

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(Allow a Side Yard Setback Reduction From 5' to 2' 8" in the R-3,
Single- and Two-Family Residential Zoning District
at 705 E. Park Street/ Case No. ZBA-04-MAJ-3)**

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, Michael Valentine, has submitted a petition requesting a major variance to allow a two-foot four inch encroachment into the required 5-foot side yard setback at 705 E. Park Street in Urbana's R-3, Single and Two-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-3; 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 28, 2004 and the ZBA voted 6 ayes and 0 nays to recommend to the City Council approval of the requested variance with the condition listed below; 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. The practical difficulty relates to the location of the house on the lot. The neighborhood design is of an older traditional neighborhood. Surrounding homes in the neighborhood are typically smaller and are built on smaller lots than the size of a modern standard lot. The house in question is placed near the middle of the lot. The result is that the available area on either side of the house to accommodate a garage or carport is too narrow unless it encroaches into the side yard.
2. The variance would not serve as a special privilege because considering the small size of the lot and its current configuration of existing structures, the petitioner could not connect the garage to the house and also comply with current regulations.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner because the need for the variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for a variance prior to construction.
4. The requested decrease of the side setback should not detract from the essential character of the neighborhood. The proposal attach the garage to the house with an addition with decreased setbacks should not significantly impact the neighborhood.

5. The variance should not cause a nuisance to the adjacent property and will permit covered and visually screened storage of gardening equipment and children's toys.
6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is only requesting the minimum deviation from the requirements to facilitate the carport and free access to the garage.

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

The major variance request by Michael Valentine, in Case #ZBA-04-MAJ-3, is hereby approved to allow a two-foot four inch encroachment into the required 5-foot side yard setback at 705 E. Park Street in Urbana's R-3, Single and Two-Family Residential Zoning District, in the manner proposed in the application, with the condition that the construction must generally conform to the site plan submitted with the application.

The major variance described above shall only apply to the property located at 705 East Park Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 12 in block 1 of Mrs. E. Barr's subdivision of the South 10 acres of Lots 4 and 5 of a subdivision of the west half of the Southwest quarter of Section 9, Township 19 North, Range 9 East of the third principal meridian, as per plat recorded in plat book "B" at page 195, situated in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-09-303-002

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 May, 2004.

PASSED by the City Council this 3rd day of May, 2004.

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

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 14th day of May, 2004.


Tod Satterthwaite, Mayor