

ORDINANCE NO. 2000-02-008

**AN ORDINANCE
APPROVING MAJOR VARIANCES**

(To reduce the required front yard setback; to reduce the floor area ratio; and waive the parking requirements for a public school at 312 W. Oregon Street - Case No. ZBA-99-MAJ-7)

WHEREAS, the Zoning Ordinance provides for a major 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, Urbana School District #116, has submitted a petition requesting major variances to reduce the required front yard setback to zero feet, to increase the floor area ratio to .55 from .25 and to waive parking requirements for a public school; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 99-MAJ-7; 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 major variances on January 13, 2000, and the ZBA, by a vote of its members, recommended to the City Council approval of the requested variances; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variances referenced herein conforms with the major variances 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 the major variances:

- (1) Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?

Yes. This is an inner-city school site. It has a restricted site with limited expansion potential. The District is planning to expand westward at a future point in time with additional playground area. This requires property acquisition by the District and the closing of Birch Street by the City. Even with this additional area, the site is limited given the types of playground uses, etc. an elementary school requires. In addition, the existing building is at the California Street property line. Granting of the setback variance will not result any further encroachment, will bring the existing building into compliance through the variance procedures, and will allow for the much needed expansion of the second story.

and (2) consider the following additional guiding factors:

- a. Is the burden only upon the applicant's property thereby making a variance possibly appropriate, or does the burden also exist on other properties in the locality indicating that the proper relief would be an amendment to the ordinance?

Yes. This is a unique situation. The school is nearly land-locked and the need to update this historic building to today's educational and safety requirements dictates that the

building be expanded upward rather than consume any additional property on the site. The parking situation is not altered significantly by the expansion and in fact, would be slightly improved with the addition of ten dedicated spaces. The enrollment numbers for the elementary school are not expected to increase as a result of the addition. The limited site forces an increase in the floor area ratio over that required in the CRE district. The required FAR is probably better suited to a new school site where there is plenty of land and open space available, rather than a land-locked inner-city site.

- b. The proposed variances will not serve as a special privilege because the variances requested are necessary due to special conditions and circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.

The requested variance is unique to this property and does not serve as a special privilege.

- c. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

Although it is unclear how the original addition was constructed if there was a front yard setback requirement in place at the time, the District is trying to comply with the

current ordinance given the restrictions and limitations of the site. There has been no deliberate creation of a nonconforming situation.

d. The variance will not alter the essential character of the neighborhood.

The variances will help preserve the essential character of the neighborhood. Although some students are transported to Leal, it is very much a neighborhood school. The expansion is necessary to accommodate new demands. The expansion is required to assure its continued use as an elementary school attendance center. This is vital, not only to the school district and the community, but to the immediate neighborhood's stability and viability.

e. The variance will not cause a nuisance to adjacent property.

The front yard setback variance and the floor area variance will not cause a nuisance to adjacent property. The current structure sits at zero setback along California Street and is not contiguous to any other private property. The parking situation will improve slightly with the addition of dedicated on-site spaces.

f. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

*Given the restrictions of this site, the proposed variances
are the minimum that is required to accommodate the request.*

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

The major variances request by Urbana School District #116 in Case
#ZBA-99-MAJ-7 is hereby approved to reduce the required front yard setback
off of California Street 100 percent; to increase the floor area ratio to .55
and to waive the parking requirements for a public school in the manner
proposed in the application for the major variances in that case.

The major variances described above shall only apply to the property
located at 312 W. Oregon, Urbana, Illinois, more particularly described as
follows:

LEGAL DESCRIPTION: OUTLOT 3 OF JAMES S. BUSEY'S
ADDITION OF OUTLOTS TO THE TOWN OF URBANA, SEC. 17,
T19NR9E.
PERMANENT PARCEL #: 92-21-17-183-001.

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 7th day
of February, 2000.

PASSED by the City Council this 7th day of February,
2000 .

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

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 15th day of February,
2000 .

Tod Satterthwaite
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 7th day of February, 2000, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2000-02-008, entitled:

**“AN ORDINANCE APPROVING MAJOR VARIANCES (TO
REDUCE THE REQUIRED FRONT YARD SETBACK; TO
REDUCE THE FLOOR AREA RATIO; AND WAIVE THE
PARKING REQUIREMENTS FOR A PUBLIC SCHOOL AT
312 W. OREGON STREET – CASE NO. ZBA-99-MAJ-7)”**

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

The pamphlet form of Ordinance No. 2000-02-008 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 16th day of February, 2000, and continuing for at
least ten (10) days thereafter. Copies of said Ordinance were also available for public
inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 16th day of February,
2000.



Phyllis D. Clark
City Clerk by *Deborah J. Roberts*
Deputy Clerk