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VILLAGE PRESIDENT

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VILLAGE CLERK

VILLAGE OF PLAINFIELD  
ZONING BOARD OF APPEALS MEETING  
RECORD OF MINUTES

**TRUSTEES**

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Paul Fay  
Larry Kachel  
Bill Lamb  
Garrett M. Peck  
James Racich

DATE: January 5, 2010

Chairman Sobkoviak called the meeting of the Zoning Board of Appeals to order at 7:00 p.m.

**ROLL CALL:**

Present: Commissioners Seggebruch, Renzi, O'Rourke, Sanders, Kiefer, Heinen Chairman Sobkoviak; and Fire District

Absent: School, Park and Library Districts

Also Present: Michael S. Garrigan AICP CNU-A, Village Planner, Jon Proulx, Planner; Merrilee Trotz, Secretary; Neal Eickholtz, Engineer

**Approval of Minutes:**

Commissioner Kiefer indicated he made the comment not Commissioner O'Rourke in the second to last paragraph on page three regarding the north wall signage. The minutes from November 17, 2009 were accepted as amended.

**NEW BUSINESS:**

CASE NO: 1499-120209.V CREATIVE WORLD SCHOOL

Planner Proulx stated the public notices have been posted and published in accordance with state statute and local ordinance. The petitioner is seeking a sign variance to permit placement of a sign on the northeast elevation of the building facing 248<sup>th</sup> Avenue. The Zoning Code prohibits signage on building elevations that do not front on a public or private street. Planner Proulx summarized the four findings of fact as required. Staff recognizes the importance of signage and the need for identification but when measured against the findings as outlined in the Zoning Code does not support a recommendation of approval. Staff welcomes input from the petitioner as well as the public.

Neal Eickholtz, engineer, indicated there were no issues.

Debby Davis (Landmark Signs) was sworn in by Chairman Sobkoviak. She described the layout of the building as being not conducive for signage because there is no frontage against any of the roads. This variance is the only way for any sign. Their preference would be a monument sign but until the church develops the remaining parcel there is no hope for this type of sign. She explained temporary banners do not hold up well. This sign is a sign they have used in other locations.

Chairman Sobkoviak stated by law they are restricted to the four challenges as noted in the staff report.

Commissioner Renzi asked if the building was open and if they were at 100% capacity. He stated if there was 100% enrollment then staff's reference that it is not necessary like a restaurant to be drawing people because it would be filled and this would have bearing on the ruling for the sign. If you say it would be essential to fill enrollment to allow passers and to view the sign seen from 248<sup>th</sup> St then that would be a reason for the sign. He felt this could meet the criteria of b and c. He felt daycare locale is a wonderful thing.

Debby Davis indicated it opened Monday, January 5, 2010 but did not know the capacity.

Commissioner Kiefer asked if signage requirements were amended for a restaurant in the downtown and if that would impact this property. He thought the unique placement of the building might qualify for a variance.

Planner Proulx explained that there were modifications to allow for Plaza signage or for courtyards.

Chairman Sobkoviak indicated there is a downtown sign district and it is difficult to apply that to other places in the village.

Commissioner Seggebruch said the building could not have had any signage if the rules were followed. He asked about the entrance to the site – whether it would be private or a dedicated street. He felt a monument sign on 248<sup>th</sup> with a tenant panel would make the most sense. He felt the sign on the back would be just as appropriate as the one facing 127<sup>th</sup>.

Commissioner Heinen asked if there was any monument sign currently at the entrance and if a monument sign could be placed at 248<sup>th</sup> Ave. He asked if the petitioner had asked the church if they could put a monument sign there.

Planner Proulx replied no and additional consideration is the landscaping adjacent to the detention pond by 248<sup>th</sup> provides limited visibility coming from the south on 248<sup>th</sup> Ave and agreed additional signage would be beneficial even directionally to help get people into the site. Staff would support a monument sign at 248<sup>th</sup>.

Chairman Sobkoviak thought the property along 248<sup>th</sup> Ave. was owned by the church. He indicated it was a possibility in the future.

Debby Smith indicated the Betty, the owner, had spoken with someone about a monument sign and there was nothing in the plans for it, or who would pay for it, how it would be divided up as far as tenant space.

Commissioner O'Rourke asked about an off site sign and if that would be another variance.

Planner Proulx said a strict reading of the code would require a variance for an off site sign.

Commissioner Renzi stated it was not platted that way; his recollection was they were under a time constraint. He said at the present time we could say that no monument was possible; that we have an oddly configured shaped lot that does not allow for any signage and a development that has one building in it at basically the worst conceivable place for it on the interior of the L and that if we want to spur development to the rest of the development we would want to make sure that venture goes forward. He suggested tying the variance to the ability of getting a monument sign to give them a variance to have two mounted signs and defer to staff as to how illuminated or not illuminated they are. He felt a monument sign on 248<sup>th</sup> would be better than anything else. He felt they had a finding to support findings of fact b) and d) and this would not trigger a lot of applications as he was not aware of that many people on interior lots not facing streets with angular configuration with entry off the back way that has undeveloped commercial property in the front with no ability to due a monument sign.

Commissioner Sanders asked for definition of temporary signs as to material, size or things like that.

Planner Proulx said the maximum time period is 21 days and the most common temporary signs are banners or balloons. The maximum size is 32 square feet for a temporary sign.

Chairman Sobkoviak said it appears the commissioners are taking exception to Staff's finding of fact and they are coming up with their own findings of fact which tend to support this petition. We need to record and itemize our exact findings of fact if we are to move forward in a positive fashion.

Commissioner Renzi said for a) which is in harmony with the general purpose and intent of the Zoning Ordinance – he thought that was negative because no sign variance could really ever be in harmony with our signage law. He felt b), c) and d) leave avenue open for more practical application and for b) it can be supported because the uniqueness of the circumstances and it is so far removed from the street so that rises to give unique circumstances that strict enforcement would not prove appropriate.

Chairman Sobkoviak suggested that portion along 248<sup>th</sup> Ave. would ultimately be a parking lot.

Commissioner Seggebruch said for item a) or even b) the building would not be allowed to have any signage at all under the Zoning Ordinance. That is not practicable. He felt we should look at something that is a more permanent solution for them and discourage the temporary signs. If there were temporary signage they would want to face it to 127<sup>th</sup> and 248<sup>th</sup>. They still will not have any visibility from the east.

Commissioner O'Rourke said his comments are about enhancing the physical appearance of the Village but agreed with the petitioners that the temporary signs probably do that worse than a variance would in this situation.

Chairman Sobkoviak asked for additional input on items a) or b). No response. Let us move on to item c).

Commissioner Renzi said if they do not have full capacity they may not be able to service the mortgage and without the owner being present we do not know if they have full capacity currently. This brings us back to temporary signage and how they can receive maximum return on a very nice investment and that permanent signs would be best. It will be the advertising that will draw the people there. He thought this would allow the commissioners to make a favorable response for c).

Commissioner Kiefer agreed that it would be vital and essential in operating this business.

Commissioner Seggebruch felt by the same logic that signage is allowed on the front southwest elevation facing 127<sup>th</sup> then signage should be allowed on the northeast elevation facing 248<sup>th</sup>.

Chairman Sobkoviak asked about item d).

Commissioner Renzi said with the giant space to the west is to become a church, across the street will ultimately be Edwards Development (the heart of the medical corridor we are attempting to develop) and the part that is kitty corner has been under the plan as part of the medical complex and the rest of this is a development so there are a couple of houses that abut on the northwest and the people on the other side to the due north which looks like three lots, retention pond and a forest. He felt there were maybe 5 houses there but the signage affects maybe the two lots to the farthest north depending on the season because the foresting around the retention area. He felt this did not have a significant harm to the neighborhood as it exists now and is contemplated in development.

Chairman Sobkoviak indicated the applicant would have to meet village requirements for light height, illumination, and photometrics. He asked for additional input on item d). He asked if the sign needed to be illuminated or not when essentially these daycare operations are closed by 6:00 p.m.

Commissioner Heinen asked if there was feedback from neighboring residents.

Planner Proulx said no.

Chairman Sobkoviak asked if there was anyone in the audience that had any comments. He sworn in Laura Dahl, a neighboring resident.

Ms. Dahl said the school is in her back yard and asked where the signage would be located. Ms. Davis showed her and Ms. Dahl was satisfied.

There were no other questions from the audience.

Commissioner O'Rourke asked if anyone looked at a directional sign at the entrance of the driveway along 248<sup>th</sup> Ave.

Ms. Davis said no – the reason being they had talked about not wanting to look like a McDonalds drive-thru. A monument was not discussed as they did not believe it would be allowed.

Commissioner O'Rourke said there would be little or no visibility in spring and summer.. He was not sure how much they were going to get with this proposal. His concern was the variance would not help out the petitioner.

Commissioner Kiefer agreed. He felt the monuments signs were more important where you could get better signage off of 248<sup>th</sup> Ave.

Ms. Davis agreed but a monument sign could be ten years down the road.

Chairman Sobkoviak said the monument sign was above and beyond the control and authority of the Village or the Plan Commission. There was no further discussion.

Commissioner Renzi made a motion to adopt the Commissions' findings of fact of the Zoning Board of Appeals and furthermore, recommend approval of the requested variance to permit wall signage on the northeast elevation of Creative World School as the variance request is supported by the Commissions findings of fact specifically that at least conditions b), c), and d) support the issuance of the variance.

Commissioner Sanders asked about the findings of fact facing the southwest.

Commissioner Seggebruch said it was not a variance but that sign was allowed with the building but if that was allowed it is not on a public street.

**Commissioner Renzi amended his motion to read to adopt the Commissions' findings of fact of the Zoning Board of Appeals and furthermore, recommend approval of the requested variance to permit wall signage on the northeast and southwest elevation of Creative World School as the variance request is supported by the Commissions findings of fact specifically that at least conditions b), c), and d) support the issuance of the variance.**

**Commissioner Seggebruch seconded the amended motion.**

**Vote by Roll Call:**

**Ayes: Seggebruch; Renzi, O'Rourke, Sanders, Kiefer, Heinen and Chairman Sobkoviak.**

**Nay: none**

**Motion carried 7 – 0.**

Adjourned 7:48 p.m.

Respectfully submitted by

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Merrilee Trotz, Recording Secretary