



MINUTES

ZONING BOARD OF APPEALS

**CITY COUNCIL CHAMBERS
505 BUTLER PLACE
PARK RIDGE, IL 60068**

THURSDAY, DECEMBER 1, 2016 AT 7:30 PM

Commissioner Karkhanis called the meeting to order at 7:30pm.

I. Roll Call

Present

Garrick Bunting
Atul Karkhanis, Chairman
Missy Langan
Rebecca Leslie
Steven Nadler
Linda Nagle
Steve Schilling

Staff

Jim Brown, Interim CP&D Director
Howard Coppari, Zoning Coordinator
Kerry Cwick, Administrative Assistant
Brigid Madden, Senior Administrative Assistant

Others Present

7 audience members

City Council

Alderman John Moran

II. Approval of Minutes – October 27, 2016

Commissioner Nagle requested that on page 2, first paragraph, “in order to perform this task” be updated to “in order to divide the parcel into two substandard lots.”

She also requested adding “the” before “pergola on page 2, last paragraph, fourth line from the bottom. Lastly, the third line of the second to last paragraph on page 3 will be changed to read, “Avenue, when it was purchased by the applicant in 1997.”

On a motion by Commissioner Bunting, seconded by Commissioner Langan, the Board agreed to approve the minutes, subject to clarifications and corrections, from the October 27, 2016 meeting.

Vote on the motion as follows:

AYES	<u>7</u>	Chairman Karkhanis, Commissioners Bunting, Langan, Leslie, Nadler, Nagle and Schilling
NAYS	<u>0</u>	None
ABSTAIN	<u>0</u>	None
ABSENT	<u>0</u>	None

III. Appeals

IV. Public Hearings

1. 119 S. Greenwood Avenue – Case Number: V-16-11 (Major Variance)

To recommend approval of a major variation from §7.3 (table 3) of the City's Zoning Ordinance, and thus allow the location of a new, single-story, rear house addition to setback 2.3 feet from the interior north lot line.

The property owner, Mark Kass, and architect Kay Ettington, 3016 St. John's Avenue, Highland Park were present and sworn in by Chairman Karkhanis.

Mr. Kass explained that the variance request would "even out" the back of the house. The house is 120 years old and he has owned the property for the last 38 years.

Commissioner Leslie asked if the applicant had reached out to the neighbors, specifically those to the north. Mr. Kass stated that he did speak to the neighbors and they did not have any concerns. He referenced the photographs included in the application. He explained that the neighbors do not use the area north of his home because there is no gate to access the rear yard

Commissioner Bunting confirmed with Howard Coppari that all other bulk requirements were met.

Commissioner Langan asked if there was an addition to the property in the recent past. Mr. Kass explained that a rear addition was added in 1987.

Chairman Karkhanis indicated that he did not have any issues with the variance request. He added that during the rewrite of the Zoning Ordinance, there was a major discussion regarding ease of movement through side yards for Fire Department access, which should be considered during the permitting process.

Chairman Karkhanis explained to the Board members that the Zoning Coordinator would now be preparing the Findings of Fact prior to the public hearing. The Findings of Fact would then be approved at the same time as the variance itself. He stated that for this case, he would recommend the removal of number 2d to allow appropriate staff review and determine if there is adequate ingress and egress.

Mr. Kass explained that there is a walkway on the south side of the property to allow access to the back of the lot.

Pat Livensparger, 413 Courtland Avenue, was sworn in by Chairman Karkhanis. She asked if the variance was approved, would the two and a half foot setback would be allow for a new construct if the current home was demolished. Jim Brown explained that the variance only applies to the addition and would be void if the property were demolished and redeveloped. He stated that this language could be added to the ordinance.

Commissioner Langan asked the applicant to discuss his hardship. Mr. Kass explained that the current layout does not allow his entire family to dine in a single room. The addition would provide the necessary space to do so.

Ms. Ettington added that building an addition that complies with the setback requirement would be significantly more complex and expensive.

Commissioner Nadler confirmed that the addition would be a single story.

On a motion by Commissioner Bunting, seconded by Commissioner Langan, the Board agreed to close the public hearing.

Commissioner Nadler stated that he does understand the logic for the addition, but does not recognize a hardship.

Commissioner Leslie explained that the home is on a narrow lot, measuring 40 feet, and the addition would meet the existing line of the house. She added that the neighbors are in support of the request. Commissioner Leslie stated that she would support the variance request.

Commissioner Schilling agreed with Commissioner Leslie's comments.

Chairman Karkhanis stated that he agreed with Commissioner Leslie's comments, but also with Commissioner Nadler's point about not seeing the hardship. He asked if a condition was necessary to ensure the variance only applies to the existing conditions. Mr. Brown explained that the plans for the addition would be an attachment to the approved ordinance.

Commissioner Langan stated that financial consideration is not included in the Findings of Fact and it was a part of the applicant's statement.

Commissioner Nagle explained that while she understands the improved efficiency of having the Findings of Fact prepared prior to the meeting, the Zoning Ordinance states that the Findings of Fact are approved after hearing from the applicant. She requested amending the Findings to reflect the financial hardship. She added that presupposing that the Findings of Fact based on the staff review is not reflective of what may have occurred at the hearing.

Mr. Brown explained that Findings of Fact can and should be amended if the Board sees fit. He stated that the draft serves as a basis for discussion. The applicant's input and staff's experience are used to prepare the Findings of Fact.

Chairman Karkhanis agreed with the points made by Commissioner Nagle and explained that he is uncomfortable signing the document the same day as the meeting. He polled the Board members and there was a consensus to suggest changes to the Findings of Fact and approve them at the next meeting. Commissioner Schilling suggested adding the case number to the Findings of Fact.

On a motion by Commissioner Bunting, seconded by Commissioner Langan, the Board agreed to recommend approval of a major variation from §7.3 (table 3) of the City's Zoning Ordinance, and thus allow the location of a new, single-story, rear house addition to setback 2.3 feet from the interior north lot line at 119 S Greenwood Avenue, Case Number V-16-11.

Vote on the motion as follows:

AYES	<u>6</u>	Chairman Karkhanis, Commissioners Bunting, Leslie, Nadler, Nagle and Schilling
NAYS	<u>1</u>	Commissioner Langan
ABSTAIN	<u>0</u>	None
ABSENT	<u>0</u>	None

The Board members discussed how to move forward with approval of the Findings of Fact. Commissioner Langan explained that the language should be more consistent with the three criteria listed in the Zoning Ordinance.

On a motion by Commissioner Langan, seconded by Commissioner Bunting, the Board agreed to approve the Findings of Fact for Case Number: V-16-11 at 119 S Greenwood Avenue at the next regularly scheduled meeting.

Vote on the motion as follows:

AYES	<u>7</u>	Chairman Karkhanis, Commissioners Bunting, Langan, Leslie, Nadler, Nagle and Schilling
NAYS	<u>0</u>	None
ABSTAIN	<u>0</u>	None
ABSENT	<u>0</u>	None

Mr. Coppari explained that the case would not come before the City Council for final approval until after the minutes and Findings of Fact have been approved by the ZBA.

2. 826 W. Touhy Avenue – Case Number: V-16-13 (Major Variance)

To recommend approval of a major variation from §14.10.G.4 & §14.10.G.5 of the City's Zoning Ordinance, and thus allow four (4) wall signs to be erected at various locations and elevations that differs from the Zoning Ordinance's sign section.

Dave Madden of Sugar Felsenthal Grais & Hammer, LLP, 30 N LaSalle Street in Chicago, is the attorney for the applicant, Park Ridge Fitness, LLC. Also present were Gale Landers and Brian Singleton, 619 W Jackson Blvd in Chicago and Steve Long, 224 W Huron Street in Chicago. Chairman Karkhanis swore in the witnesses.

Mr. Madden explained that the applicant came before the Board on October 27th and the Board recommended approval for Case Number: V-16-10 to allow two new signs to be added to the north and east side of the building facing the railroad tracks. At that hearing, it was brought to the applicant's attention that the wall signs were above the height requirements permitted in the Zoning Ordinance. The application before the Board tonight addresses the height of the signs. Mr. Madden stated that the City Council suspended the approval of the previous variance request in order to consider the two requests together.

Mr. Madden provided background on Fitness Formula Club (FFC) and explained that the Park Ridge location was scheduled to open in a few weeks.

Mr. Madden stated that the Zoning Ordinance restricts the height and location of building wall signs. He explained that the applicant has applied for a major variance to permit placement of wall signs on the north, south, east and west facing facades of the building, at locations that vary from what is permitted through strict application of the Zoning Ordinance.

Mr. Madden discussed the Standards of Review submitted in the applicant's materials. First, he explained that that strict application of the Zoning Ordinance would result in undue hardship. The signage is essential to the commercial success of the fitness center; it is widely recognized and consistent to its nine other locations. Mr. Madden stated that if the applicant were to comply with the Ordinance, the signage would be at ground level, thus not readily visible from the railroad tracks, and less visible to vehicle and pedestrian traffic. He also addressed the aesthetic benefits of the proposed sign locations.

Mr. Madden explained the unique circumstances facing the applicant. He stated that the fitness center occupies the entire triangular lot at the corner of Touhy Avenue and Cumberland Avenue, which is adjacent to the Metra track. Unless raised, the signs would be too low to view from the trains and platform. He explained that the fitness center will be one of the largest single retailer establishments in the City. Mr. Madden added that the building itself has a unique design with different levels and sections, including covered parking. He explained that these characteristics present unique challenges to effective and aesthetically pleasing sign placement.

Mr. Madden stated that the property is zoned B2 for commercial use and the adjustments to sign placement will not alter the essential character of the locality. He concluded that the applicant satisfies the requirements for the variance and the variance will benefit both its business and the City of Park Ridge.

Mr. Madden addressed a timing issue facing the applicant. The Club is scheduled to open on December 17th. He requested that the application come before the City Council this month, if possible, to ensure the signs are in place at the time of its opening.

Gale Landers addressed the Board. He thanked the City and Administration and explained that the staff have been very responsive and "terrific to work with."

He explained the “hub and spoke” approach of FFC. Mr. Landers stated that 1,900 people use the Uptown train stop and it is a critical component to the sustainability of the Club. He explained that an audit of FFC prospects indicates that 42% considered the Club due to its signage.

Mr. Landers explained that 80% of the Club is elevated to provide adequate parking and meet the parking requirements, meaning that it would not make sense for the signage to be at ground level. He added that the signs are significantly under the allotted square footage allowed in the Zoning Ordinance.

Commissioner Bunting disclosed that he is a customer of Fitness Formula Clubs (FFC) and that this will not impact his decision on this matter.

Commissioner Nadler disclosed that he knows Gale Landers and that this will not impact his decision on this matter.

Commissioner Bunting stated that most of merits for the signs were discussed at the previous meeting. He explained that upon review of the Findings of Fact for this case, he finds that they are consistent with the criteria in the Zoning Ordinance. His only suggestion was to add the Case Number.

Chairman Karkhanis agreed that the Findings of Fact are more clear for this case. He explained that he did drive by the property and sees the reasoning for the proposed sign locations. He stated that the lot is a unique triangular shape and that his opinion is that the variance would not alter the character of the locality. Chairman Karkhanis confirmed that the applicant met all application and notice requirements.

Commissioner Nagle asked if meeting minutes were required for this case to come before the City Council later in the month. Mr. Brown stated that the Findings of Fact would suffice for approving the Ordinance.

Commissioner Langan explained that she understands the need for the applicant’s request, but questioned if the Board wanted to approve the proposed 31 foot height. She stated that the building is 40 feet tall and few buildings in the area are equally as tall. She asked if the height of the signs was negotiable.

Chairman Karkhanis explained that he did not consider the 31-foot height, but rather looked at Exhibit 12, 13, 14 and 15, the sign plan, and found that height to be proportional with the building. He asked the applicant’s architect to address Commissioner Langan’s concern.

Steve Long described the signage. They are black metal signs and the letters are illuminated. He explained that there would be little impact at night. Mr. Long stated that the proportions are correct for the size of the building. On the north and east side of the building, it was important to determine the height based on the railroad tracks. He added that panels make up the exterior of the building and the signs needed to be carefully placed and centered on the panels.

Chairman Karkhanis requested additional information on the panels. Mr. Long explained that the panels are a standard size. Two types will be used on the building, one is a “stone-like” panel and the other is terracotta.

Commissioner Langan explained that the City not only rewrote the Zoning Ordinance but also organized the Sign Task Force to ensure consistency. She stated that signs placed at 35 feet on a 40-foot building is not consistent with the rest of the 40-foot buildings in the Uptown area.

Commissioner Nadler explained that the applicant has presented a good case for the proposed location of the signs in terms of the building itself. He suggested looking into whether the Zoning Ordinance is too restrictive for signage requirements.

On a motion by Commissioner Bunting, seconded by Commissioner Langan, the Board agreed to close the public hearing.

Chairman Karkhanis and Commissioner Bunting stated that are in favor of the variance request.

Commissioner Nagle stated that she was in favor of approving the Findings of Fact, with the addition of the Case Number.

Commissioner Schilling explained that he rode his bike in the neighborhood of the subject property to prepare for the meeting and noticed that Summit Assisted Living has signage above the second floor sill.

On a motion by Commissioner Bunting, seconded by Commissioner Langan, the Board agreed to recommend approval of a major variation from §14.10.G.4 & §14.10.G.5 of the City's Zoning Ordinance, and thus allow four (4) wall signs to be erected at various locations and elevations that differs from the Zoning Ordinance's sign section at 826 W. Touhy Avenue, Case Number V-16-13 and to approve the Findings of Fact with one alteration to include the Case Number on the document.

Vote on the motion as follows:

AYES	<u>6</u>	Chairman Karkhanis, Commissioners Bunting, Leslie, Nadler, Nagle and Schilling
NAYS	<u>1</u>	Commissioner Langan
ABSTAIN	<u>0</u>	None
ABSENT	<u>0</u>	None

V. Other Items for Discussion and Updates: Draft 2017 ZBA Meeting Schedule

Mr. Coppari explained that due to a staffing change, the recording secretary for the Board is now available at 7:00pm. There was a consensus to move the meeting time to 7:00pm. Mr. Coppari stated that he would update the 2017 ZBA Schedule and asked Brigid to update the City's website.

Commissioner Nagle stated that while she does appreciate the more detailed staff report, she is concerned that the analysis contains too much opinion and is almost a recommendation. Chairman Karkhanis agreed. Commissioner Nadler agreed and suggested that the report provide pros and cons while remaining factual. Commissioner Langan discussed possible ramifications if the Board were to deny a case that appeared to be recommended by City staff.

Mr. Brown explained that given his experience in preparing staff reports, the best reports are divided into two sections – facts and analysis. He explained the benefits of providing an analysis and stated that the report will contain more neutral language going forward.

VI. Citizens Wishing to be Heard on Non-Agenda Items

Pat Livensparger questioned why the FFC's signage problem was not caught sooner. She explained that the plans were approved by the Planning and Zoning Commission over two years ago, which indicated that the signs would meet the requirements of the Zoning Ordinance. She would like the City to ensure this does not happen again.

VII. City Council Liaison Report

Commissioner Langan asked for the dates for the Budget Workshop. Alderman Moran explained that tax levy was recently discussed, strategic planning was wrapping up and the City Council would begin the budget process early next year.

Chairman Karkhanis explained that the School District has expressed concern with the increasing number of students and available classroom space. He asked how the City would be addressing this. Alderman Moran explained that the Council is aware of the concern. He stated that he would like to see the demographic data from recent developments. Mr. Brown discussed possible steps his Department can take to address this issue.

VIII. Adjournment

On a motion by Commissioner Bunting, seconded by Commissioner Langan, the Board agreed to adjourn the meeting.

Vote on the motion as follows:

AYES	<u>7</u>	Chairman Karkhanis, Commissioners Bunting, Langan, Leslie, Nadler, Nagle and Schilling
NAYS	<u>0</u>	None
ABSTAIN	<u>0</u>	None
ABSENT	<u>0</u>	None

The meeting was adjourned at 8:53 PM.

These minutes are not a verbatim record of the meeting but a summary of the proceedings.

Draft