

ORDINANCE NO. 2016-08-064

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow a reduction in the required east side yard setback from 10 feet to 7 feet at 710 West Green Street in the MOR, Mixed Office Residential District / ZBA Case 2016-MAJ-07)

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, Andrew Fell has submitted a petition for a major variance to allow a three-foot reduction from ten feet to seven feet in the required side-yard setback at 710 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 ZBA Case No. 2016-MAJ-07; 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 July 20, 2016 and voted 6 ayes to 0 nays in Case No. ZBA-2016-MAJ-07 to recommend that the Corporate Authorities approve the requested variance with conditions; 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-3(C)(2)(d) 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. On behalf of the owner, Andrew Fell has requested Major Variances for a reduction from ten feet to seven feet in the required interior side yard setbacks at 708 and 710 West Green Street.
2. The site is located in West Urbana, and is zoned MOR, Mixed Office Residential. The Urbana Comprehensive Plan identifies the area as Mixed Residential.
3. An underground stormwater sewer line runs under the eastern portion of the property at 708 West Green Street without an easement. The City's Public Works Department requires a ten-foot buffer to be maintained for any new construction on both sides of the sewer.
4. The proposed variances would allow for the redevelopment of two new buildings on the subject properties that have been designed to be consistent with the City's MOR District Design Guidelines.
5. The proposed buildings were approved at the June 30, 2016, meeting of the Urbana MOR Development Review Board.
6. The proposed variances are requested due to the special circumstances of the presence of an underground storm sewer line under 708 West Green Street and the relatively narrow lot width at 710 West Green Street.
7. The proposed variances would not serve as a special privilege because the properties are adversely affected with a constrained buildable area.

8. The proposed variances were not due to a situation created by the applicant as the conditions existed prior to the purchase by the current owner.
9. The proposed variances will not alter the neighborhood character as the building form and compatibility of the proposed buildings would be consistent with the surrounding neighborhood.
10. The proposed variances would not cause a nuisance to the neighboring properties as they would only apply to the property line shared with 708 West Green Street under the same owner.
11. The proposed variances represent the minimum deviation from the Zoning Ordinance requirements.

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

Section 1. In ZBA Case No. 2016-MAJ-07, the variance requested by Andrew Fell to allow a reduction from 10 feet to 7 feet in the required east side-yard setback at 710 West Green Street in the MOR, Mixed Office Residential zoning district is hereby approved in the manner proposed in the application and subject to the following condition:

- The site is developed in general compliance with the site plan and application as approved by the City's MOR Development Review Board in case DRB-2016-01.

The Major Variance described above shall only apply to the property located at 710 West Green Street, more particularly described as follows:

LEGAL DESCRIPTION:

The West 53 feet of Lot 3 in Block 5 of J.W. Slim's Addition to the City of Urbana, in Champaign County, Illinois.

Commonly known as: 710 West Green Street

P.I.N.: 92-21-17-106-011

**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).

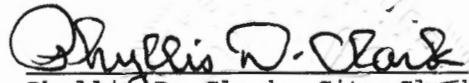
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1<sup>st</sup> day of August, 2016.

**PASSED by the City Council** this 1<sup>st</sup> day of August, 2016.

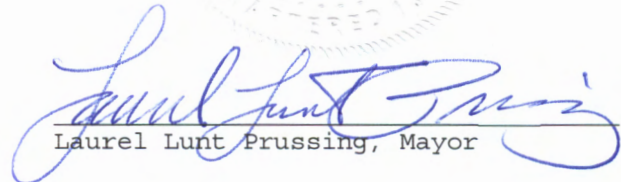
AYES: Ammons, Brown, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:

  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 4<sup>th</sup> day of August, 2016.

  
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 4<sup>th</sup> day of August, 2016, the City Council of the City of Urbana passed and approved Ordinance No. 2016-08-064, entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE (ALLOW A REDUCTION IN THE REQUIRED EAST SIDE YARD SETBACK FROM 10 FEET TO 7 FEET AT 710 WEST GREEN STREET IN THE MOR, MIXED OFFICE RESIDENTIAL DISTRICT / ZBA CASE 2016-MAJ-07)**

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

The pamphlet form of Ordinance No. 2016-08-064 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 4<sup>th</sup> day of August, 2016, 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 4<sup>th</sup> day of August, 2016.



*Phyllis D. Clark*

Phyllis D. Clark, City Clerk