

MINUTES OF THE ZONING BOARD OF APPEALS
March 23, 2009

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Mark Moore at 7:04 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: David Smith, Senior Planner; and Pat Sheeran, Project Engineer.

Board Member Robinson moved, seconded by Board Member Hezner, to approve the February 9, 2009, Zoning Board of Appeals meeting minutes, as amended.

Motion carried 7 - 0.

Board Member Robinson moved, seconded by Board Member Howard, to approve the February 23, 2009, Zoning Board of Appeals meeting minutes, as amended.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 09-02 International Financial Services Corporation, Applicant
1113 S. Milwaukee Avenue**

Request is for variations to: 1) increase the maximum permitted gross surface area of a multi-tenant sign from 23.4 feet to approximately 23.5 feet; and 2) increase the maximum permitted sign area identifying commercial tenants on a multi-tenant sign from 50% to 100% in order to install a multi-tenant sign in a C-4, Shopping Center Commercial District.

Board Member Hezner stated that his architectural firm has done business with White Way Sign in the past, but does not have any current pending contracts with them. He stated that he does not have a problem with rendering an impartial recommendation.

Mr. David Smith, Senior Planner, stated that the petitioner, Financial Services Corporation, is requesting approval for Sign Variations in order to install a multi-tenant sign along Milwaukee Avenue located at 1113 South Milwaukee Avenue. Mr. Smith stated that if approved, the petitioner

Minutes of the March 23, 2009, Zoning Board of Appeals Meeting
Page 2 of 6

is proposing to utilize an existing double face ground sign in order to identify up to three tenants located at the stated address within the Forum Square II building. Mr. Smith stated that the existing ground sign was initially approved as a business sign for a single tenant to identify a Baird and Warner Real Estate company office.

Mr. Denise Bronis, White Way Sign Co. and petitioner's agent, presented the proposed sign changes to the Zoning Board of Appeals. She stated that they are attempting to make use of an existing ground sign. She stated that the Code would require an additional 4 square feet of sign area and as a multi-tenant sign, at least 50% of the sign must identify the building. She stated that the Appearance Review Commission preferred an address building number instead of a plaque that identified the building.

Board Member Robinson asked what a compliant sign would look like. Mr. Smith stated that not more than 50% of the sign area is permitted to be devoted to tenant panels and not more than 23.4 square feet of total sign area for the multi-tenant sign is allowed.

Board Member Robinson stated that it seems that the petitioner's sign area is only marginally over the maximum permitted area, but that they would need more sign background area.

Board Member Howard asked if there is any precedent set for when the Village has allowed a tenant panel area to cover 100% of the multi-tenant sign area. Mr. Smith stated that although there have been multiple sign variations granted for multi-tenant panel signs in the past, there has not been a variation granted to this degree in recent years.

Board Member Howard stated that the petitioner has not addressed the Standards for a Variation to a significant degree.

Ms. Bronis stated that if the sign text were made any smaller then it would not be legible from the street.

Board Member Howard stated that there was minimal response to the Standards for Variation except briefly in the petitioner's cover letter.

Chairman Moore stated that a hardship should be established in order to justify the variations requested.

Board Member Howard stated that if the Standards for Variation have not been addressed then there is no basis for him to recommend approval for the requested variations.

Mr. Smith stated that the petitioner has made an attempt to address the Standards within the body of the narrative submitted by the petitioner.

Ms. Bronis stated that one of the hardships to support the variation requests is the Milwaukee Avenue traffic would have to slow down to read the sign and this could create a traffic hazard. She

Minutes of the March 23, 2009, Zoning Board of Appeals Meeting
Page 3 of 6

stated that the granting of the variation would not serve merely as convenience to the applicant, but would also benefit all the tenants of the building.

Board Member Howard asked the petitioner how the unique circumstance is not self-created. Ms. Bronis stated that the original sign approval was for a tenant sign for Baird & Warner. She stated that the property owner was under the impression that it was intended to be a tenant panel sign when it was first approved and installed.

Mr. Smith stated that the original approval was for a single tenant, not a multi-tenant sign.

Board Member Howard stated that there is no precedent for a multi-tenant sign with 100% sign area devoted to the tenant panels and stated that he does not support the variation.

Board Member Hezner asked what the current occupancy of the building is. Ms. Denis Mitchem, International Financial Services Corporation, stated that the building is 75% occupied. She stated that there are 6 tenants and those tenants who can have their name on the tenant panel sign is based upon the size of their occupancy.

Chairman Moore asked the petitioner if she would like for the Zoning Board of Appeals to vote and render their recommendation to the Village Board tonight. Ms. Bronis stated that she would like for the Zoning Board of Appeals to vote tonight.

In the matter of ZBA 09-02.1) 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 surface area of a multi-tenant sign from 23.4 feet to approximately 23.5 feet in order to install a multi-tenant sign in a C-4, Shopping Center Commercial District, in accordance with the plans submitted.

