



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Kat Trotter, Planner I
DATE: November 13, 2020
SUBJECT: **ZBA-2020-C-02:** A request by Karen Myers for a conditional use permit to allow an owner-occupied bed and breakfast to operate at 2914 Susan Stone Drive in the R-2, Single-Family Residential Zoning District.

Introduction

Karen Myers requests a conditional use permit to allow an owner-occupied bed and breakfast at 2914 Susan Stone Drive. The property is zoned R-2, Single-Family Residential. Table V-I of the Urbana Zoning Ordinance allows owner-occupied bed and breakfasts in the R-2 zoning district with a conditional use permit.

The Urbana Zoning Board of Appeals must review the conditional use permit application and hold a public hearing. It may vote to approve, approve with conditions, or deny the application. Staff recommends the Zoning Board of Appeals approve the conditional use permit with three conditions, after finding that the conditional use criteria have been met.

Background

2914 Susan Stone Drive is a single-family home in the Myra Ridge subdivision, south of Windsor Road and east of South Myra Ridge Drive. The property was renovated by a previous owner to include a separate living space before the applicant purchased the property in April, 2020. The separate living space was used by the previous owner as a “mother-in-law suite,” which was used by the previous owner’s father so that he could receive live-in care. The applicant would like to use the space for short-term rentals through Airbnb. The existing home will not be modified for the purpose of the owner-occupied bed and breakfast, and it will continue to be maintained by the applicant.

Description of Site and Area

The property is approximately 0.20 acres, and is located at the corner of Susan Stone Drive and Jane Ann Court. Nearby are other single-family residences. All adjacent properties are also zoned R-2, Single-Family Residential.

The following table identifies the current zoning and existing land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use
Site	R-2, Single-Family Residential	Single-Family Home
North	R-2, Single-Family Residential	Single-Family Home
South	R-2, Single-Family Residential	Single-Family Home
East	R-2, Single-Family Residential	Single-Family Home
West	R-2, Single-Family Residential	Single-Family Home

Discussion

The applicant requests a conditional use permit to allow the operation of an owner-occupied bed and breakfast in her home. The conditional use permit procedures are meant to ensure that the proposed use is consistent with the R-2 zoning district.

The applicant intends to rent the additional living space in her home as a short-term rental through Airbnb. The additional living space has a separate entrance on the east side of the home, and is connected to the primary living area through a door in the laundry room. The previous owner created a separate living space for his father so that he could provide live-in care. While the living space is separate from the owner’s living space, the owner still has full access to the area. Prior to the issuance of a conditional use permit, the home would be subject to an initial building inspection to ensure that the home meets all code requirements. Additionally, no further changes would be made to the exterior of the building. The property would not be rented for long-term occupancy, and would generally continue to function as a single-family home. A maximum of four guests will be allowed to stay in the Airbnb at a time, and parking will be available on the owner’s driveway. The applicant also plans to impose restrictions of her own, such as not allowing guests to bring pets, host parties or smoke on the property.

Staff recommends applying three conditions to the conditional use permit, if granted:

1. While the property is being rented, the owner must be present.
2. The conditional use permit shall expire upon transfer of the property, or after six (6) verifiable nuisance complaints within a twelve-month period related to the rental of the unit.
3. The property will be subject to regular City inspection.

Requirements for a Conditional Use Permit

According to § VII-2 of the Urbana Zoning Ordinance, 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 proposed owner-occupied bed and breakfast is conducive to the public convenience because it is close to the University of Illinois and amenities including restaurants, walking paths, parks and public transportation.

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 proposed bed and breakfast is designed, located, and proposed to be operated in a similar manner as it has been, since it was renovated to include two connected, but private, living areas. The previous owner created a separate living space for his father so that he could provide live-in care. The home has functioned inconspicuously with two separate living spaces since before the applicant purchased the property. The home is already designed for this use to function without causing a nuisance to the area. The property is on the corner of Susan Stone Drive and Jane Ann Court, with the main entrance on Susan Stone Drive and a second entrance off of Jane Ann Court. The Airbnb would accommodate up to four guests, and parking would be available on site, in the applicant's driveway. There is a privacy fence in the backyard that screens the neighbors from the property. The home will not be modified, but will be maintained, and will generally continue to function as a single-family 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.

Since the home has already been renovated, and is an existing building, it will continue to conform to the regulations of, and preserve the character of the R-2 zoning district. The request for a conditional use permit to allow an owner-occupied bed and breakfast would allow for short-term rental, rather than long-term occupancy (which is allowed by right). The applicant would accommodate occasional guests, but the property would generally function like a single-family home. Additionally, the proposed conditions of the permit would ensure that the use would conform to and preserve the essential character of the neighborhood. If there are repeated complaints stemming from the use of the property as a bed and breakfast, or if building safety issues are discovered during inspections, the conditional use permit could be revoked.

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. Regulate vehicular access and volume;
4. Require conformance to health, safety, and sanitation requirements as necessary;
5. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. Karen Myers proposes to operate an owner-occupied bed and breakfast at 2914 Susan Stone Drive in the R-2, Single-Family Residential zoning district. The Urbana Zoning Ordinance allows owner-occupied bed and breakfasts in the R-2 district with a conditional use permit.
2. The proposed owner-occupied bed and breakfast would exist inside the home, and no exterior modifications would be made to the building.
3. The proposed use is conducive to the public convenience due to the proximity to the University of Illinois campus and other public amenities.
4. The proposed use would not be a detriment to the R-2 district because the home has functioned inconspicuously with two separate living spaces since before the applicant purchased the property.
5. The proposed use is consistent with the applicable regulations and standards of, and preserves the essential character of, the R-2 zoning district in which it shall be located as the applicant would accommodate occasional guests, but the property would generally function like a single-family home, and the applied conditions of the permit would ensure that the use would conform to and preserve the essential character of the neighborhood.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2020-C-02:

1. **Approve** the conditional use as submitted; or
2. **Approve 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; or
3. **Deny** the conditional use as submitted.

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 **APPROVE** the proposed conditional use in case ZBA-2020-C-02 with the following conditions:

1. The owner must be present while the property is being rented.
2. The conditional use permit shall expire upon transfer of the property, or after six (6) verifiable nuisance complaints within a twelve-month period related to the rental of the unit.
3. A maximum four guests will be allowed at a time, and parking will be available on site.
4. The property will be subject to regular City inspection.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Site Photos
Exhibit D: Floor Plan
Exhibit E: Public Input
Exhibit F: Conditional Use Permit Application




cc: Karen Myers, Property Owner/Applicant

Exhibit A - Location Map



Case No. ZBA-2020-C-02
 Subject Myers Conditional Use Permit
 Address 2914 Susan Stone Drive
 Petitioner Karen Myers

Legend

-  Subject Property
-  Parcel Lines
-  Urbana Municipal Bound:

0 150 300 450 ft

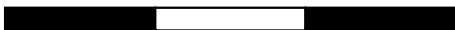
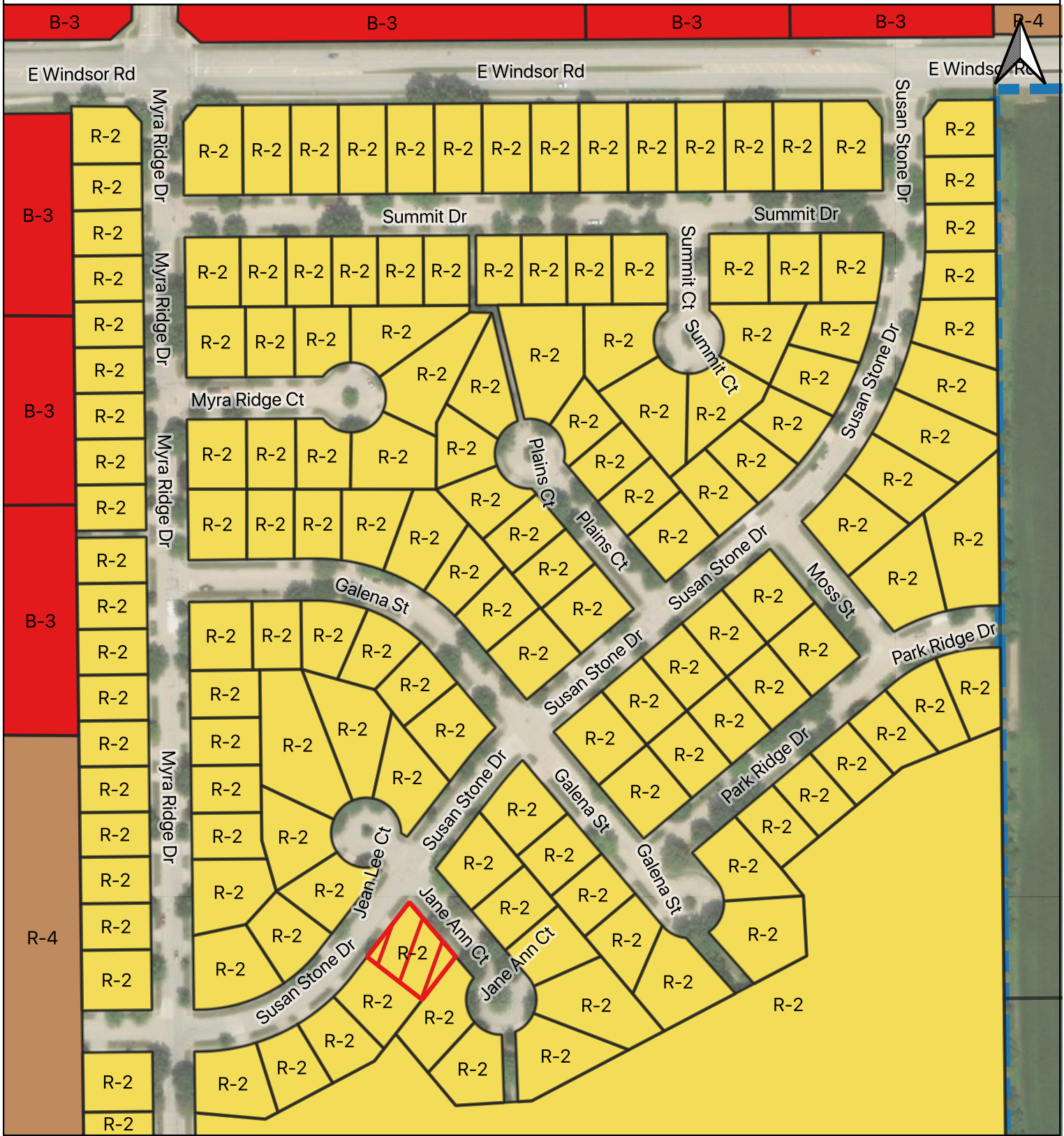







Exhibit B - Zoning Map



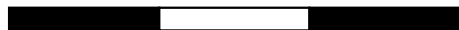
CITY OF URBANA

Case No. ZBA-2020-C-02
 Subject Myers Conditional Use Permit
 Address 2914 Susan Stone Drive
 Petitioner Karen Myers

Legend

-  Subject Property
-  Urbana Municipal Bound:
- Zoning**
-  B-3
-  R-2
-  R-4

0 150 300 450 ft

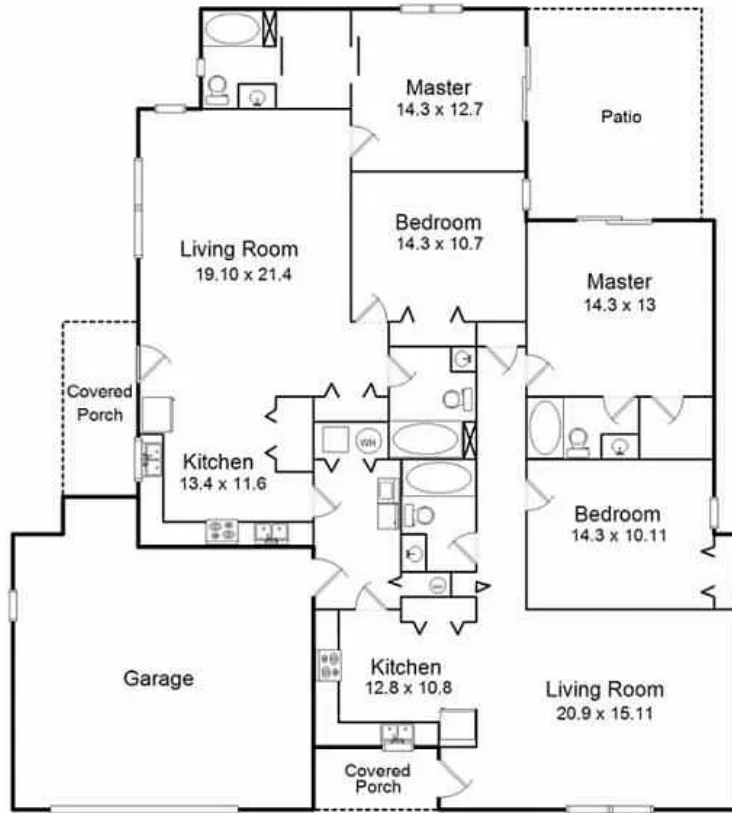




2914 S Susan Stone Dr

Urbana, IL 61802

First Floor



Created by Reallustrations 2020

Karen Myers application for Conditional Use Permit

Nix.Manzano <Nix.Manzano@carle.com>

Thu 11/5/2020 8:13 AM

To: Trotter, Katherine <krtrtrotter@urbanaininois.us>;

Categories: PUBLIC INPUT; Case Preparation

Dear Miss Trotter,

Yesterday, I received a letter from your office regarding the application of Karen Myers for a Conditional Use Permit.

As a nearby property owner, should the above application be granted, my concerns are as follows: deterioration of neighborhood peace and order, safety, traffic, noise and street sanitation.

Sincerely,

Nathaniel Manzano



Application for Conditional Use Permit

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 10-08-2020 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:

Air BNB Rental

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

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): *Karen Myers* Phone: *217-244-4986*
Address (street/city/state/zip code): *2914 Susan Stone Dr., Urbana, IL 61802*
Email Address: *kamyers1961@gmail.com*
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): *OWNER*

2. OWNER INFORMATION

Name of Owner(s): *Karen Myers* Phone: *217-244-4986*
Address (street/city/state/zip code): *2914 Susan Stone Dr., Urbana, IL 61802*
Email Address: *kamyers1961@gmail.com*
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: *LOT 145 Myra Ridge 5th Subd., 2914 Susan Stone Dr. Urbana, IL 61802*
PIN # of Location: *93-21-28-276-021*
Lot Size: *100x102 . 22x78. 82x100*
Current Zoning Designation: *Residential*

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

Proposed Land Use: *Air BNB Rental*

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

LOT 145 Myra Ridge 5th Subd.

2914 Susan Stone Dr.

Urbana, IL 61802

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.

Property has two complete living spaces. I am living on one side & plan to use the other side for Air BNB Rental. Property is close to University of Illinois, Grocery store, Restaurants, walking paths, Public transportation, and easily accessible.

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.

The Air BNB Rental would be used for guests needing a temporary place to stay while visiting Champaign-Urbana area. I will be living on one side of the house and will abide by strict rules for guests including no parties, no smoking & no pets. I will screen proposed guests before accepting reservations. Street parking available in front of house on Susan Stone Drive & on Jane Ann Ct. Back patio has a privacy fence for privacy from neighbors.

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).

I have already made many improvements to the property and will be living on one side of the property and will continue to improve upon and maintain the property while using one side as Air BNB rental. I will abide by any standards & regulations and improve upon the character of this home & neighborhood.

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.

Haen Myers
Applicant's Signature

10-7-2020
Date