

DEC 21 2015

ORDINANCE NO. 3224

*Shelly Staff*  
City Clerk

**AN ORDINANCE TO GRANT ZONING CODE VARIANCES  
TO STATE BANK OF WATERLOO, HERBERT C.  
SCHUELER REVOCABLE LIVING TRUST AND LEOLA M.  
SCHUELER REVOCABLE LIVING TRUST FOR A  
PARCEL WITH THE PROPERTY IDENTIFICATION  
NUMBER OF 04-16-133-002-000 IN THE CITY OF  
COLUMBIA, ILLINOIS TO EXCEED THE FOUR  
THOUSAND (4,000) SQUARE FOOT MAXIMUM FLOOR  
AREA ESTABLISHED IN A C-1 NEIGHBORHOOD  
BUSINESS DISTRICT AND TO REDUCE THE REQUIRED  
PARKING SPACES ESTABLISHED FOR OFFICE USE.**

WHEREAS, Herbert C. Schueler Revocable Living Trust & Leola M. Schueler Revocable Living Trust having ownership of property with the Property Identification Number of 04-16-133-002-000 in the City of Columbia, Illinois (the "City") and which property is legally described as Lots Numbered Five (5) and Six (6) of the Wedgewood Square Subdivision;

WHEREAS, Subsection 17.26.090 "Business area and business building area standards." of the City's Zoning Code provides and requires every business located in a C-1 Neighborhood Business Zoned District shall have an interior ground floor area measured from the interior walls of not to exceed four thousand (4000) square feet and every building hereafter located in a C-1 Neighborhood Business Zoned District in which one or more businesses are located shall have a total ground floor area measured from the outside of the exterior walls of the building of not to exceed sixteen thousand (16,000) square feet;

WHEREAS, Subsection 17.44.010 "General provisions." of the City's Zoning Code provides and requires that off-street parking and loading requirements for any use not specified in this title shall be the same as for a similar specified use, as determined below.

WHEREAS, Subsection 17.44.040 "Schedule of off-street parking requirements." of the City's Zoning Code provides and requires offices one parking space for every two hundred (200) square feet of office space.

WHEREAS, State Bank of Waterloo, Herbert C. Schueler Revocable Living Trust & Leola M. Schueler Revocable Living Trust ("Applicant") has applied for variances from strict compliance with said "Business area and business building area standards" and from strict compliance with said "Schedule of off -street parking requirement" of the City's Zoning Code to allow for construction of a Financial Institution in a C-1

Neighborhood Business District with a ground floor area of five thousand (5,000) square feet and twenty (20) off-street parking spaces;

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 Applicant's zoning variance applications was held before the Columbia, Illinois Zoning Board of Appeals on December 2, 2015, following the publication of a 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 variance from Section 17.26.090 "Business area and business building area standards" and the requested variance from Section 17.44.040 "Schedule of off-street parking requirements" be granted to the State Bank of Waterloo, Hebert C. Schueler Revocable Living Trust and Leola M. Schueler Revocable Living Trust;

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 "Business area and business building area standards" and the "Schedule of off-street parking" variances requested by State Bank of Waterloo, Herbert C. Schueler Revocable Living Trust & Leola M. Schueler Revocable Living Trust 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 zoning code does not allow for the maximum floor area on the consolidated lot derived from lot Five (5) and six (6) and the lots irregular shape does not allow for the required parking.

(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 and parking size in this C-1 Neighborhood Business District in the City for the applicant would result in a peculiar

and exceptional practical difficulty for him/her and would create exceptional and undue hardship for him/her and the community; whereas the proposed installation of the financial institution and parking lot on the subject property will allow the proposed structure, be of reasonable size, coincide with neighboring properties and serve the needs of the owner and; that hardship should be avoided by the granting of the requested variances.

**Section 3.** The variance from Subsection 17.26.090 "Business area and business building area standards" of the City's Zoning Code to allow a five thousand (5,000) square foot structure and from Subsection 17.44.040 "Schedule of off-street parking requirements" to allow twenty (20) parking spaces 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 State Bank of Waterloo in connection with the authorization to construct a Financial Institution on property having the Property Identification Number 04-16-133-002-000 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 Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Huch, and the roll call vote was as follows:

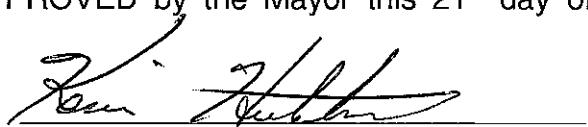
YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21<sup>st</sup> day of December, 2015.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)