

MINUTES OF THE ZONING BOARD OF APPEALS
June 28, 2021

The regular meeting of the Zoning Board of Appeals was conducted virtually due to public health concerns and called to order by Chairman Kurt Schultz at 7:05 p.m.

Members present: Chairman Kurt Schultz, Amy Flores, Mark Moore, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: None.

A quorum was established.

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

Others present: Brooke Lenneman, Village Attorney.

Board Member Oakley moved, seconded by Board Member Moore, to approve the June 14, 2021, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 21-12 Novartis, Applicant
 1940 USG Drive**

Request is for a variation for the location of refuse containers in order to locate the refuse containers between the principal structure and the USG Drive right-of-way property line for property located in an O-2 Office, Manufacturing and Distribution Park District.

Mr. Bob Davidson, architect from Middough and agent representing the applicant, introduced the request for the Text Amendment to the Zoning Code and the request for the variation to the Plan Commission and Zoning Board of Appeals. Mr. Davidson stated that Novartis maintains three (3) refuse containers at the south end of their building located between the building and the USG Drive right of way property line. He stated that he current location of the refuse containers does not comply with the Zoning Code regulations. He stated that they have drafted a Text Amendment to the Zoning Code that if approved will enable the Village Board to grant a variation regarding the location of the refuse containers. He stated that the variation is to locate the refuse containers between the building and the front property line located on a reverse frontage lot. He stated that the south end of the building closest to USG Drive is considered by Novartis as the rear of the building and the north end of the building that is closest to Winchester Road is considered by Novartis as the front of the building as it includes the front entrance. He

Minutes of the June 28, 2021, Zoning Board of Appeals Meeting
Page 2 of 4

stated that the truck dock area is located on the south end of the building and the refuse enclosures are located in front of the truck dock area. He stated that a chiller mechanical unit is currently located within one of the truck dock bays and is screened by a 12 foot high fence. He stated that the refuse containers will have the same type of fence screening as currently used for the chiller.

Mr. John Spoden, Director of Community Development, defined what a reverse front lot is. He stated that there are other examples of reverse frontage lots between Winchester Road and USG Drive. He stated that there are not rear yards for these lots. He stated that Staff worked with the petitioner on how to address their refuse enclosure location, but in the end that applicant decided that the most viable solution is presented in the current request for the Zoning Code Text Amendment and variation request.

Board Member Oakley stated that Novartis has done a good job maintaining the property. He stated that he supports the Text Amendment as the proposed language provides appropriate limitations by applying it to reverse frontage lots.

Board Member Flores asked about the location of the trash enclosures on the neighboring property. She stated that the proposal is a good solution for the applicant's trash enclosures.

Board Member Steffe stated that this is a reasonable proposal.

Board Member Pyter stated that he supports the Text Amendment.

Board Member Schultz stated that he has no concerns.

Board Member Moore stated that he supports the requests. He asked the petitioner if they are ready for the Zoning Board of Appeals to make a recommendation to the Village Board. Mr. Davidson stated that he is ready for the vote.

In the matter of ZBA 21-12, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation for the location of refuse containers in order to locate the refuse containers between the principal structure and the USG Drive right-of-way property line for property located in an O-2 Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe
Nays: None
Absent: None

**Minutes of the June 28, 2021, Zoning Board of Appeals Meeting
Page 3 of 4**

**ZBA 21-13 NLA/GCH Libertyville, LLC, Applicant
1121 S. Milwaukee Avenue**

Request is for variations to: 1) increase the maximum permitted number of business wall signs from one (1) to two (2); and 2) allow a wall sign to project above the top of the front facade by not more than 6 inches for property located in a C-5 Vehicle Dealer Commercial District.

Mr. Jake Klopp, agent representing the applicant, introduced the request for the sign variation. He stated that they are requesting two variations which include an increase of the maximum permitted number of business wall signs from one (1) to two (2); and to allow a wall sign to project above the top of the front facade by not more than 6 inches for the property located in a C-5, Vehicle Dealer Commercial District at 1121 S. Milwaukee Avenue.

Board Member Oakley stated that he has no problem with the variations being requested.

Board Member Flores stated that she has no questions and supports the variations being requested.

Board Member Steffe stated that the variations requested are reasonable.

Board Member Pyter asked the petitioner why this particular Tesla wall sign is proposed separately from the other signs previously requested for the property. Mr. Klopp stated that Tesla is anticipating to open this summer at the 1121 S. Milwaukee Av. location. He stated that the previously approved signs complied with the Zoning Code and were able to be approved in a more time efficient manner.

Board Member Pyter asked why the proposed wall sign needed to project six (6") inches above the wall. Mr. Klopp stated that the proposed wall sign is designed by the tenant and is consistent with other Tesla locations.

Mr. John Spoden, Director of Community Development, stated that it has been the practice of Village Staff to permit requested developments that comply with the Code initially and then to allow them to come back at a later date to apply for variations as needed. He stated that this practice allows the development to proceed in a timely manner.

Chairman Schultz stated that the variations requested are reasonable and that he supports them. He asked the petitioner if he is ready for the Zoning Board of Appeals to vote on the requested variations. Mr. Klopp stated that he is ready for the Zoning Board of Appeals vote tonight.

In the matter of ZBA 21-13.1), Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of business wall signs from one (1) to two (2) for property located in a C-5 Vehicle Dealer Commercial District, in accordance with the plans submitted.

Motion carried 5 - 1.

Minutes of the June 28, 2021, Zoning Board of Appeals Meeting
Page 4 of 4

Ayes: Schultz, Flores, Moore, Oakley, Steffe
Nays: Pyter
Absent: None

In the matter of ZBA 21-13.2), Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to allow a wall sign to project above the top of the front facade by not more than 6 inches for property located in a C-5 Vehicle Dealer Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe
Nays: None
Absent: None

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Steffe moved, seconded by Board Member Oakley to adjourn the meeting.

Motion carried 6 - 0.

Meeting adjourned at 7:35 p.m.