

NAPERVILLE
ZONING BOARD OF APPEALS MINUTES
June 8, 2010 - 7:00 P.M.
COUNCIL CHAMBERS

Call to Order		<u>Time:</u>	(7: 02 pm)	
A. Roll Call Commissioners:		<u>Present:</u>	<u>Yes</u>	<u>No</u>
		Karl Fry, Chairman	X	
		Carl Pelzer, Acting Chairman	X	
		Ann Mele	X	
		Robert Hedrich	X	
		Bhavani Prasad Vemuri	X	
		Gina Terrano Koscal	X	
		Robert Williams	X	
Students:		Aneesh Tyle		X
		Corey Haas		X
Staff Present:	Katie Forystek – Community Planner Samula McCarthy – Administrative Assistant			
B. Approve Minutes	<u>April 13, 2010</u>			
	Motion to Approve as amended by: Mele Seconded by: Hedrich		Approved (7 to 0)	
C. Old Business	None			
D. Public Hearing				
ZBA - 10-1-04 City Gate 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 July 13, 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)			

<p>ZBA #10-1-51 1213 Teakwood Court</p>	<p><u>Petitioner:</u> Dilish C. Adhikari <u>Location:</u> 1213 Teakwood Court (Public hearing notice published in the Naperville Sun Sunday April 25, 2010)</p> <p><u>Request:</u> The petitioner requests a variance from Section 6-6A-7 (R1A, Yard Requirements) of the Naperville Municipal Code to reduce the required west interior side yard setback from 8 feet to 5 feet (at greatest point of encroachment) for the purposes of constructing an addition to an existing single-family residence.</p>	
	<p>Petitioners Presentation: Dilish Adhikari of 1213 Teakwood Court Naperville, IL 60540 provided an overview of the request for a setback variance indicating the narrowing of the lot towards the front of the property and the slope in the rear yard as unique circumstances and difficulties encountered when designing the addition. The petitioner also noted that for these reasons, the addition, to serve as additional storage space adjacent to the existing garage, is difficult to accommodate in another area on the property. The petitioner also informed the Board that a petition of support has been signed by the neighboring property owners and the encroachment is limited to a small corner of the addition.</p>	
	<p>Zoning Board of Appeals Discussion: Upon conclusion of the petitioner's presentation, the Board discussed the petitioner's request; in which, several of the Board members expressed the following concerns:</p> <ul style="list-style-type: none">• The request lacks a land based hardship.• The property is not the appropriate size to accommodate the addition and the property's location on a cul-de-sac is not unique.• There is potential to accommodate a similar structure in the form of an out building on the rear of the property. <p>During discussion, the ZBA requested an overview of staff's recommendation and whether or not the petitioner could construct a parking stall in the side yard setback. Staff responded that a parking stall can be constructed in the interior side yard setback</p>	

	<p>provided it meets the required front yard setback and is not located in an easement. Additionally, staff supports approval of the request due to the narrow shape of the lot near the front of the property and finds that the requested encroachment is minimal to accommodate the proposed addition where the petitioner has encountered difficulties due to the slope and the large drainage easement at the rear of the property.</p>	
	<p>No members of the public provided testimony Chairman Fry Closed the Public Hearing</p> <p>Motion to Approve by: Mele Seconded by: Hedrich</p>	<p>Unanimously Approved (7 to 0)</p>
	<p>Motion: Move to recommend approval of a variance from Section 6-6A-7 (R1A, Yard Requirements) of the Naperville Municipal Code to reduce the required west interior side yard setback from 8 feet to 5 feet (at greatest point of encroachment) for the purposes of constructing an addition to an existing single-family residence in accordance with staff's and the petitioner's findings of fact.</p> <p>Motion by: Mele Seconded by: Williams</p>	<p>Approved (4 to 3)</p>
<p>ZBA #10-1-053 Shuman Blvd. Property</p>	<p><u>Petitioner:</u> Shuman Blvd., L.L.C. Prime Group Realty Trust <u>Location:</u> 280 Shuman Boulevard, Naperville, IL</p> <p>(Public hearing notice published in the Naperville Sun Sunday April 25, 2010)</p> <p><i>Petitioner requests continuance of ZBA 10-1-053 until July 13, 2010.</i></p> <p><u>Request:</u> The petitioner is requesting a recommendation of approval of a variance from Section 6-8B7:1 (ORI Yard Requirements, Section 6-9-2:4) yard requirements for Off-Street Parking Facilities to reduce the front and interior side yard setbacks to construct 85 additional parking stalls.</p>	

<p>ZBA #10-1-054 327 N. Center Street</p>	<p><u>Petitioner:</u> Chadaporn Ranumas and Gomate Boonrit <u>Location:</u> 327 North Center Street, Naperville, IL</p> <p>(Public hearing notice published in the Naperville Sun Sunday April 25, 2010)</p> <p><u>Request:</u> The petitioner requests a variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code to reduce the required number of parking stalls from 28 to 5 for the purposes of operating a restaurant.</p>	
	<p>Petitioners Presentation: The petitioner’s architect, Homan Wong, provided an overview of the requested variance indicating the owner of the restaurant plans to restripe the existing parking lot and provide a handicap accessible parking stall in the existing lot. Furthermore, it was indicated that the owner understands that no public parking stalls will be dedicated to the restaurant as part of the request.</p>	
	<p>Public Testimony: One member of the public provided testimony, Mr. Owen Egizio of 333 North Center Street, noting that he owned the adjacent grill and pub, and that after 6 pm on weekdays and on the weekends more than adequate parking is available in the area to accommodate another restaurant, but during lunch times parking is not as readily available. Egizio expressed that the proposed restaurant should make efforts to inform customers of signs posted on his private parking lot indicating that if they are not a customer of the pub and grill they will be ticketed. Overall, Egizio noted that he did not oppose another restaurant in the area, but would like to work with new the restaurant owner to ensure customers are informed of private parking restrictions in the area.</p> <p>The petitioner’s representative indicated that Egizio’s request was reasonable and can be accommodated by communication with customers and by posting a sign in their restaurant about the parking restrictions.</p>	
	<p>Zoning Board of Appeals Discussion: The Zoning Board of Appeals discussed the existing conditions of the site and requested clarification on the non-conforming provision and whether or not</p>	

	<p>other users could be accommodated on the site without a parking variance.</p> <p>Staff responded that because the former restaurant that occupied this space has been closed greater than six months, the petitioner is required to seek a variance prior to occupancy. Additionally, staff noted that it is anticipated that due to lack of on-site parking any user of the space would likely be required to request a parking variance.</p> <p>The Board also requested clarification from the petitioner as to where the employees will park. The petitioner's architect stated that the owner currently owns a restaurant in Naperville and that the employees carpool or take public transportation to work; therefore, he does not anticipate that employee parking will be an issue on site.</p> <p>Commissioner Williams stated that the subject property is subject of hardship due to the configuration and lack of on-site parking.</p>	
	<p>Chairman Fry Closed the Public Hearing</p> <p>Motion to Approve by: Mele Seconded by: Hedrich</p>	<p>Unanimously Approved (7 to 0)</p>
	<p><u>Motion:</u></p> <p>Recommend approval of a variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code to reduce the required number of parking stalls from 28 to 5 for the purposes of operating a restaurant and accept staff's findings of fact.</p> <p>Motion by: Mele Seconded by: Williams</p>	<p>Recommend to approve (7 to 0)</p>
<p>Adjournment</p>	<p>Time:</p>	<p>7:50 pm</p>