



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Marcus Ricci, Planner II

DATE: December 21, 2016

SUBJECT: **ZBA Case 2016-C-03:** a request by Sharon Walker-Watkins for a Conditional Use Permit to allow an Owner-Occupied Bed and Breakfast at 1607 Golfview Drive in the R-1, Single-Family Residential Zoning District.

Introduction

Sharon Walker-Watkins is requesting a Conditional Use Permit to allow operation of an Owner-Occupied Bed and Breakfast at 1607 Golfview Drive in the Golfview Subdivision. The requested use is allowed as a Conditional Use in the R-1, Single-Family Residential Zoning District, as per Table V-1 of the City of Urbana Zoning Ordinance. The owner states that short-term guest stays would increase the home's occupancy and increase community safety, as well as provide an attractive housing opportunity for short-term visitors. Although the applicant currently lives outside the State of Illinois, she has indicated that an owner would occupy the home as required. A valid written protest has been properly submitted to the city, opposing the requested Conditional Use Permit, bearing the signatures of the required 40 percent of lot owners within 250 feet of the subject property.

Background

In early September, City staff fielded complaints regarding presumed rental activity at the subject property. City staff followed up with an inspection and a subsequent Notice of Violation, ordering cessation of operation as a "Bed and Breakfast Inn" and recommending registration of the property with the City's Rental Registration Program, if necessary. This was followed by correspondence regarding available options for legally renting the home by: a) applying for and being granted a Conditional Use Permit to operate an owner-occupied bed and breakfast, or b) registering the property as a rental property and payment of rental registration fees. On November 21, 2016, the applicant submitted an application for a Conditional Use Permit to operate an Owner-Occupied Bed and Breakfast in the home (Exhibit D). Section II-3 of the Zoning Ordinance defines:

"Bed and Breakfast, Owner Occupied: an owner-occupied single-family dwelling or part thereof where rooms are rented to transient guests on an overnight basis. A bed and breakfast shall be subordinate to the principal use as a single-family dwelling."

“Bed and Breakfast Inn: a converted single-family detached dwelling in which rooms are rented to transient guests on an overnight basis. A dining area that is open to both guests of the Inn and to the public as a restaurant and retail sales are permitted activities within a Bed and Breakfast Inn if they are subordinate to the use of the Inn for lodging.”

The former use is permitted as a Conditional Use in all residential districts and as a permitted use in all business districts; the latter use is only permitted in business districts. Additionally, the former use requires the owners to occupy the dwelling unit and for the lodging aspect to be subordinate to the single-family residential aspect, while the latter use does not require owner occupancy. The applicant has stated that she would occupy the home as required. According to the application, the applicant would market to couples and families for short-term stays (one- to four-weeks) as it has been difficult for the owner to find long-term renters.

Land Use and Zoning

The subject property is located on the west side of Golfview Drive, north of East Country Club Road and two blocks west of Cunningham Avenue/US Route 45 (Exhibit A). It is a 2,500 square-foot, single-family detached residence on a 0.47-acre parcel, with four bedrooms and two bathrooms. Golfview Subdivision was platted in 1956 and contains 27 single-family residential lots, all zoned R-1, Single-Family Residential Zoning District (Exhibit B). Immediately west is the Urbana Country Club. Further east is Willow Court Subdivision and the Willowbrook Apartment Homes. Further south is the Cunningham Children’s Home and its open space. The table below lists the subject and surrounding properties’ current zoning, land use, and the future land use designated by the City of Urbana’s 2005 Comprehensive Plan (Exhibit C).

Location	Zoning	Existing Land Use	Future Land Use
Subject Site	R-1 Single Family Residential	Single-family residential	Residential
North	R-1 Single-Family Residential	Single-family residential	Residential
South	R-1 Single-Family Residential	Single-family residential	Residential
East	R-1 Single-Family Residential	Single-family residential	Residential
West	R-1 Single-Family Residence (Champaign County)	Golf course	Parks/Recreation

Discussion

In most cases, the Urbana Zoning Ordinance prohibits hotel, motel, and bed and breakfast guests from staying for a period longer than 30 days. If the Conditional Use Permit were granted, the applicant would be required to secure a Certificate of Occupancy from the Urbana Building Safety Division based on a site inspection for the approved number of guest rooms. In addition, the applicant would be required to obtain an annual Hotel/Motel License from the City of Urbana and to pay the local and State hotel/motel taxes. Finally, the building would have to comply with all applicable local and state administrative, building, health, and safety codes.

Over the years, the City has fielded several requests for Owner-Occupied Bed and Breakfasts:

- 2014: 2402 Provine Circle, R-2 district – denied (6-0)
- 2003: 714 West Michigan Avenue, R-2 district – denied (3-3); then approved on resubmittal (4-1-1 abstention) with conditions
- 1990: 710 West Oregon Street, R-2 district – approved

Past concerns of the Zoning Board of Appeals and neighbors in these cases included: owner residency, impact on neighborhood character, impact on traffic and impact on parking availability. The 2003 permit was conditioned upon limiting the number of bedrooms which could be rented on any given night (four of the nine bedrooms) and securing nearby off-site parking to eliminate impacts on the availability of neighborhood street parking.

While the City cannot enforce private covenants, it is important to note that the original platting of the land into Golfview Subdivision in 1956 stipulated a set of 14 covenants restricting development and use of the land, said restrictions running with the land and binding on all parties, current and future, including covenant #3 (Exhibit E):

“3. No store or business or commercial building shall be erected or maintained on any lot in the subdivision.”

In addition to the valid written protest, staff members have received telephone calls and office visits from neighbors who are concerned about, or opposed to, the proposed owner-occupied bed and breakfast use. Most of the concerns are regarding the owner’s past or current non-residency status and the belief that the applicant may have been renting the home even after being cited by the city to cease the use, as well as on-street parking by past guests and inappropriate activities of past guests at the neighboring golf course.

Development Regulations

An owner-occupied bed and breakfast requires two off-street parking spaces for the owners and one additional off-street parking space for each guest room. The property currently can accommodate six vehicles parked off-street: two in the garage and four in the access drive (“driveway”) stacked two by two (Exhibit F).

Comprehensive Plan Goals & Objectives

The following goals and objectives from the 2005 Urbana Comprehensive Plan are relevant to the proposed Conditional Use Permit:

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

- 16.1 Encourage a mix of land use types to achieve a balanced growing community.

Goal 17.0 Minimize incompatible land uses.

Objectives

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Requirements for a Conditional Use Permit

According to Zoning Ordinance § VII-2, an application for a Conditional Use Permit shall demonstrate the following requirements (shown in italics).

1. That the proposed use is conducive to the public convenience at that location.

The applicant asserts that operating a bed and breakfast will increase the safety of the community, as compared to the house being vacant. The applicant wishes to better utilize the property by renting bedrooms to guests for short-term stays. The property contains a large house on a medium-sized lot. The subject property is conveniently located, via I-74 to the north, Cunningham Avenue/USR 45 to the east, and four nearby CU-MTD bus stops which provide access throughout Champaign-Urbana. Additionally, the subject property has good access to some neighborhoods destinations, including Crystal Lake Park and Chief Shemauger Park. The proposed use would fully utilize the existing four-bedroom house on the subject property. According to the application: “The home will be maintained and [be an] attractive opportunity to college professors and medical professionals to have short term (1-4 week) stays. Families of 4-6 people to visit the community.”

The application has not demonstrated that the proposed use is conducive to the public convenience at this location. Although it has some accessibility to neighborhood destinations, it is almost two miles from the city’s downtown, and 2.5 miles from the University of Illinois campus, and not well-connected to other major destinations travelers may wish to visit. The subject property is located within an exclusively single-family residential area on a narrow street (28’ width, no parking restrictions) and additional traffic from guests may impact residents.

2. That 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 to the public welfare.

The applicant states there is adequate parking space in the garage and on the access drive to accommodate the required off-street parking: three parking spaces for up to an additional three bedrooms of guests, in addition to the required two parking spaces for the owner-occupants. This will increase the amount of traffic on Golfview Drive, which already accommodates traffic from 27 single-family homes. The applicant also states there “are house rules about noise and activities. There should be no outward appearance of anything other than an occupied home.”

The proposed use’s commercial nature may be in conflict with the perpetually binding subdivision covenants established in 1956, prohibiting commercial use of subdivision land. Additionally, City staff has received verbal comments regarding activities of past guests parking on the street and using the private golf course which is accessible from the rear of the home.

3. *That 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 are modified by § VII-3.*

The proposed use is potentially consistent with the general purpose and intent of the R-1 Single-Family Residential Zoning District. The Zoning Ordinance § IV-2.J. states:

"The Residential Districts generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses."

The proposed use is potentially compatible with the existing residential uses on adjacent properties. The home is designed with four bedrooms and, in the course of a typical single-family occupation, could be expected to house several family members with multiple cars. The proposed use would conform to all setbacks and development regulations of the R-1 district in which it is located.

The neighborhood is quiet with little through traffic, and is bounded on one side by a recreational use, increasing the pastoral nature of the neighborhood. However, personal and vehicular traffic from the proposed use would be at a higher intensity than what currently exists in this location. Other homes in the area do have double-width access drives that accommodate two or more cars, but the proposed use will potentially have up to five vehicles parked in the access drive and garage, in order to meet the parking requirements in the Zoning Ordinance. In addition, the proposed use may also be in conflict with the subdivision covenants which prohibit commercial activity in the subdivision.

In summary, although the proposed use is potentially consistent with the general purpose and intent of the R-1 Single Family Residential Zoning District, its introduction of commercial activities to the residential neighborhood – activities which are likely to be in conflict with perpetual, binding subdivision covenants currently in place – as well as possible impacts to local traffic make it not conducive to the public convenience at this location, and render it not in conformance with the essential residential character of the district. Because a valid written protest opposed to the Conditional Use Permit bearing the required number of signatures of proximal lot owners, which would now require a favorable two-thirds vote of the members of the Board of Zoning Appeals to authorize the conditional use.

Consideration

According to Zoning Ordinance § XII-2, the Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and 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.

In addition, the Zoning Board of Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards; and
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. The subject property is zoned R-1, Single-Family Residential. The Urbana Zoning Ordinance allows “*Bed and Breakfast, Owner-Occupied*” as a conditional use in the R-1 Zoning District.
2. The proposed owner-occupied bed and breakfast use would be located in the existing four-bedroom, single-family house at 1607 Golfview Drive.
3. The proposed use appears to be in conflict with the existing Golfview Subdivision covenants which prohibit commercial activity on subdivision land.
4. The proposed use would require two off-street parking spaces plus one per guest room, for a total of five parking spaces. This parking would be provided in the existing garage and private portion of the access drive.
5. The proposed use may not be conducive to the public convenience at the location: it is not well connected to major destinations and, while it would allow the applicant to better utilize the property, it will increase traffic in the neighborhood.
6. The proposed use could potentially pose a detriment to the zoning district in which it is proposed to be located by introducing a commercial character to the single-family residential district, and should it generate more traffic and parking than the property can accommodate.
7. The proposed use conforms to the applicable development regulations and standards of the zoning district in which it is located, but may not preserve the essential character of the district because it introduces a commercial use to the neighborhood, a use which is prohibited by perpetual binding subdivision covenants.
8. A valid written protest has been properly submitted, opposing the requested Conditional Use Permit. This requires a favorable two-thirds vote of the members of the Board of Zoning Appeals to authorize the conditional use.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2016-C-03:

1. **Grant** the conditional use as submitted, by a favorable two-thirds vote; or
2. **Deny** the conditional use as submitted; or
3. **Grant the conditional use along with any additional conditions and requirements** as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, by a favorable two-thirds vote.

Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **DENY** the proposed conditional use in case ZBA-2016-C-03 for the reasons articulated above. Should the Zoning Board of Appeals approve the proposed use, Staff recommends that the use shall be subject to the following conditions:

1. The applicant shall submit proof of residence in the home, and maintain residence in the home during the periods that the home is rented.
2. The owner-occupied bed and breakfast use shall be limited to three bedrooms or less.
3. The applicant shall provide five off-street parking spaces, limiting vehicle parking in the private portion of the access drive to three vehicles or fewer, plus up to two vehicles in the garage.
4. The house shall meet all applicable local and state administrative, building, health, and safety codes and/or regulations.
5. The owners shall obtain a Hotel/Motel License from the City of Urbana and pay the applicable Hotel/Motel tax.

The specifics of this recommendation may change during the course of formal review of ZBA Case No. 2016-C-03.

Attachments:	Exhibit A:	Location & Aerial Map
	Exhibit B:	Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Conditional Use Permit Application
	Exhibit E:	Subdivision Covenants
	Exhibit F:	Site Photos

cc: Sharon Walker-Watkins

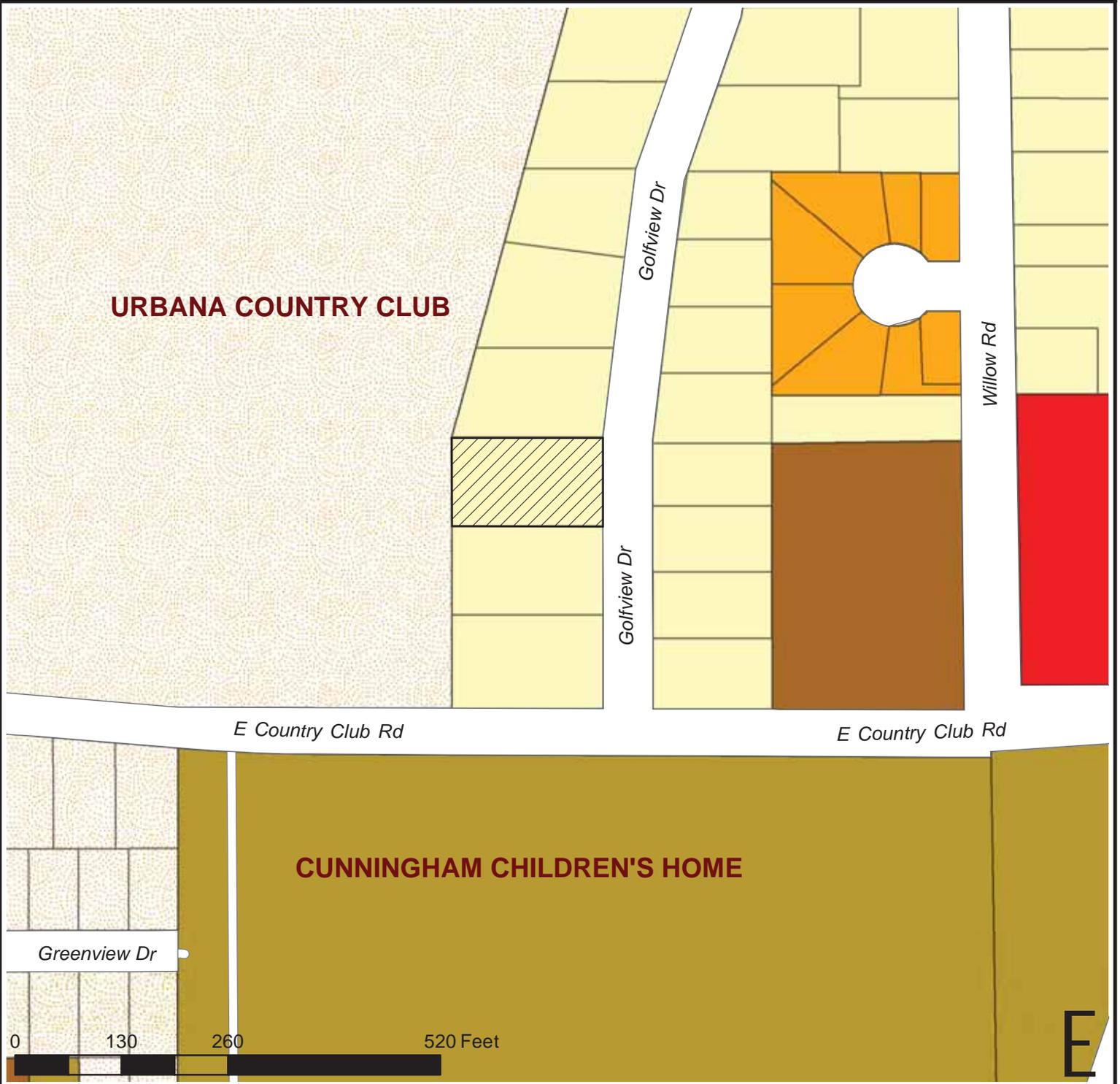
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2016-C-03
 Subject: Cond. Use Permit, Owner-Occ. B&B
 Location: 1607 Golfview Drive
 Petitioner: Sharon Walker-Watkins

 Subject Property

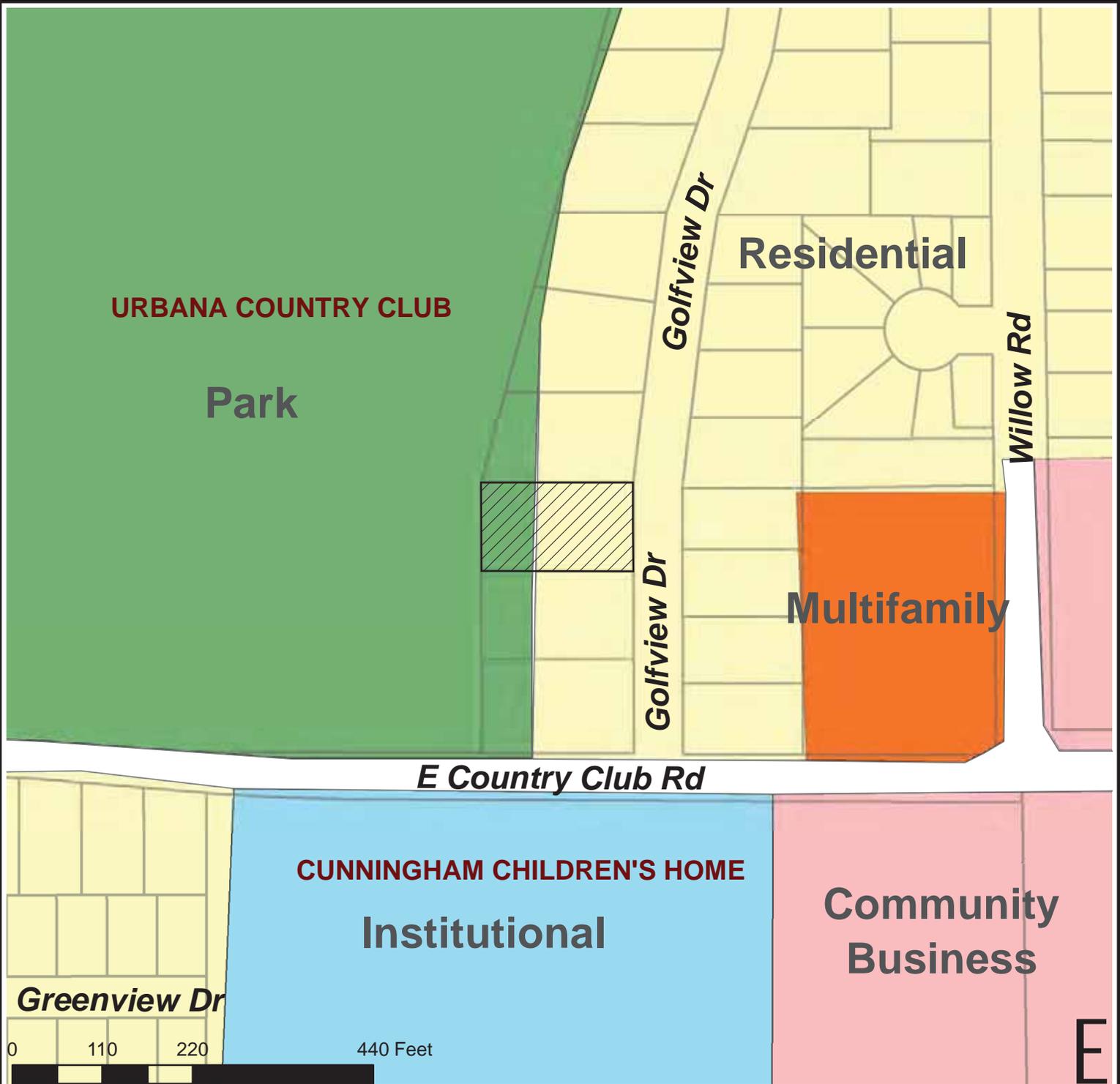
Exhibit B: Zoning Map



Case: ZBA-2016-C-03
 Subject: Cond. Use Permit, Owner-Occ. B&B
 Location: 1607 Golfview Drive
 Petitioner: Sharon Walker-Watkins

- B3
- R3
- ETJ
- R4
- R1
- R5
- Subject Property

Exhibit C: Future Land Use Map



Case: ZBA-2016-C-03
 Subject: Cond. Use Permit, Owner-Occ. B&B
 Location: 1607 Golfview Drive
 Petitioner: Sharon Walker-Watkins

- Residential
- Multi-Family Residential
- Community Business
- Institutional
- Subject Property
- Park

Exhibit D: Conditional Use Permit Application



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. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

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 the following use or construction purpose:

on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): *Sharon Walker-Watkins* Phone: *563-726-1294*
Address (street/city/state/zip code): *7891 Red Sunset Way Avon, IN 46123*
Email Address: *sww1og@aol.com*
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): *Sharon Walker-Watkins* Phone: *563-726-1294*
Address (street/city/state/zip code): *7891 Red Sunset Way Avon, IN 46123*
Email Address: *sww1og@aol.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: *1607 Golfview Dr*
PIN # of Location: *Urbana, IL 61801*
91-21-05-476-018
Lot Size:
Current Zoning Designation: *R1*

Exhibit D: Conditional Use Permit Application

Current Land Use (~~vacant residence~~, grocery, factory, etc):

Proposed Land Use: *Air Bnb*

Legal Description (If additional space is needed, please submit on separate sheet of paper):

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 property will be occupied and safer in the community (compared to being vacant)
The home will be maintained and attractive opportunity to college professors and medical professionals to have short term (1-4 week) stays.
Families of 4-6 people to visit the community.*

Exhibit D: Conditional Use Permit Application

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 have adequate parking (garage and drive-way). There are house rules about noise and activities. There should not be any outward appearance of anything other than a occupied home.

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).

Mostly couples and families will be staying there and maintaining the integrity of the house. There is tax revenue to the city. It is difficult to get long term renters to this area and this is an alternative revenue stream to continue supporting Urbana.

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.

Sharon Walker Waters

Applicant's Signature

11-7-16

Date

Exhibit E: 1955 Golfview Subdivision Covenants

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

OWNER'S CERTIFICATE OF DEDICATION

The undersigned MARK S. BROWN and WINNIFRED M. BROWN, his wife, J. LLOYD BROWN and HARRIET BROWN, his wife, RALPH W. BEESON and PEARL I. BEESON, husband and wife, being the owners of the legal and equitable title to the following described real estate, situated in the County of Champaign in the State of Illinois, to wit:

Beginning on the North line of the Southeast Quarter of Section Five (5) Township Nineteen (19) North Range Nine (9) East of the Third Principal Meridian; One Hundred Fifty-four and Sixty-five Hundredths (154.65) feet West of the Northeast corner of the Southeast Quarter of said Section Five (5), thence West along said line Three Hundred Fifteen (315) feet, thence South Three Hundred Thirty-six and Four Tenths (336.4) feet, thence South Sixteen (16) degrees Fifty-four (54) minutes West Six Hundred Eighty-two and Seventy-eight Hundredths (682.78) feet, thence South Three Hundred Thirty and Nine Tenths (330.9) feet to the South line of said Section Five (5), thence East along said Section line Three Hundred Ninety-six and Eight Hundredths (396.08) feet, thence North Six Hundred Sixty and Eighty-one Hundredths (660.81) feet thence East Eighty-four (84) feet, thence North One Hundred Six and Twenty-five Hundredths (106.25) feet, thence East Thirty-two (32) feet, thence North Five Hundred Fifty-seven and Forty-three Hundredths (557.43) feet to the point of beginning, containing Ten and Seven Tenths (10.7) acres more or less, all in Champaign County, Illinois,

which is included in the annexed plat prepared by M. H. KINCH, Illinois registered land surveyor, have subdivided said real estate into lots and streets as indicated on said annexed plat bearing the certificate of M. H. KINCH under date of December 21, 1955, said Subdivision to be known as Golfview Subdivision, an addition to the County of Champaign, State of Illinois, do hereby acknowledge said plat and dedication as their free and voluntary act and do hereby irrevocably convey, dedicate and relinquish to the public for use all of the streets as indicated on said plat, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois.

All construction of buildings on all lots in said Subdivision shall be within the boundaries of the "Residential Set Back Line" designated on said Plat.

Exhibit E: 1955 Golfview Subdivision Covenants

No overhead power lines or other obstructions to the view shall be erected West of the Western "Residential Set Back Line" on Lots Sixteen (16) to Twenty-seven(27), each inclusive.

The rear ten feet of each lot (being the part of each lot opposite Golfview Drive) shall be subject to an easement for the construction and maintenance of utilities for the benefit of all lots on each side of Golfview Drive.

It is hereby provided, agreed and covenanted that all conveyances of property hereafter made by the present or future owners of any of the above described platted lands, shall by adopting the description of lands as Golfview Subdivision, be taken and understood as incorporating in all such conveyances without repeating the same, that said lots shall be subject to all easements as shown on the plat and above mentioned, and that said lots shall be subject to the following covenants and restrictions as being applicable to each lot and all of the tract of land described in said plat, namely:

1. No building shall be erected or allowed to remain on any lot or lots in this subdivision, except a single family dwelling with garage either attached or detached, with no more than one dwelling any one lot, all of which dwellings and garages shall be constructed of new material of good quality, the garage to be built either simultaneously with or subsequently to the construction of the dwelling house.

2. No dwelling shall contain less than 1400 Sq. Ft. of living area for one story residences, exclusive of garages and breezeways, nor less than 1200 Sq. Ft. of ground floor area for residences of more than one floor level for lots 16-27 inclusive.

No dwelling shall contain less than 1200 Sq. Ft. of living area for one story residences, exclusive of garages and breezeways, no less than 1000 Sq. Ft. of ground floor area for residences of more than one floor level for lots 1-15 inclusive.

3. No store or business or commercial building shall be erected or maintained on any lot in the subdivision.

4. No garage or basement or trailer shall be used as a temporary dwelling, or for any other purpose on said lots.

Exhibit E: 1955 Golfview Subdivision Covenants

5. No old building or buildings shall be placed on any lot in the subdivision.

6. No dwelling that contains framing for exterior wall portions, that has been prefabricated, packaged or assembled, other than on the premises in this subdivision and no prefabricated dwelling shall be erected or allowed to remain on any lot in the subdivision.

7. No dwelling or garage shall be placed closer to the lot lines than the building lines shown and identified as such on the plat, and no residence shall be erected nearer than ten (10) feet to any property line, and no garage shall be erected nearer than five (5) feet to any property line for lots 16-27 inclusive.

No dwelling or garage shall be placed closer to the lot lines than the building lines shown and identified as such on the plat, and no residence or garage shall be erected nearer than five (5) feet to any property line for lots 1-15 inclusive.

8. No vehicles, machinery, dump or flat bed trucks or materials of any description incidental to business, except private passenger cars and light delivery trucks, or books and papers, shall be housed or allowed to remain on the premises or any lot in the subdivision.

9. No animals of any kind, with the exception of not more than two domesticated house pets, shall be housed or kept on any lot in the subdivision. No cows, cattle, swine or poultry shall be kept or maintained on any lot in the subdivision.

10. Every driveway constructed prior to the installation of curbs, gutters and streets, shall be built over appropriate steel or concrete culverts, at least sixteen (16) feet in length and having a diameter of at least twelve (12) inches, and shall be set at the appropriate location and slope to insure proper street drainage.

11. All sanitary tank installations shall be constructed so as to meet the requirements established by the board of Health of the State of Illinois.

12. All vacant lots shall be maintained at all times, free of weeds and high grass.

13. No fence over 42 inches in height may be built on any lot except on the East lot line of lots 1-15 inclusive.

14. All electrical service for Lots 16-27 inclusive shall be installed underground.

Exhibit E: 1955 Golfview Subdivision Covenants

15. The restrictions herein are, and shall be construed as covenants running with the land, and shall be binding on all the parties hereto, all persons claiming under them, and all successive owners of each and every lot in said subdivision. Any of the foregoing restrictions may be altered at any time by a stipulation to that effect, signed by the owners of seventy--five percent (75%) of the lots in said subdivision and shall be effective when the same is filed for record with the Recorder of Deeds in Champaign County, Illinois.

16. Invalidation of any one or part of these covenants by judgment or court order shall in no way affect any of the other provisions or parts which shall remain in full force and effect.

IN WITNESS WHEREOF, said MARK S. BROWN and WINNIFRED M. BROWN, his wife, J. LLOYD BROWN and HARRIET BROWN, his wife, RALPH W. BEESON and PEARL I. BEESON, husband and wife, have caused this instrument to be signed this 16th day of April, A. D. 1956.

Mark S. Brown (SEAL) _____ (SEAL)
Winnifred M. Brown (SEAL) _____ (SEAL)
J. Lloyd Brown (SEAL) Ralph W. Beeson (SEAL)
Harriet Brown (SEAL) Pearl I. Beeson (SEAL)

STATE OF ILLINOIS }
COUNTY OF CHAMPAIGN } SS

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify, that MARK S. BROWN and WINNIFRED M. BROWN, his wife, J. LLOYD BROWN and HARRIET BROWN, his wife, RALPH W. BEESON and PEARL I. BEESON, husband and wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 16th day of April, A. D. 1956.

D. M. Stephens
Notary Public


Exhibit F: Site Photos



Site Photo



GoogleMaps Street View:
room for vehicle stacking



Access drive: ~46' x 16'