

VILLAGE OF BOURBONNAIS  
ZONING BOARD OF APPEALS  
Mr. Ed Hayes, Chairman

FINDINGS OF FACT  
AND  
DECISION OF THE VILLAGE OF BOURBONNIAS  
ZONING BOARD OF APPEALS

This is the findings of fact and the decision of the Village of Bourbonnais Zoning Board of Appeals concerning an application of Kankakee County in **ZBA Case No. 15-001, 15-002, 15-003, 15-004 and 15-005**. The applicant, Key Outdoor, Inc. filed written requests to grant a zoning variance to allow outdoor offsite advertising billboards at five (5) different locations in the Village of Bourbonnais. After due notice required by law, the Zoning Board of Appeals held a public hearing on these five (5) cases on April 23, 2015 in the Village of Bourbonnais Board Room, Village of Bourbonnais Municipal Center, Bourbonnais, Illinois. The Applicant agreed at the hearing to have all five (5) cases heard at once and hereby the Zoning Board of Appeals report their findings of fact and their decision as follows:

**Site Information:** See Key Outdoors Applications (attached herewith).

**Analysis of the Standards for Variations:** After considering all the evidence and testimony presented at the public hearing, including the three ring binder submitted by Attorney Novy, the copy of the Ordinance that amended the Zoning Code concerning signs, and the public comments and public participation, the Zoning Board of Appeals makes the following analysis of the standards listed in Chapter 36, Article XIV, Section 4 (Variations) of the *Village of Bourbonnais Zoning Ordinance* that must all be considered prior to granting a variance.

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.** The Board finds that Chapter 36, Article IX, Section I, 1.4 and 1.7 state; Prohibited Signs states; It shall be unlawful to erect, operate or maintain:
  - (4) Any sign which advertises or publicizes an activity not conducted on the premises upon which the sign is maintained, except for signs displaying noncommercial public service, political or religious messages.
  - (7) Any billboard sign displaying commercial advertising off point of sale, except those which display a noncommercial public service, political or religious message.

2. **The Plight of the Owner is due to unique circumstances.** The Board finds that there is not plight to the owner that there are not billboard allowed for off-site advertising.
3. **The Variation if granted will not alter the essential character of the locality.** The Board finds that because it exceeds the sign ordinance it would alter the character of the property and the character of the village.
4. **The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a more inconvenience, if the strict letter of the regulations were carried out.** The Board finds that there are not topographical issues that apply in this case.
5. **The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classifications.** The Board finds that this finding does not apply to the proposed text amendment.
6. **The purpose of the variation is not based exclusively on a desire to make more money out of the property.** The Board finds that the owner of the sign company and the land will receive income from the placement of the sign.
7. **The alleged difficulty or hardship has not been created by any person presently having an interest in the property.** The Board finds that does not apply.
8. **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.** The Board finds that all other neighboring properties and owners have to comply with current sign ordinances.
9. **The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or**

**substantially diminish or impair property values within the neighborhood.**

The Board finds that the value of neighboring properties could be diminished by the presence of the billboards.

**10. Is the Board Authorized by the Code of Ordinances Chapter 36, Article XIV, Section 4.4, "AUTHORIZE VARIATIONS", which limits what the Zoning Board of Appeals can issue a variance for?**

The Board finds that Section 4.4. limits what the Zoning Board of Appeals can issue a variance for, and none of the allowed variances are applicable to these five (5) requests.

**DECISION:** We find that all five (5) requests for variances should be denied as Key Outdoor has failed to prove that it's requested variances meet the standards for granting a variance as found in Chapter 36, Article XIV, Section 4.3 of the Bourbonnais Zoning Code. We additionally find that even if the five (5) variance requests did meet the standards found in Section 4.3, Section 4.4 limits what the Zoning Board of Appeals can issue a variance for, and the five (5) requested variances are not authorized by Section 4.4. Therefore, the Zoning Board of Appeals hereby denies all five (5) requested variances.

**Roll Call Vote:** The roll call vote was seven (6) members for the motion to deny the variances, zero (0) opposed.

Mark Argyelan – Absent

Lisa Lillis – "AYE"

Paul Cavitt – "AYE"

Mike Magruder – "AYE"

Ralph Huntley – "AYE"

Joan Pierce "AYE"

Ed Hayes – "AYE"

Respectfully submitted by the Zoning Board of Appeals, Village of Bourbonnais this 20 day of May, 2015.