

EDGERTON COMMUNITY BUILDING
EDGERTON BOARD OF ZONING APPEALS
July 9, 2019
6:30 PM
Minutes

The Edgerton Board of Zoning Appeals (the Board) convened with Chairman John Daley calling the meeting to order at 6:31 p.m.

The Roll Call was answered, indicating those present were Chairman John Daley, Board member Jeremy Little, and Board member Charlie Crooks. Board members Tim Berger and Josh Beem were absent from the meeting. Also present were City Administrator Beth Linn, Development Services Director Katy Crow, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator indicated a quorum was present.

MINUTES

The approval of the minutes from the meeting held on April 9, 2019 were considered. Mr Daley asked if these were the minutes from the last meeting. Ms. Crow stated that is correct and that the April 9, 2019 meeting, the Board heard the request from Kubota for a sign variance. Motion by Mr. Little, seconded by Mr. Crooks, to approve the minutes. The minutes were approved, 3-0.

PUBLIC HEARING – VARIANCE REQUEST FOR 32180 WEST 191ST STREET – BZA2019-02

Chairman Daley stated before the Board is Application BZA2019-02. The application is a request for consideration and approval of a variance from the signage requirements in the Logistics Park (L-P) District under Unified Development Code (UDC) Article 5, Section 5.2.P (17.e). The request is made by Mr. Bucky Brooks from Midwest Gateway Ventures, LLC. The property is located at 32180 West 191st Street in Edgerton.

Ms. Crow informed the Board the Final Site Plan for this property was approved by the Planning Commission on April 11, 2017 and is comprised of two buildings. The northern building contains 301,000 square feet, the southern building contains 186,000 square feet and abuts 191st Street approximately a quarter of a mile west of Kill Creek Road. The Board approved Application BZA2018-01 for a variance related to the size and placement of a 10-foot by 50-foot (500 square foot) banner attached to the facing of the southern building on December 11, 2018. The variance was approved for a 180-day period which expired on June 27, 2019. On June 7, 2019, City Staff received Application BZA2019-02 to renew the variance approved in application BZA2018-01 for an additional 180 days. The banner is used to promote the leasing of the site. Ms. Crow informed the Board the applicant is in attendance to present the application and why the variance is needed.

Chairman Daley invited the applicants to present before the Board. Mr. Bucky Brooks and Ms. Edna Martinson came before the Board. Ms. Martinson stated when the complex finished construction and not leased out, the variance for the banner was requested. She handed each Board member a picture of what is currently hanging on the façade now. Ms. Martinson

explained they are asking for an extension to help promote the buildings to possible tenants. She informed the Board there have been no complaints from neighbors and the banner has proved helpful in the endeavor to lease the buildings. Mr. Brooks added the construction of the buildings was completed about a year ago and there have been no leases with no sales. He explained a tenant is needed to bring in more jobs and revenue for the City of Edgerton. Chairman Daley stated he thought all the buildings were all occupied by tenants. Ms. Linn stated these two are currently unoccupied, as are some other buildings in the Logistics Park. Ms. Crow explained there have been changes to the banner from the previously approved one due to a change in the leasing agent the applicant is using.

Ms. Crow informed the Board a timeline for when the banner has to be removed should be set by the Board. Chairman Daley suggested a period of 180 days since that is what the application was requesting and what was previously approved by the Board. Mr. Crooks and Mr. Little agreed.

Ms. Linn recommended the Board go through all of the five factors and set a timeline during those votes.

Ms. Crow explained the Staff Report does have the applicant's replies to the factors with staff response after the applicant's reply.

Chairman Daley read the first factor 1; the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and it is not created by an action or actions of the property owner or the applicant. He stated the banner is currently hanging and apparently there are other buildings that are not leased. Mr. Crooks stated the Board could renew the variance for longer, so the applicant does not have to return if the buildings are not leased. Ms. Crow explained a 6-month limit would allow the banner to be displayed until January of 2020. The Board agreed the 6-month extension would be plenty for the banner. Mr. Crooks motioned to approve the first factor with the stipulation that the banner is to be removed after a 6-month period, Mr. Little seconded. The first factor was approved with the 6-month removal date, 3-0.

Chairman Daley read the second factor; that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. He stated the banner does not block anybody and if the banner was damaged it should be removed. Ms. Crow informed the Board staff does daily inspections of the Logistics Park to ensure there are no code violations and a damaged banner is something staff would notice. Mr. Crooks motioned to approve the second factor with the stipulation of removing the banner if it is damaged, Mr. Little seconded. The second factor was approved with the stipulation, 3-0.

The third factor was read by Chairman Daley; that the strict applications of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. He stated there are real estate signs everywhere. Mr. Crooks motioned to approve the third factor, Mr. Little seconded. The third factor was approved, 3-0.

Factor number four was read by Chairman Daley; that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Chairman Daley stated there are no public health issues. Mr. Crooks motioned to approve the fourth factor, Mr. Little seconded. The fourth factor was approved, 3-0.

Chairman Daley read the fifth and final factor; that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations and to grant exceptions to the provisions of the zoning regulations in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation. Chairman Daley stated the banner is designed to be temporary since a for lease sign will be removed once the space is leased. Mr. Crooks motioned to approve the fifth factor, Mr. Little seconded. The final factor was approved, 3-0.

Chairman Daley stated that the variance is approved for 6 months with the stipulations of the removal of the banner if it becomes damaged or the building is leased before the 6-month period has expired.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Little, seconded by Mr. Crooks. The motion was approved, 3-0.

The meeting adjourned at 6:46 p.m.

Submitted by:

Chris Clinton
Planning and Zoning Coordinator