

ORDINANCE NO. 2016-10-095

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow the construction of a pergola with solar panels that encroaches 12 inches into the 18-inch required east side yard setback in the R-2, Single Family Residential Zoning District, at 209 West Indiana Avenue /ZBA Case No. 2016-MAJ-10)

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, Paul and Jennifer Hixson have submitted a petition for a Major Variance to allow a pergola covered with solar panels that will encroach 12 inches into the 18-inch required side yard setback for accessory structures in the City's R-2, Single Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2016-MAJ-10; 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 September 21, 2016 and voted four ayes to zero nays in Case No. ZBA-2016-MAJ-10 to recommend that the Corporate Authorities approve the requested variance with a condition; 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. Paul and Jennifer Hixson have requested a Major Variance to allow a solar panel pergola that would encroach 12 inches into the 18-inch required side yard setback at 209 West Indiana Avenue.
2. The site is located in West Urbana and is zoned R-2, Single Family Residential.
3. The variance is requested due to special circumstances and practical difficulties with the parcel. The property's tree shade cover and existing photovoltaic control system necessitate the location of the proposed pergola.
4. The variance would not serve as a special privilege to the applicants.
5. The variance request is not the result of a situation or condition that was created by the applicants. Many of the trees responsible for the shade cover are located on other properties or were planted before the applicants purchased their home.
6. The variance would not alter the essential character of the neighborhood. The pergola which would be encroaching into the required setback would be minimally visible from neighboring properties or from the front of the property. It would be located adjacent to an existing house that is legally nonconforming with respect to side yard setbacks.

7. The variance would not cause a nuisance to the adjacent property. The neighboring homeowners have communicated their support for the application.
8. The variance represents the minimum deviation from the requirements of the Zoning Ordinance necessary to accommodate the request.
9. At their September 21, 2016 meeting, the Urbana Zoning Board of appeals voted with four ayes and zero nays to forward ZBA Case 2016-MAJ-10 to the Urbana City Council with a recommendation of approval.

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-10, the variance requested by Paul and Jennifer Hixson for the construction of a pergola with solar panels that encroaches 12 inches into the 18-inch required east side yard setback at 209 West Indiana Avenue in the R-2, Single Family Residential zoning district is hereby approved in the manner proposed in the application and subject to the following condition:

- The site be developed in general compliance with the site plan and rendering attached as Attachment A.

The Major Variance described above shall only apply to the property located at 209 West Indiana Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 8 in Block 5 of Van Doran's Addition to Urbana, Situated in Champaign County, Illinois.

P.I.N.: 93-21-17-332-006

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 3rd day of October, 2016.


PASSED BY THE CITY COUNCIL this 3rd day of October, 2016.

AYES: Brown, Jakobsson, Marlin, Roberts, Smyth

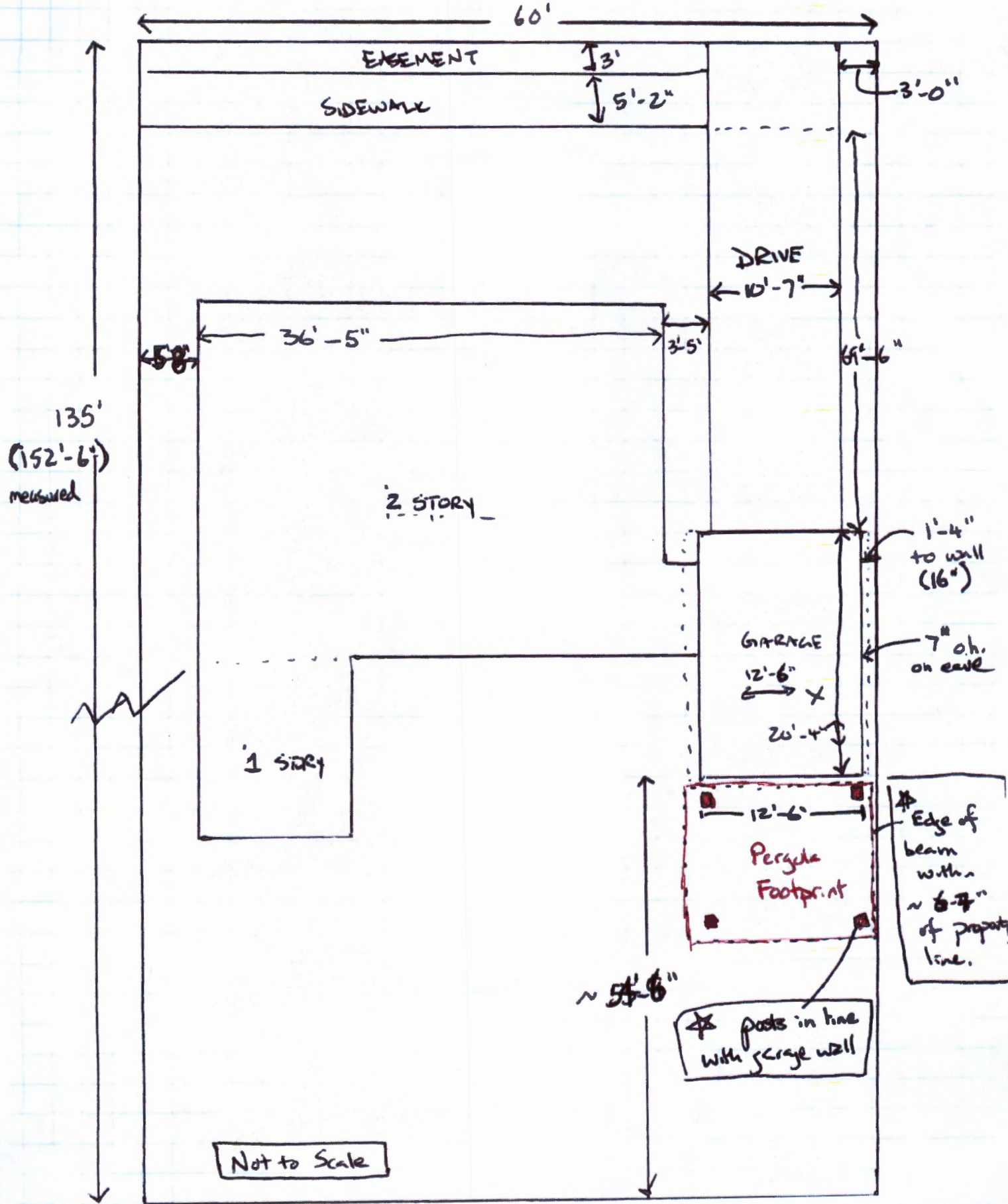
NAYS:

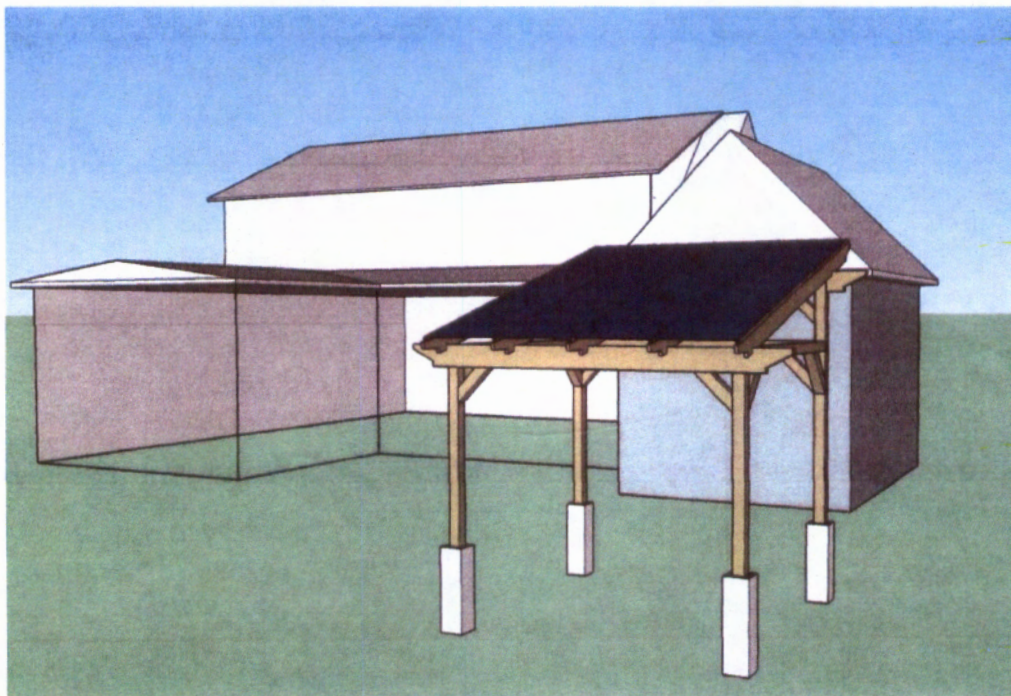
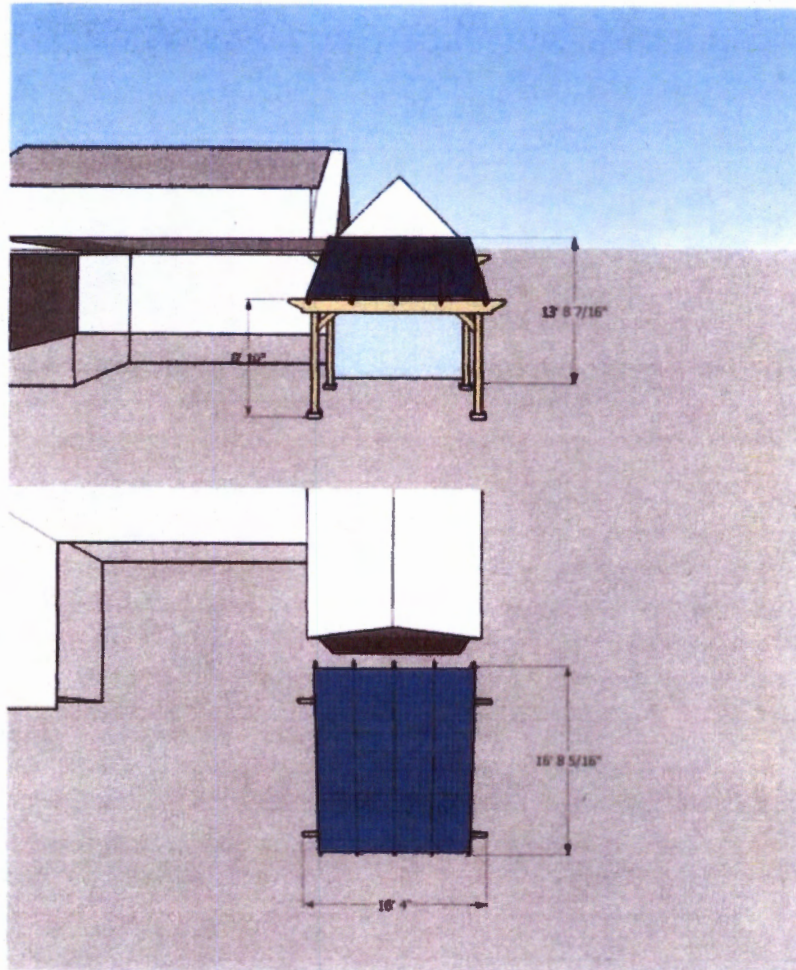
ABSTAINED:

APPROVED BY THE MAYOR this 6th day of _____


Phyllis R. Clark, City Clerk
October 6, 2016
Laurel Lunt Prussing, Mayor

WEST INDIANA AVENUE







**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 3rd day of October, 2016, the City Council of the City of Urbana passed and approved Ordinance No. 2016-10-095, entitled:


AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW THE CONSTRUCTION OF A PERGOLA WITH SOLAR PANELS THAT ENCROACHES 12 INCHES INTO THE 18-INCH REQUIRED EAST SIDE YARD SETBACK IN THE R-2, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AT 209 WEST INDIANA AVENUE /ZBA CASE NO. 2016-MAJ-10)

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

The pamphlet form of Ordinance No. 2016-10-095 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 6th day of October, 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 6th day of October, 2016.




Phyllis D. Clark, City Clerk