

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m



TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: June 16, 2005

SUBJECT: ZBA 05-MAJ-04, Request to reduce the front yard setback from 20-feet to 10-feet at 809 N. Busey Avenue in Urbana's R-2, Single Family Residential Zoning District.

Introduction

The Homestead Corporation of Champaign-Urbana is a non-profit organization that assists in creating affordable housing for low-income individuals and families. One of their activities is to locate suitable sites to construct affordable single-family homes that will be owner occupied. The subject property is at the Southwest corner of Fairview and Busey Avenues (see attached maps). The Urbana Zoning Ordinance requires each frontage be subject to the requirements for a front yard setback. This requirement has been in place for many years, but post-dates Urbana's older subdivisions. In neighborhoods where parcels were originally platted many years ago with narrow lots, the requirement to allocate lot area to two front yard setbacks can significantly constrain the options for laying out a new house. This case is a request for a major variance to allow a 10-foot encroachment into the required 20-foot front yard setback along Fairview Avenue so that there is adequate buildable area for construction of the house.

Pursuant to the Urbana Zoning Ordinance, in order for a major variance to be granted the Zoning Board of Appeals must recommend approval of the petition by a two-thirds majority vote of members present and voting and forward it to City Council for final approval. At a public hearing held June 15, 2005 the Zoning Board of Appeals voted 6-0 to forward the variance request to the Urbana City Council with a recommendation for approval.

Discussion

The lot in question is 55 feet wide by 113.5 feet long with an area of 6242.5 square feet. The petitioners propose to build a 1,360 square foot one-story house, on a slab foundation, with three bedrooms, and two baths.

The Urbana Zoning Ordinance requires that the front yard setback in the R-2 zone be determined as: 1) the average of the existing structures on that block face; 2) not more than 25 feet; 3) not less than 15 feet; and 4) that all the required yards cannot reduce the buildable width of a lot to less than 30 feet. Under criteria #1 the average setback on the Fairview Avenue frontage is 23.9 feet. However, when subtracted from the platted 55-foot lot width, the 23.9-foot average setback plus the required 5-foot side

yard setback on the south side of the property yields a buildable lot width of only 26.1 feet. Therefore criteria #4 controls, so that a 20-foot front yard setback added to the 5-foot side yard setback yields a buildable lot of exactly 30-feet.

The petitioners indicate that 30 feet in buildable width is too small to accommodate the affordable home design and that even if the setback were set at the R-2 zone minimum of 15 feet the buildable width of 35 feet would result in a house with excessive compromises. All other set backs and Floor Area Ratio and Open Space Ratio requirements will be maintained.

Zoning Board of Appeals Hearing

At the June 15, 2005 public hearing a member of the Zoning Board of Appeals asked why the petitioner had not considered constructing a house with a different configuration that would have maintained the required setbacks or required a lesser amount of variance. There were two reasons for this. First, the subject lot was originally platted to match the east facing orientation of houses on the Busey Avenue block frontage. Staff and the petitioners felt it was worthwhile to preserve the continuity of the historic neighborhood pattern by replicating that orientation with the new house. The simplest accommodation of the setback requirements for the two front yards would result in a relatively longer and thinner house configuration that would not have preserved the Busey orientation and would have fronted on Fairview Avenue. Such a footprint would also be inconsistent with those of other houses in the immediate vicinity. Second, Mr. Jim Rose of Homestead Corporation indicated that their goal of creating a single family home at an affordable price necessitated very strict cost controls. Homestead has a standard house design of 40 feet in width (previously used on Eads Street) that can fit the lot with the requested variance. However, in order to meet the required setback regulations they would have either had to pay for extensive architectural changes to the standard design or incur the expense of contracting for an entirely different design that might be used only once.

There was also discussion at the hearing about the concerns expressed by one neighbor in an e-mail to staff (copy attached). Of particular concern was whether the home would be owner-occupied or might become an absentee landlord rental house. Mr. Rose stated that the HOME program requirements for affordable home ownership help the new owner with a purchase subsidy but a lien is placed on the title that prevents a sale. The home owners are required to remain in residence for 10 years, but if a sale is necessary preference is given for another HOME program eligible buyer who would then be the owner occupant. This helps to assure at least a 10-year affordability period for the home.

