

RESOLUTION NO. 1999-02-007R

A RESOLUTION REGARDING A POTENTIAL GENERAL VARIANCE

(Property Adjacent to Southgate)

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider unique situations where the strict application of the Zoning Ordinance may cause hardship situations which can not be cured by variances otherwise authorized; and

WHEREAS, in Ordinance No. 9899-45, the owners of Southgate Shopping Center, MLP Associates, L.P., were granted a general variance to allow the reduction of the required side yard setback on the south side of the subject property; and

WHEREAS, the hardship upon which the above variance for Southgate Shopping Center was granted was the fact that in 1982, after the Southgate Shopping Center was built, the then owners divided the parcel by recording a deed which located the south property line of the Southgate Shopping Center at a zero distance setback for the existing building; this deed was in violation of the Urbana Land Development Code which requires that such a subdivision be submitted to the City for approval; and

WHEREAS, the approval of the general variance for the Southgate Shopping Center creates a potential hardship for the owner of the southern parcel because of the 0 distance setback of the building on the parcel adjoining on the north; and

WHEREAS, the City Council, being familiar with all of the background facts is desirous of preserving for future considerations, that this Council has determined that the same facts which support the granting of the general variance for the Southgate Shopping Center, indicate that if the owner of the southern parcel seeks a general variance relating to the side yard on the north side of the said parcel, such variance should be granted.

NOW THEREFORE, BE IT RESOLVED that:

Section 1. This Council go on record as supporting the granting of a general variance for the parcel immediately adjacent and south of the existing Southgate Shopping Center if a petition is presented and if the facts and conditions in existence at that time still indicate that essential fairness supports the granting of a general variance for such parcel.

Section 2. This Resolution 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 15th day of February, 1999.

PASSED by the Urbana City Council this 15th day of February, 1999.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 15th day of February, 1999.

Tod Satterthwaite
Tod Satterthwaite, Mayor