



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Community Development Director

**DATE:** July 16, 2015

**SUBJECT:** ZBA-2015-MAJ-01: A request by Tod Satterthwaite to grant a Major Variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Zoning District

---

**Introduction**

The petitioner, Tod Satterthwaite, has submitted a variance request to allow an existing duplex on an existing lot that is 16.7 percent narrower and has 21.1 percent less area than required by the Zoning Ordinance at 703 West High Street. Section VI-3.B of the Urbana Zoning Ordinance requires a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet for duplexes on parcels in the R-2 district that were platted before December 21, 1970. The lot at 703 West High Street is 50 feet wide and has an area of 4,737 square feet.

The property contains a single-family home which, according to the previous owner, was converted into a duplex in the late 1950s or early 1960s. While it is not clear exactly when the house was turned into a duplex, it is certain that it was a duplex in 1983, when the City conducted a land use survey in the West Urbana neighborhood. The applicant has owned the property since 1986. At the time of the purchase, the house had a temporary Certificate of Occupancy (C of O) to allow its use as a duplex for a limited period of time. The C of O stipulated that the house be converted back into a single-family home on or before March 1, 1988.<sup>1</sup> According to the applicant, he was unaware of the temporary C of O or any other restrictions on the continued use of the property as a duplex when he purchased the property, and has thus used the property as a duplex since he took ownership. According to the applicant and City records, the City has treated the property as a duplex when issuing building permits, collecting recycling fees, and registering the property through the rental registration program.

After this case was originally presented to the Zoning Board of Appeals at the April 15, 2015 meeting, two letters were received by City staff (see Exhibit F). The first was from Charlotte Hall, the owner of 705 W. High Street. Ms. Hall's letter supports the application to allow the continued use of 703 W. High Street as a duplex. She is concerned about the potential negative impacts that reconverting the house into a single-family rental unit may have. The second letter staff received was from the petitioner, and

---

<sup>1</sup> This was part of a larger zoning enforcement effort that the City initiated in 1983 in the West Urbana Neighborhood.

expresses his willingness to place a condition on the property that would restrict the occupancy of the duplex to what would be allowed for a single-family home.<sup>2</sup>

This case, along with a request for a Conditional Use Permit to allow the continued use of the property as a duplex, was originally heard by the Zoning Board of Appeals at their meeting on April 15, 2015. At the meeting, one person – the petitioner – spoke in favor of the applications. No one spoke against them. On that date, the ZBA voted two to one, with one abstention, to deny the requests. Upon review, City staff determined that the votes to deny the requests could be called into question. Article 3 Section 6.1 of the ZBA bylaws states that all decisions “shall require at least a majority of a quorum”. At the April 15, 2015 meeting, the quorum was four. Under this provision, a decision should therefore have required at least three votes either for or against the requests. Because the motion to deny the requests received only two votes, it was determined by the Zoning Administrator, in consultation with the City Attorney, that rehearing the cases to ensure the validity of the vote would be the most prudent course of action.

On June 17, 2015, the Zoning Board of Appeals reheard both the Conditional Use Permit and Major Variation cases. At the meeting, two people – the petitioner and a neighboring property owner – spoke in favor of the applications. No one spoke against them. The ZBA voted five ayes to zero nays to forward the Major Variation case to the Urbana City Council with a recommendation to approve the request. The ZBA also voted five ayes to zero nays to grant a Conditional Use Permit to allow a duplex in the R-2 district with the condition that “the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex” (ZBA-2015-C-01). This condition was added to address concerns, such as overcrowding and insufficient parking, by limiting the number of potential occupants than would otherwise be allowed in a duplex.

## **Background**

The property is located in the northwestern portion of the West Urbana Neighborhood, two blocks from the University of Illinois campus, in an area that contains a mix of rental properties used for student housing and owner-occupied single-family houses (see Exhibit A). The applicant has owned the house since 1986, when he purchased it as a rental duplex property. It has been used as a duplex the entire time the applicant has owned the house, and has been generally rented to graduate students and juniors or seniors at the University during that time. The previous owner of the property previously stated that the house was first converted into a duplex in 1959, and had been used as a duplex the entire time she owned the property.

In 1983, the City of Urbana conducted the West Urbana Land Use Survey, which was an attempt to identify and correct any land use and/or zoning violations in the West Urbana Neighborhood, focusing on properties that may have been converted improperly into dwellings with more units than the underlying zoning allowed. For properties that were suspected of being in violation of the Zoning Ordinance, the City required that the property owner prove that the use in question had been established before 1950.<sup>3</sup> If the owner could not provide such proof, their property was found to be non-conforming

---

<sup>2</sup> Section 12.5-40(a) of the Urbana City Code states that “no more than one (1) household ...and three (3) additional unrelated persons...may legally occupy the rental unit...”

<sup>3</sup> In the 1950 Urbana Zoning Ordinance, the City first established minimum lot width and area requirements. These requirements were used as the basis to determine whether properties were suspected of being illegal uses in the 1983 West Urbana Residential Land Use Survey.

and the City required that the property be converted to an allowable use by August, 1984. Property owners could appeal for an extension of up to four years to lessen any hardship that could result from being forced to, in most cases, remove one or more income-producing units from their property.

In the case of 703 West High Street, the property did not meet minimum lot width or area requirements for use as a duplex. The previous owner stated that the house had been converted to a duplex by a prior owner in 1959, and that the City issued building permits to her in 1961 to allow her to “properly convert” the house into a duplex. Later, in 1983, the City required owners to provide sworn affidavits attesting to the property’s use prior to 1950. However, the then owner did not furnish such affidavits, and without evidence to indicate that the property was a duplex prior to 1950, the City determined that the property was a non-conforming duplex. The owner then filed for an extension with the Zoning Board of Appeals, and was granted a temporary Certificate of Occupancy (C of O) to allow the use as a duplex until March 1, 1988.

In April, 1986, the applicant purchased the property as a duplex, intending to use it as a rental property. He has used the property as a rental duplex since that time. According to the applicant, he was not made aware of the temporary C of O or of the non-conforming status of the property. The owner of 705 W. High Street, Charlotte Hall, purchased her property from Kathryn Webster in 1985. Ms. Webster also owned 703 West High Street at the time, before selling it to the applicant. According to Ms. Hall, in 1985 Ms. Webster was offering 703 West High Street for sale as a duplex (see Exhibit F). The applicant is currently interested in selling the property and would like to resolve the issue regarding its use as duplex before selling the property. In the event that the property is sold, the Conditional Use Permit that was granted by the ZBA will be bound to the property and not to the applicant, so future owners will be able to use the property as a duplex if the variance request is granted as well.

### **Existing Land Uses**

703 West High Street is located in the West Urbana neighborhood, and is surrounded by other residential uses. To the west is a legally non-conforming, five-unit apartment building. To the north are two single-family rental homes; one of these homes had been a legally non-conforming apartment building, which was recently converted back into a single-family home. To the east are two legally non-conforming duplexes. One of the duplexes contains an owner-occupied unit and a rental unit. The other contains two rental units.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
Site	R-2, Single-Family Residential	Duplex (Rental)	Residential
North	R-3, Single- and Two-Family Residential	Single Family Residential (Rental)	Residential
East	R-2, Single-Family Residential	Duplex* (One Unit Rental; One Unit Owner-Occupied); Duplex*(Rental)	Residential
South	R-2, Single-Family Residential	Duplex (Rental)	Residential
West	R-2, Single-Family Residential	Apartment*	Residential

*\*Legally Non-Conforming Use*

### **Comprehensive Plan**

In Urbana’s 2005 Comprehensive Plan, Future Land Use Map #8 identifies the 700 block of West High Street as an area appropriate for an urban pattern of residential use. The Plan defines “Residential (Urban Pattern)”, as areas containing...

...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.

The continued use of the property as a duplex is therefore an appropriate use as identified by the future land use designations in the Comprehensive Plan.

### **Discussion**

The property at 703 West High Street has been in use as a duplex since at least 1983, and possibly since the late 1950s. The requested Major Variance would allow its continued use as a duplex.

The property is located in an area where the prevailing use is rental housing for students. Its continued use as a duplex with two rental units would be compatible with the surrounding area in both use and character. Each building along the 700 West High Street block contains rental units. Ten out of 12 of these buildings are converted single-family homes and are currently used as rental properties. To allow the continued use of 703 West High Street as a duplex would not alter the character or otherwise be detrimental to the block or to the neighborhood.

The property has three off-street parking spaces located behind the house. The 700 block of West High Street also has on-street permit parking. There are two permit parking spaces in front of the house. According to Table VIII-7 of the Urbana Zoning Ordinance, two-family uses (i.e. duplexes) require two off-street parking spaces per dwelling unit. The property contains two dwelling units – a three-bedroom apartment and a one-bedroom apartment – and would therefore require four off-street parking spaces. However, the Conditional Use Permit granted by the Zoning Board of Appeals limits the occupancy of

the duplex to what is allowable in a single-family home (i.e. no more than one household and three additional unrelated persons). It would be reasonable then to expect that the parking needs would be the same as that of a single-family home. The three existing spaces would therefore be sufficient to meet the parking requirement for a single-family home. It should also be noted that parking does not appear to have been a problem in the past, when the house was under less stringent occupancy restrictions than the Conditional Use Permit requires. Furthermore, this property has been traditionally rented to students and is within walking distance of campus. It is worth noting that student car ownership rates are less than the general population, and students will often walk and bike to destinations instead of driving.

### **Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *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.*

While there may be a number of other duplex properties in the West Urbana Neighborhood that are similar to 703 West High Street in lot area and width, this is the first variance request of this kind that the City has received. The granting of a variance is unlikely to serve as a special privilege due to the unusual – and possibly unique – circumstances of the property in question. Furthermore, the 700 block of West High Street and surrounding blocks contain a number of other duplexes on lots that do not conform to current standards. For example, of the four duplexes on lots adjacent to 703 West High Street, the lots range from 40 to 50 feet wide and the areas range from 2,857 to 4,710 square feet. Allowing this property to continue to be used as a duplex would not be a special privilege in the area.

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

The petitioner purchased the house as a duplex in 1986, unaware that its use as a duplex was set to expire in 1988. Neither the petitioner nor the City recognized that the duplex use had expired at that time. The variance request is an attempt to remedy a situation that was not knowingly created by the petitioner.

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

The immediate neighborhood is predominantly characterized by older single family homes that have been converted into student rental housing. Allowing 703 W High Street to continue being used as a duplex will not alter the essential character of the immediate neighborhood.

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

According to the applicant, and City records, there have been no nuisance complaints at 703 West High Street since he purchased it in 1986. Its continued use as a duplex is unlikely to create a nuisance at this time or in the future. The house is adequately set back from neighboring structures by at least ten feet on

each side (see Exhibit D), to the east by a side yard and to the west by a shared driveway on the neighboring property. To the back of the house is a parking area and small yard.

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

The requested variance will not alter the size of the structure or the property in any way. The request was made to allow the pre-existing duplex use to continue and to bring the property into conformity with the Zoning Ordinance. The lot width of 50 feet and area of 4,737 square feet will not change if the variance request is granted.

## **Summary of Findings**

1. 703 West High Street is zoned R-2, Single-Family Residential. For duplex uses, Section VI-3.B of the Urbana Zoning Ordinance requires a minimum width of 60 feet and a minimum area of 6,000 square feet for lots platted before December 21, 1970. 703 West High Street is 50 feet wide and 4,737 square feet in area.
2. On June 17, 2015, the Zoning Board of Appeals granted a Conditional Use Permit to the petitioner to allow the property to continue to be used as a duplex, subject to the following condition: *that the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.*
3. The petitioner has applied for a Major Variance to allow a duplex on a lot that is 16.7 percent narrower and has 21.1 percent less area than is required by the Zoning Ordinance.
4. The property has been occupied as a duplex use since at least 1984, and likely since 1959.
5. The variance request will not serve as a special privilege to the property owner.
6. The variance request was not the result of a situation knowingly created by the petitioner.
7. The variance request will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.
8. The variance request will not cause a nuisance to adjacent property owners.
9. The variance request represents the minimum deviation necessary from the requirements of the Zoning Ordinance.
10. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

## Options

The Urbana City Council has the following options in this case:

1. Approve the variance as requested based on the findings outlined in this memo; or
2. Approve the variance with certain terms and conditions. If conditions or findings differ from those recommended in the attached draft ordinance, they should be articulated accordingly; or
3. Deny the variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

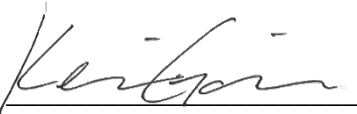
## Recommendation

At their June 17, 2015 meeting, the Zoning Board of Appeals voted five ayes and zero nays to recommend **APPROVAL** of the request for a Major Variance in case ZBA-2015-MAJ-01 to the Urbana City Council with the following condition:

1. That the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.

City staff likewise recommends approval.

Prepared by:



Kevin Garcia, AICP  
Planner II

Attachments: Draft Ordinance  
Exhibit A: Location and Existing Land Use Map  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Site Photos  
Exhibit E: Application  
Exhibit F: Communications  
Draft ZBA Minutes (June 17, 2015)

Cc: Tod Satterthwaite

ORDINANCE NO. 2015-07-080

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow a duplex on a lot 50 feet wide and 4,737 square feet in area in the City's R-2, Single-Family Residential Zoning District, at 703 West High Street/ ZBA Case No. 2015-MAJ-01)

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 major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Tod Satterthwaite has submitted a petition for a major variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Residential Zoning District; and

WHEREAS, the petitioner was granted a Conditional Use Permit to use 703 West High Street as a duplex by the Urbana Zoning Board of Appeals on June 17, 2015 in ZBA Case No. ZBA-2015-C-01; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2015-MAJ-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on June 17, 2015 and voted 5 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the



following findings:

1. 703 West High Street is zoned R-2, Single-Family Residential. For duplex uses, Section VI-3.B of the Urbana Zoning Ordinance requires a minimum width of 60 feet and a minimum area of 6,000 square feet for lots platted before December 21, 1970. 703 West High Street is 50 feet wide and 4,737 square feet in area.
2. On June 17, 2015, the Zoning Board of Appeals granted a Conditional Use Permit to the petitioner to allow the property to continue to be used as a duplex, subject to the following condition: that the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.
3. The petitioner has applied for a Major Variance to allow a duplex on a lot that is 16.7 percent narrower and has 21.1 percent less area than is required by the Zoning Ordinance.
4. The property has been occupied as a duplex use since at least 1984, and likely since 1959.
5. The variance request will not serve as a special privilege to the property owner.
6. The variance request was not the result of a situation knowingly created by the petitioner.
7. The variance request will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.
8. The variance request will not cause a nuisance to adjacent property owners.
9. The variance request represents the minimum deviation necessary from the requirements of the Zoning Ordinance.
10. The proposal is generally consistent with the 2005 Urbana Comprehensive

Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. In ZBA Case No. 2015-MAJ-01, the major variance requested by Tod Satterthwaite is hereby approved in the manner proposed in the application and subject to the following condition:

1. That the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.

The major variance described above shall only apply to the property located at 703 West High Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East Fifty (50) Feet Of The North Half (N 1/2) Of Lot Six (6) In Block One (1) Of Joseph W. Sim, Jr.'s Addition To The City Of Urbana.

Parcel Identification Number: 92-21-17-108-007

Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015

PASSED by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:

NAYS:

ABSTAINS:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Laurel Lunt Prussing, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow a duplex on a lot 50 feet wide and 4,737 square feet in area in the City's R-2, Single-Family Residential Zoning District, at 703 West High Street / ZBA Case No. 2015-MAJ-01) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

# Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MAJ-01 & ZBA-2015-C-01  
 Subject: Major Variance  
 Location: 703 W High St  
 Petitioner: Tod Satterthwaite

- Subject Property
- Rental Property
- Owner-Occupied
- Legal Non-Conforming Uses

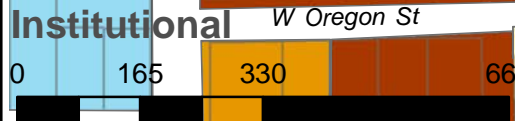
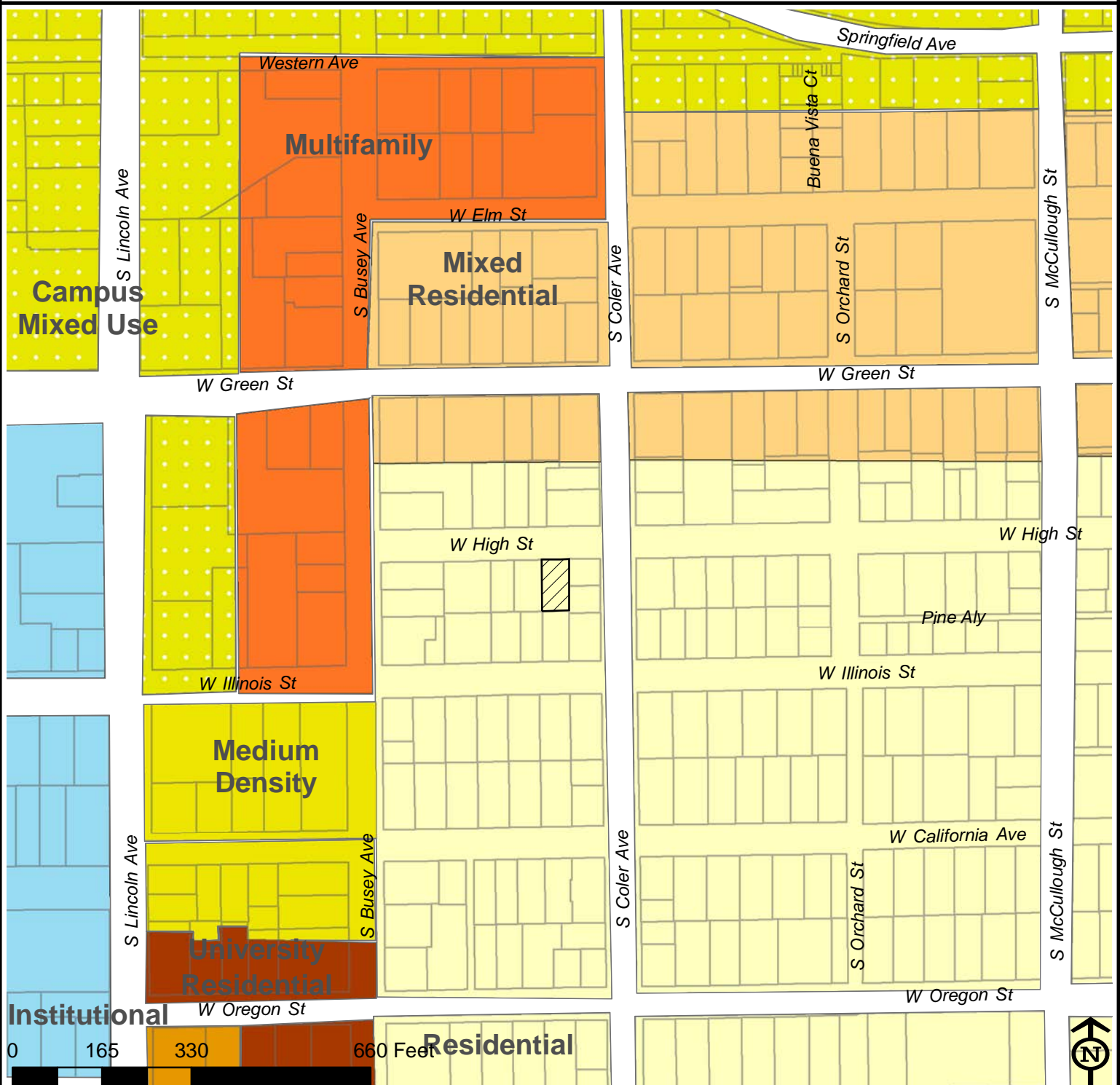
# Exhibit B: Zoning Map



Case: ZBA-2015-MAJ-01 & ZBA-2015-C-01  
 Subject: Major Variance  
 Location: 703 W High St  
 Petitioner: Tod Satterthwaite

- |                  |     |    |    |
|------------------|-----|----|----|
| B1               | CCD | R3 | R7 |
| B2               | CRE | R4 |    |
| B3U              | MOR | R5 |    |
| B4               | R2  | R6 |    |
| Subject Property |     |    |    |

# Exhibit C: Future Land Use Map



Cases: ZBA-2015-MAJ-01  
 ZBA-2015-C-01  
 Subject: Major Variance  
 Location: 703 W High St  
 Petitioner: Tod Satterthwaite

- |  |                        |  |                          |
|--|------------------------|--|--------------------------|
|  | Residential            |  | Mixed Residential        |
|  | High Density           |  | Multi-Family Residential |
|  | University Residential |  | Campus Mixed Use         |
|  | Medium Density         |  | Institutional            |
|  | Subject Property       |  |                          |



Exhibit D

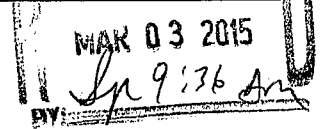




# Application for Conditional Use Permit

# Zoning Board Of Appeals

APPLICATION FEE - \$150.00



The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

**DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY**

Date Request Filed 03-03-2015 ZBA Case No. ZBA-2015-C-01  
 Fee Paid - Check No. 2432 Amount \$150.00 Date 03-03-2015

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION**

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit (*Insert Use or Construction Purpose*) A DUPLEX on the property described below, and in conformity with the plans in the permit application.

**1. APPLICANT CONTACT INFORMATION**

Name of Applicant(s): **TOD SATTERTHWAITE** Phone: **217-355-0085 (H), 217-493-7148 (C)**

Address (*street/city/state/zip code*): **502 S. ELM ST., CHAMPAIGN, IL 61820**

Email Address: **TODSATTERTHWAITE@GMAIL.COM**

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **OWNER**

**2. OWNER INFORMATION**

Name of Owner(s): **TOD SATTERTHWAITE** Phone: **217-355-0085 (H), 217-493-7148 (C)**

Address (*street/city/state/zip code*): **502 S. ELM ST., CHAMPAIGN, IL 61820**

Email Address: **TODSATTERTHWAITE@GMAIL.COM**

Is this property owned by a Land Trust?  Yes  No

*If yes, please attach a list of all individuals holding an interest in said Trust.*

**3. PROPERTY INFORMATION**

Location of Subject Site: **703 W. HIGH ST., URBANA, IL 61801**

PIN # of Location: **92-21-17-108-007**

Lot Size: 57.71 x 94.75

Current Zoning Designation: **SINGLE FAMILY, R-2**

Current Land Use (*vacant, residence, grocery, factory, etc*): **RESIDENCE-DUPLEX**

Proposed Land Use: **RESIDENCE-DUPLEX**

Legal Description: THE EAST FIFTY (50) FEET OF THE NORTH HALF (N 1/2) OF LOT SIX (6) IN BLOCK ONE (1) OF JOSEPH W. SIM, JR.'S ADDITION TO THE CITY OF URBANA.

**4. CONSULTANT INFORMATION**

**Name of Architect(s):** Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Engineers(s):** Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Surveyor(s):** Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Professional Site Planner(s):** Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Attorney(s):** Phone:

Address (*street/city/state/zip code*):

Email Address:

**5. REASONS FOR CONDITIONAL USE PERMIT**

Explain how the proposed use is conducive to the public convenience at the location of the property.

THE USE OF THE PROPERTY AS A RENTAL AND AS A DUPLEX IS CONDUCTIVE TO THE PUBLIC CONVENIENCE SINCE ALL OTHER PROPERTIES IN THE IMMEDIATE AREA ARE EITHER RENTAL, MULTI-FAMILY OR BOTH. THE HOUSING MARKET IN THIS AREA IS OVERWHELMINGLY TARGETED TO STUDENTS AT THE UNIVERSITY OF ILLINOIS GIVEN ITS CLOSE PROXIMITY TO

CAMPUS. THERE IS LITTLE DEMAND FOR OWNER-OCCUPIED, SINGLE FAMILY HOUSING AT THIS LOCATION.

MY EXPERIENCE AS A LONG TIME PROPERTY OWNER AND RESIDENT (I LIVED IN THE 700 BLOCK OF WEST OREGON FOR OVER 20 YEARS) IN THIS AREA IS THAT THE HOUSES THAT CAUSE THE MOST PROBLEMS ARE SINGLE-FAMILY RENTAL HOUSES WHERE THE TENANTS ARE ALL ROOMMATES AND HAVE PARTIES IN THE ENTIRE HOUSE. THESE PARTIES CAN BE DISRUPTIVE TO THE NEIGHBORHOOD. THIS TYPE OF PARTY DOES NOT OCCUR FREQUENTLY IN DUPLEXES IN THIS NEIGHBORHOOD. MY PROPERTY HAS HAD NO NUISANCE COMPLAINTS DURING THE TIME THAT I HAVE OWNED IT.

---



---



---

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

I PURCHASED THIS PROPERTY IN 1986 AND AT THAT TIME THE HOUSE WAS DIVIDED INTO TWO APARTMENTS, A ONE-BEDROOM AND A THREE-BEDROOM. (SEE THE ATTACHED 1985 LEASES WITH THE PREVIOUS OWNER.) WHEN I BOUGHT THE HOUSE, I WAS UNAWARE THAT ITS LEGAL USE AS A DUPLEX WOULD TERMINATE IN 1988. I HAVE NOT CHANGED THE CONFIGURATION OF THE HOUSE IN THE 29 YEARS THAT I HAVE OWNED IT.

I PROPOSE THAT THE PROPERTY BE ALLOWED TO CONTINUE IN ITS USE AS A DUPLEX. THIS USE WILL NOT BE INJURIOUS OR DETRIMENTAL TO THE NEIGHBORHOOD SINCE THAT HAS BEEN ITS USE FOR AT LEAST 30 YEARS. MANY OTHER PROPERTIES IN THE IMMEDIATE AREA ARE OLDER HOUSES THAT HAVE BEEN CONVERTED TO APARTMENTS INCLUDING THE HOUSES AT 705 AND 707 W. HIGH WHICH ARE IMMEDIATELY TO THE WEST OF THE SUBJECT PROPERTY AND THE HOUSE AT 401 S. COLER WHICH IS IMMEDIATELY TO THE EAST.

---



---

Explain how the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

THIS PROPERTY CONFORMS TO THE REGULATIONS OF DUPLEXES IN THE FOLLOWING WAYS:

1 - THIS PROPERTY HAS HAD IMPROVEMENTS MADE IN COMPLIANCE WITH THE STANDARDS FOR A DUPLEX. IN THE 1990S I REPLACED THE OLD FURNACE AND THE PERMIT OBTAINED BY THE CITY OF URBANA REQUIRED ME TO REPLACE THE SINGLE FURNACE WITH TWO SEPARATE FURNACES, ONE FOR EACH APARTMENT.

2 - THIS PROPERTY HAS PAID THE CITY'S RECYCLING TAX AS A DUPLEX EVER SINCE THE BEGINNING OF THE APARTMENT RECYCLING PROGRAM.

3 - THIS PROPERTY HAS BEEN PROPERLY REGISTERED AS A DUPLEX IN THE CITY'S RENTAL REGISTRATION PROGRAM SINCE THE BEGINNING OF THIS PROGRAM.

THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD IS PRESERVED BY THIS PROPOSED CONDITIONAL USE SINCE THE PROPERTY HAS BEEN USED AS A DUPLEX FOR AT LEAST 30 YEARS AND MANY OTHER PROPERTIES IN THE AREA ARE DUPLEXES OR OTHER TYPES OF MULTI-FAMILY PROPERTIES.

---

---

---

---

---

---

---

---

---

---

**NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.**

***By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.***

**CERTIFICATION BY THE APPLICANT**

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

*Tod Anttonen*  
Applicant's Signature

*3/3/15*  
Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

Deposits: 500 each

Phone 344-1879

Exhibit E

### RENTAL AGREEMENT

1. In consideration for the use of the premises and appurtenances at: 703 W. High, Urbana, Ill. Apt 2 agree that I will rent the same for 2 consecutive months for \$ 500 per month payable by the 1st day of each month and also agree to pay a late fee of \$      per week.
2. I agree to place a security deposit of \$ 500 each to be forfeited as liquidated damages in the event of default or breach of any part of this agreement. Apartment must be left clean, to get back the security deposit, as it is clean when you move in.
3. I agree to give advance written notice of vacating of 30 days, return all keys and leave the premises in reasonable clean condition. Then security deposit will be refunded, unless rent is due or cleaning is necessary.
4. I will maintain the premises in reasonable and habitable condition and accept the premises as being the same. ~~I also accept any attached inventory and that the rental rate may be reasonably changed due to expenses, rental conditions or sale of the premises.~~
5. I agree that the total number of people in the dwelling shall be 3.
6. ~~I am responsible for payment of utilities, taxes, insurance and~~
7. I agree to assume all legal responsibility for the acts and conduct of my visitors and keep all House Rules and will not violate any laws on the premises.
8. I agree not to transfer or assign this agreement nor to let or sub-let the premises or any part of the same without written consent of the owner.
9. I am authorized and capable to sign this agreement and am not relying on any prior oral or written representations of the owner or agent.
10. The owner or agent may enter at any reasonable time to inspect, repair, maintain or ~~show the premises.~~
11. I will not remove any furniture, fixtures or personal property until all rent and charges are fully paid and grant the owner a lien on the same. Apartments are furnished. Do not remove any furniture without Landlord's permission.
12. My rental application form is complete and accurate.
13. In the event of default or breach of this agreement I agree to any appropriate action by the owner or agent or to legal action and agree to pay all costs including a reasonable attorney fee.
14. No pets allowed.

15. Parking for car only

copy exhibits received the 1st day of August, 1984 - 85

written signature of renter Raymie Yamauchi, Doreen Pichotti, Jeanne Scheller  
 owners' printed name Raymie Yamauchi; Doreen Pichotti; Jeanne Scheller  
 witness' signature  
 witness' address

me - work 333-2914  
 Home 361-5255

Katherine C. Corbett  
705 S. Paer  
Urbana, Ill.

D. Law Library

it to be to Aug 1, 1980

Rent to ~~Aug 1~~ 1985 80.00  
Damage Depaid 50.00 Exhibit E  
Rent from Apr 1 - May 1 260.00

RENTAL AGREEMENT Paid \$390.00 3/19/85

- In consideration for the use of the premises and appurtenances at:  
703 W. Dixie Urbana Apr 1  
I agree that I will rent the same for ~~the~~ consecutive months for \$260.00 per month payable by the ~~10th~~ day of each month and also agree to pay a late fee of \$ \_\_\_\_\_ per week.
- I agree to place a security deposit of \$ 50.00, to be forfeited as liquidated damages in the event of default or breach of any part of this agreement.
- I agree to give advance written notice of vacating of 20 days, return all keys and leave the premises in reasonable clean condition. Then security deposit will be refunded, unless rent is due or cleaning is necessary.
- I will maintain the premises in reasonable and habitable condition and accept the premises as being the same. I also accept any attached inventory and that the rental rate may be reasonably changed due to expenses, rental conditions or sale of the premises.
- I agree that the total number of people in the dwelling shall be 2.
- ~~I am responsible for payment of utilities, taxes, insurance and~~  
Landlord pay
- I agree to assume all legal responsibility for the acts and conduct of any visitors and keep all House Rules and will not violate any laws on the premises.
- I agree not to transfer or assign this agreement nor to let or sub-let the premises or any part of the same without written consent of the owner.
- I am authorized and capable to sign this agreement and am not relying on any prior oral or written representations of the owner or agent.
- The owner or agent may enter at any reasonable time to inspect, repair, maintain or show the premises.
- I will not remove any furniture, fixtures or personal property until all rent and charges are fully paid and grant the owner a lien on the same.
- My rental application form is complete and accurate.
- In the event of default or breach of this agreement I agree to any appropriate action by the owner or agent or to legal action and agree to pay all costs including a reasonable attorney's fee.
- No pets allowed.

Copy exhibits received the 19 day of March, 1985

Written signature of renter Barbara Pryor  
Rentors' printed name Barbara Pryor  
Witness' signature  
Witness' address

Attn: A. Tochester  
705 S. Race Urbana  
Phone - Work 333-2914  
Home 367-5255

Mr. and Mrs. T.J. Kuhny  
801 West Indiana Avenue  
Urbana, Illinois 61801  
630-835-7101

Exhibit F

April 14, 2015

Zoning Board of Appeals  
City of Urbana  
400 South Vine Street  
Urbana, IL 61801

Dear Chairman Armstrong and Board Members,

Although unable to attend this week's meeting, we would like to express concerns related to the zoning variances requested at 703 West High Street.

As owners of the Smith-Russell House, we have invested a tremendous amount of time and treasure in the historic preservation of Urbana. As you may be aware, we completed a historically-respectful renovation of our property in 2012. Our home has been designated an Urbana Historic Landmark, it won the PACA 2013 Residential Heritage Award, and the State of Illinois certified the entire project as historically-appropriate. West Urbana and its preservation is very important to us not only because of our love of this historic neighborhood, but also because we have a significant financial investment in our home. We are counting on property values growing over time, and we become concerned whenever potential threats appear that might decrease neighborhood home prices.

We are very disappointed to read the content of the report to your board on the subject property, as expertly-prepared by Mr. Garcia. Of particular concern is the fact that processes were put in place to prevent neighborhood deterioration, but those processes were not seen through to their fulfillment. According to the footnote on page one, there was a "zoning enforcement effort" initiated by the city in 1983, and that effort should have resulted in the revocation of a temporary Certificate of Occupancy in for 703 West High in 1988. Apparently, this 1988 action never occurred, and now we all face a difficult decision as to what to do with the property. We would think it likely that most of all of those city employees involved in the 1988 action are no longer working for the city, and that it would be nearly impossible to now perform a "root cause analysis" (healthcare term for determining how something went seriously wrong).

We firmly believe that this lack of follow-through in 1988 is generally indicative of a wider problem with zoning and code enforcement in Urbana, particularly in the "State Street" area. In order to maintain West Urbana as a primarily single-family residential area, according to the Comprehensive Plan, we would advocate for stricter zoning and code enforcement in our neighborhood. While deteriorating properties and illegal zoning may be seen as "par for the course" in West Urbana, the neighborhood seriously lacks appeal to homebuyers coming from other areas of the country. If we expect professors and other out-of-town professionals to purchase homes in our neighborhood, we need to improve properties instead of allowing them to be used for purposes for which they are not intended.



Therefore, we are asking the Zoning Board of Appeals to:

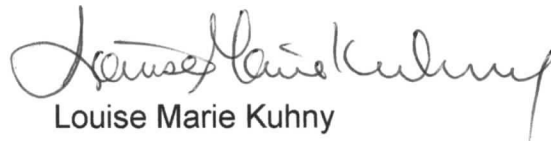
1. Order an audit of previous zoning enforcement efforts. Clearly, something went very wrong with the 1983-88 attempt, and it is impossible to know if 703 West High is a single error or part of a much larger problem.
2. Recommend new zoning enforcement initiatives, particularly in the at-risk West Urbana neighborhood. We have no doubt that many more variances would be found, each of which would be an opportunity for neighborhood improvement.
3. To partner with other city services and departments to improve code enforcement, particularly in West Urbana. One cannot walk a block in the area without seeing decay such as crumbling steps, lack of handrails, unsafe sagging porches, lean-to garages, peeling paint, and even unprofessional and unsafe fire escapes (to name a few examples).

Despite all our concerns noted above, we are sympathetic with Mr. Satterthwaite's plight. Taking him at his word that he was unaware of the existing zoning variance, we do not think that he should be held accountable for the City of Urbana's enforcement error. Please grant him his requested variances and allow him to sell his property as planned.

Again, please consider our above-listed requests in an effort to preserve and improve the residential nature of West Urbana. The City of Urbana Comprehensive Plan calls for West Urbana to experience "neighborhood preservation and stabilization". Please take the actions needed to ensure that our beautiful historic neighborhood remains attractive to homebuyers like our family who wish to invest in Urbana.

Respectfully,

  
T.J. Kuhny

  
Louise Marie Kuhny

Dear Ms. McLaughlin,

Can you please forward this to other members of the Board? I didn't find email addresses for them. I can't be at the meeting tomorrow due to prior commitments.

I am writing re the variance requests for 703 W. High. First of all, I disagree that just because surrounding properties are mainly non-conforming uses in R-2, this variance should be allowed. This is how we lost a good portion of the West Urbana neighborhood in the first place. I thought lines were drawn in 1983 and that the purpose of the survey was to identify properties which could not be proven to have been converted (illegally, however) prior to 1950. This was one which was to have been converted back to single family, but it somehow slipped through the review process.

I was at Thornburn Grade School between 1958 and 1960. One of my classmates lived at 703 W. High, and I was there a number of times during those years. It was not a duplex at that time.

Lastly, I would like to point out that it is the responsibility of any buyer to check on the zoning status of a property before purchasing. Apparently the current owner, Tod Satterthwaite, never bothered to do this. Although he was a resident of the West Urbana neighborhood, and also the mayor of Urbana from 1993 through 2007, Mr. Satterthwaite says he was unaware that the duplex which he bought in 1986 was non-conforming.

Sincerely,

Kate Hunter  
510 W. Oregon St.

May 11, 2015

Exhibit F

Paul Armstrong  
Urban City Building  
400 S. Vine St.  
Urban, IL 61821

MAILED  
MAY 12 2015  
BY

Dear Mr. Armstrong

I am writing to encourage you to allow the property at 703 W High St. to be zoned as a duplex. I own the property next door at 705 W. High St. When I purchased it from Kathryn Webster in 1985, she was offering 703 W. High for sale also. 703 W. High St was a duplex at that time.

If 703 W. High were to be zoned a single family residence, it would become a "group house". The only problem that I have had in that area with noise has come from the group houses.

It is to the benefit of the neighborhood that 703 W. High St. be allowed to

continue as a duplex.

Sincerely,

Charlotte Hall

217-359-5115

TOD SATTERTHWAITE  
502 S. ELM ST.  
CHAMPAIGN, IL 61820

June 11, 2015

Kevin Garcia  
City of Urbana  
Community Development Dept.  
400 S. Vine St.  
Urbana, IL 61801

Dear Kevin,

This letter is to indicate my support of a condition that could be added to the Conditional Use Permit that I have requested for the property at 703 W. High St. While the house has operated as a duplex for well over 30 years, it has always had a total of 4 bedrooms in the two units combined. In the time that I have had it as a rental property, it has never been rented to more than 4 unrelated tenants in the two units combined.

I would support a condition on the Conditional Use Permit restricting the occupancy of the entire house to no more than 4 unrelated tenants. This condition would allow no more tenants in the house as a duplex than it would have as a single-family property and would be consistent with the use of the house over the last 30 years.

Respectfully yours,

Tod Satterthwaite

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** June 17, 2015

**DRAFT**

**TIME:** 7:30 p.m.

**PLACE:** City Council Chambers, 400 South Vine Street, Urbana, IL 61801

---

**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Harvey Welch

**MEMBERS EXCUSED** Charles Warmbrunn

**STAFF PRESENT** Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Teri Andel, Administrative Assistant I

**OTHERS PRESENT** Amy Ando, Jane Billman, Susan Braxton, Clif Carey, Gregory Danner, Chris Dietrich, Conner Gray, Emma Gray, Theodore Gray, Charlotte Hall, Aleeah King, Bridget McGill, Jean Paley, Nina Paley, Richard Palmer, Stephanie Record, Tod Satterthwaite, Michael Stone, Gale Walden, Alexander Wolfram, Jeff Yockey

---

**COMMUNICATIONS**

- Email from Kate Hunter regarding Case Nos. ZBA-2015-C-01 and ZBA-2015-MAJ-01

**NOTE:** Chair Armstrong swore in the members of the audience who indicated that they may give testimony during the public hearing.

**NEW PUBLIC HEARINGS**

**ZBA-2015-C-01 – A request by Tod Satterthwaite for a Conditional Use Permit to allow a duplex at 703 West High Street in the R-2, Single-Family Zoning District.**

**ZBA-2015-MAJ-01 – A request by Tod Satterthwaite to grant a Major Variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Zoning District.**

Chair Armstrong opened the public hearing for this case.

Kevin Garcia, Planner II, presented these two cases to the Zoning Board of Appeals. He explained the reason why these two cases were brought back to the Zoning Board of Appeals.

City Legal staff determined after the original meeting on April 15, 2015 that there had not been a valid number of votes to deny or approve the request. He presented a brief history of the subject property. He described the proposed site as well as the adjacent properties by noting their zoning, current land uses, and the future land designation of each. He reviewed the criteria for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He also reviewed the criteria for a variance request from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval of each case.

Chair Armstrong asked if the Zoning Board of Appeals members had any questions for City staff.

Ms. McLaughlin asked if no major nuisance complaints meant there were no complaints at all or that there were no complaints that were considered major. Mr. Garcia answered that when he spoke with Public Works staff there were only complaints about the grass not being mowed.

There were no further questions for City staff. Chair Armstrong opened the hearing for public input.

Tod Satterthwaite, applicant, stated that he has owned the property since 1986. He did not recall ever getting a nuisance complaint. He stated that they should think about what is best for the neighborhood. The house has been used as a duplex and fit into the neighborhood since before he purchased the property. He believed that changing it from a duplex would present a higher risk and detriment to neighboring properties. The problem properties in the neighborhood are the single-family houses in which the tenants have access to and are able to use the entire house to hold parties; whereas duplexes do not have enough space to hold parties. To protect the neighborhood, he encouraged the Zoning Board of Appeals to approve the Conditional Use Permit and to recommend approval of the Major Variance request.

Charlotte Hall, owner of 705 West High Street, commented that the neighborhood had been quiet until lately. There have been more houses turned into group homes in the last two years, and the neighborhood is becoming pretty noisy. Tenants renting group houses generally have a lot of parties. Also, she shares a driveway with the tenants at 703 West High Street, so she preferred 703 West High Street to remain a duplex. As a result, she encouraged the Zoning Board of Appeals to approve the applicant's requests.

She mentioned that when she purchased the property at 705 West High Street in 1985, she was also shown the property at 703 West High Street and was informed that it was a duplex. She has never thought of it any differently.

With no further comments from the audience, Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing for discussion and/or motion(s) by the Zoning Board.

Ms. Uchtmann moved that the Zoning Board of Appeals grant the request for a Conditional Use Permit in Case No. ZBA-2015-C-01 with the condition that *The entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.* Mr. Welch seconded the motion. Roll call on the motion was as follows:

June 17, 2015

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by unanimous vote.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-01 to the Urbana City Council with a recommendation to approve the major variance request based on the Summary of Findings in the written staff report. Ms. Uchtmann seconded the motion.

Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Ms. Chester	-	Yes			

The motion was approved by unanimous vote.