



**City of Loves Park**  
**Department of Community Development and Public Works**  
**100 Heart Boulevard, Loves Park, Illinois 61111**  
**Phone (815) 654-5033 Fax (815) 654-5004**

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**Variance - Frequently Asked Questions**

**Q. What is a Variance?**

**A.** A Variance is a tool that can be used by property owners to modify regulations on their property under special circumstances. It allows for the modification of terms, conditions, and regulations within the municipal code. Applications for a Variance on a particular piece of property must show that it is deprived (hardship) of privileges enjoyed by other properties in the same zone. The modification will remedy the disparity in these privileges.

**Q. What is the purpose of a Variance?**

**A.** The Zoning Board of Appeals is empowered to grant variations in order to prevent or to lessen such practical difficulties and unnecessary physical hardships that would result from a strict or literal interpretation and enforcement of certain regulations. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or in the immediate vicinity or from population densities, street locations, or traffic conditions in the immediate vicinity.

**Q. Can the approved Variance expire?**

**A.** Yes. In any case where a Variance has not been established within one year of granting thereof, the City Council shall automatically revoke the Variance.

**Q. What are the criteria for approval for granting a Variance?**

**A.** Findings. The Zoning Board of Appeals may grant a variation to a regulation prescribed by Article VII, Variations, with respect to signs, fences, walls, hedges, screening or landscaping; site area, width, frontage, depth or coverage; front, rear or side yards; basic floor area, usable open space; height of structures; distances between structures or courts, as the variation was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Zoning Board of Appeals makes findings of fact that establish that the circumstances described below apply

- Strict or literal interpretation and enforcement of specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with Article VIII, Variations
- 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
- 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
- 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 be detrimental to the public health, safety, welfare or material injurious to properties or improvements in the vicinity
- The concurring vote of four members of the board shall be necessary to recommend the authorization of any variance in Article VIII, Variations

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**Variance - Frequently Asked Questions (Continued)**

**Q. What is the process for approval of a Variance?**

- A.**
- Consult with the staff to see if a pre-application meeting is warranted.
  - Upon submitting the application, the Zoning Officer will screen your application using **Schedule A**, the attached checklist. If the application does not meet the requirements for submission, the Zoning Officer will contact you to discuss any deficiencies that exist with the application. If the application is sufficient and no further changes and/or additional information is necessary, the petition can then be reviewed by the Zoning Officer.
  - Once the application is submitted for review, the Zoning Officer will determine whether the application will require further changes before the application will be accepted.
  - Next, a review of the submitted application is done by the Zoning Officer. Applications must be submitted **5 days prior to the application deadline and no exceptions will be made** because this is the review period for all completed applications.
    1. If the determination is that the application is incomplete or needs modification you will be notified by phone during the review period to work on any revisions necessary to complete the application.
    2. If the Zoning Officer determines that the application meets the criteria laid out in attached **Schedule A**, the application will move forward in the approval process.
  - After the submission of the completed application, the City will publish a legal notice at least 15 days before the hearing date. The petitioner is notified in writing of the Zoning Board of Appeals hearing date, and the property is posted with a notice of the hearing. Also, all adjacent property owners within a 200ft radius will be notified of the hearing date.
  - The Planning and Zoning office reviews the application materials and submits a staff report to the Zoning Board of Appeals and the City Council.
  - The Zoning Board of Appeals will consider the request for the zoning change and it will render a decision approving or denial of the application. The petitioner or authorized agent must be present at the hearing.
  - After the Zoning Board of Appeals renders a decision, the application will then move for further consideration to the Community Development Committee where the application will be reviewed and voted on. Once again the petitioner or authorized agent must be present at the hearing. When the application has cleared the Zoning Board of Appeals and Community Development Committee, it will then move on to the City Council for voting. If the petition is approved at the first reading, the petition is laid over for a second reading the following week. The City Council takes a final vote at this time.
  - The petitioner is notified by the City Clerk's Office of action taken by the City Council. If the petition is approved, the petitioner must contact the Zoning & Building Offices to obtain all the necessary permits before beginning any construction.
  - The Ordinance takes affect 10 days after passage.

**Additional Note:** If your application is being processed concurrent with another land use action or determination, the application will be combined in the overall action and decided by the Zoning Board of Appeals at the same hearing date.

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**Variance - Frequently Asked Questions (Continued)**

**Q. Can a Variance be denied?**

- A.** • Yes. No application for a variation which has been denied wholly or partly by the city council shall be resubmitted for a period of **one year** from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the board of appeals.

**Q. Can a Variance be revoked?**

- A.** Yes. In any case where a variation has not been established within **one year** of granting thereof, the city council shall automatically revoke the variation.

**Q. What role does a site plan play in the approval process?**

- A.** The approved site plan for any project is important because it provides all of the detail information for a specific project and it is also attached to the ordinance when and if the variance is passed. Upon approval, the site plan becomes the official plan of record and the property owner or business owner must comply with its implementation

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Filing Deadline: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date Filed: \_\_\_\_/\_\_\_\_/\_\_\_\_ Fee: \$\_\_\_\_

All of the information required for filing this application must be submitted within five days of the filing deadline. If all of the required information is not filed within the five day period, the applicant will be required to re-file and pay the filing fee for the application process.

1. Property owner \_\_\_\_\_  
Property owner address \_\_\_\_\_  
City, State, & Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
  
Applicant name \_\_\_\_\_  
Applicant address \_\_\_\_\_  
City, State, & Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Email : \_\_\_\_\_

2. Existing use: \_\_\_\_\_ Current zoning classification: \_\_\_\_\_  
Proposed use: \_\_\_\_\_

3. Detailed explanation of the Variance being applied for: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. A site plan for the property must be submitted in accordance with the guidelines for a completed site plan as part of the application. The attached, **Schedule A**, provides the basic requirements for a completed site plan. It should be submitted on an 8 1/2 x 11 sheet of paper. **Schedule B** is a sample site plan for review.

5. Legal description: Lot\_\_\_\_\_, Block\_\_\_\_\_, Subdivision\_\_\_\_\_  
■ Attach a metes and bounds description  
■ Identify the parcel code: \_\_\_\_\_  
■ Identify the acreage: 2 acres or less\_\_\_\_\_, 2-5 acres\_\_\_\_\_, 5 acres or more\_\_\_\_\_

6. Soil and Water Report  
Winnebago County Soil & Water Conservation District  
4833 Owen Center Road  
Rockford, Illinois 61101  
815/965-2392, Extension 3

Applicant's Signature \_\_\_\_\_ Staff Initials \_\_\_\_\_

**The filing fee must be paid at the time the application is submitted and is non-refundable.**  
**Total fees: \$150**

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**PROPERTY OWNER AND APPLICANT DECLARATION**

The applicant (can be the property owner) makes the following statement based upon personal knowledge:

- 1 I am the current owner of the property or have the permission from the current owner of the property to submit this application for the subject property.
- 2 The application is being submitted with my knowledge and consent.
- 3 All statements contained in this application are true and correct to the best of my (our) knowledge.
- 4 I understand that all conditions of application approval must be completed.

I declare that under penalty of perjury under the laws of the State of Illinois and the United States of America, that the foregoing statement is true and correct.

\_\_\_\_\_  
Applicant - Print Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant - Signature

\_\_\_\_\_  
Date

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The property owner makes the following statement based upon personal knowledge:

- 1 I am the current owner of the property, which is the subject of this application including all right-of-way; easements; or other property ownership's which are necessary to fulfill the requirements of this application.
- 2 The application is being submitted with my knowledge and consent.
- 3 I authorize the above applicant to represent me in the application process for this specific application.

I declare that under penalty of perjury under the laws of the State of Illinois and the United States of America, that the foregoing statement is true and correct.

\_\_\_\_\_  
Tax Parcel Number(s)

\_\_\_\_\_  
Physical Address/Location

\_\_\_\_\_  
Owner - Print Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Address (Permanent/Physical)

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Owner - Signature

\_\_\_\_\_  
Date

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**SCHEDULE A - VARIANCE SITE PLAN REQUIREMENTS**

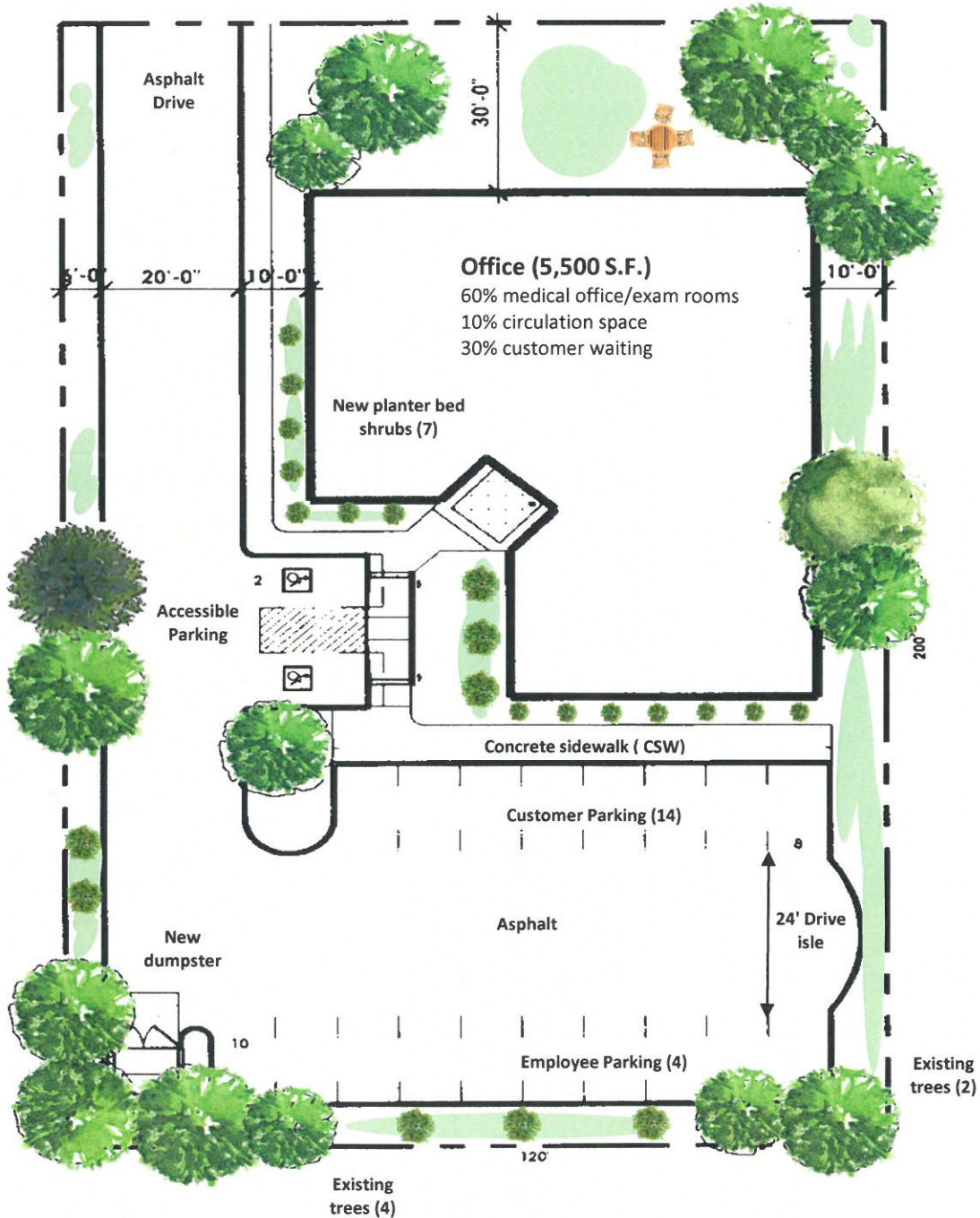
The following items are required on ALL site plans submitted with zoning applications. Dimensions are a required component to a complete site plan.

- 1 Location of all property lines boundaries, as well as, an arrow showing the orientation of the property to the North
  - Identify parcel dimensions
- 2 Existing structures and improvements on the property.
  - Label existing use
  - Dimensions
  - Distances between existing and proposed structures
- \*\*\* Existing and proposed development should include, but is not limited to buildings, decks, storage tanks of any kind, driveways, and access roads.
- 3 Access to the property from the point of connection with publicly maintained road(s)
  - Existing and proposed access roads
  - Label of the use of the access road
  - Driveways and turnarounds
  - County or City rights-of-way
  - Adjacent roads, streets, alleys, etc.
  - Width and slope of access roads and driveways
- 4 Setbacks for all existing and proposed development
  - Property lines to new development and to existing structures
- 5 Proposed structure(s), area of addition, area or remodel, and improvements with identification
  - Label proposed use
  - Highlight or differentiate from existing structures
  - Distance(s) between existing and proposed structures
  - Dimensions
- 6 Location of any fencing, existing and proposed labeled
- 7 Existing and proposed landscape areas
  - Planting schedule identifying the number of trees, shrubs, bushes, and plants. Include names on schedule, and live plant placement on the site plan
  - Show label(s), size(s), and square feet of each area
- 8 Location of off-street loading and parking areas, existing and proposed with labels
  - Parking area with dimensions, and surface material (asphalt, concrete, gravel, and proposed)
  - Ingress/egress
  - Drive isles
- 9 Location of any lighting fixtures and location of lights.
- 10 Location of any existing or proposed signage



**SCHEDULE B - SAMPLE VARIANCE SITE PLAN**

**NOTE:** This site plan is to serve only as a guide. Your particular plan may need additional or fewer items depending on the complexity and type of project.



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**LOVES PARK ZONING BOARD OF APPEALS SCHEDULE / COMMUNITY DEVELOPMENT  
2023**

<b>Filing Deadline</b>	<b>ZBA</b>	<b>Community Development Committee Meeting</b>
January 13, 2023	February 16, 2023	February 27, 2023
February 10, 2023	March 16, 2023	March 27, 2023
March 10, 2023	April 20, 2023	May 1, 2023
April 14, 2023	May 18, 2023	June 5, 2023
May 12, 2023	June 15, 2023	July 10, 2023
June 9, 2023	July 20, 2023	July 31, 2023
July 14, 2023	August 17, 2023	September 5, 2023
August 11, 2023	September 21, 2023	October 2, 2023
September 15, 2023	October 19, 2023	November 6, 2023
October 13, 2023	November 16, 2023	December 4, 2023
November 10, 2023	December 21, 2023	January 2, 2024
December 15, 2023	January 18, 2024	February 5, 2024

**ZBA meetings are held at 5:30 p.m., at Loves Park City Hall in Council Chambers.  
CDC meetings are held at 6:15 p.m., at Loves Park City Hall in Council Chambers.**