

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(To Allow the Construction of a Garage, Reducing the
Required Front Yard Setback in the R-2, Single-Family Residential,
Zoning District - 102 W. Pennsylvania Avenue / ZBA Case No. 2008-MAJ-07)**

WHEREAS, the Urbana 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 a parcel of land or the structure; and

WHEREAS, Marc and Fran Ansel have submitted a petition to reduce the required front yard setback to allow for the construction of a garage while minimizing damage to a significant tree at the northwest corner of Pennsylvania and Broadway Avenues in the R-2, Single-Family Residential Zoning District at 102 W. Pennsylvania Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2008-MAJ-07; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on May 21, 2008 and voted 5 ayes and 0 nays 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.2.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. The petitioners are proposing to build a 24-foot by 24-foot detached garage to replace a deteriorating existing garage.
2. A bald cypress tree nearly seven feet in diameter and 16 feet in circumference is located just three feet from the existing garage. The proposed location would minimize damage to the tree.
3. The City of Urbana Arborist has determined the tree is significant to the neighborhood and the community.
4. The location of the tree and the current driveway are practical difficulties in locating a new garage.

5. The reduced front yard setback will not cause a nuisance to adjacent properties. The reduction of the required front yard by an additional six feet will not impact adjacent properties due to the often reduced setbacks in the area, the fact that Broadway Avenue has an inordinately wide right-of-way of 82.5 feet, and that the garage will have an actual setback of 25.75 feet from the curb.

6. The requested variance represents the minimum deviation from the Zoning Ordinance to protect the tree and allow the petitioners to build a new garage.

7. At their May 21, 2008 meeting the Urbana Zoning Board of Appeals, in a vote of 5 ayes and 0 nays, recommended that the Urbana City Council approve the proposed Major Variance in Zoning Board of Appeals Case No. ZBA-2008-MAJ-07 with certain conditions.

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

Section 1. The major variance request shall hereby be approved, subject to the following conditions:

1. The garage shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto as Exhibit A.
2. The existing garage foundation shall be re-used and incorporated into the new foundation.
3. The petitioners shall work with their professional arborist or with the City Arborist to ensure damage to the tree is minimized.

The major variance granted above shall only apply to the property particularly described as follows:

LEGAL DESCRIPTION: Lot 22 and the east one-half of lot 23 in DeYoung's Second Subdivision to the City of Urbana, situated in Champaign County, Illinois. Commonly known as 102 W. Pennsylvania Avenue, in Urbana, Illinois.

Parcel Index Number: 93-21-17-451-021

Section 2. The City Clerk is hereby directed to publish this Ordinance in pamphlet form by authority of the corporate authorities of the City of Urbana, Illinois. 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 2nd day of June, 2008.

PASSED by the City Council this 2nd day of June,
2008.

AYES: Barnes, Bowerson, Clyde, Qeth, Roberts, Smyth

NAYS:

ABSTAINS:



APPROVED by the Mayor this 13th day of June
[Signature] Clark, City Clerk
[Signature] Deputy Clerk

2008.

[Signature]
Laurel Lunt Prussing, Mayor