



## **VILLAGE OF MONTGOMERY**

### ***Zoning Board of Appeals Meeting Agenda***

***April 6, 2017 7:00 P.M.***

***Village Hall Board Room***

***200 N. River Street, Montgomery, IL 60538***

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- I. Call to Order
- II. Roll Call
- III. Approval of Minutes from March 2, 2017
- IV. New Business
  - a. ZBA 2017-004 V Public Hearing and Consideration of a Sign Variance Located at 1149 S Lake Street – Coffman Truck Sales, Inc.
- V. Other Business
- VI. Adjournment





**properties in the M-2 General Manufacturing District utilize heavy equipment and storage in their operations.**

**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 their belief that the property would be unusable for outdoor panel storage if it is paved.***

**Staff believes that the storage area would have a positive financial effect the Petitioner.**

**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 granting the variance will not cause detriment to other properties in the neighborhood.***

**Staff believes that the variation should not cause detriment or injury as long as dust mitigation practices are strictly adhered to.**

**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 as measures will be taken to control dust.***

**Staff believes that the variation has potential impacts to the neighborhood as there is the potential for dust to be generated and distributed off site. However, Village staff and the Petitioner have worked together regarding dust control measures and staff believes that the measures will decrease the likelihood of dust being distributed off site.**

Kathleen West with Dommermuth, Brestal, Cobine & West, Ltd. representing ATMI Precast requested that the Zoning Board of Appeals to include all the referencing Petitioner testimony from the Plan Commission public hearing.

The Petitioner provided and read through their own findings of fact in response to the staff 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:

***The Petitioner proposes to utilize an alternative surface over most of the property for the following reasons:***

- *The storage of concrete panels and the use of the required equipment and crane quickly degrades concrete pavement.*
- *The storage of concrete panels requires a flat surface which can be achieved through the alternative surface. For drainage purposes, concrete pavement would need to be pitched.*
- *The use of an alternative surface allows for more efficient stormwater drainage in that stormwater drains through the alternative surface.*

*If the required 250 foot setback were maintained, approximately 52% of the usable area of the site would need to be paved in concrete. This would require the augmentation of the concrete pavement, the redesign of the stormwater management system, and an increase in the size and capacity of the stormwater management facility resulting in less concrete panel storage area. Those modifications would increase the cost of the proposed redevelopment of the site by approximately \$1,000,000.00. This additional cost would seriously impact the economic viability of the property.*

2. That the plight of the owner is due to unique circumstances:

*The unique circumstance of this situation is the proposed use of the property for the storage of concrete panels. These panels are up to 60 feet in length and therefore, the Petitioner needs flexibility in laying out the site in order to efficiently store these panels. Concrete panels will be stored on the entire site, thereby creating a need for an innovative solution for stormwater management. The use of the alternative surface over most of the site, including within the 250 foot setback, is a major component to the stormwater management system.*

3. That the variation, if granted, will not alter the essential character of the locality:

*This area of the Montgomery community is a heavily industrial area. Various surfaces are used and various setbacks are maintained in this area. The Petitioner is proposing screening and landscaping along Lake Street. Due to the existing conditions of the area and the addition of screening and landscaping, the requested variation to reduce the alternative surface setback will not alter 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 physical configuration of the property creates a hardship. The property is triangular in shape. The north lot is deep, but the south two lots are much shallower. Also, the concrete panels are up to 60 feet in length. These conditions make the site more difficult to design. If the alternative surface setback were applied to this property, approximately 52% of the property could not use the alternative surface, thereby tremendously reducing the functionality and usability of the property.*

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 is proposing to utilize the property for concrete panel storage. The storage of this material requires a flat surface. The use of the alternative surface provides a flatter surface than concrete pavement which needs to be pitched. Further, the alternative surface is a component of the stormwater management system. These conditions are not necessarily applicable to other properties zoned M-2.*

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 is expanding its product line and needs additional storage capacity for this product. Because of its proximity to the Petitioner's plant, the Petitioner determined that this property would be an ideal site for the storage of this new product. This property is important to the Petitioner for the growth of its business. However, if the alternative surface setback is strictly enforced, the cost to develop the site would increase significantly, which may negatively impact the Petitioner's ability to develop the property from an economic perspective. The requested variation of the alternative surface setback is not based exclusively upon a desire to make more money out of the property, but rather based upon the site conditions, stormwater management considerations, site operation concerns, and product characteristics (ie. 60 foot length).*

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:

*This property is located in a mixed use area containing heavy industrial, commercial and storage uses. These properties have varying surface materials and setbacks. Further, the Petitioner, working with the Village's engineering consultant, has refined the alternative surface material so as to maximize dust mitigation. It should be noted that the residential area is located on the other side of the railroad embankment. Therefore, the requested variation will not be detrimental to the public welfare or unduly injurious to other properties or improvements in the neighborhood.*

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 proposes to utilize the property for the outdoor storage of concrete panels. They will be stacked to a maximum height of 18'4". The Petitioner will implement dust control measures, if necessary, and based on the input and recommendations of the Village's engineering consultant, has refined the design of the alternative surface material so as to maximize dust control. Therefore, the requested variation to the alternative surface setback 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.*

Chairman Hammond opened the public hearing. No other comment and the public and the hearing was closed.

Mike May P.E., with Cemcon Ltd., Civil Engineer for ATMI Precast answered questions regarding the stormwater management and type of stone being used. ATMI Precast will be using a portion of the storage yard for stormwater management in addition to a naturalized detention facility in the rear.

Commissioner Francis asked if there has been any talk or thought about making the driveway concrete which would then put the setback at one-hundred (100) feet rather than twenty-five (25) feet.

Mike May pointed out that both entrances will be made out of concrete to the one-hundred (100) feet setback. They will install an approximate seventy-five (75) by seventy-five (75) foot concrete apron to the north entrance and will expand the existing concrete surface to the south entrance. The entire frontage will be curbed and contained which will allow the stone to be fully locked in tight.

Commissioner Distajo questioned if the concrete driveway reduces the amount of run off on the streets.

Mr. May replied the run off on Route 31 should be greatly reduced by using the alternative washed stone which does not create dust.

Commissioner McNeal-James asked Village Engineer Paulson to explain the advantages for allowing the variance so close to the street.

Engineer Paulson clarified they are trying to mitigate the concerns by allowing the type of alternative material installed for dust control. In addition the stormwater system will be filtering through the stone and the underdrain to move to the basin which will help with maintaining the dust free surface. Paulson believes the setback distance off the road and with the materials proposed adequately addresses dust concern.

Commissioner Distajo asked what type of material will be used for the circulation isle.

Mr. May responded that the material for the circulation isle will be a CA7 washed stone.

Commissioner Hammond questioned how often they anticipate having to regrade the storage yard and the driveway.

Mr. May replied that it would be determined as they evaluate the type of soils and how well they will be able to reinforce some of the soils with geogrid. ATMI Precast will want to minimize the amount of maintenance as much as possible.

Commissioner Yakaitis asked if the Petitioner would entertain creating the circulation isle out of concrete.

Mike May replied they would have to entertain the thought.

Commissioner Hammond asked what the distance is between the two driveways.

Civil Engineer May replied approximately three-hundred (300) feet.

Commissioner Distajo inquired if staff would consider compromising between the twenty-five (25) and two-hundred and fifty (250) foot setback.

Chipman answered that the Plan Commissioners have the discretion.

Commissioner Yakaitis indicated his request for the circular isle to be constructed out of concrete.

**Recommendation:**

**It is staff's opinion that this use is unique to the Village and that the granting of this variance will not alter the character of the area and should therefore be granted.**



Village of Montgomery  
APPLICATION FOR ZONING VARIATION

Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

PART I. Applicant Information

APPLICANT (Please Print or Type)

Name: Maek Coffman - Coffman Truck Sales, Inc.  
Address: 1149 S. Lake St. Aurora, IL 60507  
Email: jackhecoffmantrucks.com  
Phone: (630) 892-7093 Fax: (630) 892-1080

CONTACT PERSON (If different from Applicant)

Name: Jack Hienten - Coffman Truck Sales, Inc.  
Address: 1149 S. Lake St Aurora, IL 60507  
Email: jackhecoffmantrucks.com  
Phone: (630) 892-7093 Fax: (630) 892-1080

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: 1149 S. Lake St.

PARCEL INDEX NUMBER(S): 1529401056

LEGAL DESCRIPTION: Part SE 1/4 Sec 29-38-B Lot Dimensions:  
Approx 11.43 Acres, Approx Lot Sq. Ft. 497,891

Subdivision: Part SE 1/4 Sec. 29-38-B Range Code: 001

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: \_\_\_\_\_

### 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)

We are requesting an installation of a new pylon sign as a replacement of the current Valvo sign at the same location and identical square footage of sign face. This new sign is being dictated by Valvo Trucks since they are changing identification.

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

The zoning ordinance does not allow us to replace the entire sign since the current sign was part of a "grandfather" ordinance. We do not want to hide the new sign at a 8 ft. height as the current ordinance allows.

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?

We are requesting a replacement sign at the same height and square footage of the current sign on the same property and location.

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?

We cannot measure the hardship but this sign (8 ft) would change and minimize our exposure to customers on Lake St. 20ft signs or higher are the norm within the truck dealership industry.

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).

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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?

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?

This request will be in harmony with ~~other~~ the  
Neighborhood since we are requesting an almost an  
identical sign in place of the current sign. The  
current sign has been on our property since 1988,

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.

Jack Bantz  
Applicant's Signature

3/1/17  
Date

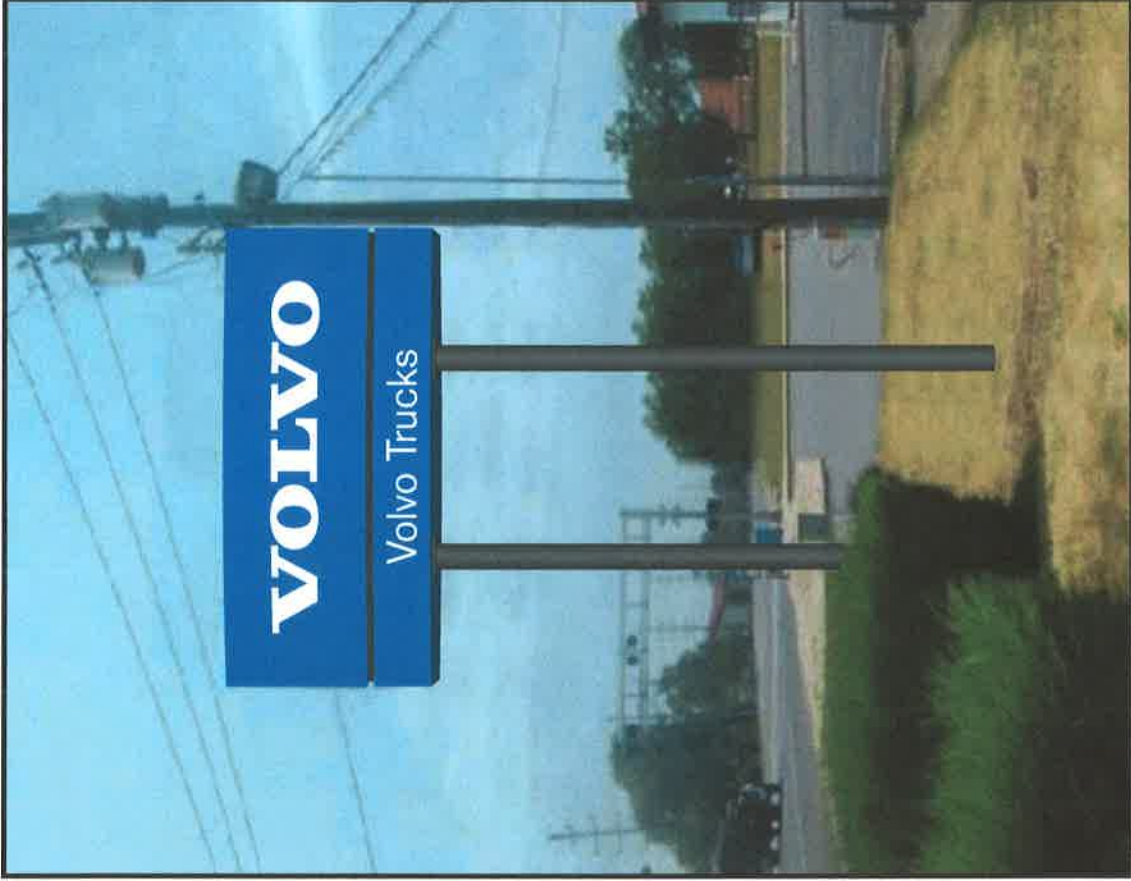
**Legal Description for the property commonly known as 1149 S. Lake St. Aurora 60507**

Part SE ¼ sec 29-38-8 Lot Dimensions approx. 11.43 acres , approx. lot sq ft 497,891

Subdivision :Part SE ¼ sec 29-38-8 Range code 001



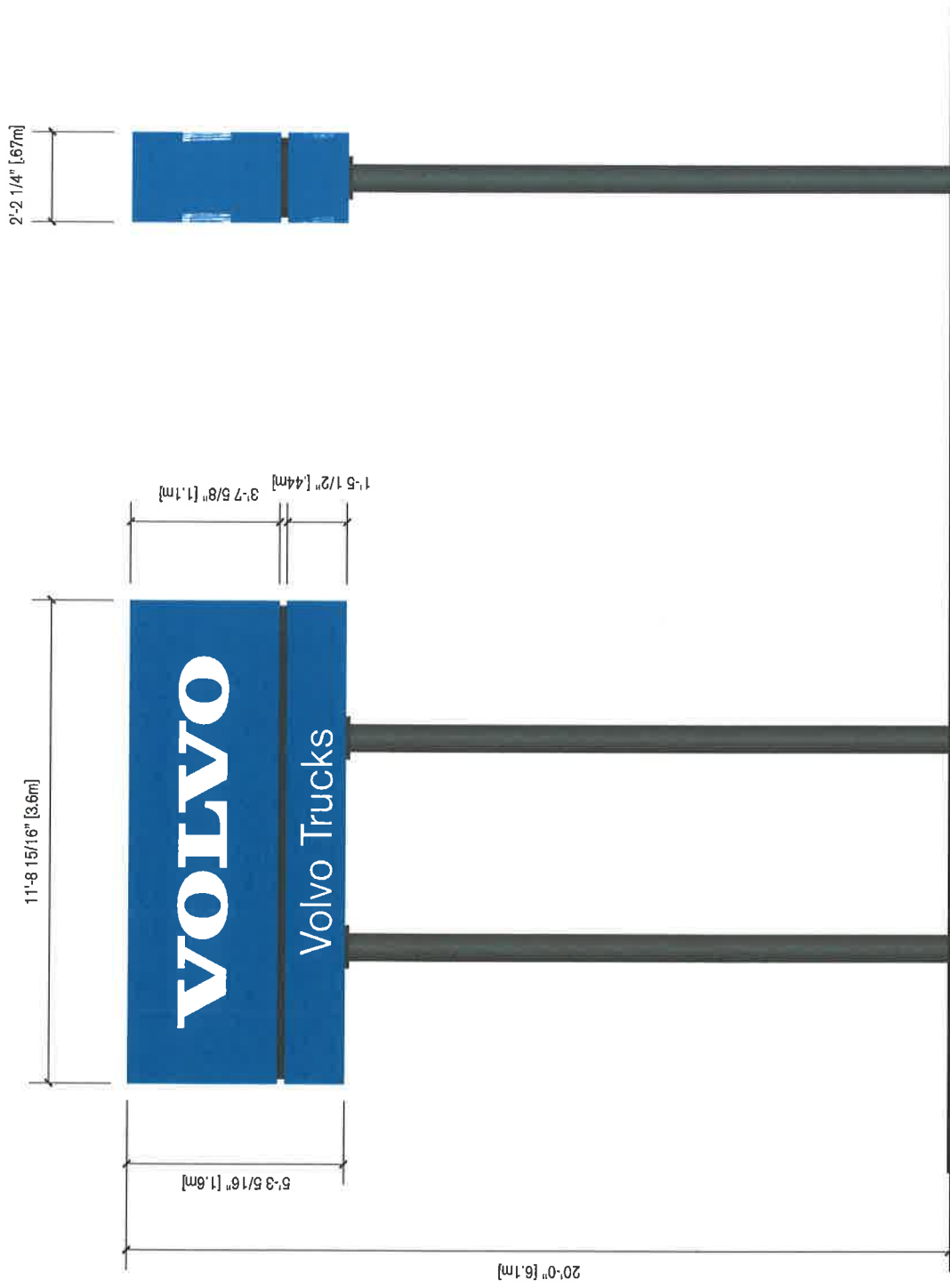
Existing Pylon



Proposed Replacement 3580+ 1 Pylon @ 20ft OAH



PROPOSED



Elevation - 3580+1 Pylon

End View



3580+1 Pylon  
scale: 1/4" = 1'-0"