

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the Allowed Area of a Freestanding Sign from 50 Square Feet to 78 Square Feet at 1809 North Cunningham Avenue -- Case No. ZBA-01-MAJ-11)

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 petitioner, Bigfoot Foodstores, Inc., has submitted an application requesting a major variance to allow the increase in the allowable area of a freestanding sign from 50 square feet to 78 square feet at 1809 North Cunningham Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-11; 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 general variance on July 26, 2001, and the ZBA, by a unanimous vote of its members, recommended to the City Council approval of the requested variance; 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:

1. The special circumstance in this case relates to the shape of the parcel and its location at the intersection of Kenyon Road and Cunningham Avenue. Since this site has two separate frontages, it is allowed two separate freestanding signs of 50 square feet each. Because of the shape of the lot at this location, two signs are not practical as it would be at a typical T-intersection. The petitioner proposes just one sign with 78 square feet rather than two separate signs with a total of 100 square feet.

2. The proposed variance is not a special privilege because according to the ordinance, the petitioner is permitted to have two separate signs at 50 square feet each. The proposal for just one sign is requested because the shape of the lot at this unusual intersection makes it impractical to have two signs. For this reason, the Board found the request for one 78-square foot sign justified and reasonable.

3. The developer was aware of the need for the variance prior to constructing the sign. Although the sign is currently erected on the site, it was allowed under a temporary situation to allow Bigfoot to open for business and adequately display a price for its product. If the variance is not granted, it is understood that the price sign will need to be removed.

4. The character of the area is heavily commercial and that the use and its sign are entirely compatible with the characteristics of the area.

5. The variance will not be a nuisance to any of the adjoining properties.

6. The petitioner is requesting only the amount of variance needed to accommodate the proposal.

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

The major variance request by Bigfoot Foodstores, Inc., in Case #ZBA-01-MAJ-11 is hereby approved to allow the increase in the allowable

area of a freestanding sign from 50 square feet to 78 square feet in the City's B-3, General Business Zoning District, at 1809 North Cunningham Avenue, in the manner proposed in the application for the major variance in that case and with the following condition:

- 1. The approved 78-square foot sign shall be the only permitted freestanding sign on the site. Should the existing sign be removed, any new signage shall meet the requirements of the Urbana Zoning Ordinance.*

The major variance described above shall only apply to the property located at 1809 North Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Tract I

A tract of land containing one acre described as follows: The measurement starting from a stone at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian; thence with a line West 21 poles and 11 links to center of road; thence South 19 degrees West five hundred and fifty-two and five tenths feet to a stone in the center of the road which is the Heater Road to a stone which is the Southeast Corner of the one acre tract hereby conveyed; thence West two hundred and thirty-five feet and six inches to the Southwest corner of said one acre, at which a stake is set; thence North 165 feet to a stake at the Northwest corner of said one acre; thence East 309 feet to a stake in the center of said road which is the Northeast corner of the said one acre; thence South on center of said road 174 feet five inches to the beginning, which is the Southeast corner of said one acre, situated in the Town of Urbana, in the County of Champaign, in the estate of Illinois, except that portion occupied as the Kankakee and Urbana Traction right of way and also except North Sixty feet of the

West One Hundred Twenty Feet of said tract, subject to and easement for ingress and egress over the North Twenty Feet of said tract except the West One Hundred Twenty Feet thereof, (as shown on a Quit Claim Deed dated January 2, 1986 and recorded March 3, 1987 in the Champaign County Recorder's Office in Book 1508 at page 236 as Document Number 87R4588).

PERMANENT PARCEL #: 91-21-04-301-017

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 6th day of August, 2001.

PASSED by the City Council this 6th day of August, 2001.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 20th day of August, 2001.


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 6th day of August, 2001,
the Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2001-08-087, entitled:

An Ordinance Approving a Major Variance (Increase in the Allowed Area
of a Freestanding Sign from 50 Square Feet to 78 Square Feet at 1809
Cunningham Avenue -- Case No. ZBA-01-MAJ-11)

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

The pamphlet form of Ordinance No. 2001-08-087 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 23rd day of August, 2001, and continuing
for at least ten (10) days thereafter. Copies of said Ordinance were also available for
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this _____ day of _____,
2000.

City Clerk

(SEAL)