

ORDINANCE NO. 2021-03-009

**AN ORDINANCE APPROVING A MAJOR VARIANCE
(Garage at 213 W. Illinois St. / ZBA Case No. 2020-MAJ-09)**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

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, Gary Apfelstadt has submitted a petition for a major variance to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on February 18, 2021, in ZBA Case No. 2020-MAJ-09; 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 four (4) ayes and one (1) nay to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

WHEREAS, the City Council finds that the requested variance conforms 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. The property is zoned R-2, Single-Family Residential Zoning District.
2. Gary Apfelstadt requests a major variance to allow a garage to be reconstructed in a required front yard, four feet from the west property line at 213 West Illinois Street.
3. The variance will not serve as a special privilege to the property owner, as the property is a corner lot, and the narrow lot configuration creates a practical difficulty in rebuilding the garage 15 feet from the front property line.
4. The variance was not the result of a situation knowingly created by the applicant, as the garage has been on the property since before the applicant purchased it, and the lot was platted in 1900 to be narrower than required today.
5. The variance will not alter the essential character of the neighborhood, as the garage will be rebuilt in generally the same location, in a style that matches the dwelling.
6. The variance will not cause a nuisance to adjacent property owners, as the garage will be rebuilt in its same location, as far from Cedar Street as possible, where it has not been a nuisance the adjacent properties.
7. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, because the property owner would like to retain the existing garden.

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

Section 1.

In ZBA Case No. 2020-MAJ-09, the major variance requested by Gary Apfelstadt, to allow a garage to encroach 11 feet into a required 15-foot front yard at 213 West Illinois Street, is hereby approved in the manner proposed in the application with the following condition: that the garage generally conforms to the site plan in Attachment A. The major variance described above shall only apply to the property located at 213 West Illinois Street, more particularly described as follows:

The West 50 feet of Lot 12 in James S. Busey's Addition to Urbana, Illinois as per Plat recorded in Deed Record "D" at Page 282, situated in Champaign County, Illinois.

Commonly known 213 West Illinois Street, Urbana, Illinois 61801
P.I.N.: 92-21-17-186-001

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 ____ day of _____, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2021.

Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly appointed and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the _____ day of _____, 2021, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled “An Ordinance Approving Major Variances (Garage at 213 W. Illinois St. / ZBA-2020-MAJ-09)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2021, 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 _____ day of _____, 2021.