



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Nick Olsen, Planner I
DATE: May 13, 2022
SUBJECT: **ZBA-2022-MAJ-03:** A request by Bendsen Sign & 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 8 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 8 feet for freestanding sign located 8 feet from the public right-of-way, so a major variance is required.

The proposed sign would be located 8 feet from the north property line. Between the north property line and Kenyon Road, there is a 94-foot 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.

Staff find that the request meets the criteria for a major variance, and recommend that the Zoning Board of Appeals forward the case to City Council with a recommendation of approval.

Background

VitalSkin has owned the property since 2020, and was granted a Special Use Permit to operate a clinic at the location.¹ 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.

BSG have 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.

¹ 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.

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

	Zoning	Existing Land Use	Future Land Use
Site	B-3, General Business	Clinic, Professional Office, Storage	Light Industrial
North	None	Interstate Highway	Undesignated
East	B-3, General Business	Hotel	Regional Business
South	R-4, Medium Density Multiple Family Residential	Multifamily Residential (apartments)	Multifamily
West	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 9 feet by 5 feet (45 square feet), and would be elevated 5 feet from the ground to a height of 10 feet at its highest point.

The Zoning Ordinance allows a maximum area of 50 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 8 to 15 feet from the public right-of-way, a maximum height of 8 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 8 feet from the public right-of-way, it would be 102 feet from Kenyon road. The sign would be further 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 Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals 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 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 traffic on Kenyon Road than the sign is directed toward. A 10-foot tall sign would be allowed with a 15-foot setback from the right of way, but a setback of this depth would not be feasible on the property, given the existing parking and access drive configuration, which was allowed by a prior variance. Staff find that these 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 8 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 8-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. Because of the existing parking configuration on the lot, a greater setback that would allow for an increase in sign height is not feasible. 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.

Summary of Findings

1. The property is zoned B-3, General Business.
2. Bendsen Sign & Graphics requests a Major Variance to allow a 10-foot tall freestanding sign 8 feet from the public right-of-way ; and
3. Special circumstances of parcel related to the atypically large IDOT right-of-way north of the property make strict application of the Zoning Ordinance impractical; and
4. 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 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
5. 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
6. The variance will not alter the essential character of the neighborhood, as there are similarly tall signs closer to Kenyon Road nearby; and
7. 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
8. 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.

Options

The Zoning Board of Appeals has the following options in case ZBA-2022-MAJ-03:

1. Forward the Major Variance request to City Council with a recommendation to **approve** the variance as requested, based on the findings outlined in this memorandum; or
2. Forward the Major Variance to City Council with a recommendation to **approve the variance with certain terms and conditions**, and if so, articulate all terms, conditions, and findings; or
3. **Deny** the Major Variance request, and if so, articulate findings supporting the denial.

Staff Recommendation

Staff recommends that the Zoning Board of Appeals recommend **APPROVAL** of a major variance to City Council with the following conditions:

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

Exhibits: A: Location Map
 B: Current Zoning Map
 C: Sign Plans
 D: Site Photos
 E: Application for a Major Variance

