

NAPERVILLE
ZONING BOARD OF APPEALS MINUTES
April 13, 2010 - 7:00 P.M.
COUNCIL CHAMBERS

Call to Order	<u>Time:</u>	(7: 02 pm)	
A. Roll Call Commissioners:	<u>Present:</u> Karl Fry, Chairman Carl Pelzer, Acting Chairman Ann Mele Robert Hedrich Bhavani Prasad Vemuri Gina Terrano Koscal Robert Williams	<u>Yes</u> X X X X X	<u>No</u> X X
Students:	Aneesh Tyle Corey Haas		X X
Staff Present:	Trude Terreberry – Code Enforcement Officer Katie Forystek – Community Planner Samula McCarthy – Administrative Assistant		
B. Approve Minutes	<u>March 9, 2010</u> Motion to Approve by: Mele Seconded by: Hedrich	Approved (5 to 0)	
C. Old Business	None		
D. Public Hearing			
ZBA - 10-1-04 CityGate Centre	<u>Petitioner:</u> CityGate Centre Monument Sign <u>Location</u> 2075 Calamos Real Estate LLC, Naperville Road, <i>Petitioner requests continuance of ZBA 10-1-04 until May 11, 2010.</i> <u>Request:</u> The petitioner requests a recommendation for approval of four variances – two from Section 5-4-5:2 (Commercial Signs, Monument Signs) to install a monument sign that is larger than 90 square feet and taller than 10 feet in height, and two from Section 5-4-6:1 to allow for streaming video (non-static messages) on a changeable-copy sign that exceed 50 percent of the permitted area of a monument sign.		

	(Public hearing notice published in the Naperville Sun Sunday, January 25, 2010)	
ZBA #10-1-025	<p><u>Petitioner:</u> Brighton Car Wash LLC <u>Location:</u> 952 West 75th Street</p> <p>1) <u>Request:</u> Recommendation for approval of variances from Section 6-2-10:3 (Accessory Buildings, Structures and Uses of Land: Height Limitations) to increase the allowable height for an accessory structure from 18' to 45' monopole with a total height of 54' for the purposes of constructing a wind turbine.</p>	
	<p>Petitioners Presentation:</p> <p>Jason Morin, 1532 Sequoia Road, Naperville IL, General Manager of Brighton Car Wash and Garrett Schwicoffer 21 W 344 Fullerton Owner of Sun Heat Solar, contractor, provided an overview of the request indicating:</p> <ul style="list-style-type: none"> • The purpose of requesting the wind turbine is to reduce the carbon output and reduce the energy needs by 10%. • The petitioner stated that the increase in height determines the function and adequacy of the wind turbine. Schwicoffer described the poles and gave the details of size and wind structure of the three propellers. Mr. Morin explained that the blades are curved and are 2.4 kilowatts. The petitioner noted that it would be going where there is an existing light pole as the location. 	
	<p>Zoning Board of Appeals Discussion:</p> <ul style="list-style-type: none"> • The board discussed whether there is a proposed maintenance contract on the product. Board member Hedrich requested information on the maintenance of the units and blade damage. Hedrich also discussed the potential danger to the wildlife. Hedrich also commented about using these as signs with 	

