

# Recording Cover Sheet

**An Ordinance Approving a Major Variance**  
**(Tim Chao, for GSA Group, at 410 North Lincoln Avenue**  
**/ Case No. ZBA-2023-MAJ-02)**  
**[Ordinance No. 2023-08-028]**

2023R13781  
REC ON: 09/26/2023 09:01:07 AM  
CHAMPAIGN COUNTY  
AARON AMMONS  
REC FEE: 52.00  
RHSPS FEE: 18.00  
STATE TAX:  
COUNTY TAX:  
PLAT ACT:  
PAGES: 7

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:

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    )

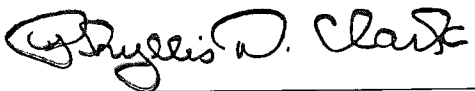
I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an Ordinance entitled:

**An Ordinance Approving a Major Variance**  
**(Tim Chao, for GSA Group, at 410 North Lincoln Avenue / Case No. ZBA-2023-MAJ-02)**

Adopted by the City Council of the City of Urbana, Illinois, on the 28th day of August, AD, 2023, 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 25<sup>th</sup> day of September, AD, 2023.



  
\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**ORDINANCE NO. 2023-08-028**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Tim Chao, for GSA Group, at 410 North Lincoln Avenue / Case No. ZBA-2023-MAJ-02)

**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 applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Tim Chao, on behalf of GSA Group, requests a major variance to reduce a portion of the required front yard from the required 15 feet to seven feet, eight inches, for a length of 33 feet along the front of the building’s west entrance, at 410 North Lincoln Avenue, in the B-3 (General Business) Zoning District; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on July 19, 2023, in Case ZBA-2023-MAJ-02; 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 seven (7) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance, with one condition; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(e), 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. The requested front yard variance would allow retroactive approval of two existing pergolas to provide shelter for existing outdoor dining space at the BakeLab coffee shop, located within the Gather Guest Suites building.
2. The special circumstance and practical difficulty for this parcel are that the existing use is more common in zoning districts that do not require minimum yards to separate the structure from neighboring users, and that granting the variance would not be a special privilege as there are few neighboring uses that have outdoor dining and cannot accommodate it because of the proximity of the structure to the property line.
3. The variance is requested to meet the demand for outdoor dining for longer periods of time – a situation not deliberately created by the applicant, but welcomed – which would require covering the outdoor dining area with a structure such as the proposed pergolas.
4. The variance would not alter the character of the neighborhood, as it would not increase customers or vehicular traffic, and an adjacent business has covered outdoor dining.
5. The variance would not create a nuisance to the adjacent property, as it would not obstruct traffic or create a significant distraction to drivers.
6. The variance is the minimum deviation possible from the Zoning Ordinance to provide a structure large enough to shelter the existing outdoor dining area, and the applicant requests a reduction of the minimum front yard only for the 33-foot length of the alcove in which the outdoor dining area is located.

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

**Section 1.**

In Case No. ZBA 2023-MAJ-02, the major variance requested by Tim Chao, on behalf of GSA Group, to reduce a portion of the required front yard from the required 15 feet to seven feet, eight inches, for a length of 33 feet along the front of the building's west entrance, is hereby approved in

the manner proposed in the application with the following condition: that the structures generally conform to the site plan submitted in the application, as shown in Attachment A.

**Section 2.**

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. 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.


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.

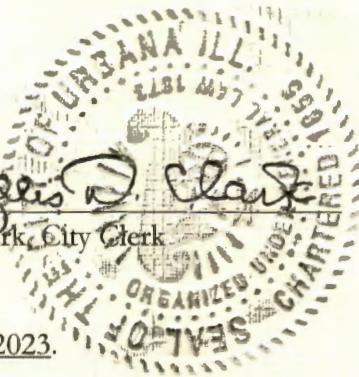
**PASSED BY THE CITY COUNCIL** this 28th day of August, 2023.

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

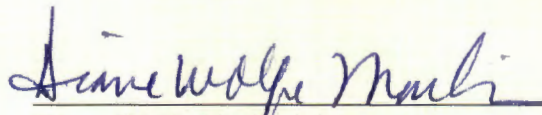
NAYS: None

ABSTENTIONS: None

  
\_\_\_\_\_  
Phyllis D. Clark, City Clerk



**APPROVED BY THE MAYOR** this 8th day of September, 2023.

  
\_\_\_\_\_  
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 28th day of August 2023 the City Council of the City of Urbana passed and approved Ordinance No. 2023-08-028 entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE  
(Tim Chao, for GSA Group, at 410 North Lincoln Avenue / Case No. ZBA-2023-MAJ-02)**

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

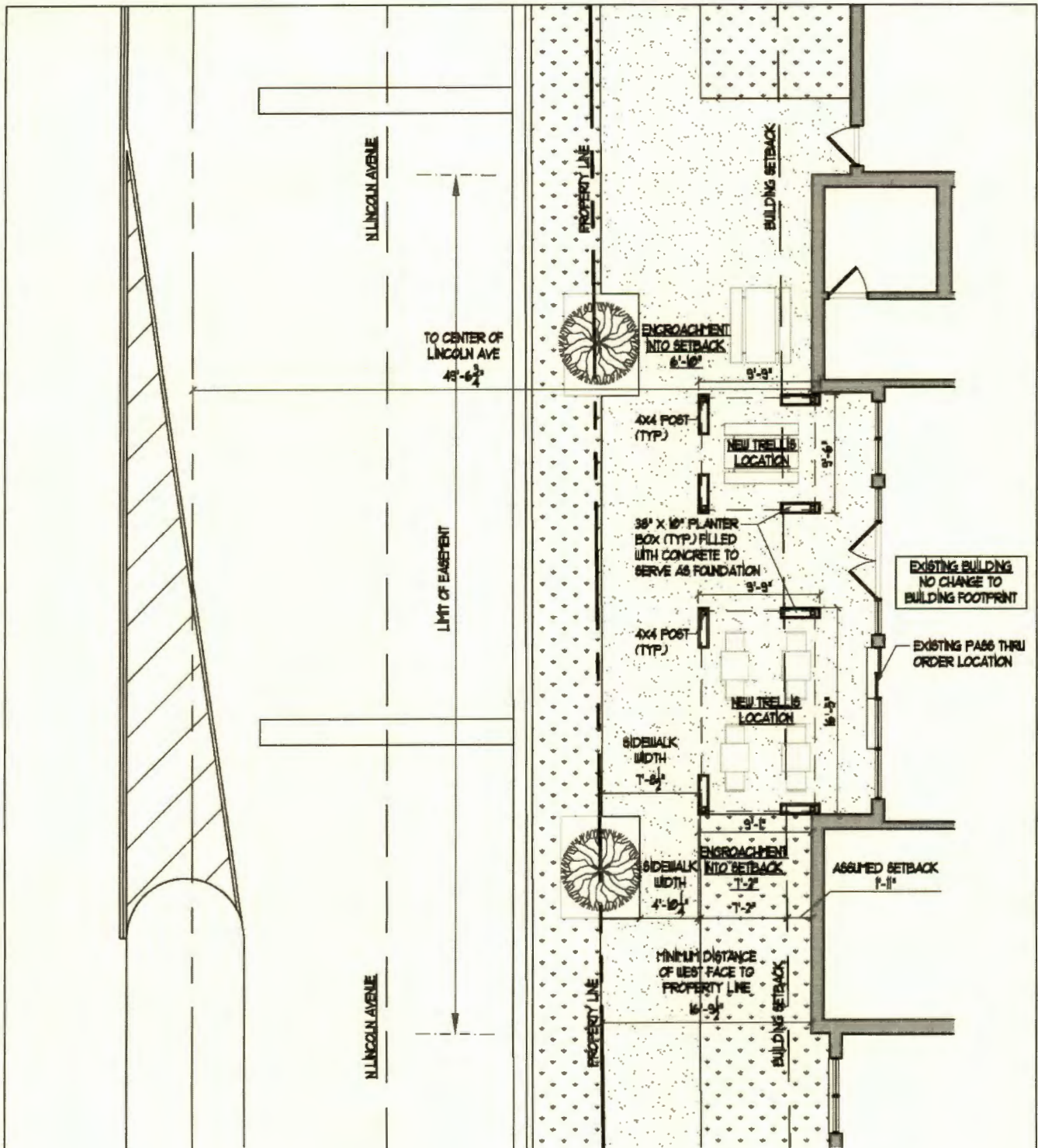
The pamphlet form of Ordinance No. 2023-08-028 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 8th day of September, 2023, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 8th day of September, 2023.



Phyllis D. Clark, City Clerk

# Attachment A



1 NEW TRELLIS LOCATION PLAN  
 T1 SCALE: 1/4" = 1'-0"

T1

BAKE LAB VARIANCE  
 EXTERIOR CONSTRUCTION  
 410 N LINCOLN AVE  
 URBANA, ILLINOIS 61801

These drawings and specifications are the property and copyright of Andrew Fell, Architecture and Design and shall not be used on any other work except by written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any discrepancies shall be brought to the notice of the Architect prior to the commencement of any work.

**ANDREW FELL**  
 ARCHITECTURE AND DESIGN  
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 PHONE 217.244.8880  
 WWW.ANDREWPELL.COM  
 EMAIL: andy@andrewfell.com

PROJECT # 25036  
 DATE: 2023  
 REV/NOV: