

ORDINANCE NO. 9798-132

AN ORDINANCE
APPROVING A GENERAL VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE
ENCROACHMENT INTO THE REQUIRED FRONT YARD SETBACK
(1403 Adams -- Case No. ZBA-98-GV-2)

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, Chris von Holten, the owner of the subject property, 1403 Adams in Urbana, Illinois, has submitted a petition requesting a 37.5 percent general variance to allow the construction of an open porch to encroach eight feet into the required front yard setback, three feet greater than the amount of an encroachment allowable by the Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 98-GV-2; 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 May 28, 1998; 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 of the following reasons:
 - a. Although the proposed porch will encroach further into the required front yard setback than was deemed appropriate by the Urbana Zoning Ordinance, the encroachment may not be unreasonably injurious to the neighborhood because there are only two houses on the subject block face.
 - b. One intent of the setback requirement is to insure an uninterrupted sight line along the entire length of a block face. The proposed porch will encroach further into the required front yard setback than was deemed appropriate by the Urbana Zoning

Ordinance. A additional three foot encroachment does not constitute a significant impact.

2. The proposed porch will be in harmony with the neighborhood. The occurrence of porches in the subject neighborhood varies.
3. 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.

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

The general variance request by Chris von Holten, the owner of the subject property in Case #ZBA-98-GV-2 is hereby approved to allow a 37.5 percent general variance to allow the construction of an open porch to encroach eight feet into the required front yard setback, three feet greater than the amount of an encroachment allowable by the Zoning Ordinance in a manner proposed in the application.

The general variance described above shall only apply to the property located at 1403 Adams, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 13 in Block 13 of Champaign-Urbana Amvets Homestead Association Subdivision, as per plat recorded in Book "K" at page 33, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-16-459-013

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 15th day of June, 1998.

PASSED by the City Council this 15th day of June, 1998.

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

NAYES _____

ABSTAIN _____


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 6th day of July, 1998.


Tod Satterthwaite, Mayor

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