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# Recording Cover Sheet

An Ordinance Approving a Major Variance (Front Porch at  
1401 Perkins Road / ZBA-2021-MAJ-08)  
[Ordinance No. 2022-01-001]

**2022R08620**  
REC ON: 05/13/2022 12:12:23 PM  
CHAMPAIGN COUNTY  
**AARON AMMONS**  
REC FEE: 51.00  
RHSPS Fee:  
STATE TAX:  
COUNTY TAX:  
PLAT ACT:  
PAGES 6

Prepared for recording by:

Phyllis D. Clark, City Clerk

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400 S. Vine St., Urbana, IL 61801

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Return to:

(6)  
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 (Front Porch at 1401 Perkins Road / ZBA-2021-MAJ-08)**

Adopted by the City Council of the City of Urbana, Illinois, on the 10<sup>th</sup> day of January, AD, 2022, 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 13<sup>th</sup> day of May, AD, 2022.



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

**ORDINANCE NO. 2022-01-001**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Front Porch at 1401 Perkins Road / ZBA Case No. 2021-MAJ-08)**

**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**, Brian Kesler, on behalf of Angel Corado, has submitted a petition for a major variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins Road; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on December 15, 2021, in ZBA Case No. 2021-MAJ-08; 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 six (6) 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. Brian Kesler, on behalf of Angel Corado, requests a major variance to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins 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 the remainder of the block has not been developed to the standards of the Urbana Zoning Ordinance, and the average front yard depth is skewed by 100-foot-plus front yards on this block of Eastern Avenue.
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 front porches in a required front yard, and the house has been on the property since 2010.
4. The variance will not alter the essential character of the neighborhood as several houses along the block encroach into the 25-foot front yard, but that requirement does not apply to properties located in unincorporated Champaign County.
5. The variance will not cause a nuisance to adjacent property owners, as the front porch will be entirely on the applicant's property, and should not affect the adjacent neighbors.
6. The variance does not represent the minimum deviation necessary from the requirements of the Zoning Ordinance, as a 9-foot-wide porch could be constructed in the same location, without a variance.

**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-08, the major variance requested by Brian Kesler, on behalf of Angel Corado, to allow a front porch to encroach 10 feet into the required 25-foot front yard at 1401 Perkins Road, is hereby approved in the manner proposed in the application with the following conditions: that the front porch will generally conform to the submitted site plan, as shown in Ordinance Attachment A. The major variance described above shall only apply to the property located at 1401 Perkins Road, more particularly described as follows:

Lot 3 of Eugene L. Randall's Subdivision of Tract Two (2) and Tract Three (3) in Fred C. Carroll's Subdivision of the East One-Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, as per Plat Recorded in Plat Book "G" at Page 112, Situated in Champaign County, Illinois, Except That Part Dedicated for Public Road Purposes in Instrument Recorded August 26, 2010 as Document No. 2010R18934 and Described as Follows:

The North 3.00 Feet of Even Width of Lot 3 of Eugene L. Randalls' Subdivision of Tract 2 and Tract 3 in Fred C. Carroll's Subdivision, as per Plat recorded in Plat Book "G" at Page 112, in Champaign County, Illinois.

Commonly known as 1401 East Perkins Road, Urbana, IL 61802  
P.I.N.: 30-21-09-128-001

**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 10<sup>th</sup> day of January, 2022.

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

NAYS: None

ABSTENTIONS: None

**APPROVED BY THE MAYOR** this 7<sup>th</sup> day of February, 2022.

  
Phyllis D. Clark  
Phyllis D. Clark, City Clerk  
Diane Wolfe Marlin  
Diane Wolfe Marlin, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



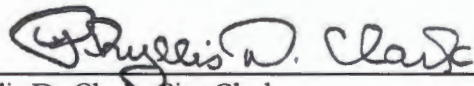
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 10th day of January 2022 the City Council of the City of Urbana passed and approved Ordinance No. 2022-01-001 entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE  
(Front Porch at 1401 Perkins Road/ ZBA Case No. 2021-MAJ-08)**  
which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2022-01-001 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 8th day of February 2022, 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 8th day of February, 2022.



  
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Phyllis D. Clark, City Clerk