

## Recording Cover Sheet

**AN ORDINANCE APPROVING MAJOR VARIANCES (802  
NORTH GOODWIN AVENUE / ZBA-2019-MAJ-03 AND  
ZBA-2019-MAJ-04) [Ord. No. 2019-08-039]**

\*ORDINANCE

\*MAPS

**2019R12719**  
**REC ON: 08/07/2019 12:20:09 PM**  
**CHAMPAIGN COUNTY**  
**MARK SHELDEN**  
**REC FEE: 52.00**  
**RHSPS Fee: 9.00**  
**REV FEE:**  
**PAGES 9**  
**PLAT ACT: 0 PLAT PAGE:**

Prepared for recording by:  
Kay Meharry, Asst. City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

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



City of Urbana  
400 South Vine Street  
Urbana, IL 61801

**CLERK'S CERTIFICATE**

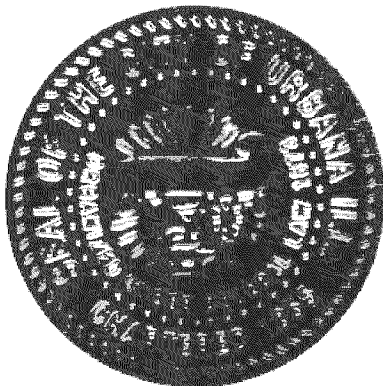
STATE OF ILLINOIS            )  
  )    SS  
COUNTY OF CHAMPAIGN    )

I, CHARLES A. SMYTH, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an Ordinance entitled:

**AN ORDINANCE APPROVING MAJOR VARIANCES (802 NORTH GOODWIN AVENUE / ZBA-2019-MAJ-03 and ZBA 2019-MAJ-04) [ORDINANCE NO. 2019-08-039]**

Adopted by the City Council of the City of Urbana, Illinois, on the 5<sup>th</sup> day of August, AD, 2019, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 7<sup>th</sup> day of August, AD, 2019.



  
\_\_\_\_\_  
Charles A. Smyth, City Clerk



**ORDINANCE NO. 2019-08-039**

**AN ORDINANCE APPROVING MAJOR VARIANCES**

**(802 North Goodwin Avenue / ZBA-2019-MAJ-03 and ZBA-2019-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 major variances where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Gustavo Bautista has submitted a petition for major variances to allow a reduction in the number of parking spaces required for a Contractor Shop and to allow parking within the required front yards at 802 North Goodwin Avenue in the B-1, Neighborhood Business zoning district.

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petitions at 7:00 p.m. on July 17, 2019, in ZBA Case Nos. 2019-MAJ-03 and 2019-MAJ-04; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted six (6) ayes and zero (0) nays to forward both cases to the Urbana City Council with recommendations to approve the requested variances; and

**WHEREAS**, the City Council finds that the requested variances conform with the major variance procedures in Article XI, Section XI-3(C)(2)(d) of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. Gustavo Bautista was granted a Conditional Use Permit by the Zoning Board of Appeals to allow a Contractor Shop at 802 North Goodwin Avenue in the B-1, Neighborhood Business zoning district.;
2. Mr. Bautista has also requested a major variance to reduce the number of parking spaces required for a Contractor Shop from four car parking spaces to three car parking spaces. The Zoning Board of Appeals unanimously recommended that City Council approve the major variance request;

3. The variance will allow the existing building and concrete pad to be used;
4. The variance requests would not serve as a special privilege to the property owner if granted, as there are special circumstances relating to the land such as location of the existing building and parking lot, and the size of the lot;
5. The property owner did not deliberately create this situation as the building has been in this location for decades and the owner just recently purchased the property;
6. The variances will not alter the essential character of the neighborhood as vehicles have routinely parked on the existing pavement;
7. The variances will not create a nuisance as this use will be a much lower-intensity use than the previous gas station and will renovate and reuse a building rather than encourage it to fall into disrepair if it remains vacant; and
8. The variances represent a minimum deviation from the zoning ordinance as only three parking spaces are needed for the business and are replicating historic parking patterns on the site.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case Nos. 2019-MAJ-03 and 2019-MAJ-04, the major variances requested by Gustavo Bautista to allow for a reduction in the number of parking spaces required for a Contractor Shop and to allow parking within the required front yards in a B-1, Neighborhood Business zoning district are hereby approved in the manner proposed in the application.

The major variance described above shall only apply to the property more particularly described as follows:

Lot 21 in Sarah A. Sims Addition to the City of Urbana, as per plat recorded February 4, 1997 as Document Number 57134, Plat Book "B", Page 284-285, situated in Champaign County, Illinois.

Commonly known as 802 North Goodwin Avenue, Urbana, Illinois  
P.I.N.: 91-21-07-426-010

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

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

**PASSED BY THE CITY COUNCIL** this 5<sup>th</sup> day of August, 2019.

AYES: Brown, Hursey, Jakobsson, Miller, Wu

NAYS:

ABSTENTIONS:



*Charles A. Smyth*  
 \_\_\_\_\_  
 Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this 7<sup>th</sup> day of August, 2019.

*Diane Wolfe Marlin*  
 \_\_\_\_\_  
 Diane Wolfe Marlin, Mayor

# Exhibit B - Zoning Map






Case: ZBA-2019-C-02; ZBA-2019-MAJ-03; ZBA-2019-MAJ-04

Subject: Bautista CUP

Location: 802 N. Goodwin Ave.

Petitioner: Gustavo Bautista

### Current Zoning

-  B-1
-  CRE
-  R-2






Created 06/19/2019 by Community Development Service - Lily

# Exhibit C - Future Land Use Map



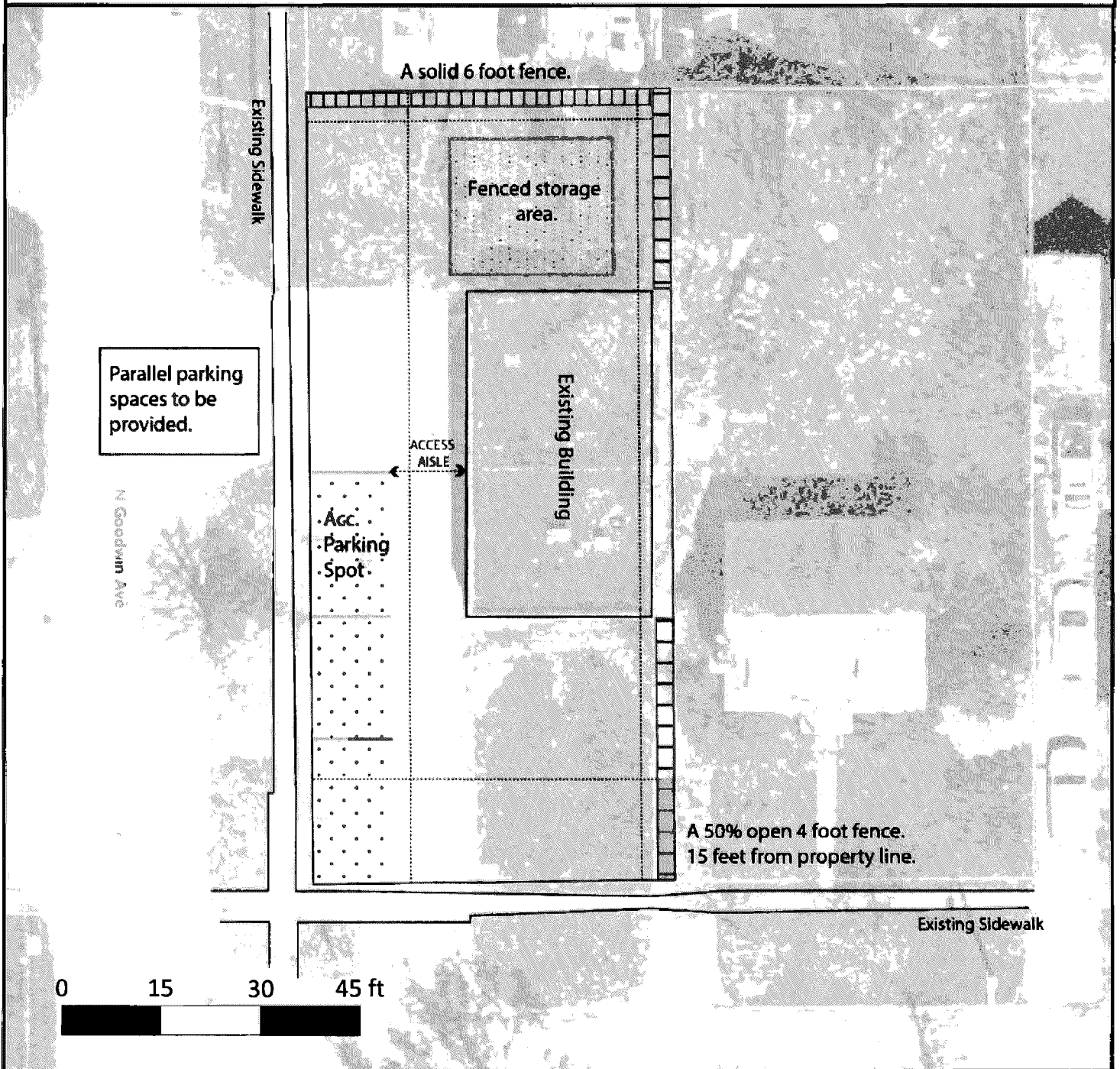
Case: ZBA-2019-C-02; ZBA-2019-MAJ-03; ZBA-2019-MAJ-04  
Subject: Bautista CUP  
Location: 802 N. Goodwin Ave.  
Petitioner: Gustavo Bautista

-  Subject Property
-  Institutional
-  Residential



Created 06/19/2019 by Community Development Service - Lily Wilcock

# Exhibit D – Proposed Site Plan

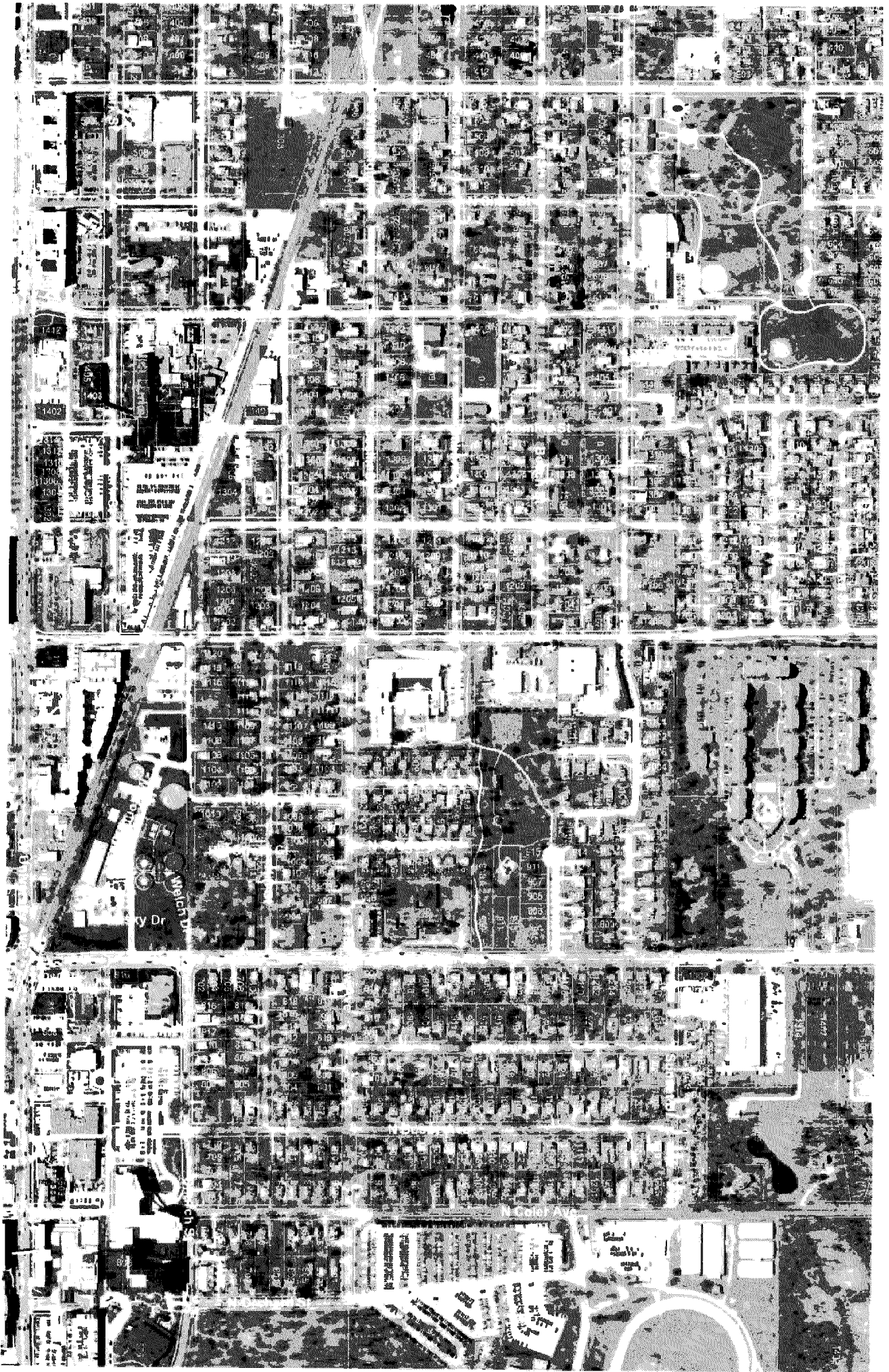


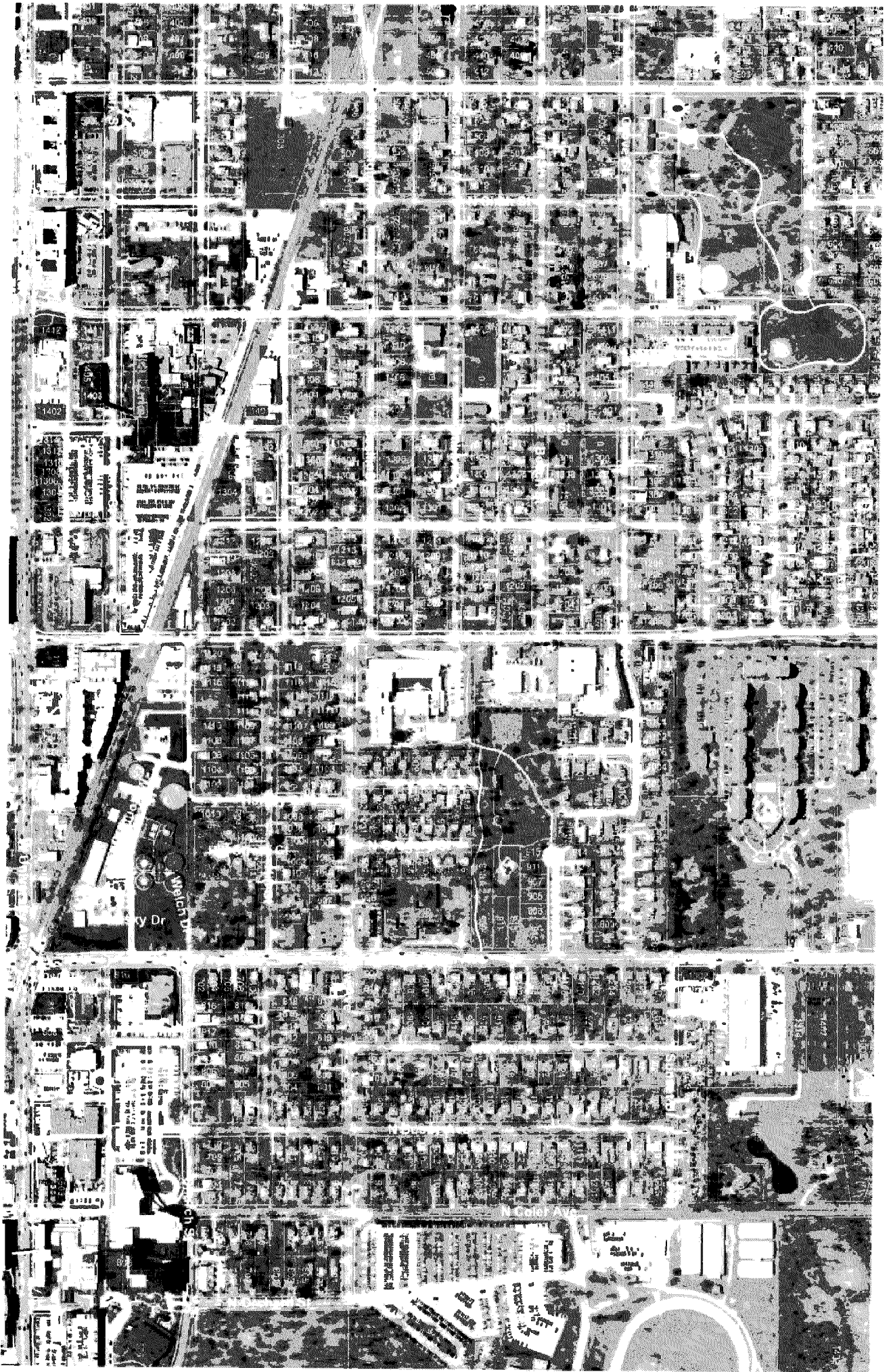
Case: ZBA-2019-C-02; ZBA-2019-MAJ-03; and ZBA-2019-MAJ-04  
Subject: Bautista CUP  
Location: 802 N Goodwin Ave.  
Petitioner: Gustavo Bautista



Created 7/8/2019 by Community Development Services - Lily Wilcock









## 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 5<sup>th</sup> day of August 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-08-039, entitled:

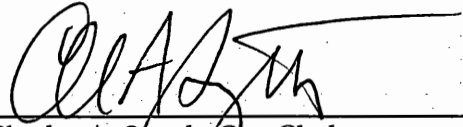
**AN ORDINANCE APPROVING MAJOR VARIANCES (802 NORTH GOODWIN AVENUE / ZBA-2019-MAJ-03 AND ZBA-2019-MAJ-04)**

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

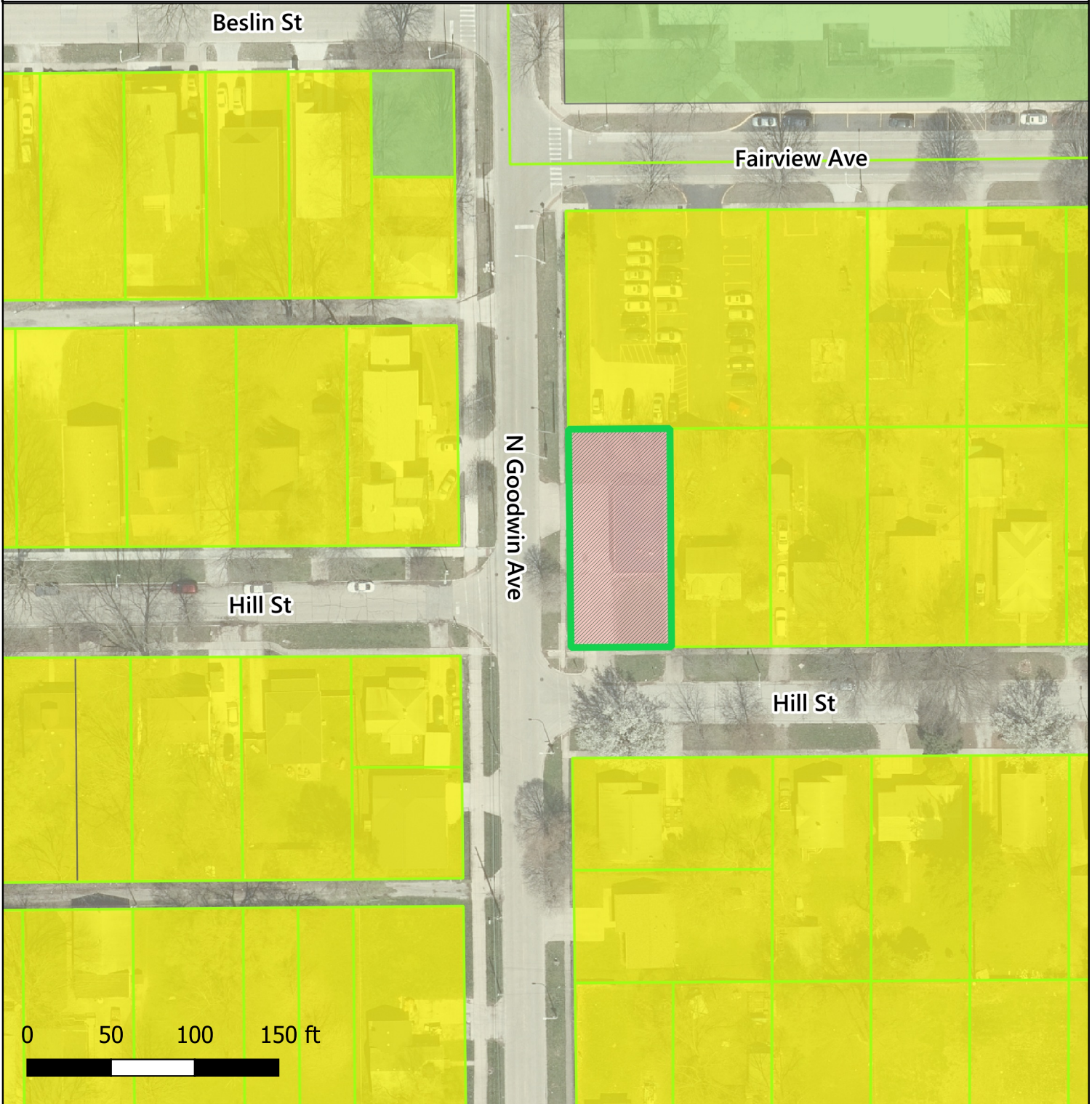
The pamphlet form of Ordinance No. 2019-08-039 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 7<sup>th</sup> day of August, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 7<sup>th</sup> day of August, 2019.



  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

# Exhibit B - Zoning Map






Case: ZBA-2019-C-02; ZBA-2019-MAJ-03; ZBA-2019-MAJ-04

Subject: Bautista CUP

Location: 802 N. Goodwin Ave.

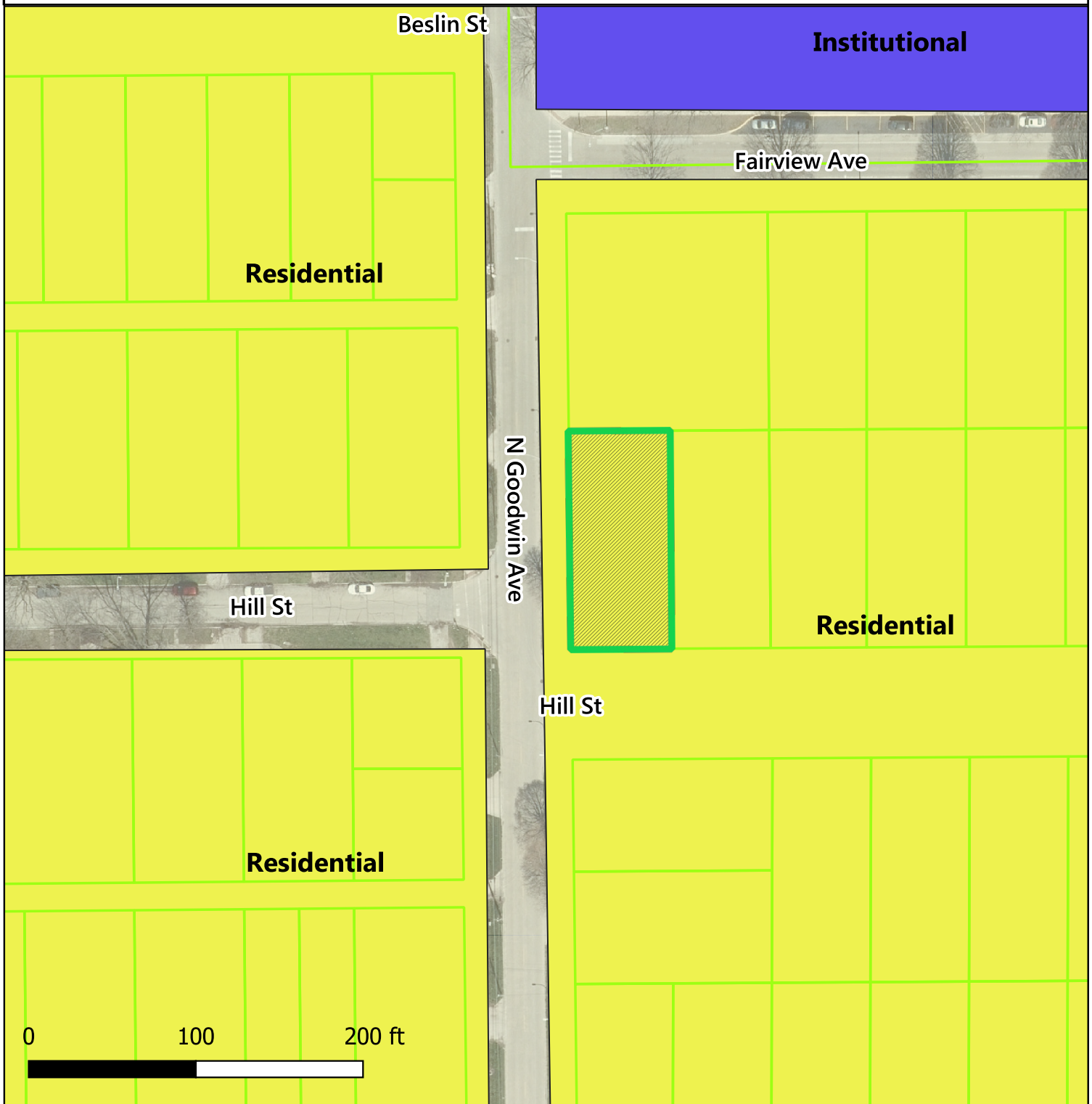
Petitioner: Gustavo Bautista

### Current Zoning




-  B-1
-  CRE
-  R-2



# Exhibit C - Future Land Use Map



Case: ZBA-2019-C-02; ZBA-2019-MAJ-03; ZBA-2019-MAJ-04  
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Location: 802 N. Goodwin Ave.  
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-  Subject Property
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# Exhibit D – Proposed Site Plan



Case: ZBA-2019-C-02; ZBA-2019-MAJ-03; and ZBA-2019-MAJ-04  
Subject: Bautista CUP  
Location: 802 N Goodwin Ave.  
Petitioner: Gustavo Bautista



