



MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS

AUGUST 27, 2015

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on August 27, 2015 at 7:30 p.m.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Pat Conway Tom Hanna David Samuelson
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Amy Connolly, Planning Director Stephanie Kisler, Planner Tom Melody, Village Attorney Debra Kotas, Commission Secretary

CALL TO ORDER

Zoning Board Chairman Cardella called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes of the July 23, 2015 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER BARTA seconded by ZONING BOARD MEMBER SAMUELSON to approve the Minutes as presented.

THE MOTION WAS APPROVED UNANIMOUSLY by voice vote. ZONING BOARD CHAIRMAN CARDELLA declared the motion approved.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS
SUBJECT: MINUTES OF THE AUGUST 27, 2015 MEETING

PUBLIC

HEARING: WATSON FAMILY HYUNDAI, INC. – 8101 159TH STREET – VARIATIONS FROM SECTION IX (SIGN REGULATIONS) FOR MAXIMUM FREESTANDING SIGN HEIGHT, MAXIMUM SIGN FACE AREA, AND MAXIMUM SIZE OF AN ELECTRONIC MESSAGE CENTER – FREESTANDING SIGN

Consider recommending that the Village Board grant three (3) variations to the Petitioner. Two (2) variations would allow for the continuation of the existing legal nonconforming freestanding sign and one (1) variation would allow the installation of an electronic message center on the sign. The requested variations include:

1. An eight foot (8') variation from Section IX.D.4.a.(2) where the maximum height for a freestanding sign is ten feet (10') to allow an eighteen foot (18') tall freestanding sign;
2. A twenty-four (24) square foot variation from Section IX.D.3.b. where the maximum sign face area is one hundred twenty (120) square feet to allow a sign one hundred forty-four (144) square feet in area; and
3. A 3.9% variation from Section IX.D.9.c. where the maximum size of an electronic message center is permitted to be 20% of the total sign area to allow an electronic message center that is 23.9% of the total sign area.

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Pat Conway Tom Hanna David Samuelson
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Amy Connolly, Planning Director Tom Melody, Village Attorney Stephanie Kisler, Planner Debra Kotas, Commission Secretary
Guest(s):	David Sosin, Petitioner's Attorney Randy Bennett, Landmark Sign

A motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER HANNA TO open the Public Hearing at 7:31 p.m. ZONING BOARD CHAIRMAN CARDELLA requested the Petitioner(s) and anyone present who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

TOM MELODY, Village Attorney, reviewed the Public Hearing procedure. He explained the Petitioner(s) or their representatives will be allowed to present evidence in support of the variation request. He stated they have already provided the written Findings of Fact to support the variation request and it will be their obligation to provide a burden of proof with facts and evidence to support the Findings that this Board requires before a variation can be granted. MR. MELODY stated a revised Findings of Fact was submitted by the Petitioner prior to this Public Hearing.

STEPHANIE KISLER, Planner, provided confirmation that appropriate notice regarding the public hearing was published in the local newspaper in accordance with State law and Village requirements.

DAVID SOSIN, Attorney representing the Petitioner, presented a request for three (3) separate variations for a freestanding sign for Family Hyundai located at 8101 159th Street. He reviewed the history of the dealership relative to the sign ordinance stating the existing sign is legal nonconforming in status. He explained the current sign was built when the Hyundai dealership was located at the site of the current Bettenhausen dealership (SE corner of 159th Street and 84th Avenue). He reported when the new Hyundai property was purchased and plans submitted to the Village, the sign was moved and placed as part of the site plan. He stated his client is seeking the variations to update the existing sign to a digital format in order to remain competitive with the surrounding dealerships in the area.

MR. SOSIN explained the first two requests are for an 8' height variation and 24 square foot sign face variation with the third variation being requested to replace the "Family" portion of the sign with a digital panel. He showed a photograph of the proposed sign explaining the sign panels are made in one foot (1') sections and in order to utilize the most of the space on the existing sign and for the proportions of the sign to remain the same, a 3.9% variation to the maximum size of an electronic message center is necessary.

In conclusion, MR. SOSIN stated he believes the requests are reasonable based on the Findings of Fact, information presented and request of the dealership to operate their business in an efficient, satisfactory manner.

BOARD MEMBER BARTA recalled the Petitioner requesting a sign variation in the past. MR. MELODY indicated the Petitioner has not previously appeared before the Zoning Board of Appeals for a sign variation. He explained the existing sign met ordinance requirements at the time it was initially installed prior to the dealership moving to its current location.

BOARD MEMBER HANNA asked for further clarification regarding the calculations for the message board. MR. SOSIN explained the 3.9% calculation is based on the existing sign area of 144 square feet, not 120 square feet which is the maximum sign face area currently permitted by code.

BOARD MEMBER SAMUELSON requested confirmation that the sign will maintain at its current height and size. He suggested modifying the sign and electronic message board to meet current zoning ordinance requirements. MR. SOSIN explained they are seeking the variations so aesthetically there are no large spaces on either side of the panel and to have a sign that is in proportion to code and fit with current technology. He further explained the proposed electronic message sign board is expensive due to its high quality and much clearer digital readout.

BOARD MEMBER SAMUELSON inquired if the Petitioner was aware that conditions of approval will include landscape at the bottom of the sign per the Village's landscape ordinance and removal of all temporary signage. MR. SOSIN reported his client has been advised of this by Staff.

BOARD MEMBER CONWAY thanked the Petitioner for an articulate, informative presentation and Staff for providing a thorough Staff Report. He reported visiting the property comparing the message boards of the Toyota dealership with the proposed Hyundai sign. Because the electronic portions are installed in 1'

increments, thus creating a larger filler panel on each side, he believes the message board would be out of proportion. He reviewed the Petitioner's response to the Finding of Fact describing how the hardship was created. He agreed that static signs are out of date and most businesses are converting to electronic message boards.

