

APPROVED 12/17/14

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
NOVEMBER 19, 2014 MINUTES**

Call to Order

Chairman White called the meeting to order at 7:00 PM.

Roll Call

Present: Mr. Domijan, Ms. Earl, Ms. Majauskas, Mr. McCann, Mr. Zaba, Ch. White

Absent: Mr. Mosey

A quorum was established.

Staff: Patrick Ainsworth, Planner
Stan Popovich, Planning Manager

Also Present: Bob Peterson, Leibundguth, 6861 Camden Rd., Downers Grove
Jeffrey Schwab, Liberty Justice Center, 190 S. LaSalle St., Chicago, IL
Alan Jirik, 1600 Hatch Place, Downers Grove
Michael Tkachuck, Sign Doctor, 7994 Garfield Ave., Burr Ridge, IL

Minutes of October 22, 2014 meeting

Mr. Domijan moved to approve the minutes of the October 22, 2014 meeting as presented.

Mr. Zaba seconded the Motion.

AYE: Mr. Domijan, Mr. Zaba, Ms. Majauskas, Mr. McCann, Ch. White

NAY: None

ABSTAIN: Ms. Earl

The Motion passed unanimously.

Meeting Procedures

Chairman White explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to the cases on the Agenda. He called upon anyone intending to speak before the Board on the Agenda items to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing and comments made during this portion of the meeting are considered testimony. Chairman White explained that members of the Zoning Board of Appeals all have had the opportunity to review the documents for the petition prior to the meeting. He added that the Board members have also had the opportunity to visit the subject property prior to the meeting. In order for a requested variation to be approved there must be a majority of four votes in favor of approval. Chairman White added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council. He noted that Staff would make its presentation first, followed by comments by the Petitioner. He said that if anyone in the audience wishes to speak either in favor of or in opposition to a petition, they would be able to do so following the Petitioner's presentation. When the public participation portion of the meeting is closed, the Board will deliberate on the information provided and vote to either approve or deny the petition.

APPROVED 12/17/14

.....

ZBA-23-14: A petition seeking the following variations from the Sign Ordinance: 1) A variation to maintain 557.7 square feet of signage where 159 square feet of signage is allowed per Section 9.050.A of the Zoning Ordinance; 2) A variation to maintain a wall sign that does not face a public roadway or drivable right-of-way per Section 9.050.C.1 of the Zoning Ordinance; and 3) A variation to maintain signage that is painted on a wall where signs painted directly on a wall are not permitted per Section 9.020.P of the Zoning Ordinance. The property is currently zoned M-1, Light Manufacturing. This property is commonly known as 1301 Warren Avenue, Downers Grove, IL (PIN 09-07-218-007). Robert Peterson, Petitioner; ATG Trust Company, Trust #D76-144, 1 South Wacker Drive, Chicago, IL Owner.

Staff's Presentation:

Mr. Patrick Ainsworth, Planner for the Village of Downers Grove said that a letter was presented to staff yesterday afternoon, which has been placed on the dais for the Board to review. The Chairman allowed time for the Board members to read the subject letter.

Mr. Ainsworth said that the petitioner is requesting three variations. He reviewed the existing signage on the property and the variations requested by the petitioner, which are: 1) to maintain 557.7 square feet of signage where 159 square feet of signage is allowed; 2) to maintain a wall sign that does not face a public roadway or drivable right-of-way; and 3) to maintain signage that is painted on a wall where signs painted directly on a wall are not permitted. The subject sign is located at 1301 Warren Avenue in Downers Grove. Surrounding zoning to the north is R-4 Residential Detached House 4; to the south R-3 Residential Detached House 3; and to the east and west M-1, Light Manufacturing. Mr. Ainsworth then reviewed the current sign violations which include the size of the sign, two wall signs on the north façade where one is permitted, signs that are directly painted onto the building and a sign that does not face a public roadway or right-of-way.

Mr. Ainsworth showed slides of the signage in question, explaining how the size of signs is measured by the Village. He said that the petitioner has proposed a slight modification to the existing signage in order to bring this property closer into compliance with the Sign Ordinance by removing one of the painted walls measuring 108 square feet located on the north facade. This will result in a total sign area of 557.7 square feet, which still exceeds the maximum allowance of 159 square feet. Mr. Ainsworth referred to the chart in staff's report on page 2 entitled ZBA-23-14, 1301 Warren Avenue that shows the existing signs, their location and size, and the proposed sign size.

Based on staff's analysis of the requested petition, Staff finds there are no unique circumstances or particular, physical hardships associated with the property that would warrant the three requested variations to be granted for the following reasons: 1) There are no particular or physical hardships or unique circumstances associated with the property that warrant the installation of signs on a façade without frontage along a public roadway or drivable right-of-way. The property is not singularly unique because it abuts the railroad right-of-way. 2) There are no unique circumstances associated with the property that necessitate the installation of signs larger than the maximum allowable size. 3) There are no unique circumstances that warrant the petitioner maintaining the painted wall sign. 4) The property is similar to other industrial

APPROVED 12/17/14

buildings along Warren Avenue and throughout the Village that are required to comply with the Sign Ordinance. 5) If the variations were granted where no physical or particular hardships or unique circumstances exist, then the variations would be applicable to other similar properties in the Village.

Mr. Ainsworth reviewed the standards of approval as found in staff's report "ZBA-23-14, 1301 Warren Avenue", dated November 19, 2014. He noted no standards of approval were met and staff recommends denial of the three variation requests. He said that the ZBA may vote on the variations either individually or collectively.

Mr. Zaba asked about painted wall signs being prohibited in this zoning district. Mr. Popovich, Planning Manager, responded that wall signs are allowed in the Downtown Business zoning district (DB), the Downtown Transition zoning district (DT), or the Fairview Concentrated Business District.. They are not permitted in the subject zoning district.

Ms. Majauskas asked about the railroad frontage, and whether the Ordinance specifically disallows wall signs. Mr. Popovich quoted the Zoning Ordinance: "*Each business or property owner is allowed to display one wall sign per tenant frontage along the public roadway or drivable right-of-way.*" Mr. Popovich noted that is Sec. 9.050.C.

Chairman White said, therefore, that the way the Ordinance is drafted, anything that is not permitted is prohibited.

Mr. McCann asked about the status of the Council changing the Ordinance to allow for signs fronting not only roadways but also the railway. Mr. Popovich responded that the Village Council considered that twice and did not ask staff to prepare a Text Amendment to the Zoning Ordinance. The Village Council is the only body that has authority to direct staff to initiate a text amendment for the Downers Grove Zoning Ordinance. Mr. Popovich reviewed the process to consider a Zoning Ordinance text amendment.

Ms. Earl asked what the Village Council said in regard to whether they would be looking at this Ordinance any time soon. Mr. Popovich replied that a sign report was presented to the Village Council at the first November Council meeting. The report reviewed the amortization program, and the Village Council felt the program was moving well and there was no need to change the Sign Ordinance at this time. They chose to wait until all properties are in compliance, and after that time, which they estimate to be about a year, they may look at the Sign Ordinance again.

Mr. Domijan asked if at any time a review was made of the heritage sign language. Mr. Popovich said that the heritage language only applies to those properties within the Downtown Business District, the Downtown Transition Zoning District, or the Fairview Concentrated Business District.

Ms. Majauskas asked whether the Village is arguing that this is not an historic sign. Mr. Popovich replied that the Village's position is that this is not allowable along the right-of-way.

Petitioner's presentation:

Mr. Bob Peterson, owner of Leibundguth Storage, noted the business has been in the Village since 1928. He said he was a bit confused, saying that staff told him not to bring up anything about financial problems, yet this whole issue is about hardship and unique circumstances. Mr.

APPROVED 12/17/14

Peterson said the whole discussion is about him taking down his signs. At least 6-7 times in staff's report there is mention of hardships. Paragraph 4 mentions that this is a mere inconvenience. He looked up the word "hardship" which means "difficult to endure." This will be difficult to endure for him because removal of the signs will take 25% of his income away from him. That is more than an inconvenience; it is a hardship. He has to face his employees, pay unemployment, and lose between \$40,000-\$60,000 per year from loss of business. He thinks the Mayor, Council and everyone needs to work more closely with businesses in the Village to understand. Taking away 25% of a business changes the lifestyle of the owners and employees. He has had to go to the bank during the recession to maintain his business and he is still paying that back. The loss is a big financial hardship. He noted the governor stated Illinois needs to change and grow to be competitive and succeed, and to give tax credits so employers can hire new people. Mr. Peterson will be unable to do that because he will have to lay people off and put them on unemployment.

The Sign Ordinance may be 95% completed, but in talking with all the people he knows in town 85% of the business people are upset with what is going on in Downers Grove. The signs are small, and you have to drive into parking lots to read what is on the signs. He thanked the Board for their time, saying he hoped they didn't make this just about signs. It is a bigger picture than just the signage. He said that the only other business he knows that's been in Downers Grove as long as he has been is the Tivoli. He's been in the Village all his life, and there were about thirty different businesses all within walking distance when he was young. All of the businesses had signs then. He asked the Board the difference between a well-painted sign, such as on his wall, and one painted on plywood that is bolted on the wall. He also asked why it is so hard to promote businesses along the railroad tracks by not having signs. There are approximately 12,000-13,000 people a day who take the train, and that is potential business. If he loses his sign, he loses that potential.

Chairman White asked that Mr. Peterson understand that no one on the Board wrote the Ordinance and that the Board can not put words in the mouth of those that wrote the Ordinance. The Board can't answer his question because they did not write the Ordinance. Mr. Peterson asked what the Board would do if they lost 25% of their business and how it would take away from their lifestyle.

Mr. Domijan asked if all of their business is residential. Mr. Peterson said they do cross-country moves of residential, businesses, single-piece moves, office moves, etc.

Ms. Earl asked if he has any supporting documentation to support his figures saying that 25% of his business will be lost. Mr. Peterson said he averages 12-15 calls per month from people who have seen the sign, and he then figured out based on the number of calls that losing those calls would represent 25% of his business. He said he has been in good standing with the Better Business Bureau for ten years, as well as the local Chamber of Commerce for more than 20 years. He has a reputation built up over 43 years in the community, as well as the reputation of Mr. Leibundguth's business prior to Mr. Peterson taking the business over. His secretary asks people when they call how they found the business.

There being no further questions from the Board, Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition.

APPROVED 12/17/14

Mr. Alan Jirik of 1600 Hatch Place in Downers Grove said he was the Chairman of the Plan Commission for twenty years, and in that role he presided over the re-writing of the Sign Ordinance and worked with Staff. He said often the regulatory intent has to be reviewed, and that means looking at minutes from the time that the law was changed or updated. Mr. Jirik said that one of the driving principles in amending the Sign Ordinance was “clutter” on the roadways, as well as aesthetics. But life safety was an important consideration, with much of the focus being placed on the vehicles on the roadway, their speed, etc. The aspect of a train, to his knowledge, never came up. The Plan Commission did not know that the subject signs existed. Someone asked him why there is a sign painted on a wall in the business district. Mr. Jirik said that they didn’t know the sign existed, but it was part of Village heritage. They are now in the situation where the sign is very important to the business. He said the Ordinance doesn’t apply to this heritage sign because those who wrote it didn’t know or understand that the sign was there. The question now is how do they deal with or manage this. He noted to the Board that each petition must be judged on its specific merits, and if there are others with similar merits they will come forward; however, each must stand on its merits. He said that this sign problem is an unintended consequence of the Ordinance.

Chairman White said in general he agrees with Mr. Jirik’s comments that there is not legal precedence in this regard. However, he can ask why is this particular property different than any other property along the railroad right-of-way. Mr. Jirik replied that from his personal view there is testimony that this type of sign is accommodated in the business district. The persons viewing the sign are a whole different constituency from what the Ordinance was designed to do. The Ordinance was designed toward motor vehicles and having them commute safely. There are other wall mounted heritage signs authorized in certain districts. Unfortunately the boundaries don’t provide that relief for this area. They could extend the boundary if it was felt that this sign would have been approved in the other zoning areas. Trains are different with a different constituency, different safety issues, and they are not vehicles.

Ms. Majauskas said from reading the Sign Ordinance it appears as though the size of the sign was a pretty important part of writing the Ordinance. Mr. Jirik replied that the sign was important in being able to visualize what was there. Ms. Majauskas asked about location of the signs, which also seemed to be important; however, taking the “location” away, the size of the sign is still something that limits all signs. If it is agreed that the size of the sign is important, but the location might not have been considered, is it Mr. Jirik’s position that Mr. Peterson has 159 square feet of signage he can put wherever he wants, but is limited by the size? Mr. Jirik responded that his view is that this is a heritage sign that has been well maintained. If you have a high-speed train it does not provide the sight distance as on a roadway. The Sara Lee sign had to be big and had to be high. There is in the subject sign the heritage aspect, the brief ability to capture the information because you are perpendicular, and going past very rapidly on a train.

Ms. Majauskas asked if it was Mr. Jirik’s position that Mr. Peterson should have the larger sign and the sign on the railroad, and it should not be taking away from the other signage that he also has. Mr. Jirik said he has a whole different constituency to advertise to that was not part of the public discourse or debate. The whole purpose of the Sign Ordinance was vehicular traffic. The question here is trying to fit this into the Ordinance, or do they look into the unique heritage characteristics of the heritage of the sign, the fact that this is rail and not motor vehicle, and that the sign is very important to his business. Ms. Majauskas then said she heard Mr. Jirik say that this was not conferring a special privilege, to the extent that if she lived backed up to a baseball diamond, she could paint a sign on the back of her home advertising her legal services to that

APPROVED 12/17/14

constituency. Mr. Jirik replied that a baseball diamond does not take people in transit from point A to point B. They are not commuting. Ms. Majauskas said that her point is that he is limiting this to the railroad tracks.

Mr. Domijan said he struggles with the position that they did not recognize that the railroad would somehow impact signage. It has been part of the town for a long time. He struggles with the fact that the railroad was not considered anywhere. Now they are talking about the fact that he will lose his sign, and he struggles with that. If the situation was a Tollway right-of-way he would be permitted a sign of the same square footage that wouldn't be a problem and he'd accomplish the same thing. Unfortunately, the intent in his opinion is not a solid position in his mind. Because this is the only sign of its type in Downers Grove that puts it in a unique position.

Mr. Jirik said that when they draft an excellent Ordinance to benefit the entire Village they try to take into account all the circumstances that could occur.

Mr. McCann asked what his reaction is to the Village Council not taking up the question of whether or not to amend the Sign Ordinance to specifically allow the sign along the railway. Mr. Jirik replied with an analogy said that his wife recently retired from the State of Illinois because her pension had two words that were written incorrectly. The words were incorrect and he asked why they don't fix those two words, and he was told that if they open it up for two words, they open it up for everything, and there was no political stomach to open to more questions. He has seen that happen in Springfield all the time as well as in Washington.

Mr. Jeffery Schwab, attorney at the Liberty Justice Center, said he was present on behalf of Mr. Peterson. Mr. Schwab wrote the letter that was distributed to the Board stating Mr. Schwab's position on Mr. Peterson's situation. He said this is a perfect case for a variance because the Ordinance makes no sense, and there is no reason to restrict the sign. If the variance is not granted they will file a lawsuit on behalf of Mr. Peterson because the Ordinance violates his rights of Free Speech. Mr. Schwab said that one thing that has not been addressed, is that there is a provision for grandfathering in the sign, which only applies to the downtown businesses. In the alternative, Mr. Peterson could request a variance for his property to be grandfathered in. The wall sign has been on that building for at least 80 years and is a clear candidate for grandfathering. There have been no problems, no complaints, no safety issues with the sign, and the Zoning Board could grant them a variance on that basis. The property is only one block away from the Downtown Business District, and grandfathering it in might eliminate any problems from other sign owners.

Chairman White asked if Mr. Schwab believes Mr. Peterson's Constitutional rights differ in any material way from the Constitutional rights of other building owners along the railroad right-of-way to put up a hand painted sign. Mr. Schwab replied everyone's Constitutional rights are the same, but it depends upon how they are applied. He thinks the Ordinance is unconstitutional in completely banning signage from facing the railway, as there is no good reason for it. On the Village's website there is a photo of signs that face the street which then projects to the railroad right-of-way. He thinks it is unconstitutional and would violate everyone's rights equally.

Ms. Earl asked for clarification that the Village is not saying they don't have a right to a sign, but they are saying that the sign has to fall within certain size or type restrictions. Mr. Popovich responded that they can have a wall sign but a wall sign is restricted so that it faces only a public roadway or drivable right-of-way.

