



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: September 18, 2003

SUBJECT: ZBA 03-MAJ-7: (Request to reduce the front-yard setback from 15' to 3' for construction of a 50 sq. ft. freestanding sign at 1614 N. Lincoln Avenue, in Urbana's B-3, General Business Zoning District)

Introduction

The petitioner is proposing construction of a new freestanding monument sign within the required front yard of the subject property. The proposed sign is 50 square-feet in area. The petitioner wishes to place the sign three feet east of the property line along Lincoln Avenue, this would mean that the sign would be approximately 14.25 feet east of the curb along Lincoln Avenue. Currently, there are no freestanding signs at 1614 N. Lincoln Avenue. The subject lot is located in the B-3, General Business Zoning District.

Discussion

The site is located on the northeast corner of the intersection of Lincoln Avenue and Beverly Drive (see attached maps). Woodland Cemetery abuts the northern property line of the subject property. The subject lot is 57,200 square-feet in area and the Hutchcraft Moving and Storage Company building is the only structure on the lot. The building is set back approximately 30 feet from the property line and 41 feet from the curb along Lincoln Avenue. Hutchcraft uses the property for their office and storage of records for Provena as well as household storage. All items are stored in vaults within the warehouse building.

Variance Criteria

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals and City Council to make findings based on variance criteria. At the September 17, 2003 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variance:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

There are no special circumstances or practical difficulties with reference to the parcel. Trees and bushes that are planted on or north of the subject property were done to beautify Lincoln Avenue. They do not obstruct the property in such a manner that restricts the petitioner's ability to provide signage within the regulations of the zoning ordinance. However, the proposal would make the sign more visible to motorists than if it were setback according to developmental requirements.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

Considering the subject property and the current configuration of its existing structures, the front-yard variance would serve as a special privilege. The Hutchcraft building is setback approximately 30 feet and meets current yard requirements, meaning that a sign could be placed 15 feet from the property line in accordance with the Zoning Ordinance.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.

4. *The variance will not alter the essential character of the neighborhood.*

The variance should not detract or alter from the essential character of the neighborhood.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance should not cause a nuisance to adjacent properties.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The variance should not be necessary for the petitioners to provide adequate signage for their business. The petitioner could provide a freestanding sign that meets the developmental regulations of the zoning ordinance.

Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those presented herein, they should articulate these additional findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting this denial.

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 4-0 to forward the variance request to the Urbana City Council with a **recommendation for approval to allow the petitioners to reduce the front yard setback along Lincoln Avenue from fifteen feet to three feet to construct a 50 square-foot freestanding sign, with a condition that the monument sign shall not exceed seven feet in height.** Staff concurs with the ZBA and recommends that City Council **GRANT** the variance with the condition set forth by the ZBA.

Attachments: Proposed Ordinance
 Draft Minutes of September 17, 2003 ZBA Public Hearing
 Exhibit A: Location Map & Property Owner List (not in digital format)
 Photo Exhibit (not in digital format)
 Petitioners' application (not in digital format)

Prepared by:

Michaela Bell, Planner

c: United Sign and Awning, Attn: Kenny, PO Box 189, Royal, IL 61871
 Orin Hutchcraft, 1614 N. Lincoln Avenue, Urbana, IL 61801

ORDINANCE NO. 2003-10-110

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction of the Required Front Yard Setback in the City's B-3, General Business Zoning District, From 15 ft. to 3 ft. along Lincoln Avenue to Construct a 50 Sq. Ft. Sign / 1614 Lincoln Avenue, Case No. ZBA-03-MAJ-07)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioner, United Tent and Awning, has submitted a petition requesting a major variance to allow a twelve-foot reduction of the front-yard setback along Lincoln Avenue. The request is to construct a 50 square-foot monument sign with a three-foot setback along Lincoln Avenue, in Urbana's B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-7; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on September 17, 2003 and the ZBA by a unanimous vote (4-0) of its members recommended approval of the requested variance with a condition that the freestanding sign have a maximum are of 50 square feet and a maximum height of seven feet, to the City Council; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3, C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance as requested:

1. There are no special circumstances or practical difficulties with reference to the parcel. However, the proposal would make the sign more visible to motorists than if it were set back according to developmental requirements.
2. Considering the subject property and the current configuration of its existing structures, the front-yard variance would serve as a special privilege. The Hutchcraft building is setback approximately 30 feet and meets current yard requirements, meaning that a sign could be placed 15 feet from the property line in accordance with the Zoning Ordinance.
3. The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.
4. The variance should not detract or alter from the essential character of the neighborhood. The variance should not cause a nuisance to adjacent properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by United Tent & Awning, in Case #ZBA 03-MAJ-07 is hereby approved to allow a reduction of the front-yard setback from 15' to 3' along Lincoln Avenue to construct a 50 Sq. Ft. sign at 1614 Lincoln Avenue, with the condition that the freestanding sign have a maximum height of seven feet, in Urbana's B-3, General Business Zoning District, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 1614 North Lincoln Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 15 through 20 of Beverly Hills, situated in the City of Urbana, in Champaign County, Illinois

PERMANENT PARCEL #: 91-21-05-353-006

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the

City of Urbana, Illinois, at a regular meeting of said Council on the _____
day of _____, 2003.

PASSED by the City Council this _____ day of _____,
2003.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2003.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Reduction of the Required Front Yard Setback in the City's B-3, General Business Zoning District, From 15 ft. to 3 ft. along Lincoln Avenue to Construct a 50 Sq. Ft. Sign / 1614 Lincoln Avenue, Case No. ZBA-03-MAJ-07)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such

Ordinance was posted in the Urbana City Building commencing on the _____

day of _____, 2003, and continuing for at least ten (10) days

thereafter. Copies of such Ordinance were also available for public

inspection upon request at the Office of the City Clerk.

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: September 17, 2003
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

DRAFT

MEMBERS PRESENT: Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn

MEMBERS ABSENT Paul Armstrong, Darwin Fields, Harvey Welch

STAFF PRESENT: Michaela Bell, Planner; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Matthew Ando, Bear & Eleanor Blackmon, Kenny Buhr, Bruce Shurts, Mildred Williams

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:37 p.m. The roll call was taken, and a quorum was declared present.

5. NEW PUBLIC HEARINGS

ZBA-03-MAJ-07: Request to reduce the front-yard setback from 15' to 3' for construction of a 50 square foot freestanding sign at 1614 North Lincoln Avenue, in Urbana's B-3, General Business Zoning District.

Ms. Bell gave the staff report for this case to the Zoning Board of Appeals. She presented a brief introduction and background of the proposed variance request. She described the site and noted the zoning and land uses of surrounding properties. She reviewed the Variance Criteria according to Section XI-3 of the Urbana Zoning Ordinance as they pertained to this case. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Staff recommended that the Zoning Board of Appeals recommend approval of this variance to the Urbana City Council with the condition that the proposed

freestanding monument sign have a maximum area of 50 square feet and a maximum height of seven feet.

Mr. Corten inquired if there were any signs along that area that was similar to the proposed? Ms. Bell replied that the sign for PDQ Printing was placed 3-1/2 feet from the property line and would look similar in size.

Mr. Warmbrunn referred to the picture on the last page of the packet of the proposed sign. He noticed a fire hydrant nearby. He asked if the sign would be far enough away so that it would not effect fire fighting? Ms. Bell stated that the petitioner would have to meet the front-yard setback requirement of 15' on Beverly Drive. Staff did not see the sign as being a hazard.

Mr. Corten moved that this case be forwarded to the Urbana City Council with the recommendation for approval as requested by staff with the condition written into this proposal. Mr. Schoonover seconded the motion. The roll call was as follows:

Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Corten	-	Yes	Ms. Merritt	-	Yes

The motion was passed by unanimous vote. Ms. Merritt noted that this case would go before the Urbana City Council on October 1, 2003.

6. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**