



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*  
**m e m o r a n d u m**

**TO:** The Urbana Zoning Board of Appeals

**FROM:** Maximillian Mahalek, Planning Intern

**DATE:** October 10, 2014

**SUBJECT: ZBA Case 2014-C-05:** a request by Andrea and Martin Bohn for a Conditional Use Permit to operate an owner-occupied bed and breakfast at 302 W. Florida Avenue, in the R-1, Single-Family Residential Zoning District.

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### **Introduction and Background**

This case is a request by Andrea and Martin Bohn for a Conditional Use Permit to operate an owner-occupied bed and breakfast at 302 W. Florida Avenue, in the R-1, Single-Family Residential Zoning District. The bed and breakfast would only be offered via [www.airbnb.com](http://www.airbnb.com), and would have a maximum of two guests at a time.

Per Table V-1 of the Urbana Zoning Ordinance, an owner-occupied bed and breakfast requires a Conditional Use Permit to operate in the R-1 district. A conditional use is one that is deemed potentially compatible with the uses permitted by right in its zoning district, but which also requires individual consideration and regulation. City staff interviewed the applicants when staff became aware of the house's use as a bed and breakfast. After discussing the use with the owners, staff determined that the level of use at 302 W. Florida most closely matches an owner-occupied bed and breakfast, and instructed the owners to apply for a Conditional Use Permit in order to allow its continued use.

### **Description of Subject Property**

The subject property is located along the northern side of West Florida Avenue, between South Carle Avenue and South Race Street. The lot is 6,769 square feet in area, and contains a 2,410 square-foot house, making for a FAR of 0.36 and an OSR of 0.64. These measurements meet the maximum allowed FAR of .40, as well as the minimum allowed OSR of .40, as established by Table VI-3 of the Urbana Zoning Ordinance. The house has a 20 foot deep front yard, a ten foot deep west side yard, a nine foot deep east side yard, and 64 foot deep rear yard, all meeting the requirements set forth by Table VI-3 of the Zoning Ordinance. The house has five bedrooms and three bathrooms, spread out amongst three floors (including the basement). One bedroom is found in the basement, one is located on the main floor, and three are located on the second floor. One full bathroom is found on the main floor, and two full bathrooms are found on the

second floor. The property has a detached, two-car garage that is 400 square feet in area, as well as a driveway that is 78 feet long by 20 feet wide at its widest point (and seven feet, ten inches at its narrowest point). The home dates back to ca. 1936. It is located just north of the university-owned Orchard Downs community (which is home to graduate students and their families), and is located just under half a mile to the east of the main campus of the University of Illinois. A Champaign-Urbana Mast Transit District (CU-MTD) operated bus stop is found 247 feet to the west at the intersection of Carle and Florida Avenues, while another is found 306 feet to the east at the intersection of Race Street and Florida Avenue. These stops both serve the Teal and Bronze CU-MTD lines.

**Survey of Comprehensive Plan Designation, Zoning, and Land Use**

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan – Future Land Use Designation</b>
<b>Subject Property</b>	R-1, Single-Family Residential	Single-Family Home	Residential – Urban Pattern
<b>North</b>	R-1, Single-Family Residential	Single-Family Home	Residential – Urban Pattern
<b>South</b>	CRE, Conservation-Recreation-Education	Vacant Land Owned by the University of Illinois (part of Orchard Downs community)	Mixed-Residential Urban Pattern
<b>East</b>	R-1, Single-Family Residential	Single-Family Home	Residential – Urban Pattern
<b>West</b>	R-1, Single-Family Residential	Single-Family Home	Residential – Urban Pattern

**Comprehensive Plan**

The 2005 Urbana Comprehensive Plan indicates that the future land use for the subject property, as well as the areas to its north, south, and west, are to be defined by an “urban pattern,” which emphasizes street connectivity and higher density development:

**Residential Urban Pattern-***“a pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”*

The land to the south of the subject property, which is a part of the Orchard Downs community (owned and operated by the University of Illinois), is to continue to be home to this community, and is to be defined by a mixed-residential urban pattern:

**Mixed-Residential Urban Pattern-** “*areas within existing neighborhoods that are considered appropriate for a mix of residential densities. New development should incorporate a design that respects the urban environment including buildings that face the street and provide access from the rear where possible. The character and scale of new development shall consider the overall context of the neighborhood.*”

The following goals and objectives from the 2005 Urbana Comprehensive Plan are relevant to the proposed Conditional Use Permit:

**Goal 16.0: Ensure that new land uses are compatible with and enhance the existing community.**

*Objective*

6.1 Encourage a mix of land use types to achieve a balanced growing community.

**Goal 17.0: Minimize incompatible land uses.**

*Objectives*

17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

## **Discussion**

The applicants are applying for a Conditional Use Permit to operate an owner-occupied bed and breakfast with accommodations for a maximum of two guests welcomed only through [www.airbnb.com](http://www.airbnb.com). Similar to a traditional bed and breakfast, an “Airbnb” is a use in which a homeowner or tenant may lease out a room in their home, or their entire home, for a period of time that could range from one night to a few months. These spaces are offered over the “Airbnb” website at [www.airbnb.com](http://www.airbnb.com), as well as via the “Airbnb” smart phone application. “Airbnb” was established in 2008, and has become highly popular across the country, as it typically reduces the cost of traveling, while providing hosts with an additional source of income.

The flexible nature of an “Airbnb” is such that it could be categorized as many types of room rental, including a traditional bed and breakfast, a week-to-week boarder, or it could be a six-month sublet of an entire house. Staff met with the property owners to find out more about the extent of the proposed use. While some of their guests were staying for multiple days, guests were of a transient nature and not typical boarders. As an owner-occupied home with transient guests, it was determined that the use most closely matches an owner-occupied bed and breakfast, which is defined by the Urbana Zoning Ordinance as “*an owner-occupied single-family dwelling or part thereof where rooms are rented to transient guests on an overnight basis. A bed and breakfast shall be subordinate to the principal use as a single-family dwelling.*”

Under the proposal, the owners would continue to live in the home. The hosts must approve of their guests before they arrive. One guest bedroom is located in the basement, and the other is on the main floor. The guest bedroom on the main floor is 120 square feet in area, while the guest bedroom located in the basement is 240 square feet in area. The guest bedroom in the basement has one egress window that meets the requirements set forth by all applicable codes. There would be one listing per room on [www.airbnb.com](http://www.airbnb.com). There is one full bathroom to be utilized by the guests, located on the main floor, adjacent to the stairs that lead to the basement. This bathroom is 56 square feet in area.

Proximity to the University of Illinois's main campus is the main strength that the owners will rely on to attract guests. The owners have offered the Airbnb use since August of 2013. They have rarely had more than one guest at a time, and have never received complaints from neighbors regarding the use.

Prepared food is not provided to the guests, although guests will be able to access the kitchen at any hour to prepare food that they have purchased themselves. The guests of the Airbnb will not be allowed to have friends over during their stays.

### **Parking Arrangements**

Per Table VIII-7 of the Urbana Zoning Ordinance, an owner-occupied bed and breakfast requires one parking space per living/guest room, as well as two additional spaces for the owners. The 400-square foot garage on the lot provides two required parking spaces for the owners. In addition, there is room for two vehicles to park along the driveway, as seen in Exhibit E. These parking spaces meet the parking regulations set forth by both Table VIII-2 and Table VIII-7 of the Urbana Zoning Ordinance. However, if there are two cars placed in the driveway, then there will be no access to the garage. Consequently, the applicants have agreed to only accept a secondary guest who does not bring a car with them, ensuring accessibility.

### **Similar Case History**

In 1990 and 2003 the Zoning Board approved two other owner-occupied bed and breakfasts, which are located at 710 West Oregon Street and 714 West Michigan Avenue, respectively. These properties are zoned R-2, Single Family Residential, and are slightly larger than the subject property. The bed and breakfast at 714 West Michigan known as "Akademika" has three of its nine bedrooms used as guest rooms. It is marketed primarily to visitors to the University of Illinois. The Hubert House bed and breakfast at 710 West Oregon is also in operation and markets to the general public. Sylvia's Irish Inn on Green Street is located in the Mixed-Office Residential district and is not required to be owner occupied. On March 19, 2014, the Urbana Zoning Board of Appeals denied a request for a Conditional Use Permit by the owners of 2402 Provine Circle to operate an owner-occupied bed and breakfast. This denial was due to a variety of factors, including reported nuisances, opposition towards the proposed intensity of the use (which was for a maximum of three guests), parking, and the fact the applicants wanted to hire an employee to provide meals to guests in an expanded commercial operation.

## **Expected Neighborhood Impact**

The proposed conditional use is not expected to have a significant impact on the character of the surrounding neighborhood. The subject home contains five bedrooms, and between the owners and the two guests, only three bedrooms will be utilized at times of highest activity. No commercial food operation will be offered. The driveway and garage can accommodate the required parking for the owners and the guests. However, only one guest with a vehicle will be allowed at any one time. No architectural or any other physical changes are proposed to the subject property. There will be no external signs on the property.

If the Conditional Use Permit requested here is approved by the Zoning Board of Appeals, the applicants will be required to obtain a Certificate of Occupancy (once the City's Building Safety Division ensures all building safety code requirements are met). The applicant will also be required to obtain a hotel/motel license, and meet all associated restrictions, to operate.

There have been no previous complaints regarding the subject property's use as an Airbnb. One resident has voiced their opposition to the proposed Conditional Use Permit to City Staff.

## **Requirements for a Conditional Use Permit**

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following requirements shown in italics. City Staff analysis follows each criteria.

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

The proposed use is located in a community with close proximity to the University of Illinois campus, which is a major draw for users of [www.airbnb.com](http://www.airbnb.com). The strong pedestrian infrastructure in the neighborhood, as well as the nearby bus stops operated by the CUMTD, provide accessibility for the guests of the proposed use.

- 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 use is not expected to cause a nuisance for the surrounding neighborhood. All parking requirements are already provided, although the applicants will only allow one guest at a time to have a car. No physical changes are proposed for the lot or the home. There will be no external signs on the property.

- 3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-3.*

The proposed use will maintain the residential character of the home. Meanwhile, City Staff will ensure compliance with all applicable building and zoning regulation requirements before a Certificate of Occupancy can be issued.

## Summary of Findings

1. The subject property is zoned R-1, Single-Family Residential;
2. The Urbana Zoning Ordinance allows an “*Owner-Occupied Bed and Breakfast*” as a conditional use in the R-1 zoning district;
3. The proposed use is to be located in the existing house at 302 W. Florida Avenue;
4. The proposed owner-occupied bed and breakfast will only allow a maximum of two guests at any one time;
5. Only one guest of the proposed use at any one time will be allowed to have a vehicle on-site;
6. The proposed bed and breakfast will not serve any food to guests;
7. The proposed use is conducive to the public convenience at this location, as it is located in a highly accessible neighborhood near the campus of the University of Illinois;
8. The propose use is designed, located, and proposed to operated so that it will not create a nuisance for the neighborhood, nor be a determinant to its surrounding district;
9. The propose use will meet all zoning and building safety code regulations and will preserve the residential character of the property.

## Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2014-C-05:

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

## Staff 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 **GRANT** the proposed conditional use in case ZBA-2014-C-05 for the reasons articulated above, and **be subject to the following conditions:**

- i. Only two individual guests will be allowed at any one time.
- ii. The conditional use shall only be approved for the applicants in this case, and will not be applicable to any future owners or tenants of 302 W. Florida Avenue. The

applicants will not be able to utilize this specific conditional use permit in any other property they may move into or purchase.

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Existing Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Application for Conditional Use Permit  
Exhibit E: Sketch of Parking Accommodations  
Exhibit F: Site Photos

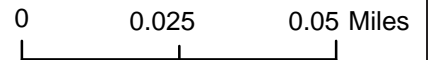
cc: Andrea and Martin Bohn, 302 W. Florida Avenue, Urbana, IL 61801



# Exhibit A: Location and Existing Land-Use



Case No.: ZBA-2014-C-05  
Subject: Proposed Owner-Occupied Bed and Breakfast  
Location: 302 W. Florida Avenue  
Petitioner: Andrea and Martin Bohn

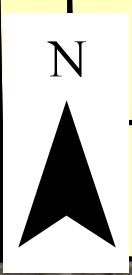
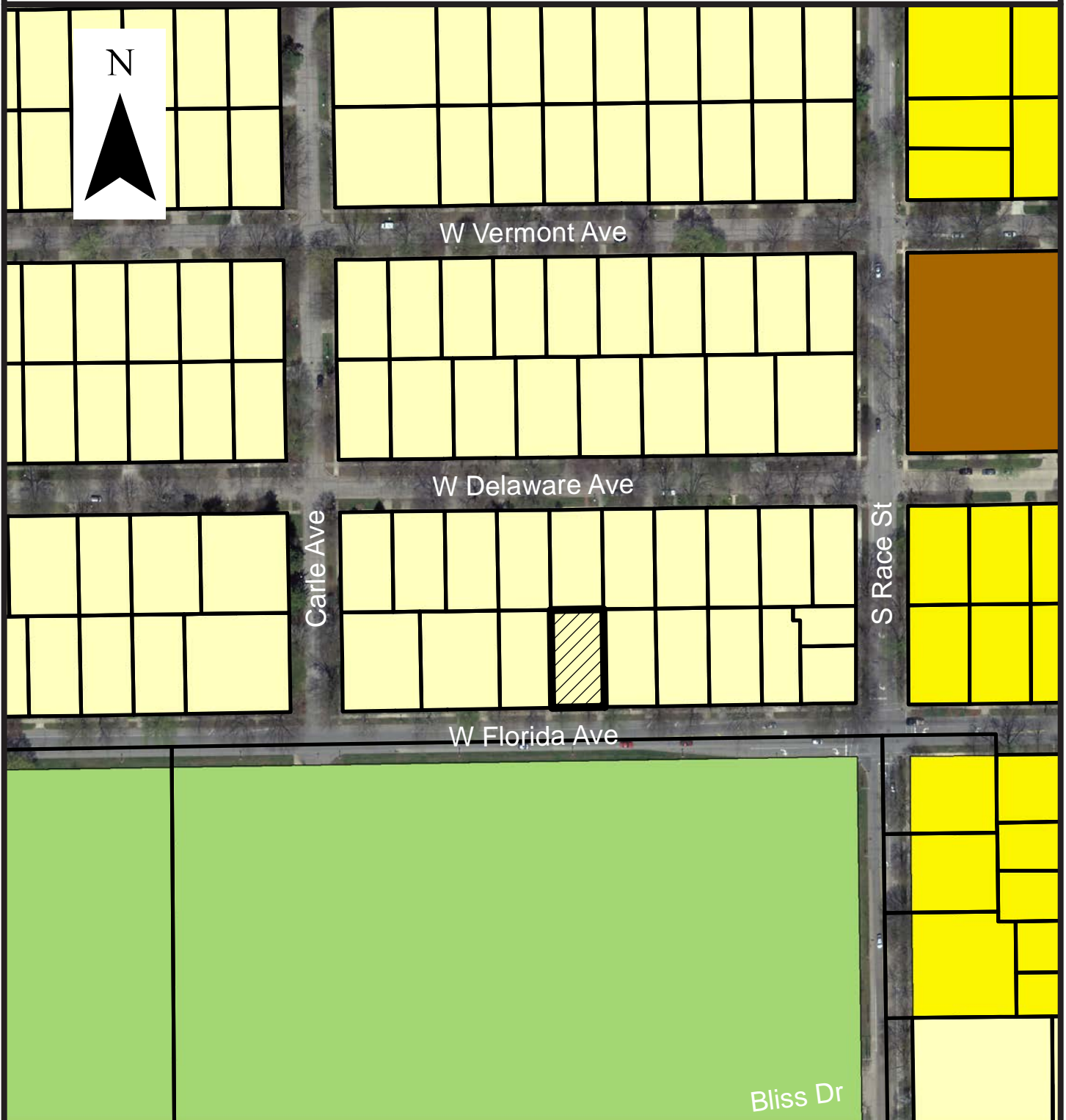


 Subject Property

Created by Community Development Services Department 10/06/2014



# Exhibit B: Zoning Map

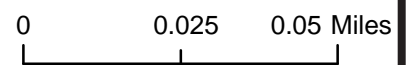


Case No.: ZBA-2014-C-05





Subject: Proposed Owner-Occupied Bed and Breakfast

Location: 302 W. Florida Avenue

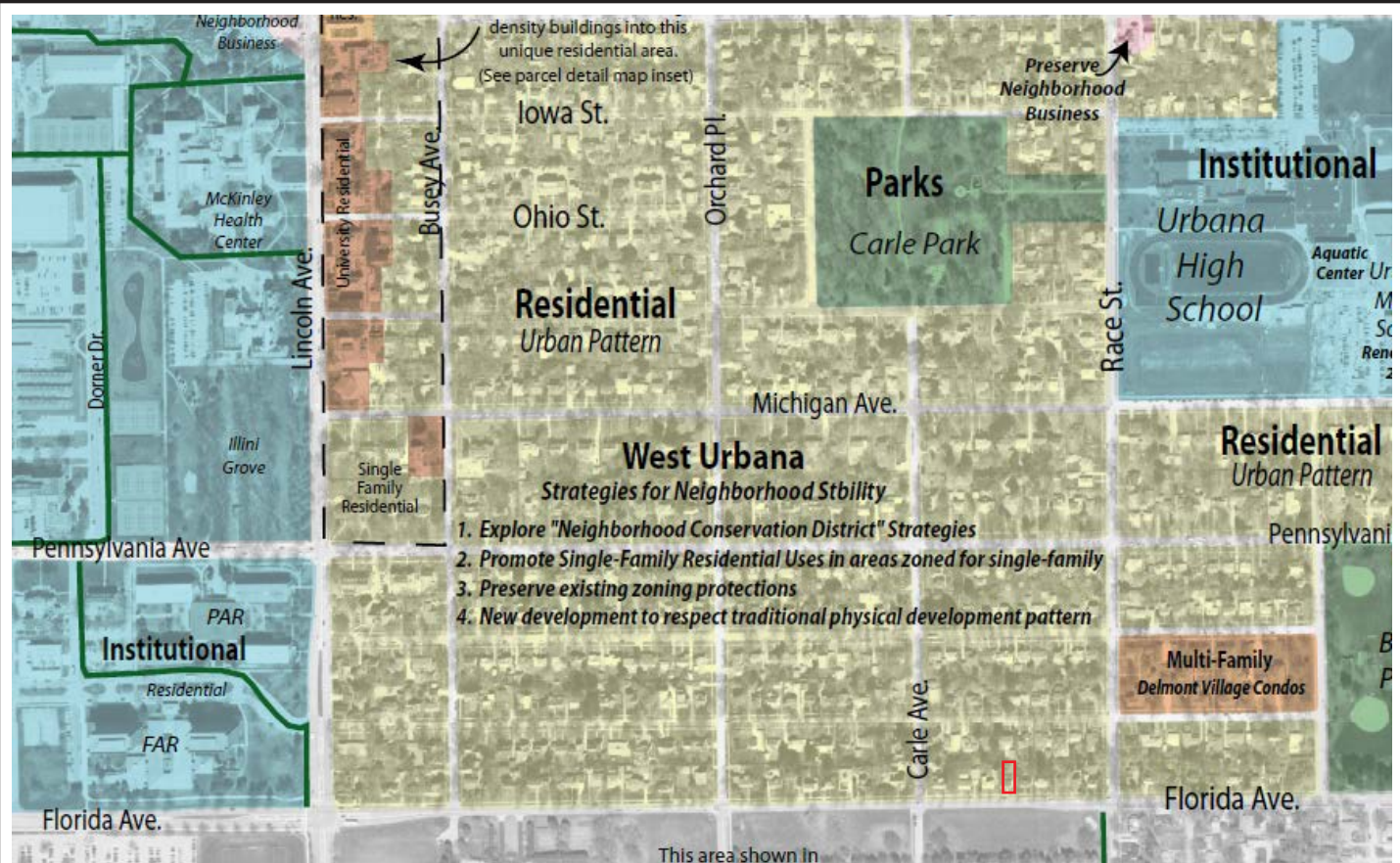
Petitioner: Andrea and Martin Bohn



Created by Community Development Services Department 10/06/2014

-  R-1, Single Family Residential
-  R-2, Single Family Residential
-  R-5, Medium High Density Multiple-Family Residential
-  CRE

