

MINUTES OF THE ZONING BOARD OF APPEALS
August 22, 2011

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

Members present: Chairman William Cotey, Dan Donahue, Mark Moore, Walter Oakley, Kurt Schultz; and David Semmelman.

Members absent: Scott Adams.

A quorum was established.

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

Board Member Oakley moved, seconded by Board Member Moore, to approve the July 25, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**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 appeared before the Zoning Board of Appeals at their July 25, 2011, meeting requesting sign variations in order to install a second tenant panel to an existing freestanding business sign located at 615-619 East Park Avenue. He stated that during the course of the July 25, 2011 Zoning Board of Appeals meeting, the item was continued to the August 22, 2011 Zoning Board of Appeals agenda in order to provide the petitioner an opportunity to reconsider his proposal and determine if revisions could be made to the petition.

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Mr. Smith stated that the petitioner has revised his written narrative, dated Revised August 2, 2011. He stated that in support of his request, the petitioner has included references to three other neighboring commercial properties in which their signs are non-conforming.

Mr. Smith stated that during last month's Zoning Board of Appeals meeting, the discussion included the existing Lake Shore Stair Company wall signs and that their number exceeds the maximum permitted per the Zoning Code regulations. Mr. Smith stated that these wall signs are legal, non-conforming and protected by a grandfather clause.

Mr. John Hershey, petitioner, stated that the undersized lot is the hardship. He stated that he has made some minor amendments to the sign panel in response to the Appearance Review Commission review comments. He stated that the sign location and size is consistent with other neighboring commercial property signs. He stated that other commercial property multi-tenant signs are also non-conforming in their sizes and setbacks from the property lines. He stated that he has occupancy for his space at 615 E. Park Avenue since February 2011. He stated that if he chose to install wall signs in lieu of the multi-tenant sign panel, the Code would allow much larger wall signs.

Board Member Schultz stated that he is okay with the request.

Board Member Donahue asked what changes were made since the petitioner's last appearance before the Zoning Board of Appeals. Mr. Hershey stated that the two sign panels will be closer together and that the letter colors will be darker.

Board Member Semmelman asked if there are other tenants on the property. Mr. Hershey stated that there is a separate building in the rear of the lot, but is unoccupied. He stated that there are no additional new signs planned.

Board Member Moore stated that there isn't much change to the petition since last month except for an amended narrative.

Board Member Oakley stated that he is okay with the request.

Chairman Cotey asked what the material of the sign will be. Mr. Hershey stated that it will be the same material as the existing Lake Shore Stair Co. sign panel.

Chairman Cotey asked if the Village can require the Lake Shore Stair Co. to remove some of their wall signs. Mr. John Spoden, Director of Community Development, stated that the Village can't penalize the other tenant relative to the variation that the petitioner is requesting.

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

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In the matter of ZBA 11-13.1), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to increase the maximum gross surface area of a multi-tenant sign from 4.7 square feet to approximately 30 square feet in order to install a multi-tenant sign on property in a C-3, General Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Donahue, Moore, Oakley, Semmelman, Schultz
Nays: None
Absent: Adams

In the matter of ZBA 11-13.2), Board Member Moore moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to 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 in order to install a multi-tenant sign on property in a C-3, General Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Donahue, Moore, Oakley, Semmelman, Schultz
Nays: None
Absent: Adams

In the matter of ZBA 11-13.3), Board Member Moore moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback for a freestanding multi-tenant sign from five (5) feet to approximately two (2) feet in order to install a multi-tenant sign on property in a C-3, General Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Donahue, Moore, Oakley, Semmelman, Schultz
Nays: None
Absent: Adams

In the matter of ZBA 11-13.4), Board Member Semmelman moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to 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, in accordance with the plans submitted.

Motion carried 6 - 0.

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Ayes: Cotey, Donahue, Moore, Oakley, Semmelman, Schultz

Nays: None

Absent: Adams

**ZBA 11-14 Michael and Norlene Kemp, Applicants
122 Blueberry Road**

Request is for a variation to reduce the minimum required rear yard setback from 40 feet to approximately 32.25 feet in order to construct a house addition in an R-5, Single-Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting to reduce the minimum required rear yard setback in order to construct a house addition to a single family home in an R-5, Single Family Residential District located at 122 Blueberry Road. He stated that the subject lot is located at the southeast corner of Pond Ridge Road and Blueberry Road.

Mr. Smith stated that the petitioner is proposing to replace their existing 16 foot by 16 foot screened porch sunroom with a new room enclosure. He stated that the petitioner received a variation for the existing sunroom in 1999. He stated that the new materials include windows, siding, new wood floor, and roof. He stated that the existing rafters and ridge beam are proposed to remain. He stated that the new plan will not increase the existing footprint of the porch sunroom nor will the roof line or height change.

Mr. Michael Kemp, petitioner, stated that he is basically replacing the screening with windows and some siding and that the room addition will be the same size as the existing screened in sunroom. He stated that the only other additional change is that they are knocking out a portion of the wall separating the new room and the existing house in order to open up the inside space more.

Board Member Oakley stated that he is okay with the request.

Board Member Moore stated that he is okay with the request.

Board Member Semmelman stated that he is okay with the request.

Board Member Donahue stated that he is okay with the request.

Board Member Schultz stated that he is okay with the request.

Chairman Cotey asked if the new room addition will be heated. Mr. Kemp stated that it would be heated.

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

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In the matter of ZBA 11-14), Board Member Moore moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 40 feet to approximately 32.25 feet in order to construct a house addition in an R-5, Single-Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Donahue, Moore, Oakley, Semmelman, Schultz

Nays: None

Absent: Adams

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 7:32 p.m.