

ORDINANCE NO. 9798-4

AN ORDINANCE
APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED
FRONT YARD SETBACK FROM 15 FEET TO 5 FEET
(1109 N. Harvey -- Case No. ZBA-97-GV-3)

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 situations where other permitted variances are not adequate; and

WHEREAS, the owner of the subject property, Sterling Atkins, has submitted a petition requesting a general variance to allow the construction of a garage to the side and rear of house, which sits on a corner lot, with a 5 foot setback rather than the required 15 foot setback; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 97-GV-3; and

WHEREAS, after due publication in accordance with Section IX-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 (ZBA) held a public hearing on the proposed general variance on June 18, 1997; 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 agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a general variance:

1. The variance requested is necessary due to special conditions and circumstances relating to the land or structure involved, or to the use or occupancy thereof, 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 some demonstrable and unusual hardship.
 - a. The north-south dimension is narrowed by one of two average front yard setbacks.
 - b. One intent of the setback requirement is to insure an uninterrupted sight line along the entire length of a block face. However, the only other structure on the same block face as the subject property is a commercial building with large plantings and a fence that extend to the front property line.

THIS ORDINANCE CONSISTS OF 3 PAGES.

Initials SR

2. Literal interpretation of the provisions of this Ordinance would impose a hardship by depriving the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of the Zoning Ordinance.
 - a. The granting of the variance request would allow the petitioner to construct a garage. Without the variance, he would not have enough buildable area to construct the garage.
 - b. Many of the other homes in the area have garages.
3. The special conditions, circumstances or hardships are not the result of the actions of the applicant.

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

The general variance request by Sterling Atkins in Case #ZBA-97-GV-3 is hereby approved to reduce the required front yard setback at 1109 N. Harvey, Urbana, Illinois from 15 feet to 5 feet to allow the construction of an addition onto to the side and rear of the house, which is located on a corner lot, in the manner proposed in the application for the general variance in that case.

The general variance described above shall only apply to the property located at 1109 N. Harvey, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 21 in O.A. Frailey Sub

PERMANENT PARCEL #: 91-21-07-276-009

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).

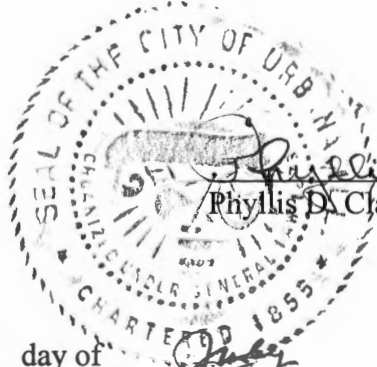
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7th day of July, 1997.

PASSED by the City Council this 7th day of July, 1997.

AYES Hayes, Huth, Kearns, Patt, Taylor, Wyman

NAYES _____

ABSTAIN _____



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of July, 1997.

James H. Hayes, Jr.

Tod Satterthwaite, Mayor
(James H. Hayes, Jr., Mayor Pro-tem)

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CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM

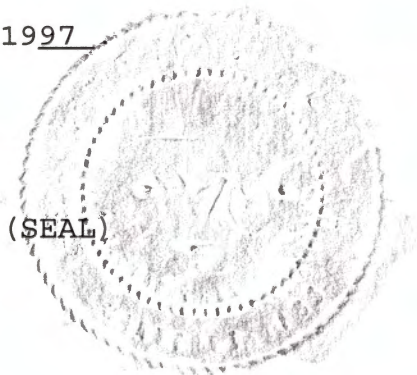


I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 7th day of July, 1997, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9798-4, entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED FRONT YARD SETBACK FROM 15 FEET TO 5 FEET (1109 N. HARVEY--CASE NO. ZBA-97-GV-3)", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9798-4 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of July, 1997, 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 17th, day of July, 1997



Phyllis D. Clark

Phyllis D. Clark, City Clerk
by Robert