

**APPROVAL OF A GENERAL VARIANCE OF THE REQUIRED SIDE YARD SETBACK
LOCATED IN THE B-3 GENERAL BUSINESS DISTRICT
OF THE CITY OF URBANA, ILLINOIS**

(1104 N. Goodwin Avenue)

WHEREAS, the City Council of the City of Urbana recognizes that the Zoning Ordinance and its regulations are valid and appropriate, said Council also recognizes that the Ordinance cannot be applied in all situations due to unique circumstances and hardships; and

WHEREAS, after due and proper consideration, the Council of the City of Urbana has deemed it to be in the best interests of the City of Urbana to amend the text of the Zoning Ordinance of the City of Urbana, Illinois, so as to provide general variance powers and procedures to permit the Zoning Board of Appeals and Council to consider special situations where the application of the Zoning Ordinance may cause hardships without benefit of an administrative process to seek relief; and

WHEREAS, a general variance procedure was established by Council by approval of Plan Case #1311-T-89 (Ordinance #8990-65) on January 16, 1990, and as amended by Plan Case #1350-T-90 approved by Council on May 7, 1990 (Ordinance #8990-117); and

WHEREAS, Robert G. Kowa submitted a petition requesting a general variance of the required ten feet (10') minimum side yard setback to allow the relocation of a storage building located at 1104 N. Goodwin Avenue; and

WHEREAS, said petition also requested same general variance to permit construction of an addition connecting the principal building to the storage building at some time in the future; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 90-GV-1; and

WHEREAS, after due publication in accordance with Section XI-3, entitled "Board of Zoning Appeals" of the Zoning Ordinance and Chapter 24, Section 11-13-6 of the Illinois Revised Statutes, the Urbana Zoning Board of Appeals held a public hearing on the proposed amendment on May 8, 1990; and

WHEREAS, after due and proper consideration of the petitioner's application, staff's report, and based on the testimony and evidence presented at the public hearing the Board determined findings of fact; and

WHEREAS, more than two-thirds of the members of the Urbana Zoning Board of Appeals present at the public hearing voted to forward the general variance described herein to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council finds that the evidence and findings of fact as determined by the Urbana Zoning Board of Appeals support the granting of the variance, and that said variance will be in harmony with the general purpose and intent of the Urbana Zoning Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, THAT:

The general variance requested by Robert G. Kowa in Case #ZBA-90-GV-1 is hereby approved to permit Kowa Graphics to relocate their storage building to within two feet of the south property line of 1104 N. Goodwin, and to also allow the future construction of an addition to connect the storage building to the principal building to within two feet of the south property line of 1104 N. Goodwin, with the following conditions:

- 1) The future expansion to connect the accessory storage building to the principal building shall have a height no greater than the height of the existing buildings on the property.
- 2) At such time that the City receives a building permit application for the future expansion to connect the accessory storage building to the principal building, the Building Official may deny the permit if he/she finds said construction does not conform with the intent of the Urbana Zoning Ordinance, or finds issues related to said construction not addressed in this case and which, therefore, gives cause for the Zoning Board of Appeals and City Council to reconsider the general variance.

The Council's decision is based on the following findings of fact as determined by the Urbana Zoning Board of Appeals:

- 1) The general variance requested is necessary due to the special conditions and circumstances related to the City of Urbana's proposed purchase of a part of the applicant's property for the construction of Eads Street,

forcing the relocation of the applicant's storage building and reducing the buildable area and location for the new location of said storage building and any future building expansion.

2) The granting of the general variance is necessary to permit the continued access to the loading docks and overhead doors, a use of the property considered necessary to continue the present business operation.

3) The sale of the applicant's property to the City of Urbana for the purpose of street construction was the result of the City's action and not the action of the applicant.

The general variance described above shall only apply to the property located at 1104 N. Goodwin Avenue, the legal description of which is set forth below:

A parcel of land located in the East Half of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian in Champaign County, Illinois, encompassing 2.34 acres, more or less, and described in Book 1461, Page 273 as recorded in the Champaign County Recorder's Office.

said property having permanent parcel no. 91-21-07-276-014 and represented on the map attached hereto and incorporated herein by reference.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

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 21st day of May, 1990.

PASSED by the City Council on this 21st day of May, 1990.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the MAYOR this 29th day of May, 1990.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

Certificate of Publication

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the News-Gazette on the 4th day of June, 1990, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

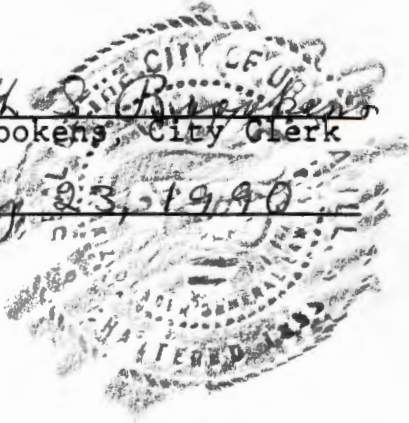


THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8990-128 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

Date

May 23, 1990



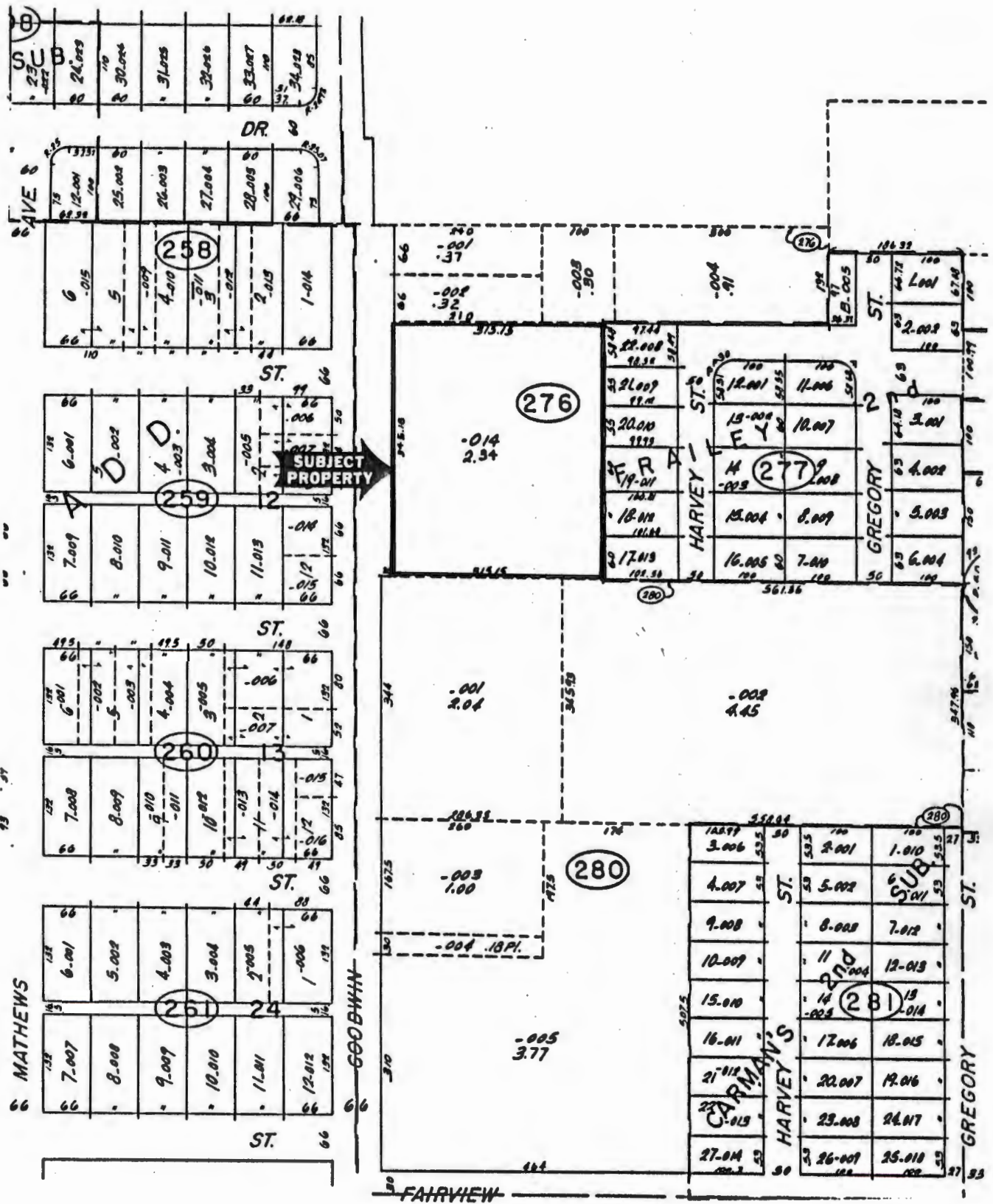


EXHIBIT C : TAX PARCEL MAP

**CASE #ZBA-90-GV-1
 GENERAL VARIANCE OF SIDE YARD SETBACK / KOWA GRAPHICS
 1104 N. Goodwin Avenue (#91-21-07-276-014)
 B-3 Zoning District**



Scale : One Inch = 200 Feet

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WHEREAS, after due and proper consideration, the city Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section

CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by MS Owen, its secretary, does hereby certify that

said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates: _____

June 4, A. D. 19 90
_____, A. D. 19 _____
Paid 6/8/90 P.O. 45145
_____, A. D. 19 _____
_____, A. D. 19 _____
_____, A. D. 19 _____

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

by [Signature] Secretary
PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 110.40

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