

September 7, 2006

Mr. William J. Mueller
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 06-18; 105-121 E. Roosevelt Road

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests the following actions be taken on the subject property within the B4 Corridor Commercial District:

1. A variation from Section 153.208(G)(4) of the Lombard Sign Ordinance to allow directly exposed interior illumination;
2. A variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow a freestanding sign to be set back less than 75 feet from the centerline of the adjacent right-of-way; and
3. A variation from Section 153.505(B)(6)(a)(2) of the Lombard Sign Ordinance to allow an approximately 252-square foot freestanding sign where a maximum area of 125 square feet is permitted.

The Zoning Board of Appeals conducted a public hearing on August 23, 2006. Jeff Sukowski of Famous Liquors presented the petition. Mr. Sukowski stated that the grandfather clause that had previously allowed the sign to remain was no longer valid. The sign is a historic part of the Village, much like the Dairy Queen sign of the same era. He stated that they plan to remove the "Famous Deli" addition from the sign.

Chairperson DeFalco then opened the meeting for public comment. There was no one present to speak for or against the petition.

Chairperson DeFalco then requested the staff report.

Jennifer Backensto, Planner II, presented the staff report. The petitioner is requesting three variations that would bring the existing Famous Liquors freestanding sign into compliance with Village Code. The sign was legally constructed in 1965 and is currently nonconforming with regard to its size, location, and construction.

In 1993, the Village Board amended the Sign Ordinance to create amortization provisions to bring legal nonconforming signs into eventual compliance with current Village regulations while still ensuring that the owners of the signs receive the benefit of their investments in those signs. The provisions of the ordinance permitted the continued use of a sign for seven (7) years from the date of receiving notice from the Village. At the end of this seven-year period, the legal nonconforming status of the sign expires and the sign must be removed.

Ms. Backensto stated that in 1999, the owners of Famous Liquors were sent notices regarding the legal nonconforming status of their sign and advising them that, pursuant to Village Code, the sign must be removed within seven years. As seven years have passed since the notification, Famous Liquors is now requesting variations to bring the sign into compliance with code. She references a summary of the existing nonconformities within the staff report.

Staff finds that the requested relief for sign area and construction can be supported due to the unique nature and history of the sign. The only other known sign from this era, the Dairy Queen sign at 205 S. Main Street, was designated by the Village as a local landmark. As opposed to a new sign, granting relief for the Famous Liquors sign would not have a negative impact on the surrounding properties or alter the character of the neighborhood as the sign has existed in its present location for 41 years and predates much of the surrounding development. In this case, the hardship results from the various changes that have been made to the Sign Ordinance over the past four decades and not from any action of the petitioner or property owner.

Ms. Backensto stated that staff can also support the requested relief from the 75-foot setback requirement due to the character and existing development along Roosevelt Road. The Roosevelt Road right-of-way is only 100 feet wide, meaning that any freestanding sign is required by code to be located at least 25 feet in from the front property line. Many properties along Roosevelt Road have parking lots at or very near their front property lines and, consequently, many older signs do not meet the 75-foot setback requirement. There is also a recent precedent for granting setback relief for freestanding signs in this corridor as two similar requests have already been granted in 2006: PC 06-06, 844 E. Roosevelt Road (Popeye's) and PC 06-11: 300 E. Roosevelt Road (McDonald's).

As part of the request for zoning relief, the petitioner has proposed to remove the "Famous Deli" sign that was added underneath the original, historic sign. Given that staff's support of the requested relief is largely based upon the historic nature of the sign, staff recommends that the removal of the "Famous Deli" sign cabinet be made a condition of any approvals.

Chairperson DeFalco then opened the meeting for discussion by the Board Members. He asked why the letters had been sent in 1999 if staff did not object to the sign. Ms. Backensto stated that, in 1999, staff had identified a number of freestanding signs throughout the Village that did not meet code in one way or another. All of the owners of those signs were sent notices informing them of the seven-year amortization period. Although staff does not object to the requested relief for the Famous Liquors sign, the necessary relief can only be granted through the public hearing process regardless of staff's recommendation on the issue.

Chairperson DeFalco asked how the Dairy Queen sign had been allowed to remain given that the owners had not appeared before the Zoning Board of Appeals to request relief. Ms. Backensto stated that the Dairy Queen sign had been deemed historically significant by the Lombard Historical Commission and Village Board, thereby exempting the sign from Sign Ordinance requirements.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 6-0, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation, subject to the following conditions:

1. Upon approval of this ordinance, the petitioner shall immediately remove the lower portion of the sign cabinet reading "The Famous Deli."
2. The variations shall be limited to the existing freestanding sign. Should the existing freestanding sign be damaged or destroyed by any means, any new freestanding sign shall meet all provisions of the Lombard Sign Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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