

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To allow the creation of two lots with less than the minimum lot area in the R-3, Single- and Two-Family Residential, Zoning District at 605 South Anderson Street and 608 East Oregon Street - Case No. ZBA-01-MAJ-12)**

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, Mary and Richard Crawford, have submitted a petition requesting a major variance to allow the creation of two lots with less than the minimum lot area on the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-12; 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 August 30, 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 is a special practical difficulty on the parcel due to the existence of two principal uses on the same lot, and the fact that the lot cannot be divided in a manner that would create two conforming lot sizes. The houses were constructed prior to current zoning ordinance and subdivision requirements. The lot is currently in excess of the required minimum size and is of typical rectangular configuration for the R-3 District. No additional construction is proposed on the property.

2. The nonconforming status of two principal uses on one lot creates a hardship on the petitioner, as the viability of each of the two residential uses is constrained by the existence of the other. The variance would improve the legal disposition of the ownership of the two homes and the parcel of land, and would allow the creation of two bona-fide subdivision lots, rather than joint use of a parcel of land. The requested variance would remove an existing nonconformity of two principal uses on a single lot and could also allow for improved conformity to the Urbana Subdivision and Land Development Code.

3. The need for the requested variance was not the result of a situation or condition having been knowingly or deliberately created by the petitioner. The condition existed prior to the petitioner's ownership of the parcel. The houses were constructed prior to current Zoning Ordinance and Subdivision Regulations. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance in order to create a minor subdivision of one lot into two lots.

4. The requested variance will not alter the essential character of the neighborhood. The general area currently contains a mix of single-family homes and duplexes. The property currently contains two single-family homes and the petitioner indicates no proposed construction on the lots. The requested variance would allow the lots to be used according to the permitted uses and requirements for the R-3, Single and Two-Family District. A duplex

would not be permitted on either of the proposed lots, as the Zoning Ordinance requires a minimum lot size of 6,000 square feet be maintained for a duplex to be allowed in R-3.

5. The requested variance will not cause a nuisance to the adjacent property. The petitioner indicates no construction is planned for the lot. The requested variance will not create a nuisance for the adjacent properties, as all setback requirements will be maintained under the proposed subdivision, and the existing houses are compatible uses in the R-3 zoning district.

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 Mary and Richard Crawford, in Case #ZBA-01-MAJ-12 is hereby approved to allow the creation of two lots with less than the minimum lot area (43% and 16% reduction) in the R-3, Single and Two-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 605 South Anderson Street and 608 East Oregon Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 6 and the East Half of Lot 7 of George G. Webber's Addition to Out Lots, Urbana, Illinois

PERMANENT PARCEL #: 92-21-17-283-008

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 special meeting of said Council on the 18<sup>th</sup> day of September, 2001.

PASSED by the City Council this 18<sup>th</sup> day of September, 2001.

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


NAYS:

ABSTAINS:



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 28<sup>th</sup> day of September, 2001.



Tod Satterthwaite  
Tod Satterthwaite, Mayor