# Exhibit C: Future Land Use Map, Page 1



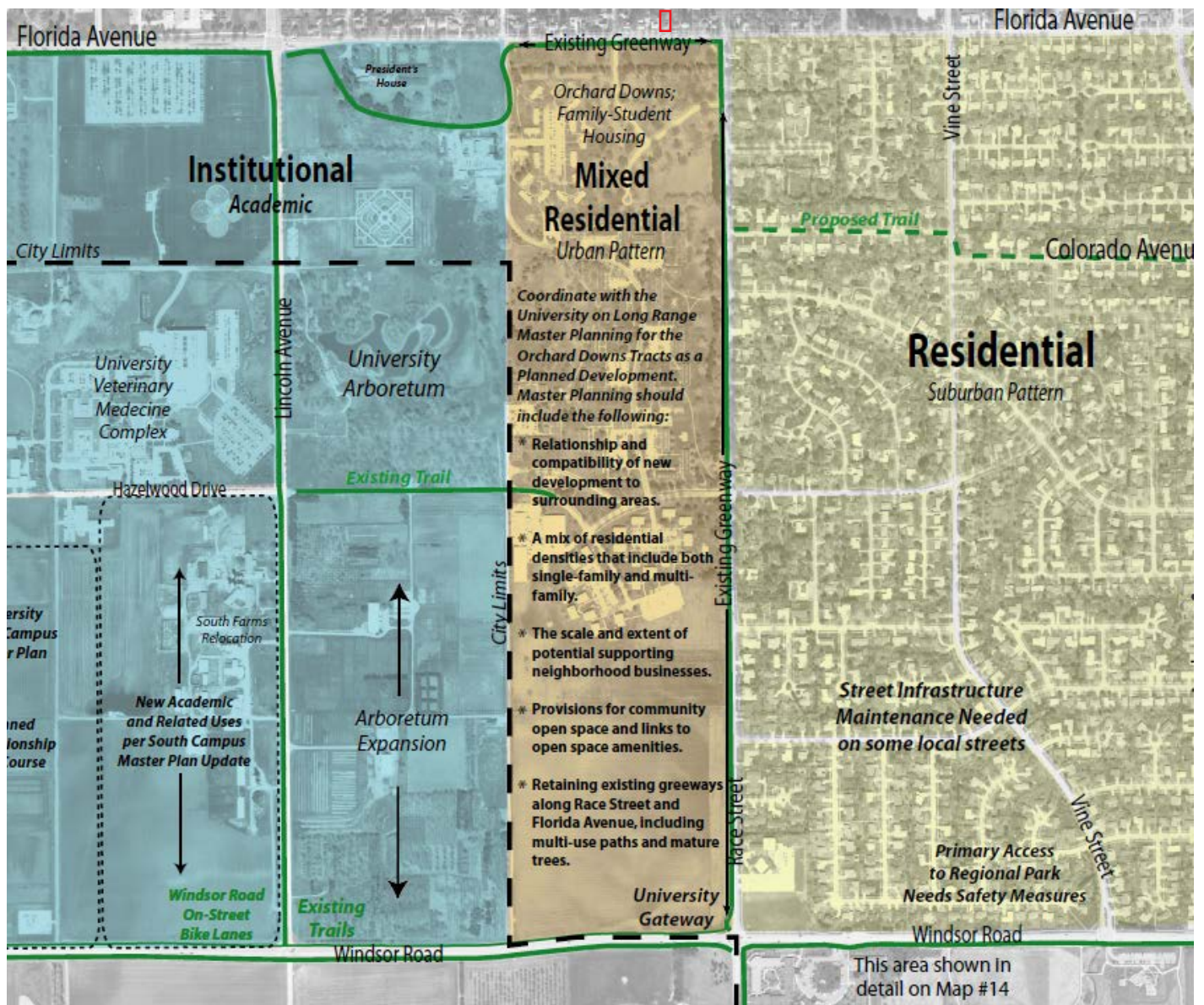
Case No.: ZBA-2014-C-05  
 Subject: Proposed Owner-Occupied Bed and Breakfast  
 Location: 302 W. Florida Avenue  
 Petitioner: Andrea and Martin Bohn

 Subject Property

Created by Community Development Services Department 10/06/2014

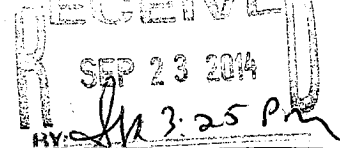


# Exhibit C: Future Land Use Map, Page 2



Case No.: ZBA-2014-C-05  
 Subject: Proposed Owner-Occupied Bed and Breakfast  
 Location: 302 W. Florida Avenue  
 Petitioner: Andrea and Martin Bohn

Subject Property



# Application for Conditional Use Permit

# Zoning Board Of Appeals

## APPLICATION FEE - \$150.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 09-23-2014 ZBA Case No. ZBA-2014-C-05  
 Fee Paid - Check No. 2151 Amount \$150.00 Date 09-23-2014

### 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 *(Insert Use or Construction Purpose)* an owner-occupied Bed and Breakfast/Arbit on the property described below, and in conformity with the plans in the permit application.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Andrea Bohn, Martin Bohn Phone: 217-721-2939  
 Address (street/city/state/zip code): 302 W. Florida Avenue, Urbana, IL, 61801  
 Email Address: andrea.bohn@gmail.com  
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

#### 2. OWNER INFORMATION

Name of Owner(s): same as above Phone:  
 Address (street/city/state/zip code):  
 Email Address:

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: 302 W. Florida Ave., Urbana, IL 61801  
 PIN # of Location: 93-21-17-383-014  
 Lot Size: 0.3 acres (?)

Current Zoning Designation: R1 Single-Family Residential District

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

Proposed Land Use: Owner occupied Bed and Breakfast / Airbnb

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. CONSULTANT INFORMATION** n.a.

**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** See separate sheet

Explain how the proposed use is conducive to the public convenience at the location of the property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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).

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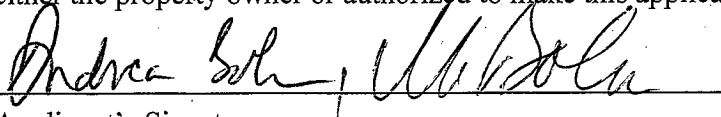
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**NOTE:** *If additional space is needed to accurately answer any question, please attach extra pages to the application.*

**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

Sept. 15, 2014  
Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

**Application for Conditional Use Permit**  
**as an owner-occupied Bed and Breakfast through [www.airbnb.com](http://www.airbnb.com)**

Andrea and Martin Bohn, [andreabohn@gmail.com](mailto:andreabohn@gmail.com)  
302 W. Florida Avenue  
Urbana, IL 61801  
217-721-2939

**#5 Reasons for Conditional Use Permit**

**Explain how the proposed use is conducive to the public convenience at the location of the property:**

The proposed use of our residence as an owner-occupied Bed and Breakfast, for which we find guests exclusively through the Airbnb online portal, does not change the public convenience of or at our property, i.e., it does not reduce or enhance it.

There is no indication that this property is to be used as an owner-occupied B&B, i.e., there are no advertisements, posts, or other announcement about this use on the property. We have do not have any intention to advertise the room through any other means than the online portal and occupancy by guests is not constant but rather off and on, with days or weeks in-between hosting guests.

**Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonable injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare:**

According to the City of Urbana, Illinois, Zoning Map, our property is located is an R-1 Single-Family Residential District. As such, this is a district that should provide dwellings at low density. And, this designation does allow other uses compatible with residential areas (based on definition in Urbana's Zoning Ordinance and Map, as quoted in the attachment).

The principle and dominant use of our property is that of a single family, owner occupied residence. Hosting guests, usually for several days at a time, at our residence will not be injurious or detrimental to this residential district since we host guests only on occasion and rarely will we host more than one guest at a time. We do not provide any meals to the guests, not even breakfast. They are allowed to use the kitchen and prepare their own meals.

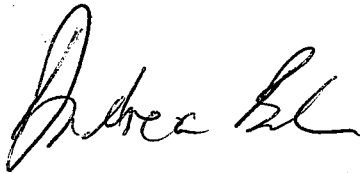
Other than not providing meals, hosting Airbnb guests is much like having a friend or relative come to visit. Past experience has shown that fewer than half of the guests bring their own car and this they can park in our driveway. Other guests walk, use the bus, or use our spare bicycle. Our guests have always been quiet and spend most of the time either with the organizations they are visiting in town or in our

house. We do not permit that other guests be brought in or events held on our property that could possibly disturb the 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).**

Our house has 5 bedrooms and 3 bathrooms. My husband and I have been living alone in this home since our son moved out in January 2012. So the capacity of the house is much higher than current owner occupancy. By hosting one or two guests at a time the low density occupation is retained. We have two garage spaces and can park 2 cars in the driveway.

The essential character of the district is that of a residential area. Individuals who are seeking to rent a room through Airbnb are essentially looking for an option that very different from staying at a hotel. They are seeking to be closer to where and how real people live in the town. They are looking for a residential type of accommodation. We, in turn, do not seek to operate a hotel, not even a bed and breakfast in the traditional sense. We enjoy hosting individuals from around the world and welcome them like friends or family. By hosting Airbnb guests we are not impacting the residential, low density dwelling characteristics of this district.



09/15/2014

## Attachment - Definitions

### **R-1 Single-Family Residential District (as defined in the City of Urbana, Illinois, Zoning Map) - <http://www.maps.ccgisc.org/public/#UrbanaZoningMap>**

The R-1 Single-Family Residential District is intended to provide areas for single-family detached dwellings at low density.

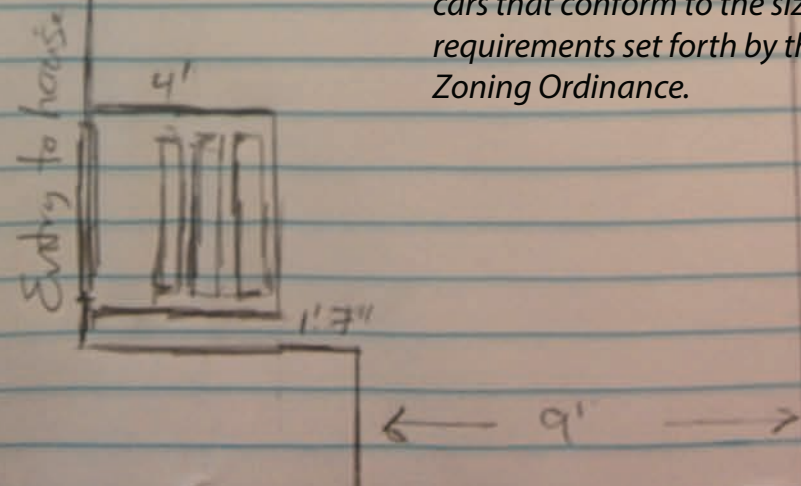
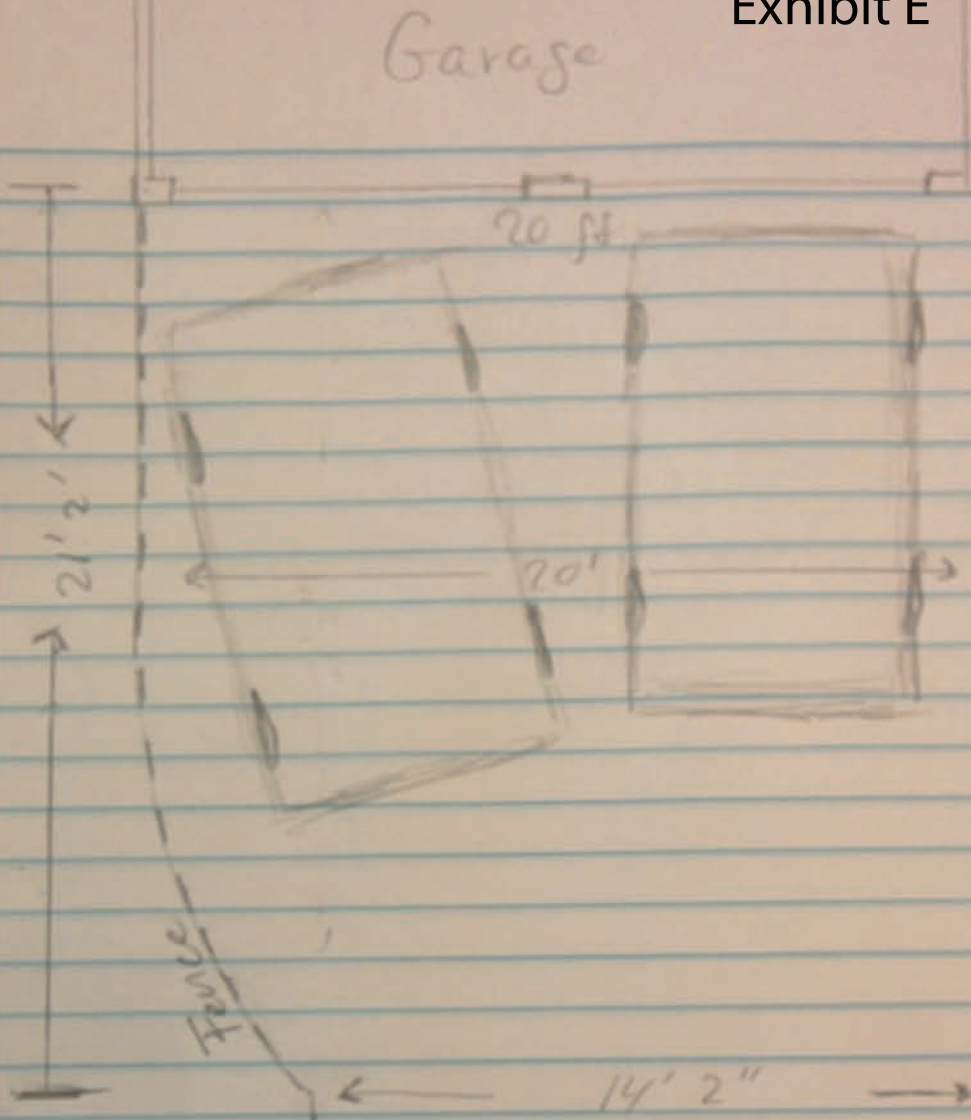
The Residential Districts generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses. Basic urban services and utilities, including adequate access and utilities, are necessary for these districts.

### **Definitions from the City of Urbana, Illinois, Zoning Ordinance, adopted July 1, 1993 and current through October 1, 2013:**

***Bed and Breakfast Inn:*** A converted single-family detached dwelling in which rooms are rented to transient guests on an overnight basis. A dining area that is open to both guests of the Inn and to the public as a restaurant and retail sales are permitted activities within a Bed and Breakfast Inn if they are subordinate to the use of the Inn for lodging. (Ord. No. 9596-57, 11-20-95)

***Bed and Breakfast, Owner Occupied:*** An owner-occupied single-family dwelling or part thereof where rooms are rented to transient guests on an overnight basis. A bed and breakfast shall be subordinate to

Exhibit E



\*The entire driveway is 78 feet long from the garage to the street, and it is nine feet wide at its narrowest point. Consequently, the applicants can park two cars that conform to the size requirements set forth by the Urbana Zoning Ordinance.



**Exhibit F: Site Photos**



