



CITY OF URBANA ZONING BOARD OF APPEALS REGULAR MEETING

DATE: Wednesday, July 19, 2023
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

A. Call to Order and Roll Call

B. Changes to the Agenda

C. Approval of Minutes of Previous Meeting

[Minutes](#) from the May 17, 2023 Regular Meeting

D. Continued Public Hearings

E. New Public Hearings

[ZBA-2023-MAJ-02](#) – A request by Tim Chao, dba BakeLab LLC, on behalf of GSA Group, to reduce a portion of the minimum front yard along North Lincoln Avenue to seven feet, eight inches (49% of the required yard), at 410 North Lincoln Avenue, in the B-3 (General Business) Zoning District.

F. Unfinished Business

G. New Business

H. Public Input

I. Staff Report

J. Study Session

K. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

Email Input

In order to be incorporated into the record, emailed public comments must be received prior to 5:00 pm on the day preceding the meeting and sent to the following email address: Planning@urbanaininois.us. The subject line of the email must include the words "ZONING BOARD OF APPEALS - PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Public Hearing

Any person desiring to appear at the public hearing and present testimony may speak during each public hearing at the time they appear on the agenda. This shall not count towards regular Public Input for the meeting. The Public Hearing is an opportunity for comments and questions to be addressed specific to each case. Board or Commission members are permitted to respond and engage during this time and/or the Chairperson may direct the applicant to respond during rebuttal. Comments unrelated to any of the public hearings listed on an agenda should be shared during the Public Input portion of the meeting where Verbal Input guidelines shall apply.

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under “Verbal Input”. Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker’s microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City at least 48 hours in advance using one of the following methods:

Phone: 217.384.2440

Email: Planning@urbanaillinois.us

Watching the Meeting via Streaming Services

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaillinois.us/uptv>.

MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS

DATE: May 17, 2023

DRAFT

TIME: 7:00 p.m.

PLACE: City Council Chambers, City Building, 400 South Vine Street, Urbana, IL

MEMBERS ATTENDING: Joanne Chester, Nancy Uchtmann, Charles Warmbrunn,
Harvey Welch

MEMBERS EXCUSED: Matt Cho, Ashlee McLaughlin, Adam Rusch

STAFF PRESENT: Kevin Garcia, Principal Planner; Marcus Ricci, Planner II; UPTV
Camera Operator

OTHERS PRESENT: Andrew Fell, James Planey

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:00 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the April 19, 2023 regular meeting were presented for approval. Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes as written. Ms. Chester second the motion. The minutes were approved as written by unanimous voice vote.

4. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Welch swore in members of the audience who wished to speak during a hearing.

5. NEW PUBLIC HEARINGS

ZBA-2023-MAJ-01 – A request by Andrew Fell, on behalf of Jim Planey, to increase the maximum total access drive width to 21 feet (54% of the lot width) at 410 West California Avenue in the R-2 (Single-Family Residential) Zoning District.

ZBA-2023-MIN-02 – A request by Andrew Fell, on behalf of Jim Planey, to reduce both required side yards to 3 feet, nine inches (3.75 feet, or 25%) at 410 West California Avenue in the R-2 (Single-Family Residential) Zoning District.

Chair Welch opened the public hearings for Case No. ZBA-2023-MAJ-01 and Case No. ZBA-2023-MIN-02 simultaneously because they relate to the same property. Marcus Ricci, Planner II, reviewed the written staff report for the Zoning Board of Appeals. He stated that City staff received an email from James Planey after the packet was sent out, which he handed out prior to the start of the meeting. He presented staff's recommendation for denial for both cases.

Chair Welch asked if any members of the Board had questions for staff regarding this case. The Zoning Board of Appeals members asked about the neighbors' opinion and about the shared driveway. Mr. Ricci responded that there was no input from the neighbors. The shared drive is an easement that was recorded in the 1930s and will continue into the future until it is extinguished. The shared driveway stops short about ten feet from the alley. There used to be a shared garage at the end.

Ms. Chester talked about properties being split without being platted. One neighbor would purchase a portion of a property from an adjacent neighbor, and they would record it without getting it platted through the City. She stated that she does not object to the proposed variances.

Mr. Warmbrunn asked about the width of the proposed new driveway. Kevin Garcia, Principal Planner, noted that no official site plan or construction plans have been submitted. Mr. Ricci added that the concept is to have two cars parked side by side in the driveway.

Ms. Uchtmann commented that there is room in the back next to the alley to construct a new garage. The character of the neighborhood is single-family homes with porches and trees.

With there being no further questions for City staff, Chair Welch opened the hearing for input from the audience. He invited the applicant to approach the Board to speak on behalf of his request.

Andrew Fell, applicant, approached the Zoning Board of Appeals to speak. He explained that the variance to reduce the side-yard setbacks is to allow a better house to be constructed on the lot and to allow a front door facing the street. The existing house already encroaches into the side yards. They are only asking for less than 2-½ inches from the existing encroachment. He mentioned that there is a three-foot easement on the east side of the property to allow for the shared driveway.

