

MINUTES OF THE ZONING BOARD OF APPEALS
July 25, 2011

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

Members present: Vice Chairman Mark Moore, Scott Adams, Dan Donahue, and Walter Oakley.

Members absent: Chairman William Cotey, Kurt Schultz; and David Semmelman.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

Board Member Oakley moved, seconded by Board Member Donahue, to approve the June 27, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 4 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 11-12 Brian Levins, Applicant
721 Meadow Lane

Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 28.7 feet in order to construct a front porch to a single family home 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 front porch to a single family detached home in an R-6, Single Family Residential District located at 721 Meadow Lane. He stated that the petitioner is proposing to construct the main entry door to be on the front of the house facing Meadow Lane. He stated that the existing entry door is currently located on the east side of the house close to the side property line. He stated that the design of the renovated home seeks to expand the residence into a full two-story structure and use the existing footprint of the foundation.

Mr. John Hershey, architect for the petitioner, stated that the subject home is a split level house. He stated that the main entrance is not in front of the house and they would like to incorporate the entrance in the front and by doing so, will compliment the architecture in the neighborhood. He stated that the stair steps to the proposed porch approach from the side and are kept out of the required yard. He stated that the relief that they are seeking is the porch encroachment. He stated that the homeowner needs additional porch area for safety and comfort as they go in and out of the

Minutes of the July 25, 2011, Zoning Board of Appeals Meeting
Page 2 of 6

front door. He stated that they have spoken to 11 other homeowners in the neighborhood and they all support his client's variation request.

Board Member Oakley stated that the proposed porch looks nice. He asked about the disposition of the adjacent tree. Mr. Hershey stated that the tree will come down.

Board Member Oakley stated that the Staff review comments indicated that the homeowner will have to sprinker the home.

Mr. Hershey stated that he understands the sprinkler requirement.

Board Member Adams asked for clarification about the changes to the front area of the house. Mr. Hershey described how the house will be reconfigured.

Chairman Moore asked for clarification about the lot width and if other homes in the neighboring area have gotten front yard setback variations. Mr. Smith stated that he was not certain of the number of homes which have received approval for front yard setback variations.

Chairman Moore asked for clarification of the interior layout of the home's space. Mr. Hershey stated that an effort was made to create better habitable space.

Chairman Moore asked for clarification of the air conditioner location. Mr. Hershey stated that the A.C. unit will comply with the Code in terms of its location.

Chairman Moore asked what the petitioner would like for the Zoning Board of Appeals to do. Mr. Hershey stated that he would like for the Zoning Board of Appeals to render their recommendation to the Village Board.

In the matter of ZBA 11-12, Board Member Oakley moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 28.7 feet in order to construct a front porch to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.

Mr. Smith stated that the petitioner should consider revising the front yard setback request to 28.5 feet.

Mr. Hershey concurred with Mr. Smith.

The motion was amended as follows:

In the matter of ZBA 11-12, Board Member Oakley moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 28.5 feet in order to construct a front porch to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.

Minutes of the July 25, 2011, Zoning Board of Appeals Meeting
Page 3 of 6

Motion carried 4 - 0.

Ayes: Moore, Adams, Donahue, Oakley

Nays: None

Absent: Cotey, Semmelman, Schultz

ZBA 11-13 Park Avenue Place, LLC, Applicant
615-619 E. Park Avenue

Request is for variations to: 1) increase the maximum gross surface area of a multi-tenant sign from 4.7 square feet to approximately 30 square feet; 2) increase the panel area of a multi-tenant sign containing tenant panels from fifty percent (50%) to one-hundred percent (100%) the total sign area; 3) reduce the minimum required front yard setback for a freestanding multi-tenant sign from five (5) feet to approximately two (2) feet; and 4) reduce the minimum required side yard setback for a freestanding multi-tenant sign from five (5) feet to approximately three and one-half (3.5) feet in order to install a multi-tenant sign on property in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner is seeking sign variations in order to allow the installation of an additional sign panel for the J. Hershey Architecture firm to an existing freestanding business sign located at 615-619 East Park Avenue. Mr. Smith stated that this panel addition would create a multi-tenant sign as there is currently an existing panel for the Lake Shore Stair Company.

Mr. John Hershey, petitioner, stated that his firm operates in the building located at 615 East Park Avenue. He stated that the building is approximately 80 years old with an attractive architectural character. He stated that he is a tenant on the second floor of the building. He stated that he considered adding more wall signs to the building, but decided that the addition of the panel to the existing freestanding sign would be better.

Mr. Hershey showed photos of other businesses with free standing signs along Rt. 176 (Park Avenue). He stated that many of these other signs have reduced setbacks as well. He stated that he isn't seeking anything more than what some of the other businesses are able to do with their signs. He stated that moving the existing freestanding sign to meet the setback requirements is a hardship on the property owner due to an existing foundation and underground utilities.

Board Member Donahue asked if there is a driveway on the east side of the property. Mr. Hershey stated that the driveway entrance is on the east side of the property.

Board Member Donahue stated that the proposed sign panel addition would make the total height of the sign approximately 8 feet and was concerned about the visual obstruction for vehicles coming out of the driveway.

Minutes of the July 25, 2011, Zoning Board of Appeals Meeting
Page 4 of 6

Mr. Hershey stated that he does not think there is a visual obstruction issue for this site as the sign is set back far enough from the street to not be a problem.

Board Member Adams asked if consideration was given to reducing both the new panel and the existing Lake Shore Stair Co. panel.

Mr. Hersey stated that the code would regulate the sign size to 4.5 square feet and would not be practical. He stated that the hardship is the undersized parcel of land that dictates the multi-tenant sign size.

Board Member Oakley asked why the petitioner couldn't match the existing Lake Shore Stair sign panel. Mr. Hershey stated that the Lake Shore Stair Co. panel is using their own branded color scheme and logo style. He stated that his proposed sign panel will have the same border, be made of the same material and be the same size.

Board Member Oakley stated that there are already too many wall signs on the building.

Mr. Smith stated that the wall signs are Code compliant.

Board Member Oakley stated that there are four Lake Shore Stair Co. wall signs.

Chairman Moore asked if the petitioner would be willing to reduce the number of existing wall signs. Mr. Hershey stated that the petitioner may be willing to remove the two side wall signs if it would get the support of the Zoning Board of Appeals for the requested variation for the multi-tenant sign.

Mr. Smith stated that, if necessary, the Zoning Board of Appeals can include the number of wall signs on the building for Lake Shore Stair Co. as an additional variation request. He stated that the public notice was general enough that it shouldn't be a problem to include this variation. He stated that the Code permits two business signs per business occupancy. He stated that the multi-tenant sign is not included as a business sign when regulating the maximum permitted number of business signs. He stated that the multi-tenant sign is regulated separately.

Chairman Moore asked to view the petitioner's photos of the other businesses again.

Board Member Adams stated that he might be willing to support the requested sign variation if the petitioner is willing to remove some the existing wall signs.

Chairman Moore stated that he would prefer that the property be code compliant with the maximum number of permitted business signs per each occupant. He stated that the proposed monument sign is problematic. He stated that he doesn't have a problem with the location. He stated that by adding the second panel changes the character of the monument sign and is not in favor of that.

Mr. Hershey asked if the chairman would not support the proposed multi-tenant sign regardless of any modification to the Lake Shore Stair Co. wall signs.

Minutes of the July 25, 2011, Zoning Board of Appeals Meeting
Page 5 of 6

Chairman Moore stated that Mr. Hershey is correct. He stated that although he doesn't have a problem with the size, given that the lot is undersized, he still has a problem with adding the second panel to the existing monument sign.

Mr. Hershey asked what bothered the Chairman about the proposed sign. Chairman Moore stated that it does not comply with the Code.

Mr. Hershey stated that most of the signs along Park Avenue do not comply with the Code.

Chairman Moore stated that he can't remember seeing any freestanding sign with two sign panels on it along that stretch of the road. He stated that he has a problem with the two panels of that size on the sign.

Mr. Hershey stated that the proposed multi-tenant sign is smaller than the Axion sign even though it is a single sign. He stated that his proposal is smaller than the Goebbler Company sign.

Mr. Hershey stated that he has made a significant effort to locate his firm to this building and feels that the proposed sign is not excessive. He stated that he didn't know that this was going to be an issue.

Board Member Donahue asked if the other signs along the road legal non-conforming.

Mr. Smith stated that it isn't known at this time, but Staff can research the records to determine if they are Code compliant or not.

Chairman Moore asked what the petitioner would like for the Zoning Board of Appeals to do tonight. He stated that he will need 4 positive votes in order for it to proceed to the Village Board with a positive recommendation.

Mr. Smith stated that if the petitioner seeks the recommendation from the Zoning Board of Appeals tonight, there should be the Lake Shore Stair Co. variation added to request the maximum permitted number of business signs to increase from 2 to 4. He stated that Staff will need additional information regarding the tenant floor area size and the size of the existing wall signs in order to determine the specifics of the variation needed.

Mr. Hershey stated that he could ask for a continuation in the hopes that more of the Zoning Board of Appeals members will be present. He stated that he could ask for a recommendation from Zoning Board of Appeals tonight and take his chances with the Village Board.

Chairman Moore stated that the Zoning Board of Appeals is a recommending body and that if the Zoning Board of Appeals were to make a recommendation tonight, it would go forward to the Village Board with a negative recommendation.

Minutes of the July 25, 2011, Zoning Board of Appeals Meeting
Page 6 of 6

Mr. David Pardys, Village Attorney, stated that if the request goes forward to the Village Board with a negative recommendation, it would take a two-thirds vote of the trustees for approval.

Mr. Smith stated that the floor area would permit up to 61.25 square feet of business signage for the Lake Shore Stair Co. He stated that the two front wall Lake Shore Stair Co. signs are approximately 26.2 square feet but that he didn't know the size of the side wall signs. He stated that the existing side wall signs cannot exceed 35 square feet of combined sign area without the requirement for an additional sign variation.

Mr. Hershey stated that they are only asking for 30 square feet for their multi-tenant sign.

Board Member Oakley stated that there is also the issue of too many signs.

Mr. Hershey asked about the next available meeting date if they continued. Mr. Smith stated that the next meeting date is August 22, 2011 because it is a commercial variation request.

Mr. Hershey asked what the Village Board date would be if he were to ask the Zoning Board of Appeals to render their recommendation tonight. Mr. Smith stated that the Village Board date would be the second Tuesday in August.

Mr. Pardys stated that at the Village Board level, it would be a two step process. He stated that if the Village Board approved the variation requests, it would then go to a subsequent meeting to adopt the relative ordinance.

Mr. Hershey requested the continuance.

In the matter of ZBA 11-13, Board Member Oakley moved, seconded by Board Member Adams, to continue this item to the August 22, 2011, Zoning Board of Appeals meeting.

Motion carried 4 - 0.

Ayes: Moore, Adams, Donahue, Oakley

Nays: None

Absent: Cotey, Schultz, Semmelman

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 4 - 0.

Meeting adjourned at 7:54 p.m.