

**AN ORDINANCE APPROVING A GENERAL VARIANCE  
TO WAIVE THE REQUIRED AMOUNT OF PARKING FOR SPECIFIC USES  
IN THE B-1 (NEIGHBORHOOD BUSINESS) ZONING DISTRICT**

**(801, 803 805 & 807 S. LINCOLN)**

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, John H. Barr and Joseph W. Barr submitted a petition requesting a general variance of the amount of required parking for specific uses at 801, 803, 805 & 807 S. Lincoln Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-92-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 July 7, 1992; 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 Messrs. John H. Barr and Joseph W. Barr in Case #ZBA-92-GV-1 is hereby approved to waive the amount of required parking for the following specific uses at 801 803, 805 & 807 S. Lincoln Avenue:

Laundry Pick-up	Delicatessen, excluding liquor
Parking Lot	Restaurant, excluding liquor
Bookstore	Beauty Shop
Gift Shop	Shoe Repair Shop
Music Store	Electronic Sales and Service
Shoe Store	Photographic Studio
Bakery	Professional Office
Store, Confectionary	Dry Cleaning Pick-up
Barbershop	Tailor and Pressing Shop
Self-Service Laundry	Art Supplies
Florist	Drugstore, excluding liquor
Jewelry Store	Stationary
Photographic Equip. Sales and Service	Business Office
Physical Fitness Facility	Bicycle Sales and Service
Multi-family dwelling	Video Tape Sales and Rental
Convenience Food Store	Reducing Salon

The waiver of required parking for multi-family dwellings at 801, 803, 805 & 807 S. Lincoln Avenue is provided to only those eight (8) dwelling units in existence at the effective date of this ordinance.

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

1) The granting of the general variance is in harmony with the general purpose and intent of the B-1 (Neighborhood Business) Zoning District which is to provide commercial areas of limited size for basic trade and personal services for the convenience of



adjacent residential areas, for needs recurring regularly or frequently.

2) The waiver will not be unreasonably injurious or detrimental to the neighborhood or the public welfare.

3) The property is surrounded by public right-of-way and by property owned by the University of Illinois. This limits the ability of the owner to provide additional off-street parking at the subject property.

4) Public access to ten (10) metered parking spaces has been provided adjacent to the south end of the property by the University of Illinois.

5) The amount of available parking to serve the subject property was reduced by the widening of Lincoln Avenue to four lanes and was not a result of any action by the owners.

6) The literal interpretation of the parking provisions of the Urbana Zoning Ordinance would impose a hardship by depriving the owners of a reasonable use of their existing building.

The general variance described above shall only apply to the property located at 801, 803, 805 & 807 S. Lincoln Avenue, the legal description of which is set forth below:

The East 2 ft. of Lot 36, the South 44 ft. of the East 50 ft. of Lot 37 and all of Lot 38, except that part dedicated to the City of Urbana by easement dedicating document 791019 filed April 16, 1969 in Book 900, page 593, all in Forestry Heights Addition to Urbana and Champaign County;

together with a perpetual easement of egress and ingress over, along and upon the following described parcel of ground beginning at the Northwest corner of said Lot 37, thence South along the West line of said Lot to the Southwest corner of said Lot, thence East on the South line of said Lot a distance of 15 ft., thence North 44 ft., thence around a curve to the left whose radius is 7 ft. a distance of 11 ft. to a point which is 8 ft. East and 96.4 ft. along the line parallel to and 8 ft. East of the West line of said Lot to the North line of said Lot, thence West along the North line of said Lot the place of beginning, subject to the rights reserved by the Grantors of said easement to construct a garage of a North-South dimension of not to exceed 18 ft. along the West side of said Lot and of an East-West dimension not to exceed 12 ft. along the South line of said Lot;

said property having permanent parcel #93-21-18-281-007 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 20th day of July, 1992.

PASSED by the City Council on this 20th day of July, 1992.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 23<sup>rd</sup> day of July, 1992.

Jeffrey F. Markland  
Jeffrey F. Markland, Mayor

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**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 29th day of July, 1992, and a Certificate of Publication is attached hereto.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

