

ORDINANCE NO. 2002-09-103

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request for a major variance to increase the size of a freestanding sign from 32 square feet to 80 square feet at 801-811 North Lincoln Avenue in Urbana's B-1, Neighborhood Business Zoning District - Case No. ZBA-02-MAJ-6)

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, Family Video Movie Club, Inc., has submitted a petition requesting a major variance to allow an increase in the allowable maximum area for a freestanding sign from 32 square feet to 80 square feet in the B-1, Neighborhood Business Zoning District at 801-811 North Lincoln Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-MAJ-6; 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 August 21, 2002 and the ZBA by a majority vote of its members (5-1) recommended to the City Council approval of the variance for an 80 square foot sign as requested, with the conditions that no other freestanding signs be placed on the site, and that the sign conform to the same quality, general shape, and design as pictured in the brochure identified as Exhibit "D" of the August 29, 2002 staff memorandum; 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 Lincoln Avenue, Fairview Avenue, and Hill Street. The Urbana Zoning Ordinance permits one sign per frontage with up to 32 square feet in area each in the B-1, Neighborhood Business Zoning District. Since the site contains three frontages, Family Video can technically erect one 32-square foot sign on Hill Street, Fairview Avenue and Lincoln Avenue. Because of the shape of the lot at this location, three signs are not practical as it would be at site with greater visibility. The petitioner proposes only one sign with 80 square feet rather than up to three separate signs with a total of 96 square feet.

2. The proposed variance, with the conditions added, would not serve as a special privilege because according to the ordinance, the petitioner is permitted to have three separate signs at 32 square feet each, or 96 square feet in total. As stated previously, the proposal for one individual sign is requested because the configuration of the building on the lot makes it impractical to utilize more than one sign effectively. For this reason, it can be justified that some additional area for a freestanding sign is reasonable. The requested variance would allow a total area of signage less than the allowance for three freestanding signs in the B-1 District.

3. The need for the requested variance has not yet been created. The petitioner was aware of the requirements of the Zoning Ordinance and has applied for a variance.

4. The variance as modified herein should not be unreasonably injurious or detrimental to the general public, should not alter the essential character of the neighborhood, and should not cause a nuisance to the adjacent properties. As stated previously, signage for the B-1 District should reflect the general residential character of the neighborhood. One sign with an area larger than is permitted by right may be more appropriate for the neighborhood than up to three signs on different frontages. If the petitioner elects to construct a sign larger than 32 square feet upon granting of a variance, the Zoning Board is recommending that no other signs be allowed on the site to avoid the potential of a nuisance to neighboring residential properties. The Zoning Board finds that the originally requested variance is appropriate for the neighborhood if the sign conforms to the general design identified in Exhibit "D" of the staff memorandum.

5. The petitioner is only requesting the amount of variance needed to accommodate the proposed encroachment into the required yard.

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

The major variance request by Family Video Movie Club, Inc. in Case #ZBA-02-MAJ-6 to allow an increase in the allowable maximum area for a freestanding sign from 32 square feet to 80 square feet in the B-1, Neighborhood Business Zoning District at 801-811 North Lincoln Avenue, has been modified to allow a freestanding sign with a maximum area of 50 square feet, and is hereby approved with the following conditions:

1. That no other freestanding signs be placed on the site
2. ~~That the sign conform to the same quality, general shape, and design as pictured in the brochure identified as Exhibit "D" of the August 29, 2002 staff memorandum~~

LEGAL DESCRIPTION: Lots 1, 2, and 3 of Sarah A. Sims Addition and the North 3.4 feet of Lots 39 and 40 of Sarah A. Sims addition. Lots 39 and 40 of Sarah A. Sims Addition except the North 3.4 feet.

PERMANENT PARCEL #: 91-21-07-428-021, 91-21-07-428-020, 91-21-07-428-019, 91-21-07-428-022

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 3<sup>rd</sup> day of September, 2002.

PASSED by the City Council this 3<sup>rd</sup> day of September, 2002.

AYES: Hayes, Otto, Whelan, Wyman

NAYS: Huth, Patt

ABSTAINS:



Phillips D. Clark  
Phillips D. Clark, City Clerk

APPROVED by the Mayor this 9<sup>th</sup> day of September, 2002.

Tod Satterthwaite  
Tod Satterthwaite, Mayor

