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to increase the height

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of a Business sign from 6 feet to approximately 14'3" feet as measured from the edge of the road for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 16-20.4), Board Member Schultz moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to increase the maximum gross surface area for a Business sign from 32 square feet to approximately 66 square feet for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 16-20.5), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required setback for a Business sign from 25 feet to approximately 5 feet for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

NEW BUSINESS:

ZBA 16-21 Andre and Sarah Powell, Applicants
141 Appley Avenue

Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 21 feet in order to construct a second story addition in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a variation to reduce the minimum required front yard setback in order to construct a second story house addition in an R-6, Single Family Residential District at 141 Appley Avenue. The subject lot is approximately 9,434 square feet in area. He stated that the petitioners are proposing to construct a second story

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addition to their residence without expanding the existing house footprint. He stated that the existing house has a 21 foot setback from the front property line and that the addition will require a variation for the same setback from the front property line.

Mr. Tom Lindsey, architect for the petitioner, stated that they are staying within the same building footprint and meeting the homeowners' space need for them and their children.

Board Member Moore asked if the existing basement will support the added weight of the proposed addition. Mr. Lindsey stated that the structural integrity of the basement will be more than sufficient for the addition.

In the matter of ZBA 16-21, Board Member Flores moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 21 feet in order to construct a second story addition in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

Ayes: Cotey, Flores, Krummick, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: None

ZBA 16-22 N3 Property Advisors, LLC, Applicant
175 W. Peterson Road

Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

ZBA 16-23 N3 Property Advisors, LLC, Applicant
175 W. Peterson Road

Request is for variations for signage in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

In the matters of ZBA 16-22 and ZBA 16-23, Board Member Schultz moved, seconded by Board Member Cotey, to continue these items to the October 24, 2016, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Cotey, Flores, Krummick, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: None

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COMMUNICATIONS AND DISCUSSION: None.

Board Member Moore moved, seconded by Board Member Schultz, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:42 p.m.