

**A HEARING BEFORE THE JOINT PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF NORTH RIVERSIDE, ILLINOIS**

IN REGARDS TO THE MATTER OF:

VARIANCE TO THE VILLAGE OF NORTH RIVERSIDE'S SIGN ORDINANCE, TITLE 14 – Robert Houpy, American Real Estate Management and Development Co., LLC

VARIANCE TO THE VILLAGE OF NORTH RIVERSIDE ZONING CODE, TITLE 17, SECTION 5.08.D(3) – David and Dina Witken

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause before the Joint Plan Commission/Zoning Board of Appeals of the Village of North Riverside held on the 20th day of April 2023, at the hour of 6:00 P.M.

JOINT PLAN COMMISSION/ZONING BOARD OF APPEALS:

PRESENT:

Mr. Pat Ferriter, Chairman;
Mr. David Witken, Member
Mr. John Mathias, Member
Mr. John Bork, Member
Mr. George Georgopoulos, Member
Mr. Matthew Brophy, Member
Mr. Martin DeLeonardis, Member

ABSENT:

None

STAFF PRESENT:

Sue Scarpiniti, Village Administrator
David Eisenbraun, Village Planner (Participating by Zoom)
Michelle Cozzone, Community Development Department

ROLL CALL: Mr. Pat Ferriter called meeting to order and asked Michelle Cozzone to do Roll Call.

AYES: Dave Witken, George Georgopoulos, John Bork, John Mathias, Pat Ferriter, Martin DeLeonardis, Matthew Brophy

NAYS: None.

ABSENT: None

Motion carried

APPROVAL OF MINUTES: Mr. Pat Ferriter moved, seconded by Mr. Matt Brophy to approve the October 20, 2022 minutes from the Joint Plan Commission/Zoning Board of Appeals Hearing as presented.

AYES: Dave Witken, George Georgopoulos, John Bork, John Mathias, Pat Ferriter, Martin DeLeonardis, Matthew Brophy

NAYS: None.

ABSENT: None

Motion carried

OVERVIEW: Mr. David Eisenbraun, Village Planner

The applicant and sign consultants, are seeking to renovate an existing sign, formerly occupied by a financial institution. On February 1, 2021, the North Riverside Board of Trustees adopted Ordinance 21-O-02 – A New Sign Ordinance repealing the previous regulations of 1992 and adopting entirely new ones intended to, among other benefits, modernize regulations, promote an updated aesthetic, improve enforcement capabilities, and eliminate redundancies in the previous regulations.

The current owner purchased the property in 2019 and applied for business license and remodel permit to convert into a gaming facility. The board adopted a new sign code in April of 2021. Mr. Houpy, owner of the property, changed the top panel of the sign in November of 2021 without a permit. Mr. Houpy was informed a permit is required and the sign was not in compliance with the current code. Mr. Houpy applied for a sign variance to permit a message board sign.

In April of 2022 the Joint Plan Commission/Zoning Board of Appeals held a hearing to discuss a sign variance. The board was not in favor of a message board, but might grant a variance for a pole sign due to the location and the close proximity to 1st Avenue. The board requested Mr. Houpy to submit information on the illumination of the sign and tabled the decision until the requested information was submitted and a new hearing date set.

Application Request:

The applicant has subsequently submitted the appropriate application and sign details and is requesting a variance from the following sections:

14.01.040 – General standards.

A.4. Light Fixtures: Light fixtures placed along the base of the sign shall be screened from view by site grading or evergreen shrubs. *No unscreened light sources are permitted.*

A.6. External Illumination: External illumination shall be provided by a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from shining directly onto adjacent properties or rights of way.

14.01.070 – Signs specifically prohibited in all districts.

The following signs, as well as all other signs not expressly permitted by this chapter, are prohibited in all zoning districts and shall not be erected, maintained or, except as provided for elsewhere in this chapter.

The subject property is zoned B3 Service Business District. It is surrounded by the R1 – Single family detached zoning district immediately to the north and west, Riverside Golf Club to the east and the Cook County Forest Preserve to the south. To date, staff have received comments from adjacent property owners related to concerns about both the style of gaming sign and unshielded light proposed. Although the code does not speak to subjective matters like sign styles, shapes or colors, staff does share similar concerns related to the clear marquee bulbs. These types of proposed light sources and styles are not allowed in our code and would not be eligible for a variance, as they do not meet the criteria of being a non-self-imposed hardship.

