

The purpose of Section 14 (Signs) of our Municipal Code) is to establish comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs that will:

- A. Balance the interest of business owners in conveying their messages, and the interest of the public in being protected against the unrestricted proliferation of signs.
- B. Protect the public health, safety, convenience, comfort and general welfare.
- C. Reduce traffic hazards.
- D. Enhance the attractiveness of the City.
- E. Protect property values.
- F. Preserve the right of free speech exercised through the use of signs containing noncommercial messages.

On October 2, 2017 the City Council approved the final reading of an ordinance granting a zoning variance for a pole sign at 1220 W. Touhy Avenue. The motion was divided into two questions. Those questions were:

Allow the pole sign to be placed 5 feet from the front and side property lines. Section 14.10D2 of the Zoning Ordinance requires pole signs to be set back at least ten feet from the property lines

And

Allow a pole sign with a sign area of seventy-two square feet. Section 14.10D1 of the City's Zoning Ordinance restricts pole signs in the B-2 district to thirty-two square feet in area.

These motions were approved by Council on October 2nd, as they were on September 19th, and August 24th at the Zoning Board of Appeals.

In this case, a major variance was granted to allow the erection of a double-sided pole sign not to exceed 72 square feet in area and to allow the pole sign to be set back not less than five feet from the property line at Delphia and Touhy.

Per our code there are three standards for the granting of a variance:

No variance from the provisions of this ordinance shall be granted unless the Zoning Administrator, the ZBA, and the City Council makes specific written findings of fact based directly on the standards and conditions imposed by this section.

- (a) The strict application of the terms of this zoning ordinance will result in undue hardship.
- (b) The plight of the owner is due to unique circumstances
- (c) The variance, if granted, will not alter the character of the locality.

Pursuant to 65 ILCS 5/3.1-40-45, I am notifying the Council of my veto of their vote to approve the final reading of an ordinance granting a zoning variance for a pole sign at 1220 W. Touhy Avenue (17-13-V).

I object to the vote because the standards for granting of a variance were not met sufficiently in my opinion for two out of the three standards.

I agree with staff reports and analysis that the third standard has been met. Granting the variance would not alter the character of the locality. There are other pole signs in the area and this would simply be one more. However the first two standards in were not met.

The applicant claims that they will be at a competitive disadvantage due to the signs of their competitors who are east of them on Touhy and who each have larger signs, and this is their undue hardship. They are correct in that the signs for Thorton's and the Shell station are larger. Thorton's sign is 70 square feet and the Shell station's sign is 91 square feet. Each of these signs is non-conforming as they are pole signs in a B-1 District, which is not allowed. Even if it were a B-2 District (as the subject property is), they would be non-conforming as they exceed the square footage allowance of 32 square feet.

Zoning administrator Howard Coppari wrote in his report:

"The general zoning principle behind nonconforming uses and structures is that they will eventually be brought into compliance with the zoning regulations. So rather than grant a variance for a new sign to equal the size of nonconforming signs, the goal should be to bring the nonconforming signs into compliance."

Allowing the applicant to piggy-back and use two non-conforming signs to create the backdrop of an undue hardship would be wrong. The implication from the applicant is that they are at a competitive disadvantage today in having a smaller monument sign, and that hardship would continue with a compliant pole sign.

The decision this council needs to make and the direction we need to be heading, beginning with this case is adhering to the code.

We have a code that allows for pole signs in B-2 districts which can be 32 square feet. If the non-conforming signs (in this area) are brought to compliance then each business operates from the same set of rules, and the same playing field. That should be our

goal and not granting variances that play into the arms race of sign size and non-conforming use.

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10/16/17