

Recording Cover Sheet

An Ordinance Approving a Major Variance
(Chen/Tan Duplex at 312 West Illinois Street / Case No.
ZBA-2023-Maj-03)
[Ordinance No. 2024-01-002]

2024R03801
REC ON: 03/28/2024 02:34:39 PM
CHAMPAIGN COUNTY
AARON AMMONS
REC FEE: 51.00
RHSPS FEE:
STATE TAX:
COUNTY TAX:
PLAT ACT:
PAGES: 6

Prepared for recording by:

Darcy E. Sandefur, City Clerk

400 S. Vine St., Urbana, IL 61801

Return to:

Darcy E. Sandefur, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS


I, DARCY E. SANDEFUR, 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
(Chen/Tan Duplex at 312 West Illinois Street / Case No. ZBA-2023-MAJ-
03)**

approved by the City Council of the City of Urbana, Illinois, on the 5th day of February, AD, 2024, 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 28th day of March, AD, 2024.





Darcy E. Sandefur, City Clerk

ORDINANCE NO. 2024-01-002

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Chen/Tan Duplex at 312 West Illinois Street / Case No. ZBA-2023-MAJ-03)

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, Chien-Yu Chen and Pei-Hsiu Tan request a major variance: a) to reduce the required front yard along Illinois Street from 15 to nine feet, b) to reduce the minimum open space ratio from 0.4 to 0.0, and c) to increase the maximum floor area ratio from 0.4 to 0.52, at 312 West Illinois Street 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 December 20, 2023, in Case ZBA-2023-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 five (5) ayes and zero (0) nays 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 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. The variance will not serve as a special privilege to the property owner, as it is necessary due to special circumstances related to the lot's platting in 1852, prior to the adoption of the Urbana Zoning Ordinance in 1940, and the current minimum yard and lot coverage requirements; also, the existing house is condemned and beyond repair.
2. The variance is not the result of a situation knowingly created by the applicant, as the legal non-conformities started in 1940 when the Ordinance was adopted.
3. The variance will not alter the essential character of the neighborhood, as the proposed replacement duplex would be of similar size to nearby conforming – and non-conforming – existing single-family homes and duplexes.
4. The variance will not cause a nuisance to adjacent property owners, as it will remain a single-family or duplex use.
5. The variance represents the minimum deviation necessary from the requirements of the Urbana Zoning Ordinance, as the only substantive changes would be an increase in living area, not building footprint.

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-03, the major variance requested by Chien-Yu Chen and Pei-Hsiu Tan to reduce the required front yard along Illinois Street from 15 to nine feet, to reduce the minimum open space ratio from 0.4 to 0.0, and to increase the maximum floor area ratio from 0.4 to 0.52 is hereby approved in the manner proposed in the application. The major variance described above shall only apply to the property located at 312 West Illinois Street, more particularly described as follows:

The West 57 feet, 9 inches of Lot 19 of James T. Roe’s Third Addition to the Town (now City) of Urbana as per Plat recorded April 23, 1852 in Deed Record “D”, Page 281, situated in Champaign County, Illinois.

Commonly known as 312 West Illinois Street
P.I.N.: 92-21-17-138-009

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.

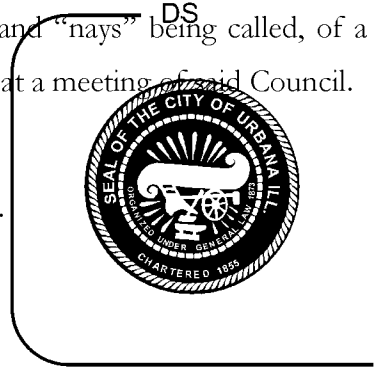
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” ^{DS} being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 5th day of February, 2024.

AYES: Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, Quisenberry

NAYS: None.

ABSTENTIONS: None.



DocuSigned by:

Darcy E. Sandefur

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Darcy E. Sandefur, City Clerk

APPROVED BY THE MAYOR this 4th day of March, 2024.

DocuSigned by:

Diane Wolfe Marlin

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Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Darcy E. Sandefur, 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 February 2024 the City Council of the City of Urbana passed and approved Ordinance No. 2024-01-002 entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Chen/Tan Duplex at 312 West Illinois Street / Case No. ZBA-2023-MAJ-03)

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

The pamphlet form of Ordinance No. 2024-01-002 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 4th day of March, 2024, 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.

DS Dated at Urbana, Illinois, this 4th day of March, 2024.



DocuSigned by:

Darcy E. Sandefur

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Darcy E. Sandefur, City Clerk