

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction Of The Required Off-Street Parking Spaces In The City's R-3, Single And Two Family Residential District, From 14 Spaces To Five Spaces 1304 S. Vine Street -- Case No. ZBA-00-MAJ-2)

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, Champaign County, has submitted a petition requesting a major variance to allow the reduction in the number of required off-street parking spaces from 14 to 5 at 1304 S. Vine Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-00-MAJ-2; 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 proposed use of a Children's Advocacy Center will not need the amount of parking specified for a government building in the Urbana Zoning Ordinance because there will only be three to four employees on the site. Further, the function of the Center is dependant on the residential character of the site and the provision of additional parking on the rear of the lot would require the elimination of the backyard and the removal of a large, mature tree that would negatively impact the residential character site and cause a nuisance to adjoining residential uses.

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

3. The variance will not alter the essential character of the neighborhood but will help preserve the essential character of the neighborhood.

4. The variance will not cause a nuisance to the adjacent property and will help avoid creating a nuisance to the adjacent property.

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

6. The petitioner has submitted an acceptable parking site plan that was reviewed by staff and the City Council.

WHEREAS, the requested variance has been presented to be justified because of the use of the site as a Children's Advocacy Center and that the variance shall be allowed for this use and none other. Any change in use from the Children's Advocacy Center will be required to meet the requirements of the Urbana Zoning Ordinance for parking.

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

The major variance request by Champaign County, in Case #ZBA-00-MAJ-2 is hereby approved to allow the reduction in the number of required off-street parking spaces from 14 to 5 at 1304 S. Vine Street, in the R-3 Single and Two Family Residential District, in the manner proposed in the application for the major variance in that case.

The major variance described above shall apply only to the property located at 1304 South Vine Street, Urbana and only so long as the site is used for the Children's Advocacy Center. Property more particularly described as follows:

LEGAL DESCRIPTION:

The North 106 feet of the South 349.3 feet of the West 150 feet lying East of Vine Street in Lot 1 of a subdivision, all in the Southeast quarter of Section 17, Township 19 North, Range 9 East of the Third Principle Meridian, except the North 33 feet of said quarter section, situated in the City of Urbana, in Champaign County, Illinois.

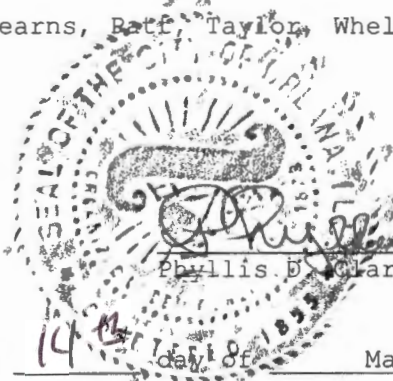
PERMANENT PARCEL #: 93-21-17-476-001

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 6th day of March, 2000.

PASSED by the City Council this 6th day of March,
2000 .

AYES: Hayes, Huth, Kearns, ~~Butt~~, Taylor, Whelan, Wyman
NAYS:
ABSTAINS:



Phillis B. Clark
Phillis B. Clark, City Clerk

14th day of March

APPROVED by the Mayor this 14th day of 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 6th day of March, 2000, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2000-03-026, entitled:

**“AN ORDINANCE APPROVING A MAJOR VARIANCE
(REDUCTION OF THE REQUIRED OFF-STREET
PARKING SPACES IN THE CITY’S R-3, SINGLE AND
TWO FAMILY RESIDENTIAL DISTRICT, FROM 14 SPAES
TO FIVE SPACES, 1304 S. VINE STREET – CASE NO.
ZBA-00-MAJ-2)”**

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

The pamphlet form of Ordinance No. 2000-03-026 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 16th 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 16th day of March,
2000.



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