

ORDINANCE NO. 2010-04-021

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(To Exceed the Maximum Square Footage Allowed
for Accessory Buildings in the R-2, Single-Family Residential
Zoning District / 304 W. Washington Street - Case No. ZBA-2010-MAJ-01)**

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 a structure; and

WHEREAS, Jeff and Sandy Yockey have submitted a petition for a major variance to exceed the maximum allowed 750 square feet of accessory buildings for a single-family residence located at 304 W Washington Street; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-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 held a public hearing on the proposed major variance on March 17, 2010 and voted 3 ayes and 0 nays to recommend approval of the requested variance to the Corporate Authorities; 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 subject property is located at 304 West Washington Street and is located in the R-2, Single Family Zoning District.
2. There is an existing single-family home and garage on the property.
3. The applicant desires to construct a new single-family home and to convert the existing home to an accessory structure for storage use.
4. The kitchen and/or bathroom must be removed from the existing house in order to be considered an accessory structure.
5. Conversion of the existing house to an accessory structure for storage results in a total square footage (999 sq. ft.) for accessory structures that exceeds the maximum square footage (750 sq. ft.) allowed by 33%.
6. The applicant has applied for a major variance to exceed the maximum square footage allowed for accessory buildings so that a new single-family dwelling can be constructed and the existing home converted to an accessory building.
7. The proposed single-family home will be more consistent with the size and setback of surrounding residential homes in the area than is the existing house.
8. Reuse of the existing house as an accessory structure, as opposed to tearing the structure down to comply with the Zoning Ordinance, would limit waste and reduce use of additional materials.
9. Granting the variance could cause future enforcement needs related to the potential use of the accessory structure (existing house) as a dwelling unit.
10. Granting the requested variance will result in a higher building coverage of the lot than typically found on the block.
11. The requested variance will not alter the essential character of the neighborhood and will not cause a nuisance to 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 by Jeff and Sandy Yockey, in Case No. ZBA-2010-MAJ-01, is hereby approved to increase the maximum allowed square footage of accessory buildings from 750 square feet to 999 square

feet, in the manner proposed in the application, and contingent upon complying with the following conditions:

1. That the subject lot be developed for single-family use in conformance with all other applicable regulations in the Urbana Zoning Ordinance.
2. That the kitchen in the existing single-family dwelling be removed. Additionally, plumbing fixtures other than the lavatory shall be removed from the existing bathroom. The removal of the kitchen and bathroom fixtures are to be documented in the Property Maintenance File and a revised Certificate of Occupancy issued.
3. That the two structures intended to be used as detached accessory structures be used only for storage or parking. This is to be documented in the Property Maintenance File and on the Certificate of Occupancy.
4. That as legal nonconforming structures, the existing house and garage may be maintained and repaired but shall not be expanded, reconstructed, or replaced without conforming to the Urbana Zoning Ordinance in effect at that time. In no case shall any replacement of accessory structures on the property exceed the square footage limits for accessory structures as set forth in the Urbana Zoning Ordinance.

Section 2. The major variance described above shall only apply to the property located at 304 W Washington Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 2 of Linstrum's Replat of Lots 20 and 21 of a Subdivision of Outlot 9 of James S. Busey's Addition of Outlots to the Town of Urbana, now City of Urbana, as per plat recorded in Book "D" at page 277, in Champaign County, Illinois.

PIN: 92-21-17-185-015

Section 3. 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 19th day of April, 2010.

PASSED by the City Council this 19th day of April, 2010.

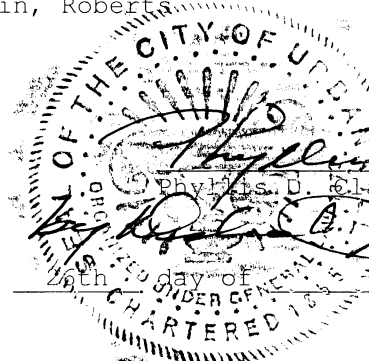
AYES: Gehrig, Lewis, Smyth, Stevenson

NAYS: Bowersox, Marlin, Roberts

ABSTAINS:

APPROVED by the Mayor this

2010.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Deputy Clerk

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

20th day of April