Staff and the members of the Zoning Board of Appeals members talked about the Open Space Ratio (OSR) and the Floor Area Ratio (FAR) of the lot.

Mr. Fell explained the reasons for the variance to increase the width of the proposed driveway, which included needing a two car curb cut from the street. He further noted the reasons for proposing the garage to be constructed in the front of the lot rather than on the rear of the property off the alley. He pointed out that many of the homes in the neighborhood do not have garages because the homes were constructed before cars were invented.

James Planey, owner of 412 West California Avenue and son of the property owner of 410 West California Avenue, approached the Zoning Board of Appeals to speak. He answered Ms. Chester's question regarding land transfer. He stated that they did not transfer part of his property at 412 to his parents property at 410 because his parents did not want to impact him and his wife in any way (land assessment or mortgage, etc.).

Mr. Warmbrunn asked if the variances were reliant upon each other. Mr. Fell said no.

With there being no additional input from the audience, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motion(s) of the Board.

Mr. Garcia clarified that the owner is only required by the Zoning Ordinance to provide space for two cars on a single family lot.

Ms. Uchtmann asked if the width of the new driveway is 21 feet. Mr. Fell replied that the new driveway would be 18 feet wide, and the other 3 feet would be for the existing shared drive. He explained that without the variance, they are allowed 45 percent of the lot width for the driveway access, which equals about 17 feet. Three feet of that 17 feet is already being used by the easement for the shared driveway, so that leaves 14 feet for the new driveway in front of the proposed garage. This is not enough space for two cars so they are requesting a major variance to allow the extra feet. Without the variance, he said, there will be more parking on the street.

Mr. Garcia clarified that the Zoning Ordinance uses a percentage of the lot width in calculating driveway width to prevent oversized driveways that do not look nice.

Mr. Fell inquired about the probability of increasing the odds of continuing the case to the next meeting to get a more positive outcome. City staff and the Zoning Board of Appeals members discussed the benefits and drawbacks of continuing the case.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2023-MAJ-01 to the City Council with a recommendation for approval because it meets the criteria. Ms. Uchtmann seconded the motion.

Mr. Warmbrunn stated that the applicant was going to construct a garage whether or not the City approves the major variance. It is only a matter of a few feet, and he did not believe it would be a visual detriment or nuisance to the neighborhood.

Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by a vote of 3-1. Mr. Garcia noted that Case No. ZBA-2023-MAJ-01 would be forwarded to Committee of the Whole on June 5, 2023.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2023-MIN-02. The motion was seconded by Ms. Uchtmann. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was passed by a vote of 3-1.

6. UNFINISHED BUSINESS

There was none.

7. NEW BUSINESS

There was none.

8. PUBLIC INPUT

There was none.

9. STAFF REPORT

There was none.

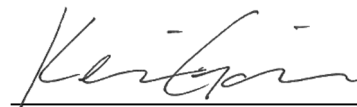
10. STUDY SESSION

There was none.

11. ADJOURNMENT

Chair Welch adjourned the meeting at approximately 8:19 p.m.

Respectfully submitted,



Kevin Garcia, AICP
Principal Planner and Zoning Administrator
Secretary, Urbana Zoning Board of Appeals



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Zoning Board of Appeals

FROM: Marcus Ricci, AICP, Planner II

DATE: July 14, 2023

SUBJECT: **ZBA-2023-MAJ-02:** A request by Tim Chao, dba BakeLab LLC, on behalf of GSA Group, to reduce a portion of the minimum front yard along North Lincoln Avenue to seven feet, eight inches (49 percent of the required yard), at 410 North Lincoln Avenue, in the B-3 (General Business) Zoning District.

Introduction

On behalf of GSA Group, Tim Chao requests a major variance to reduce a portion of the required front yard at 410 North Lincoln Avenue in the B-3 (General Business) Zoning District: from the required 15 feet to 7 feet, 8 inches, for a length of 33 feet along the front of the building's west entrance. This would allow two pergolas for the existing outdoor dining area at the BakeLab coffee shop, located within the Gather Guest Suites building. The Urbana Zoning Ordinance requires a 15-foot front yard for lots in the B-3 zoning district.¹ Decreasing the front yard by seven feet, four inches (49 percent) requires a major variance.²

The Zoning Board of Appeals must review the variance applications and hold a public hearing. For a major variance request, the Board may recommend approval to City Council by a 2/3 majority vote, or approval with conditions to City Council by a 2/3 majority vote, or deny the request. The Board should either accept the specific staff findings or articulate their own specific findings based on the variance criteria.

Staff recommends approval of the variance request, as it satisfies the variance criteria.

Background

The City granted a rezoning and special use permit to Rael Development Corporation in 2019 to allow multi-family residential use at 410 North Lincoln Avenue.³ The building and BakeLab café both opened in August of 2021. BakeLab provided outdoor seating in the west entrance alcove using five small bistro tables, each seating two people (see Exhibit E – Photos). This outdoor dining area extends to the edge of the sidewalk, which is where the applicant would like the pergolas to extend to (see Exhibit D – Variance Application with Site Plan). This summer, Bake Lab added two picnic tables and added two pergolas to cover the outdoor dining area using planter-mounted posts for the framework (see Exhibit E – Photos). The outdoor dining area, with its tables and chairs, does not

¹ Urbana Zoning Ordinance, Table VI-3 – Development Regulations.

² Urbana Zoning Ordinance, Section XI-3.C.2.b. – Zoning Board of Appeals; Powers & Duties of the Board; Minor Variances: A minor variance can allow the reduction of a side yard up to 25 percent.

³ Urbana Plan Commission meeting, February 7, 2019: Plan Cases 2361-M-18 and 2362-SU-18 staff report and video: <https://www.urbanaininois.us/node/7766>

violate the Zoning Ordinance. The pergolas, however, are considered accessory structures, which are not allowed to encroach into the required front yard. The requested variance would allow them to.

Description of Site and Area

The property is located at the southeast corner of West University and North Lincoln Avenues (see Exhibit A). The property (Gather Guest Suites) is zoned B-3. Adjacent properties are a mix of business (Subway, Einstein Bagels, FOBA Autos), medical institutional (Carle-affiliated organizations), and residential (Gather Townhomes, The Retreat, Lincoln Place Apartments). Table 1 below identifies the current zoning and the existing and future land uses of the site and surrounding properties (see Exhibits B and C).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	B-3 (General Business)	Mixed-Use Multi-Family Residential; Cafe	Community Business
North	B-3 (General Business) MIC (Medical Institutional Campus)	Restaurant; Medical-Related	Community Business & Institutional
South	R-4 (Medium-Density Multi-Family Residential) R-2 (Single-Family Residential)	Multi-Family & Single-Family Residential	Multifamily & Campus Mixed Use
East	B-3 (General Business) MIC (Medical Institutional Campus)	Multi-Family Residential	Institutional
West	B-3 (General Business) B-3U (General Business – University District)	Restaurant; Medical Related; Multi-Family Residential	Campus Mixed Use

Discussion

Although the site plan approved in 2019 indicated an “amenity area” and listed a square footage for a café, the plans did not specify where the café would be located. The renderings also did not indicate a proposed outdoor dining use (see Exhibit D – 2019 SUP Site Plan). According to the applicant, no specific tenant was in mind when the building was constructed, and it was not anticipated that a future tenant would want to install a sheltered outdoor dining area.

The applicant states that the outdoor dining area attracts additional customers, as passersby see customers spending time there eating and drinking. The pergola would give customers some protection from the afternoon sun and the elements, and would provide a sense of enclosure to the outdoor seating area.⁴ If the variance is approved, the applicant plans to install a fabric shade on top of the pergolas to help protect customers from rain, wind, and the sun.

The applicant’s primary justification for the variance is that a coffee shop that relies on the visibility of its outdoor dining to generate customer traffic is more commonly seen in areas like Downtown Urbana, which is zoned B-4 (Central Business), rather than in more auto-oriented business districts, which are zoned B-3 (General Business). The Gather building is designed more like a “B-4” building than like a typical “B-3” building. The B-4 district has no required yards: the Zoning Ordinance allows

⁴ It is well-documented that people prefer outdoor spaces that feel like “rooms” and provide some sense of enclosure. An outdoor seating area that only consists of tables and chairs will feel less hospitable than an area that has tables, chairs, and defined edges (planters, trees, low walls, etc.).

accessory structures, like pergolas, to be installed up to the property line, which is typically the edge of the sidewalk.

Although the Zoning Ordinance allows many encroachments into required yards,⁵ pergolas encroaching into a front yard in the B-3 district do not qualify, even though they share similarities with some things that are allowed to encroach into required yards.

Variance Criteria

Section XI-3.C of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria:

“In either a minor or major variance the Board and/or the City Council must make specific findings of fact that are specific to the property or the variance in question by describing the special circumstances or special practical difficulties that exist in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest.”

The Board therefore must first determine whether there are special circumstances or practical difficulties in carrying out the strict application of the ordinance on the parcel in question.

If the Board determines that the first criteria is met, it must then use the remaining five criteria to determine how the variance will either serve the public interest, or will not hinder or impair the public interest.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis:

1. *Are there any special circumstances or practical difficulties with reference to the parcel concerned, in carrying out the strict application of the zoning ordinance?*

The special circumstance in this case is that the building was designed to be pedestrian-friendly, with its main entrance facing the sidewalk along Lincoln Avenue. This is not typical in the B-3 district, where buildings are designed – and where the development regulations encourage – access by car.⁶ The Gather building is designed like a downtown building, and in the downtown (B-4 district), there are no required front yards, and a café with covered outdoor seating would be allowed. While the outdoor seating for Bake Lab is allowed, adding a structure like a pergola, which would make it more pleasant for visitors, is not.

Staff find that there are special circumstances due to the building design, and this should weigh in favor of granting the variance.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof, which is not generally applicable to other lands or structures in the same district.*

The applicant states that customers are visiting the coffee shop more frequently and staying longer, which increases the need for additional seating, and thus an expansion of the outdoor dining area. The pergolas’ shelter make it more comfortable for customers to stay longer.

