



## **VILLAGE OF MONTGOMERY**

***Zoning Board of Appeals Meeting Agenda  
August 4, 2016 7:00 P.M.  
Village Hall Board Room  
200 River Street, Montgomery, IL 60538***

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- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Minutes from June 2, 2016
- V. Items for Zoning Board of Appeals Action
  - I. ZBA 2016-019 V Public Hearing and Consideration of a Light Pole Variance for CenterPoint Properties Located at 900 Knell Road.
- VI. Other Business
- VII. Adjournment



**Zoning Board of Appeals**

**June 2, 2016**

**I. CALL TO ORDER:**

Chairman Hammond called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE:**

All present gave the pledge of allegiance.

**III. ROLL CALL:**

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

Also present: Senior Planner Jerad Chipman; Village Attorney Laura Julien; Director of Community Development Rich Young; Executive Director of the Montgomery Economic Development Corporation Charlene Coulombe-Fiore and members of the audience.

**IV. APPROVAL OF MINUTES:**

**MOTION:** Motion was made by Vice Chairman Kelsey to approve the minutes of the March 3, 2016 Zoning Board Meeting. Commissioner Yakaitis seconded.

*The roll call vote was 5-0 as follows:*

**Ayes:** Kelsey, Hammond, McNeal-James, Betsiner and Yakaitis

**Nays:** None.

**V. NEW BUSINESS:**

**ZBA 2016-015 V Public Hearing and Consideration of a Fence Height Variance Located at 309 2<sup>nd</sup> Avenue.**

Senior Planner Jerad Chipman stated the Petitioner is requesting a variance to the Zoning Ordinance to allow a six (6) foot tall privacy fence in the front yard. The Zoning Ordinance specifies that the maximum height of a residential front yard fence is a three (3) foot closed fence or a four (4) foot open fence. The parcel is four and a half (4.5) acres in size and the dwelling is setback over one hundred (100) feet from Second Avenue.

The Petitioner, Terry Gaca feels his parcel has an uncommon setback.

Senior Planner Chipman read the findings of fact:

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 yield a lower return as placing the fence over one hundred (100) feet away from the property line would be impair the property owner's ability to define property boundaries, provide privacy and protect from trespassing.***

Staff understands that the house is setback further on the parcel in question than on most residential parcels in the Village, however, staff believes that there is adequate space for the property to yield a reasonable return as the rear of the property extends over five hundred (500) feet past the front façade of the house.

2) That the plight of the owner is due to unique circumstances; ***The Petitioner believes that their situation is unique as the house is setback over one hundred (100) feet from Second Avenue.***

Staff believes that this is an unusual scenario, however, not a unique situation since the essential character of the neighborhood includes large front yards. Several neighboring houses are setback more than one hundred (100) feet from Second Avenue.

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 fence will proved a buffer similar to the natural, landscape barriers found on the side and rear yards of the property.***

Staff believes that a six (6) foot privacy fence would alter the essential character of the neighborhood as there are very few front yard fences on Second Avenue and none of them are six (6) feet in height.

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 believes that the physical surroundings create a hardship as a property owner is unable to enjoy the comfort and safety that a privacy fence would offer.***

It is staff's opinion that there are no physical characteristics of the site that render a hardship for the Petitioner. The property contains several acres behind the house that could be fenced off for the purpose of providing comfort and enjoyment.

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 as the Petitioner's house is located over one hundred (100) feet from the front yard.***

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 the R-3 Traditional Neighborhood Residence District contain large front yard setbacks, and staff is unaware of another property in the Village that contains a six (6) foot tall privacy fence in its front yard.

6) That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property;

Staff believes that the desire to construct a fence closer to Second Avenue is not based exclusively upon a desire to make more money out of 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;

**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 believes that the variation will not impair the neighboring properties environment or values, however, the fence would affect the essential character of the neighborhood.**

Mr. Gaca voiced that the parcel is unique and feels the fence will not change the character of the neighborhood since the lot is located on a dead end street with very little traffic.

Chairman Hammond opened the public hearing.

Resident for 37 years, Craig McCloud residing directly across 309 2<sup>nd</sup> Avenue believes open natural spaces should be respected and preserved and respectfully requests the fence variance be denied.

There were no further comments and the public hearing was closed.

Discussion ensued among the Commission and the Commissioners agreed with staff's findings.

**MOTION:** Motion was made by Commissioner Yakaitis to recommend denial of the fence height variance located at 309 2nd Avenue. Commissioner McNeal-James seconded.

*The roll call vote was 5-0 as follows:*

**Ayes:** Yakaitis, Kelsey, Hammond, McNeal-James and Betsinger

**Nays:** None

**VI. OTHER BUSINESS:**

There was no other business brought before the Zoning Board of Appeals.

**VII. ADJOURNMENT:**

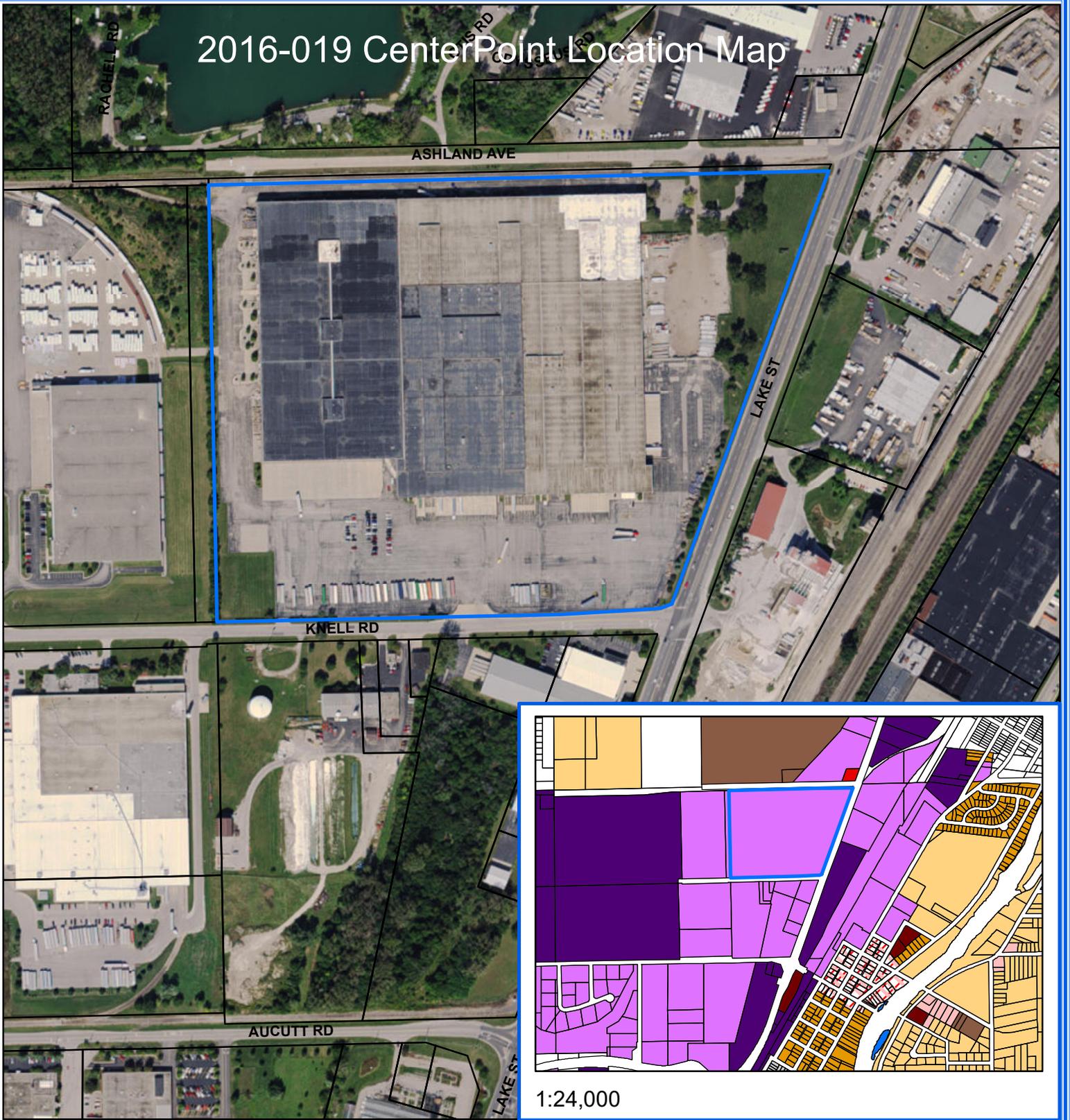
Having no further business to discuss, the Zoning Board of Appeals was adjourned at 7:23 p.m. by Chair Hammond

Respectfully submitted,

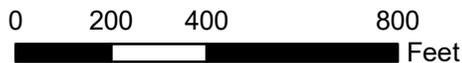
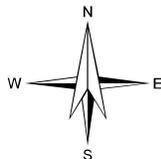


Toulia Coffey  
Zoning Board of Appeals  
Administrative Assistant

# 2016-019 CenterPoint Location Map



Village of Montgomery  
 200 N. River Street  
 Montgomery, IL 60538  
 630-896-8080



### Legend

- MD MILL DISTRICT
- B-1 LOCAL RETAIL BUSINESS DISTRICT
- B-2 GENERAL RETAIL BUSINESS DISTRICT
- B-3 GENERAL AUTOMOTIVE AND WHOLESALE BUSINESS DISTRICT
- FLOOD
- M-1 LIMITED MANUFACTURING DISTRICT
- M-2 GENERAL MANUFACTURING DISTRICT
- R-2 ONE-FAMILY RESIDENCE DISTRICT
- R-3 TRADITIONAL NEIGHBORHOOD RESIDENCE DISTRICT
- R-4 TRADITIONAL NEIGHBORHOOD RESIDENCE DISTRICT
- R-5A TWO-FAMILY RESIDENCE DISTRICT
- R-5B ATTACHED SINGLE FAMILY RESIDENCE DISTRICT
- R-6 MULTIPLE FAMILY RESIDENCE DISTRICT

This information is for reference purposes only and the Village of Montgomery is not responsible for its accuracy.

July 28, 2016



**ZBA 2016-019**  
**ZONING BOARD OF APPEALS ADVISORY REPORT**

**To:** Chair Hammond and Members of the Zoning Board of Appeals  
**From:** Jerad Chipman AICP  
Senior Planner  
**Date:** July 28, 2016  
**Subject:** 2016-019 V Light Pole Height Variance for CenterPoint Properties Located at 900 Knell Road.

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**Petitioner:** CenterPoint Properties  
**Location/Address:** 900 Knell Road  
**Requests:** Variance to allow forty (40) foot tall light poles in the parking lot and wall lights located thirty (30) foot high on the building.  
**Current Zoning:** M-1 Limited Manufacturing District  
**Comprehensive Plan:** Light Industrial/Business Park

**Surrounding Land Uses:**

Location	Adjacent Land Use	Adjacent Zoning
North	Industrial, Business and Open Space	M-1, B-2 and R-4
East	Industrial	M-1 and M-2
South	Industrial	M-1
West	Industrial	M-1

**Background:**

The Petitioner is requesting a variance to Sections 12A.03(J) of the Zoning Ordinance to allow forty (40) foot tall light poles in the parking lot and to place wall lights thirty (30) feet high on the building. The Zoning Ordinance indicates that the maximum height of the light poles shall be twenty (20) feet and the maximum height of the wall mounted lights is ten (10) feet.

The Zoning Ordinance discusses lighting as follows:

- J. LIGHTING REQUIREMENTS: *Lights shall be provided for all non-residential uses and multi-family uses on site, except as otherwise approved by the Village. Lights shall be provided at appropriate*

*locations throughout the site in order to provide adequate lighting for the entire site for the safety of its patrons and employees at a minimum of 1.0 foot-candle. Light poles shall not exceed a maximum height of twenty feet (20') in order to promote a pedestrian scale lighting system. Building wall lights shall not exceed a maximum height of ten feet (10'). All light shall be down cast and shielded from horizontal light spillage and directed at the ground; overspill of light shall be allowed on properties occupied by non-residential uses and streets. Lighting details shall be provided and approved by the Village.*

The parcel consists of a 992,642 square foot building on seventy-one (71) acres of land. The lights would be located on the South and East sides of the property to illuminate the existing parking area.

**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 Petitioner’s answers to the questions found on the Variance application are attached to this report. Staff summarized 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 yield a lower return as there would need to be over three times the number of twenty (20) feet tall poles as opposed to forty (40) feet high poles. In addition, the increased number of light poles would create more obstacles for semi-trucks to avoid.***

**Staff understands that the fewer light poles would be a cost savings and result in less maintenance, however, staff believes that there is adequate space for the property to yield a reasonable return with the installation of additional, shorter light poles.**

2) That the plight of the owner is due to unique circumstances; ***The Petitioner believes that their situation is not entirely unique as other properties could request taller light fixtures.***

**Staff believes that this is not a unique situation as other businesses are seeking deviations from the Zoning Ordinance regarding light fixture height, only to a lesser extent.**

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 properties that neighbor the parking lot are industrial in nature.***

**Staff is of the opinion that thirty (30) feet tall light fixtures, acquired through a deviation, would more closely conform to the essential character of the locality.**

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 believes***

***there is not a physical condition that would result in a hardship, with the exception that the property is quite large resulting in the need to illuminate a substantial area.***

**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 not unique to their property, and that there are probably other locations in the Village that would make a similar request.***

**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.**

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 the cost to install and maintain the additional poles would be excessive.***

**Staff believes that the desire to construct the light fixtures at a higher location is partially based on a desire to save money.**

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 variance will not be unduly injurious to surrounding properties.***

**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 believes that the variation will not impair the neighboring properties environment or values, however, the light may spill onto other properties.**

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:**

**Staff is proposing that the variance be split into two decisions. It is staff's opinion that the light fixtures intended to be installed at a height of thirty (30) feet on the building are acceptable, are recommending deviations to allow those fixtures at other locations during the Plan Commission Meeting and recommend approval of the wall light portion of the variance. It is also staff's opinion that the Petitioner has not met all of the conditions to grant a variance, and recommends that the variance to allow a parking lot light pole height of forty (40) feet be denied.**

Part III. Reasons for the Zoning Variation Request

- 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.**

The property is a 35' tall 992,642 sf industrial building on 71 acres of land that requires updated exterior site lighting. We are proposing to install six (6) double head fixtures on 40' poles, two (2) single head fixtures on 40' poles and 35 building lights mounted at 30' above grade. Being limited to 20' tall poles will significantly increase the number of poles required which will cause unnecessary obstructions for the truck traffic on site.

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

No.

- 3. What specific requirements of the Montgomery Zoning Ordinance prevent you from establishing the proposed use or construction on your property?**

The ordinance limits light poles to a maximum height of 20' and building lights to a maximum height of 10'. We are requesting 40' poles and 30' high building lights to achieve maximum efficiency and provide the fewest obstacles for the truck traffic on site. There are existing building lights that are above the 10' limit. We are concerned that a greater number of poles could become a safety issue for the truck drivers on site.

- 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?**

The minimum reduction of the requirements noted in the Zoning Ordinance would be to allow an additional 20' of height for both the light poles and building lights.

- 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?**

Reducing the height of the light poles from 40' to 20' triples the number of poles required to provide the minimum lighting requirements for the paved area. This provides obstructions to the truck traffic on site and would limit maneuverability. It could also prove to be a safety hazard as the light poles would be more likely to be hit.

- 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.

**If not, explain why the hardship would not be regarded as self-imposed.**

The nature of the facility lends itself to semi-trailer truck traffic. The current tenant uses a majority of the south paved area for trailer parking. The installation of 24 20' light poles in that immediate area will hinder their ability to freely maneuver in the area and increase the possibility for the poles to be hit and damaged. The number of poles required is determined by the height of the pole and the minimum required lighting levels for parking lots. Allowing taller light poles will reduce the number of poles required to meet minimum light levels.

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

No.

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

The requested zoning variation could possibly be applied to other properties in Montgomery but it does not appear that there are any that are the size of our facility. It also appears that other industrial facilities in the area already have light poles taller than 20'. There is also a commercial strip mall within Montgomery limits that currently has 30' poles in place.

**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?**

The neighbors along the south and east sides of the property where the light poles would be installed are industrial in nature as the area is zoned for light and general manufacturing and would not be adversely affected by taller light poles. The intent of the ordinance is to promote a pedestrian scale lighting system but there is no aspect of our site or the immediate area that lends itself to pedestrian activity. The taller poles shouldn't look out of place or proportion given the size of the parking area and nature of the neighboring businesses.