

ORDINANCE NO. 9596-43

**AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM  
REQUIRED FRONT YARD SETBACK AT 710 S. LYNN STREET, URBANA, ILLINOIS  
FROM 24.5 FEET TO 17 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 owners of the subject property, Robert Johnson and Patricia Johnson, have submitted a petition requesting a general variance to allow the construction of an addition to the front of their house, located at 710 S. Lynn Street, Urbana, Illinois, with a seventeen (17) foot front yard setback rather than the required 24.5 foot front yard setback; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-95-GV-2; 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 October 26, 1995; and

WHEREAS, after due and proper consideration of the petitioner's application, staff's report, and testimony and evidence presented at said public hearing, the ZBA, by a vote of 4-0, with one abstention, 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 JR

- a. The proposed addition onto the front of the applicants' house will not encroach any further into the required front yard than the two existing houses immediately to the north and the two existing houses immediately to the south of the subject property. Accordingly, the visual corridor in front of existing houses along the east side of Lynn Street between Oregon and Washington Streets will not be affected by this addition.
  - b. The proposed addition will be set back from the side lot lines at least as far as the existing house.
  - c. The 0.15 floor area ratio of the house resulting from the proposed addition will continue to be far below the maximum 0.4 allowable for the District.
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. The average front yard setback of the existing buildings on the same side of the block as the subject property is skewed by the unusually large setback of several properties on that lot, particularly the 63 foot setback of the single family house at 716 S. Lynn Street.
  - b. The front outside wall of proposed sun room addition will not be any closer to Lynn Street than the front outside walls of the two existing houses immediately to the north of the subject house and the two existing houses immediately to the south of the existing house.
  - c. If the Johnson's are required to comply with the 24.5 foot minimum required front yard setback for this location, they will not be able to construct any functional addition onto the front of their residence.
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 Robert Johnson and Patricia Johnson in Case #ZBA-95-GV-2 is hereby approved to reduce the required front yard setback at 710 S. Lynn Street, Urbana, Illinois from 24.5 feet to seventeen (17) feet to allow the construction of a single story addition 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 only apply to the property located at 710 S. Lynn Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot Sixteen (16) of Martha C. Hubbard's Addition to the City of Urbana, being a portion of the Southwest Quarter of the Northwest Quarter of Section Sixteen (16), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, all of said lot being situated in the City of Urbana, Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-16-163-008

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 6th day of November, 1995.

PASSED by the City Council on this 6th day of November, 1995.

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

NAYS:

ABSTAINED:



Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 9<sup>th</sup> day of November, 1995.



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 November, 1995, 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 710 S. LYNN STREET, URBANA, ILLINOIS FROM 24.5 FEET TO 17 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 \_\_\_\_\_, 1995, 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 November, 1995.

(SEAL)

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

(95gv2.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 6th day of November, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9596-43, entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED FRONT YARD SETBACK AT 710 S. LYNN STREET, URBANA, ILLINOIS FROM 24.5 FEET TO 17 FEET"

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Dated at Urbana, Illinois, this 9th, day of November, 1995.

(SEAL)



*Phyllis D. Clark* by  
Phyllis D. Clark, City Clerk  
*Edward J. Roberts*, Deputy Clerk