

AN ORDINANCE

APPROVING A GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED OPEN SPACE RATIO TO ALLOW THE CONSTRUCTION OF AN EDUCATIONAL BUILDING

(205-207 N. Central and 402-404 W. Main -- Case No. ZBA-97-GV-8)

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, Canaan Baptist Church, has submitted a petition requesting a general variance to allow the construction of a an educational building with an open space ratio of 0.11 rather than the required 0.30; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 97-GV-8; 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 September 25, 1997, and the ZBA by vote of two thirds 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 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 granting of the variance will be in harmony with the general purpose and intent of the Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare of the following reason:

The proposed construction is an expansion of a church related use. The needed reduction in open space is necessary to minimize encroachment further into the neighborhood.

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 that 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.

The existing Church site predates the Urbana Zoning Ordinance. The approval of the variance requests will allow the Church to expand to be able to better serve the community.

3. The proposed addition will be in harmony with the neighborhood.

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

The general variance request by Canaan Baptist Church in Case #ZBA-97-GV-8 is hereby approved to reduce the minimum required open space ratio from 0.30 to 0.11 to allow the construction of an educational building, in the manner proposed in the application for the general variance in that case and as indicated on the site plan dated September 24, 1997 with respect to the zoning lot which consists of lots 7, 10, 11, and 13 of C. W. Smith's Subdivision of lots 8, 9, 22, 23, 24 and 25 of S. T. Busey's Addition to Urbana.

The general variance described above shall only apply to the property located at 205-207 N. Central and 402-404 W. Main, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lots 7, 10, 11, and 13 of C. W. Smith's Subdivision of Lots 8, 9, 22, 23, 24 and 25 of S. T. Busey's Addition to Urbana, situated in Champaign County, Illinois.

PERMANENT PARCEL #s: 91-21-08-380-012, 91-21-08-380-015, 91-21-08-380-016, and 91-21-08-380-017

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).

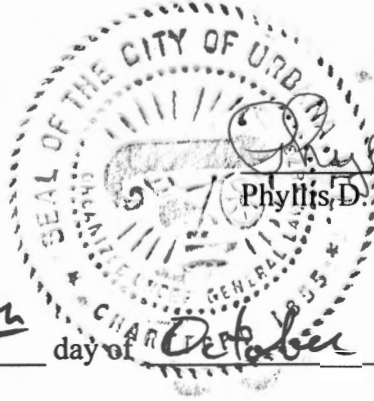
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of October, 1997.

PASSED by the City Council this 6th day of October, 1997.

AYES Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYES _____

ABSTAIN _____



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of October, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor

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400 South Vine Street
Urbana, IL 61801
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FAX (217)384-2301

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

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 GENERAL VARIANCE TO REDUCE THE MINIMUM REQUIRED OPEN SPACE RATIO TO ALLOW THE CONSTRUCTION OF AN EDUCATIONAL BUILDING (205-207 N. CENTRAL AND 402-404 W. MAIN - CASE NO. ZBA-97-GV-8)" [Ord. No. 9798-55]

approved by the City Council of the City of Urbana, Illinois, on the 6th day of October, AD, 1997, 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 9th day of September, AD, 1999.

(SEAL)

Phyllis D. Clark

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

*Certified copy given to
Kim Bernstein at Com. Dev.
Services for recording
9-9-99*

