

NOV - 2 2015

ORDINANCE NO. 3213

**AN ORDINANCE TO GRANT ZONING CODE VARIANCES
TO PARAQUAD ON BEHALF OF THE OWNERS FOR
RESIDENTIAL PROPERTY LOCATED AT 609 DANA
DRIVE IN THE CITY OF COLUMBIA, ILLINOIS TO
REDUCE THE COMBINED SIDE YARD SETBACK ON A
CORNER LOT FROM THE REQUIRED FORTY-FIVE (45)
FEET TO FORTY-ONE (41) FEET, TO REDUCE THE
REAR YARD SETBACK FROM THE REQUIRED THIRTY
(30) FEET TO TWENTY-ONE (21) FEET AND TO REDUCE
THE ESTABLISHED BUILDING LINE OF THE FRANKE
F FARMS FINAL SUBDIVISION PLAT FROM THE
REQUIRED FORTY (40) FEET TO TWENTY-NINE (29)
FEET**



Daley Stoff
City Clerk

WHEREAS, Kevin and Shannon Crook are the owners of the property having the assigned address of 609 Dana Drive in the City of Columbia, Illinois (the "City") and which property is legally described as Lot 25 of Franke Farms Subdivision on which property is located a single family residential structure;

WHEREAS, Subsection 17.18.050 (B) of the City's Zoning Code provides and requires the combined side yard for corner lots shall be at least forty-five (45) feet;

WHEREAS, Subsection 17.18.050 (C) of the City's Zoning Code provides and requires the rear yard shall be at least forty (30) feet;

WHEREAS, Franke Farms Final Subdivision Plat provides and requires an established building line of forty (40) feet;

WHEREAS, Paraquad Inc. ("Paraquad") has applied for a variance on behalf of the property owners from strict compliance with said yard requirements of the City's Zoning Code and established building lines of the Franke Farms Final Subdivision Plat to allow for construction and installation of an accessible ramp entrance to the single family residential structure;

WHEREAS, Section 17.08.040 of the City's Zoning Code provides and requires that all applications for variances from strict compliance with the City's Zoning Code shall be filed with the City Clerk and forwarded by the City Clerk to the City's Zoning Board of Appeals for public hearing, following publication of the required notice of hearing in a newspaper published in the City;

WHEREAS, a public hearing with regard to the Paraquad zoning variances application was held before the Columbia, Illinois Zoning Board of Appeals on October 21, 2015, following the publication of the required notice of hearing in compliance with the City's Zoning Code requirement and the City's Zoning Board of Appeals has recommended that the requested combined side yard, rear yard and established building line variances be granted to Paraquad;

WHEREAS, Subsection 17.08.050(A) of the City's Zoning Code provides and requires that when by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the area regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the City Council shall be empowered to authorize on application in regard to such property, a variance from such zoning district regulation so as to relieve such difficulty or hardship;

WHEREAS, Subsection 17.08.050(C) of the City's Zoning Code provides and requires that in the City Council's consideration of all applications for Zoning Code variances, the City Council shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change, including a variation in use, in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets or increase the danger of fire, or materially diminish, or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City;

WHEREAS, Subsection 17.08.050(C) of the City's Zoning Code further provides and requires that every variance granted shall be granted by ordinance and that the ordinance granting the variance shall include a written finding of fact based upon testimony and evidence, specifying the reason for granting or denying the variance and the decision of the City Council shall be made a part of any building permit for which a variance is allowed;

WHEREAS, Subsection 17.08.050(D) of the City's Zoning Code provides and requires that the concurring vote of a majority of the Mayor and the City Aldermen holding office shall be required for the granting of a variance from strict application with the City's Zoning Code where the Zoning Board has recommended approval of the granting of the variance; and,

WHEREAS, the City Council of the City has found and determined and does hereby declare that it is necessary and appropriate that the combined side yard, rear yard and established building line variances requested by Paraquad be granted by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City's City Council has found and determined and does hereby declare that the proposed variances will not constitute a change, including a variation in use, in the City's district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City. Further, the City Council of the City has found and determined that, based upon testimony and evidence presented at the public hearing before the City's Zoning Board of Appeals, the requested Zoning Code variances should be granted based upon the following facts:

(A) The proposed construction will not diminish the appearance of the property and will not adversely affect any adjoining or proximately located property or property owner.

(B) The building and property constitute an exceptional topographical condition or extraordinary or exceptional situation or condition on the subject property which condition is generally not prevalent in the neighborhood as the location of the existing structure does not allow for an accessible entrance to meet the environmental needs of the property owner without encroaching into the mentioned setbacks and established building line.

(C) The property owners who own property adjoining or located proximate to the subject property in the neighborhood have not objected to the requested variances.

(D) Requiring strict application of the building placement requirement in this R-4 (One Family Dwelling District) in the City for the applicant would result in a peculiar and exceptional practical difficulty for him and would create exceptional and undue hardship for him and the community; whereas the proposed installation of the accessible entrance on the subject property will allow the addition to be attached to the residential structure, be of reasonable size and serve the environmental needs of the owner and; that hardship should be avoided by the granting of the requested variances.

Section 3. The variance from Subsection 17.18.050 (B) of the City's Zoning Code to allow a combined side yard of forty-five (45) feet for a corner lot to be encroached upon four (4) foot establishing a minimum of forty-one (41) feet of combined side yards, the variance from Subsection 17.18.050 (C) of the City's Zoning Code to allow the encroachment of the established thirty (30) feet rear yard by nine (9) feet leaving the minimum of a twenty-one (21) feet rear yard and to encroach upon the forty

(40) feet established building line designated by the Franke Farms Final Subdivision Plat by eleven (11) feet is hereby granted.

Section 4. The City's Building Inspector is directed to attach a copy of this Ordinance to the building permit to be issued to Paraquad in connection with the authorization to construct an addition on property having the assigned address of 609 Dana Drive, in the City of Columbia, Illinois in accordance with the requirements of Subsection 17.08.050(C) of the City's Zoning Code.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

Alderman Huch moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Martens, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 2nd day of November, 2015.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)