



City of Urbana
400 South Vine Street
Urbana, IL 61801

2021R05764
REC ON: 03/12/2021 01:17:17 PM
CHAMPAIGN COUNTY
MIKE INGRAM
REC FEE: 52.00
RHSPS Fee: 9.00
STATE TAX:
COUNTY TAX:
PLAT ACT:
PAGES 7

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

AN ORDINANCE APPROVING MAJOR VARIANCES (DUPLX AT 213 W. ILLINOIS ST. / ZBA CASE NOS. 2020-MAJ-07 AND 2020-MAJ-08) [ORD. 2021-03-008].

approved by the City Council of the City of Urbana, Illinois, on the 8th day of March, AD, 2021, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 9th day of March, AD, 2021.



Phyllis D. Clark
Phyllis D. Clark, City Clerk



ORDINANCE NO. 2021-03-008

AN ORDINANCE APPROVING MAJOR VARIANCES

(Duplex at 213 W. Illinois St. / ZBA Case Nos. 2020-MAJ-07 and 2020-MAJ-08)

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, Gary Apfelstadt has submitted a petition for two major variances to allow a duplex on a lot that is 16.67% narrower and 3.75% smaller, and with two fewer off-street parking spaces than required by the Zoning Ordinance, at 213 West Illinois Street; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on January 20, 2021, in ZBA Case Nos. 2020-MAJ-07 and 2020-MAJ-08; 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 six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), 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. The property is zoned R-2, Single-Family Residential Zoning District.
2. Gary Apfelstadt requests two major variances to allow a duplex on a lot that is 16.67% narrower and 3.75% smaller, and with two fewer off-street parking spaces than required by the Zoning Ordinance, at 213 West Illinois Street.
3. The variance will not serve as a special privilege to the property owner. The lot was platted in 1900 to be smaller and narrower than required today; two off-street parking spaces will be provided.
4. The variance was not the result of a situation knowingly created by the applicant.
5. The variance will not alter the essential character of the neighborhood, as the duplex has existed on the property since before the applicant purchased it.
6. The variance will not cause a nuisance to adjacent property owners, as there will be no change in use or provided parking.
7. The variance represents the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as there will be no changes to the lot size or principal structure.

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

Section 1.

In ZBA Case Nos. 2020-MAJ-07 and 2020-MAJ-08, the major variances requested by Gary Apfelstadt, to allow a duplex on a lot that is 16.67% narrower and 3.75% smaller, and with two fewer off-street parking spaces than required by the Zoning Ordinance, at 213 West Illinois Street, is hereby approved in the manner proposed in the application.

The major variances described above shall only apply to the property located at 213 West Illinois Street, more particularly described as follows:

The West 50 feet of Lot 12 in James S. Busey's Addition to Urbana, Illinois as per Plat recorded in Deed Record "D" at Page 282, situated in Champaign County, Illinois.

Commonly known 213 West Illinois Street, Urbana, Illinois 61801
P.I.N.: 92-21-17-186-001

Section 2.

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

This Ordinance is hereby passed by the affirmative vote, the "ayes" 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 8th day of March, 2021.

AYES: Brown, Colbrook, Hursey, Miller, Roberts, Sacks, Wu

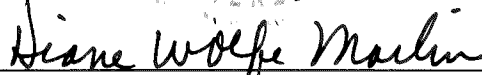
NAYS:

ABSTENTIONS:



Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 9th day of March, 2021.




Diane Wolfe Marlin, Mayor

Exhibit A - Location and Land Use Map



Case No. ZBA_2020_C_05, ZBA_2020_MAJ_07,
 ZBA_2020_MAJ_08 and ZBA_2020_MAJ_09
 Subject Address Apfelstadt Duplex
 Address 213 W. Illinois St.
 Petitioner Gary Apfelstadt

Legend

 Subject Property

213 West Illinois St
Garage plan views



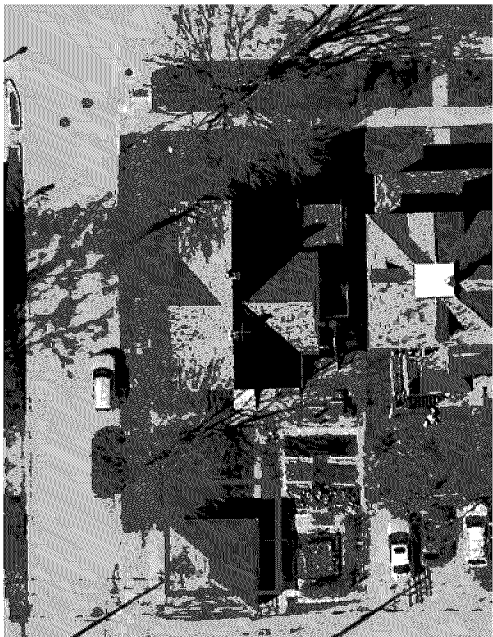
Viewing North from alley to Illinois St



Viewing East across Cedar St



Current foot print of 20' x 20' garage



Foot print of proposed 24' x 24' garage



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 8th day of March 2021 the City Council of the City of Urbana passed and approved Ordinance No. 2021-03-008 entitled:

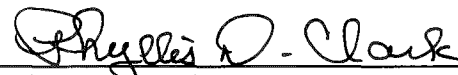
AN ORDINANCE APPROVING MAJOR VARIANCES (DUPLEX AT 213 W. ILLINOIS ST. / ZBA CASE NOS. 2020-MAJ-07 AND 2020-MAJ-08)

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

The pamphlet form of Ordinance No. 2021-03-008 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 9th day of March 2021, 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 9th day of March, 2021.





Phyllis D. Clark, City Clerk



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
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COUNTY OF CHAMPAIGN) SS

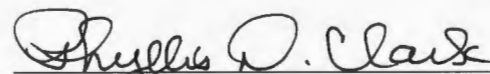
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WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Gary Apfelstadt has submitted a petition for two major variances to allow a duplex on a lot that is 16.67% narrower and 3.75% smaller, and with two fewer off-street parking spaces than required by the Zoning Ordinance, at 213 West Illinois Street; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on January 20, 2021, in ZBA Case Nos. 2020-MAJ-07 and 2020-MAJ-08; 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 six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), 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. The property is zoned R-2, Single-Family Residential Zoning District.
2. Gary Apfelstadt requests two major variances to allow a duplex on a lot that is 16.67% narrower and 3.75% smaller, and with two fewer off-street parking spaces than required by the Zoning Ordinance, at 213 West Illinois Street.
3. The variance will not serve as a special privilege to the property owner. The lot was platted in 1900 to be smaller and narrower than required today; two off-street parking spaces will be provided.
4. The variance was not the result of a situation knowingly created by the applicant.
5. The variance will not alter the essential character of the neighborhood, as the duplex has existed on the property since before the applicant purchased it.
6. The variance will not cause a nuisance to adjacent property owners, as there will be no change in use or provided parking.
7. The variance represents the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as there will be no changes to the lot size or principal structure.

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

Section 1.

In ZBA Case Nos. 2020-MAJ-07 and 2020-MAJ-08, the major variances requested by Gary Apfelstadt, to allow a duplex on a lot that is 16.67% narrower and 3.75% smaller, and with two fewer off-street parking spaces than required by the Zoning Ordinance, at 213 West Illinois Street, is hereby approved in the manner proposed in the application.

The major variances described above shall only apply to the property located at 213 West Illinois Street, more particularly described as follows:

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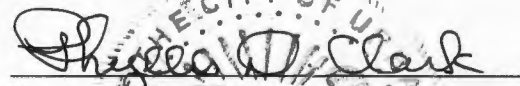
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 8th day of March, 2021.

AYES: Brown, Colbrook, Hursey, Miller, Roberts, Sacks, Wu

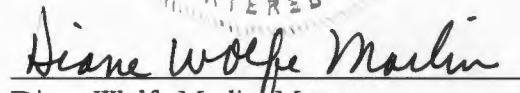
NAYS:

ABSTENTIONS:



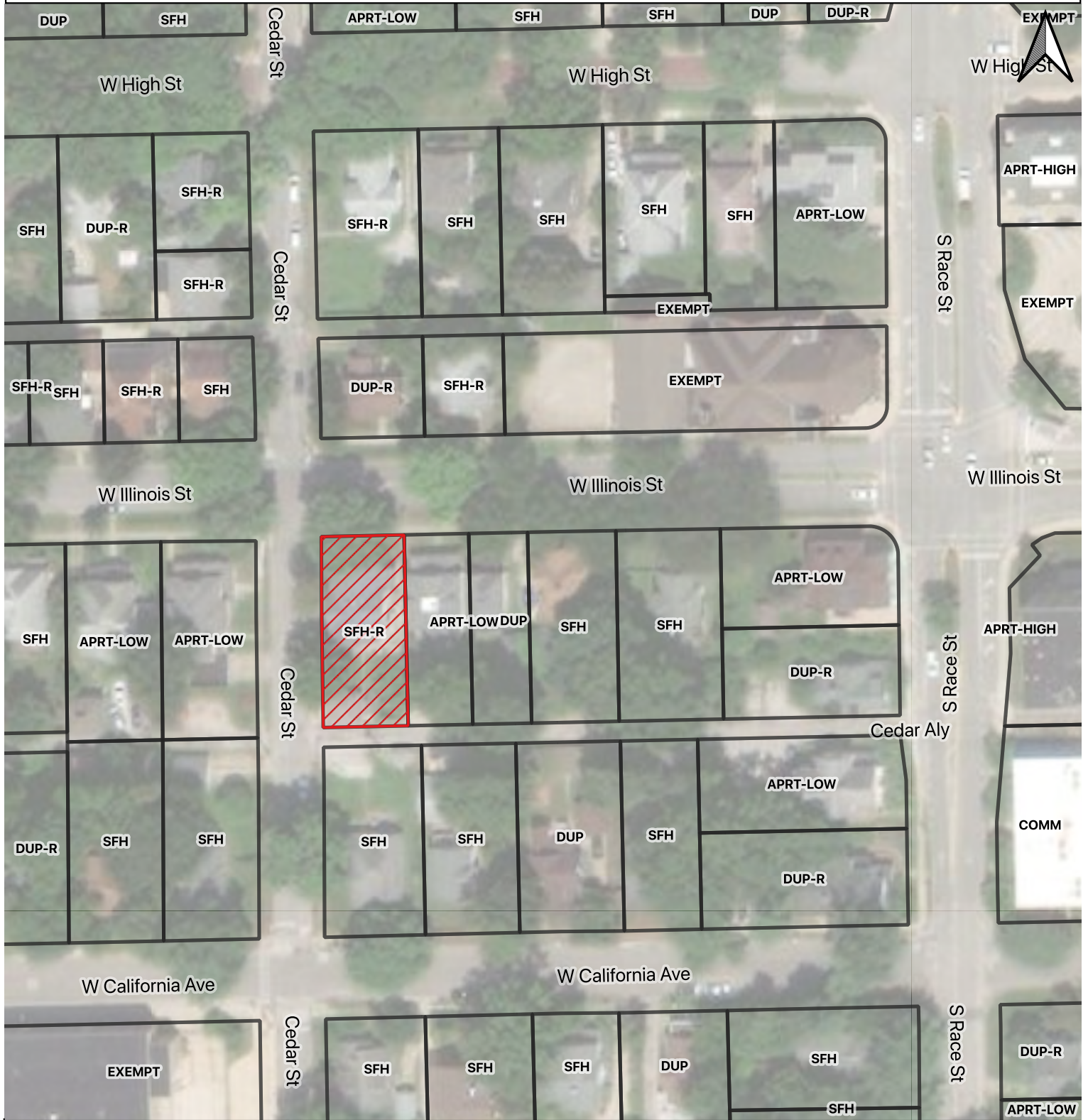
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 9th day of March, 2021.



Diane Wolfe Marlin, Mayor

Exhibit A - Location and Land Use Map

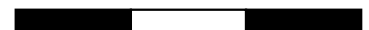


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 Subject Address Apfelstadt Duplex
 213 W. Illinois St.
 Petitioner Gary Apfelstadt

Legend

 Subject Property

0 50 100 150 ft



213 West Illinois St
Garage plan views



Viewing North from alley to Illinois St



Viewing East across Cedar St



Current foot print of 20' x 20' garage



Foot print of proposed 24' x 24' garage



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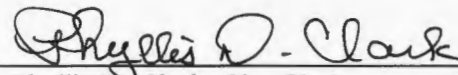
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Phyllis D. Clark, City Clerk