

ORDINANCE NO. 9697-129

AN ORDINANCE
APPROVING A GENERAL VARIANCE TO INCREASE THE MAXIMUM ALLOWED
FLOOR AREA RATIO FROM 0.40 TO 0.47
(409 W. Illinois -- Case No. ZBA-97-GV-2)

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 situations where other permitted variances are not adequate; and

WHEREAS, the owner of the subject property, James Linder, has submitted a petition requesting a general variance for an increase in the maximum allowed floor area ratio to allow the construction of an addition to his kitchen; and

WHEREAS, said petition was initially classified as a specific variance, but was presented to the Urbana Zoning Board of Appeals in Case #ZBA 97-V-2 as a general variance; and

WHEREAS, after due publication in accordance with Section IX-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 April 2, 1997; and

WHEREAS, the Urbana Zoning Board of Appeals approved the general variance by a vote of 7-0 with the condition that the addition be constructed in conformance with the existing drawings; 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 adopts the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a general variance with the condition that the addition be constructed in conformance with the existing drawings:

1. The granting of the variance is in harmony with the general purpose and intent of the Ordinance, and is not unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare of the following reasons:

If the attic were not considered habitable space, then the addition would not cause the floor area ratio to exceed the maximum allowed, and the petitioner would not need a variance.

2. The granting of the variance request is in keeping with the harmony of the neighborhood because many non-conforming uses such as multi-family conversions can be found in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that:

The general variance request by James Linder in Case #ZBA-97-GV-2 is hereby approved to increase the maximum allowed floor area ratio at 409 W. Illinois, Urbana, Illinois from 0.40 to 0.47 to allow the construction of a kitchen, in the manner proposed in the application for the general variance in that case. The general variance is approved with the condition that addition is constructed in conformance with the existing drawings.

The general variance described above shall only apply to the property located at 409 W. Illinois, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot five (5) of a subdivision of out lots one (1), two (2), four (4), and five (5) of James S. Busey's Addition of out lots to the town (now City) of Urbana, being a portion of the Southeast Quarter of the Northwest Quarter of Section Seventeen (17) Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian: In Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-17-178-002

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 21st day of April, 1997.

PASSED by the City Council this 21st day of April, 1997.

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

NAYES Taylor

ABSTAIN _____



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 24th day of April, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor

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**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 APRIL, 1997, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9697-129, entitled "AN ORDINANCE APPROVING A GENERAL VARIANCE TO INCREASE THE MAXIMUM ALLOWED FLOOR AREA RATIO FROM 0.40 TO 0.47 (409 W. ILLINOIS--CASE NO. ZBA-97-GV-2)"

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

The pamphlet form of Ordinance No. 9697-129 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 29th day of April, 1997, 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 Urbana, Illinois, this 29th, day of April, 1997.



(SEAL)

Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Robert J. Robert, Deputy Clerk