



**MINUTES
VILLAGE OF GLENCOE
ZONING BOARD OF APPEALS
REGULAR MEETING**

Village Hall Council Chamber and Videoconference
675 Village Court
Monday, August 3, 2020 - 7:30 PM

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Zoning Board of Appeals of the Village of Glencoe was called to order by the Chairman, at 7:30 p.m. on the 3rd day of August 2020, held virtually via Zoom web video conference.

Attendee Name	Title	Status
Village Board		
Howard Roin	ZBA Chairman	Present
Deborah Carlson	Member	Present
Sara Elsasser	Member	Present
David Friedman	Member	Present
Alex Kaplan	Member	Present
Scott Novack	Member	Present
John Satter	Member	Present
Village Staff		
David Mau	Public Works Director	Present
Rich McGowan	Planner	Present

2. CONSIDERATION OF MINUTES OF THE JULY 13, 2020 ZBA MEETING

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Roin, Carlson, Elsasser, Friedman, Kaplan, Satter, Novack
NAYS:	None
ABSENT:	None

3. APPROVE RUBIN APPEAL AT 700 VERNON AVENUE

Chairman Roin stated that the purpose of this meeting was to conduct a virtual public hearing on the appeal by Lou Rubin, owner of Hometown Coffee at 700 Vernon Avenue, of a decision by the Development Services Manager in denying a permit to exceed the maximum allowable wall sign area from 85.5 square feet to 91.64 square feet, reduce the minimum required elevation of the bottom of a wall sign from eight feet above grade to zero

feet above grade, and extend into the public right-of-way, to allow for the installation of a wall sign. This variation is authorized by Section 7-403-E-1 of the Zoning Code.

The Chair reported that notice of the public hearing was published in the July 16, 2020 Chicago Tribune and neighbors were notified of the public hearing by mail. Rich McGowan then swore in those in attendance who were expecting to testify.

SUMMARY OF TESTIMONY

Chairman Howard Roin stated the purpose of tonight's meeting is to discuss three variation requests for a wall sign at 700 Vernon Avenue.

Chairman Roin asked Lou Rubin to begin his presentation. Mr. Rubin gave an overview of the variances requested, stating:

- 1) He is a resident of Glencoe at 949 Valley Road and is the owner of Hometown Coffee at 700 Vernon Avenue.
- 2) It was put up without a permit without knowing a permit was required.
- 3) The community's response of the sign has been welcoming.

Planner Rich McGowan then proceeded by presenting a picture of the wall sign and explaining the proposed variances, stating:

- 1) Sec. 5-105(I)(3)(b): No wall sign shall exceed one and one-half square feet per lineal foot of frontage that the business establishment abuts.
- 2) Sec. 5-105(E)(8): No sign, except governmental signs authorized in this Section, shall be placed in or extend into or over any public property or public right-of-way.
- 3) Sec. 5-105(E)(4)(a): The bottom of every wall sign shall be elevated at least eight feet above grade.

Chairman Roin asked Mr. McGowan if the proposed variances were allowed to be granted for the sign area. Mr. McGowan confirmed that it appears to be within the allowable limit.

Public Works Director David Mau then stated that the applicant's intent is to remove the wall sign in the winter months due to the weather.

Board Member Deborah Carlson asked if people would be able to walk across the portion of the canvas that extends into the public sidewalk or if they would have to walk around it. Mr. Rubin stated that the material is a durable canvas which people walk over.

Chairman Roin stated that his understanding is that the Plan Commission wanted a limited duration for six months or a shorter period that the Village may decimate.

Board Member David Friedman asked Mr. Rubin if the material of the canvas would be slippery when it rains. Mr. Rubin stated it is a rough texture that has a grit texture.

Board Member Carlson asked Mr. Rubin how the canvas adheres to the sidewalk. Mr. Rubin stated that it sticks to the wall and sidewalk with a material like carpet tape which supports it fine.

Board Member Scott Novack asked if this will go to the Village Board after this Zoning Board of Appeals hearing. Mr. McGowan stated he believes this is the last public hearing for the wall sign. Mr. Novack then asked Mr. Rubin if he plans on putting the wall sign back up in the Spring of 2021. Mr. Rubin then stated that his understanding is that this would not be a perpetual thing and that he would have to ask for permission to put this sign up again.

Chairman Roin then stated that his understanding is that the Plan Commission wanted a time limit for the wall sign to be displayed, so the Zoning Board of Appeals can approve a sign variance with stipulations for a time period. Chairman Roin stated that the applicant could come back for another variance after the allowable duration, or the Plan Commission could potentially propose an amendment to zoning code to allow for murals. Chairman Roin clarified that the Zoning Board of Appeals cannot make amendments to the zoning code. Mr. Rubin stated that the approval of this sign could clear the path to open up discussion with the Plan Commission in the future.

Board Member Alex Kaplan asked if the Village takes on any liability if someone slips or trips over the canvas that is on the public sidewalk. Chairman Roin stated if that is a legal question then he does not know, and that he does not believe the Village is volunteering to take any liability. Chairman Roin continued, stating that what the Board is hearing today implies that the surface of the wall sign that is better than what is there already.

Board Member John Satter stated that questions about the Village's liability were raised at the Plan Commission meeting and that the substance of the answer was that there is licensing and agreements that can be put in place, similar to an outdoor patio or seating arrangement on a public sidewalk. Mr. Mau then confirmed that the Village legislates things in the public right of way in different ways, such as a seasonal sidewalk and table permit with liability provisions included, and that Mr. Rubin has worked with the Village on a similar process for a vestibule that projected into the public right of way.

