



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
September 17, 2020
CITY COUNCIL CHAMBERS
100 HEART BOULEVARD
5:30 PM

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **July 16, 2020** meeting
3. Report from the Zoning Office - None
4. Unfinished business – None
5. New business –
 - A. **12-03-151-041, ALSO KNOWN AS 61XX COMMONWEALTH DRIVE** – A Zoning Map Amendment from the CO (Commercial Office) Zoning District to the R1 (Single Family Residential) Zoning District.
 - B. **6622 RED BARD ROAD** – A Variance to place a parking pad alongside of the existing driveway in front of the home in the R1 (Single Family Residential) Zoning District.
 - C. **7190 E. RIVERSIDE BOULEVARD** – A Special Use Permit for a drive-thru window in the CR (Commercial Retail) and I-90 East Riverside Overlay Zoning Districts.
 - D. **7190 E. RIVERSIDE BOULEVARD** – A Variance from the required 8 foot landscape buffer to a requested 5 foot landscape buffer along Kings Acres Drive and Hangar Road in the CR (Commercial Retail) and I-90 E. Riverside Overlay District.
 - E. **912 THEODORE STREET** – A Variance to increase the allowable square footage for an accessory structure an additional 144 square feet in the R1 (Single Family Residential) Zoning District.
 - F. **610 TRENT LANE** – A Variance to allow a 5 foot fence in the required front yard building setback behind the home on Paisley Drive in the R1 (Single Family Residential) Zoning District.
 - G. **668 TRENT LANE** – A Variance to allow a 6 foot fence in the required front yard building setback behind the home on Paisley Drive in the R1 (Single Family Residential) Zoning District.

H. **TEXT AMENDMENT** – Chapter 102, Article IV, Home Occupations, Section 102-213

6. Public participation & comment –

Anyone who wishes to speak regarding a petition shall contact the Zoning Officer 24 hours preceding the scheduled meeting.

7. General discussion

8. Adjournment

Andrew Quintanilla
Zoning Officer

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, JULY 16, 2020
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:32 P.M.

MEMBERS PRESENT: ALISE HOWLETT, DENNIS HENDRICKS, CATHY NELSON,
LYNDI TOO HILL, BEN DANIELSON, MIKE OWENS

MEMBERS ABSENT: SHAWN NOVAK

OTHERS PRESENT: ANDREW QUINTANILLA – ZONING OFFICER
ATTORNEY PHIL NICOLosi

Chairman Howlett announced that the next Community Development Committee meeting is scheduled for Monday, July 27, 2020 at 6:15 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting held June 18, 2020.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- A. **6110 BROADCAST PARKWAY – SPECIAL USE PERMIT FOR A FITNESS ESTABLISHMENT IN THE CO ZONING DISTRICT.** Appropriate notice has been given.

Jacob Dickinson, 138 Armadale Way, Loves Park, IL was sworn in as Petitioner. Mr. Dickinson indicated that he is requesting a Special Use Permit for a studio gym, with one on one classes, from 5:45 a.m. to 6:45 p.m. He added that he understood and agreed with the recommended conditions to be place on the Special Use Permit.

No objectors present.

Mr. Owens moved to approve a Special Use Permit for a fitness establishment in the CO Zoning District for the property known as 6110 Broadcast Parkway, with the following conditions:

1. The Special Use Permit expires with the change in use.
2. The dumpster enclosure shall be installed within 30 days of approval of the special use.

3. All activities, classes, and items used in conjunction with training shall take place within the building. No outside storage shall be permitted.
 4. The Special Use Permit shall be revoke with verified complaints from adjacent property businesses, property owners, and/or local authorities.
 5. The business owner shall coordinate with staff to bring the unit up to code for the use. The business owner may not conduct business at this location until plan review and/or the review process has been completed.
 6. The Special Use shall be renewed 1 year from the date of approval.
- Second by Mrs. Nelson. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 5-0

B. 205 E. RIVERSIDE BLVD – SPECIAL USE PERMIT FOR A DRIVE-THRU WINDOW IN THE CR ZONING DISTRICT. The appropriate notice has been given.

Frank Alvarez, 4255 Sunset Terrace, Loves Park, IL was sworn in as Petitioner. Mr. Alvarez stated he is requesting a Special Use Permit to utilize an existing drive thru window at his restaurant.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit for a drive-thru window in the CR Zoning District for the property known as 205 E. Riverside Blvd., with the following conditions:

1. The Special Use Permit expires with the change in use.
2. The dumpster enclosure shall be installed within 30 days of approval of the special use.
3. The five tandem parking stalls and dumpster enclosure that will be located at 209 E. Riverside Blvd, Parcel no. 11-01-406-003, shall be included as part of the special use. The parking located on Parcel No. 11-01-406-001, shall also be included as part of the special use.
4. The Special Use Permit shall be revoked with verified complaints from adjacent property businesses, property owners, and/or local authorities.
5. The special use shall be renewed 1 year from the date of approval.
6. All parking stalls and directional arrows shall be striped according to the site plan no later than August 31, 2020.

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

MOTION APPROVED 5-0

6. PUBLIC PARTICIPATION AND COMMENT

None

7. General Discussion

None

Mrs. Nelson moved that the meeting be adjourned. Second by Mr. Owens. Motion carried by voice vote. The meeting adjourned at 6:14 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: September 1, 2020

SUBJECT:		A Zoning Map Amendment from the CO (Commercial Office) Zoning District to the R1 (Single Family Residential) Zoning District.	
LOCATION:	61XX Commonwealth Drive - 12-03-151-041		
COMPREHENSIVE PLAN:	Medium multi-family residential		
ZONING DISTRICT:	North	R2 (Two-family Residential) and CR (Commercial Retail)	
	South	R1 (Single Family Residential)	
	East	R4 (Multi-family Residential)	
	West	CR (Commercial Retail)	
PROPERTY INFORMATION:	Bank owned property that is zoned for commercial office development. The bank would like to rezone the property to single family residential to make it marketable for development.		
Requirements for R1:	Front building setback:	30 feet	
	Rear building setback:	30 feet	
	Side building setback:	6 feet	
	Lot size requirements:	8,500 square feet	
	Established width at setback line:	80 feet	
Provided:	Established width at setback line:	204.86 feet	
	Lot size requirements:	83,979.20 feet	
RECOMMENDATION:	Approval - A Zoning Map Amendment from the CO (Commercial Office) Zoning District to the R1 (Single Family Residential) Zoning District.		
ATTACHMENTS:	See attachments		
ZONING BOARD RECOMMENDATIONS:	APPROVAL / DENIAL / TABLED		

Vote: _____

CONDITIONS: AS PRESENTED / AMENDED / N/A

**AUDIENCE
COMMENTS:**



Property Address:	61XX Commonwealth Drive
Parcel Number:	12-03-151-041
Applicant:	Sara Erber 6802 Cummins Drive Rockford, Illinois 61114
Owner:	Stillman Bank 8492 East State Street Rockford, Illinois 61108

SUNSET TRL

COMMONWEALTH DR

204'
PARCEL #
1203151041

83,979.20 SQUARE FEET

207'

76'

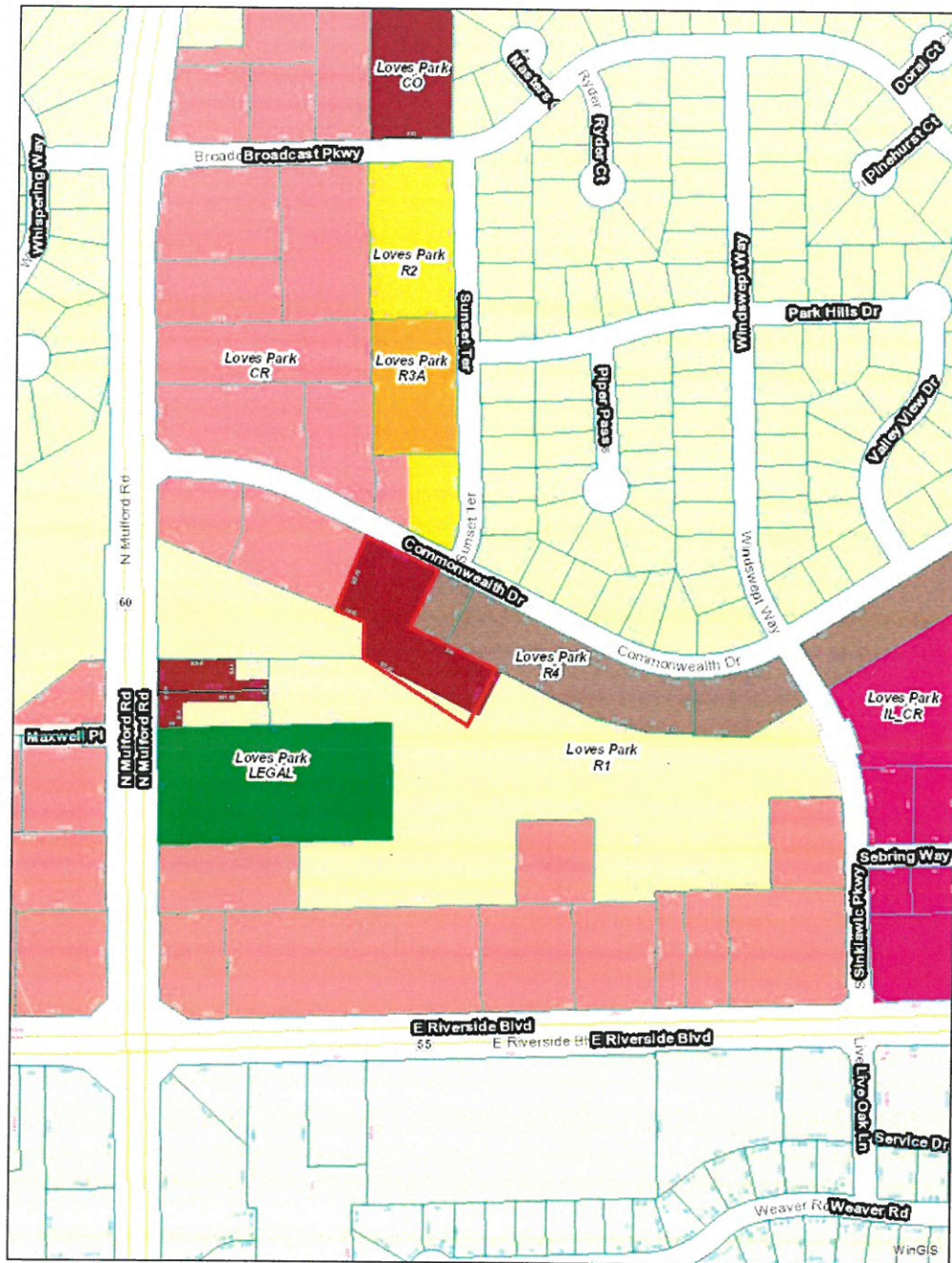
95'

160'

245'

166'

121' 196'





ZONING BOARD OF APPEALS

Community Development Department

Date: September 2, 2020

SUBJECT:	A Variance to place a parking pad alongside of the existing driveway in front of the home in the R1 (Single Family Residential) Zoning District.
LOCATION:	6622 Red Bard Lane
COMPREHENSIVE PLAN:	Low density residential
ZONING DISTRICT:	North R1 (Single Family Residential) South R1 (Single Family Residential) East R1 (Single Family Residential) West R1 (Single Family Residential)
PROPERTY INFORMATION:	The property owner would like to install a parking pad in front of the home, alongside of the existing driveway.
Requirements:	The driveway shall be used to provide direct access from a thoroughfare to an off-street parking space or private garage located on the property.
Requested:	Install a parking pad that is roughly 160 square feet for additional off-street parking. The pad will connect to the existing driveway, and not extend alongside of the home or out directly to the street.
Findings:	Strict enforcement of the regulation would result in practical difficulty for the property owner. The lot is irregular. The home was built closer to the eastern property line, which prevents the owner from expanding his garage to the allowable size without seeking additional zoning. The property does impose extraordinary circumstances, that do not generally apply to other lots in the subdivision. Approval of the variation would allow the property owner to utilize the property in a manner consistent with other properties in the zoning district. The approval shall not be deemed a grant of special privilege or adversely impact surrounding properties. The nature of the request does not pose any public or safety concerns to residents in the vicinity.
RECOMMENDATION:	Approval - A Variance to place a parking pad alongside of the existing driveway in front of the home in the R1 (Single Family Residential) Zoning District.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS: AS PRESENTED / AMENDED / N/A

**AUDIENCE
COMMENTS:**



PARCEL NUMBER: 08-21-354-013

ADDRESS: 6622 RED BARN ROAD

PROPERTY OWNER: CARL & CATHERINE MOHNS
6622 RED BARN ROAD
LOVES PARK, ILLINOIS 61111

APPLICANT: CARL & CATHERINE MOHNS
6622 RED BARN ROAD
LOVES PARK, ILLINOIS 61111

N

RED BARN RD

12" CULVERT
24' LONG

PROPOSED
AREA

8' WIDE - 16' SHORT SIDE
160 sq. ft. 24' LONG SIDE ASPHALT

DISTANCE FROM
PROPOSED AREA TO
LOT LINE 12.5'

HOUSE TO LOT LINE
13' 6"

6622 RED BARN RD

TWO CAR
GARAGE

EXISTING
DRIVEWAY
21' W AT GARAGE
25' W AT STREET
53' L

101.11

21'

25'

159.59

189.18

50

20

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: 6622 Red Barn Road

 ZBA

- 1 - 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.

Reason:

- 2 - 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.

Reason:

- 3 - 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.

Reason:

- 4 - 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.

Reason:

- 5 - 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. _____ 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: 6622 Red Barn Road
A Variance to install a parking pad in front of and alongside of the existing driveway

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: September 10, 2020

SUBJECT:	A Special Use Permit for a drive-thru window and a Variance from a required 8 foot landscape buffer to a requested 5 foot landscape buffer along Kings Acres Drive and Hangar Road in the CR (Commercial Retail) and I-90 E. Riverside Overlay District.
LOCATION:	7190 E. Riverside Boulevard
COMPREHENSIVE PLAN:	The City of Loves Park Comprehensive Plan identifies the future landuse to be general commercial. General commercial applies to low-scale commercial , service, and office uses that depend on convenient vehicular access.
ZONING DISTRICT:	North IL_CR (Light Industrial_Commercial Retail) South C3 (Commercial) Rockford East IL_CR (Light Industrial_Commercial Retail) West IL_CR (Light Industrial_Commercial Retail)
RELEVANT PROPERTY INFORMATION:	Applicant would like to establish a fast food type of establishment with a drive-thru window, and is requesting a Variance to the 8 foot deep landscaping buffer required by code.
Dumpster: Required by code:	Code requires that provisions be made for refuse disposal and that the storage area be screened by a solid wall or fence, secured with a solid gate.
Provided:	A site obscured dumpster enclosure will be provided with the addition of landscaping.
Landscaping: Required by code:	Landscaping shall be made up of trees, shrubs, vines, and other live plants and live plant materials, within an 8 foot deep, mounded, landscape buffer on each frontage.
Provided:	The project will include up to a 5 foot landscape buffer on the property all frontages, Hangar Road, Kings Acres Drive, and E. Riverside Boulevard. The applicant has committed to providing and maintaining additional landscaping in the right-of-way on Hangar Road, and Kings Acres.
Parking: Required by code:	12 parking stalls are required for this business, one of which must be an accessible stall.

Provided:	24 parking stalls, of which 2 are accessible stalls.
Pedestrian Circulation:	
Required:	Cross access to allow for safe pedestrian access between developed properties within the overlay.
Provided:	Not provided.
Drive-thru window	
Required by code:	The drive-thru lane is required to accommodate stacking for 5 vehicles
Provided:	The drive-thru lane can accommodate more than the 5 vehicles in the drive-thru lane.
Findings	The establishment of the special use will not adversely impact the public, or general welfare of the public in the zoning district. The area has begun to develop with the same or similar uses, which have not diminished or impaired property values, or had an adverse impact on uses inherently permitted in the zoning district. The use is part of early development for this area. The establishment of the use will not impact future development. The use will compliment future uses as the area sees various commercial developments established in the zoning district. All ingress/egress, drainage, and other facilities will be provided as part of the development of the site. The site has been evaluated to ensure that traffic congestion will not be problematic for customers, and existing uses in the area.
Recommendation:	<p>Approval - A Special Use Permit for a drive-thru window in the CR (Commercial Retail) Zoning District.</p> <p>Conditions:</p> <ol style="list-style-type: none"> 1. The Special Use Permit expires with the change in use. 2. A landscape buffer, up to 5 feet, shall be permitted on all frontages. Right-of-way landscaping on Hangar Road and Kings Acres drive shall be installed. 3. The business and/land owner will be responsible for the maintenance, repair, and replacement of all landscaping materials. The plant materials and landscaped bed areas shall be maintained in a healthy growing condition and free from refuse, debris, and weeds at all times. 4. The dumpster enclosure and all off-street parking shall be installed and marked as shown on the site plan before the business opens to the public. 5. All building and signage materials shall be shall meet the requirements of Article VI Signs, Section 102-284, the East Riverside/I-90 Overlay District, Section 102-338, and the Overlay Review Board. 6. A pedestrian bike/walking path shall be installed along the north end of the parcel as to facilitate safe pedestrian access between adjacent development as required by the E. Riverside/I-90 Overlay District.
ATTACHMENTS:	See attachments

**ZONING BOARD
RECOMMENDATIONS**

VOTE:

APPROVAL:

DENIAL:

TABLED:

CONDITIONS:

**AUDIENCE
COMMENTS:**

*NOTE: DRAWING IS NOT TO SCALE

PARKING SUMMARY:

