

**AGENDA**  
**LOVES PARK ZONING BOARD OF APPEALS**  
**October 15, 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 **September 17, 2020** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
  - A. **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.
  - B. **TEXT AMENDMENT** – Chapter 102, Article IV, Home Occupations, Section 102-213
5. New business –
  - A. **8400 E. RIVERSIDE BOULEVARD (12-01-176-018, 12-01-176-019, & 12-01-176-022)** – A Zoning Map Amendment from IL\_CR (Light Industrial\_Commercial Retail) to the CR (Commercial Retail) Zoning District.
  - B. **5105 N. SECOND STREET** – A Variance from a required rear 10 foot setback to a requested 4 foot setback for an above ground pool in the CR (Commercial Retail) Zoning District.
  - C. **5730 WHISPERING WAY** – A Variance to expand the existing driveway alongside of and behind the home in the R1 (Single Family Residential) Zoning District.
  - D. **TEXT AMENDMENT** – Chapter 102, Article I In General, Section 102-9 Definitions.
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, SEPTEMBER 17, 2020**  
**5:30 P.M.**  
**CITY COUNCIL CHAMBERS**  
**LOVES PARK CITY HALL**

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:30 P.M.

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

MEMBERS ABSENT: SHAWN NOVAK

OTHERS PRESENT: ANDREW QUINTANILLA – ZONING OFFICER  
ATTORNEY PHIL NICOLSI  
NATHAN BRUCK - ECONOMIC/PLANNING OFFICER  
SHEILA MILLS - SECRETARY

Chairman Howlett announced that the next Community Development Committee meeting is scheduled for Monday, September 28, 2020 at 6:15 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting held July 16, 2020.  
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- A. **61XX COMMONWEALTH DRIVE – ZONING MAP AMENDMENT FROM THE CO ZONING DISTRICT TO THE R1 ZONING DISTRICT.** Appropriate notice has been given.

Jeremiah Erber, 6802 Cummins Drive, Rockford, IL was sworn in as Petitioner and stated that he is requesting a Zoning Map Amendment as he would like to purchase the property to build a single family home that he will occupy. He feels that the odd shaped property would be put to better use as residential property as it backs up to a creek.

No objectors present.

Mr. Owens moved to approve a Zoning Map Amendment from the CO Zoning District to the R1 Zoning District for the property known as 61XX Commonwealth Drive. 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**

- B. **6622 RED BARN ROAD – VARIANCE TO PLACE A PARKING PAD ALONGSIDE OF THE EXISTING DRIVEWAY IN FRONT OF THE HOME IN THE R1 ZONING DISTRICT.** Appropriate notice has been given.

Carl Mohns, 6622 Red Barn Road, Loves Park, IL was sworn in as Petitioner and stated that he is requesting a Variance to install a parking pad alongside of the existing driveway to park a vehicle.

No objectors present.

Mr. Owens moved to approve a Variance for a parking pad alongside of an existing driveway in front of the home in the R1 Zoning District for the property known as 6622 Red Barn Road. 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**

Items C and D will be discussed together and voted on separately.

- C. **7190 E. RIVERSIDE BLVD. – SPECIAL USE PERMIT FOR A DRIVE-THRU WINDOW IN THE CR AND I-90 EAST RIVERSIDE OVERLAY ZONING DISTRICTS.** Appropriate notice has been given.

Chuck Thomas, 4175 McFarland Road, Loves Park, IL and Nick Becker, RK Johnson, 1515 Windsor Road, Loves Park, IL were sworn in as Petitioners. Mr. Thomas indicated that they are requesting a Variance and Special Use Permit to make the small lot sellable as Chipotle is looking to build on the property.

Mr. Becker stated that they are aware and agree to the staff recommended conditions.

Chairman Howlett stated that the dumpster and enclosure placement on the site plan looks like an open dumpster door would partially block the drive-thru lane.

Mr. Becker stated that the dumpster was placed in such a way to allow for more parking.

Chairman Howlett commented that she feels the site is too small for the proposed development.

Mr. Owens commented that a *ballard* could be installed to stop the dumpster door from opening into the drive-thru lane.

Chairman Howlett commented that a *ballard* wouldn't allow the dumpster to be removed properly from the enclosure.

Mr. Danielson commented that by his past experience fast food restaurants usually schedule dumpster service for early morning hours and he feels the enclosure door wouldn't be an issue.

No objectors present.



Mrs. Nelson moved to approve a Special Use Permit for a drive-thru window in the CR and I-90 East Riverside Overlay Zoning Districts for the property known as 7190 E. Riverside Blvd., with the following conditions:

1. The Special Use Permit expires with the change in use.
2. A landscape buffer, up to 5-ft., 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 shall be responsible for the maintenance, repair, and 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 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.

