

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(To Allow an Accessory Structure in Excess of 1,000 Square Feet
in the IN, Industrial, Zoning District) - 1714 E. Airport Road,
Case No. ZBA-2007-MAJ-02)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owners of the subject property, Gregory and Denise Reynolds, have submitted a petition requesting a Major Variance to permit an accessory structure in excess of 1,000 square feet at 1714 E. Airport Road, in the IN, Industrial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-02; 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 16, 2007 and voted 5 ayes and 0 nays to recommend to the City Council approval of the requested variance without 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The subject property is comprised of two lots with one located in unincorporated Champaign County and one in the City of Urbana. The property is zoned AG-2, Agriculture in the County and IN, Industrial in the City.
2. The western part of the subject property (currently in the County) is subject to a 1994 annexation agreement. The 1994 agreement did not contain any conditions except that the property would be annexed when it could be adequately served by City public services. That agreement does not apply to the eastern half of the subject property which is the subject of this variance case.
3. The western part of the subject property (currently in the County) will be the subject of an annexation agreement soon to be heard by the Urbana City Council.
4. The purpose of the annexation agreement, this Zoning Board of Appeals Major Variance case, the Plan Commission rezoning case (2039-M-07) and a Minor Subdivision Case (1903-S-04) combining the two lots of the subject property, is to jointly correct all outstanding issues with the subject property.
5. The annexation agreement would grant a Major Variance for the 1,680 square foot portion of the accessory structure currently located in unincorporated Champaign County.
6. The annexation agreement requires that the petitioners submit an application for a Major Variance for that portion of the accessory structure currently in the City. The annexation agreement is contingent upon the City granting the Major Variance.
7. The annexation agreement requires the petitioners' to submit an application for a Zoning Map Amendment from IN, Industrial to R-2, Single-Family Residential for the portion of the property currently in the City. The annexation agreement is contingent upon granting the rezoning.
8. The annexation agreement requires the petitioners to prepare and record a Minor Subdivision Plat to combine the parcel in the County with the tract in the City. The plat must comply with the Urbana Subdivision and Land Development Code.
9. The special circumstances concerning the accessory structure are that the structure was built prior to the petitioner's ownership of the property. The practical difficulty in strict compliance would require the demolition of the structure.
10. The proposed variance will not serve as a special privilege because the accessory structure was constructed prior to the petitioners purchasing the subject property. The circumstances leading to the construction of the structure included confusion about the location of the property line and a permit issued in error by County zoning officials, and resulted in the structure being built across the line of City and County jurisdiction. The

hardship would be that strict compliance would require the demolition of the structure. Because the shed was built in two jurisdictions, there are practical difficulties for compliance with the regulations of both.

11. The variance requested is necessary due to special circumstances relating to the structure including that strict compliance would require the demolition of the structure which is not the usual case in variance requests in this or other districts.
12. The petitioners wish to preserve their right to reconstruct the accessory structure should it ever need to be replaced. However the variance would not permit the accessory structure, if rebuilt, to be further expanded without an additional variance.

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

The major variance request by Gregory and Denise Reynolds, in Case #ZBA-2007-MAJ-02, is hereby approved to allow an accessory structure in excess of 1,000 square feet at 1714 E. Airport Road, in the IN, Industrial Zoning District, in the manner proposed in the application.

The major variance described above shall apply only to the area of the Reynolds property within the City limits as depicted on the site plan attached hereto, and more particularly described as:

LEGAL DESCRIPTION:

Part of the Southeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Champaign County, Illinois, more particularly described as follows:

Commencing 72 feet East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 33, thence North 605 feet; thence East 65 feet; thence South 605 feet and thence West 65 feet to the Point of Beginning, in Champaign County Illinois.


Commonly known as: 1714 E, Airport Road,
Urbana, IL 61802

PIN No.: 91-15-33-476-011

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 June, 2007.

PASSED by the City Council this 4th day of June, 2007.

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

NAYS:

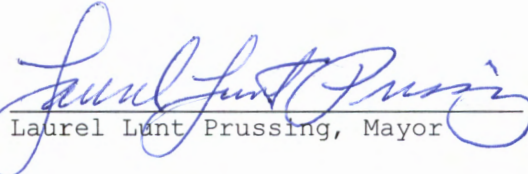
ABSTAINS:


Phyllis D. Clark, City Clerk


Deputy Clerk

APPROVED by the Mayor this 15th day of June,

2007.


Laurel Lunt Prussing, Mayor