

ORDINANCE NO. 9899-4

AN ORDINANCE APPROVING A GENERAL VARIANCE TO INCREASE THE MAXIMUM
ALLOWABLE FLOOR AREA RATIO

(CASE NO. ZBA-98-GV-3/712-714 W. GREEN STREET)

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, Kevin Hunsinger, the owner of the subject property, 712-714 W. Green Street in Urbana, Illinois, has submitted a petition requesting a 25 percent general variance to allow an increase in the maximum allowable floor area ratio; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 98-GV-3; 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 June 30, 1998; 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 may not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

The granting of the variance request will permit the construction of a reasonably scaled improvement that is consistent with the general purpose and intent of the MOR, Mixed Office and Residential Zoning District.

2. The variance requested is necessary due to 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 so that the proposed variance will not serve as a special privilege but will alleviate some demonstrable and unusual hardship.

This property is unique in that conformance to regulations designed to control large scale development and to encourage a mixed variety of small scale development in a residential setting are in this case discouraging small scale development that includes the reuse of an existing structure.

3. Literal interpretation of the provisions of this Ordinance would impose a hardship by depriving the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance.

Literal interpretation of the Ordinance in this case would not allow the petition to construct a building that would fit with the character of the neighborhood. In this case, the Ordinance appears to penalize the property owner for retaining and rehabilitating the building formerly known as the Friends' Meeting House.

4. The special conditions, circumstances or hardships are not the result of the actions of the applicant.

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

The general variance request by Kevin Hunsinger, of Hunsinger Enterprises, the owner of the subject property in Case #ZBA-98-GV-3 is hereby approved to allow a 25 percent general variance to allow an increase in the floor area ratio allowed by the Zoning Ordinance and to permit the construction of an apartment buildings in a manner proposed in the application.

The general variance described above shall apply to the property located only at 712-714 W. Green Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: LOTS 1 AND 2 IN BLOCK 5 OF J.W. SIM'S, JR. ADDITION TO URBANA, AS RECORDED IN DEED RECORD "O" AT PAGE 125, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCELS #: 92-21-17-106-010 and 92-21-17-106-009

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).

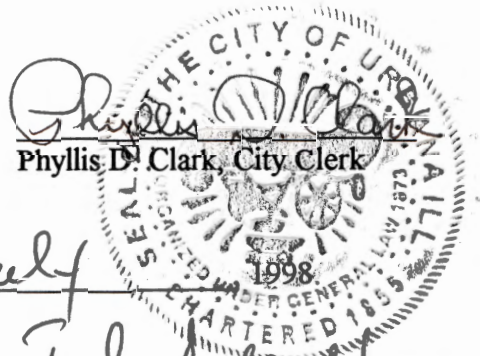
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of July, 1998.

PASSED by the City Council this 6th day of July, 1998.


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

NAYES _____

ABSTAIN _____



APPROVED by the Mayor this 9th day of July



Tod Satterthwaite, Mayor