

**ORDINANCE NO. 3062**

OCT - 7 2013

**AN ORDINANCE TO GRANT A SIGN VARIANCE TO BOB BROCKLAND BUICK GMC HAVING THE ASSIGNED ADDRESS OF 580 OLD STATE ROUTE 3 IN THE CITY OF COLUMBIA, ILLINOIS TO ALLOW A FREE STANDING SIGN TO EXCEED TWENTY (20) FEET IN HEIGHT ALLOWED BY THE CITY'S SIGN CODE IN A COMMERCIALY ZONED DISTRICT IN THE CITY**

*J. Ronald Colyer*  
City Clerk

WHEREAS, Section 15.44.190 of the City's Sign Code provides and requires, in pertinent part, an establishment located in any commercial district shall not be allowed a free standing sign any greater than twenty (20) feet in height;

WHEREAS, Bob Brockland Buick GMC ("Applicant") filed a Request for Sign Variance Application with the Columbia City Clerk on August 15, 2013 requesting that there be allowed for Bob Brockland Buick GMC to be located at 580 Old State Route 3 a free standing sign of up to forty seven (47) feet in height.

WHEREAS, Subsection B (Public Hearing Notice) of Section 15.44.380 (Variances) of the City's Sign Code provides and requires that the street graphics advisory committee shall hold a public hearing on the variance request within sixty (60) days after the variance application is submitted to them following publication of notice of the hearing and first class mailing of the notice to the variance applicant not less than fifteen (15) days and not more than thirty (30) days before the hearing, at which hearing interested persons may appear and testify;

WHEREAS, Subsection C (Advisory Report) of Section 15.44.380 (Variances), of the City's Sign Code provides and requires that the street graphics advisory committee shall submit its report regarding the variance request to the City Council within ten (10) days of the public hearing (or seventy (70) days after it receives the variance application) or shall be deemed to have approved the variance request;

WHEREAS, Subsection D (Decision of the City Council) of Section 15.44.380 (Variances), of the City's Sign code provides and requires that the City Council shall act upon the variance request at their next regular meeting following receipt of the street graphics advisory committee's advisory report or ninety (90) days after filing of the variance application with the City Clerk, whichever is less; that the City Council shall grant or deny the request by simple majority vote of a quorum of all members of the City Council then holding office; and if the City Council fails to have acted upon the variance request within the deadline aforesaid the City Council shall be deemed to have approved the request;

WHEREAS, Subsection E (Standards for Variances) of Section 15.44.380 (Variances) of the City's Sign Code provides and requires that the City Council shall not grant any street graphic variance unless, based upon the evidence presented to them, they find that special circumstances involving size, shape, topographic, location or surrounds affect the property referred in the application and denial of the application would cause unreasonable or unnecessary hardship; and further, that the sign will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the public safety or welfare and the neighborhood in which it is located;

WHEREAS, in accordance with the requirement of Section 15.44.380 of the City's Sign Code, a public hearing with regard to the variance requested was held before the Street Graphics Committee of the City on the 5<sup>th</sup> day of September, 2013 (and within the sixty (60) day deadline required by the Sign Code) at the Columbia City Hall and a quorum of the members of the Street Graphics Committee was present and the four (4) committee members voted three (3) aye and one (1) nay to recommend to the Columbia City Council to grant the variance to allow a free standing sign of up to forty seven (47) feet in height.

WHEREAS, in accordance with the requirements of Section 15.44.380 of the City's Sign Code, the City's City Council has found and determined and does hereby declare, that based upon the evidence presented, special circumstances may or may not exist involving the size, location and surroundings of the subject property and in the circumstances involved in the granting of the sign variance requested which may or may not result in unreasonable and unnecessary hardship if the variance is not granted, including:

(1) To grant the variance to the City Sign Code to allow a free standing sign of up to forty seven (47) feet in height.

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

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The Applicant is hereby granted a sign variance or special exception from the requirements of Section 15.44.190 of the City's Sign Code to allow Bob Brockland Buick GMC to be located at 580 Old State Route 3 a free standing sign of up to forty seven (47) feet in height.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage.

Alderman Huch moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl and Huch.

NAYS: Aldermen Agne, Niemietz, Roessler, Mathews, Reis and Holtkamp.

ABSENT: None.


ABSTENTIONS: None.

TWO (2) YEAS AND SIX (6) NAYS.

MOTION FAILED by the City Council this 7<sup>th</sup> day of October, 2013.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
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J. RONALD COLYER, City Clerk

(SEAL)