

ZONING BOARD OF APPEALS
November 10, 2010

CALL TO ORDER

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

ROLL CALL

Dal Compo polled the members present: Zoning Board members, Celske, Anderson, Dufern, Murren and Rosch. Also present were John Spurgeon of B & F Technical Code Services as staff to the Zoning Board and John Donahue, Village Attorney. Ruckoldt and Schneider were absent.

APPROVAL OF SEPTEMBER 22, 2010 MINUTES

A motion was made by Dufern and seconded by Rosch to approve the minutes from the September 22, 2010 meeting as presented. A voice vote followed with all in favor. The motion was passed.

ZONING BOARD CASE 2010-06 ZONING VARIATION, 1140 VICTORIA DR.

(The following is a restatement of the application request): “Robert and Amy Ruer, 1140 Victoria Dr, have filed an application with the Zoning Board of Appeals of the Village of Fox River Grove, for A zoning variation in accordance with the regulations of the Village of Fox River Grove Zoning Ordinance as amended, to allow a zoning variation pursuant to Article VI. E. 8.a. *Front Yards*. The petitioner proposes to add 4.5 feet to existing front porch which would result in a front yard setback of less than 30 feet in depth as required in the R2 Zoning District. A legal description of the property is as follows: LOT 69 IN THE FINAL PLAT OF GARDNER TERRACE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 17 AND PART OF THE NORTHEAST QUARTER OF SECTION 20 AND PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 21, 1992 AS DOCUMENT NO. 3106355 IN LAKE COUNTY, ILLINOIS.

Chairman Celske thanked the petitioners for attending the meeting. He asked them if they had received the required signatures, and if they had any certified mail receipts. However, in this instance the certified mail receipts were not necessary. The petitioners presented a photograph of the notice they had posted in their front yard. Chairman Celske noted that a number of the members of the zoning board had driven past their property examine the proposed variation.

Attorney Donahue pointed out that this case was in regards to a variance only (A-1), even though the petitioners had mistakenly filled out the special use section of the application.

Mrs. Ruer explained that the builder had built their front porch narrower than the others in the subdivision, so that it is not functional. Their family would like to be able to sit out on it, as their backyard is adjacent to Rt. 22. The cement slab will be the same height and will match exactly what already exists. The builder will replace the existing posts. There will be a total of four posts, two of which will be placed further out.

Chairman Celske asked if the footing would be solid concrete, and if the roof would be extended. Mrs. Ruer said yes to both questions. He further asked if any of their neighbors had expressed any objections, he was told no. It was noted that the Ruer's home is located on a cul-de-sac. Member Dufern asked if the posts were load bearing. He was told yes. They will have metal fittings and they are 4"x 4"x 8'. The posts will be surrounded by white fiberglass. Member Dufern further asked if the roof would just be extended, or if the current roof would be removed. He was told that the current roof would be extended, with a similar pitch. Member Dufern asked if there would be a new walkway. Mr. Ruer said that there would be, eventually. Mr. Ruer asked if the sidewalk would require a separate variance. Mr. Spurgeon said it would not.

Mr. Ruer showed the members a photograph of the proposed porch. Member Murren asked if it would have a foundation around it. Mr. Ruer explained that it would have rods going through it. Member Murren further asked what the length and width would be. He was told 160" x 96" (3 ft existing plus 4 ft extension). Member Murren noted that a slab cannot be "floated", but Mr. Ruer explained that it will have a complete foundation. Mr. Spurgeon said that it would be 42" thick. Member Murren noted that it appeared that the porch would only be 32 1/2 feet from the setback, but Mr. Ruer stated that since their sidewalk curves, they measured from the closest point.

Chairman Celske asked if there were any further questions from the members; there were none.

A MOTION was made by Member Rosch and seconded by Member Dufern to recommend approval of the request from 1140 Victoria for a variance to the 30 foot setback to extend the front porch in an amount not to exceed 4.5 feet. This motion includes approval of the findings of fact as expressed in the petition. A voice vote followed with all in favor.

Chairman Celske thanked the Ruer's for their participation. ZBA case 2010-06 was concluded at 7:15 p.m.

ZBA CASE 2010-07, TEXT AMENDMENT, SHARED USE BUSINESS SIGNS

Mr. Spurgeon explained that this amendment originally allowed two businesses in proximity to put up a shared sign. Currently, it does not allow for offsite signage, except for with a special use permit costing \$500. The proposed amendment would make the signage an in-house administrative procedure, with reduced costs involved. Member Murren asked if Armanetti's already had such a sign, he was told yes. Mr. Spurgeon explained that he was instructed to postpone the decision as to how to charge for this until the amendment was definite. The proposed amendment was previously presented to this Board, and the recommendation was to

go ahead with it. Since this requires an amendment of the zoning code from special use to permitted use, a formal decision is required.

The mutual shared use of unattached signs by two businesses located in Fox River Grove business zoning districts may be permitted, if, each and every one of the following conditions are met:

- 1) The shared use is pursuant to a written agreement (“shared use agreement”) between no more than 2 parties that are each operating businesses that are located in and operating in a Fox River Grove business zoning district.
- 2) Each party to the shared used agreement must have a legally existing unattached sign that is located on the premises where it is operating its business.
- 3) No more than 50% of each shared sign face may be utilized by the party that is not operating its business at the location of the shared sign.
- 4) If the business of any party to a shared sign agreement stops its operation, the shared sign agreement must terminate and the shared use of any sign shall cease.
- 5) The businesses that are parties to the shared sign agreement shall not be located on the same right of way.

These will now be the conditions for *permitted use*, no longer special use.

Member Murren asked if there will still be a fee involved. Mr. Spurgeon said that a sign permit fee will be charged, and it will likely cost \$10 to \$20. Member Anderson asked if this would apply to signs that a business would put back up; he was told yes. He further asked if people come to apply for a sign and have already met the requirements, will approval be automatic. Mr. Spurgeon said yes.

Chairman Celske asked for a review of the concerns that were present when the amendment was first suggested. Member Rosch used the sign near the former Blockbuster site as an example. He said that if the special use aspect is taken away, it will raise the price that landlords can charge to individual businesses, and Member Rosch opposes this idea because of this. Chairman Celske stated that this Board wishes for businesses to succeed in Fox River Grove and the desire is to make it easier, not harder for them. \$500 is a large sum of money. Member Rosch countered that he, in theory, could now make more by renting out half of a sign approved by the Village.

A MOTION was made by Murren, seconded by Dufern, to recommend approval of the text amendment for shared use business signs with conditions as set forth previously. A voice vote followed. Celske-yes, Anderson-yes, Dufern-yes, Murren-yes, Rosch-no. Motion Carried with one opposed.

ZBA case 2010-07 was concluded at 7:27 p.m.

POLITICAL SIGNS

Mr. Spurgeon expressed the need for language to be written to control political signs. A new state law will take effect on January 1, 2011 which will allow political signs to stay up indefinitely. Village Attorney Donahue added that presently a sign can be put up, but there was a time limit before and after a certain event that it could remain. Any language added would allow for a clean slate, so that no one group of person would be the focus. Chairman Celske noted that political signs are now protected by the sign ordinance. He wondered if it would be helpful to subject it to a fee. Village Attorney Donahue said it would be difficult to justify a fee, and Member Anderson added that it would be a “slippery slope.” Chairman Celske said that this will be an interesting subject for the future.

POTENTIAL FUTURE MEETINGS—SPECIAL USE, 910 NORTHWEST HWY STRIP MALL DEVELOPMENT

Mr. Spurgeon said that this request is for the land east of Jimmy John’s restaurant in the vacant lot.

OTHER BUSINESS

Member Murren asked if there was any news on Moretti’s moving in to town. Mr. Spurgeon said that he did not think anything would happen until the economy turns around. Member Murren further inquired as to any news about the former Blockbuster building. Mr. Spurgeon said that agents had been out taking pictures of the site today, but nothing further was known at this time.

ADJOURNMENT

A motion was made by Murren and seconded by Rosch to adjourn the meeting. A voice vote followed with all in favor. The meeting adjourned at 7:32 pm

Daniel A. Celske, Chairman

Alison Dal Compo, Secretary

Date approved