

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To allow a 10-foot encroachment into the required 15-foot front yard setback in the R-2, Single Family Residential, Zoning District at 805 South Race Street - Case No. ZBA-01-MAJ-13)**

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, Maiko Covington, has submitted a petition requesting a major variance to allow a 10-foot encroachment into the required 15-foot front yard setback in the R-2, Single Family Residential Zoning District at 805 South Race Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-13; 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 are special practical difficulties due to the parcel being much smaller than the required minimum lot size of 6,000 square feet in the R-2 District. This lot size does not allow for desired additions that would be possible on a standard sized lot.

2. There are special circumstances due to the house being built with less than the required setback line, which increases the requested encroachment. As the house is currently situated on the lot, only a 2 foot 4 inch encroachment would be allowed under the Ordinance. As an expansion of a legal nonconformity, the currently proposed 7 foot 8 inch encroachment requires a variance. If the house had a conforming setback, a 5-foot addition could be added without requiring a variance. The petitioner wishes to construct the addition to blend the porch with the house and create a more uniform roofline.

3. The need for the requested variance has not yet been created. The petitioner was aware of the requirements of the Zoning Ordinance and has applied for a variance.

4. The 75-square foot proposed porch addition will not disrupt visual continuity along Race Street, would not be unreasonably injurious or detrimental to the general public, and would not alter the essential character of the neighborhood.

5. The requested variance will not cause a nuisance to the adjacent property. There are no other homes that immediately abut the proposed addition. The proposed addition would be approximately 60 feet from the house to the north, and should not cause a nuisance to adjacent properties.

6. The petitioner is only requesting the amount of variance needed to accommodate the proposed 75-square foot porch addition.

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

The major variance request by Maiko Covington, in Case #ZBA-01-MAJ-13 is hereby approved to allow a 10-foot encroachment into the required 15-foot front yard setback in the R-2, Single Family Residential Zoning District at 805 South Race Street, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 805 South Race Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The South 43 feet 9 inches of Lot 13 of a Subdivision of Lot 10 of James S. Busey's Addition of Out Lots to the Town (now city) of Urbana, as per plat recorded in Book 10 of Deeds at page 100, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-17-260-005

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 .

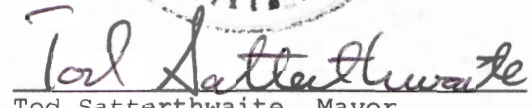
AYES: Chynoweth, Hayes, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS: Huth\*

  
Phyllis D. Clark, City Clerk

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

  
Tod Satterthwaite, Mayor

\*Alderwoman Huth abstained from vote due to conflict of interest.