

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an 11-Foot, 11-Inch Encroachment Into the Required 22-Foot Rear Yard; Including a 3-Foot, 1½-Inch Encroachment of a Terrace Overhang in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue - Case No. ZBA-2007-MAJ-08, Trammell Crow Higher Education Development, Inc.)

WHEREAS, the Urbana 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 a parcel of land or the structure; and

WHEREAS, Trammell Crow Higher Education Development, Inc. has submitted a petition for a major variance to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 ½-inch encroachment of a terrace overhang for a mixed commercial/residential building at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-08; 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 held a public hearing on the proposed major variance on November 14, 2007 and voted 6 ayes and 0 nays 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.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The proposed variance will not serve as a special privilege. As an infill project on an irregular-shaped lot, the required setbacks are detrimental to redevelopment as anticipated by the Comprehensive Plan and Zoning Ordinance. The variance would allow construction of a project having the same setback allowed "by right" for solely commercial buildings.

2. The variance requested is necessary due to special circumstances relating to the property. Because this is a mixed-use development, increased setback standards are imposed, and this being an infill project on an existing, L-shaped lot provides special circumstances.

3. The reduced rear yard setback will not cause a nuisance to adjacent properties. The rear yard borders a narrow strip of land which cannot be developed as well as a railroad spur right-of-way.

4. The proposed project will advance the goals of the 2005 Comprehensive Plan.

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

The major variance request by Trammell Crow Higher Education Development, Inc., in Case #ZBA-2007-MAJ-08, is hereby approved to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 1/2-inch encroachment of a terrace overhang at 1008, 1010 and 1012 West University Avenue in the 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 1008, 1010 and 1012 West University Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021, and 91-21-07-431-009

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. Most commonly known as 1012 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

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 special meeting of said Authorities on the 26th day of November, 2007.

PASSED by the City Council this 26th day of November, 2007.

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

NAYS:

ABSTAINS:



APPROVED by the Mayor this 30th day of November,

2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]