

*Village of Barrington
Zoning Board of Appeals
Minutes Summary*

Date: September 7, 2010

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Victoria Perille, Commissioner
William Fitzpatrick, Commissioner
Ryan Julian, Vice Chairperson
Patricia Pokorski, Chairperson

Staff Member: Brooke Jones, Development Planner
Jean Emerick, Recording Secretary

Call to Order

Chairperson Pokorski called the meeting to order at 7:08 PM.

Roll Call noted the following: Peg Moston, absent; Victoria Perille, present; William Fitzpatrick, present; Michael Sepe, absent; Vice Chairperson Ryan Julian, present; Chairperson Patricia Pokorski, present.

Chairperson's Remarks

Chairperson Pokorski waived Chairperson's remarks.

She announced the order of proceedings.

Old Business

None

New Business

ZBA 10-03: Cycle Werks Signage, 126 North Cook Street, Variations

Owner; Dezso Vinczen

Applicant: Jim Baber
126 North Cook Street
Barrington, Illinois 60010

Co-Petitioner: Jeff Lawler, Village Manager
Village of Barrington
200 South Cook Street
Barrington, Illinois 60010

Summary: The applicant seeks two variations from Chapter 4, Part IV, Section 4.16-C (General Regulations for Projecting Signs) of the Village of Barrington Zoning Ordinance relative to the size and illumination of the projecting sign for Cycle Werks of Barrington. The

property is zoned B-4 Village Center District and is designated for mixed-use according to the Comprehensive Plan.

Ms. Brooke Jones, Development Planner, presented the petition on behalf of the petitioner and co-petitioner. The applicant is Cycle Werks, 126 N. Cook. Mr. Jim Baber is the petitioner and the Village is the co-petitioner. It is an unusual circumstance. In order to retain this business, former Village Manager, Denise Pieroni thought it appropriate to co-petition for variations for a single, projecting sign, internally illuminated and 50% larger than permitted. Ms. Pieroni told Cycle Werks that the Village would support this and that we would co-petition it through the process. They needed to put up the signs immediately in order to meet BMW's request or they would have to leave the Village. Their building permit was issued in May and the sign has been constructed. There have also been other sign variations in the Village Center. The variations are warranted because Cook Street is not very visible. Even though it is 50% larger, it does not appear out of scale. On August 26th, the ARC recommended approval of the variations. Staff is recommending approval of the petition.

Chairperson Pokorski stated that the record should reflect that there was no one from the public present. She has legal and ethical concerns about this variation, starting with the oral agreement made by Denise Pieroni. Ms. Pokorski does not believe Ms. Pieroni had the legislative power to approve this.

Ms. Jones said that Ms. Pieroni said that the Village would co-petition and support the variation through the process.

Chairperson Pokorski needs some assurances from the Village Attorney that this is a legal and ethical strategy to go forward with. The Board could do this with anyone or anything. Why is this situation different? It sets precedent. On the variation standards, Ms. Pokorski thought the standards were stretched in order to reach the conclusion that they had been met. Every business owner in Barrington would like Lake-Cook signage. She believes most standards have not been met.

Commissioner Perille said she felt the same when she read the standards. She felt she could make a case but for different reasons. Was this business always a BMW dealer?

Ms. Jones said there was a change in ownership of Cycle Werks. Jim Baber purchased the business and BMW insisted they update their signage or they would not be allowed to sell BMWs.

Commissioner Julian asked if this went before the ARC and what were the grounds for their approval. Did they find nothing objectionable?

Ms. Jones said they did not have many comments and they found it acceptable.

Commissioner Fitzpatrick said the Village is trying to accommodate this business. The question is whether the Commission is okay with this.

Commissioner Julian asked if they have already constructed the signs. Therefore, the alternative is to make them take down the signs or move to another community. He does not find them objectionable. There is no residential area close by. To be business friendly, a case can be made for this variation. He had misgivings about how this came about. He is more comfortable with the normal process. He is inclined to go along with it in an effort to retain the business and does not feel it will be overly visible. It is appropriate for the area. He thinks the standards, in general, are a judgment call. He stated an argument for each standard in favor of the petitioner. He believes in a vibrant business district. It is a reasonable request.

Commissioner Perille is concerned that the report emphasizes the visibility on Lake-Cook and there are other businesses that would also like the same exposure. There is no detriment to the neighborhood, but she would like to see other reasons on the record for approving this variation.

Commissioner Julian said that any variance is a special privilege and he thinks it is a reasonable accommodation, but he would state different rationale.

Commissioner Fitzpatrick said the letter that Jim Baber sent to Brooke from BMW stated that the signage is a requirement for the franchise. He does not like the way it came to the Commission. There is a conflict of interest between the co-petitioner and staff.

Chairperson Pokorski said that she does not see anything in the letters that the signs have to be a certain size and internally illuminated.

Commissioner Julian does not agree with the rationale for the variation on some of the standards.

Chairperson Pokorski is more concerned about the illumination.

Commissioner Perille is in agreement with what Commissioner Julian has said. They could change the rationale on the standards.

Chairperson Pokorski said the Commission can dictate the way the standards should read or give staff an idea of how they would prefer it to be written. They could table this and go forth at the next meeting or go over the standards point by point for the record.

Commissioner Julian would like to go over the standards for the record.

1. The practical difficulty is not the visibility from Lake-Cook or visibility at night. Whether the petitioner is able to meet the branding required of the BMW franchises under new ownership is the main concern.
2. The unique physical condition of the property is the location in a commercial zone. The franchise requirements have changed with what they have to do at this location. It is an existing business with just a change of ownership that is located in Barrington.
3. This standard is okay.
4. This standard is okay.
5. This standard is okay.
6. This one states that attracting customers from Lake-Cook Road is the rationale. Take this sentence out. Franchise branding requirements should be the emphasis rather than attracting customers.
7. This standard is okay.
8. The franchise branding requirements should be stated.

Chairperson Pokorski asked that this petition be tabled until the October meeting.

Ms. Jones said that based on the comments she will redraft the Staff Report and discuss it at the next ZBA meeting in October.

Commissioner Fitzpatrick moved to continue the hearing to the Regular ZBA Meeting on October 5, 2010 and Commissioner Julian seconded the motion.

Roll Call Vote: Ms. Moston – absent; Ms. Perille –aye; Mr. Fitzpatrick – aye; Mr. Julian – aye; Mr. Sepe – absent; Ms. Pokorski – aye; the vote was 4 to 0. Chairperson Pokorski declared the motion approved.

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Other Business

Approval of Minutes

August 3, 2010

Commissioner Fitzpatrick moved to approve the minutes of the August 3, 2010 meeting as corrected; Commissioner Julian seconded the motion. Voice vote recorded all ayes. The minutes were approved.

Planner's Report

There is no other petition planned for the October meeting.

Adjournment

As there was no additional business to come before the Board, Commissioner Fitzpatrick moved to adjourn; Vice Chairperson Perille seconded the motion. Voice vote recorded all ayes.

Chairperson Pokorski adjourned the meeting at 8:02 PM.

Respectfully submitted,

Jean M. Emerick
Recording Secretary



Ms. Patricia Pokorski, Chairperson
Zoning Board of Appeals

Approval Date: