

MINUTES OF THE ZONING BOARD OF APPEALS
October 26, 2009

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:02 p.m. at the Village Hall.

Members present: Chairman William Cotey, Scott Adams, Terry Howard, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: Robert Guarnaccio.

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 Howard, to approve the September 21, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

ZBA 09-16 1742 Milwaukee LV, LLC, Applicant
1742-1768 N. Milwaukee Avenue

Request is to Amend Ordinance No. 08-O-52, an ordinance granting sign variations in order to allow temporary signs for property located in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Joan Boden, was before them at their September 21, 2009 meeting requesting approval to amend Ordinance No. 08-O-52 which is an ordinance that granted the following sign variations: a variation to increase the maximum permitted gross sign area for a multi-tenant sign; increase the maximum permitted sign area identifying commercial tenants on a multi-tenant sign; increase the maximum permitted number of tenant panels on a multi-tenant sign; and install a message board sign onto a multi-tenant sign in a C-3, General Commercial District for the Adler Square Shopping Center located at 1742-1768 North Milwaukee Avenue.

Mr. Smith stated that as a condition of approval, the Village Board required that all temporary signs shall not be permitted on the subject property, except for "For Lease"; "Rental"; and "For Sale" signs. During the course of the September 21, 2009 meeting, the petitioner requested to be continued to the October 26, 2009 meeting in order to provide them an opportunity to respond to concerns expressed by the Zoning Board of Appeals.

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Mr. James Babowice, agent for the petitioner, presented photographs of existing signs and temporary banners installed in various locations throughout the Village. He stated that the petitioner is not asking for something more than what is already permitted for other businesses.

Ms. Joan Boden, petitioner and property owner of the Adler Square Shopping Center, stated that she has surveyed various business property owners and stated that most of the respondents to her survey questions indicated that their business is positively affected by the use of temporary banners.

Mr. Art Holland, sign contractor, presented three options for the Zoning Board of Appeals to consider for the use of temporary signs on the Adler Square shopping center property.

Mr. Mark Messersmith, dry cleaner business operator for the tenant space at the Adler Square Shopping Center, stated that in order for his dry cleaner business to compete, he needs the use of temporary banners.

Ms. Tricia Regan, Renew Consignment, stated that her customers have difficulty finding her store.

Board Member Adams asked how the property owner decides which tenants will be allowed to use banners because in all three proposed banner use options presented tonight, not all tenants can post banners at the same time. Ms. Boden stated that they are proposing to allow a maximum of three temporary banner signs to be installed at any one time.

Board Member Oakley stated that he supports any one of the proposed options.

Board Member Moore stated that he is not in favor of the request.

Board Member Howard stated that he is concerned that the Standards for Variation have not been met.

Mr. Babowice stated that the Standards have been met when the initial sign variation request was made and approved by the Village Board.

Board Member Howard stated that he is concerned that a precedent is being set to allow for a special privilege. He asked if the petitioner would be willing to revisit the previously approved sign variation for further discussion. Mr. Holland stated that the message board having only two lines are not enough for the tenants' advertising needs.

Board Member Howard asked if the other tenants use the message board. Ms. Boden stated that the other tenants do use the message board.

Board Member Howard stated that he is concerned about removing the agreement previously made and about the precedent that will be made.

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Board Member Robinson stated that the variation already granted was for a sign three times the maximum permitted size.

Mr. John Spoden, Community Development Director, asked the petitioner how they would coordinate which tenants would be permitted to display a temporary banner under their proposal. Ms. Boden stated that the site would be limited to no more than three banners at any one time. She stated that the tenants would be required to rotate for banner placement.

Mr. Spoden stated that consideration could be given to redesigning the message board to make it bigger and to add more color to it in lieu of permitting temporary banners.

Board Member Robinson stated that he does not support changing the sign variation condition.

Chairman Cotey stated that he would support the proposal with the banners attached to the pylon sign without freestanding banners.

Board Member Moore stated that he is concerned about the precedent being set by removing the no temporary banner condition on the previously approved sign variation.

In the matter of ZBA 09-16, Board Member Robinson moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve an amendment to Ordinance No. 08-O-52, an ordinance granting sign variations in order to allow temporary signs for property located in a C-3, General Commercial District, in accordance with the plans submitted.

Motion failed 1 - 5.

Ayes: Oakley
Nays: Cotey, Adams, Howard, Moore, Robinson
Absent: Guarnaccio

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION:

Board Member Oakley, seconded by Board Member Howard, to adjourn the Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Meeting adjourned at 7:43 p.m.