



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** Sheila Dodd, Interim Community Development Services Director  
Nick Olsen, Planner I

**DATE:** June 24, 2022

**SUBJECT:** **ZBA-2022-MAJ-03:** A request by Bendsen Signs & Graphics, on behalf of VitalSkin Dermatology, for a major variance to allow a 10-foot-tall freestanding sign at 1111 West Kenyon Road in the B-3, General Business Zoning District.

---

### Introduction

Bendsen Sign & Graphics (“BSG”) requests a major variance to erect a freestanding sign approximately eight feet from the public right-of-way at 1111 West Kenyon Road. The proposed sign for VitalSkin Dermatology’s clinic at the location would be 10 feet tall. Table IX-1 of the Zoning Ordinance allows a maximum height of eight feet for freestanding sign located eight feet from the public right-of-way, so a major variance is required.

The proposed sign would be located eight feet from the north property line. Between the north property line and Kenyon Road, there is a 94-foot-wide public right-of-way owned by the Illinois Department of Transportation (IDOT). The applicant argues that this atypically large right-of-way necessitates a taller sign than is permitted by the Zoning Ordinance.

At the June 15, 2022 meeting, the Zoning Board of Appeals (ZBA) considered the variance. The applicant made a statement regarding the request, and no members of the public spoke at the meeting. The ZBA voted with five ayes and zero nays to recommend that City Council approve the requested variance. City staff agree with the recommendation, finding the criteria for a variance have been met.

### Background

VitalSkin has owned the property since 2020, and was granted a Special Use Permit to operate a clinic at the location.<sup>1</sup> VitalSkin received a second Special Use Permit in April, 2022 to expand the clinic space within the existing building.

In 2020, City Council approved a major variance for VitalSkin to allow parking in the required front yard on the north side of the building, finding that the space between the building and the required front yard did not allow for sufficient room for a desirable parking configuration, and that the large IDOT right-of-way would serve as a sufficient buffer between parking facilities and the Kenyon Road.

---

<sup>1</sup> The Urbana Zoning Ordinance Table of Uses (Table V-1) allows the “hospital or clinic” use by Special Use Permit in the B-3 district.

BSG has contracted with VitalSkin Dermatology to construct a freestanding sign on the north side of the property to identify the building to traffic on Kenyon Road. BSG argues that the large right-of-way between the property line and the road requires a larger sign to be visible to traffic.

### Description of Site and Area

The 9.46-acre parcel lies on the south side of Kenyon Road between North Lincoln Avenue and Federal Drive (Exhibit A). The north half of the parcel contains the existing building and parking; the south half of the property is undeveloped grass and wooded area. The IDOT right-of-way from the southern edge to the north property line is 94 feet wide at this site, and consists of undeveloped grass area (Exhibit C). Other nearby uses include Campus Ink and Peoria Motor Coach (west), Holiday Inn Express and Radisson Hotel (east), and One Illinois North Apartments (south). Table 1 summarizes the current zoning, existing land uses, and 2005 Comprehensive Plan future land use designations of the site and surrounding land (Exhibit B).

**Table 1. Zoning, Existing Land Use, Future Land Use Designation**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>Site</b>	B-3, General Business	Clinic, Professional Office, Storage	Light Industrial
<b>North</b>	None	Interstate Highway	Undesignated
<b>East</b>	B-3, General Business	Hotel	Regional Business
<b>South</b>	R-4, Medium Density Multiple Family Residential	Multifamily Residential (apartments)	Multifamily
<b>West</b>	IN-1, Light Industrial	Agriculture, Printing & Copy Service	Industrial

### Discussion

The applicant requests a major variance to allow an increase in height of a freestanding sign in the B-3, General Business district. The proposed sign area would be nine feet by five feet (45 square feet), and would be elevated five feet from the ground to a height of 10 feet at its highest point.

The Zoning Ordinance allows a maximum sign area of 50 square feet for a single-frontage property in the B-3 district. The proposed sign’s 45-square-foot area would be within that limit. For signs eight to 15 feet from the public right-of-way, a maximum height of eight feet is allowed. For signs more than 15 feet from a public right-of-way, a maximum height of 16 feet is allowed.

A setback greater than 15 feet would not be possible for a sign on the north side of the property because of the existing parking and access drive configuration.

Staff find that the existence of a large right-of-way between the proposed sign and Kenyon Road justifies a taller sign in this location. While the sign would technically be located eight feet from the public right-of-way, it would be 102 feet from Kenyon Road. The sign would be farther from the street than several other signs of equal or greater height in the area. Staff find that the right-of-way would serve as a sufficient buffer between the sign and the nearest road.

### Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the ZBA to make findings based on variance criteria. The ZBA must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of

the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

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

The property is bordered by a 94-foot-wide public right-of-way between Kenyon Road and the northern property line. This is a considerably larger right-of-way than borders most lots, which would make a sign on the property farther from the traffic on Kenyon Road, which the sign is directed toward. Staff find that the special circumstances related to the parcel justify a taller sign than would be permitted by strict application of the Zoning Ordinance.

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 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 to increase the sign height is requested due to the particularly large right-of-way between the property and Kenyon Road. Other B-3 properties typically have considerably less distance between the property line and the nearest road. In the immediate area, there are taller freestanding signs located closer to the street than the proposed sign would be. Allowing the variance would not serve as a special privilege to the property owner.

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

The large right-of-way north of the lot existed prior to VitalSkin's purchase of the property and their proposal for a sign at the location. The variance request is not the result of a situation created by the petitioner.

4. *The variances will not alter the essential character of the neighborhood.*

While the proposed sign would technically be taller than permitted for a sign eight feet from the nearest right-of-way, it would be farther from the road than most other signs in the area, some of which are taller. For example, the nearby Radisson and Holiday Inn hotels both have freestanding signs over 15 feet tall on Kenyon Road that are approximately 15 feet from the right-of-way and 30 feet from the street, whereas the proposed sign would be 10 feet tall and 102 feet from the street. There is no visual marker designating where VitalSkin's north property line is and where the large right-of-way begins, so the sign would not appear to be a deviation from typical setback requirements. The variance would not alter the essential character of the neighborhood.

5. *The variances will not cause a nuisance to the adjacent property.*

With the eight-foot setback from the IDOT right-of-way and the right-of-way's 94-foot width between the property line and Kenyon Road, the proposed sign would be 102 feet from the road. The exceptionally large right-of-way would serve as a sufficient buffer between the road and the proposed sign. The adjacent property to the east contains two freestanding signs that are taller and closer to Kenyon Road than what has been proposed. The requested variance will not cause a nuisance to adjacent property.

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

The applicant has requested a two-foot increase in height over what is permitted for a freestanding sign 8 feet from a public right-of-way. For a freestanding sign 15 feet from a public right-of-way, a 16-foot tall sign would be permitted, which is taller than the proposed sign, and staff find that the large right-of-way would serve as a sufficient substitute buffer between the road and the sign. The requested height increase would allow greater visibility from Kenyon Road given the large right-of-way, while still being shorter than other nearby signs in the B-3 district. Staff find that the variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

## **Zoning Board of Appeals**

On June 15, 2022, the ZBA considered the variance request. The applicant spoke on behalf of the request, and no members of the public spoke at the meeting. After no discussion, the ZBA voted with five ayes and zero nays to forward the case to City Council with a recommendation to APPROVE the request, with the condition that the sign will generally conform to the submitted plans, shown in Exhibit C.

## **Summary of Findings**

1. Bendsen Signs & Graphics requests a major variance to allow a 10-foot-tall freestanding sign to be located eight feet from the public right-of-way in the B-3, General Business district ; and
2. Special circumstances of the parcel related to the atypically large IDOT right-of-way north of the property make strict application of the Zoning Ordinance impractical; and
3. The variance does not serve as a special privilege to the property owner, as the variance in sign height would be compensating for the 94-foot-wide right-of-way between the property line and the nearest road, a situation that is not common among properties in the B-3 district; and
4. The property owner did not deliberately create this situation, as the existence of the large IDOT right-of-way bordering the site's sole frontage predates the current ownership and sign proposal; and
5. The variance will not alter the essential character of the neighborhood, as there are similarly tall signs closer to Kenyon Road nearby; and
6. The variance will not create a nuisance, as the particularly large right-of-way will itself serve as a sufficient buffer from the street in place of a larger setback for the sign; and
7. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the large right-of-way will effectively substitute for a greater setback, and the proposed sign height of 10 feet would be within the limitations allowed were a greater setback feasible.

## Public Input

Staff published a legal ad in *The News-Gazette* to notify the public of the request and public hearing 15 days prior to the initially scheduled ZBA meeting.<sup>1</sup> Staff also sent letters to 27 neighboring property owners notifying them of the request, and posted a public hearing sign on the property. Staff did not receive any public input regarding the requested special use permit.

## Options

The City Council has the following options in Case No. ZBA-2022-MAJ-03:

1. Approve the Ordinance; or
2. Approve the Ordinance with certain terms and conditions; or
3. Deny the Ordinance.

## Staff Recommendation

On June 15, 2022 the Zoning Board of Appeals voted unanimously to recommend **APPROVAL** of the requested major variance to City Council with the following condition:

1. That the sign generally conforms to the sign plans in Exhibit C.

Staff concur with the ZBA recommendation.