APPROVED 12/17/14

Mr. Domijan asked if Mr. Schwab would agree that the drafters of the Ordinance focused on reduction of signage, as they are talking about a 400 square foot sign. Mr. Schwab said he doesn't see why the reduction would apply to a sign facing the Metra rail since no one else can see it. There is no safety issue, as no other traffic can see it. No one driving a motor vehicle will be distracted by Mr. Peterson's sign. He thinks the 400 square foot sign rationale doesn't apply to a sign that doesn't face the road.

Mr. Zaba said that in Mr. Schwab's letter he said that this prohibition whether intentional or an oversight is unconstitutional because it infringes on the owner's right of Free Speech. Is that an argument that any infringement on signs would infringe those rights? Mr. Schwab said there is a Supreme Court case that he referenced in his letter which says that advertising is a First Amendment right, as long as the advertising is not misleading or false and advertises a lawful purpose, then the government has to justify any restriction with a substantial government interest. There may be substantial government interest such as the size of signs in a roadway, but there may be no substantial government interest for a sign that only faces one location and doesn't affect roadway traffic. There are instances where regulations are constitutional, but in this instance applied to the Metra Rail there is no substantial government interest that should prohibit the subject sign.

Chairman White said that it is an argument that would apply to any building facing Metra. Mr. Schwab agreed with Chairman White's statement. The argument in the case he cited was that the Ordinance itself was unconstitutional. He thinks this is an instance where the regulations as applied to Mr. Peterson's building on a sign that has existed there for 80+ years, and the wall sign which predates Mr. Peterson's ownership of more than 40 years, could be addressed by grandfathering them in.

Mr. McCann asked if Mr. Schwab has personal knowledge as to the age of the sign, when it was put there and when it was painted, and Mr. Schwab said he did not. Mr. McCann asked when the Legal Justice Center was founded, and Mr. Schwab said it was around 2008-2009. Mr. McCann asked for clarification that Mr. Schwab would agree that it is possible to have a Sign Ordinance that is constitutional. Mr. Schwab said he already stated that it is possible.

Mr. Peterson spoke again saying everyone has spoken and it is just a matter of him having a unique circumstance that will cause him a big hardship. He wants to stay in business and keep on going, keep people working, etc. No one else in town has what he has with his situation and his circumstances. He cannot put a monument sign out because it is a residential neighborhood with a homey atmosphere. He doesn't get the traffic off Warren Avenue like he does with the railroad, and he hopes that the Board understands.

There being no further comments or discussion, Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Mr. McCann said there is a sympathetic aspect to this because they've been told it is an old sign with an historic aspect to it. But he is against granting this petition because there are over 2,500 businesses in town with a 96% compliance rate. Every one of those businesses could have complained about loss of business or financial impact. The idea of basing the claim on what a secretary asked their customers isn't a good argument. He is not saying it is a worthless

APPROVED 12/17/14

argument, but there has to be a higher burden of proof. The proof may be there but it was not presented. As for the historical aspect of this, he went to the Wheaton Movers website and it states that the company changed its name in the 1980s. The argument should not be a heritage sign, because the Ordinance requires conclusive evidence that the sign was there before 1965. There was no evidence presented. He gives no weight whatsoever to the idea that this is unconstitutional. He thinks the Ordinance has been tested before and he is not worried about a lawsuit. He does not think it is a winning argument to come to the Board and say, "if you don't agree with me I'll simply file a lawsuit." This is a huge sign and goes far beyond the limitations of the Sign Ordinance with which 96% of the businesses have already complied. He doesn't see the reliability of the argument of the loss of business, how people see the sign, and how people see this business. Mr. Peterson seems like a good guy and a good businessman. He said the Board takes this seriously. He thinks there is a reason why the Village doesn't have signs like this along the railway. It would look like a bunch of billboards all along the railway right-of-way. He thinks there is a reason for not allowing signage fronting along a railway. That is why the Village Council declined to review the Ordinance, because of this particular petition.

Chairman White said he is troubled that this is a Zoning Board of Appeals issue and is disappointed that the Council didn't discuss this. Looking at the official Zoning Map this property is remarkably close to the downtown district. The burden to present the evidence is not a burden to be brought to the Zoning Board of Appeals but to the Community Development Director. A simple solution would be if five more lots had been shaded to bring this business into the zoning district. He noted that Mr. Jirik's testimony, who worked on rewriting the Sign Ordinance, noted that this was not the kind of sign they were concerned about. He doesn't feel this should be at the Zoning Board of Appeals level. It's the Board's responsibility to consider allowing exceptions. On the precedential issue, there are no signs other than this one. If it is a valid argument that they cannot restrict signs along the railway then the Ordinance has to be changed. It is a difficult question and he thinks that the Council should have addressed this, especially given the testimony that this type of sign was not considered during the lengthy process that took place for the adoption of the Sign Ordinance. He is uncomfortable with the idea that the solution is a variation.

Ms. Majauskas said though it wasn't part of the original ordinance, it is being considered now. The Village has considered it and decided not to move forward with this. She said if this sign is allowed it confers a huge privilege on this business with the larger sign, while others would only have 159 square feet. She doesn't see any argument supporting the request.

Mr. Domijan said he doesn't want to get tripped up on the actual size of the sign. He thinks that the omission that occurred when this was drafted has to be considered. He has been in the Village since 1968 and that sign was there then. He is struggling with the physical size of the sign. That they did not consider this sign is unfortunate. If this were on the Tollway he would be entitled to signage at almost the same size. He thinks the omission issue and the size of the sign bother him.

Mr. Zaba said he agrees with most of what has been said, including the fact that this situation has not been revisited. He understands Mr. Jirik's comments about not wanting to open up the whole issue again. As for hardships, everyone has a hardship whether it's financial or some other. He doesn't have a huge issue with the size of the sign. If the Sign Ordinance is constitutional then he doesn't put any weight to the argument that it is unconstitutional.

APPROVED 12/17/14

Ms. Earl said she hasn't heard anything that shows hardship. If there is financial hardship evidence wasn't presented. Even if that were the case, there are other considerations. A variation has never been given just for financial hardship. Doing so would give special privilege to this business. She was present when this was discussed at the Council twice and in both meetings there was no second to a Motion to consider this. The Council declined to do anything about this. The Zoning Board of Appeals is not there to rewrite the Ordinance.

Chairman White called for a Motion.

Mr. McCann moved that in case ZBA-23-14, 1301 Warren Avenue, the Zoning Board of Appeals deny the petition for all three variations as requested. Ms. Earl seconded the Motion.

AYES: Mr. McCann, Ms. Earl, Ms. Majauskas, Mr. Zaba

NAYS: Mr. Domijan, Ch. White

Chairman White noted that there were four votes in favor of denial of the request. He chose to vote "Nay" because he does not think this petition should have come to the Zoning Board of Appeals for a variation, and he thinks the Council should have taken some action on this.

The Motion to deny carries 4:2.

.....

ZBA-20-14 (Continued from October 22, 2014): A petition seeking a sign setback variation to reduce the required monument sign setbacks from Ogden Avenue and the adjacent property. The property is currently zoned B-3, General Services and Highway Business. The property is located on the south side of Ogden Avenue, approximately 150 feet west of Woodward Avenue. This property is commonly known as 2009 Ogden Avenue, Downers Grove, IL (PIN 08-01-407-002, -003); Michael Tkachuck, Petitioner; ATG Trust and Company – Trust #02-064, Owner.

Staff's Presentation:

Mr. Patrick Ainsworth, Planner, stated that the petitioner is seeking a sign variation to permit a monument sign to be set back six feet from the north property line where 10 feet is required per Section 9.050.B.1.b of the Zoning Ordinance. The subject property is zoned B-3 General Services and Highway Business and is being used as a Restaurant. It is surrounded by B-3 zoning on the North, East and West, and R-4 Residential Detached House 4 on the South. Using the overhead projections, Mr. Ainsworth explained that the property has an existing non-conforming pole sign that is set back three feet from the north property line where 10 feet is required. The edge of the sign to the north property line is three feet, and the existing pole is seven feet from the north property line. The petitioner proposes to replace the nonconforming pole sign with a new 8'-10" tall, 26 square foot monument sign where the edge of the sign will be six feet from the north property line. He noted that this property is allowed a 10' tall, 36 square foot monument sign. The petitioner plans to bring everything into conformity with the exception of the requested variation, which will still reduce the nonconformity. The required setback is 10 feet and the requested setback is 6 feet. He explained that the location of the

APPROVED 12/17/14

landscaping and seating area constructed in 2007 restricts the location of the proposed monument sign to the general location of the existing pole sign.

Mr. Ainsworth then reviewed the standards of approval individually and stated that based on its analysis of the Findings of Fact and Standards and Review Criteria of the Municipal Code as noted on pages 3-4 of Staff's report "ZBA-20-14, 2009 Ogden Avenue" dated November 19, 2014, Staff recommends approval of the variation requested.

Mr. Zaba asked if the patio was constructed in 2007 with a variation. Mr. Ainsworth said that no variation was necessary and the patio was constructed to Code. Mr. Popovich also added setbacks along Ogden Avenue are measured from the centerline of Ogden Avenue. In this case, the building setback requirement is 75' from the centerline of Ogden Avenue. The patio setback was conforming. Mr. Ainsworth further noted that staff worked closely with the petitioner to move the sign back as far as possible to lessen the amount of the variation being requested, and also reduce the nonconformity.

Mr. Domijan asked what the total signage on the property is. Mr. Ainsworth said that they are allowed 60 square feet. The new combined total will be 60 square feet.

Mr. McCann asked whether the owner has given consideration to placing the sign somewhere in the parking lot. Mr. Ainsworth said that there is a 25' side yard setback that has to be met, and which would be affected by the existing drive aisle.

Petitioner's Presentation:

Mr. Michael Tkachuck, owners of the Sign Doctor, represented the owner of the property. Mr. Tkachuck resides in Burr Ridge, IL. He described the problem caused by the subject property and placing the monument sign in compliance with the Ordinance. He asked if the Board had any questions of him. He thanked the Board for the opportunity of presenting the petition on behalf of the owner. He thinks the Ordinance is good and understands the purpose.

There being no further comments, Chairman White closed the public portion of the meeting.

Board's Deliberations:

Ms. Majauskas said that this appears to be the only location where the sign can fit properly.

Mr. McCann agreed that they have had petitions like this before.

Ms. Earl thanked staff for asking about the landscaping and patio.

There being no contrary opinions, Chairman White called for a Motion.

Mr. Zaba moved, seconded by Mr. Domijan that in case ZBA-20-14 for 2009 Ogden Avenue, the Zoning Board of Appeals approve the requested variation subject to the conditions as stated in Staff's report, page 4 dated November 19, 2014.

AYES: Mr. Zaba, Mr. Domijan, Ms. Earl, Ms. Majauskas, Mr. McCann, Ch. White

NAYS: None

APPROVED 12/17/14

All in favor. The Motion to approve the request carried unanimously.

.....

Mr. Popovich said that there are three items for the December 17th meeting.

.....

ADJOURNMENT:

Chairman White adjourned the meeting at 8:45 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
WEDNESDAY, NOVEMBER 19, 2014, 7:30 P.M.
LIBRARY MEETING ROOM**

MINUTES

1. **Call to order.** President Kathleen DiCola called the meeting to order at 7:30 p.m.
2. **Roll call.** Members Present: Trustee Susan Eblen, Trustee Wendee Greene, Trustee David Humphreys, Trustee Thomas Read, President Kathleen DiCola. Member Absent: Trustee Daniel Loftus.

Also present: Director Rick Ashton, Assistant Director for Support Services Sue O'Brien, Assistant Director for Public Services Bonnie Read, Friends of the Library President Joanne Hansen.
3. **Welcome to visitors.** President DiCola welcomed staff and visitors and thanked them for their presence.
4. **Approval of Minutes.**
 - a. Regular Monthly Meeting, October 22, 2014. It was moved by Eblen and seconded by Greene THAT the Minutes of the October 22 meeting be approved as submitted. Roll call: Ayes: Eblen, Greene, Humphreys, DiCola. Nays: None. Abstentions: Read.
5. **Approval of November invoices and financial reports.** Ashton presented a revised invoice list, including the credit card bills and the Shales McNutt Construction invoice. Because of the early date of the November meeting, it was not possible to receive and process all timely invoices in time to distribute them in advance of the Board meeting. He also noted that the Library Construction Fund has now been totally depleted, and that invoices relating to the renovation project are now being paid from the Operating Fund. It was moved by Humphreys and seconded by Greene THAT operating invoices totaling \$236,944.14, construction fund invoices totaling \$113,320.88, and credit memos totaling \$173.69 be approved, and October 2014 payrolls totaling \$186,138.24 be recognized. Roll call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: none. Abstentions: none.
6. **Public comment on agenda items.** President DiCola invited comment. There was none.

7. **Public comment on other Library business.** President DiCola invited comment. Friends of the Library President Joanne Hansen reported on a successful annual meeting, held in the Program Room of the Children's Services Department.
8. **Unfinished business.**
 - a. Library building renovation project update. Requested action: receive report. Ashton summarized his written report, indicating that only administrative tasks remain for completion of the project. Shales McNutt Construction's final billing is expected in December. Staff are working with ASI Signage on design and installation of permanent signs for the building. This work is expected to be completed in January at the earliest.
 - b. Proposal for additional renovation-related work from Product Architecture + Design. Requested action: approval. Ashton presented the proposal, which was previously distributed to the Board on October 22. After development of design, specifications, and cost estimates for the several small projects in the proposal, the Library will be able to prioritize the work. It was moved by Greene and seconded by Eblen THAT the proposal be approved as presented. Roll call: Ayes: Eblen, Greene, Humphreys, Read, DiCola. Nays: none. Abstentions: none.
 - c. Health, dental, and vision insurance premiums for Library staff for 2015. Requested action: receive report. Ashton presented the information. As soon as the open enrollment period has been concluded, budgetary impact of employee enrollment decisions will be calculated.
 - d. Revised salary structure for 2015. Requested action: receive report. Ashton presented the 2014 and 2015 structures for comparison. The 2015 structure is fully supported by the operating budget approved by the Board in August 2014.
 - e. Proposed Policy on Public Comment at Library Board Meetings. Requested action: approval. After discussion of the draft and minor editorial changes, it was moved by Eblen and seconded by Greene THAT the policy be approved. Roll call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.
9. **New Business.**
 - a. Proposed revisions to Circulation Policy. Requested action: discussion. Bonnie Reid presented the proposal. She explained that the proposed changes are occasioned by the SWAN consortium's adoption of a new software package that supports a set of consistent, integrated operational practices by member libraries. The policy changes will go into effect when the new system is introduced in April 2015. After

discussion, it was moved by Eblen and seconded by Humphreys THAT the proposed changes be approved. Roll call: Ayes, Eblen, Greene, Humphreys, Read, DiCola. Nays: None. Abstentions: None.

10. Report of the Director.

Ashton summarized his written report (attached) as follows:

- a. 2014 Operating Fund Revenue
- b. View from the Director's Chair
- c. Rediscover: Celebrating Home
- d. Overheard comment in Teen Central
- e. Facebook likes
- f. Local Government Property Assessment Consortium
- g. Recent media coverage

11. Board Member comments and requests for information.

Trustee Eblen reported that she had received several comments from friends concerning the helpfulness of Library staff members.

Trustee Read mentioned the need for improvement of lighting in the magazine shelving area on the second floor and requested that staff give continued attention to identifying and proceeding with lighting improvements where they are needed.

Trustee Humphreys praised the appearance and function of the large version of the Library's logo on the window looking into the sorting area.

12. Adjournment. President DiCola adjourned the meeting at 8:24 p.m.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
NOVEMBER 19, 2014**

**AGENDA ITEM 10
REPORT OF THE DIRECTOR**

a. 2014 Operating Fund Revenue through October 31.

	Budget	YTD	%
Property taxes	\$4,440,083	\$4,347,076	97.9
Total	\$4,708,383	\$4,559,694	97.7

- b. View from the Director's Chair. This course, an introduction to documentary film-making for high school students, is the Media Lab's first organized offering. Twelve selected students began the course on November 3. Plans for a public showing of their work in February are underway.
- c. Rediscover: Celebrating Home. This joint undertaking by ten area public libraries replaces The Big Read, in recognition of the fact that the libraries' public programs had become more important than the books themselves. Instead of a single book, this theme-based promotion allows for greater breadth of coverage. DGPL will put on about 12 programs during March and April 2015 as part of this program.
- d. An overheard comment in Teen Central. A student was interviewing other students for an article for a school paper. When asked, "Do you like coming to the library?" one answered, "Yeah, it's super chill here and you can talk and people don't care."
- e. Facebook likes of area libraries.
- | | |
|-------------------|-------|
| Indian Prairie | 991 |
| Wheaton | 1,328 |
| Elmhurst | 1,890 |
| Fountaindale | 1,913 |
| Naperville | 2,226 |
| Arlington Heights | 2,274 |
| Oak Park | 3,541 |
| Downers Grove | 2,468 |
- f. Local Government Property Assessment Consortium. The Library Board approved DGPL membership in this group several months ago. An initial meeting has been held, but the Library was unable to attend. The formal Intergovernmental Agreement is being revised to include all members, and it will be available for signing soon. The group is not involved with any active property tax assessment appeals at present.
- g. Recent media coverage. Attached.

4

OCTOBER 23-29, 2014

TRIBLOCAL.COM

DS

NEWS

Downers Grove library adds studio, STEM rooms

BY ALEX KEOWN
Special to the Tribune

After six months of construction and renovations Downers Grove Public Library officials unveiled an updated facility promising 21st century services to the community.

During an Oct. 18 dedication ceremony celebrating the end of major renovations, Downers Grove Mayor Martin Tully said the library has a "deep and rich history" as a keystone of the community. Over the past year, Downers Grove has earned a number of accolades, including one of the 50 best places to live and raise a family, according to Livability.com. Tully said the Downers Grove Public Library is one such reason.

"We want to thank you for helping Downers Grove be a great place to live, work, play and thrive," Tully

said.

Tully also congratulated the library leadership for financing the \$2.2 million renovation with library reserve funds and financial gifts.

Kathleen DiCola, president of the library board of trustees, thanked residents for putting up with some inconveniences, such as noise and "constantly moving resources" during the six-month project.

For more than 100 years, the Downers Grove Public Library has been a staple of the community and recent renovations and updates will ensure the library will continue to meet community demands, said Rick Ashton, library director. Although the current library building is only 15 years old, Ashton said the library was designed for a patron in the 1990s, not 2014.

The \$2.6-million reno-

vation, initially planned in 2012, began in April and was nearly complete by the Oct. 18 dedication ceremony. New lighting, carpeting, furniture and bright spacious areas create an inviting facility. Ashton said there were still a few small projects left to be completed, such as fixing a window pane and adding a door knob. But the updates go beyond aesthetics with a greater emphasis on technology to enhance both customer service and community needs.

A new automated check-out and return system not only checks in the various types of media but also sorts them. Melanie Mentz, the library circulation manager, said the system is a great benefit for the patrons because it cuts the amount of time it takes for returned items to be restocked.

"What used to take a few

days, we can now handle within a few hours," Mentz said.

In addition to those customer service improvements, the renovated library features an area dedicated to STEM (science, technology, engineering and mathematics) training. During the renovation celebration, more than a dozen children worked on robotics projects with library staff members. Library officials have been working closely with the village's school districts to select collection items that will assist school children with their course work, Ashton said. Another upgrade includes the construction of two soundproof rooms used for musical recording and mixing. Staff member Dale Galiniak said some of the computer programs available can teach patrons basic musical skills, such as how

to play the guitar.

"It's sort of like Guitar Hero, except it teaches you how to play the chords on a real guitar," he said.

In addition to teaching musical skills, the rooms can be used by musicians looking to record and mix their demos.

Library patrons looking to hone basic computer skills also have a room available for training.

"We have courses that cover all the basics, from how to use a mouse to using the Internet and more," Ashton said.

The updated library also features improved Wi-Fi, new study areas, a more spacious young adult section, a vibrant children's area featuring a tot-sized play cafe, additional display areas, a cafe for adults and, of course, stacks of books. However, Ashton said the library's traditional collec-

"What used to take a few days, we can now handle within a few hours."

—Melanie Mentz

tion has been pared down some because of changing patron wants.

The community reaction during the dedication celebration was electric, with random complimentary comments such as "how neat," "this is awesome" and "what a great job" echoing throughout the facility.

Ashton was clearly pleased with community reaction.

"We're very excited about the new library and what we have to offer the community. Throughout this process the word 'destination' was key," he said.

Happy carving

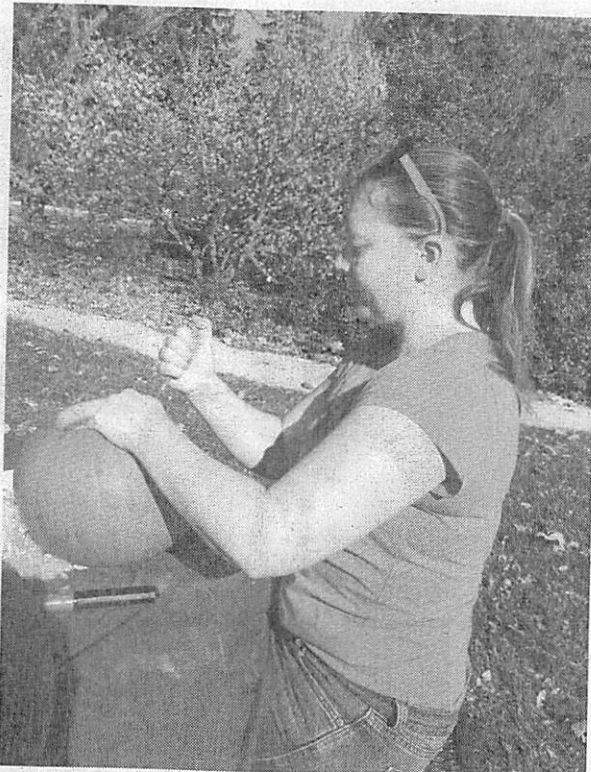


Photo provided

Downers Grove resident Allison Neal tries her hand at pumpkin carving during the Downers Grove Public Library's pumpkin carving event Saturday outside the Downers Grove Park District Museum at Wandschneider Park.

enable vendors to streamline the checkout experience within an app or OPAC, were released during the fall of 2013. The market is still taking shape, but this usage data (provided by Over-

Drive in an infographic format) is beginning to yield insights into how patrons are accessing ebooks and other content when there are various options for discovery and download.

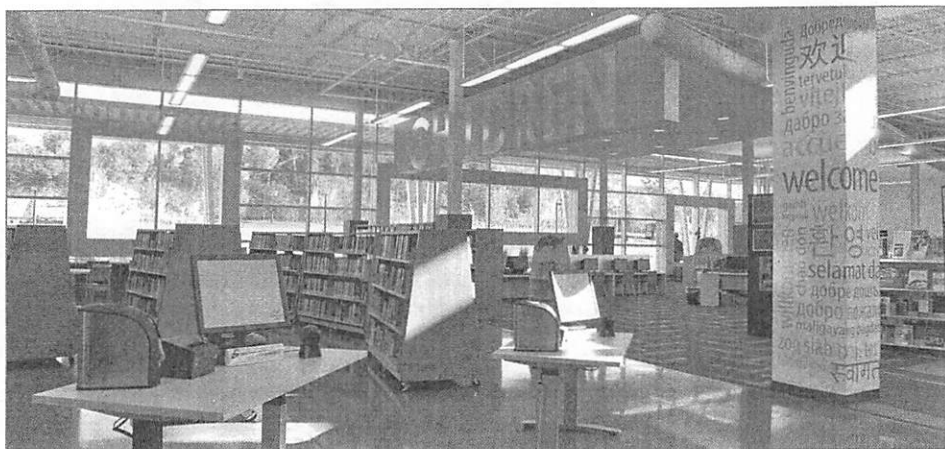
Leading library app provider Boopsie—which had been working with OverDrive on integration efforts prior to the release of any of the APIs—currently leads all third-party vendors in OverDrive API traffic. Boopsie is followed by three integrated library system vendors—SirsiDynix, Polaris Library Systems, and Innovative Interfaces Inc. Open source library resource portal VuFind is fifth, thanks in part to the integration work performed by Colorado’s Marmot Library Network.

One outcome of API integration is that 16 percent of OverDrive ebooks are now borrowed directly from library OPACs. An additional three percent of API traffic comes from other third-party vendors, such as app providers. Together, this accounts for 19 percent of OverDrive’s total traffic. The top five city or county library systems leading API traffic are Minnesota’s Hennepin County Library, New Jersey’s Monmouth County Library, the Los Angeles Public Library, the Greater Phoenix Digital Library, and the Seattle Public Library. For state and regional consortia, the Ohio Digital Library led API traffic, followed by My Media Mall in Illinois, the Ontario Library Service Consortium, the Wisconsin Public Library Consortium, and the Washington Digital Library Consortium.

API traffic will likely continue to build as additional vendors complete integration efforts and users find that they have new options for discovering and downloading OverDrive content. For now, OverDrive’s own app remains the preferred avenue for access by a considerable margin, with 56 percent of OverDrive’s library traffic originating there. Meanwhile, 25 percent of the company’s traffic originates from an OverDrive-powered library website.

Discussing the data with *Hotline*, OverDrive director of market-

Branching Out



Nashville on October 21 celebrated a new multiuse complex consisting of the new **Southeast Branch** (pictured) of the Nashville Public Library (NPL) and a park and community center, accompanied by the Ford Ice Center. The 25,000 square foot library at Commons at the Crossings will house three program rooms, two study rooms, a Studio NPL digital learning space, and an atrium. It features public access computers, a larger collection than that available in its 12,000 square foot 1989 predecessor, and a drive-up book drop. Lose & Associates was the project architect; library design consultation services were provided by HBM Architects. The NPL Foundation’s Adopt-a-Library program also achieved its first corporate sponsor. The Ingram Content Group, located in nearby La Vergne, TN, has committed \$50,000 to the Southeast Branch for yearlong support of children’s and teen services.

The **Tutt Library at Colorado College**, Colorado Springs, has a friend, indeed. An anonymous commitment of \$5 million will bolster a planned renovation of the 1962 building that will increase the number of student seats twofold; add a café, seminar rooms, and group collaboration space; and incorporate a new Center

for Immersive Learning and Engaged Teaching, among other upgrades. The entire project is expected to cost \$45 million.

The **Manhattan Public Library**, KS, is in the midst of a \$2.125 million construction project that will add 4,300 square feet, doubling the area of the children’s library and creating a new story time room, a parent and teacher resource center, and an outdoor garden, according to the *Collegian*. The work will also encompass more public computer stations and the relocation of the media section to the children’s space. Funded through the library’s capital campaign, the effort, managed by Kelly Construction Group Inc., is looking for a mid-December completion.

The long-awaited remodeled **Downers Grove Public Library**, IL (see *Hotline*, 7/7/14), opened on October 18. The \$2.6 million project includes new lighting, carpeting, furniture, a music studio, and an inviting open concept design. It also offers space dedicated to STEM (science, technology, engineering, mathematics) training, according to the *Chicago Tribune*, which would include robotics as well as basic computer skills.

Send information on groundbreakings and ongoing and completed building projects to blfox@mediasourceinc.com

Photo courtesy of Nashville Public Library