

MINUTES OF THE ZONING BOARD OF APPEALS
June 23, 2008

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

Members present: Chairman Mark Moore, Kurt Hezner, Terry Howard, Howard Jaffe, and Andy Robinson.

Members absent: William Cotey and Walter Oakley.

A quorum was established.

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

Board Member Jaffe moved, seconded by Board Member Hezner to approve the May 19, 2008, Zoning Board of Appeals meeting minutes.

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 16 in order to replace certain business signs and logos for a gas station and mini-mart; 2) increase the maximum allowed gross surface area for business signs from 92.5 square feet to approximately 262.125 square feet in order to replace certain business signs and logos for a gas station and mini-mart; 3) reduce the minimum required setback for a free standing 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 for a gas station, automatic car wash and mini-mart; and 4) 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 replace an existing free standing car wash identity sign for a gas station, automatic car wash and mini-mart in a C-2 Downtown Community Commercial District.

Chairman Moore recused himself from this matter.

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In the matter of ZBA 07-47, Board Member Robinson moved, seconded by Board Member Hezner, to continue this item to the July 28, 2008, Zoning Board of Appeals meeting.

Motion carried 4 - 0.

NEW BUSINESS:

ZBA 08-15 1742 Milwaukee LV LLC, Applicant
1742-1768 N. Milwaukee Avenue

Request is for variations to: 1) increase the maximum permitted gross sign area from 38.6 square feet to approximately 98 square feet; 2) increase the maximum permitted sign area identifying commercial tenants on a multi-tenant sign from 50% to approximately 67.5%; 3) increase the maximum permitted number of tenant panels on a multi-tenant sign from 6 to 12; and 4) install a message board sign onto a multi-tenant sign in a C-3, General Commercial.

Mr. David Smith, Senior Planner, stated that the petitioner, Joan Boden, is requesting approval for sign variations in order to install a multi-tenant sign along Milwaukee Avenue for the Adler Square retail center. Mr. Smith stated that if approved, the petitioner is proposing to install a multi-tenant sign approximately 17' 10" in height with setback from the Milwaukee Avenue right of way property line approximately five (5) feet. Mr. Smith stated that the multi-tenant sign will include 10 tenant panels and a message board to allow changeable text and will have a total sign area of approximately 102 square feet.

Mr. Terry Wepler, agent for the petitioner, stated that there have been three revisions to the proposed sign. He stated that they have shortened the base of the sign and reduced the message board area since the initial submittal. Mr. Wepler stated that only 6 tenant panels will not work with this particular center which has more than six commercial tenants. He stated that there have been other commercial centers permitted with more than six tenant panels on their signs. He stated that Adler Square needs to have adequate tenant identification. He stated that only one tenant on the east end of the building can be seen from the Milwaukee Avenue right of way.

Board Member Robinson asked if they are losing parking spaces. Mr. Wepler stated that the proposed sign will be installed in a parking lot island.

Board Member Robinson asked for clarification of the Appearance Review Commission concern about the signs height. Mr. Wepler stated that the petitioner has responded to the Appearance Review Commission's concern regarding the height of the sign by reducing it to 15 feet 10 inches.

Board Member Howard asked for clarification on the sign orientation. Mr. Art Holland, Holland Design Group, stated that the sign will face north and south along Milwaukee Avenue.

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Board Member Howard asked if the text in the message board will be changed frequently. Mr. Wepler stated that the messages may change on a weekly basis, but this is not confirmed.

Board Member Howard stated that he is in agreement with the proposed height of the sign and proposed number of tenant panels.

Mr. Holland stated that the sign background is opaque.

Board Member Jaffe asked what the height was of the original sign. Mr. Holland stated that it was eight (8) feet high.

Board Member Jaffe asked if the message board will be illuminated. Mr. Holland stated that it will be internally lit.

Board Member Hezner asked if the property owner has attempted to work with the adjacent properties in order to design a unified sign program. Ms. Joan Boden, Adler Square commercial center property owner, stated that they have been working for over one year with the owners of Walgreens, Starbucks, and the hotel, but have been unsuccessful at coming to an agreement for a unified sign program for all of the properties. She stated that she has owned the Adler Square property since about April of 2006.

Board Member Hezner stated that the Appearance Review Commission had a concern about the number of lines in the message board sign.

Chairman Moore asked the petitioner if they were willing to forego the message board sign. Mr. Wepler stated that the petitioner would like to keep the message board.

Board Member Hezner stated that he is concerned about the tenant panel increase.

Ms. Hans Boden stated that they have iron clad lease agreements with the tenants and can stipulate that temporary signs can be prohibited.

Mr. Wepler stated that that petitioner wants the option of installing twelve tenant panels on the sign.

In the matter of ZBA 08-15.1), Board Member Robinson moved, seconded by Board Member Hezner, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted gross sign area from 38.6 square feet to approximately 98 square feet in a C-3 General Commercial District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Moore, Hezner, Howard, Jaffe, Robinson

Nays: None

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Absent: Cotey, Oakley

In the matter of ZBA 08-15.2), Board Member Hezner moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted sign area identifying commercial tenants on a multi-tenant sign from 50% to approximately 67.5% in order to install a multi-tenant sign, in a C-3 General Commercial District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

In the matter of ZBA 08-15.3), Board Member Hezner moved, seconded by Board Member Jaffe, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of tenant panels on a multi-tenant sign from 6 to 12 in order to install a multi-tenant sign in a C-3 General Commercial District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

In the matter of ZBA 08-15.4), Board Member Jaffe moved, seconded by Board Member Hezner, to recommend the Village Board of Trustees approve a variation to install a message board sign onto a multi-tenant sign in a C-3, General Commercial, subject to the following condition: 1) To restrict temporary signs from the subject property.

Board Member Jaffe requested that the motion be amended.

In the matter of ZBA 08-15.4), Board Member Jaffe moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to install a message board sign onto a multi-tenant sign in a C-3, General Commercial, subject to the following condition: 1) All temporary signs shall not be permitted on the subject property.

Motion carried 5 - 0.

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

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**ZBA 08-16 Terry L. Wepler, Esq.
285 Peterson Road**

Request is for a variation to reduce the minimum required number of parking spaces from 261 to 224 in order to allow a Drive-In Establishment accessory to an Eating Place for property in a C-3, General Commercial District.

The applicant requested this item be withdrawn from the agenda.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 5 - 0.

Meeting adjourned at 7:45 p.m.