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Recording Cover Sheet

ORDINANCE NO. 2017-06-024

AN ORDINANCE APPROVING A MAJOR VARIANCE

613 WEST WASHINGTON STREET

ZBA CASE NO. 2017-MAJ-03

2017R10380

REC ON: 06/13/2017 11:08:23 AM

CHAMPAIGN COUNTY

MARK SHELDEN

REC FEE: 51.00

PAGES 7

PLAT ACT: OPLAT PAGE:

Prepared for recording by:

Marcus Ricci, Planner II

(G)

Return to:

Planning Division
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2017-06-024

**An Ordinance Approving A Major Variance
(613 West Washington Street / ZBA Case No. 2017-MAJ-03)**

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, Clifford Singer and Brigitte Pieke have submitted a petition for a Major Variance to allow the construction of an addition to a legally nonconforming, single-family house which encroaches four (4) feet into the required five- (5) foot west side yard setback at 613 West Washington Street in the R-2, Single-Family Residential District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2017-MAJ-03; 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 May 17, 2017, and voted 4 ayes to 0 nays in Case No. ZBA-2017-MAJ-03 to recommend that the Corporate Authorities approve the requested variance with one 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-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 applicants, Clifford Singer and Brigitte Pieke, propose to construct a 187 square-foot addition aligned with a legally nonconforming existing single-family house located at 613 West Washington Street.
2. The subject property is zoned R-2 Single-Family Residential and has a future land use designation of "Residential, Urban Pattern" in the Urbana Comprehensive Plan.

3. The variance request will create additional living space by allowing construction of an addition to the residence which encroaches four feet into the required five-foot west side yard setback.
4. The variance request will not serve as a special privilege to the property owner.
5. The variance request was not the result of a situation knowingly created by the petitioner.
6. The variance request will not alter the essential character of the neighborhood.
7. The variance request will not cause a nuisance to adjacent property owners.
8. The variance request represents generally the minimum deviation from the requirements of the Zoning Ordinance.

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

Section 1.

In ZBA Case No. 2017-MAJ-03, the Major Variance requested by Clifford Singer and Brigitte Pieke to allow the construction of an addition to the single-family house, which encroaches four feet into the required west side yard setback, in the City's R-2, Single-Family Residential 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 revised Site Plan and Elevations (Attachment A) entitled "Renovation Plan Drawings for 613 W. Washington, Urbana" and dated May 8, 2017, allowing changes necessary to accommodate the storm sewer near the western property line but do not expand the encroachment further west.

The Major Variance described above shall only apply to the property located at 613 West Washington Street, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 1, except the East 54 feet 4 inches thereof, and the East 52.47 feet of Lot 2, all in C. W. Nuckolls' Subdivision of Lot 6 in Block "A" of the Assessor's Subdivision of the Northwest Quarter of the Southwest Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal meridian, except Lincoln Place, as per plat recorded in Book "E" at page 186A, situated in the City of Urbana, in Champaign County, Illinois.

P.I.N. 93-21-17-305-009

Section 2.

The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, together with 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 5th day of June, 2017.

PASSED BY THE CITY COUNCIL this 5th day of June, 2017.

AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Wu

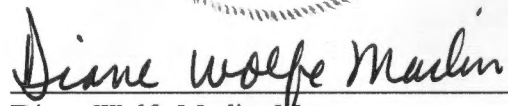
NAYS:

ABSTAINED:

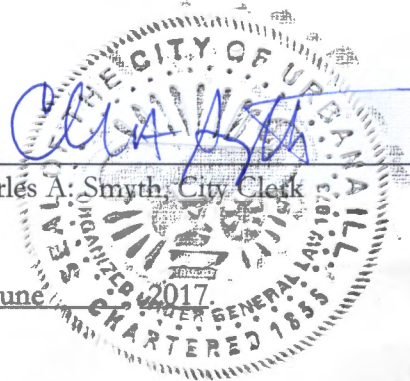


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 5th day of June, 2017.



