

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a 10-Foot (66%) Encroachment Into the Required 15-Foot Front-yard at 703 N. Cunningham Avenue in Urbana's B-3, General Business Zoning District / Case No. ZBA-04-MAJ-12)

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, Isaacs & Seten Properties, has submitted a petition requesting a major variance to allow a 10 foot (66%) encroachment into the required 15 foot front-yard of the Crystal Lake Drive frontage at 703 N. Cunningham Avenue in Urbana's B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-12; 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 met on September 15, 2004 and voted 5 ayes and 0 nays to 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are practical difficulties on the property in that the lot has a truncated corner at the intersection that was deeded to the Illinois Department of Transportation (IDOT) in 1984. Further, the parcel is quite small for standard commercial uses and cannot be expanded due to surrounding development and the Boneyard Creek to the north.

2. The proposed variance will not serve as a special privilege because as a result of the loss of the corner it is not possible to erect a sign in a location that will not compromise the limited area of the lot.

3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the petitioner because the petitioners are aware of the Zoning Ordinance and have requested the variance prior to any construction.

4. The design of the new sign will be in keeping with the commercial character of the neighborhood. The specific location of the sign will not alter that character. The height and area of the sign will meet the requirements of the Zoning Ordinance.

5. The sign will be similar to other commercial signs along the Cunningham Avenue corridor and its specific location should not create any impact on the neighbors. The variance should not cause a nuisance to adjacent properties.

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is only requesting the amount of variance needed to accommodate as designed.

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

The major variance request by Isaacs and Seten Properties, in Case #ZBA-04-MAJ-12, is hereby approved to allow a 10 foot (66%) encroachment into the required 15 foot front-yard of the Crystal Lake Drive frontage of the subject property while maintaining other required front yard setbacks, at 703 N. Cunningham Avenue in Urbana's B-3, General Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 703 N. Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 1 in Robert F. Cox First Addition to the City of Urbana, as per Plat recorded in Plat Book "H" at Page 118, situated in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-08-404-029

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 4th day of October, 2004.

PASSED by the City Council this 4th day of October, 2004.

AYES: Hayes, Huth, Otto, Patt, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 14th day of October, 2004.

Phyllis B. Clark
Phyllis B. Clark, City Clerk
by [Signature] 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 4th day of October, 2004, the Corporate
Authorities of the City of Urbana passed and approved Ordinance No. 2004-10-135
entitled:

**"AN ORDINANCE APPROVING A MAJOR VARIANCE (To Allow a 10-
foot (66%) Encroachment Into the Required 15-Foot Front-yard at 703
N. Cunningham Avenue in Urbana's B-3, General Business Zoning
District / Case No. ZBA-04-MAJ-12)**

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

The pamphlet form of Ordinance No. 2004-10-135 was prepared, and a
copy of such Ordinance was posted in the Urbana City Building commencing on the
22nd day of October, 2004, 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 22nd day of October, 2004.

City Clerk

(SEAL)