Chairman Roin mentioned that he believes the Village can ask to be indemnified by the business owner if the Village was sued, and that he believes Mr. Kaplan brings up a good point.

Board Member David Friedman then clarified that the Board is not reviewing the aesthetics of the sign. Chairman Roin confirmed that the appearance review has been approved by the Plan Commission and thinks that it is safe to approve.

Board Member Scott Novack agreed and stated that he believes the wall sign is a fantastic mural and supports all three variances requested.

Public Works Director David Mau added that the Plan Commission debated whether it was a wall sign or mural and that the future regulations of signs similar to the one presented tonight

are going to be part of a larger discussion with the Plan Commission and Village Staff over the next few months.

Board Member Deborah Carlson asked if the Village has received any complaints about the wall sign. Mr. McGowan confirmed that the Village has received one public comment from Geoff Scott who is in attendance tonight.

Mr. Geoff Scott of 724 Vernon Avenue stated that he has seen the sign and believes this is a sign and not a mural, and that people often choose to walk around the portion which encroaches into the public sidewalk. He believes it will deteriorate with weather over time and isn't sure why it has to go onto the sidewalk in an area that is already constrained with tables and current social-distancing practices outside of Hometown Coffee. Mr. Scott stated that he worries about what precedent this will set for other businesses in the Village and that he is not in favor of the wall sign.

Board Member John Satter stated that he understood Mr. Scott's concerns and that this debate regarding whether it was a sign or mural came up with the Plan Commission as well, and stated that this is a sign and not a piece of art. Mr. Satter stated that the Zoning Board of Appeals should specify the longevity for how long the sign will be displayed for. Mr. Satter continued, stating that he believes it is a wonderful sign but wishes it did not encroach into the public right-of-way, and clarified that the sign was installed without permission.

Mr. Rubin stated that this originally came about because we are living in a pandemic and most restaurants and retailers are nosediving, and that the reason Hometown Coffee is successful is because of the authentic connections they make with the community. Mr. Rubin stated that he fully respects the Board if they vote against it because it was done incorrectly according to the rules, but he also has the benefit of seeing how the community has reacted to the sign on social media with 571 "likes", 72 positive comments, and zero negative comments. Mr. Rubin clarified that the reason why it goes onto the public sidewalk is due to its three-dimensional appearance, and that people park their bikes and place chairs on it, treating it like part of the sidewalk.

Chairman Roin thanked Mr. Rubin and stated that ultimately he is in favor of approving the wall sign. Chairman Roin stated that he believes it is a sign and artwork, and he does not have the impression that Mr. Rubin knowingly installed the sign without prior approval. Chairman Roin stated that there are some potential liabilities and that the Village should be able to address this prior to approval of the sign, and that the Village should be able to continuously inspect the sign to ensure it is maintained.

Board Member Alex Kaplan asked if the Zoning Board of Appeals would have to re-approve the sign if Mr. Rubin wishes to reinstall the sign after an approved duration. Chairman Roin stated that the approved duration is for whatever duration the Zoning Board of Appeals states and if the applicant would like the sign to be reinstalled it would have to come before the Zoning Board of Appeals again. Chairman Roin reiterated that the Plan Commission agreed on six months for the duration of the sign.

PUBLIC COMMENT

Chairman Roin asked the audience if anyone had a public comment. Mr. Geoff Scott of 724 Vernon Avenue previously stated his comments but did not have any additional comments.

Following consideration of the testimony and discussion, a motion was made and seconded, that the request for variances be granted per the pictures of the sign presented, and with the stipulations that the owner has the obligation to maintain and insure the sign, that the owner is liable for any matters that come to the Village, and that it is approved for a duration of six months, making findings and resolving as follows:

FINDINGS

1. The requested variation is within the jurisdiction of the Zoning Board of Appeals.
2. Based on the totality of the relevant and persuasive testimony heard and presented, the Zoning Board determines that:
 - a. The requested variation is in harmony with general purpose and intent of the Glencoe Zoning Code.
 - b. There are practical difficulties and there is a particular hardship in the way of carrying out the strict letter of Section 7-403-E-1 of the Glencoe Zoning Code as applied to the lot in question.
 - c. The plight of the owner is due to unique circumstances.
 - d. The requested variation will not alter the essential character of the locality.
 - e. The requested variation will not set a precedent unfavorable to the neighborhood or to the Village as a whole.
 - f. The spirit of the Zoning Code will be observed, public safety and welfare will be secured, and substantial justice will be done if the requested variation is granted.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the request to exceed the maximum allowable wall sign area, reduce the minimum required elevation of the bottom of a wall sign, and extend into the public right-of-way, to allow for the installation of a wall sign at 700 Vernon Avenue, be granted as shown in the drawings or plans submitted by the owner and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Development Services Manager is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of six (6) months unless during said six-month period a building permit is issued and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Roin, Carlson, Elsasser, Friedman, Kaplan, Satter, Novack
NAYS:	None
ABSENT:	None

Board Member Deborah Carlson then concluded that she has resigned from the Zoning Board of Appeals effective today, and that she has joined the Glencoe Village Caucus. The Board Members thanked Ms. Carlson for her service.

5. ADJOURN

There being no further business to come before the Zoning Board of Appeals the meeting was adjourned at 8:24 p.m.