

ORDINANCE NO. 1999-08-080

AN ORDINANCE APPROVING A GENERAL VARIANCE

(Reduction of the required side yard setback in the City's R-2, Single-Family Residential Zoning District, from five feet to zero feet / 407 and 409 W. Oregon Street - Case No. ZBA-99-GV-4)

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 hardship situations where other permitted variances are not adequate; and

WHEREAS, Trent Shepard, the owner of 407 W. Oregon Street and co-owner of 409 W. Oregon Street, has submitted a petition requesting a general variance to allow the reduction of the required side yard setback from five feet to zero feet for both properties; and

WHEREAS, the variance is requested so a shared garage can be reconstructed on the subject lots; and

WHEREAS, the properties are located at 407 and 409 W. Oregon Street, Urbana, IL 61801 in the City's R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 99-GV-4; 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 July 15, 1999, 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 proposed garage does satisfy the criteria for an Accessory Structure (Section V-2.C) and therefore is in harmony with the intent of the Urbana Zoning Ordinance.
2. The proposed garage will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare because it is

customarily incidental to the existing residential structures and it is a compatible building and use within the zoning district.

3. The variance is reasonable in part because the new garage is a replacement of an existing garage, and the reinvestment will help maintain the single-family residential character of the neighborhood.
4. The strict application of the Zoning Ordinance imposes a hardship on the petitioner. The hardship is the denial of the petitioner's right to reconstruct a garage, a right commonly and customarily associated with single-family residences.
5. The narrow lot widths and placement of the single-family structures cause the hardship. Both lots are legally nonconforming to the current 60' minimum width standards.
6. The hardship can be relieved by granting the variance in the side yard setbacks without providing a special privilege to the petitioner.
7. The petitioner did not create the nonconformity therefore did not create the hardship.

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

The general variance request by Trent Shepard in Case #ZBA-99-GV-4 is hereby approved to allow the reduction of the required side yard setback on the east side of the lot located at 407 W. Oregon Street and on the west side of the lot located at 409 W. Oregon Street in the City's R-2, Single-family Residential Zoning District from five feet to zero feet, in the manner proposed in the application for the general variance in that case.

The general variance described above shall only apply to the properties located at 407 and 409 W. Oregon Street, Urbana, Illinois, more particularly described as follows:

LOCATED AT: 407 W. Oregon Street  
PERMANENT PARCEL #: 92-21-17-180-004  
LEGAL DESCRIPTION:

Tract 1:

Commencing at a point which is on the South line of Oregon Street and is the center line of a vacated alley between Lots 3 and 4 of Noel's Subdivision of Lot 8 of J.S. Busey's Addition of out lots, thence in a Southerly direction along the center line of the vacated alley 150.75 feet to the center line of a 12 foot alley, thence in a Westerly direction along the center line of the 10 foot alley 52.02 feet, thence in a Northerly direction 150.75 feet to the South line of Oregon Street, thence in an Easterly direction along the South line of Oregon Street 51.57 feet to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

Tract II:

Party driveway, garage rights and easement over and upon a portion of Lot 4 in the East 1/2 of Lot 5 of Noel's Subdivision of out Lot 8 in James A. Busey's Addition of out lot to the Town of Urbana, as provided in agreement dated April 28, 1950 and recorded May 15, 1950 in Book 305 at Page 589, as Document 457810.

LOCATED AT: 409 W. Oregon Street  
PERMANENT PARCEL #: 92-21-17-180-003  
LEGAL DESCRIPTION:

Lot Four (4) and the East Half (E1/2) of Lot Five (5) of Noel's Subdivision of Lot Eight (8) of J.S. Busey's Addition of Out Lots to Urbana, except the following described premises:

Commencing at a point which is on the South line of Oregon Street and is the center line of a vacated alley between Lots Three (3) and Four (4) of Noel's Subdivision of Lot Eight (8) of J.S. Busey's Addition of Out Lots, thence in a Southerly direction along the center line of the vacated alley 144.75 feet to the North line of a 12 foot alley, thence in a Westerly direction along the North line of the 12 foot alley 52.02 feet, thence in a Northerly direction 144.75 feet of the South line of Oregon Street, thence in an Easterly direction along the South line of Oregon Street 51.57 feet to the point of beginning in the City of Urbana, and all of the Vacated alley abutting said premises on the South, in Champaign County, Illinois.

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 2nd day of August, 1999.

PASSED by the City Council this 2nd day of August, 1999.

AYES Hayes, Kearns, Patt, Whelan, Wyman

NAYS \_\_\_\_\_

ABSTAIN \_\_\_\_\_



APPROVED by the Mayor this 3<sup>rd</sup> day of August, 1999.

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.

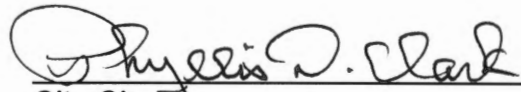
I certify that on the 2nd day of August, 1999, the  
Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 1999-08-080, entitled:

**"AN ORDINANCE APPROVING A GENERAL VARIANCE  
(REDUCTION OF THE REQUIRED SIDE YARD SETBACK  
IN THE CITY'S R-2, SINGLE-FAMILY RESIDENTIAL  
ZONING DISTRICT, FROM FIVE FEET TO ZERO FEET  
407 AND 409 W. OREGON STREET - CASE NO. ZBA-  
99-GV-4) "**

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

The pamphlet form of Ordinance No. 1999-08-080 was  
prepared, and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 6th day of August, 1999, and continuing  
for at least ten (10) days thereafter. Copies of said Ordinance were also available for  
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 6th day of August,  
1999.

  
\_\_\_\_\_  
City Clerk