Justification for Variance

Staff feels there is justification for the variance because the lot is narrow and located on a corner resulting in two front yard setback requirements. The original layout of the lot in the early part of the last century was platted with only 55-feet in width and did not intend to treat the Fairview Avenue frontage as a front yard. A small house designed to the standards of the time fit the lot when the Fairview Avenue frontage was considered a side yard. However, to accommodate even a small affordable single story house of modern efficient design the lot is too narrow if the Fairview Avenue frontage has a deep front yard setback imposed. Today the Urbana Zoning Ordinance requires lots to be platted with a minimum width of 60 feet and lots on corners in newer developments are often platted to be larger in order to accommodate the two front yard setback requirements.

It should be noted that theoretically the setback, Floor Area Ratio, and Open Space Ratio requirements could all be met. However that scenario would not necessarily preserve the continuity of the neighborhood pattern. The lot has been vacant for 32 years and there is no market indication that any

buyers / builders are interested in constructing a less affordable two story house that would face Fairview Avenue.

Variance Criteria

On June 15, 2005 the Zoning Board of Appeals voted their recommendation of approval based upon the following findings:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The practical difficulty is that the lot in question is a corner lot in an older part of the city that was originally platted with a narrow width and that was not intended to treat the Fairview Avenue frontage as a front yard with a deep setback. Further, the excessive setbacks of the neighboring structures on Fairview Avenue increase the required front yard setback on Fairview Avenue which makes the lot that is already deficient in size even more difficult to develop. The combination of the small lot size located on a corner along with the excessive front yard setback requirement represents a special circumstance that is not found in most other areas of the city.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The variance is not a special privilege because the lot in question is the only corner lot in the neighborhood that does not have an older existing structure built on it that is closer to the frontage than the current regulations would permit.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for the variance prior to construction.

4. *The variance will not alter the essential character of the neighborhood.*

The requested decrease of the front yard setback should not detract from the essential character of the neighborhood. The variance will facilitate the construction of the house with an orientation toward Busey Avenue that will reinforce the original character of the neighborhood. The setback of the side of the house to Fairview Avenue will be similar to other structures located on corner lots in this older residential neighborhood.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance should not cause a nuisance to adjacent properties. The reduction in the front yard on the Fairview frontage will be similar to the existing corner lot houses in the neighborhood and should not significantly impact the neighbors.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requesting the minimum deviation from the requirements so that they can accommodate the house as designed.

Options for #ZBA-05-MAJ-4

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those presented herein, they should articulate these additional findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting this denial.

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 6-0 to forward the variance request in case 05-MAJ-04 to the Urbana City Council with a recommendation for approval to allow a 10 foot encroachment into the required 20 foot front yard setback, in Urbana's R-2, Single Family Residential Zoning District at 809 N. Busey Avenue subject to the proposed condition. Staff concurs with the ZBA and recommends that City Council GRANT the major variance in case 05-MAJ-04 with the following condition:

- 1. The development on the site must generally conform to the revised site plan submitted at the June 15, 2005 public hearing.**

Attachments: Proposed Ordinance
Revised Site Diagram
Draft May 18, 2005 ZBA Minutes
E-mail communication

Prepared by:

Paul Lindahl, Planner I

Cc: Homestead Corp. of C-U, Attn: Jim Rose, 306 W. Griggs, Urbana, IL 61801

ORDINANCE NO.2005-06-085

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Reduction in Front Yard Setback From 20-Feet to 10-Feet in Urbana's R-2, Single-Family Residential Zoning District / 809 N. Busey Avenue - Case No. ZBA-05-MAJ-04)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the petitioner, Homestead Corporation of Champaign-Urbana, is a contract buyer for the subject property, and has submitted a petition requesting a major variance to allow a 10-foot encroachment into the required 20-foot front yard setback at 809 N. Busey Avenue in Urbana's R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-05-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on June 15, 2005 and the Board voted 6 ayes and 0 nays to forward the case to City Council with a recommendation of approval of the requested variance with the condition listed below; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein

conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. The practical difficulty is that the lot in question is a corner lot in an older part of the city that was originally platted with a narrow width and that was not intended to treat the Fairview Avenue frontage as a front yard with a deep setback. Further, the excessive setbacks of the neighboring structures on Fairview Avenue increase the required front yard setback on Fairview Avenue which makes the lot that is already deficient in size even more difficult to develop. The combination of the small lot size located on a corner along with the excessive front yard setback requirement represents a special circumstance that is not found in most other areas of the city.

2. The variance is not a special privilege because the lot in question is the only corner lot in the neighborhood that does not have an older existing structure built on it that is closer to the frontage than the current regulations would permit.

3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The need for the variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for the variance prior to construction

4. The requested decrease of the front yard setback should not detract from the essential character of the neighborhood. The variance will facilitate the construction of the house with an orientation toward Busey Avenue that will reinforce the original character of the neighborhood. The setback of the side of the house to Fairview Avenue will be similar to other structures located on corner lots in this older residential neighborhood.

5. The variance should not cause a nuisance to adjacent properties. The reduction in the front yard on the Fairview frontage will be similar to the existing corner lot houses in the neighborhood and should not significantly impact the neighbors.

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is only requesting the minimum deviation from the requirements so that they can accommodate the house as designed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Homestead Corporation of Champaign-Urbana, in Case #ZBA-05-MAJ-4, is hereby approved to allow a 10-foot encroachment into the required 20-foot front yard setback at 809 N. Busey Avenue in Urbana's R-2, Single-Family Residential Zoning District, in the manner proposed in the application, with the condition that the construction must generally conform to the revised site plan submitted at the June 15, 2005 public hearing and attached hereto.

The major variance described above shall only apply to the property located at 809 N. Busey Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 14 of Mary Fitzgerald's Addition to the City of Urbana as per Plat Recorded in Book "E" Page 217 in Champaign County, Illinois

PERMANENT PARCEL #: 91-21-08-301-020

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2005.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