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

**MOTION APPROVED 5-0**

- D. **7190 E. RIVERSIDE BLVD. – VARIANCE FROM THE REQUIRED 8-FT. LANDSCAPE BUFFER TO A REQUESTED 5-FT. LANDSCAPE BUFFER ALONG KINGS ACRES DRIVE AND HANGAR ROAD IN THE CR AND I-90 E. RIVERSIDE OVERLAY DISTRICTS.** Appropriate notice has been given.

No objectors present.

Mrs. Nelson moved to approve a Variance from the required 8-ft. landscape buffer to a requested 5-ft. landscape buffer along Kings Acres Drive and Hangar Road in the CR and I-90 E. Riverside Overlay Districts for the property known as 7190 E. Riverside Blvd. Second by Mr. Hendricks. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 5-0**

- E. **912 THEODORE STREET – VARIANCE TO INCREASE THE ALLOWABLE SQUARE FOOTAGE FOR AN ACCESSORY STRUCTURE IN THE R1 ZONING DISTRICT.** Appropriate notice has been given.

David and Lisa Nolley, 912 Theodore Street, Loves Park, IL were sworn in as Petitioner and they indicated that they are requesting a Variance in the size of his garage to allow for additional storage.

No objectors present.

Mrs. Nelson moved to approve a Variance to increase the allowable square footage for an accessory structure in the R1 Zoning District for the property known as 912 Theodore Street. Second by Mr. Hendricks. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 5-0**

- F. **610 TRENT LANE – VARIANCE TO ALLOW A 5-FT. FENCE IN THE REQUIRED FRONT YARD BUILDING SETBACK BEHIND THE HOME ON PAISLEY DRIVE IN THE R1 ZONING DISTRICT.** Appropriate notice has been given.

Marcus Simpson, 610 Trent Lane, Loves Park, IL was sworn in as Petitioner and indicated he was requesting a Variance so he could install a 5-ft fence on his property in the front yard setback. The hardship is that the property is 75 percent frontage which prevents him from installing anything higher than 4-ft, which does not allow for privacy.

No objectors present.

Mr. Owens moved to approve a Variance to allow a 5-ft. fence in the front yard setback behind the home on Paisley Drive in the R1 Zoning District for the property known as 610 Trent Lane. 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**

- G. **668 TRENT LANE – VARIANCE TO ALLOW A 6-FT. FENCE IN THE REQUIRED FRONT YARD BUILDING SETBACK BEHIND THE HOME ON PAISLEY DRIVE IN THE R1 ZONING DISTRICT.** Appropriate notice has been given.

Mrs. Nelson moved to layover a request for a Variance to allow a 6-ft. fence in the front yard setback behind the home on Paisley Drive in the R1 Zoning District for the property known as 668 Trent Lane. Second by Mr. Danielson.

**MOTION APPROVED 5-0**

- H. **TEXT AMENDMENT – CHAPTER 102, ARTICLE IV, HOME OCCUPATIONS, SECTION 102-213.**

Mrs. Nelson moved to layover a request for a Variance to allow a 6-ft. fence in the front yard setback behind the home on Paisley Drive in the R1 Zoning District for the property known as 668 Trent Lane. Second by Mr. Danielson.

**MOTION APPROVED 5-0**

6. PUBLIC PARTICIPATION AND COMMENT

None

7. General Discussion

None

Mr. Owens moved that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote. The meeting adjourned at 6:24 p.m.

Sheila Mills, Secretary



## ZONING BOARD OF APPEALS

### Community Development Department

Date: October 5, 2020

<b>SUBJECT:</b>	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.		
<b>LOCATION:</b>	668 Trent Lane		
<b>COMPREHENSIVE PLAN:</b>	Single Family Residential Development		
<b>ZONING DISTRICT:</b>	North	R1 (Single Family Residential)	
	South	R1 (Single Family Residential)	
	East	R1 (Single Family Residential)	
	West	R1 (Single Family Residential)	
<b>PROPERTY INFORMATION AND RELEVANT FACTS:</b>	The property owner would like to retain 6 foot, 6 inch fence line on Paisley Drive that is in the required front yard building setback of the property.		
<b>Requirements:</b>	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	
<b>Request:</b>	A 6 foot high fence in the front yard building setback behind the home on Paisley Drive.		
<b>Findings:</b>	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 property as required front yard, 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 restrictions imposed 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 property. It would not be deemed a grant of special privilege due to the irregularity of the land. A six foot high fence should not have an adverse impact to the surrounding properties. A reduction of the fence height from 6 feet, 6 inches to 6 feet, will bring the fence in compliance with the maximum allowable height for such structures.		
<b>RECOMMENDATION:</b>	<b>Approval</b> - 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.		
	APPROVAL / DENIAL / TABLED		

**ATTACHMENTS:**

See attachments

**ZONING BOARD  
RECOMMENDATIONS:**

Vote: \_\_\_\_\_

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**



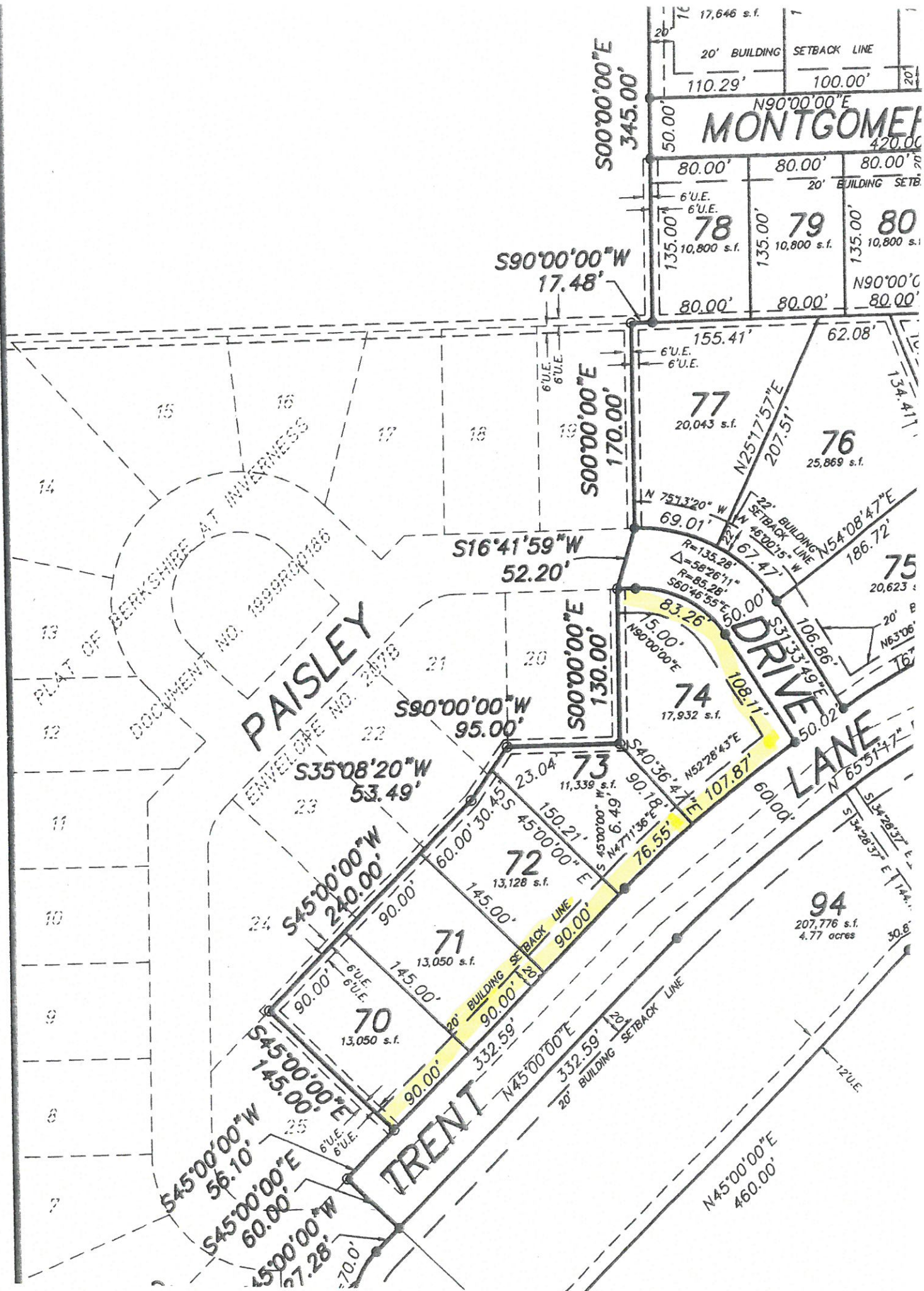




36  
Tinsley Rd







**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: 668 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: 668 Trent Lane  
A Variance to allow a 6 ft fence in the required front yard building setback on Paisley Drive

**Chairman**  
Alise Howlett

Signature \_\_\_\_\_

Date \_\_\_\_\_



## ZONING BOARD OF APPEALS

Community Development Department

Date: October 1, 2020

**SUBJECT:** Chapter 102, Article I, In General, Section 102-9, Definitions  
✓ Chapter 102, Article IV, Home Occupations, Section 102-213, Required Conditions

Defining what a home occupation means.  
Amending the requirements for a home occupation.

