



City of Urbana
400 South Vine Street
Urbana, IL 61801

2020R23985
REC ON: 11/16/2020 11:38:57 AM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 52.00
RHSPS Fee: 9.00
REV FEE:
PAGES 6
PLAT ACT: PLAT PAGE:

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS


I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (106 E. PENNSYLVANIA AVE. / ZBA CASE NO. 2020-MAJ-05) [ORD. 2020-11-062].

approved by the City Council of the City of Urbana, Illinois, on the 9th day of November, AD, 2020, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 10th day of November, AD, 2020.





Phyllis D. Clark, City Clerk



ORDINANCE NO. 2020-11-062

AN ORDINANCE APPROVING A MAJOR VARIANCE

(106 E. Pennsylvania Ave. / ZBA Case No. 2020-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, Jane and Steve Amundsen have submitted a petition for a major variance to allow an air conditioning unit to encroach three feet into the required five-foot side yard at 106 East Pennsylvania Avenue; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on October 21, 2020, in ZBA Case No. 2020-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 six (6) ayes and zero (0) nays to forward

the case to the Urbana City Council with a recommendation to approve the requested variance with one condition; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), 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. The property is zoned R-2, Single-Family Residential Zoning District.
2. Jane and Steve Amundsen request a Major Variance to allow an air conditioning unit to encroach three feet into the required five-foot side yard at 106 East Pennsylvania Avenue.
3. The variance does not serve as a special privilege to the property owner, as the house was built less than five feet from the east property line, and the east side yard is the most practical location for a new air conditioner.
4. The property owner did not deliberately create this situation, as the house was built in 1956, less than five feet from the eastern property line, and with no central air conditioning.
5. The variance will not alter the essential character of the neighborhood, as air conditioning units are allowed in residential zoning districts, and the proposed air conditioner will be placed as close to the house as possible.
6. The variance will not create a nuisance, as the proposed air conditioner will be directly across from the neighbor's air conditioner, and will comply with City noise regulations.
7. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the variance would allow an air conditioning unit to encroach three feet into the required five-foot side yard.

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

Section 1

In ZBA Case No. 2020-MAJ-05, the major variance requested by Jane and Steve Amundsen, to allow an air conditioning unit to encroach three feet into the required five-foot side yard at 106 East Pennsylvania Avenue, is hereby approved in the manner proposed in the application with the following conditions: that the placement of the air conditioning unit generally conforms to the site plan in Attachment A. Such attachments are attached hereto and incorporated herein by reference.

The major variance described above shall only apply to the property located at 106 East Pennsylvania Avenue, more particularly described as follows:

Lot 11 in DeYoungs Third Subdivision to the City of Urbana, as per Plat recorded in Plat Book "F" at Page 315, situated in Champaign County, Illinois.

Commonly known as 106 East Pennsylvania Avenue, Urbana, Illinois 61801
P.I.N.: 93-21-17-455-011

Section 2.

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. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

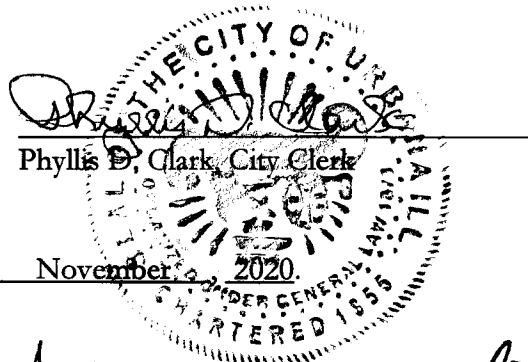
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 9th day of November, 2020.

AYES: Brown, Colbrook, Hursey, Miller, Roberts, Wu

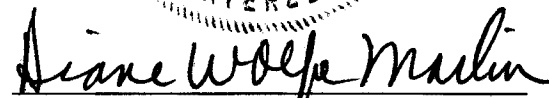
NAYS:

ABSTENTIONS:



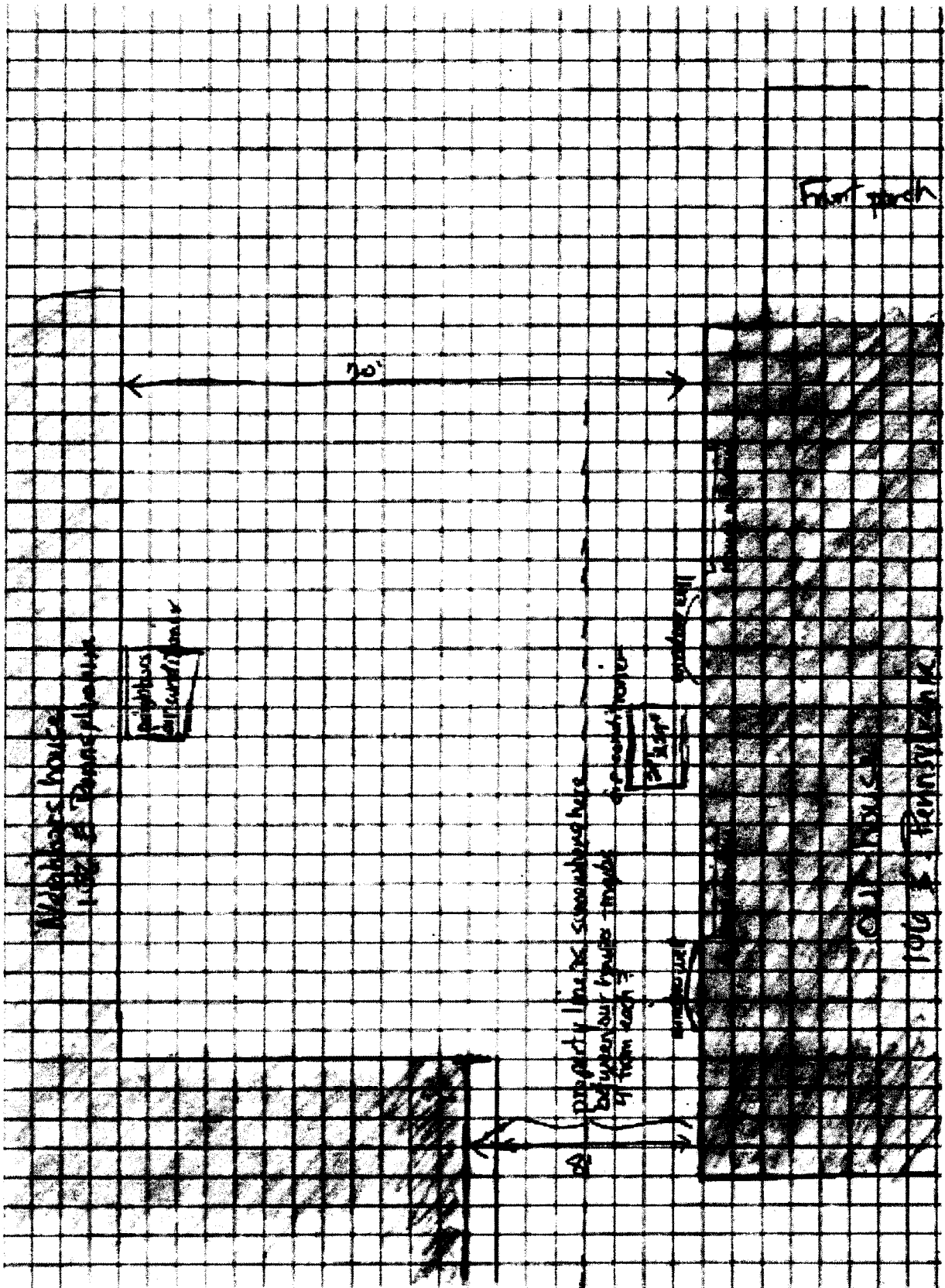
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 10th day of November, 2020.


Diane Wolfe Marlin, Mayor

ATTACHMENT A

Site Plan





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 9th day of November 2020 the City Council of the City of Urbana passed and approved Ordinance No. 2020-11-062 entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (106 E. PENNSYLVANIA AVE. / ZBA CASE NO. 2020-MAJ-05)

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

The pamphlet form of Ordinance No. 2020-11-062 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 10th day of November 2020, 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 10th day of November, 2020.





Phyllis D. Clark, City Clerk



City of Urbana
400 South Vine Street
Urbana, IL 61801

CLERK'S CERTIFICATE

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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, Jane and Steve Amundsen have submitted a petition for a major variance to allow an air conditioning unit to encroach three feet into the required five-foot side yard at 106 East Pennsylvania Avenue; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on October 21, 2020, in ZBA Case No. 2020-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

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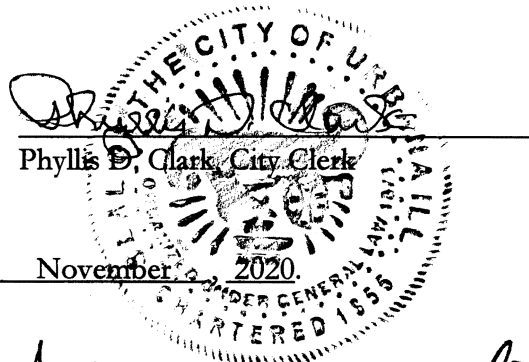
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 9th day of November, 2020.

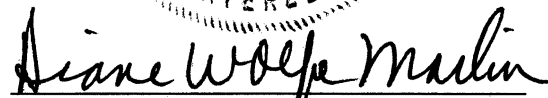
AYES: Brown, Colbrook, Hursey, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:

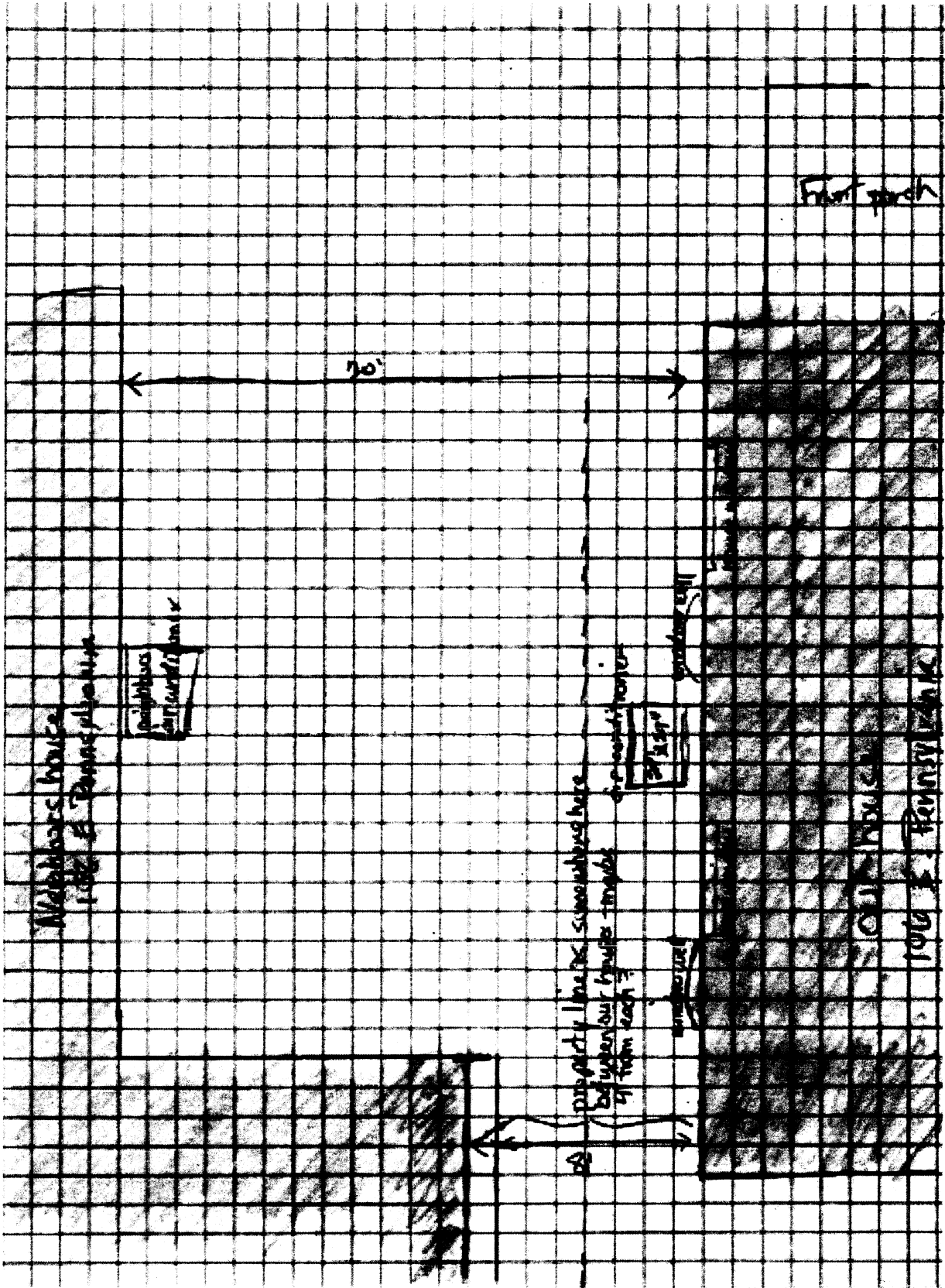


APPROVED BY THE MAYOR this 10th day of November, 2020.


Diane Wolfe Marlin, Mayor

ATTACHMENT A

Site Plan





CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



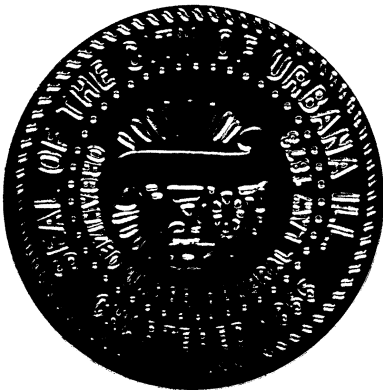
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Phyllis D. Clark, City Clerk