

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Parking Lot Expansion to be Constructed With a 100% Encroachment Into the Required 25-foot Front Yard Setback in the IN, Industrial Zoning District / 2404 North Shore Drive, ZBA 05-MAJ-03)

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, Aramark Uniform Services, has submitted a petition requesting a major variance to allow a 100% encroachment into the required 25-foot front yard setback at 2404 North Shore Drive, in the IN - Industrial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 05-MAJ-03; 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 May 18, 2005 and by a Five to Zero (5-0) vote recommended approval of the requested variance with certain specified conditions; 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 Zoning Board of Appeals in support of its recommendation to approve the application for a major variance as requested:

1. The practical difficulty with reference to the parcel concerned, in carrying out the strict application of the ordinance, is that the septic system constrains the buildable area on the lot to the location proposed for the parking lot addition.

2. The proposed variance will not serve as a special privilege due to the special circumstances that the existing structures on the lot were constructed prior to annexation into the City leaving insufficient room at the front of the lot to accommodate both a standard parking lot and front yard setback. The septic system was also constructed in a location that constrains the use of the area north of the building.

3. The change in zoning requirements upon annexation created the need for the variance. The new parking lot in need of a variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for variances prior to construction.

4. The variance will not alter the essential character of the neighborhood. The requested decrease of front yard setback is consistent with conditions found on other surrounding properties and will have no impact on the character of this industrial neighborhood.

5. The variance should not cause a nuisance to adjacent properties. The location of the parking lot addition will reflect conditions found in the existing parking lot and the existing parking lots on the surrounding properties of this entirely industrial neighborhood.

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 deviation from the requirements that can accommodate the constraints of the parcel without the incurring the extra expense of relocating the septic system.

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

The major variance request by Aramark Uniform Services, in Case #ZBA 05-MAJ-03, is hereby approved to allow a 100% encroachment into the required 25-foot front yard setback at 2404 North Shore Drive, in Urbana's IN - Industrial Zoning District, as approved by the Zoning Board of Appeals with the following conditions:

1. The development on the site must generally conform to the site plan submitted with the application.
2. No part of parked trucks or cars may encroach or overhang into the North Shore Drive public right-of-way.

The major variance described above shall only apply to the property located at 2404 North Shore Drive, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot # 4 of the North Shore Subdivision as Recorded in
Recorders Office Champaign County, IL
PERMANENT PARCEL #: 91-21-06-228-004

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 June, 2005.

PASSED by the City Council this 6th day of June,
2005.

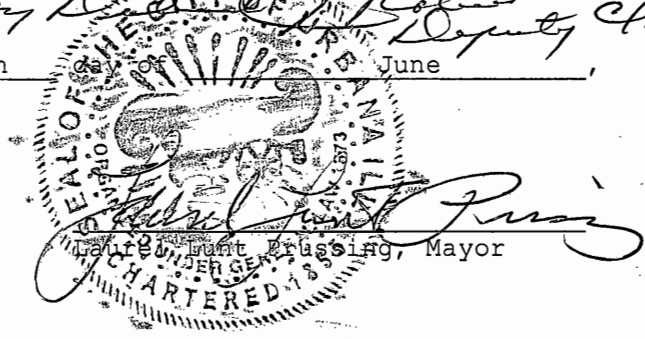
AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

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

APPROVED by the Mayor this 17th day of June,
2005.



Laurel Hunt Trussing
Laurel Hunt Trussing, Mayor