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

Exhibit A - Location & Land Use

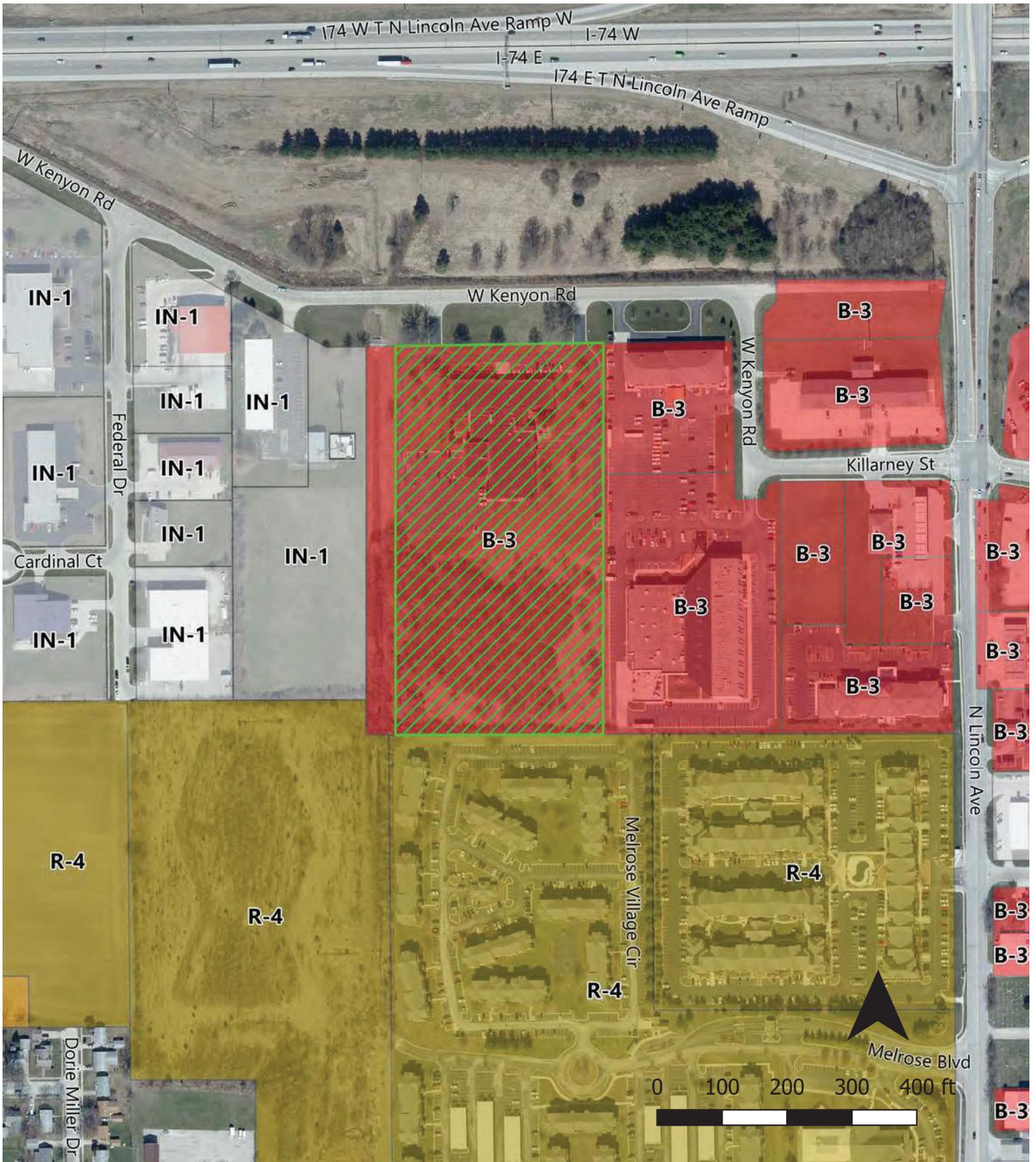


Case: ZBA-2022-MAJ-03
 Subject: Sign Variance
 Location: 1111 West Kenyon Road
 Owner: 1111 West Kenyon Rd LLC dba
 VitalSkin Dermatology

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

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.

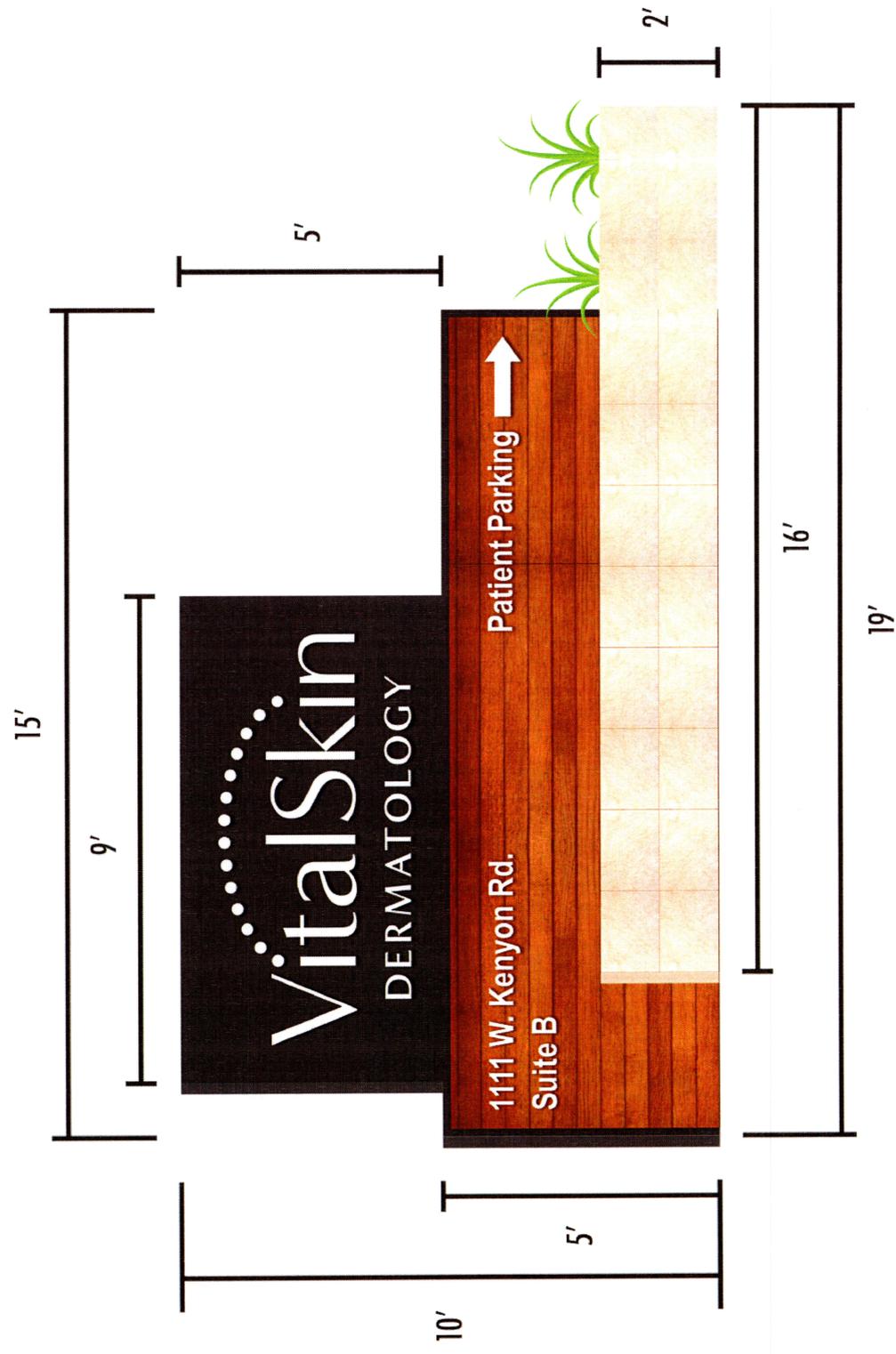
1506 E. McBride
Decatur, Illinois
62526
Phone: 217.877.2345
Fax: 217.877.2347
www.bsg1946.com

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.



Bendsen
Signs & Graphics, Inc.

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

Project: VitaSkin 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.

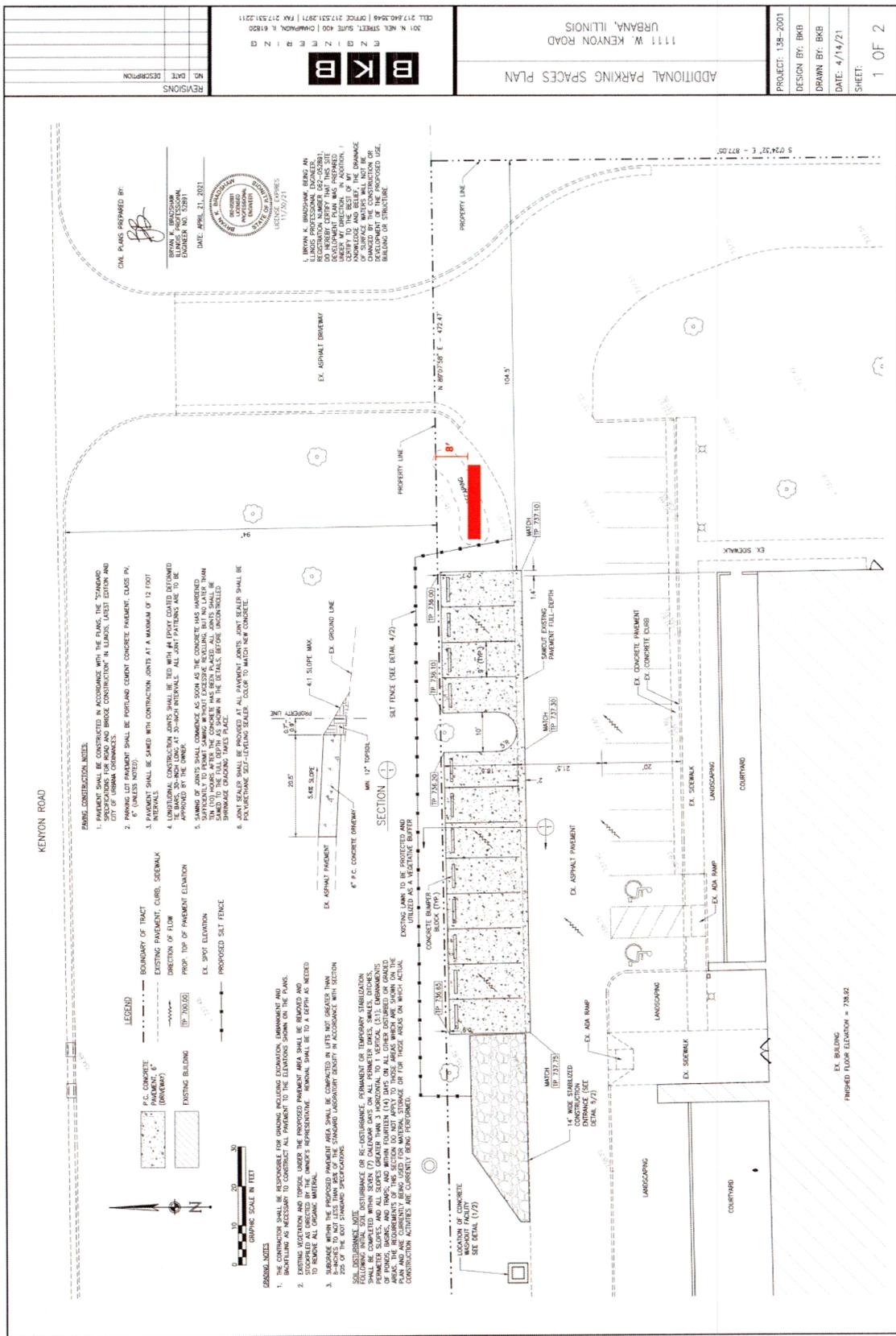


Exhibit D - Site Photos



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.

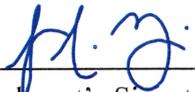
The minimum property line setback for a freestanding sign in the zoning ordinance is 8-ft. At this setback, a sign can be 8-ft. tall. The variance request would be to allow sign 10-ft. tall at the same 8-ft. property line setback. The remainder of the sign complies with the zoning ordinance.

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