

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Request to allow a 6.3-foot reduction in the required 15-foot required front yard along Washington Street in Urbana's R-3, Single-and-Two-Family Residential Zoning District - Case No. ZBA-02-MAJ-4)**

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, Jan Kalmar, has submitted a petition requesting a major variance to allow a 6.3-foot encroachment into the required 15-foot front yard setback in the R-3, Single-and-Two-Family Residential Zoning District at 724 South Broadway Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-MAJ-4; 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 May 15, 2002 and the ZBA by a unanimous vote of its members recommended 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 are no special practical difficulties due to the parcel being a rectangular parcel with a garage fronting Washington Street at the rear of the parcel. However, in this case, the variance will not likely

serve as a special privilege due to the 50-foot width of the lot. Most blocks in this general area have an average width of 55-60 feet per lot, with the exception of the 50-foot wide lots between Broadway Avenue and Walnut Street. It is not possible to comply with setback requirements on the subject property given the width of the house is 36.3 feet. There is adequate area on the lot to meet Floor Area and Open Space Requirements.

2. The need for the requested variance has not yet been created. The petitioner was aware of the requirements of the Zoning Ordinance and has applied for a variance prior to purchasing and moving the house at 201 East Washington Street.

3. The variance should not be unreasonably injurious or detrimental to the general public, would not alter the essential character of the neighborhood, and should not cause a nuisance to the adjacent properties. The dimensions of the house require that a 6.3-foot encroachment into the setback along Washington Street would be necessary to fit the house on the lot. Impact of the variance on the property to the east should be relatively minor in terms of visibility, as the house proposed for the lot would be approximately 140 feet from the neighboring house. The house on the west side of Broadway has a legally nonconforming front yard setback of less than 10 feet along Washington Street.

4. The petitioner is only requesting the amount of variance needed to accommodate the proposed encroachment of the house into the required yard.

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

The major variance request by Jan Kalmar, in Case #ZBA-02-MAJ-4 is hereby approved to allow a 6.3-foot encroachment into the required 15-foot front yard setback in the R-3, **Single-and-Two-Family Residential Zoning District** at 724 South Broadway Avenue, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 724 South Broadway Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Weeds Addition, Block 263, Lot 19,  
Urbana, Illinois

PERMANENT PARCEL #: 92-21-17-263-012

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 3rd day of June, 2002.

PASSED by the City Council this 3rd day of June,  
2002 .

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

NAYS:

ABSTAINS:

APPROVED by the Mayor this 14th day of June,  
2002 .



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

*[Signature]*  
Deputy Clerk

*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 3rd day of June, 2002, the  
Corporate Authorities of the City of Urbana passed and approved Ordinance  
No. 2002-06-058, entitled:

**"AN ORDINANCE APPROVING A MAJOR VARIANCE (REQUEST TO ALLOW  
A 6.3-FOOT REDUCTION IN THE REQUIRED 15-FOOT REQUIRED FRONT  
YARD ALONG WASHINGTON STREET IN URBANA'S R-3, SINGLE- AND  
TWO-FAMILY RESIDENTIAL ZONING DISTRICT – CASE NO. ZBA-02-MAJ-  
4)"**

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

The pamphlet form of Ordinance No. 2002-06-058 was  
prepared, and a copy of such Ordinance was posted in the Urbana City Building  
commencing on the 14th day of June, 2002, 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 14th day of June,  
2002.



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