

Passed: July 07, 2014
Signed: July 11, 2014

ORDINANCE NO. 2014-07-064

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an encroachment of a shade awning into a required front yard in the City's B-2, Neighborhood Business-Arterial District, at 804 ½ East Main Street / ZBA Case No. 2014-MAJ-02)

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, Faller Custom Builders, LLC has submitted a petition for a major variance to allow a canopy roof to encroach up to 8 feet 10 inches into a required 15 foot front yard setback at 804 ½ East Main Street in the B-2, Neighborhood Business-Arterial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-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 held a public hearing on the proposed major variance on June 25, 2014 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 applicant proposes to install a shade awning at 804 ½ East Main Street, located in the B-2 Neighborhood Business, Arterial District;
2. The first floor of the subject property is home to the Kings and Queens Beauty Salon;
3. Table VI-3 of the Urbana Zoning Ordinance requires a minimum front yard setback of 15 feet in the B-2, Neighborhood Business-Arterial District;
4. Section VI-5.B.6 of the Urbana Zoning Ordinance allows shade awnings to encroach two feet, six inches into the required minimum setback;
5. The structure found at 804 ½ East Main Street currently encroaches seven feet, four inches into the required front yard along East Main Street;
6. The proposed shade awning would encroach up to eight feet, 10 inches into the required front yard;
7. Due to the subject property's lot and building configuration, the proposed variance would not serve as a special privilege;
8. The applicant states that they believe the proposed shade awning will increase the aesthetic value of the structure, as well as provide comfort the customers patronizing the beauty salon;
9. The situation was not created by the petitioner because the building currently found on the lot was constructed as early as 1915, and has retained its footprint since that time;
10. The proposed addition will not alter the essential residential character of the neighborhood. The installation would enhance cohesion between structures found along East Main Street;

11. Due to the significant setback of the structure found at 804 E. Main Street, as well as the presence of a canopy at 806 E. Main Street, the proposed variance will not cause a nuisance to adjacent properties;
12. The requested variance is the minimum possible deviation required to install the proposed shade awning.

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

Section 1. In ZBA Case No. 2014-MAJ-02, the major variance requested by Faller Custom Builders, LLC is hereby approved in the manner proposed in the application and subject to the following condition:

1. The shade awning shall be built in conformance with the plans provided by the applicant.

The major variance described above shall only apply to the property located at 804 ½ East Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East 16 feet of Lot 7 and the West 6 inches of Lot 6 of Esquire Munhall's Addition (also known as James Munhall's Addition) to the City of Urbana, as per plat recorded in Deed Record 32 at page 487, in Champaign County, Illinois

Parcel Identification Number: 91-21-09-353-015

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 7th day of July, 2014.

PASSED by the City Council on this 7th day of July, 2014.

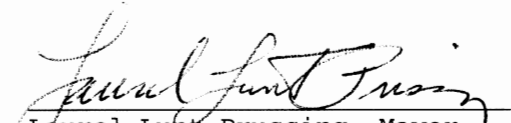
AYES: Ammons, Jakobsson, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 11th day of July, 2014.


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 7th day of July, 2014, the City Council of the City of Urbana passed and approved Ordinance No. 2014-07-064, entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW AN ENCROACHMENT OF A SHADE AWNING INTO A REQUIRED FRONT YARD IN THE CITY'S B-2, NEIGHBORHOOD BUSINESS-ARTERIAL DISTRICT, AT 804 ½ EAST MAIN STREET / ZBA CASE NO. 2014-MAJ-02)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2014-07-064 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 11th day of July, 2014, 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 11th day of July, 2014.



Phyllis D. Clark

Phyllis D. Clark, City Clerk