

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction of the Required Front Yard Setback in the City's B-3, General Business Zoning District, From 15 ft. to 3 ft. along Lincoln Avenue to Construct a 50 Sq. Ft. Sign / 1614 Lincoln Avenue, Case No. ZBA-03-MAJ-07)

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, United Tent and Awning, has submitted a petition requesting a major variance to allow a twelve-foot reduction of the front-yard setback along Lincoln Avenue. The request is to construct a 50 square-foot monument sign with a three-foot setback along Lincoln Avenue, 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-7; 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 September 17, 2003 and the ZBA by a unanimous vote (4-0) of its members recommended approval of the requested variance with a condition that the freestanding sign have a maximum are of 50 square feet and a maximum height of seven 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 circumstances or practical difficulties with reference to the parcel. However, the proposal would make the sign more visible to motorists than if it were set back according to developmental requirements.
2. Considering the subject property and the current configuration of its existing structures, the front-yard variance would serve as a special privilege. The Hutchcraft building is setback approximately 30 feet and meets current yard requirements, meaning that a sign could be placed 15 feet from the property line in accordance with the Zoning Ordinance.
3. The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.
4. The variance should not detract or alter from the essential character of the neighborhood. The variance should not cause a nuisance to adjacent properties.

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

The major variance request by United Tent & Awning, in Case #ZBA 03-MAJ-07 is hereby approved to allow a reduction of the front-yard setback from 15' to 3' along Lincoln Avenue to construct a 50 Sq. Ft. sign at 1614 Lincoln Avenue, with the condition that the freestanding sign have a maximum height

of seven feet, 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 1614 North Lincoln Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 15 through 20 of Beverly Hills, situated in the City of Urbana, in Champaign County, Illinois
PERMANENT PARCEL #: 91-21-05-353-006

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 October, 2003.


PASSED by the City Council this 6th day of October, 2003.

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

NAYS:

ABSTAINS:

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


Phyllis D. Clark
Phyllis D. Clark, City Clerk
by [Signature]
by *[Signature]*, Deputy Clerk
Tod Satterthwaite
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 October, 2003, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2003-10-110, entitled:

"AN ORDINANCE APPROVING A MAJOR VARIANCE (REDUCTION OF THE REQUIRED FRONT YARD SETBACK IN THE CITY'S B-3, GENERAL BUSINESS ZONING DISTRICT, FROM 15 FT. TO 3 FT. ALONG LINCOLN AVENUE TO CONSTRUCT A 50 SQ. FT. SIGN / 1614 LINCOLN AVENUE, CASE NO. ZBA-03-MAJ-07)

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

The pamphlet form of Ordinance No. 2003-10-110 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20th day of October, 2003, 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 20th day of October, 2003.

(SEAL)

Phyllis D. Clark
City Clerk
by Robert
Deputy Clerk