

ZONING BOARD OF APPEALS
October 26, 2009

CALL TO ORDER

Chairman Celske called the meeting to order at 7:00 p.m.

ROLL CALL

Quid polled the members present: Zoning Board members, Celske, Dufern, Haselhorst, Murren, Rosch, Ruckoldt and Schneider. Also present were Village President, Bob Nunamaker, Village Attorney John Donahue and John Spurgeon, B&F Technical Code Services.

APPROVAL OF October 14, 2009 MINUTES

A motion was made by Ruckoldt and seconded by Dufern to approve the minutes from the October 14, 2009 meeting. A roll call vote followed with all in favor. The motion was passed.

ZONING BOARD CASE 2009-06 – Sign Text Amendment

The continued public hearing opened at 7:05 pm. Chairman Celske started by reviewing the text amendments with revisions that were voted on at the October 14th meeting. Discussion followed regarding additional language proposed by Village staff for 6(f). It states as follows:

Except, where the premises is adjacent to more than one public street, one exterior sign meeting the requirements of this Section I (6) (f) shall be allowed on each portion of the premises which is adjacent to a public street.

To paraphrase, if your business is on two public streets, are they allowed to have a sign on each property? Zoning Board members had differing opinions on whether it should be allowed on a residential street. Chairman Celske stated that the Village is trying to help facilitate the transfer of property so our businesses aren't left empty. Attorney Donahue stated that the ZBA can define the premises (2 + acres; on a major thoroughfare; or more than 3 lanes of traffic).

*******MOTION**

A motion was made by Ruckoldt and seconded by Dufern to recommend to Public Health & Safety approval of the additional sentence in I(6)(f) suggested by Village Staff. A voice vote followed with 4 yes (Schneider, Ruckoldt, Haselhorst, Dufern); 2 no (Rosch, Celske) votes. The motion was passed.

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Discussion followed regarding the new subsection 6(g) with language regarding sandwich boards. The proposed language is as follows:

- (g) Each business premises shall be allowed to use one portable sandwich board sign provided the sandwich board sign meets all of the following criteria: (1) the sandwich board sign must advertise or bring attention to products, programs or services sold or offered at the premises where the sandwich board is placed; (2) the sandwich board sign shall be removed when the business is not open; (3) the sandwich board sign shall not have any electronic components; (4) the sandwich board sign shall not have more than 2 sign faces; (5) each sign face of the sandwich board sign shall not exceed _____ by _____; (6) the sandwich board sign shall be placed no more than 15 feet from the main entrance to the business premises; and (7) the sandwich board sign shall not be used if it is damaged, torn, worn or defaced.

Zoning Board member Ruckoldt did some research on the internet and explained that the standard size for most sandwich boards is 24" x 36", although the Board may want to differentiate between the surface size vs. the overall size.

*******MOTION**

A motion was made by Ruckoldt and seconded by Dufern to recommend to Public Health & Safety approval of subsection 6(g) as written subject to the size of the sign face not to exceed 2ft. by 3ft. and the total size not to exceed 32" width or 42" height. A voice vote followed with all in favor. The motion was passed.

Community Event/Information Signs

The proposed ordinance Section 3(J)(a) suggests that the Village be allowed to operate up to three signs. Discussion began with suggestions of increasing the size of the current signs and limiting the total number to 2 signs (1 on Rt. 14 and 1 on Rt. 22). Zoning Board members agreed that the property by the Shell station is not ideal for a community events sign. Chairman Celske explained that the Zoning Board needs to decide what to do to facilitate giving our community organizations the ability to advertise their activities. It was noted that community events overlap so 2 signs would be too limiting.

Zoning member Dufern distributed pictures of community signs from other communities. These communities had built a permanent frame around a temporary sign. Mr. Dufern suggested building 2 permanent signs (cost would be under \$1500) to be financed by the Lions Club and Recreation Council. He suggests placing them on Rt. 22 as you enter FRG and next to the Governor's Hometown Award sign by the motel. He also noted that the Lions Club gives a great deal of money back to the community (\$80,000 Texas Hold-um; \$32,000 in scholarships).

