

ORDINANCE NO. 2004-08-094

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase the Floor Area Ratio in the City's R-4, Medium Density Multiple Family Residential Zoning District, From 0.5 to .57 / 1704 Lydia Court West, Case No. ZBA-04-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 criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioner, Architectural Spectrum LLC, has submitted a petition requesting a major variance to allow an increase of the floor area ratio for a common-lot-line development. The request is to increase the floor area ratio by 14% (0.5 to .57), in Urbana's R-4, Medium Density Multiple Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 04-MAJ-7; 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 July 21, 2004 and the ZBA by a unanimous vote (4-0) of its members recommended 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 as requested:

1. The special circumstance with reference to the request for the increase in FAR is the practical difficulty of calculating FAR for a common-lot-line property that is a middle unit between other lots. The middle unit has a practical difficulty meeting the FAR without side yard areas. The subdivision of the land and the definition and calculation of FAR is a practical difficulty.
2. The variance should not be considered a special privilege as the same development could be built as a condominium development on an undivided lot and easily comply with the 0.5 floor area ratio.
3. The need for the variance has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.
4. The variance should not alter the essential character of the neighborhood, as there are other developments such as this in the area. The common-lot-line development style is appropriate in the neighborhood and should not significantly disrupt the character of the neighborhood.
5. The variance should not cause a nuisance to adjacent properties.
6. The petitioners are only requesting the minimum deviation from the requirements so that they can develop the common-lot-line residences for The Ridge with the architectural design desired by the petitioner.

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

The major variance request by Architectural Spectrum LLC, in Case #ZBA 04-MAJ-7 is hereby approved to allow an 14% increase of the Floor Area Ratio from 0.50 to 0.57, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 1704 Lydia Court West Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 110 B, a replat of Lot 104 Eastgate Subdivision No.1, a part of the SE ¼ Section 21, T 19N, R.9E of the 3<sup>rd</sup> P.M., Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-21-400-022

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 2nd day of August, 2004.

PASSED by the City Council this 2nd day of August, 2004.



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

NAYS: None

ABSTAINS:

  
Phyllis Q. Clark, City Clerk

APPROVED by the Mayor this 12<sup>th</sup> day of August, 2004.

  
  
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 2nd day of August, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No.

2004-08-094, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Increase the Floor Area Ratio in the City's R-4, Medium Density Multiple Family Residential Zoning District, From 0.5 to .57 / 1704 Lydia Court West, Case No. ZBA-04-MAJ-7) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. <sup>2004-</sup>08-094 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 13th day of August, 2004, 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.