

ORDINANCE NO. 2004-08-097

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow a side yard setback reduction, from 5' to 3' in the R-3, Single and Two-Family Residential Zoning District- 210 E. Mumford Drive/ Case No. ZBA-04-MAJ-5)

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, Allen Marx, has submitted a petition requesting a major variance to allow a two-foot encroachment into the required 5-foot side yard setback at 210 E. Mumford Drive 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-5; 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 July 21, 2004 and the ZBA voted 4 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 is that the lot in question is a corner lot with an unusual acute triangular shape that constrains the usable area of the lot.

2. The variance should not be considered a special privilege due to the unusual triangular corner lot configuration.

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.

5. The variance should not cause a nuisance to adjacent properties. The location of the new wall and garage, with the requested setback reductions, may offer a benefit to the neighbors, as it will enclose the carport and any potentially objectionable sound activity or visible storage within it.

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 so that he can renovate the home to contemporary standards without sacrificing the mature trees and landscaping on the site.

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

The major variance request by Allen Marx, in Case #ZBA-04-MAJ-5, is hereby approved to allow a two-foot encroachment into the required 5-foot side yard setback at 210 E. Mumford Drive 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 210 E. Mumford Drive, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 128 in University downs Fourth Addition.

PERMANENT PARCEL #: 93-21-20-251-037

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).

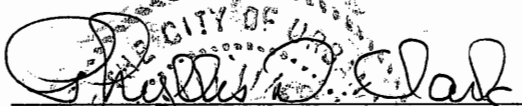
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of August, 2004.

PASSED by the City Council this 2nd day of August, 2004.

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

NAYS: None

ABSTAINS:


Phyllis S. Clark, City Clerk

APPROVED by the Mayor this 12th day of August, 2004.



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 2nd day of August, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No.

2004-08-097, entitled:

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

The pamphlet form of Ordinance No. ²⁰⁰⁴08-097 was prepared, and a copy of such

Ordinance was posted in the Urbana City Building commencing on the 13th day of August, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.