

ORDINANCE NO. 2010-09-081

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an Encroachment of 14 Feet 7 Inches into the Required 15-Foot Front Yard Setback in the City's R-3, Single- and Two-Family Residential, Zoning District at 902 East Illinois Street / Case No. ZBA-2010-MAJ-04)

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, Philip Kennedy has submitted a petition for a major variance to allow for the construction of a porch and stairs encroaching 14 feet, 7 inches into the required fifteen-foot required front yard along Illinois Street at 902 East Illinois Street in the R-3, Single and Two-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2010-MAJ-04; 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 September 15, 2010 and voted 4 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 petitioner is proposing to build a front porch and stairway that encroaches 14 feet, seven inches into the required 15-foot front yard at 902 East Illinois Street.
2. The subject property is located in the Historic East Urbana Neighborhood and is zoned R-3, Single and Two-Family Residential.
3. The variance is necessary due to the placement of the house and front door within the required front yard.
4. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties because there are other properties with similar encroaching front porches in the area.
5. The requested variances represent the minimum deviation from the Zoning Ordinance needed to rebuild a front porch where the original porch was located.
6. Granting the requested variance will improve access and usability of the house and will bring the house into conformance with the Property Maintenance Code.

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

Section 1. The major variance request by Philip Kennedy, in Case No. ZBA-20109-MAJ-04, is hereby approved to allow for the construction of a porch and stairs encroaching 14 feet, 7 inches into the required 15-foot front yard along Illinois Street at 902 East Illinois Street in the R-3, Single and Two-Family Residential Zoning District.

The major variance described above shall only apply to the property located at 902 East Illinois Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 11 in Block 4 in Teddy G. Johnson's Addition to the City of Urbana, as per Plat recorded in Plat Book "C" at Page 44, situated in Champaign County, Illinois.

PIN #: 92-21-16-111-011

Section 2. 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 20th day of September, 2010.

PASSED by the City Council this 20th day of September, 2010.

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

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

John J. Blumenthal
John J. Blumenthal, Deputy Clerk

APPROVED by the Mayor this 20th day of September, 2010.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting
Municipal Clerk of the City of Urbana, Champaign County, Illinois.

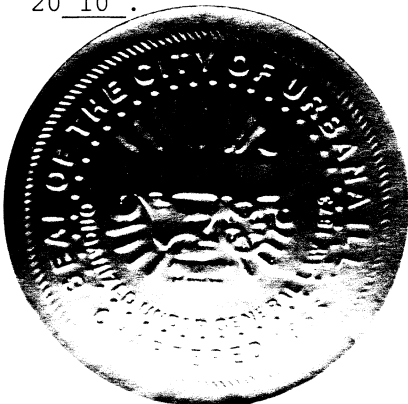
I certify that on the 20th day of September, 2010,
the Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2010-09-081, entitled:

"AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW AN
ENCROACHMENT OF 14 FEET 7 INCHES INTO THE REQUIRED
15-FOOT FRONT YARD SETBACK IN THE CITY'S R-3, SINGLE-
AND TWO-FAMILY RESIDENTIAL, ZONING DISTRICT AT 902
EAST ILLINOIS STREET / CASE NO. ZBA-2010-MAJ-04)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2010-09-081 was prepared,
and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 4th day of October, 2010, and
continuing for at least ten (10) days thereafter. Copies of such Ordinance
were also available for public inspection upon request at the Office of the
City Clerk.

Dated at Urbana, Illinois, this 4th day of October,
2010.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
By [Signature] Deputy Clerk