

**MINUTES OF A REGULAR MEETING  
URBANA ZONING BOARD OF APPEALS**

**DATE:** June 15, 2022

**APPROVED**

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

**PLACE:** City Council Chambers, City Building, 400 South Vine Street, Urbana, IL

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

**MEMBERS EXCUSED:** Matt Cho

**MEMBERS ABSENT:** Joanne Chester

**STAFF PRESENT:** Nick Olsen, Planner I; Lily Wilcock, Planner II; UPTV Camera Operator

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

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

Chair Welch called the meeting to order at 7:01 p.m. Roll call was taken, and he declared a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the February 16, 2022 regular meeting were presented for approval. Ms. Uchtmann noted that her last name was misspelled in several places in the minutes and asked that they be corrected. Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes as written. Ms. McLaughlin 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 minutes of the February 16, 2022 regular meeting were approved as written.

After the Zoning Board of Appeals held the public hearings for Case No. ZBA-2022-MAJ-02 and Case No. ZBA-2022-MAJ-03, Chair Welch came back to the Closed Session minutes of the July 21, 2021 Zoning Board of Appeals meeting.

Ms. McLaughlin moved that the Zoning Board of Appeals approve the minutes of the Closed Session held on July 21, 2021 as written. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

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

The minutes of the July 21, 2021 Closed Session were approved as written.

#### 4. COMMUNICATIONS

The following communication was received after the packet was distributed:

- Petition in Support of Case No. ZBA-2022-MAJ-02

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. 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-02: A request by Marco Bustillos for a major variance to allow a 144 square foot, 27-foot tall freestanding sign at 1511 East Washington Street in the B-3, General Business Zoning District.**

Chair Welch opened the public hearing for Case No. ZBA-2022-MAJ-02. Nick Olsen, Planner I, introduced the case by stating the purpose for the proposed request and giving a brief background of how the request came about and the history of the existing sign. He noted the location, zoning and existing land use of the subject property and surrounding adjacent properties, and he showed photos of the property. He reviewed the criteria for a variance request from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff’s recommendation for denial. Mr. Olsen stated that a representative for the applicant was available to answer questions.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff.

Mr. Warmbrunn asked for confirmation that the maximum height allowed is now 16 feet instead of 25 feet. Mr. Olsen replied that any sign 15 or more feet from the right-of-way, 16 feet is the

maximum height. Any sign that is 8 to 15 feet from the right-of-way, 8 feet is the maximum height.

Mr. Warmbrunn recalled that the variance request in 2001 was to allow one larger sign in exchange for the two signs the owner would have been allowed by right to place (one on each street frontage). He asked if this was still the case. Mr. Olsen explained that 75 square feet is the maximum allowed for a “combined sign”.

Mr. Warmbrunn asked if the owner could have a 75 square foot sign that was no more than 16 feet tall. Lily Wilcock, Planner II, researched this in the Zoning Ordinance and stated that the owner could have one sign (up to 50 square feet) per business frontage or one combined sign up to 75 square feet. The height maximum was as Mr. Olsen just previously replied.

Mr. Warmbrunn recalled that the reason the City allowed the maximum height of the existing sign to be 25 feet was due to the lack of visibility if the sign was lower to the ground. If the Zoning Board of Appeals denies the proposed major variance, would the owner be allowed to reinstall the existing sign. Mr. Olsen stated that the owner would be allowed to resurface/reface the existing sign. The owner would not be allowed to tear down and rebuild a sign to the same height. The new sign would have to conform to the requirements of the Zoning Ordinance, which is no more than 16 feet tall.

Ms. Uchtmann asked how much taller the proposed sign would be. Mr. Olsen replied that the proposed new sign would be 2 feet taller and 69% more square feet.

Ms. Uchtmann wondered if the goal of the proposed sign was to be visible from Philo Road. Mr. Olsen said that he would let the applicant speak to this.

Ms. McLaughlin asked if there are plans for the vacant lot to the south. Ms. Wilcock said that she did not know if that was City property.

Chair Welch opened the hearing for public input. He invited the applicant to speak.

Marco Bustillos, of Gas Depot and representative for Shell, approached the Zoning Board of Appeals to speak. He stated that the applicant’s only objective is to make improvements to the property. He noted that the applicant was unaware of the need for approval of a major variance for the proposed sign. He explained that the canopy size of the station is much larger than the average station, so they require a larger sign. Shell provided them with the proposed sign.

Ms. Uchtmann asked if the goal of the proposed sign was to be visible from Philo Road. Mr. Bustillos replied that the goal was to make the sign more visible because the existing sign is small. Shell is a recognized brand that will draw more traffic. They want to increase sales and traffic to the station.

Ms. Uchtmann asked if the proposed sign was the size that Shell uses in other locations. Have they ever had a problem with zoning before? Mr. Bustillos said yes, it is the standard size of sign that Shell uses for this size of property, and Shell has never had a problem before.

Mr. Warmbrunn wondered why Shell did not come to the City and inquire about the sign ordinance. Mr. Bustillos could not answer the question.

Ms. McLaughlin asked how the signatures were collected on the petition that was submitted prior to the start of the meeting. Mr. Bustillos replied that the petition was left on the counter for customers to sign if they wished.

Note: The petition was handed out to the Zoning Board of Appeals for their consideration.

Ms. Uchtmann asked what the City envisioned for the properties to the south and to the east. Will there always be the Community Gardens to the east? Ms. Wilcock stated that the property to the east (where the Community Gardens is currently located) is still designated as residential for the future land use; however, the City is in the process of updating the Comprehensive Plan. She noted that there is a lot of interest in the Lierman Community Gardens to continue in the future. As for the area to the south, the City has recently become a part of the renovations of Aspen Court. It is being reoccupied with residents.

Ms. Uchtmann asked if the proposed sign would be a detriment to future residential development on the vacant lot to the south. Ms. Wilcock stated that the City was not equipped to be able to assess whether it would or would not affect someone's desire to live next door.

Mr. Rusch asked what the width of the existing sign is. Mr. Olsen said it is approximately 4 feet wide.

Ms. McLaughlin asked if staff had considered the lighting impact of the proposed sign on the Lierman Community Gardens. Mr. Olsen replied that an illuminated sign is allowed by right for a B-3 zoned property. Staff did not look into the affect the light would have on the plants. He stated that the applicant could speak about the illumination level of the proposed sign and whether it would dim at night, etc.

Ms. Uchtmann wondered if the proposed sign did not have the part saying "Shell V-Power" if it would be more in conformance. Mr. Olsen said that he did not know the dimension of this area of the sign. Staff went by what the applicant proposed, which is 69% square feet larger and 11 feet taller than what is allowed. He suspected that without this specific area of the sign that the sign would still be nonconforming. Ms. Wilcock added that the content of the sign is not factored in to how staff measures the size of a sign.

Mr. Rusch asked the applicant to speak about the level of illumination of the proposed new sign versus the existing sign. Mr. Bustillos responded that the proposed new sign would have dimming technology that could be adjusted depending on the time of day.

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

Mr. Rusch moved that the Zoning Board of Appeals approve Case No. ZBA-2022-MAJ-02 with the condition that the new sign generally conform to the proposed Shell id sign in Exhibit C. Ms. Uchtmann seconded the motion.

Roll call on the motion was as follows:

Ms. McLaughlin	-	No	Mr. Rusch	-	Yes
Ms. Uchtmann	-	No	Mr. Warmbrunn	-	No
Mr. Welch	-	No			

The motion was denied for a lack of affirmative votes.

After reviewing and approving a recommendation to City Council for Case No. ZBA-2022-MAJ-03, the Zoning Board of Appeals re-entered this case to make a motion articulating the reasons for denial. The Zoning Board of Appeals members and staff discussed whether the Board needed to articulate why the case was denied and whether they should have a motion to deny and vote on it. The Board members and staff agreed this would be best.

Ms. Uchtmann left the meeting at 7:48 p.m.

Ms. McLaughlin moved that the Zoning Board of Appeals deny Case No. ZBA-2022-MAJ-02 because the proposed sign does not meet the criteria for a major variance outlined in the written staff memo. Mr. Warmbrunn seconded the motion.

Mr. Rusch stated that he believed the sign could be approved because it has community support and is not much different than the existing sign.

Ms. McLaughlin stated that she was conflicted and agreed with Mr. Rusch that the proposed sign has community support. At the same time, she said she felt it would be a privilege. Just because the business already purchased the sign does not mean that the City should approve it. Any of the other businesses along the street could then purchase a bigger sign in the future. Mr. Welch stated that he agreed.

Mr. Warmbrunn stated that the application does not specify how the proposed sign would be an improvement to the business or to the community. There was discussion about how the business collected the signatures on the petition. Chair Welch stated that his experience with petitions is that the nearby residents sign a petition, and the petition that was submitted has signatures from people who live in Philo, Illinois and in Champaign, Illinois. While it serves as a petition in support of the sign, it does not represent a community support of immediate neighbors.

Chair Welch stated that it was presumptuous of Shell to purchase the sign without first checking with the City to see what our requirements for signage are. He found it hard to believe that Shell does not have other sizes of signs for other Shell properties.

Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Mr. Rusch	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion to deny was approved by a vote of 3-1.

**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.**

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 highway 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.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

There was none.

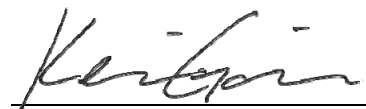
**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Welch adjourned the meeting at 7:58 p.m.

Respectfully submitted,



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Kevin Garcia, AICP  
Principal Planner and Zoning Administrator  
Secretary, Urbana Zoning Board of Appeals