

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 zero feet,
810 West Anthony Drive - Case No. ZBA-00-MAJ-6)**

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, Carle Foundation Hospital, has submitted a petition requesting a major variance to allow the reduction of the required side yard setback on the east side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-00-MAJ-6; 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 September 28, 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 a minimum aisle width is required between parking aisles and in order for the new row of parking to maintain the minimum aisle spacing from the existing bay of parking to the west, the new parking spaces must encroach into the side yard setback.
2. The variance requested is not the result of a situation or condition having been knowingly or deliberately created by Carle Foundation Hospital.
3. The variance will not alter the essential character of the neighborhood because the neighborhood consists primarily of commercial and industrial uses and zoning.
4. The variance will not cause a nuisance to the adjacent property because it is a truck storage facility which is zoned Industrial with no required side yard setback.
5. The variance represents generally the minimum deviation from the requirements of the Zoning Ordinance necessary to accommodate the request.

WHEREAS, the City Council further finds that that there are special circumstances and special practical difficulties with reference to the parcel concerned because the parcel is irregularly shaped which creates difficulty for the applicant to fully comply with the regulations of the Urbana Zoning Ordinance as it pertains to the layout of the parking lot.

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

The major variance request by Carle Foundation Hospital, in Case #ZBA-00-MAJ-6 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 zero feet, in the manner proposed in the application for the major variance in that case. Further, the variance shall only apply to the parking lot and not for any structure.

The major variance described above shall only apply to the property located at 810 West Anthony Drive, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Parcel 1: Part of the Northwest $\frac{1}{4}$ of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, Described as follows:

Beginning at the southwest corner of the northwest $\frac{1}{4}$ of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, and Running thence North on Section Line, 815.5 feet; thence East 1,577.4 feet,; thence West on said line 1,575.5 feet to the place of beginning, except the east 565 feet thereof and also except that tract heretofore conveyed to the State of Illinois for highway purposes.

Parcel 2: Part of the Northwest $\frac{1}{4}$ of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, Described as follows:

Beginning at the southwest corner of the northwest $\frac{1}{4}$ of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, and Running thence North on Section Line, 815.5 feet; to the place of beginning, thence north on said section Line a distance of 18 feet; thence East 1,577.4 feet; thence south 18 feet, thence west 1,577.14

feet to the place of beginning, except that tract heretofore conveyed to the State of Illinois for highway purposes.

PERMANENT PARCEL #: 91-21-05-100-007 & 91-21-05-100-017

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 November, 2000.

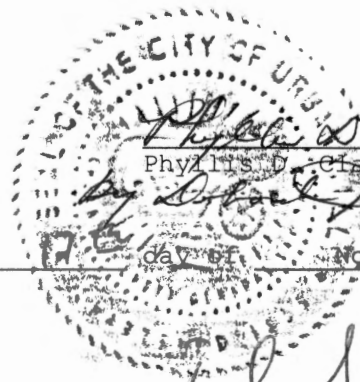
PASSED by the City Council this 6th day of November, 2000.

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 17th day of November, 2000.



Phyllis D. Clark
 Phyllis D. Clark, City Clerk
Robert J. Roberts
 Robert J. Roberts, Deputy Clerk

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 November, 2000, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2000-10-122, 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 ZERO FEET, 810 WEST ANTHONY DRIVE - CASE NO. ZBA-00-MAJ-6)"

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

The pamphlet form of Ordinance No. 2000-10-122 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20th day of November, 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 20th day of November, 2000.



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