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Recording Cover Sheet

**AN ORDINANCE APPROVING A MAJOR
VARIANCE (711 EAST KETTERING PARK DRIVE /
ZBA CASE NO. 2017-MAJ-04) [ORDINANCE NO.
2017-10-056]**

2019R02437
REC ON: 02/22/2019 01:20:18 PM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
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REV FEE:
PAGES 6
PLAT ACT: 0 PLAT PAGE:

*ORDINANCE
*MAP

Prepared for recording by:

Wendy M. Hundley, Deputy City Clerk

400 S. Vine St., Urbana, IL 61801

(G)

Return to:

Charles A. Smyth, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2017-10-056

AN ORDINANCE APPROVING A MAJOR VARIANCE

(711 East Kettering Park Drive / ZBA Case No. 2017-MAJ-04)

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, A&R Mechanical Contractors have submitted a petition for a Major Variance for a reduction in the required rear yard setback from ten feet to 5.7 feet at 711 East Kettering Park Drive in the IN-1, Light Industrial/Office zoning district; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2017-MAJ-04; 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 20, 2017, and voted with 4 ayes and 0 nays in ZBA Case No. 2017-MAJ-04 to recommend that the Corporate Authorities approve the requested variance with two 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. A&R Mechanical Contractors are requesting a Major Variance to allow a reduction in the required rear yard setback, from 10 feet to 5.7 feet, on their property at 711 East Kettering Park Drive.
2. The applicants plan to build an addition of approximately 13,500 square feet so they may expand their metal fabrications and equipment manufacturing business. The rest of the north part of the property would be used for outdoor storage of materials, parking, and access drives.
3. The Zoning Ordinance requires a ten-foot rear yard setback from the property lines for properties in the IN-1, Light Industrial/Office zoning district. The setback of a part of the existing building is less than one foot.

4. The building was constructed before the property was annexed into the City and was permitted to have no setback on its eastern property line because the neighboring property was a cemetery.
5. The applicant states that an encroachment of 4.3 feet into the required rear yard setback is necessary to align with the existing building, accommodate operational space requirements, and allow access for truck deliveries.
6. The variance is a result of special circumstances regarding the property in carrying out the strict application of the ordinance.
7. The variance would not serve as a special privilege.
8. The variance is not the result of a situation or condition knowingly created by the applicant.
9. The variance would not alter the essential character of the neighborhood.
10. The variance would not cause a nuisance to the adjacent property.
11. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance.
12. At its September 20, 2017, meeting, the Urbana Zoning Board of Appeals voted with four (4) ayes and zero (0) nays to forward ZBA Case No. 2017-MAJ-04 to the Urbana City Council with a recommendation of Approval.

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

Section 1. In ZBA Case No. 2017-MAJ-04, the Major Variance requested by A&R Mechanical Contractors for a reduction in the required rear yard setback from ten feet to 5.7 feet, in the City's IN-1, Light Industrial/Office zoning district, is hereby approved in the manner proposed in the application and subject to the following conditions:

1. Building addition generally conforms to the site plan dated September 19, 2017 and attached as Attachment A.
2. The northwest portion of the property, labeled for outdoor storage of materials, shall not be used for vehicular traffic or parking unless paved with a hard surface in compliance with Article VIII of the Urbana Zoning Ordinance.

The Major Variance described above shall only apply to the property located at 711 East Kettering Park Drive, more particularly described as follows:

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 5; TOWNSHIP 19 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN CHAMPAIGN COUNTY, ILLINOIS, THENCE NORTH 0 DEGREES 04 MINUTES EAST 687.3 FEET, THENCE SOUTH 89 DEGREES 52.6 MINUTES EAST 533.97 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 08.1 MINUTES EAST 260 FEET; THENCE NORTH 0 DEGREES 10.8 MINUTES EAST 200 FEET; THENCE SOUTH 89 DEGREES 52.6 MINUTES EAST 195.77 FEET, MORE OR LESS, TO THE EAST LINE OF THE PROPERTY NOW OWNED BY SELLER, THENCE SOUTH 0 DEGREES 10.8 MINUTES WEST 460 FEET, MORE OR LESS, TO THE

SOUTH LINE OF PROPERTY NOW OWNED BY SELLER, THENCE NORTH 89 DEGREES 52.6 MINUTES WEST 195.17 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN THE COUNTY OF CHAMPAIGN, STATE OF ILLINOIS.
P.I.N.: 91-21-05-352-001

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, together with accurate Site Plan herein above described. 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).

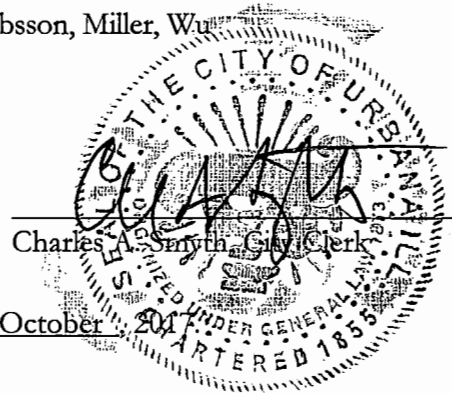
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of October, 2017.

PASSED BY THE CITY COUNCIL this 2nd day of October, 2017.

AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Wu

NAYS:

ABSTENTIONS:



APPROVED BY THE MAYOR this 4th day of October, 2017.

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 2nd day of October 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-10-056, entitled:


AN ORDINANCE APPROVING A MAJOR VARIANCE (711 EAST KETTERING PARK DRIVE / ZBA CASE NO. 2017-MAJ-04)

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

The pamphlet form of Ordinance No. 2017-10-056 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 4th day of October, 2017, 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.

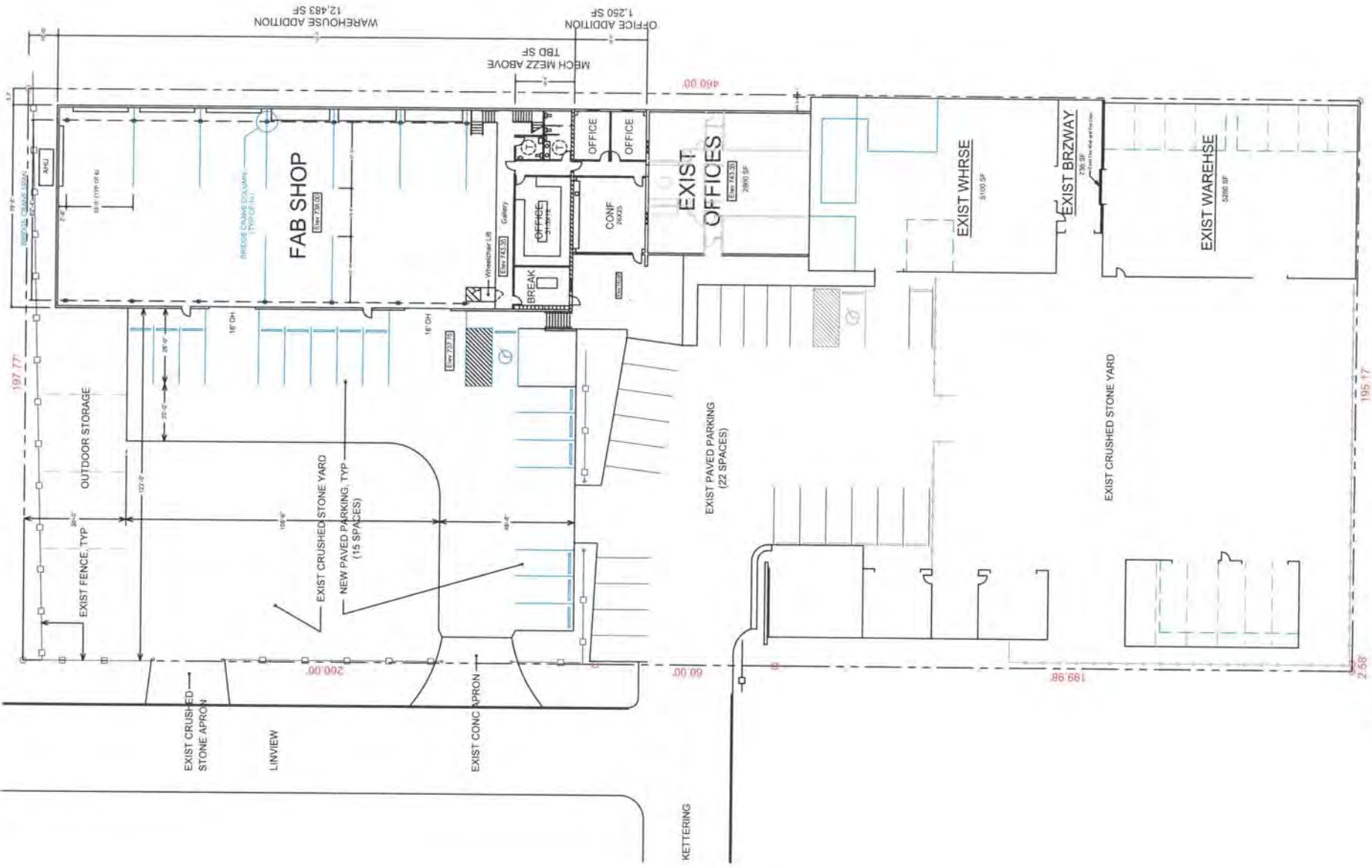
Dated at Urbana, Illinois, this 4th day of October, 2017.





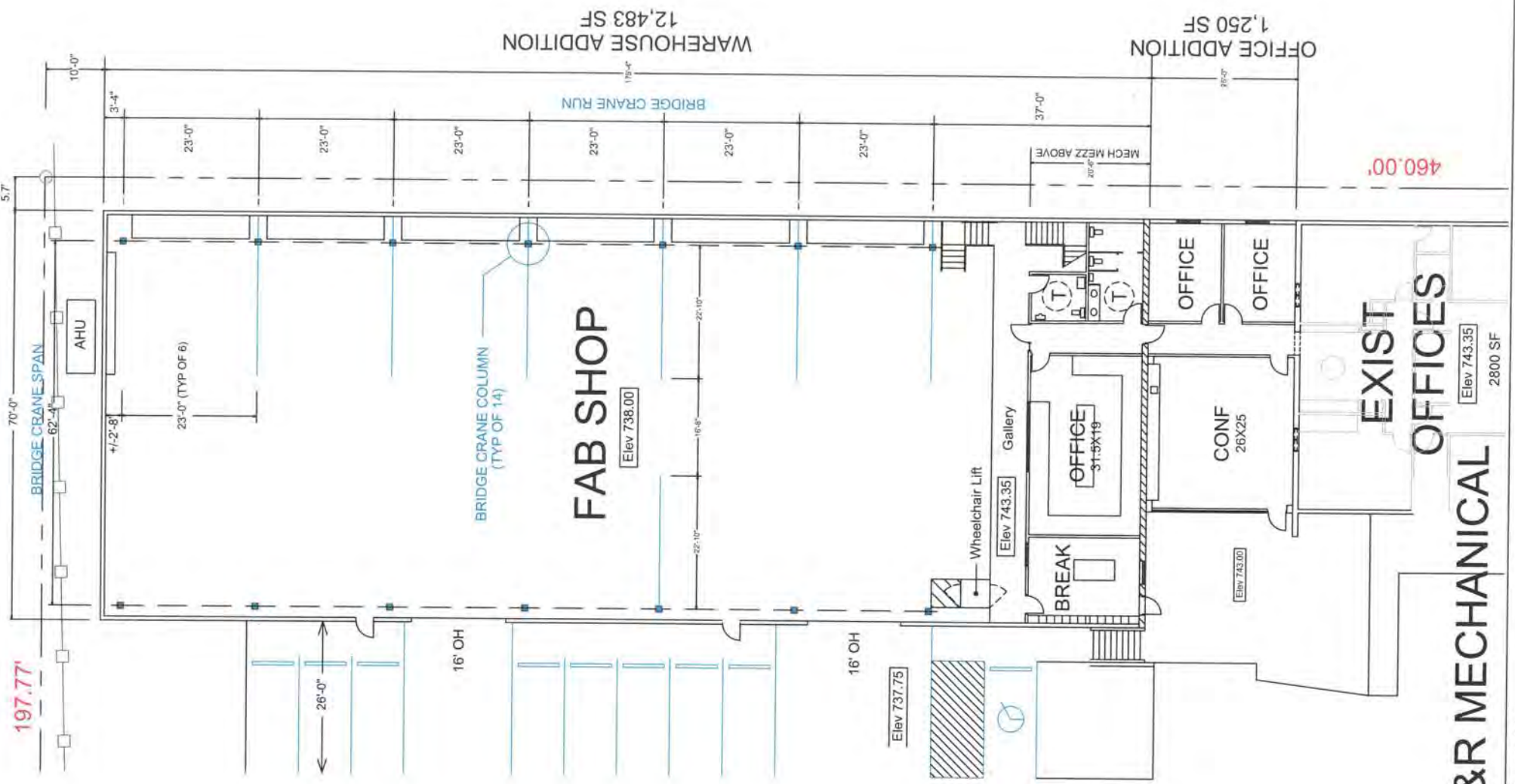
Charles A. Smyth, City Clerk

Attachment A - Site Plan (9-19-17)



SITE PLAN W/ PLAN DETAIL

AGR MECHANICAL CONTRACTORS INC
711 Kalamazoo Park, P.O. Box 787, Urbana, IL 61803
1" = 32'



A&R MECHANICAL

1/16" = 1'-0"