

# Recording Cover Sheet

**An Ordinance Approving a Major Variance**  
**(Bobat Duplex at 408 West Main Street / Case No. ZBA-**  
**2023-MAJ-05)**  
**[Ordinance No. 2024-02-010]**

2024R03804  
REC ON: 03/28/2024 02:34:42 PM  
CHAMPAIGN COUNTY  
AARON AMMONS  
REC FEE: 51.00  
RHSPS FEE:  
STATE TAX:  
COUNTY TAX:  
PLAT ACT:  
PAGES: 7

Prepared for recording by:

Darcy E. Sandefur, City Clerk

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400 S. Vine St., Urbana, IL 61801

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Return to:

Darcy E. Sandefur, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

**CLERK'S CERTIFICATE**

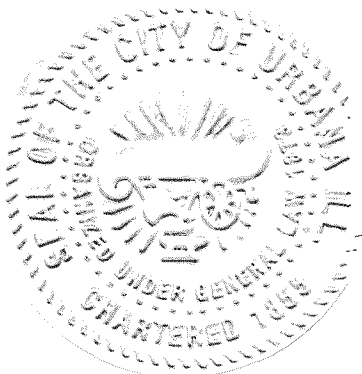
STATE OF ILLINOIS        )  
  )  
COUNTY OF CHAMPAIGN)        SS

I, DARCY E. SANDEFUR, 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  
(Bobat Duplex at 408 West Main Street / Case No. ZBA-2023-MAJ-05)**

approved by the City Council of the City of Urbana, Illinois, on the 26<sup>th</sup> day of February, AD, 2024, 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 28<sup>th</sup> day of March, AD, 2024.



*Darcy E. Sandefur*  
\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**ORDINANCE NO. 2024-02-010**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Bobat Duplex at 408 West Main Street / Case No. ZBA-2023-MAJ-05)

**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**, Yasmin Bobat, Trustee, requests a major variance to reduce the required front yard along McCullough Street from 20 feet, four inches to five feet at 408 West Main Street in the R-4 (Medium Density Multiple-Family Residential) Zoning District; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on January 17, 2024, in Case ZBA-2023-MAJ-05; 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 ayes and zero 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 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 variance will not serve as a special privilege, because it is necessary due to the small lot size of this corner lot, whose building area is further reduced by an overly-wide right-of-way.
2. The requested variance would remedy a situation created by the Zoning Ordinance's requirement since 1950 that minimum front yards be equal to those of the neighboring lots on both fronts of a corner lot.
3. The proposed duplex would be consistent with the essential character of the neighborhood, as it would be of similar intensity, size, and style, and would be "stepped back" from the corner of the block.
4. Building a duplex would not create a nuisance at this time or in the future, and might prevent a future nuisance on an otherwise undevelopable lot at a street corner.
5. The variance is the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

**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-05, the major variance requested by Yasmin Bobat, Trustee, to reduce the required front yard along McCullough Street from 20 feet, four inches to five feet is hereby approved in the manner proposed in the application with the following condition: that construction must be in general conformance with the attached site plan, entitled "408 West Main – New Duplex" (Attachment 1). The major variance described above shall only apply to the property located at 408 West Main Street, more particularly described as follows:

The West half of Lot 12, C.W. Smith's Subdivision of Lots 8, 9, 22, 23, 24 & 25 of S.T. Busey's Addition to the Town, now City, of Urbana, as per plat recorded in Deed Record 34 at Page 1.

Commonly known as 408 West Main Street  
P.I.N.: 91-21-08-380-013

**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 26th day of February, 2024.

AYES: Wu, Evans, Hursey, Wilken, Quisenberry

NAYS: None.

ABSTENTIONS: None.



DocuSigned by:

*Darcy E. Sandefur*

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Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this 4th day of March, 2024.

DocuSigned by:

*Diane Wolfe Marlin*

0FB8B8E5B1B94C5...

Diane Wolfe Marlin, Mayor



# CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Darcy E. Sandefur, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 26th day of February 2024 the City Council of the City of Urbana passed and approved Ordinance No. 2024-02-010 entitled:

## AN ORDINANCE APPROVING A MAJOR VARIANCE

(Bobat Duplex at 408 West Main Street / Case No. ZBA-2023-MAJ-05)

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

The pamphlet form of Ordinance No. 2024-02-010 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 4th day of March, 2024, 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.

DS Dated at Urbana, Illinois, this 4th day of March, 2024.



DocuSigned by:

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Darcy E. Sandefur, City Clerk

# ATTACHMENT 1

## 408 WEST MAIN

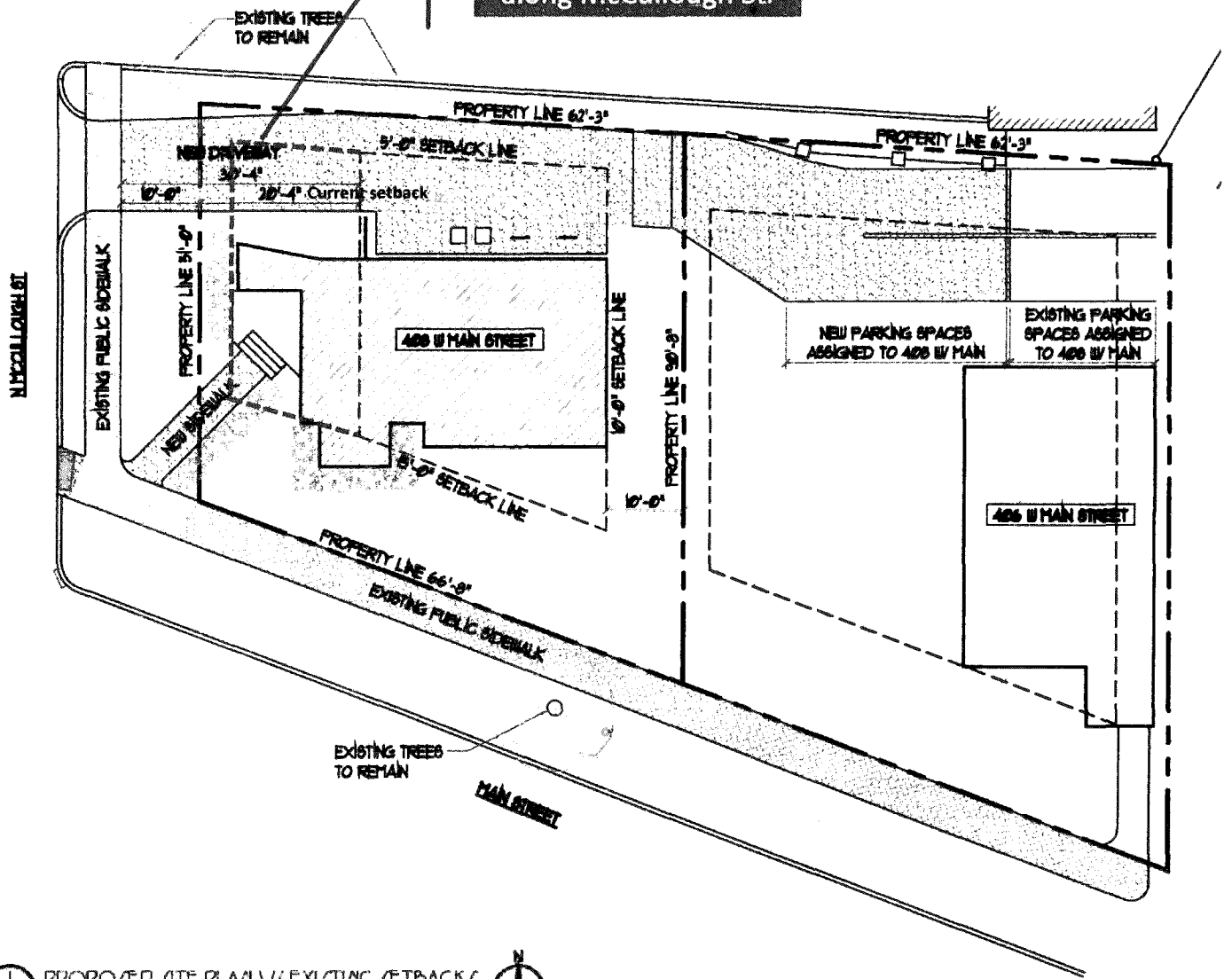
### NEW DUPLEX

408 WEST MAIN STREET  
URBANA, ILLINOIS 61801

**ANDREW FELL**  
ARCHITECTURE AND DESIGN

202 North Main Street, Suite 101  
Champaign, Illinois 61820  
Phone: 217.244.5200  
Email: andrew.fell@andrewfell.com

**5' Proposed Setback  
along McCullough St.**



1 PROPOSED SITE PLAN W/ EXISTING SETBACKS  
71 SCALE: 1/8" = 1'-0"