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Recording Cover Sheet

**AN ORDINANCE APPROVING MAJOR
VARIANCES (312 W. ELM ST. / ZBA CASE NOS.
2018-MAJ-01, 2018-MAJ-02, 2018-MAJ-03, 2018-MAJ-04,
2018-MAJ-05) [ORDINANCE NO. 2018-04-026]**

2019R02438
REC ON: 02/22/2019 01:20:18 PM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
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REV FEE:
PAGES 7
PLAT ACT: 0 PLAT PAGE:

*ORDINANCE
*MAP

Prepared for recording by:

Wendy M. Hundley, Deputy City Clerk

400 S. Vine St., Urbana, IL 61801



Return to:

Charles A. Smyth, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2018-04-026

AN ORDINANCE APPROVING MAJOR VARIANCES

(312 W. Elm St. / ZBA Case Nos. 2018-MAJ-01, 2018-MAJ-02, 2018-MAJ-03, 2018-MAJ-04, 2018-MAJ-05)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Saint Nicholas Orthodox Church has submitted a petition for five major variances to increase the maximum building height from 35 feet to 38 feet, 6.5 inches; to increase the maximum floor area ratio from 0.7 to 0.92; to decrease the minimum open space ratio from 0.3 to 0.17; to decrease the required front yard setback from 15 feet to 4 feet; and to decrease the required side yard setback from 11.125 feet to 5.125 feet; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on March 21, 2018, in ZBA Case Nos. 2018-MAJ-01, 2018-MAJ-02, 2018-MAJ-03, 2018-MAJ-04, and 2018-MAJ-05; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Zoning Board of Appeals voted four (4) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variances; and

WHEREAS, the City Council finds that the requested variances conform with the major variance procedures in Article XI, Section XI-3(C)(2)(d) of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. Saint Nicholas Orthodox Church has proposed a 3,590 sq. ft. addition to its church at 312 West Elm Street.

2. The property is zoned MOR, Mixed Office Residential, and has a future land use designation of “Central Business” in the Urbana Comprehensive Plan.
3. The MOR Development Review Board held a public hearing for site plan and design approval for the proposed addition on March 1, 2018. The Board approved the plans as presented with no conditions.
4. The Zoning Board of Appeals held a public hearing for the variance requests on March 21, 2018. The Board recommended that City Council approve the requests by a vote of 4 to 0. The Board also approved an associated minor variance by the same vote.
5. The variance requests will create additional space to accommodate a growing congregation, to make the building accessible to disabled persons, and to redesign the building in an architectural style common to Orthodox churches.
6. The variance requests will not serve as a special privilege to the property owner.
7. The variance requests were not the result of a situation knowingly created by the petitioner.
8. The variance requests will not alter the essential character of the neighborhood.
9. The variance requests will not cause a nuisance to adjacent property owners.
10. The variance requests represent generally the minimum deviation from the requirements of the Zoning Ordinance.

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

Section 1.

In ZBA Case Nos. 2018-MAJ-01, 2018-MAJ-02, 2018-MAJ-03, 2018-MAJ-04, and 2018-MAJ-05, the five major variances requested by Saint Nicholas Orthodox Church to increase the maximum building height from 35 feet to 38 feet, 6.5 inches; to increase the maximum floor area ratio from 0.7 to 0.92; to decrease the minimum open space ratio from 0.3 to 0.17; to decrease the required front yard setback from 15 feet to 4 feet; and to decrease the required side yard setback from 11.125 feet to 5.125 feet are hereby approved in the manner proposed in the application.

The major variances described above shall only apply to the property located at 312 West Elm Street, more particularly described as follows:

Lots 9, 10, and 11 in James T. Roe’s Second Addition to the City of Urbana, Champaign County, Illinois. Commonly known as 312 West Elm Street.

PINs: 92-21-17-135-009, 92-21-17-135-010, 92-21-17-135-011

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

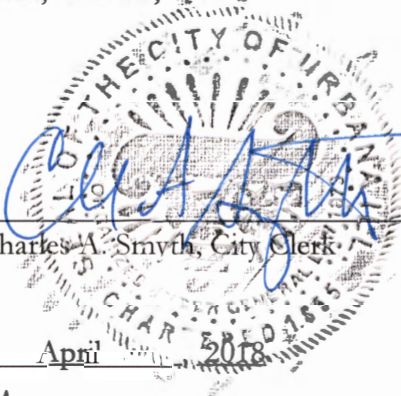
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 2nd day of April, 2018.

AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Roberts, Wu

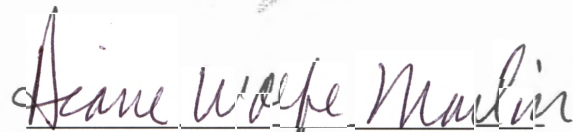
NAYS:

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 10th day of April, 2018



Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, 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 April, 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-04-026, entitled:

AN ORDINANCE APPROVING MAJOR VARIANCES (312 W. ELM ST. / ZBA CASE NOS. 2018-MAJ-01, 2018-MAJ-02, 2018-MAJ-03, 2018-MAJ-04, 2018-MAJ-05)

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

The pamphlet form of Ordinance No. 2018-04-026 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 10th day of April, 2018, 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.

Dated at Urbana, Illinois, this 10th day of April, 2018.



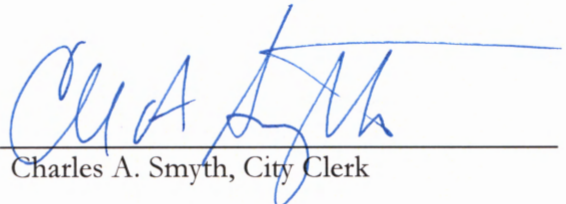

Charles A. Smyth, City Clerk

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2018-MAJ-01,02,03,04; ZBA-2018-MIN-01,02

Subject: Multiple Variances

Location: 312 West Elm Street

Petitioner: Saint Nicholas Orthodox Church

 Subject Property



Exhibit B: Zoning Map

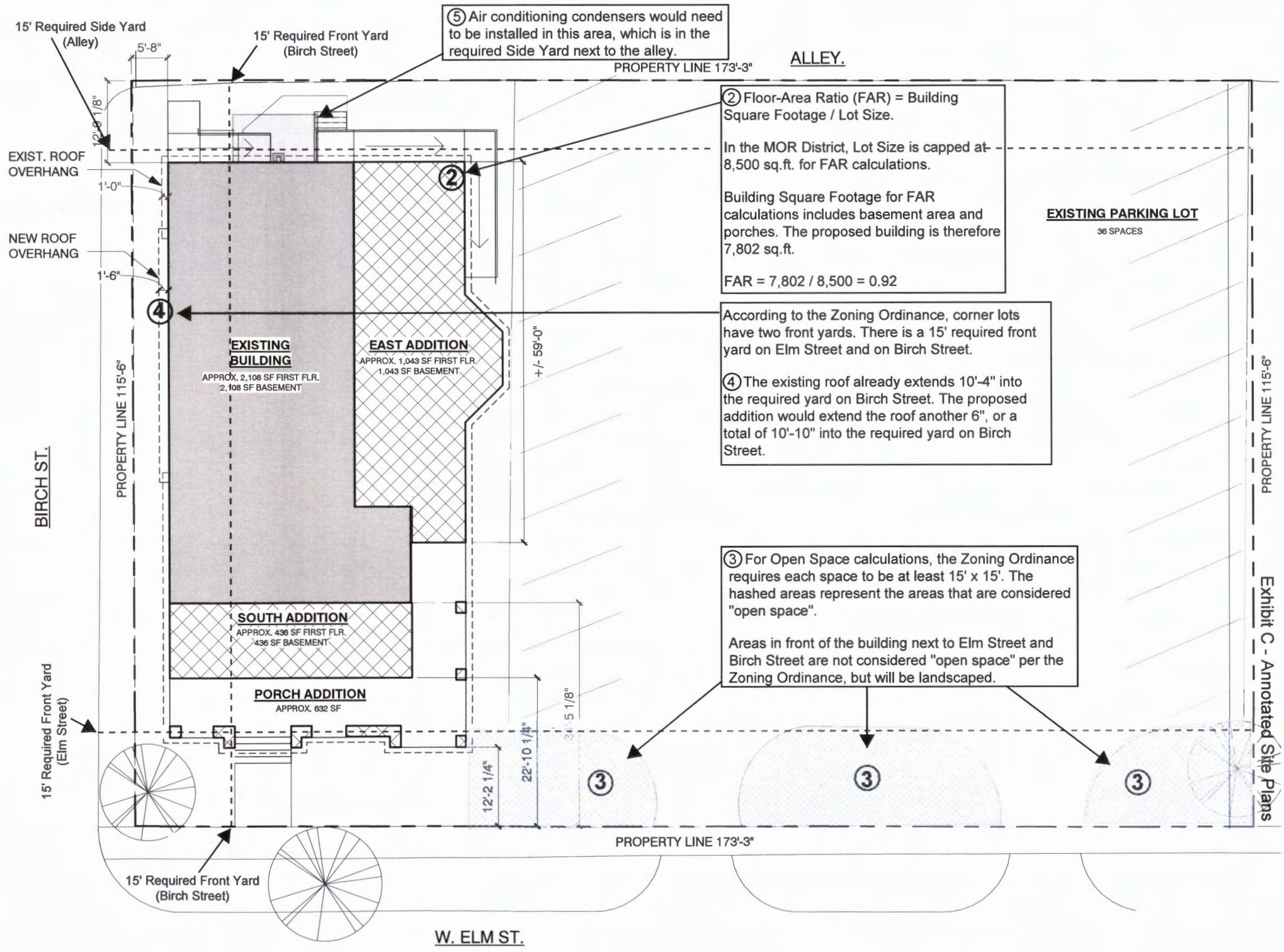


Case: ZBA-2018-MAJ-01,02,03,04;
ZBA-2018-MIN-01,02

Subject: Multiple Variances
Location: 312 West Elm Street
Petitioner: Saint Nicholas Orthodox Church

	B1		R3
	B2		R4
	B4		R5
	CRE		R6
	MOR		R6B
	R2		Subject Property





⑤ Air conditioning condensers would need to be installed in this area, which is in the required Side Yard next to the alley.

② Floor-Area Ratio (FAR) = Building Square Footage / Lot Size.
In the MOR District, Lot Size is capped at 8,500 sq.ft. for FAR calculations.
Building Square Footage for FAR calculations includes basement area and porches. The proposed building is therefore 7,802 sq.ft.
FAR = 7,802 / 8,500 = 0.92

According to the Zoning Ordinance, corner lots have two front yards. There is a 15' required front yard on Elm Street and on Birch Street.

④ The existing roof already extends 10'-4" into the required yard on Birch Street. The proposed addition would extend the roof another 6", or a total of 10'-10" into the required yard on Birch Street.

③ For Open Space calculations, the Zoning Ordinance requires each space to be at least 15' x 15'. The hashed areas represent the areas that are considered "open space".
Areas in front of the building next to Elm Street and Birch Street are not considered "open space" per the Zoning Ordinance, but will be landscaped.