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# Recording Cover Sheet

**AN ORDINANCE APPROVING MAJOR  
VARIANCES (603 EAST OREGON STREET / ZBA  
CASE NO. 2018-MAJ-08, ZBA CASE NO. 2018-MAJ-09)  
[ORDINANCE NO. 2018-07-048]**

**2019R02441**  
REC ON: 02/22/2019 01:20:18 PM  
CHAMPAIGN COUNTY  
**MARK SHELDEN**  
REC FEE: 51.00  
RHSPS Fee:  
REV FEE:  
PAGES 6  
PLAT ACT: 0 PLAT PAGE:

\*ORDINANCE

Prepared for recording by:

Wendy M. Hundley, Deputy City Clerk

400 S. Vine St., Urbana, IL 61801

(6)

Return to:

Charles A. Smyth, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

**ORDINANCE NO. 2018-07-048**

**AN ORDINANCE APPROVING MAJOR VARIANCES**

**(603 East Oregon Street / ZBA Case No. 2018-MAJ-08, ZBA Case No. 2018-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**, Carol Osgood has submitted a petition for two major variances to decrease the required side yard setback from five feet to zero feet, and to decrease the required rear yard setback from ten feet to zero feet; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on June 20, 2018, in ZBA Case Nos. 2018-MAJ-08 and 2018-MAJ-09; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted four (4) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

**WHEREAS**, the City Council finds that the requested variances conform with the major variance procedures in Article XI, Section XI-3(C)(2)(d) of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. Carol Osgood was granted a Conditional Use Permit by the Zoning Board of Appeals to allow a second principal structure on her property at 603 East Oregon Street in the R-3, Single-and-Two Family Residential zoning district. She has also applied for two major variances to permit a setback of zero feet in the required side and rear yards.
2. If granted, the major variances would allow Ms. Osgood to add an apartment to the upper level of her existing two-car garage, with 450 square feet of living space.
3. The property is currently compliant with the Zoning Ordinance requirements for floor area ratio, open space, and off-street parking. The property would remain compliant with the Zoning Ordinance if the major variances are granted.
4. The proposed variances are due to special circumstances and difficulties in carrying out the strict application of the ordinance. The Conditional Use Permit allows a second principal structure, but the structure would be deemed nonconforming if the apartment is added because it already encroaches into the required side and rear yards. The garage exists as a conforming accessory structure, and its location and size will remain the same whether the variances are granted or not.
5. The proposed variances would not serve as a special privilege. The garage already exists and its structural footprint would not be altered.
6. The variances requested were not the result of a situation or condition having been knowingly created by the Petitioner. The garage was constructed before the applicant purchased the property.
7. The variances will not alter the essential character of the neighborhood. The garage already exists and its footprint would not change. The improvements would be entirely inside the garage.
8. The variances will not cause a nuisance to the adjacent property. The building footprints would remain the same and the property can accommodate the four off-street parking spaces

required by the Zoning Ordinance. The additional dwelling unit would not drastically change the density of the property.

9. The variances represent the minimum deviation from requirements of the Zoning Ordinance. The requests would allow the existing building to remain in place.

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

**Section 1.**

In ZBA Case Nos. 2018-MAJ-08 and 2018-MAJ-09, the two major variances requested by the Carol Osgood to decrease the required side yard setback from five feet to zero feet, and to decrease the required rear yard setback from ten feet to zero feet are hereby approved in the manner proposed in the application.

The major variances described above shall only apply to the property located at 603 East Oregon Street, more particularly described as follows:

Lots 3 and 4 in Ealey Place, a Subdivision of Lots 4 and 5 of George G. Webber's Addition of Outlots to the City of Urbana, as per Plat recorded in Plat Book "D" at Page 275, situated in Champaign County, Illinois.

PIN: 92-21-17-287-001

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

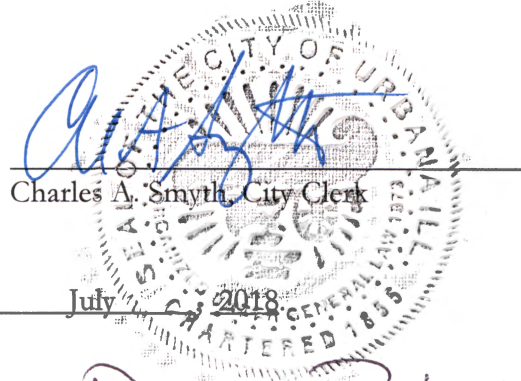
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 9<sup>th</sup> day of July, 2018.

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

**NAYS:**

**ABSTENTIONS:**



*[Handwritten signature]*  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this 11<sup>th</sup> day of July, 2018.

*[Handwritten signature: Dennis Roberts]*  
\_\_\_\_\_  
Diane Wolfe Marlin, Mayor  
Dennis Roberts, Mayor Pro-tem

## 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 9<sup>th</sup> day of July, 2018, the corporate authorities of the City of Urbana passed and approved Ordinance No. 2018-07-048, entitled “An Ordinance Approving Major Variances (603 East Oregon Street / ZBA Case No. 2018-MAJ-08, ZBA Case No. 2018-MAJ-09)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. 2018-07-048 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 11<sup>th</sup> day of July, 2018, 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 11<sup>th</sup> day of July, 2018.



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



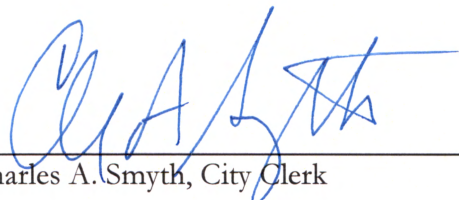
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 9<sup>th</sup> day of July 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-07-048, entitled:

**AN ORDINANCE APPROVING MAJOR VARIANCES (603 EAST OREGON STREET / ZBA CASE NO. 2018-MAJ-08, ZBA CASE NO. 2018-MAJ-09)**

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Dated at Urbana, Illinois, this 11<sup>th</sup> day of July, 2018.

  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