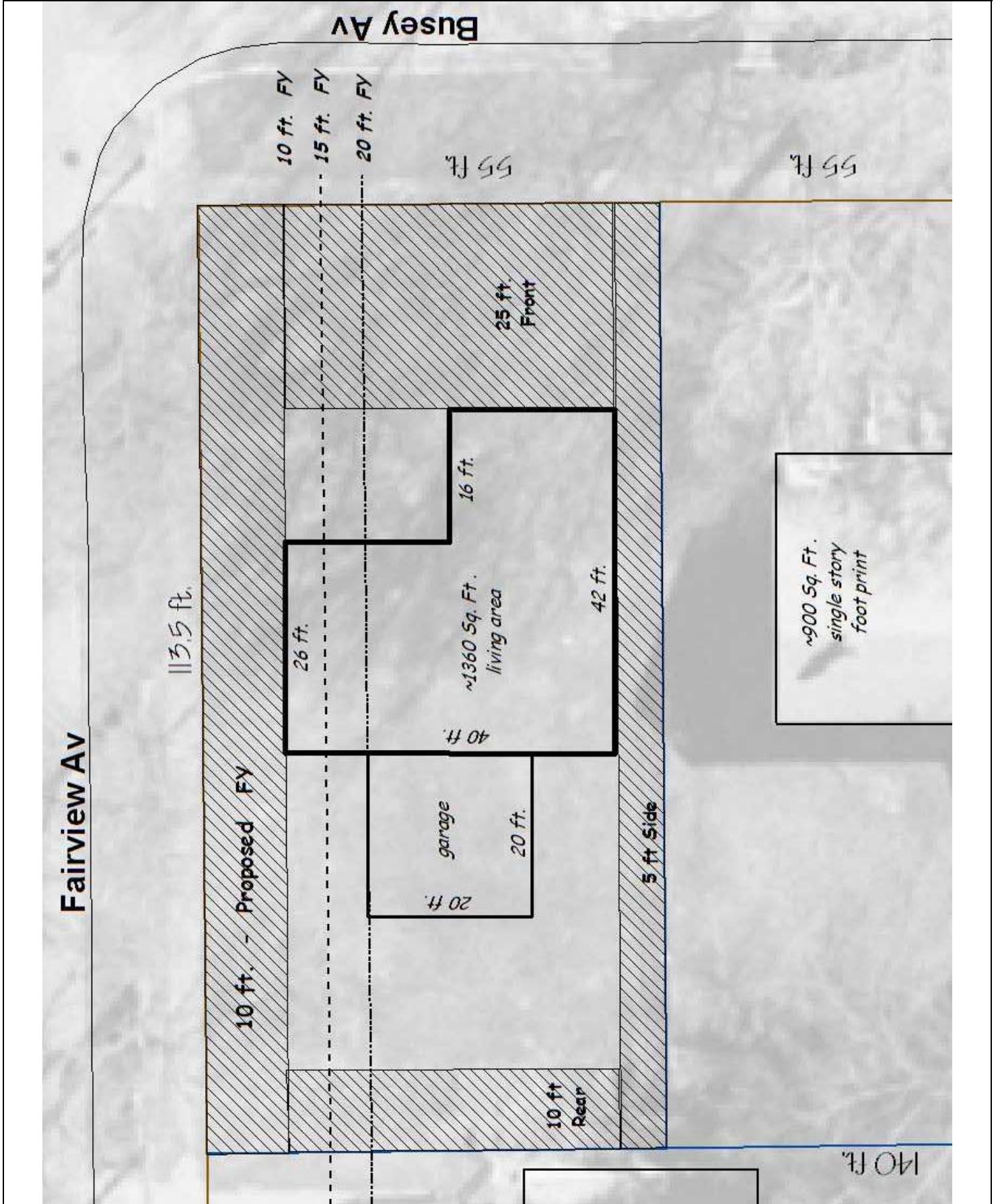
APPROVED by the Mayor this _____ day of _____, _____.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2005, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "AN ORDINANCE APPROVING A MAJOR VARIANCE (To Allow a Reduction in Front Yard Setback From 20-Feet to 10-Feet in Urbana's R-2, Single-Family Residential Zoning District / 809 N. Busey Avenue - Case No. ZBA-05-MAJ-04)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2005, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.



MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: June 15, 2005

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
Executive Conference Rooms A & B,
Second Floor
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Joe Schoonover

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Matt Wempe, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Robert Bridgewater, Bill Henry, Jim Rose, Bill Winkler

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

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved to approve the minutes from the May 18, 2005 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

NOTE: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

4. WRITTEN COMMUNICATIONS

- ▶ Email from Andrea Antulov regarding ZBA-05-MAJ-04
- ▶ Homestead Corporation Site Plan for ZBA-05-MAJ-04

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-MAJ-04: Request to reduce the front-yard setback from 20-feet to 10-feet at 809 North Busey Avenue in Urbana's R-2, Single-Family Residential Zoning District.

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He described the proposed site and noted the surrounding zoning and land uses. He explained the reason for the variance request for the reduction in the front-yard setback. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He presented staff's recommendation, which was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council with the following condition:

1. *The development on the site must generally conform to the site plan submitted at the public hearing.*

Mr. Warmbrunn inquired if the petitioner would have needed a major variance if they had submitted the development plans with a 15-foot setback along Fairview Avenue or would it have been considered a minor variance? Mr. Lindahl replied that it might still be considered a major variance.

Mr. Warmbrunn asked if City staff had looked at the proposed lot and at the square footage of the proposed design. Did staff try to work with the petitioner to try to get him/her to design a different building that would fit on the lot? He noted that the petitioner could build a different building, shaped more rectangular, and pick up more square footage and still be able to build within the 15-foot setback. Mr. Lindahl responded by saying that staff had a number of conversations about what the petitioner could do on the lot. His understanding was that the Homestead Corporation has a basic standard design, which they have used in the past and meets some of the federal requirements that they have. The design they use has a layout that works for the families, who buy these types of homes.

Mr. Warmbrunn was surprised to see that there would be three bedrooms in the proposed house, because the square footage of the proposed lot was not very large. He questioned if the garage

would be attached. Mr. Lindahl said yes. Elizabeth Tyler, Director of Community Development Services Department and City Planner, added that there were some programmatic reasons for the number of bedrooms and the attached garage related to the fact that this would be a home-funded project for affordable housing through the HOME Investment Partnership Program.

Ms. Tyler went on to talk about the comparison of the setback along Busey Avenue versus the setback along Fairview Avenue. The petitioner was respecting the 25-foot setback along Busey Avenue. The Homestead Corporation could have asked for a design that would need a variance on both frontages. In looking at not just the building that was proposed, but at the neighborhood, the next property to the east on Fairview Avenue had a similar layout with a deep setback from Busey Avenue and a narrow setback from Fairview Avenue, because Busey Avenue was a main street. Staff had discussed with the petitioner the possibility of splitting the difference between the two frontages, but they both felt that asking for one variance for the Fairview Avenue setback would be more consistent with the neighborhood in order to respect the more historical layout. Mr. Lindahl added that they could have a different design fit in the required setbacks, but the only way it would work is if it would face onto Fairview Avenue, which would have a different affect on the neighborhood.

Mr. Warmbrunn understood staff to say that there was a standard set by different governmental organizations on the sizes and types of these non-profit occupied homes. Mr. Lindahl stated that the petitioner could answer that question easier. The only standard that he was aware of was that the garage must be attached or else the HOME Program would not pay for it.

Ms. Uchtmann inquired if anyone had considered moving the lot line. Mr. Lindahl replied that there was not as much room to the south as one would think. There might be 15 feet to the house. It was already a platted lot, and moving the lot line would require additional expenses that would be added to the cost of the home and make it less affordable.

Jim Rose, Executive Director of the Homestead Corporation, talked about the proposed footprint of the house. He mentioned that the Homestead Corporation had previously built six other homes in the Eads of Lincoln Subdivision using the same footprint. The houses were not necessarily designed to fit on a corner lot. They wanted to use the same design, because they have a very limited budget. Starting all over from scratch with a new housing design would almost be cost prohibited.

Mr. Rose went on to say that the Eads homes were three and four bedrooms and actually had a little more square footage than the proposed house. They reduced the square footage a bit to fit the home on the proposed lot.

Mr. Rose talked about their search for affordable vacant lots to build on. It was very difficult to find these types of lots in both the City of Champaign and the City of Urbana. He had spent months driving around to find vacant lots, finding out who owned the lots and calling the owners to find out if they were for sale. The homebuyer that the Homestead Corporation was working with found this lot, because she has family living in the neighborhood.

He mentioned that the attached garage was a requirement of the HOME Program. The HOME Program does not allow funding for accessory buildings. They consider anything not attached to the house as an accessory building. Therefore, he could not build a fence, a shed or a detached garage with HOME funds.

Mr. Rose stated that the answer to the question why they did not design a different layout for the house was because the cost of doing so would be unaffordable. He went on to say that normally they do not know who the eventual homebuyers would be. They try to market the homes and find homebuyers that would qualify. Homebuyers must earn less than 80% of the median family income for the area. This particular homebuyer has a lower income; therefore, the Homestead Corporation must keep the price of the house affordable to the family.

Mr. Warmbrunn inquired if the person would own the home after the construction was finalized. Mr. Rose answered yes. In this case, the homebuyer would need to get a construction loan to cover the cost of the building materials. The lot will be deeded to the homebuyer after it is purchased by the Homestead Corporation. The Homestead Corporation will act as the developer and hire a contractor to construct the home using the homebuyer's construction loan to purchase the building materials.

He explained that there would be an "affordability period", which meant that the homebuyer would have to remain the homeowner of this particular house for at least ten years. Therefore, it would not be a house that the homebuyer could sale tomorrow or turn into rental. She could not do this without a major penalty of having to repay the majority of the subsidy money she received.

Mr. Corten questioned who would own the house if the homebuyer goes bankrupt. Mr. Rose explained that the homebuyer would have a mortgage with a local lending institution, so the lending institution would own the home if the homebuyer went bankrupt.

Mr. Armstrong moved that the Zoning Board of Appeals recommend approval of the proposed major variance to the City Council along with staff's recommended condition that the development of the site must generally conform to the site plan submitted prior to the hearing. Mr. Corten seconded the motion. Roll call was as follows:

Ms. Merritt	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion was passed by unanimous vote.

Ms. Tyler pointed out that the case would be heard by the City Council on June 20, 2005.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- **Next scheduled meeting** may be cancelled due to the lack of agenda items. Staff had not received any new cases; however, there was still time for someone to submit an application.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

**Elizabeth Tyler, City Planner
Urbana Zoning Board of Appeals**

E-Mail Communication ZBA-05-MAJ-04.txt

From: Tyler, Elizabeth
Sent: Monday, June 13, 2005 10:06 PM
To: Lindahl, Paul
Cc: Andel, Teri
Subject: FW: Variance question of approval for 05-MAJ-04

Please include as a communication to ZBA and place in file. I'll forward a copy to Jim Rose.

From: Volutna@aol.com [mailto:Volutna@aol.com]
Sent: Monday, June 13, 2005 11:39 AM
To: Weck, Anthony
Cc: nhgreenw@prairienet.org; ! Smyth, Charlie; ! Chynoweth, Danielle; ! Bowersox, Brandon; ! Lewis, Robert; ! Stevenson, Heather; ! Roberts, Dennis; ! Barnes, Lynne
Subject: Variance question of approval for 05-MAJ-04

TO: Community Development:

RE: New owner occupied home built by Homestead corporation at Fairview and Busey

I reside at 810 North Busey. Approximately two weeks before public hearing a sign was posted stating a hearing would take place to address a building variance (05-MAJ-04)

According to the city official I spoke to this is to be owner occupied home exclusively. Under that condition I have little objection to such a variance other than the curb of the neighborhood is somewhat compromised. I would prefer to see a home addition to the small home already attached to the lot.

However, I find it distasteful that only two weeks and one letter stood between this taxpayer and the decision process. I did not get notice any announcement that this Homestead Corporation was looking in North Urbana to build homes in our neighborhood representation publication (United Citizens and Neighbors) UCAN. Since this corporation is unknown to me I would like information about this "not for profit company" brought into the public conversation. Obviously this corporation has had the ear of community development for a great deal of time judging by the amount of plots in this file.

If a private company or public organization does not screen its applicants properly they can easily just sell the home in a few years to a family member and have it become a rental. If an organization does not make it policy finite, consequence oriented, public and check references, the possibility of this happening seems unavoidable. I would like to the numbers of local homes they have built and there subsequent sale history kept in the public review process, not national numbers.

Had this been any other type of project such as a rental property or zoning change or some other completely unacceptable project, this hasty notice would have made any neighborhood

E-Mail Communication ZBA-05-MAJ-04.txt

input improbable? Further more this short notice on the city's behalf has been addressed before in reference to the "Family Video" store on Lincoln.

If this corporation buys this property and then decides to try and use it for any other purposes, I would expect and demand the city to decline any variance or zoning change and because it was already put in writing as a condition for the sale of this property. If this becomes anything other than an owner occupied home you can expect loud and long public criticism. I would expect to be informed should this be the case with adequate time to inform neighbors.

I would prefer to see the lots the city owns sold to a developers to build houses similar to those built at Savannah Green since the lots amount to the size of a subdivision. The covenants that could be included would insure some long term security and curb appeal. The North end of town is on high ground and homes with basements would be of higher value without seeming out of place in the area.

Andrea Antulov