

MAY 21 2018

ORDINANCE NO. 3409


City Clerk

AN ORDINANCE TO GRANT A VARIANCE TO BUDNICK CONVERTING, INC. FROM CHAPTER 16.4.13 (D) OF THE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 104 MARK DRIVE IN THE CITY OF COLUMBIA, ILLINOIS PERMITTING THE CONSTRUCTION OF A SECURITY FENCE THAT EXCEEDS THE MAXIMUM ALLOWABLE HEIGHT OF SEVENTY-TWO (72) INCHES

WHEREAS, Budnick Converting, Inc. is the owner of the property having the assigned address of 104 Mark Drive in the City of Columbia, Illinois (the “City”), which a commercial structure is located within a C-3 Highway Business Zoned District;

WHEREAS, Subsection 16.4.13 (D) of the Municipal Code provides and requires, “no fences shall exceed seventy-two (72) inches in height”;

WHEREAS, Budnick Converting, Inc. (“the applicant”) has applied for a variance from strict compliance with said maximum fence height requirements of the City’s Municipal Code to allow for construction and installation of a security and screening fence having the total height of ninety-six (96) inches;

WHEREAS, following publication of the required notice of hearing in a newspaper published in the City, a public hearing with regard to the applicant’s variance request was held before the Columbia, Illinois Zoning Board of Appeals on April 25, 2018, in compliance with the City’s Code and the City’s Zoning Board of Appeals has recommended that the requested variance be granted to the applicant;

WHEREAS, the City Council of the City has found and determined and does hereby declare that it is necessary and appropriate that the variance request to construct a security fence with a maximum height of ninety-six (96) inches be granted;

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 variance 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 property does constitute as an exceptional topographical condition or extraordinary or exceptional situation or condition on the subject property which condition is generally not prevalent in the neighborhood and to provide public safety by the construction of a security fence.

(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 maximum fence height requirement 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 fence on the subject property will allow security and screening of equipment and serve the needs of the owner and provide safety to the community and; that hardship should be avoided by the granting of the requested variance.

Section 3. The variance from Subsection 16.4.13(D) of the City's Municipal Code to allow the construction of a security fence having a maximum height of ninety-six (96) inches 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 the applicant in connection with the authorization to construct a security fence on the property having the assigned address of 104 Mark Drive, in the City of Columbia, Illinois.

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 Niemietz, and the roll call vote was as follows:

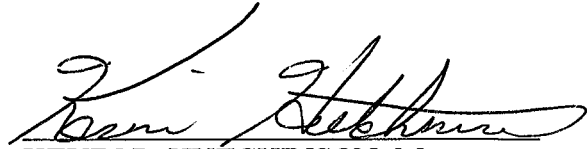
YEAS: Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens.

NAYS: None.

ABSTENTIONS: None.

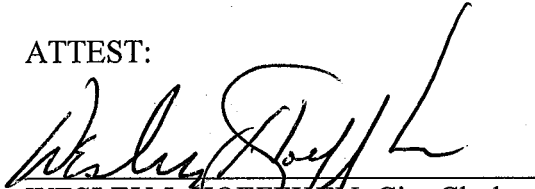
ABSENT: Alderman Ebersohl.

PASSED by the City Council and APPROVED by the Mayor this 21st, day of May, 2018.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)