



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

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

**TO:** The Urbana Plan Commission

**FROM:** Jeff Engstrom, AICP, Planner I

**DATE:** May 1, 2009

**SUBJECT:** Plan Case 2106-M-09: A request to rezone 714 West California Avenue from R-2 (Single-Family Residential) to R-7 (University Residential).

---

**Introduction and Background**

Kevin and Julia Webster have submitted a petition to rezone property located at 714 West California Avenue from the R-2 (Single-Family Residential) to the R-7 (University Residential) zoning district. The property is a corner lot which is 58 feet wide and 120.26 feet deep, and currently consists of an eight-bedroom, single-family home. The house has three floors with approximately 3,000 square feet of floor area. If the rezoning is granted, the Websters intend to convert the home into a rooming house for eight tenants.

The petitioners indicate that they purchased the property in 1997 for their children to live in while attending the University of Illinois. When they acquired the property, it was a legally non-conforming use including two apartments plus a rooming house for four tenants. After acquiring the property, the petitioners substantially renovated the structure, converting it into a single-family home which they have since rented to university students. When the structure was converted to a single-family home it lost its nonconforming status as an apartment/rooming house.

The property has been used as a student rental for many years. The owner applied to the University of Illinois to use the house as a “student home” in 1940. Records indicate that the property contained at least two units and three bathrooms as early as 1953. The Zoning Administrator determined the property to be a legally non-conforming multi-family/rooming house in 1985. Prior zoning maps indicate that the property was zoned “B – Multiple Family Residence” in 1940, but rezoned to “R-1, One and Two Family Residence” by 1950. Since then, the property has been zoned for single family residential.

The petitioners obtained a permit to remodel the home into a single family residence in 1998. The remodeling work complied with the single-family residential building code. When the structure was converted to a single-family home in 1998, its nonconforming status as a multi-unit/rooming house was abandoned. The petitioners indicate that they did not intend to abandon the rooming house use. When they applied for the building permit to remodel the house, they wrote that the use was to be “single-family”, but they considered a rooming house to be “single-family” instead of “multi-family” and were not fully aware of the long-term zoning and property rights implications of their building permit application. The petitioners initially rented the home to family members and friends, following the City’s requirements that the house be occupied by no more than four unrelated individuals. After their children finished school, they rented the house to more than four unrelated persons, until the City took them to court for violating the occupancy limit in 2006. In 2007 the court ordered the petitioners to adhere to the City’s occupancy limit and to pay a fine.

In attempting to improve the condition of their house and property and to improve the overall character of the neighborhood, the petitioners have put themselves in a difficult situation. With this rezoning request, the Websters are attempting to correct their past unintended action of abandoning the prior nonconforming rooming house use. Since the property is in an area with a number of other nearby nonconforming rooming houses and multi-family uses, the petitioners have chosen to request a rezoning to a district that will allow similar uses by right.

**Adjacent Land Uses and Zoning Designations**

The subject property is located at the northeast corner of California and Busey Avenues, within the West Urbana Neighborhood. The surrounding area is residential in character, consisting of rental homes, owner-occupied homes, rooming houses and apartment buildings. All of the adjacent properties to the north, east and south are zoned R-2 (Single Family Residential), including some which are legally nonconforming rooming houses and apartments. To the west across Busey Avenue are properties zoned R-6 (High Density Multiple-Family Residential) and R-4 (Medium Density Multiple Family Residential District). The subject property is adjacent to, but outside of, the recently adopted Lincoln-Busey Corridor Design Review Overlay District. The following is a summary of adjacent zoning and land uses for the subject site:

| <b>Location</b> | <b>Zoning</b>                                  | <b>Existing Land Use</b>                    | <b>Comprehensive Plan Future Land Use</b> |
|-----------------|--|---|---|
| Site            | R-2 (Single Family Residential)                | Single-Family Home                          | Residential                               |
| North           | R-2 (Single Family Residential)                | Single-Family Home, Multi-Family Conversion | Residential                               |
| South           | R-2 (Single Family Residential)                | Single-Family Home                          | Residential                               |
| East            | R-2 (Single Family Residential)                | Rooming House                               | Residential                               |
| West            | R-6 (High Density Multiple-Family Residential) | Apartment Building                          | Medium-Density Residential                |

## Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the area containing the site as “Residential (Urban Pattern).” The Plan defines Residential (Urban Pattern) as follows:

*Residential areas contain 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.*

### **Urban Pattern of Development**

*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 Future Land Use Map also has a notation entitled “West Urbana: Strategies for Neighborhood Stability” with the following strategies listed:

1. *Explore ‘Neighborhood Conservation District’ Strategies*
2. *Promote Single Family Residential Uses in areas zoned for single-family*
3. *Preserve existing zoning protections*
4. *New developments to respect traditional physical development patterns*

The proposed rezoning is not supported by strategies number two and three.

The following Comprehensive Plan Goals are also relevant to the proposed rezoning:

### **Goal 1.0 Preserve and enhance the character of Urbana’s established residential neighborhoods.**

#### *Objectives*

- 1.4 Promote established neighborhoods close to campus and the downtown as attractive places for people to live.
- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

## **Zoning District Standards**

The property is currently zoned R-2 (Single-Family Residential) and is proposed to be rezoned to R-7 (University Residential). Residential districts 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. The districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses.

According to Section IV-2 of the Urbana Zoning Ordinance, the purpose and intent of the R-2 Zoning District is as follows:

*The R-2, Single-Family Residential District is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings.*

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-7 Zoning District is as follows:

*The R-7, University Residential District is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments.*

Zoning description sheets are attached in Exhibit "E" which list the permitted use in the R-2 and R-7 zoning districts. Should the property be rezoned to R-7, the permitted uses and development regulations would change as indicated in the attached zoning description sheets. The R-7 District permits fewer uses than does R-2, but it does allow Rooming Houses, Dormitories, and Common-Lot-Line Dwellings (townhomes), which are not allowed in R-2.

*Lot width and lot size.* The lot width and size requirements are identical for the R-2 and R-7 zoning districts. The lot meets the requirements for lot area, but is legally nonconforming for width in the R-2 (and R-7) district, as it falls short of the minimum 60-foot width by two feet.

*Setbacks.* The lot is currently nonconforming for setbacks. The required front yard setback in the R-2 and R-7 district is based on the average of the block face, with a minimum of 15 feet. As a corner lot, this property has two front yard setbacks. Along Busey Avenue, the required setback is 15 feet, into which the house encroaches five feet. Along California Avenue, the required setback is about 23 feet, and the house encroaches about five feet into this yard as well.

*Open Space Ratio.* If rezoned, the minimum Open Space Ratio (OSR) would be reduced from 0.40 to 0.35. The property currently has an OSR of 0.26, meaning that it would be nonconforming in either district.

*Floor Area Ratio.* The maximum Floor Area Ratio (FAR) for the property would increase from 0.40 to 0.50. The lot is currently non-conforming, with an FAR of approximately 0.45. The rezoning would allow the property to become conforming for FAR.

*Parking.* There are currently six off-street parking spaces in a gravel parking area contained with concrete curbing behind the house, accessed off of Busey Avenue. Four parking spaces would be required for an eight-tenant rooming house meaning that the property can conform to this aspect of the proposed R-7 zoning.

### **Nonconforming Uses**

Section X-4.B of the Zoning Ordinance states that if a nonconforming use is changed to a conforming use, then the nonconforming use shall be deemed to have been abandoned, and may not be changed back into any nonconforming use. The conversion to a conforming use is considered de facto evidence that the property owner intended to abandon the nonconforming use. The petitioners maintain that they did not intend to abandon their nonconforming use, and that they did not understand they were abandoning the use when they applied for the building permit to remodel the house as a single family use under the less restrictive single family building code.

### **Building Codes**

The remodeling done by the petitioners in 1998 was done under the single-family residential code. If the building were to be converted back into a rooming house, it would need to meet the multi-family residential building code. This code has stricter requirements for fire separation, exits and exit signs, fire alarms and sprinklers. The petitioners have indicated their willingness to adhere to this stricter code.

### **Issues and Discussion**

The property is located in the West Urbana Neighborhood and is adjacent to but outside of the Lincoln-Busey Design Review Corridor. The West Urbana Neighborhood contains mostly single-family homes, except for the areas closest to the University of Illinois campus where demand for student rentals is highest. In previous years, several single-family homes in the western portion of this area have been either converted into apartments and rooming houses, or torn down and replaced with large apartment buildings.

The area was subjected to a detailed rezoning and future land use analysis as part of the 1990 Downtown to Campus Plan (DTC), the outcomes of which have been subsequently incorporated into the 2005 Comprehensive Plan. A main objective of the Downtown to Campus Plan was to “protect and preserve the character, scale and integrity of established low-density residential areas by discouraging inappropriate and incompatible zoning and development.” The DTC proposed future land uses of low-density residential for properties south of High Street and east of Busey Avenue, but did not recommend a rezoning of the subject property, as it was already zoned R-2 (Single-Family Residential) at that time.

The majority of properties zoned R-7 (University Residential) are located west of Busey Avenue. The closest one to the subject property is located one block away at the corner of Oregon Street and Busey Avenue. In total, there are five properties zoned R-7 to the east of Busey Avenue, all

of which are at least five blocks south and contain large, dormitory-style residences built on double lots.

In the attached petition the applicants state that the property has been used as a student rental for 50 years. From the petitioners' perspective, a house with eight bedrooms is too large for one family, and is not likely to be rented or sold to a family due the area being predominantly student rentals. Following extensive renovations, the petitioners have found that the property is not financially viable with only half of its bedrooms leasable. In order to properly maintain the property, rental income from more than four occupants is necessary. Also, the occupancy requirements for R-2 districts restrict the value of the property should the petitioners try to sell it.

### **The La Salle Criteria**

In the case of *La Salle National Bank v. County of Cook* (the "La Salle" case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. *The existing land uses and zoning of the nearby property.*

*This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.*

All adjoining and nearby properties east of Busey Avenue are zoned R-2. In addition to single-family homes, there are several legally nonconforming uses in this area, including apartments and rooming houses. West of Busey Avenue, properties include larger apartment buildings, rooming houses, and certified university housing but with some single-family homes. Properties west of Busey are zoned R-4, R-5, R-6, and R-7. If the subject property were rezoned to R-7 and the home converted to a rooming house, this new use would be generally consistent with uses west of Busey Avenue but generally inconsistent with land uses east of Busey Avenue.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

*This is the difference in the value of the property as R-2, Single Family Residential and the value it would have if it were rezoned to R-7, University Residential.*

The petitioner has submitted information from a property manager and realtor indicating that the proposed rezoning would increase the property's value by 75 to 100 percent. This reflects the high demand for rental housing for properties close to the University of Illinois campus, and the substantial funds the petitioners spent on improving the structure. The owner contends that it is unlikely a family would be willing to live in the house because the area is predominantly student rentals. Because the City's occupancy standards limits occupancy here to a family plus no more than three unrelated individuals, this means that the house will typically be rented to four tenants. Conversely, if the property were rezoned to R-7, it could be rented to eight tenants as a rooming house, once it met the proper building code for a rooming house. It stands to reason that eight

tenants would provide more income than four, although a direct income comparison is not possible as they represent two distinct housing products (single-family vs. rooming house).

On the other hand, despite the fact that a property may be worth more if rezoned to a higher classification, this does not mean that its current value is unnecessarily diminished when compared with other homes in the same R-2 District. For example, all other properties in the same block of California Avenue are zoned R-2, and other property owners have not indicated that the zoning has prevented them from realizing the income necessary for continued maintenance.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (see No. 4 below)*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

*Questions 3 and 4 apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?*

The subject property is zoned R-2, as are approximately 40 square blocks of the West Urbana Neighborhood. This R-2 zoning pattern resulted from the recommendations of the 1990 Downtown to Campus Plan. In conformance with that plan, and as determined to be in the community's public interest and welfare at the time, much of the West Urbana Neighborhood was rezoned to R-2. The purpose of the rezoning to R-2 was to stabilize the neighborhood and to provide the benefits of owner occupancy for an area within walking distance of the University of Illinois campus.

5. *The suitability of the subject property for the zoned purposes.*

*The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.*

The subject property is an eight-bedroom home within walking distance of the University of Illinois campus. The average family size in Urbana makes it unlikely that a family large enough for eight bedrooms would occupy the house. At the same time, the market heavily favors student rentals in this area. These factors support the suitability of the property for the R-7 District.

Conversely, the size of the property does not favor the rezoning. The lot would not meet the R-7 zoning requirements for open space or minimum lot width. Rezoning to R-7 would intensify use of a nonconforming lot.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

*Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.*

The house has not been vacant, but according to the owners the current single-family zoning requirements and occupancy limits have caused the property to be underutilized as only four of its eight bedrooms can legally be rented.

