

ORDINANCE NO. 9798-80

AN ORDINANCE
APPROVING A GENERAL VARIANCE

(TO REDUCE THE REQUIRED FRONT YARD SETBACK TO ALLOW FOR THE
CONSTRUCTION OF A FENCE AT 411 E. WASHINGTON STREET
CASE NO. ZBA-97-GV-10)

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 owners of the subject property, Peter Borich and Carrie May-Borich, have submitted a petition requesting a general variance to allow the construction of a fence with a zero foot setback instead of the required 16.5 foot setback; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 97-GV-10; 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 January 7, 1998, 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 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 east-west dimension of the property is 52 feet, eight feet less than the minimum required.

THIS ORDINANCE CONSISTS OF 3 PAGES.

initials BR

- b. The east-west dimension of the property is narrowed further by one of two average front yard setbacks.
2. The proposed fence will be in harmony with the neighborhood because the house immediately east of the subject property on another block face, contains a hedge which reaches to the property line and interrupts the site line.
3. Although the subject side of 411 E. Washington is a side yard in practice, it is defined as a front yard by the zoning ordinance because it is a corner lot. If the subject property were not a corner lot, then the side in question would not be considered a front yard, and a variance would not be necessary to construction the proposed fence.

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

The general variance request by Peter Borich and Carrie May-Borich in Case #ZBA-97-GV-10 is hereby approved to reduce the required front yard setback off of Maple 100 percent (from 16.5 feet to 0 feet) to permit the construction of a fence, 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 411 E. Washington, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: LOT 12 IN CHERRY AND BARRICK ADDITION TO THE CITY OF URBANA, AS PER PLAT RECORDED IN PLAT BOOK "E" AT PAGE 41, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS

PERMANENT PARCEL #: 93-21-17-426-014

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).

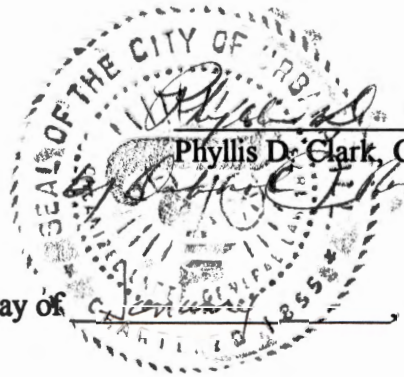
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of January, 1998.

PASSED by the City Council this 20th day of January, 1998.

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

NAYES _____

ABSTAIN _____



Phyllis D. Clark

Phyllis D. Clark, City Clerk

Phyllis D. Clark, Deputy Clerk

APPROVED by the Mayor this 30th day of January, 1998.

Tod Satterthwaite

Tod Satterthwaite, Mayor

c:\...97gv10.ord



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 20th day of January, 1998, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9798-80, entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE (TO REDUCE THE REQUIRED FRONT YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A FENCE AT 411 E. WASHINGTON STREET - CASE NO. ZBA_97-GV-10)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9798-80 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 2nd day of February, 1998, 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 2nd, day of February, 1998.

(SEAL)



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