⁵ e.g., building ornamental features, building accesses, outdoor living areas, canopies, accessory structures in residential districts, landscape features, and balconies.

⁶ e.g., in the B-3 district, parking is allowed in the front yard in front of a building, but covered outdoor seating is not.

Staff find that the variance will not serve as a special privilege as there are few businesses in the area, and in the B-3 district in general, that have outdoor seating areas *and* cannot accommodate them because of the proximity of the building to the property line. This should weigh in favor of granting the variance.

3. *The variance requested is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The applicant states that they had not anticipated that customers would want to dine outdoors as much as has occurred, and that the variance is requested to meet the need for additional seating, shade, and privacy from traffic along Lincoln Avenue that has been expressed by customers.

Staff find that this should weigh in favor of granting the variance.

4. *The variance will not alter the essential character of the neighborhood.*

The applicant states that granting the variance will not increase the number of customers or amount of vehicular traffic, or any other use of the space: it will simply provide shelter for the diners already using the space. Staff feel that a more pleasant seating area may in fact increase the number of customers visiting Bake Lab. However, more customers would enhance the character of the neighborhood. Staff also noted that the adjacent Einstein Bros. Bagels café uses the easternmost space of its covered parking to provide shelter for its outdoor dining area.

Staff find that, for these reasons, the variance will not alter the character of the neighborhood. This should weigh in favor of granted the variance.

5. *The variance will not cause a nuisance to the adjacent property.*

The applicant states that the people most affected by the variance are residents of the building, many of whom are the customers that have requested adding shelter to the outdoor dining area.

Staff find that the proposed pergolas would not obstruct sidewalk traffic, or create a distraction to people driving by on Lincoln Avenue, and would not cause a nuisance to the adjacent property. This should weigh in favor of granting the variance.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The applicant states that the requested encroachment into the required yard is the minimum deviation necessary to provide a structure large enough to provide the shelter necessary to cover the outdoor dining area, and it is only for the portion of the required front yard that is used by the existing outdoor dining area (see Exhibit E – Site Plan).

Staff concur. This should weigh in favor of granting the variance.

Overall, staff find that all six criteria weigh in favor of granting the variance.

Summary of Staff Findings

1. On behalf of GSA Group, Tim Chao requests a major variance to reduce 33 feet of the minimum front yard along North Lincoln Avenue to seven feet, eight inches (49% of the required yard), at 410 North Lincoln Avenue, in the B-3, General Business Zoning District.

2. 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.
3. The special circumstance and practical difficulty for this parcel is 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.
4. The variance is requested to meet the unexpected 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.
5. 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.
6. The variance would not create a nuisance to the adjacent property, as it would not obstruct traffic or create a significant distraction to drivers.
7. 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 it 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.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2023-MAJ-02 – Minimum Front Yard Reduction:

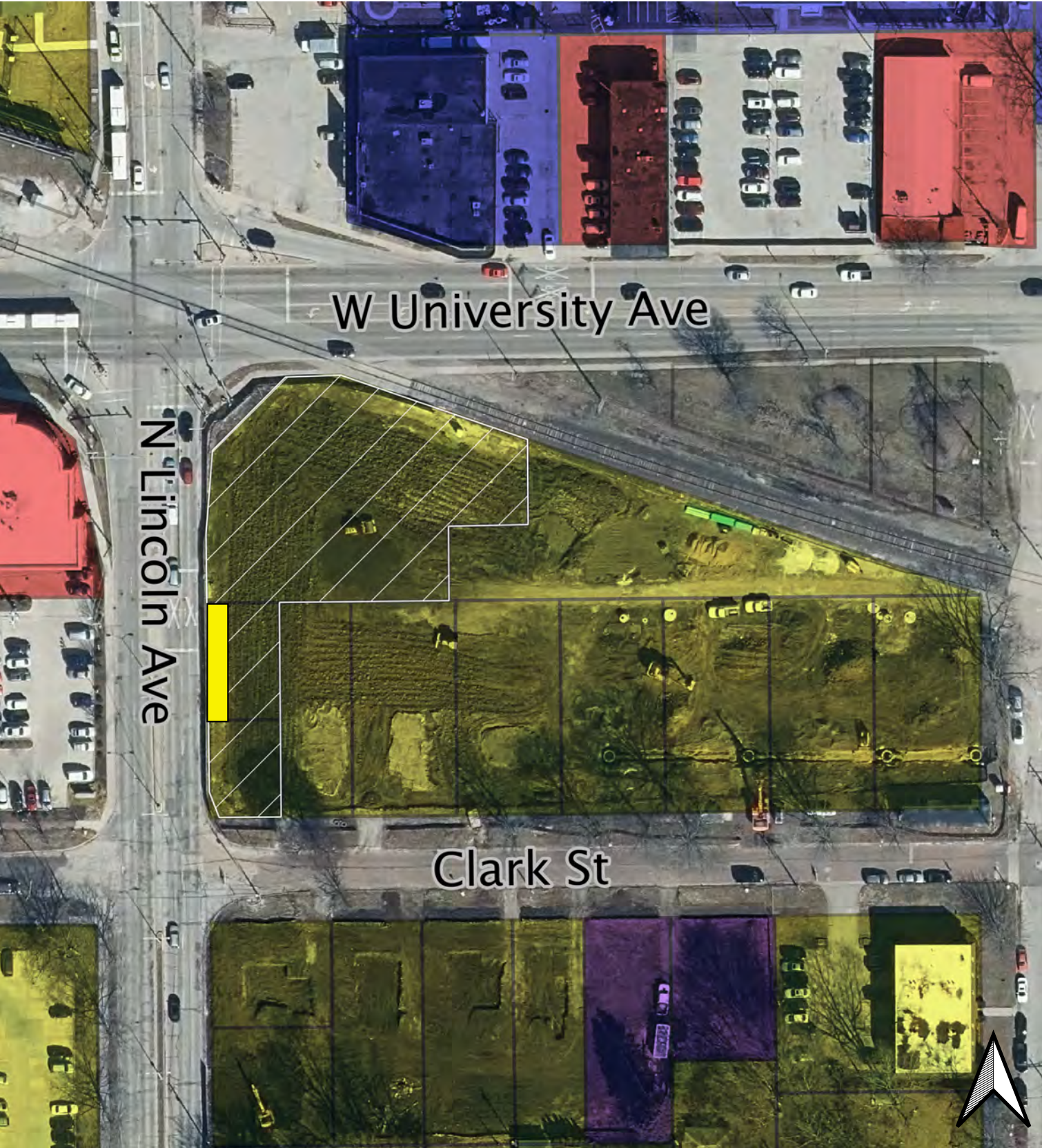
1. Approve the variance as requested based on the findings outlined in this memo, or articulate its own specific findings;
2. Approve the variance with certain terms and conditions, and if so, articulate all terms, conditions, and specific findings; or
3. Deny the variance request, and if so, articulate specific findings supporting the denial.

Recommendation

Staff recommends that the Zoning Board of Appeals **APPROVE** major variance request ZBA-2023-MAJ-02, based on the findings articulated above.

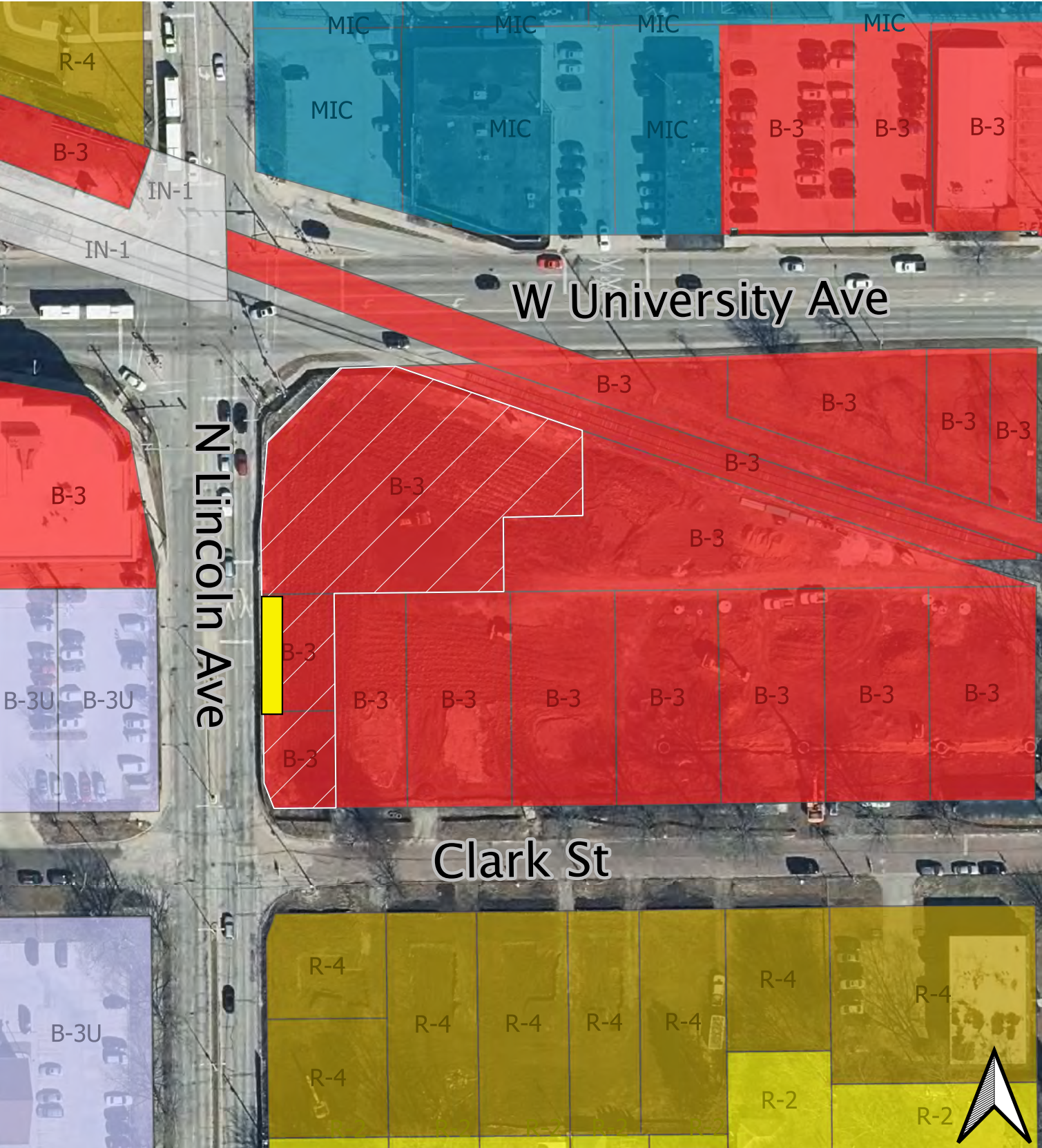
Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Variance Application with Site Plan
Exhibit D: Photos

