

APR 16 2018

ORDINANCE NO. 3394


City Clerk

AN ORDINANCE TO GRANT ZONING CODE VARIANCES TO LARRY GODARE FOR PROPERTY LOCATED AT 506 WESTPARK DRIVE IN THE CITY OF COLUMBIA, ILLINOIS FROM SECTION 17.20.050 (A) OF THE COLUMBIA MUNICIPAL CODE AND THE MEADOW RIDGE NO. 3 FINAL SUBDIVISION PLAT

WHEREAS, Larry Godare ("the Applicant") is the owner of the property having the assigned address of 506 Westpark Drive in the City of Columbia, Illinois (the "City") and which property is legally described as Lot 15 of the Meadow Ridge No. 3 Subdivision on which property is located a single family residential structure;

WHEREAS, Subsection 17.20.050 (A) of the City of Columbia Municipal Code ("City Code") provides and requires that each lot upon which a dwelling is constructed shall have a front yard of not less than forty (40) feet;

WHEREAS, Meadow Ridge No. 3 Subdivision Final Plat ("the Subdivision Plat") provides and requires an established building line of thirty (30) feet;

WHEREAS, the applicant has applied for a variance from strict compliance with the front yard requirements of the City Code and established building line of the Subdivision Plat to allow for construction and installation of an attached garage addition 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 applicant's variance request was held before the Columbia, Illinois Zoning Board of Appeals on March 28, 2018, following the publication of the required notice of hearing in compliance with the City's Code requirement and the City's Zoning Board of Appeals has recommended that the requested front yard and established building line variances be granted to the applicant;

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 front yard and established building line variances requested by the Applicant 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 parcel is located adjacent to narrow intersecting streets and does not create suitable on-street 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 placement requirement in this R-5 (One Family Dwelling District) in the City for the applicant would result in a peculiar and exceptional practical difficulty for the applicant and would create exceptional and undue

hardship for the applicant and the community; whereas the proposed installation of the garage addition on the subject property will allow the property owner to store motor vehicles away from the narrow intersecting streets to provide for vehicular movement within said intersection.

Section 3. The variance requests from Subsection 17.20.050 (A) of the City's Code and the established building line of the Subdivision Plat to allow a required front yard of twenty-two (22) feet that fronts Meadow View Lane 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 Larry Godare in connection with the authorization to construct an addition on the property having the assigned address of 506 West Park 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 Niemietz moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

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

NAYS: None.

ABSTENTIONS: None.

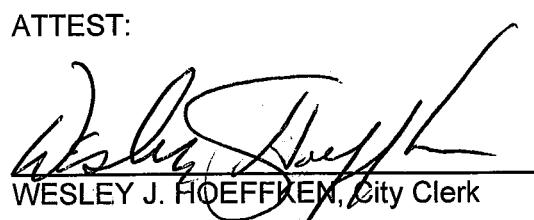
ABSENT: None.

PASSED by the City Council and APPROVED by the Mayor this 16th day of April, 2018.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)