

ORDINANCE NO. 2016-09-079

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an encroachment of air conditioning units into a required front yard in the City's B-3, General Business District, at 1901 South Philo Road / ZBA Case No. 2016-MAJ-09)

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, on behalf of Marco's Pizza, Glenn Rahn has submitted a petition for a major variance to allow the installation of air conditioning units that would encroach 5.7 feet into the required 15-foot front yard at 1901 S. Philo Road in the B-3, General Business zoning district; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2016-MAJ-09; 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 August 17, 2016 and voted 5 ayes to 0 nays in Case No. ZBA-2016-MAJ-09 to recommend that the Corporate Authorities approve the requested variance with conditions; 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. Marco's Pizza has requested a Major Variance to allow the installation of air conditioning units that would encroach 5.7 feet into the required 15-foot front yard at 1901 S. Philo Road. This would reduce the required front yard from 15 feet to 9.3 feet.
2. The site is located in Southeast Urbana, is zoned B-3, General Business, and is designated as "Community Business" in the Urbana Comprehensive Plan.
3. The proposed variance is requested due to special circumstances of the site, including the location of the building near the north and west setback lines and the presence of an existing utility easement to the rear of the building.
4. The proposed variance will not serve as a special privilege to the petitioner, and the request was not the result of a situation knowingly created by the petitioner.
5. The proposed variance will not cause a nuisance to adjacent property owners and will not alter the essential character of the neighborhood.
6. The proposed variance represents the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request.

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

Section 1. In ZBA Case Nos. 2016-MAJ-09, the variance requested on behalf of Marco's Pizza to allow the installation of air conditioning units that would encroach 5.7 feet into the required 15-foot front yard at 1901 S. Philo Road in the B-3, General Business zoning district is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The air conditioning units shall be screened with a fence.
2. The air conditioning units shall be placed in the location shown on the site plan attached as Attachment A.

The Major Variance described above shall only apply to the property located at 1901 South Philo Road, more particularly described as follows:

LEGAL DESCRIPTION:

Tract 1: Lot 500 in Ennis Ridge Sixth Subdivision, as per plat recorded in Plat Book "O" at page 12, situated in the City of Urbana, in Champaign County, Illinois.

Tract 2: The East half of the vacated alley lying West of the adjoining Lot 500 in Ennis Ridge Sixth Subdivision, as per plat recorded in Plat Book "O" at page 12, situated in the City of Urbana, in Champaign County, Illinois.

P.I.N. 93-21-21-176-013

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.

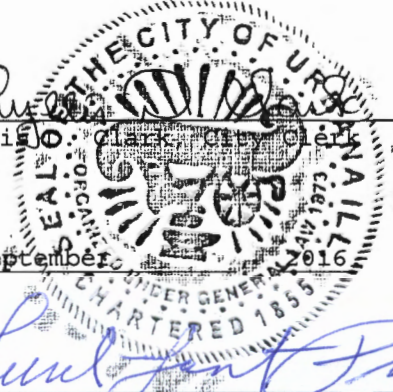
PASSED BY THE CITY COUNCIL this 6th day of September, 2016.

AYES: Ammons, Brown, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINED:

APPROVED BY THE MAYOR this 9th day of September, 2016.


Phyllis O. Clark, Clerk
Laurel Lunt 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 6th day of September, 2016, the City Council of the City of Urbana passed and approved Ordinance No. 2016-09-079, entitled:

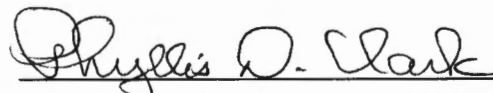
AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW AN ENCROACHMENT OF AIR CONDITIONING UNITS INTO A REQUIRED FRONT YARD IN THE CITY'S B-3, GENERAL BUSINESS DISTRICT, AT 1901 SOUTH PHILO ROAD / ZBA CASE NO. 2016-MAJ-09)

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

The pamphlet form of Ordinance No. 2016-09-079 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 9th day of September, 2016, 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 9th day of September, 2016.




Phyllis D. Clark, City Clerk