

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an Increase in the Maximum Permitted Floor Area Ratio from 0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District / Case No. ZBA-04-MAJ-11)

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, Laura Greene, has submitted a petition requesting a major variance to allow an increase in the allowed Floor Area Ratio from 0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-11; 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 18, 2004 and the ZBA voted 5 ayes and 0 nays to recommend 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

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 circumstances of the property in that the configured design of the existing home makes it difficult to expand living space and comply with existing FAR requirements.

2. The proposed variance is not a special privilege because the design and situation of the older home makes it difficult to expand the living space.

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 petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance.

4. The proposed addition will not alter the residential character of the neighborhood or be unreasonably injurious or detrimental to the general public.

5. The variance should not cause a nuisance to adjacent properties. All setbacks and open space requirements will be maintained

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 amount of variance needed to accommodate the proposed addition.

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

The major variance request by Laura Greene, in Case #ZBA-04-MAJ-11, is hereby approved to allow an increase in the maximum Floor Area Ratio from 0.40 to 0.45 at 510 W. Michigan Avenue in Urbana's R-2, Single-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 510 W. Michigan Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 11 and the west 60 feet of the south half of lot 10 in block 6 of Van Doren's addition to the City of Urbana, as per plat recorded in plat book "C" at page 176, situated in Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-17-331-010

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.

PASSED by the City Council this 7th day of September, 2004.


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

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 15th day of September, 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 7th day of September, 2004, the Corporate
Authorities of the City of Urbana passed and approved Ordinance No. 2004-09-117
entitled:

**“AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow an
Increase in the Maximum Permitted Floor Area from 0.40 to 0.45 at
510 W. Michigan Avenue in Urbana’s r-2, Single-Family Residential
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2004-09-117 was prepared, and a
copy of such Ordinance was posted in the Urbana City Building commencing on the 16th
day of September, 2004, and continuing for at least ten (10) days thereafter. Copies
of said Ordinance were also available for public inspection upon request at the Office of
the City Clerk.

Dated at Urbana, Illinois, this 16th day of September, 2004.

City Clerk

(SEAL)