

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: April 26, 2012 (B of T) Date: May 3, 2012

TITLE: ZBA 12-02: 401 S. Main Street

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a variation from Section 153.505(B)(6)(b)(1) of the Lombard Sign Ordinance to allow an eighty-four (84) square foot freestanding sign where fifty (50) square feet is allowed in the B3 - Community Shopping District.

The Zoning Board of Appeals recommended approval of this petition with conditions.

Please place this item on the May 3, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP, *with my*
Director of Community Development

DATE: May 3, 2012

SUBJECT: ZBA 12-02; 401 S. Main St.

Please find the following items for Village Board consideration as part of the May 3, 2012 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation to Section 153.505(B)(6)(b)(1) of the Lombard Sign Ordinance to allow an eighty-four (84) square foot freestanding sign where fifty (50) square feet is allowed in the B3 - Community Shopping District; and,
3. IDRC report for ZBA 12-02; and,
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the May 3, 2012 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

May 3, 2012

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

Subject: ZBA 12-02; 401 S. Main St.

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 153.505(B)(6)(b)(1) of the Lombard Sign Ordinance to allow an eighty-four (84) square foot freestanding sign where fifty (50) square feet is allowed in the B3 - Community Shopping District.

The Zoning Board of Appeals conducted a public hearing on April 25, 2012.

Chairperson DeFalco opened the meeting for public comment.

Rob Whitehead, Olympic Signs, presented the petition. Mr. Whitehead stated that he was hired by the business owner to reface the existing sign that was damaged in a storm event. He stated that the sign will contain a manual changeable copy element. He added that they are looked to obtain a variation to bring the sign into conformance with Code. He then stated that they also plan to change the lighting and paint the sign, which will make it look nice.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. There was nobody to speak in favor or against the petition.

Michael Toth, Planner I, entered the staff report into the public record in its entirety and stated that staff is recommending approval of ZBA 12-02, subject to the three conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Bartels asked if the sign will be the same square footage as what previously existed.

Mr. Whitehead stated that the sign will be the same size.

Mr. Bartels asked when the sign was damaged.

Chairperson DeFalco referred to the staff report and mentioned that the sign was damaged in October 2010.

Mr. Young asked why the sign was abandoned for so long.

Mr. Whitehead stated that the owner has been exploring a number of options. He then stated that the owner was considering an electronic message board sign.

Chairperson DeFalco then briefly discussed the history of the subject sign.

Mr. Bartels asked if there are other signs in the same vicinity that are of similar size.

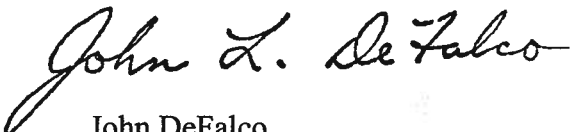
Mr. Toth stated that there are a number of signs of similar signs located along South Main Street. He then stated that the larger signs are typically associated with shopping center signs that include a number of different tenant panels.

On a motion by Bartels and a second by Newman, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 12-02, subject to the following conditions:

1. The sign shall be built in accordance with the sign rendering prepared by Olympic Signs Inc., dated February 7, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

East: R4PD - Limited General Residence District Planned Development; developed as attached single-family residences.

West: B3 - Community Shopping District; commercial strip center.

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on March 26, 2012.

1. Petition for Public Hearing.
2. Sign rendering prepared by Olympic Signs Inc., dated February 7, 2012.
3. Plat of Survey, prepared by Gentile and Associates, dated March 13, 2001.

DESCRIPTION

The petitioner is proposing to install new sign face panels onto an existing freestanding sign frame. The previous sign was damaged in a storm event in October 2010, and as a result, all of the sign panels were eventually removed. The previous sign was eighty-four (84) square feet in area. The Sign Ordinance requires that freestanding signs in the B3 - Community Shopping District not exceed fifty (50) square feet. As such, the freestanding sign was considered non-conforming with respect to the signage area. By definition of Code, the sign is considered to be an abandoned sign as it is a non-conforming sign and its use was discontinued for more than 90 consecutive days. As the petitioner is proposing to reinstall new sign face panels totaling eighty-four (84) square feet in signage area on an abandoned sign frame, a variation is necessary.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The PES Division of Community Development has no comments.

PUBLIC WORKS

Public Works Engineering has no comments on this petition.

FIRE

The Fire Departments has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

The petitioner is proposing to reface an existing eighty-four (84) square foot (8'X10.5') freestanding sign located on the western boundary of the subject property, adjacent to Main Street. The sign consists of two individual cabinets – one sixty-four (64) square foot cabinet displaying the business name and logo and one twenty (20) square foot area dedicated to a manual reader board element. The sign will be internally illuminated and the existing sign post and cabinet will also be rehabilitated. As previously stated, the Sign Ordinance requires that freestanding signs in the B3 - Community Shopping District not exceed fifty (50) square feet. The subject freestanding sign existed prior to Mr. Z's occupying the subject property.

The subject freestanding sign has existed for decades and the panels were removed due to damage incurred during a storm event. The sign would be constructed within the confines of existing cabinet, not to increase the degree of non-conformity. As a result, staff finds that this petition meets the Standards for Variations and making the requisite improvements would enhance the overall appearance of the Village.

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

The petitioner is proposing to install new sign face panels onto an existing freestanding sign frame. The previous sign was damaged in a storm event, and as a result, all of the sign panels were eventually removed. The freestanding sign is considered non-conforming with respect to the signage area. By definition of Code, the sign is considered to be an abandoned sign as it is a non-conforming sign and its use was discontinued for more than 90 consecutive days.

Aside from the requested size variation, the subject sign would meet all other Sign Ordinance requirements. As the previous sign was damaged in a storm event, a hardship has resulted from actions that were not purposely taken by the owner.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

The proposed variation pertains only to the sign size, not the location on the subject property. The sign existed previously and reinstatement is being proposed due to causes outside of the owner's control.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

The purpose of the proposed variation is not based upon financial gain, but rather the ability to continue the use of a non-conforming sign.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The petitioner is proposing to reestablish a non-conforming sign, within the confines of the existing sign cabinet. There would be no additional size added to the sign. The Sign Ordinance requirements do not allow for the reestablishment of the sign at its current size.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The petitioner is proposing to rehabilitate a sign that is in a state of disrepair. The proposed signage improvements are subject to the permit review process, which would allow staff to ensure that the sign is in conformance with current codes.

6. *The granting of the variation will not alter the essential character of the neighborhood; and,*

In the late 1970's, Mr. Z's applied for a permit to replace the prior tenant's face panels with their business logo. Mr. Z's was subsequently denied because the sign exceeded the fifty (50) square foot maximum area. Mr. Z's appealed the decision of the Building and Zoning Director (per ZBA 77-01) stating that there was more than one business located on the property in order to classify the sign as a Shopping Center Identification Sign. Moreover, Shopping Center Identification Signs are afforded a greater amount of square footage. According to records submitted as part of ZBA 77-01, 'Heinemann's Bakery' sublet a portion of Mr. Z's. The interpretation made by Building and Zoning Director was overruled citing that the ordinance states that a grouping of commercial uses under single or joint ownership constitutes a shopping center. As a result, the property owner was allowed to continue utilizing the eighty-four (84) square foot freestanding sign.

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The subject sign has existed at its current location for decades without any issues pertaining to the supply of light, congestion on public streets, fire or drainage.

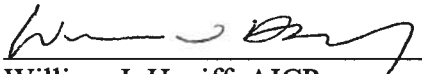
FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 12-02, subject to the following conditions:

1. The sign shall be built in accordance with the sign rendering prepared by Olympic Signs Inc., dated February 7, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

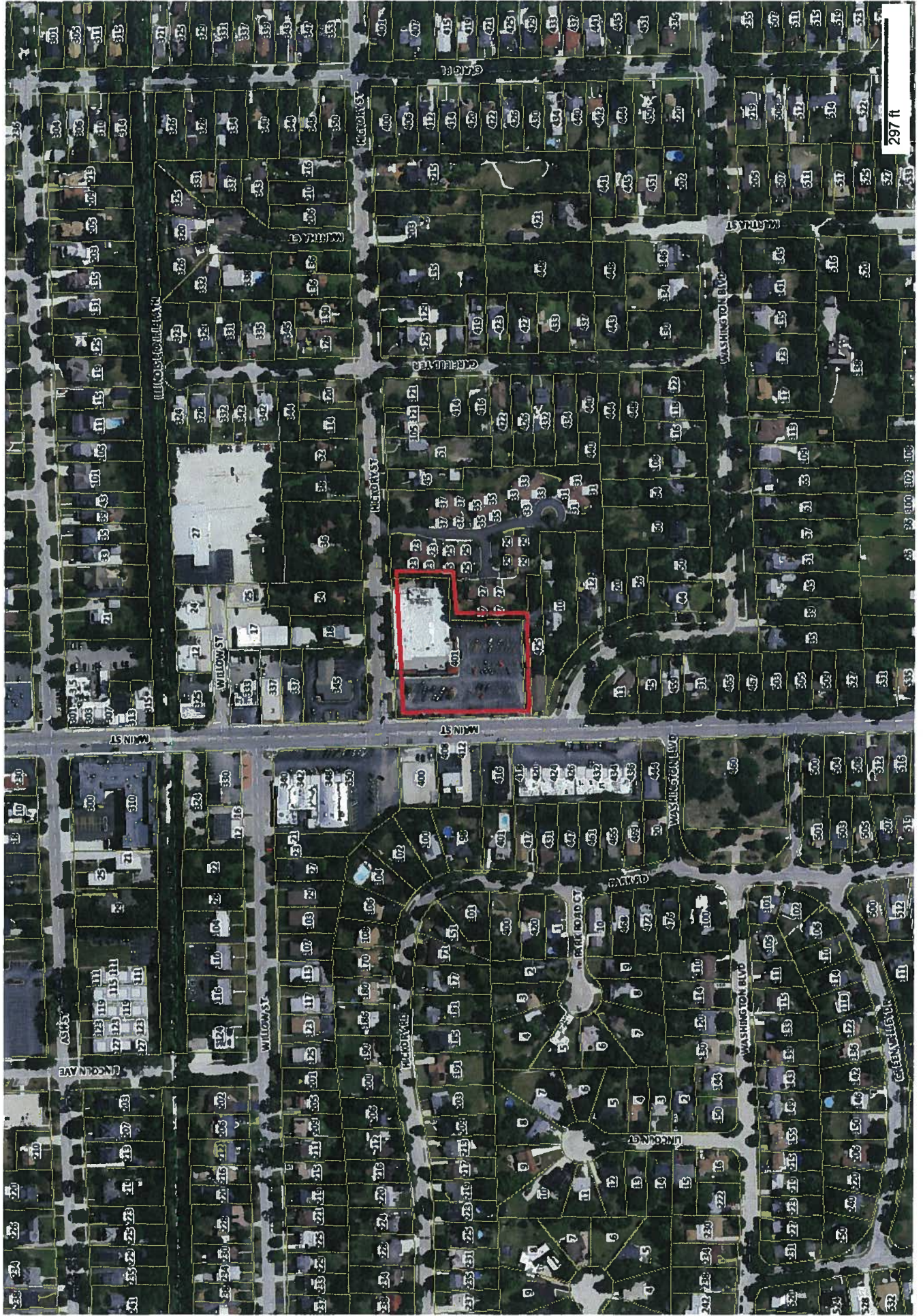
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c: Petitioner

ZBA 12-02: 401 S. Main St.



297 ft



DOROTHY ROATH
1548 Benzie Court
Romeoville, IL 60446
815 436-4664

4-2-12

no 401 S. Main
Lombard, Ill.

Responding to the petition ZBA 12-02

I fully approve of the 84 square foot sign
being sought after. I feel the property is
a sizable one and can accommodate such a size.
They need that recognition on Main St.
My property is directly adjacent to 401, being 425.

Sincerely,

Dorothy Roath

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD SIGN
ORDINANCE TITLE 15, CHAPTER 153 OF THE CODE OF LOMBARD,
ILLINOIS**

(ZBA 12-02; 401 S. Main St.)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B3 - Community Shopping District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Section 153.505(B)(6)(b)(1) of the Lombard Sign Ordinance to allow an eighty-four (84) square foot freestanding sign where fifty (50) square feet is allowed in the B3 - Community Shopping District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 25, 2012 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 153, Section 153.505(B)(6)(b)(1) of the Lombard Sign Ordinance to allow an eighty-four (84) square foot freestanding sign where fifty (50) square feet is allowed in the B3 - Community Shopping District.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The sign shall be built in accordance with the sign rendering prepared by Olympic Signs Inc., dated February 7, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed plans.

Ordinance No. _____

Re: ZBA 12-02

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- 3. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

SECTION 3: This ordinance is limited and restricted to the property generally located at 401 S. Main St., Lombard, Illinois, and legally described as follows:

LOT 1 IN WILLARD HART'S RESUBDIVISION OF PART OF LOT 5 IN THE PLAT OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF DUPAGE, IN THE STATE OF ILLINOIS.

Parcel No: 06-08-306-001

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2012.

First reading waived by action of the Board of Trustees this _____ day of _____, 2012.

Passed on second reading this _____ day of _____, 2012.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2012

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. _____

Re: ZBA 12-02

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Published by me this _____ day of _____, 2012

Brigitte O'Brien, Village Clerk

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