

ORDINANCE NO. 1999-05-033

AN ORDINANCE APPROVING A GENERAL VARIANCE

(Reduction of the required side yard setback in the City's B-3, General Business Zoning District, from ten feet to five feet / 507 W. University Avenue - Case No. ZBA-99-GV-1)

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 strict application of the Zoning Ordinance may cause hardships situations where other permitted variances are not adequate; and

WHEREAS, Mr. Dean R. Stewart, on behalf of Tri Star Marketing Inc. the owner of the subject property, has submitted a petition requesting a general variance to allow the reduction of the required side yard setback on the east side of the lot located at 507 W. University Avenue in the City's B-3, General Business Zoning District from ten feet to five feet; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 99-GV-1; and

WHEREAS, after due publication in accordance with Section IX-7 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 (ZBA) held a public hearing on the proposed general variance on April 29, 1999, and the ZBA by vote of two thirds of its members recommended to the City Council approval of the requested variance; 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 agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a general variance:

1. The proposed car wash is in harmony with the general purpose and intent of the City of Urbana Zoning Ordinance. The intensity of commercial activity generated by the proposed car wash is appropriate for a B3 district. Based on the subject lot's district, the intensity of activity, and surrounding uses in the district, the car wash will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.
2. The variance is required to relieve a hardship caused by changes to the subject lot based on the Carle Hospital campus reconstruction and the acquisition of the northeast corner of

the subject property by the City of Urbana when Carle Hospital extended McCullough Street.

3. The hardship, the prevention of a logical business extension, was created by the street improvements and access reconfiguration and not cause by the petitioner. Granting this variance will relieve the hardship without providing a special privilege to the petitioners.

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

The general variance request by Mr. Dean Stewart, on behalf of Tri-Star Marketing Inc., in Case #ZBA-99-GV-1 is hereby approved to allow the reduction of the required side yard setback on the east side of the lot located at 507 W. University Avenue in the City's B-3, General Business Zoning District from ten feet to five feet, in the manner proposed in the application for the general variance in that case.

The general variance described above shall only apply to the property located at 507 W. University Avenue, Urbana, Illinois, more particularly described as follows:

#### LEGAL DESCRIPTION:

From the intersection of the southerly line of university avenue (66 feet in width) with the easterly line of Orchard Street (66 feet in width) measure easterly along said southerly line of University Avenue 266.40 feet to a point in the easterly line of a 16 foot north and south alley, the point of beginning; thence measure easterly along said southerly line of University Avenue 219.80 feet to a point; thence deflecting 90 degrees 15 minutes to the right measure southerly 165 feet to a point; thence deflecting 90 degrees 16 minutes to the right measure westerly 220.04 feet to the point formed by the intersection of the easterly line of said 16-foot alley with the southerly line of a 16 foot east and west alley; thence deflecting 89 degrees 49 minutes to the right measure northerly along the easterly line of said north and south alley 163.02 feet to the point of beginning, except that part described as follows:

Beginning at the north west corner of the above said property, being the intersection of the easterly line of the said alley and the southerly right of way line of University Avenue; thence easterly along the southerly right of way line of University Avenue for 71.69 feet; thence southwesterly for 71.90 feet to a point on the easterly line of the said alley; thence northerly for 5.44 feet to the point of beginning, situated in the city of Urbana in Champaign County, Illinois; and

Beginning at the intersection of the south right-of-way line of University Avenue, and the east line of lot 5 of block 2 of col. S. T. Busey's 2<sup>nd</sup> Addition to the City of Urbana, per plat recorded in deed record book 26, at page 151, said east line also being the west right-of-way line of a public alley; thence south 01° 06' 31" east, an assumed bearing, along the west right-of-way line of said alley, and said east line of lot 5, and the southerly extension thereof, 155.46 feet to the south line of Sassafras

Alley (now vacated); thence, south 89°28'-20" east, along the south right-of-way line of said alley, 16.01 feet, to the southwest corner of a parcel of land described in a warranty deed recorded as document number 85r11051, in deed record book 1408, at page 558, in the office of the recorder of deeds, Champaign County, Illinois, said corner also being on the east right-of-way line of said alley; thence northerly, along the west line of said parcel, and along the east right-of-way line of said alley 157.32 feet to the thence south 83°51'-11" west, along said south right-of-way line, 16.06 feet to the point of beginning.

Said alley containing 0.057 acre (2,502 square feet), more or less, and situated in the City of Urbana, Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-08-376-006.

The 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).

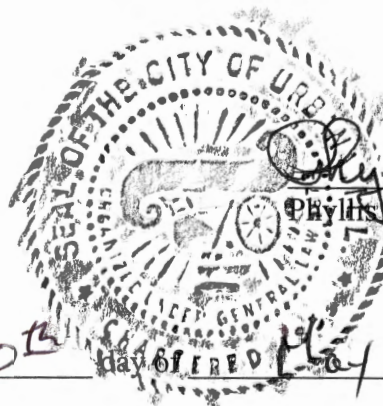
This Ordinance is hereby passed by the affirmative vote, the Ayes and Anays being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 17th day of May, 1999.

PASSED by the City Council this 17th day of May, 1999.

AYES Hayes, Huth, Kearns, Patt, Taylor, Wyman

NAYES \_\_\_\_\_

ABSTAIN \_\_\_\_\_



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 20th day of May, 1999.

*Tod Satterthwaite*  
Tod Satterthwaite, 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 17th day of May, 1999,  
the Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 1999-05-033, entitled:

"AN ORDINANCE APPROVING A GENERAL VARIANCE  
(REDUCTION OF A REQUIRED SIDE YARD SETBACK IN  
THE CITY'S B-3, GENERAL BUSINESS ZONING DISTRICT,  
FROM TEN FEET TO FIVE FEET / 507 W. UNIVERSITY  
AVENUE - CASE NO. ZBA-99-GV-1)"

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

The pamphlet form of Ordinance No. 1999-05-033 was  
prepared, and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 21st day of May, 1999, and continuing  
for at least ten (10) days thereafter. Copies of said Ordinance were also available for  
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 21st day of May,  
1999.



Phyllis D. Clark  
City Clerk  
by Robert J. Robert  
Deputy Clerk