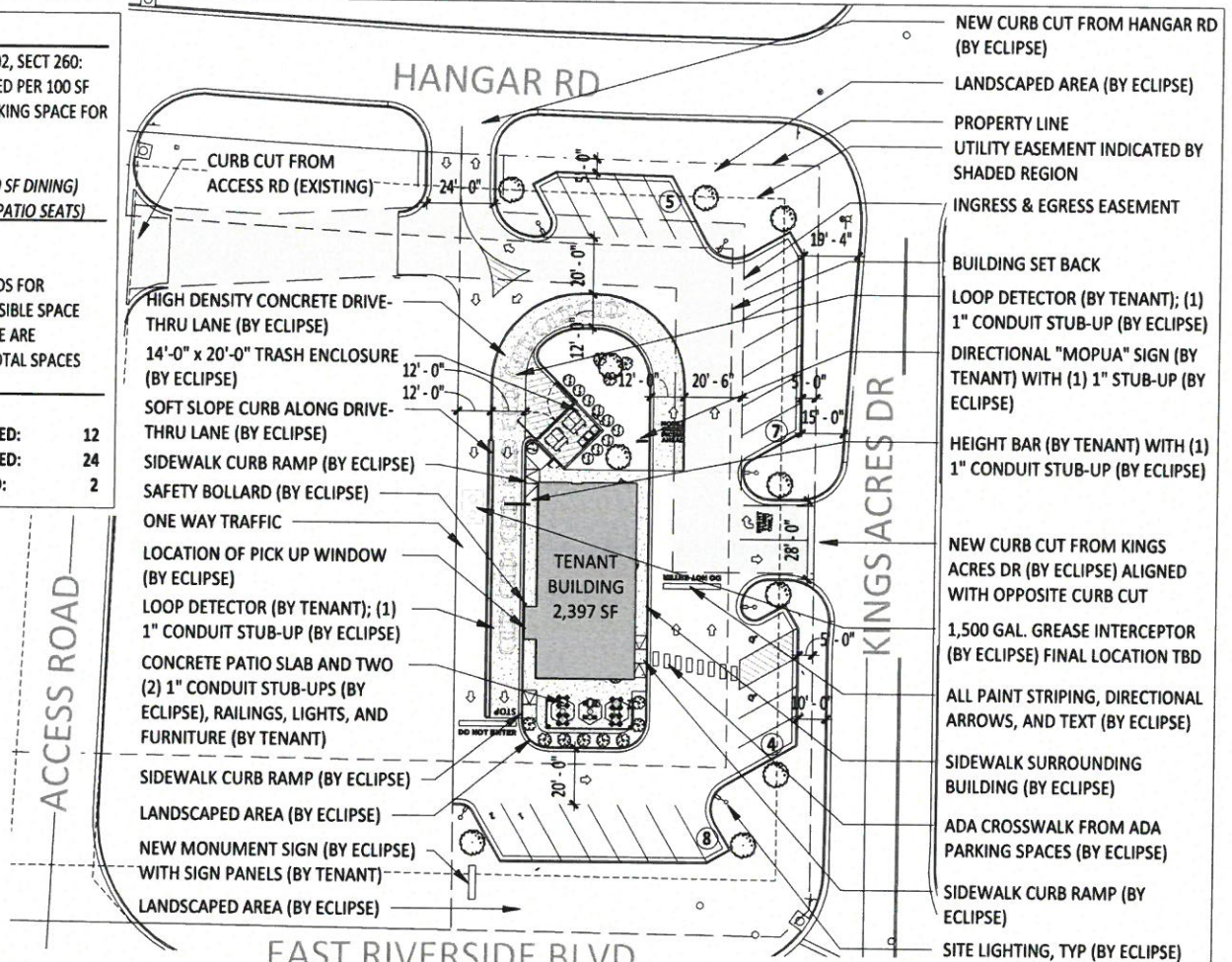
PER THE LPCOO, CHAPTER 102, SECT 260:
1 PARKING SPACE IS REQUIRED PER 100 SF
OF DINING AREA PLUS 1 PARKING SPACE FOR
EVERY 4 OUTSIDE SEATS.

8 SPACES (BASED ON 800 SF DINING)
+ 6 SPACES (BASED ON 22 PATIO SEATS)
12 PARKING SPACES

PER THE 2010 ADA STANDARDS FOR
ACCESSIBLE DESIGN: 1 ACCESSIBLE SPACE
AND 1 ACCESSIBLE VAN SPACE ARE
REQUIRED WHERE 1 TO 25 TOTAL SPACES
ARE PROVIDED.

TOTAL PARKING REQUIRED:	12
TOTAL PARKING PROVIDED:	24
ADA PARKING PROVIDED:	2

ADJACENT DAIRY
QUEEN LOCATION
(N.I.C.)



PRELIMINARY DESIGN SKETCH FOR:

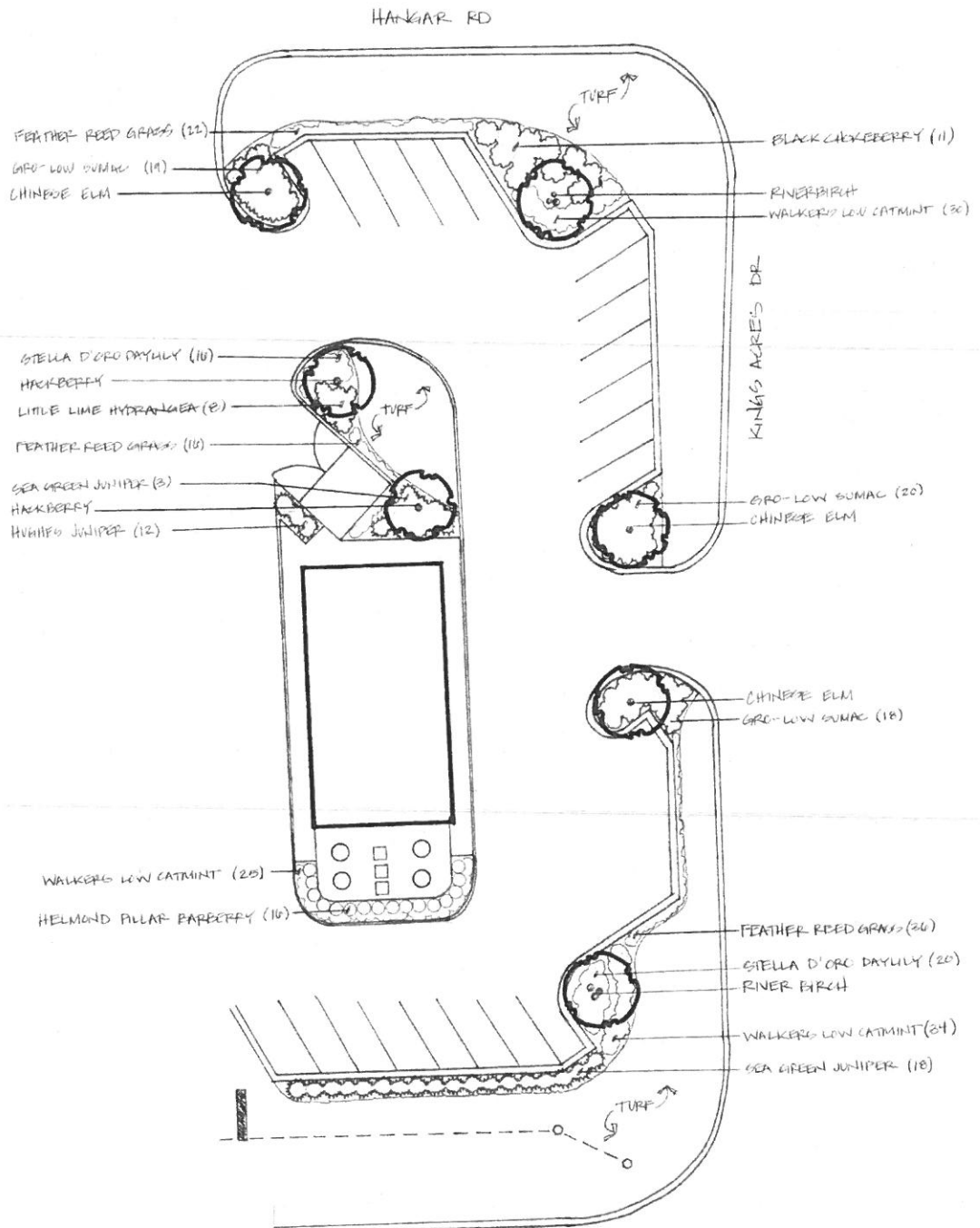
"ECLIPSE SHELL BUILDING"
7190 EAST RIVERSIDE BLVD
LOVES PARK, IL 61111

02 SEPTEMBER, 2020

PRELIMINARY SITE PLAN

TOTAL PARKING SPACES: 24
ACCESSIBLE SPACES: 2





Plant list

Quantity	Common Name	Botanical Name	Size	Notes
Trees				
3	Chinese Elm	Ulmus parvifolia	2"	
2	Hackberry	Celtis occidentalis	2"	
2	River birch	Betula nigra	8'	Multi
Shrubs				
57	Gro Low sumac	Rhus aromatica	5 gal	
8	Little Hydrangea	Hydrangea paniculata	5 gal	
21	Sea Green Juniper	Juniperus x pfizeriana	5 gal	
12	Hughes Juniper	Juniperus horizontalis	5 gal	
11	Black chokeberry	Aronia melanocarpa	5 gal	
16	Helmond Pillar Barberrry	Berberis thunbergii	5 gal	
Perennials				
74	Feather reed grass	Calamagrostis acutiflora	1 gal	
36	Stella D Oro dayily	Hemerocallis	1 gal	
55	Walkers low catmint	Nepeta x faassenii	1 gal	

Material list

Hard wood bark mulch	Cuyds
Organic Compost	Cuyds

Lot 7, Plat No. 17 of Kings Acres Subdivision



LANDSCAPE PLAN 1 of 1

Riverside Blvd. ~ Loves Park ~ IL

Scale: 1"=20'-0" Date: 9/2020 AR

9905 Auburn Rd. Winnebago, IL 61181-988-1184

www.greenkeylandscape.com

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 met before a petition for a special use 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.

7190 E. Riverside Boulevard

ZBA

- 1 ☐ The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Reason:

- 2 ☐ The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.

Reason:

- 3 ☐ The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.

Reason:

- 4 ☐ Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

Reason:

- 5 Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Reason:

- 6 The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of the public hearing if no action has been taken by the board of appeals.

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

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: **7190 E. Riverside Boulevard**
Special Use Permit for a drive-thru window

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

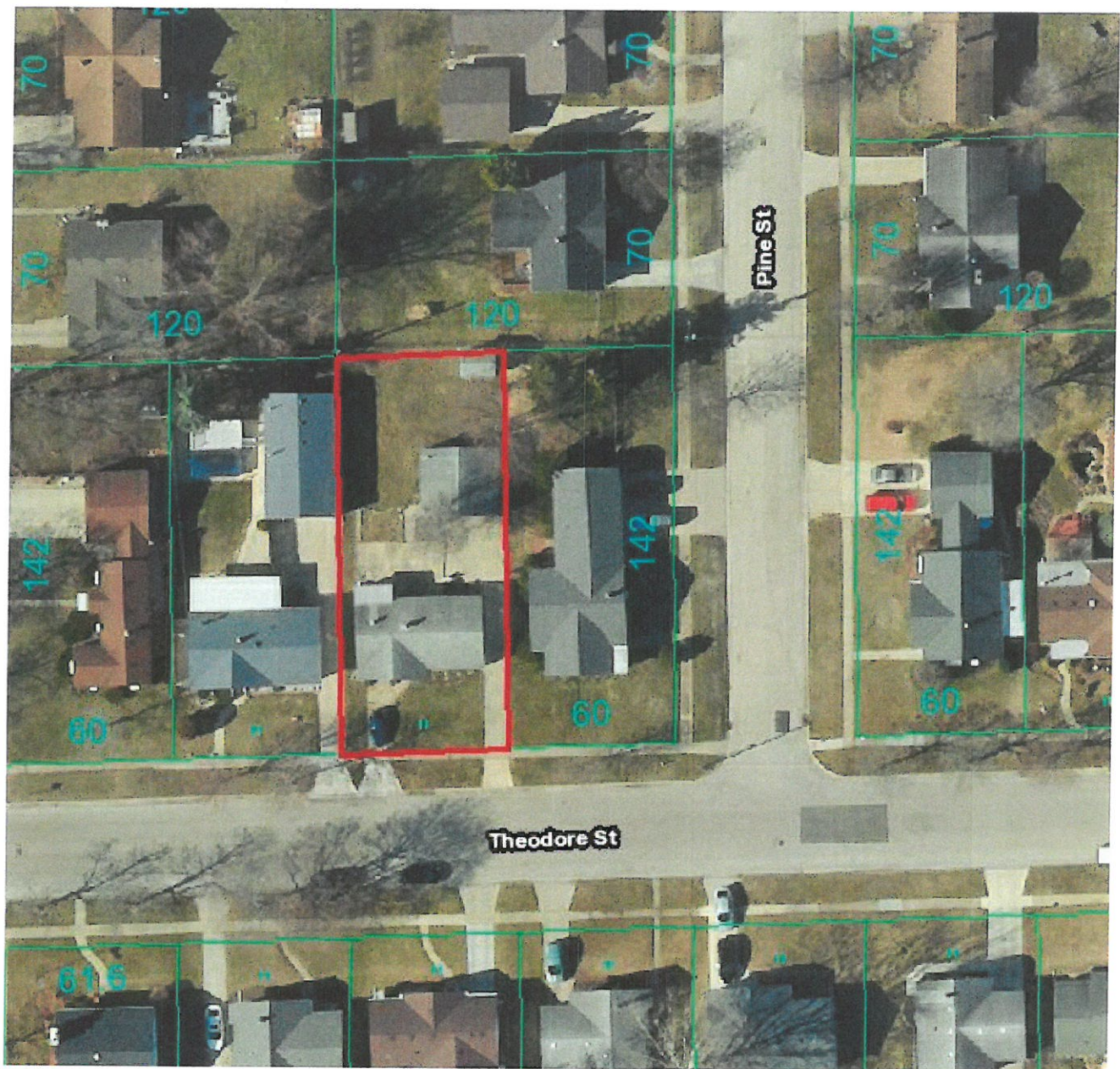
Date: September 9, 2020

SUBJECT:	A Variance to increase the allowable square footage for an accessory structure an additional 144 square feet in the R1 (Single Family Residential) Zoning District.
LOCATION:	912 Theodore Street
COMPREHENSIVE PLAN:	Medium density residential
ZONING DISTRICT:	North R1 (Single Family Residential) South R1 (Single Family Residential) East R1 (Single Family Residential) West R1 (Single Family Residential)
PROPERTY INFORMATION:	The property owner would like to expand the size of his garage to allow for additional storage.
Requirement:	The maximum allowable square feet for an accessory structure is 1,000 square feet
Requested:	The property owner is requesting a Variance to allow an additional 144 square feet to an existing garage, above what is permitted. He will be removing a non-conforming shed along the rear fence line if the variation is approved.
Findings:	Strict enforcement of the regulation would result in unnecessary hardship against the property owner. The additional square footage allows the owner to make improvements to the property by creating additional storage that the home is does not provide. The owner does not have the space to store the general lawn, garden, or furniture seasonal items with the existing garage space available. Strict enforcement would deprive the owner of privileges enjoyed by others in the zoning district. The residence west of this property, and throughout the neighborhood have extended size accessory structures. The owner does have a shed at the rear of the property that does not meet setbacks, and is located in an easement, but will remove it upon approval of the petition. Exterior improvements to the property shall enhance the property and not be detrimental to the public health, safety or impose some adverse impact to properties in the vicinity.
RECOMMENDATION:	Approval - A Variance to increase the allowable square footage for an accessory structure an additional 144 square feet in the R1 (Single Family Residential) Zoning District.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS: AS PRESENTED / AMENDED / N/A

**AUDIENCE
COMMENTS:**



PARCEL NUMBER: 12-06-128-011

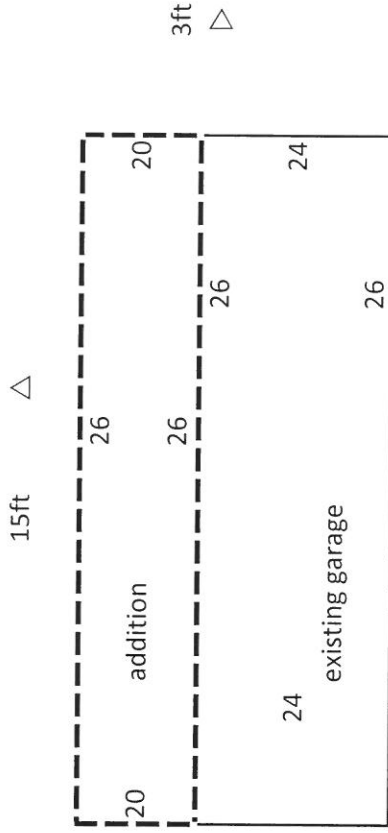
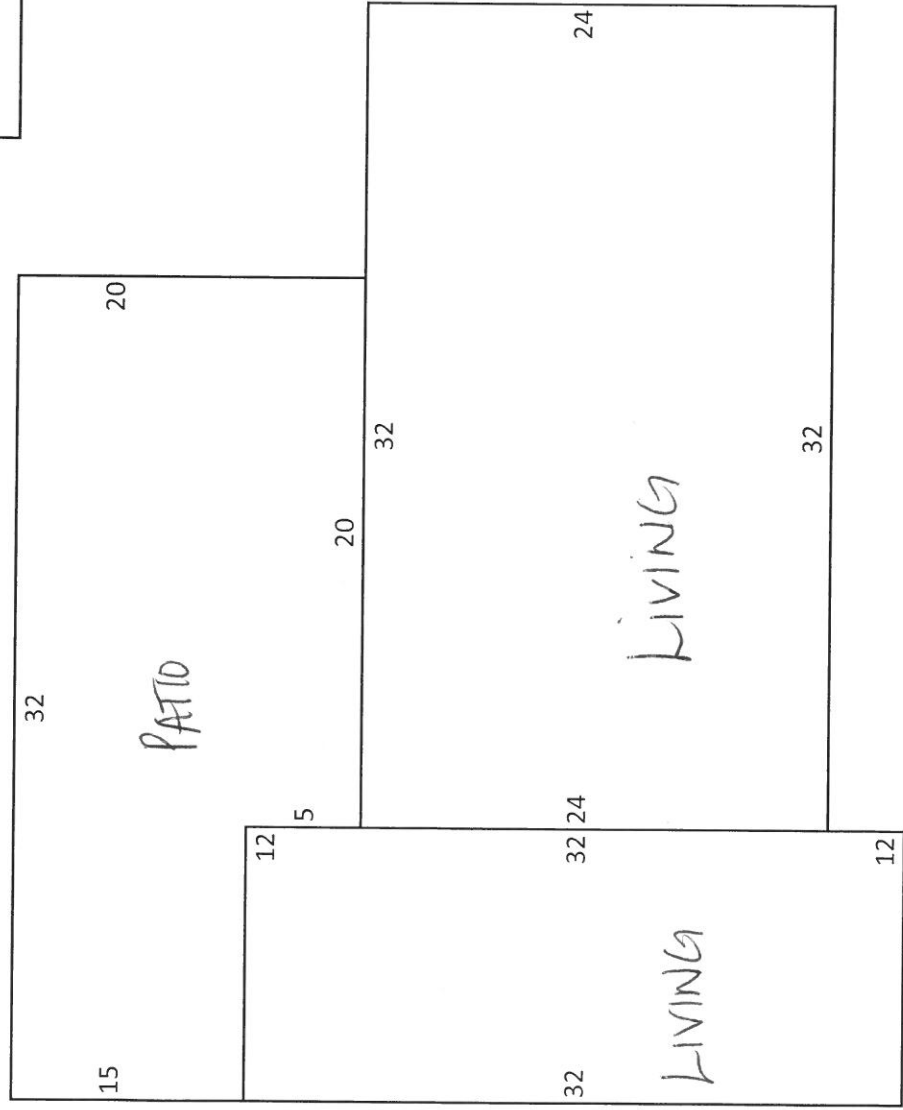
ADDRESS: 912 THEODORE STREET

PROPERTY OWNER: DAVID NOLLEY
912 THEODORE STREET
LOVES PARK, ILLINOIS 61111

APPLICANT: DAVID NOLLEY
912 THEODORE STREET
LOVES PARK, ILLINOIS 61111

Dave Nolley - resident
 912 Theodore Street
 Loves Park, IL 61111

sqft of house = 1152
 existing garage = 624
 addition garage = 520 total sqft of garage would = 1144



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: 912 Theodore Street

 ZBA

- 1 - ☐ 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.

Reason:

- 2 - ☐ 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.

Reason:

- 3 - ☐ 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.

Reason:

- 4 - ☐ 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.

Reason:

- 5 - ☐ 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. _____ 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: 912 Theodore Street
A Variance to allow an additional 144 square feet for an accessory structure

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: September 1, 2020

SUBJECT:	A Variance to allow a 5 foot fence in the required front yard building setback behind the home on Paisley Drive in the R1(Single Family Residential) Zoning District.		
LOCATION:	610 Trent Lane		
COMPREHENSIVE PLAN:	Low denisty residential		
ZONING DISTRICT:	North	R1 (Single Family Residential)	
	South	R1 (Single Family Residential)	
	East	R1 (Single Family Residential)	
	West	R1 (Single Family Residential)	
PROPERTY INFORMATION AND RELEVANT FACTS:	The property owner would like to install a 5 foot fence on his property in the front yard building setback. The front yard building setback covers at least 75 percent of the property.		
Requirements:	Front yard building setback:	20 feet	
	Maximum height in front yard building setback:	4 feet	
	Maximum height inside of the front yard building setback:	6 feet	
Request:	A 5 foot high fence in the front yard building setback behind the home on Paisley Drive.		
Findings:	Enforcement of the fence height requirement in the front yard building setback would result in unnecessary hardship against the property owner. The land has at least 75 percent of the frontage, which prevents the owner from installing anything higher than 4 feet. There are many home owners in the subdivision that enjoy a 6 foot high privacy fence, however, due to the unique circumstances with this property the owner has restriction on him that do not apply to many other property owners in this subdivision. Enforcement of the regulation would diminish the property owners ability to enjoy his his property. It would not be deemed a grant of special privilege due to the irregularity of the land. The installation should not have any adverse impact to the surrounding properties.		
RECOMMENDATION:	Approval - A Variance to allow a 5 foot fence in the required front yard building setback behind the home on Paisley Drive in the R1 (Single Family Residential) Zoning District.		
	APPROVAL / DENIAL / TABLED		
ATTACHMENTS:	See attachments		

**ZONING BOARD
RECOMMENDATIONS:**

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**

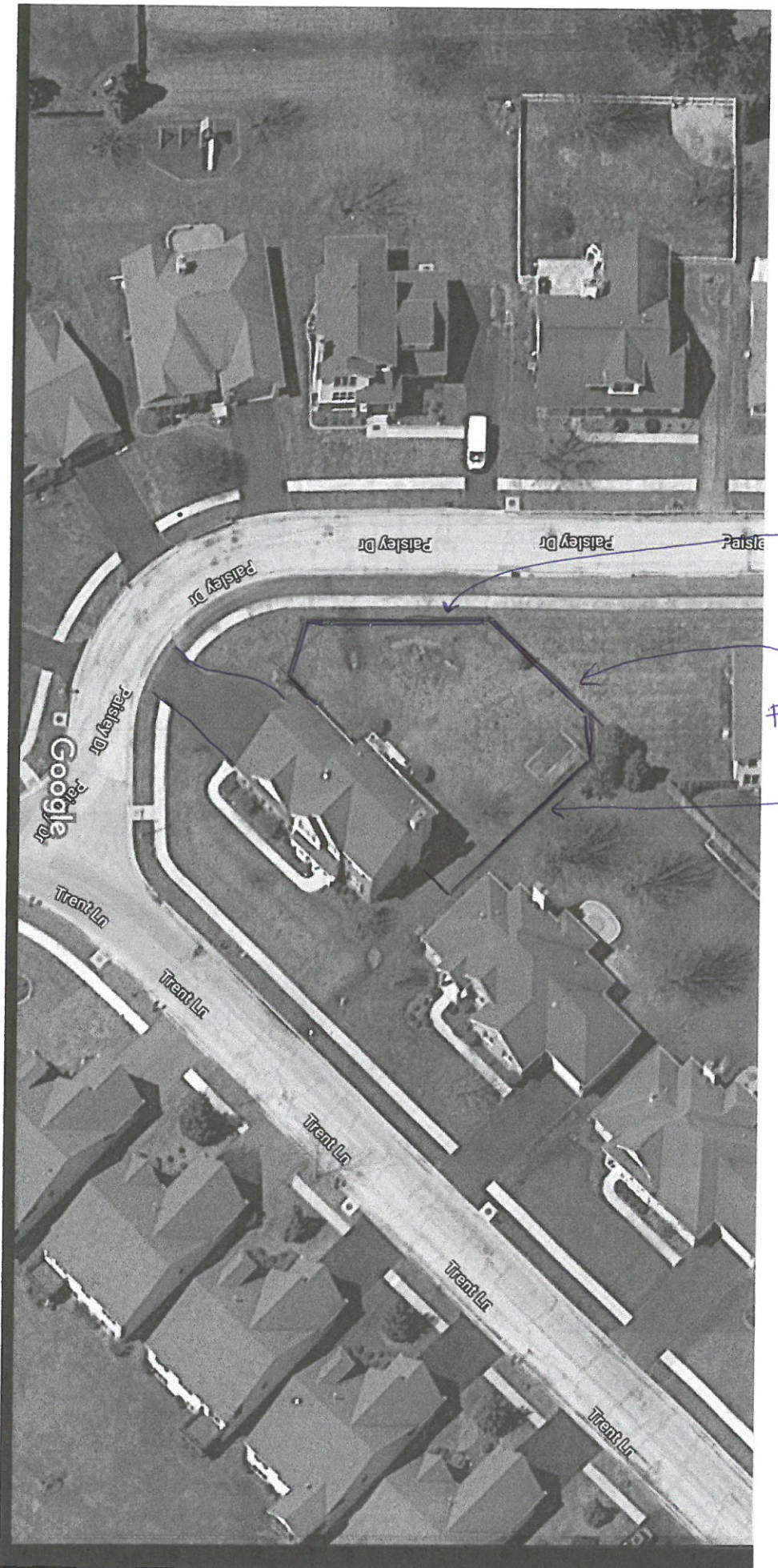
Google Maps

5' FENCE

2' FROM SIDEWALK

PROPERTY LINE

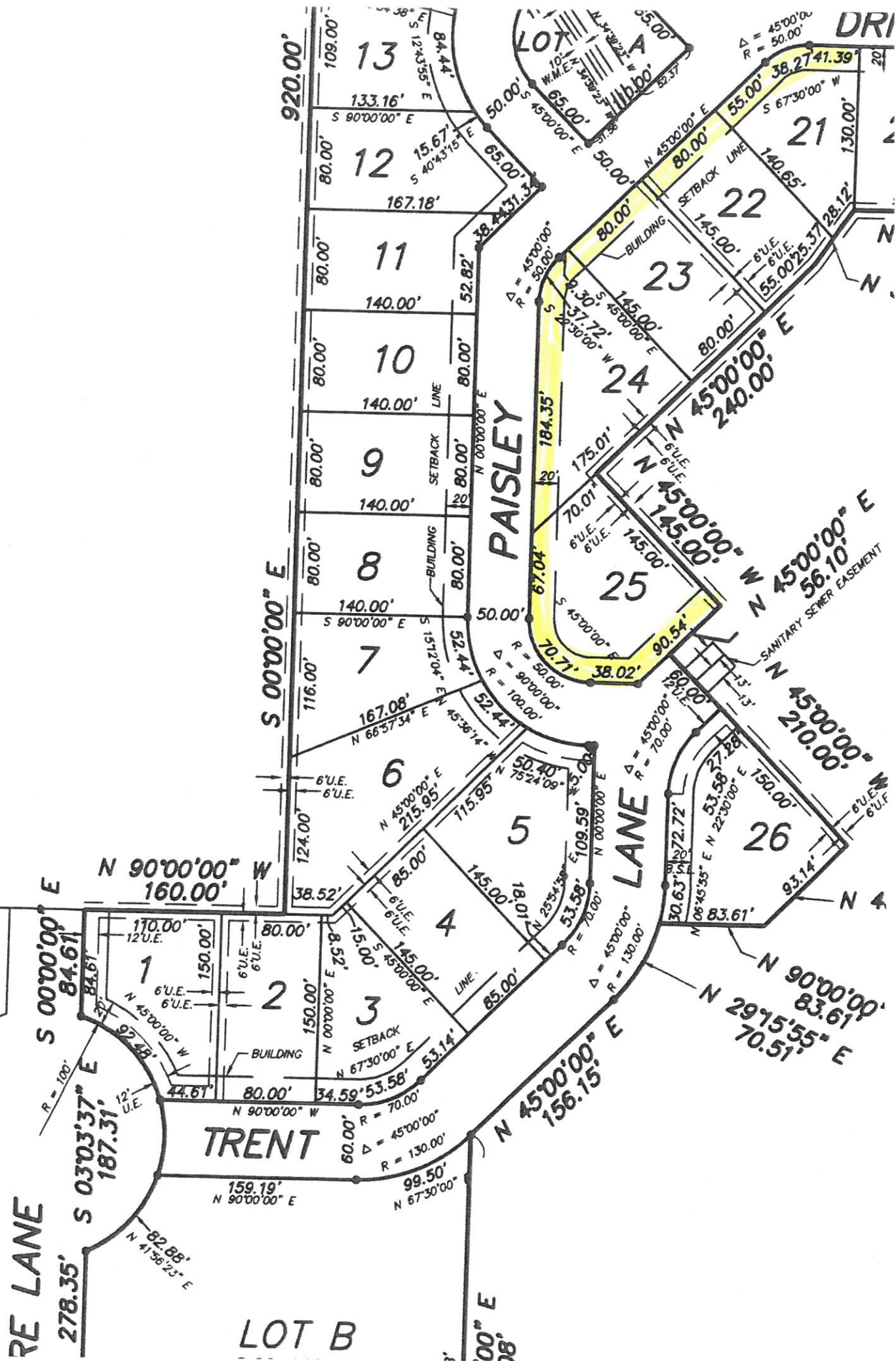
Google Maps



Map data ©2020, Map data ©2020

20 ft

1
HAM SHIRE
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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: 610 Trent Lane

 ZBA

- 1 - 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.

Reason:

- 2 - 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.

Reason:

- 3 - 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.

Reason:

- 4 - 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.

Reason:

- 5 - 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. _____ 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: 610 Trent Lane
A Variance to allow a 5 ft fence in the required front yard building setback on Paisley Drive

Chairman
Alise Howlett

Signature

Date

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVES PARK,
ILLINOIS:

AN ORDINANCE AMENDING CHAPTER 102, ARTICLE IV, HOME OCCUPATIONS,
SECTION 102-213, REQUIRED CONDITIONS, OF THE CODE OF ORDINANCES OF
THE CITY OF LOVES PARK

WHEREAS, the City desires to amend certain portions of Chapter 102 -
Zoning, and

WHEREAS, a public hearing before the Zoning Board of Appeals was held
thereon after due notice in the manner provided by law, and

WHEREAS, said Board has made a report recommending the approval of
the Text Amendment, and

WHEREAS, the City of Loves Park is authorized and empowered by the
Statute to adopt and enforce the provisions of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LOVES PARK, ILLINOIS AS FOLLOWS:

Text Amendment of the Loves Park Zoning Ordinance as follows:

Amend. Chapter 102, Article IV, Home Occupations, Section 102-213,
Required conditions, (5) as follows:

No more than one non-residential employee shall be involved in the
conduct of the home occupation.

Amend. Chapter 102, Article IV, Home Occupations, Section 102-213,
Required conditions, (8) as follows:

No unreasonable odor, liquid, or solid waste shall be emitted, and no
storage or use of toxic materials and/or chemicals that are utilized in
connection with a home occupation shall be permitted in any residential
district.

All other provisions of Chapter 102 - Zoning, Article IV, Home Occupations, Section
102-213, shall remain in effect as previously published.

The recommendation of the Zoning Board of Appeals on the question of granting this
Text Amendment is hereby accepted, adopted and made a part of this Ordinance. This
Ordinance shall be in full force and effect from and after its passage, approval, and
publication in pamphlet form as provided by law.

A P P R O V E D:

MAYOR

AT T E S T:

CITY CLERK

PASSED:

APPROVED:

PUBLISHED: