

400 W. DUNDEE ROAD, VILLAGE PLAZA – SIGN CODE, SECTIONS 14.20.030 AND 14.20.070, TO INSTALL A GROUND SIGN THAT WOULD BE LOCATED CLOSER THAN THE THIRTEEN (13) FEET TO THE PROPERTY LINE AS REQUIRED BASED UPON THE SIGN HEIGHT

Mr. Barry Millman, Horizon Realty Services, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois, was present and sworn in. The public hearing notice published in the Daily Herald on October 1, 2009 was read.

Mr. Millman explained that this is his third time appearing before the Board trying to reinstall the sign that was destroyed by wind damage in March last year. The property is a thirty thousand square foot shopping center located on the north side of Dundee Road near Golfview Terrace. At the time the center was built, a sign was installed. The sign was a modified pylon sign indicating Village Plaza as the name of the shopping center and 400 as the address. That sign was destroyed during a wind storm. They initially attempted to replace that sign with a multi-tenant pylon sign several times this past year. Those requests were not approved. They are asking to replace the old sign with a similar sign that was previously in place. Since the original sign was installed, the Sign Code has changed.

Ch. Entman read the Village Engineer’s memorandum addressed to Brian Sheehan dated October 1, 2009 which states: “The sign location should be determined so that any portion of the sign does not overhang the right of way and the sign edge is setback at least two feet from the edge of the public sidewalk.” Mr. Millman acknowledged that he has seen the report and stated that they can meet that criteria.

Ch. Entman referenced the ART Minutes of October 1, 2009. He confirmed that the proposed sign is the same sign that was blown down and will be in the same location.

Com. Windecker stated that as he discussed at the ART meeting, the base of the sign should be reinforced. Mr. Millman stated that he has asked the sign contractor to do that. Com. Windecker stated that as he mentioned at the ART meeting, he is concerned with the size of the sign. If it blew down from the wind at that size, what is to prevent the sign from blowing down again? He would suggest lowering the sign approximately two (2) to three (3) feet. He also believes that the width of the sign should be reduced to eight (8) feet instead of ten (10) feet so that the wind resistance is less so the same problem doesn’t happen again.

Com. Dunn asked if the previously proposed signs that were not approved were the same size as this proposed sign. Mr. Millman said it is the same size. Com. Dunn also believes that the sign could be smaller. There is not a lot of lettering on it and there is not a lot to read. If the last sign blew over, what is to prevent the new sign from blowing over? If the sign blows over, it could blow into the street and hit a car that is driving by. She would like to see the size reduced.

Com. Windecker added that at the ART meeting he stated that the sign was too large. The ART is to look at the design, color and style of the sign as opposed to what is handled by the Zoning Board. The Zoning Board decides on size criteria.

Ch. Entman believes that the proposed sign is a fair sign as far as not asking for too much verbiage. It is the same sign that was there before. He does not see the need to have that type of sign so large. He can see that property fairly well from either direction. He uses one of the professionals in the plaza. He would really like to see the size brought down and made smaller. It does not need to be ten (10) feet by eight (8) feet. If the total height of the sign were to be five (5) feet or so, that would be more than sufficient to identify the address of the plaza. The sign will not be setback to take up parking spaces. Mr. Millman stated that they originally had another idea to put the sign in another location, but they would lose a parking space. Ch. Entman said that since the sign has to be so close to the sidewalk it needs to be a smaller sign. The proposed sign is thirteen (13) feet off the ground and even if it were reduced two (2) or three (3) feet, the sign would still need to be scaled down. The signs across the street are lower and smaller in size, close to the ground. Dengeo's sign is only eight (8) feet in height and that sign contains the name of the business and so forth. A smaller sign will address the concerns of the Commissioner's concerning the sign being a hazard. Keeping the sign closer to the ground and small will allow the sign to identify the plaza and not present a safety issue. He asked for suggestions from the Commissioner's on how big the sign should be. He does not believe this proposed sign needs to be eight (8) feet in height. There are other signs that are the height of an average human being, five (5) to six (6) feet in height. Plus if it is low in the ground as a monument type without a large post, you would not need to worry about the sign blowing down. If the sign ever blew down again, it would blow onto the ground and not across the street or something. He would prefer to see the sign as a monument type sign and then scale it down in half. That would be a four (4) foot high by five (5) feet in width. Mr. Millman had attempted a monument sign in the past. And because they have such a narrow front yard to the property, a typical monument sign with it being on a pole doesn't really provide any benefit to the shopping center. They do not have enough room for a monument style sign. They only have approximately twelve (12) feet available for a sign. That is why they went with a single pole sign. They want to get as much signage as they can. He doesn't have a problem making the width eight (8) feet if the sign contractor can achieve that and still duplicate the old sign.

Ch. Entman understands and acknowledges the attempt to compromise. If the Board does not have a problem with an eight (8) foot wide sign, then the height should come down as well. He still believes that six (6) feet in total height from the ground is sufficient. He thinks it would look better if kept close to the ground if not in the ground.

Com. Windecker suggested reducing the post by three (3) feet to two (2) feet and then reducing the size of the sign to get the verbiage on it. Possibly twenty-four (24) inch letters. Consolidate the sign to eight (8) feet across and five and one half (5-1/2) feet in height added on to the two (2) foot base. That would be more appealing than the gigantic sign that is eighty (80) square feet. It would look more professional if it is identified with

the plain verbiage at the suggested dimensions. Mr. Millman replied that his contractor stated that the sign has to be three (3) feet off the ground.

Ch. Entman stated that he wants to make sure that the sign is low to ground and if there is a structural issue that it has to be a certain height, then the issue of the sign blowing over is raised again. The total height still should not exceed the suggested total height. That is why he was thinking more of a monument-type sign. The sign is all based on dimension. If you have an eight (8) by ten (10) sign, he is going to need a certain amount of post to support it. If it is a smaller sign, you need less of a post. Based on what the Board is suggesting, a five and one half (5-1/2) by eight (8) foot sign, he is not sure what base would be needed to support that. If this is something the Petitioner thinks he needs to ask the sign company about, see what they can provide. Then the Board will take a look at that.

Mr. Millman asked why this was not told to him before so he didn't have to waste time. Ch. Entman asked Mr. Millman what he wasn't told. Mr. Millman stated that he has had the proposal in since the beginning of September. So now this is almost the end of October. The ART committee never mentioned the issue of the height. Ch. Entman stated that the ART committee is not the Zoning Board of Appeals. Mr. Millman stated that he is willing to reduce the size of the sign if he could get the Board's approval so he can proceed. Otherwise he will run into a winter condition, it will be difficult to install the sign the ground. He is losing tenants by the day. He has three (3) tenants who have left and three (3) tenants who are not paying rent. Ch. Entman asked when the three (3) tenants left. Mr. Millman stated they left before the sign blew down, but he cannot get new tenants. Ch. Entman asked if the tenants have told him specifically that they will not sign a lease because there is no sign. Mr. Millman stated yes. Ch. Entman asked who those tenants are. Mr. Millman said he lost Explore, the resale shop. She is already gone. The camera left shop left. He had one (1) tenant that wanted to come into the Center but wanted more exposure to the street. He also had a children's hair salon, but they decided to go elsewhere. Across the street, actually. And they lost Chase Staffing because they got a sign right on Dundee Road. They are really in a negative situation. It is has gone on for over a year.

Ch. Entman stated that the two (2) prior proposals were reviewed individually and rejected. This is the first time they are seeing this proposal. The sign being proposed has nothing to do with tenant identification. He is not convinced that the reason tenants either left or didn't move in is because of a sign. The Board is willing to do what they suggested by reducing the sign. If the Petitioner is saying that the contractor won't be able to build the sign at those dimensions, then that is something that the Petitioner will have to deal with. The Board has an idea of what they would like the sign to be as far as size and height. Mr. Millman asked for the size that the Board would agree to and he will go back to his contractor and say this is what I need, and then he will let the owners make that decision on whether they want to pursue it. Ch. Entman stated that Com. Windecker suggested that the sign be five and one half (5-1/2) feet in height and eight (8) feet wide and mounted on a two (2) foot post. Mr. Millman stated that those dimensions might

inhibit their landscaping requirements. Com. Windecker stated that they might have to cut the grass. Ch. Entman stated that if the landscaping impedes that 400 number then the Petitioner could come up with different landscaping or keep it trimmed. Com. Windecker stated that at the ART meeting the Petitioner stated that the sign broke off the foundation. The previous meetings at the Zoning Board it was stated that the sign fell over. It broke off from the foundation. He asked how the foundation could be used again and Mr. Millman replied that the post was sleeved with metal piping. Then the Petitioner agreed to reinforce the base and pour a new base. Mr. Millman agreed that is what he said. Com. Windecker stated that the reason the sign broke off at the base was probably because the surface of the sign was so large that it broke off of an insufficient mounting for that pole that held the sign up. He also stated that it is a huge sign for that location and suggested that the size be reduced. However, being an ART review he did not think that it was his place to say to reduce the size of the sign.

Mr. Millman stated that the sign was up for twenty (20) years. He would like to know what would be approved and would meet the criteria and still satisfy the ordinance so they can have a sign installed before this coming spring.

Com. Shapiro asked what the most identifying part of the sign is. Is it Village Plaza, or is it the address. Mr. Millman stated the address 400. Com. Shapiro said if they reduce the size of the sign and Village Plaza turns out to be a slightly smaller lettering and they make the 400 larger, they will still get the recognition along the street that they want. Reducing the overall size of the sign should not be a hardship. The Board has seen some really nice looking monument signs that are probably the size the Board is suggesting that would identify the property and not have the issues with the wind. The pole doesn't even have to be there if it were a monument sign. You would have a base and the sign would be on top of the base. It doesn't have to be a two (2) foot pole; it can be a concrete base that the six (6) foot by eight (8) foot sign would sit on. Mr. Millman stated now that creates a cost issue. The monument sign will be significantly more expensive than the proposed sign. Com. Shapiro does not know the cost factor between a pole versus a base. It sounds like the pole would have to be set into a base anyway. If the Petitioner is identifying the address, they don't need a ten (10) foot sign to do that. Mr. Millman agrees. They are willing to reduce the size of the sign.

