

Case No. 2022-C-02

Butler Owner-Occupied Bed and Breakfast Conditional Use Permit

Zoning Board of Appeals October 19, 2022

Combined Public Input

From: [m](#)
To: [Trotter, Katherine](#)
Subject: 611 W. Iowa - request for zoning variance for B&B
Date: Thursday, October 6, 2022 12:24:23 PM

***** Email From An External Source *****
Use caution when clicking on links or opening attachments.

Dear Ms. Trotter,

I would like to voice my opposition to the granting of a zoning variance for the property at 611 W. Iowa St., so that the owners may operate a bed and breakfast.

Thank you.

-- Mark Jaeger



From: [Gabriel Nardie](#)
To: [Trotter, Katherine](#)
Subject: Allow variance
Date: Wednesday, October 5, 2022 10:17:39 PM

*** Email From An External Source ***


Use caution when clicking on links or opening attachments.

Dear Ms. Trotter,

I am writing to urge you to approve the variance for 611 W Iowa. Mostly I am annoyed at the egregious over zoning of Urbana and think that mostly the zones serve to protect the wealthy and keep people out. So I am in favor of any small chipping away at our West Urbana zoning that can be accomplished.

Thank you,

Gabe Nardie



From: [carolynttrimble](#)
To: [Trotter, Katherine](#)
Subject: B & B on Iowa Street.
Date: Thursday, October 6, 2022 8:09:02 AM

***** Email From An External Source *****
Use caution when clicking on links or opening attachments.

The changes that have been made and are being made to this property look as if the new owners do not intend to live there, but intend to rent it out as a group party house for university games and other university events. The location is perfect for an Airbnb. That is not what we want and need for Iowa Street. Please oppose the variance.--
Carolyn Trimble

From: [Bev Fagan](#)
To: [Trotter, Katherine](#)
Subject: Opposition to B&B at 611 W Iowa
Date: Thursday, October 6, 2022 12:09:27 PM

*** Email From An External Source ***

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I oppose granting a permit for the single family house at 611 W Iowa to establish a B&B. They knew that this area was zoned R-2 before they bought the house. We should not erode the zoning protections we have in place. It would not be fair to the neighbors who already live on W Iowa.

Sincerely,

Beverly Fagan



Sent from my iPad

From: [C. K. Gunsalus](#)
To: [Trotter, Katherine](#)
Cc: [Michael Jacob Plewa](#)
Subject: ZBA-2022-C-02 and AirBnB regulation more generally
Date: Sunday, October 16, 2022 12:55:10 PM

*** Email From An External Source ***

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Greetings,

The conditional use permit request for a B&B at 610 W. Iowa raises a lot of questions about AirBnBs in areas with R2 zoning. This is a topic that should be studied in a comprehensive way, not addressed piecemeal as individuals make requests for waivers or work around existing rules that were written before AirBnB became so ubiquitous.

The research done by the Plewas about the ownership situation at 610 Iowa raise serious questions. Among others: how is the city to verify that the owners are in residence when rentals are in progress? Does this require neighbors to monitor usage and call each time? Is there another mechanism in place? It would be helpful if that aspect of the staff recommendation were more fully explained

The recent Atkins proposal and the Iowa conditional use permit raise distinct issues. I am also aware of an AirBnB Superhost in our neighborhood who seems to have multiple listings of single bedrooms in various properties (as many as 18, one time that I looked), all in properties zoned R2. Are these uses each required to have a conditional use permit, or is this permitted under the zoning ordinance? How would an owner know? What uses are compatible and appropriate, and which are disruptive?

Now would be a good time for a moratorium on individual permits while the topic is studied and community input sought in a more comprehensive manner.

Please put a hold on this process and change the staff recommendation on 610 W. Iowa to denial while the topic is studied.

Thank you in advance for your consideration.

C. K. Gunsalus


October 16, 2022
RE ZBA-2022-C-02
Kat Trotter, Planner II
Zoning Board of Appeals
City of Urbana, IL
krtrtrotter@urbanaininois.us

Dear Ms. Trotter:

We recently received a notice from the Urbana Department of Community Development Services about a proposed conditional use permit for a bed & breakfast at 611 W. Iowa (ZBA-2022-C-02). The application and the staff report was posted on the ZBA site on October 14, 2022. This property is close to our home. The real estate agency listed the single story house at 611 W. Iowa as two bathrooms with 6 bedrooms. This house was listed with 1152 sq ft of living space and has a shared single driveway with the property to the west. The applicants listed on the form are Aaron and Madison Butler; the owners are listed as Doug and Amy Butler. None of the multiple Butlers are currently occupying the house. 611 W. Iowa is zoned in the R-2 Single-Family Residential District. **We oppose the use of the property for an Airbnb bed & breakfast.** Please include this letter in the public record.

As listed in the application form, the Planning Division Memorandum and other information:

- The owners intend to rent the first floor of their home as a short-term rental through Airbnb.
- According to the application, the bed and breakfast (Airbnb) will be available for both weekday and weekend reservations, with a two night minimum stay.
- Aaron and Madison Butler state in the application form that, "We create high-end and well equipped luxury stays"
- Aaron and Madison Butler list their address as 537 4th St., Lincoln IL. According to Zillow this property was purchased on June 16, 2021 for \$34,100 and was bought with Amy Butler, Werth & Assoc, REALTORS.
- **Doug and Amy Butler are listed as the owners of 611 W. Iowa St.** Doug and Amy Butler list their current address as 324 Park Pl., Lincoln IL.
- Amy Butler is a Real Estate Broker with Werth & Associates REALTORS in Lincoln IL.
- To comply with the conditional use permit for a bed & breakfast at 611 W. Iowa (ZBA-2022-C-02) **the owners must reside at the property according to the Urbana Zoning Ordinance.**
- For the ZBA to consider this request for a conditional use permit, Amy and Doug Butler must move their principal residence to 611 W. Iowa St.
- This appears to be an application for a commercial short-term rental via Airbnb.
- Such commercialization of a property is incompatible within a R-2 Single-Family Residential District.

611 W. Iowa St. is a single story house with 1152 sq. ft. living space. When the first floor is rented, as the owners, do Doug and Amy Butler, propose to live in the basement?

We are opposed to this proposal for this conditional use permit because we believe the applicants will use the house as a commercial Airbnb rather than an owner-occupied bed and breakfast. ZBA cannot rule on an Airbnb because such a property use is not listed in the Urbana Zoning Ordinance (Table V-1). An Airbnb as defined by the company ABNB (NASDAQ) is a residential property that hosts rent on a short term basis to travelers. According to the company, Airbnbs are usually cheaper than hotels for longer stays and for large groups, The company provides a listing and collection service of rental money. With 6 bedrooms listed, the property at 611 W. Iowa could host large groups. We contend that the commercialization of 611 W. Iowa St. is incompatible within a R-2 Single-Family Residential District.

Sincerely,

Michael Plewa
Elizabeth Wagner Plewa



Trotter, Katherine

From: Deborah Allen [REDACTED]
Sent: Monday, October 17, 2022 10:45 AM
To: Trotter, Katherine
Subject: Opposition to proposed conditional use permit for a bed & breakfast at 611 W. Iowa (ZBA-2022-C-02).

Categories: PUBLIC INPUT

***** Email From An External Source *****

Use caution when clicking on links or opening attachments.

Dear Ms. Trotter:

We recently received a notice from the Urbana Department of Community Development Services about a proposed conditional use permit for a bed & breakfast at 611 W. Iowa (ZBA-2022-C-02). The application and the staff report was posted on the ZBA site on October 14, 2022. This property is a few blocks from our home. The real estate agency listed the single story house at 611 W. Iowa as two bathrooms with 6 bedrooms. This house was listed with 1152 sq ft of living space and has a shared single driveway with the property to the west. The applicants listed on the form are Aaron and Madison Butler; the owners are listed as Doug and Amy Butler. None of the multiple Butlers are currently occupying the house. 611 W. Iowa is zoned in the R-2 Single-Family Residential District. **We oppose the use of the property for an Airbnb bed & breakfast. Please include this letter in the public record.**

As listed in the application form, the Planning Division Memorandum and other information:

- The owners intend to rent the first floor of their home as a short-term rental through Airbnb.
- According to the application, the bed and breakfast (Airbnb) will be available for both weekday and weekend reservations, with a two night minimum stay.
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We are opposed to this proposal for this conditional use permit because we believe the applicants will use the house as a commercial Airbnb rather than an owner-occupied bed and breakfast. ZBA cannot rule on an Airbnb because such a property use is not listed in the Urbana Zoning Ordinance (Table V-1). An Airbnb as defined by the company [ABNB](#) (NASDAQ) is a residential property that hosts rent on a short term basis to travelers. According to the company, Airbnbs are usually cheaper than hotels for longer stays and for large groups, The company provides a listing and collection service of rental money. With 6 bedrooms listed, the property at 611 W. Iowa could host large groups. **We contend that the commercialization of 611 W. Iowa St. is incompatible within a R-2 Single-Family Residential District.**

Sincerely,

Deborah Allen

[REDACTED]

[REDACTED]

Trotter, Katherine

From: Ingrid Melief <imelief@gmail.com>
Sent: Tuesday, October 18, 2022 11:16 AM
To: Trotter, Katherine
Subject: ZBA-2022-C-02

***** Email From An External Source *****

Use caution when clicking on links or opening attachments.


Dear Ms. Trotter,

We are writing regarding the proposed conditional use permit for a bed & breakfast at 611 W. Iowa (ZBA-2022-C-02). We live just a few blocks from the property at 302 W. Iowa. We oppose the use of this property for an Airbnb bed and breakfast.

We have followed news about the permit request since it was called to our attention on our neighborhood listserv. And we have reviewed discussions about the issue, including the letter sent to the ZBA by Michael and Elizabeth W. Plewa. The Plewa letter pulls forward a number of salient facts about the current request that make it reasonable to assume that this will NOT be an owner-occupied bed and breakfast (since the listed owners apparently live elsewhere, and the size and layout of the property are not compatible with an arrangement where guests and owners could be in the house— at least not as part of the “high-end” “luxury” experience they promise). Add to that the fact that one of the owners is a realtor and it would be naive to assume that this is anything other than an effort to smuggle a commercial enterprise within an R-2 Residential area. At the very least, it seems to us that a number of questions would need to be clarified in order to confirm that this is not an abuse of the process, before any consideration is given to such a request.

Additionally, it seems to us from communications we have seen between your office and other concerned neighbors that Urbana does not yet have in place planning policies shaped to address the proliferation of Airbnb and similar short-term rental properties. We urge you to figure that out BEFORE granting any more conditional use permits for such purposes. And, given the uncertainties and apparent irregularities of this request, we think it should be very easy for you to deny this permit request.

Thank you for considering our input,

Ingrid Melief
Andrew Orta


Ingrid Melief
www.ingridmeliefceramics.com
www.ingridmeliefpottery.etsy.com

18 October 2022

Letter to the City of Urbana Zoning Board of Appeals:

I am writing in regard to the application from Aaron and Madison Butler to obtain a conditional use permit to allow them to operate an owner-occupied bed and breakfast at 611 West Iowa Street (ZBA-2022-C-02).

I oppose allowing this property to be used for a bed and breakfast.

I have a number of concerns regarding this application, some of which are set forth below.

This application appears to be an attempt to open a commercial business in a residential neighborhood.

In the first section on the third page of the application, the applicants state, "We create high-end and well-equipped luxury stays."

They further state, "... we use 24/7 video surveillance on all of our properties to ensure there are no large events or unpermitted guests. Realtime security footage gives us the opportunity to monitor properties remotely and intervene whenever necessary." (Emphasis added.)

It seems clear from their consistent use of the plural in these statements that the Butlers own and operate multiple bed and breakfast properties.

None of these statements sound like a young couple trying to get a leg up in life by occasionally sharing part of their home with visitors in an effort to help pay the mortgage.

Rather, it sounds like the applicants make a practice of converting single-family homes to Airbnb rentals in an ongoing commercial endeavor. Such activity is completely at odds with the essential character of this neighborhood and should not be permitted.

There is no occupancy limit set forth in the memorandum from the Planning Division.

The memorandum notes that the Butlers intend to have four beds available in the rental portion of the property.

Assuming these are all beds large enough to accommodate two people, that means eight people could occupy this dwelling at the same time, in addition to the Butlers, for a total of ten. For a dwelling of such a modest size (approximately 1150 sq ft) that is excessive. And again, since there is no occupancy limit at present, the number of inhabitants could be even higher.

This also presents concerns about noise. With that many people staying in and around a single property, the ambient noise level can hardly help but be greater than it would be otherwise.

The Planning Division memorandum states the property is only required to provide two off-street parking spaces for renters.

With the four beds the owners plan to have available, it seems likely that at times there may be more than two vehicles belonging to their renters, which will end up on the street, further congesting a block of West Iowa Street that is already frequently at capacity overnight.

Where will the owners park their vehicles when they have renters? Is there sufficient room on the property to accommodate their vehicles in addition to the two parking slots allotted to renters? Or will the Butlers be parking on the street as well?

I bought my home on this block of Iowa Street four years ago and have been struck by how frequently all the parking spaces between South Orchard St. and South Busey Ave. are filled overnight, even in the summertime when university students are often gone.

The property will be available to rent every day of the year.

That means that any problems will persist throughout the year. There will be no “summer break” from the added traffic, parking congestion and noise for the residents on this block of West Iowa Street. As I live directly across the street from 611, I have considerable concern about these quality of life issues.

The existence of “student rentals” in the neighborhood is not a justification for allowing the presence of a commercial bed and breakfast enterprise.

The Planning Division memorandum notes that the area around the proposed bed and breakfast includes single- and two-family residences, apartment buildings, Greek houses and rooming houses.

That description of the general area is accurate, but on the block of West Iowa Street where 611 is located, there are no Greek houses. There are no rooming houses. There is one duplex and there are no larger apartment buildings. Every property on this block is zoned R-2.

There is not a single bed and breakfast on this block and no one is guaranteed that they can open a bed and breakfast on a property zoned R-2.

On page 3 of the application, in the second section, where the applicants are asked to explain how their proposed use “preserves the essential character of the district”, they state, “Since student rentals are already permitted in the City of Urbana, there is absolutely no reason why short term rentals should not be.”

Kat Trotter has explained to me that the City of Urbana does not recognize “student rentals” as a separate category from other rental units, thus the term is meaningless. Indeed, for any city to ban the renting of housing units to students would be discriminatory and doubtless a gross violation of multiple laws and statutes.

Whether or not rental properties in the neighborhood are currently rented to students is immaterial to what the Butlers propose and does not justify the introduction of commercial short term bed and breakfast rentals.

How many kitchens are there in the house at 611 West Iowa Street?

According to the listing for 611 West Iowa St. on Realtor.com, the house has one kitchen, located on the first floor, which is the proposed rental area. Will this be the only kitchen in the building? If not, it would seem that the presence of a separate kitchen on each floor, along with a separate bathroom and separate entrances, would cause the dwelling to be much more akin to a duplex than a single-family home.

If the owner-occupied part of the dwelling is functionally separate from the short-term rental part, then 611 West Iowa Street does not conform to the definition of “Bed and Breakfast, Owner-Occupied”, and this application should be denied.

How many bed and breakfasts, legal or otherwise, currently exist in West Urbana?

From my discussions with Kat Trotter and various emails that have been circulated among members of the West Urbana Neighborhood Association, it is clear that although no one knows just how many bed and breakfast or Airbnbs are in the neighborhood, they do not seem to be in short supply. I therefore question the need for yet another one.

The City of Urbana needs to gather data on the number of bed and breakfasts operating in the city. Until such data can be gathered and evaluated, I would urge a moratorium on the granting of any permit for any type of bed and breakfast unit, especially in areas zoned R-2.

I realize that a moratorium is not likely to be enacted in time to affect the application for a conditional use permit for 611 West Iowa Street. I therefore ask the board to please deny this application, ZBA-2022-C-02, and refrain from issuing a conditional use permit to allow a bed and breakfast to be operated on this property.

My thanks to the Zoning Board of Appeals for their consideration of my letter.

Louis Bergeron

Trotter, Katherine

From: Paul Debevec [REDACTED]
Sent: Wednesday, October 19, 2022 12:33 PM
To: Plewa, Michael Jacob; Trotter, Katherine
Cc: WUNA-Main
Subject: basement windows of 611 W. Iowa most likely do not meet egress requirements

Categories: PUBLIC INPUT

***** Email From An External Source *****

Use caution when clicking on links or opening attachments.

Dear WUNA,

I have a prior commitment, and I will not be able to attend the Zoning Board of Approvals meeting on October 19. I hope that someone who can attend the meeting will pass on this message. I have also sent this message to Community Development and to the Zoning Board of Approvals.

Basement apartments require an egress window and a window well. The egress window and the window well have very specific dimensional requirements. I will spare WUNA of the specifics. I took a look at 611 W. Iowa, and it is almost certain that the existing basement windows and existing window wells do not conform to the requirements for egress.

Here is an Urbana basement apartment story. In November, 2016, following a tenant complaint, the owners of 707 W. California Ave. had to install an egress window and a window well for the basement apartment. 707 W. California Ave. had been inspected on March 6, 2013 under the rental registration program and received a grade of "C." The inspection failed to discover that the basement apartment did not have an egress window and window well. While missing a required smoke detector might be forgiven (it is small), missing an egress window and window well cannot be forgiven (they are large.) Community Development was not able to account for the oversight in the inspection system. The Certificate of Occupancy issued in 1986 identified four apartments, one of which a basement apartment, so Community Development has a record of this circumstance.

The take away from this episode is that Urbana inspections and Urbana code enforcement are inadequate and uncertain.

The staff report on ZB-2022-C-02 states "Prior to the issuance of a Certificate of Occupancy, the home would be subject to an initial building inspection to ensure that the home meets all code requirements."

Pardon me. This is complete backwards and wrong. Community Development needs to explain why they would recommend this special use permit for this property before it has been verified that the structure satisfies basic code requirements.

Regards, Paul Debevec

On 10/13/2022 6:09 PM, Plewa, Michael Jacob wrote:

Dear Kat,

In reviewing postings for the use of short-term housing units in Urbana, I noted a number of listings in the WUNA area. What department of the city of Urbana enforces the zoning laws? Has Urbana investigated unlawful use of posted short-stay properties in R-2 zoning districts?

Sincerely,
Michael

From: Plewa, Michael Jacob
Sent: Thursday, October 13, 2022 10:10 AM
To: Trotter, Katherine <krtrtrotter@urbanaininois.us>
Subject: RE: ZBA-2022-C-02.

Dear Kat,
Thank you.

Sincerely,
Michael

From: Trotter, Katherine <krtrtrotter@urbanaininois.us>
Sent: Thursday, October 13, 2022 8:26 AM
To: Plewa, Michael Jacob <mplewa@illinois.edu>
Subject: RE: ZBA-2022-C-02.

Good morning Michael,

Thank you for reaching out regarding the requested conditional use permit at 611 W. Iowa St. I am working to finalize my memo and staff report today, and it will be posted on the ZBA meeting page for October 19, 2022 by tomorrow afternoon.

Kat

Kat Trotter
Planner II

Community Development Department | City of Urbana
400 S Vine St | Urbana, Illinois 61801
217.328.8267 | krtrtrotter@urbanaininois.us

From: Plewa, Michael Jacob <mplewa@illinois.edu>
Sent: Thursday, October 13, 2022 8:05 AM

To: Trotter, Katherine <krtrtrotter@urbanainlinois.us>

Subject: ZBA-2022-C-02.

***** Email From An External Source *****

Use caution when clicking on links or opening attachments.

Dear Kat,

I am trying to get information on ZBA-2022-C-02. This information is not listed under the October 19, 2022 ZBA meeting.

Please send me the detailed information on this case.

Michael J. Plewa, Ph.D.

University Scholar and Emeritus Professor of Genetics

University of Illinois at Urbana-Champaign

mplewa@illinois.edu

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