

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-10-120,
"AN ORDINANCE APPROVING A MAJOR VARIANCE"**

(To Allow the Construction of a Three-Foot Addition to an Existing Garage, Reducing the Required Front Yard Setback in the R-1, Single-Family Residential, Zoning District - ZBA Case No. 2008-MAJ-09, 401 W. Delaware Avenue/Wyer Property)

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, Randall Donoho has submitted a petition on behalf of Robert Wyer to reduce the required front yard setback to allow for the construction of a three-foot addition onto an existing garage in order to attach the existing garage to the house and convert it into habitable space at the southwest corner of Delaware and Carle Avenues in the R-1, Single-Family Residential Zoning District at 401 W. Delaware Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2008-MAJ-09; 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 September 17, 2008 and voted 5 ayes and 0 nays to recommend that the Corporate Authorities approve 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 petitioner is proposing to build a three-foot addition onto the east side of the existing garage along Carle Avenue in order to convert the garage into habitable space.
2. The average setback along Carle Avenue is approximately 13 feet, while the required setback is 25 feet.
3. The house is set back 13.2 feet, and the existing garage is set back 16.2 feet.

4. The proposed addition will bring the garage in line with the front of the house.

5. Allowing the proposed addition would not serve as a special privilege.

6. The proposed addition would not alter the essential character of the neighborhood.

7. The proposed addition would not cause a nuisance to the adjacent property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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 addition shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto as Ordinance Exhibit A.

2. The curb cut on Carle Avenue may remain until such time as the City of Urbana and/or the property owner decides to install a public sidewalk along the west side of Carle Avenue between Delaware and Florida Avenues. At such time the property owner shall remove the curb cut at his/her expense and install landscaping.

3. The property owner shall provide two off-street parking spaces as required by the Urbana Zoning Ordinance.

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

LEGAL DESCRIPTION: Lot 1 and the East 40 feet of Lot 2 in Block 6 in Hubbard Terrace, being an addition to the City of Urbana, as per plat recorded in Plat Book "D" at Page 3, situated in Champaign County, Illinois.

Parcel Index Number: 93-21-17-379-007

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).

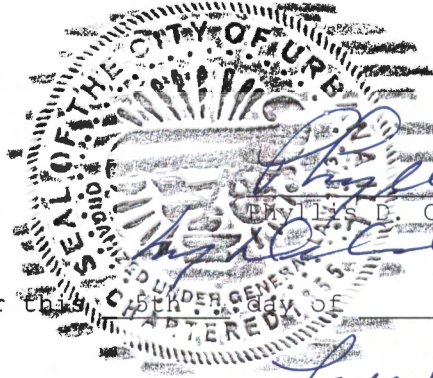
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of December, 2008.

PASSED by the City Council this 1st day of December,
2008 .

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

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

J. Belmont
Deputy Clerk

APPROVED by the Mayor this 1st day of December,
2008 .

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor