

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Reduction of the required open space ratio in the City's R-3, Single And Two Family Residential Zoning District, from 0.40 to 0.17 at 601 South Anderson Street -- Case No. ZBA-00-MAJ-4)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, David Kovacic, has submitted a petition requesting a major variance to allow the reduction of the required open space ratio from 0.40 to 0.17 at 601 South Anderson Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-00-MAJ-4; and

WHEREAS, after due publication in accordance with Section XI-10 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 August 10, 2000, and the ZBA, by a vote 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 major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.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 major variance:

1. There are special practical difficulties due to the fact the actual front yard of the lot cannot be used in the calculation of the required open space ratio because it is less than 15-feet in width. The structure was built only 13.7 feet from the right-of-way of Anderson Street. The current regulations require a 15-foot setback. If the structure was not legally non-conforming and had been built 15-feet from the right-of-way line on Anderson Street, the area could be used in the calculation and the open space ratio variance would not be needed.
2. The requested variance does not serve as a special privilege because the lot contains less area than required in the R-3 district and the existing front yard setback is less than 15-feet which is required in order for the front yard to be calculated as open space.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The petitioner was aware of the requirements of the Zoning Ordinance and consulted with the Urbana Building Safety Team.
4. The request will not alter the essential character of the neighborhood because the variance would be generally consistent with other lots in the immediate vicinity.
5. The variance would not cause a nuisance to the adjacent property. The petitioner is building the porch now and the only provision that the open space ratio variance would allow is for the porch to be enclosed. The garage can be built with or without the variance. Whether the porch is open or enclosed, it should not be detrimental to the neighbors or the district in general.

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is only requesting the amount of variance needed to accommodate the proposed 180-square foot room addition.

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

The major variance request by David Kovacic, in Case #ZBA-00-MAJ-4 is hereby approved to allow the reduction of the required open space ratio in the City's R-3, Single And Two Family Residential Zoning District, from 0.40 to 0.17 at 601 South Anderson Street, in the manner proposed in the application for the major variance in that case, and that the following is a condition of that approval:

1. The petitioner obtain approval from the City Engineer for the closure of the existing curb cut on Anderson Street and the location of a new one.

The major variance described above shall only apply to the property located at 601 South Anderson Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 500 Sub of Lot 3 Webber's Addition as per plat recorded in Book "C" Page 41-42 in the Champaign County Recorder's Office, Champaign, Illinois.

PERMANENT PARCEL #: 92-21-17-283-005

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).

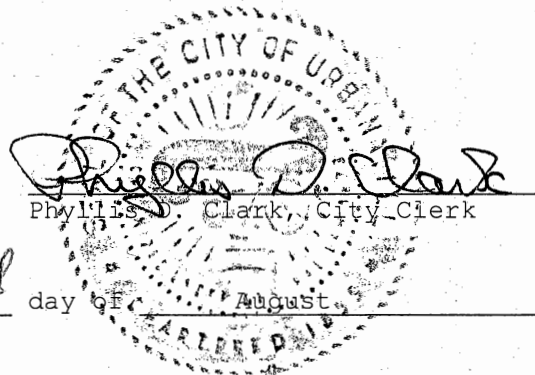
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21<sup>st</sup> day of August, 2000.

PASSED by the City Council this 21<sup>st</sup> day of August,  
2000.

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

NAYS:

ABSTAINS:



APPROVED by the Mayor this 22<sup>nd</sup> day of August,  
2000.

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 21st day of August, 2000,  
the Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 2000-08-098, entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE  
(Reduction of the required open space ration in the City's  
R-3, Single Family And Two-Family Residential Zoning  
District, from 0.40 to 0.17 at 601 South Anderson Street Road  
– Case No. ZBA-00-MAJ-4)**

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

The pamphlet form of Ordinance No. 2000-08-098 was  
prepared, and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 27th day of August, 2000, 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 27th day of August,  
2000.

  
City Clerk

