

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To Allow Vehicular Egress from 311 W. Springfield Avenue,  
Located in the B-2, Neighborhood Business-Arterial  
Zoning District / Case No. ZBA-2007-MAJ-03)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications 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, Brigitte Pieke, has submitted a petition requesting a major variance to allow vehicles to back out onto Springfield Avenue at 311 W. Springfield Avenue in the B-2, Neighborhood Business - Arterial District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-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 April 18, 2007 and voted 4 ayes and 0 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have 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 Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The petitioner proposes to open a business on a non-conforming lot in the B-2, Neighborhood Business-Arterial District.
2. The Zoning Ordinance parking requirement which disallows backing onto a public street for residential uses cannot be met on the property, due to its size and the placement of the existing structure.
3. The petitioner is requesting a variance to allow parking to back out onto Springfield Avenue.
4. The City Engineer has reviewed the request to allow parking to continue to back out onto Springfield Avenue and has determined that it will not cause a safety hazard.
5. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
6. The property is well suited for the proposed use as designated in the Comprehensive Plan.
7. The variance allows for the adaptive reuse of an existing structure.
8. The proposed use meets the purpose of the B-2, Neighborhood Business - Arterial.
9. The variance will not serve as a special privilege because at 3,700 square feet, the lot is half the size of the neighboring properties. With the existing building on the property, there is no feasible way to create a parking lot that conforms to the Zoning Ordinance.
10. The variance will not alter the character of the neighborhood. The property was most recently used as a residence, which has had parking backing onto Springfield Avenue for many years. There are existing driveways on the adjacent residential block which currently allow vehicles to back out onto Springfield Avenue.
11. City staff believes that granting this variance is the most practical and minimally problematic way to allow use of this B-2 zoned property for a neighborhood-serving business, as envisioned by the Zoning Ordinance and Comprehensive Plan.

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

The major variance request by Brigitte Pieke, in Case #ZBA-2007-MAJ-03, is hereby approved to allow vehicles to back out onto Springfield Avenue at 311 W. Springfield Ave in the B-2, Neighborhood Business - Arterial District, in the manner proposed in the application, with the following conditions:

1. That the development shall closely resemble the submitted site plan attached as Exhibit A; and
2. The Zoning Administrator shall be authorized to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations, including Building, Fire, and Subdivision and Land Development Codes, to meet City of Urbana requirements.
3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.
4. That the variance shall be valid for as long as the property is used for the stated use of retail knitting and yarn store.

The major variance described above shall only apply to the property located at 311 W. Springfield Ave, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The north 65 feet of Lot 8 of James T. Roe's Second Addendum to the City of Urbana as per plat recorded in platbook (D) page 189, situated in Champaign County, Illinois.

PERMANENT PARCEL NO: 92-21-171-135-001

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 Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 7th day of May, 2007.

PASSED by the City Council this 7th day of May, 2007.

AYES: Barnes, Bowers, Chynoweth, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:



*Phillip D. Clark*  
Clark, City Clerk

APPROVED by the Mayor this 16th day of May, 2007.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor