

ORDINANCE NO. 2015-06-058

**AN ORDINANCE APPROVING MAJOR VARIANCES**

(To allow a change in the required front yard setback from 15 feet to 5 feet at 202 W. University Avenue in the B-3, General Business zoning district. / Case No. ZBA-2015-MAJ-04)

(To allow parking spaces in which exiting vehicles must back out onto a public street at 202 W. University Avenue in the B-3, General Business zoning district. / Case No. ZBA-2015-MAJ-05)

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 major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, MALA LLC. has submitted a petition for two major variances to allow a 10 foot reduction in the required front-yard setback and to allow off-street parking that requires vehicles to exit by backing out onto a public right-of-way at 202 W. University Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2015-MAJ-04 and 2015-MAJ-05; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variances on May 20, 2015 and voted 4 ayes to 0 nays in Case No. ZBA-2015-MAJ-04 and 4 ayes to 0 nays in Case No. ZBA-2015-MAJ-05 to recommend that the Corporate Authorities approve the requested variances; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variances referenced

herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The petitioner has requested permission to construct a new building at 202 W. University Avenue with a five-foot front yard setback and allowance for parking spaces that require automobiles to back onto the right-of-way along Race Street.

2. The proposed variances would reduce the front yard setback requirement from 15 feet to 5 feet and allow a continued legal nonconformity of off-street parking next to Race Street.

3. Table VI-3 of the Urbana Zoning Ordinance requires a front yard setback of 15 feet in the B-3, General Business district. Section VIII-4.E of the Zoning Ordinance does not allow parking spaces where the exiting vehicle must be backed into or out of a public street.

4. The proposed variances are requested due to special circumstances of a small and narrow lot which is unable to meet all parking and setback requirements. The variances are not a result of a situation or condition knowingly or deliberately created by the petitioner.

5. The proposed variances would not serve as a special privilege because the setback and parking requirements are prohibitive for the lot size. The variances would not create any new special circumstances for the property.

6. The proposed variances would be neither an alteration of the neighborhood character or nuisance to adjacent properties because it allows the replacement of a building with an improved layout and improved compliance of the Zoning Ordinance.

7. The proposed variance regarding the front yard setback represents the minimum possible deviation from Zoning Ordinance requirements as

the available area to meet B-3, General Business district parking requirements is limited.

8. On May 20, 2015, the Zoning Board of Appeals voted 4 ayes to 0 nays to approve Case No. ZBA-2015-MAJ-04.

9. On May 20, 2015, the Zoning Board of Appeals voted 4 ayes to 0 nays to approve Case No. ZBA-2015-MAJ-05.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case Nos. 2015-MAJ-04 and 2015-MAJ-05, the two major variances requested by MALA LLC. to allow a 10-foot reduction in the required front-yard setback along Race Street and to allow off-street parking that requires vehicles to exit by backing out onto a public right-of-way at 202 W. University Avenue in the B-3, General Business Zoning District are hereby approved in the manner proposed in the application and subject to the following conditions:

1. The site is developed in general compliance with the site plan submitted by the petitioner.

2. The parking space and curb cut along University Avenue are eliminated as proposed in the submitted site plan.

The major variances described above shall only apply to the property located at 202 W. University Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

A part of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, described as follows:

Commencing at a point in the North line of University Avenue 170 feet East of the Southeast Corner of Lot 5 in Block 1 of S.H. Busey's Second Addition to

the City of Urbana, thence East 60 feet to the West side of North Race Street extended, thence North on the West line of North Race Street 132 feet to alley, thence West 60 feet along the South side of alley, thence South 132 feet to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

PIN No: 91-21-08-402-008

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

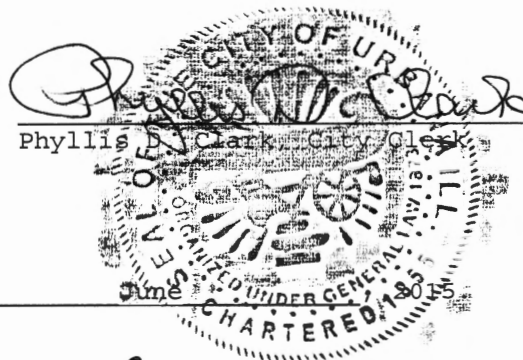
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1<sup>st</sup> day of June, 2015

PASSED by the City Council on this 1<sup>st</sup> day of June, 2015.

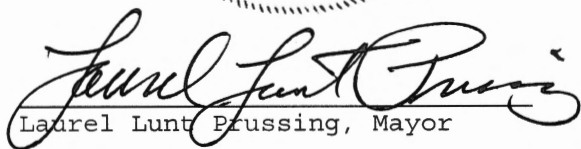
AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:



APPROVED by the Mayor this 3<sup>rd</sup> day of \_\_\_\_\_

  
Laurel Lunt Prussing, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 1st day of June, 2015, the City Council of the City of Urbana passed and approved Ordinance No. 2015-06-058, entitled:

### AN ORDINANCE APPROVING MAJOR VARIANCES

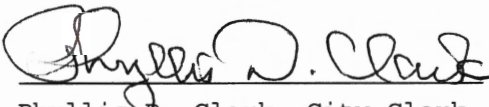
(To allow a change in the required front yard setback from 15 feet to 5 feet at 202 W. University Avenue in the B-3, General Business zoning district. / Case No. ZBA-2015-MAJ-04) (To allow parking spaces in which exiting vehicles must back out onto a public street at 202 W. University Avenue in the B-3, General Business zoning district. / Case No. ZBA-2015-MAJ-05)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-06-058 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 13<sup>th</sup> day of July, 2015, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 13<sup>th</sup> day of July, 2015.



  
Phyllis D. Clark, City Clerk