



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: July 26, 2004

SUBJECT: ZBA 04-MAJ-4: A request for a major variance filed by First Presbyterian Church of Urbana. The petitioner is requesting a major variance to allow an increase in the maximum allowable height of a freestanding institutional sign at 602 W. Green Street.

Introduction

First Presbyterian Church of Urbana has a freestanding institutional sign in front of their building at 602 W. Green Street in the MOR Mixed Office Residential Zoning District. The church proposes to replace the current sign with a new taller one to be relocated approximately twenty-five feet to the east. The new sign would be of a less commercial design than the current one and is intended to better complement the church buildings architecture.

Institutional signs such as these may be up to six feet in height. The variance request is for a 45% increase in maximum allowable institutional sign height from 6 feet to 8 feet 8 1/4 inches.

Pursuant to the Urbana Zoning Ordinance, in order to vary the maximum sign requirements by greater than 15%, the Zoning Board of Appeals must recommend approval of the major variance and forward it to City Council.

Discussion

Section IX-5.B.5 of the Urbana Zoning Ordinance states that institutional signs such as that for a church are allowed in any zoning district without a permit but may not exceed 20 square feet in display area and if freestanding may not exceed six feet in total height. Institutional signs can be taller than those allowed in the MOR district for a business (6 feet vs. 5 feet) but are smaller in area (20 square feet vs. 32 square feet).

The petitioners propose to replace the existing 6 foot 8 inch high rectangular sign of 16.25 square feet in display area, with a new one that is generally triangular and is 8 feet 8 inches in height, and 18.4 square feet in display area.

Variance Criteria

In reviewing a requested variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make specific findings based on variance criteria. The following is a summary of staff findings as they pertain to this case and the criteria outlined in the ordinance:

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

The existing stone fence structure is a practical difficulty for constructing a sign with any visible portions lower than 42 inches.

- 2) *The proposed variances 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.*

The structural element of the stone fence is not present at other locations in the area.

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

The stone fence has existed for many years. The new signage is designed to be visible above the fence.

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

The new design and colors on the proposed sign are more in harmony with the location's surrounding neighborhood and will be more residential in character.

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

The new design will be more compatible with the area and should be less visually intrusive than the existing sign and 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 petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

Options for #ZBA-04-MAJ-4

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 petitioner to increase the maximum height of a freestanding institutional sign from 6 feet to 8 feet 8 1/4 inches.** Staff concurs with the ZBA and recommends that City Council **GRANT** the variance .

Attachments: Proposed Ordinance
Draft July 21, 2004 ZBA Minutes
Exhibit A: Location Map
Exhibit F: Photos of Site
Petitioners' Application w/ Site Plan

Prepared by:

Paul Lindahl, Planner

Cc: First Presbyterian Church of Urbana, Petitioner
602 W. Green Street
Urbana, IL 61801

American Dowell Signcrafters
P.O. Box 3788
Champaign, IL 61826

ORDINANCE NO.2004-08-096

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow an increase in the maximum allowable height of a freestanding institutional sign, from 6' to 8'-8 1/4" in the MOR Mixed Office Residential Zoning District - 602 W. Green Street/ Case No. ZBA-04-MAJ-4)

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 with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, First Presbyterian Church of Urbana, located at 602 W. Green Street in the MOR Mixed Office Residential Zoning District, has submitted a petition requesting a major variance to allow an increase in the maximum allowable height of a freestanding institutional sign from 6' to 8'-8 1/4"; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-4; 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 July 21, 2004 and the ZBA voted 4 ayes and 0 nays to recommend to the City Council approval of the requested variance with the condition listed below; 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. The existing stone fence structure is a practical difficulty for constructing a sign with any visible portions lower than 42 inches.

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. The structural element of the stone fence is not present at other locations in the area.

3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner because the need for the variance has not yet been created. The stone fence has existed for many years. The new signage is designed to be visible above the fence.

4. The new design and colors on the proposed sign should not detract from the essential character of the neighborhood because they will be more residential in character.

5. The new design will be more compatible with the area and should be less visually intrusive than the existing sign and 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 petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

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

The major variance request by First Presbyterian Church of Urbana, in Case #ZBA-04-MAJ-4, is hereby approved to allow an increase in the maximum allowable height of a freestanding institutional sign from 6' to 8'-8 1/4" at 602 W. Green Street in the MOR- Mixed Office Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 602 W. Green Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lots 1, 2, and 3 of Mathew-Foote Subdivision of Lot 4 in block 6 in Joseph W. Sim, Jr.'s Addition to Urbana, Illinois and Lot 3 in block 6 of Joseph W. Sim, Jr.'s Addition to Urbana (being also known as J.W. Sim's Addition to the City of Urbana).

PERMANENT PARCEL #: 91-21-17-111-010 and -011

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 _____, 2004.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

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 _____, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow an increase in the maximum allowable height of a freestanding institutional sign, from 6' to 8'-8 1/4" in the MOR Mixed Office Residential Zoning District - 602 W. Green Street / Case No. ZBA-04-MAJ-4)

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 _____, 2004, 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: July 21, 2004
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

DRAFT

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Anna Merritt, Joe Schoonover

STAFF PRESENT: Michaela Oktay, Senior Planner; Paul Lindahl, Planner; Teri Andel, Secretary

OTHERS PRESENT: Brandon Bowersox, David Dastur, Ed DeWan, Merle Ingersoll, Jr., Phyllis Johnston, Fred Kallmayer, Karl Koenke, Al Marx, Patrick McGonigle, Alice McLaughlin, Ronald Moline, Jim North, Jenny Park, Pastor Bob Rasmus

5. NEW PUBLIC HEARINGS

ZBA-04-MAJ-04: A request for a major variance filed by the First Presbyterian Church of Urbana. The petitioner is requesting a major variance to allow an increase in the maximum allowable height of a freestanding institutional sign at 602 West Green Street.

Paul Lindahl, Planner, gave the staff presentation for this case. He explained that the request was for a variance to allow an increase in the maximum allowable height of a freestanding institutional sign to replace the petitioner's existing sign. He presented background information of the proposed site, including a description of the site and of the surrounding area. He talked about institutional signs versus commercial signs regarding size. He summarized the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance as they pertained to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings of the variance criteria outlined in the written staff report, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed variance as requested to the Urbana City Council.

Mr. Corten asked if when talking about the height of the new sign, was staff talking about the new sign from the top of the stone fence up or were they talking about the total height off of the ground? Mr. Lindahl stated that the total height of the proposed sign would be 8 feet - 8¼ inches from the ground. Mr. Corten questioned if that was how the Zoning Board of Appeals must look at the height of the sign? Mr. Lindahl replied yes.

Mr. Welch pointed out that from the pictures, it appeared that if the sign were raised up two feet, then it would be in the lower tree limbs. Mr. Lindahl explained that the new sign would be relocated to the east of its current location.

Mr. Warmbrunn commented that the new sign would be running north-south and would be facing Green Street, so there would be no visibility. Mr. Lindahl stated that the sign would be running east-west and the petitioner planned to use an existing stone pillar and build an additional stone pillar for the new sign.

Mr. Welch asked if the variance was for the height and the size of the proposed sign? Mr. Lindahl replied no. The variance request was only for the height of the sign. The actual area of the display surface would be less than the maximum 20 square feet allowed.

Mr. Welch inquired if it would be a power sign with lights? Mr. Lindahl stated that was correct.

Jim North, of American Dowell Signcrafters, approached the Zoning Board of Appeals to answer any questions.

Mr. Corten asked from the church's position, what was the purpose for making a change in the sign at this point? Mr. North answered by saying that the church had a new logo, which would be represented on the sign. Also, the church wanted to get a sign that was more compatible with the architecture of the building and would be more in tune with the general surroundings and landscaping. The church felt that the proposed sign would be a more attractive structure and would better get across their image and message that they were trying to present.

Mr. Warmbrunn inquired if the reason for the extra height was so the sign would be visible above the stone wall? Mr. North replied that was the only reason for the requested height. They plan to place the proposed new sign further east where there was a small section of the stone wall. They hoped to utilize the small section of the stone wall as part of the supporting structure for the sign.

Mr. Corten inquired if the sign would be lighted after dark. Mr. North replied that was correct.

Mr. Welch noticed that the bottom of the existing sign was even with the top of the wall. He wondered why the new sign could not be at the same height as the current sign. Mr. North stated that when looking at the existing sign, it was easy to see the need to move the sign to create within the property a balance of the whole property. The existing sign is out of place and was not planned out. In the total concept of the property within the landscape and architecture, centering the proposed new sign in the courtyard would be the best and most attractive option for

the church. Losing a bit of visibility at the top would not be a major concern for the church. The actual lettering would be about the same as the existing sign. If the trees would interfere with the sign, then it would only interfere with the top of the design of the sign.

Mr. Corten asked if the proposed 4-inch zip track message board would be changed regularly? Mr. North stated that at the church's discretion, they could change the information whenever they felt the need. Mr. Corten questioned if the current sign did not have a message board. Mr. North replied that was correct.

Acting Chair Armstrong mentioned that there was a letter from Ed DeWan opposing the variance for the increase in the height of the proposed new sign.

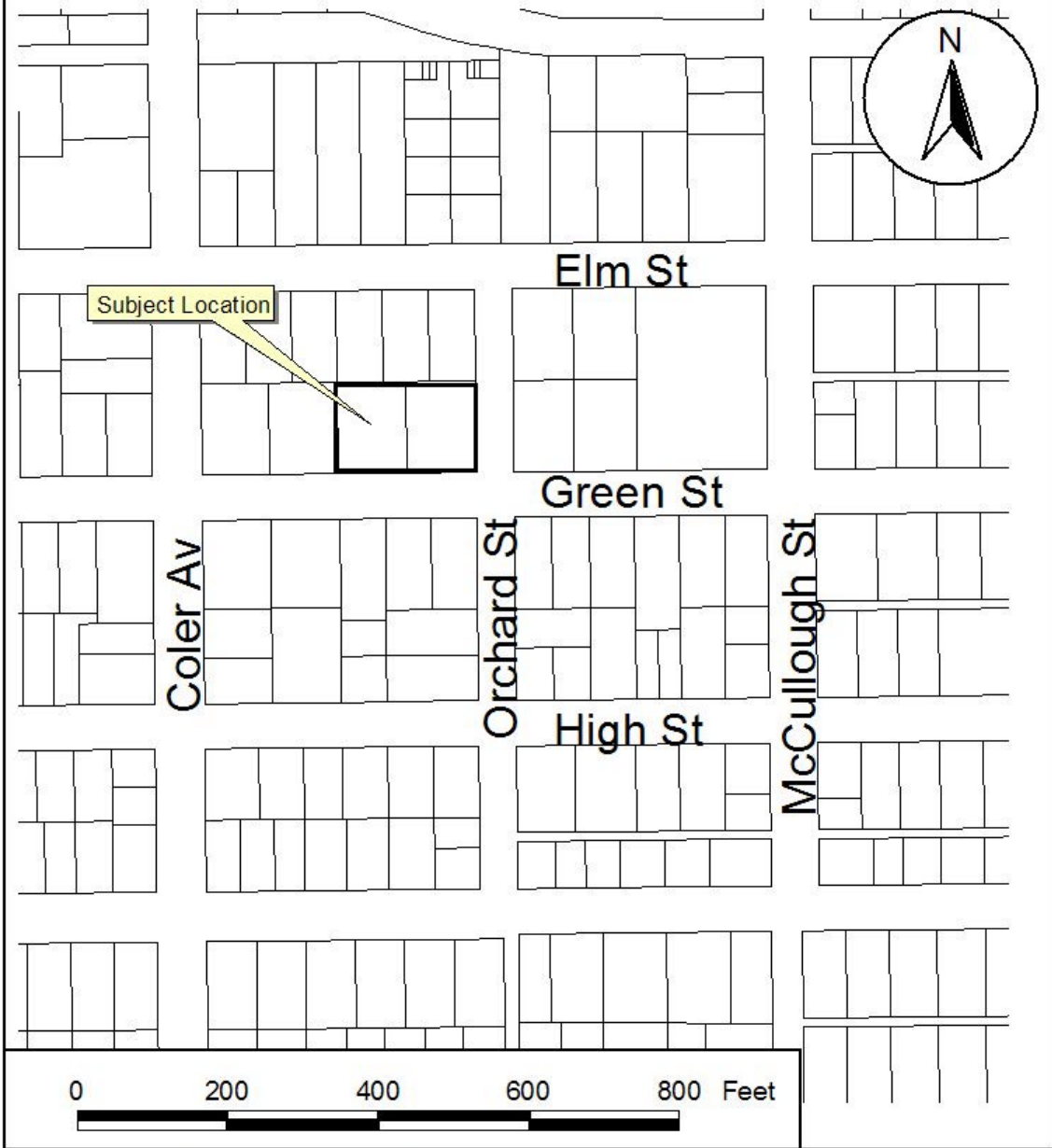
Mr. Armstrong inquired as to how far east from the existing sign would the new sign be placed? Mr. Lindahl replied that the new sign would be placed approximately 25 to 30 feet east and centered on the small pillar.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward the proposed variance to the City Council with a recommendation for approval. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Warmbrunn	-	Yes	Mr. Corten	-	Yes
Mr. Armstrong	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.

Exhibit "A": Location Map



ZBA: 04-MAJ-4, Major Variance
Request to Exceed Maximum allowed sign height
in MOR Mixed Office Residential Zoning District
Petitioner: First Presbyterian Church of Urbana
602 W. Green Street

Prepared 7/13/04 by Community Development Services - pal



Facing west – traffic view



Facing east – traffic view



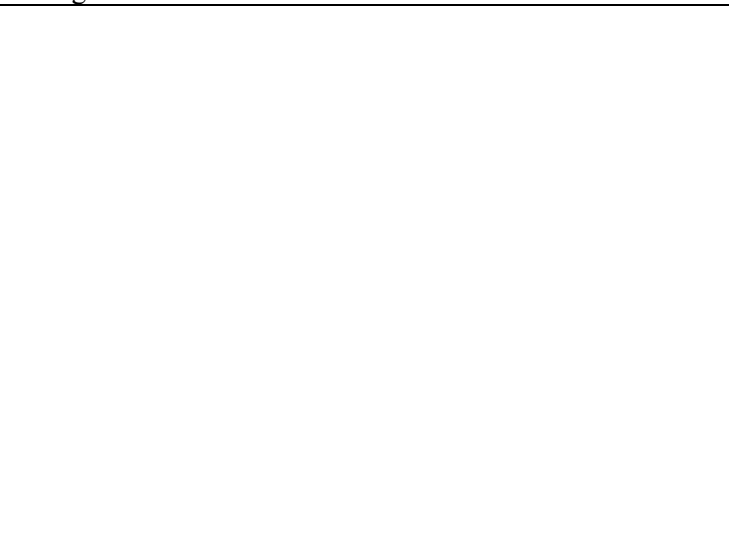
Facing north



Facing east – traffic view



Facing north



Facing east – traffic view