

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Reduction in the East Side Yard Setback Requirement from 5 Feet to 3 Feet in the R-2, Single-Family Residential Zoning District, 1306 W. Dublin Street - Case No. ZBA-2007-MAJ-04)

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

WHEREAS, the potential owner of the subject property, Habitat for Humanity of Champaign County, has submitted a petition requesting a major variance to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street 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-2007-MAJ-04; and

WHEREAS, a minor variance was granted for the same property by the Urbana Zoning Board of Appeals in a related Case #ZBA-2007-MIN-01; 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 18, 2007 and voted 4 ayes and 0 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have 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 Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Habitat for Humanity of Champaign County wishes to build a 26-foot wide home on a 33-foot wide lot, to be donated by the City of Urbana.
2. The lot is an existing non-conformity which was created prior to the adoption of the Zoning Ordinance.
3. The petitioner is requesting a variance to encroach 2 feet into the required 5-foot side yard on the east property line.
4. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
5. The requested variance would help to fulfill the affordable housing goals of the City's 2005-2009 Consolidated Plan as well as the 2005 Comprehensive Plan.
6. The property is well suited for the proposed use.
7. The variance is not a special privilege because the lot in question is one of many half-width lots in the neighborhood. The other half-lots all have existing homes built within the required side yard.
8. The requested decrease of the side yard setbacks should not detract from the essential character of the neighborhood. This variance will facilitate the construction of a house with an orientation toward Dublin Street that will reinforce the established character of the neighborhood. The home will be approximately the same size and mass of other homes in this older residential neighborhood.
9. The petitioner is requesting the minimum deviation from the requirements so that they can accommodate a 26 foot wide house, which is the minimum width of Habitat homes.

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

The major variance request by Habitat for Humanity of Champaign County, in Case #ZBA-2007-MAJ-04, is hereby approved to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street 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 1306 West Dublin Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The east 33 feet of Lot 8 in Block 14 in Seminary Addition to Urbana as per plat recorded in Deed Record "Y" at page 208, situated in Champaign County, Illinois.

PERMANENT PARCEL NO: 91-21-07-256-010

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).

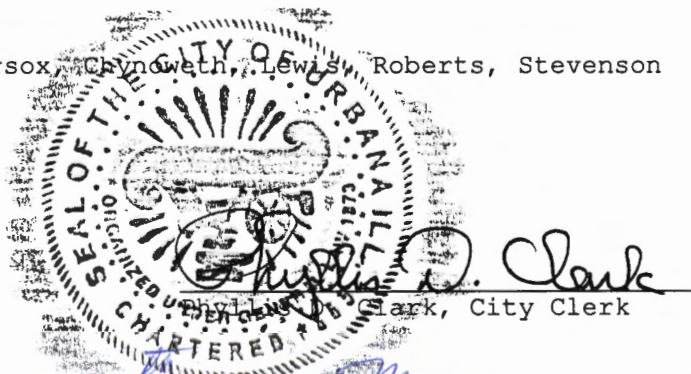
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said authorities on the 7th, day of May, 2007.

PASSED by the City Council this 7th day of May, 2007.

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

NAYS:

ABSTAINS:



APPROVED by the Mayor this 25th day of May, 2007.

Laurel Lunt Prussing, Mayor