

ORDINANCE NO. 9697-17

**AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM  
REQUIRED FRONT YARD SETBACK AT 404 E. ELM STREET, URBANA, ILLINOIS  
FROM 20.3 FEET TO 14.2 FEET**

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where strict application of the Zoning Ordinance may cause hardships in situations where other permitted variances are not adequate; and

WHEREAS, the owner of the subject property, Carolyn Kelley, has submitted a petition requesting a general variance to allow the construction of an addition to the front of her house with a 14.2-foot front yard setback rather than the required 20.3-foot front yard setback; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-96-GV-1; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14) , the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed general variance on June 27, 1996; and

WHEREAS, after due and proper consideration of the petitioner's application, staff's report, and testimony and evidence presented at the public hearing, the ZBA, by a vote of 6-0, approved a motion to forward said application to the City Council with a recommendation that the request for a general variance be approved based on findings of fact described herein; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a general variance:

1. The variance will be in harmony with the general purpose and intent of this Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare for the following reasons:

THIS ORDINANCE CONSISTS OF 3 PAGES

Initials SR

- a. The renovated porch on the front of the applicant's house will not encroach any further into the required front yard than do some other existing houses near the Urbana/Elm Street intersection.
  - b. The visual corridor in front of existing houses along the north side of Elm Street between Urbana and Maple will not be significantly affected by this addition.
  - c. The renovated enclosed porch is very similar in size and setback to the old unenclosed porch.
2. The variance requested will not serve as a special privilege, but will alleviate some demonstrable and unusual hardship that is the result of the following special conditions and circumstances relating to the land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same district:
- a. Other homeowners in the area enjoy the benefit of homes that encroach farther into the required yard than the subject site.
  - b. If the petitioner is not permitted a variance of front yard setback so that the porch may be enclosed, the petitioner will not be able to enjoy use of the home in the same manner as those nearby owners whose setbacks encroach into the required front yards.
3. The special conditions or circumstances described above are not the result of actions by the applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, that:

The general variance requested by Carolyn Kelley in Case #ZBA-96-GV-1 is hereby approved to reduce the required front yard setback at 404 E. Elm Street, Urbana, Illinois from 20.3 feet to 14.2 feet to allow the construction of an enclosed porch onto the front of the house at that address in the manner proposed in the application for the general variance in that case.

The general variance described above shall apply only to the existing building located at 404 E. Elm Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot No. 3 in Block No. 2 of James Thorpes Subdivision of Blocks No. 1 and 2 of James Thorpe's Addition to the City of Urbana

Section 17 Town. 19 Range 9 East of 3rd P.M.

PERMANENT PARCEL #: 92-21-17-228-007

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

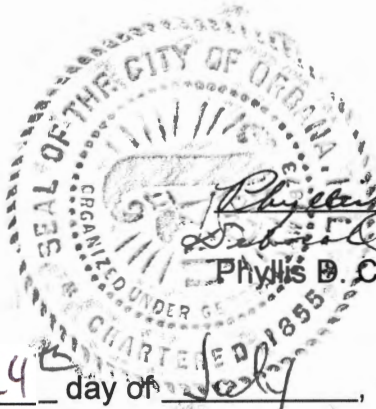
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 15th day of July, 1996.

PASSED by the City Council on this 15th day of July, 1996.

AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

ABSTAINED:



Phyllis D. Clark by  
Deborah D. Roberts, Deputy Clerk  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 24<sup>th</sup> day of July, 1996.

Tod Satterthwaite  
Tod Satterthwaite, 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 \_\_\_ day of \_\_\_\_\_, 1996, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED FRONT YARD SETBACK AT 404 E. ELM STREET, URBANA, ILLINOIS FROM 20.3 FEET TO 14.2 FEET" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_ day of \_\_\_\_\_, 1996, 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 \_\_\_ day of \_\_\_\_\_, 1996.

(SEAL)

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

(96-gv-1.ord)



**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 15th day of July, 1996, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9697-17, entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED FRONT YARD SETBACK AT 404 E. ELM STREET, URBANA, ILLINOIS FROM 20.3 FEET TO 14.2 FEET"

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

The pamphlet form of Ordinance No. 9697-17 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 25th day of July, 1996, 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 25th day of July, 1996.

(SEAL)



*Phyllis D. Clark* by  
Phyllis D. Clark, City Clerk  
*Robert Roberts*, Deputy Clerk