## **Summary of Staff Findings**

1. The property is currently zoned R-2 (Single Family Residential) and is occupied by an eight-bedroom, single-family home.
2. The petitioners are requesting a rezoning to R-7 (University Residential) in order to allow use of the property as a rooming house.
3. The property was an apartment and rooming house prior to 1998 when the present owner converted the building to a single-family residence by eliminating the third floor apartment and seeking building permits under the single family building code.
4. The petitioners were unaware that seeking building permits under the single family building code would result in the abandonment of their property's nonconforming use status.
5. The 2005 Urbana Comprehensive Plan future land use map designates this property as "Residential (Urban Pattern)."
6. The 2005 Urbana Comprehensive Plan future land use map includes notations to "preserve existing zoning protections" and "promote single-family uses in areas zoned for single-family."
7. The proposed rezoning to R-7 (University Residential) would be generally consistent with uses and zoning to the west across Busey Avenue but would be inconsistent with uses and zoning east of Busey Avenue.
8. The subject property is suitable for rezoning to R-7 in terms of the number of bedrooms and location within walking distance of the University of Illinois campus, but unsuitable in terms of lot width and open space zoning requirements.
9. The current single-family zoning requirements and occupancy limits cause the property to be underutilized as only four of its eight bedrooms can legally be rented.



- 10. The petition has not shown that the current R-2 zoning unduly diminishes the value as compared with other properties in the R-2 zoning district.
- 11. The proposed rezoning may detract from the general welfare of the public by discouraging neighborhood stability provided by single family uses in this area.

**Options**

The Plan Commission has the following options for recommendations to the City Council regarding Plan Case 2106-M-09:

- 1. Forward this case to City Council with a recommendation for approval.
- 2. Forward this case to City Council with a recommendation for denial.

**Staff Recommendation**

Staff considered several factors in forming a recommendation for this case. When they purchased the property in 1998, the petitioners intended to improve it and the overall neighborhood by investing substantial funds into the complete renovation of this older home. Unfortunately, the petitioners were not were not fully aware of the long-term implications of their actions in converting the property back to a single family home by eliminating the third floor apartment and seeking building permits under the single family residential building code. By investing in the remodeling of the property to create a more home like atmosphere for their children, the petitioners unintentionally lost their nonconforming status for apartment/rooming house use of the property and have consequently limited its income and resale potential.

On the other hand, the Urbana Comprehensive Plan is clear that neighborhood stabilization and promotion of single family use patterns is a priority for this area. The future land use and zoning maps and the identification of the “Lincoln/Busey Corridor Inset” in Map 8 of the Comprehensive Plan further indicate that Busey Avenue is an important north-south dividing line for a mixture of housing types to the west and for single family housing types to the east. The proposed rezoning would undercut these planning and zoning principles that were first put into place with the Downtown to Campus Plan and have now been incorporated into the Comprehensive Plan.

Without the benefit of hearing from neighbors and other interested parties through the public hearing process, it is staff’s opinion that the hardship that the petitioners may suffer by not obtaining this zoning change is outweighed by the public interest of neighborhood stability promoted in the Comprehensive Plan.

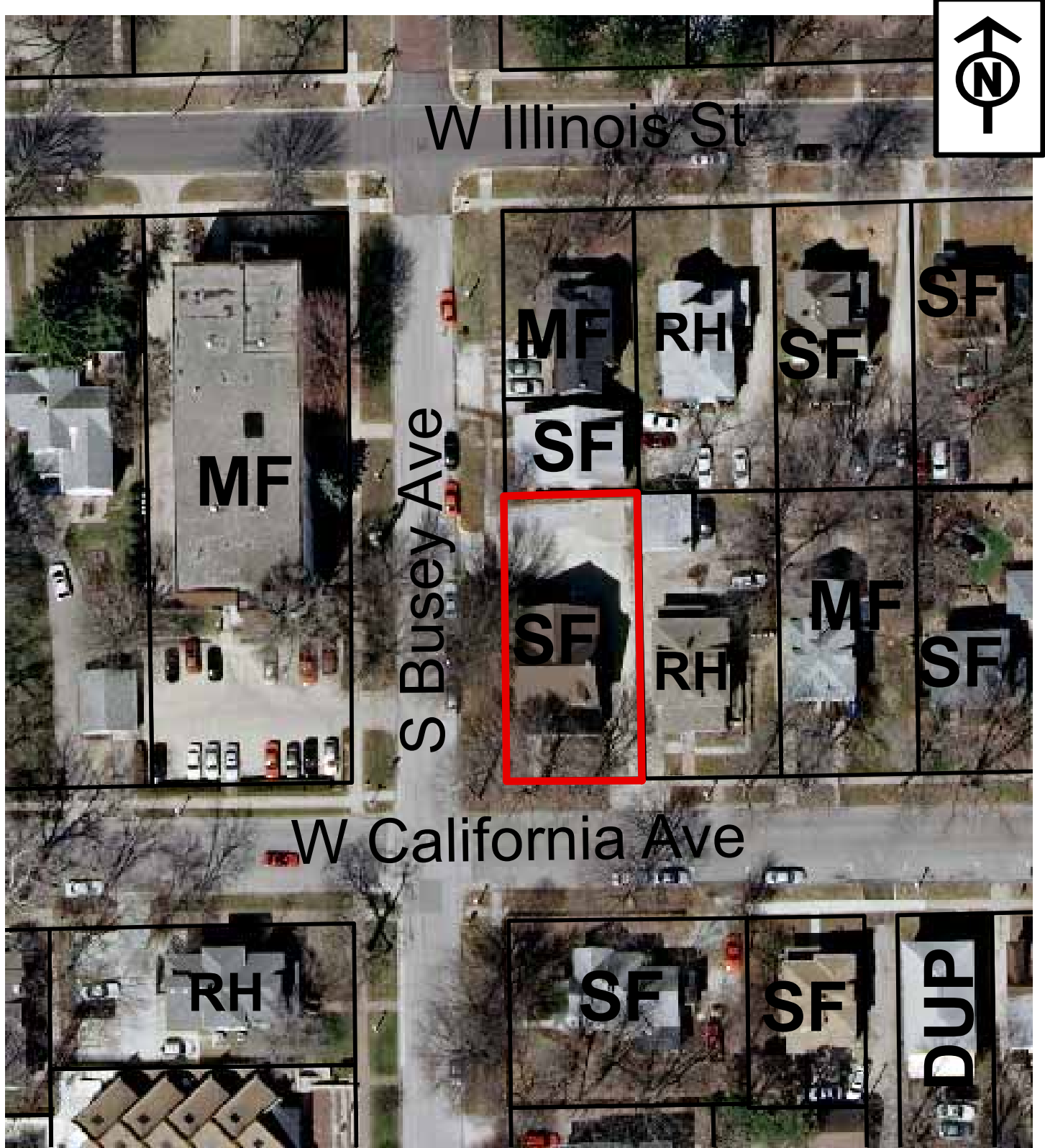
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan

Commission forward Plan Case No. 2106-M-09 to the Urbana City Council with a recommendation for **DENIAL**.

Attachments: Exhibit A: Location Map and Existing Land Use Map  
Exhibit B: Existing Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Petition for Zoning Map Amendment with Site Photos  
Exhibit E: R-2 and R-7 Zoning Description Sheets

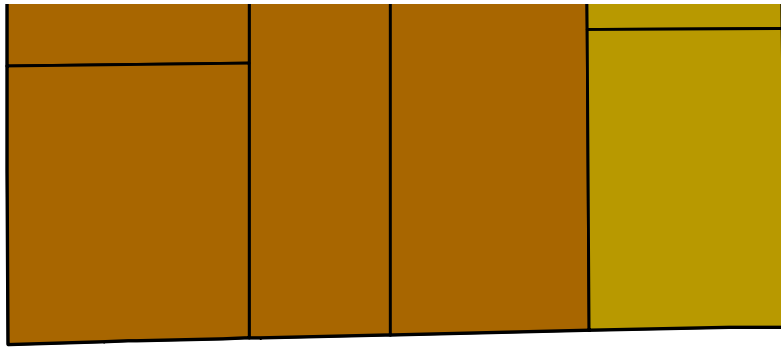
Cc: Kevin and Julia Webster  
165 Brandon Ct.  
Bolingbrook, IL 60440

# EXHIBIT A: Location and Existing Land Use Map

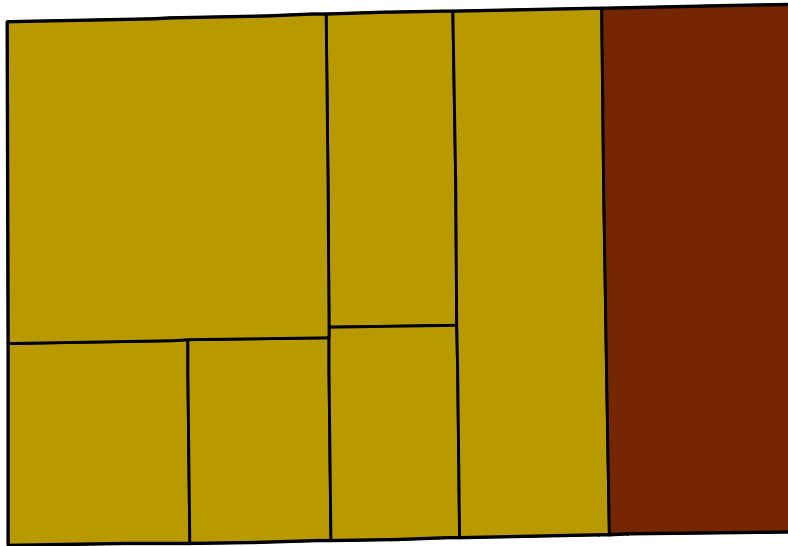
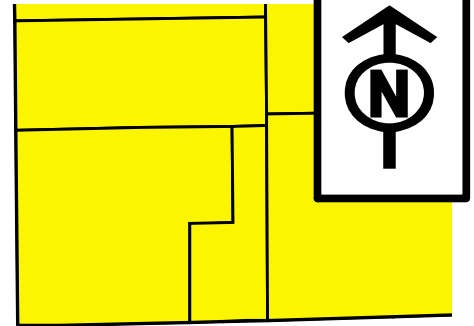


**Plan Case:** 2106-M-09  
**Petitioner:** Webster  
**Location:** 714 West California Ave  
**Description:** Request to rezone the subject property from R-2, Single-Family Residential to R-7, University Residential

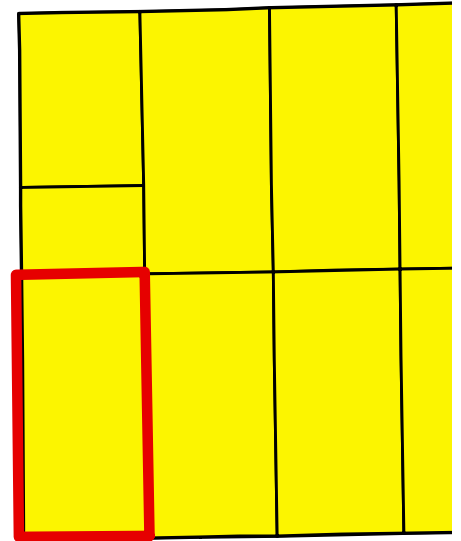
# EXHIBIT B: Existing Zoning Map



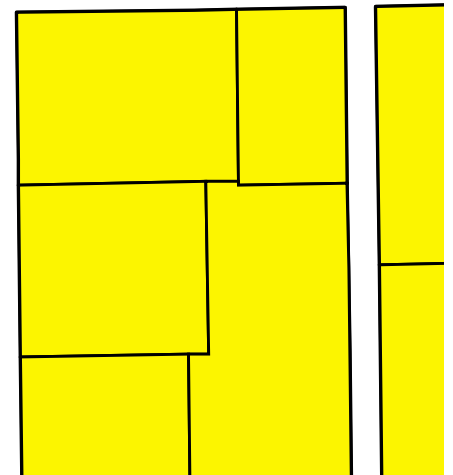
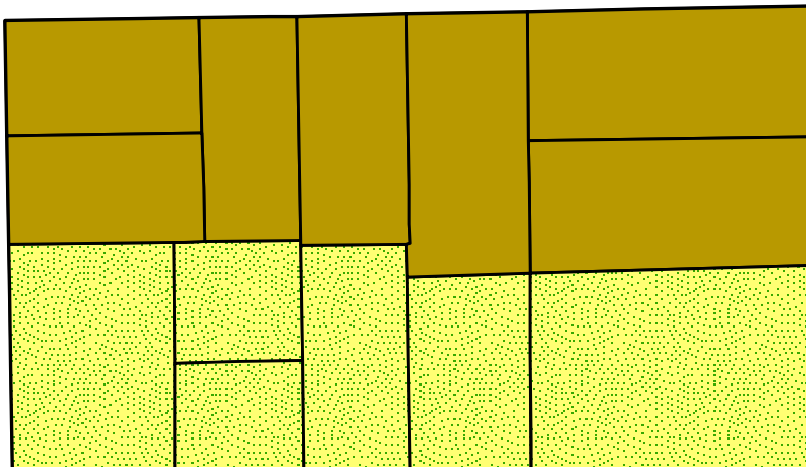
W Illinois St



W California Ave



S Busey Ave








**Plan Case:** 2106-M-09

**Petitioner:** Webster

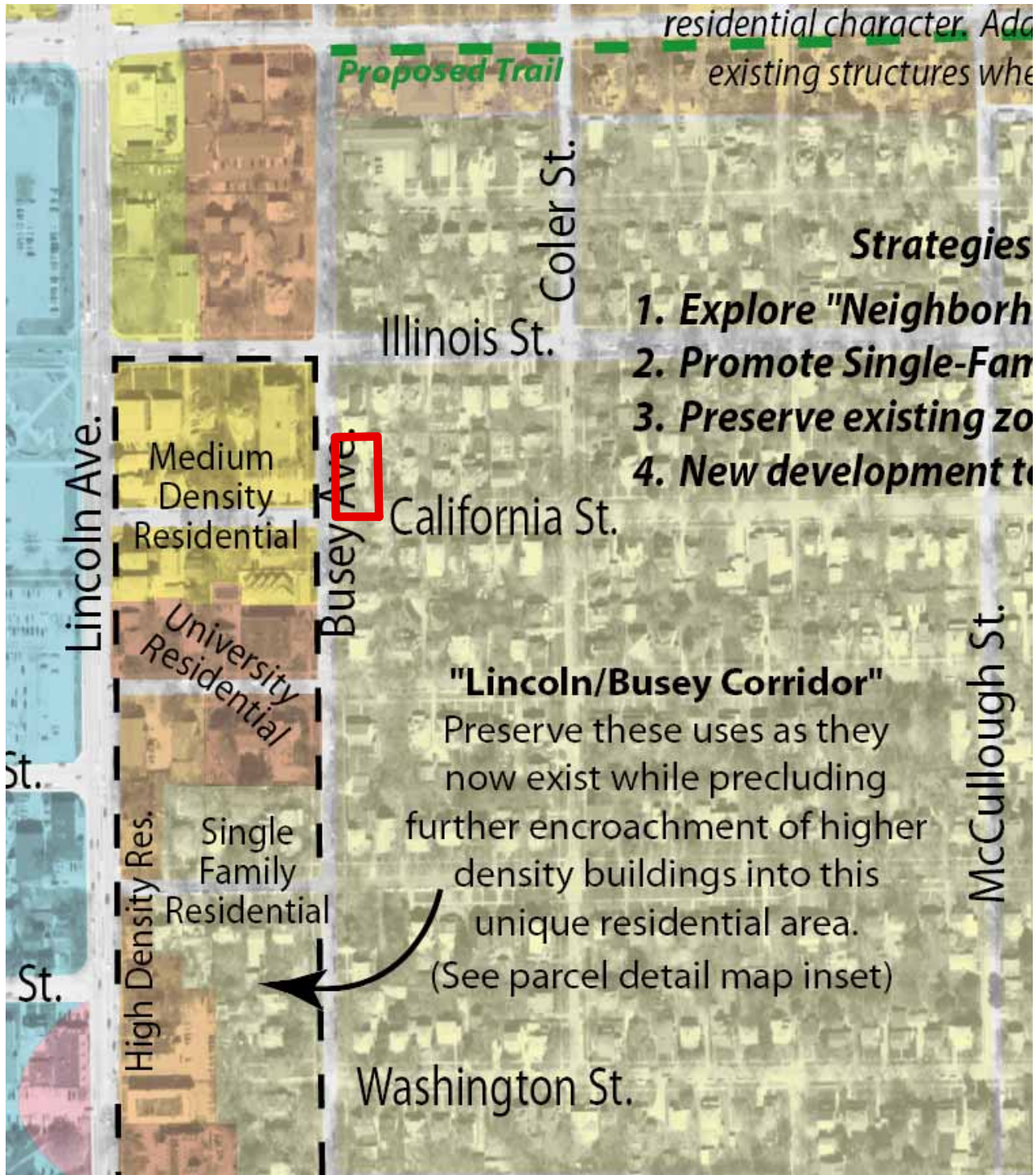
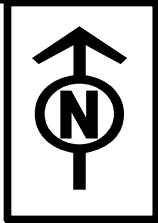
**Location:** 714 West California Ave

**Description:** Request to rezone the subject property from R-2, Single-Family Residential to R-7, University Residential

*Prepared 04/09 by Community Development Services - jme*

- |   |    |   |    |
|---|----|---|----|
|  | R2 |  | R6 |
|  | R4 |  | R7 |
|  | R5 |   |    |

# EXHIBIT C: Future Land Use Map



**Plan Case:** 2106-M-09  
**Petitioner:** Webster  
**Location:** 714 West California Ave  
**Description:** Request to rezone the subject property from R-2, Single-Family Residential to R-7, University Residential



# Petition for Zoning Map Amendment

# Plan Commission

## 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 04-20-2009 Plan Case No. 2106-M-09  
Fee Paid - Check No. 833 Amount \$150.00 Date 04-20-2009

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. Location of Subject Site 714 W. California Ave.
2. PIN # of Location 92-21-17-155-009
3. Name of Applicant/Petitioner(s) Kevin and Julia Webster Phone 630-759-5932  
Address 165 Brandon Ct. Bolingbrook, IL 60440  
(street/city) (state) (zip)

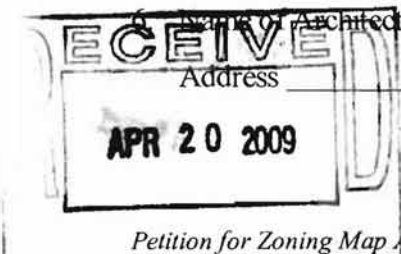
Property interest of Applicant(s) Owners  
(owner, contract buyer, etc)

4. Name of Owner(s) Same Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

**If there are additional owners, please attach extra pages to the application.**

5. Name of Professional Site Planner(s) N/A Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

6. Name of Architect(s) N/A Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)



7. Name of Engineers(s) N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

8. Name of Surveyor(s) N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

**If there are additional consultants, please attach extra pages to application.**

**DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary**

Legal Description The West 58.00 feet of Lot 12 and the West 58.00 feet of the south 1/2 of Lot 11 of Campbell and Kelly's Addition, Urbana, IL.

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

Lot Size 58.00 feet x 120.26 feet = 6975.08 square feet

Present Use of Property Rental (Rooming house--4 tenants)  
(vacant, residence, grocery, factory, etc)

Present Zoning Designation R-2

Proposed Use of Property Rooming House (8 tenants)

Proposed Zoning Designation R-7

9. Present Comprehensive Plan Designation Residential

10. How does this request conform to the Comprehensive Plan? This house is a large 3-story Victorian style house with great character, conveniently located two blocks from campus. There is enough off-street, driveway parking for at least five vehicles. We are located across the street from R-6 and R-4 housing, as well as certified university housing, and our block is 75% student housing (approximately 12 houses of 16). According to the Future Land Use Map #8, we would be directly adjacent to medium density residential (which is currently High Density Multiple Family).
11. What error in the existing Zoning Map would be corrected by the Proposed Amendment? Our house is located on the northeast corner of California and Busey, in an area that is mostly student rentals. When we purchased the house, it was a duplex/rooming house, but after doing extensive renovation, the house was changed to a single-family house. The house has been used as a student rental for probably 50 years, and now cannot be used for that purpose. We cannot sell the house, nor rent it in a manner that lets us keep the property in good condition.
12. What changed or changing conditions warrant the approval of this Map Amendment? We lost our legally non-conforming status as a rooming house when we remodeled in 1998.
13. Explain why the subject property is suitable for the proposed zoning It has been used for a student rental for many years. We have updated and improved it, but it is essentially a house that is too large for one family, and in an area of student rentals, where a family may not choose to live.
14. What other circumstances justify the zoning map amendment? No impact will be made to on-street parking. No police calls have been made concerning this house since we have owned it. We have been and will continue to be responsible owners and landlords. We have been an asset to the community, continually improving the property. When we painted the house, it was our desire to keep the original wood clapboard. We were approached by and agreed to an EPA experiment on lead-based paint removal which was being conducted by the Architecture Department at U of I. After the experiment, we were able to use the methods suggested by the study so that we were able to keep the original wood clapboard intact.

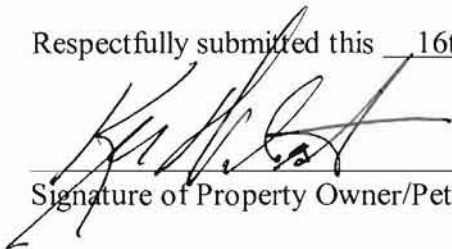


15. Time schedule for development (if applicable) No changes need to be made to the house; we hope to rent it to eight students again starting August 1, 2009.

16. Additional exhibits submitted by the petitioner Current photos of the house, amenities provided to our tenants, floor plan of all three floors. Letters from realtors stating the decline in property value and inability to sell the property as single family.

WHEREFORE, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for change of zoning be granted.

Respectfully submitted this 16th day of April 2009


  
\_\_\_\_\_  
Signature of Property Owner/Petitioner

  
\_\_\_\_\_  
Signature of Co-Owner/Petitioner

STATE OF ILLINOIS    )  
  ) SS  
Will COUNTY )

I, Belen Olivo, being first duly sworn on oath, deposes and says, that he is the same person named in and who subscribed the above and foregoing petition, that he has read the same and knows the contents thereof, and that the matters and things set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to me this 16th day of April 2009

  
\_\_\_\_\_  
Notary Public



Petitioner's Attorney N/A

Address \_\_\_\_\_

Phone \_\_\_\_\_

**Julie Webster**

---

**From:** Dave Barr [dbarr@barr-re.com]  
**Sent:** Tuesday, April 07, 2009 11:00 AM  
**To:** Julie Webster  
**Subject:** RE: 714 W. California, Urbana

Julie,

You asked me for my opinion of the effect a zoning change from R2 to R7 – I think it would potentially double the value of your property. You have a great location near campus – it appeals to grad students and a more mature renter. The house itself is designed to accommodate several renters – if you could increase the occupancy of the house to the level it was designed for I think a good ballpark would be an increase of 75 – 100% of value. Let me know if you need anything else.

Dave Barr

**Julie Webster**

---

**From:** Henry Symanski [hsymanski@coldwellbanker.com]  
**Sent:** Tuesday, September 09, 2008 8:40 AM  
**To:** kjgp@comcast.net  
**Subject:** 714 West California

Julie and Kevin,

Alice and I have a suggested price range for the above property. This price range is contingent upon it being zoned as income and multiple family. We think that the property is in the \$240,000 to \$248,000 range and suggest a listing price of \$246,900. If it is left zoned single family, it would be difficult to sell as it would have a limited market such as large families and buyers who would choose to live among the adjacent rentals.

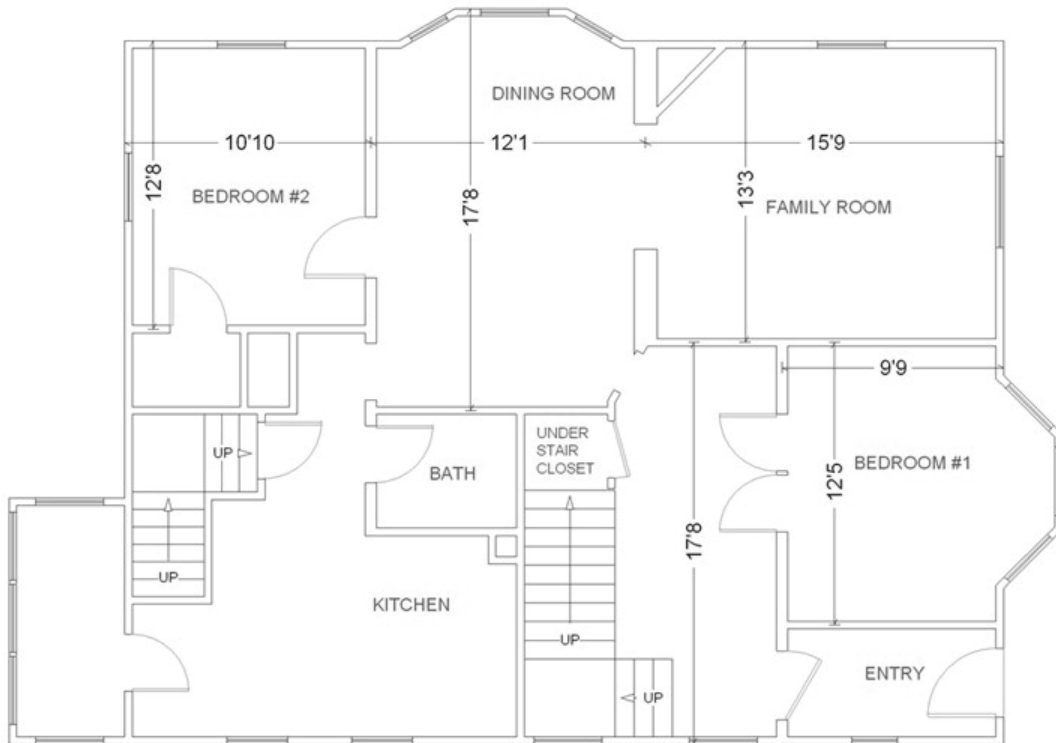
We would appreciate to know if you contacted any of the lawyers we suggested and if you have any information regarding the zoning problem.

Thank you for considering us to represent the property and we hope to hear from you.

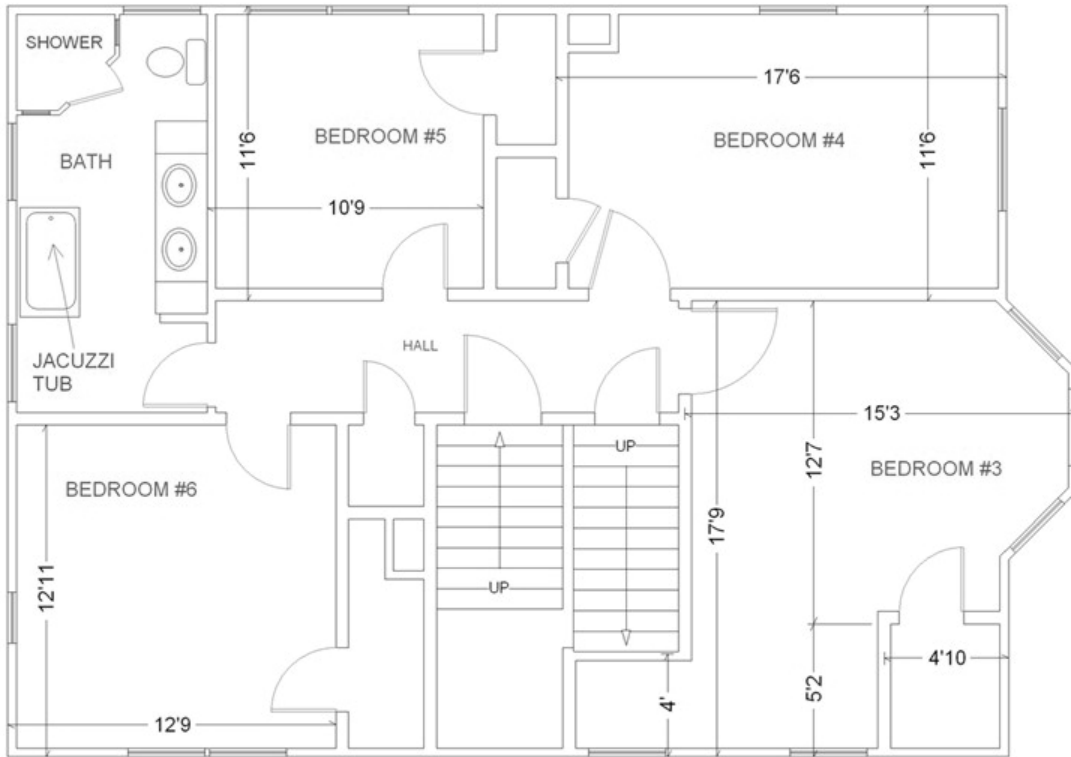
Henry Symanski, Realtor  
Coldwell Banker Devonshire Realty  
2506 Galen Drive  
Champaign, IL 61821  
217-378-7441  
[www.henrysy.com](http://www.henrysy.com)  
[hsymanski@coldwellbanker.com](mailto:hsymanski@coldwellbanker.com)

**Property Photos and Floor Plans (Submitted with Application)**

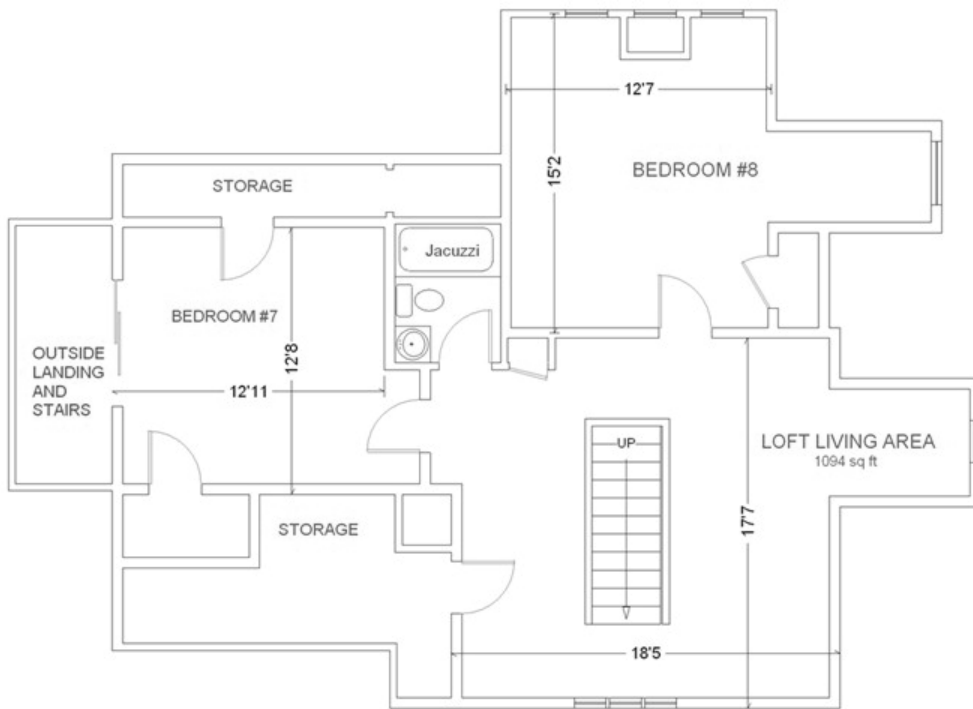




FIRST FLOOR LAYOUT



SECOND FLOOR LAYOUT



THIRD FLOOR LAYOUT

## Amenities

- Three-Story, Eight Bedroom, Victorian-Style Home
- Upscale, Family-Style Living
- Quiet, Residential Neighborhood
- Beautiful, Airy Rooms with High Ceilings and Hardwood Floors (Third Floor Carpeted)
- Large, Furnished Bedrooms, Tastefully Decorated, including:
  - Extra-Long Twin Bed
  - Bedside Table
  - Dresser
  - Desk and Chair
  - Shelf unit
  - Window Treatments
  - Ceiling Fan and Light
  - Walk-In Closet
- Computer Network Connection in Each Bedroom
- Cable TV Connection in Each Bedroom
- Furnished, Shared Living and Dining Room, including:
  - Sofas, Tables and Chairs
  - TV (with Showtime and HBO), DVD Player, and VCR
  - Computer and Printer for Work and Email
- Three Full Bathrooms, one per floor, two with Jacuzzi Whirlpool Tubs
- Shared Kitchen includes:
  - Two Refrigerator/Freezers
  - Gas Stove with Self-Cleaning Oven
  - Microwave Oven
  - Garbage Disposal
  - Built-In Dishwasher
  - Dishes, Glasses, Pans and Utensils
  - Individual Food Storage Areas
- Large Front Porch with Patio Furniture
- Enclosed Back Porch with Table and Chairs
- Plenty of Off-Street Parking
- Full Basement for Storage and Entertainment
- Two Sets of Maytag Washers and Gas Dryers (Free for Tenants Only)
- Pool Table
- Non-Smoking
- No Pets
- University of Illinois Graduate Students Only



# R-2 – SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

## ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-2 Zoning District is as follows:

"The R-2, Single-Family Residential District is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings.

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the R-2 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

### PERMITTED USES:

#### Agriculture

Agriculture, Cropping

#### Business - Recreation

Country Club or Golf Course

#### Public and Quasi-Public

Public Elementary, Junior High School or  
Senior High School  
Public Park

#### Residential

Dwelling, Community Living Facility, Category I  
Dwelling, Single Family  
Dwelling, Single Family (*Extended Occupancy*)

### SPECIAL USES:

#### Public and Quasi-Public

Church or Temple  
Electrical Substation  
Institution of an Educational, Philanthropic or  
Eleemosynary Nature  
Public Library, Museum or Gallery

#### Residential

Residential PUD

### CONDITIONAL USES:

#### Agriculture

Artificial Lake of One (1) or More Acres

#### Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

#### Business - Recreation

Lodge or Private Club

#### Public and Quasi-Public

Municipal or Government Building

#### Residential

Bed and Breakfast, Owner Occupied  
Dwelling, Community Living Facility, Category II  
Dwelling, Duplex  
Dwelling, Duplex (*Extended Occupancy*)  
Dwelling, Two-Unit Common-Lot-Line



## DEVELOPMENT REGULATIONS IN THE R-2 DISTRICT

| ZONE       | MIN<br>LOT SIZE<br>(square<br>feet) | MIN<br>AVERAGE<br>WIDTH<br>(in feet) | MAX<br>HEIGHT<br>(in feet) | MAX<br>FAR  | MIN<br>OSR  | MIN<br>FRONT<br>YARD<br>(in feet) | MIN<br>SIDE<br>YARD<br>(in feet) | MIN<br>REAR<br>YARD<br>(in feet) |
|------------|-------------------------------------|--------------------------------------|----------------------------|-------------|-------------|-----------------------------------|----------------------------------|----------------------------------|
| <b>R-2</b> | <b>6,000<sup>11</sup></b>           | <b>60<sup>11</sup></b>               | <b>35</b>                  | <b>0.40</b> | <b>0.40</b> | <b>15<sup>9</sup></b>             | <b>5</b>                         | <b>10</b>                        |

**FAR= FLOOR AREA RATIO**

**OSR= OPEN SPACE RATIO**

**Footnote<sup>9</sup>** – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7 and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95) (Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)

**Footnote<sup>11</sup>** – In the R-1 District, any lot platted and of public record before November 6, 1950 and presently having a lot width of 65 feet or less and a lot area of less than 7,500 square feet may be developed in accordance with the development regulations for the maximum FAR and the minimum OSR of the R-3 District as specified in Table VI-3. Development Regulations By District. (Ord. No. 8384-24, sec. 5; Ord. No. 8586-53, sec. 2, 1-20-86; Ord. No. 9091-16, 8-6-90; Ord. No. 9091-59, sec. 14, 11-19-90; Ord. No. 9091-60, sec. 11, 11-19-90; Ord. No. 9091-61, sec. 8, 11-19-90; Ord. No. 9091-62, sec. 8, 11-19-90; Ord. No. 9091-132, sec. 1, 5-20-91; Ord. No. 9091-133, 5-20-91)

For more information on zoning in the City of Urbana call or visit:

**City of Urbana**  
**Community Development Services Department**  
 400 South Vine Street  
 Urbana, IL 61801  
 (217) 384-2440  
 (217) 384-2367 fax



# R-7 – UNIVERSITY RESIDENTIAL ZONING DISTRICT

## ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-7 Zoning District is as follows:

"The R-7, *University Residential District* is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments. (Ord. No. 8384-25, § 3, 10-17-83, Ord. No. 9091-62, § 2, 11-19-90)"

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the R-7 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

### PERMITTED USES:

#### Residential

Boarding or Rooming House

Dormitory

Dwelling, Community Living Facility, Category I, Category II and Category III

Dwelling, Multiple-Unit Common-Lot-Line

Dwelling, Single Family

### SPECIAL USES:

#### Public and Quasi-Public

Church or Temple

#### Residential

Dwelling, Home for Adjustment

### CONDITIONAL USES:

#### Residential

Bed and Breakfast, Owner Occupied

## DEVELOPMENT REGULATIONS IN THE R-7 DISTRICT

| ZONE       | MIN<br>LOT SIZE<br>(square<br>feet) | MIN<br>AVERAGE<br>WIDTH<br>(in feet) | MAX<br>HEIGHT<br>(in feet) | MAX<br>FAR  | MIN<br>OSR  | MIN<br>FRONT<br>YARD<br>(in feet) | MIN<br>SIDE<br>YARD<br>(in feet) | MIN<br>REAR<br>YARD<br>(in feet) |
|------------|-------------------------------------|--------------------------------------|----------------------------|-------------|-------------|-----------------------------------|----------------------------------|----------------------------------|
| <b>R-7</b> | <b>6,000</b>                        | <b>60</b>                            | <b>35</b>                  | <b>0.50</b> | <b>0.35</b> | <b>15<sup>9</sup></b>             | <b>5</b>                         | <b>10</b>                        |

**FAR= FLOOR AREA RATIO**

**OSR= OPEN SPACE RATIO**

**Footnote<sup>9</sup>** – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7 and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95) (Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)

For more information on zoning in the City of Urbana call or visit:

**City of Urbana**  
**Community Development Services Department**  
 400 South Vine Street  
 Urbana, IL 61801  
 (217) 384-2440  
 (217) 384-2367 fax