Com. Au asked why the Petitioner is so insistent on a pole with the lollipop look. That was a safety concern with the sign blowing down. It seems that based on the examples of other signs given to the Board all of them are lower to the ground and more streamline as opposed to a pole with a huge sign at the top. She asked if they are trying to get that look for a reason. The previous proposals were the same style. Mr. Millman stated that it is strictly a cost issue. Com. Au asked what kind of cost he is talking about so the Board has an idea of what the hardship would be. Mr. Millman stated that the proposed sign is \$11,000.00. A monument sign would be closer to \$20,000.00. With a monument sign, the contractor would have to start over. With the proposed sign, the contractor can use some of the infrastructure that might be in the ground.

Ch. Entman stated that if the hardship of the \$9,000.00 cost difference to put a monument sign in, then the Board would want to see the sign no larger than five and one half (5-1/2) feet in height and no wider than eight (8) feet in width and elevated off the ground no more than two (2) feet. So the absolute top of the sign would be seven and one half (7-1/2) feet.

Mr. Millman amended his Petition to reduce the sign to five and one half (5-1/2) feet in height and no wider than eight (8) feet in width and elevated off the ground no more than two (2) feet. So the absolute top of the sign would be seven and one half (7-1/2) feet. If his contractor cannot build the sign to those specifications, he will come back before the Board.

Ch. Entman stated that if the sign cannot be built at those dimensions then the Petitioner would have to come back on a brand new Petition. If the sign contractor cannot build the sign, the Petitioner would have until the following Thursday, October 29, 2009 to file a new Petition to get on the November agenda.

Mr. Sheehan stated that there is no reference to color on the sign rendering. There is also no reference to illumination.

Ch. Entman confirmed with the Petitioner that sign would be a bronze cabinet with white lettering internally illuminated. Mr. Millman stated that the sign rendering is remotely close. They tried to make it as similar as possible to what was up before. Ch. Entman asked Mr. Raysa if the Board can use Exhibit "F", the photograph of the sign that blew down, to define the proposed sign colors. Mr. Raysa stated they could use Exhibit "F".

There were no additional questions or comments from the Commissioners. There were no questions or comments from the audience.

Com. Dunn made the following motion:

I move we recommend to the Village Board to grant the amended request made by Horizon Management, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois, for variance of Sign Code, Section 14.20.030, pertaining to Business Districts; and Section 14.20.070, pertaining to Ground Signs, for the purpose of installing a ground sign that would be located closer to the property line as required based upon the height for the property located at 400 W. Dundee Road.

Subject to the Village Engineer's memorandum dated October 1, 2009. The sign dimensions shall not exceed five and one half (5-1/2) feet in height and no wider than eight (8) feet in width and elevated off the ground no more than two (2) feet. So the absolute top of the sign would be seven and one half (7-1/2) feet. The sign content, color and font to match as closely as possibly to Exhibit "F" submitted to the Zoning Board of Appeals. The location of the sign to remain consistent with Exhibit "A". The hours of illumination of the sign to be 7:00 a.m. to 10:00 p.m., seven days a week.

ZONING BOARD OF APPEALS
DRAFT MINUTES
VILLAGE PLAZA, 400 W. DUNDEE ROAD
OCTOBER 20, 2009

Pursuant to Sign Code, Section 14.44.010, Sub-section B.

Mr. Millman stated that he has an issue with the hours of illumination. The sign system is connected to the parking lot lighting system of the Center. The parking lot lights go on approximately 5:00 p.m. and go off at 7:00 a.m. He asked if there was a reason that the Board would want an address or identifying sign turned off on the street. Com. Dunn stated that the businesses are closed and there are residential neighbors on each side of the Center. Mr. Millman stated that the business signs are still illuminated all night long. Com. Dunn stated that if the businesses are closed then there is no purpose served to have the address lit up at night. Mr. Millman asked if the hours could be extended to midnight.

Com. Au stated that she doesn't see any issue if the parking lot lights are on all night.

Ch. Entman understands. Com. Dunn stated that the parking lot lights are on for safety. This sign is not for safety. This sign is just for identification.

Com. Windecker stated that the parking lot lights shine down whereas this sign will be shining from side to side. Mr. Millman stated that the sign would be shining into to the street back and forth. It is a dimly lit sign. It is not a bright light, it is a dull light. Residential wise, he really doesn't have residents. The sign would be facing east and west. Not facing north and south. There are residents to the east and there are condominiums to the west, but they are about a block away. Com. Windecker asked if the previous sign that blew down was on all night. Mr. Millman stated that it was on all night.

Ch. Entman does not have an issue with having the sign on until midnight. Mr. Millman stated that he will have to make some changes in the system because the sign is tied into the parking lot lights. He will have to figure out a way to turn them off separate from the lights. This is just adding to the expense. Ch. Entman understands the concerns. He asked if the Petitioner would compromise and turn the sign off at 11:00 p.m. Mr. Millman agreed to 11:00 p.m.

Com. Dunn amended the motion that the hours of illumination of the sign to be 7:00 a.m. to 11:00 p.m., seven days a week.

Com. Windecker seconded the motion.

Roll Call Vote: AYE – Dunn, Windecker, Shapiro, Au, Entman

NAY – None

ABSTAIN – None

Motion Passed 5 to 0. Item to appear on the November 16, 2009 Village Board agenda.

ZONING BOARD OF APPEALS
VILLAGE OF BUFFALO GROVE, ILLINOIS
FINDINGS OF FACT ON VARIATION OF SIGN CODE

THE BUFFALO GROVE ZONING BOARD OF APPEALS HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS:

I. THE SUBJECT PROPERTY:

- A. Applicant: Horizon Management for Village Plaza
- B. Location: 400 W. Dundee Road
- C. Type of Sign: Ground Sign
- D. Characteristics of Sign (including size):
5'6" x 8'0" on a 2'0" base – Double-faced internally illuminated; Cabinet
- .090 routered aluminum backed with 3/16" white; Colors – 313
Duranodic Bronze/ Plexiglass 7326 White.
- E. Lot Characteristics: Rectangular-shaped lot fronted on Dundee Road that contains two (2) commercial one-story tenant buildings.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

North – R5A Residential
South – R1* Special Use and B3 Business District
East - R5A Residential
West - R5A Residential

III. VARIATION SOUGHT:

Sign Code, Section 14.20.030, pertaining to Business Districts; and Section 14.20.070, pertaining to Ground Signs.

IV. EXHIBITS DEPICTING VARIATION:

- A. Exhibit "A": - Site Plan
- B. Exhibit "D" – Letter dated September 25, 2009
- C. Exhibit "E" – Proposed Sign Color Rendering
- D. Exhibit "F" – Photograph of Previous Sign
- E. Exhibit "G" – Proof of Ownership
- F. Exhibit "I" – Management Agreement

V. VILLAGE ENGINEER'S REPORT

Village Engineer's memorandum addressed to Brian Sheehan dated October 1,

Draft Findings of Fact
Village Plaza, 400 W. Dundee Road
October 20, 2009
Page 1 of 3

2009 which states: “The sign location should be determined so that any portion of the sign does not overhang the right of way and the sign edge is setback at least two feet from the edge of the public sidewalk.”

VI. VARIATION POWER & CRITERIA:

Sign Code, Section 14.44.010, Sub-section B

VII. PUBLIC HEARING:

After due notice as required by law, a copy of said publication notice being attached hereto as Exhibit C, the Zoning Board of Appeals held a public hearing regarding the proposed variance on Tuesday, October 20, 2009 at the Village Hall, 50 Raupp Blvd., Buffalo Grove, IL 60089 at 7:30P.M.

The applicant, Mr. Barry Millman, testified at the hearing and presented documentary evidence.

The following objectors appeared at the hearing: None

The following sent written objection prior to the hearing: None

Attached hereto and made a part hereof as Exhibit J are the minutes of the Zoning Board of Appeals meeting held on October 20, 2009.

VIII. FINDINGS:

The Zoning Board of Appeals finds that the criteria as set forth in Section 14.44.010, Subsection B of the Sign Code has been met in that the Petitioner has shown:

1. That not allowing the variance will cause undue and unnecessary hardship due to the following unique circumstances:
 - A. Tenant identification.
 - B. To help customers find the shopping center.
2. That granting the requested variance would not be detrimental to the property owners in the vicinity.
3. That the unusual conditions applying to the specific property do not apply generally to other properties in the Village.

4. That granting of the variance will not be contrary to the general objectives of this Title of moderating the size, number and obtrusive placement of signs and the reduction of clutter.

IX. CONDITIONS:

The variance shall be subject to the following conditions:

1. The sign dimensions are not to exceed eight (8) feet wide by five and one half (5-1/2) feet high mounted on a base not to exceed two (2) feet in height. The overall height of the sign cannot exceed seven and one half (7-1/2) feet from grade.
2. The sign color, content and font is to match as closely as possible to the sign as depicted in Zoning Board of Appeals Exhibit "F".
3. The sign location is to remain consistent with the location as shown on Zoning Board of Appeals Exhibit "A".
4. Hours of illumination shall be limited to 7:00 a.m. to 11:00 p.m. 7 days a week.
5. Subject to the Village Engineer's memorandum which states: "The sign location should be determined so that any portion of the sign does not overhang the right of way and the sign edge be setback at least two feet from the edge of the public sidewalk."

