

ORDINANCE NO. 2010-12-110

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the Allowable Area from 50 Square Feet to 90 Square Feet, Height from 16 Feet to 18.5 Feet, and Decrease the Required Front Yard Setback from 15 Feet to 5 Feet in the City's B-3, General Business, Zoning District at 608 North Cunningham Avenue, Case No. ZBA-2010-MAJ-05)

WHEREAS, the Urbana 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 a parcel of land or a structure; and

WHEREAS, Tom Lessaris, property owner, has submitted a petition for a major variance to re-use and modify a sign that would become 18.5 feet tall, 90 square feet in area and set back 5 feet from the property line in the B-3, General Business Zoning District to identify a new business on the site; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-05; 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 held a public hearing on the proposed major variance on November 17, 2010 and voted 5 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance subject to certain conditions; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Bendsen Signs has applied on behalf of Tom Lessaris to re-use an existing nonconforming sign at 608 North Cunningham Avenue.
2. The proposed sign would be 18 feet, six inches tall and 90 square feet in area. The existing setback of five feet would not change.
3. The site is located in central Urbana and is zoned B-3, General Business.
4. The Urbana Comprehensive Plan identifies the area as Regional Business.
5. The proposed variance is desired due to special circumstances of an irregularly-shaped lot with a building that encroaches into the front yard.
6. The proposed variance is not due to a situation created by the petitioner.
7. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
8. The proposed variance regarding sign height and setback represents the minimum possible derivation from Zoning Ordinance requirements to re-use the existing sign structure.

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

Section 1. The major variance request by Tom Lessaris, in Case No. ZBA-2010-MAJ-05, is hereby approved to allow re-use and modification of a sign that would become 18.5 feet tall, 90 square feet in area and set back 5 feet from the property line in the B-3, General Business Zoning District to identify a new business on the site, in the manner proposed in the application and subject to the following conditions:

1. That the sign area, height, and setback do not exceed the dimensions shown in the sign plan submitted with the application;

2. That the poles supporting the rebuilt sign not be wrapped.

The major variance described above shall only apply to the property located at 608 North Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing at the Southeast corner of the property described in Quit Claim Deed, wherein Paul G. Busey is Grantor and Helen W. Loeb is Grantee, dated March 10, 1948, and recorded in the Recorder's Office of Champaign County, Illinois, as Document No. 425463, on March 16, 1947, and recorded therein in Book 289 at page 603, thence West on South line of said property described, to the east boundary of Cunningham Road, thence Southwest a distance of 278.6 feet, thence East a distance of 376.86 feet, to a point where the North line of proposed Park Street intersects the West line of proposed Maple Street, thence North 255.98 feet along the West line of said proposed Maple Street, thence West 116 feet to the point of beginning.

EXCEPT that part conveyed to the State of Illinois by Trustee's Deed recorded April 25, 1984 in Book 1358 at page 424 as document no. 84R6505, in Champaign County, Illinois.

Parcel Identification Numbers: 91-21-08-426-004 and 91-21-08-426-005

Section 2. 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

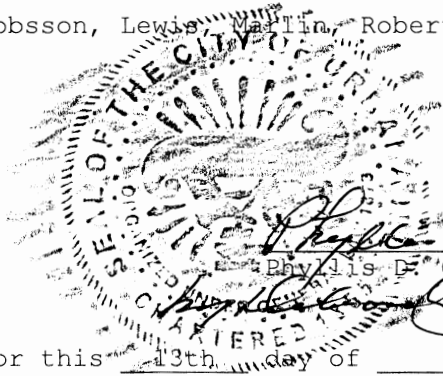
6th day of December, 2010

PASSED by the City Council this 6th day of December,
2010 .

AYES: Bowersox, Jakobsson, Lewis, ~~Marlin~~, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



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

APPROVED by the Mayor this 13th day of December,
2010 .

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor