

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(To Allow a 22.5% Increase in the Maximum Permitted Floor Area Ratio (FAR)
To Construct a New Church Annex at 806 and 808 W. Michigan Avenue
In the R-2, Single Family and R-3, Single and Two-Family Residential
Zoning Districts/ Case No. ZBA-04-MAJ-14)**

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 with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Twin city Bible Church, has submitted a petition requesting a major variance to allow a 22.5% increase in the maximum permitted Floor Area Ratio (FAR) to construct a new church annex at 806 and 808 W. Michigan Avenue in the R-2, Single Family and R-3, Single and Two-Family Residential Zoning Districts; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-14; 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 met on October 20, 2004 and voted 4 ayes and 0 nays to 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special circumstances of the property in that the existing small lots and obsolete houses provide limited utility for the church's growing needs. Replacing the houses with a single new structure that accommodates the churches needs without a reduction in space from that provided in the houses is difficult under the existing FAR requirements given the restricted lot sizes.
2. The proposed variance is not a privilege because the design and condition of the old houses are no longer suitable to the churches needs. The design of the new facility on the small lots will still allow for adequate function and design.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. 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.
4. The FAR of the proposed church annex will not alter the character of the neighborhood because it is designed to have the lower story half underground and so the massing is intended to emulate that of a modern single family home.
5. The proposed addition should not cause a nuisance to adjacent properties. All setbacks and open space requirements will be maintained.
6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance. The petitioner is only requesting the amount of variance needed to accommodate the proposal as designed.

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

The major variance request by the owner of the subject property, Twin City Bible Church, in Case #ZBA-04-MAJ-14, is hereby approved to allow a 22.5% increase in the maximum permitted Floor Area Ratio (FAR) to construct a new church annex at 806 and 808 W. Michigan Avenue in the R-2, Single Family and R-3, Single and Two-Family Residential Zoning, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 806 and 808 W. Michigan Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The West Fifty-Four (54) feet of Lot Seven (7) in Lincoln Place being an Addition to the City of Urbana, in Champaign County, Illinois.
and,

The East Forty-nine (49) feet of Lot One (1) of Lincoln Place in Urbana, Illinois as per plat recorded in Plat Book "C", page 50 in the Recorder's Office of Champaign County, Illinois, subject to easements and restrictions of Record.

PERMANENT PARCEL #s: 93-21-17-304-008 and 93-21-17-304-007

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 15th
day of November, 2004.

PASSED by the City Council this 15th day of November,
2004.

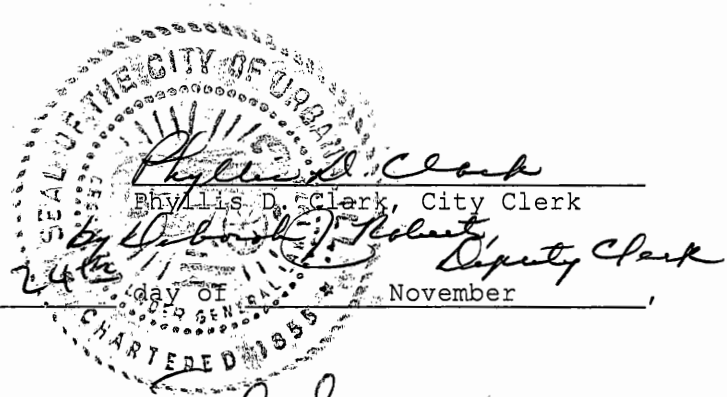
AYES: Chynoweth, Hayes, Patt, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this

2004.



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 15th day of November, 2004, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2004-11-146, entitled:

"AN ORDINANCE APPROVING A MAJOR VARIANCE (TO ALLOW A 22.5% INCREASE IN THE MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) TO CONSTRUCT A NEW CHURCH ANNEX AT 806 AND 808 W. MICHIGAN AVENUE IN THE R-2, SINGLE-FAMILY, AND R-3, SINGLE- AND TWO-FAMILY RESIDENTIAL ZONING DISTRICT / CASE NO. ZBA-04-MAJ-14)"

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

The pamphlet form of Ordinance No. 2004-11-146 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 1st day of December, 2004, 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 1st day of December, 2004.



Phyllis D. Clark
City Clerk
by Debra J. Roberts
Deputy Clerk