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Recording Cover Sheet

ORDINANCE NO. 2017-03-014

AN ORDINANCE APPROVING MAJOR VARIANCES

To allow the reconstruction of an accessory garage that encroaches into required side yard and rear yard setbacks in the City's R-5, Medium-High Density Multiple-Family Residential District, at 717 South Broadway Avenue

ZBA Case No. 2017-MAJ-01 and
ZBA Case No. 2017-MAJ-02

2017R08589
REC ON: 05/18/2017 1:07:45 PM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
PAGES 7
PLAT ACT: OPLAT PAGE:

Prepared for recording by:

Marcus Ricci, City of Urbana Planning Division

Return to:

(G)

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

ORDINANCE NO. 2017-03-014

AN ORDINANCE APPROVING MAJOR VARIANCES

(To allow the reconstruction of an accessory garage that encroaches into required side yard and rear yard setbacks in the City's R-5, Medium-High Density Multiple-Family Residential District, at 717 South Broadway Avenue / ZBA Case No. 2017-MAJ-01 and ZBA Case No. 2017-MAJ-02)

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, on behalf of the owners of the Clarence M. Siems Condominiums located at 717 South Broadway, Mark Gerhart has submitted a petition for two major variances to allow the reconstruction of an accessory garage which encroaches one-and-one-half (1.5) feet into the required five-foot north side yard setback and three (3) feet into the required five-foot rear yard setback at 717 South Broadway Avenue in the R-5, Medium-High Density Multiple-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2017-MAJ-01 and 2017-MAJ-02; 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 variances on March 15, 2017, and voted 7 ayes to 0 nays in Case Nos. ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02 to recommend that the Corporate Authorities approve the requested variances with one condition; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variances referenced

herein conform 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. The applicant, Mark Gerhart, has proposed to demolish an existing legally non-conforming accessory garage and to replace it with a new, one-story, four-car garage of the same area, in the same location, at 717 South Broadway Avenue.
2. The portion of the property where the accessory garage is located is zoned R-5 Medium-High Density Multiple-Family Residential and has a future land use designation of "Residential" in the Urbana Comprehensive Plan.
3. The Major Variance requests are to facilitate safe access to garage units by allowing the reconstruction of the accessory garage structure to encroach one-and-one-half feet into the required five-foot north side yard setback and three feet into the required five-foot rear yard setback.
4. The variance requests will not serve as a special privilege to the property owner.
5. The variance requests are not the result of a situation knowingly created by the petitioner.
6. The variance requests will not alter the essential character of the neighborhood.
7. The variance requests will not cause a nuisance to adjacent property owners.
8. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.
9. On March 15, 2017, the Zoning Board of Appeals voted 7 ayes to 0 nays to approve Case Nos. ZBA-2017-MAJ-01 and ZBA-2017-MAJ-02.

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

Section 1. In ZBA Case Nos. 2017-MAJ-01 and 2017-MAJ-02, the two major variances requested on behalf of the owners of the Clarence M. Siems Condominiums to allow reconstruction of an accessory garage into a required side yard setback and required rear yard setback, in the City's R-5, Medium-High Density Multiple-Family Residential District are hereby approved in the manner proposed in the application and subject to the following condition:

- The site is developed in general compliance with the attached Site Plan and Elevations (Attachment A) entitled "Garage Structure Replacement 717 South Broadway Avenue" and dated March 15, 2017.

The Major Variances described above shall only apply to the property located at 717 South Broadway Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

The North Half of Lot 6 of a Subdivision of Outlots 15 and 16 of J.S. Busey's Addition of Outlots and the east 15 feet of Lot 1, Bogg's Replat, City of Urbana, Illinois.

P.I.N. 92-21-17-262-900

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, together with an accurate Site Plan and Elevations herein above described. 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).

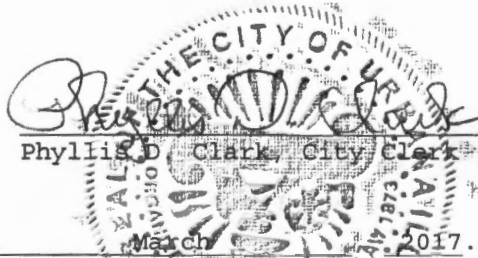
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of March, 2017.

PASSED BY THE CITY COUNCIL this 20th day of March, 2017.

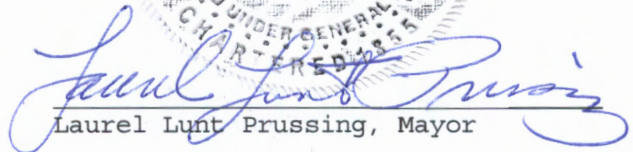
AYES: Ammons, Brown, Jakobsson, Marlin, Roberts, Smyth

NAYS:

ABSTAINED:


Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 23rd day of March, 2017.


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 20th day of March, 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-03-014,
entitled:

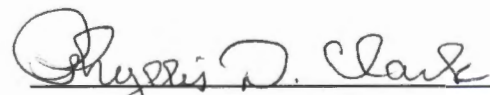
AN ORDINANCE APPROVING MAJOR VARIANCES (TO ALLOW THE RECONSTRUCTION OF AN ACCESSORY GARAGE THAT ENCROACHES INTO REQUIRED SIDE YARD AND REAR YARD SETBACKS IN THE CITY'S R-5, MEDIUM-HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT, AT 717 SOUTH BROADWAY AVENUE / ZBA CASE NO. 2017-MAJ-01 AND ZBA CASE NO. 2017-MAJ-02)

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

The pamphlet form of Ordinance No. 2017-03-014 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 23rd day of March, 2017, 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 23rd day of March, 2017.





Phyllis D. Clark, City Clerk