Exhibits:       A: Location Map  
                  B: Current Zoning Map  
                  C: Sign Plans  
                  D: Site Photos  
                  E: Application for a Major Variance  
                  F: Draft 6/15/2022 ZBA Meeting Minutes

cc:               Bendsen Signs & Graphics, Applicant  
                  VitalSkin Dermatology, Owner

---

<sup>1</sup> Zoning Board of Appeals was initially scheduled to review ZBA-2022-MAJ-03 on May 18, 2022. Due to lack of quorum, the May 18 meeting was cancelled and the case was eventually heard on June 15, 2022.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Freestanding Sign at 1111 West Kenyon Road / ZBA Case No. 2022-MAJ-03)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider an application for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Bendsen Signs & Graphics, on behalf of VitalSkin Dermatology, has submitted a petition for a major variance to allow a 10-foot-tall freestanding sign at 1111 West Kenyon Road; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on June 15, 2022, in ZBA Case No. 2022-MAJ-03; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted five (5) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. Bendsen Signs & Graphics requests a major variance to allow a 10-foot-tall freestanding sign to be located eight feet from the public right-of-way in the B-3, General Business district; and
2. Special circumstances of the parcel related to the atypically large IDOT right-of-way north of the property make strict application of the Zoning Ordinance impractical; and
3. The variance does not serve as a special privilege to the property owner, as the variance in sign height would be compensating for the 94-foot-wide right-of-way between the property line and the nearest road, a situation that is not common among properties in the B-3 district; and
4. The property owner did not deliberately create this situation, as the existence of the large IDOT right-of-way bordering the site's sole frontage predates the current ownership and sign proposal; and
5. The variance will not alter the essential character of the neighborhood, as there are similarly tall signs closer to Kenyon Road nearby; and
6. The variance will not create a nuisance, as the particularly large right-of-way will itself serve as a sufficient buffer from the street in place of a larger setback for the sign; and
7. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the large right-of-way will effectively substitute for a greater setback, and the proposed sign height of 10 feet would be within the limitations allowed were a greater setback feasible.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case No. 2022-MAJ-03, the major variance requested by Bendsen Signs & Graphics, on behalf of VitalSkin Dermatology, to allow a 10-foot-tall freestanding sign at 1111 West Kenyon Road, is hereby approved in the manner proposed in the application with the following condition: the sign generally conforms to the submitted sign plans, as shown in Attachment A. The major variance described above shall only apply to the property located at 111 West Kenyon Road, more particularly described as follows:

A Part of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9

East of Third Principal Meridian, in Champaign County, Illinois, described as follows:

Commencing at the intersection of the West line of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of Third Principal Meridian and the South right-of-way line of F.A.I. 74, thence North 89 degrees 31 minutes 18 seconds East 30.00 feet to the True Point of Beginning; thence North 89 degrees 31 minutes 18 seconds East along the South right-of-way line of F.A.I. 74, 472.15 feet more or less to the Northwest corner of a tract of land owned by the Marathon Oil Company as recorded in the Office of the Recorder of Deeds of Champaign County in Book 758 at Page 382, Document No. 712606; thence South 0 degrees East along the West line of said tract, 876.80 feet to the Southwest Corner of the tract of land owned by the Marathon Oil Company; thence North 90 degrees West, 469.69 feet more or less to a point 30 feet East of the West line of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East; thence North 0 degrees 08 minutes 39 seconds West parallel to said West line of the East Half of the Southeast Quarter of Section 6, 872.68 feet to the place of beginning. Situated in Champaign County, Illinois.

P.I.N.: 91-21-06-426-001

Commonly known as 1111 West Kenyon Road, Urbana, Illinois

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSTENTIONS:

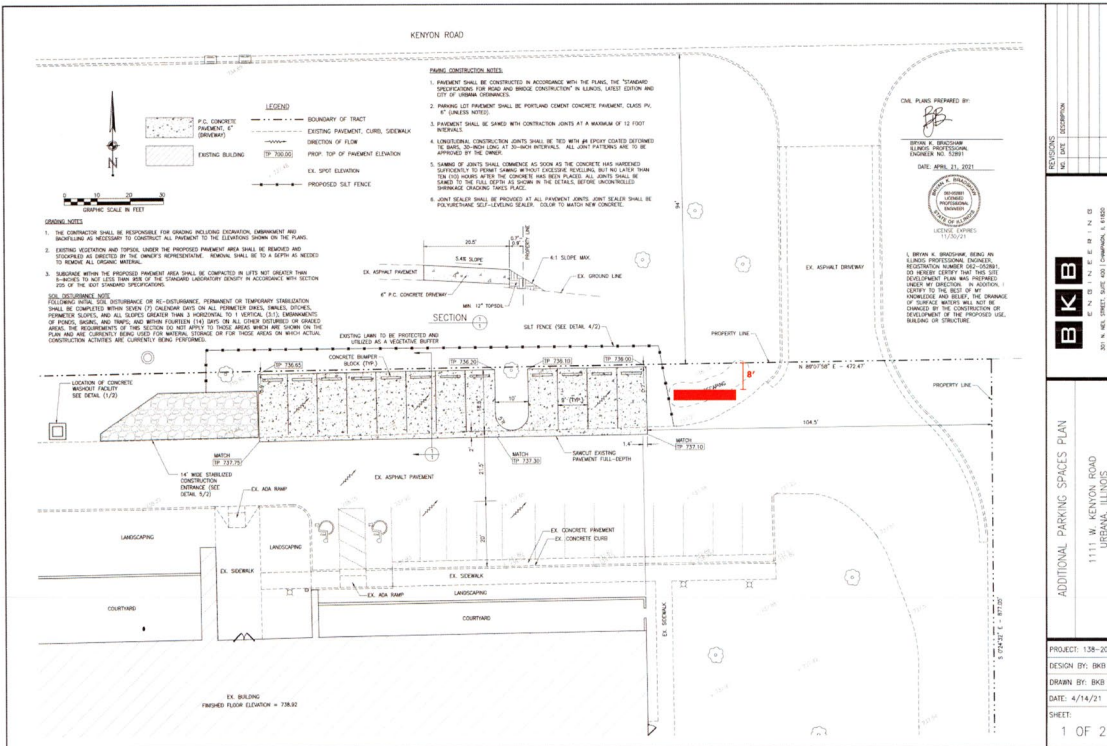
\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor



# Attachment A: Sign Plans



**Bendsen**  
Signs & Graphics, Inc.

1506 E. McBride  
Decatur, Illinois  
62526  
Phone: 217.877.2345  
Fax: 217.877.2347  
www.bsg1946.com

Project:  
VitalSkin Dermatology

Address:  
1111 W Kenyon Road  
Urbana, IL 61801

Account Manager:  
Jason Tompkins

Designer:  
E.S.

Scale: N.T.S.

Design No. VSD\_105

Date: 4-14-22

Revisions:

**-APPROVALS-**

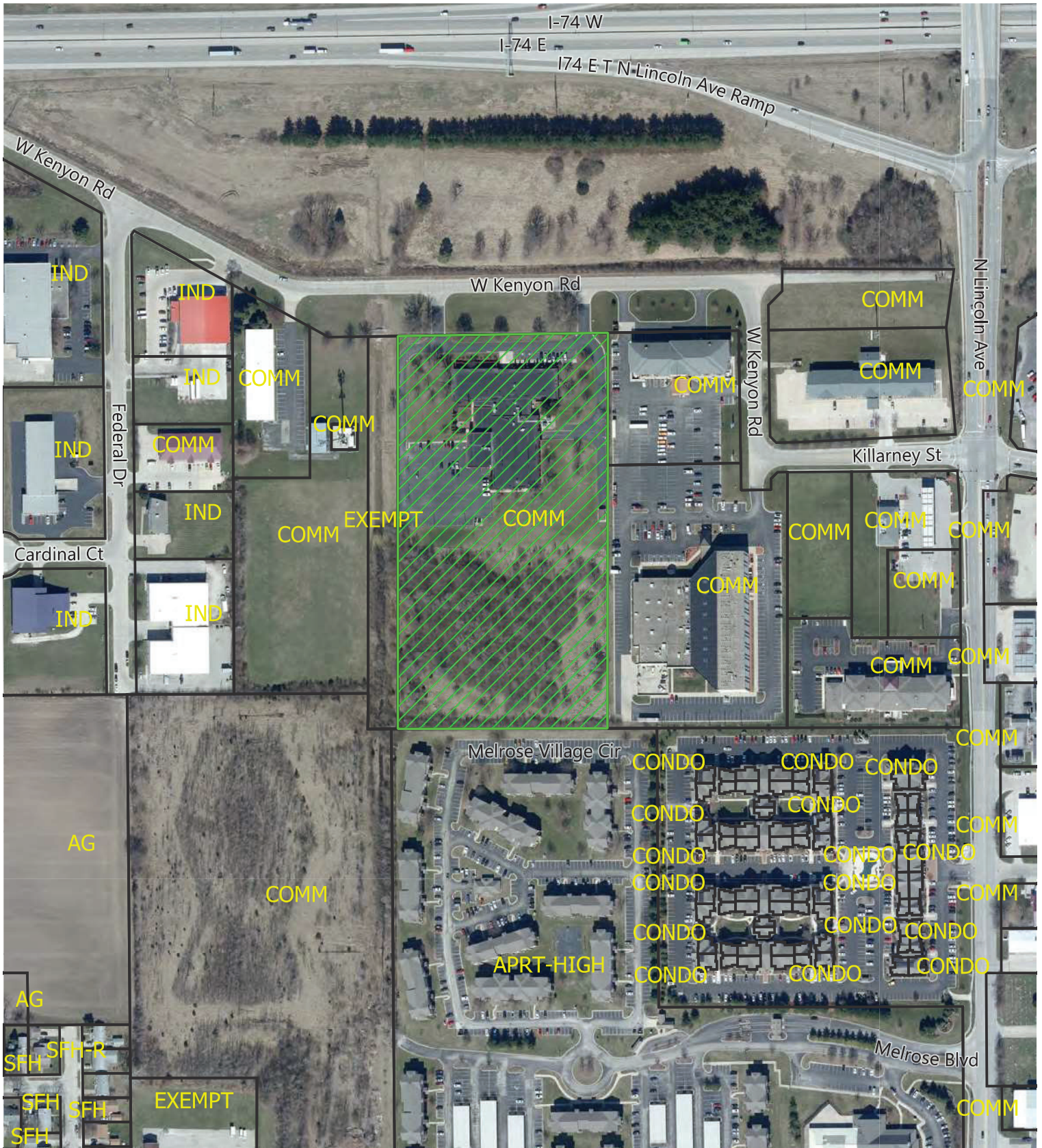
ACCT. MANAGER	DATE
DESIGNER	DATE
CUSTOMER	DATE

This is an original unpublished drawing confidentially submitted for your personal use in connection with a project being planned for you by Bendsen Signs & Graphics, Inc. It is not to be shown or described to other nor is it to be used, reproduced, copied or exhibited in any fashion.

Note: Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color.

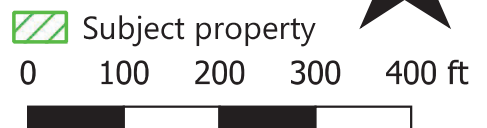
Site plan view of the sign location with the 8-ft. setback from the property line. The sign is designed to set in a landscaped area. Positioning the sign with any greater setback will place the sign the driveway area of the property.

# Exhibit A - Location & Land Use

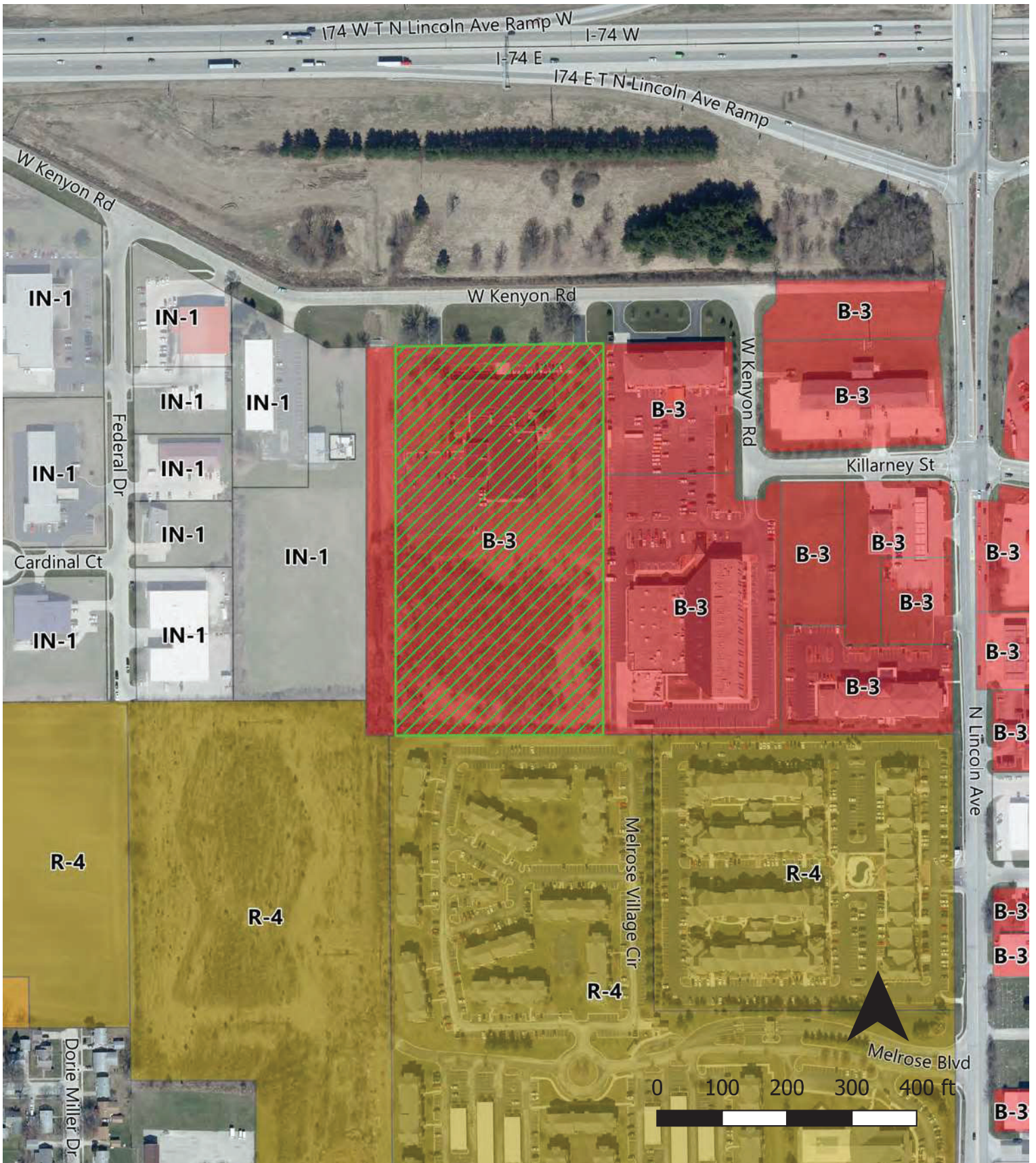


Case: ZBA-2022-MAJ-03  
 Subject: Sign Variance  
 Location: 1111 West Kenyon Road  
 Owner: 1111 West Kenyon Rd LLC dba  
 VitalSkin Dermatology

## Legend









# Exhibit B - Current Zoning



Case: ZBA-2022-MAJ-03  
 Subject: Sign Variance  
 Location: 1111 West Kenyon Road  
 Owner: 1111 West Kenyon Rd LLC dba  
 VitalSkin Dermatology

## Legend

-  Subject property
-  IN-1
-  B-3
-  R-3
-  R-4
-  R-4

# Exhibit C - Sign Plans

**Bendsen**  
Signs & Graphics, Inc.  
1506 E. McBride  
Decatur, Illinois  
62526  
Phone: 217.877.2345  
Fax: 217.877.2347  
www.bsg1946.com

**Project:**  
VitalSkin Dermatology

**Address:**

1111 W Kenyon Road  
Urbana, IL 61801

**Account Manager:**

Jason Tompkins

**Designer:**

E.S.

**Scale:** N.T.S.

**Design No.:** VSD\_101

**Date:** 1-20-22

**Revisions:**

## -APPROVALS-

ACCT. MANAGER	DATE
DESIGNER	DATE
CUSTOMER	DATE

This is an original unpublished drawing confidentially submitted for your personal use in connection with a project being planned for you by Bendsen Signs & Graphics, Inc. It is not to be shown or described to other nor is it to be used, reproduced, copied or exhibited in any fashion.

**Note:** Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color.





**Bendesen**  
Signs & Graphics, Inc.

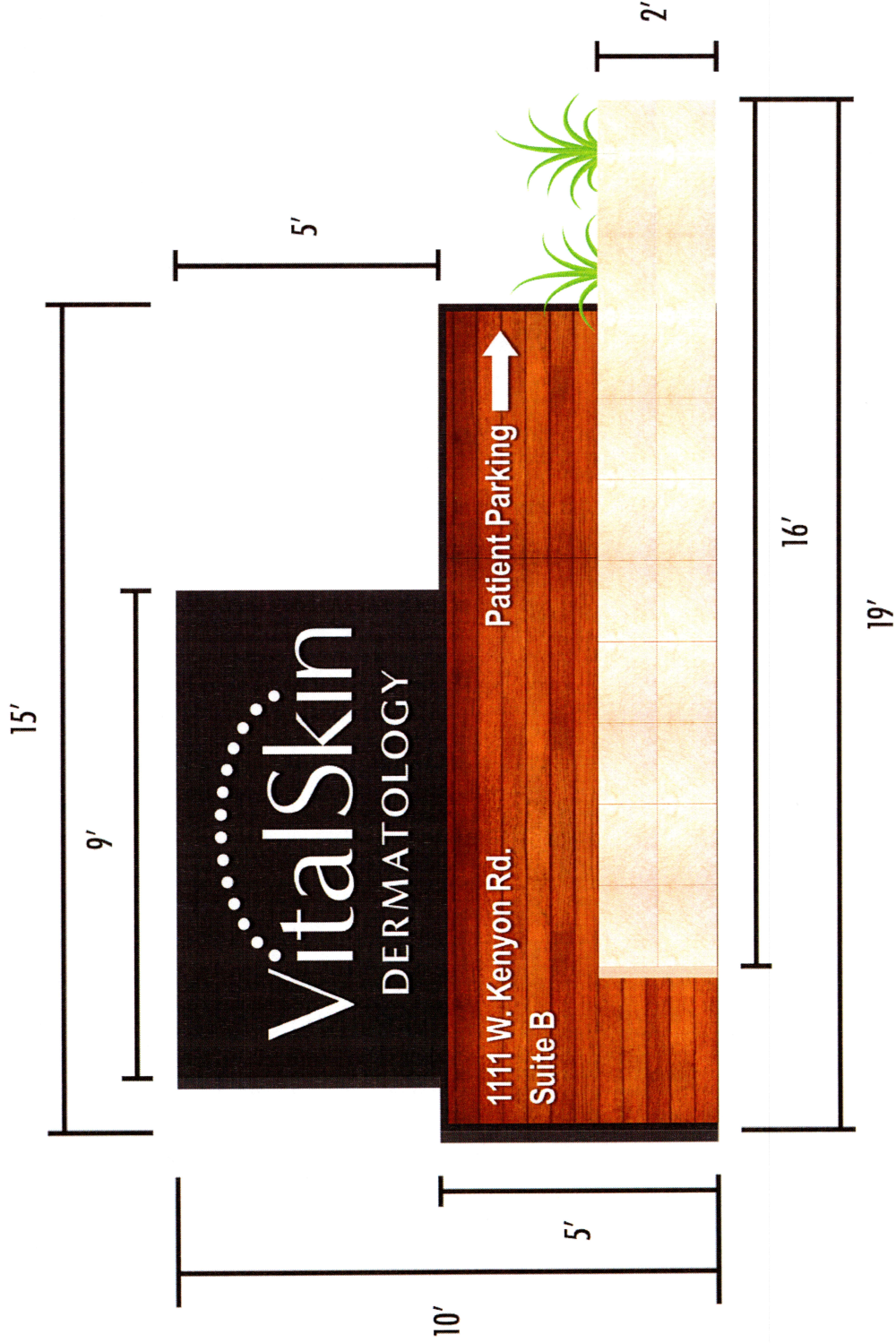
1506 E. McBride  
Decatur, Illinois  
62526  
Phone: 217.877.2345  
Fax: 217.877.2347  
www.bsg1946.com

**Project:** VitalSkin Dermatology  
**Address:** 1111 W Kenyon Road  
Urbana, IL 61801  
**Account Manager:** Jason Tompkins  
**Designer:** E.S.  
**Scale:** N.T.S.  
**Design No.:** VSD\_102  
**Date:** 1-20-22  
**Revisions:**

-APPROVALS-	
ACCT. MANAGER	DATE
DESIGNER	DATE
CUSTOMER	DATE

This is an original unpublished drawing confidentially submitted for your personal use in connection with a project being planned for you by Bendesen Signs & Graphics, Inc. It is not to be shown or described to other nor is it to be used, reproduced, copied or exhibited in any fashion.

**Note:** Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color.



**Bendson**  
Signs & Graphics, Inc.

1506 E. McBride  
Decatur, Illinois  
62526  
Phone: 217.877.2345  
Fax: 217.877.2347  
www.bsg1946.com

**Project:**  
VitalSkin Dermatology

**Address:**

1111 W Kenyon Road  
Urbana, IL 61801

**Account Manager:**

Jason Tompkins

**Designer:**

E.S.

**Scale:** N.T.S.

**Design No.:** VSD\_104

**Date:** 4-14-22

**Revisions:**

**-APPROVALS-**

ACCT. MANAGER      DATE

DESIGNER            DATE

CUSTOMER          DATE

This is an original unpublished drawing confidentially submitted for your personal use in connection with a project being planned for you by Bendson Signs & Graphics, Inc. It is not to be shown or described to other nor is it to be used, reproduced, copied or exhibited in any fashion.

**Note: Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color.**



View of the sign at the drive entrance on Kenyon Road.



## Exhibit D - Site Photos



*VitalSkin Building and IDOT right-of-way as seen from Kenyon Road.*



*Right-of-way at 1111 W Kenyon Rd as seen from VitalSkin parking lot.*





*Neighboring freestanding signs at the adjacent property to the east.*

# Exhibit E - Application



## Application for Variance

## ZONING BOARD OF APPEALS

**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 04-14-2022 ZBA Case No. ZBA-2022-MAJ-03  
Fee Paid - Check No. 18091 Amount \$200.00 Date 04-14-2022

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*)

Freestanding sign setback variance on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Bendsen Signs and Graphics, Inc. Phone: 217-877-2345  
Address (street/city/state/zip code): 1506 E. McBride Avenue/Decatur, Illinois 62526  
Email Address: jt@bsg1946.com  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Contractor

#### 2. OWNER INFORMATION

Name of Owner(s): Vital Skin Dermatology Phone:  
Address (street/city/state/zip code): 1111 W. Kenyon Road/Urbana, Illinois 61801  
Email Address:

Is this property owned by a Land Trust?  Yes  No  
*If yes, please attach a list of all individuals holding an interest in said Trust.*

#### 3. PROPERTY INFORMATION

Location of Subject Site: 1111 W. Kenyon Road/Urbana, Illinois 61801  
PIN # of Location: 91-21-06-426-001  
Lot Size: 9.46 acres

Current Zoning Designation: **B-3**

Current Land Use (*vacant, residence, grocery, factory, etc.*): **Office**

Proposed Land Use: **Same as current land use.**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

**Please see the attached.**

#### **4. CONSULTANT INFORMATION**

**Name of Architect(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Engineers(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Surveyor(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Professional Site Planner(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Attorney(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

#### **5. REASONS FOR VARIATION**

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

**Due to an extensive DOT right of way setback (94-ft.) from the entry street (Kenyon Road) to the property line, a taller sign (10-ft. tall) is needed to be visible from Kenyon Road. Under the Urbana zoning ordinance, a 15-ft. setback from the property line for a 10-ft. tall sign. Due to area constraints between the property line and the parking lot, an 8-ft. setback is needed.**

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

**The special land conditions making the variance necessary would be the 94-ft. DOT right of way setback to the property line. Due to this setback, drivers on Kenyon Road would have a difficult seeing if only installed at 8-ft. tall.**

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

**The DOT right of way was pre-determined and existing for a number of years prior to the sign project being considered.**

Explain why the variance will not alter the essential character of the neighborhood.

**The variance will not alter the essential character of the neighborhood because the proposed sign is very consistent with other freestanding signs in the area.**

Explain why the variance will not cause a nuisance to adjacent property.

**Due to the extensive DOT right of way setback, the sign will be placed 102-ft. to the south of Kenyon Road. By all appearances, it will seem that the sign is set back solely on the property owners location.**

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

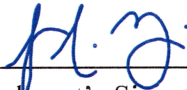
**The minimum property line setback for a freestanding sign in the zoning ordinance is 8-ft. At this setback, a sign can be 8-ft. tall. The variance request would be to allow sign 10-ft. tall at the same 8-ft. property line setback. The remainder of the sign complies with the zoning ordinance.**

***NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.***

***By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.***

**CERTIFICATION BY THE APPLICANT**

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

  
\_\_\_\_\_  
Applicant's Signature

4/14/2022  
\_\_\_\_\_  
Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

# Exhibit F: Draft 6/15/2022 ZBA Meeting Minutes

## MINUTES OF A REGULAR MEETING

### URBANA ZONING BOARD OF APPEALS

**DATE:** June 15, 2022

**DRAFT**

**TIME:** 7:00 p.m.

**PLACE:** Zoom Webinar

---

**MEMBERS ATTENDING:** Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED:** Matt Cho

**MEMBERS ABSENT:** Joanne Chester

**STAFF PRESENT:** Katherine Trotter, Planner II; Lily Wilcock, Planner II; UPTV Camera Operator

**OTHERS PRESENT:** Marco Bustillos, Jason Tompkins

### NEW PUBLIC HEARINGS

**Note:** Chair Welch swore in members of the audience who wished to speak during the public hearings for Case No. ZBA-2022-MAJ-02 and Case No. ZBA-2022-MAJ-03.

**ZBA-2022-MAJ-03 – A request by Bendsen Signs & Graphics, on behalf of VitalSkin Dermatology, for a major variance to allow a 10-foot tall freestanding sign at 1111 West Kenyon Road in the B-3, General Business Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2022-MAJ-03. Nick Olsen, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the proposed major variance. He gave a brief background on the history of the existing use. He noted the zoning of the subject property as well as that of the surrounding properties. He talked about the maximum height of a sign that the Urbana Zoning Ordinance allows in the B-3 Zoning District. He reviewed the criteria from Section XI-3 of the Ordinance that pertains to variances. He read the options of the Zoning Board of Appeals and presented staff's recommendation for approval with the condition that the sign generally conforms to the sign plans in Exhibit C of the written staff report. He stated that he would answer any questions from the Board.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for staff. There was none, so Chair Welch opened the public hearing for public input. He invited the applicants to address the Zoning Board of Appeals.

Jason Tompkins, General Manager of Bendsen Sign & Graphics, approached the Zoning Board of Appeals to speak on behalf of the applicant. He thanked staff for their assistance on the proposed major variance request. He stated that the variance was due to the large right-of-way setback from the road. The sign would be a multi-purpose sign in that it would provide identification for VitalSkin off of Kenyon Road and it would provide some directional elements to where visitors need to go once they reach the property. He said that the sign would not be internally lit. The lighting would be from the ground directed up. The material used for the wooden areas of the sign corresponds with the material on the building. They are working with a general contractor to provide a landscape base as well.

Ms. Uchtmann asked why the right-of-way was as large as it is. Lily Wilcock, Planner II, explained that Goodwin Avenue in the 1950s, 1960s and 1970s was a possibility for a high way exit. Mr. Olsen added that as of the parking major variance case in 2020, the Illinois Department of Transportation (IDOT) had no plans for the right-of-way space. Ms. Uchtmann stated that she drove by the site; and because it is such a big area so far back from Kenyon Road, she recommended that “Patient Parking” and the address be made a little larger than what is being proposed.

With no further comments from the audience, Chair Welch closed the public input portion of the hearing. He then opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2022-MAJ-03 to the City Council with a recommendation for approval with the condition that the sign generally conforms to the sign plans in Exhibit C of the written staff report. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was approved by unanimous vote.

Mr. Olsen stated that Case No. ZBA-2022-MAJ-03 would be forwarded to City Council on June 27, 2022.