Additionally, only the general maintenance of an operating legal non-conforming sign existing on or before the effective date of the new sign ordinance shall be permitted without jeopardizing the non-conforming features of the sign. General maintenance includes changing of copy, necessary non-structural repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign.

The proposed sign on the subject property does not meet the warrants to be a part of this grandfathered regulation, therefore, staff recommends only a conditional approval of the variance request.

Based on the non-self-imposed hardships of the site, staff recommends the following conditions:

1. The pole sign be granted due to the existing nature of the sign and the difficult site lines created by the property and adjacent public right-of-way.
 - a. The pole shall be as unobstructive and least obtrusive as is structurally possible.
 - b. The pole sign shall abide by all of the Village's setbacks.
 - c. The pole sign shall not impede any site distance triangles.
2. The proposed lighting be changed to conform with Village codes. That all light sources shall be steady in their illumination emittance, and either be screened or directed solely towards the sign itself and that no marquee style bulbs would be allowed.
 - a. Any aspects of the sign which would be considered "Attention Grabbing" as defined in the sign code is not allowed or subject to be considered as a part of the variance.

RESPONSIBILITIES OF HEARING BODIES:

The Joint Plan Commission/ZBA has the responsibility to make a recommendation on this request to approve a variance to the Sign Ordinance.

The joint planning & zoning commission may grant the variation if they approve findings of fact based on the following standards:

- A. The Zoning Board of Appeals, in making its recommendation, shall not vary from the provisions of the ordinance unless it shall have made findings of fact based upon the evidence presented to it on the following specific issues:
1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
 2. That the plight of the owner is due to unique circumstances; and
 3. That the variation, if granted, will not alter the essential character of the locality.
- B. For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making its recommendations as to whether there are practical difficulties or a particular hardship, shall also take into consideration that extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
2. That the conditions upon which the petition for variation is based would not be applicable generally to the other property within the same zoning classification;
3. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
4. That the proposed variation will not impair an adequate supply to light and air to an adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

APPLICANT PRESENTATION: Mr. Robert Houpy

Mr. Houpy stated he met with the board last year regarding approval of a message board, which was denied. The board agreed at the last hearing that they are not opposed to a pole sign for that location, but would need to re-design the sign and submit drawings for review. Mr. Houpy submitted a redesigned drawing of the sign and is asking for the board to approve the pole sign and new design.

Mr. Pat Ferriter stated he would not want to see a monument sign at this location due to the visions obstruction for cars turning south onto First Avenue. The proposed width of the pole is larger than what is currently there and he would like to see that reduced to the size of the existing pole. The exposed bulbs would not be permitted and all lighting must be screened. Mr. Ferriter questioned what other additional signage can be proposed and if the Village is in favor of a pole sign.

Ms. Susan Scarpiniti stated that Mr. Houpy can install wall signage or awning signage which are permitted for this location.

Mr. David Eisenbraun informed the board that retrofitting the existing sign does not meet the grandfathering standards due to the changes he is proposing. When looking at the location and comparing the existing to the proposed, we would want to see if we could narrow the pole. The petitioner would also need to meet the setback requirements for the sign. The plat of survey submitted shows the existing pole located on the property line.

Mr. Robert Houpy stated the plat of survey submitted is an old survey and the sign was moved back and meets the setback requirements.

Mr. Pat Ferriter questioned the board regarding the pole sign and if they board would be in favor of a permitting the existing pole versus approving the larger pole, which is about three times bigger than what is there. If the pole abides to the village setbacks.

Ms. Susan Scarpiniti informed the board that the Village has received feedback from residents regarding the proposed sign being “attention getting” and loud in terms of color selection. Although the Village cannot regulate the colors, the board could ask the petitioner about toning down the color.

Mr. John Miller, IC Signs & Graphics, stated the light will be illuminated from the inside.

Mr. David Eisenbraun informed the board that Staff could review updated design criteria to make sure the proposed sign and location of pole conform to the code.

Mr. John Miller stated the existing pole is five-inch square. The proposed pole is eighteen inches. The smaller pole can be utilized versus enlarging.

Mr. Martin DeLeonardis stated he would like to see the smaller pole as long as it will support the proposed signs.

Mr. John Mathias stated the smaller pole would be better and Staff would review the signage to make sure it conforms to Village Code.

Mr. Martin DeLeonardis asked about flood lights from bottom versus interior lighting.

Mr. David Witken questioned about screened lighting and making sure light does not bleed off the property, which would impact cars, residents or pedestrian traffic.

Mr. John Bork stated some aspects of the code are subjective, which Ms. Susan Scarpiniti agreed that is why code cannot specify certain colors, but hope the petitioner will take the residential concerns into consideration when redesigning the sign.

Mr. John Miller stated the colors are toned down and the illuminated within is not going to be flashy or distracting. The sign there now is similar to the illumination of the proposed signage. The current sign is fluorescent and the proposed sign will be LED.

Mr. Pat Ferriter asked Mr. David Eisenbraun if the board can approve the sign variance with conditions that he meets other requirements, which Mr. David Eisenbraun stated they could.

Ms. Susan Scarpiniti questioned Mr. Robert Houpy if he considered adding wall signage to the building without having to resort to a pole sign on the property. Mr. Robert Houpy stated the reason they purchased the sign was due to the pole sign due to the location of the business being setback.

Mr. David Witken questioned if Mr. Robert Houpy owned any other property in town, which Mr. Robert Houpy confirmed they did. Ms. Susan Scarpiniti stated that the applicant owns the property on the corner of Desplaines and Cermak Road, which has a monument sign with a portion being digital.

Mr. David Witken mentioned the financial aspect of the gaming café and the ranking of his businesses compared to the other gaming cafes in town. Ms. Susan Scarpiniti stated the Village does receive the revenue information from the State of Illinois and confirmed this location is rated in the top third out of all the ten gaming cafes in North Riverside.

Ms. Susan Scarpiniti asked the board to please open it up the public comments.

PUBLIC COMMENTS:

Ms. Melissa Obrock, who resides at 2517 S. 6th Avenue, is a long-time resident of North Riverside and utilizes the intersection at 26th and 1st Avenue many times each day. Ms. Obrock stated the location of the café is surrounded by residential properties which she believes was noted when Mr. Robert Houpy purchased the property. Ms. Obrock commended Mr. Houpy on the improvements made to the building and believes the current signage is not appealing and improving the sign would be a good thing. A new

sign constructed within the boundaries of the ordinance would complement the refurbishing of the building exterior and would be a positive update to the corner. The proposed signage would not be a positive update. This property is in a unique location that is surrounded by residential property and green space. The new sign ordinance adopted by the Village Board shows a clear vision for the appearance of North Riverside and happy that there has been an effort made to reflect the value of residential properties and require commercial properties to adhere to the same values. Mr. Melissa Obrock hopes that variances are few and far between and hopes this request is denied and the board requires Mr. Houpy to adhere to the requirements in the ordinance.

Ms. Lily Chiquito, a resident of North Riverside, referred back to Mr. David Eisenbraun's comment about financial hardship and how Mr. Robert Houpy confirmed he does not meet the hardship and believe the board should not grant Mr. Robert Houpy a variance. Mr. Robert Houpy stated finances was one of the reasons, not the only reason he is applying for a variance.

Mr. Pat Ferriter stated they have received emails from resident not in favor of the variance. Mr. Pat Ferriter read a letter from Vishak Seshadri stating the following:

We reside on 1st Ave in North Riverside. We noticed the petition by the owner of the Lucky Day Gaming Cafe on the corner of 26th street and 1st Ave for a Zoning relief for a new sign. While the gaming cafe here currently doesn't pose any huge concerns until this point, we feel it does not bode well to put up a huge sign that attracts truckers. This is a largely residential area that is along a highway, and so putting up a huge sign with lots of lighting will only disturb the peace of the citizens residing here.

Further, there is no parking space for trucks here at this location. We have had quite a few accidents at this junction and trying to get Truck drivers here doesn't seem to be the best intentions. If they want to conduct business in the village, wouldn't it help to also assist neighbors live in peace and quiet?

There is a traffic signal right outside the gaming cafe that should suffice in providing signs of a gaming cafe right next to it. Especially when the speed limit here is not highway speeds.

Please consider our sincere request to reject the request for a bigger sign.

Mr. John Mathias read an email from Carolyn Quaid stating the following:

Please vote no on the Lucky Day sign. It is close to the zoo, the high school and North Riverside does not need to look like Las Vegas. If we want to attract quality businesses we must look welcoming.

We don't want the business that sign will attract.

Mr. Matt Brophy read an email from Holly Neumann stating the following:

As a resident of North Riverside, I would like to give feedback on the Request for Variation to the Title 14 of the North Riverside Sign Ordinance for the Lucky Day Gaming Cafe on First Ave and 26th Street,

I'm sympathetic to the cost the owner would incur to get the current sign up to code. However, I strongly oppose the requested additional height (putting the sign at 12.5'), as well as the sample photo showing individual bulb lights. This business is nestled on the edge of a residential neighborhood, and this height and type of signage would be out of place (and in my opinion,

garish). For drivers entering our neighborhood while driving northbound on First Avenue, this corner is the first impression of the village. A bright, tall sign advertising a gambling cafe is not the impression that I would like to present. The rest of the neighborhood is full of houses and apartments shaded by trees, friendly neighbors, and people using the lovely trail system.

Though many residents did not love the idea of a gambling cafe on this corner, we will continue to respect its presence - we only ask that the owners respect the surrounding area and the town's ordinances. In the Landmark, the attorney for the cafe owners cited a few reasons why they did not want to erect a monument sign integrated into landscaping:

- 1) a monument sign would not be as visible to passing truck drivers (a "large component of the clientele"). The village should follow up to ask where these trucks will be parked, as the current lot provides approximately ten standard-size parking spots. And according to Chapter 10.26 of the city code, a large truck or a semi-truck with a trailer would be prohibited from parking on 26th St.
- 2) if the village requires the existing sign to be replaced with a monument sign, there would be a significant financial hardship. According to the Landmark, this cafe was on track for more than \$1 million dollars in net revenue. Perhaps a compromise can be reached that doesn't include increasing the height of the sign and adding additional bulbs.

Finally, it's worth noting that the gambling cafe is adjacent to the Forest Preserve. Depending on how bright the additional bulbs on the planned sign are and how late the cafe stays open (Google maps suggests the cafe is open until 1am), it's incumbent upon the town to consider whether we are adding to unnecessary light pollution. A recent study in [Nature](#) of the Chicagoland area provided evidence that artificial lighting patterns could influence wildlife behavior in negative ways, particularly in green spaces in urban areas.

Mr. David Witken read an email from Carolina Saldana-Huerta stating the following:

I am a North Riverside resident. I live on 2nd Avenue and 26th Street, right around the corner from this gambling parlor. Not too long ago, we had officers show up to our door asking for Camera footage because there was an individual that ran away coming from the parlor. Also, a few weeks back we saw an ambulance outside the place. I can only imagine someone's blood pressure escalated or even suffered a heart condition from all the pressure they expose themselves while gambling. This business is in a bad location as is. Our neighborhood does not feel safe anymore. It will be an even greater mistake to allow for a zoning relief to allow a huge sign! I do not want big trucks parked on the side of 26th street. What about the walking path or the bikers? Not to mention all the neighbors will be bothered by the tall bright sign from across the street.

I ask that you do not allow this business to move forward with the installation of the sign. Our neighborhood will suffer. The business only cares about the profits. I wish we can close the whole place down so that our neighborhood feels safe again. Why not open an ice cream shop or a juice place? Something for the whole family to walk to during nice weather and enjoy some time? We do not need gambling parlors in our village in general, and we certainly do not need these extravagant and bright signs disturbing our peace.

I hope you can use this email as a motive to deny the vendor's request. It will be very upsetting to see our village deteriorate even more.

Mr. George Georgopoulos read an email from Dr. Knowski stating the following:

I urge you all to vote no for the ordinance change for the gambling establishment in question. By allowing a sign such as this we as a village will be setting a precedent for more gambling establishments to do the same. We are not Las Vegas 2.0. There are many surrounding communities Forest Park for example that do not have such establishments or signage. If we are to continue to grow our tax revenue and intrigue businesses to come to North Riverside we must continue to build from what makes us who we are a family friendly community with compassionate residents.

Mr. John Bork read an email from Patrick Quaid stating the following:

I urge you all to vote no for the ordinance change for the gambling establishment in question. By allowing a sign such as this we as a village will be setting a precedent for more gambling establishments to do the same. We are not Las Vegas 2.0. There are many surrounding communities Forest Park for example that do not have such establishments or signage. If we are to continue to grow our tax revenue and intrigue businesses to come to North Riverside we must continue to build from what makes us who we are a family friendly community with compassionate residents.

Mr. Martin DeLeonardis read an email from Gayle Cisar stating the following:

I am a North Riverside resident who is against gambling slot machine businesses corroding the family-oriented status of my town.

These establishments are slowly diminishing its reputation, drawing crime that is making its way into our community.

I am against the construction of signs that do not adhere to present zoning laws and are blatantly reprehensible. I moved to N. Riverside from Oak Park 20 years ago where I retired as a teacher at Oak Park High, for my daughter to grow up in a healthy, safe community.

She's 25 now, and N. R. is no longer the community in which I want to live.

Mr. Pat Ferriter read an email from Jennifer Tryban stating the following:

The sign will look terrible by the beautiful forest preserve. Plus, what truckers is this establishment wanting to visit that needs such a high sign. If they want 18 wheelers, where are they parking?

Even if it is box truck, where will they park in that small parking lot? He ordinance was put in place before the owner bought the property and put in place for a reason. If you approve a change for this business, you will probably have others following.

Mr. Pat Ferriter read an email from Gina Scheidler stating the following:

Please do not allow a larger sign at the corner of 26th and 1st. I like our village looking like a family neighborhood. The idea they need a larger sign to attract truckers is ridiculous. Where would they even park? The truckers can gamble off of the highway, we do not need them here.

(Additional emails were submitted to board to review and attached to the minutes)

Ms. Viola Bielobradek, a resident of North Riverside for 22 years, wanted to echo the comments from the residents and the email read by the board. Ms. Bielobradek stated the board should not yield to the petitioner. Ms. Bielobradek is a director of marketing and a sign for truck drivers is not a good idea.

Mr. Pat Ferriter stated the emails were addressing the original proposal and the board talked about a modified proposal. The board can either not permit a sign there at all or allow a modified sign. Wall signage and awning signs can be installed per code and would not require a hearing. A monument sign can

also be installed. Mr. Ferriter stated he does not believe the board would like to see a monument sign at that corner.

Mr. David Witken questioned Mr. Robert Houpy on whether he would like to withdraw his proposal and meet with Staff to discuss a sign that meets the code, which Mr. Robert Houpy stated it was discussed at the last meeting that a monument sign is not the best idea for that corner and the proposed sign would be a compromise. Mr. Houpy stated they would remove the light bulbs and reduce the sign of the pole.

Mr. John Mathias questioned if there are other options available due to the concerns from the residents. Mr. Martin DeLeonardis stated that residents have expressed their opinion regarding gaming cafes and concerned about the look and style of the sign and the impression it gives. Mr. Robert Houpy questioned where the concern about truck drivers is coming from. Ms. Susan Scarpiniti informed Mr. Houpy they are referring to a letter that his attorney submitted a letter stating the reason for the pole sign was to attract truck drivers to his business. Mr. Houpy questioned installing a monument sign, where Ms. Susan Scarpiniti again mentioned other options for signage due to his business doing very well. Mr. Houpy stated moving forward with a monument sign, which he believes everyone would agree is not a good idea. Mr. Brophy agreed that a monument sign would not be a good choice and commended Mr. Houpy on the exterior improvements to the building. Mr. Houpy expressed his frustration regarding the timing of the changes to the sign ordinance while his building was under construction, which then did not permit him to utilize the existing sign. Ms. Susan Scarpiniti asked Mr. David Eisenbraun to express to the board the option of conditional approval.

Mr. John Mathias questioned installing wall signage versus the pole sign due to the negative feedback from residents in the Village to try to satisfy both the residents and property owner.

Ms. Melissa Obrock stated the proposed signage is a large difference to what is currently there, which encouraged her to come forward. Ms. Viola Bielobradek stated her kids use that intersection to go to and from school and she is worried about the impact of the sign at that intersection.

Mr. David Eisenbraun addressed the board and gave them options of what can be done moving forward. The board can approve the pole sign with conditions or table the decisions and require the petitioner to submit additional information. Mr. Martin DeLeonardis expressed his concern about the petitioner installing a monument sign, which he is permitted by code, but is not what the board or residents believe would be a good option for that corner.

Ms. Melissa Obrock and Ms. Viola Bielobradek stated Mr. Robert Houpy should be a property owner and listen to the concerns of the resident by utilizing other signage instead of a pole sign.

Ms. Susan Scarpiniti asked Mr. David Eisenbraun to give the board the option of a conditional approval and what type of restrictions can be placed on the approval due to the time frame Mr. Houpy has been waiting to install signage on his property, which he is entitled to, and still meet the concerns of the residents. Mr. David Eisenbraun stated the board could recommend conditional approval of the pole sign being granted due the existing nature of the sign and the site lines created with the condition that the pole dimensions be similar to the existing pole sign. The pole sign would need to abide by all the village setbacks and not create a safety hazard by impeding on the site triangle. The applicant can work with Staff regarding different options for the sign design, but as long as it abided by the village code, it would not need to come back before the Joint Plan Commission/Zoning Board of Appeals.

Mr. Pat Ferriter asked Ms. Obrock if she has any issues with granting a pole sign, which Mr. Obrock stated she did not.

Ms. Susan Scarpiniti stated the board can grant the conditional use and Staff would work with Mr. Houpy regarding the design of the sign. Final approval will go before the Village Board. Packets are available on the village website and would include final submission so residents can review and express any concerns to the Village Board before approving.

Mr. Pat Ferriter made a motion to allow the variance conditional upon Mr. David Eisenbraun's recommendation in his staff notes. The pole shall be as unobstructive and least obtrusive as is structurally possible, will abide by all village setbacks and will not impede any site distance triangles. In addition, Mr. Houpy will need to work with Staff to come to a sign design that is agreeable to all parties. Mr. David Witken added a height requirement to the amendment, which was noted by Mr. Pat Ferriter. The motion was seconded by Mr. Matt Brophy.

AYES: Dave Witken, George Georgopoulos, John Bork, John Mathias, Pat Ferriter, Martin DeLeonardis, Matthew Brophy

NAYS: None.

ABSENT: None

Motion carried

OVERVIEW: Mr. David Eisenbraun, Village Planner

The applicant and homeowners of 2417 S 9th Ave are proposing to place a small residential whole house generator on the north side of their home, which is adjacent to their neighbor at 2413 S 9th Ave. Their proposed generator is small than a typical home air conditioning compressor unit, but similar in character. These units would typically be allowed in both the side and rear yards; however, this does not meet the minimum five (5) foot setback from the adjacent property line, and thus is triggering the need for the request.

The applicant has subsequently submitted the appropriate application and site plan details and is requesting a variance from the following sections:

5.08 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

D. Except as otherwise required for a specific accessory use, detached accessory buildings, as permitted as obstructions in required rear and side yards shall:

3. Be located not less than three feet from a lot line of adjoining lots.

To date, staff have not received comments from adjacent property owners related to concerns of this request. Staff does concur that placing it further around the east side (rear yard) does not provide any beneficial impacts or mitigation for the property owner or adjacent owners due to the separation conditions needed from a building code standpoint.

Cooperation from the adjacent property owner is also a contributing factor, where they are in support of this structure, provided screening is installed, whether it is landscaping or a screen fence.

Finally, this whole house generator does not typically meet the definitions found within the code regarding a structure, therefore, because the code is unclear and in the spirit of transparency and cooperation, a variance request is still the best process forward.

Therefore, staff does recommend conditional approval of the variance request.

Based on the non-self-imposed hardships of the site, staff recommends the following conditions:

3. The whole house generator be approved in its proposed location, and;
4. The applicant to provide year-round screening of the new generator in the form of landscaping or fencing which does not hinder the access of the generator and does not impact the adjacent property.

At this time, Member Dave Witken stepped down from the board to present his variance to the board.

APPLICANT PRESENTATION: Mr. David Witken

Mr. David Witken informed the board the reason for his decision to install a generator is due to the power outages in the last couple of storms and the length of time his family was without power. During the last storm Mr. Witken was able to hook up a portable generator to help his household and also helped his neighbor. The generator he is proposing would grant him power to his home for a longer time period and would supply his family with power for his refrigerator, air conditioner and flood control system for a longer period of time. There is no area in the backyard that meet the requirements due to glass block windows and sliding door in the back of his home.

Mr. Martin DeLeonardis questioned if the neighbor directly north of his property had any issues with the installation of the generator in side yard adjacent to Mr. Witken's property.

Mr. David Witken read a letter from his neighbor directly north of the property granting approval to install the generator in the side yard adjacent to his property.

No public comments.

Mr. Pat Ferriter made a motion to grant approval to install the generator in the side yard, which was seconded by Mr. John Bork.

AYES: George Georgopoulos, John Bork, John Mathias, Pat Ferriter, Martin DeLeonardis, Matthew Brophy

NAYS: None.

ABSENT: None

Motion carried

ADJOURNMENT: Mr. Pat Ferriter made a motion, seconded by Mr. Martin DeLeonardis, to adjourn. Motion carried unanimously.

Meeting Adjourned at 8:07pm.