

ORDINANCE NO. 2023-06-020

AN ORDINANCE APPROVING A MAJOR VARIANCE

(410 West California Avenue, LLC at 410 West California Avenue / Case No. ZBA-2023-MAJ-01)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

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, Jim Planey, representing 410 West California Avenue, LLC, requests a major variance to increase the maximum access drive width from 45% to 54% (21 feet) to allow for construction of a new home with a front-facing, two-car garage and access drive onto West California Avenue at 410 West California Avenue in the R-2, Single-Family Residential zoning district; and

WHEREAS, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on May 17, 2023, in Case ZBA-2023-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 three (3) ayes and one (1) nay to forward the case to the Urbana City Council with a recommendation to approve the requested variance, as presented; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(e), 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. On behalf of Jim Planey (410 West California Avenue, LLC), Andrew Fell requests a major variance to increase the maximum total access drive width to 21 feet to allow construction of a home with a front-facing, two-car garage and street-loading access drive at 410 West California Avenue in the R-2, Single-Family Residential, zoning district.
2. The variance allows for the preferred solution of a street-accessed two-car garage, rather than a garage accessed from the alley or from the shared access drive. The applicant states that the lot narrowness, and their belief that the City permitted the narrowing, is a special circumstance not applicable to other lands, and therefore is not a special privilege. Staff find that, due to the lot narrowness, the variance may not be a special privilege.
3. The applicant states that the City should grant the variance because the City created the situation when it permitted the lot to be narrowed below the minimum width.
4. The applicant states that the variance would not alter the essential character of the neighborhood.
5. The requested variance would not create a nuisance to the adjacent property.
6. The applicant states that the variance is the minimum deviation possible from the Zoning Ordinance to build an “economically viable project.”

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

Section 1.

In Case No. ZBA 2023-MAJ-01, the major variance requested by Jim Planey, representing 410 West California Avenue, LLC, to increase the maximum access drive width from 45% to 54% (21 feet) is hereby approved in the manner proposed in the application.

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. 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 26th day of June, 2023.

AYES: Wu, Hursey, Kolisetty, Bishop, Quisenberry

NAYS: Evans, Wilken

ABSTENTIONS: None


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 18th day of August, 2023.

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor