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# Recording Cover Sheet

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Accessory Parking at 1005 Philo Rd. / ZBA Case No. 2021-MAJ-07)**

**2021R26963**  
REC ON: 11/12/2021 03:30:07 PM  
CHAMPAIGN COUNTY  
**MIKE INGRAM**  
REC FEE: 51.00  
RHSPS Fee:  
STATE TAX:  
COUNTY TAX:  
PLAT ACT:  
PAGES 7

Prepared for recording by:

Phyllis D. Clark, City Clerk

400 S. Vine St., Urbana, IL 61801

Return to:

Phyllis D. Clark, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

**CLERK'S CERTIFICATE**

STATE OF ILLINOIS            )  
  )  SS  
COUNTY OF CHAMPAIGN    )

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an Ordinance entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Accessory Parking at 1005 Philo Rd. / ZBA Case No. 2021-MAJ-07)**

Adopted by the City Council of the City of Urbana, Illinois, on the 8<sup>th</sup> day of November, AD, 2021, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 12<sup>th</sup> day of Novmber, AD, 2021.



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

**ORDINANCE NO. 2021-11-047**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Accessory Parking at 1005 Philo Rd. / ZBA Case No. 2021-MAJ-07)**

**WHEREAS**, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider an application for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Robert Wease has submitted a petition for a major variance to allow an accessory parking space to be paved in the required front yard at 1005 Philo Road; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on October 19, 2021, in ZBA Case No. 2021-MAJ-07; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted four (4) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major



variance procedures in Article XI, Section XI-3(C)(2)(d), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. Robert Wease requests a major variance to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road in the R-3, Single and Two-Family Residential Zoning District.
2. The variance will not serve as a special privilege to the property owner, as there is no access to the rear or side yards to pave accessory parking without a variance; there is no other area on the property where additional parking could go.
3. The variance was not the result of a situation knowingly created by the applicant, as the applicant was unaware that the Zoning Ordinance prohibits accessory parking in a required front yard, and the house and existing access drive have been on the property since 1961.
4. The variance will not alter the essential character of the neighborhood as several properties along Philo Road have more than the required amount of parking, and three properties have legally non-conforming accessory parking in the required front yard, so the accessory parking space will not be out of place.
5. The variance will not cause a nuisance to adjacent property owners, as the accessory parking space will not encroach into either side yard, and one neighbor has submitted a letter of public input in favor of the requested variance.
6. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, as there are no other possible locations for the accessory parking space, and there is no other feasible spot for a turnaround area.

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

**Section 1.**

In ZBA Case No. 2021-MAJ-07, the major variance requested by Robert Wease, to allow an accessory parking space in the required 25-foot front yard at 1005 Philo Road, is hereby approved in the manner proposed in the application with the following conditions: that accessory parking space will generally conform to the submitted site plan, as shown in Ordinance Attachment A, and that the access drive, apron and driveway will be paved with an approved surface and meet the City of Urbana right-of-way standards, subject to Public Works approval. The major variance described above shall only apply to the property located at 1005 Philo Road, more particularly described as follows:



Lot 15 of Block 1, Champaign-Urbana AMVETS Homestead Association  
Subdivision, as per plat recorded in Plat Book "K" at page 33, situated in Champaign  
County, Illinois.

Commonly known as 1005 Philo Road, Urbana, Illinois 61801  
P.I.N.: 92-21-16-331-003

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 8th day of November, 2021.

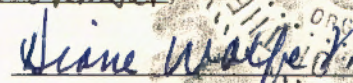
AYES: Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, Quisenberry

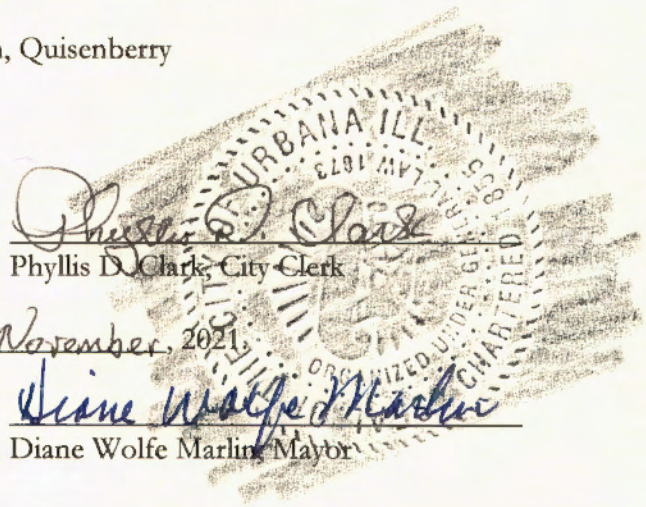
NAYS: None

ABSTENTIONS: None

  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 12<sup>th</sup> day of November, 2021.

  
Diane Wolfe Marlin, Mayor





# Ordinance Attachment A - Site Plan



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Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGISC), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.







## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 8<sup>th</sup> day of November 2021 the City Council of the City of Urbana passed and approved Ordinance No. 2021-11-047 entitled:

### AN ORDINANCE APPROVING A MAJOR VARIANCE

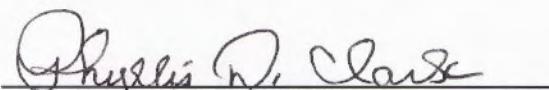
(Accessory Parking at 1005 Philo Rd. / ZBA Case No. 2021-MAJ-07)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2021-11-047 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 12<sup>th</sup> day of November 2021, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 12<sup>th</sup> day of November, 2021.



  
Phyllis D. Clark, City Clerk