

An Ordinance Approving A Major Variance

(To Allow a 100% Increase in the Maximum Permitted Letter Size From 6" to 12" for an Identification Sign at the Main North Entrance of 101 W. Windsor Road in the R-3, Single- and Two-Family Residential Zoning District / Case No. ZBA-04-MAJ-10)

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, Clark Lindsey Village, located at 101 W. Windsor Road in the R-3, Single- and Two-Family Residential Zoning District, has submitted a petition requesting a major variance to permit a 100% increase in letter size height from 6-inch letters to 12 inches on an identification sign; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-10; 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 18, 2004 and the ZBA voted 5 ayes and 0 nays to recommend to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variances referenced herein conform 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 special circumstance is Clark-Lindsey Village is located on a large parcel on Windsor Road, which is a wide arterial street with a higher speed of the traffic. The setback of sign locations on this street contributes to the need for sign letters of larger size.

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 sign lettering is part of an overall gateway feature desired by Clark-Lindsey that clearly identifies their location. The fact that the parcel is very large and is located on a major arterial street helps to justify the variance.

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.

4. The new signage should not detract from the essential character of the neighborhood because they will further enhance the character of the neighborhood by maintaining high standards of streetscape design.

5. The new design will improve visibility of the facility especially at the main entrance and will 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 Clark Lindsey Village, in Case #ZBA-04-MAJ-10, is hereby approved to permit a 100% increase in letter size height from 6-inch letters to 12 inches on an identification sign at the main north entrance of 101 W. Windsor Road in the Urbana R-3, Single- and Two-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 101 W. Windsor Road, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Tract 7 of McCullough's Plat part of N4, Section 29, T19N, R9E of the Third Principal Meridian, Champaign County.

PERMANENT PARCEL #: 91-21-29-200-008

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.

PASSED by the City Council this 7th day of September, 2004.

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

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 15th day of September, 2004.


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 7th day of September, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No. 2004-09-120, entitled:

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which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. 2009-09-120 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 11th day of September, 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.



Phyllis D. Clark