

ORDINANCE NO. 2016-03-021

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow a front canopy that will encroach seven feet into the required front yard in the City's B-1, Neighborhood Business District, at 303 West Griggs Street / ZBA Case No. 2016-MAJ-01)

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 a structure; and

WHEREAS, Geoffrey Merritt has submitted a petition for a major variance to allow a front canopy that will encroach seven feet into the required front yard in the City's B-1, Neighborhood Business District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2016-MAJ-01; 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 March 16, 2016 and voted six ayes and zero nays to recommend that the Corporate Authorities approve 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-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. Geoffrey Merritt is applying for a variance to allow a front canopy that will encroach seven feet into the required front yard at 303 West Griggs Street.
2. A Conditional Use Permit was issued for a "Mail Order Business" in Case No. ZBA-01-C-01. The building is also used for bicycle-related sales.
3. The property was granted a Major Variance in Case No. ZBA-2015-MAJ-07 to reduce the required parking from up to seven spaces to three spaces.
4. The petitioner plans to renovate the existing building, rebuild the front façade, and install a three-foot canopy.
5. The petitioner has applied for a Major Variance to install a front canopy that will encroach seven feet into the required 15-foot front setback.
6. The variance request will not serve as a special privilege to the property owner.
7. The variance request was not the result of a situation knowingly created by the petitioner.
8. The variance request will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.
9. The variance request will not cause a nuisance to adjacent property owners.
10. The variance request represents a reasonable deviation from the requirements of the Zoning Ordinance.
11. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case No. 2016-MAJ-01, the major variance requested by Geoffrey Merritt is hereby approved in the manner proposed in the application and subject to the following condition:

1. The canopy shall be built in general conformance with the plans provided by the applicant in Exhibit E.

The major variance described above shall only apply to the property located at 303 West Griggs Street, Urbana, Illinois, more

particularly described as follows:

LEGAL DESCRIPTION:

Parts of Lots 11 (as Plat Record recorded in Deed Record 19 at Page 285) and 12 (as Plat Record recorded in Deed Record 19 at Page 285) in S.T. Busey's Addition to Urbana, in Champaign County, Illinois. Parcel Identification Number: 91-21-08-383-004

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 on the 21st day of March, 2016

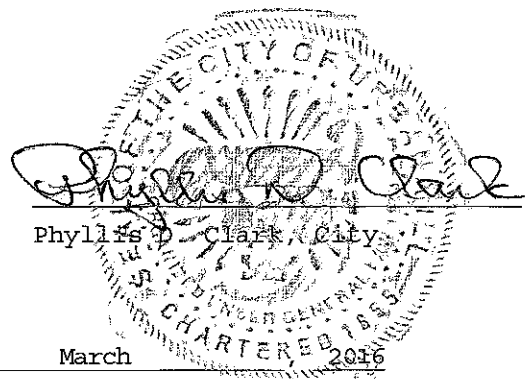
PASSED by the City Council on this 21st day of March, 2016.

AYES: Brown, Jakobsson, Madigan, Marlin, Roberts

NAYS:

ABSTAINS:

RECUSE: Smyth



APPROVED BY THE MAYOR this 23rd day of, March

Laurel Lunt Prussing
 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 21st day of March, 2016, the City Council of the City of Urbana passed and approved Ordinance No. 2016-03-021, entitled:

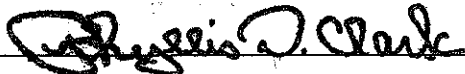
AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW A FRONT CANOPY THAT WILL ENCROACH SEVEN FEET INTO THE REQUIRED FRONT YARD IN THE CITY'S B-1, NEIGHBORHOOD BUSINESS DISTRICT, AT 303 WEST GRIGGS STREET / ZBA CASE NO. 2016-MAJ-01)

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

The pamphlet form of Ordinance No. 2016-03-021 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 23rd day of March, 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 23rd day of March, 2016.




Phyllis D. Clark, City Clerk