

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Request for a major variance to increase the size of a freestanding sign from 50 square feet to 75 square feet in Urbana's B-3, General Business District, at 1511-1513 East Washington Street - Case No. ZBA-01-MAJ-16)**

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, Mohammad Sharif, the owner of the subject property, has submitted a petition requesting a major variance to allow a 50% increase in the allowable maximum area for a freestanding sign in the B-3, General Business District at 1511 and 1513 East Washington Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-16; 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 November 15, 2001, and the ZBA by a unanimous vote of its members recommend to the City Council approval of the requested variance with the conditions that a) the sign can be no more than 75 square feet in area, which is reduced from the original request of 133 square feet, and b) the greatest distance possible be allowed between the ground and the bottom of the lowest sign to maximize visibility; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein

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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. There are no special practical difficulties due to the subject property being located on a corner lot, which qualifies the property for two freestanding signs, each of which could be placed on the property with a maximum area of 50 square feet.

2. The requested variance without condition would serve as a special privilege in the sense that signs for businesses in the B-3 district are restricted to the maximum areas established through Table IX-1 of the Zoning Ordinance, Standards for Freestanding Signs, and these standards should not hinder the normal operations of a commercial business in this area. At the same time, a variance granted for one 75 square foot sign with a condition that no other freestanding sign be allowed on the lot would reduce the total allowable area for freestanding signs by 25 square feet and with this condition would not likely be considered a special privilege.

3. The need for the variance has not yet been created. The petitioner has not yet erected the sign and is requesting the variance prior to installation.

4. The proposal should not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties. While an oversized sign could potentially disrupt visibility from other adjacent properties and cause a nuisance due to internal illumination, the potential impacts on the neighborhood of erecting the proposed 75 square foot sign could be considered less than the impacts of two 50 square foot signs on the property.

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5. The proposal meets all other requirements established by the Urbana Zoning Ordinance, including maximum height and front yard setback requirements for freestanding signs.

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

The major variance request by Mohammad Sharif, in Case #ZBA-01-MAJ-16 is hereby approved to allow an increase in the size of a freestanding sign from 50 square feet to 75 square feet in Urbana's B-3, General Business district at 1511-1513 East Washington Street, in the manner proposed at the November 15, 2001 Zoning Board of Appeals meeting. This request was modified from the original application by reducing the amount of requested increase in maximum area. The approval is granted with the condition that the 75 square foot sign be the only freestanding sign allowed on the property, and that it be constructed with the greatest possible clearance from the ground so as to maximize visibility for passersby.

The major variance described above shall only apply to the property located at 1511 and 1513 East Washington Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lots 1 and 8 of Woodstone Subdivision, as per plat recorded in Plat Book 'Y' at page 260, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #s: 92-21-16-401-013, 92-21-16-401-012

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

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with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

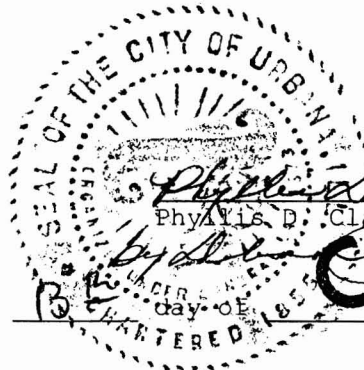
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 3<sup>rd</sup> day of December, 2001.

PASSED by the City Council this 3<sup>rd</sup> day of December, 2001.

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

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

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*By [Signature]*  
day of December

APPROVED by the Mayor this

2001.

*Tod Satterthwaite*  
Tod Satterthwaite, Mayor