

ORDINANCE NO. 2011-06-043

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction of the Required Side Yard Setback Requirement from 5 Feet to 3 Feet at 806 E. Perkins Road, and from 5 Feet to 3 Inches at 810 E. Perkins Road, in the City's B-3, General Business, Zoning District - Case No. ZBA-2011-MAJ-01 / Tatman)

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 a structure; and

WHEREAS, Paul Tatman has submitted a petition for a major variance to allow a reduction in the required side yard setback from five feet to three feet and from five feet to three inches along Perkins Avenue at 806 - 810 E Perkins Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2011-MAJ-01; 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 May 25, 2011 and voted 4 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-4.B 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 subject property at 806 & 810 E. Perkins Road was developed in unincorporated Champaign County with two principal use buildings in 1975 and 1984/1985.
2. The subject property was annexed into the City of Urbana in 1987 as a legal, nonconforming use under Section V-3.C and Section II-3 (Nonconforming Use) of the Urbana Zoning Ordinance.
3. The petitioner proposes to subdivide the parcel to separate the two existing buildings so that 806 E. Perkins Road (TK Service Center) and 810 E. Perkins Road are located on separate parcels.
4. Should the lot be subdivided, the existing buildings would conform to required front yard and rear yard standards required by Table VI-3 of the Zoning Ordinance, but not side yard setbacks. The minimum required side yard setback in the B-3 Zoning District is five feet.
5. Should the lot be subdivided, the northwest corner of the building at 806 E. Perkins Rd. (TK's Service Center) would be approximately 3 feet from the proposed side yard lot line, and the southwest corner of the building at 810 E. Perkins Rd. would be approximately 3 inches from the same proposed side yard lot line.
6. The requested variance would allow a lot subdivision which would eliminate a use nonconformity in that two principal use buildings would no longer be located on the same lot.
7. The variance and contingent two-lot subdivision would allow transfer of ownership for 810 E. Perkins Rd. (Tatman's Towing) and an anticipated business expansion.
8. Special circumstances and practical difficulties exist for this property in that it was developed in unincorporated Champaign County with two principal use buildings constructed approximately three feet, three inches apart. The Urbana Zoning Ordinance generally only allows one principal use structure per lot by right.
9. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. The variance would not cause the appearance of the two buildings to change.
10. The requested variances represent the minimum deviation from the Zoning Ordinance needed for the subdivision of the lot. The proposed lot line has been located so that only the corner of each building would not conform to the minimum five feet side yard setback required in this B-3 Zoning District.

11. The petitioner plans to retrofit the two existing buildings to meet Building and Fire Code standards required as a result of the lot subdivision.
12. At their May 25, 2011 meeting, the Zoning Board of Appeals voted 4 ayes and 0 nays to recommend that City Council approve major variance case ZBA-2011-MAJ-01.

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

Section 1. The major variance request by Paul Tatman in Case No. ZBA-2011-MAJ-01, is hereby approved to allow a reduction in the required side yard setback from 5 feet to 3 feet and from 5 feet to 3 inches at 806 - 810 E Perkins Road in the manner proposed in the application and subject to the following conditions:

1. The proposed property line shall be located as shown in the attached plat.
2. A cross-access easement for both lots be granted and shown on the subdivision plat.
3. The existing buildings are retrofitted to bring both into conformance with Urbana Fire and Building Codes in terms of construction types, uses, and setbacks.

The major variance described above shall only apply to the property located at 806 - 810 E. Perkins Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

A part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Lot 1 of Tatman's Perkin's School Subdivision, as shown on a plat recorded as Document Number 2006R11254 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Parcel Identification Number: 91-21-04-352-032

Section 2. 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, 2011.

PASSED by the City Council this 6th day of June, 2011.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 13th day of June, 2011.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor