

ORDINANCE NO. 2022-10-041

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Crispin Auto Sales and Exports Freestanding Sign at 1010 Cunningham Avenue / Case No. ZBA-2022-MAJ-06)

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 applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Matthew Usher, on behalf of Crispin Auto, requests a major variance to allow a 10-foot tall, 4-foot by 8-foot freestanding sign, four feet from the front property line at 1010 Cunningham Avenue in the B-3, General Business zoning district; and

WHEREAS, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on September 21, 2022, in Case ZBA-2022-MAJ-06; 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, as presented, subject to the condition specified in Section 1 herein; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(e), 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. Matthew Usher, on behalf of Crispin Auto, requests a major variance to allow a 10-foot tall, 4-foot by 8-foot sign, four feet from the front property line at 1010 Cunningham Avenue in the B-3, General Business zoning district.
2. The variance would not serve as a special privilege to the property owner, as much of Cunningham Avenue was developed before the current sign regulations were adopted and enforced, so there are several legally nonconforming signs along the corridor. As a result, the subject property is blocked by encroachments into the required front yards to the north and south.
3. The variance was not the result of a situation knowingly created by the applicant, as the encroachments on the adjacent properties have been there for over 40 years.
4. The variance will not alter the essential character of the neighborhood as the neighboring properties to the north and south, and other properties along Cunningham Avenue, have signs that encroach into the required front yard setback for the B-3, General Business zoning district.
5. The variance will not cause a nuisance to adjacent property owners, as the neighboring properties to the north and south have freestanding signs that are closer to the property line than the proposed sign, and the sign would not obstruct the signs of the neighboring properties.
6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as the sign will be smaller and shorter than the maximum area and height permitted by the Zoning Ordinance.

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

Section 1.

In Case No. ZBA 2022-MAJ-06, the major variance requested by Matthew Usher, on behalf of Crispin Auto, an Ordinance is hereby adopted to allow a 10-foot tall, 4-foot by 8-foot sign, four feet from the front property line at 1010 Cunningham Avenue, with the following condition:

1. That the freestanding sign will generally conform to the submitted site plan in Ordinance Attachment A.

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. 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.


This Ordinance is hereby passed by the affirmative vote, the "eyes" 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 10th day of October, 2022.

AYES: Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, Quisenberry

NAYS: None

ABSTENTIONS: None


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 18th day of October, 2022.

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

Exhibit A - Location Map



Case No.
Subject
Address
Petitioner

ZBA-2022-MAJ-06
Crispin Auto Sign Variance
1010 Cunningham Avenue
Matthew Usher, Crispin Auto

Legend

 Subject Property

Urbana_2020

0 250 500 ft