

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS**  
**THURSDAY, JANUARY 17, 2013**  
**6:00 P.M.**  
**CITY COUNCIL CHAMBERS**  
**LOVES PARK CITY HALL**

1. CHAIRMAN ROB WILHELMI CALLED THE MEETING TO ORDER AT 6:00 P.M.

MEMBERS PRESENT: CHAIRMAN ROB WILHELMI, ALISE HOWLETT,  
ERIC STROMBERG, JAMES SYLVESTER, BRIAN KERN,  
ROB SCHLENSKER, SHAWN NOVAK

OTHERS PRESENT: ZONING OFFICER – ANDREW QUINTANILLA,  
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR -  
STEVE THOMPSON  
PLANNING OFFICER – NATE BRUCK,  
ATTORNEY PHIL NICOLOSI,  
SECRETARY – SHEILA MILLS

Chairman Wilhelmi announced that the next Community Development Committee meeting will be held Wednesday, January 30, 2013 at 6:00 p.m.

2. MINUTES:

Mr. Schlensker moved to approve the minutes from the meeting held November 15, 2012.  
Second by Mr. Stromberg. Motion carried by voice vote.

3. ZONING OFFICE REPORT:

None

4. COMMUNICATIONS:

None

5. OLD BUSINESS

None

6. NEW BUSINESS

- A. 5213 Contractors Drive – Zoning Map Amendment from the IG Zoning District to the CR Zoning District. Appropriate notice has been given.

Vic Anucauskas, 6305 Weathervane Lane, Machesney Park, IL 61115 was sworn in as Petitioner. Mr. Anucauskas indicated that he would like to change the zoning to commercial to make it more marketable piece of land.

Mr. Thompson commented that access to the property will be from Contractors Drive.

No objectors present.

Mrs. Howlett moved to approve the Zoning Map Amendment from the IG Zoning District to the CR Zoning District for the property commonly known as 5213 Contractors Drive. Second by Mrs. Novak. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED UNANIMOUSLY 6-0**

- B. 519 Renrose Avenue – Variance for a required 10 ft. side setback to a requested 5 ft. 8 in. side setback in the R1 Zoning District. Appropriate notice has been given.

Aaron McCollom, 519 Renrose Avenue, Loves Park, IL was sworn as Petitioner. Mr. McCollom indicated that he purchased an above ground pool by the Great Escape and when the electrical work was inspected it was discovered that the pool was too close to the property line.

Mr. Schlensker asked if the Great Escape was responsible for obtaining a permit or the placement of the pool.

Mr. Thompson indicated that the Great Escape has a disclaimer that states they are not responsible for permits and that it is the responsibility of the homeowner.

Mr. McCollom stated that he was required to have J.U.L.I.E. come out before digging, but was not required to obtain a permit by the city to install the pool, but was required to obtain a permit to install the electrical equipment.

Mrs. Howlett added that it is the responsibility of the property owner to obtain permits and she does not see a hardship to grant the Variance.

Mrs. Novak asked the Petitioner if he decided where to place the pool.

Mr. McCollum stated that he decided where the pool would be place and he knew the pool had to be so far from a building, but didn't realize the pool had to be so far from the side property line.

Mrs. Novak asked if the city has had any contact with pool companies regarding this issue.

Mrs. Thompson stated that the city made a request in the past to the Great Escape that they take responsibility for obtaining required permits, but they refused stating it is the homeowner's responsibility. He added that the city does not require a permit to construct the pool, but a permit is required for electrical work.

Mr. Sylvester commented that he feels the location of the pool doesn't seem to be a major drawback or obstructing anybody's view.

Mr. McCollum added that the Great Escape only constructs the pool and any electrical work that is needed is the responsibility of the homeowner.

Discussion followed on how the city may address pool placement issues in the future since a permit is not required to put up a pool.

No objectors present.

Mrs. Novak moved to approve the Variance for a required 10 ft. side setback to a requested 5 ft. 8 in. side setback in the R1 Zoning District for the property commonly known as 519 Renrose Avenue. Second by Mr. Sylvester. The hardship would be the pool is already constructed and the financial cost of moving the pool. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 5-1**

- C. 5362 Talladega Drive – Variance for a driveway addition in front of the residence in the R1 Zoning District. Appropriate notice has been given.

No objectors present.

Ken Giza, 5362 Talladega Drive, Loves Park, IL was sworn in as Petitioner. Mr. Giza indicated that he has a three car attached garage and he wants to widen the driveway in front of the house to create additional parking for a vehicle and recreational trailer. He stated he has already removed a section of lawn in front of and alongside the residence, which measures 49 ft. in length and 11 ft. wide. Mr. Giza has graveled the area for the addition and it leads directly to the sidewalk. He added that he will angle the addition for the driveway so that it will meet the existing driveway/sidewalk opening and the addition will be paved with asphalt like the existing driveway.

Mr. Stromberg moved to approve a Variance for a driveway addition in front of the residence in the R1 Zoning District for the property commonly known as 5362 Talladega Drive. Second by Mr. Schlensker. The hardship is the residence is located on a corner lot and the placement of the home is close to the property line. The findings of the facts have been met in accordance with zoning recommendations provided and discussed.

**MOTION APPROVED UNANIMOUSLY 6-0**

- D. Text Amendments for Section 102-295 and Section 102-310 of the City of Loves Park Code of Ordinances pertaining to Findings of Facts for the Zoning Board of Appeals.

Mr. Thompson stated that while reviewing the city's ordinance regarding the procedure for the Findings of the Facts it was found that there were inconsistencies with case law and the State statute. He stated that the wording should be change from "all must be met" to "all must be considered".

Attorney Nicolosi added that the city ordinance is stricter than the State statute on the Findings of the Facts, which led to confusion. In the past a particular item for consideration may not be applicable to certain facts in which case would have resulted in Findings of the Fact not met and a denial from the zoning board. But as long at the Findings of Facts are considered and discussed an item for consideration may not be applicable to certain facts and still be approved.

Mr. Thompson stated that the Findings of the Fact pertaining to a concurring vote of four members of the board shall be necessary to recommend the authorization of any variance has been removed.

Mrs. Novak suggested that wording be added in Section 102-295 Findings (1) The Zoning Board of Appeals may grant by resolution an application a variation to a regulation prescribed by this chapter with respect to signs.....

Mr. Thompson stated that he just discovered a typo in Findings (4) the first word should be **Adequate**.

Mrs. Novak moved to approve the Text Amendments for Section 102-295 and Section 102-310 of the City of Loves Park Code of Ordinances pertaining to Findings of Facts for the Zoning Board of Appeals. The Text Amendments are as follows:

1. Section 102-295 (1) Findings. The text **by resolution an application** is added after The Zoning Board of Appeals may grant.
2. Section 102-310 (4) Findings. Typo, the first word should be **Adequate**.
3. The Findings of the Fact that **a concurring vote of four members of the board shall be necessary to recommend the authorization of any Variance** has been removed.

Second by Mrs. Howlett.

**MOTION APPROVED UNANIMOUSLY 6-0**

7. Public Participation and Comment

None

8. General Discussion

Mr. Schlensker moved that the meeting be adjourned. Second by Mrs. Howlett. Motion carried by voice vote. The meeting was adjourned at 7:02 p.m.

APPROVED:  
Sheila Mills, Secretary