

ORDINANCE NO. 1999-09-087

AN ORDINANCE
APPROVING A MAJOR VARIANCE TO REDUCE THE MINIMUM REQUIRED
SIDE YARD SETBACK FROM 5 FEET TO 0 FEET
(306 W. Nevada -- Case No. ZBA-99-GV-6)

WHEREAS, the Zoning Ordinance provides for a major 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 practical difficulties where other permitted variances are not adequate; and

WHEREAS, the owner of the subject property, Lois Steinberg, has submitted a petition requesting a major variance to allow the construction of an addition to the rear of the house at 306 W. Nevada, which sits on the western edge of an unusually narrow lot, with no setback; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 99-GV-6 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 major variance on August 12, 1999; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major 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 a major variance:

1. Strict application of the side yard setback requirement to the subject parcel would impose a special practical difficulty because the lot is unusually narrow and the existing structure on the lot, a single-family home, is built on the property line with no setback.
2. The granting of the variance would not serve as a special privilege because the unusually narrow (legally nonconforming) lot makes the petitioner's situation unique.
3. The need for the variance request is not the result of a situation that was knowingly or deliberately created by the Petitioner because the addition is an expansion of situation that was created prior to the Petitioner's purchase of the subject property.

4. The proposed variance will not alter the essential character of the neighborhood because it will not be visible from the public street and it represents a continuance of an existing situation.
5. The proposed variance will not cause a nuisance to adjacent property provided that the property to the west, 308 W. Nevada, be given equal consideration for a zero setback variance.
6. The proposed variance represents the minimum deviation from the requirements of the Zoning Ordinance necessary to accommodate the request because design alternatives are not practical with respect to design and cost.

WHEREAS, the City Council has determined, based upon the record in the matter of this Petition for a major variance relating to 306 West Nevada, that the same factors justifying a major variance in this matter also affect the property commonly known as 308 West Nevada and may warrant the granting of a major variance if such is applied for on behalf of 308 West Nevada.

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

The general variance request by Lois Steinberg in Case #ZBA-99-GV-6 is hereby approved to reduce the required side yard setback on the west side at 306 W. Nevada, Urbana, Illinois from five (5) feet to zero (0) feet to allow the construction of an addition in the manner proposed in the application for the major variance in that case.

The major variance described above shall apply only to the property located at 306 W. Nevada, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: The East 1/2 of Lot 7 of Rollin Whitcomb's subdivision of outlot 9 of J.S. Busey's addition of outlots to the City of Urbana, as per plat recorded in deed record "1" at page 163, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-17-184-013

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 20th day of September, 1999.

PASSED by the City Council this 20th day of September, 1999.

AYES Hayes, Kearns, Patt, Taylor, Wynn

NAYES _____

ABSTAIN _____

APPROVED by the Mayor this 4th day of October, 1999.