X. CONCLUSION:

The Zoning Board of Appeals, by a vote of 5 to 0, recommends to the Village Board to grant the amended request made by Horizon Management, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois 60089, for variance of Sign Code, Section 14.20.030, pertaining to Business Districts; and Section 14.20.070, pertaining to Ground Signs, for the purpose of installing a ground sign that would be located closer to the property line as required based upon the height for the property located at 400 W. Dundee Road.

Dated – October 20, 2009

VILLAGE OF BUFFALO GROVE, IL

Bruce Entman, Chairman
Zoning Board of Appeals

Public Hearing

PUBLIC NOTICE is hereby given that the Buffalo Grove Zoning Board of Appeals will hold a Public Hearing at 7:30 P.M. on Tuesday, October 20, 2009 in the Council Chambers of the Village Hall, 50 Raupp Boulevard.

Request is being made by Horizon Management, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois 60089, for variance of Sign Code, Section 14.20.030, pertaining to Business Districts and Section 14.20.070, pertaining to Ground Signs, for the purpose of installing a ground sign that would be located closer than the thirteen (13) feet to the property line as required based upon the sign height for the property located at 400 W. Dundee Road.

Legal Description:

Parcel 1: Lot "A" in Arlington Addition to Buffalo Grove, being a Subdivision in Sections 4 and 5, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: That part and parcel of land in the East 1/2 of the Southeast 1/4 of Section 5, Township 42 North, Range 11, East of the Third Principal Meridian, more specifically described as follows, to-wit: Commencing at the point of intersection of Section 4 and Section 5 in the Town of Wheeling and following the Southerly line of Section 5 for 405 feet to a Westerly point on said line, thence following a line in a Northerly direction parallel with the Easterly line of Section 5 for a distance of 50 feet to the point of beginning; thence continuing Northerly along the last described parallel line, a distance of 199 feet; thence following a line in a Westerly direction parallel with the Southerly line of Section 5 for 175 feet to a point, thence following a line in a Southerly direction parallel with the Easterly line of Section 5 for a distance of 199 feet to a point on a line 50 feet north and parallel with aforesaid Southerly line of said Section 5; thence Easterly on the last described parallel line, 175 feet to the point of beginning in Cook County, Illinois.

Commonly known as:

400 W. Dundee Road,
Buffalo Grove, Illinois
VILLAGE OF BUFFALO GROVE, IL

Bruce Entman, Chairman
Zoning Board of Appeals
Published in Daily Herald
October 1, 2009 (4180850)N

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood

County(ies) of Cook, Kane, Lake, McHenry
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published October 1, 2009 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Holly Bratonic
Authorized Agent

Control # 4180850

TO: ZONING BOARD OF APPEALS COMMISSIONERS

FROM: BRIAN SHEEHAN
Deputy Building Commissioner/Operations

DATE: September 29, 2009

DATE OF PUBLIC HEARING: Tuesday, October 20, 2009
7:30 P.M. – Council Chambers, Village Hall
50 Raupp Boulevard, Buffalo Grove, Illinois

RE: 400 W. Dundee Road, Village Plaza
Sign Code, Sections 14.20.030 and 14.20.070

Attached please find the documents and exhibits that have been submitted for the following variance:

Request is being made by Horizon Management, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois 60089, for variance of Sign Code, Section 14.20.030, pertaining to Business Districts and Section 14.20.070, pertaining to Ground Signs, for the purpose of installing a ground sign that would be located closer than the thirteen (13) feet to the property line as required based upon the sign height for the property located at 400 W. Dundee Road.

Notice of this public hearing was published in the Daily Herald.

If you have any questions regarding this matter do not hesitate to contact me at 459-2530.



Brian Sheehan

BS/jk
Attachments

Public Hearing
PUBLIC NOTICE is hereby given that the Buffalo Grove Zoning Board of Appeals will hold a public hearing at 7:30 P.M. on Tuesday, October 20, 2009 in the Council Chambers of the Village Hall, 50 Raupp Boulevard.
Request is being made by Horizon Management, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois 60089, for variance of Sign Code, Section 14.20.030, pertaining to Business Districts and Section 14.20.070, pertaining to Ground Signs, for the purpose of installing a ground sign that would be located closer than the thirteen (13) feet to the property line as required based upon the sign height for the property located at 400 W. Dundee Road.
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Bruce Entman, Chairman
Zoning Board of Appeals
Published in Daily Herald
October 1, 2009 (4186850)N

VILLAGE OF BUFFALO GROVE



Department of Building & Zoning
Fifty Raupp Blvd.
Buffalo Grove, IL 60089-2196
Phone 847-459-2530
Fax 847-459-7944

September 29, 2009

Ms. Claudia Ilagan
Horizon Management
1130 Lake Cook Road, Suite 280
Buffalo Grove, IL 60089

Dear Ms. Ilagan,

This is to inform you that the Zoning Board of Appeals public hearing relative to your request for variance of the Sign Code to install a ground sign at 400 W. Dundee Road, has been scheduled for Tuesday, October 20, 2009 at 7:30 P.M. in the Council Chambers of the Village Hall, 50 Raupp Boulevard.

A copy of the Agenda is enclosed. You, or an authorized representative, must attend the meeting to answer any questions the Zoning Board Commissioners may have.

If you have any questions, please do not hesitate to contact me at (847) 459-2530.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Sheehan", is written over a horizontal line.

Brian Sheehan
Deputy Building Commissioner/Operations

BS/jk
Enclosure

VILLAGE OF
BUFFALO GROVE



Department of Building & Zoning
Fifty Raupp Blvd
Buffalo Grove, IL 60089-1191
Phone 847-459-2530
Fax 847-459-7944

APPLICATION FOR VARIATION

APPLICANT Village Plaza c/o Horizon Management
ADDRESS 1130 Lake Cook Road, Suite 280 Buffalo Grove, IL 60089.
TELEPHONE NUMBER 847-870-8585.
ADDRESS OF SUBJECT PROPERTY 400 W Dundee Road.
PROPERTY IS LOCATED IN THE B1 ZONING DISTRICT
LEGAL DESCRIPTION OF SUBJECT PROPERTY: View attached plat of survey.
SECTION OF MUNICIPAL CODE FROM WHICH VARIANCE IS REQUESTED: 14.20.030/14.20.070
PURPOSE OF VARIANCE: To restore "Village Plaza 400" pylon to it's former location.


Applicant must submit a letter stating what the practical difficulties or particular hardships are in carrying out the strict letter of the Zoning Ordinance and describing the proposed work or change in use.

A plat of survey or plot plan, drawn to scale, must be attached hereto and made a part of this application.

Petitioner must submit proof of ownership such as a deed, title insurance policy, trust agreement, etc.

I (we) hereby certify that the legal title of the premises being the subject of this application is vested in Morris Aron & Dale Sreck and that all statements contained in this application are true and correct.

I (we) further understand that any misrepresentation in connection with this matter may result in a denial of the relief sought. Furthermore, I (we) have attached a list containing the names and addresses of all contiguous property owners if requesting a fence variation, OR a list of all property owners within two hundred fifty (250) feet in each direction of the subject property for all other variations; exclusive of public ways, as such are recorded in the Office of the Recorder of Deeds of Cook County and/or Lake County.


APPLICANT as authorized agent for owner.
OWNER, PARTNER IN TITLE, CORPORATE OFFICER,
BENEFICIARY OF TRUST AGENT
(Strike out all but applicable designation)

If signed by an Agent, a written instrument executed by the owner, establishing the agency, must accompany this application.

FILING FEE MUST ACCOMPANY THIS APPLICATION

FEE PAID \$ 125.00 RECEIPT NUMBER 230700 DATE 9/15/09

H
HORIZON MANAGEMENT
A DIVISION OF HORIZON REALTY SERVICES, INC.

1130 Lake Cook Road, Suite 280 • Buffalo Grove, IL 60089
Tel 847-870-8585 • Fax 847-870-1888
www.HORIZONREALTYSERVICES.com

September 25, 2009

Village of Buffalo Grove
Dept. of Building & Zoning
Fifty Raupp Blvd.
Buffalo Grove, IL 60089-2196

Re: Application for Variation- 400 W. Dundee Road- Ground Sign

To Whom It May Concern,

In June 2008 the original pylon sign built at the center fell to the ground during a heavy wind storm; (picture attached). The writing on the pylon stated "Village Plaza 400". Our center is 40 ft from the street line and tends to get lost with all the surrounding trees and houses.

The sign that fell last June was 14 ft high. The original goal was to fix the post on the sign; however numerous sections of the sign were damaged. In an effort to prevent future liabilities it made more sense to manufacture a replica of the damaged sign and put it back in the same place. Attached to this correspondence and application is a rendering with details. The post sits about 5 ft above grade. If necessary we can reduce this post another 2-3 feet. The closest edge of the sign installed will fit 2 feet from the sidewalk. The landscape surrounding the signage includes (17) Feather Reed Grass, (19) Daylily, (20) Moonbeam Coreopsis and (17) A.W. Spirea.

Our tenants and ownership are distressed with the lack of street presence the center has. We are aware of the village ordinance that pertains to signage and height vs. distance from the property line. Consequently, in order to adhere to such legalities we would lose an ordinance required parking space. We are therefore left with no alternative and appreciate your time and consideration.

Please feel free to call me with any questions or concerns at 847-870-8585 #225.

Sincerely,

Horizon Management



Claudia G. Ilagan
Property Manager

Identification Date: February __, 1997

PURCHASE AND SALE AGREEMENT

Village Plaza Shopping Center
400 W. Dundee Road, Buffalo Grove, Illinois

ZONING BOARD OF APPEALS
EXHIBIT G

THIS PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective as of the Effective Date (hereinafter defined) between CROWN LIFE INSURANCE COMPANY, a Canadian corporation ("Seller") and MORRIS ARON and DALE SCHECK, jointly and severally (collectively, "Purchaser").

WITNESSETH:

This Agreement constitutes the entire agreement of Seller to sell and Purchaser to buy all of Seller's right, title and interest in and to the real and personal property described herein.

In consideration of the mutual covenants set forth herein, the parties hereto hereby agree as follows:

1. Certain Defined Terms. As used herein, the following terms shall have meanings set forth opposite such terms:

1.1 "Closing Date" - The Closing Date shall be on the thirtieth (30th) day following the last day of the Inspection Contingency Period (as hereinafter defined).

1.2 "Earnest Money" - Fifty Thousand and No/100 Dollars (\$50,000.00).

1.3 "Effective Date" - The date on which four counterparts of this Agreement duly executed by Seller are duly delivered to Purchaser.

1.4 "Inspection Contingency Period" - The period commencing on the Effective Date and ending at 5:00 p.m. Central Standard Time on the thirtieth (30th) day after the Effective Date.

1.5 "Permitted Exceptions" - The matters listed in Exhibit B to this Agreement.

1.6 "Purchase Price" - One Million Seventy Thousand and No/100 Dollars (\$1,070,000.00).

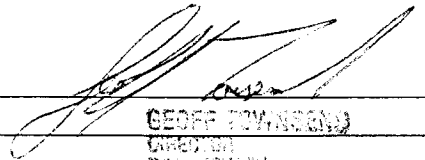
1.7 "Purchaser's Taxpayer Identification Number" - See below with Purchaser's signature to this Agreement.

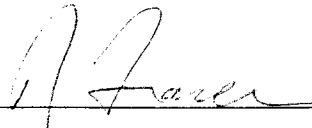
EXECUTED by the parties hereto on the respective dates shown below.

SELLER:

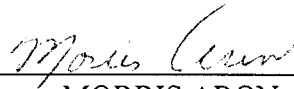
CROWN LIFE INSURANCE COMPANY, A
Canadian corporation

_____, 1997

By: 
Name: GEORGE TOMKINSON
Title: VICE PRESIDENT

By: 
Name: GEORGE TOMKINSON
Title: ASSISTANT VICE PRESIDENT
REAL ESTATE

PURCHASER:


MORRIS ARON

U.S. Taxpayer

Identification Number: 340-38-9816

February 10th, 1997


DALE SCHECK

U.S. Taxpayer

Identification Number: 360-44-6461

February 10th, 1997

HORIZON MANAGEMENT I, INC.

3715 Ventura Drive, Suite 200 • Arlington Heights, Illinois 60004
Tel 847-870-8585 • Fax 847-870-1888
www.horizonrealtyservice.com

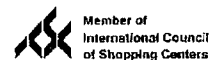
ZONING BOARD OF APPEALS
EXHIBIT I

HORIZON MANAGEMENT I, INC. **MANAGEMENT AGREEMENT**

This Management Agreement entered into this 30 day of OCTOBER, 2002 by and between Dale S. Scheck and Morrie Aron ("Owner") and **HORIZON MANAGEMENT I, INC.**, an Illinois Corporation ("Agent").

WITNESSED

- 1. TERM:** The owner hereby employs the Agent exclusively and Agent hereby accepts employment to manage a retail property located at 400 West Dundee Road, Buffalo Grove, IL, commonly known as Village Plaza (the "Premises"), upon the terms hereinafter set forth, for a period beginning on January 1, 2003 or sooner by mutual agreement, and ending twelve months thereafter for yearly periods, unless on or before 30 days prior to the expiration of the term or on or before 30 days prior to the expiration of any such renewal term, either party hereto shall notify the other in writing that it elects to terminate this Agreement, in which case this Agreement shall be thereby terminated effective on the last day of said term.
- 2. SERVICES:** Agent agrees to perform the following services:
- a. Invoice tenants for rents and other appropriate charges;
 - b. Pay all proper expenses in connection with Premises;
 - c. Maintain books and records of all revenues and expenses in connection with Premises;
 - d. Prepare a monthly statement of receipts, disbursements and charges in connection with the Premises;
 - e. Prepare an annual budget of income and expenses for the use of the Owner;
 - f. Provide general supervision of the operation and routine maintenance of the Premises;
 - g. Hire, supervise, and discharge all employees working on the Premises;
 - h. Hire, supervise, and discharge independent contractors to provide routine building services;
 - i. Maintain a telephone number for inquiries, complaints and emergency service on a 24-hour basis;
 - j. Maintain a bank account as managing agent at a mutually agreed upon banking entity into which all receipts shall be deposited and from which all bills will be paid.



Limitation of Damages: The parties agree and stipulate that in the event of any breach of this agreement by Agent or any other claim by owner against Agent, the maximum amount of damages that may be awarded is the amount equal to six month's management fee as set forth in 3a, above.

Limitation of Time for Action: No suit or action for damages or indemnity under this agreement or recovery of any claim arising from this agreement shall be sustainable in any court of law or equity unless commenced within 12 months after the date of the occurrence of such event giving rise to the claim, or 12 months after the termination of this Agreement, which is later, except as to the obligation of owner to indemnify Agent or the right of Agent to receive compensation, which shall have no such time limitation.

PARTIES AGREE that if property is sold at any time during the term of the Agreement, this Agreement is immediately terminated as of the date of the sale and a pro-rata management fee will be payable to the Agent, for the month only in which the property was sold.

AGENT:

HORIZON MANAGEMENT I, INC.,
An Illinois Corporation


By: 
Principal

Date: 10/30/02

Address:

Horizon Realty Services, Inc.
3715 Ventura, Suite 200
Arlington Heights, IL 60004
847-870-8585
847-870-1888 (Fax)

OWNER:

By: 

Dale Scheck
1920 Rollingwood Lane
Riverwoods, IL 60015

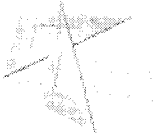
Date: 10-30-02

By: 

Morrie Aron
9233 Ida Lane
Morton Grove, IL 60053

Date: 11/4/02

BM:ilk



Dick K Kuenkler/VOBG
10/01/2009 07:38 AM

To Brian P Sheehan/VOBG@VOBG
cc
bcc
Subject ZBA - October 2009
400 W. Dundee Road

The sign location should be determined so that any portion of the sign does not overhang the right of way and the sign edge be setback at least two feet from the edge of the public sidewalk

Appearance Review Team (ART) MEETING
400 W. DUNDEE ROAD, VILLAGE PLAZA
VARIATION TO SIGN CODE, SECTIONS 14.20.030 AND 14.20.070
OCTOBER 1, 2009

PRESENT

Louis Windecker, ZBA Commissioner
Ghida Neukirch, Deputy Village Manager
Robert Pfeil, Village Planner
Brian Sheehan, Deputy Building Commissioner/Operations
Carol Berman, Deputy Building Commissioner/Administration
Nidhi Vaid, Associate Planner
Barry Millman, Horizon Realty Services
Claudia Ilagan, Horizon Realty Services

PROPOSAL

The proposed sign is similar to the previous ground sign that fell over during a storm. The proposed sign is ten (10) feet wide by eight (8) feet high with an overall height of thirteen (13) feet including the base. The sign will be internally illuminated (no exterior illumination). Existing landscaping will be utilized.

Mr. Sheehan advised that the Village Engineer is requiring that the closest point of the sign shall maintain a minimum distance of two (2) feet from the edge of the public sidewalk. This would need to be verified by the Village prior to installation.

Mr. Millman advised that the original sign was incorporated when the center was originally built. He believes that was sometime around 1988.

Mr. Pfeil asked if the existing footing and electrical would be utilized. Ms. Ilagan advised that everything had been capped off but would be re-used.

Com. Windecker confirmed that the sign broke off the foundation. How could it be re-used? Mr. Millman stated that the foundation was sleeved with metal piping. Com. Windecker asked how the sign blew down. He stated that is a huge sign for that location.

Mr. Pfeil asked how the dimensions of the proposed sign compare to the dimensions of the previous sign. Ms. Ilagan stated that the dimensions are the same.

Ms. Neukirch advised that any recommendation would be subject to Engineering approval of the location.

Mr. Millman advised that they will remove the existing foundation and replace it with a new one.

RECOMMENDATION

The ART recommends approval of the proposed ground sign subject to the following conditions:

1. The sign location being verified in compliance with the Village Engineer's recommendation.
2. A prepour inspection of the new foundation is required prior to pouring the concrete.
3. Landscape shall be maintained around the base of the new sign.

VILLAGE OF BUFFALO GROVE



Department of Building & Zoning
5175 Raupp Blvd
Buffalo Grove, IL 60089-2194
Phone 847-459-2530
Fax 847-459-7944

September 29, 2009

Dear Property Owner,

This is to inform you that a public hearing before the Zoning Board of Appeals is being scheduled for Tuesday, October 20, 2009 at 7:30 P.M. in the Council Chambers of the Village Hall, 50 Raupp Boulevard.

Request is being made by Horizon Management, 1130 Lake Cook Road, Suite 280, Buffalo Grove, Illinois 60089, for variance of Sign Code, Section 14.20.030, pertaining to Business Districts and Section 14.20.070, pertaining to Ground Signs, for the purpose of installing a ground sign that would be located closer than the thirteen (13) feet to the property line as required based upon the sign height for the property located at 400 W. Dundee Road.

Notice of this public hearing was published in the Daily Herald.

As a neighboring property owner, you are hereby notified of the public hearing and invited to attend if you wish to be heard. A copy of the Agenda is enclosed for your convenience.

If you have any questions pertaining to this matter, please do not hesitate to contact me.

Sincerely,

Brian Sheehan
Deputy Building Commissioner/Operations

BS/jk
Enclosure