



City of Urbana
400 South Vine Street
Urbana, IL 61801

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CHAMPAIGN COUNTY
MARK SHELDEN
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CLERK'S CERTIFICATE

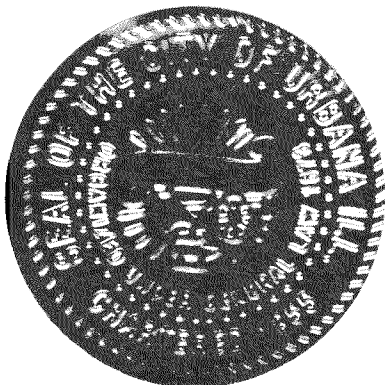
STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, CHARLES A. SMYTH, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (HUBBARD GARAGE APARTMENT / 812 SOUTH RACE STREET / ZBA CASE NO. ZBA-2019-MAJ-01) [ORD. 2019-06-032].

approved by the City Council of the City of Urbana, Illinois, on the 3rd day of June, AD, 2019, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 4th day of June, AD, 2019.



Charles A Smyth

Charles A. Smyth, City Clerk



ORDINANCE NO. 2019-06-032

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Hubbard Garage Apartment / 812 South Race Street / ZBA Case No. ZBA-2019-MAJ-01)

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, Kimberly Hubbard has submitted a petition for a major variance to allow a reduction in the required rear yard setback from ten feet to five feet on her property at 812 South Race Street in the R-3, Single and Two-Family Residential zoning district.

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on May 15, 2019, in ZBA Case No. 2019-MAJ-01; 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 six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance; and

WHEREAS, the City Council finds that the requested variance conforms 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. Kimberly Hubbard was granted a Conditional Use Permit by the Zoning Board of Appeals to allow a second principal structure on her property at 812 South Race Street, in the R-3, Single- and Two-Family Residential zoning district;
2. Ms. Hubbard has also requested a major variance to reduce the required rear yard from ten feet to five. The Zoning Board of Appeals unanimously recommended that City Council approve the major variance request;
3. The variance will allow two mature trees to be saved, and for the driveway to maintain its distance from the intersection of Race Street and Washington Street;

4. The variance request would not serve as a special privilege to the property owner if granted, as there are special circumstances relating to the land such as location of mature trees and the access drive;
5. The property owner did not deliberately create this situation, as the mature trees were not planted by the applicant;
6. The variance will not alter the essential character of the neighborhood, as the proposed structure will match homes and garages facing Washington Street;
7. The variance will not create a nuisance, as it will be in a similar location to the existing garage and set back five feet from the property line like other structures along the block; and
8. The variance represents a minimum deviation from the zoning ordinance, as the variance is required to save two mature trees and maintain the distance of the driveway to the intersection at Race Street and Washington Street.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

In ZBA Case No. 2019-MAJ-01, the major variance requested by Kim Hubbard to allow for a reduction in the required rear yard setback from ten feet to five feet in a residential zoning district is hereby approved in the manner proposed in the application with the following condition:

1. That the proposed structure's location and construction generally conform to the site plan and specifications in Ordinance Attachment A.
2. The proposed structure can be no taller than 25 feet from the grade of the property.

The major variance described above shall only apply to the property more particularly described as follows:

Lot 4, except the North 18 inches thereof, in Bogg's Replat in the City of Urbana, as per Plat recorded in Book "D" at page 74, in Champaign County, Illinois.

Commonly known as 812 South Race Street, Urbana, Illinois
P.I.N.: 92-21-17-261-013

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. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

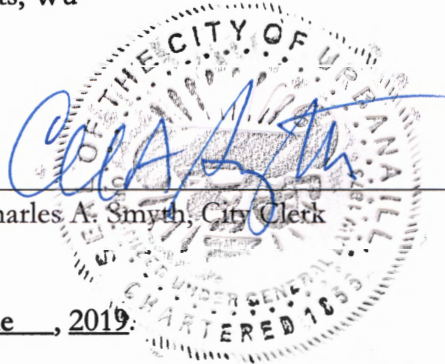
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 3rd day of June, 2019.

AYES: Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

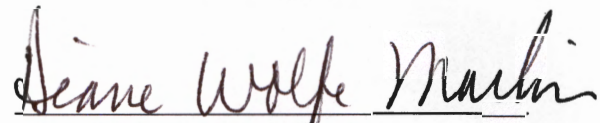
NAYS:

ABSTENTIONS:

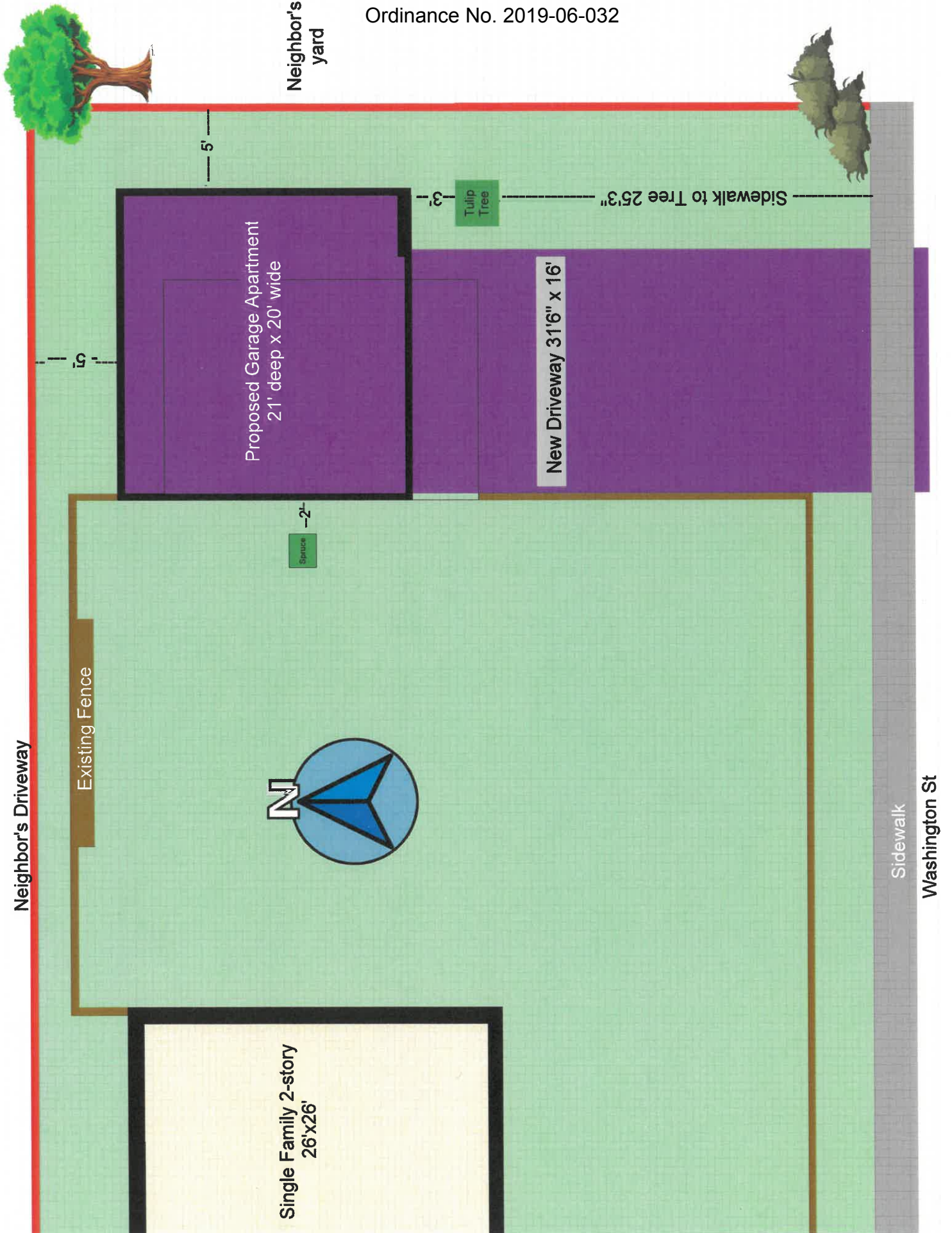


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 5th day of June, 2019.



Diane Wolfe Marlin, Mayor





CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



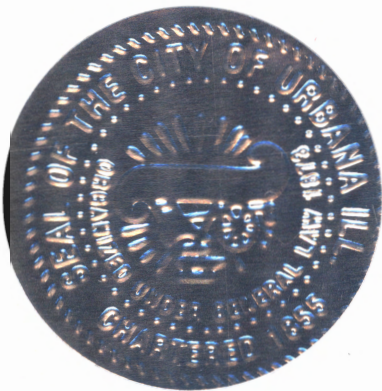
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 3rd day of June, 2019, the City Council of the City of Urbana passed and approved Ordinance No. 2019-06-032, entitled:

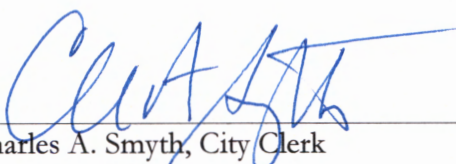
AN ORDINANCE APPROVING A MAJOR VARIANCE (HUBBARD GARAGE APARTMENT / 812 SOUTH RACE STREET / ZBA CASE NO. ZBA-2019-MAJ-01)

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

The pamphlet form of Ordinance No. 2019-06-032 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 5th day of June, 2019, 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 5th day of June, 2019.





Charles A. Smyth, City Clerk



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

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