Diane Wolfe Marlin, Mayor



ATTACHMENT A

Renovation Plan Drawings for 613 W. Washington, Urbana: Plan View

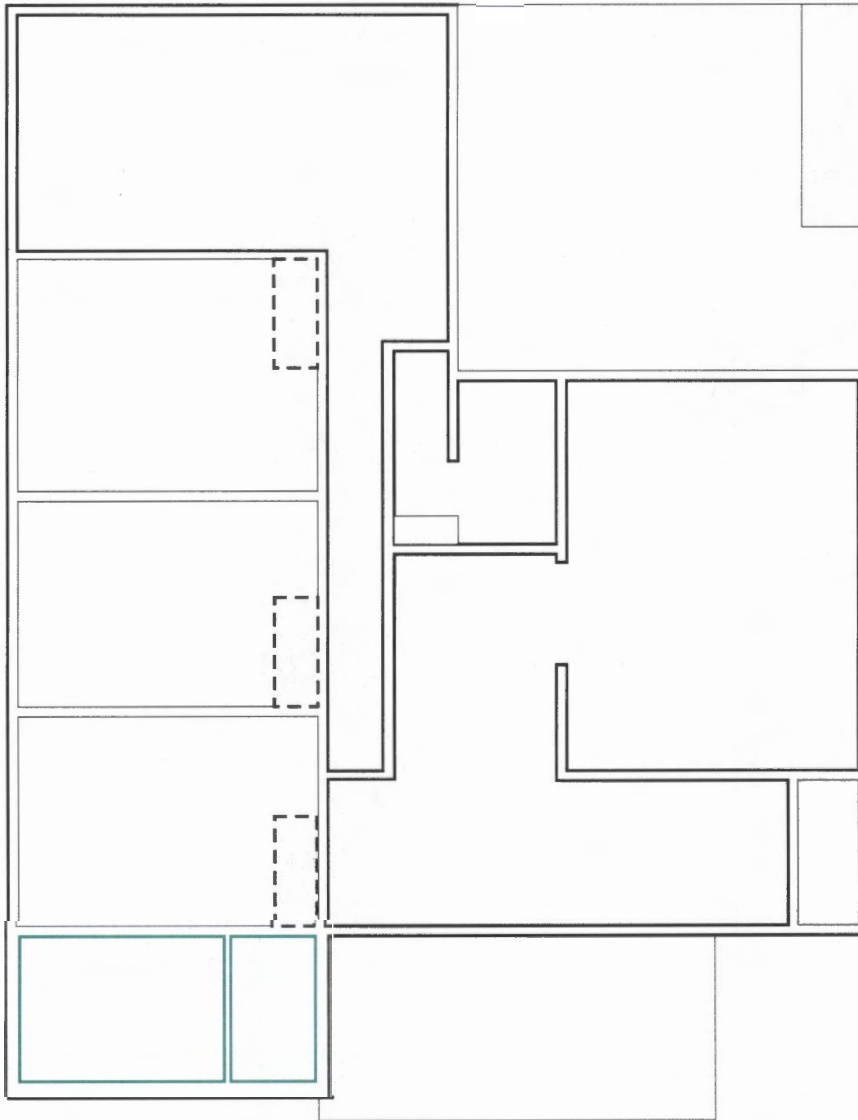


Fig. 1. Plan view of existing house (black, with closets in darker shade), including part of wooden deck that will remain and carport (light gray outlined exterior parts) and addition to south (bottom of drawing). See variance application for maximum dimensions of the addition.

ATTACHMENT A

Renovation Plan Drawings for 613 W. Washington, Urbana: Elevation Views

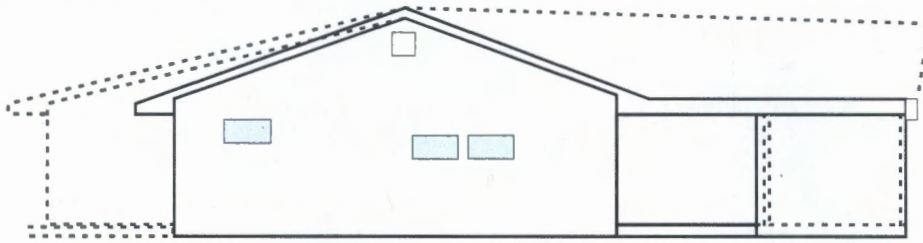


Fig. 2. Elevation view existing house viewed from outside from east looking west. Solid lines and dotted lines to the north of the roof peak, (to the right in the diagram, towards the street) are the existing house. The dotted roof line to the north is in the middle of the occupied (i.e. non-carport) part of the north part. Dotted lines to the south give an elevation view of the addition. The small rectangle is the location of possible heat

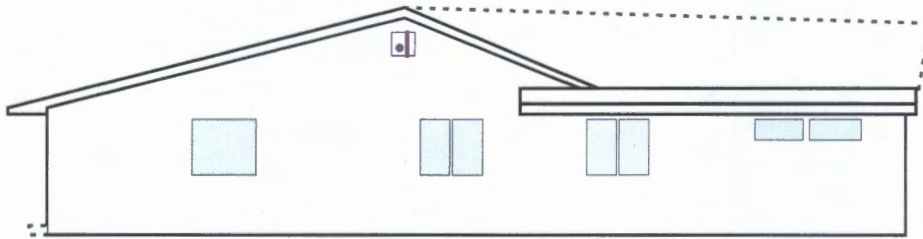


Fig. 3. Elevation view existing house viewed from **inside** from east looking west. Southern most window (to the left in the diagram) is in the addition. New roof line (solid line) runs from the roof peak to the south. Old north roof line (dotted) is in the middle of the occupied (non-carport) north part of existing house.

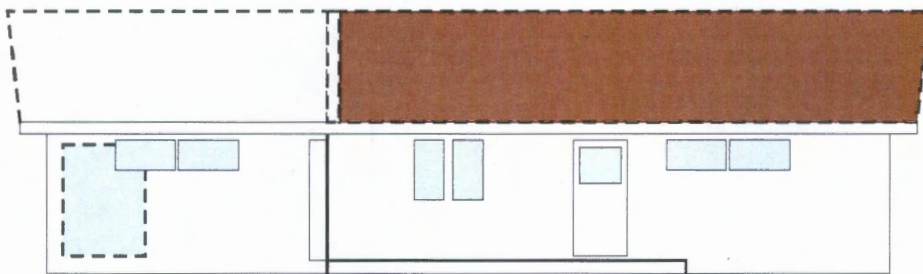


Fig. 4. Elevation view existing of the house with addition, viewed from the south. New roof is outlined with dotted lines surrounding white space. Three new addition windows are shown. The existing double door that will open into the addition is shown with dotted outline, showing only the part not directly in back of the new windows. Locations of windows on the addition may change based on information obtained in the building permit application process.



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 5th day of June, 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-06-024,
entitled:

**“An Ordinance Approving a Major Variance”
(613 West Washington Street / ZBA Case No. 2017-MAJ-03)**

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

The pamphlet form of Ordinance No. 2017-06-024 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 6th day of June, 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 6th day of June, 2017.



Charles A. Smyth, City Clerk