



City of Urbana
400 South Vine Street
Urbana, IL 61801

2020R18822
REC ON: 09/17/2020 09:01:22 AM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
RHSPS Fee:
REV FEE:
PAGES 6
PLAT ACT: PLAT PAGE:

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, PHYLLIS D. CLARK, 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 (THE ANSEL'S GARAGE AT 102 W. PENNSYLVANIA AVE. / ZBA CASE NO. 2020-MAJ-03) [ORD. 2020-09-047].

approved by the City Council of the City of Urbana, Illinois, on the 14th day of September, AD, 2020, 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 15th day of September, AD, 2020.



Phyllis D. Clark
Phyllis D. Clark, City Clerk



ORDINANCE NO. 2020-09-047

AN ORDINANCE APPROVING A MAJOR VARIANCE

(The Ansel's Garage at 102 W. Pennsylvania Ave. / ZBA Case No. 2020-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, Fran and Marc Ansel have submitted a petition for a major variance to allow a garage to encroach 14.5 feet into the required 15-foot front yard at 102 West Pennsylvania Avenue; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on August 19, 2020, in ZBA Case No. 2020-MAJ-03; 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 with two conditions; 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. The property is zoned R-2, Single-Family Residential Zoning District.
2. Marc and Fran Ansel request a Major Variance to allow a 30-foot by 24-foot garage to encroach 14.5 feet into the required 15-foot front yard at 102 West Pennsylvania Avenue.
3. The variance does not serve as a special privilege to the property owner, as garages are allowed in the R-2 zoning district, but the proposed location for this garage is a variation from the requirements of the Zoning Ordinance.
4. The property owner did not deliberately create this situation, as the legal, non-conforming garage and Bald Cypress tree were on the property when it was purchased.
5. The variance will not alter the essential character of the neighborhood, as the proposed garage will not interfere with any neighboring properties, and will preserve a significant tree.
6. The variance will not create a nuisance, as it will allow the proposed garage to be built six inches from the east property line, and 26 feet 3 inches from Broadway Avenue.
7. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the variance would allow a garage to be built in the required front yard setback.

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

Section 1.

In ZBA Case No. 2020-MAJ-03, the major variance requested by Fran and Marc Ansel, to allow a garage to encroach 14.5 feet into the required 15-foot front yard at 102 West Pennsylvania Avenue, is hereby approved in the manner proposed in the application with the following conditions: that the garage generally conforms to the site plan in Attachment A. Such attachments are attached hereto and incorporated herein by reference.

The major variance described above shall only apply to the property located at 102 West Pennsylvania Avenue, more particularly described as follows:

Lot 22 and the East One-Half of Lot 23 in the De Young's Second Subdivision to the City of Urbana, situated in Champaign County, Illinois.

Commonly known as 102 West Pennsylvania Avenue
P.I.N.: 93-21-17-451-021

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 14th day of September, 2020.

AYES: Brown, Colbrook, Hursey, Laut, Miller, Roberts, Wu

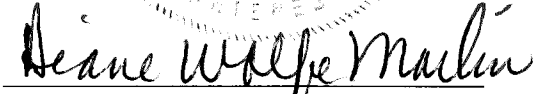
NAYS:

ABSTENTIONS:



Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 15th day of September, 2020.



Diane Wolfe Marlin, 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 14th day of September 2020 the City Council of the City of Urbana passed and approved Ordinance No. 2020-09-047 entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (THE ANSEL'S GARAGE AT 102 W. PENNSYLVANIA AVE. / ZBA CASE NO. 2020-MAJ-03)

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

The pamphlet form of Ordinance No. 2020-09-047 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 15th day of September 2020, 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 15th day of September, 2020.





Phyllis D. Clark, City Clerk



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, PHYLLIS D. CLARK, 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 (THE ANSEL'S GARAGE AT 102 W. PENNSYLVANIA AVE. / ZBA CASE NO. 2020-MAJ-03) [ORD. 2020-09-047].

approved by the City Council of the City of Urbana, Illinois, on the 14th day of September, AD, 2020, 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 15th day of September, AD, 2020.



