

Passed: March 5, 2012
Signed: March 6, 2012

ORDINANCE NO. 2012-03-023

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To rebuild porch stairs which encroach up to three feet into the required ten-foot setback along the Birch Street frontage at 401 West Green Street /

Case No. ZBA-2012-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, Bohden Rudawski has submitted a petition for a major variance to allow existing porch stairs which encroach into the required ten-foot front yard along the Birch Street frontage to be rebuilt in their existing location at 401 West Green Street in the MOR, Mixed Office Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2012-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 February 15, 2012 and voted 3 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variances; 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-4.B 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 applicant applied to the Zoning Board of Appeals for a Minor Variance to allow replacement in kind of the Green Street porch stairs. The Zoning Board of Appeals approved that Minor Variance at their February 15, 2012 meeting.
2. The petitioner is requesting a major variance to allow the replacement of existing porch stairs which encroach up to three feet into the required ten-foot building setback along the Birch Street frontage at 401 West Green Street.
3. The porch and porch stairs are deteriorated and need to be replaced or extensively repaired.
4. The subject property is located in the Mixed Office Residential Zoning District. Per Table VI-3 and Section VI-5.B.5 of the Urbana Zoning Ordinance, the minimum required setback in this case is 10 feet from the front yard property line along Birch Street.
5. The variance is necessary due to the location of the existing porch stairs within the required setback.
6. The applicant did not cause the need for a variance. The porch stairs were built within seven feet of the Birch Street property line many years ago.
7. 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 the neighborhood was historically developed to have similar front porches with front porch stairs "facing" the street.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to rebuild the front porch stairs where the existing porch stairs are located.

9. At their February 15, 2012 meeting, the Zoning Board of Appeals held a public hearing and voted three ayes and zero nays to forward the Major Variance to the City Council with a recommendation for approval.

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

Section 1. In Plan Case No. 2012-MAJ-01, the major variance requested by Bohden Rudawski to reconstruct existing porch stairs encroaching into the required ten-foot setback along the Birch Street frontage, is hereby approved in the manner proposed in the application.

Section 2. The major variance described above shall only apply to the property located at 401 West Green Street, Urbana, Illinois, more particularly described as follows:


LEGAL DESCRIPTION:

Lot 25 in James T. Roe's 4th Addition to Urbana, as per plat recorded in Deed Record "E" at page 461 situated in Champaign County Illinois.
Parcel Identification Number: 92-21-17-133-005

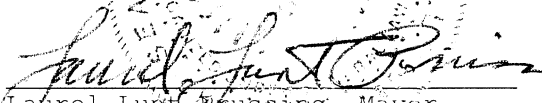
Section 3. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 5th day of March, 2012.

AYES: Bowersox, Jakobsson, Lewis, Roberts, Smyth, Stevenson, Prussing
NAYS:
ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 6th day of March, 2012.


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.

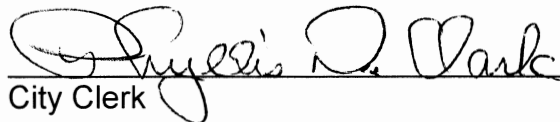
I certify that on the 5th day of March, 2012, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2012-03-023 entitled:

“AN ORDINANCE APPROVING A MAJOR VARIANCE (To Rebuild Porch Stairs which Encroach Up to 3 Feet into the Required 10 Foot Front Yard Along Birch Street Frontage at 402 West Green Street / Case No. ZBA-2012-MAJ-01)”

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

The pamphlet form of Ordinance No. 2012-03-023 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 6th day of March, 2012, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 6th day of March, 2012.


City Clerk

