

ORDINANCE NO. 2002-04-032

AN ORDINANCE APPROVING A MAJOR VARIANCE

(to allow the reduction of a side yard setback from 18 inches to 6 inches to allow for the construction of a new garage at 607 W. Pennsylvania Avenue in the R-1, Single-Family Residential Zoning District - ZBA-02-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 petitioners, Haruko Kinase-Leggett and Anthony Leggett, has submitted a petition requesting a major variance to allow a one-foot reduction in the required 18-inch side yard setback in the R-1, Single-Family Residential Zoning District at 607 West Pennsylvania Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-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 20, 2002 and the ZBA by a unanimous vote of its members (4y0n) 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. In this case, there is a special practical difficulty due to the house being built with a greater western side yard setback than is required. The house was constructed with a western side yard of 8.1 feet, which is greater than the required 5 feet. This may result in an unmanageable angle for vehicle access if the garage is built at the proposed location with the full 18-inch setback. However, the proposed garage could be built in another location on the lot in compliance with all setback requirements. The requested variance does serve as a special privilege because the circumstances related to the land are created out of a desire to maximize open space on the lot by moving the garage to the north.
2. 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.
3. The variance will not alter the essential character of the neighborhood. The existing garage is in a state of disrepair, and the proposed brick garage will be designed to match the historic details of the existing house. There are other garages in the neighborhood built within the current setback requirements.
4. The variance should not cause a nuisance to the adjacent property. The six-inch setback will reduce the need to access the neighboring property for maintenance of the garage.
5. The petitioner is only requesting the amount of variance needed to accommodate the proposed new garage.

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

The major variance request by the Haruko Kinase-Leggett and Anthony Leggett, in Case #ZBA-02-MAJ-2 is hereby approved to allow the reduction of a side yard setback from 18 inches to 6 inches to allow for the construction of a new garage at 607 W. Pennsylvania Avenue in the R-1, Single-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the subject property, more particularly described as follows:

LEGAL DESCRIPTION: Lot 43, University Heights Addition to Urbana, Illinois, being part of the southwest quarter of section seventeen (17), township nineteen (19) north, range nine (9) east of the third principal meridian.

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 15<sup>th</sup> day of April, 2002.

PASSED by the City Council this 15<sup>th</sup> day of April, 2002.

AYES: Hayes, Huth, Otto, Patt, Whelan, Wyman, and Mayor Satterthwaite

NAYS: None

ABSTAINS:



*Phillip D. Clark*  
Clark, City Clerk

APPROVED by the Mayor this 26<sup>th</sup> day of April, 2002.

Tod Satterthwaite  
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 15<sup>th</sup> day of April, 2002, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2002-04-032, entitled:

**“AN ORDINANCE APROVING A MAJOR VARIANCE (to allow the reduction of a side yard setback from 18 inches to 6 inches to allow for the construction of a new garage at 607 W. Pennsylvania Avenue in the R-1, Single-Family Residential Zoning District – ZBA-02-MAJ-2)**

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

The pamphlet form of Ordinance No. 2002-04-032 as prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 26<sup>th</sup> day of April, 2002, 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 26th day of April, 2002.

  
City Clerk