cc: Tim Chao, dba BakeLab, Applicant
Steven Johnson, GSA Group, Owner



Case: ZBA-2023-MAJ-02
Subject: BakeLab Major Variance
Location: 410 North Lincoln Avenue
Applicant: Tim Chao on behalf of GSA Group

- Subject Property
- Residential
- Shopping, business, or trade
- Industrial, manufacturing, and waste-related
- Social, institutional, or infrastructure-related
- Variance Location



Case: ZBA-2023-MAJ-02
Subject: BakeLab Major Variance
Location: 410 North Lincoln Avenue
Applicant: Tim Chao on behalf of GSA Group

- Subject Property
- B-3
- B-3U
- IN-1
- MIC
- R-4
- R-5
- Variance Location

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

The building was initially constructed with no prospective tenant in this space. As such, no provisions were considered for what specific type of business would occupy the space. It could not have really been anticipated that any business at this location might benefit from an exterior shade and trellis type of installation. It also could not have been anticipated that a business here would be augmented by an exterior structure.

While the building is generally a Residential Use, there are commercial uses in the building. In other districts where commercial uses are present and prominent, there is generally no setback, and the business entry is at the public way. This is a great enhancement to ANY commercial venture. They need customers to survive, and the customers require easy access to the business. This is in part what is being accomplished thru this Variance. We are able to bring the presence of the business closer to the street and the customers.

Additionally, the structure provides a place to customers to stay and use the space, and even spend additional money. Visible customers bring more customers. More customers is more revenue.. more taxes..... more ability to assist Urbana residents.....

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other properties in the same district.

Bake Lab customers are wishing to remain at the location more frequently, and for longer durations than before, and the business is generally busier. This creates some issues for customers who wish to remain on site to enjoy their purchases.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the petitioner).

The Variance is being requested to assist in alleviating issues created by a business being successful. When the Bake Lab started, it was not anticipated that customers would prefer to sit and enjoy the space in lieu of picking up items and venturing away to the degree that it is currently experiencing.

Since opening, the business has received numerous requests from the neighborhood to address the need for an enhanced shade structure and some sort of barrier for a degree of privacy and safety along Lincoln Avenue. The simple regulations of the B-3 District are a hinderance to this building and neighborhood enhancement.

Exhibit C - Variance Application with Site Plan (Excerpt)

Item E1.

Explain how the variance will not alter the essential character of the neighborhood.

There will be no additional customers or traffic or any other difference in the use of the space except that a greater portion of it will be covered. Nothing about this Variance will detrimentally affect the public. The only affect appears to be to provide an amenity that the public has been asking for.

It does not intrude into the public way or interfere with any use of the public way or entry into the existing building.

Explain why the variance will not cause a nuisance to adjacent property.

There is no real other property Owner close to this location. The people most closely affected are the residents of the building, who have also expressed a high degree of interest in seeing this Variance approved.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

It does. Allowing a Variance to a lessor encroachment into the setback results in a structure that is too small practically to be of general benefit.

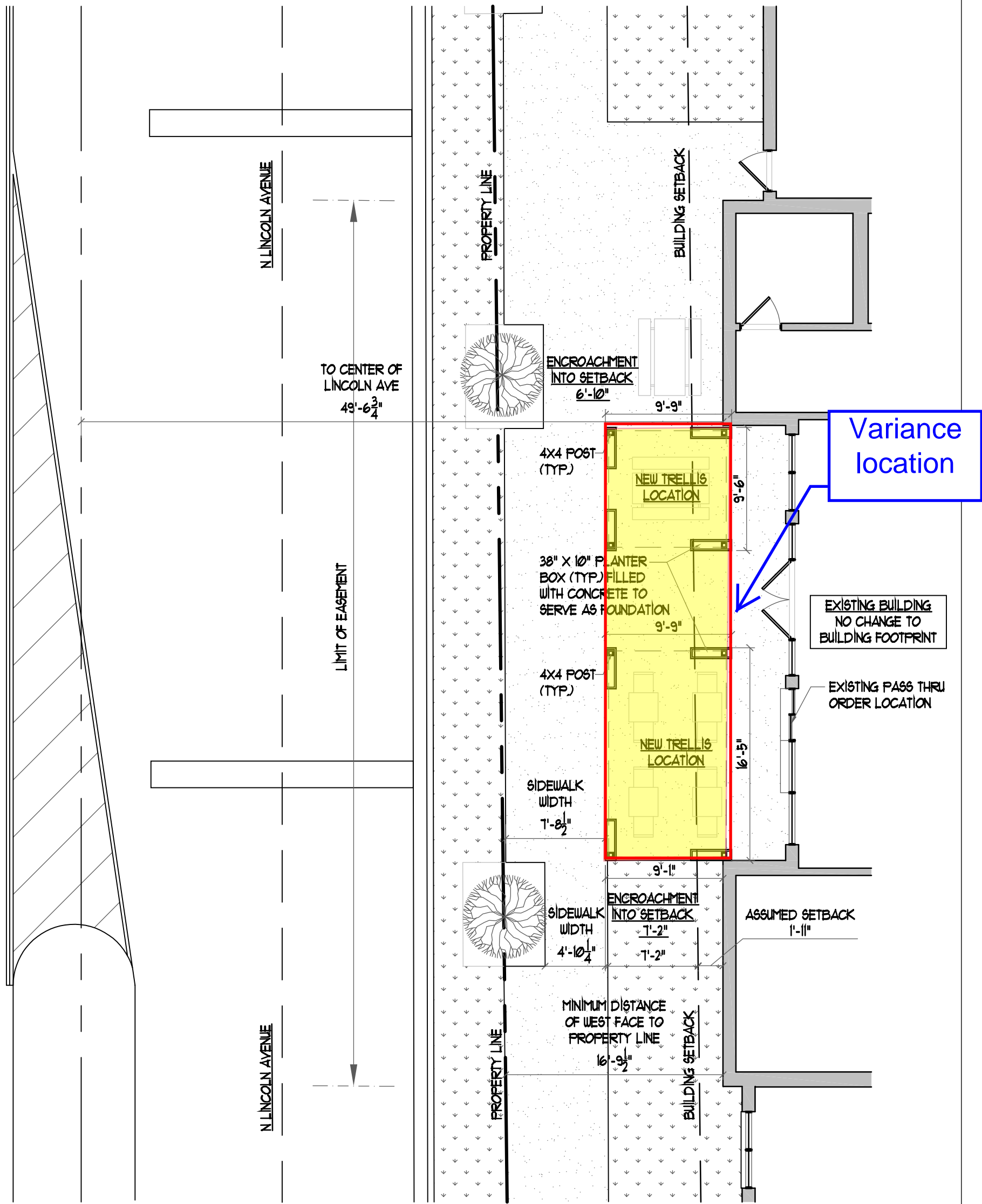
Lots pt 16, pt 17, pt 18 Busey's, Col. M.W., Heirs Add and other lan

OWNERSHIP INFORMATION



Urbana Illinois Propco, LLC
250 Fillmore Street, Suite 150
Denver, Colorado, 80206-0000

Exhibit C - Variance Application with Site Plan (Excerpt)



1 NEW TRELLIS LOCATION PLAN
T1 SCALE: 1/2" = 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 discrepancy 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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CHAMPAIGN, ILLINOIS 61820
PHONE: 217.363.2890
WWW.ANDREWFELL.COM
EMAIL: andrewfell@comcast.net

PROJECT # 23038

DATE : 2023

REVISIONS :



Fig. 1: Looking east from N. Lincoln Ave.



Fig. 2: Looking southeast from sidewalk.

Exhibit D - Photos

Item E1.

