



VILLAGE OF MONTGOMERY

***Zoning Board of Appeals Meeting Agenda
March 3, 2016 7:00 P.M.
Village Hall Board Room
200 N. River Street, Montgomery, IL 60538***

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes from February 4, 2016
- IV. Items for Zoning Board of Appeals Action
 1. ZBA 2016-007 V Continuation of a Public Hearing and Consideration of an Alternative Surfaces Setback Variance for JPC Tree Care, LLC. Located at 1065 and 1079 Sard Avenue.
 2. ZBA 2016-008 V Public Hearing and Consideration of a Sign Variance for Corporate Identification Solutions Located at 596 Montgomery Road.
- V. Other Business
- VI. Adjournment



Zoning Board of Appeals

February 4, 2016

I. CALL TO ORDER:

Chairman Hammond called the meeting to order at 8:34 p.m.

II. ROLL CALL:

Tom Betsinger	Present	John Francis	Present
Tom Yakaitis	Present	Mildred McNeal-James	Present
Patrick Kelsey	Present	Butch Distajo	Present
Mike Hammond	Present		

Also present: Director of Community Development Richard Young; Village Attorney Laura Julien; Village Engineer Tim Paulson; Trustee Theresa Sperling and members of the audience.

III. APPROVAL OF MINUTES:

MOTION: Motion was made by Commissioner Distajo to approve the minutes of the January 7, 2016 Zoning Board of Appeals Meeting. Commissioner Betsinger seconded the motion. Motion Passed 7-0.

Ayes: Distajo, Betsinger, Yakaitis, Kelsey, Hammond, Francis and McNeal-James

Nays: None.

IV. NEW BUSINESS:

- a) **ZBA 2016-007 V Public Hearing and Consideration of an Alternative Surfaces Setback Variance for JPC Tree Care LLC. Located at 1065 and 1079 Sard Avenue.**

Senior Planner Chipman stated that the Petitioner and village staff were requesting that the item be tabled until the next meeting.

MOTION: Motion was made by Commissioner Kelsey to continue ZBA 2016-007 V JPC Tree Care Setback Variance to the next meeting. Commissioner Francis seconded the motion. Motion Passed 7-0.

Ayes: Kelsey, Hammond, Francis, McNeal-James, Distajo, Betsinger and Yakaitis.

Nays: None.

V. OTHER BUSINESS:

No other business to report at this time.

VI. ADJOURNMENT:

Having no further business to discuss, the Zoning Board of Appeals was adjourned at 8:36 p.m. by Chairman Hammond

Respectfully submitted,

A handwritten signature in black ink that reads "Jerad Chipman". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jerad Chipman, AICP
Senior Planner



ZBA 2016-008
ZONING BOARD OF APPEALS ADVISORY REPORT

To: Chair Hammond and Members of the Zoning Board of Appeals
From: Jerad Chipman AICP
Senior Planner
Date: February 25, 2016
Subject: 2016-008 V Corporate Identification Solutions Sign Variance.

Petitioner: Corporate Identification Solutions on Behalf of Circle K
Location/Address: 596 Montgomery Road.
Requests: Variance to allow electronic, digital gasoline prices on a non-conforming sign.
Current Zoning: B-3 General Automotive and Wholesale Business District
Comprehensive Plan: Neighborhood Commercial

Surrounding Land Uses:

Location	Adjacent Land Use	Adjacent Zoning
North	Residential	R-5A
East	Commercial	B-2
South	Commercial and Civic	R-3, B-3 and Unincorporated
West	Residential and Open Space	Unincorporated

Background:

The Petitioner is requesting a variance to Section 12.11(5) of the Zoning Ordinance to allow the replacement of a manually changed gasoline price sign to a digital gasoline price sign on a non-conforming sign. The existing sign is over nineteen (19) feet tall and does not have a solid, continuous base resulting in the sign being non-conforming. Section 12.1(A)(2)(c) requires all ground signs to have a solid, continuous base with a maximum height for a single tenant sign of eight (8) feet. Section 12.11(5)(d) states the following:

Non-structural alterations are permitted that do not eliminate the non-conforming sign as long as the location of the sign does not change, the height of the altered sign does not exceed the standards found in Section 12.1(A)(2)(c) and the maximum sign area (as altered) does not

exceed the limits set forth herein. Structural supports may not be altered, except to reduce the number or degree or a nonconformity as discussed in the above conditions (e.g. if the height of a nonconforming pole sign panel is reduced, the structural support above the sign panel may be removed without removing the remainder of the nonconforming sign) All such alterations require a permit.

It is staff and the Village Attorney's interpretation of the Ordinance that the proposed change to the sign is an alteration rather than simply a change to the sign panel, which is allowed. Therefore, the alteration that is proposed does not comply with Section 12.1(A)(2)(c) as this alteration does not meet the second criteria indicated in the Ordinance that "the height of the altered sign does not exceed the standards found in 12.1(A)(2)(c)". The standards referenced indicate that the maximum height of a single tenant building ground sign is eight (8) feet with a maximum square footage of eighty (80) square feet. As the new electronic, digital price sign presents an alteration to the sign and that sign exceeds the maximum size that the alteration is permitted under, a variance is required to permit the proposed sign.

The Petitioner has expressed a different interpretation of the Ordinance in regards to proposed alteration and has expressed that the sign should be permitted under the Ordinance.

Findings of Fact:

According to Section 14 of the Montgomery Zoning Ordinance "the Zoning Board of Appeals shall recommend approval of a variation from the provisions of this ordinance as authorized in this section only if the evidence, in the judgment of the Zoning Board of Appeals, sustains each of the following conditions:

Please note that the Petitioners complete application is attached to this report. Staff summarizes the Petitioner's comments in the findings of fact in this report.

1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; ***It is the Petitioner's opinion that the property would lose a level of advertising capabilities.***

It is staff's opinion that the sign could be constructed to comply with the maximum sizes allowed in the Zoning Ordinance, which would allow for the electronic price signage.

2) That the plight of the owner is due to unique circumstances; ***The Petitioner believes that their situation is unique due to the interpretation of the Zoning Ordinance.***

Staff believes that this is not a unique situation.

3) That the variation, if granted, will not alter the essential character of the locality; ***The Petitioner believes that the variance will not alter the essential character of the locality as the sign is already in existence and the alteration would not increase the size of the sign.***

Staff believes that allowing continued use of the sign will not alter the essential character of the area, however, allowing the sign to continue would not serve to progress the vision for the community that has been outlined in the Comprehensive Plan.

4) That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out; ***The Petitioner does not believe that there are physical characteristics that bring a particular hardship.***

It is staff's opinion that there are no physical characteristics of the site that render a hardship for the Petitioner.

5) That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification. ***The Petitioner has indicated that they believe that the conditions of hardship are unique to their property due to the interpretation of the ordinance.***

It is staff's opinion that the conditions upon which the application is based would be applicable to other properties within the same zoning classification. Other properties in business districts contain non-conforming signs that would result in the same interpretation of the Zoning Ordinance.

6) That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property; ***The Petitioner has indicated that they believe that the ability to advertise on the property will be reduced.***

Staff believes that the sign would serve to promote advertising to the property.

7) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; ***The Petitioner has indicated that they believe that the proposed sign will be in harmony with the neighborhood.***

Staff believes that the variation should not cause detriment or injury.

8) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood." ***The Petitioner has indicated that they believe that the variance will not impair light, air and property values.***

Staff agrees with the Petitioner.

Following the Public Hearing, the Zoning Board of Appeals should discuss the standards for granting a variation and make the findings of fact by reading each criteria and entering into the minutes the consensus on each.

Recommendation:

It is staff's opinion that the Petitioner has not met all of the conditions to grant a variance, and recommends that the variance be denied.

Village of Montgomery
APPLICATION FOR ZONING VARIATION

Case Number: _____ - _____
Date Filed: _____

PART I. Applicant Information

APPLICANT (Please Print or Type)

Name: Corporate Identification Solutions / Auna Foote
Address: 5563 N. Elston, Chicago, IL 60630
Email: afoote@corporateidsolutions.com
Phone: (773) 763-9600 Fax: (773) 763-9600

CONTACT PERSON (If different from Applicant)

Name: _____
Address: _____
Email: _____
Phone: (____) _____ - _____ Fax: (____) _____ - _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY? YES [] NO

(If the Applicant is not the owner of the subject property, a letter from the Owner authorizing the Applicant to file the **Application for Zoning Variation** must be attached to this application).

