

ORDINANCE NO. 2016-01-002

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district. / Case No. ZBA-2015-MAJ-09)

**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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Itai Seggev and Dara Goldman have submitted a petition for a major variance to allow a 25 foot reduction in the required front-yard setback and create an accessory off-street parking space at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district; and

**WHEREAS**, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2015-MAJ-09; 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 December 16, 2015 and voted 6 ayes to 0 nays in Case No. ZBA-2015-MAJ-09 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. Itai Seggev and Dara Goldman have requested a Major Variance to allow a change in the required front yard setback from 25 feet to 0 feet at 410 W. Florida Avenue so they may install an accessory parking space next to the driveway.

2. The site is located in West Urbana, zoned R-1, Single-Family Residential, and designated as Residential in the Urbana Comprehensive Plan.

3. The City's Zoning Ordinance allows the creation of two accessory parking spaces for homes if they are not located in the front yard. The spaces may have a gravel surface if they are properly contained.

4. The proposed variances would reduce the front yard setback requirement from 25 feet to 0 feet and allow an accessory parking space to be located to the east of the existing driveway

5. Parking spaces along Florida Avenue were recently removed, increasing the need by the applicants for off-street parking. The parking spaces are removed until the street is repaved which will not be able to happen for the next several years.

6. The applicants' property allows for two off-street parking spaces in the existing driveway and attached one-car garage. The vehicle parked in the driveway must be backed out in order to allow the garage-parked vehicle to depart which creates a practical difficulty.

7. The applicants are requesting the variance to allow independent movement of their vehicles. The location of the house does not allow vehicular access to the rear of the property.

8. The proposed variance would contribute to safer traffic flow along Florida Avenue by allowing the applicants to independently back out their vehicles.

9. The proposed variances are requested due to special circumstances of the current placement of the house and the loss of on-street parking. It will not serve as a special privilege and it was not a situation knowingly created by the petitioner. The proposed variance is the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request and will not be a nuisance to the neighborhood.

10. At their December 16, 2015 meeting, the Zoning board of Appeals held a public hearing and unanimously voted to send 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 ZBA Case Nos. 2015-MAJ-09, the variance requested by Itai Seggev and Dara Goldman to allow a 25 foot reduction in the required front-yard setback for an accessory off-street parking space at 410 W. Florida Avenue in the R-1, Single-Family Residential zoning district is hereby approved in the manner proposed in the application and subject to the following conditions:

1. There is no more than one accessory off-street parking space created in the front yard setback reduction allowed by the Variance.

2. The accessory parking space surface is paved with an approved surface or properly contained with curbing or approved landscape edging treatment as required in the Zoning Ordinance under Section VIII-4.J.

The major variance described above shall only apply to the property located at 410 West Florida Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 16 IN BLOCK 6 IN HUBBARD TERRACE, AN ADDITION TO THE CITY OF URBANA, AS PER PLAT RECORDED IN PLAT BOOK "D" AT PAGE 3, SITUATED IN CHAMPAGIN COUNTY, ILLINOIS.

PIN: 93-21-17-379-011

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 4<sup>th</sup> day of January, 2016

**PASSED BY THE CITY COUNCIL** on this 4<sup>th</sup> day of January, 2016.

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

NAYS:

ABSTAINS:

*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
January 2016

APPROVED by the Mayor this 6<sup>th</sup> day of \_\_\_\_\_

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor