



# Village of Fox River Grove

## **PUBLIC MEETING ZONING BOARD OF APPEALS MARCH 14, 2016**

### **CALL TO ORDER**

Chairman Celske called the meeting to order at 7:02 p.m.

### **ROLL CALL**

Dal Compo polled the members present: Zoning Board members Celske, Murren, Riley, Rosch, Schneider and Weber. Also present were Derek Soderholm, Village Administrator, Steve Bechler, Administrative Assistant and Alison Dal Compo, Secretary. Karls was absent.

Village President Nunamaker and Trustees Anderson, Curtiss and Migdal were also in attendance.

### **APPROVAL OF THE JANUARY 27, 2016 MINUTES**

A MOTION was made by Murren and seconded by Weber to approve the January 27, 2016 minutes as presented. Motion Carried.

### **2016-01 1005 RT. 22, RINGERS LANDSCAPING ACCESSORY STRUCTURE VARIANCE**

Chairman Celske accepted the proof of mailing certificates and a picture of the required posting. He swore in those who wished to testify.

Eric Ringstrand explained that he is requesting a variance for an accessory storage structure which needs to be 20 feet high. This is due to the fact that the dump bed of the dump truck which will be loading the structure is 19 feet high. The Village ordinance states that an accessory structure can only be 12 feet tall.

Kurt Knuth, owner of the property to the east of Ringers, explained that in general he is not opposed to this structure. However, he wanted to know if the wetland and drainage surveys had been reviewed by the village engineer. Additionally, he wanted to know if salt and fertilizer would end up in water run-off. He explained that the land and pond to the east of the building might get run-off of diesel fuel, gas and etc.

Administrator Soderholm explained that an engineering review was not done because a permit was not obtained. The structure will have a 24' x 24" footprint, and the concerns presented can be looked into. Chairman Celske asked if the structure will aggravate the already existing situation.

Member Murren asked what will be stored in the structure. He was told that there will be dirt and compost in season, and a small amount of salt. Mr. Ringstrand explained that the fertilizer he uses is all organic, and the trucks are new so leakage should not be a problem.

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Member Murren asked where salt was stored last year. Mr. Ringstrand said that there were six semis of salt last year, and he has half a semi of salt left. He further explained that he had

obtained enclosed bins per the ZBA's previous instructions. He stated that their Bobcat trucks do run on diesel. Chairman Celske asked if a permit process will be required in addition to the variance; he was told yes.

Member Schneider noted that if the building had been only 12 feet high, no appeal process would have been required. Member Rosch asked if this would be considered a temporary structure. He was told it is considered an accessory structure. Member Rosch further asked if a canvas structure with tubes, not built on a foundation would be acceptable.

Mr. Ringstrand explained that Ringers is a sustainable company, and they want to do everything possible to protect water. They have rain gardens for this purpose.

Chairman Celske reiterated that the decision has to be made, per Member Schneider's point, on whether to allow the structure to be 19 feet high.

**A MOTION was made by Member Murren and seconded by Rosch to approve the request by Ringers Landscape to have a 19 foot storage accessory structure, pending the permit process. The findings of fact as presented are adopted into this motion. A voice vote was taken. Murren—yes, Riley—yes, Rosch—yes, Schneider-yes, Weber—yes. Motion Carried.**

*2016-01 case was closed at 7:19 p.m.*

### **ZBA CASE 2016-02 TEXT AMENDMENT REGARDING SIGNAGE**

Member Murren commended Assistant Bechler on a great job of putting together the amendment. He explained that he feels that business owners should have a deadline for compliance. Assistant Bechler said that the current code does not include a deadline, but the amendment would have a 6 month compliance deadline in most cases.

Chairman Celske said that the phrases “good condition” and “safe conditions” seem vague. Additionally, who would be responsible for making the call on these? Administrator Soderholm said that the building inspector would make the determination, and he would look at things like awnings coming off, chipping or peeling paint, etc. Member Weber asked if the building inspector works full time. He was told no, he is part time.

Chairman Celske said that the intent of the amendment is good, but wondered where the line would be drawn for things like fading.

Member Rosch feels that the major reason for the amendment is to copy Cary and have monument signs. He asked what the intent was of having these types signs. Member Weber asked about the total number of businesses affected. Member Murren noted that Douglas Automotive was granted permission to re-work their sign. Member Murren and Member Schneider both asked why newer bubble awnings are at 7 feet when the requirement is 8 feet. Member Weber asked whether a building without a sign at all would be OK.

Member Riley asked when the last was that the ordinance was overhauled. Chairman Celske said it was about 6 to 8 years ago.

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Administrator Soderholm said that more expensive items are given longer deadlines, while some items would have deadlines effective immediately.

Members Weber and Riley both stated that business owners who will be affected by the text amendment should have been notified of this meeting.

Member Rosch said that the signs at 304-314 Lincoln would fall under issue #8—(hand painted signs), and they have been there quite a while.

Member Riley explained that the intent of the ordinance change approximately 6 years ago was to allow the pole signs to fall into disrepair, so that all would have to go to monument signs. Administrator Soderholm clarified that owners are allowed to paint the pole signs, but not to replace them. In 10 years they have to come down

Chairman Celske said that Cary went through a similar process about 8 years ago. He observed that the Village of Cary tried to work hand in hand with the owners to assist. He wondered if, as a municipality, owners can be forced to make these changes. Administrator Soderholm said that the amendment would require owners to make less expensive repairs, but nothing in it would be catastrophic.

Member Weber asked if any of the affected businesses are in a T.I.F. District. Administrator Soderholm said yes, some of them are. Additionally, there is a facade program to help. \$75,000 in matching funds are available per budget year.

Village President Nunamaker said that the Village took down its own pole signs. The issue came to the attention of the trustees since the Douglas Automotive sign issue. New China did new signs but others, like Auto Audits, did not. When the amendment to the ordinance is passed, the Village will start actioning the items. Lund, Villa Bleu, and Dr. Woods all have or have had bad signs.

Member Rosch said that Ted Wagner should be approached about temporary signs existing at Stone Hill.

Chairman Celske said that the Village is not doing a good enough job of enforcement. A lot of effort was put in eight years ago to get rid of things like sandwich board signs—which still exist 8 years later.

Assistant Bechler said that the Village cannot regulate political signs on private property.

Chairman Celske asked if the Village gets any revenue from billboards. Administrator Soderholm said no, and they are owned by Clear Channel. Chairman Celske asked if the Village can put a 10 year limit on the billboards. He was told no.

Member Riley asked if the Sherwin Williams signage would be allowable under the amended ordinance. Administrator Soderholm said that it would be, since the proportionality is 33% of all windows. Member Rosch commented that this could be a fairness issue if you are a small business with not many windows, versus a large business with many.

Chairman Celske said that there should be something added regarding an informal meeting process for individual owners.

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Member Weber asked how to make owners aware of the requirements before the amendment goes through. Assistant Bechler said that he personally visited 25 businesses. He told them that pole signs were being eliminated and that new signage could be covered under the facade grant. None took advantage of it.

The amendment was covered by the members on an issue by issue basis as follows:

Issue #1—all favorable  
Issue #2—all favorable  
Issue #3—all favorable

Chairman Celske asked why there is a differentiation between downtown and other parts of the Village. He was told it is because of the architectural guidelines previously adopted.

Issue #4—all favorable  
Issue #5—all favorable  
Issue #6—all favorable  
Issue #7—all favorable  
Issue #8—all favorable  
Issue #9—all favorable

Administrator Soderholm said that the Village will take steps to inform those with non-conforming signs.

Issue #10—Rosch and Celske were not in favor.

Chairman Celske asked why the bubble awnings are even an issue. Administrator Soderholm said that they are generally viewed as undesirable. It was felt that there should be enforcement of repairs on the bubble awnings but owners should not have to get rid of them.

Issue #11—all favorable, but it was agreed that a better definition of a “box sign” is needed. Village President Nunamaker said that there have been many complaints about VCA Noyes sign.

Issue #12—all favorable  
Issue #13—all favorable.  
Issue #14—all favorable, except Celske and Rosch not in favor of raising the fees.  
Issue #15—all favorable except Riley, does not feel that inflatables should be included since they are used for special events.  
Issue #16—Celske said that additional language should be added for existing shared signs. Rosch thinks there should be no shared signs.  
Issue #17—all favorable

**A MOTION was made by Celske and seconded by Rosch to approve the signage text amendment with the following exceptions:**

- #10 awnings should not be prohibited**
- #11 box signs require further definition**
- #14 permit fee should remain at \$10**
- #15 special consideration should be given for grand openings and special events**

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**A voice vote was taken. Celske—yes, Murren—yes, Riley—no, Rosch—yes, Schneider—yes, Weber—no. Motion carried with a vote of 4 to 2.**

*ZBA case 2016-02 was concluded at 9:22 p.m.*

**OTHER BUSINESS** --none

**NEXT MEETING--(subsequently scheduled for Wednesday, June 29)**

**ADJOURNMENT**

A motion was made by Rosch and seconded by Murren to adjourn the meeting. All were in favor. The meeting adjourned at 9:23 p.m.



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Daniel A. Celske, Chairman



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Alison Dal Compo, Secretary

6/29/16  
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Date approved