

ORDINANCE NO. 2014-09-081

AN ORDINANCE APPROVING A MAJOR  
VARIANCE

(To allow an encroachment of a home addition into a required rear yard in the City's R-3, Single and Two-Family Residential District, at 807 South Cottage Grove Avenue / ZBA Case No. 2014-MAJ-05)

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, Betty and Robert Swisher have submitted a petition for a major variance to allow an addition that will encroach nine feet, 11 inches into the required 10-foot rear yard setback at 807 S. Cottage Grove Avenue in the R-3, Single and Two-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-05; 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 August 20, 2014 and voted 4 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-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 subject property is located in the R-3, Single and Two-Family Residential District;
2. Table VI-3 of the Urbana Zoning Ordinance requires a rear yard setback of 10 feet in the R-3, Single and Two-Family Residential District;
3. An 11-foot length of the original 1921 house encroaches entirely into the required 10-foot rear yard;
4. Due to the subject property's lot and right-of-way configuration, the proposed variance would not serve as a special privilege, as the addition will be located in line with a portion of the home that runs along the subject lot's rear property line;
5. The proposed addition will not alter the essential residential character of the neighborhood, as the existing building extends to the subject lot's west property line, and the addition will improve the home's aesthetic value, as well as enhance its current use as a single-family home;
6. The proposed variance will not cause a nuisance to adjacent properties, as it will not cast a shadow on the home to the west, which is also owned by the petitioners, and is located 21 feet away and across the driveway from the subject house;
7. The requested variance is the minimum possible deviation required to build the proposed addition.

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

Section 1. In ZBA Case No. 2014-MAJ-05, the major variance requested by Betty and Robert Swisher is hereby approved in the manner proposed in the application and subject to the following condition:

1. The proposed addition shall be built in conformance with the plans provided by the applicant. The Zoning Administrator shall be able to approve minor changes to the building and site plans to ensure compliance with the Urbana Zoning Ordinance or other applicable codes.
2. A drainage easement must be obtained from the lot adjacent to the west, which is home to 1006 E. Washington Street, in order to accommodate drainage along the west elevation of the proposed addition.

The major variance described above shall only apply to the property located at 807 S. Cottage Grove Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 10 IN EASTERDAY & BLACKER'S REPLAT OF LOTS 50, 51, 52, 53, 54, 56,  
AND 57 OF MARTHA C. HUBBARD'S SECOND ADDITION TO URBANA AS PER PLAT  
RECORDED IN PLAT BOOK D AT PAGE 287, SITUATED IN CHAMPAIGN COUNTY,  
ILLINOIS.

Parcel Identification Number: 92-21-16-165-020

Section 2. 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).

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 8<sup>th</sup> day of September, 2014.


PASSED by the City Council on this 8<sup>th</sup> day of September, 2014.

AYES: Brown, Jakobsson, Madigan, Marlin, Smyth

NAYS:

ABSTAINS:

APPROVED by the Mayor this 10<sup>th</sup> day of September, 2014.



*Phyllis D. Clark*  
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Phyllis D. Clark, City Clerk

*Laurel Lunt Prussing*  
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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 8<sup>th</sup> day of August, 2014, the City Council of the City of Urbana passed and approved Ordinance No. 2014-09-081, entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW AN ENCROACHMENT OF A HOME ADDITION INTO A REQUIRED REAR YARD IN THE CITY'S R-3, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT, AT 807 SOUTH COTTAGE GROVE AVENUE / ZBA CASE NO. 2014-MAJ-05)**

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

The pamphlet form of Ordinance No. 2014-09-081 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 10th day of September, 2014, 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 10<sup>th</sup> day of September, 2014.



  
Phyllis D. Clark, City Clerk