

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to Increase the Maximum Area of a Freestanding Sign from 50 Sq. Ft. to 66 Sq. Ft. in the B-3, General Business Zoning District 1509 East Washington Street, Case No. ZBA-03-MAJ-01)

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, Adam Judeh, has submitted a petition requesting a major variance to allow an increase in the maximum area of a free standing sign from 50 square feet to 66 square feet at 1509 East Washington Street, in Urbana's B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-01; 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 February 19, 2003 and the ZBA by a unanimous vote (6-0) of its members recommended approval of the requested variance, to increase the maximum area of a free standing sign from 50 square feet to 66 square feet, to the City Council; 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 as requested:

1. There are no special practical difficulties relating to the parcel. The special circumstance relates to the State of Illinois regulations. The petitioner's freestanding sign currently consumes the maximum area allowable by the Urbana Zoning Ordinance. Because the petitioner is required by the State to display proper gasoline pricing signage, without the variance he would have to replace the existing sign with a new sign to comply with both the Urbana Zoning and State of Illinois requirements.

2. The variance would serve as a special privilege because other businesses in the immediate area and in Urbana, comply with the maximum freestanding sign area allowance. However, the proposed variance is requested due to circumstances related to the State of Illinois sign regulations.

3. The petitioner has not altered his existing sign and is currently in compliance with the Urbana Zoning Ordinance.

4. The variance should not be unreasonably injurious or detrimental to the general public, would not alter the essential character of the neighborhood, and should not cause a nuisance to the adjacent properties. The variances would be generally consistent with other lots in the immediate vicinity; as this is a commercial area.

5. The petitioner is requesting only the minimum amount of variance needed to accommodate the requirements of the State of Illinois without having to totally replace the existing Home Run Food Mart freestanding sign.

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

The major variance request by Adam Judeh, in Case #ZBA 03-MAJ-01 is hereby approved to allow an increase the maximum area of a free standing sign from 50 Sq.ft. to 66 Sq.ft. at 1509 East Washington, in Urbana's B-3, General Business Zoning District, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 1509 East Washington, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 7 of Woodstone Subdivision, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-16-401-011

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

3rd day of March, 2003.

PASSED by the City Council this 3rd day of March,
2003 .

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 17th day of March,
2003 .

Phyllis D. Clark
Phyllis D. Clark, City Clerk
by Deborah J. [unclear]
Deputy Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor

