



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 II
DATE: October 14, 2022
SUBJECT: **ZBA-2022-C-02:** A request by Aaron and Madison Butler for a conditional use permit to allow an owner-occupied bed and breakfast at 611 West Iowa Street in the R-2, Single-Family Residential zoning district.

Introduction

Aaron and Madison Butler request a conditional use permit to allow an owner-occupied bed and breakfast at 611 West Iowa Street. 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

The property owners purchased the property earlier this year. The house has been on the property since before 1973¹. The applicants would like to rent the first floor on a short-term basis and live in the basement. They are updating the interior of the house with new flooring, light fixtures, countertops, appliances, and bathroom fixtures. They are also updating the exterior with new siding, landscaping, and a privacy fence around the rear yard. The applicants will live in the house and plan to rent part of the house to overnight guests.

Description of Site and Area

611 West Iowa Street is 0.17 acres (approximately 7,400 square feet), and is located on the south side of Iowa Street, east of Lincoln Avenue in the Forest Park Addition. Nearby are other single- and two-family residences, apartment buildings, Greek houses, rooming houses, and Carle Park to the east. 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).

¹ CCGISC Aerials

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use
Site	R-2, Single-Family Residential	Residential
North	R-2, Single-Family Residential	Residential
South	R-2, Single-Family Residential & R-7, University Residential	Residential
East	R-2, Single-Family Residential	Residential
West	R-2, Single-Family Residential	Residential

Discussion

The applicants request a conditional use permit to allow them to operate an owner-occupied bed and breakfast in their home. The conditional use permit procedures are meant to ensure that the proposed use is consistent with the R-2 zoning district.

The applicants intend to rent the first floor of their home as a short-term rental through Airbnb. They purchased the property earlier this year and have been updating the interior and exterior of the house: new siding; new landscaping; and new flooring, light fixtures, cabinets, and appliances throughout the interior of the house. They will also install a privacy fence in the backyard.

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. The property would not be rented for long-term occupancy, and would generally continue to function as a single-family home. According to the applicants, the bed and breakfast will be available for both weekday and weekend reservations, with a two night minimum stay. Security cameras and smart locks will be installed on the property for the safety of the neighbors, guests, and the applicants. Guests will stay on the main level of the house, with four guest beds available, and two parking spaces will be available on-site. The applicants also plan to impose restrictions of their own, such as not allowing guests to bring pets, host parties, or smoke on the property. Quiet hours will also be enforced from 10:00 p.m. to 8:00 a.m.

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, Carle Park and public transportation. The property is accessible via Lincoln Avenue to the west and Florida Avenue to the south.

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 an inconspicuous manner within the existing residential neighborhood. The applicants intend to rent the first floor of the house on a short-term basis. They are renovating the property to bring it up to date, and are installing security measures such as outdoor security cameras and smart locks for the safety of guests, the neighborhood, and the applicants. The bed and breakfast would have four guest beds, and two parking spaces would be available on site. There will be a privacy fence in the backyard that screens the neighbors from the property. The home has been updated and will be maintained, and will generally continue to function as a single-family home. If the conditional use permit is granted, the applicants would also impose restrictions of their own on their guests: no parties or events, no smoking, no unapproved pets, and quiet hours from 10:00 p.m. to 8:00 a.m.

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 house 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 weekday and weekend guests with a two-night stay minimum, 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 can 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.

Public Input

Staff published a legal ad in The News-Gazette to notify the public of the request and public hearing 15 days prior to the Zoning Board of Appeals meeting on October 19, 2022. Staff also sent letters to 52 neighboring property owners (within 300 feet of the subject property) notifying them of the request, and posted a public hearing sign on the property. Staff received four letters of public input regarding the requested conditional use permit, one in favor of and three in opposition to the request.

Summary of Findings

1. Aaron and Madison Butler propose to operate an owner-occupied bed and breakfast at 611 West Iowa Street 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 on the first floor. Modifications have been made to the interior and exterior of the home to update the siding, flooring, appliances and site security.
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 proposed bed and breakfast is designed, located, and proposed to be operated in an inconspicuous manner within the existing residential neighborhood. The applicants have updated the property with new siding, flooring, landscaping and appliances, and would install security measures such as outdoor security cameras and smart locks for the safety of guests, the neighborhood and the applicants. Conditions would be applied to the conditional use permit, and restrictions will be imposed by the applicants to ensure that the bed and breakfast is not a detriment to the surrounding area.
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-2022-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-2022-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. The property will be subject to regular City inspection.

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

cc: Aaron Butler, Property Owner/Applicant

Exhibit A - Location Map



Case No.
Subject
Address
Petitioner

ZBA-2022-C-02
Butler Airbnb Conditional Use Permit
611 W. Iowa St.
Aaron Butler

Legend

 Subject Property

Urbana_2020

0 250 500 ft

Exhibit B - Zoning Map



Case No.
Subject
Address
Petitioner

ZBA-2022-C-02
Butler Airbnb Conditional Use Permit
611 W. Iowa St.
Aaron Butler

Legend

 Subject Property

Zoning

 R-2

 R-7

Urbana_2020

0 250 500 ft

EXHIBIT C – SITE PHOTOS



EXHIBIT D - Conditional Use Permit Application



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 06-14-2022 ZBA Case No. ZBA-2022-C-02
Fee Paid - Check No. 1002 Amount \$175.00 Date 06-14-2022

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:

611 W Iowa St. Urbana to be fully renovated and used as a luxury short term rental stay for families.

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

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Aaron & Madison Butler** Phone: **2177351294**
Address (street/city/state/zip code): **537 4th St. Lincoln, IL 62656**
Email Address: **albutler1996@gmail.com**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Owner**

2. OWNER INFORMATION

Name of Owner(s): **Doug & Amy Butler** Phone: **2177351294**
Address (street/city/state/zip code): **324 Park Place Lincoln, IL 62656**
Email Address: **prairiestatefamily@comcast.net**

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: **611 W Iowa St. Urbana, IL 61801**
PIN # of Location:
Lot Size: **5555 sq ft**
Current Zoning Designation: **R2**

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

Proposed Land Use: **Residence**

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.

It is no secret that people travel from all around the world to visit Urbana. Now more than ever, travelers are shifting from booking traditional hotel stays to wanting unique spaces and experiences for their families. Luxury short-term rental properties created by individuals like ourselves offer curated experiences that hotels cannot provide. Urbana is to be admired, experienced, and shared. When staying at a hotel, visitors are only getting a small piece of the picture. For future, past, and perspective residents, having a one-of-a-kind experience while immersed in the heart of Urbana is something that will not only benefit the visitor, but the city of Urbana as a whole.

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.

We create high-end and well-equipped luxury stays. It is in our best interest for this property to remain as safe and secure as possible. Firstly, by no means are any sort of parties or large gatherings allowed on our premises. This is clearly stated in our house rules. Secondly, we pre-screen all potential renters. We have full say in who rents our property and we have access to reviews on all prospective renters. Thirdly, 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.

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).

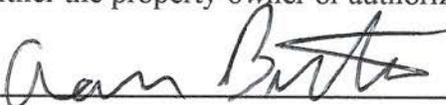
Since student rentals are permitted in the city of Urbana, there is absolutely no reason why short term rentals should not be. As short term rental hosts, we hold a significantly larger amount of control over our property than a student housing landlord ever would. We plan to fully restore and renovate this otherwise rundown property; bringing more beauty and value to the neighborhood. Unlike students, our target customers are families who hold a higher sense of maturity and responsibility than those in the 18-21 year old age range. Short-term rentals require hands on management and attentiveness unlike long-term rentals which are passive and hands-off in nature.

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.



Applicant's Signature

6/14/22
Date



6/14/22

Case No. 2022-C-02

Butler Owner-Occupied Bed and Breakfast Conditional Use Permit

Zoning Board of Appeals October 19, 2022

Public Input Received

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 ***

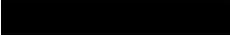
Use caution when clicking on links or opening attachments.

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

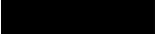
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Use caution when clicking on links or opening attachments.

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