

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow a 100% Encroachment Into the 18-Inch Minimum Required Distance From the Side Lot Line in a R-2, Single-Family Residential Zoning District 510 W. Oregon Street / Case No. ZBA-2006-MAJ-02)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owners of the subject property, Kate Hunter and Jens Sandberger, has submitted a petition requesting a major variance to allow an 18 inch (100%) encroachment into the required side yard setback for accessory structures at 510 W. Oregon in the R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2006-MAJ-02; 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 May 17, 2006 and voted 4 ayes and 0 nays to recommend to the City Council approval of the requested variance with the conditions 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. The proposed variance would allow a detached garage to be built with a zero foot side yard setback at 510 W Oregon Street.
2. Based on the evidence, practical difficulties exist for this property in terms of moving a replacement garage off of the existing driveway alignment. Doing so would require cars to maneuver around the northeast corner of the house.
3. Granting the variance would not have a significant impact on the character of the area as the West Urbana Neighborhood already has an existing pattern of detached garages with very small or no setbacks from property lines.
4. Granting a variance would not extend a special privilege to the petitioner because there are practical difficulties with the property in terms of having an existing narrow driveway located between the house and the side yard property line.
5. The proposed variance would not create a nuisance on the neighboring property. Although the proposed garage does not include gutters on the east side, the existing garage does not have gutters and the net increase in runoff would be negligible.

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

The major variance request by Kate Hunter and Jens Sandberger, in Case #ZBA-2006-MAJ-02, is hereby approved to allow a 26 inch (100%) encroachment into the required side yard setback at 510 W. Oregon in the 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. Oregon, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 8 IN BLOCK 2 OF SHUCK, IJAMS AND SHUCK
SUBDIVISION OF LOT 6 AND THE NORTH 83.15 FEET OF LOT
7 OF JAMES S. BUSEY'S ADDITION OF OUTLOTS IN THE CITY

OF URBANA, SITUATED IN THE CITY OF URBANA, IN
CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCEL #s: 92-21-17-177-008

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).

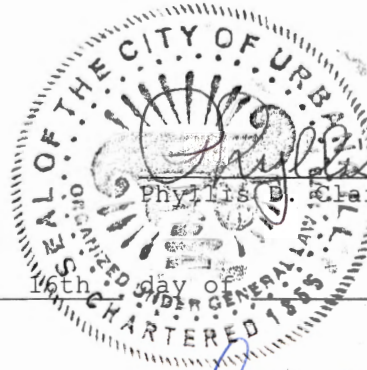
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 5th day of June, 2006.

PASSED by the City Council this 5th day of June,
2006 .

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of June,
2006 .

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor