

Ordinance No. 9293-105

**AN ORDINANCE
APPROVING A GENERAL VARIANCE
TO REDUCE THE MINIMUM REQUIRED SETBACK
FOR A FREESTANDING SIGN
TO ONE FOOT (1')
AT 1701 SOUTH PHILO ROAD, URBANA, ILLINOIS**

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where the strict application of the Zoning Ordinance may cause hardships in situations where other permitted variances are not adequate; and

WHEREAS, Marathon Oil Company submitted a petition requesting a general variance to allow a freestanding sign to be erected with a one foot (1') setback at 1701 South Philo Road; and

WHEREAS, said petition was presented to the Urbana Zoning Board of appeals in Case #ZBA-92-GV-3; and

WHEREAS, after due publication in accordance with Section XI-3 entitled "Board of Zoning Appeals" of the Zoning Ordinance and Chapter 24, Section 11-13-6 of the Illinois Revised Statutes, the Urbana Zoning Board of Appeals held a public hearing on the proposed amendment on January 12, 1993; and

WHEREAS, after due and proper consideration of the petitioner's application, staff's report, and based on the testimony and evidence presented at the public hearing, the Board determined findings of fact which are set forth therein; and

WHEREAS, more than two-thirds of the members of the Urbana Zoning Board of Appeals present at the public hearing voted to forward the general variance described herein to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council finds that the evidence and findings of fact as determined by the Urbana Zoning Board of Appeals support the granting of the variance, and that said variance will be in harmony with the general purpose and intent of the Urbana Zoning Ordinance and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

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

The general variance requested by Marathon Oil Company in Case #ZBA-92-GV-3 is hereby approved to reduce the minimum required setback for a

freestanding sign proposed to be erected at 1701 South Philo Road, Urbana, Illinois, from fifteen feet (15') to one foot (1').

The Council's decision is based upon the following findings of fact, as determined by the Urbana Zoning Board of Appeals:

1) The waiver will be in harmony with the general purpose and intent of this ordinance.

2) It will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

3) Granting of this variance would not be injurious or detrimental to the public welfare in that it does not demonstrate a potentially negative impact on adjacent properties or the public in general.

4) The special conditions, circumstances, or hardships are not the result of the actions of the applicant.

5) The waiver requested is necessary due to special conditions and circumstances relating to the land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same district; so that the proposed variance will not serve as a special privilege, but will alleviate some demonstrable and unusual hardship.

The general variance described above shall only apply to the property located at 1701 South Philo Road, Urbana, Illinois, the legal description of which is set forth as follows:

Part of the NW 1/4 of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, described as:

The North 190 feet of the East 190 feet of the NE 1/4 of the NW 1/4 of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, except that portion said tract described as follows:

Beginning at the North 1/4 corner of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, thence Westerly along the North line of said Section 21, 190 feet; thence Southerly parallel with the East line of the NW 1/4 of said Section 21, 40 feet to a point on the existing South right-of-way line of Florida Avenue; thence Easterly along the said South right-of-way line and parallel with the North line of said Section 21, 110 feet; thence Southeasterly to a point which is 65 feet South and 40 feet West of the North 1/4 corner of said Section 21; thence Southerly along the existing West right-of-way line of Philo Road and parallel with the East line of the NW 1/4 of said Section 21, 125 feet; thence Easterly 40 feet to a point on the East line of the NW 1/4 of said Section 21; thence Northerly 190 feet to the point of beginning, all situated in the City of

Urbana, in Champaign County, Illinois, and more particularly described as:

Commencing at the North 1/4 corner of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, thence Westerly along the North line of said Section 21, a distance of 190 feet; thence Southerly parallel with the East line of the NW 1/4 of said Section 21 a distance of 40 feet to a point on the existing South right-of-way line of Florida Avenue, said point being the point of beginning; thence South 90° 00'00" East along the said South right-of-way line and parallel with the North line of said Section 21, a distance of 110 feet actual (and recorded); thence South 58° 07'28" East, a distance of 47.34 feet actual (47.39 feet recorded); thence South 0° 27'40" East along the West right-of-way line of Philo Road, a distance of 125.28 feet actual (125.00 feet recorded); thence North 89° 56'13" West, a distance of 150.02 feet actual (150.00 feet recorded); thence North 0° 27'18" West, a distance of 150.11 feet actual (150.00 feet recorded) to the point of beginning containing 0.506 acres (22,030 square feet), all situated in Cunningham Township, Champaign County, Illinois.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code. The City Clerk is directed to notify the petitioner of the decision of the City Council in this matter.

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 3rd day of May, 1993.

PASSED by the City Council on this 3rd day of May, 1993.


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 14th day of May, 1993.

Tod F. Satterthwaite
Tod F. 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 3rd day of May, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-105 entitled, "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED SETBACK FOR A FREESTANDING SIGN TO ONE FOOT (1') AT 1701 SOUTH PHILO ROAD, URBANA, ILLINOIS."

The pamphlet form of Ordinance No. 9293-105 was prepared and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of May, 1993, 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.

DATED at Urbana, Illinois, this 27th day of May, 1993, 1993.

Phyllis D. Clark
Phyllis D. Clark, City Clerk

