

ORDINANCE NO. 2004-08-096

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow an increase in the maximum allowable height of a freestanding institutional sign, from 6' to 8'-8 1/4" in the MOR Mixed Office Residential Zoning District - 602 W. Green Street/ Case No. ZBA-04-MAJ-4)

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 owner of the subject property, First Presbyterian Church of Urbana, located at 602 W. Green Street in the MOR Mixed Office Residential Zoning District, has submitted a petition requesting a major variance to allow an increase in the maximum allowable height of a freestanding institutional sign from 6' to 8'-8 1/4"; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-4; 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 July 21, 2004 and the ZBA voted 4 ayes and 0 nays to recommend to the City Council approval of the requested variance with the condition listed below; 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. The existing stone fence structure is a practical difficulty for constructing a sign with any visible portions lower than 42 inches.

2. The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land. The structural element of the stone fence is not present at other locations in the area.

3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner because the need for the variance has not yet been created. The stone fence has existed for many years. The new signage is designed to be visible above the fence.

4. The new design and colors on the proposed sign should not detract from the essential character of the neighborhood because they will be more residential in character.

5. The new design will be more compatible with the area and should be less visually intrusive than the existing sign and should not cause a nuisance to adjacent properties.

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

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

The major variance request by First Presbyterian Church of Urbana, in Case #ZBA-04-MAJ-4, is hereby approved to allow an increase in the maximum allowable height of a freestanding institutional sign from 6' to 8'-8 1/4" at 602 W. Green Street in the MOR- Mixed Office Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 602 W. Green Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lots 1, 2, and 3 of Mathew-Foote Subdivision of Lot 4 in block 6 in Joseph W. Sim, Jr.'s Addition to Urbana, Illinois and Lot 3 in block 6 of Joseph W. Sim, Jr.'s Addition to Urbana (being also known as J.W. Sim's Addition to the City of Urbana).

PERMANENT PARCEL #: 91-21-17-111-010 and -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

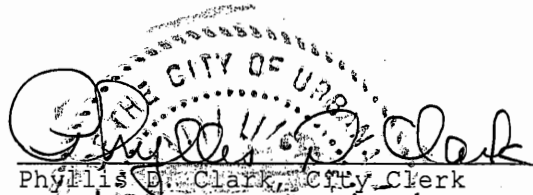
City of Urbana, Illinois, at a regular meeting of said Council on the 2nd
day of August, 2004.

PASSED by the City Council this 2nd day of August,
2004.

AYES: Chynoweth, Hays, Huth, Patt, and Wyman


NAYS:

ABSTAINS:



Phyllis E. Clark
Phyllis E. Clark, City Clerk

APPROVED by the Mayor this 12th day of August, 2004.



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 2nd day of August, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No.

2004-08-096, entitled:

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

The pamphlet form of Ordinance No. 2004-08-096 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 13th day of August, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.