

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction Of The Front yard Setback In The City's R-3, Single and Two-Family Residential Zoning District, From 25-feet to 15.5-feet / 501 E. Oakland Street -- Case No. ZBA-01-MAJ-5)

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 owners of the subject property, James and Sheryll Rauch, have 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-5; 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 May 17, 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 practical difficulties due to the house being built near the setback line, which does not allow the petitioner flexibility to locate the desired addition in an appropriate location in conformance with setback requirements.

2. The requested variance does serve as a special privilege because the proposed addition would encroach into the maximum setback requirement of 25 feet. The existing house with the proposed addition would be set back a slightly greater distance than the fifteen-foot minimum setback requirement, outside the block face average, for the R-3 district. In addition, the setback is greater than other structures in the area. The petitioners have determined that extending the room to the north is their only option. A contractor has indicated that extending the living room to the east would require replacing the entire roof.

3. The need for the variance has not yet been created. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance.

4. The requested variance will not alter the essential character of the neighborhood. The 10-foot depth of the proposed addition will not significantly disrupt visual continuity of the setbacks along Oakland Avenue. The variance would be generally consistent with other structures in the immediate vicinity. It would not be unreasonably injurious or detrimental to the general public.

5. The requested variance will not cause a nuisance to the adjacent property. The house is situated on a dead end street with two neighbors to the east. Due to the width of the lot, the house to the east is more than seventy feet from the proposed addition. The petitioners indicate they have spoken to the neighbors and they do not object to the proposed variance. There are no other homes which immediately abut the proposed addition.

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

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

The major variance request by James and Sheryll Rauch, in Case #ZBA-01-MAJ-5 is hereby approved to allow the reduction of the required front yard setback along Oak Street in the R-3, Single and Two-Family Residential Zoning District from 25 feet to 15.5 feet, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 501 E. Oakland Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 7 and the west half of lot six of William F. Tipton replat of lots 17 and 18 of a subdivision of the northeast quarter of Section 8, Township 19 north, range 9 east of the third principal meridian in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-08-278-001

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).

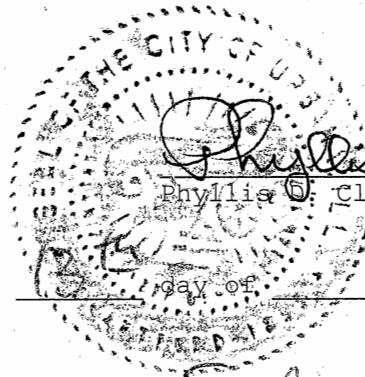
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 4th day of June, 2001.

PASSED by the City Council this 4th day of June, 2001.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 4th day of June, 2001.

Tod Satterthwaite
Tod Satterthwaite, Mayor