

**AN ORDINANCE
APPROVING A GENERAL VARIANCE
TO REDUCE THE MINIMUM AVERAGE LOT WIDTH
OF A PROPOSED LOT TO APPROXIMATELY FIFTY-ONE FEET (51')
AT A SITE LOCATED ALONG MAPLE STREET,
SOUTH OF THE ILLINOIS POWER COMPANY SUBSTATION**

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where the strict application of the Zoning Ordinance may cause hardships in situations where other permitted variances are not adequate; and

WHEREAS, 410 N. Vine Building Cooperation submitted a petition requesting a general variance for a reduction in the minimum average lot width of a proposed lot along Maple Street, south of the Illinois Power Company Substation; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-92-GV-2; 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 September 29, 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 which are set forth therein; 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 410 N. Vine Building Cooperation in Case #ZBA-92-GV-2 is hereby approved to reduce the minimum average lot width for the proposed lot to approximately fifty-one feet (51').

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

1) The granting of this variance would not impair an adequate supply of light or air to adjacent properties. The tract of land is small and odd-shaped, and as a result the variance is the only solution to make the tract usable. There will be no impairment for either the property to the north (electrical substation) or to the south (railroad line) by a use which would be permitted at this location. The property to the east is developed as commercial and industrial uses and would not be injured by the granting of this waiver.

2) Granting this variance will not significantly increase congestion on a public street. The uses which would be able to fit on a 9,000 sq. ft. lot are likely to be less intense in terms of traffic generation than many of the surrounding uses. If the variance request is granted, there is no likelihood of an increase in the danger of fire, nor any decrease in public safety.

3) The area of this lot exceeds the minimum required lot area for the B-3 Zoning District. Any construction on this site would still be required to comply with the minimum setback requirements for this district. There are no requests to vary the setback requirements included with this application and, therefore, the minimum 15 ft. front yard, 10 ft. side and rear yard setbacks would apply.

4) The granting of this variance will not unreasonably diminish or impair established property values within the surrounding area. In fact, it may be argued that the additional development in the area will improve the property values on neighboring tracts.

5) The waiver will be in harmony with the general purpose and intent of this ordinance.

6) It will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

7) The waiver requested is necessary due to special conditions and circumstances relating to the land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same District; so that the proposed variance will not serve as a special privilege, but will alleviate some demonstrable and unusual hardship.

8) Literal interpretation of the provisions of this ordinance would impose a hardship by depriving the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.

9) The special conditions, circumstances, or hardships are not the result of the actions of the applicant.

The general variance described above shall only apply to the property located along Maple Street, south of the Illinois Power Company Substation, the legal description of which is set forth as follows:

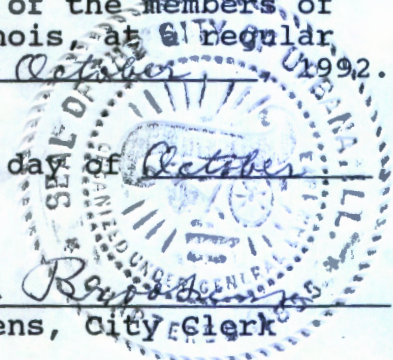
Beginning at an iron pipe survey monument reset at the Southwest corner of an Illinois Power Company tract as set forth in Warranty Deed dated June 25, 1954 and filed for record on June 26, 1954 in Book 500 at page 344 in the Office of the Recorder of Champaign County, Illinois; thence South $89^{\circ}59'14''$ East as referenced from an unrecorded plat of survey by Thomas B. Berns, Illinois Professional Surveyor Number 2006, dated August 5, 1977, along the South line of said Illinois Power Company tract, a distance of 200.00 feet to an iron pipe survey monument reset at the Southeast corner of said Illinois Power Company tract, said point also being on the Westerly right-of-way line of Maple Street; thence South $00^{\circ}00'00''$ East along the Westerly right-of-way line of said Maple Street, a distance of 54.55 feet to an iron pipe survey monument found; thence North $86^{\circ}40'32''$ West along a line which is parallel with and 35.00 feet North of the centerline of the consolidated Rail Corporation railroad track, a distance of 200.37 feet to an iron pipe survey monument set on the Southerly extension of the West line of said Illinois Power Company tract; thence North $00^{\circ}02'26''$ East along the Southerly extension of the West line of said Illinois Power Company tract, a distance of 42.98 feet to the point of beginning, said tract containing 0.22 acres, more or less, all situated in Champaign County, Illinois.

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.

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 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 19th day of October, 1992.

PASSED by the City Council on this 19th day of October, 1992.

A circular seal of the City of Urbana, Illinois, is stamped over the signature of the City Clerk. The seal features a central emblem with a sunburst and the words "CITY OF URBANA, ILLINOIS" around the perimeter.
Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 26th day of October, 1992.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, RUTH S. BROOKENS, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 19th day of October, 1992, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-40, entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM AVERAGE LOT WIDTH OF A PROPOSED LOT TO APPROXIMATELY FIFTY-ONE FEET (51') AT A SITE LOCATED ALONG MAPLE STREET, SOUTH OF THE ILLINOIS POWER COMPANY SUBSTATION."

The pamphlet form of Ordinance No. 9293-40 was prepared and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 1992, 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 _____ day of _____, 1992.

(SEAL)

Ruth S. Brookens, City Clerk

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