

ORDINANCE NO. 2009-05-044

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(Reduction of the Front Yard Setback in the City's B-3U,
General Business - University District, from 15 ft. to 5 ft.
at 1011 West Clark Street / Case No. ZBA-2009-MAJ-03)**

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 the structure; and

WHEREAS, Howard Wakeland has submitted a petition for a major variance to allow for the construction of an apartment building encroaching ten feet into the required fifteen-foot required front yard along Harvey Street at 1011 West Clark Street in the B-3U, General Business - University Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-MAJ-03; 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 April 15, 2009 and voted 7 ayes and 0 nays to recommend to the Corporate Authorities approval of 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-3.C.2.d 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. Howard Wakeland is applying for a variance to encroach ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street.
2. The petitioner plans on demolishing the existing structures and building a 14 to 18-unit apartment building on the site.
3. The site is located in the north campus area and is zoned B-3U, General Business -University District.
4. The Urbana Comprehensive Plan identifies the area as Campus Mixed-Use.

5. The proposed variance is not necessary to achieve the desired amount of parking.
6. The size of the lot is a practical difficulty in carrying out the strict application of the zoning ordinance.
7. The proposed variance is desired due to special circumstances of the property being a corner lot with two required front yards.
8. The proposed variance is due to the petitioner's desire to match the existing ten-foot encroachment immediately south of the subject property, and to allow for parking to be contained entirely underneath the building footprint.
9. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
10. The proposed variance represents the minimum possible from Zoning Ordinance requirements to match the existing ten-foot encroachment immediately south of the subject property.

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

Section 1. The major variance request by Howard Wakeland, in Case No. ZBA-2009-MAJ-03, is hereby approved to allow for the construction of an apartment building encroaching ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street in the B-3U, General Business - University Zoning District, subject to the following conditions:

1. That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.
2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.

The major variance described above shall only apply to the property located at 1011 West Clark Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 26 of Jonathan N. Houser's Heirs Subdivision of Lot 24 and the East 251 feet of Lot 25 in M.W. Busey's Heirs Addition to Urbana, and Lots 1, 2, and 3 of Block 44 and Lot 6 in Block 45 of Seminary Addition, as per plat recorded in Plat Book "A" at Page 340, situated in Champaign County, Illinois.

PIN #: 91-21-07-481-001

Section 2. The 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).

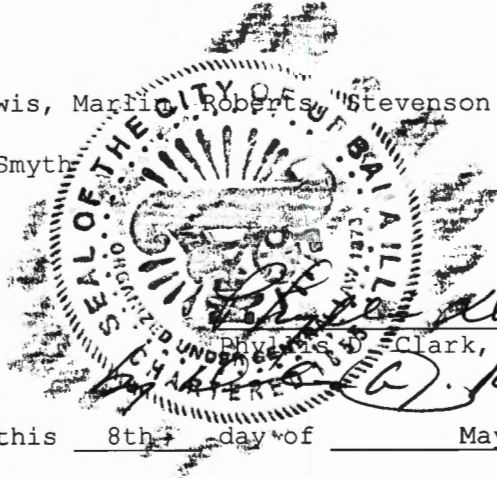
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 4th day of May, 2009.

PASSED by the City Council this 4th day of May, 2009.

AYES: Gehrig, Lewis, Marlin, Roberts, Stevenson

NAYS: Bowersox, Smyth

ABSTAINS:



W. Clark

W. Clark, City Clerk

D. Redant

D. Redant, Deputy Clerk

APPROVED by the Mayor this 8th day of May, 2009.

Laurel Lunt Prussing

Laurel Lunt Prussing, Mayor