MR. SOSIN added that the message board will also contain community information in addition to advertisement for the business.

There being no further questions from Board Members, objectors or other interested parties, MS. KISLER presented the Staff report. She reviewed each of the three (3) variations requested. She explained the first two variation requests relate to the existing sign. She reported when the sign was allowed to move to the dealership's existing location, it was never granted a variation though it no longer conformed to current code requirements for sign face area and height. She explained the third variation relates to an electronic message center that is approximately 23.9% of the 144 square foot area of the existing sign, resulting in the Petitioner needing a 3.9% variation to the maximum size of an electronic message center of 20%.

MS. KISLER showed an aerial photograph of the subject property that is located between a storage facility and other auto dealerships. She showed a photograph of the existing sign noting there is no landscape at the base of the sign, currently required per code. She reported the Village's Landscape Architect is requiring nothing less than a 6'x10' landscaped area at the base to provide a proportionate amount of green space.

MS. KISLER displayed photographs showing the substantial amount of temporary signage on the site, noting a temporary sign permit has not been issued since 2013. She explained that if the Petitioner proceeds with an electronic message center, whether a variation is granted or not, no temporary signage will be allowed on the site per the requirements of the Zoning Ordinance.

MS. KISLER proceeded to show a photograph of the proposed sign noting its dimensions of approximately 18'x18' including the 10' base pole and proposed electronic message center, thus making the sign very visible. She showed the example of the electronic message center, including the filler panels on each side, noting it is possible to meet the code requirement of 20% by adding additional filler panel. She explained Staff is concerned regarding setting a precedent and does not believe sufficient evidence exists for a hardship to support the variation request. She reported Staff is recommending limiting the Petitioner to 20% of the existing square footage of the sign. She also mentioned that the only other car dealership in Tinley Park along 159th Street that utilizes an electronic message center is the Orland Toyota dealership and their electronic message center meets the 20% maximum area requirement.

MS. KISLER proceeded to review suggested conditions from the Planning Department:

1. The Landscape Plan on file be amended to include an area no smaller than 6' x'10' in size, with approval by the Village's Landscape Architect, to be installed at the base of the sign in accordance with the Zoning Ordinance;
2. All temporary signage be removed from the property once the electronic message center is installed and ensure they are properly permitted in the interim; and,
3. Per Zoning Ordinance, it is prohibited to have any temporary signage once the electronic message center is installed.

MS. KISLER reported Public Works, Engineering, Building Department, Police Department and Fire Department had no comments

MR. SOSIN commented on Staff concerns regarding setting a precedent by granting the variation requests. He stated there will be no precedent when the voting body uses common sense and works with each individual business when making a decision, explaining each situation will be unique.

There being no further questions or comments, each variation request was presented individually for vote.

A motion was made by BOARD MEMBER SAMMUELSON to recommend the Village Board grant the Petitioner a variation for a freestanding sign for the Family Hyundai property located at 8101 159th in the B-5 Automotive Service Zoning District for:

An eight foot (8') variation from Section IX.D.4.a(2) where the maximum height for a freestanding sign is ten feet (10') to allow an eighteen foot (18') tall freestanding sign.

The Motion was seconded by BOARD MEMBER HANNA.

AYE: Zoning Board Members Pat Conway, Tom Hanna, David Samuelson and Chairman Sam Cardella

NAY: Zoning Board Member Ed Barta

THE MOTION WAS APPROVED by voice vote. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.

A motion was made by BOARD MEMBER SAMMUELSON to recommend the Village Board grant the Petitioner a variation for a freestanding sign for the Family Hyundai property located at 8101 159th in the B-5 Automotive Service Zoning District for:

A twenty-four (24) square foot variation from Section IX.D.3.b where the maximum sign face area is one hundred twenty (120) square feet to allow a sign one hundred forty-four (144) square feet in area.

The Motion was seconded by BOARD MEMBER HANNA.

AYE: Zoning Board Members Pat Conway, Tom Hanna, David Samuelson and Chairman Sam Cardella

NAY: Zoning Board Member Ed Barta

THE MOTION WAS APPROVED by voice vote. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.

A motion was made by BOARD MEMBER SAMMUELSON to recommend the Village Board grant the Petitioner a variation for a freestanding sign for the Family Hyundai property located at 8101 159th in the B-5 Automotive Service Zoning District for:

A 3.9% variation from Section IX.D.9c where the maximum size of an electronic message center is permitted to be 20% of the total sign area to allow an electronic message center that is 23.9% of the total sign area.

With the following conditions:

1. That the Landscape Plan on file be amended to include an area no smaller than 6'x10' in size, with landscaping approved by the Village's Landscape Architect, to be installed at the base of the sign in accordance with Section IX.D.5 of the Zoning Ordinance;
2. That all current temporary signage be removed from the property once the electronic message enter is installed; and,

3. That the property will not be permitted any temporary signage if an electronic message center is installed as per Section IX.D.9.f. of the Zoning Ordinance. This includes but is not limited to banners, flags, balloons and light pole signs.

Based on the evidence provided at this hearing and also the following:

That the Petitioners have provided evidence establishing that they have met the standards for variations contained in Section X.G.4. of the Zoning Ordinance.

The Motion was seconded by BOARD MEMBER HANNA.

AYE: Zoning Board Members Pat Conway, David Samuelson and Chairman Sam Cardella

NAY: Zoning Board Members Ed Barta and Tom Hanna

THE MOTION WAS APPROVED by voice vote. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.

A motion was made by BOARD MEMBER BARTA, seconded by BOARD MEMBER HANNA to close the Public Hearing and regular meeting of the Zoning Board of Appeals of August 27, 2015 at 8:21 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.