

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(Reduction Of The Required Side Yard Setback
In The City's R-2, Single Family Residential Zoning District,
From Five Feet to Two Feet / 105 W. Florida Avenue -- Case No. ZBA-01-MAJ-2)**

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, Susan Pryde, has submitted a petition requesting a major variance to allow the reduction of the required side yard setback on the east side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-2; 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 March 15, 2001, 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. There are special circumstances related to the layout of the site. Although the lot is approximately 8,700 square feet, the house was built in the far southeast corner of the lot making any expansion or improvements nearly impossible without a variance for setback.

2. The proposed variance will not serve as a special privilege because the structure involved was originally built in an area on the lot which makes it difficult for conversion or expansion without a variance.

3. The proposed variance would not cause a negative impact to the immediate area because an existing garage is already built in this location. By converting the garage from an accessory use to a principal use, the setback requirement changes and the variance is needed although the petitioner is not proposing any expansion to the existing footprint of the garage structure, with the exception of an exterior staircase/landing to be constructed along the north side of the garage.

4. The proposal will not cause a negative impact to the neighboring properties because the adjacent properties will not realize any greater setback than is currently evident with the existing garage.

5. The proposal meets all other requirements established by the Urbana Zoning Ordinance including the requirement for the granting of a conditional use permit (Case #ZBA 01-C-2) to have two principal uses on one lot. On March 15, 2001, the Zoning Board of Appeals granted the conditional use permitting the establishment of a dwelling unit above the existing detached garage.

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

The major variance request by Susan Pryde, in Case #ZBA-01-MAJ-2 is hereby approved to allow the reduction of the required side yard setback from five feet to two feet. The variance shall only apply to the area along the east footprint of the existing concrete block detached garage as illustrated

in Exhibit "A". The variance does not apply to any addition to the footprint of the existing structure, with the exception of the exterior staircase/landing to be built along the north side of the garage for the proposed conversion to an accessory dwelling, as illustrated in Exhibit "B". Should the existing structure be removed for any reason, the variance shall expire and cannot be applied to a new structure.

The major variance described above shall only apply to the property located at 105 W. Florida Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 of the Raymond Subdivision as recorded at the Champaign County Recorders Office, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-20-201-009

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 16th day of April, 2001.


PASSED by the City Council this 16th day of April,
2001 .

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 25th day of April,
2001 .



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Robert [unclear]
Deputy Clerk
Tod Satterthwaite
Tod Satterthwaite, Mayor