

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To allow a 33% reduction in the western front yard setbacks at 510 West Green Street and 511 West Elm Street in the MOR, Mixed Office Residential Zoning District, for an expansion of the existing parking lot - ZBA-02-MAJ-3)**

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 petitioner, First Presbyterian Church, has submitted a petition requesting a major variance to allow a 5-foot encroachment into the required 15-foot front yard setback along the east side of Orchard Street in the MOR, Mixed Office Residential Zoning District at 510 West Green Street and 511 West Elm Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-MAJ-3; 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 major variance on March 20, 2002 and the ZBA by a unanimous vote of its members (4y0n) 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. There is a special practical difficulty in carrying out the strict application of the ordinance due to the configuration of the existing parking lot to the north. The existing parking lot was created mostly in compliance with the variance granted in 1988 except that the lot was inadvertently built to a 10-foot front yard setback rather than to the permitted 11.25 feet. If the proposed expansion to the south is created with normal setback requirements, there will be a misalignment between the two parking lots. This would create an inconvenience and potentially a safety problem for users of the parking lot. Furthermore, shifting the existing north parking lot 1.25 feet to fully comply with the varied setback of 11.25 feet would likely cause damage to existing trees in the center aisle between the parking bays. The variance would likely be considered a special privilege, however, as the variance is not necessary due to any special circumstances relating to the land involved.
2. The need for the variance has not yet been created on 510 West Green Street. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance. However, the variance for front yard setback at 511 West Elm Street granted in 1988 was never fully brought into compliance. The requested variance would correct this error.
3. The variance should not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties. A church with its accessory parking is a permitted use in the MOR District, and several churches are located in the general area. Existing shade trees on the zoning lot are intended to be maintained. The church owns the properties immediately west of the parking lot for which the variance in front yard setback is being requested. Screening to the east,

south, and west will help to soften the intensity of the parking lot, and should help to preserve the office/residential character of the neighborhood.

4. The petitioner is only requesting the amount of variance needed to accommodate the proposed new parking lot expansion and to rectify the nonconformance in the existing lots.

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

The major variance request by the First Presbyterian Church, in Case #ZBA-02-MAJ-3 is hereby approved to allow a 5-foot encroachment into the required 15-foot front yard setback along the east side of Orchard Street in the MOR, Mixed Office Residential Zoning District at 510 West Green Street and 511 West Elm Street, in the manner proposed in the application and the attached site plan.

The major variance described above shall only apply to the subject property, more particularly described as follows:

LEGAL DESCRIPTION:

The East 23 feet 10 inches of Lots 24 and 25 of J.F. Snyder's Addition to Urbana, as per Plat recorded in Deed Record "O" at Pages 195-196.

And the South one-half of that part of the vacated alley in said J.F. Snyder's Addition adjoining said part of Lot 24 on the North.

Also, the South one-half of vacated Snyder Avenue in said J.F. Snyder's Addition lying between Elm street and Green Street and which said avenue adjoins on the East of said Lots 24 and 25, and

on the East of aforesaid part of the South one-half of said vacated alley, more particularly described as follows:  
Commencing at the Southeast corner of said Lot 25; thence East, along the North line of Green Street, to the Southwest corner of Lot 17 in said J.F. Snyder's Addition; thence North, along the West line of said Lot 17 and said West line extended North, to the North line of the South half of said vacated alley; thence West, along said North line of the South half of said vacated alley, to a point on the East line, extended North, of said Lot 24; thence South to the Northeast corner of said Lot 24, thence continuing South, along the East lines of Lots 24 and 25, to the point of beginning; all situated in Champaign County, Illinois.

And also as set forth in Document 2001R26134 in the office of the Recorder of Champaign County, Illinois.

Tract 1:

The West 95 feet of Lots 24 and 25, except the West 20 feet thereof, now a part of Orchard Street of J.F. Snyder's Addition to Urbana, as per plat recorded in Deed Record "O" at page 195, in Champaign County, Illinois.

Tract 2:

The South Half of that part of vacated alley adjoining said Tract 1 on the North, except the West 20 feet thereof, now a part of Orchard Street, as created by Ordinance of Vacation of alley recorded August 29, 1864 in Book "Y" at Page 603.

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).

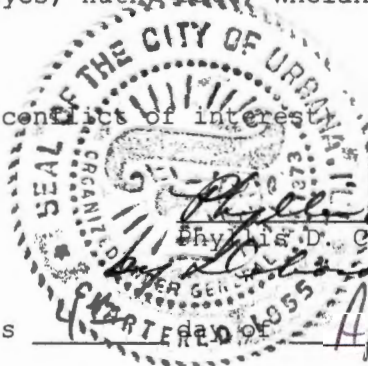
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of April, 2002.

PASSED by the City Council this 1st day of April, 2002.

AYES: Chynoweth, Hayes, Huth, ~~Ratt~~, Whelan, Wyman

NAYS:

ABSTAINS: Otto (due to conflict of interest)



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

Robert C. Helbert  
Deputy Clerk

APPROVED by the Mayor this April

2002.

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.

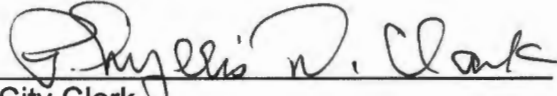
I certify that on the 1<sup>st</sup> of April, 2002, the Corporate  
Authorities of the City of Urbana passed and approved Ordinance  
No. 2002-04-033, entitled:

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(To allow a 33% reduction in the western front  
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2002-04-033 was prepared, and a  
copy of such Ordinance was posted in the Urbana City Building commencing on the  
9th day of April, 2002, 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 9th day of April, 2002.

  
\_\_\_\_\_  
City Clerk