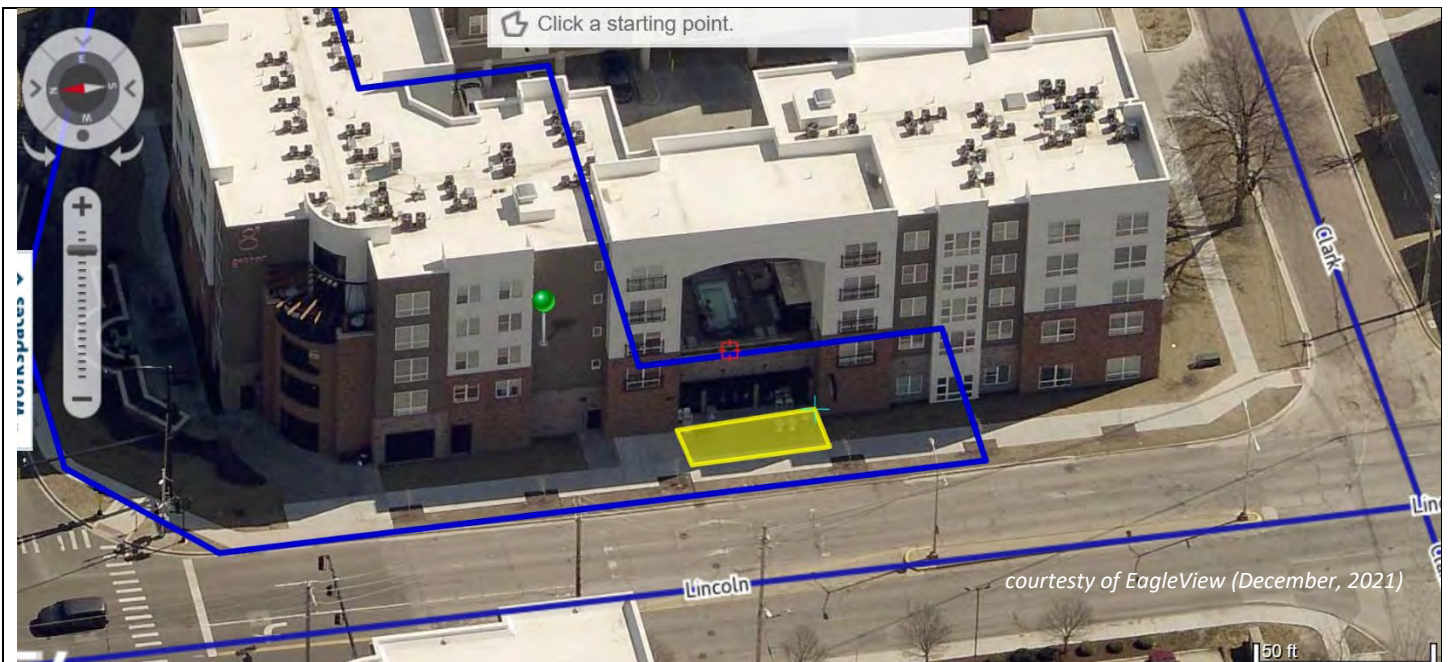


Fig. 3: Aerial looking southeast onto site; variance location is in middle of block, west of entrance alcove.



Fig. 4: Aerial looking east onto site; variance location is in middle of block, west of entrance alcove.

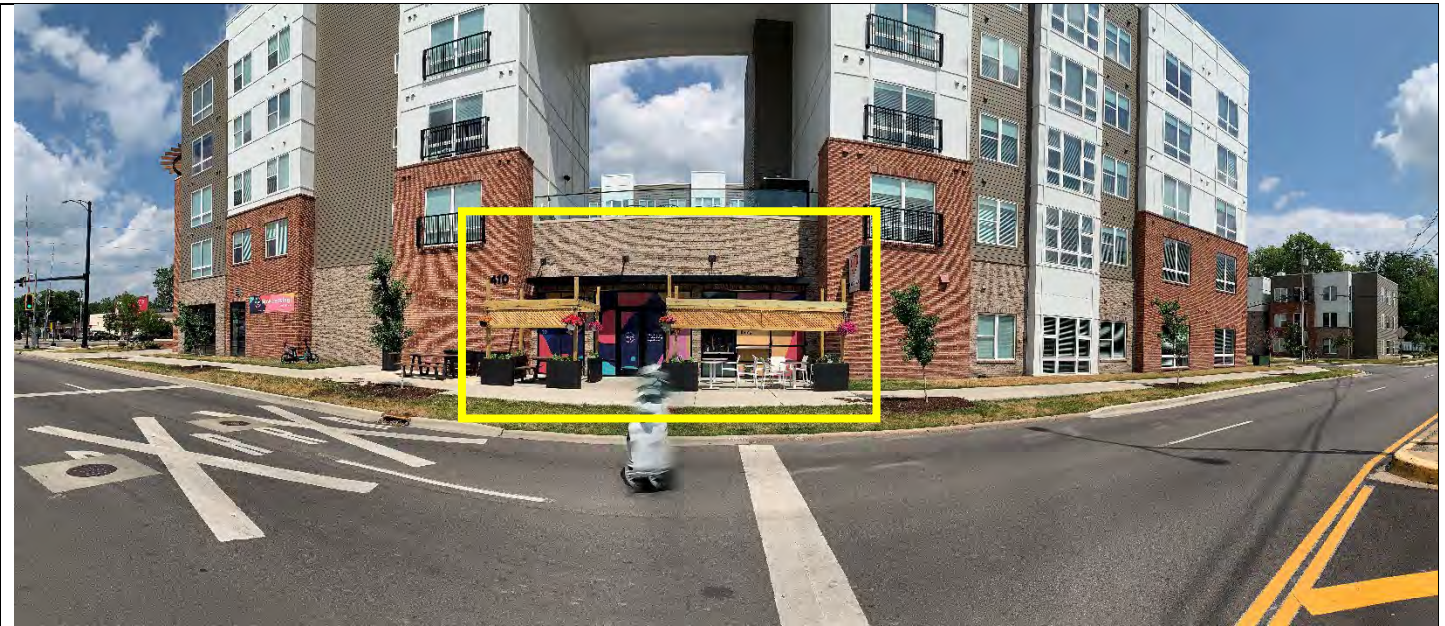


Fig. 5: Looking east from N. Lincoln Ave.



Fig 6: Looking north from southeast corner of outdoor dining area.