



**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:** Kevin Garcia, AICP, Planner II

**DATE:** June 9, 2015

**SUBJECT:** ZBA-2015-C-01: A request by Tod Satterthwaite for a Conditional Use Permit to allow a duplex at 703 West High Street in the R-2, Single-Family Zoning District.

ZBA-2015-MAJ-01: A request by Tod Satterthwaite to grant a Major Variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Zoning District

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**Introduction**

*These cases were originally heard by the Zoning Board of Appeals at their meeting on April 15, 2015. On that date, the Zoning Board of Appeals voted two to one, with one abstention, to deny each request. Upon review, City Legal Staff determined that the votes may not have been valid to deny the requests. Article 3 Section 6.1 of the Zoning Board of Appeals bylaws states that all decisions “shall require at least a majority of a quorum”. At the April 15, 2015 meeting, the quorum was four. A decision would therefore have required at least three votes either for or against the requests to be valid. Because the motion to deny the requests only received two votes, it would be most prudent to rehear the case to ensure the validity of the vote.*

The petitioner, Tod Satterthwaite, has submitted a request to allow the continued use of a duplex at 703 West High Street, in the R-2, Single-Family Zoning District. According to the Urbana Zoning Ordinance, duplexes are allowed in the R-2 district if a Conditional Use Permit is granted. In addition, Section VI-3.B of the Urbana Zoning Ordinance requires a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet for duplexes on parcels in the R-2 district that were platted before December 21, 1970. The lot at 703 West High Street is 50 feet wide and has an area of 4,737 square feet. The applicant therefore requests a variance to allow a duplex on a lot that is 16.7 percent narrower and has 21.1 percent less area than required by the Zoning Ordinance.

The property contains a single-family home which, according to the previous owner, was converted into a duplex in the late 1950s or early 1960s. While it is not clear exactly when the house was turned into a duplex, it is certain that it was a duplex in 1983, when the City conducted a land use survey in the West Urbana neighborhood. The applicant has owned the property since 1986. At the time of the purchase, the house had a temporary Certificate of Occupancy (C of O) to allow its use as a duplex for a limited period of time. The C of O required that the house be converted back into a single-family home on or

before March 1, 1988.<sup>1</sup> According to the applicant, he was unaware of the temporary C of O or any other restrictions on the continued use of the property as a duplex when he purchased the property, and has thus used the property as a duplex since he took ownership. According to the applicant and City records, the City has treated the property as a duplex when issuing building permits, collecting recycling fees, and registering the property through the rental registration program.

After this case was originally presented to the Zoning Board of Appeals at the April 15, 2015 meeting, two letters have been received by City staff (see Exhibit F). The first was from Charlotte Halle, the owner of 705 W. High Street. Ms. Hall's letter supports the application to allow the continued use of 703 W. High Street as a duplex. She is concerned about the potential negative impacts that converting the house into a single-family rental unit may have. The second letter staff received was from the petitioner, and expresses his willingness to place a condition on the property that would restrict the occupancy of the duplex to what would be allowed for a single-family home.

Following a public hearing and full consideration of the facts, Conditional Use Permits are either approved or denied by the Zoning Board of Appeals by majority vote. Should nearby property owners file a valid written protest in accordance with Section XI-11 of the Zoning Ordinance, a Conditional Use Permit can only be authorized by a favorable vote of two-thirds of the members of the Zoning Board of Appeals. In order to approve the Major Variance request, according to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, the Zoning Board of Appeals requires a two-thirds favorable vote to recommend approval and forward the case to the Urbana City Council for final review and approval.

## **Background**

The property is located in the northwestern portion of the West Urbana Neighborhood, two blocks from the University of Illinois campus, in an area that contains a mix of rental properties used for student housing and owner-occupied single-family houses (see Exhibit A). The applicant has owned the house since 1986, when he purchased it as a rental duplex property. It has been used as a duplex the entire time the applicant has owned the house, and has been generally rented to graduate students and upper classmen at the University during that time. The previous owner of the property claimed the house was first converted into a duplex in 1959, and had been used as a duplex the entire time she owned the property.

In 1983, the City of Urbana conducted the West Urbana Land Use Survey, which was an attempt to identify and correct any illegal land use and/or zoning violations in the West Urbana Neighborhood, focusing on properties that may have been converted improperly into dwellings with more units than the underlying zoning allowed. For properties that were suspected of being in violation of the Zoning Ordinance, the City required that the property owner prove that the use in question had been established before 1950.<sup>2</sup> If the owner could not provide such proof, their property was found to be non-conforming and the City required that the property be converted to an allowable use by August, 1984. Property owners could appeal for an extension of up to four years to lessen any hardship that could result from being forced to, in most cases, remove one or more income-producing units from their property.

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<sup>1</sup> This was part of a larger zoning enforcement effort that the City initiated in 1983 in the West Urbana Neighborhood.

<sup>2</sup> In the 1950 Urbana Zoning Ordinance, the City first established minimum lot width and area requirements. These requirements were used as the basis to determine whether properties were suspected of being illegal uses in the 1983 West Urbana Residential Land Use Survey.

In the case of 703 W High Street, the property did not meet minimum lot width or area requirements for use as a duplex. The previous owner claimed that the house had been converted to a duplex by a prior owner in 1959, and that the City issued building permits to her in 1961 to allow her to “properly convert” the house into a duplex. Later, in 1983, the City required owners to provide sworn affidavits attesting to the property’s use prior to 1950. The owner did not furnish such affidavits, and without evidence to indicate that the property was a duplex prior to 1950, the City determined that the property was an illegal, or non-conforming, duplex. The owner then filed for an extension with the Zoning Board of Appeals, and was granted a temporary Certificate of Occupancy (C of O) to allow the use as a duplex until March 1, 1988 at the latest.

In April, 1986, the applicant purchased the property as a duplex, intending to use it as a rental property. He has used the property as a rental duplex since that time. According to the applicant, he was not made aware of the temporary C of O or of the non-conforming status of the property. The owner of 705 W. High Street, Charlotte Hall, purchased her property from Kathryn Webster in 1985. Ms. Webster also owned 703 W. High Street at the time, before selling it to the applicant. According to Ms. Hall, in 1985 Ms. Webster was offering 703 W. High Street for sale as a duplex (see Exhibit F). The applicant is currently interested in selling the property and would like to resolve the issue regarding its use as duplex before selling the property. In the event that the Conditional Use Permit is granted, the permit would be bound to the property and not to the applicant.

**Existing Land Uses**

The subject property is located within the West Urbana neighborhood, and is surrounded by other residential uses. To the west is a legally non-conforming, five-unit apartment building. To the north are two single-family rental homes; one of these homes had been a legally non-conforming apartment building, which was recently converted back into a single-family home. To the east are two legally non-conforming duplexes. One of the duplexes contains an owner-occupied unit and a rental unit. The other contains two rental units.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
Site	R-2, Single-Family Residential	Duplex (Rental)	Residential
North	R-3, Single- and Two-Family Residential	Single Family Residential (Rental)	Residential
East	R-2, Single-Family Residential	Duplex* (One Unit Rental; One Unit Owner-Occupied); Duplex*(Rental)	Residential
South	R-2, Single-Family Residential	Duplex (Rental)	Residential
West	R-2, Single-Family Residential	Apartment*	Residential

*\*Legally Non-Conforming Use*

## **Comprehensive Plan**

In Urbana's 2005 Comprehensive Plan, Future Land Use Map #8 identifies the 700 block of W High Street as an area appropriate for an urban pattern of residential use. The Plan defines "Residential (Urban Pattern)", as areas containing...

...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.

The continued use of the property as a duplex is therefore an appropriate use as identified by the future land use designations in the Comprehensive Plan.

## **Discussion**

The property at 703 W High Street has been in use as a duplex since at least 1983, and possibly since the late 1950s. The requested Conditional Use Permit and Major Variance would allow its continued use as a duplex.

The property is located in an area where the prevailing use is rental housing for students. Its continued use as a duplex with two rental units would be compatible with the surrounding area in both use and character. Each building along the 700 W High Street block contains rental units. Ten out of 12 of these buildings are converted single-family homes and are currently used as rental properties. To allow the continued use of 703 W High Street as a duplex would not alter the character or otherwise be detrimental to the block or to the neighborhood.

The property has three off-street parking spaces located behind the house. The 700 block of West High Street also has on-street permit parking. There are two permit parking spaces in front of the house. According to Table VIII-7 of the Urbana Zoning Ordinance, two-family uses (i.e. duplexes) require two off-street parking spaces per dwelling unit. The property contains two dwelling units – a three-bedroom apartment and a one-bedroom apartment – and would therefore require four off-street parking spaces. However, the configuration of the building is not typical of duplexes, which normally contain two units of equal size and shape. The layout is more akin to a two-unit apartment building than a traditional duplex. In multi-family residential buildings, each three-bedroom unit requires 1.5 parking spaces, and each one-bedroom unit requires one parking space. If the building were treated in this manner, three off-street parking spaces would be sufficient. Since this property has been traditionally rented to students and is within walking distance of campus, it is worth noting that student car ownership rates are less than the general population, and students tend to walk and bike to destinations.

As the zoning of the property is R-2, Single-Family Residential, it would be reasonable to require the petitioner to comply with the same occupancy requirements as a single-family home as a condition of the Conditional Use Permit. This option was briefly discussed at the previous public hearing on this case, has been agreed to by the petitioner,<sup>3</sup> and is included as part of the staff recommendation. This condition would address concerns previously expressed, such as overcrowding and insufficient

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<sup>3</sup> See Exhibit F.

parking, by limiting the number of potential occupants than what would otherwise be allowed in a duplex.

### **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:

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

The proposed use is a duplex, which the property has been used as since at least 1983. The property is used as rental housing for students, which is conducive to the public convenience due to its proximity to the University of Illinois and to its compatibility with the surrounding uses on the block.

- 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 duplex use is the same as its current use, which since at least 1986 has not been found to be injurious or detrimental to the district, nor has it been injurious to the public welfare.

- 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*

In terms of the overall development pattern, the proposed use would help preserve the essential character of the district, as it would continue to provide two rental housing units for students in a converted single-family dwelling. This development pattern is common in the immediately surrounding area. Adjacent blocks contain other duplexes, as well as apartment buildings and single-family homes. Duplexes are elsewhere in the neighborhood and in most areas of the city with R-2 zoning. The continued use of a duplex on this property would conform to the character of the surrounding area and to the R-2 district in general.

### **Additional Conditions for Conditional Use Permit**

According to the Zoning Ordinance, the Zoning Board of Appeals shall authorize or deny the requested conditional use, and may also impose additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, including but not limited to the following:

- 1. Regulation of the location, extent, and intensity of such uses;*
- 2. Requirement of the screening of such uses by means of fences, walls, or vegetation;*
- 3. Stipulation of required minimum lot sizes;*

4. *Regulation of vehicular access and volume;*
5. *Conformance to health, safety, and sanitation requirements, as necessary;*
6. *Increases to the required yards; and*
7. *Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).*

### **Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *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.*

While there may be a small number of other duplex properties in the West Urbana Neighborhood that are similar to 703 W High Street in lot area and width, this is the first case of its kind that the City has processed. The granting of a variance is unlikely to serve as a special privilege due to the unusual – and possibly unique – circumstances of the property in question. Furthermore, the 700 block of W High Street and surrounding blocks contain a number of other duplexes on lots that do not conform to current standards. For example, of the four duplexes on lots adjacent to 703 W High Street, the lots range from 40 to 50 feet wide and the areas range from 2,857 to 4,710 square feet. Allowing this property to continue to be used as a duplex would not be a special privilege in the area.

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

The petitioner purchased the house as a duplex in 1986, unaware that its use as a duplex was set to expire in 1988. Neither the petitioner nor the City recognized that the duplex use had expired at that time. The variance request is an attempt to remedy a situation that was not knowingly created by the petitioner.

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

The immediate neighborhood is predominantly characterized by older single family homes that have been converted into student rental housing. Allowing 703 W High Street to continue being used as a duplex will not alter the essential character of the immediate neighborhood.

