

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(A Request to Allow a 460% Increase in the Display Area
of a Projecting Sign and to Install the Sign on the Second Level
of the Building in the B-4, Central Business, Zoning District,
110 West Main Street (Bella Home) / Case No. ZBA-2007-MAJ-01)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the renter of the subject property, Carmen Davis Kirby, has submitted a petition requesting a major variance to allow a 56 square foot sign above the public right-of-way and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-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 January 31, 2007 and voted 6 ayes and 1 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities 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 Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The proposed sign will be 56 square feet and will be located above the public right-of-way on the second level of the building at 110 W. Main utilizing existing sign hardware.

2. Table IX-3. Standards for Projecting Signs states that such signs located in the B-4, Central Business Zoning District may be up to 32 square feet, or 12 square feet if any portion of a sign extends over the public right-of-way. Such signs are limited to the first floor of a building. Additional provisions in the B-4 District prohibit internal illumination when a projecting sign extends over the public right-of-way, imposes a maximum thickness of six inches, and requires a minimum separation of 20 feet between such signs. The proposed sign will meet these additional provisions.

3. The Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.

4. The variance will not serve as a special privilege because the building's orientation results in a lack of commercial window frontage for any second level tenant.

5. The variance requested was not caused by the petitioner because the petitioner has requested the appropriate variances.

6. The variance will not alter the essential character of the neighborhood because the proposed sign has been designed to retain the artistic and architectural integrity of the building, garner pedestrian and vehicular interest, and meet the other standards for projecting signs.

7. The variance will not cause a nuisance to adjacent property because the Urbana Building Inspector has stated that the existing sign

hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.

8. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request because the proposed sign is located over the public right-of-way. The Zoning Ordinance imposes size restrictions more stringent than if a sign were not located over the public right-of-way. These restrictions do not account for upper level retail uses that often require visibility to become and remain viable business uses.

9. The variance requested is the result of practical difficulties or particular hardship of the building's orientation, as there is a lack of commercial window frontage for any second level retail tenant. In addition, due to windows and architectural detailing, there are limited placement options on the second level of the building for non-projecting signs.

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

The major variance request by Carmen Davis Kirby, in Case #ZBA-2007-MAJ-01, is hereby approved to allow a 56 square foot sign above the public right-of-way and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 110 W. Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing 6 inches West of the Southwest corner of Lot 36 of the original town of Urbana, in Champaign County, Illinois, running thence East 24 feet One (1) inch; thence North 23 feet 8 inches; thence West 17 $\frac{3}{4}$ inches; thence North to Goose Alley; thence West 41

feet 4 ½ inches more or less to the center of the West wall of the brick building on said lot; thence South to the South line of said Lot 38; thence East 18 feet 9 inches more or less, to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL NO: 92-21-17-202-016

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 5th day of February, 2007.

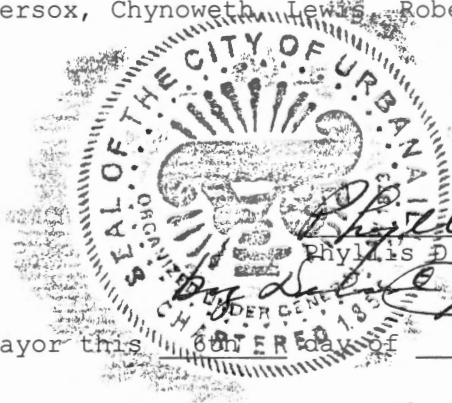
PASSED by the City Council this 5th day of February, 2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 5th day of February, 2007.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Robert J. Roberts
Robert J. Roberts, Deputy Clerk

Laurel Lunt Prussing
Laurel Lunt Prussing, 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 5th day of February, 2007, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2007-02-020, entitled:

"AN ORDINANCE APPROVING A MAJOR VARIANCE (A REQUEST TO ALLOW A 460% INCREASE IN THE DISPLAY AREA OF A PROJECTING SIGN AND TO INSTALL THE SIGN ON THE SECOND LEVEL OF THE BUILDING IN THE B-4, CENTRAL BUSINESS, ZONING DISTRICT, 110 WEST MAIN STREET (BELLA HOME) / CASE NO. ZBA-2007-MAJ-01)"

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

The pamphlet form of Ordinance No. 2007-02-020 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 9th day of February, 2007, 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 9th day of February, 2007.



Phyllis D. Clark
City Clerk
by Robert J. Roberts
Deputy Clerk