Phyllis D. Clark
Phyllis D. Clark, City Clerk



ORDINANCE NO. 2020-09-047

AN ORDINANCE APPROVING A MAJOR VARIANCE

(The Ansel's Garage at 102 W. Pennsylvania Ave. / ZBA Case No. 2020-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, Fran and Marc Ansel have submitted a petition for a major variance to allow a garage to encroach 14.5 feet into the required 15-foot front yard at 102 West Pennsylvania Avenue; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on August 19, 2020, in ZBA Case No. 2020-MAJ-03; 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 with two conditions; 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. The property is zoned R-2, Single-Family Residential Zoning District.
2. Marc and Fran Ansel request a Major Variance to allow a 30-foot by 24-foot garage to encroach 14.5 feet into the required 15-foot front yard at 102 West Pennsylvania Avenue.
3. The variance does not serve as a special privilege to the property owner, as garages are allowed in the R-2 zoning district, but the proposed location for this garage is a variation from the requirements of the Zoning Ordinance.
4. The property owner did not deliberately create this situation, as the legal, non-conforming garage and Bald Cypress tree were on the property when it was purchased.
5. The variance will not alter the essential character of the neighborhood, as the proposed garage will not interfere with any neighboring properties, and will preserve a significant tree.
6. The variance will not create a nuisance, as it will allow the proposed garage to be built six inches from the east property line, and 26 feet 3 inches from Broadway Avenue.
7. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the variance would allow a garage to be built in the required front yard setback.

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

Section 1.

In ZBA Case No. 2020-MAJ-03, the major variance requested by Fran and Marc Ansel, to allow a garage to encroach 14.5 feet into the required 15-foot front yard at 102 West Pennsylvania Avenue, is hereby approved in the manner proposed in the application with the following conditions: that the garage generally conforms to the site plan in Attachment A. Such attachments are attached hereto and incorporated herein by reference.

The major variance described above shall only apply to the property located at 102 West Pennsylvania Avenue, more particularly described as follows:

Lot 22 and the East One-Half of Lot 23 in the De Young's Second Subdivision to the City of Urbana, situated in Champaign County, Illinois.

Commonly known as 102 West Pennsylvania Avenue
P.I.N.: 93-21-17-451-021

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 14th day of September, 2020.

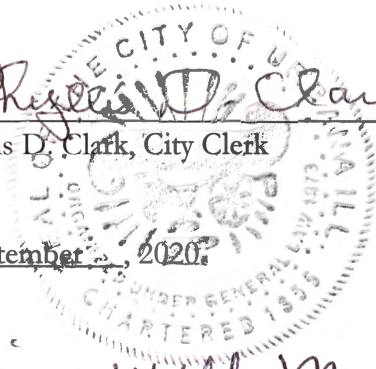
AYES: Brown, Colbrook, Hursey, Laut, Miller, Roberts, Wu

NAYS:

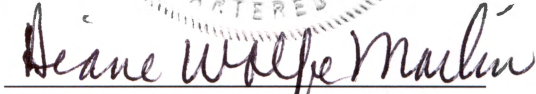
ABSTENTIONS:



Phyllis D. Clark, City Clerk



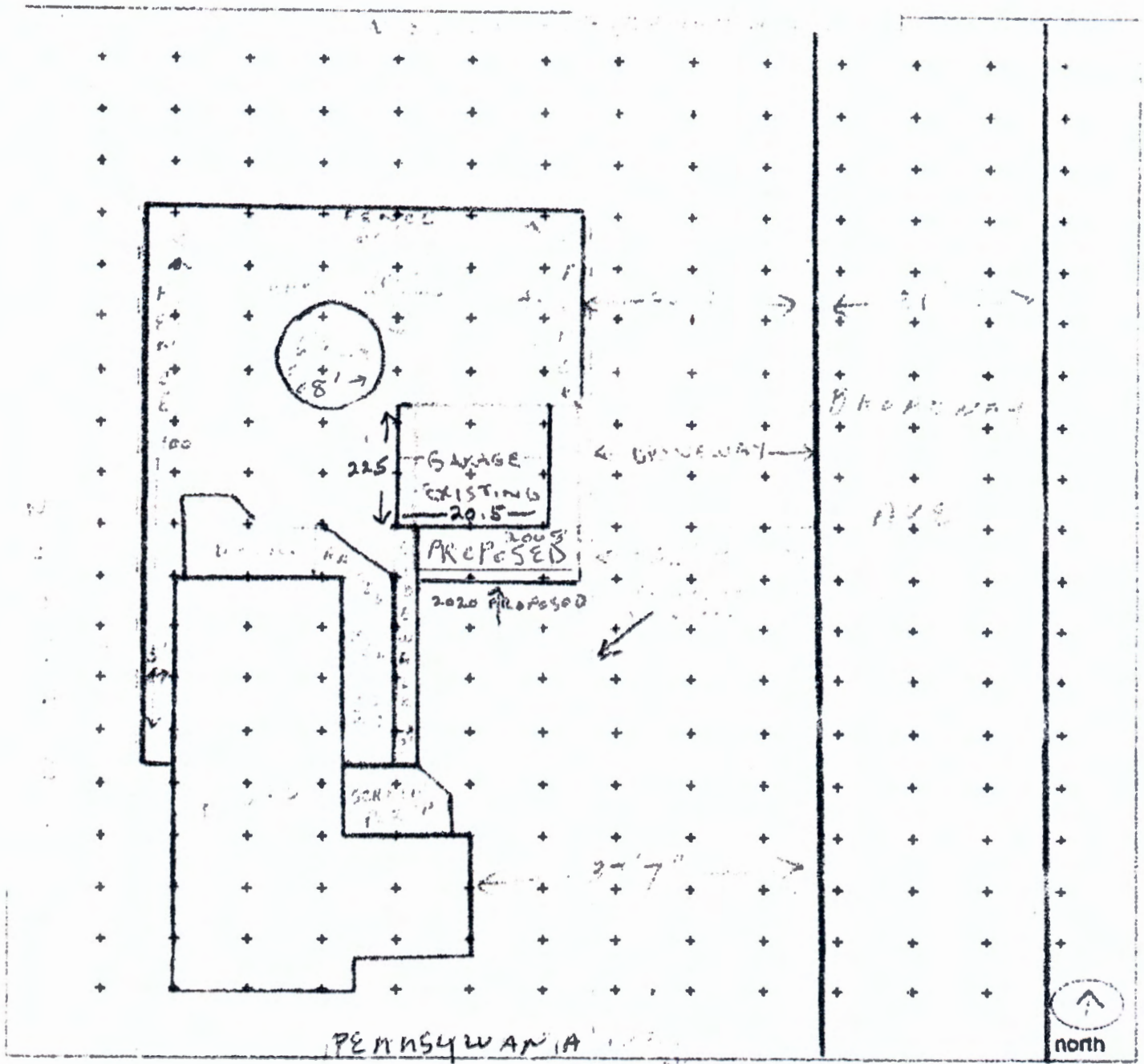
APPROVED BY THE MAYOR this 15th day of September, 2020.



Diane Wolfe Marlin, Mayor

ATTACHMENT A

Site Plan





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 14th day of September 2020 the City Council of the City of Urbana passed and approved Ordinance No. 2020-09-047 entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (THE ANSEL'S GARAGE AT 102 W. PENNSYLVANIA AVE. / ZBA CASE NO. 2020-MAJ-03)

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

The pamphlet form of Ordinance No. 2020-09-047 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 15th day of September 2020, 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 15th day of September, 2020.





Phyllis D. Clark, City Clerk