

ORDINANCE NO. 2012-10-092

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Encroachment of a canopy roof into a required front yard in the City's B-3, General Business District, at 604 N. Cunningham Ave / ZBA Case No. 2012-MAJ-06)

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, Tin Roof Tavern has submitted a petition for a major variance to allow a canopy roof to encroach up to 3 feet 8 inches into a required 12 foot 6 inch front yard setback at 604 North Cunningham Avenue in the B3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2012-MAJ-06; 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 September 19, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve 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 is located in the B-3, General Business Zoning District.
2. The petitioner is requesting a major variance to add a canopy that would extend 3 feet, 8 inches into the required 12 foot, 6 inch front yard setback at 604 North Cunningham Avenue.
3. Per Table VI-3 and Section VI-5.B.6 of the Urbana Zoning Ordinance, the minimum required setback for a canopy is 12 feet, six inches from the property line.
4. The proposed variance would allow for a covered walkway to access a new outdoor seating area, as shown in the attached site plan.
5. The proposed variance would allow for the reopening and enhancement of a vacant business space, adding to the vitality of the area.
6. The variance is necessary due to the location of the existing building within one foot of the required front yard, and the position of the door on the west side of the building.
7. 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 because the neighborhood is a high-traffic commercial corridor with no residences.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to provide a covered path from the door to the proposed outdoor seating area.

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

Section 1. In ZBA Case No. 2012-MAJ-06, the major variance requested by Tin Roof Tavern is hereby approved in the manner proposed in the application and subject to the following condition:

1. That the applicant consult with City staff regarding new replacement fencing planned to be installed in front of the business along Cunningham Avenue.

The major variance described above shall only apply to the property located at 604 North Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing at the Southeast corner of the property described in Quit Claim Deed, wherein Paul G. Busey is Grantor and Helen W. Loeb is

Grantee, dated March 10, 1948, and recorded in the Recorder's Office of Champaign County, Illinois, as Document No. 425463, on March 16, 1947, and recorded therein in Book 289 at page 603, thence West on South line of said property described, to the east boundary of Cunningham Road, thence Southwest a distance of 278.6 feet, thence East a distance of 376.86 feet, to a point where the North line of proposed Park Street intersects the West line of proposed Maple Street, thence North 255.98 feet along the West line of said proposed Maple Street, thence West 116 feet to the point of beginning.

EXCEPT that part conveyed to the State of Illinois by Trustee's Deed recorded April 25, 1984 in Book 1358 at page 424 as document no. 84R6505, in Champaign County, Illinois.

Parcel Identification Number: 91-21-08-426-004

Section 2. The Urbana 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).

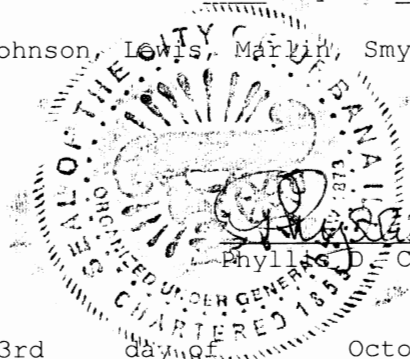
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of October, 2012

PASSED by the City Council on this 1st day of October, 2012.

AYES: Bowersox-Johnson, Lewis, Marlin, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 3rd day of October, 2012.

Laurel Lutz Prussing
Laurel Lutz Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 1st day of October, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. 2012-10-092, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (Encroachment of a canopy roof into a required front yard in the City's B-3, General Business District, at 604 N. Cunningham Ave / ZBA Case No. 2012-MAJ-06) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. 2012-10-092 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 4th day of October, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 4th day of October, 2012.


Phyllis D. Clark, City Clerk

