

ORDINANCE NO. 9798-56

AN ORDINANCE

APPROVING A GENERAL VARIANCE TO REDUCE THE REQUIRED FRONT YARD
SETBACK TO PERMIT THE ENCLOSURE OF A PORCH

(1009 ½ N. Berkley Avenue-- Case No. ZBA-97-GV-7)

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, Robert Price, has submitted a petition requesting a general variance to allow the enclosure of porch with a 26.52 foot setback instead of a 19.67 foot setback; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 97-GV-7; 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 September 25, 1997, and the ZBA by vote of two thirds of its members recommended to the City Council approval of the requested variance; 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 granting of the variance will be in harmony with the general purpose and intent of the Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare for the following reasons:
 - a. One intent of the setback requirement is to insure an uninterrupted sight line along the entire length of a block face. Although enclosing the porch will decrease the existing front yard setback at the subject property from 26.83 feet to 19.67 feet, the current footprint of the existing porch will not be increased.

THIS ORDINANCE CONSISTS OF 3 PAGES.

Initials SR

- b. Enclosing the porch without changing the current footprint will cause the house to encroach 6.85 feet into the required front yard setback, however, this will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.
2. The variance requested will not serve as a special privilege, but will alleviate some demonstrable and unusual hardship that is the result of the following special conditions and circumstances relating to that 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 because the property is already narrow.
 - a. The subject lot, which is legally nonconforming because it was created prior to the installation of the Urbana Zoning Ordinance, is slightly greater than half of what is required to be a conforming lot in the R-3 Zoning District.
 - b. The buildable area of the subject lot is slightly greater than half of what is required to be a conforming lot in the R-3 Zoning District.
 - c. The hardship was not created by the petitioner.
3. The proposed addition will be in harmony with the neighborhood.

The other homes on the same block face vary in whether or not they contain an unenclosed porch or no porch at all.

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

The general variance request by Robert Price in Case #ZBA-97-GV-7 is hereby approved to reduce the required front yard setback 25.8 percent (from 26.52 feet to 19.67 feet) to permit the enclosure of a porch, 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 1009 ½ N. Berkley, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: The N ½ of Lot 17 in Urbana Heights Addition to Urbana, as per plat recorded in Plat Book "C", at Page 36, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-08-255-006

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).

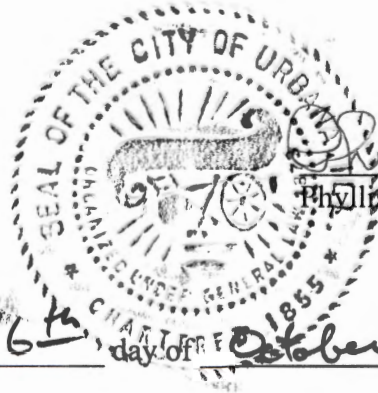
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of October, 1997.

PASSED by the City Council this 6th day of October, 1997.

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

NAYES _____

ABSTAIN _____



Phyllis D. Clark
Phyllis D. Clark, City Clerk

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

Tod Satterthwaite
Tod Satterthwaite, Mayor



City of Urbana
400 South Vine Street
Urbana, IL 61801
(217)384-2362
FAX (217)384-2301

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

"AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO PERMIT THE ENCLOSURE OF A PORCH (1009½ N. BERKLEY AVENUE - CASE NO. ZBA-97-GV-7)" [Ord. No. 9798-56]

approved by the City Council of the City of Urbana, Illinois, on the 6th day of October, AD, 1997, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 9th day of September, AD, 1999.

(SEAL)

Phyllis D. Clark

Phyllis D. Clark, City Clerk
by Robert J. Roberts
Deputy Clerk

*Certified copy given to Kim Pester
at Com. Law. Sec. for recording.*

*Robert
9-9-99*

