



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning and Economic Development Division*

**m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth Tyler, AICP, Planning Manager

**DATE:** November 29, 2001

**SUBJECT:** ZBA-01-MAJ-16: A request by Mohammad Sharif for a Major Variance to increase the size of a freestanding sign from 50 square feet to 75 square feet in Urbana's B-3, General Business district at 1511-1513 East Washington Street.

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**Introduction**

Mohammad Sharif has requested a major variance to allow a freestanding sign with an area of 75 square feet for a proposed gas station/convenience store. The property is located at the southwest corner of the intersection of Washington Street and Lierman Avenue in Urbana's B-3, General Business District. Gasoline/Service Stations and Convenience Stores are both permitted by right in the B-3 District.

**Background**

**Description of the Site / Area**

The Urbana Zoning Ordinance allows one freestanding sign per business frontage up to 300 feet in length, and one additional sign for each 300 feet of business frontage thereafter. No freestanding sign is permitted if a projecting or roof sign exists on the same frontage. Because the property is located at the intersection of two streets, one freestanding sign is allowed along both the Washington and Lierman Street frontages.

The immediate area can be characterized as transitional in nature, with primarily commercial uses to the west, residential to the south and east, and cropland/open space to the immediate north and northeast. The majority of properties on the south side of Washington Street in this area are zoned B-3, General Business.

The required front yard setback in the B-3 Zoning District is fifteen feet, and the sign would be located outside these setback requirements. The sign will conform to the maximum height of 25 feet for freestanding signs in the B-3 District. The petitioner had originally requested that instead of constructing two freestanding signs at 50 square feet each, he be granted a variance to allow one sign with an area of 133 square feet. The consultant for the petitioner indicates that other options for freestanding signs were considered, but they had determined that this request would best suit the petitioner's business needs. During discussion at the November 15, 2001 Zoning Board of Appeals meeting, the petitioner presented an alternative request for a 75 square foot, three panel sign (see Exhibit C). The illustration indicates a corporate logo on the upper panel, the pricing sign on the center panel, and a message board on the lower panel, each of which would be 25 square feet in area including the space in between panels. There would be no space between the three sign panels.

At the public hearing, some Zoning Board members expressed concern that the original request would serve as a special privilege and therefore not meet the variance criteria. Other concerns expressed by members included the impact of a 133 square foot illuminated sign on the surrounding residential neighborhood, the need for additional signage when the tenant space is leased, and visibility/safety issues related to ground clearance of the sign. Members of the public expressed concern over the gas station/convenience store itself. However, it was noted by staff and Zoning Board members that the use is permitted by right in the B-3 District for which it is proposed, and the variance request is only for the increase in maximum area of the sign. Residents also expressed concern regarding the illumination that would come from an oversized sign.

Zoning Board members commented that the 75 square foot sign is considerably smaller than the original request, would be less of a nuisance than two 50 square foot signs and would still be within the requirements of Phillips 66, who would own the sign.

After hearing discussion, the Zoning Board of Appeals voted 6-0 to forward the variance request to the City Council with a recommendation for approval, with the condition that the request be limited to 75 square foot sign and that the petitioner allow the greatest distance possible between the ground and the bottom of the lowest sign to allow for better visibility. For more information regarding the proposed variance, please refer to the November 9, 2001 staff memorandum and minutes from the November 15, 2001 ZBA meeting.

## **Discussion**

## **Surrounding Neighborhood**

Any request for a variance from the standards for signage should consider the potential impacts on the surrounding area. The existing commercial signs along Washington Street, which include freestanding and wall signs, all appear to be in conformance with the allowable maximum area requirements. The freestanding sign located at the Home Run Food Mart immediately to the west contains an area of 50 square feet, although the location is legally non-conforming within the 15-foot setback. The freestanding signs at Monical's Pizza and Washington Square Plaza both are within the maximum allowable area. The convenience shopping center sign at 1403 East Washington is within the allowable maximum area of 75 square feet for a convenience shopping center.

Public and Recreational uses are located at Brookens Center to the northeast of the subject property. In addition, the neighborhood to the south and east of the property is primarily in residential use. The mix of uses establishes a low-intensity character to the neighborhood. In considering a variance to allow signage beyond what is allowed by right, the demand for additional signage should be weighed against the impacts of sign proliferation on the character of the surrounding neighborhood.

## **Findings**

### **Variance Criteria**

#### **Case #ZBA-01-MAJ-16**

In reviewing a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria as they pertain to this case and the criteria outlined in the ordinance:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

In this case, there are no special practical difficulties which would restrict the strict application of the sign regulations in the Zoning Ordinance. The convenience store is also a gas station, and therefore the legal requirement to display gasoline prices demands additional signage. However, since the subject property is located on a corner lot, the property is eligible for two freestanding signs, each of which is allowed a maximum area of 50 square feet. There is no spacing requirement between freestanding signs, so potentially two signs could be located in the same general location within the parcel.

2. *The proposed variances will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The variance would serve as a special privilege because signs for businesses in the B-3 district are restricted to the maximum areas established through Table IX-1, Standards for Freestanding Signs. Unlike some other businesses in the vicinity, the subject property has an allowance for two signs,

which should allow adequate signage for the gas station/convenience store without the requested variance. The convenience store can utilize its allowable wall signage (10% of wall area, not to exceed 175 square foot maximum) for a message board sign and additional corporate signage. Other businesses located in the B-3 District in this area have freestanding signs and other signs which are within the allowable maximum areas. While businesses likely desire larger signs to increase visibility, the standards established in the Zoning Ordinance should not hinder the normal operations of a commercial business in this area. At the same time, a variance granted for one 75 square foot sign with a condition that no other freestanding sign be allowed on the lot would reduce the total signage area on the lot by up to 25 square feet and in that case would not be considered a special privilege.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variance has not yet been created. The petitioner has not yet erected the sign and is requesting the variance prior to installation.

