



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Jeff Engstrom

DATE: November 10, 2010

SUBJECT: **ZBA 2010-MAJ-05:** Request for a Major Variance by Bendsen Signs to allow a sign that is 18' 6" high, 90 square feet in area, and set back 5' from the property line at 608 North Cunningham Avenue in the B-3, General Business zoning district.

Introduction & Background

Bendsen Signs & Graphics, Inc. has filed a request on behalf of Country Financial Insurance to modify a nonconforming freestanding sign at 608 North Cunningham Ave. The building at this location is currently vacant and was previously occupied by Arrow Glass. In order to provide signage for his business, the applicant would like to modify and improve the existing nonconforming sign which is 25 feet tall and 107 square feet in area. The proposed sign would be 18 feet, six inches tall, 90 square feet in area, and set back five feet from the front property line. The subject property is located in the B-3, General Business zoning district. Per Table IX-1 of the Urbana Zoning Ordinance, signs in the B-3 district may be up to eight feet tall if set back eight to 15 feet from the front property line, and up to 16 feet tall if set back at least 15 feet. Signs may be up to 50 square feet in area.

Pursuant to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Description of the Site

The site is located along Cunningham Avenue, a regional business corridor. The site is a zoning lot, consisting of two parcels under the same ownership and zoning district, 1.96 acres in area. The site contains the former Arrow Glass building as well as a tavern in a separate building to the south and vacant former mobile home park to the east. The subject lot is an irregular shape due to the angle of Cunningham Avenue with the southern property line being wider than the northern property line. The surrounding land uses are typical of a commercial corridor. To the south of the site is the Five Points Commerce shopping center. East of the site is a former mobile home park and the National Guard Armory. Across Cunningham Avenue to the west are two

fast-food establishments, and a grocery store. To the north of the site is a used-car dealership and a mobile home park which is currently occupied.

Zoning and Land Use Table

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	B-3, General Business	Vacant Storefront, Tavern, Vacant Land	Regional Business
North	B-3, General Business	Used-car Sales Mobile Home Park	Regional Business
South	B-3, General Business	Strip Retail	Regional Business
East	B-3, General Business CRE, Conservation, Recreation, Education	Vacant National Guard Armory	Regional Business Institutional
West	B-3, General Business	Retail, Restaurants	Regional Business

Discussion

The applicant wishes to re-use and modify an existing nonconforming sign to identify a new business which will be located in the vacant building at 608 Cunningham Avenue. The re-built sign would be shorter, smaller in area, and more modern-looking, with upgraded maintenance. According to City policy, nonconforming signs are allowed to be re-used if the occupant is of the same classification of use and the sign is not altered. The applicant had considered re-using the current sign without any alterations, but would prefer to modernize the sign and reduce the height. Since the applicant wishes to alter the existing nonconforming sign, a variance is required, even though the extent of the height and area nonconformities would be reduced.

The existing nonconforming sign, as seen in Exhibit D, is set back five feet from the property line, 25 feet tall, and is made up of three sign cabinets. The total area of the existing sign, as calculated under the Urbana Zoning Ordinance, is 107 square feet. The applicant would like to remove the top cabinet and the three poles projecting above the main sign cabinet and replace the existing manual message board with an electronic message board. The three supporting poles would be encased with an aluminum cover in order improve the appearance of the sign. Exhibit E contains a rendering of the proposed sign. These changes would reduce the height of the existing sign to 18 feet, six inches and reduce the area to 90 square feet.

There are three components to this variance: height, setback, and sign area. Height and setback of the sign would continue to be nonconforming, as signs in the B-3 district can be up to eight

feet tall if located eight to 15 feet from the property line, or 16 feet tall if located farther than 15 feet. The proposed sign would require a 16% variance for height and 66% for setback. Non-monument freestanding signs in the B-3 district may be up to 50 square feet in area, therefore the requested sign requires an 80% area variance.

Constructing a new sign in conformance with zoning regulations would not be practical on this site due to the location of parking and the existing building. The former Arrow Glass building encroaches into the required yard of the site due to the angle of Cunningham Avenue. At the north end of the site the building is less than four feet from the front property line. Parking for the site is located in the triangular space in front of the building. The Zoning Ordinance allows for signs to encroach within eight feet of the property line if they are less than eight feet tall. However, an eight-foot sign would be blocked by any vehicles parked at the property. If the sign were to be built farther south it could be located out of the required yard and up to 16 feet tall. However, the bottom half would be blocked by parked vehicles and it would be farther away from the entrance to the building, which is located at the north end of the property. Additionally, re-using the existing sign structure makes sense financially, as it is structurally sound. The expense of excavating and erecting a new sign would be an obstacle for any potential tenant of this site.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria 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?*
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.*

The special circumstances are the irregular shape of the lot, and the fact that the building is encroaching into the required yard, which reduces the depth of the front yard. The fact that parking is located in front of the building further complicates the issue. Meeting the requirements of the Zoning Ordinance would result in a sign that is partially blocked from view by any vehicles parked in the parking lot. Considering that there is an existing sign structure, it makes sense to re-use that structure rather than construct a new sign that would be constrained by the difficulties of the site. The components of the variance that allow for increased height and reduced setback are supported by these criteria.

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

The variance is not due to a situation created by the petitioner. The existing sign has been in its present location for a number of years. Likewise, the location of the building and parking lot were established before the petitioner considered moving into the site.

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

The character of the neighborhood is commercial, with several other businesses that have freestanding signs, some of which that are nonconforming for height or setback. The variance will not alter the character of the neighborhood. It will allow for re-use of an existing sign at a decreased height and area. The proposed sign would be an upgrade, as the current sign is dated and in need of basic maintenance.

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

The variance should not cause a nuisance to adjacent properties. The proposed sign would upgrade an existing sign which is in need of maintenance with new paint and materials. The proposed sign will have an electronic message board which will meet Zoning Ordinance requirements for frequency and illumination levels.

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

The petitioner is requesting the level of height and setback variance necessary to re-use the existing sign structure and main sign cabinet. The third component of the variance, regarding sign area does not meet this criteria, as it would require the addition of sign area in the form of a new electronic message board.

Variance Components

The applicant has demonstrated that two of the components of the variance, sign height and setback, meet the variance criteria. The component of the variance regarding sign area is not as clear. The petitioner would remove the existing manual message board and replace it with a new electronic message board, giving the tenant an opportunity to provide modern, changeable signage. The new LED message board would use less electricity than the existing sign, which is illuminated with conventional lighting, and would be safer and easier to operate. It would help attract business to a property that has been vacant for some time. And the overall nonconformity of the existing sign would be reduced from 107 square feet to 90. However, allowing this increase in area is not necessary to address the visibility issues on the site, and it does not represent the minimum possible deviation from the Zoning Ordinance to install a business identification sign.

Summary of Staff Findings

1. Bendsen Signs applying on behalf of Country Financial to re-use an existing nonconforming sign at 608 North Cunningham Avenue.

2. The proposed sign would be 18 feet, six inches tall and 90 square feet in area. The existing setback of five feet would not change.
3. The site is located in central Urbana and is zoned B-3, General Business.
4. The Urbana Comprehensive Plan identifies the area as Regional Business.
5. The proposed variance is desired due to special circumstances of an irregularly-shaped lot with a building that encroaches into the front yard.
6. The proposed variances are not due to a situation created by the petitioner.
7. The proposed variances will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
8. The proposed variances regarding sign height and setback represent the minimum possible derivation from Zoning Ordinance requirements to re-use the existing sign structure.

Options

The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variance as requested based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variance along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals forward Case ZBA-2010-MAJ-05 to City Council with a recommendation for **APPROVAL** for the variances to allow a sign that is 18 feet, six inches tall and set back five feet from the property line, subject to the following condition:

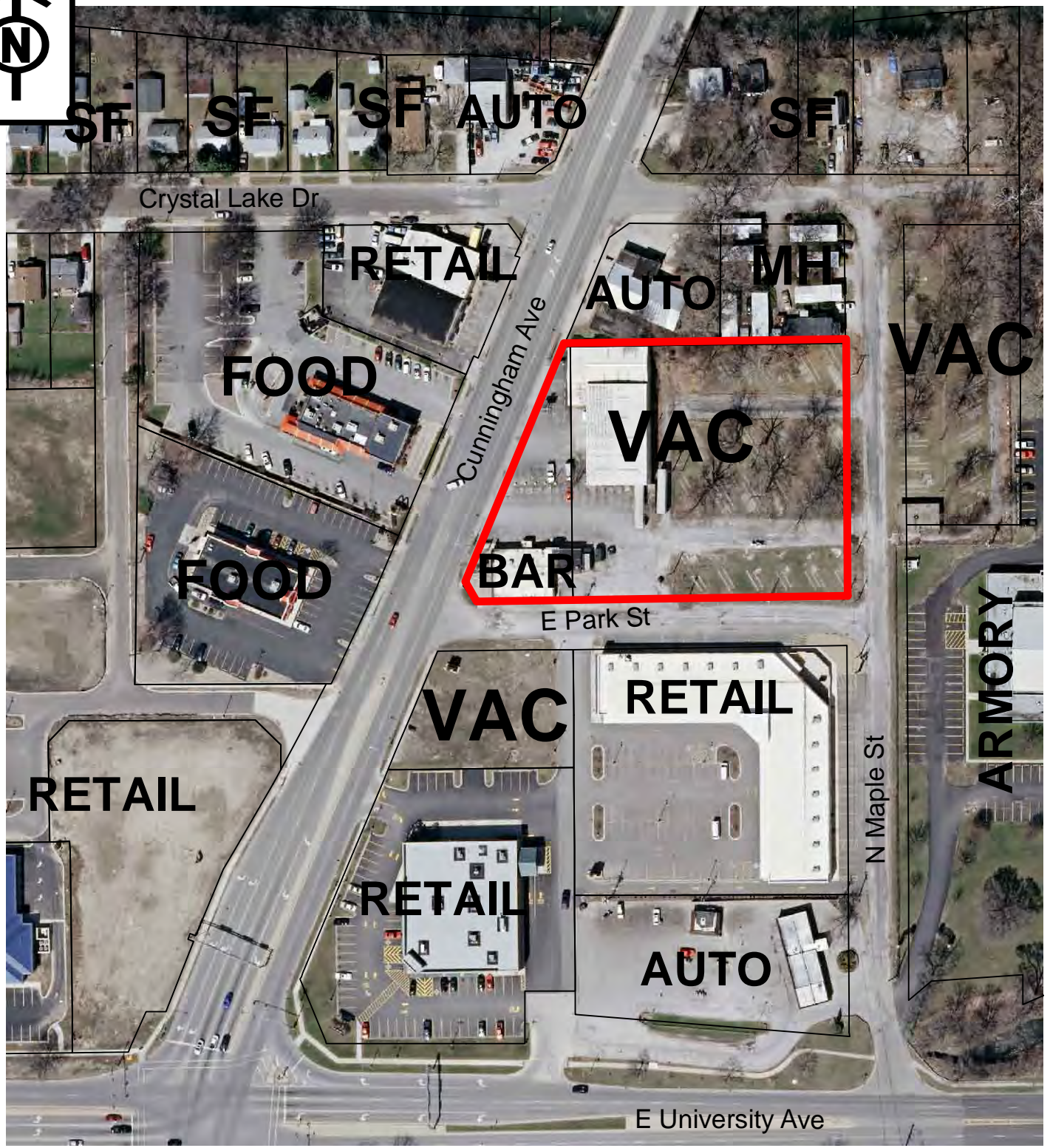
1. That the sign area and height do not exceed the dimensions shown in the sign plan submitted with the application.

Staff has **NO RECOMMENDATION** for the third component of the variance to allow an increase in sign area from 50 to 90 square feet to install a new electronic message board.

Attachments: Exhibit A: Location & Aerial Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Site Photos
 Exhibit E: Petition for Variance with Site Plan and Sign Rendering

cc: Jason Tompkins, Bendsen Signs & Graphics, Inc.

EXHIBIT A: Location & Existing Land Use Map



Plan Case: 2010-MAJ-05
Petitioner: Bendsen Signs
Location: 608 N Cunningham
Description: Request for a Major Variance to for a sign that is 18'6" tall, located 5' from the property line, 90 square feet in area.


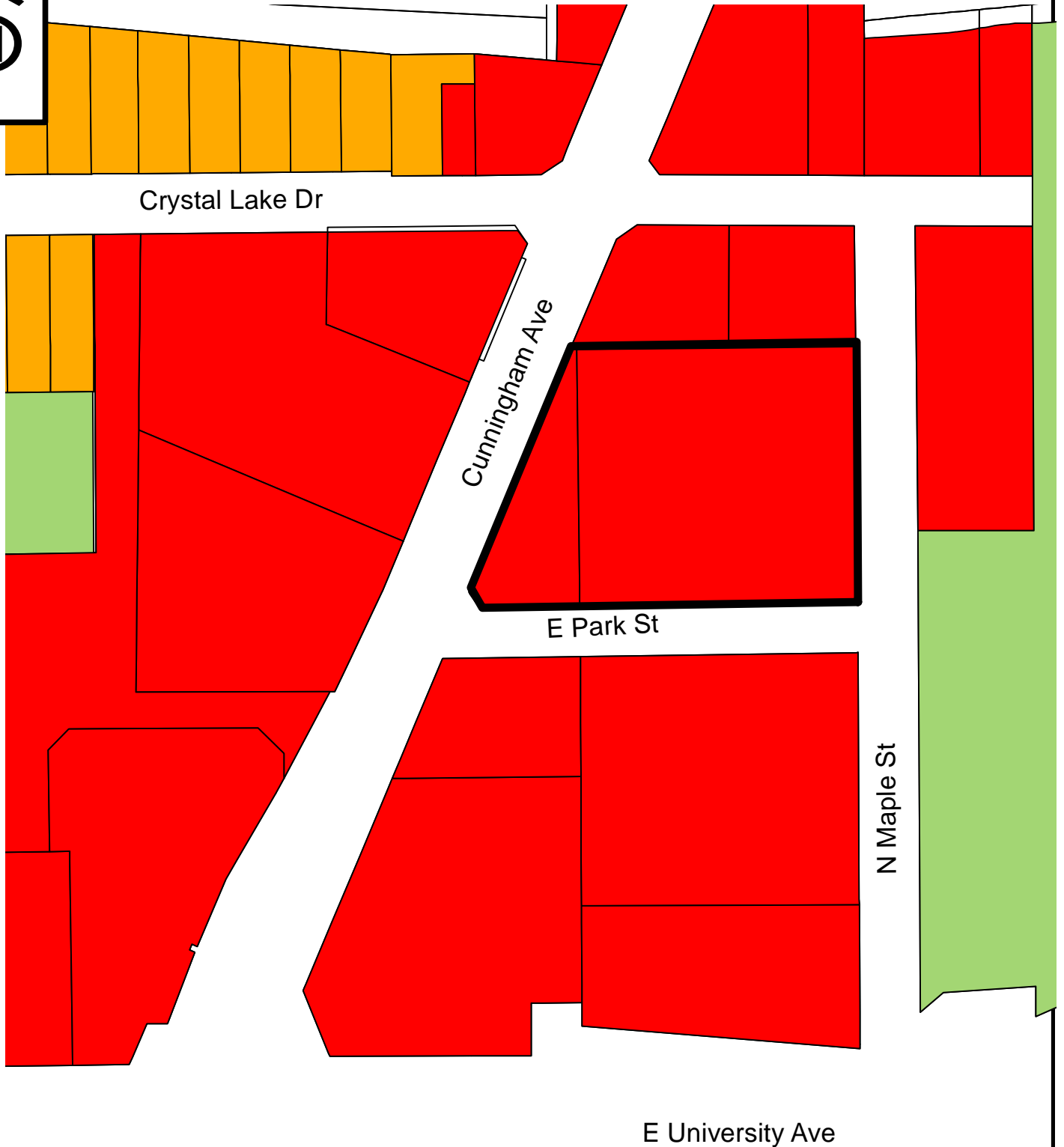
 Subject Property

Exhibit B: Existing Zoning Map



Plan Case: 2010-MAJ-05
Petitioner: Bendsen Signs
Location: 608 N Cunningham
Description: Request for a Major Variance to for a sign that is 18'6" tall, located 5' from the property line, 90 square feet in area.

Prepared 11/10 by Community Development Services - jme





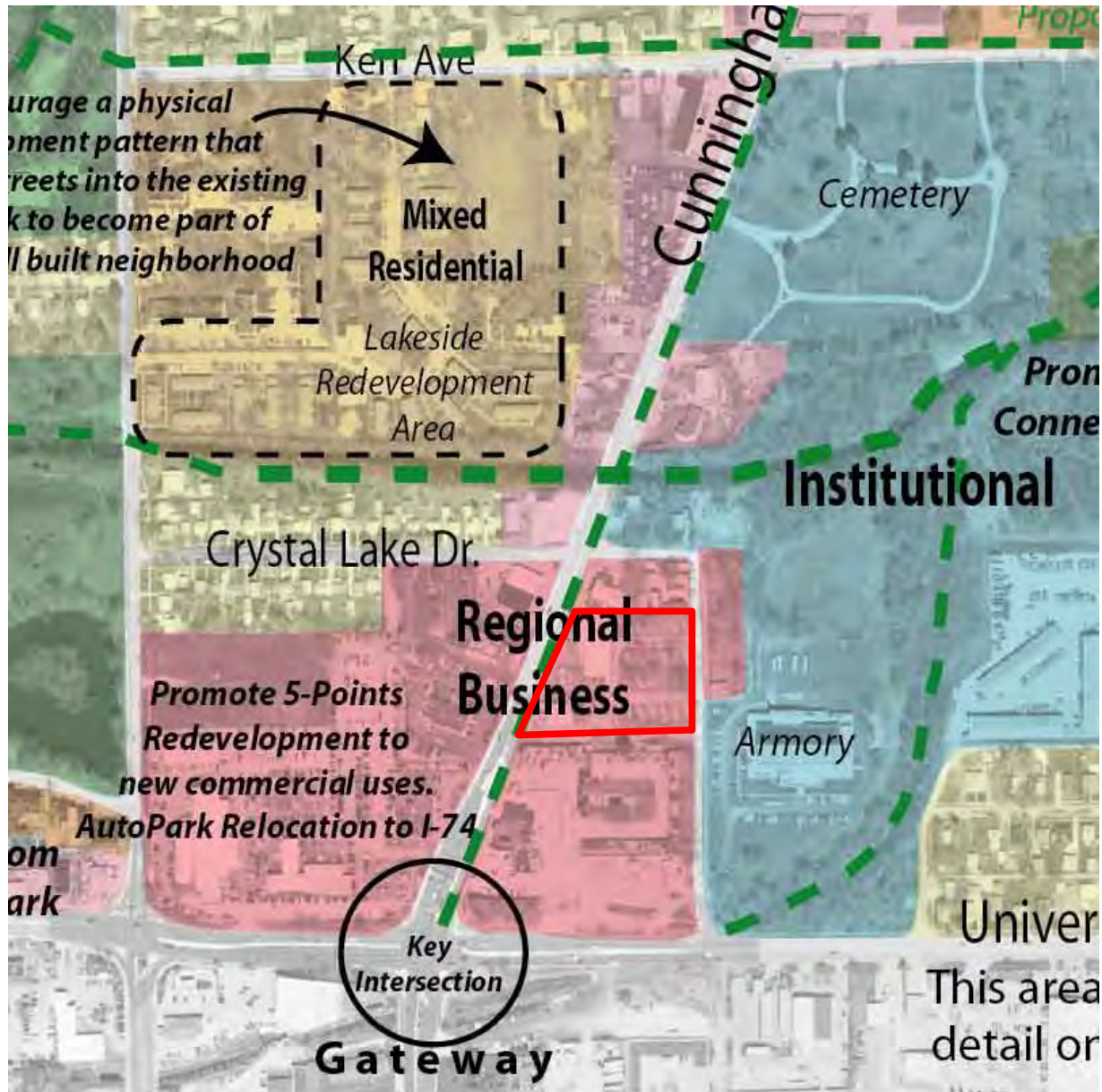
-  Subject Property
-  CRE
-  B3
-  R3

EXHIBIT C: Future Land Use Map



Plan Case: 2010-MAJ-05
Petitioner: Bendsen Signs
Location: 608 N Cunningham
Description: Request for a Major Variance to for a sign that is 18'6" tall, located 5' from the property line, 90 square feet in area.


 Subject Property

EXHIBIT D: SITE PHOTOS



Existing Sign



Parking Lot, Sign, and Building



Application for Variance

Zoning Board Of Appeals

APPLICATION FEE – \$150.00 (Major) and \$125.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* sign height, setback and area on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Bendsen Signs & Graphics, Inc. Phone: (217) 877-2345
Address (street/city/state/zip code): 2901 North Woodford/Decatur, Illinois 62526
Email Address: jtompkins@bendsensigns.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): Lessaris Brothers Phone: (217) 363-4425
Address (street/city/state/zip code): 801 N. Country Fair, Champaign, Illinois 61821
Email Address:

Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 608 North Cunningham
PIN # of Location: 912108426005
Lot Size: 280' (front) x 255.98' (back) x 266.77(Sides)

Current Zoning Designation: B-3

Current Land Use (*vacant, residence, grocery, factory, etc*): Commercial

Proposed Land Use: Commercial

Legal Description: See attached legal description.

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Engineers(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

The new occupant of location desires to update the existing signage structure to be more aesthetically pleasing to the property and community. Due to the irregular shape and layout of the property, visibility and readability (continued on attachment)

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

Do to the irregular shape of the lot and the location of the parking spaces, the placement of the sign at the existing location is pivotal for maximum visibility. Relocating the sign to any other portion of the property will deter maximum (continued on attachment)

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

The property lines, parking spaces and placement of the building were pre-set prior to the proposed signage alterations.

Explain why the variance will not alter the essential character of the neighborhood.

The variance will not alter the essential character of the neighborhood because the new sign design actually decreases the overall height and square footage of the sign as compared to the existing sign in place at this time.

Explain why the variance will not cause a nuisance to adjacent property.

The variance will not cause a nuisance to adjacent property because the sign height and area are decreasing as compared to what is presently in place. Additionally the poles are being covered to give more of a monument style appearance.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

Yes. The proposed alterations area is being decreased from 107 sq/ft to 90 sq/ft. as well as decreasing overall height from 25'0" tall to 18'6" tall. Present sign set back is 5'0" and 16'0" is required for height being (continued on attachment)

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Applicant's Signature

Date

10/25/10



Signs & Graphics, Inc.

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217-877-2345 • FAX: 217-877-2347

Additional Explanation Attachment

5. REASONS FOR VARIATION

Identification and explanation of special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel (continued)

of the signage if dictated by the current Zoning Ordinance would be greatly challenged. Please consider the following points:

- Current Zoning Ordinance for B-3 zoning states the signage needs to have an 8-ft set back from the property line to the edge of the sign and must be no taller than 8-ft. tall.
- Due to the configuration of property lines and placement of parking spots on the property, both set back and height limitations would deem the signage useless since the signage would be blocked by vehicles parked at the location.
- Relocating the sign location to the north point of the property will hinder the effectiveness of the signage greater due to the narrowing of the property line set back area.
- Relocating the location of the sign to the south will cause greater confusion to visitors to the business as it will place the identification sign for the business further away from the entrance of the location. One main goal of a professional and effective sign is to create a relational flow. The freestanding sign at the current location achieves this objective as it is placed directly outside the entrance of the office.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district (continued)

exposure and visibility of the signage in question. Most other properties in the general area have property lines that are squarer or rectangular. This allows for better defined setback areas with respect to the property lines. This type of property line configuration usually lends itself for larger areas between property lines and the building structures where items, such as signs, can be appropriately placed.

The property in question is not square or rectangular in shape. From the site plan you can see it has a much more triangular shape with the entrance of the

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Signs & Graphics, Inc.

Additional Explanation Attachment (continued)

property more located at the most narrow portion of the property. Again, due to this irregular shape, finding appropriate areas for the signage is a much greater challenge. The location of the current sign structure truly best serves the property which is why a variance for set back in being sought.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain (continued)

sought. As noted in previous points, due the irregular shape of the property and proximity to the building structure, the variances being sought will greatly enhance the overall visibility and effectiveness of the signage.

One of the main goals of the end user is to preserve and reuse as many aspects of the existing sign structure as possible. The existing support structure of the sign is in acceptable condition to support the new sign design. By utilizing the existing structure, no further excavation or alteration to the property is required eliminated the need for large excavation equipment to be used in the area. This also eliminates the need for additional concrete to be poured on the property as well.

The existing identification sign cabinet is being re-used for the new sign as well. This eliminates the need for further destruction to the existing structure. By replacing the manual reader board with an electronic message center, the owner will be allowed to change messages being displayed on the sign from within the office. This eliminates the potential hazards involved with having the manually change the copy on the sign. Additionally, the electronic message center sign will utilize LED lighting units in lieu of standard fluorescent lamps and ballasts. The electronic message center also has automatically dimming for night time operation.

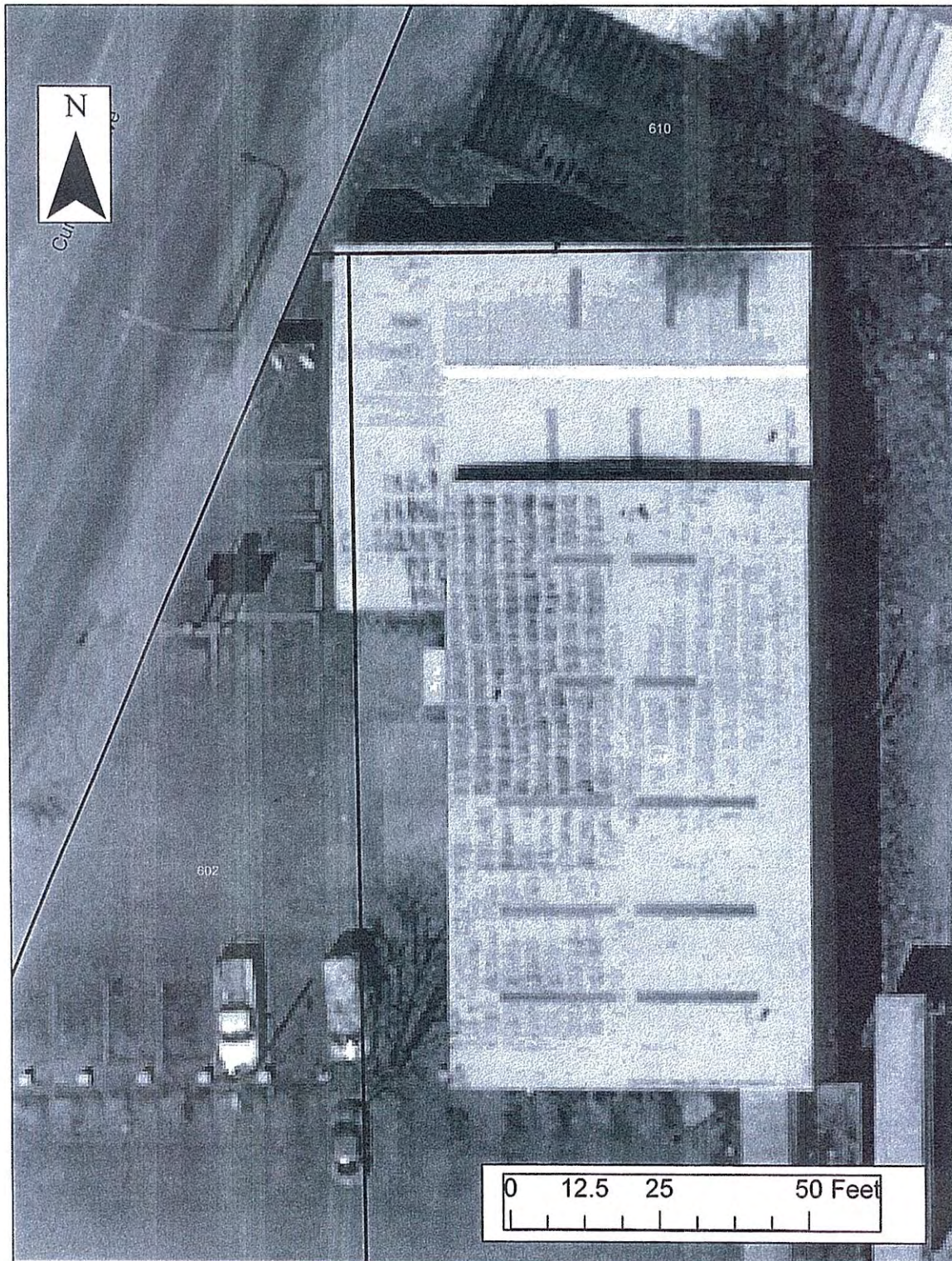
The approval of the setback, height and square footage variances will allow for maximum visibility and effectiveness for identifying the business, while at the same time preserving the existing layout of the property.



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Signs & Graphics, Inc.

Site Plan



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PROPOSED SIGN STRUCTURE

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Signs & Graphics, Inc.

2901 N. Woodford St. Decatur, IL 62526
 301 N. Neil St., Suite 400 Champaign, IL 61820

PH: 217-877-2345 (Decatur)
 PH: 217-238-1685 (Champaign)
 FAX: 217-877-2347

For: Country Insurance & Financial Services - Urbana, IL

Replace existing faces: 5'H x 10'W white flat faces with first surface vinyl

New Alum pole cover, painted two custom colors with vinyl address


Top cabinet and the changeable letter cabinet will be discarded

Existing cabinet will be painted black

This is an original unpublished drawing confidentially submitted for your personal use in connection with a project being planned for you by Bendsen Signs and Graphics, Inc. It is not to be shown or described to other nor is it to be used reproduced, copied or exhibited in any fashion.



Signs & Graphics, Inc. Sketch No. CIESV200

Designer: 
 Date: 10-12-10