*******MOTION**

A motion was made by Haselhorst and seconded by Dufern to recommend to Public Health & Safety to that up to 4 signs be permitted for community event/information signs and add new language to Section 3(J)(a) per Attorney Donahue. A roll call vote followed with 3 yes votes (Ruckoldt, Haselhorst, Celske); 2 no votes (Schneider, Rosch); and 1 abstain (Dufern). The motion was passed.

Discussion followed regarding Section 3(J)(b) regarding the amount of time a community group is allowed to display their event and the amount of time between the listing of another event. The Zoning Board agreed to strike the first sentence of the paragraph: ***“The Village may construct and operate one of the signs allowed by Section J(a) on the Village’s Route 14 lift station property.”***

Pat Riley, President of the Rec Council, asked if an event would have to come down after the 14 days for a specified number of days before putting it back up. ZBA members agreed that if no other group needs the sign, they can keep it up. They would be required to come in to the Village to check on the availability of the sign. Discussion followed. It was noted that the Village cannot limit what the Railroad allows on their property.

*******MOTION**

A motion was made by Ruckoldt and seconded by Haselhorst to recommend to Public Health & Safety approval of J(b) as written with the exception of the elimination of the first sentence “The Village may construct and operate one of the signs allowed by Section J(a) on the Village’s Route 14 lift station property.” A roll call vote followed with all in favor. The motion was passed.

The public hearing was closed at 8:23pm.

ZONING CASE #2009-07 (Fences Text Amendment)

The public hearing opened at 8:25pm. The Village has filed an application for a text amendment to the Zoning Ordinance which will amend Section B of Article III “Definitions” and Section H of Article IV “General Regulations” of the Zoning Ordinances for fences in front yards.

Mr. Spurgeon explained that, currently, there is no language in the Zoning Ordinance regarding natural fences (anything living such as bushes or trees) or split rail fences. There are a number of fences in front yards in the Village and have been there for many years. The Village would like to try to make existing fences legal. He further explained that they would like to make split-rail fences allowed as a permitted obstruction in front yards and side yards abutting a street under certain circumstances.

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Discussion followed regarding a “Site Triangle” as a public safety issue. The proposed language is as follows:

19.5. SIGHT TRIANGLE: That portion of a lot within the triangular area formed by either: (i) two (2) measurements twenty-five (25) feet in length from the point of intersection of two (2) street right-of-way lines forming a corner lot along each right of way, or (ii) by a line along the street right of way that is twenty-five (25) feet in length from the point of intersection of a street right-of-way line and the edge of an intersecting driveway and a line along the intersecting driveway that is twenty-five (25) feet in length from the point of intersection of the driveways intersection with a street right-of-way line

When asked if a chain link was allowed, Attorney Donahue explained that a chain link fence is an illegal, non-comforming use. The Village won’t make the resident remove the fence but if they want to repair or change it in the future, it must be a split-rail fence. Also, fences are not supposed to be less than 10 ft. from the curb. Many streets are lacking curbs so it was suggested that the language be changed to reflect “or right of way”.

*******MOTION**

A motion was made by Ruckoldt and seconded by Rosch to recommend to Public Health & Safety approval of the fences text amendment as written with the addition of the language under H(2)(h)(2) as follows: “No fence located in a front yard or side yard adjoining a street may be located closer than ten (10) feet from the curb ‘or right of way’ or within a sight triangle”. A voice vote followed with all in favor. The motion was passed.

The public hearing closed at 8:38 pm.

OTHER BUSINESS

None at this time.

NEXT MEETING

None at this time.

ADJOURNMENT

A motion was made by Ruckoldt and seconded by Schneider to adjourn the meeting. A roll call vote followed with all in favor. The meeting adjourned at 8:43 pm.

Daniel A. Celske, Chairman

Karen Quid, Secretary

Date approved