

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(Request to Allow a Three-foot Increase of the Allowable Encroachment
Into the Front Yard Setback in the R-3, Single and Two-Family
Zoning District -- 605 East Green Street, Case No. ZBA-03-MAJ-03)**

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 petitioners, Kerry Helms and Nohra Mateus-Pinilla, have submitted a petition requesting a major variance to allow a three foot increase in the allowable encroachment into the front yard setback at 605 East Green Street, in Urbana's R-3, Single and Two-Family Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-03; 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 April 16, 2003 and the ZBA by a unanimous vote (7-0) of its members recommended approval of the requested variance, to allow a three foot increase in the allowable front yard encroachment; to encroach eight feet into the 15-foot setback to allow for the construction of an unenclosed front porch, to the City Council; 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 as requested:

1. There is a practical difficulty which relates to the location of the house on the lot. The subject residence as well as surrounding homes in the neighborhood, have been built with more shallow front-yard setbacks than found in modern subdivisions. The existing shallow setback is a special circumstance as the petitioners may not be able to build a porch as they desire, with the indicated stylistic features, without having to request a variance.

2. The variance would serve as a special privilege as the petitioners could build a porch or entryway to their home which complied with existing zoning provisions. The proposed construction will improve the property by replacing the dilapidating stairs with a functional porch of an appropriate scale and proportion to the residence.

3. The petitioners have not altered their residence and are currently in compliance with the Urbana Zoning Ordinance. The variance should not be unreasonably injurious or detrimental to the general public, would not alter the essential character of the neighborhood, and should not cause a nuisance to the adjacent properties. The request should not significantly disrupt the setback line along the block, most of the homes on the street have shallow setbacks.

4. The petitioner is requesting only the minimum amount of variance needed to construct a porch that it is proportionate to the openings of a Bungalow-Style residence.

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

The major variance request by Kerry Helms and Nohra Mateus-Pinella, in Case #ZBA 03-MAJ-03 is hereby approved to allow a three foot increase in the allowable front yard encroachment for the construction of an unenclosed porch; to encroach eight feet into the 15-foot setback at 605 East Green Street, R-3, Single and Two-Family Zoning District, as approved by the Zoning Board of Appeals.

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

LEGAL DESCRIPTION: Lot 2 of Webbers Fourth Addition, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-17-241-004

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 5th day of May, 2003.

PASSED by the City Council this 5th day of May,
2003 .

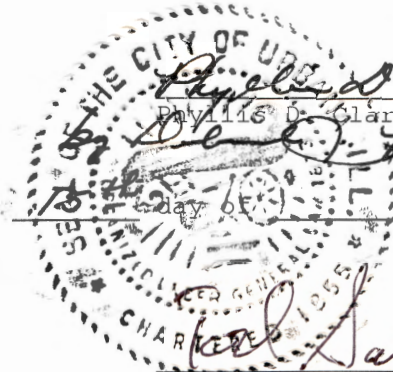
AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 15th day of May,

2003 .



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Robert J. Hubert
Deputy Clerk
Tod Satterthwaite
Tod Satterthwaite, Mayor