

5N



8 1 5 0 0 2 2  
Tx:4059866

Recording Cover Sheet

ORDINANCE NO. 2015-07-080

**2015R16566**  
REC ON: 08/27/2015 4:24:50 PM  
CHAMPAIGN COUNTY  
**BARBARA A. FRASCA, RECORDER**  
REC FEE: 44.00  
PAGES 5  
PLAT ACT: OPLAT PAGE:

AN ORDINANCE APPROVING A MAJOR VARIANCE  
(TO ALLOW A DUPLEX ON A LOT 50 FEET WIDE AND  
4,737 SQUARE FEET IN AREA IN THE CITY'S R-2,  
SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AT  
703 WEST HIGH STREET/ ZBA CASE NO. 2015-MAJ-01)

Prepared for recording by:

Phyllis D. Clark, City Clerk

400 S. Vine Street, Urbana, IL 61801

(G)

Return to:

Phyllis D. Clark, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

Passed: July 20, 2015  
Signed: July 23, 2015

ORDINANCE NO. 2015-07-080

AN ORDINANCE APPROVING A MAJOR VARIANCE

(TO ALLOW A DUPLEX ON A LOT 50 FEET WIDE AND 4,737 SQUARE FEET IN AREA IN THE CITY'S R-2, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AT 703 WEST HIGH STREET/ ZBA CASE NO. 2015-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, Tod Satterthwaite has submitted a petition for a major variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Residential Zoning District; and

WHEREAS, the petitioner was granted a Conditional Use Permit to use 703 West High Street as a duplex by the Urbana Zoning Board of Appeals on June 17, 2015 in ZBA Case No. ZBA-2015-C-01; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2015-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 June 17, 2015 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-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. 703 West High Street is zoned R-2, Single-Family Residential. For duplex uses, Section VI-3.B of the Urbana Zoning Ordinance requires a minimum width of 60 feet and a minimum area of 6,000 square feet for lots platted before December 21, 1970. 703 West High Street is 50 feet wide and 4,737 square feet in area.
2. On June 17, 2015, the Zoning Board of Appeals granted a Conditional Use Permit to the petitioner to allow the property to continue to be used as a duplex, subject to the following condition: that the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.
3. The petitioner has applied for a Major Variance to allow a duplex on a lot that is 16.7 percent narrower and has 21.1 percent less area than is required by the Zoning Ordinance.
4. The property has been occupied as a duplex use since at least 1984, and likely since 1959.
5. The variance request will not serve as a special privilege to the property owner.

6. The variance request was not the result of a situation knowingly created by the petitioner.
7. The variance request will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.
8. The variance request will not cause a nuisance to adjacent property owners.
9. The variance request represents the minimum deviation necessary from the requirements of the Zoning Ordinance.
10. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

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

Section 1. In ZBA Case No. 2015-MAJ-01, the major variance requested by Tod Satterthwaite is hereby approved in the manner proposed in the application and subject to the following condition:

1. That the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.

The major variance described above shall only apply to the property located at 703 West High Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East Fifty (50) Feet of the North Half (N 1/2) Of Lot Six (6) In Block One (1) Of Joseph W. Sim, Jr.'s Addition to the City Of Urbana.

Parcel Identification Number: 92-21-17-108-007

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 20<sup>th</sup> day of July, 2015.

PASSED BY THE CITY COUNCIL this 20<sup>th</sup> day of July, 2015.

AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Smyth

NAYS:

ABSTAINED:



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

*Laurel Lunt Prussing*  
 \_\_\_\_\_  
 Laurel Lunt Prussing, Mayor

APPROVED BY THE MAYOR this 23<sup>rd</sup> day of \_\_\_\_\_, \_\_\_\_\_, 2015.