

ORDINANCE NO. 2015-09-098

AN ORDINANCE APPROVING A MAJOR VARIANCE

(TO ALLOW A GARAGE THAT WILL ENCROACH 13 FEET, 6 INCHES INTO THE REQUIRED FRONT YARD IN THE R-3, SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT AT 701 E. ELM STREET / ZBA CASE NO. 2015-MAJ-08)

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, Lori Garrett has submitted a petition for a major variance to allow a garage that will encroach 13 feet, 6 inches into the required front yard at 701 East Elm Street in the City's R-3, Single-Family and Two-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2015-MAJ-08; 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 19, 2015 and voted 7 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. 701 E. Elm Street is zoned R-3, Single- and Two-Family Residential.
2. The petitioner has applied for a Major Variance to construct a garage that will encroach 13 feet, 6 inches into the required front yard.
3. The variance request will not serve as a special privilege to the property owner.
4. The variance request was not the result of a situation knowingly created by the petitioner.
5. The variance request will not alter the essential character of the neighborhood.
6. The variance request will not cause a nuisance to adjacent property owners, and may reduce nuisance effects on the neighbor to the east.
7. The variance request represents the minimum deviation from the requirements of the Zoning Ordinance.
8. 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-08, the major variance requested by Lori Garrett is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The site is developed in general compliance with the attached site plan entitled "Proposed Site Plan"; and
2. The applicant agrees to compensate the City \$3,417 for the effects of the construction of the driveway and garage on the health of adjacent City trees. The applicant agrees to submit payment prior to issuance of any permits for construction of either the driveway or garage.

The major variance described above shall only apply to the property located at 701 East Elm Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot one in Martha E. Webber's Third Addition to the City of Urbana, in Champaign County, Illinois.

Parcel Identification Number: 92-21-16-102-001

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 8th day of September, 2015

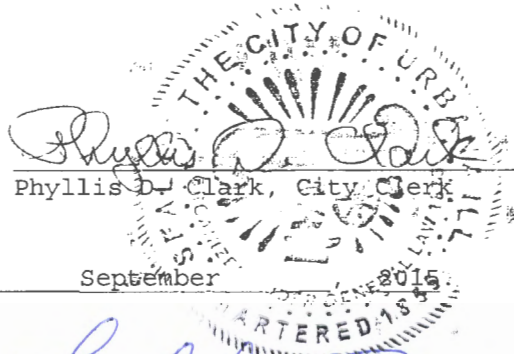
PASSED BY THE CITY COUNCIL this 8th day of September, 2015.

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

NAYS: Roberts

ABSENT:

ABSTAINED:



APPROVED BY THE MAYOR this 11th day of September

Laurel Lunt Prussing, Mayor