

ORDINANCE NO. 2001-11-139

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To allow a 94% reduction in rear yard setback  
for a cemetery office/maintenance building  
at 714 North Cunningham Avenue - Case No. ZBA-01-MAJ-14)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the petitioner, Randy Baker, on behalf of East Lawn Burial Park Association, the owner of the subject property, has submitted a petition requesting a major variance to allow a 23-and-one-half-foot encroachment into the required 25-foot front yard setback in the AG, Agricultural Zoning District at 714 North Cunningham Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-14; and

WHEREAS, after due publication in accordance with Section XI-10 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 major variance on October 25, 2001, and the ZBA by a unanimous vote of its members recommend to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.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 major variance:

1. There is a special practical difficulty due to the U-shaped configuration of the lot, which allows few options for locating the desired building in a location that conforms with setback requirements.

2. The requested variance does not serve as a special privilege, as the severe topography near the Saline Drainage Ditch limits the available uses on the property. The existing building is in a state of disrepair, and the proposed Morton building is designed to maximize the use of the lot. The proposed size of the building creates the need for additional setback encroachment.

3. The building will not alter the essential character of the neighborhood, and would not be unreasonably injurious or detrimental to the general public, as the proposed Morton building will be partially hidden by and compatible with the auto-oriented businesses to the southwest.

4. The proposal should not cause a nuisance to adjacent properties because the new building will replace the existing building and will allow equipment currently stored outside to be moved indoors. The subject property is surrounded by open space on most sides.

5. The proposal meets all other requirements established by the Urbana Zoning Ordinance, pending approval of the rezoning and conditional use permit requests to allow the cemetery use to be established on the lot.

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

The major variance request by East Lawn Burial Park Association, in Case #ZBA-01-MAJ-14 is hereby approved to allow a 23-and-one-half foot

encroachment into the required 25-foot front yard setback in the AG, Agricultural Zoning District at 714 North Cunningham Avenue, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 714 North Cunningham Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

A Part of the East Half of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana, Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-08-281-001

LOCATED AT: 714 North Cunningham Avenue, Urbana,  
Illinois

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).

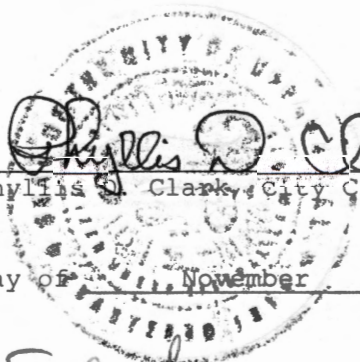
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 5<sup>th</sup> day of November, 2001.

PASSED by the City Council this 5<sup>th</sup> day of November,  
2001 .

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

  
Phyllis D. Clark  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 19<sup>th</sup> day of November,  
2001 .

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.

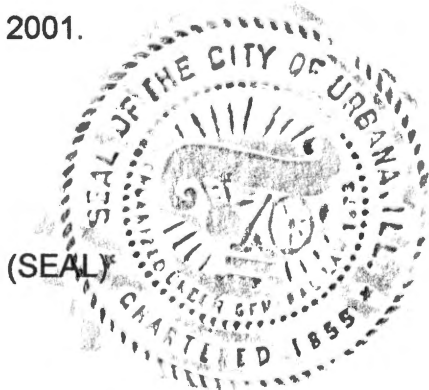
I certify that on the 5<sup>th</sup> day of November, 2001,  
the Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 2001-11-139, entitled:

**“AN ORDINANCE APPROVING A MAJOR VARIANCE (TO  
ALLOW A 94% REDUCTION IN REAR YARD SETBACK  
FOR A CEMETARY OFFICE/MAINTENANCE BUILDING  
AT 714 NORTH CUNNINGHAM AVENUE – CASE NO.  
ZBA-01-MAJ-14)”**

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

The pamphlet form of Ordinance No. 2001-11-139 was  
prepared, and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 19<sup>th</sup> day of November, 2001, and continuing for  
at least ten (10) days thereafter. Copies of said Ordinance were also available for  
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 19<sup>th</sup> day of November,  
2001.



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