

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
August 13, 2008**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:35 p.m.

Trustees present: Greene, Read, Daniels. Trustees absent: DiCola, Humphreys. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of July 23, 2008. It was moved by Greene and seconded by Read **THAT THE MINUTES OF THE REGULAR MEETING OF JULY 23, 2008 BE APPROVED AS AMENDED.** Ayes: Greene, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

Trustee DiCola arrived at 7:39 p.m.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Read and seconded by Greene **TO APPROVE PAYMENT OF OPERATING INVOICES FOR AUGUST 13, 2008 TOTALING \$95,206.11 AND ACKNOWLEDGE PAYROLLS FOR JULY 2008 TOTALING \$159,190.37.** Ayes: DiCola, Greene, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

– Board action to accept a proposal for replacing carpeting

Proposals for carpeting were opened and read on Friday, Aug. 8, at 1:00 PM. A summary of the bids was included in the Board packet. The bids were submitted in several parts. Part 1 was the primary project, including the north and south lobbies, art gallery, and main stairs. Part 2 included three add-ons, the Circulation workroom and offices, the north lobby stairs, and the Meeting Room. The RFP requested two bids for each part, one for doing the work during normal business hours and one for doing all the work when the library is closed.

Carlson was pleased to report that the low bid was submitted by GCI Floors, the firm that spent some time working with her and the carpet committee. The library's budget for the project was

\$70,000, and the bid for the total project, including add-ons, came in well below the budget at \$57,458.00.

Carlson verified that GCI has done a number of projects the size of this project, including projects for the Indian Prairie Library, where she received a recommendation from the library's director, Jamie Bukovac. Indian Prairie will be using GCI for additional carpeting projects in the future.

It was moved by DiCola and seconded by Greene **TO APPROVE THE PROPOSAL FROM GCI CONTRACT FLOORS, AND APPROVE A BUDGET FOR THE BID AMOUNT PLUS A 10% CONTINGENCY, FOR A TOTAL OF \$63,203.80.** Ayes: DiCola, Greene, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

The Board packet contained revenue and expenditure statements for July 2008. The total revenue and expenditures are pretty much where they should be; although revenue from fines and non-resident fees are lower than expected. Bowen suspects that the drop in non-resident card purchases is a factor of a slowing economy. The drop in revenue from fines is another story. More and more patrons are choosing email notification for library notices, and that includes the courtesy notices that the material they have checked out is due in a few days. These notices are helping patrons return their materials on time. The other factor is E-commerce, the ability for patrons to pay library fines by credit card online that was implemented on SWAN last fall. These payments go into an MLS account and each library receives a credit memo for fines that are paid by E-commerce. Downers Grove received the second quarter credit memo for E-commerce a week ago, and found that Downers Grove patrons had paid \$2,786.35 by E-commerce. This will be applied to the payment of the \$14,804.74 quarterly SWAN fees that were approved in this meeting's invoices. The first quarter E-commerce credit was \$2,017. So for the first half of this fiscal year the library received \$4,800 in credits that would have appeared as revenue from fines, if the library had collected it directly. If this trend continues, the library will need to lower projections for revenue from fines and lower expenditures for SWAN by the same amount. SWAN fees are over \$50,000 per year, so there is room for a lot of fines to be paid by E-commerce.

While the library does have credit memos fairly often, they are usually for small amounts. Since the library will regularly have larger credits from MLS due to E-commerce, Bowen wanted to explain what happens with a credit memo in the finance system. At this meeting, the Board approved payment of two invoices for the MLS Computer Fund for \$14,804.74. One invoice was \$229 for postage for overdue notices printed by SWAN and the second was for \$14,575.75 for the second quarter's SWAN fees. When these invoices were entered into the finance system, the library also entered a credit memo from MLS-SWAN for E-commerce activity for \$2,786.35 and coded it so that it would be applied toward payment of the \$14,575.75 invoice for SWAN fees. When the checks are printed, the MLS Computer Fund check will actually be for \$12,018.39 -- the total of the invoices less the amount of the credit memo. There is a credit memo report that shows all credit memos applied to the invoices. The list of credit memos will be included with the list of invoices in future Board packets.

Bowen also reported that the Village finance system has now been set up to allow for electronic payment of bills. The library will be sending the application form to all of its regular vendors. The library will receive a report of electronic payments just as it receives a report of payments by check, so it will be easy for staff to verify that invoices have been paid.

The Junior Room held a small reception with staff and former staff for Sara Pemberton, Coordinator of Children's Services, to celebrate her anniversary of 30 years as a librarian at Downers Grove.

Following the last Board meeting, Carlson emailed to the Board more exact numbers for the expenditures and potential income for the library's Garden Walk expansion. She repeated the numbers for the record:

- Total expenditures for the Garden Walk were \$24,037
- Estimated number of bricks installed is 2420
- Estimated income from inscribed brick could be \$121,000

As of this Board meeting, 76 bricks have been ordered--15 large bricks at \$250 each and 61 small bricks at \$100 each, bringing the total to \$9,850.00 in donations to the library foundation.

The Board packet contained the June statistics, and circulation, reference questions, gate count, and library program attendance were all up. Although all the July statistics are not yet compiled, we know that the library had a record-breaking circulation of over 98,000 items checked out in July. The library's previous record month was 94,000 in July 2002. This will be highlighted on the library's website and newsletters.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

Trustee DiCola extended the Board's congratulations to Sara Pemberton, Children's Services Coordinator, for her 30 years of service with the library.

Trustee Greene asked if the Village can reclassify funds coming in a different revenue line. Bowen will ask.

President Daniels asked for a monthly statistical report comparing circulation and fines going back a year to see if there is any correlation of declines in circulation last year with declines in fines.

Trustee Read reported that the MLS revised by-laws are available for comment by the membership.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:06 p.m.

Approved August 13, 2008

PARKING & TRAFFIC COMMISSION

Minutes of Public Hearing

December 12, 2007

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove

Chairman Johnson called the December 12, 2007 meeting of the Parking and Traffic Commission to order at 7:00 p.m. Roll call followed and a quorum was established.

ROLL CALL:

Present: Chairman Johnson, Commissioners Stapleton, Thurston, Wendt

Absent: Commissioners Carlquist, Kren, Yeksigian

Staff Present: Interim Public Works Dir. Robin Weaver; Asst. Public Works Dir. Mike Millette; Traffic Manager Dorin Fera; Staff Engineer Lou Dominguez; Sgt. Ed Harrison; and Recording Secretary Megan Dugard

Visitors: Mr. Bill Wrobel, 7800 Queens Court, Downers Grove, Illinois

Chairman Johnson informed the commissioners and the public the meeting was being recorded on Village owned equipment to aid in the preparation of the meeting minutes.

APPROVAL OF THE NOVEMBER 14, 2007 MINUTES

COMMISSIONER THURSTON MADE A MOTION TO APPROVE THE NOVEMBER 14, 2007 MINUTES, SECONDED BY COMMISSIONER WENDT. MOTION CARRIED BY VOICE VOTE OF 4-0.

PUBLIC COMMENTS - None

File 29-07 Parking Deck Signing Enhancement - Mr. Fera explained a request came in from the Downtown Management Office as well as other businesses to review the Parking Deck signage on every level for better clarification. In addition, the concurrent signage for Lot R (overnight parking) and 4-Hour parking has been revised, such that the Lot R signage has been removed, but all Lot R permit holders have been sent a map and letter clearly delineating where they can park overnight. In this way, daily shopper parking is emphasized.

Chairman Johnson stated for the record, that the parking deck was to be periodically reviewed and changed as necessary for downtown shoppers and downtown employees, with the understanding to add or remove commuter parkers. He also understood the village had commitments with Metra to provide a certain number of parking spaces in lieu of allowing the village to use Metra's property for other uses.

Dir. Weaver confirmed with **Mr. Wendt** that staff could review the matter annually and return with recommendations if necessary. **Chairman Johnson** agreed some form of review would be appropriate.

Mr. Fera explained that in regards to Lot R, staff is requesting minor wording changes in the ordinance to allow it to exist without signage and to consolidate some parking for employees and to aid shoppers. He also provided a status on the usage of Level 5 (top level) in the Parking Deck which is monitored regularly. He estimates that 30 to 50 spaces on Level 5 are vacant at any given time and are sometimes used as overflow construction parking and downtown businesses during maintenance/re-construction work. **Mr. Fera** confirmed with

Chairman Johnson that the village was overselling permits, i.e., 100 parking spaces existed and approximately 105 parking permits were sold during the 3rd quarter.

Chairman Johnson discussed the history of how Lot R came into existence. **Mr. Fera** believed that with the completion of the Acadia On The Green project, more spaces in Lot R will be sought by Acadia residents who may have additional vehicles to park.

MR. WENDT MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL THAT VILLAGE STAFF UPGRADE THE SIGNAGE IN THE PARKING GARAGE AND UPGRADE SECTION 14.85 (10) TEXT FOR LOT R, BY REMOVING THE WORDS "BY PROPER SIGNAGE" IN THE VILLAGE ORDINANCE.

SECONDED BY MR. THURSTON.

ROLL CALL:

AYE: MR. WENDT, MR. THURSTON, MR. STAPLETON, CHAIRMAN JOHNSON

NAY: NONE

MOTION CARRIED. VOTE: 4-0

Mr. Fera introduced Mr. Robert Roenke, with Access Parking Systems, who presented a brief demonstration of the next generation of parking revenue units. Many technological features and operational benefits were discussed, including credit card and dial-by-phone payment options, and web-site management techniques. Commissioners were able to dialogue with Mr. Roenke and check out a parking revenue model, which Mr. Roenke set up for this meeting.

COMMUNICATIONS

The following communications were referenced: a letter dated November 1, 2007 sent from the Village to Mr. Charles Tokarski, DuPage Dept. of Transportation; a letter dated November 20, 2007 sent from the Village to Ms. Jennifer Hildreth; and a letter dated November 27, 2007 sent from the Village to Mr. Alex Stojanovic.

Mr. Millette reported the Public Works staff installed signs for the Police Department. These signs were purchased with assistance from an IDOT grant, to remind drivers not to cross railroad tracks while the gates are still moving. Details followed on those signs that were already installed.

Regarding the installation of a four-way stop at Washington and Lincoln, the Chairman questioned the need for the control. **Mr. Millette** indicated that if the same issue was recently addressed, staff could reply to the resident quickly rather than repeat the investigative process again.

OLD BUSINESS

Mr. Millette raised discussion that this meeting was probably the last Parking and Traffic Commission's meeting and that the final vote would take place at the Village Council's meeting next week. A new Transportation and Parking Commission would be formed. Members of this commission were encouraged to apply for appointment. Appointments were expected to be

held in January, 2008 with the first official meeting to be held the second Wednesday in February, 2008.

Mr. Bill Wrobel, 7800 Queens Court, Downers Grove, provided a summary of the Village Council's discussion last night about combining this commission with the Transportation Commission. On another matter, **Mr. Wrobel** raised discussion about Lacey Road and his conversation with EDC Director Greg Bedalov about a newspaper article discussing traffic issues in Burr Ridge. (Mr. Wrobel distributed each of the commissioners a copy of November 22, 2007 news article.) He specifically pointed out that the State of Illinois could be a partner in addressing the village's traffic issues on Lacey Road.

Dir. Weaver indicated that the Village Board did approve a 2008 budget with \$100,000 towards traffic calming measures.

Sgt. Harrison announced that as of January 6, 2008, the Traffic Unit Division will be expanding to four traffic officers, three dedicated for radar enforcement and one stand-alone truck officer. Details followed. The department is also looking into a new IDOT speed grant to pay overtime to officers to run radar in problem areas of town.

ADJOURN

MR. WENDT MOVED TO ADJOURN THE MEETING. MR. STAPLETON SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:20 P.M.

Respectfully submitted,

Celeste Weilandt,
Recording Secretary

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
MINUTES OF JUNE 25, 2008 MEETING**

Call to Order

Chairman White called the meeting to order at 7:33 PM.

Chairman White announced that Petition ZBA-08-08 for property known as 5532 Main Street has been removed from the Zoning Board of Appeals agenda this evening and will be heard by the Plan Commission on July 7, 2008.

Roll call

Present: Mr. Benes, Mr. Domijan, Ms. Earl, Ms. Majauskas, Ch. White
Absent: Mr. LaMantia, Mr. Stanton

A quorum was established.

Staff: Jeff O'Brien, Damir Latinovic, Stan Popovich

Minutes of May 28, 2008

Mr. Domijan moved to approve the minutes of the May 28, 2008 Zoning Board of Appeals meeting as presented. Ms. Earl seconded the Motion.

AYES: Mr. Domijan, Ms. Earl, Mr. Benes, Ms. Majauskas, Ch. White

NAYS: None

The Motion passed unanimously.

Meeting Procedures

Chairman White noted there were four items to be heard on the Agenda. He then reviewed the procedures to be followed during the public hearings, and called upon anyone intending to speak in any of the petitions before the Board to rise and be sworn in. Chairman White explained that there are seven members on the Zoning Board of Appeals (two being absent today), and for a requested variation to be approved, there must be a majority of four votes in favor of approval. He then called upon the Petitioner to make its presentation in the first petition.

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ZBA-07-08 A petition seeking a fence variation for property located at 1330 Maple Avenue, Downers Grove (PIN-09-07-408-020); Albert & Donna Hershkopf, Petitioners/Owners.

Petitioner's Presentation:

Ms. Donna Hershkopf of 1330 Maple Avenue is a life-long resident of Downers Grove and has lived at this address for 19-1/2 years. When they moved into the home, there was a fence in the back, and over the past twenty years, many cars have gone through the fence and the owners wish to replace the existing four-foot fence with a new six- foot or eight- foot fence; however, there is a complication because the Maple Avenue side is considered the front of her home. In reality, it is the rear of her home. There is no access to her home from Maple Avenue. The front of the house and the driveway is on Lindenwald Lane. She is petitioning for a six-foot fence, but prefers an eight-foot fence. She explained how someone could look over the existing fence into her home and also into the home of her neighbor due to the high grade where the sidewalk is located. Mrs. Hershkopf said there is also a safety issue because if someone fell from the sidewalk into her back yard, it would be a twenty-foot fall. Because of the major drop, the fence sits about 6 inches away from the sidewalk.

Ms. Majauskas asked if they have thought of putting bushes and trees there. Mrs. Hershkopf said they have had bushes and trees, but because they are in the woods they do not get a lot of sun and was ever has been planted dies. In addition, people coming from the south side of the street, if traveling too fast, crash through the fence. She said the fence is a better barrier than the trees. She cannot sit at her kitchen table and have privacy because of the fence location and the four-foot height. Her plan is to install a full, flat cedar fence with metal spokes into the ground to prevent rotting.

Ms. Earl asked if the existing four-foot fence is solid, and Mrs. Hershkopf said it is.

Mr. Benes asked how far down her house is from the sidewalk. Mrs. Hershkopf said it is about 20 feet from the sidewalk to her house going straight down. Mr. Benes did not understand how people could look into her home. Mrs. Hershkopf explained her property functions as a corner lot, but it actually is not as Lindenwald Lane is not a public street adjacent to her property, but is a private driveway. The Village provides no snow removal service there, so it functions as a private driveway. Also the sidewalk is much higher than the house, and the four-foot fence does not provide any screening. Mr. Benes said he believes people could not look through her house, but they can look at the windows.

There being no further questions, Chairman White called for Staff's presentation.

Staff Presentation:

Mr. Jeff O'Brien said the property location is generally at the corner of Maple and Dunham, accessing at the private drive called Lindenwald Lane. He showed the location of the property and the existing fence. There is a four-foot solid fence along Maple. When you are on the sidewalk, there is a clear view into the applicant's home. Although Maple Avenue is technically a front yard, it is acting as the rear of the house. He noted a severe grade change from the south to the north. The homes on the south side of Maple Avenue are at an elevation of approximately

750-752 feet, with actual street elevation of 740 feet. The elevation at the front door of the subject home is about 734 feet, which is about a 16 foot change in grade, creating a difficulty in providing adequate privacy in the rear of the property.

Mr. O'Brien said staff believes there are several unique circumstances here, such as the home fronting on a private driveway, and backing to a minor arterial street. If this were a through lot, a six-foot fence would be permitted. Since it is a private drive coming together with Maple Avenue, it functions as a corner lot, which limits it to a four-foot, open design fence. In response to Chairman White, Mr. O'Brien explained without the intersection of Maple Avenue and Lindenwald Lane, this would be considered a through lot, and a six-foot solid fence would be allowed. In light of the unique circumstances, staff recommends approval of the requested variance, and they have no problem with either a six-foot or an eight-foot solid fence.

Ms. Majauskas asked why the grade change is an important consideration. Mr. O'Brien said it makes a difference in this case because the fence does not provide any privacy. You can see through the second floor of the home from the sidewalk due to that elevation and the grade change. The back yard is on a minor arterial street as well, which prevents any privacy for the back yard area.

Chairman White noted the grade change is only one factor that contributes to the uniqueness of the situation and inquired about the other unique conditions. Mr. O'Brien said that was correct. He specified the three unique conditions: 1) the slope down from the street level to the house; 2) the fact that the construction of the house puts the rear onto Maple Avenue which automatically prevents much privacy in the house's back yard; and 3) the lot is accessed off of a private drive which makes it a corner lot versus a through lot.

Ms. Earl expressed concern with visibility for traffic exiting Lindenwald Lane onto Maple Avenue if an eight-foot fence were to be installed. Mrs. Hershkopf said that when she moved into the home 19 years ago, her neighbor showed her that the fence at that time was right next to the sidewalk, making visibility for traffic difficult. He asked that the fence be set back about three feet at one location to improve visibility which is what it is now. That setback will remain the same. She uses Lindenwald Lane every day and will maintain that setback for traffic visibility. She noted they have Avery Coonley to their right, which adds to the need for safety in exiting the street. Mr. O'Brien using an overhead showed that a taller fence would not affect visibility.

Mr. Benes asked if in staff's opinion whether every corner lot has the same visibility and privacy problem as the petitioner is stating. Mr. O'Brien responded that every corner lot has less privacy than an interior lot, and the subject lot has inherently even less privacy. One of the key factors in this situation is the grade change, and the fact that the house backs onto the street. Mr. Benes said he agrees; however, a corner lot also backs onto a side street. The subject house has two front yards theoretically. He does not feel the privacy issue is an excuse for this fence. Everyone who has a corner lot will want an eight-foot fence for their privacy, which is unreasonable. He understands the reasons for the fence on the basis of the elevation.

Ms. Majauskas asked about the sign on Maple Avenue referring to "historic district," saying that Downers Grove obviously thinks this is a historically significant street. She asked about blocking off a portion of this historic street with an eight-foot fence, which makes no sense to

her. She asked how Staff views an eight-foot fence, closed and cedar, in terms of the historic district. Mr. O'Brien responded the variation standards do not allow for considering the aesthetics of a particular request. Secondly, the street is being recognized as an honorary historic area of Downers Grove, but he does not believe that a wood fence will necessarily disrupt the overall flow of the street. He thinks that part of the consideration has to be that the resident obtains full use and enjoyment of their property. The Village has to weigh the rights of individual citizens as well as the community as a whole.

Chairman White called for anyone in the audience wishing to speak in favor or in opposition to the petition. There were none. He gave the petitioner an opportunity for closing comment.

Mrs. Hershkopf summarized saying the Board is forgetting that the existing fence looks deplorable. A new fence would improve the area. She has repaired the existing fence four times. Bushes do not work. They die from lack of sun in the woods, and from the road salt. She pointed out she is not on a corner to a street, but another driveway. Mrs. Hershkopf said she understood that she can go back and put in another four-foot fence without a variance. She wants to make it look better as she has spent a lot of money on her home to add to the community.

There being no further public comment or Board discussion, Chairman White closed the public participation portion of the hearing.

Board's Deliberation:

Mr. Benes said he could agree to a six-foot fence, but not an eight-foot fence.

Ms. Majauskas said the problem she has with this case is that the petitioner has not tried any other method beside the fence. She does not think the owner has made an effort to try the bushes instead of the fence, and work within the Downers Grove Ordinance.

Chairman White said what he finds significant is that if there were another lot between her and Lindenwald Lane this request would be legal, and she could build the fence without a variation. This is not a typical corner lot, nor is it a typical interior lot, and that is why he is more lenient in this situation.

Ms. Earl said she could agree with the six-foot closed fence, but wants it specified that it must be a wood fence, not a metal fence.

Mr. O'Brien said the plans call for a cedar fence and the structural vertical element, on the inside of the fence, will be metal.

Chairman White said he would like a condition added that Staff is reasonably comfortable that visibility for public safety is acceptable.

Mr. Benes made a motion that the Zoning Board of Appeals approve the requested variation for a six-foot solid design cedar fence along the Maple Avenue lot line in case ZBA-07-08 with following conditions:

1. **The fence shall substantially comply with the plans prepared by Fence Connection, Inc. attached to the June 25, 2008 Staff Report.**
2. **Prior to installation of the fence, the applicant shall obtain a permit.**
3. **The fence shall be constructed of wood and shall be no taller than six (6) feet. All structural elements shall be placed on the inside of the fence.**
4. **The fence shall be inspected by staff to ensure compliance with the vision clearance requirements at the intersection of Lindenwald Lane and Maple Avenue.**

Ms. Earl seconded the Motion.

AYES: Mr. Benes, Ms. Earl, Mr. Domijan, Ch. White

NAYS: Ms. Majauskas

The Motion to approve the petition passed with a 4:1 vote.

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ZBA-08-08 A petition seeking a side yard setback variation for the property located on the West side of Main Street, approximately 420 feet South of 55th Street, commonly known as 5532 Main Street, Downers Grove (PIN 09-17-101-032); James F. Russ, Jr., Attorney/Petitioner; William Haider, Owner.

Chairman White again announced that this item has been removed from the Agenda and is being sent on to the Plan Commission for their review at their July 7, 2008 meeting.

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ZBA-09-08 A petition seeking a fence variation for the property located at the Southeast corner of Newport & Cambridge Roads, commonly known as 1849 Newport Road, Downers Grove (PIN 09-19-302-101); Ernestine Bruno, Petitioner; John & Emma Chiappetta, Owners.

Petitioner’s Presentation:

Ms. Ernestine Bruno of Lemont, Illinois, said she was petitioning on behalf of her parents, John and Emma Chiappetta of 1849 Newport Road in Downers Grove. They are requesting a six-foot fence on the Cambridge Road side of their house to provide a privacy area. They have experienced vandalism on their property including a robbery. Ms. Bruno said there was existing arborvitae on the site, but they were diseased and provided no sense of privacy. The owners would like to install a matching fence to the one already existing on other parts of their property, but would like the added sense of privacy and safety with the additional fence in their front yard. They just want to feel safe.

Mr. Domijan asked why they are not proposing an open design fence. Ms. Bruno said they could put plain chain link, but they would like to install something with slats that matches what they already have on the property.

Ms. Earl asked the Staff to confirm that the chain link fence is not allowed in the front yard.

Village Planner Stan Popovich explained this is a corner lot, and the existing fence is located within what is considered the rear yard. Chain link would not be allowed from the rear line of the house to the Newport Road property line.

Ms. Majauskas asked if there is an alarm on the house, and Ms. Bruno said there was none. The perpetrators went right into the family room. Her father is an avid gardener and loves being in the yard and sometimes forgets to lock the door. The perpetrators had full access to the house. Ms. Bruno is concerned about their safety. She was unaware that they cannot put a chain link fence, but does not understand what type of fence would be appropriate.

Staff Presentation:

Mr. Popovich explained the request before the Board is for a six-foot chain link fence with slats within the front yard. He noted that there are two front yards as this is a corner lot. In this instance, because the rear of their house faces the rear of the house on another corner lot, the rear yard is considered from the rear line of their house to the south property line. A chain link fence with slats is permitted in the rear yard, but would not be permitted in the front yard as proposed. Mr. Popovich noted on the overhead that the fence would be adjacent to the existing sidewalk adjacent to their driveway. Staff finds there is no unique circumstance associated with the property. It is similar to other corner lots in the Village. Staff also finds no physical hardships with the property and believes the property can yield a reasonable return. A fence would be allowed if it is a four-foot open fence. He also referenced the 2006 robbery, based on discussions with the Police Department, it was not believed a fence would have made a difference. Mr. Popovich concluded that staff recommends denial of the request.

Mr. Benes referred to the chain link fence in the back yard and asked if it has always been allowed in the Village Ordinance. Mr. Popovich said he believes so, as there is nothing specifically disallowing it. It specifically states they are not allowed only in the front yard. In further response, Mr. Popovich said that staff would still recommend denial based on the fact that only the four-foot open design fence is allowed, and they are proposing a six-foot solid chain link fence with slats. The chain link is only one of the reasons they recommend denial. Mr. Benes asked if the Board would be able to recommend a different type of fence. He said there are numerous chain link fences in the back yards in that neighborhood.

There being no further questions, Chairman White called for anyone in the audience who wished to speak on the petition, and no one responded.

Chairman White closed the public participation portion of the hearing and called on the petitioner for the closing statement.

Ms. Bruno reiterated they would like to have the fence match the existing fence. She pointed out the primary consideration is safety, as they would not want something like this to occur again. Her parents feel if they put a six-foot high fence with the slats it will give them peace of mind, and may make someone think twice before attempting to vandalize the property again.

Ms. Majauskas said she is looking at this from the opposite point of view. Assuming someone was to jump the fence, the slats would give them more privacy than without the slats. Ms. Bruno said the slats would make it more difficult and could provide time for someone to see a perpetrator trying to break in.

Mr. Benes asked if they have considered any other kind of fence, and Ms. Bruno said they have not. She was unaware that chain link fences at that location would not be allowed.

Ms. Bruno responded to a question from Chairman White that the fence would be permanent and enclose the side garage door and the laundry room door, and she did not think a prospective buyer would be concerned by that, but would see it instead as a security point. She summarized her parents want to remain in Downers Grove and do not want to be forced to move elsewhere.

Board’s Deliberation:

Ms. Majauskas said there are other things that can be done before getting a variance. She understands the owners are elderly, and they were robbed but that also is not unique. She is surprised that there is no alarm in the house, which she believes would be the first thing to do. She sees nothing unique in this situation.

Ms. Earl said she absolutely agreed with Ms. Majauskas’ statement.

Chairman White pointed out one of the acceptable options would be four-foot open design fence with motion sensor for security. Mr. Domijan pointed out the police report indicates the perpetrators entered the house through the garage door.

Chairman White and Mr. Domijan agreed the proposed six-foot fence would probably not serve as a deterrent to another crime any more than the four-foot fence.

Ms. Earl said she could understand a four-foot open design fence that could be painted to match the back yard fence and would not look out of place.

Ms. Earl made a motion that the Zoning Board of Appeals deny the requested fence variation associated with case ZBA-09-08.

Ms. Majauskas seconded the Motion.

AYES: Ms. Earl, Ms. Majauskas, Mr. Benes, Mr. Domijan, Ch. White

NAYS: None

The Motion to deny the petition carried unanimously.

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ZBA-10-08 A petition seeking a sign variation for a wall-mounted sign for the property located on the Northeast side of Highland Parkway, approximately 700 feet North of 31st

Street, commonly known as 3025 Highland Parkway, Downers Grove (PIN 06-29-403-035); White Way Sign, Petitioner; GLL BVK Properties, 2007, LP, Owner

Petitioner's Presentation:

Petitioners Ms. Katie Conroy of White Way Sign Company, Beth King of MSA Media, and Keith Meyers, Chief Engineer for this petition, introduced themselves. Ms. Conroy reviewed the requested variance of 32 square feet for a sign. The existing sign is being removed and replaced with new signage. Going with a smaller sign (100 square feet total) would make it difficult to read the sign from I-88 due to the elevation. Thirty-two square feet makes a difference in the visibility to traffic.

Ms. King of NSA Media described the business, which is the largest single buyer of print advertising in the USA. Their clients include WalMart, Home Depot, K-Mart, etc. They have as many as twelve visitors coming in daily from O'Hare. They need a visible sign from I-88. Because they changed their name this year, the signage is even more important. They are not allowed due to lease requirements to have their name on any other portion of the building, and need the signage at 132 square feet. It is a back-lit sign and will be non-obtrusive. Ms. King said that they have been there for about ten years, and they were unaware that there was a change in the Sign Ordinance. Ms. King said that the company name is NSA Media, and not just NSA.

Mr. Benes asked how many people have missed them with the existing signage. Ms. King said that customers do see the sign now. They need to change the sign because they changed their name. She added they are reducing their square footage from the existing signage.

Ms. Conroy pointed out that they are not facing any residents, but are facing I-88. She said it was imperative that their clients are able to see them.

Ms. Majauskas said she did not understand why NSA is different or unique to any other tenant in their complex, such as Microsoft or other tenants.

Chairman White asked the staff if the Microsoft sign is currently compliant, and Mr. Damir Latinovic, Village Planner, said it was.

Ms. King said that the Microsoft sign is less than 300 square feet, and asked if that was because of the elevation of the sign. Mr. Latinovic said the existing Microsoft sign is less than 53 square feet and is along a public right-of-way. He said the total signage allowed for each tenant is based on that tenant's frontage. It is safe to assume Microsoft occupies the entire floor of the building, which means that their frontage would match the frontage of the building which ultimately allows them a total of 300 square feet. Ms. King said she thought Microsoft was at a different elevation and that was why they were allowed the larger sign.

Ms. Majauskas said this was not a question regarding Microsoft. There are other tenants in the building. Ms. Conroy said that was correct. NSA occupies two full floors in the building and over 73,000 square feet. There are other buildings in the area. She said that the other signs face the frontage road, while NSA faces I-88, which places more restrictions on them. She read the portion of the Ordinance relating to NSA's situation.

Ms. King said they believe their request is reasonable as they are reducing what they already have.

There was a question as to the Ordinance regulations for this specific property, as Mr. Benes pointed out what Ms. King said they are allowed differs from the normal Sign Ordinance as they are a Planned Development. Mr. Latinovic said this is indeed a Planned Development; however, no sign provisions are part of that. This property must comply with the Sign Ordinance just as any other property in the Village.

Ms. King asked about the hardship and whether it relates to the elevation of the sign. Mr. Latinovic responded as long as the wall sign is installed on the wall of the building it is OK. There is no elevation restriction. The Sign Ordinance allows additional signage on other frontages for this tenant. Only a one hundred square foot sign is allowed for the proposed east frontage as the building is taller than four stories.

Ms. Conroy said their company needs to be on the east side because that is where their clients are coming from. What makes NSA unique is that they are the only building facing in that direction with regard to I-88. The other buildings do not face this way. Their building is in a cul-de-sac. They cannot put their signage anywhere else due to a private covenant agreement with the building owner, while other companies can change their sign locations. Ms. Conroy said they want the additional square footage because their visibility from I-88 is important. She reiterated they are reducing their signage.

Chairman White pointed out the Village had public hearings and meetings on the changes in its Sign Ordinance, inviting the participation of businesses so they could be sure to provide the needs of the businesses. The Sign Ordinance meetings went on for more than a year.

Ms. Conroy said they are an advertising agency, and if they cannot advertise their own company it does not bode well with their potential clients.

Ms. King said having a visible sign makes it much easier for the traveler from O'Hare to find them from the highway. Ms. Conroy also pointed out they also have many clients coming in at night from the West Coast and they need to be able to see where NSA's building is located. She said there is an existing monument sign on Highland Parkway.

Staff Presentation:

Mr. Latinovic described the location of the property saying it is part of the Highland Landmark Planned Development. The total frontage of the business matches the frontage of the building which is approximately 454 feet along the west and north sides of the building. The petitioner has a 180 square foot illuminated sign on the east side of the building, which is existing nonconforming, and is requesting a variation to install a 132 square foot sign to replace the existing sign. The Sign Ordinance allows one wall sign along the west façade and one wall sign along the north façade for this tenant for a total of 300 square feet. It also allows one additional 100 square foot sign on up to three sides of the building as the building is over four stories high. One of these can be utilized on the east side of the building for one single tenant such as NSA Media. The petitioner is proposing a 132-square foot sign on the east side of the building which

exceeds the maximum allowed for this side by 32 square feet. The property abuts the I-88 Tollway and that allows one additional monument sign along I-88 which currently does not exist.

In response to Mr. Benes' question regarding how many monument signs this property is allowed, Mr. O'Brien clarified the petitioner can have one monument sign ten feet tall and 36 square feet on Highland Parkway. Because the property is adjacent to the Tollway, there is an additional allowance for properties with at least 100 feet of frontage along I-88 for another monument sign along the Tollway, twenty feet tall and 220 square feet, similar to some of the car dealerships. He referenced the monument sign section in the Ordinance in response to Mr. Benes' inquiry.

Mr. Latinovic said staff believes there is no physical hardship or practical difficulty preventing the petitioner from meeting the Sign Ordinance requirements. He reviewed staff's analysis in their report dated June 25, 2008, saying Staff recommends denial of the request as stated in its report.

Ms. Majauskas asked if the elevation is a Village issue, or whether it is a leasehold issue for the specific building. Mr. Latinovic said the Village Code does not have restrictions in terms of the height of the lettering as long as the sign is placed on the façade wall of the building.

Ms. Earl asked then if the proposed sign could be moved to the edge of the east wall for better exposure. Ms. Conroy explained because of the private covenant and some building restrictions not to cover existing windows; the proposed sign has to be located where the existing one is.

Mr. Latinovic said most office park developments often have their own sign codes. The Village's Sign Ordinance allows for additional signage (such as up to three additional 100-square foot signs for buildings over four stories high) which can be placed on walls that do not front on public roads.

Chairman White asked whether a large address sign could be placed on the building, and Mr. Latinovic said Staff would have to review that as such a proposal has not been presented to the Village, and the Sign Ordinance is not specific regarding address numbers.

There being no further comments, Chairman White called upon anyone from the public who wished to comment on the petition. As there were none, Chairman White called on the petitioner to make a closing statement.

Ms. Conroy said they have a small monument sign for the building with five other tenants. The possible monument sign on the I-88 sign would be parallel and not facing I-88. In addition, she said they thought a monument sign would be less attractive and obtrusive. She said Mr. Meyers also said that building owners are against the additional monument sign.

Chairman White explained to the petitioner that the Village Council's recent directed review of the Sign Ordinance over a multi-year process, included the Chamber of Commerce, as well as all businesses in the area to determine what the specific needs would be before establishing the requirements in the new Sign Ordinance. It is difficult to ignore those changes.

Ms. Conroy responded she understands the concern of the Board, but NSA is a special case.

Chairman White recommended that the petitioner speak with the Economic Development Corporation to determine whether they would be open to the possibility of discussing potential revisions to the Sign Ordinance based on evidence presented to it. He indicated there are no guarantees this would occur, but pointed out that in the case before the Zoning Board of Appeals it is difficult for them to find exceptions to a Code, which was so recently revised. However, he has sympathies for the business issues.

Ms. Conroy said there is no other building in the Village that faces I-88 the way theirs does. She believes they are an exception in facing I-88, they have a business need that must be met, they have 300 employees and over 73,000 square feet and they need to be visible to their client.

Ms. Earl asked if this location can be slid further north on the building where it juts out. Ms. King said it sets back as the building is a step pattern. They discussed the potential placement of signage viewing the building plan. Ms. Earl said they could move it one window-bank over, but Ms. Conroy and Ms. King did not think that was feasible. Ms. Conroy said even if they put it further north on the building wall, they would still need the 132 square feet for the visibility. She pointed out most drivers do not follow the speed limit of 55 mph.

There being no further public comment or Board discussion, Chairman White closed the public participation portion of the hearing.

Board's Deliberation:

Mr. Domijan said this appears to be a condition that was not planned in revisions of the Sign Ordinance. They could be putting the sign in front if they had sufficient space.

Ms. Earl asked when the Ordinance was drafted was the intent indeed for one sign per side, and Mr. Benes said it is one per side.

Ms. Majauskas said that is not the question. They petitioner is requesting a larger than permitted 100-sqaure foot sign.

Mr. Domijan said one of the problems is uncharted territory of what exists between the landlord and tenant in regard to signage space. Ms. Majauskas that is between the owner and the tenant and has nothing to do with the Village.

Ms. Majauskas said what is ironic is that when it was Newspaper Services of America, per the photograph, even though the sign was bigger, it was much more difficult to read than it would be now with a smaller sign. Mr. Benes disagreed.

Chairman White said he has sympathy for the business however, the Ordinance is clear. The Board does not have the authority to change the Ordinance, and he does not see where they have a basis for the variation. Mr. Benes said changing the Ordinance was to improve signage information for the public all over the community. Chairman White said it is true that the building is unique however, that same uniqueness is also an advantage of better exposure for their sign.

Mr. Benes asked about the portico roof they are planning to install, and Mr. O'Connor said he is interested in the open trellis style of the Craftsman homes. They intend to have flowers growing up the pergola and they have no intention of roofing in that area. Enclosing the area would be detrimental to the style of the house they are hoping to achieve.

Mr. Benes asked if the front stoop would be in-line with the proposed terrace. Mr. O'Connor replied by saying that it would, and used the elevation drawings to better explain the plan. Mr. O'Connor said he has spoken with his neighbors, some of whom are present, and to his knowledge none of them are opposed.

Staff Presentation:

Mr. Latinovic provided a review of the petitioner's request, saying the petitioner is requesting a front yard setback variation to construct a front porch 17.16 feet from the front property line where a 20 foot setback is required. This is a corner lot, which requires a front yard setback along both streets. He explained the walled -n garden is permitted and is not included in the distance calculation. Staff believes there is no physical hardship or unique circumstance associated with the property, and that the standards for granting a variation have not been met. He described other ways the petitioner could make the changes to the front of the porch without a need for a variation. Mr. Latinovic said staff recommends denial of the variation, saying that all other properties on Prince Street meet or exceed the 20 foot setback, and this would be against the intent of the Zoning Ordinance to maintain unified front yard setbacks.

There being no questions from the Board, Chairman White called upon anyone from the public who wished to comment on the petition.

Ms. Lisa Rosin, 4620 Prince Street, said that they are a "tight" block of neighbors, and they all fully agree with what Mr. O'Connor wants to do. They see it as an enhancement to the neighborhood. She noted she had a letter from a resident who was unable to attend and who was in favor of the project. The neighbors would like to see this project move forward.

Mr. Craig Rosin, 4620 Prince Street, said his opinion was also that the plan should be approved. He said the petitioner is passionate about his home and the neighborhood. He also thinks the improvements would increase the value of his own home.

Mr. Phil Poirier, 4602 Prince Street, lives immediately south of Mr. O'Connor's house. He said Mr. O'Connor showed him what he is trying to do. Mr. Courier said in order to access Mr. O'Connor's porch, you have to step down in order to open or close the existing front door, which he believes is also a safety issue. He said Mr. O'Connor is only requesting a small amount of space in order to close the door. He said the neighbors do sit outside at night and visit and talk with each other, and he would like to see this plan move forward. It will enhance the value of the rest of the properties. As an architect, Mr. O'Connor would never do anything to destroy the value of the homes in the neighborhood. He is a perfectionist.

Ms. Deborah Samauskas, 4541 Saratoga Avenue, is on an adjacent corner to Mr. O'Connor and understands the issue of having a corner house. Her house was built in 1930 and is also legal non-confirming. She said it is difficult when you have a nonconforming house and want to improve it and enhance the value. She asked that they approve the petition.

Mr. O'Connor then responded to the Staff report saying he had several conversations with Mr. Latinovic and appreciates all the help he received while considering possible options for expansion. He said he certainly could put in another door in his living room, but that seems out of character with the house. If he stayed behind the setback, it would only allow him 20 inches to walk from his front stoop to the front terrace, and it would be an awkward access issue.

There being no further public comment or Board discussion, Chairman White closed the public participation portion of the hearing.

Board's Deliberation:

Mr. Benes said these houses were built a long time before the regulations were established.

Chairman White said the Village has a long tradition of being liberal because of the age of the older homes, but the rules are the rules. That is why they are required to come in and make a request for variations. We want to preserve the character of these older homes. The importance of the requirements include whether the request will change the character of the neighborhood. On the other hand there is the issue of being unable to maximize the use of older homes without destroying their character.

Ms. Majauskas said she likes the character argument a lot. If that is not enough, there is also the safety issue with the stoop and the island.

Chairman White said he is in support of this, one reason being that the petitioner has done his homework.

Ms. Earl said that the neighbors have come and said that this will not change but will enhance the neighborhood.

Chairman White said part of the charm of Downers Grove is the varied architectural styles, and in order for the Village to maintain that, there is the provision that allows the homeowner to seek variations that will enable them to do so.

Mr. Domijan said he believes the petitioner has presented a strong case and has done his homework as well. However, he said there was discussion as to other possible options, and he is not sure if the petitioner has explored all other options which would meet the Code. In that regard, he is hesitant to move forward.

Ms. Earl said she thought those things had been considered, and there are reasons why they were not feasible. She would be in favor of this request.

Mr. Domijan said if there are other things that could be done; he thinks they should pursue those options.

Ms. Majauskas said she thought the difference between this case and the other cases is that in the other cases there were obvious other options. In this case, they might be able to have other

options, but she does not see another plan that would serve the purpose as well as the one the petitioner has chosen. This makes sense to her.

Ms. Earl said they are only talking about the post with an open porch. Last month they approved an enclosed porch with screen. This would have significantly less impact.

Ms. Earl made a motion that the Zoning Board of Appeals approve the requested front yard setback variation associated with case ZBA-11-08 with the following conditions:

- 1. The proposed front porch shall substantially conform to the Plat of Survey prepared by Professional Land Surveying, Inc., dated April 28, 2008 and site plan dated May 28, 2008 attached to this report except as such plans may be modified to conform to Village codes, ordinances, and policies.**
- 2. The petitioner shall obtain a building permit for the proposed porch prior to start of construction.**

Ms. Majauskas seconded the Motion.

AYES: Ms. Earl, Ms. Majauskas, Mr. Benes, Ch. White

NAYS: Mr. Domijan

The Motion to approve the petition passed with a vote of 4:1.

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Mr. O'Brien said there would be no meeting in July as there are no petitions.

Ms. Earl asked why the one petition was sent to the Plan Commission, and Mr. O'Brien responded the Village Attorney explained to him that when there is a variation connected with another zoning action it should be heard by the Plan Commission. That case involves demolition of homes and revising the lot lines.

There being no further business, Chairman White adjourned the meeting at 9:55 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary