

**AN ORDINANCE
APPROVING A GENERAL VARIANCE
TO REDUCE THE MINIMUM REQUIRED SETBACK
FOR A ROOM ADDITION TO THREE FEET EIGHT INCHES (3'8")
AT 511 W. PENNSYLVANIA, URBANA, ILLINOIS**

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where the strict application of the Zoning Ordinance may cause hardships in situations where other permitted variances are not adequate; and

WHEREAS, the owners of the subject property, Gabriel and Pam Fernandez, submitted a petition requesting a general variance to allow a room addition to be built with a three foot, eight inch (3'8") setback along the property's Orchard Street frontage; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-93-GV-1; and

WHEREAS, after due publication in accordance with Section XI-3 entitled "Board of Zoning Appeals" of the Zoning Ordinance and Chapter 24, Section 11-13-6 of the Illinois Revised Statutes, the Urbana Zoning Board of Appeals held a public hearing on the proposed amendment on April 27, 1993; and

WHEREAS, after due and proper consideration of the petitioner's application, staff's report, and based on the testimony and evidence presented at the public hearing, the Board determined findings of fact which are set forth therein; and

WHEREAS, more than two-thirds of the members of the Urbana Zoning Board of appeals present at the public hearing voted to forward the general variance described herein to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council finds that the evidence and findings of fact as determined by the Urbana Zoning Board of Appeals support the granting of the variance, and that said variance will be in harmony with the general purpose and intent of the Urbana Zoning Ordinance and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, that:

The general variance requested by Gabriel and Pam Fernandez in Case #ZBA-93-GV-1 is hereby approved to reduce the required setback for a room addition to be built at 511 W. Pennsylvania Avenue, Urbana, Illinois, to three feet, eight inches (3'8").

The Council's decision is based upon the following findings of fact, as determined by the Urbana Zoning Board of Appeals:

1) The waiver will be in harmony with the general purpose and intent of the Zoning Ordinance.

2) It will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

3) Special conditions and circumstances exist at the site, given that the structure was built with a three foot, eight inch (3'8") setback along Orchard Street prior to the existence of any zoning ordinance provisions in the City of Urbana.

4) The visual vistas along Orchard Street on the relevant block face will not be adversely effected by the proposed addition due to the current setback of other existing structures.

5) The scale of the proposed addition will not result in a significant visual increase in the height nor bulk of the existing structure.

6) The existing structures on the subject property are situated in a manner which would result in a great reduction of usable open space at the site if the proposed addition were required to be built at a twenty-five foot (25') setback.

7) The special conditions, circumstances, and hardship are not the result of the actions of the applicant.

8) The variance requested is necessary due to special conditions and circumstances relating to the structures involved which are not generally applicable to other lands or structures in the same district so that the proposed variance will not serve as a special privilege, but will alleviate a demonstrable and unusual hardship.

The general variance described above shall only apply to the property located at 511 W. Pennsylvania, Urbana, Illinois, the legal description of which is set forth as follows:

Part of the E 1/2 of the SW 1/4 of Section 17,
Township 19 North, Range 9 East of the Third Principal
Meridian, described as:

Lot 10, Block 2 of the Hubbard Terrace
Subdivision, all situated in Cunningham Township,
Champaign County, Illinois.

This Ordinance shall be in full force and effect from and
after its passage and publication in accordance with the terms of
Section 1-2-4 of the Illinois Municipal Code.

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 the terms of Section
1-2-4 of the Illinois Municipal Code. The City Clerk is
directed to notify the petitioner of the decision of the City
Council in this matter."

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 3rd day of May,
1993.

PASSED by the City Council on this 3rd day of May,
1993.

The seal of the City of Urbana, Illinois, is circular with a double border. The outer border contains the text "CITY OF URBANA, ILLINOIS" at the top and "SEAL OF 1878" at the bottom. The inner border contains "HARTER" on the right and "1878" on the left. In the center is a smaller seal with a star and the text "CITY OF URBANA, ILLINOIS".
Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 14th day of May,
1993.

Tod F. Satterthwaite
Tod F. Satterthwaite, 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 3rd day of May, 1993, the corporate authorities of the city of Urbana passed and approved Ordinance No. 9293-106 entitled, "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED SETBACK FOR A ROOM ADDITION TO THREE FEET, EIGHT INCHES (3'8") AT 511 W. PENNSYLVANIA, URBANA, ILLINOIS."

The pamphlet form of Ordinance No. 9293-106 was prepared and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of May, 1993, 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 27th day of May, 1993.



Phyllis D. Clark, City Clerk