IS THE APPLICANT AND/OR OWNER A TRUSTEE OR A BENEFICIARY OF A LAND TRUST? YES [] NO

(If the Applicant and/or Owner of the subject property is a Trustee of a land trust or beneficiary(ies) of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto).

PART II. Property Information

ADDRESS OF PROPERTY: 596 Montgomery Rd, Montgomery, IL
PARCEL INDEX NUMBER(S): _____
LEGAL DESCRIPTION: Deed Attached

A legal description must be provided or attached to this application, include a digital copy

Is the property in question currently subject to a zoning variation or a Special Use Permit? YES [] NO

If so, please describe its nature: _____

Is the property in question currently non-conforming in any respect? YES NO []

If so, please describe its nature: The current Height and size of freestanding sign is legal now conforming

PART III. Reasons for the Zoning Variation Request

Please note that the following questions must be answered completely. If additional space is needed, attach extra pages to application.

- 1. Briefly describe the characteristics of your property that prevent you from complying with the requirements of the Montgomery Zoning Ordinance, giving dimensions where necessary. (Please Print or Type)

The current 19'10" sign on the property will not be structurally changed by the proposed upgrade and should be able to maintain the legal non conforming status

- 2. Are these characteristics or conditions the result of other man-made changes, such as relocation of a road or highway? Please describe.

NA

- 3. What specific requirement(s) of the Montgomery Zoning Ordinance prevent you from establishing the proposed use or construction on your property?

The interpretation of the following, "Non-structural alterations are permitted that do not eliminate the non-conforming signs as long as the location of the sign does not change, the current height of the sign does not increase, and the maximum sign area" → see Back

- 4. What is the minimum reduction of the requirements of the Montgomery Zoning Ordinance that would permit the proposed use or construction on your property?

No change of the requirements.

- 5. What is the practical difficulty or particular hardship that would result if the requirements of the Montgomery Zoning Ordinance were strictly applied to your property?

The station would lose the advertisement capabilities it currently has even though the proposed changes seem to comply with the Villages ordinance

#3 (as altered) does not exceed the limits set forth herein.
Structural supports may not be altered, except to reduce
the number or degree of a non-conformity.

The proposed sign changes do not alter the
structure, height, or overall size of the sign in
any way.

6. To the best of your knowledge, can you affirm that the hardship you described above was not created by you or anyone having a proprietary interest in the subject property? YES NO []

If not, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to a zoning variation).

7. Are the conditions of hardship for which you request a zoning variation true only of your property?

YES NO []

If not, how many other properties in the Village are similarly affected?

I am not aware of any other locations where sign alterations that should not remove the legal nonconforming allowance are being told they are not allowed

8. Will the granting of a variation in the form requested be in harmony with the Neighborhood and not contrary to the intent and purpose of the Zoning Ordinance and why?

yes. the sign itself currently exists and will only be upgraded and not structurally altered

I certify that all of the above statements and the statements and information contained in any papers, plans and other documents submitted herewith are true to the best of my knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Montgomery for the purpose of posting, maintaining and removing such notices as may be required by law.

Quail Foot 1/15/14
Applicant's Signature Date



Board of Zoning and Appeals Letter:

596 Montgomery Road, Montgomery, IL

Corporate Identifications is requesting a sign variance on behalf of Circle K in order to allow the addition of an LED price sign to the existing freestanding sign at the above referenced location.

The existing 19' 10 1/8" tall sign 81.02 sq. ft. is legal non-conforming by the Village.

The proposed alteration adding an LED price sign follows the requirements of the ordinance in order to maintain the legal non-conforming status:

- d. Non-structural alterations are permitted that do not eliminate the non-conforming sign as long as the location of the sign does not change, the current height of the sign does not increase and the maximum sign area (as altered) does not exceed the limits set forth herein. Structural supports may not be altered, except to reduce the number or degree or a nonconformity (e.g. if the height of a nonconforming pole sign panel is reduced, the structural support above the sign panel may be removed without removing the remainder of the nonconforming sign) All such alterations require a permit.

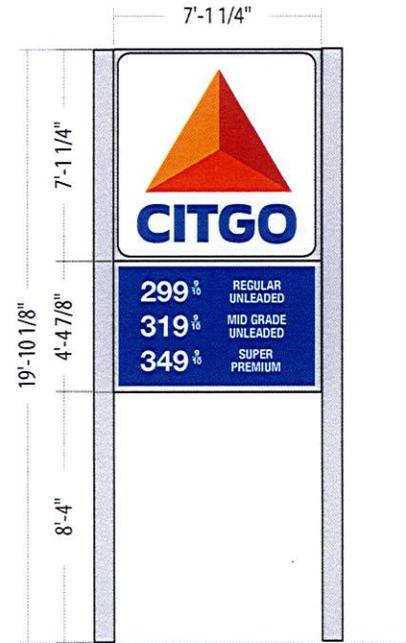
The proposed changes do not alter the structure, height, location, or overall square footage of the existing freestanding sign. Which is all that is said to be required in order to maintain the grandfathered legal non-confirming status.

Although based on the interpretation by the Village's planner of the above referenced exert from the Village's ordinance the claim is that the addition of the LED signage is too much of an alteration to allow the existing sign to maintain it's grandfathered legal non-conforming status.

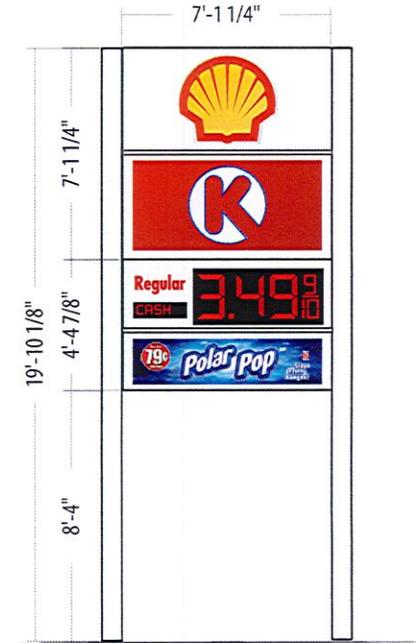
The claim of Corporate Identification Solutions of behalf of Circle K is that the proposed changes do follow the written requirements of the Village's ordinance and should be allowed and able to maintain the grandfathered legal non-conforming status.



EXISTING



EXISTING



PROPOSED 81.02 SF

- Re-use cabinets
- New Shell & Circle K faces
- New 18" Regular Price LED's with 4" toggles
- New Polar Pop face
- New divider bars



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER
Circle K
SITE NUMBER
6876

LOCATION
Montgomery, IL
ACCOUNT REP
Ben DeHayes

DRAWN BY
SW
DATE
02/04/15
REVISION
03
SCALE
1/4"=1'

CORPORATE ID SOLUTIONS
5563 N Elston Ave.
Chicago, IL 60630
P: 773-763-9600 | F: 773-763-9606
www.CorporateIDSolutions.com

CUSTOMER ACCEPTANCE
THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC. CHICAGO, ILLINOIS, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMERS AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC. BY WAY OF LOAN. THIS DRAWING MAY NOT BE COPIED OR REPRODUCED, IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSFERRED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.
SIGNATURE _____ DATE _____



LETTER OF AUTHORIZATION

Jan 1, 2016

TO WHOM IT MAY CONCERN,

This letter authorizes Corporate Identification Solutions, Inc. to install signs at the following location as detailed in the site drawings enclosed.

Circle K
596 Montgomery Road
Montgomery, IL

Corporate Identification Solutions, Inc. is authorized to secure permits and variances required by the local governing body.

Circle K

By

A handwritten signature in black ink, appearing to be 'M. Moore', written over a horizontal line.

Authorized Agent

After recording return to:

Sierra H. Bunnell
Wooden & McLaughlin LLP
211 N. Pennsylvania
One Indiana Square, Suite 1800
Indianapolis, Indiana 46204-4208

Mail subsequent tax

bills to Grantee at:

RDK Ventures LLC
c/o Mac's Convenience Stores LLC – Midwest
4080 Jonathan Moore Pike
Columbus, IN 47201

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that MAC'S CONVENIENCE STORES LLC, a Delaware limited liability company ("**Grantor**"), CONVEYS AND QUITCLAIMS to RDK VENTURES LLC, a Delaware limited liability company ("**Grantee**"), for no economic consideration, the receipt and sufficiency of which hereby are acknowledged, the real estate which is located in Kane County, Illinois, which is more particularly described on Exhibit A attached hereto and incorporated herein (the "**Real Estate**"), together with all rights, privileges, interests, easements hereditaments, appurtenances and tenements thereunto.

Grantor confirms that this a quitclaim conveyance which is intended to convey all right, title and interest Grantor may have in the Real Estate and the above-described rights, privileges, interests, easements, hereditaments, appurtenances and tenements.

[Remainder of page intentionally left blank.]

EXHIBIT "A"
TO
QUITCLAIM DEED

("Real Estate")

LOTS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 IN BLOCK 8 TOGETHER WITH THAT PORTION OF THE WEST HALF OF THE VACATED ALLEY ADJACENT TO SAID LOTS ON THE EAST, IN LUCK S NEW ADDITION TO AURORA, IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS, LOTS 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 AND 50 IN BLOCK 8 TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE VACATED ALLEY ADJACENT TO SAID LOTS ON THE WEST, IN LUCK S NEW ADDITION TO AURORA, IN THE VILLAGE OF MONTGOMERY, IN KANE COUNTY, ILLINOIS, AND OUTLOT A IN W.B. MILLER S SECOND ADDITION IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.

LESS AND EXCEPT THAT PART CONVEYED TO THE COUNTY OF KANE BY SPECIAL WARRANTY DEED DATED JULY 3, 2002 AND RECORDED JULY 18, 2002 AS DOCUMENT NUMBER

2002K088662, DESCRIBED AS FOLLOWS: 17.00 FEET WIDE STRIP OF LAND OVER, ACROSS AND THROUGH, A TRACT OF LAND BEING PART OF LOTS 15 THROUGH 25 AND 40 THROUGH 50 IN BLOCK 8 OF LUCK S NEW ADDITION TO AURORA, AND PART OF OUT LOT A OF W.B. MILLER S SECOND ADDITION, ALL BEING LOCATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, VILLAGE OF MONTGOMERY, COUNTY OF KANE, STATE OF ILLINOIS, AND BEING PART OF A LARGER TRACT AS CONVEYED TO CHASE MANHATTAN REALTY LEASING CORPORATION BY INSTRUMENT RECORDED JANUARY 14, 1998 AS DOCUMENT NO. 98K003234 AND RECORDED JANUARY 12, 2001 AS DOCUMENT NO. 2001K004259 AT THE RECORDER OF DEEDS OFFICE IN KANE COUNTY, ILLINOIS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID 17.00 FEET WIDE STRIP OF LAND BEING DESCRIBED AS THE SOUTHEASTERLY 17.00 FEET OF A TRACT OF LAND AS CONVEYED TO CHASE MANHATTAN REALTY LEASING CORPORATION BY DOCUMENT RECORDED JANUARY 14, 1998 AS DOCUMENT NO. 98K003234, AND RECORDED JANUARY 12, 2001 AS DOCUMENT NO. 2001K004259, SAID 17.00 FEET WIDE STRIP LYING NORTHWESTERLY AND ADJACENT TO MONTGOMERY ROAD, 66 FEET WIDE, AS NOW ESTABLISHED.

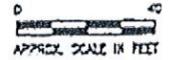
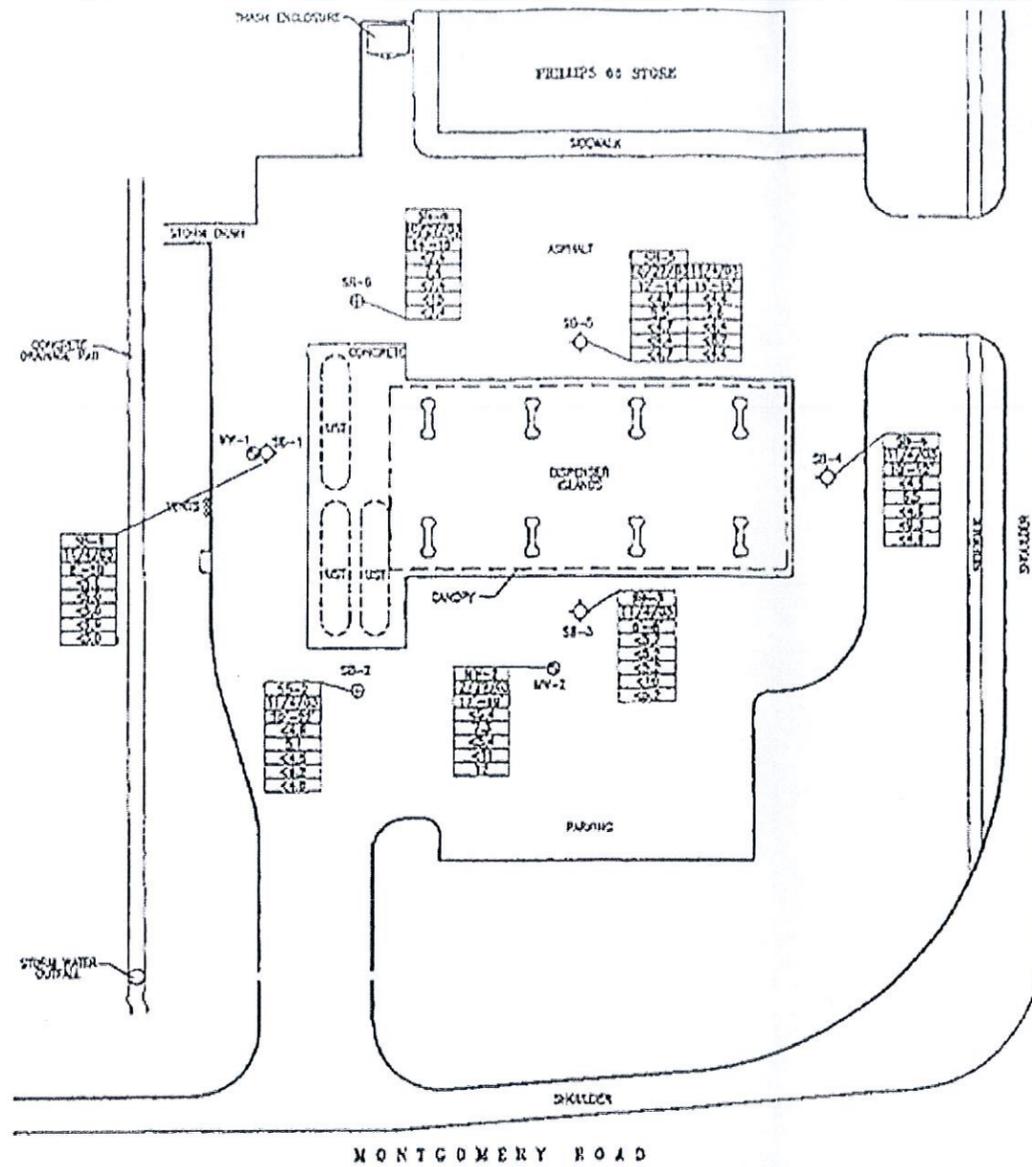
Property address: 596 Montgomery Road, Montgomery, Illinois 60538

PIN: 15-34-259-007

15-34-259-012

15-34-259-014

15-34-259-002



LEGEND	
---	PROPERTY BOUNDARY
◇	SOIL BORING LOCATION
⊕	TEMPORARY WELL/SOIL BORING LOCATION
⊙	MONITORING WELL LOCATION
SR-0	SOIL BORING NUMBER
17/2/03	SOIL SAMPLING DATE
11-11	SOIL SAMPLING DEPTH (ft)
4.1	BENZENE CONCENTRATION (ug/g)
8.1	TOLUENE CONCENTRATION (ug/g)
2.7	ETHYLBENZENE CONCENTRATION (ug/g)
28.1	TOTAL XYLENES CONCENTRATION (ug/g)
2.1	NIKE CONCENTRATION (ug/g)
MW	MONITORING T-BUILT CODE
12/4	MONITORING PER MILEGAM
4.7	LESS THAN LABORATORY REPORTING LIMIT
DRAWN BY: R. WALSHWELD	FIGURE
CHECKED BY: -	2
SCALE: 1" = 40'	
DATE: 11/10/03	
DRAWING FILE: 366121	

HANDEX
OF KUNDS
1701 W. CUNCY, SUITE 10
NAPOLI, ILLINOIS 60540
(630) 627-1666

CONOCOPHILLIPS
Retail Marketing - Central US
13059 East Peaview, #110
Centennial, CO 80111

SOIL ANALYTICAL
RESULTS MAP
PHILLIPS 66 STORE #2706313
556 SOUTH MONTGOMERY ROAD
MONTGOMERY, ILLINOIS

52164