**Recommendation:** **Approval** - Chapter 102, Article I, In General, Section 102-9, Definitions

✓ **Approval** - Chapter 102, Article IV, Home Occupations, Section 102-213, Required Conditions

**ATTACHMENTS:** See attachments

**ZONING BOARD  
RECOMMENDATIONS**

**VOTE:**

**APPROVAL:**

**DENIAL:**

**TABLED:**

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**



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

ATTEST:

\_\_\_\_\_  
CITY CLERK

PASSED:

APPROVED:

PUBLISHED:





## ZONING BOARD OF APPEALS

### Community Development Department

Date: October 6, 2020

<b>SUBJECT:</b>	A Zoning Map Amendment from IL_CR (Light Industrial _Commercial Retail) to the CR (Commercial Retail) Zoning District.		
<b>LOCATION:</b>	8400 E. Riverside Boulevard - 12-01-176-018, 12-01-176-019, & 12-01-176-022		
<b>COMPREHENSIVE PLAN:</b>	General commercial development		
<b>ZONING DISTRICT:</b>	North	CR (Commercial Retail)	
	South	C3 (Commercial) Rockford	
	East	IL (Light Industrial)	
	West	IL (Light Industrial)	
<b>PROPERTY INFORMATION:</b>	Property is is zoned for light industrial uses. The Zoning Map Amendment will establish the zoning district and uses permitted in the CR (Commercial Retail) and I-90 E. Riverside Overlay Districts.		
<b>Requirements for CR:</b>	Front building setback:	30 feet	
	Rear building setback:	20 feet	
	Side building setback:	5 feet	
<b>RECOMMENDATION:</b>	<b>Approval</b> - A Zoning Map Amendment from IL (Light Industrial) to the CR (Commercial Retail) Zoning District.		
<b>ATTACHMENTS:</b>	See attachments		
<b>ZONING BOARD RECOMMENDATIONS:</b>	APPROVAL / DENIAL / TABLED		

Vote: \_\_\_\_\_

**CONDITIONS:** AS PRESENTED / AMENDED / N/A

**AUDIENCE  
COMMENTS:**





Property Address:	8400 E. Riverside Boulevard
Parcel Number:	12-01-176-018, 12-01-176-019, & 12-01-176-022
Applicant:	Skyland Corp 4805 Interstate Boulevard Loves Park, Illinois 61111
Owner:	Skyland Corp 4805 Interstate Boulevard Loves Park, Illinois 61111







## ZONING BOARD OF APPEALS

Community Development Department

Date: October 1, 2020

**SUBJECT:** A Variance from a required rear 10 foot setback to a requested 4 foot setback for an above ground pool in the CR (Commercial Retail) Zoning District.

**LOCATION:** 5105 N. Second Street

**COMPREHENSIVE PLAN:** Medium density residential

**ZONING DISTRICT:**

North	CR (Commercial Retail)
South	CR (Commercial Retail)
East	R1 (Single Family Residential)
West	CR (Commercial Retail)

**PROPERTY INFORMATION:** The property owner installed a pool that is close to the property line. The pool was installed without the proper permits.

**Requirement:** 10 foot setback from all property lines and the primary structure.

**Requested:** The property owner is requesting a Variance from the required 10 foot rear setback from the property line to a 4 foot setback from the property line.

**Findings:** Strict enforcement of the regulation would not result in unnecessary hardship against the property owner. The property owner may have an above ground pool provided the he/she meets the setbacks for such accessory use. There are not extraordinary circumstances applicable to the property that would prevent the property owner from having a pool of a different size, or prevent the owner from relocating the pool. Strict interpretation of the requirement would not deprive the property owner of rights for land use as the pool may be relocated on the property. The approval of the variation would be deemed special privilege. The City's required setback is to deter any liability issues that could result from having such a structure located in close proximity to the property line. The granting of the variation could be detrimental to the safety or welfare of existing and future property owners. The adjacent property, to the north, has an existing structure that is about 4 feet from the pool, and even closer with the overhang of the existing garage structure. It is unclear about what impact the pool may have on land values, other than to say that it may be problematic for home buyers who consider to purchase the property to the north.

**RECOMMENDATION:** **Denial** - A Variance from a required rear 10 foot setback to a requested 4 foot setback for an above ground pool in the CR (Commercial Retail) Zoning District.

**ATTACHMENTS:** See attachments

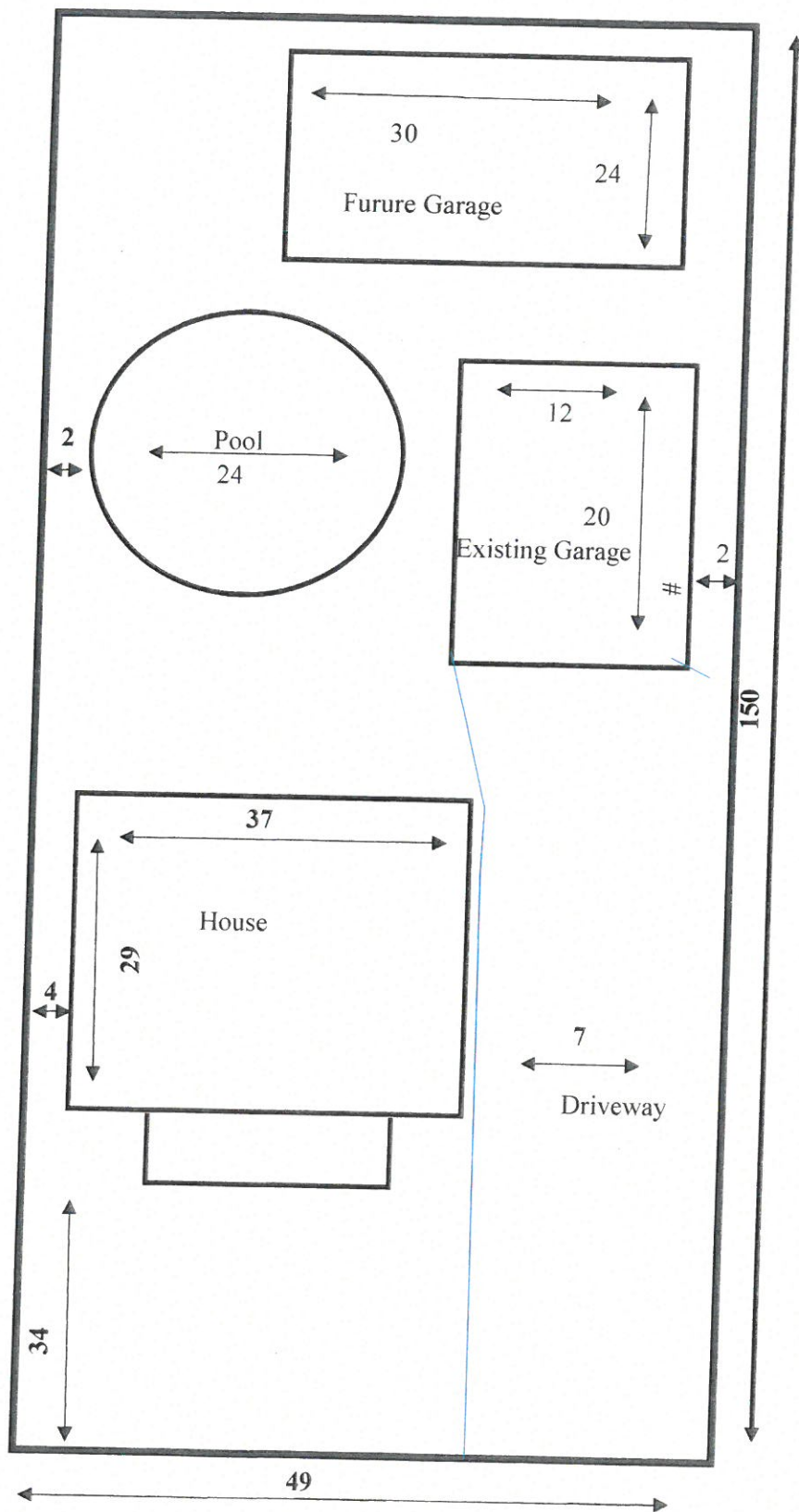
**ZONING BOARD RECOMMENDATIONS:** APPROVAL / DENIAL / TABLED

Vote: \_\_\_\_\_

**CONDITIONS:** AS PRESENTED / AMENDED / N/A

**AUDIENCE**

**COMMENTS:**



Classified as Business



# MATEER GOFF & ASSOCIATES

ATTORNEYS AT LAW  
401 WEST STATE STREET, SUITE 400  
ROCKFORD, ILLINOIS 61101

WILLIAM M. GOFF  
GLEN R. WEBER

GARY R. KARDELL, Of Counsel

AREA CODE 815  
TELEPHONE 965-7745  
FAX 965-7749

October 8, 2020

Loves Park Zoning Board of Appeals  
100 Heart Boulevard  
Loves Park City Hall  
Loves Park, Illinois 61111

RE: Request for variance by 5105 North 2<sup>nd</sup> Street  
On the agenda October 15, 2020 Before the Zoning Board of Appeals  
New Business (B)

Board Members:

I am writing this letter on behalf of Gaetano and Josephine Milone, who reside at 5107 North 2<sup>nd</sup> Street in Loves Park, and whose property is immediately adjacent and to the north of the property at 5105 North 2<sup>nd</sup> Street.

On behalf of the Milone's, they are in opposition to the request for variance by the property owner with respect to the construction of a swimming pool that was put up contrary to Section 105-158 of the Zoning Code of the City of Loves Park.

Mr. and Mrs. Milone have resided in the property for many years and also operate a tailor shop. The applicant has constructed a swimming pool at 5105 North 2<sup>nd</sup> Street and, before doing so, to their knowledge and belief:

- a. Did not speak to them regarding the size and location of the swimming pool.
- b. Did not consult the Zoning Board of Appeals and set-back requirements for said pool.
- c. Did not consult individually the requirements for its construction.
- d. Did not confer or contact legal counsel as to the requirements for the construction of the pool.

The swimming pool was put up in one day and is in violation of Section 102-158.

At this time, the specific property line between the properties has not been identified but it is their understanding that an aerial view shows, at a minimum, that the Milone's garage might or could be approximately 1 foot from the property line and the swimming pool within approximately 3 feet of the property line. Measurements made show that the pool at its top is

approximately 48 inches from the Milone's garage and approximately 52 inches from the sidewall of the pool to their garage. Photographs taken show its close proximity.

The current construction and location of the pool potentially diminishes the value of their property; increases liability risks, since people or children could access the pool easily from their property or from their garage roof by jumping into the pool; and changes the run-off of the water from the property.

The general slope of the property is from south to northeast and the size of the pool will now result in deflection of the water more directly onto the Milone's property.

Under the existing ordinance, the swimming pool should be moved approximately 6 feet to the south. Due to the size of the pool and what appears to be the configuration of the property, it would also have to be moved a significant distance to the east to comply with all set-back lines.

The current zoning provisions are to ensure safety to people using the pool, and further to ensure that the existing pool minimizes the adverse effect on adjacent and contiguous properties.

Under the existing criteria established for a variance under Zoning Code 102-295, there appears to be no basis for the granting of a variance. Strict interpretation and application of the current set-back provisions does not constitute a practical difficult or unnecessary physical hardship on the petitioner. Any difficulty or cost in relocating the property was brought about by the petitioner's failure to make any effort to ensure that the swimming pool's location was in conformance with the applicable building code. In addition, there are no exceptional or extraordinary circumstances for the granting of the variance. The close location of the garage to the swimming pool enhances the concern about its unsafe location and the diminishment of the adjacent property value of the Milone's home. Further, strict interpretation would not deprive the petitioner of the privileges other property owners enjoy who have swimming pools because one can be placed properly on the property in conformance with all set-back requirements. Under all the circumstances, the granting of variance would seem to constitute a special privilege inconsistent with the purposes for the set-back under Section 102-158. Lastly, the granting of the variance would be detrimental to the Milone's property increasing their liability risks, potential reduction in property value, and potential adverse drainage effects.

The Milone's do not object to the presence of a swimming pool on the property providing it conforms with all legal requirements.

At the time of the preparation of this letter, they have secured the services of a surveyor, whose report has not been received, and have been appraised that the petitioner has also retained a surveyor to establish the property lines.

The Milone's pray and seek that the request for variance be denied or that this matter be set over because the exact property line has not been determined to further confirm the amount of variance that the petitioner is seeking.

On information and belief the Milone's have been informed that the petitioner is seeking to construct a fence but no specific information or details have been provided to them as to the

height and location of the fence with respect to the property line and whether the fence itself would be in conformance with applicable requirements.

In conclusion, the Milone's ask that the request for variance be denied for the reasons expressed.

Sincerely yours,

MATEER GOFF & ASSOCIATES



GARY R. KARDELL

GRK:cfr









**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: 5105 N. Second 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: **5105 N. Second Street**

A variance from a required rear 10 ft setback to a requested 4 ft setback for a pool

**Chairman**  
Alise Howlett

Signature \_\_\_\_\_

Date \_\_\_\_\_



## ZONING BOARD OF APPEALS

### Community Development Department

Date: October 5, 2020

<b>SUBJECT:</b>	A Variance to expand the existing driveway alongside of and behind the home in the R1 (Single Family Residential) Zoning District.
<b>LOCATION:</b>	5730 Whispering Way
<b>COMPREHENSIVE PLAN:</b>	Single Family Residential Development
<b>ZONING DISTRICT:</b>	North R1 (Single Family Residential) South R1 (Single Family Residential) East R1 (Single Family Residential) West R1 (Single Family Residential)
<b>PROPERTY INFORMATION AND RELEVANT FACTS:</b>	The property owner would like to expand the existing driveway in front of and alongside of the home.
<b>Requirements:</b>	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.
<b>Request:</b>	The property owner would like to add a parking pad attached to the existing driveway in front of and alongside of the home.
<b>Findings:</b>	Strict or literal interpretation and enforcement of the regulation would result in practical difficulty for the owner. The lot does not meet City lot width standards at the building setback line for residential uses. The property has an elevated grade change to the rear of the property, that hinders the construction of a garage due to an increased likelihood of water issues. Circumstances applicable to the property are present that do not exist on other properties in the zoning district. Many lots in this subdivision do have wider driveways with two and three car garages. Enforcement would deprive the land owner of rights and uses that are enjoyed by other property owners. Granting the variance would not be deemed special privilege given the extraordinary issues that exist with this property. The improvements will not have an adverse impact to the public safety, nor will it negatively impact property values in the vicinity.
<b>RECOMMENDATION:</b>	<b>Denial</b> - A Variance to expand the existing driveway alongside of and behind the home in the R1 (Single Family Residential) Zoning District.
<b>RECOMMENDATION:</b>	<b>Approval</b> - A Variance to expand the existing driveway in front of and alongside of the home as presented in the R1 (Single Family Residential) Zoning District.
	APPROVAL / DENIAL / TABLED

**ATTACHMENTS:**

See attachments

**ZONING BOARD  
RECOMMENDATIONS:**

Vote: \_\_\_\_\_

**CONDITIONS:**

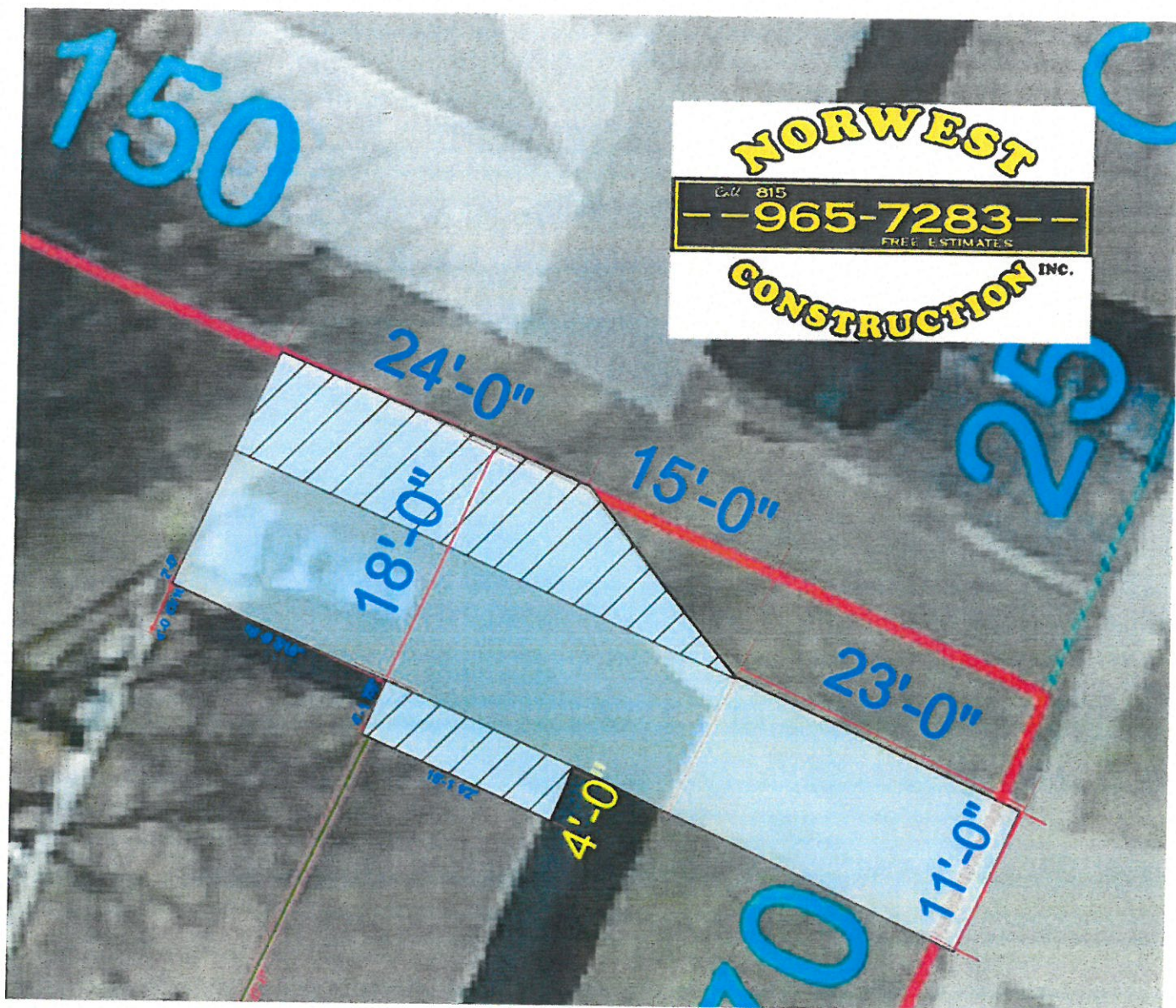
**AUDIENCE  
COMMENTS:**





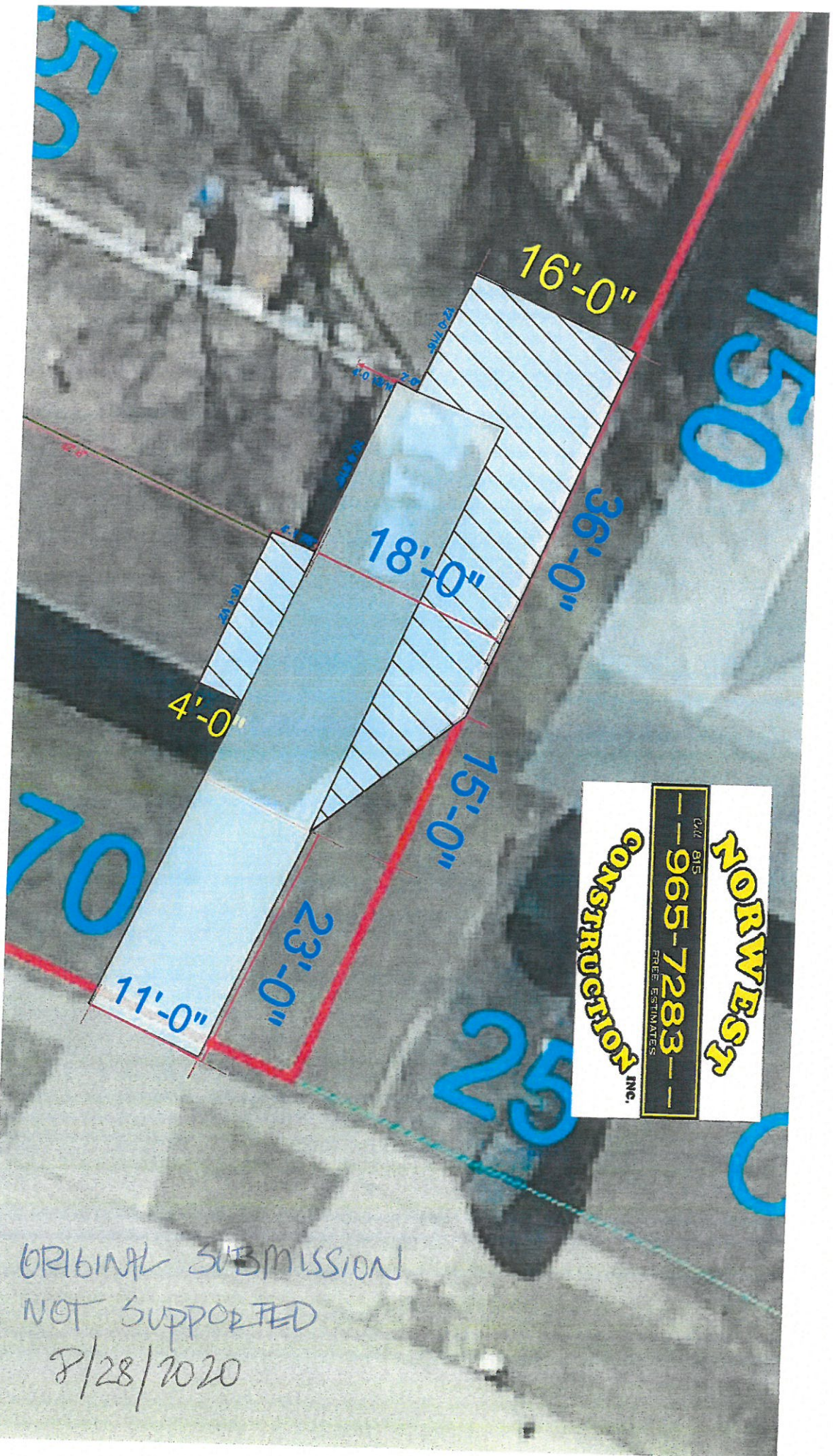
Property Address:	5730 Whispering Way
Parcel Number:	12-04-203-037
Applicant:	Kevin King 5826 Whispering Way Loves Park, Illinois 61111
Owner:	Kevin King 5826 Whispering Way Loves Park, Illinois 61111





Resubmitted 10/5/2020 (supported)

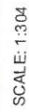




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ORIGINAL SUBMISSION  
NOT SUPPORTED  
8/28/2020







**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: 5730 Whispering Way**

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: **5730 Whispering Way**

A Variance to widen the existing driveway by placing a adding a parking pad in front of and alongside of the home

**Chairman**  
Alise Howlett

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## ZONING BOARD OF APPEALS

Community Development Department

Date: October 1, 2020

**SUBJECT:** ✓ Chapter 102, Article I, In General, Section 102-9, Definitions  
Chapter 102, Article IV, Home Occupations, Section 102-213, Required Conditions

Defining what a home occupation means.  
Amending the requirements for a home occupation.

**Recommendation:** ✓ **Approval** - Chapter 102, Article I, In General, Section 102-9, Definitions  
**Approval** - Chapter 102, Article IV, Home Occupations, Section 102-213, Required Conditions

**ATTACHMENTS:** See attachments

**ZONING BOARD  
RECOMMENDATIONS**

**VOTE:**

**APPROVAL:**

**DENIAL:**

**TABLED:**

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**

ORDINANCE NO.

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

AN ORDINANCE AMENDING CHAPTER 102, ARTICLE I, IN GENERAL, SECTION  
102-9, DEFINITIONS, 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:

Add. Chapter 102, Article I, In General, Section 102-9, Definitions, as  
follows:

*Home occupation means* an occupation, profession, activity or use located  
in a residential districts, and which use is merely incidental to the  
residential use and does not change the character of the neighborhood by  
externally detectable lighting, noise, odor, or appearance associated with  
the activity, and is created and operated as a sole proprietorship with no  
more than one non-residential employee.

All other provisions of Chapter 102 - Zoning, Article I, In General, Section 102-9, 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:

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MAYOR



ATTEST:

\_\_\_\_\_  
CITY CLERK

PASSED:

APPROVED:

PUBLISHED: