

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** March 19, 2014

**APPROVED**

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

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

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**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Stacy Harwood, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**STAFF PRESENT** Elizabeth Tyler, Director of Community Development Services; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

**OTHERS PRESENT** Randy and Ann Blackman, Patricia Brown, A. Bernard and Andrea Coffey, Chris and Kathryn Courtney, Lori Hansen, Michael Kramer, Tina Lamb, Bob and Dee Lambert, Diane Marlin, Matt Rivers, Anthony and Tiffany Rossi, Robin Schingel, Ron and Angela Timmons

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

Chair Armstrong called the meeting to order at 7:31 p.m. Roll call was taken, and he declared that there was a quorum with all members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the February 19, 2014 Zoning Board of Appeals regular meeting were presented for approval. Mr. Welch moved to approve the minutes as presented. Ms. Harwood seconded the motion. The minutes were approved by unanimous voice vote.

**4. WRITTEN COMMUNICATIONS**

- Petition of Property Owners in Opposition
- Letter from Kathy Aplington

- Email from Ronda Driscoll
- Email from Lori Hansen and Michael Kramer
- Letter from Tina Lamb
- Letter from Matthew and Christine Rivers
- Email from Anthony Rossi and Tiffany Xanos Rossi
- Letter from Scott and Robin Schingel

Chair Armstrong pointed out that there were enough signatures on the petition to make it valid and to require a 2/3 super majority vote, which meant that five of the seven members voting in favor was needed for approval of the Conditional Use Permit request.

## **5. CONTINUED PUBLIC HEARINGS**

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during the following public hearing. He, then, explained that although the City values everyone's opinions, each person would be allowed five minutes to ask questions and/or voice their concerns.

## **6. NEW PUBLIC HEARINGS**

**Case No. ZBA-2014-C-02: A request by Andrea and A. Bernard Coffey for a Conditional Use Permit to allow an Owner-Occupied Bed and Breakfast at 2402 Provine Circle in the R-2, Single-Family Residential Zoning District.**

Chair Armstrong opened this item of business. Jeff Engstrom, Planner II, presented this case to the Zoning Board of Appeals. He began by describing the subject property and surrounding area by noting the current zoning, existing land use and future land use designation of each. He defined "owner-occupied bed and breakfast". He talked about the amenities of the proposed owner-occupied bed and breakfast and noted the other bed and breakfast uses that were approved in the past and are located in the City of Urbana. He stated that City staff had received several phone calls and ten letters in opposition. In addition, a petition with signatures of more than 40% of the neighbors in opposition was submitted making it a valid protest which requires a 2/3 majority vote. He discussed the development regulations that relate to the proposed case and addressed some of the concerns of the neighbors with regards to Floor Area Ratio (FAR) and Open Space Ratio (OSR).

City staff's main concern is parking. Article VIII of the Urbana Zoning Ordinance requires two parking spaces for the single-family use plus one additional parking space for each additional guest bedroom. In this case, the owners would be required to have five parking spaces. The driveway is wide enough for two cars to be parked side-by-side; however, City staff is not comfortable that the driveway is long enough to accommodate two cars: one parked behind the other without the last car encroaching into the sidewalk area. As a result, City staff asked that if the Zoning Board of Appeals approved the proposed Conditional Use Permit, then to allow only two guest bedrooms.

Mr. Engstrom talked about how the 2005 Comprehensive Plan Goals and Objectives relate to the proposed use. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He stated the conditions that City staff recommended should the Zoning Board of Appeals approve the proposed request and read the options of the Zoning Board of Appeals.

Chair Armstrong asked if there were any questions from the Zoning Board of Appeals for City staff.

Mr. Welch asked what other types of businesses would be allowed in the area. Mr. Engstrom answered by saying that a daycare would be allowed for up to five children with a home occupation permit. Other home occupation uses would include home office, making crafts to sell outside of the home, etc. In general, the residential zoning districts are limited when it comes to business uses being allowed. Mr. Welch stated that in this case, the area is primarily residential where certain business uses are allowed, and there is a clash of interest between the owners and the neighbors. One way to solve this problem would be to have residential zoning that would not allow any home occupation uses. Elizabeth Tyler, Director of Community Development Services, replied that there are very few non-residential uses allowed in the R-2, Single Family Residential Zoning District. She believed the fact that the non-residential uses are only allowed with a Special Use Permit or Conditional Use Permit signifies that these are uses that can be compatible; however, they must meet the three required criteria. Mr. Welch stated that while these uses are not automatically approved; they are also not barred.

Mr. Welch inquired as to how long a guest would be permitted to stay. Mr. Engstrom said that a guest could stay up to 30 consecutive nights. Ms. Chester clarified that if the proposed Conditional Use Permit is granted, then the petitioners could have two or three guests stay for up to a month. Mr. Engstrom said yes.

Mr. Warmbrunn asked City staff to define what is meant in the sentence, "*A bed and breakfast shall be subordinate to the principal use as a single-family dwelling*", which is part of the definition for "owner-occupied bed and breakfast". Mr. Engstrom stated that this means that the bed and breakfast cannot dominate the use of the property. Mr. Warmbrunn asked how this would be measured. Ms. Tyler replied that they measure the total amount of square footage that would be used by the guests as opposed to a single-family home.

Mr. Warmbrunn questioned if there was a minimum size required for guest bedrooms. Mr. Engstrom answered that they are the same for a single-family home. The minimum room size is 80 square feet according to the Building Code.

Ms. Harwood asked how the City would verify whether a bed and breakfast is being owner occupied. Mr. Engstrom stated that City staff checks for the owner occupation exemption in the Tax Assessor's data and perform periodic inspections if there are complaints.

Ms. Harwood inquired about the employee parking. Mr. Engstrom stated that there would not be a requirement for employee parking.

Ms. Harwood wondered if other residents in the neighborhood park encroached into the sidewalk area when they park their vehicles. Is there a parking issue in this neighborhood? Mr. Engstrom

replied that while he was not aware of this being an issue in this neighborhood, it is a parking rule for all areas in the City. The City's Parking Enforcement staff looks for these types of violations and does issue warnings and fines.

Mr. Armstrong questioned how the proposed bed and breakfast use would compare to him having guests stay in his home frequently. Mr. Engstrom answered that although it could be a similar impact on the neighborhood, the City looks at the proposed use because it is a business for profit and they want to make sure that there is no undue burden being put on the neighborhood.

Ms. Harwood wondered how the City handles violations of a Conditional Use Permit of this nature. Would the City investigate complaints and issue warnings? Ms. Tyler explained that City staff could revoke the Conditional Use Permit if the conditions were not being met. If they continued to operate a bed and breakfast without a Conditional Use Permit, then the City would handle it legally.

With no further questions for City staff, Chair Armstrong opened the hearing up for public input. He invited the petitioners to speak.

A. Bernard and Andrea Coffey, of 2402 Provine Circle, approached the Zoning Board of Appeals. Ms. Coffey talked about the 2005 Comprehensive Plan encouraging a mix of land use to achieve a balance and growing community. As long as they abide by the conditions and criteria for a Conditional Use Permit, then any opposition would be anti-growth. She talked about the proposed bed and breakfast and what they intend to offer their guests. Their targeted guests are spiritual leaders and retirees.

Ms. Coffey reviewed the criteria that must be met for a Conditional Use Permit according to Section VII-2 of the City of Urbana's Zoning Ordinance. Following is her explanation for meeting each criterion:

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

Eco-tourists look for areas like Meadowbrook Park. Meadowbrook Park is one of the largest prairies in the State of Illinois, and there are no places for tourists to stay in the area. Their proposed bed and breakfast would be a great place for eco-tourists to get away to relax and experience nature. Their quiet neighborhood would be an ideal place to get away from the hustle and bustle of the campus and downtown areas and to have the amenity of being located close to Meadowbrook Park. In addition, research shows that when a home is located near a tourist attraction, the property value increases.

Criteria 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.*

This is their community as well as their neighbors. They would not want to be detrimental to the neighborhood or lower their own property value. The proposed

bed and breakfast use with three guests is not any different than single-family traffic with grown teenagers who drive and own vehicles for each member in the family. They would not allow their guests to stay up late and create a noise nuisance. They will require and instill “quiet time” so guests do not interrupt their sleeping as well as that of the neighbors.

Criteria 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 Section VII-3.*

The neighborhood would still be quiet and secluded because that is what their targeted guests will be looking for. They plan to make some minor improvements to their property and to plant some native landscaping but will keep their property in the essential character of the neighborhood.

The proposed bed and breakfast would be open to the public. Residents in the City who do not have enough room in their own homes to host events, such as a Tea Party, would be welcomed to patronize their home.

The image of a bed and breakfast has changed over the years. Bed and breakfast businesses were previously viewed as being boarding homes for stragglers. Nowadays, people primarily between the ages of 40 to 65 prefer to stay at a bed and breakfast.

With regards to experience, Mr. Coffey's mother owns a multi-million dollar hotel in Italy. Her hotel is ranked 4<sup>th</sup> out of the 29 hotels in their area.

Mr. Coffey stated that he is a retired engineer. He has lived in the neighborhood since 2007. He enjoys his neighbors and does not believe in encroaching on anyone's lives. He is a Christian man who does not drink or smoke. He is willing to fix the driveway issue to accommodate adequate parking. He believed that the neighborhood will continue to grow with Meadowbrook Park. He considers himself a people person and likes to please people, which is what he would like to do if given approval with the proposed bed and breakfast.

Ms. Coffey addressed a concern expressed in one of the letters about people who have children not feeling safe with guests staying in the neighborhood. She pointed out that there are children living in most residential areas. With regards to traffic, one solution would be to post signs indicating children playing. She did not feel this would be an issue because their guests live in residential neighborhoods and already know to watch out for children playing.

Mr. Warmbrunn asked how the petitioners felt about limiting the use to two guest bedrooms. Ms. Coffey said that they prefer three bedrooms. If City staff wants to limit the use to two guest bedrooms due to parking shown in the pictures submitted as part of their application, they could have pulled the first vehicles up about two feet closer to the garage door. The driveway measures 37 feet from the garage door to the sidewalk, so there is enough room to fit two cars stacked in the driveway without encroaching into the sidewalk.

Mr. Warmbrunn inquired about the petitioners' expected three stays per week. Ms. Coffey explained that research says to expect 30% of your total occupancy. Three stays may not mean three people all week. Mr. Coffey added that they would also have the ability to control who registers and whether they have anyone at all. There would only be three guest rooms, so there would not be a flood of people. They would limit one room to one person or to a couple.

Mr. Warmbrunn asked about their anticipated increase in business after the first year also increasing traffic in the neighborhood. Ms. Coffey replied that when talking about the increase in their business, it is similar to a family with three children becoming driving teenagers. The proposed bed and breakfast would be different than a family with three teenagers because the family residents would not have new guests every day. They plan to have "black out days". Mr. Warmbrunn responded that the neighborhood will know how many vehicles there are with a family that has teenagers. Also, the teenagers will know the rules of the neighborhood. With the bed and breakfast, there will be new people driving in the neighborhood for up to 30 days. Ms. Coffey stated that research shows that the length of stay at a bed and breakfast is five nights.

Ms. Harwood asked if they have lived in the house since Mr. Coffey purchased the home. Mr. Coffey said yes.

Ms. Harwood pointed out that many of the letters submitted in opposition stated that there were renters living in the home. Ms. Coffey explained that they rented the house for a couple of years when Mr. Coffey retired. They moved down south, but renting did not work out, so they moved back in. 2402 Provine Circle is their primary residence.

Ms. Harwood inquired as to how much people pay to stay at a bed and breakfast. Ms. Coffey replied that Sylvia's Inn and Heritage House both charge \$125.00 per night, which is the going rate for this community.

Ms. Uchtmann asked if there would be guests staying in their home during black out days. Ms. Coffey said no. She explained that "black out days" are days that they would not accept registrations for people to stay.

Mr. Welch inquired as to whether the petitioners talked with their neighbors about their idea to open a bed and breakfast in their home. Ms. Coffey said yes. No qualms were brought up to them during this time. After receiving their submitted application, City staff recommended to them to speak with the neighbors about their idea. In fact, when speaking to one of their neighbors, they found out that many of the residents in the neighborhood were concerned about their cul-de-sac being built back in the day.

Ms. McLaughlin inquired as to how much of the year they plan to be in operation. Ms. Coffey stated that they may take vacation for a week or two throughout a year. Mr. Coffey added that they may have black out days to provide him some time to perform maintenance on the house as well without guests being there.

Randy Blackmon, of 2404 Provine Circle, spoke in opposition. He expressed his concern about the proposed bed and breakfast causing his property values to decrease and the potential inability to sell his home in the future. Eco-tourism is new and although Meadowbrook Park is an outstanding park, it is highly questionable that it is nationally known.

Another concern is the security of the neighborhood. Mr. Welch mentioned that other home occupation use businesses would be allowed by right, but there is a big difference between a child day care where local residents would be dropping off their children and a bed and breakfast use where transients from elsewhere in the world would be staying while they visit. He likes Mr. Coffey; however, he does not support the idea of a bed and breakfast.

Tiffany Xanos Rossi, of 2401 Provine Circle, read her letter in opposition that was handed out prior to the start of the meeting. The letter talks about her family's concerns with having a bed and breakfast in the neighborhood. After reading the letter, she added that while Ms. Coffey had stated that 2402 Provine Circle is their primary address, she has never seen Ms. Coffey before this meeting.

Angela Timmons, of 2406 Provine Circle, read her letter in opposition. Her letter talks about her family's concerns with the effect a bed and breakfast would have on the property value of their home and with the safety of her children playing in the area with increased traffic/parking and the numerous transients coming and going. She added that the Coffeys talked with them on March 2<sup>nd</sup> and the application was filed on February 4<sup>th</sup>, so they feel like they were slightly blind-sided. She also mentioned that the Coffey house was used as a rental property from the time that she moved into her home in late 2008 until 2013. She pointed out that not every teenager automatically gets a car when they get a driver's license.

Kathryn Courtney, of 2304 Brookens Circle, stated that she and her husband strongly oppose the proposed bed and breakfast. She read her letter in opposition, which expressed concerns about the safety of children playing, the effect of having a commercial business located in the neighborhood, and the immediate impact on her family with the lack of privacy and increased noise. She added that she does not believe that the Coffeys plan to live there, but instead hire a manager to run the bed and breakfast. Her understanding is that the Coffeys live in Gary, Indiana.

Diane Marlin, Alderwoman Ward 7 of the Urbana City Council, stated that she received emails from residents with concerns about the proposed bed and breakfast at 2402 Provine Circle. She was not there to state a position on the case, but instead wanted to pose the following questions/concerns regarding the proposed Conditional Use Permit:

1. The Parking Plan as stated in the application did not appear to be adequate as confirmed by City staff. The property does not provide the required space for five vehicles – two for the owners and three for the guests. The Parking Plan was not drawn to scale and did not represent the actual position of the vehicles. It also mentions parking in the rear of the property. Furthermore, having an employee working up to 30 hours per week would require additional parking on the cul-de-sac adding to whatever congestion there is already.
2. The issue of owner occupancy has been raised again and again. The Urbana City Ordinance requires that the proposed bed and breakfast be owner occupied in this area; however, the application referred to a "resident occupied bed and breakfast". A "resident" may or may not mean the property owner. Several neighbors have testified that the property has been a rental property for the past several years. She has concerns about the owners' intent to actually live in the house as a

primary residence. If the property had been rented out for the past four or five years, then the owners would have been required to register the property with the City's Rental Registration Property and pay the associated fees.

3. She expressed concern about whether the proposed bed and breakfast would be subordinate to the single-family use of the home. Three of the bedrooms would be rented out and one of the petitioners stated that the library would be used as a quiet retreat. It was even mentioned that other areas of the house would be used as public meeting areas.
4. Targeted Clientele. The application states that the petitioners would target travelling ministers who want a quiet retreat or possibly athletic coaches and their families. However, the petitioners presented a different intent to market to eco-tourists, which would be a whole different clientele and use of the property.
5. Bed and Breakfasts are businesses, which is why the City of Urbana requires a motel/hotel license, a Public Health certificate and a Certificate of Occupancy. It is a business that the City of Urbana is responsible for the health and welfare of the travelling public. If liquor would be served, then it would also require a liquor license.

She urged the Zoning Board of Appeals to clear up any questions and inconsistencies as they deliberate on the proposed case. The Board also has the responsibility to be fair to all parties that have an interest in the proposed case.

Michael Kramer, of 2302 Brookens Circle, spoke in opposition. He felt that although a bed and breakfast could be a valuable asset in the community, he did not feel that it would fit in this neighborhood. With the property having been used as a rental property for a long time and with potential issues of foreclosure, it draws suspicion of whether it would be owner occupied. He also did not see Meadowbrook Park bringing in eco-tourism. He requested that the Zoning Board of Appeals deny the proposed application.

Mr. and Mrs. Coffey re-approached to address any issues or concerns that were raised. Ms. Coffey stated that Mr. Coffey purchased the property in 2006. They were married in 2007. Soon afterwards, he injured his back and was disabled for a number of years. They moved down south so that he could receive care. Their last renter moved out in March of 2013. Mr. and Mrs. Coffey have been living there since then. She has seen Ms. Rossi, but they have not spoken. There are no plans to provide parking in the backyard. She talked about Meadowbrook Park and how it is moving toward becoming a national park. Their spiritual friends are looking for a place to stay when travelling. There is evidence to support that bed and breakfast business increase property values.

Mr. Coffey clarified that there are no current plans to provide parking in the backyard. The property was only rented for two years; not five. There will not be any liquor sold in their home. He has four large trees that are mature and cover his backyard. Although he had some financial problems when his back was injured, he has worked through them, and the property is not in fore-closure.

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



Ms. Uchtmann felt that if there would be three bedrooms for guests, plus the use of the kitchen, the dining area and the library, then the single-family use would become subordinate to the bed and breakfast use. Ms. Tyler replied that this is something worth looking at. All the factors to be weighed are the layout of the house, the number of vehicles, a wide variety of conditions that the Zoning Board of Appeals can add such as restrictions on occupancy levels, definitions of “owner-occupied” and “subordinate”, and the three criteria required by the Zoning Ordinance. Chair Armstrong wondered if the number of possible conditions that the Board could add it would become burdensome and restrictive. At what point do they stop adding conditions? Ms. Tyler stated that this is a good point. Not only does it become burdensome for the property owner but also for enforcement.

Mr. Welch discussed the differences between the bed and breakfast on Michigan Avenue and the proposed case. The house on Michigan Avenue was a nine-bedroom house; whereas the proposed house has four bedrooms. The property owners of the bed and breakfast on Michigan Avenue came up with off-site parking for their guests. The petitioners in the proposed case proposed that the guests park in their driveway. Whether it would be two extra cars or three extra cars, there would be back and forth comings and goings, and it would change the traffic flow and environment of a neighborhood.

Ms. Chester did not feel that a bed and breakfast in this area would preserve the character of the neighborhood. It would be detrimental because of the parking. The cul-de-sac is very small and does not provide but maybe one parking space on the street. She also didn't believe that property values are enhanced because of a bed and breakfast. Property values in this neighborhood have increased very slowly compared to other areas closer to campus. Landscaping would not change the value of a property by much. She felt it would not be a good idea to allow the proposed bed and breakfast.

Ms. Harwood expressed concern over whether the single-family use or the bed and breakfast would be the subordinate use of the property. It appears to be subjective and no clear way to figure it out. Ms. Tyler stated that in the past, City staff had gone into the home and reviewed the use of each space with the owner and then made a determination about what was preponderant and what was subordinate. Mr. Engstrom added that they could get the measurements and find out the absolute area. However, there are other things to measure (for example, how often is a space being used for the bed and breakfast) so it will be subjective. Ms. Tyler stated that it is similar to the compatibility and the character. There is not a ruler that can measure this. Hopefully, the facts presented and the testimony given by everyone can help serve as a guide in making that determination.

Ms. Chester moved that the Zoning Board of Appeals deny Case No. ZBA-2014-C-02. Ms. Uchtmann seconded the motion.

Mr. Warmbrunn asked if the Zoning Board of Appeals needed to state reasons for denying the case. Ms. Tyler said it would be helpful. They could reference the findings in the written staff report.

Ms. Chester requested a friendly amendment to the motion to state the reason for denying the request was because the proposed bed and breakfast use would not preserve the essential

character of the neighborhood in which it would be located. Ms. Uchtmann seconded the friendly amendment. Roll call on the motion with the amendment was taken and was as follows:

Ms. Chester	-	Yes	Ms. Harwood	-	Abstain
Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 7 ayes to 0 nays and 1 abstention.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Jeff Engstrom reported on the following:

- Zoning Map Update – City Council adopted a new zoning map. The Federal Emergency Management Agency (FEMA) has issued new flood maps, so City staff will be pursuing a case to revise the City’s Boneyard Creek District.

Chair Armstrong requested that City staff review where it would be more desirable to have bed and breakfast businesses and to write language into the Urbana Zoning Ordinance to clarify that. Ms. Tyler thought it may be possible to add some text to the owner occupied bed and breakfast to clarify the districts or even help with the measurement of what subordinate would be.

Chair Armstrong pointed out that the other bed and breakfast businesses were approved because of their pedestrian connection especially to campus. Ms. Harwood did not believe that they should eliminate economic opportunities. She did not see much of a difference between a bed and breakfast use and transient renters. Ms. McLaughlin agreed. She liked that it is open-ended. People are interested in more flexible zoning. So, it is good to keep opportunities open. A bed and breakfast use is one that should be reviewed on a case-by-case basis. Had the layout of the neighborhood been slightly different or there were different neighbors living in the area, the case could have gone a different way. Ms. Uchtmann stated that she has lived in the area for 39 years, and there have been various home-based businesses in the area which have been successful. Ms. Tyler stated that recently there was a controversial home occupation use that was proposed. City staff tried to tighten down the limitations on home occupation use as part of the omnibus text amendment to the Urbana Zoning Ordinance; however, City Council excluded this part before approving the rest of the text amendment. They didn’t want to tighten down on the home

occupation uses. The City Council asked City staff to revisit making changes to the Home Occupation Ordinance.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Armstrong adjourned the meeting at 9:36 p.m.

Respectfully submitted,

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Elizabeth H. Tyler, FAICP, Secretary  
Urbana Zoning Board of Appeals