

**ORDINANCE NO. 2014-07-066**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To allow an encroachment of an air conditioning unit into a required side yard in the City's R-1, Single-Family Residential District, at 211 West Vermont Avenue / ZBA Case No. 2014-MAJ-04)**

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 major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Spencer Vonderheide has submitted a petition for a major variance to allow an air conditioning unit to encroach up to 3 feet 1 inch into a required 5 foot side yard setback at 211 West Vermont Avenue in the R-1, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-04; 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 held a public hearing on the proposed major variance on July 16, 2014 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Spencer Vonderheide is applying for a variance to install an air conditioning unit that will encroach three feet, one inch into a required minimum 5-foot side yard at 211 W Vermont Ave.
2. The property is located on Vermont Avenue, between Carle Avenue and Race Street, three-and-a-half blocks south of Carle Park and Urbana High School. The Urbana Comprehensive Plan identifies the future land use as "Residential".
3. The property is zoned R-1, Single-Family Residential District. The R-1 District requires side yards to be five feet wide at a minimum.
4. The proposed relocation of the air conditioning unit to the eastern side yard would result in an encroachment of three feet, one inch, or 62%, into the required side yard.
5. The width of the lot and the existing setbacks create a practical difficulty in carrying out the strict application of the zoning ordinance.
6. The proposed variance is not necessary due to special circumstances of the property.
7. The need for the proposed variance was created by the petitioner to a minor extent, since they chose to relocate the air conditioner to a side yard instead of where it is allowable.
8. The proposed variance will not alter the character of the neighborhood, nor is it likely to cause a nuisance to adjacent properties.
9. The proposed variance represents the minimum possible from Zoning Ordinance requirements.

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

Section 1. In ZBA Case No. 2014-MAJ-04, the major variance requested by Spencer Vonderheide is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The applicant installs screening, as proposed in the application;
2. The homeowners keep the unit in good working order to reduce noise impacts.

The major variance described above shall only apply to the property located at 211 West Vermont Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 6 in Block 4 of Hubbard Terrace, as per plat recorded in Plat Book "D" at page 3, in Champaign County, Illinois.

Parcel Identification Number: 93-21-17-382-005

Section 2. The Urbana 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).

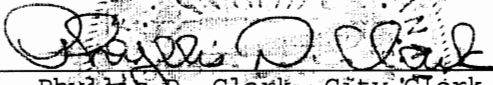
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of July, 2014.

AYES: Brown; Jacobsson; Marlin; Roberts; Smyth

NAYS: Madigan

ABSTAINS:

PASSED by the City Council on this 21<sup>st</sup> Day of July, 2014.

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

APPROVED by the Mayor this 21st day of July, 2014.

  
\_\_\_\_\_  
Laurel Lunt Prussing, 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.

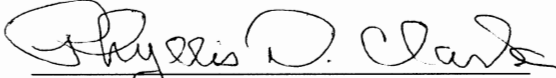
I certify that on the 21st day of July, 2014, the City Council of the City of Urbana passed and approved Ordinance No. 2014-07-066, entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW ENCROACHMENT OF AN AIR CONDITIONING UNIT INTO A REQUIRED SIDE YARD IN THE CITY'S R-1, SINGLE-FAMILY RESEIDENTIAL DISTRICT, AT 211 WEST VERMONT AVENUE/ZBA CASE NO.2014-MAJ-04)**

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

The pamphlet form of Ordinance No. 2014-07-066 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 25<sup>th</sup> day of July, 2014, 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,  
2014.

  
Phyllis D. Clark, City Clerk

