

ORDINANCE NO. 2014-04-039

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow an increase in Floor Area Ratio to 0.47 in the City's B-1, Neighborhood Business District, at 907 W. Fairview Ave / ZBA Case No. 2014-MAJ-01)

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 major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Gary Frick of Olympic Construction has submitted a petition for a major variance to allow for construction of an addition which would increase the Floor Area Ratio from 0.30 to 0.47 at 907 West Fairview Avenue in the B-1, Neighborhood Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2014-MAJ-01; 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 held a public hearing on the proposed major variance on April 16, 2014 and voted 5 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The petitioner is requesting a major variance to increase the allowed Floor Area Ratio from 0.30 to 0.47 at 907 West Fairview Avenue.

2. The proposed variance would allow for an addition to the existing warehouse/office, as shown in the attached site plan.
3. The subject property is located in the B-1, Neighborhood Business Zoning District.
4. The proposed variance would allow for the business to expand and to remain at this location.
5. Per Table VI-3 of the Urbana Zoning Ordinance, the maximum Floor Area Ratio for the B-1 District is 0.30.
6. The variance is necessary due to the configuration of the existing warehouse building on the lot and the fact that the maximum Floor Area Ratio in the B-1 district is lower than almost all other zoning districts.
7. Granting the requested variance would not have a significant impact on the character of the neighborhood and would not cause a nuisance to adjacent properties. There are existing buildings nearby that have a much higher Floor Area Ratio, and the building setback would become more in harmony with the surrounding properties.
8. The requested variance represents the minimum deviation from the Zoning Ordinance needed to allow the business to expand and remain on this lot.

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

Section 1. In ZBA Case No. 2014-MAJ-01, the major variance requested by Olympic Construction is hereby approved in the manner proposed in the application.

The major variance described above shall only apply to the property located at 907 West Fairview Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 4 of Sarah A. Sim's Addition to the City of Urbana, being a subdivision of part of the North Half of the North Half of the North East ¼ of the South East ¼ of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Book "B" at page 284, in Champaign County, Illinois

Parcel No.: 91-21-07-428-007

Section 2. The Urbana 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 21st day of April, 2014.

PASSED by the City Council on this 21st day of April, 2014.

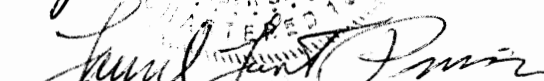
AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS: None

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 28th day of April, 2014.


Laurel Lunt Prussing, 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 21st day of April, 2014, the City Council of the City of Urbana passed and approved Ordinance No. 2014-04-039, entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow an increase in Floor Area Ratio to 0.47 in the City's B-1, Neighborhood Business District, at 907 w. Fairview Ave/ZBA Case No. 2014-MAJ-01)

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

The pamphlet form of Ordinance No. 2014-03-039 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 29th day of April, 2014, 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 29th day of April, 2014.



Phyllis D. Clark

Phyllis D. Clark, City Clerk