

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Reduction Of The Required Sideyard Setback In The City's B-3, General Business District, From Ten Feet to Five Feet / 601 East University Avenue Case No. ZBA-00-MAJ-1)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Rob Smith, has submitted a petition requesting a major variance to allow the reduction of the required side yard setback on the west side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-00-MAJ-1; and

WHEREAS, after due publication in accordance with Section XI-10 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 February 17, 2000, and the ZBA by vote of two thirds of its members recommend 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 major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.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 major variance:

1. The special circumstances pertaining to the requested variance which create practical difficulties in carrying out the strict application of the zoning ordinance setback requirements are the fact that the persons constructing the addition to the existing building relied on aerial photographs rather than a staked survey which resulted in the placement of the foundation in the required side yard setback; granting the variance will not unreasonably impair the public interest and is not detrimental to the overall planning of the community nor does it violate the spirit of the zoning ordinance.

2. The variance requested is not the result of a situation or condition having been knowingly or deliberately created by Rob Smith.

3. The variance will not alter the essential character of the neighborhood because the neighborhood consists primarily of commercial and industrial uses.

4. The variance will not cause a nuisance to the adjacent property because it is a manual car wash and additional landscaping is proposed although not required.

5. The variance represents generally the minimum deviation from the requirements of the Zoning Ordinance necessary to accommodate the request.

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

The major variance request by Rob Smith, in Case #ZBA-00-MAJ-1 is hereby approved to allow the reduction of the required side yard setback in the B-3, General Business Zoning District from ten feet to five feet, in the manner proposed in the application for the major variance in that case.

The major variance described above shall only apply to the property located at 601 East University Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 of East University Subdivision.

PERMANENT PARCEL #: 91-21-08-480-011

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).

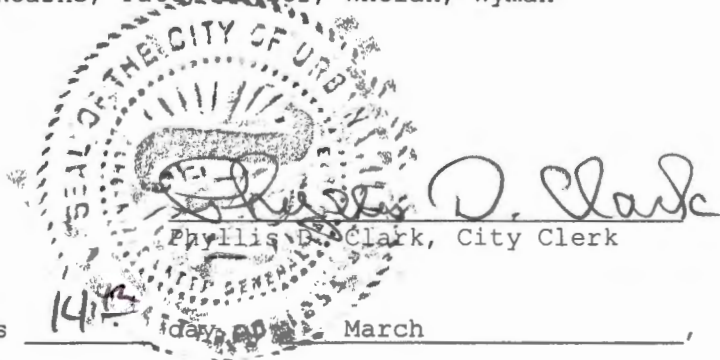
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6<sup>th</sup> day of March, 2000.

PASSED by the City Council this 6<sup>th</sup> day of March,  
2000 .

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

NAYS:

ABSTAINS:



APPROVED by the Mayor this 14<sup>th</sup> day of 2000 March,  
2000 .

*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 6<sup>th</sup> day of March, 2000, the  
Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 2000-03-025, entitled:

**“AN ORDINANCE APPROVING A MAJOR VARIANCE  
(REDUCTION OF THE REQUIRED SIDEYARD SETBACK  
IN THE CITY’S B-3, GENERAL BUSINESS DISTRICT,  
FROM TEN FEET TO FIVE FEET/601 EAST UNIVERSITY  
AVENUE, CASE NO. ZBA-00-MAJ-1)”**

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

The pamphlet form of Ordinance No. 2000-03-025 was  
prepared, and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 16<sup>th</sup> day of March, 2000, 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 16<sup>th</sup> day of March,  
2000.



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