

ORDINANCE NO. 2022-10-042

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Woodward Garage at 2003 Airport Road / Case No. ZBA-2022-MAJ-05)

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, Steven and Deborah Woodward request a major variance to allow a 50-foot by 80-foot garage in the rear yard at 2003 Airport Road in the R-1, Single-Family Residential zoning district; and

WHEREAS, the Zoning Board of Appeals held two public hearings on this request at 7:00 p.m. on August 10, 2022, and at 7:00 p.m. on September 21, 2022, in Case ZBA-2022-MAJ-05; 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 one (1) nay to forward the case to the Urbana City Council with a recommendation to approve the requested variance, as presented, subject to the conditions specified in Section 1 herein; 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. Steven and Deborah Woodward request a major variance to allow a 50-foot by 80-foot garage in their backyard at 2003 Airport Road in the R-1, Single-Family Residential zoning district.
2. The variance will not serve as a special privilege to the property owner, as the property is much larger than the standard R-1 parcels in Urbana, and a garage of the same size would not be out of place on the property.
3. The variance was not the result of a situation knowingly created by the applicants, as they were unaware of the Zoning Ordinance regulations for accessory structures. They purchased the property earlier this year with the thought that the oversized lot and large backyard would provide ample space for the desired garage.
4. The variance will not alter the essential character of the neighborhood as the property is significantly larger than the neighboring properties, and the garage would be built in the large backyard.
5. The variance will not cause a nuisance to adjacent property owners, as the garage would be entirely on the applicants' property and would conform to the development regulations of the R-1, Single-Family Residential zoning district.
6. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, because the applicants could build an attached garage of the same size without a variance.

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

Section 1.

In Case No. ZBA 2022-MAJ-05; the major variance requested by Steven and Deborah Woodward, an Ordinance is hereby adopted to allow a 50-foot by 80-foot garage in their backyard at 2003 Airport Road, with the following conditions:

1. The garage shall generally conform to the Morton building design shown in Exhibit G of the staff report;
2. The garage plans must be reviewed by the City Engineer, as a part of the building permit plan review process; and

3. The garage shall be centered on the property, in accordance with the revised site plan in Exhibit H of the staff report.

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.

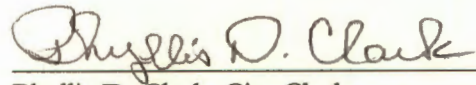
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 24th day of October, 2022.

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

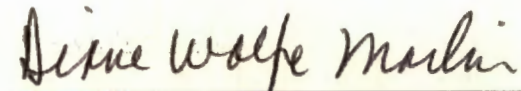
NAYS: None

ABSTENTIONS: None



Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 25th day of October, 2022.



Diane Wolfe Marlin, Mayor

