

MINUTES OF THE ZONING BOARD OF APPEALS
July 28, 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, William Cotey, Kurt Hezner, Terry Howard, Howard Jaffe, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

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

Board Member Robinson moved, seconded by Board Member Jaffe to approve the June 23, 2008, Zoning Board of Appeals meeting minutes, as amended.

Motion carried 7 - 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 due to conflict of interest with the petitioner.

Mr. David Smith, Senior Planner, stated that the applicant was before the Zoning Board of Appeals at their January 28, 2008, meeting requesting certain sign variations in order to replace Citgo signage

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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 during the course of the January 28, 2008 public hearing, the Zoning Board of Appeals made a motion to continue the requested sign variations to a subsequent meeting in order to provide the petitioner an opportunity to revise their plans in response to the Staff review comments and expressed concerns of the Zoning Board of Appeals.

Mr. Smith stated that the applicant has since revised their sign plans and by so doing, has eliminated two (2) of the previously requested six (6) variations. Mr. Smith stated that the applicant has reduced the gross sign area previously requested from 306 square feet of sign area to approximately 262 square feet of sign area. Further, the applicant has reduced the number of business signs requested from 19 to 16.

Mr. Terry Wepler, authorized agent for the petitioner, stated that the subject property was approved for multiple sign variations in 1994 that included approving 33 signs. He stated that the current petitioner is seeking approval for only 16 signs and that this is closer to being in compliance with the current Sign Code. Mr. Wepler stated that the property functions with three separate businesses including the gas station, car wash, and the convenience store. He stated that the Zoning Code permits two business signs per business occupancy so the variation request would be a variation to increase the maximum permitted number of business signs from 6 to 16 not from 2 to 16. Mr. Wepler stated that the signs on the gas pumps are oriented to customers already on the premises and not intended to attract new customers from off-site. Mr. Wepler stated that the proposed Maverick brand panel on the freestanding identity sign may be subject to change when the petitioner finds a new convenience store operator.

Mr. Wepler stated that the proposed sign program is a substantial reduction from the 1994 variation approval.

Board Member Oakley asked how many signs were approved in the 1994 sign variation approval. Mr. Wepler stated that the approval was for 33 business signs for the subject property.

Board Member Cotey asked what the hardship is that justifies the sign variation request. Mr. Wepler stated that a hardship was established when the 1994 sign variations were approved. He stated people are on site, but outside while they visit to obtain gas for their vehicles.

Board Member Jaffe asked for further clarification of sign exhibits F and G found in the petitioner's application. Mr. Wepler stated that the Maverick brand is for both the convenience store and the car wash.

Mr. John Graham, petitioner, asked where the Zoning Board of Appeals would like for him to eliminate any of the proposed signs.

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Board Member Jaffe stated that he is looking for appropriate ways to reduce some of the proposed signs. He asked if the horse symbol on the Maverick brand is recognizable and necessary. He stated that he is having trouble with the supporting the Maverick brand. Mr. Graham stated that a national brand draws people. He stated that he has been spending a lot of effort in building the Maverick brand.

Board Member Howard stated that the petitioner is trying to promote three businesses, however there seems to be a strong link between the car wash and the gas station.

Mr. Graham stated that the linking of the gas station and the car wash is marketing strategy. He stated that he has tried to market the business as car wash provider and to tie the two together as a business strategy.

Mr. Graham stated that 46% of the gas customers get the car wash as well.

Board Member Howard asked if there are any issues with the Maverick car wash sign located within the site distance triangle. Mr. John Spoden, Director of Community Development, stated that in the past Staff has allowed the site distance triangle to encroach into adjacent properties.

Board Member Howard stated that the freestanding car wash sign is too large. He stated that at the gas pumps alone, there is an excess amount of advertising stickers, pump toppers, and tags on the pump handles and he asked if these sign types count as business signs. He stated that he would like for the petitioner to work with Staff to reduce the excessive signs.

Mr. Graham stated that it is difficult to turn down a vendor who offers to pay a substantial fee in order to place their advertisements at various locations on the gas station property. He stated that Shell, on the other hand, demands a high level of conformity and that he would not be able to place as many small advertisements from various vendors once Shell installs their branding signage.

Board Member Robinson stated that there are too many signs and he does not see the benefit in so many signs.

Mr. Graham asked if the Zoning Board of Appeals wants him to remove the Maverick car wash panel from the 20 foot identification sign.

Mr. Wepler asked if the petitioner would have to come back to the Zoning Board of Appeals to request a sign variation if he were to obtain a new convenience store tenant and request their sign to be installed in the panel. Mr. Spoden responded in the affirmative.

Mr. Graham stated that he has been working hard to establish the Maverick brand as a respectable car wash facility.

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Mr. Wepler stated that the petitioner is asking for a sign variation that includes a lesser number of business signs than the previous approved 1994 sign variation.

Chairman Hezner stated that he has a problem with the clutter of signage on the property.

Mr. Graham stated that it is important for him to be able to strengthen the branding of the car wash.

Chairman Hezner stated that he has a problem with the sign identified as Exhibit Number Seven (7) in the petitioner's application, the freestanding car wash sign along the south property line.

Mr. Graham stated that he needs to advertise the car wash with Sign Number Seven.

Board Member Jaffe asked Mr. Wepler to respond to the Standards for the Variation. Mr. Wepler stated that there is a practical difficulty because of the need to identify both the branding and the services offered on the site. He stated that the unique physical condition is that the sign ordinance does not address the unique needs of a service station. He stated that the hardship is not self-created. He stated that if the variation were not approved, then they would be denied their substantial rights that other gas stations are permitted to do. He stated that they are not asking for a special privilege and in fact are asking for sign variations that would reduce the number of business signs from the previous 1994 approval. He stated that there would be no negative impact in the area or adjacent properties.

Board Member Robinson asked if the existing number of signs on the site today equal 32. Mr. Wepler stated that he wasn't sure what the existing number of signs are on the site.

Chairman Hezner asked the petitioner if he would like to poll the Board Members before they make a motion for the recommendation to the Village Board.

Mr. Graham stated that he would like to poll the Zoning Board of Appeals Board Members.

Board Member Oakley stated that he would not support the variation requests.

Board Member Cotey stated that he would not support the variation requests.

Chairman Hezner stated that if the petitioner were to remove the request for Sign Number Seven (7), he would support the other variation requests.

Board Member Jaffe stated that if the petitioner were to remove the request for Sign Number Seven (7), he would support the other variation requests.

Board Member Howard stated that the petitioner has not demonstrated that other remedies were considered and that the hardship is self created. He stated that he does not support the variation requests.

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Board Member Robinson stated that if the petitioner were to remove the request for Sign Number Seven (7), he would support the other variation requests.

Board Member Jaffe stated that the petitioner may consider installing a car wash panel on the 20 foot free standing identification sign in lieu of the freestanding car wash sign, Exhibit Number Seven (7).

Mr. Wepler requested that their petition be continued to the August 25, 2008 Zoning Board of Appeals meeting in order to give the petitioner an opportunity to revise his plans.

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

Motion carried 6 - 0.

NEW BUSINESS:

ZBA 08-18 Gilfillan Callahan Nelson Architects, Applicant
413 N. Milwaukee Avenue

Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space in order to construct a building addition to the Cook Memorial Library in an IB, Institutional Buildings District.

ZBA 08-19 Gilfillan Callahan Nelson Architects, Applicant
413 N. Milwaukee Avenue

Request is for sign variations in order to install quasi-public signage at Cook Memorial Library in an IB, Institutional Buildings District.

The applicant requested that this item be continued to the October 27, 2008, Plan Commission meeting.

In the matters of ZBA 08-18 and ZBA 08-19, Board Member Hezner moved, seconded by Board Member Jaffe, to continue these items to the October 27, 2008, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that in the matter of ZBA 08-17, Michael and Tammy Buscemi filed a request for a fence variation, sent letters to the surrounding property owners within 250 feet, and appeared before the Zoning Board of Appeals at their July 14, 2008 meeting. Mr. Spoden stated that due to misconstruing the instruction regarding the placement

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of the public notice signs on their property prior to the public hearing, the Buscemi's had to re-notice for the variation request and again appear before the Zoning Board of Appeals for the August 11, 2008 meeting.

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

Motion carried 7 - 0.

Meeting adjourned at 8:30 p.m.