

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: August 20, 2003

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Darwin Fields

STAFF PRESENT: Michaela Bell, Planner; Elizabeth Tyler, Director of Community Development Services Department; Teri Andel, Secretary

OTHERS PRESENT: Chris Alix, Matthew & Amy Ando, Gustavo & Gloria Caetano-Anolles, Chris Burdette, Scott Cochrane, Hilene Dickel, Marianne Fineberg, Barbara Gladney, Amber Ginsburg, Laurie Goscha, Margaret Henderson, Linda Lorenz, Irene Metzger, Esther Patt, Steve Ross, Mae & Ellen Siffin, Robert Sutton, Susan Taylor, Lisa Treul, Diana Visek, Christopher & Josephine Wilcock

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

The meeting was called to order at 7:34 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the June 18, 2003 meeting were presented. Mr. Corten moved to approve the minutes as presented. Mr. Warmbrunn seconded the motion. The minutes were then approved by unanimous vote.

Chair Merritt swore in members of the public audience who were interested in speaking during the public portions of the hearings.

4. WRITTEN COMMUNICATIONS

- ✓ Supplemental Staff Memorandum for Case #ZBA-03-C-02
- ✓ Email from Mickey Scheinman regarding Case #ZBA-03-C-02
- ✓ Photos Taken By the Petitioners of Space Available for Case #ZBA-03-C-02
- ✓ Letter and photos dated 08/18/03 from Amy and Matthew Ando regarding Case #ZBA-03-C-02
- ✓ Letter dated 08/20/03 from Amy and Matthew Ando regarding Case #ZBA-03-C-02

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-03-C-02: A request by Gloria Caetano-Anolles for a Conditional Use Permit to allow an owner-occupied bed-and-breakfast use in her home at 714 West Michigan Avenue, located in the R-2, Single-Family Residential Zoning District.

Chair Merritt noted that she lives at 715 West Indiana. Since she did not know the owner of 714 West Michigan, she did not feel that she would have any conflict with this case. Therefore, she stated that she would participate in this discussion and in the vote for this case.

Michaela Bell, Planner, presented this case to the Zoning Board of Appeals. She gave a brief introduction explaining the intent of the petitioners in this request. She gave a background description of the site and noted the adjacent land uses and zoning designations. Ms. Bell reviewed the Conditional Use Permit Criteria according to Section VII-2 of the Urbana Zoning Ordinance. She summarized staff findings and read the options of the Urbana Zoning Board of Appeals. She stated that staffs' recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals approve this case with the following conditions:

1. *At a given time, no more than two guest parties may occupy the owner-occupied bed-and-breakfast at 714 West Michigan Avenue.*
2. *The principal use at 714 West Michigan Avenue is single-family residential; at no time shall the owner-occupied bed-and-breakfast dominate in area, extent, or purpose of the principal use a single-family dwelling.*
3. *The house at 714 West Michigan shall meet the code requirements to conduct an owner-occupied bed-and-breakfast use by obtaining a Certificate of Occupancy from the City of Urbana Building Safety Division, including inspections to verify compliance.*
4. *There shall be no signs other than a home occupancy sign as defined in Article IX-5 of the Urbana Zoning Ordinance, indicating that the structure at 714 West Michigan Avenue is used for any use other than an owner-occupied bed-and-breakfast use accessory to a single-family home.*
5. *At 714 West Michigan Avenue, the petitioners shall continue to provide adequate off-street parking in accordance with Article VIII, Parking and Access, of the Urbana Zoning Ordinance. The three required off-street parking places shall be provided for as depicted in the attachment Exhibit "P", at no time shall the commonly shared driveway access be blocked. The petitioners shall allow a minimum of 20 feet north of the sidewalk to be free and clear of vehicles in order to allow safe and sufficient passage to the contiguous driveway at 714 West Michigan Avenue.*

Mr. Corten inquired about how many people per month were anticipated to use this bed-and-breakfast? Ms. Bell responded by saying that the proposal did not speak to how many clients the petitioners planned on having. The service would be used as needed or as clients contacted the petitioners and room was available. The petitioners were available to answer questions as well, and this might be a question that would be better answered by the petitioners.

Ms. Merritt asked staff to define "client". Was it one person or a family? Ms. Bell stated that a client could refer to one person, one family, or one couple. Staff interpretation was that a client is one paying party together occupying a space.

Mr. Warmbrunn questioned how many other owner-occupied bed-and-breakfast businesses were there currently in the City of Urbana? Ms. Tyler knew of one other in the community.

Mr. Warmbrunn asked if in this process, the bed-and-breakfast business would have to pass all the initial criteria? Does the City perform yearly checkups or anything to monitor their activities after the initial process? Would they pay a hotel-motel tax? Ms. Tyler replied that the petitioners would have to pay hotel-motel taxes every year. The petitioners would have to get a business license. There was a certain level of inspection for any commercial type of use that the petitioners might have. The reason for the proposed conditions was to be able to remove the petitioner's ability for the use if the conditions were violated.

Mr. Corten wanted to know what the difficulty was in parking on the street if a person buys a permit. Ms. Bell explained that the Zoning Ordinance required for this proposal that the

petitioners have two off-street parking spaces for their single-family home. With this proposal, if there were one to two clients, that the petitioners would have to provide an additional parking space for that use totaling three parking spaces. At this time, the petitioners would be able to get a guest permit. Ms. Merritt commented that getting the permit was not hard; however, finding a parking space was quite a different matter.

Mr. Warmbrunn stated that the top floor would be used as the primary living space. If a client came, then there was a secondary bedroom on the second floor where the client would stay. This made him to believe that the option should only allow one client or guest per evening. Ms. Bell responded by saying that if a family were a client at the bed-and-breakfast, the children could sleep on the second floor. However, there could be a client stay on the second floor that was not related to the client on the top floor. There could be two separate paying clients at the same time.

Mr. Corten inquired how the petitioners planned to obtain clients since they were not going to post any signs? Ms. Bell stated that the petitioners could answer that question. She noted that the petitioners were allowed to have a sign that was one square foot in area, which would be the Home Occupancy sign.

Gustavo Caetano-Anolles and Gloria Caetano-Anolles, of 714 West Michigan Avenue, approached the Urbana Zoning Board of Appeals. They were the petitioners for this proposed bed-and-breakfast. Mr. Caetano-Anolles began by saying that he was an Associate Professor at the University of Illinois, and his family was relatively new to the community. His wife, their two children, and himself will be the residents of the home.

He noted that their house was very beautiful and had characteristics of Tudor architecture. It was very big for his family. The house has four levels with a finished basement, an extensive reception area on the first floor, four bedrooms on the second floor, and a finished attic, which covers the complete area of the home, with its own bathroom. Some of the area they are not planning to use for family use, so it is available.

He went on to say that when he interviewed for his position at the University of Illinois, he came to the community twice to explore neighborhoods and to talk with department personnel. He noticed that the University of Illinois had considerable difficulties in finding a place for him to stay in hotels. Since, he had moved here, he noticed that the same problem has repeated several times in his department. So, his wife and he thought it would be an interesting idea if they could actually rent to transient people coming to the University of Illinois. Bed-and-breakfast businesses are a very common solution that people in England have adopted for tourists.

He mentioned that he walks to work; therefore, the family does not use a car very often. In fact, they only own one vehicle. He added that they are in the process of renovating their home, which has required a lot of work. Their garage is full of building materials, but they plan to put their car in the garage when they finish with the renovations. The driveway would then essentially be very little occupied.

Their initial idea was that they would only receive one guest, who was academic in nature. They are currently planning on only having room in the bedroom on the top floor for two individuals. Also, there was a relatively large bedroom on the second floor that could accommodate another party if need be. At this stage, they did not know how difficult it might be. However, they do recognize that there is a need for this type of business. It would be within walking distance to many of the departments of the University of Illinois, and it was convenient to public transportation as well. They envision that not many of the guests would bring their own vehicles.

They cannot anticipate what would be the use of a business like this. He imagined that in the beginning, the business may start very slowly and perhaps the available rooms would not be occupied many times during the month. Perhaps, later on, they would have guests that visit on a regular basis depending on what need there would be for this type of service.

They do not want this to interfere in any way with the neighborhood. Instead they want to preserve the character of their neighborhood and are trying to do so by investing money in getting their house up to standard. The activity, in terms of guests that would use their services, would be a majority of people in an academic background. Therefore, they would not disturb the everyday workings of the neighborhood.

In terms of parking, Mr. Caetano-Anolles noted that it was definitely a concern in the neighborhood. Especially on the weekends, when people need a place to park to attend church, parking is a big problem. The petitioners do not want to add to the problem in anyway. He felt that they had an extended driveway that could definitely accommodate one or two vehicles for the two guest parties that would be visiting. He did not feel that they would not be intrusive in any way with the traffic or with the workings of parking in the neighborhood.

They spoke with their neighbor that shares a driveway with them and mentioned that they did not want to perturb their relationship with the neighborhood by having this activity in their home. On the other side, they were only asking to be able to have a visitor sometimes that might bring a vehicle and park it in the driveway. They were not planning to expand their vehicles in their household.

In conclusion, he stated that they were learning in this process. Perhaps they should have spoken with individual neighbors, but they were not aware of how fast the process took place. He believed that it would provide a need that there may be and provide a benefit for the visitors. It would also enhance the possibility to interact with visitors.

Ms. Caetano-Anolles mentioned that the house was too large in the beginning for her. She added that she only wants to rent the available rooms once in a while. She does not want someone permanently living in her house other than her family. She wants to be able to keep an eye on her property, and if someone lived there permanently she would not be able to look inside his or her room. She knows that many people in the area do rent extra rooms in their homes out to tenants.

She noted that she did not want to do anything illegal, so she contacted the City of Urbana and spoke with Ms. Bell. Ms. Bell suggested that the use was closer to an owner-occupied bed-and-breakfast than any other use.

In response to Mr. Corten's question about how they would advertise, she commented that she did not want a sign. They only wanted to be able to offer a room to someone who would be interviewing for a vacant position in her husband's department.

Mr. Corten inquired if the petitioners have had visitors since they moved in? Ms. Caetano-Anolles mentioned that her husband moved here in January of this year, and that she moved here after the cold was finished. They do not have any family; however, neighbors would come over to visit. When they visit with family members, they travel to their homes to visit them.

Diana Visek, of 608 West Pennsylvania Avenue, lived within two blocks of the Caetano-Anolles' home. She responded to a previous question regarding inspections. She stated that the State of Illinois requires bed-and-breakfast businesses to be inspected on a regular basis. In fact, there has been an official bed-and-breakfast inspector living in Champaign, who was Marianne Espeseth. She was not sure if Ms. Espeseth was still doing this. However, there is some sort of state process for this.

During her talk, Ms. Visek noted that she would be referring to WUNA, the West Urbana Neighborhood Association. It encompasses the area from Main Street to Florida Avenue and Lincoln Avenue to Race Street. One of WUNA's goals was to keep houses being used as homes. Some of the challenges in achieving this goal are the pressure for more student rentals, rising property values (which makes the WUNA area more expensive than other neighborhoods), the cost of keeping up older structures, and rising property taxes.

With the uncertainties in the economy and cutbacks at the University of Illinois, many people are looking for additional sources of income. Sometimes a house can pay for some of its costs. Home-based businesses are a growing trend nationwide. The City of Urbana's Zoning Ordinance allows homeowners to pursue a variety of home-based businesses in any residential area. Some of these home-based businesses are pest control, carpet cleaning, mobile catering, appliance repair, dog grooming, art studios, lawn mower repair, accounting services, piano lessons, and minor auto repair. Many types of business are allowed. The Zoning Ordinance automatically allows two commercial or business vehicles, used by the business, to be parked on the premises or on an adjacent street in addition to personal vehicles. The Zoning Ordinance also allows five vehicle visits per day by people not working for the business.

The other obvious way to generate an income was to rent out rooms. The Zoning Ordinance allows up to four unrelated parties in one dwelling unit. According to staff in the Planning Division, this does not mean four individuals. Four married couples could constitute four unrelated parties. This means that the owners of 714 West Michigan could rent to three other couples for a total of eight adults living in the house. Each adult might have a car and would automatically be eligible for a permit to park on the street.

Fortunately for the neighborhood, the owners of 714 West Michigan have chosen to operate an owner-occupied bed-and-breakfast. The number of guests is very small and would only be occasional. Bed-and-breakfast guests tend to be quiet and well behaved, and the owners are on the premises to protect their property and ensure good behavior. Guests also tend to arrive after dinner, spend the night, have breakfast, and then leave for their daily activities. There is very little coming and going.

Fortunately for the City, there would be no need to spend time or tax payer dollars determining the need for another bed-and-breakfast. The owners of 714 West Michigan Avenue would be spending their time and money to discover if there was a need. She hoped that they would succeed, because the owners second choice of business might generate more traffic or parking than a bed-and-breakfast would.

Another advantage of a bed-and-breakfast would be that it would be required to pay the five percent hotel-motel tax in addition to income tax. She hoped that other creative and energetic individuals purchase some of the dilapidated structures in the WUNA neighborhood and figure out how to fix them up and make it pay. Small tasteful home-based businesses, such as an owner-occupied bed-and-breakfast, would be ideal for keeping houses homes.

Mr. Schoonover asked for clarification regarding the owners' ability to rent out rooms in their home without having a permit or declared as a bed-and-breakfast. Ms. Visek replied that it was absolutely possible for the owners to do so according to the Zoning Ordinance. Anyone in the City of Urbana would be allowed to rent out extra rooms without any continued approval or permitting required. These are standard normal uses in any residential area. Mr. Corten stated that a couple of graduate students could rent the top floor. Ms. Visek stated absolutely. Ms. Tyler noted that they would need to share the kitchen but what distinguishes this would be that it would be all one living, sleeping, eating communal situation.

Mr. Schoonover inquired if it was brought before the petitioners to begin with that they could actually do this legally without having a bed-and-breakfast? Ms. Bell explained that the use that the owners described was more like the use of an owner-occupied bed-and-breakfast with transient guests that pay a rate. It would not be a communal situation, where there would be a couple of families living together and sharing the same single-family household together. Mr. Schoonover asked if the owners would be allowed to invite someone from another country to stay with them without having a bed-and-breakfast? Ms. Bell stated that was correct.

Ms. Visek mentioned that in certain cultures, people are used to living together as a big group. We do not necessarily do that here in America, but conceivably, the owners could have their parents, aunts and uncles, nieces and nephews, and entire extended family in unlimited numbers living there with them, and there would be no issue at all, because that would be considered as a related use. It was more of a statistical thing that in general, people in America, only have two to five people. Mr. Corten added that back in the depression days, this was found quite often. Ms. Visek stated that if the economy changes, then there could be any number of children, who move out, go to college, graduate, and cannot get jobs, that end up moving back to their parents home.

Mr. Corten questioned what Ms. Visek's interest was in this case? Ms. Visek answered by saying that she had never met the owners before. She knew the previous owners casually. Her interest was in preserving the neighborhood, because she was genuinely concerned about the economics of how people can finance living in the WUNA neighborhood. She had watched her property taxes and her appreciated value go up through the roof. She commented that she personally was paying over \$8,000.00 in property taxes this year, and her neighbor was paying closer to \$10,000.00. There are strong economic factors, which if the City wants to continue to allow people to live in the WUNA neighborhood as families, somehow the cash has to flow to support this, so that property owners in the neighborhood have money to keep the buildings maintained and to pay property taxes. There are only so many people who can afford it on their pension or salary. A little home-based business is a very good thing in her mind, as long as it is small and tasteful. An owner-occupied bed-and-breakfast would qualify for that.

She noted that she had no economic interest in this case, whatsoever, except that she would like the neighborhood to stay viable. She would like the buildings that are trashed to be fixed up. She would also like to see economic alternatives to some of the student rentals, which cause problems. There would be very few bed-and-breakfast guests that would put trash on the parkway, park on the grass, or play loud music at midnight. They are very, very desirable people compared to some of the other choices.

Esther Patt, City Council member representing Ward 1, clarified that it was not legal to rent out a room in a house every night to someone different without a permit. That would be considered a hotel. The petitioners could rent the two rooms to individuals for a month-to-month or yearly basis. Anyone could do this.

She mentioned that there was a difference between renters and hotel guests. If a hotel guest parks illegally, then they will get a ticket, which if they leave town and do not pay the ticket, then they would get away with it. Whereas, when a renter gets a ticket, they eventually will have to pay or take the chance of losing his/her license.

She stated that there was also a difference between sharing a driveway with the next-door neighbor and someone renting a room overnight next door. If you were having problems with the neighbor next door blocking the driveway, then it would be a very uncomfortable situation for that neighbor to constantly have conflict over that with you. If the person blocking you from getting in and out of your driveway was going back home to wherever, then they may not care if you are angry with them, because that person would not be around. Many people are inconsiderate and want to park as close as they can get to whatever they are going to.

She agreed with Ms. Visek in that the reason why bed-and-breakfast businesses are allowed as a conditional use in a single-family neighborhood was because in many circumstances it would be an appropriate use and a better use than some other things that could happen on the property. The problem with this proposed location was that there was a shared driveway, and that the access to the driveway was one car-width wide. It is then aggravated by the parking situation in the whole neighborhood.

She discussed the history of the parking situation in the neighborhood. Basically, at this location, people need permits to park on the street between 3am and 3pm, Monday-Friday, because there are so many cars in the neighborhood. One block to the west of the subject property is the Twin City Bible Church, which generates an enormous amount of cars with weddings and church services. In addition to that, just north of the Twin City Bible Church is a sorority, to the north of it is an apartment building, and to the north of that is two other sororities. Out of the 400 to 450 parking permits that are issued in this area, almost 25% of those permits were purchased by the residents of those four properties just to the north of the Twin City Bible Church. Therefore, there are more than 100 residents cars filling the 700 and 800 blocks of Michigan Avenue, Indiana Avenue, Ohio Street and Iowa Street.

Mr. Corten inquired as to how many parking spaces were available for the 400 parking permits? Ms. Patt responded by saying that there were lots of parking spaces available. She did not know for sure how many there were. From Lincoln Avenue to Orchard Avenue on each block there were approximately 32 spaces. In four blocks, there would be 128 spaces. In about ten days, you will be able to see what she was talking about. In the 800 blocks, 700 blocks, and some spillover to the 600 blocks, on-street parking will not be readily available. The reason this all matters was because on-street parking would not really be an option at the proposed location, as it might be if it were three blocks further east.

Ms. Patt talked about the bed-and-breakfast located on Oregon Street. She noted that the owner had asked for the alley to be vacated so that her guests could park in it legally. Her guests kept getting tickets from the City for parking in the alley. Even there was adequate parking, the guests were still pulling into the closest spot to the front door, which was in the alley.

Mr. Welch asked if the problem was with the shared driveway, then would there not be a problem if instead of the Caetano-Anolles family living there, there was a family living there with three or four teenagers with each having a car? Ms. Patt replied yes. Mr. Welch stated that was his point. If three or four of the family that could live there would be legally entitled to use their easement as long as they did not get too close to the sidewalk, then to him that could not be an insurmountable problem when talking about moving cars in that driveway as opposed to the street. That would be another issue. Ms. Patt stated that the difference was that the City of Urbana would not be the ones creating the situation. By granting this case over the objection of the people who own the other side of the shared driveway, the City would be giving preference to one property owner over the other with regard to use of the driveway. Mr. Welch disagreed with that comment. Given the terms of the easement, they would have the right as property owners to park as many of their own personal cars in the driveway as they could fit.

Mr. Welch stated that he was not saying which way the Zoning Board of Appeals should or should not vote. He only wanted to be real about the problem. The problem would not be caused by the proposed business, but by the configuration of the driveway and the number of cars that would fit. As a family, the petitioners could have the same number of cars and still have the same problem. He hoped that there would be a better reason to deny this proposal, than by saying that because of this driveway, the petitioners should not have a bed-and-breakfast in their home, when by right they could own and have parked in the driveway the same number of

vehicles. Perhaps, the City maybe should not put their stamp of approval on this, but the City should also not deny it for the above reason.

Ms. Patt believed that there was a difference with the City giving a permit to change a use in a way that was intended to increase the number of cars beyond the capacity allowed on the property. Mr. Welch questioned what she thought the capacity allowed to the petitioners was? Ms. Patt replied that she was talking about the number of cars that would fit in the driveway. For the City of Urbana to say that a bed-and-breakfast would not fit, but that the petitioners could buy more cars and block the driveway anyway, so the City would let them have a bed-and-breakfast; she did not feel that would be appropriate. In looking at the land and what works on this property, having two guest households that would create a parking need would not fit. The City of Urbana should not create the problem. Mr. Welch responded that the configuration of the driveway was what creates the problem, not the City of Urbana. In looking at Exhibit P, if one car was parked in the wrong position, the same problem could incur. Ms. Patt agreed that the configuration of the driveway was the real problem and noted that it was not appropriate for a commercial use that attracts additional vehicular parking needs. Mr. Welch mentioned that a non-commercial car could obstruct this driveway as well as a commercial vehicle. There has to be some other reason other than what kind of car it is.

Mr. Corten inquired as to who was in charge of the tree in front of 712 West Michigan? Ms. Patt answered that the tree was on the City's right-of-way. Mr. Corten asked if the City could remove the tree and provide a two-car driveway then? Ms. Patt remarked that there was a law about removing trees. Even if the owners of 712 West Michigan were granted permission to remove the tree, she did not feel that it would be a good thing to do.

Matthew and Amy Ando, of 712 West Michigan, approached the Zoning Board of Appeals. They presented a second letter to the Zoning Board of Appeals dated August 20, 2003. Mr. And Mrs. Ando lives in the adjacent property to the east of the proposed site. They have two small children.

Mr. Ando asked for the clarification regarding the required parking spaces. He understood it that there would be two parking spaces required for the petitioners use, and one additional parking space for each guest would be required up to the maximum of two guests, which is a total of four parking spaces. Ms. Bell commented that there would be two required parking spaces for the single-family home and one required parking space per two clients. In this case, the City required three parking spaces in total.

Mr. Ando noted that part of the difficulty he had been having and part of the reason why he sent staff different letters was because there was a mistake in the initial memo. In the supplemental memorandum, Exhibit P, staff insists that there was room for three vehicles to be stacked north-south of the 714 West Michigan Avenue side of the shared driveway. It may be that the driveway was long enough to accommodate three cars; however, it was not the only issue. Neither the original staff memorandum nor the supplemental memorandum shows the width of the driveway. He presented a photo that he took of his vehicle parked next to another vehicle in the shared driveway. He commented that when he took this picture, he was not able to get out of

the driver's side door on his vehicle. He had to exit the vehicle on the passenger's side. He measured the driveway and found that it was 18 feet wide. If two vehicles were parked ideally next to each other, that would leave two feet for each door.

He noted that they have frequently had to ask the carpenter working on the Caetano-Anolles' home to move his vehicle, because he parked more in the middle of the driveway to allow himself extra room to open his door, so that they could get out. The point is that the picture and the shared apron shows that in practice, it was misleading to think of the two properties as having separate driveways. In practice, they share a common driveway, which has two lanes, each of which is wide enough for a car. It's successful use by two households involves an on-going process of compromise with sufficient tolerance of inconvenience on both sides and the sufficient sort of well-developed practice, it should not at all be a problem to accommodate two cars and slightly more intensive use should be certainly possible. It was essential that the two neighbors cooperate to accommodate each other's needs to the extent possible for private use. He and his wife did not feel that it was an appropriate setting into which interject parking for any sort of commercial enterprise.

Mrs. Ando agreed with Mr. Welch that it really does only take one car to block the driveway. It does not have to be a person who was being careless or ill-intentioned. She noted that it was hard not to park each other out or in. It was a very narrow driveway. Historically, the previous owners managed to work this out. It was not an insurmountable problem.

She personally preferred to have a couple of graduate students living in the attic at 714 West Michigan Avenue, because they would be able to get to know them. They all could grow to understand what kinds of parking configurations would work, so that everyone would be able to use the shared driveway without causing any major inconveniences.

Mr. Schoonover asked if there would not be less problems by having someone at a limited time rather than constantly? Mrs. Ando anticipated the coming and going to be a problem. Although she was sure that the Caetano-Anolles' would correct guests on how to park, she was worried about the newness of clients. Every time a new client comes, they would not know the driveway, which would create a new opportunity for someone to block the driveway.

Mr. Schoonover clarified if they have had to approach the neighbors about how they park? Mrs. Ando stated that it was the guy who was doing the renovation work on the neighbor's house.

Mr. Corten inquired if they had a fenced in yard for their children? Mrs. Ando replied yes, in the back yard.

Mrs. Caetano-Anolles re-approached to give a history of the two properties. She noted that the previous owners of the Ando home had three or four cars parked in the driveway every day in addition to their vehicle. They never had a problem with the previous neighbors. The previous owners of 714 West Michigan Avenue had rented the house to five tennis players at the University of Illinois, who always had four or five cars parked in the driveway.

She commented that it made her upset that there were people opposing for her to have parking in her own driveway. She only wants to be able to park one or maybe two more cars besides her vehicle in her driveway. She noted that she pays \$10,000 a year in property taxes, and she felt that she had the right to request this without hurting anyone's feelings.

Mr. Corten made a reference to the shed in the back. He asked if the shed could be moved further into the backyard, so that they could use that space for parking? Mrs. Caetano-Anolles stated that they want to remove the shed and just have not gotten around to it. She recently moved to this area and had been busy unpacking and renovating the house.

In response to the carpenter helping them renovate their home, she has instructed him on how to park in the driveway. He has never parked on Mr. Ando's side. She encouraged him to park in the curve in front of the garage, while she parked her vehicle on the street. She added that her husband and herself are very responsible people and would not allow anyone parking in the driveway to block her neighbors.

Mr. Corten inquired about how deep their lot was? Mr. Caetano-Anolles answered that it was double the length of the driveway. Ms. Bell noted that the lot was 61 feet by 131 feet. Mr. Corten suggested that there was space in the backyard if the petitioners wanted to put a driveway further back. Mrs. Caetano-Anolles stated that she could do that; however, she was not trying to make a business with the proposed bed-and-breakfast. She only wanted to be able to rent the room.

Marianne Fineberg, of 408 East Oakbrook Circle, mentioned that she used to live at 712 West Michigan Avenue for 19 years. When they bought the house, there was no shared driveway. There was a single driveway that belonged to the owners of 712 West Michigan Avenue. At the garage end, there was a cutoff for 714 West Michigan Avenue. This was inadequate for 714. Between the two houses at that point, there were five kids. The Hobson's and the Fineberg got together and decided that it would be great to improve the driveway. The easement was to 714 West Michigan Avenue. In fact, the property line extends from where the back fence is currently.

Ms. Fineberg stated that because there is a two-foot high retaining wall made out of concrete along the house at 714 West Michigan Avenue. This means that people cannot park that close up next to the house in most of the driveway; otherwise they cannot get in and out of their vehicles. A person either needs to park either up at the top by the garage or very far down at the bottom near the access.

She noted that, fundamentally, she had no problem with a bed-and-breakfast. She felt that the Caetano-Anolles' were a wonderful family. They have done great renovations to the house, and they only have one car.

However, Ms. Fineberg noted that there was no way that Exhibit P would work. It would seriously impinge on the residents at 712 West Michigan Avenue. She experienced this when Mr. Hobson rented the house out to members of the University of Illinois' tennis team. Although

they were nice, quiet guys, she could not get in and out of her driveway until 3 pm. The renters parked their vehicles legally and did not intentionally block the drive, but there were too many vehicles parked on their side for her to be able to use the driveway access.

She did not agree that there was a compelling need for a bed-and-breakfast in the community. Her family had lived her for 20 years. Every year he husband hosts several visitors and has never had trouble finding a place for them to stay. She believed that Mr. Caetano-Anolles might have experienced trouble due to the fact that the year he was interviewing for his position at the University of Illinois, the Chicago Bears used Memorial Stadium for their football games. There were shortages in the hotel industry during that time.

She noted that she did not have a problem with the bed-and-breakfast, only with the increase in the need for parking.

Ellen Siffin, of 711 West Iowa Street, noted that she also has a shared driveway. It is different. She mentioned that her driveway was much bigger than the shared driveway at 712 and 714 West Michigan Avenue. If her neighbors do not park right, then she cannot get in or out of the driveway. Frequently cars park on the street beyond the white lines, which are not five feet from either side of her driveway. This makes it risky backing out onto the street.

She questioned if anyone staff spoke with the Fire Department regarding people staying on the third floor? How would the guest(s) staying on the third floor get out if there were a fire? Ms. Bell stated that the Building Safety Inspector would inspect the home and would address all of the building safety concerns.

Ms. Siffin commented that there with the different insurance costs, additional taxes, and any renovations that would need to be made to accommodate a fire escape for the guest(s) staying on the third floor, she would think that it would be very difficult for the petitioners to support with only one or two guests.

Amber Ginsburg, of 501 West Pennsylvania Avenue, also has a shared driveway, where people were coming in and out very frequently. Therefore, she had two concerns, which were as follows:

- 1) People who do not know the driveway situation always block it. It would not be a big deal if the guest were around to be able to ask him/her to move the car. If the guest were not there, then the neighbor would be blocked in or out until the guest arrived back at the bed-and-breakfast.
- 2) There was a fire at 503 West Pennsylvania Avenue. At the time of the fire, her family owned two cars and the neighbors owned three cars. Their major concern was that those five cars could catch on fire. The same could happen anywhere else. If the guests do not leave their keys available for the petitioners to be able to move their vehicles in case of a fire or blocking someone in, then it could create an unsafe or hostile relationship with the neighbors.

She supported the idea of a bed-and-breakfast. She felt it would be a good thing for the community. However, shared driveways are difficult. She recommended that they find a way to open up the driveway to make two accesses.

Irene Metzger, of 708 West Michigan Avenue, mentioned that she had lived there since 1969. The idea of the bed-and-breakfast as a neighborhood preservation scheme, she did not think that a bed-and-breakfast was necessary to preserve the neighborhood. The neighborhood is an old Urbana, very gracious neighborhood, near the school and has a tremendous parking problem.

Lisa Treul, of 714 West Iowa Street, noted that she was the West Urbana Neighborhood Association (WUNA) co-coordinator. As a membership, they did not vote on this issue, so she was not speaking on behalf of WUNA for or against. She agreed with Ms. Visek in that WUNA was about keeping houses as homes. She stated that the petitioners were new to the area and did not understand what all the commotion was about.

She spoke to some of the responses from the WUNA membership. She heard from over 50 members of WUNA, and unfortunately, not all of them were in favor of a bed-and-breakfast. It was not necessarily due to the parking problem, but to the spirit of it. They would welcome a bed-and-breakfast along Green Street and Elm Street, which is in the MOR, Mixed-Office Residential Zoning District, because they are zoned for that purpose.

The R-2, Single-Family Residential Zoning District is a residential kind of purpose. Many people in the WUNA area have expressed their desire to live in this neighborhood, because of the Downtown to Campus Plan and the zoning that was put into place when this plan was written.

The other concern WUNA members expressed in their emails to Ms. Treul was in regards to the density issues. Although it did not sound like the petitioners would be adding that many density issues, but the members were concerned about the precedent that a bed-and-breakfast would start. The members wanted to know if a conditional use permit was given to the property owner and not sold with the house? Ms. Bell replied that a conditional use permit is given to a property owner and applies to the specifics of the proposal. Therefore, if the house were sold, then the new owner could continue the use under the terms of the previously issued conditional use permit. Any changes from the issued permit would require that the property owner would need to request a new conditional use permit.

One other concern was the fire escape. There are many group and rental homes. If the third floor is used, then a fire escape must be provided, which would change the architectural integrity of the house.

She found some interesting statistics on the Internet regarding bed-and-breakfast businesses. Eighty percent of all bed-and-breakfasts close within the first year, because they are difficult to operate and many issues come up that owners do not anticipate.

Mr. Schoonover questioned if Ms. Treul would be happier if the petitioners rented their extra rooms out to grad students with two or three cars? Is not that the same thing, but still legal? Ms.

Treul commented that WUNA did not take a stance for or against this. She was only relaying comments that were emailed to her from WUNA members that could not be present at this meeting. She personally would be happy with bed-and-breakfasts moving into the dilapidated old homes in the MOR Zoning District and rehab them.

Mr. Corten asked for clarification that a bed-and-breakfast would be an acceptable use in the R-2, Single-Family Residential Zoning District? Ms. Bell stated that it would be acceptable in the R-2 Zoning District as a conditional use and as an owner-occupied bed-and-breakfast.

Chris Wilcock, of 710 West Michigan Avenue, referred to Exhibit P and said that stack parking was not really very efficient. If you are the first car in the back, then you are not going anywhere until someone gets out from behind you. So, to be realistic, to operate a business in this setting, people will park on the street, whether it would be the homeowners or the guests.

He mentioned that he spent some time with statistics and found that in the previous year from August to August, there were 518 unique overnight parking permits sold in the City of Urbana. In counting the location of those permits, there were 219 of those overnight permits sold within two blocks of the subject residence. Although he did not have the exact count, he believed that there were approximately less than 250 on-street parking spaces in the same area. Essentially, the City of Urbana was already permitting overnight parking to 80 percent or more of the available on-street parking places in the area.

He noted that he did not want to speak to the petitioners' intended use, but to their permitted use. The permitted use could be up to two clients every night. Although that was not what the petitioners intended to do, but it could happen. We need to look at the fact that this was a street, where possibly the worse zoning decision ever made in the City of Urbana was made when Twin City Bible Church was allowed to be built without any off-street parking. The neighborhood was simply asking the City to not allow an additional imposition upon the neighbors and the neighborhood in this situation.

Mr. Corten agreed with Mr. Wilcock that the Twin City Bible Church was a problem on parking. He has seen it when he went there on occasion. However, he stated that was not the point of this discussion. Mr. Wilcock agreed. He remarked that there were not any parking restrictions on the weekends, and maybe that would be most of the time when the bed-and-breakfast would fill. It has been said that this would be an ideal location. A guest could come and stay and walk to campus, do his/her interviews, and make their presentation. Once again, if that guest drives to the bed-and-breakfast and park in the shared driveway, are picked up by his/her sponsor, and go to campus for his/her meeting, then the guest's vehicle would be parked in the way for the rest of the day.

Mr. Corten moved that the Zoning Board of Appeals approve the conditional use permit request as presented by staff with the five conditions including the supplemental memorandum. Mr. Warmbrunn seconded the motion.

Mr. Warmbrunn questioned if the condition limited the petitioners to one guest instead of two, would the parking requirements change? Ms. Bell stated that the parking requirements would not change regardless of whether the petitioners were allowed to only have one or two guests. Mr. Warmbrunn personally felt that the parking was the big issue, one of which could be dealt with by the Zoning Board of Appeals. However, according to staff, there would be plenty of parking. How the petitioners and staff work it out could be a problem, but as far as the required parking, it is there.

The roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	No
Mr. Schoonover	-	No	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	No

There was an even vote with 3 ayes and 3 nays. Since this was the first time that the Zoning Board of Appeals had reached an even vote, Ms. Merritt called for a quick recess.

Ms. Merritt called the meeting back to order. She stated that since a motion must have a majority to pass, this motion failed, because there was not a majority in favor of this request.

ZBA-03-C-03: A request by WIAI-FM for a Conditional Use Permit to allow a radio station at Lot 308, East Urbana Industrial Park, located in the IN, Industrial Zoning District.

Ms. Bell gave the staff report for this case. She presented a brief introduction and background describing the request for the Conditional Use Permit and the lot for the proposed radio station. She described the adjacent land uses and their zoning designations. She reviewed the Conditional Use Permit Criteria according to Section VII-2 of the Urbana Zoning Ordinance. She summarized staff findings and read the options of the Zoning Board of Appeals. Staff recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals approved this case.

Mr. Warmbrunn inquired as to what the tower under administrative review entailed? Ms. Bell replied that staff looks at the zoning and the site plan to make sure it complies with the City's Telecommunication Ordinance. Staff looks at how far it is from residential districts.

Mr. Corten questioned if it would interfere with wireless telephones, etc? Ms. Bell did not believe so. Ms. Merritt stated that although it was interesting, it was not something that the Zoning Board of Appeals should consider. There were regulations for that that was out of the Zoning Board of Appeals' scope.

Mr. Corten moved that the Zoning Board of Appeals approve this request for a Conditional Use Permit. Mr. Schoonover seconded the motion. The roll call was as follows:

Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion was passed by unanimous vote.

ZBA-03-MIN-04: Request to encroach two feet into the required 25-foot front-yard setback along Green Street at 701 West Green Street in Urbana’s MOR, Mixed-Office Residential Zoning District.

Ms. Bell presented this request for a minor variance to the Zoning Board of Appeals. She gave a concise description of the subject site and noted that the proposed encroached two feet would be used for a planting area between the required parking and the southface of the building and to move the building north two feet. She gave a brief report on the history of the various review processes, which the petitioner had gone through to obtain the necessary approval from the Development Review Board and staff of the City of Urbana to be able to construct an eight-unit apartment building. She reviewed the Variance Criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. She read the options of the Zoning Board of Appeal. Staff recommendation was as follows:

Based on the findings outlined in the written staff memorandum, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals grant the variance request for this case.

Mr. Warmbrunn inquired if it was ever considered that the petitioner move the parking lot two feet south into the south encroachment of the 15 feet of the back end of the property? Libby Tyler, Director of Community Development Services, explained that the idea was to buffer the proposed parking area from the proposed building. Mr. Warmbrunn stated that if the 15-foot in the back were 13 feet, then the petitioner could keep the 25-feet in the front.

Scott Cochrane, of 1602 Bentbrook Court in Champaign, was the petitioner for this case. He stated that Andrew Fell was the architect for the proposed building. He explained that they wanted the separation from the building so that the parking spaces were not directly abutted to the building. As far as he could see, the fence would be right on the edge of the parking area. The 15-foot setback would be on Coler Street, and the parking would be on the back edge of the lot.

Mr. Cochrane noted that Mr. Fell originally had asked for an extra foot to allow for a three-foot overhang to cover the entirety of the patios. Ms. Bell explained that staff never received an additional application. In speaking with Mr. Fell, he felt that he could still work with the design possibly without the additional variance. Ms. Tyler added that the Development Review Board

felt it would be a nice feature to have those extra eaves. Mr. Cochrane believed that the planter space would make the apartment building more attractive. By adding the two-foot planter area, it would create a green space and would be positive for the overall structure and to the neighborhood.

Mr. Corten inquired as to how tall the planter would be? Mr. Cochrane answered by saying it would be between two and three feet tall. After being submitted to the City Arborist for approval, Mr. Cochrane planned to fill the planter area with small shrubs and/or grasses, possibly some flowers. It would not be regular yard grass. Mr. Corten asked if any tall trees would be planted? Mr. Cochrane replied no, because the roots would tear up the structure of the building eventually. Mr. Corten questioned if there would be planters on the corners as well? Mr. Cochrane replied yes. Those would act as screening. There would be two posts with lights, which would act as the lighting. Ms. Merritt clarified that the planters would be similarly two feet tall? Mr. Cochrane said yes. He was planning to have all the planters be the same height.

Steve Ross, of 609 West Green Street, lives just a few feet away from 701 West Green Street. He was opposed to this request for a variance for two sets of reasons.

First, he did not feel that the reasons for the request for the variance were not sufficient. One of the questions on the variance application asked the petitioner to identify any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel. The petitioner answered this question by saying that “the requirement to have essentially two “front” yards significantly impacts site use”. Mr. Ross did not feel that this was a special circumstance, because every block has four corner lots. Therefore, there was nothing unusual about a corner lot. Anyone who purchases a corner lot and expects to build there, must expect, understand, and know that the Zoning Ordinance would affect it as a corner lot and not as a special circumstance.

Another question asked the petitioner to explain how the variance was necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district. Again, the petitioner answered by saying that it was a corner lot, which Mr. Ross responded by saying again that there was nothing special about a corner lot.

Secondly, he believed that there were easy alternatives that would not necessitate this variance. The whole two-foot setback was predicated upon the two-foot buffer between the parking area and the building. The whole building could be moved back two feet without any problems. Thereby, there would be no need for the variance.

Another suggestion that Mr. Ross had was that the petitioner could reduce the size of the building. It currently was designed to be very nearly the maximum allowed size of 5,950 square feet in the MOR Zoning District. By reducing the size of the building by two feet, by his calculations would reduce the floor space by approximately 4%. If the petitioner really wanted a two-foot buffer on the south side between the parking area and the building, then he could also have it by reducing the size of the building by 4%.

Mr. Corten questioned Mr. Ross on how the requested variance would affect him? Mr. Ross responded by saying that he was a homeowner on Green Street with a beautiful 47-foot setback. He would like to be able to look out down the block and see out on Green Street. This apartment building would contribute to the erosion of the neighborhood. There will be apartment buildings going up immediately to the west and immediately to the east of his property, and now there will be an apartment building at 701 West Green Street, which will be across Coler Street to his west. He would like a little help in preserving the neighborhood.

Ms. Bell mentioned that she received a call from Mary Williams, of 704 West Illinois. There were a couple of points that she wanted to make. One was that the City needed to preserve the residential aspect of the neighborhood, and the second was that these setback changes would mar the aesthetics of the Green Street corridor. This variance would not be necessary. Ms. Williams believed that the City of Urbana would be contributing to an ugly mixture of block apartments on Green Street. She hoped that the Zoning Board of Appeals would oppose this variance request.

Linda Lorenz, of 409 West High Street, wanted to voice her sadness and frustration with seeing what has happened to Green Street. The density has increased with more transient kids. The beautiful old homes have been allowed to disintegrate, demolished and an ugly apartment building with a huge parking lot built in their places. The residents who live on High Street will be affected by all of this that has been happening on Green Street. She believed that her house would be worth nothing when she goes to sell it.

There has been increased density, noise, litter, and parking. Every time she turns around the City of Urbana is letting another developer buy a property with the intention of doing something. Then the developer comes to the City and requests a variance. She did not feel that the City was helping to save their beautiful neighborhood. Most of the people in the neighborhood live there because they want to walk and ride their bicycles to work. The neighborhood keeps snapping away. It was just so frustrating and so sad.

Mr. Warmbrunn inquired if the average setback of 25 feet had been taken from the 700 Block of Green Street? Ms. Bell answered that it was taken from the block face of Coler Avenue. Ms. Tyler added that 25 feet was the maximum setback and not the average. Mr. Warmbrunn questioned what the minimum setback was? Ms. Tyler replied that it was both the minimum and the maximum.

Mr. Warmbrunn asked even if all the neighbors had 45-foot setbacks, the petitioner would still only be required to have a 25-foot setback, because that was the maximum? He inquired if they had a neighborhood with large setbacks, the City cannot necessarily preserve the site line of the property owner who has the greatest setback? Ms. Tyler replied that was correct. Because it is an average, there will never be a complete straight line. It maxes out at 25 feet, because in some cases, where there is an extraordinary setback, it actually becomes a hardship for other properties on that block face. She passed around an aerial that shows part of the block for the Zoning Board of Appeals members to look at.

Ms. Merritt assumed that the request was not affected by the other case on Green Street. Ms. Tyler stated that there were other cases to the east of this; however, this case was not impacted by those cases. Ms. Merritt asked if the issues were at all the same? Ms. Tyler replied no, other than that the three apartment buildings went through the same development review process.

Mr. Corten moved that this case be approved by the Zoning Board of Appeals as written. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes

The motion was passed by unanimous vote.

ZBA-03-MIN-05: Request to encroach one foot into the required 16-foot, 9-inch front-yard setback along Fairview Avenue, at 809 Orchard Street in Urbana’s R-2, Single-Family Residential Zoning District.

Ms. Bell noted that the petitioners had been at the meeting, but they had to leave due to an emergency. They wished to proceed with this case.

Ms. Bell gave a brief explanation of the requested minor variance and description of the site and of the surrounding zoning and land uses for the subject site. She reviewed the Variance Criteria according to Section XI-3 of the Urbana Zoning Ordinance as it pertained to this case. She read the options of the Zoning Board of Appeals and noted that staff’s recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals grant the variance request in this case as requested.

Ms. Tyler mentioned that she spoke with the woman who lived directly south of the proposed site. The woman did not have any concerns on the variance.

Mr. Corten moved that the Zoning Board of Appeals grant the minor variance as requested. Mr. Armstrong seconded the motion. The roll call was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Bell reported on the following:

- ✓ **Previous Case** for 701 East California to reduce the front-yard setback from 15 feet to 2 feet, 2 inches was approved by the City Council.
- ✓ **Next Scheduled Meeting** is scheduled for September 17, 2003.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**