	<p>writing and painting on the blades. The petitioner assured the board that there will be no writing and the material used is aluminum.</p> <ul style="list-style-type: none">• The board expressed concern of the proposed noise decimal and it's comparison to other sounds. Board member Mele requested clarification on 45 decibels. They also spoke of the additional height and lighting that may demonstrate the constant spinning that would change the character of the residential neighborhood. The petitioner stated that it takes 12 miles per hour winds to begin spinning the turbines however it would be slowing down after about 4 mile an hour winds.• Board member Mele questioned the complaints and letters concerning the noises of existing wind turbines in Illinois. <p>Board member Mele questioned staff regarding a cell phone tower permitted without a variance. Staff responded that there are provisions in the ordinance for the B3 Zoning District that allows cell phone towers to exist by right with setbacks and landscaping.</p> <ul style="list-style-type: none">• One of the biggest concerns for the board is attempting to fit this request into the present ordinances that are in place now, because this is the first request there is no previous data or requirements to direct the board. Board Member Pelzer commented that this is a commercial area abutting to a residential development. The Municipal Code does not give us the opportunity to vote in favor of this project.• The board pointed out that the wind turbine projects would need more guidance from staff on what would be acceptable to the city. Staff indicated that there is a possible text amendment review for solar panels and wind turbines technology in the new fiscal year.	
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	<ul style="list-style-type: none"> Chairman Fry requested clarification from staff on the required setbacks and their support for the variance. Staff responded that the petitioner has placed the turbine in a location on the subject property that provides significant setbacks from surrounding properties; however not creating a detriment to the residential properties. Staff also noted that Accessory structures require a minimum setback of 5' and the proposed turbine will be setback 93' from the front property line, 36' from the interior side yard and 161' from the rear property line. 	
	<p>There were (6) six members of the neighborhood spoke opposing the wind Turbine approval. The following concerns were expressed:</p> <ul style="list-style-type: none"> Changing the character of the neighborhood Constant noises during evening and morning hours Distraction for traffic safety on an already busy street Deterioration of the market value of property Wildlife (birds) endangerment Forest Reserve preservation 	
	<p>Chairman Fry Closed the Public Hearing</p> <p>Motion to Approve by: Mele Seconded by: Hedrich</p>	<p>Unanimously Approved (5 to 0)</p>
	<p>The petitioner responded to the neighbor comments on the disposal of the deceased wildlife, noise and property value. The petitioner displayed data of other existing wind turbines and assured the board that</p>	

	<p>research had been done and all of the above concerns have been addressed.</p> <ul style="list-style-type: none"> • The board concluded that if the variance is granted it will alter the essential character of the neighborhood and will be a substantial detriment to adjacent property. • It is not in harmony with the general purpose and intent of the zoning ordinance 	
	<p>Motion:</p> <p>To not approve ZBA Case #10-1-025 request for a variance to allow the installation of the increase of the allowable height for an accessory structure from 18’ to 45’ monopole with a total height of 54’ for the purposes of constructing a wind turbine.</p> <p>Motion by: Pelzer Seconded by: Hedrich</p>	<p>No Recommendation (5 to 0)</p>
<p>ZBA #10-1-041 DeVry University</p>	<p><u>Petitioner:</u> DeVry University Signage <u>Location:</u> 2056 Westings Avenue, Naperville, IL</p> <p><u>Request:</u> The petitioner is requesting a recommendation of approval of a variance from Section 5-4-5:1.1 (Commercial Signs, Permitted Wall Signage) to install a wall sign on an elevation that does not have frontage along a public roadway of an expressway</p>	
	<p>Petitioners Presentation</p> <p>Ms. Mary Walbeck, Center Dean, 16450 Winding Creek Rd., Plainfield IL.</p> <p>Robert Miller, Project Manager of South Water Signs, LLC. – 922 North Oaklawn Ave., Oaklawn IL</p> <p>The petitioner proposes to install a 94-square-foot sign at the east end of the 5th-floor of the south elevation. The petitioner explained that there is a setback on the property with no direct frontage on this side of the building to Route Illinois-88. There is</p>	

	<p>approximately 680 ft. however there is a retention pond in between that is not owed by DeVry University. The petitioner is proposing to place the sign opposite of the Allan Group who is the anchor tenant on the northeast corner of the building. The sign will fit within the allowed signage of the Municipal Code.</p>	
	<p>Zoning Board of Appeals Discussion:</p> <ul style="list-style-type: none"> • Board member Mele requested clarification of the size of the sign which is a little smaller than the existing sign. A variance is needed because there is no frontage on the front of the building. • Staff reiterated that they are in support of the variance. 	
	<p>Chairman Fry Closed the Public Hearing</p> <p>Motion to Approve by: Mele Seconded by: Hedrich</p>	<p>Unanimously Approved (5 to 0)</p>
	<p><u>Motion:</u></p> <p>Recommend to approve ZBA Case 10-1-041 and allow DeVry University to install a wall sign on an elevation that does not have frontage along a public roadway of an expressway with petitioner's and staff's findings of fact.</p> <p>Motion by: Mele Seconded by: Hedrich</p>	<p>Recommend to approve (5 to 0)</p>
Adjournment	<p>Time:</p>	<p>8:07 p.m.</p>