

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to allow an increase in the maximum Floor Area Ratio (FAR) from 0.70 to 0.78 in the MOR, Mixed Office Residential Zoning District at 309 West Green Street. - Case No. ZBA-02-MAJ-1)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special practical difficulties with reference to the parcel of land concerned; and

WHEREAS, the owner of the subject property, the Unitarian Universalist Church, has submitted a petition requesting a major variance to allow the increase in the maximum Floor Area Ratio to construct an expansion to the south entrance of the building to accommodate handicapped access; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-02-MAJ-1; and

WHEREAS, after due publication in accordance with Section XI-10 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 variance on February 20, 2002 and the ZBA by a unanimous vote of its members recommend 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 major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.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 major variance:

1. There are special practical difficulties due to the property having been rezoned by the City in 1991 from R-6, High Density Multiple Family Residential to MOR, Mixed Office Residential as part of the Downtown to Campus Plan. While consistent with the broader goals of the Plan, the rezoning of the subject property created a practical difficulty for the petitioner in the sense that the FAR of 0.73 for the existing facility complied with the development regulations for R-6 (1.40 maximum FAR) but is legally nonconforming in the MOR, which has a 0.70 maximum FAR. The legally nonconforming FAR does not allow the petitioner to expand the existing facilities to accommodate the desired improvements, including handicapped accessibility. For this reason, the requested variance would not serve as a special privilege.

2. The need for the variance has not yet been created. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance.

3. The requested variance will not alter the essential character of the neighborhood. The face of the 1,500-square foot proposed expansion will continue to project behind the rear faces of the church building. The proposed expansion will not expand the north footprint of the church, should not disrupt visual continuity behind the church, and should not alter the essential character of the neighborhood or be unreasonably injurious or detrimental to the general public.

4. The requested variance will not cause a nuisance to the adjacent property. The church owns the existing home to the south of the building, and the expansion would be separated from surrounding residences by at least 80 feet.

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

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

The major variance request by the Unitarian Universalist Church, in Case #ZBA-02-MAJ-1 is hereby approved to allow an increase in the maximum Floor Area Ratio for the subject property along Green Street in the MOR, Mixed Office Residential Zoning District from 0.70 to 0.78, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 305, 307, 309 and 311 West Green Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Beginning at a starting point of the intersection of the south right of way line of Green Street with the west property line of Lot 44, also being the northwest corner of Lot 44 of the Plat of Roe's 2nd Addition located in Urbana, Champaign County, Illinois; thence south from said starting point along the west property line of Lot 44 also being the east right of way line of Birch Street a distance of 115.5 feet to the southwest corner of Lot 44; thence south from said point of the southwest corner of Lot 44 along the east right of way line of Birch Street a distance of 6.0 feet to a point which is the centerline of a vacated alley; thence east along a line perpendicular to the east right of way line of Birch Street and 6.0 feet south of the south property line of Lot 44 a distance of 243.00; thence north along a line perpendicular to the line 6.0 feet south of the south property line, also the centerline of such vacated alley a distance of 6.0 feet to the

southeast corner of Lot 48; thence north along this same line, the east property line of Lot 48 a distance of 115.5 feet to the northeast corner of Lot 48; thence west from said point along the north property line also being the south right of way line of Green Street perpendicular to the east property line of Lot 48 a distance of 243.0' to the point of beginning, said total tract consisting of Lots 41, 42, 43, 44, 45, 46, 47 and 48 and the portion of the vacated east/west alley of Block 137 of Roe's 2nd Addition containing 29,524.5 square feet or .677 acres, more or less; all situated in the City of Urbana located in Champaign County in the State of Illinois.

PERMANENT PARCEL #: 92-21-17-137-001, 92-21-17-137-002, 92-21-17-137-003, 92-21-17-137-004

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 4th day of March, 2002.

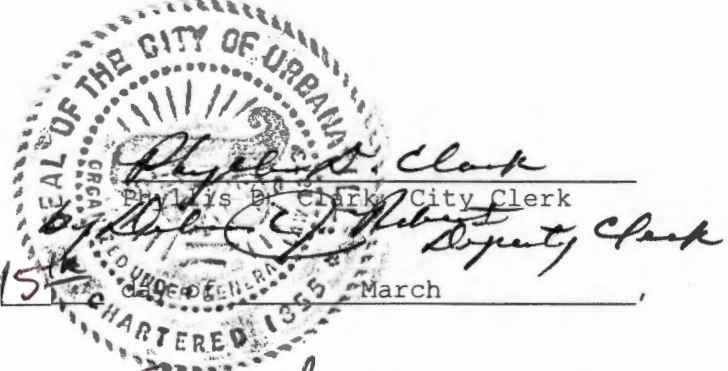
PASSED by the City Council this 4th day of March,

2002 .

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Wyman

NAYS:

ABSTAINS:



APPROVED by the Mayor this 15th day of March,

2002 .

Phyllis D. Clark
Phyllis D. Clark, City Clerk
By: [Signature]
Deputy Clerk
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 4th day of March, 2002, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2002-02-022, entitled:

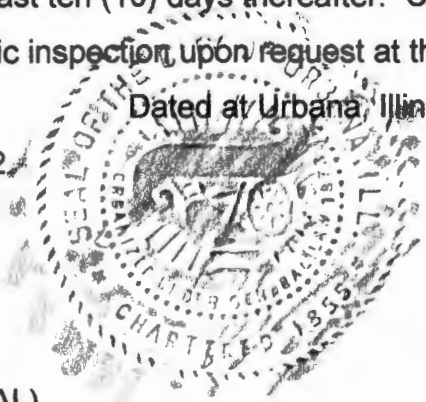
**"AN ORDINANCE APPROVING A MAJOR VARIANCE
(REQUEST TO ALLOW AN INCREASE IN THE MAXIMUM
FLOOR AREA RATIO (FAR) FROM 0.70 TO 0.78 IN THE
MOR, MIXED OFFICE RESIDENTIAL ZONING DISTRICT
AT 309 WEST GREEN STREET – CASE NO. ZBA-02-
MAJ-1)"**

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

The pamphlet form of Ordinance No. 2002-02-022 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 15th day of March, 2002, 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 15th day of March,
2002.

(SEAL)



Phyllis D. Clark
City Clerk
by *Robert J. Helms*
Deputy Clerk