

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Construction Of A 768 Sq. Ft. Accessory Garage That Exceeds the 750 Sq. Ft. Floor Area Maximum In The City's R-4, Medium Density-Multiple Family Residential Zoning District - 916 East Water Street -- Case No. ZBA-01-MAJ-6)

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, Kory Trummer, has submitted a petition requesting a major variance to allow the construction of an accessory garage with a floor area of 768 square feet on his property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-6; 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 June 28, 2001, by a unanimous 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. The size of the lot relative to the size of the house will allow the floor area ratio and open space ratio of the property to be well within regulations even with the garage construction.
2. The requested variance does not serve as a special privilege because the location of the house on the narrow lot makes it impossible to construct an attached two-car garage of the permitted size.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. Because he need for the variance has not yet been created.
4. The variance will not alter the essential character of the neighborhood and will be generally consistent with other lots in the immediate vicinity.
5. The variance will not cause a nuisance to the adjacent property.
6. The 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 Kory Trummer, in Case #ZBA-01-MAJ-6 is hereby approved to permit the construction of a 768 Sq. Ft. accessory garage that exceeds the 750 Sq. Ft. floor area maximum in the City's R-4, Medium Density-Multiple Family Residential Zoning District. This variance shall apply so long as the structure is constructed in substantial conformance with the site diagram presented as part of the variance case.

The major variance described above shall only apply to the property located at 916 East Water Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 8 of NW Davis Second Addition to Urbana, Illinois, as per plat recorded in plat book "A" at page 294, situated in Champaign County, Illinois

PERMANENT PARCEL #: 91-21-09-354-008

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 July, 2001.

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

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



NAYS:

ABSTAINS:



Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 30th day of July,
2001 .

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.

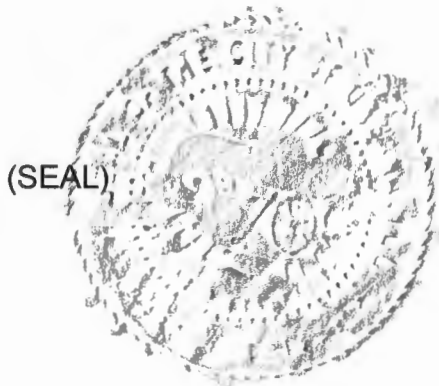
I certify that on the 16th day of July, 2001, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2001-07-079, entitled:

**"AN ORDINANCE APPROVING A MAJOR VARIANCE
(CONSTRUCTION OF A 768 SQ. FT. ACCESSORY
GARAGE THAT EXCEEDS THE 750 SQ. FT. FLOOR
AREA MAXIMUM IN THE CITY'S R-4, MEDIUM DENSITY
MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT –
916 EAST WATER STREET – CASE NO. ZBA-01-MAJ-6"**

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

The pamphlet form of Ordinance No. 2001-07-079 was prepared,
and a copy of such Ordinance was posted in the Urbana City Building commencing on
the 9th day of August, 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 9th day of August,
2001.



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