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DENNIS KNOBLOCH
MONROE COUNTY RECORDER
WATERLOO, IL
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ORDINANCE NO. 3333

AN ORDINANCE TO GRANT ZONING CODE VARIANCE TO ST. PAUL'S LUTHERAN CHURCH FOR A PARCEL WITH THE PROPERTY IDENTIFICATION NUMBER OF 04-22-101-026-000 IN THE CITY OF COLUMBIA, ILLINOIS TO REDUCE THE REQUIRED PARKING SPACES ESTABLISHED FOR PLACES OF PUBLIC ASSMENBLY.

WHEREAS, St. Paul's Lutheran Church having ownership of property with the Property Identification Number of 04-22-101-026-000 in the City of Columbia, Illinois (the "City") and which property is commonly known as 108 West Liberty Street; and

WHEREAS, Subsection 17.44.040 #27 "Schedule of off-street parking requirements" of the City's Zoning Code provides and requires theaters, auditoriums, churches, stadiums and other places of public assembly: one parking space for every six seats available at maximum capacity; and

WHEREAS, St. Paul's Lutheran Church ("Applicant") has applied for a variance from strict compliance with said "Schedule of off -street parking requirement" of the City's Zoning Code to allow the operation of a place of assembly in a C-2 General Business District with zero (0) off-street parking spaces; and

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; and

WHEREAS, a public hearing with regard to the Applicant's zoning variance application was held before the Columbia, Illinois Zoning Board of Appeals on May 24, 2017, 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

17.44.040 #27 "Schedule of off-street parking requirements" be granted St. Paul's Lutheran Church; and

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; and

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; and

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; and

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 the "Schedule of off-street parking" variance requested by St. Paul's Lutheran Church 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 variance 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 variance should be granted based upon the following facts:

(A) The proposed occupancy of historic structures 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 was enacted prior construction of the historic structures located upon the lot and 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 variance.

(D) Requiring strict application of the off-street parking in this C-2 General 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 occupancy of the historic structures on the subject property will coincide with neighboring properties, preserve the historical characteristic of the community, and serve the needs of the owner and; that hardship should be avoided by the granting of the requested variance.

Section 3. The variance from Subsection 17.44.040 #27 "Schedule of off-street parking requirements" to allow zero (0) off-street parking spaces is hereby **granted in the name of the applicant only.**

Section 4. The City's Building Inspector is directed to attach a copy of this Ordinance to the Occupancy Permit to be issued to St. Paul's Lutheran Church in connection with the authorization of occupying the historic structures on the property having the Property Identification Number 04-22-101-026-000 intended as a place of assembly 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 Holtkamp moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Niemietz, Roessler, Huch, and Holtkamp.

NAYS: Alderman Reis.

ABSENT: Alderman Agne.

ABSTENTIONS: None.

**Alderman Martens voted present.

PASSED by the City Council and APPROVED by the Mayor this 19th, day of June, 2017.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)