Motion carried 4 - 3.

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

In the matter of ZBA 09-02.2) Board Member Robinson moved, seconded by Board Member Hezner, 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 100% in order to install a multi-tenant sign in a C-4, Shopping Center Commercial District, in accordance with the plans submitted.

Motion failed 0 - 7.

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

Minutes of the March 23, 2009, Zoning Board of Appeals Meeting
Page 4 of 6

ZBA 09-03 Downing, Inc., Applicant
431 S. Milwaukee Avenue

Request is for variations to: 1) reduce the minimum required Perimeter Landscaped Open Space in the rear yard with a setback of approximately one (1) foot; and 2) reduce the minimum required Perimeter Landscaped Open Space in the side yard with a setback of approximately zero (0) feet in order to construct a refuse enclosure in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Downing's, is requesting variations to reduce the minimum required Perimeter Landscaped Open Space in the rear and side yards in order to construct a refuse enclosure in a C-3, General Commercial District located at 431 S. Milwaukee Avenue. Mr. Smith stated that Downing's was recently approved to construct an outdoor patio to the rear of their building, and is proposing to construct a refuse enclosure along their rear property line setback 1 foot. Mr. Smith stated that the petitioner is proposing to locate the refuse enclosure abutting the side property line with an approximate 4 foot separation from the existing Jiffy Lube refuse enclosure to the south.

Chairman Moore asked what had precipitated the petitioner's request. Mr. Smith stated that the petitioner had recently sought approval for an outdoor eating area/beer garden to be developed at the rear of their building where they currently keep their refuse container. He stated that the development of the beer garden will require the relocation and screen enclosure of the refuse container.

Mr. Ed Downing, petitioner, stated that the Village requires a 10 foot setback from the property line. He stated that if they were forced to comply with the setback then the refuse enclosure would conflict with traffic movement in the parking lot. He stated that their intent was to locate their refuse enclosure next to the neighboring Jiffy Lube refuse enclosure.

Board Member Oakley asked if the Jiffy Lube enclosure is Code compliant in its current location. Mr. Smith stated that it may not be Code compliant in terms of its setback from the rear property line. He stated that the proposed Downing's enclosure will not be any closer to the rear property line than existing Jiffy Lube enclosure.

Board Member Cotey asked if the proposed enclosure will encroach too close to the rear property tree line. Mr. Downing submitted a letter from a licensed arborist to the Zoning Board of Appeals. Mr. Ed Downing stated that the trees are healthy and that the proposed installation of the enclosure will help the health of the trees.

Board Member Cotey asked how the petitioner will handle snow plowing on site. Mr. Ed Downing stated he will rely on his snow plow contractor to properly dispose of the snow. He stated that he currently pushes snow next to the existing Jiffy Lube enclosure.

Minutes of the March 23, 2009, Zoning Board of Appeals Meeting
Page 5 of 6

Mr. Kevin Downing stated that snow can be pushed up between the Jiffy Lube trash enclosure and the new enclosure. He stated that there is also some space in front of the building that they use to push snow as necessary.

Board Member Jaffe asked if the proposed enclosure will mirror the Jiffy Lube trash enclosure in appearance. Mr. Ed Downing stated that it would match the neighboring enclosure.

Board Member Howard asked if there will be enough space in the parking lot for vehicle movement and turning radius.

Mr. Pat Sheeran, Village Project Engineer, stated that the parking lot may be an existing non-conforming layout in terms of what the Zoning Code requires for parking lot aisle widths and other factors. He stated that there ought to be enough space for vehicles to maneuver with the new enclosure on site.

Board Member Howard asked the petitioner if they are willing to install a bollard next to the enclosure as recommended by the Appearance Review Commission. Mr. Ed Downing stated that they would install a bollard.

Chairman Moore asked if the petitioner would like for the Zoning Board of Appeals to vote on the requests and make a recommendation to the Village Board. Mr. Ed Downing stated that he would like to have the vote tonight.

In the matter of ZBA 09-03.1) Board Member Robinson moved, seconded by Board Member Hezner, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space in the rear yard with a setback of approximately one (1) foot in order to construct a refuse enclosure in a C-3, General Commercial District., in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 09-03.2) Board Member Jaffe moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open in the side yard with a setback of approximately zero (0) feet in order to construct a refuse enclosure in a C-3, General Commercial District, in accordance with the plans submitted.

Motion carried 7 - 0.

Minutes of the March 23, 2009, Zoning Board of Appeals Meeting
Page 6 of 6

Ayes: Moore, Cotey, Hezner, Howard, Jaffe, Oakley, Robinson

Nays: None

Absent: None

COMMUNICATIONS AND DISCUSSION:

Board Member Jaffe moved, seconded by Board Member Hezner, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:34 p.m.