

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: January 15, 2003

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Darwin Fields, Joe Schoonover

STAFF PRESENT: Tim Ross, Senior Planner; Michaela Bell, Planner; Teri Andel, Secretary

OTHERS PRESENT: Scott Peters

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the December 18, 2002 meeting were presented. Mr. Welch moved to approve the minutes as presented. Mr. Armstrong seconded the motion. The minutes were then approved by unanimous vote.

4. WRITTEN COMMUNICATIONS

- ✓ Letter from Allen Carter of Carter's Furniture regarding case # ZBA-03-MIN-01.
- ✓ Draft Copy of the City of Urbana Rules of Procedure for the Zoning Board of Appeals
- ✓ Greenways and Trails Public Workshop flyer

Chair Merritt swore in members of the public audience who were interested in speaking during the public portions of the hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-03-MIN-01: Request by Scott Peters for a minor variance to allow an increase in the maximum area for a freestanding sign from 50 square feet to 62.3 square feet, more or less at 212 North Vine Street in the City's B-4E, Central Business – Expansion Zoning District.

ZBA-03-MIN-02: Request by Scott Peters for a minor variance to allow an increase in the maximum height of a freestanding sign from 20 feet to 25 feet at 212 North Vine Street in the City's B-4E, Central Business – Central Business – Expansion.

Tim Ross, Senior Planner, presented this case to the Zoning Board of Appeals. He began by describing each minor variance request and by giving a brief background of the subject property including a description and zoning of the site and of the surrounding properties. He talked about the approved Conditional Use Permit that was requested by Scott Peters, the petitioner, in April of 2002 to establish the oil change/car wash use on the outlot. He noted other freestanding signs in the area. Mr. Ross discussed the maximum area and height allowable for a freestanding sign, and he reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertained to these cases. He read the options of the Zoning Board of Appeals and presented the staff recommendation, which was as follows:

In Case #ZBA-03-MIN-01: Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals deny the variance, on the grounds that there are no special practical difficulties on the lot that would be overcome by granting the variance for an increase in maximum area.

In Case #ZBA-03-MIN-02: Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals approve the variance as requested for an increase in maximum height.

Mr. Corten asked what would appear on the lower portion of the sign that was not filled in the drawing attached to the staff report? Mr. Ross answered that there would be a changeable letter board.

Mr. Warmbrunn referred to the picture of the building with a sign when he asked if the proposed sign would be at a 45° angle as opposed to being square to the lot. Mr. Ross replied that he had not discussed that with the petitioner.

Scott Peters, petitioner, answered that the sign would not be at a 45° angle. The sign would be perpendicular to the building. Mr. Warmbrunn asked if the sign would be at a north-south exposure? Mr. Peters said that was correct.

Mr. Warmbrunn asked Mr. Peters what his opinion was on the larger area of the sign allowing people to look at the sign safer? Mr. Peters replied that he requested that variance primarily to accommodate the reader board. He felt the reader board was a vital component to the promotion to this business. There are currently eight businesses similar to what he is building. All eight of those businesses employ the use of a reader board. The reader board would be used to indicate special services, prices, etc. These types of businesses have several different uses, but the one most commonly thought of is the oil change. There are other seasonal services that would be offered that he would like to promote on the reader board.

Mr. Peters went on to say that there are obstacles to the sight lines of this sign and the building. Because of the viaduct, there is about a fifteen-foot drop from his property down to the road. Coming from the north and heading south, the viaduct and some trees are in the way. Coming from the south and heading north, there is a green area all along Vine Street with 15- to 20-foot trees planted there. When driving along 15 feet in either direction or right in front of the building, people will not be able to see his building, because the building will be 15 feet above street level. The requested variances for a sign would allow drivers to visually see the sign at the intersection of Vine and Main Streets when heading north and approximately at the corner of University Avenue and Vine Street up to about 75 feet before the viaduct when heading south.

Mr. Peters stated that his understanding, after talking with Valvoline and the sign company that they use, was that at those distances, an eight-inch letter would be needed in order for the letters and words to be visible and easily read by the people passing by.

Mr. Peters commented that the reasons staff gave for recommending approval of the height would also apply to the size of the sign. In effect, if a twenty-five foot sign was put there with a reduced reader board, then the sign would not be visible, and the purpose would be defeated. The need for the height applies directly to the need for the size. He did not believe that the sign would be out of line with any of the other signs in the area. As staff pointed out, virtually most of his neighbors already have larger signs. He felt that the requested sign would not be out of character with the neighborhood.

Mr. Corten mentioned that he goes to the same place for oil changes and repairs on his vehicle. He does not need a sign to identify where his repair shop is at, because he goes to the same place and knows the employees. He wondered if Mr. Peters thought that his customers were going to be so many of them brand new the first time coming into town or leaving town that he needed a big sign to be identified. Mr. Peters responded that Valvoline, the company sponsoring his business, has done demographics for his business. The expected draw will be a three-mile area. They are expecting between forty and fifty cars a day. He restated that the function of the reader board would be to identify other services that would be offered aside from just oil changes such as tire rotations, coolant flushes, air conditioning recharges, transmission fluid and filter changes, belt changes, etc. As to how potential customers would relate to the proposed sign and which ones would be influenced by the sign, he could not say.

Mr. Warmbrunn asked if the picture was a fair representation of the reader board that Mr. Peters planned to have? Mr. Peters replied that he did not know if the actual reader board would have four lines or three lines. The dimensions in the picture should be correct with the actual sign. Mr. Warmbrunn questioned whether the petitioner could get sufficient advertising out of two lines? Mr. Peters felt that two lines would be insufficient for getting intended messages advertised. Each line would probably only hold fifteen letters. He added that Valvoline had originally recommended a sign of 85 square feet. Mr. Ross had informed him that would require a major variance and would be harder to get approved. Mr. Peters asked Valvoline to give him the minimum size that they thought would be effective. That is how he came about requesting a variance to have a 62.3 square foot sign.

Ms. Merritt inquired about what the sign would look like if the Zoning Board would deny the variance? Mr. Peters stated that although he had not made any decisions yet, it might possibly look like the sign in the picture without the reader board. He commented that there was the possibility of placing the reader board on the building. He felt that he had designed an attractive building, and that it would not be an aesthetically pleasing place to put a reader board.

Mr. Corten inquired as to when the last regulation went into effect as compared with when some of the signs went up in the proposed area. Has the signage preceded the Zoning Board of Appeals recommendation on size? Mr. Ross replied that the regulations were changed after some of the signs were already placed there. Mr. Corten added that the job of the Zoning Board of Appeals was to regulate signage since the regulations were approved. Mr. Ross responded that the regulations that the City currently has are to apply to any signage requests that come in. The City does accept non-conformities as part of amending the Zoning Ordinance. Mr. Welch commented that the process of allowing appeals requires a balancing act to not let things run amuck. He felt that the particular location of this business merits some consideration. Being stuck up against railroad tracks creates some visibility problems for Mr. Peters.

Mr. Armstrong had a concern about the consistency of the decision-making process. There have been two recent signage cases before the Zoning Board of Appeals; one dealt with issues of visibility and the other dealt with issues of signage area and reader board. If they voted as they had done in the past, then the Board to be consistent would vote to increase the height of the sign because of special circumstances but not necessarily to increase the area of the sign, which would include the reader board in this case. If the Board did vote to allow a reader board, then they may be opening themselves up for criticism and comments from people who have come before them with petitions that include reader boards on their signs.

Mr. Corten questioned what safety had to do with the proposed sign? Ms. Merritt believed that a driver who might want to go to this business might swerve from the left lane to the right lane to get into the parking area. Mr. Peters replied that if a driver were straining to read a sign, then that driver would not be paying attention to the road. Mr. Welch stated the bigger the sign is, the quicker someone could read it.

Mr. Warmbrunn stated that this business was considered an outlot of the shopping center, and he felt that it had two frontages. In the past, the Zoning Board was faced with combining two signs, which are allowed for each frontage, into one larger sign. Mr. Ross responded that each case

does have its own distinction. For most of the sign cases in the last two years, there have been multiple frontages. It has been an issue of multiple signs versus combining them into one for the Zoning Board. It is not the same for this case. This business will only have one road frontage even though there will be no access onto Vine Street. That is what is unique about this case. The petitioner only has the opportunity for one sign. Regarding the safety issue, Mr. Ross stated that the people who studied this have found it difficult to come up with conclusive evidence as to which sized signs are safer than others. The American Planning Association did a major study with the sign industry, and there was not a lot of agreement on what constitutes a safer sign in each circumstance.

Mr. Corten moved that in the case #ZBA-03-MIN-01 that the Zoning Board of Appeals approve the size requested for the sign in terms of square feet for that particular situation. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	No
Mr. Warmbrunn	-	No	Mr. Welch	-	Yes
Mr. Armstrong	-	No			

The motion failed by a vote of 2-3.

Mr. Warmbrunn moved that in the case #ZBA-03-MIN-01 that the Zoning Board of Appeals deny the variance on the grounds that there are no special practical difficulties on the lot that would be overcome by granting this variance for an increase in maximum area. Mr. Armstrong seconded the motion. The roll call was as follows:

Ms. Merritt	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	No	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was approved by a vote of 4-1.

Mr. Corten moved that in the case of #ZBA-03-MIN-02 that the Zoning Board of Appeals approve the variance as recommended in the staff report to include twenty-five foot height. Mr. Armstrong seconded the motion. The roll call was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Ms. Merritt	-	Yes			

The motion was approved by unanimous vote.

7. OLD BUSINESS

Review of the By-Laws

Mr. Ross noted that a marked up copy was included in the packet. There was a small minor change to add some language regarding continuances back into Section 2. Item 1. There were a

couple of editorial changes made. The handout that was passed out prior to the meeting was a final draft of the bylaws.

Mr. Ross commented that the Lisle issue is a constantly changing issue. Jack Waaler, City Attorney, provided some documentation from the courts to Mr. Ross providing further guidance on this issue if it ever becomes applicable to the Zoning Board of Appeals. In certain cases that are going to be extremely controversial and the Zoning Board is expecting to have a full house, the Zoning Board can indicate to people that if they wish to be considered “an interested party”, and therefore have the right to cross-examine, then they need to pre-register if so desired by the Zoning Board. Mr. Ross felt that at the current time, the Zoning Board did not need to practice this; however, this option is available if needed in the future.

Regarding continuances, Mr. Warmbrunn inquired as to whether the language in the proposed bylaws meant that any one member of the Zoning Board of Appeals could ask for a continuance and then have the Zoning Board vote on it? Mr. Ross replied that any member of the Board can voice a request for a continuance, and then it would be up to the full Zoning Board to decide. That would be part of the Zoning Board’s power in managing a case. Ms. Merritt added that staff has additional options for suggesting continuances. Mr. Ross stated that was correct. Ms. Merritt noted that the Zoning Board would still need to vote on it.

Mr. Corten moved that the Zoning Board of Appeals approve the modified rules of procedure for the Zoning Board of Appeals as presented in the final draft. Mr. Armstrong seconded the motion. The roll call was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Warmbrunn	-	Yes			

The motion was passed by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Ross reported on the following:

- ✓ **Previous Cases:** There was no action to report on.
- ✓ **Greenways and Trails Public Workshop.** Champaign County Regional Planning Commission will be hosting this workshop to gather public input on issues related to bicycle and pedestrian trails. This is an intergovernmental effort, and they are looking to have a plan ready in the fall.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Tim Ross, Senior Planner
Urbana Zoning Board of Appeals