



# CITY OF LOVES PARK

Department of Community Development

100 HEART BOULEVARD  
LOVES PARK, ILLINOIS 61111  
815- 654-5033 • Fax: 815-654-5004

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Planning • Zoning • Building • Economic Development

**AGENDA**  
**LOVES PARK ZONING BOARD OF APPEALS**  
**June 21, 2018**  
**CITY COUNCIL CHAMBERS**  
**5:30 P.M.**  
**100 HEART BOULEVARD**

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **May 17, 2018** meeting
3. Report from the Zoning Office - None
4. Unfinished business –

**A. TEXT AMENDMENT:** Article III, Districts, Division 2, Residential.

5. New business –

**A. 6525 PARK RIDGE ROAD:** A Variance to allow a parking pad off of the existing driveway in the R1 (Single Family Residential) Zoning District.

6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla  
Zoning Officer

More information on these agenda items will be posted on the City's website for public download no later than 7 days prior to the scheduled date: <http://loves-park.il.us/page/82/zoning-board-of-appeals>

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS**  
**THURSDAY, MAY 17, 2018**  
**5:30 P.M.**  
**CITY COUNCIL CHAMBERS**  
**LOVES PARK CITY HALL**

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:38 P.M.

MEMBERS PRESENT: CHAIRMAN ALISE HOWLETT, DENNIS HENDRICKS,  
BRIAN KERN, NICOLAS BECKER,

MEMBERS ABSENT: CATHY NELSON, SHAWN NOVAK, LINDY TOO HILL

OTHERS PRESENT: ATTORNEY PHIL NICOLOSI  
ANDREW QUINTANILLA – ZONING OFFICER  
SHEILA MILLS – SECRETARY

OTHERS ABSENT: STEVE THOMPSON - COMMUNITY DEVELOPMENT  
DIRECTOR  
NATE BRUCK - ECONOMIC DEVELOPMENT/PLANNING  
DIRECTOR

Chairman Howlett announced that the next Community Development Committee meeting will be held May 30, 2018 at 5:30 p.m.

2. MINUTES

Mr. Kern moved to approve the minutes from the meeting held March 15, 2018. Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

- A. 5818 NORTH SECOND STREET – SPECIAL USE PERMIT FOR AN AUTOMOBILE SALES ESTABLISHMENT IN THE CR ZONING DISTRICT.** Appropriate notice has been given.

Richard Herter, 3324 Prairie Road, Belvidere, IL was sworn in as Petitioner. Mr. Herter indicated he is requesting a Special Use Permit to utilize the property for automobile sales along with auto repair for autos he is selling on his lot. The business will have two employees and will operate Monday thru Friday, 9:00 a.m. to 7:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m.

Mr. Herter stated that he will remove the two old signs that are currently on the property and provide an 8-ft landscape. He will plant trees and also utilize some existing landscaping plants. He plans for 25 vehicles for sale and he will seal and stripe the lot so every car will have striped space, add a handicap ramp by the sales office and remove the color purple from the building. Mr. Herter stated that he has a boat that he would like to store in one of the service bays, but understands if that is not allowed.

Mrs. Howlett stated that condition #12 would make storing his personal boat on the property not allowed.

Mr. Quintanilla commented that it is common for the city to place the condition of no personal storage of vehicles on the property to be consistent with other businesses.

No objectors present.

Mr. Hendricks moved to approve the Special Use Permit for an automobile sales establishment in the CR Zoning District for the property commonly known as 5818 North Second Street, with the following conditions:

1. The Special Use Permit shall expire with the change in property ownership, business ownership, or discontinuance of the business.
2. The two freestanding signs and concrete light blocks shall be removed before the business opens to the public.
3. The asphalt shall be removed to install the 8-ft. deep landscape buffer spanning across both frontages, and shall be curbed on all sides.
4. The business owner shall incorporate the existing perennials into the landscaping. All landscaping shall be installed and protected with dark landscape mulch before the business opens. At the time of installation, trees shall have a 4-in. diameter, as measured 4-ft above the root system and maintenance is required.
5. The brush and saplings that have grown up along all fence lines shall be removed, along with the stumps.
6. The vehicle sales area, handicap parking, and employee parking areas shall be striped prior to opening.
7. Only 25 vehicles shall be permitted for sale. Vehicles for sale shall only be permitted in the parking stalls. Parking vehicles across striped parking stalls shall not be permitted. Vehicle display lifts or other vehicle platforms shall not be permitted.
8. Loading or unloading shall only be permitted in the rear of the business.
9. Vehicles that require repairs, before being sold, shall only be permitted to be stored inside of the building. No outside storage or displays of merchandise shall be allowed.
10. The business shall be limited to the sale of passenger motor vehicles only. Only vehicles weighing 6,000 lbs. or less shall be permitted. Oversized commercial vehicles that are to be licensed and used for the transportation of goods or materials, rather than passengers, shall not be permitted. Boat and trailer sales shall not be permitted.
11. The automobile sales establishment shall not be a "buy here, pay here" business. All financing shall be done through an off-site third party.
12. The business shall not be permitted the storage of the business owner, employee, or property owner's personal vehicles, trailers, cars, trucks, plows, tow trucks, campers, rvs, and aquatic items of any sort.

13. Vehicle signage shall only be permitted to be placed on the front passenger windshield. Signage shall be done with the use of professionally manufactured lettering, and only convey the year and price. No other signage shall be permitted on the vehicles.
14. Auto repair work shall not be a permitted service offered to the general public, only vehicles being sold on the lot shall be allowed to be repaired.
15. The site plan does not identify the location of the dumpster enclosure. The business owner shall work with staff to ensure it is completed.
16. The Special Use Permit shall be revoked with verified complaints from the police department, adjacent businesses or land-owners, and may be revoked if the conditions for the use have not been met.

Second by Mr. Kern. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 4-0 (CHAIRMAN HOWLETT VOTED)**

**B. TEXT AMENDMENT: ARTICLE III, DISTRICTS, DIVISION 2, RESIDENTIAL**

Mr. Quintanilla commented that city staff has found that multi-family developments in the newer areas have little to no landscaping, which only enhances the subdivision. These text amendments will require landowners, and/or developers to include landscaping in their developments. He added that the requirements for landscaping will be based on a point system with each parcel being assigned points based on the square footage of the parcel. Mr. Quintanilla indicated that landscaping serves several purposes such as reducing noise levels, adding privacy between lots, filtering out artificial light sources, improving air quality, and softening the aesthetic of the area created by multi-family and buildings.

Discussion followed regarding the placement of two shade trees in the front yard and the 4-ft landscaped area. The board felt that the need for clarification and and/or a revision in the language of the text amendments exist.

Mr. Kern moved to layover the Text Amendment – Article III, Districts, Division 2, Residential, until more information is provided. Second by Mr. Becker.

**MOTION APPROVED 4-0 (CHAIRMAN HOWLETT VOTED)**

**7. PUBLIC PARTICIPATION AND COMMENT**

None

**8. General Discussion**

None

Mr. Novak Becker that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote. The meeting adjourned at 6:44 p.m.

Sheila Mills, Secretary



## ZONING BOARD OF APPEALS

### Community Development Department

Date: June 14, 2018

**SUBJECT:** Text Amendment: Article III, Districts, Division 2, Residential.

The City of Loves Park does not have landscaping requirements for residential developments. The proposed landscaping requirements will not affect single family residential developments, but will require landscaping for R2, R3, R3A, and R4 residential districts.

Staff sees that multi-family developments in the newer areas have little to no landscaping, which only enhances the subdivisions. These text amendments will start requiring landowners, and/or developers to include landscaping in their projects. The requirements for landscaping are based on a point system. Each parcel has points assigned to it based on the square feet of the parcel. Trees, shrubs, and bushes are worth some value in points, and the developer/landowner will now be required to provide landscaping based on the points.

The landscaping will serve several purposes such as reducing noise levels, adding privacy between lots, filtering out artificial light sources, improving air quality, and softening the aesthetic of the area created by multi-family units and buildings.

**RECOMMENDATION:** Approval - Text amendments to Article III, Division 2, Residential

**ATTACHMENTS:** (See attachments)

**VOTE:** APPROVAL / DENIAL / TABLED

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**



Text Amendment of the Loves Park Zoning Ordinance as follows:

Add Article III, Districts, Division 2, Section 102-153, R2 Two-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirements shall be a minimum standard for new development, and excludes detached single family residential dwellings. All maintenance shall be the responsibility of the property owner, association, or resident. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle. Planned Unit Developments shall require a separate review process for meeting landscaping requirements.

Add Article III, Districts, Division 2, Section 102-153, R2 Two-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows:  $POINTS = SQFT/250$ .
2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five (25) feet or higher after 5 years.
3. Points for Ornamental and Conifer Trees. Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.
4. Points for Shrubs and Bushes. Shrub and Bush value is one (1) point each. Shrub and bushes shall be planted at a minimum height of one (1) foot.
5. Two (2) shade trees shall be placed in the required front yard building setback. Front yards greater than eighty (80) feet in width shall provide one additional shade tree for each additional fifty (50) feet of frontage. Lots with multiple frontages shall be allowed to split the requirement among each frontage.
6. A four (4) foot landscape area shall span across the above ground living area of each dwelling on all sides unless, at the time of permitting, decks, patios and walk ways in the four (4) foot area are identified on the site plan as part of the initial approval. The landscaping shall consist of any combination of low lying shrubs, conifer or ornamental trees, and perennials. Trees shall be planted at a minimum height of five (5) feet.

Ground cover such as mulch, river rock, or some other landscaping material shall be included.

Add Article III, Districts, Division 2, Section 102-154, R3 Multiple-family residential district, (h), as follows:

**Landscaping.** A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirements shall be a minimum standard for new development, and excludes detached single family residential dwellings. All maintenance shall be the responsibility of the property owner or association. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle. Planned Unit Developments shall require a separate review process for meeting landscaping requirements.

Add Article III, Districts, Division 2, Section 102-154, R3 Multiple-family residential district, (h), (1) – (6) as follows:

1. **Points Per Parcel.** The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows:  $POINTS = SQFT/250$ .
2. **Points for Shade Trees.** Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five (25) feet or higher after 5 years.
3. **Points for Ornamental and Conifer Trees.** Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.
4. **Points for Shrubs and Bushes.** Shrub and Bush value is one (1) point each. Shrub and bushes shall be planted at a minimum height of one (1) foot.
5. **Two (2) shade trees** shall be placed in the required front yard building setback. Front yards greater than eighty (80) feet in width shall provide one additional shade tree for each additional fifty (50) feet of frontage. Lots with multiple frontages shall be allowed to split the requirement among each frontage.
6. **A four (4) foot landscape area** shall span across the above ground living area of each dwelling on all sides unless, at the time of permitting, decks, patios and walk ways in the four (4) foot area are identified on the site plan as part of the initial approval. The landscaping shall consist of any combination of low lying shrubs, conifer or ornamental

trees, and perennials. Trees shall be planted at a minimum height of five (5) feet. Ground cover such as mulch, river rock, or some other landscaping material shall be included.

Add Article III, Districts, Division 2, Section 102-154, R3A Four-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirements shall be a minimum standard for new development, and excludes detached single family residential dwellings. All maintenance shall be the responsibility of the property owner or association. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle. Planned Unit Developments shall require a separate review process for meeting landscaping requirements.

Add Article III, Districts, Division 2, Section 102-154, R3A Multiple-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows:  $POINTS = SQFT/250$ .
2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five (25) feet or higher after 5 years.
3. Points for Ornamental and Conifer Trees. Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.
4. Points for Shrubs and Bushes. Shrub and Bush value is one (1) point each. Shrub and bushes shall be planted at a minimum height of one (1) foot.
5. Two (2) shade trees shall be placed in the required front yard building setback. Front yards greater than eighty (80) feet in width shall provide one additional shade tree for each additional fifty (50) feet of frontage. Lots with multiple frontages shall be allowed to split the requirement among each frontage.
6. A four (4) foot landscape area shall span across the above ground living area of each dwelling on all sides unless, at the time of permitting, decks, patios and walk ways in the four (4) foot area are identified on the site plan as part of the initial approval. The



landscaping shall consist of any combination of low lying shrubs, conifer or ornamental trees, and perennials. Trees shall be planted at a minimum height of five (5) feet. Ground cover such as mulch, river rock, or some other landscaping material shall be included.

Add Article III, Districts, Division 2, Section 102-154, R4 Four-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirements shall be a minimum standard for new development, and excludes detached single family residential dwellings. All maintenance shall be the responsibility of the property owner or association. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle. Planned Unit Developments shall require a separate review process for meeting landscaping requirements.

Add Article III, Districts, Division 2, Section 102-154, R4 Multiple-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows:  $POINTS = SQFT/250$ .
2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five 25 feet or higher after 5 years.
3. Points for Ornamental and Conifer Trees. Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.
4. Points for Shrubs and Bushes. Shrub and Bush value is one (1) point each. Shrub and bushes shall be planted at a minimum height of one (1) foot.
5. Two (2) shade trees shall be placed in the required front yard building setback. Front yards greater than eighty (80) feet in width shall provide one additional shade tree for each additional fifty (50) feet of frontage. Lots with multiple frontages shall be allowed to split the requirement among each frontage.
6. A four (4) foot landscape area shall span across the above ground living area of each dwelling on all sides unless, at the time of permitting, decks, patios and walk ways

in the four (4) foot area are identified on the site plan as part of the initial approval. The landscaping shall consist of any combination of low lying shrubs, conifer or ornamental trees, and perennials. Trees shall be planted at a minimum height of five (5) feet. Ground cover such as mulch, river rock, or some other landscaping material shall be included.



## ZONING BOARD OF APPEALS

### Community Development Department

Date: June 12, 2018

**SUBJECT:** A Variance to widen the driveway beyond the garage in the R1 (Single Family Residential) Zoning District.

**SYNOPSIS:** The homeowner would like to widen the driveway to get additional off-street parking.

**LOCATION:** 6525 Park Ridge Road

**ZONING DISTRICT:**

North	R1 (Single Family Residential)
South	R1 (Single Family Residential)
East	R1 (Single Family Residential)
West	R1 (Single Family Residential)

**BACKGROUND  
INFORMATION:**

The property owner is requesting permission to add a parking pad off of the main driveway. A Variance is required for this.

The homeowners have a single car driveway and garage. They would like to add a 6 ft by 18 ft parking pad extension to the existing driveway for additional parking. The homeowners have two vehicles and parking on the street is problematic. The homeowners have safety concerns using street parking in this area.

The parcel is an irregular lot. It is triangular, and very similar, in its irregularity, to other parcels in this area. The land is situated on a curve, where it is very common for vehicles to exceed the speed limit of 30mph going through the neighborhood. There is parking on the opposite side of the street, but the curve really prevents anyone from parking there safely. There is no parking in front of the homeowners home. Both sides of the driveway are painted yellow prohibiting parking, which makes sense given the curve and the high probability of an accident.

The homeowners have utilized street parking for a number of years, but have had several incidents with their vehicles. Since 2003, and after trying to utilize what street parking they have, they have had 4 major traffic accidents in front of the home. Of the four accidents, two of their vehicles have been totaled, with the other two accidents just being collisions. In all situations these issues have been inconvenient costing the homeowners time and money. Several other occurrences include intoxicated drivers driving on to their property, incidents due to weather conditions, and speeding. All of these incidents are the basis for wanting to expand on their driveway. The owner has informed Staff that they want to park their vehicles on their property where the risk of an accident is significantly reduced.

**RECOMMENDATION:** **Approval** - A Variance to widen the driveway beyond the garage in the R1 (Single Family Residential) Zoning District.

**ATTACHMENTS:**

(See attachments)

**VOTE:**

APPROVAL / DENIAL / TABLED

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**





Parcel Number:	11-01-226-034
Property Address:	6525 Park Ridge Road
Petitioner:	Christopher Smykay 6525 Park Ridge Road Loves Park, Illinois 61111
Property Owner:	Christopher Smykay 6525 Park Ridge Road Loves Park, Illinois 61111



OLD WILMS



NOT TO SCALE





— NO PARKING (STRIPED) —















**Recommended Findings of Fact of City Staff based on the information provided by the applicant**

**Findings as Required by Loves Park Ordinance** - Each enumerated finding must be considered before a petition for a variation may be approved.

Mark **"Yes,"** if the findings have been considered and found to be relevant and true. Mark **"No,"** if the findings have been considered and found to be not true. If you mark **"No,"** please explain why in the space provided below each finding. Mark **"N/A,"** if the findings are not applicable to the situation.

**Location:** 6525 Park Ridge Road

Staff ZBA

- 1 YES \_\_\_\_\_ Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter.

*Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter.*

*The property owner does have a valid hardship. The property owner does not have on-street parking due to the turn in front of the house. The other side of the street is on street, however, to clear a safe range from the corner is quite a distance. The parcel is an irregular lot, and is situated on a dangerous curve in the zoning district. The homeowner is justified to receive a Variance to the City's requirement for this reason.*

*Reason:*

- 2 YES \_\_\_\_\_ There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district.

*There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district. The property owners have a very irregular lot, and the land is situated along a curve where speeds can reach as high as 40 miles an hour in the residential neighborhood. Additionally, there is no on-street parking in front of the home. There is parking on the other side of the street, however, motorists take the turn in front of the home at higher speeds than are posted. Parking on the other side is unsafe, and it's largely due to the turn.*

*Reason:*

- 3 YES \_\_\_\_\_ Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

*Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district. In almost every case, every residential zoning district provides on-street parking. The property owners have had theirs removed due to the hazards of parking on the street.*

*Reason:*

- 4 YES \_\_\_\_\_ The granting of the variation will not constitute a grant of special privilege inconsistent with the limitations on the other properties classified in the same zoning district.

*The granting of the variation will not constitute a grant of special privilege inconsistent with the limitations on the other properties classified in the same zoning district. The parcel prevents the*

*homeowners from using on-street parking. There are many other homes in the zoning district that utilize street parking, but that option is not afforded to the property owners due the removal of the street parking and hazardous conditions in the area.*

*Reason:*

- 5 N/A \_\_\_\_\_ The granting of the variation will not be detrimental to the public health, safety, welfare or material injurious to properties or improvements in the vicinity.

*Reason:*

- 6 YES \_\_\_\_\_ The concurring vote of four members of the board shall be necessary to recommend the authorization of any variance in this chapter.

These findings are based on staff interpretation of the required findings necessary for approval of a variation. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a variation.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: 6525 Park Ridge road  
Parking Pad

**Chairman**  
Shawn Novack

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date