

ORDINANCE NO. 9495-42

**AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM
REQUIRED FRONT YARD SETBACK FOR A HOUSE ADDITION AT 1101 S.
ORCHARD STREET, 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 strict application of the Zoning Ordinance may cause hardships in situations where other permitted variances are not adequate; and

WHEREAS, the owner of the subject property, David Sutton, submitted a petition requesting a general variance to allow an addition to his house to be built with a 19.9 foot setback from the property's Ohio Street frontage rather than the 34.8 foot average setback required by the Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-94-GV-1; and

WHEREAS, after due publication in accordance with Section XI-7 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 general variance on October 27, 1994; and

WHEREAS, after due and proper consideration of the petitioner's application, staff's report, and based on 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 request described herein to the Urbana City Council with a recommendation of 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 purposes and intent of the Urbana Zoning Ordinance and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise be injurious or detrimental to the public welfare.

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

Section 1

The general variance requested by David Sutton in Case #ZBA-94-GV-1 is hereby approved to reduce the required front yard setback along Ohio Street for a two-story addition to the house at 1101 S. Orchard Street to nineteen and nine tenths feet, (19.9 feet).

Section 2

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

- 1) The general variance 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 be injurious or detrimental to the public welfare.
- 3) The variance is necessary because development on the subject property is restricted by a combination of special circumstances or conditions not generally applicable to properties in the R-2 District including the following:
 - A) The property's very narrow lot width, measured from north to south, is treated as a lot depth for purposes of the required front yard setback along Ohio Street.
 - B) There is a substantial disparity between that lot width and the average lot depth of the other properties in the block face along Ohio Street.
- 4) Strict application of the required front yard setback from Ohio Street will deprive the petitioner of rights commonly enjoyed by other property owners in the City's R-2 District, namely the right to construct a reasonably scaled addition on to his house that does not significantly conflict with sight lines of surrounding properties or the character of the neighborhood.
- 5) The scale of the proposed addition will not conflict with the character of the neighborhood.
- 6) The proposed addition will not significantly interfere with the sight lines of neighboring properties.

7) The special conditions, circumstances and hardships in this case are not the result of any actions of the petitioner.

Section 3

The general variance described above shall only apply to the property located at 1101 S. Orchard Street, Urbana, Illinois, the legal description of which is set forth as follows:

Lot forty Five (45) in the Lincoln Place Subdivision in the City of Urbana, being part of the North West Quarter of the South West Quarter of Section Seventeen, Township Nineteen North Range, Nine East of the Third Principal Meridian, in Champaign County, Illinois.

Section 4

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).

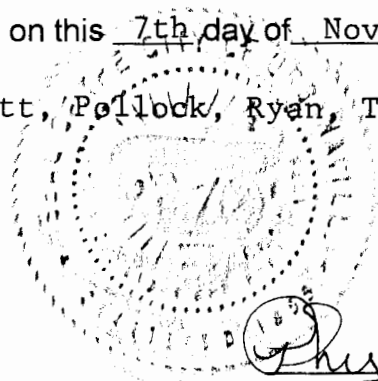
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7th day of November, 1994.

PASSED by the City Council on this 7th day of November, 1994.

AYES: Hayes, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

ABSTAINED:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 18th day of November, 1994.

Tod Satterthwaite
Tod Satterthwaite, Mayor



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM

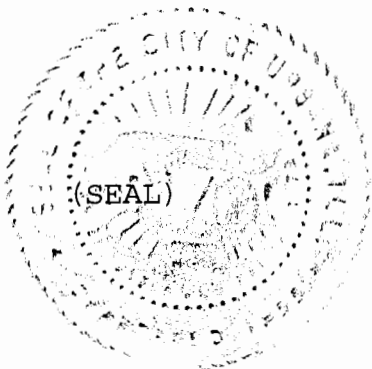


I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 7th day of November, 1994, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-42, entitled "An Ordinance Approving A General Variance To Reduce The Minimum Required Front Yard Setback For A House Addition At 1101 S. Orchard Street, Urbana, Illinois", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9495-42 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 14th day of November, 1994, 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 14th, day of November, 1994.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
By Deborah J. Roberts, Deputy Clerk.