

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction Of The Front yard Setback In The City's R-5, Medium High Density Multiple Family Residential Zoning District, From 23.5-feet to 15-feet / 201 S. Grove Street -- Case No. ZBA-01-MAJ-1)

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, Chet Frederick, has submitted a petition requesting a major variance to allow the reduction of the required front yard setback on the north side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-1; 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 major variance on February 13, 2000, and the ZBA by a unanimous vote of its members recommend 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. The special practical difficulty is that the building was built with the understanding that only a 15-foot variance would be required. At this time the building is out of compliance with the zoning ordinance and the only way to bring it into compliance without the variance would be to demolish it or to move it 8.5-feet south on the lot.

2. The granting of the variance would not serve as a special privilege because while the setback may not be consistent with the requirements of the zoning ordinance, it is consistent with the variety of setbacks already evident in the immediate neighborhood.

3. The petitioner had approval from city staff to build the structure in its current location only to later find out that a staff error necessitated the need for a variance.

4. The neighborhood contains a variety of building setbacks ranging from very shallow to deep. While this setback is not consistent with the immediately adjacent properties, overall it is consistent with the setbacks of the neighborhood as a whole.

5. There is a significant evergreen buffer between site and the neighboring structure which greatly mitigates any negative impact this variance may create. Even without the vegetative buffer, the reduced setback should not be a nuisance to the adjacent property.

6. The proposed variance represents the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

WHEREAS, the City Council, based on the case record, had determined that the addition of a landscape screen on the north side of the building will minimize the impact of the variance on neighboring properties and therefore moved that said landscape screen be a condition of approval; and

WHEREAS, the City Council also directed city staff to reach a cost sharing agreement with the property owner for said landscaping; and:

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

The major variance request by Chet Frederick, in Case #ZBA-01-MAJ-1 is hereby approved to allow the reduction of the required front yard setback along Elm Street in the R-5, Medium High Density Multiple Family Residential Zoning District from 23.5 feet to 15 feet, in the manner proposed in the application for the major variance in that case with the condition that a landscape screen be installed on the north side of the structure and that the city enter into a cost sharing agreement with the developer for said landscaping.

The major variance described above shall only apply to the property located at 201 S. Grove Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 1 in Block 4 in James Thorpe's Addition to the City of Urbana, otherwise known as Thorpe's Place, as per plat recorded in Plat Book "A" at Page 193, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-17-235-007

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 19th day of February, 2001.

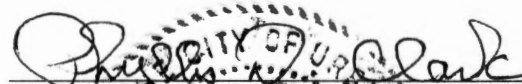
PASSED by the City Council this 19th day of February,
2001.

AYES: Hayes, Huth, Kearns, Patt, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 2nd day of March,
2001.


Phyllis O. Clark, City Clerk



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 19th day of February, 2001, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2001-02-013, entitled:

**"AN ORDINANCE APPROVING A MAJOR VARIANCE
(REDUCTION OF THE FRONT YARD SETBACK IN THE
CITY'S R-5, MEDIUM HIGH DENSITY MULTIPLE FAMILY
RESIDENTIAL ZONING DISTRICT, FROM 23.5 FEET TO
15 FEET / 201 S. GROVE STREET - CASE NO. ZBA-01-
MAJ-1)"**

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

The pamphlet form of Ordinance No. 2001-02-013 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 6th day of March, 2001, 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 March,

2000.



Phyllis D. Clark
City Clerk by *Robert J. Robert*
Deputy Clerk