

**NAPERVILLE**  
**ZONING BOARD OF APPEALS MINUTES**  
**September 23, 2009 - 7:00 P.M.**  
**COUNCIL CHAMBERS**

<b>Call to Order</b>	<u>Time:</u>	(7: 00 pm)	
<b>A. Roll Call</b> Commissioners:	<u>Present:</u> Karl Fry, Chairman Ann Mele Carl Pelzer Robert Hedrich Bhavani Prasad Vemuri Gina Terrano Koscal Robert Williams	<u>Yes</u>  X X X X X X	<u>No</u> X
Staff Present:	Trude Terreberry – TED Code Enforcement Officer Katie Forystek – TED Community Planner Samula McCarthy – Administrative Assistant		
<b>B. Approve Minutes</b>	<u>August 11, 2009</u> Motion to Approve by: Robert William Seconded by: Ann Mele	Unanimously Approved (6 to 0)	
<b>C. Old Business</b>	None		
<b>D. Agenda Items</b>			
<b>ZBA - 09-1-105</b> <b>719 Sigmund Rd</b>	<b>Petitioner Presentation by</b> Mark Landhouser Reliable Home Improvement Bob Irvine Owner		
	<p><u>Request:</u> The petitioner requests approval of a variance from Section 6-6A-7 (R1A, Yard Requirements) of the Naperville Municipal Code to encroach into the required interior side yard setback for the purposes of constructing an addition (three season room) to an existing single-family residence.</p> <p>The petitioner gave an overview of the proposed variance presenting building elevations and photos demonstrating the property's narrow condition towards the rear of the lot. The petitioner explained</p>		

	difficulties in designing the addition, w while meeting the setback requirements and creating a functional space with adequate light..	
	<p><b>Zoning Board of Appeals Discussion:</b></p> <p>The commissioner’s requested a clarification on the nature of the findings of fact statement regarding the addition’s visibility from the right-of-way. Staff member Forystek stated that the proposed encroachment near the rear portion of the addition will not be visible from the right-of-due to the permitted fire place encroachment. At the conclusion of the discussion, the board agreed to adopt the findings of fact as provided by staff and the petitioner supporting the variance.</p>	
<b>Motion:</b>	<p><b>Motion : To open the Public Hearing To close the Public Hearing</b></p> <p>Motion by: Robert Williams Seconded by: Ann Mele</p>	Unanimously Approved
<b>Motion to Approve</b>	<p><b>Motion:</b> to recommend approval of ZBA Case 09-1-105, and adopt the staff’s and petitioner’s findings of fact.</p> <p>Motion by: Ann Mele Seconded by: Robert Williams</p>	Recommendation to Approve (6 to 0)
<b>ZBA #09-1-109 Crosstown Pub 909 East Ogden Ave.</b>	<b>Petitioner Presentation by</b> James Nichols	
	<p><u>Request</u> The petitioner, James Nichols, requests approval for a variances from Section 6-2-14 (Major Arterial Setback Requirements) and Section 6-2-3 (Yard Requirements) of the Naperville Municipal Code to allow a patio to encroach ten feet into the required front yard.</p> <p>The petitioner provided an overview of the request including photos of the existing patio and the proposal to reduce the size of the patio encroachment. The petitioner also provided an overview of property improvements completed to date including painting</p>	

	<p>the existing building and future plans to restore landscaping and add lighting to the building.</p> <p>The intention is to utilize the proposed walkway and brick paver patio as a new front entrance improvement the appearance of the building from Ogden Avenue while working within the constraints of the existing site.</p>	
	<p><b>Zoning Board of Appeals Discussion:</b></p> <p>Board Member Williams sought clarification on the construction of the seat wall. The petitioner stated that the seat wall would be constructed per the required building codes. The Board further discussed the positive impacts the proposal will have on the Ogden Avenue Corridor and felt that the improvements would be an asset to both the business and corridor.</p>	
<p><b>Motion:</b></p>	<p><b>Motion : To open the Public Hearing To close the Public Hearing</b></p> <p>Motion by: Ann Mele Seconded by: Robert Hedrich</p>	<p>Unanimously Approved</p>
<p><b>Motion to Approve</b></p>	<p><b>Motion:</b> to recommend approval of ZBA Case 09-1-109, and adopt the petitioner's and the staff's findings of facts.</p> <p>Motion by: Bhavani Prasad Vemuri Seconded by: Gina Terrano Koscal</p>	<p>Recommendation to Approve (6 to 0)</p>
<p><b>ZBA #09-1-116 Bill Jacobs BMW/Mini Automotive Facility 2495 Aurora Av.</b></p>	<p><b>Petitioner Presentation by Lynn Bichler, 4503 Pioneer Rd., Mequon Wisconsin</b></p>	
	<p><u>Request:</u> The petitioner, Two J's Land LLC (on behalf of Bill Jacobs BMW and MINI Automotive Facility), is requesting to place a monument sign along Aurora Avenue and a monument sign along Fort Hill Drive, both of which exceed the allowed height of ten (10) feet for a second monument sign. In order to install these signs, the petitioner requests approval of two variances from Section 5-4-5:2.4 (Monument Sign Height) of the</p>	

	<p>Naperville Municipal Code to increase the allowable height for a second monument sign from 10 feet to 16.5 feet.</p> <p>The petitioner explained that the MINI dealership is a separate automobile franchise and requires a sign along Aurora Avenue that will carry the same brand presence as the other automobile dealerships in the area. The petitioner also explained that the BMW Certified Pre-owned automobile sales are a major profit center for the dealership and requires a sign along Fort Hill Drive that will properly identify that segment of the business. Staff concurs that the MINI dealership is a separate entity and believes the variance for the 16.5 foot sign along Aurora Avenue is reasonable. However, due to the 30 mph speed limit on Fort Hill Drive, staff does not believe the request for a 16.5 foot sign along Fort Hill is reasonable.</p>	
<p><b>Motion:</b></p>	<p><b>Motion : To open the Public Hearing To close the Public Hearing</b></p> <p>Motion by: Ann Mele Seconded by: Robert Hedrich</p>	<p>Unanimously Approved</p>
	<p><b>Zoning Board of Appeals Discussion:</b></p> <p>Mr. Williams is not in favor of staff's recommendation regarding the 16.5 foot sign along Aurora Avenue. Mr. Hedrich stated that the city has recently adopted a new sign ordinance and because of the new ordinance, he cannot recommend approval of either variance because this would set a bad precedence. The rest of the board concurred with Mr. Williams.</p>	
<p><b>Motion to Deny</b></p>	<p><b>Motion:</b> To recommend <u>denial</u> of ZBA Case #09-1-116 to allow a second monument sign at a height of 16.5 feet along Aurora Avenue.</p> <p>Motion by: Ann Mele Seconded by: Robert Williams</p>	<p>Recommendation to deny (4- 2)</p>

<p><b><u>NOTE:</u></b></p>	<p><b><u>Motion:</u></b> To recommend <u>denial of ZBA Case #09-1-116</u> to allow a second monument sign at a height of 16.5 feet along Fort Hill Drive.</p> <p>Motion by: Gina Koscal Robert Hederich</p> <p><b><u>On September 28, 2009, the petitioner informed staff through e-mail that they were not going to pursue the request for the variances. Therefore, the matter will not go before City Council.</u></b></p>	<p>Recommendation to deny (6-0)</p>
<p><b>E. Motion to Adjourn</b></p>	<p>Motion by: Robert Hedrich Seconded by: Robert William</p>	<p>Unanimously Approved  (6-0)</p>
<p><b>Adjournment</b></p>	<p>Time:</p>	<p>8:25 pm</p>