4. *The variance will not alter the essential character of the neighborhood.*
5. *The variance will not cause a nuisance to the adjacent property.*

The variance will not likely alter the essential character of the neighborhood, and should not be considered a nuisance to adjacent properties. The originally proposed sign would contribute to the increased presence of signs in a neighborhood that contains a mix of commercial, residential, and other uses. Neighboring businesses have freestanding signs that comply with the maximum area, which helps minimize the effects of sign proliferation. The oversized sign could potentially disrupt visibility from other adjacent properties. However, these impacts should be minimized by the recommended condition of only one 75-square foot sign on the lot.

Should the variance be denied, the petitioner may consider two separate signs as an alternative to one oversized sign. Under the original request, two signs which meet the allowable maximum area limit appeared to be preferable to one sign which is considerably larger than the maximum at this location. However, as one 75 square foot sign is a significant increase from the allowable area for one sign but is less than the total allowable area if two freestanding signs were erected, the 75 square foot sign would likely be considered preferable to two 50 square foot signs at the same location.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requesting the increase in maximum area for a freestanding sign that is desired. As the Zoning Ordinance does not allow a business to combine the two 50 square foot sign allowances into one sign with an area of up to 100-square feet, the 50% increase in allowable maximum area being requested is the minimum deviation necessary to accommodate the request.

## Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those articulated herein, they should articulate its findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting its denial.

## Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 6-0 to forward the variance request to the City Council with a recommendation for approval. Therefore, staff concurs with the ZBA and recommends that City Council **GRANT** the variance with the following **CONDITIONS**:

1. that the request be limited to one (1) seventy-five (75) square foot freestanding sign so that no other freestanding signs be allowed on the subject property if the oversized sign is erected.
2. that the sign be constructed to allow the greatest distance possible between the ground and the bottom of the lowest sign, to maximize visibility for passersby.

Prepared by:

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Tim Ross, Planner

Attachments: Draft Ordinance Approving the Major Variance  
Signage Illustration  
Draft Minutes from the November 15, 2001 Zoning Board of Appeals Meeting

c: Mohammad Sharif, Ron Clark, Adam Judah, Amy Pierce, Bill Simmering

ORDINANCE NO. 2001-12-158

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request for a major variance to increase the size of a freestanding sign from 50 square feet to 75 square feet in Urbana's B-3, General Business district at 1511-1513 East Washington Street - Case No. ZBA-01-MAJ-16)

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 petitioner, Mohammad Sharif, the owner of the subject property, has submitted a petition requesting a major variance to allow a 50% increase in the allowable maximum area for a freestanding sign in the B-3, General Business District at 1511 and 1513 East Washington Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-16; 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 November 15, 2001, and the ZBA by a unanimous vote of its members recommend to the City Council approval of the requested variance with the conditions that a) the sign can be no more than 75 square feet in area, which is reduced from the original request of 133 square feet, and b) the greatest distance possible be allowed between the ground and the bottom of the lowest sign to maximize visibility; 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:

1. There are no special practical difficulties due to the subject property being located on a corner lot, which qualifies the property for two freestanding signs, each of which could be placed on the property with a maximum area of 50 square feet.
2. The requested variance would serve as a special privilege in the sense that signs for businesses in the B-3 district are restricted to the maximum areas established through Table IX-1 of the Zoning Ordinance, Standards for Freestanding Signs, and these standards should not hinder the normal operations of a commercial business in this area. At the same time, a variance granted for one 75 square foot sign with a condition that no other freestanding sign be allowed on the lot would reduce the total allowable area for freestanding signs by 25 square feet and with this condition would not likely be considered a special privilege.
3. The need for the variance has not yet been created. The petitioner has not yet erected the sign and is requesting the variance prior to installation.
4. The proposal should not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties. While an oversized sign could

potentially disrupt visibility from other adjacent properties and cause a nuisance due to internal illumination, the potential impacts on the neighborhood of erecting the proposed 75 square foot sign could be considered less than the impacts of two 50 square foot signs on the property.

5. The proposal meets all other requirements established by the Urbana Zoning Ordinance, including maximum height and front yard setback requirements for freestanding signs.

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

The major variance request by Mohammad Sharif, in Case #ZBA-01-MAJ-16 is hereby approved to allow an increase in the size of a freestanding sign from 50 square feet to 75 square feet in Urbana's B-3, General Business district at 1511-1513 East Washington Street, in the manner proposed at the November 15, 2001 Zoning Board of Appeals meeting. This request was modified from the original application by reducing the amount of requested increase in maximum area. The approval is granted with the condition that the 75 square foot sign be the only freestanding sign allowed on the property, and that it be constructed with the greatest possible clearance from the ground so as to maximize visibility for passersby.

The major variance described above shall only apply to the property located at 1511 and 1513 East Washington Street, Urbana, Illinois, more particularly described as follows:



LEGAL DESCRIPTION:

Lots 1 and 8 of Woodstone Subdivision, as per plat recorded in Plat Book 'Y' at page 260, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #s: 92-21-16-401-013, 92-21-16-401-012

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 \_\_\_\_ day of \_\_\_\_\_, 2001.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Request for a major variance to increase the size of a freestanding sign from 50 square feet to 75 square feet in Urbana's B-3, General Business district at 1511-1513 East Washington Street - Case No. ZBA-01-MAJ-16)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_ day of \_\_\_\_\_, 2001, 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.