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

According to the applicant, and City records, there have been no nuisance complaints at 703 W High Street since he purchased it in 1986. Its continued use as a duplex is unlikely to create a nuisance at this time or in the future. The house is adequately set back from neighboring structures by at least ten feet on each side (see Exhibit D), to the east by a side yard and to the west by a shared driveway on the neighboring property. To the back of the house is a parking area and small yard.

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

The requested variance will not alter the size of the structure or the property in any way. The request was made to allow the pre-existing duplex use to continue and to bring the property into conformity with the Zoning Ordinance. The lot width of 50 feet and area of 4,737 square feet will not change if the variance request is granted.

## **Summary of Findings**

1. 703 W High Street is zoned R-2, Single-Family Residential. Table V-1 of the Zoning Ordinance classifies duplex dwellings as a Conditional Use in R-2 zoning districts. For duplex use, Section VI-3.B of the Urbana Zoning Ordinance requires a minimum width of 60 feet and a minimum area of 6,000 square feet for lots platted before December 21, 1970. 703 W High Street is 50 feet wide and 4,737 square feet in area.
2. The property has been occupied as a duplex use since at least 1984, and likely since 1959.

*For case # ZBA-2015-C-01:*

3. The petitioner has applied for a Conditional Use Permit to allow 703 W High Street to continue to be used as a duplex dwelling.
4. The proposal would be conducive to the public convenience at this location based upon its proximity to the University of Illinois campus and to its compatibility with its immediate surroundings.
5. The proposal would not be injurious or detrimental to the surrounding district or the public welfare.
6. The proposal will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.

*For case # ZBA-2015-MAJ-01:*

7. The petitioner has applied for a Major Variance to allow a duplex on a lot that is 16.7 percent narrower and has 21.1 percent less area than is required by the Zoning Ordinance.
8. The variance request will not serve as a special privilege to the property owner.
9. The variance request was not the result of a situation knowingly created by the petitioner.
10. The variance request will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.
11. The variance request will not cause a nuisance to adjacent property owners.
12. The variance request represents the minimum deviation necessary from the requirements of the Zoning Ordinance.

*For both cases:*

13. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

## **Options**

The Zoning Board of Appeals has the following options in Case No. ZBA-2015-C-01:

1. Grant the requested conditional use without any special conditions; or
2. Grant the requested 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 requested conditional use.

The Zoning Board of Appeals has the following options in Case No. ZBA-2015-MAJ-01:

1. Forward the case to City Council with a recommendation to approve the variance as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to approve the variance with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
3. Deny the variance request.



## 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 request for a Conditional Use Permit in case ZBA-2015-C-01 subject to the following condition:

1. That the entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated persons may occupy the entire duplex.

Staff likewise recommends that the Zoning Board of Appeals recommend **APPROVAL** of the request for a Major Variance in case ZBA-2015-MAJ-01 to the Urbana City Council.

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Site Photos  
Exhibit E: Application  
Exhibit F: Communications

Cc: Tod Satterthwaite

# Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MAJ-01 & ZBA-2015-C-01  
 Subject: Major Variance  
 Location: 703 W High St  
 Petitioner: Tod Satterthwaite

- Subject Property
- Rental Property
- Owner-Occupied
- Legal Non-Conforming Uses

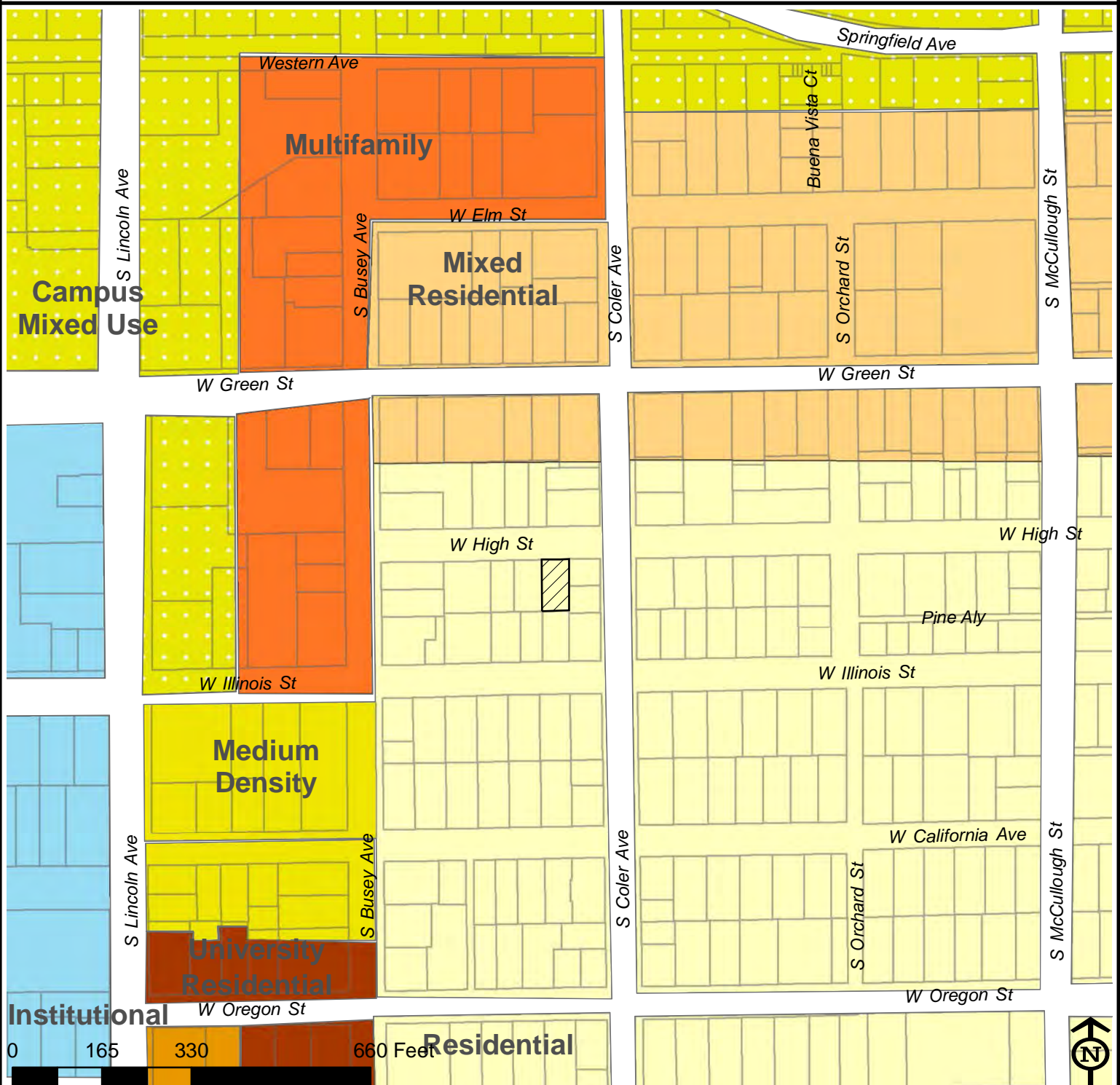
# Exhibit B: Zoning Map



Case: ZBA-2015-MAJ-01 & ZBA-2015-C-01  
 Subject: Major Variance  
 Location: 703 W High St  
 Petitioner: Tod Satterthwaite

B1	CCD	R3	R7
B2	CRE	R4	
B3U	MOR	R5	
B4	R2	R6	
Subject Property			

# Exhibit C: Future Land Use Map



Cases: ZBA-2015-MAJ-01  
 ZBA-2015-C-01  
 Subject: Major Variance  
 Location: 703 W High St  
 Petitioner: Tod Satterthwaite

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|--|------------------------|--|--------------------------|
|  | Residential            |  | Mixed Residential        |
|  | High Density           |  | Multi-Family Residential |
|  | University Residential |  | Campus Mixed Use         |
|  | Medium Density         |  | Institutional            |
|  | Subject Property       |  |                          |

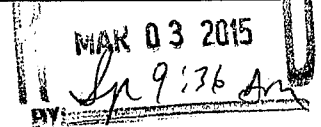




# Application for Conditional Use Permit

# 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 03-03-2015 ZBA Case No. ZBA-2015-C-01  
 Fee Paid - Check No. 2432 Amount \$150.00 Date 03-03-2015

### 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)* A DUPLEX on the property described below, and in conformity with the plans in the permit application.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **TOD SATTERTHWAITE** Phone: **217-355-0085 (H), 217-493-7148 (C)**

Address (*street/city/state/zip code*): **502 S. ELM ST., CHAMPAIGN, IL 61820**

Email Address: **TODSATTERTHWAITE@GMAIL.COM**

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **OWNER**

#### 2. OWNER INFORMATION

Name of Owner(s): **TOD SATTERTHWAITE** Phone: **217-355-0085 (H), 217-493-7148 (C)**

Address (*street/city/state/zip code*): **502 S. ELM ST., CHAMPAIGN, IL 61820**

Email Address: **TODSATTERTHWAITE@GMAIL.COM**

Is this property owned by a Land Trust?  Yes  No

*If yes, please attach a list of all individuals holding an interest in said Trust.*

#### 3. PROPERTY INFORMATION

Location of Subject Site: **703 W. HIGH ST., URBANA, IL 61801**

PIN # of Location: **92-21-17-108-007**

Lot Size: 57.71 x 94.75

Current Zoning Designation: **SINGLE FAMILY, R-2**

Current Land Use (*vacant, residence, grocery, factory, etc*): **RESIDENCE-DUPLEX**

Proposed Land Use: **RESIDENCE-DUPLEX**

Legal Description: THE EAST FIFTY (50) FEET OF THE NORTH HALF (N 1/2) OF LOT SIX (6) IN BLOCK ONE (1) OF JOSEPH W. SIM, JR.'S ADDITION TO THE CITY OF URBANA.

**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.

THE USE OF THE PROPERTY AS A RENTAL AND AS A DUPLEX IS CONDUCTIVE TO THE PUBLIC CONVENIENCE SINCE ALL OTHER PROPERTIES IN THE IMMEDIATE AREA ARE EITHER RENTAL, MULTI-FAMILY OR BOTH. THE HOUSING MARKET IN THIS AREA IS OVERWHELMINGLY TARGETED TO STUDENTS AT THE UNIVERSITY OF ILLINOIS GIVEN ITS CLOSE PROXIMITY TO

CAMPUS. THERE IS LITTLE DEMAND FOR OWNER-OCCUPIED, SINGLE FAMILY HOUSING AT THIS LOCATION.

MY EXPERIENCE AS A LONG TIME PROPERTY OWNER AND RESIDENT (I LIVED IN THE 700 BLOCK OF WEST OREGON FOR OVER 20 YEARS) IN THIS AREA IS THAT THE HOUSES THAT CAUSE THE MOST PROBLEMS ARE SINGLE-FAMILY RENTAL HOUSES WHERE THE TENANTS ARE ALL ROOMMATES AND HAVE PARTIES IN THE ENTIRE HOUSE. THESE PARTIES CAN BE DISRUPTIVE TO THE NEIGHBORHOOD. THIS TYPE OF PARTY DOES NOT OCCUR FREQUENTLY IN DUPLEXES IN THIS NEIGHBORHOOD. MY PROPERTY HAS HAD NO NUISANCE COMPLAINTS DURING THE TIME THAT I HAVE OWNED IT.

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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.

I PURCHASED THIS PROPERTY IN 1986 AND AT THAT TIME THE HOUSE WAS DIVIDED INTO TWO APARTMENTS, A ONE-BEDROOM AND A THREE-BEDROOM. (SEE THE ATTACHED 1985 LEASES WITH THE PREVIOUS OWNER.) WHEN I BOUGHT THE HOUSE, I WAS UNAWARE THAT ITS LEGAL USE AS A DUPLEX WOULD TERMINATE IN 1988. I HAVE NOT CHANGED THE CONFIGURATION OF THE HOUSE IN THE 29 YEARS THAT I HAVE OWNED IT.

I PROPOSE THAT THE PROPERTY BE ALLOWED TO CONTINUE IN ITS USE AS A DUPLEX. THIS USE WILL NOT BE INJURIOUS OR DETRIMENTAL TO THE NEIGHBORHOOD SINCE THAT HAS BEEN ITS USE FOR AT LEAST 30 YEARS. MANY OTHER PROPERTIES IN THE IMMEDIATE AREA ARE OLDER HOUSES THAT HAVE BEEN CONVERTED TO APARTMENTS INCLUDING THE HOUSES AT 705 AND 707 W. HIGH WHICH ARE IMMEDIATELY TO THE WEST OF THE SUBJECT PROPERTY AND THE HOUSE AT 401 S. COLER WHICH IS IMMEDIATELY TO THE EAST.

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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).

THIS PROPERTY CONFORMS TO THE REGULATIONS OF DUPLEXES IN THE FOLLOWING WAYS:

1 - THIS PROPERTY HAS HAD IMPROVEMENTS MADE IN COMPLIANCE WITH THE STANDARDS FOR A DUPLEX. IN THE 1990S I REPLACED THE OLD FURNACE AND THE PERMIT OBTAINED BY THE CITY OF URBANA REQUIRED ME TO REPLACE THE SINGLE FURNACE WITH TWO SEPARATE FURNACES, ONE FOR EACH APARTMENT.

2 - THIS PROPERTY HAS PAID THE CITY'S RECYCLING TAX AS A DUPLEX EVER SINCE THE BEGINNING OF THE APARTMENT RECYCLING PROGRAM.

3 - THIS PROPERTY HAS BEEN PROPERLY REGISTERED AS A DUPLEX IN THE CITY'S RENTAL REGISTRATION PROGRAM SINCE THE BEGINNING OF THIS PROGRAM.

THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD IS PRESERVED BY THIS PROPOSED CONDITIONAL USE SINCE THE PROPERTY HAS BEEN USED AS A DUPLEX FOR AT LEAST 30 YEARS AND MANY OTHER PROPERTIES IN THE AREA ARE DUPLEXES OR OTHER TYPES OF MULTI-FAMILY PROPERTIES.

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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.

*Tod Anttonen*  
Applicant's Signature

*3/3/15*  
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

Deposits: 500 each

Phone 344-1879

Exhibit E

### RENTAL AGREEMENT

1. In consideration for the use of the premises and appurtenances at:  
 703 W. High, Urbana, Ill. Apt 2  
 I agree that I will rent the same for 2 consecutive months for \$ 500 per month payable by the 1st day of each month and also agree to pay a late fee of \$ \_\_\_\_\_ per week.
2. I agree to place a security deposit of \$ 500 each to be forfeited as liquidated damages in the event of default or breach of any part of this agreement. Apartment must be left clean, to get back the security deposit, as it is clean when you move in.
3. I agree to give advance written notice of vacating of 30 days, return all keys and leave the premises in reasonable clean condition. Then security deposit will be refunded, unless rent is due or cleaning is necessary.
4. I will maintain the premises in reasonable and habitable condition and accept the premises as being the same. ~~I also accept any attached inventory and that the rental rate may be reasonably changed due to expenses, rental conditions or sale of the premises.~~
5. I agree that the total number of people in the dwelling shall be 3.
6. ~~I am responsible for payment of utilities, taxes, insurance and~~
7. I agree to assume all legal responsibility for the acts and conduct of my visitors and keep all House Rules and will not violate any laws on the premises.
8. I agree not to transfer or assign this agreement nor to let or sub-let the premises or any part of the same without written consent of the owner.
9. I am authorized and capable to sign this agreement and am not relying on any prior oral or written representations of the owner or agent.
10. The owner or agent may enter at any reasonable time to inspect, repair, maintain or ~~show the premises.~~
11. I will not remove any furniture, fixtures or personal property until all rent and charges are fully paid and grant the owner a lien on the same. Apartments are furnished. Do not remove any furniture without Landlord's permission.
12. My rental application form is complete and accurate.
13. In the event of default or breach of this agreement I agree to any appropriate action by the owner or agent or to legal action and agree to pay all costs including a reasonable attorney fee.
14. No pets allowed.

15. Parking for car only

copy exhibits received the 1st day of August, 1984 - 85

Written signature of renter *Raymie Yamauchi, Doreen Pichotti, Jeanne Scheller*  
 Renters' printed name *Raymie Yamauchi; Doreen Pichotti; Jeanne Scheller*  
 Witness' signature \_\_\_\_\_  
 Witness' address \_\_\_\_\_

me - work 333-2914  
 Home 361-5255

*Katherine C. Corbett*  
 705 S. Park  
 Urbana, Ill.

D. Law Library

it to be to Aug 1, 1980

Rent to ~~Aug 1~~ 1985 80.00  
Damage Depaid 50.00 Exhibit E  
Rent from Apr 1 - May 1 260.00

RENTAL AGREEMENT Paid \$390.00 3/19/85

- In consideration for the use of the premises and appurtenances at:  
703 W. Dixie Urbana Apr 1  
I agree that I will rent the same for ~~the~~ consecutive months for \$260.00 per month payable by the ~~10th~~ day of each month and also agree to pay a late fee of \$ \_\_\_\_\_ per week.
- I agree to place a security deposit of \$ 50.00, to be forfeited as liquidated damages in the event of default or breach of any part of this agreement.
- I agree to give advance written notice of vacating of 20 days, return all keys and leave the premises in reasonable clean condition. Then security deposit will be refunded, unless rent is due or cleaning is necessary.
- I will maintain the premises in reasonable and habitable condition and accept the premises as being the same. I also accept any attached inventory and that the rental rate may be reasonably changed due to expenses, rental conditions or sale of the premises.
- I agree that the total number of people in the dwelling shall be 2.
- ~~I am responsible for payment of utilities, taxes, insurance and~~  
Landlord pay
- I agree to assume all legal responsibility for the acts and conduct of any visitors and keep all House Rules and will not violate any laws on the premises.
- I agree not to transfer or assign this agreement nor to let or sub-let the premises or any part of the same without written consent of the owner.
- I am authorized and capable to sign this agreement and am not relying on any prior oral or written representations of the owner or agent.
- The owner or agent may enter at any reasonable time to inspect, repair, maintain or show the premises.
- I will not remove any furniture, fixtures or personal property until all rent and charges are fully paid and grant the owner a lien on the same.
- My rental application form is complete and accurate.
- In the event of default or breach of this agreement I agree to any appropriate action by the owner or agent or to legal action and agree to pay all costs including a reasonable attorney's fee.
- No pets allowed.

Copy exhibits received the 19 day of March, 1985

Written signature of renter *Barbara Pryor*  
Rentors' printed name *Barbara Pryor*  
Witness' signature  
Witness' address

*Anthony A. Tochester*  
705 S. Race Urbana  
Phone - Work 333-2914  
Home 367-5255

May 11, 2015

Paul Armstrong  
Urban City Building  
400 S. Vine St.  
Urban, IL 61821

MAY 12 2015

Dear Mr. Armstrong

I am writing to encourage you to allow the property at 703 W. High St. to be zoned as a duplex. I own the property next door at 705 W. High St. When I purchased it from Kathryn Webster in 1985, she was offering 703 W. High for sale also. 703 W. High St. was a duplex at that time.

If 703 W. High were to be zoned a single family residence, it would become a "group house". The only problem that I have had in that area with noise has come from the group houses.

It is to the benefit of the neighborhood that 703 W. High St. be allowed to

continue as a duplex.

Sincerely,

Charlotte Hall

217-359-5115

TOD SATTERTHWAITE  
502 S. ELM ST.  
CHAMPAIGN, IL 61820

June 11, 2015

Kevin Garcia  
City of Urbana  
Community Development Dept.  
400 S. Vine St.  
Urbana, IL 61801

Dear Kevin,

This letter is to indicate my support of a condition that could be added to the Conditional Use Permit that I have requested for the property at 703 W. High St. While the house has operated as a duplex for well over 30 years, it has always had a total of 4 bedrooms in the two units combined. In the time that I have had it as a rental property, it has never been rented to more than 4 unrelated tenants in the two units combined.

I would support a condition on the Conditional Use Permit restricting the occupancy of the entire house to no more than 4 unrelated tenants. This condition would allow no more tenants in the house as a duplex than it would have as a single-family property and would be consistent with the use of the house over the last 30 years.

Respectfully yours,

Tod Satterthwaite