

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Request to Allow a Reduction of the Front Yard Setback from 15 Feet to Two Feet Two Inches Along Anderson Street in the R-3, Single- and Two-Family Residential Zoning District - 701 E. California Avenue, Case No. ZBA-03-MAJ-4)**

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, Steve Friend and Cuc X. Bui, have submitted a petition requesting a major variance to allow a reduction in the front yard setback along Anderson Street from 15 feet to two foot, two inches in Urbana's R-3, Single and Two-Family Zoning District, at 701 East California Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-04; 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 June 18, 2003 and the ZBA by a unanimous vote (4-0) of its members recommended approval of the requested variance to the City Council, to allow a front yard setback reduction along Anderson Street, from 15 feet to two foot, two inches to allow expansion of an existing garage; 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. The practical difficulty relates to the location of the garage on the lot. The neighborhood design is of an older traditional neighborhood. Surrounding homes in the neighborhood are typically built on lots smaller than the size of a modern standard lot. The existing shallow setback of the older garage does not allow the petitioners to simply extend the garage and be in accordance with current zoning regulations.

2. Considering the small size of the lot and its current configuration of existing structures, the variance would not serve as a special privilege; the petitioners could not build a garage addition with both the requested dimensions and comply with current regulations without putting the addition in the middle of their backyard.

3. The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.

4. The variance should not detract from the essential character of the neighborhood. The requested increase of front yard encroachment should not significantly disrupt the existing setback line along the block, as the proposal is to add an addition with the same setback as an existing structure.

5. The variance should not cause a nuisance to adjacent properties.

6. Given the size of their lot, the configuration of the home and the garage, it is the desire of the petitioners to add additional garage space as depicted in the application. The petitioners are only requesting the minimum deviation from the requirements so that they can expand their garage using the existing setback line.

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

The major variance request by Steven Friend and Cuc X. Bui, in Case #ZBA 03-MAJ-4 is hereby approved to allow a reduction in the front yard

setback along Anderson Street from 15 feet to two foot, two inches to construct an addition to an existing legally-nonconforming garage; at 701 East California Avenue, 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 701 East California Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Webber Addition, Lot 4, Block 4

PERMANENT PARCEL #: 92-21-16-156-001

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 7<sup>th</sup> day of July, 2003.

PASSED by the City Council this 7th day of July, 2003.


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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 18th day of July,

2003.



Phillip A. Clark, City Clerk  
Robert, Deputy Clerk  
James H. Hayes, Jr.  
Tod Satterthwaite, Mayor  
(James H. Hayes, Jr., Mayor Pro-Tem)