

ORDINANCE NO. 2002-09-104

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to increase the allowed area for an accessory garage from 750 square feet to 960 square feet and to decrease the required five-foot side yard setback to two feet and the required 10-foot rear yard setback to five feet in Urbana's R-3, Single-and-Two-Family Residential Zoning District - Case No. ZBA-02-MAJ-7)

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, Bill DeJarnette, has submitted a petition requesting a major variance to build a 960 square-foot accessory garage with a side yard setback of two feet and rear-yard setback of five feet, located in the R-3, Single-and-Two-Family Residential Zoning District at 710 East Pennsylvania Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-MAJ-7; 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 21, 2002 and the ZBA by a (4-2) 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

DEFEATED

DATE: September 3, 2002

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 special circumstance relates more to the size of the existing single-family home in relation to the lot. The home is only 800 square feet and does not contain a basement. For this reason, the petitioner has the need to construct a garage with adequate space for additional storage that cannot be accommodated within the home. The petitioner also wishes to construct a 80 square-foot tornado room since the existing home does not offer safe refuge from tornados. As noted above, 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 request does not serve as a special privilege because the proposed variance is needed due to special circumstances related to the existing single-family structure on the lot which does not provide adequate storage opportunities.
3. The need for the variance has not yet been created.
4. The variance would be generally consistent with other lots in the immediate vicinity. Other homes in the area already have garages. With the proposed improvements this lot will still have about 7,340 square feet of open space.
5. The variance will allow a garage to be placed in the northeast corner of the property. Construction of the garage will involve removal of a small-dilapidated shed and replacement of the non-conforming gravel driveway to that of a dustless concrete surface that meets Urbana Zoning Ordinance. The impact to the neighbor to the north will be minimized with a five-foot setback due to the existing utility easement.

6. The petitioner is requesting only the minimum amount of variance needed for the space he needs to accommodate his plans for a tornado/storm room while providing adequate vehicular and household storage.

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

The major variance request by Bill DeJarnette, in Case #ZBA-02-MAJ-7 is hereby approved to allow an 960 square-foot accessory garage with a rear-yard setback of five feet and a side-yard setback of two feet, in the R-3, **Single-and-Two-Family Residential Zoning District** at 710 East Pennsylvania Avenue, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 710 East Pennsylvania Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Fairlawn Park Third Addition, Lot 18, Urbana, Illinois
PERMANENT PARCEL #: 92-21-16-351-031

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 3rd day of September, 2002.

PASSED by the City Council this 9th day of September, 2002.

AYES:

NAYS: Hayes, Huth, Otto, Patt, Whelan, Wyman

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

DEFEATED

DATE: September 3, 2002