



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
December 17, 2020

VIRTUAL MEETING
WWW.CITYOFLOVESPARK.COM
& CITY OF LOVES PARK [FACEBOOK](#) ACCOUNT
5:30 P.M.

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **November 19, 2020** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
 - A. **5767 WHISPERING WAY** – A Variance from a required 14,600 square foot lot size to a requested 13,192 square foot lot in the R3A (Four-family Residential) Zoning District.
 - B. **5767 WHISPERING WAY** – A Variance from a required 6 foot side yard setback to a requested 5.4 foot side yard setback in the R3A (Four-family Residential) Zoning District.
 - C. **5733 WHISPERING WAY** – A Variance from a required 14,600 square foot lot size to a requested 12,222 square foot lot in the R3A (Four-family Residential) Zoning District.
 - D. **5733 WHISPERING WAY** – A Variance from a required 6 foot side yard setback to a requested 5.4 foot side yard setback in the R3A (Four-family Residential) Zoning District.
 - E. **5733 WHISPERING WAY** – A Variance from a required 80 foot lot width at the building setback line to a requested 53.8 foot lot width at the building setback line in the R3A (Four-family Residential) Zoning District.
5. New business – None
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, NOVEMBER 19, 2020**

5:30 P.M.

Virtual Meeting held at www.cityoflovespark.com

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

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

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

2. MINUTES

Mr. Owens moved to approve the minutes from the meeting held October 22, 2020.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. UNFINISHED BUSINESS

- A. **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.

No objectors present.

Mr. Owens moved to approve a 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 for the property known as 668 Trent Lane. Second by Mr. Hendricks. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 6-0

5. NEW BUSINESS

- A. **42XX BELL SCHOOL ROAD – A RENEWAL OF A SPECIAL USE PERMIT FOR A SEMI/SEMI-TRAILER PARKING LOT IN CONJUNCTION WITH THE ROAD RANGER GASOLINE STATION IN THE CR AND EAST RIVERSIDE/I-90 OVERLAY DISTRICTS.** Appropriate notice has been given.

No objectors present.

Marc Bourgault, Road Ranger, 2765 Hanson Way, Belvidere, IL was sworn in as Petitioner and indicated that he is requesting a renewal of the Special Use Permit as the project has been held up by the State of Illinois Gaming Board.

Mr. Hendricks moved to approve a renewal of a Special Use Permit for a semi/semi-trailer parking lot in conjunction with the Road Ranger Gasoline Station in the CR and East Riverside/I-90 Overlay Districts for the property known as 42XX Bell School Road, with the following conditions:

1. The Special Use Permit shall be renewed 1 year from approval.
2. The applicant shall work with staff to coordinate the installation of the required landscaping. No parking shall be permitted until the landscaping is installed and permanent trash receptacles have been provided around the perimeter of the property.
3. There shall be no merchandise for sale on this lot or no displays. There shall be no sales or promotions of any kind permitted on the lot 12-02-251-011, commonly known as 42XX N. Bell School Road.
4. No more than 7 semis or semi-trailers shall be permitted at any given time. Signage indicating this information shall be required.
5. The lot shall remain available for public use. Paid parking arrangements shall not be allowed.
6. The parking lot shall be installed and improved according to the site plan submitted for approval of the petition.

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

MOTION APPROVED 6-0

B. 7290 E. RIVERSIDE BLVD – SPECIAL USE PERMIT FOR A DRIVE-THRU IN THE IL/CR AND EAST RIVERSIDE/I-90 OVERLAY DISTRICTS. Appropriate notice has been given.

Joe Downs, Realtor, 6440 Westfield Blvd., Indiana, and Dan Olson were sworn in as Petitioners and they indicated they are requesting a Special Use Permit for a drive-thru for a standalone Starbucks store.

No objectors present.

Mrs. Novak moved to approve a Special Use Permit for a drive-thru in the IL/CR and East Riverside/I-90 Overlay Districts for the property known as 7290 E. Riverside Blvd., with the following conditions:

1. The Special Use Permit shall expire with the change in use.
2. Two trees on the north property line shall be relocated closer to the Riverside frontage, along the western property line, and spaced equally. The landscape beds, as presented, shall be permitted. The business and/or landowner shall be responsible for the maintenance, repair, and replacement of all landscaping materials. The plant materials and landscape bed areas shall be maintained in healthy growing condition, free from refuse, debris, and weeds at all times.
3. The Special Use Permit shall be renewed 1 year from the date of approval.
4. All building, freestanding signs, and 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 (ORB) recommendations.

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

MOTION APPROVED 6-0

Items C, D, E, F, and G were voted on together to lay over to next month.

- C. 5767 WHISPERING WAY – VARIANCE FROM A REQUIRED 14,600 SQ-FT. LOT SIZE TO A REQUESTED 13,197 SQ-FT LOT IN THE R3A ZONING DISTRICT.**
- D. 5767 WHISPERING WAY – VARIANCE FROM A REQUIRED 6-FT SIDE YARD SETBACK TO A REQUESTED 5 FT 4 IN SIDE YARD SETBACK IN THE R3A ZONING DISTRICT.**
- E. 5733 WHISPERING WAY – VARIANCE FROM A REQUIRED 14,600 SQ-FT LOT SIZE TO A REQUESTED 12,156 SQ-FT LOT IN THE R3A ZONING DISTRICT.**
- F. 5733 WHISPERING WAY – VARIANCE FROM A REQUIRED 6-FT SIDE YARD SETBACK TO A REQUESTED 5-FT 4 IN SIDE YARD SETBACK IN THE R3A ZONING DISTRICT.**
- G. 5733 WHISPERING WAY – VARIANCE FROM A REQUIRED 80 FT LOT WIDTH AT THE BUILDING SETBACK LINE TO A REQUESTED 52.33 FT LOT WIDTH AT THE BUILDING SETBACK LINE IN THE R3A ZONING DISTRICT.**

Mrs. Nelson moved to lay over Items C, D, E, F, and G to next month's meeting. Second by Mrs. Toohill.

MOTION APPROVED 6-0

Items H and I were discussed together and voted on separately.

- H. 520 E. RIVERSIDE BLVD. – ZONING MAP AMENDMENT FROM THE CR ZONING DISTRICT TO THE R1 ZONING DISTRICT.** Appropriate notice has been given.

Andrew Quintanilla, 526 E. Riverside Blvd., Loves Park, IL was sworn in as Petitioner and indicated he is requesting a Zoning Map Amendment so that he can sell the property as a single-family residence.

Patrick Adams, Attorney, 2229 N. Main St, Rockford, IL was sworn in as objector on behalf of the property owner of 537 E. Riverside Blvd. Mr. Adams stated that years ago the property owner of 537 E. Riverside Blvd. inquired with the city about rezoning their property to R1 zoning, but someone from the city advised them that a Zoning Map Amendment was not possible. Mr. Adams also stated he objects for safety and tax revenue reasons.

Mr. Owens moved to approve the Zoning Map Amendment from the CR Zoning District to the R1 Zoning District for the property known as 520 E. Riverside Blvd. Second by Mrs. Nelson. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 6-0

- I. 526 E. RIVERSIDE BLVD. – ZONING MAP AMENDMENT FROM THE CR ZONING DISTRICT TO THE R1 ZONING DISTRICT.** Appropriate notice has been given.

Mr. Owens moved to approve a Zoning Map Amendment from the CR Zoning District to the R1 Zoning District for the property known as 526 E. Riverside Blvd. 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 (Mr. Danielson abstained)

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 6:31 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: November 4, 2020

SUBJECT: A Variance from a required 14,600 square foot lot size to a requested 13,192 square foot lot size in the R3A (Four Family Residential) Zoning District.

A Variance from a required 6 foot side yard setback to a requested 5.4 foot side yard setback in the R3A (Four Family Residential) Zoning District.

LOCATION:	5767 Whispering Way
COMPREHENSIVE PLAN:	Multi-family Residential
ZONING DISTRICT:	North R1 (Single Family Residential) and R3A (Four Family Residential) South R3A (Four Family Residential) East R1 (Single Family Residential) West R1 (Single Family Residential)
PROPERTY INFORMATION AND RELEVANT FACTS:	The property owner has a four family residence that was built over the property line. He is working with the property owner to the south to reconfigure both lots so that the residences are on separate parcels. The adjusted property boundaries will require variances, for a decreased lot square footage and side yard setback.
Requirements:	Minimum lot size shall be 14,600 square feet Minimum lot width 80 feet at established building setback Minimum side yard setback is 6 feet Minimum rear yard setback 25 feet
Request:	Reduction of lot size to 13,192 square feet Reduction of side yard setback to 5.4 feet
Findings:	Strict or literal interpretation of the regulation would result in unnecessary hardship against the property owner. The builder, built the 4-family over the property line. The property owner does have exceptional circumstances applicable to the property that do not apply to other properties in the zoning district. The property owner will not be able to sell the property without applying for variances to make the parcels legal non-conforming. Granting the variances does not constitute special privilege for the land owner. Any property owner in the same circumstances would need to utilize the zoning process to fix similar issues. The approvals shall not be detrimental to the health and safety of land owners in the zoning district. The approval will allow the land owner the ability to enjoy his property without the burden of zero setbacks, and a property line that encroaches into two residential dwellings.

RECOMMENDATION: **Approval** - A Variance from a required 14,600 square foot lot size to a requested 13,192 square foot lot size in the R3A (Four Family Residential) Zoning District.

RECOMMENDATION: **Approval** - A Variance from a required 6 foot side yard setback to a requested 5.4 foot side yard setback in the R3A (Four Family Residential) Zoning District.

APPROVAL / DENIAL / TABLED

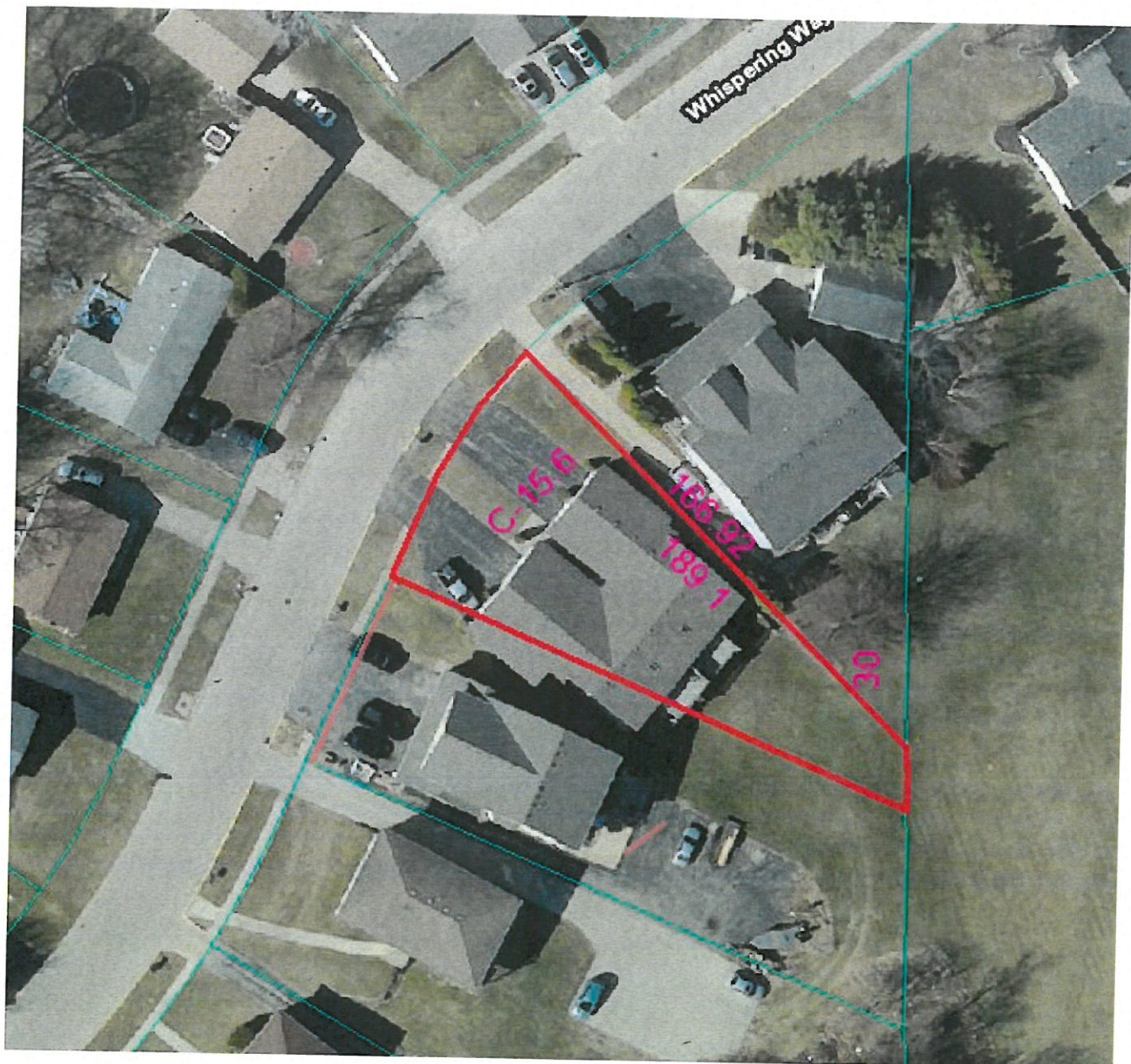
ATTACHMENTS: See attachments

**ZONING BOARD
RECOMMENDATIONS:**

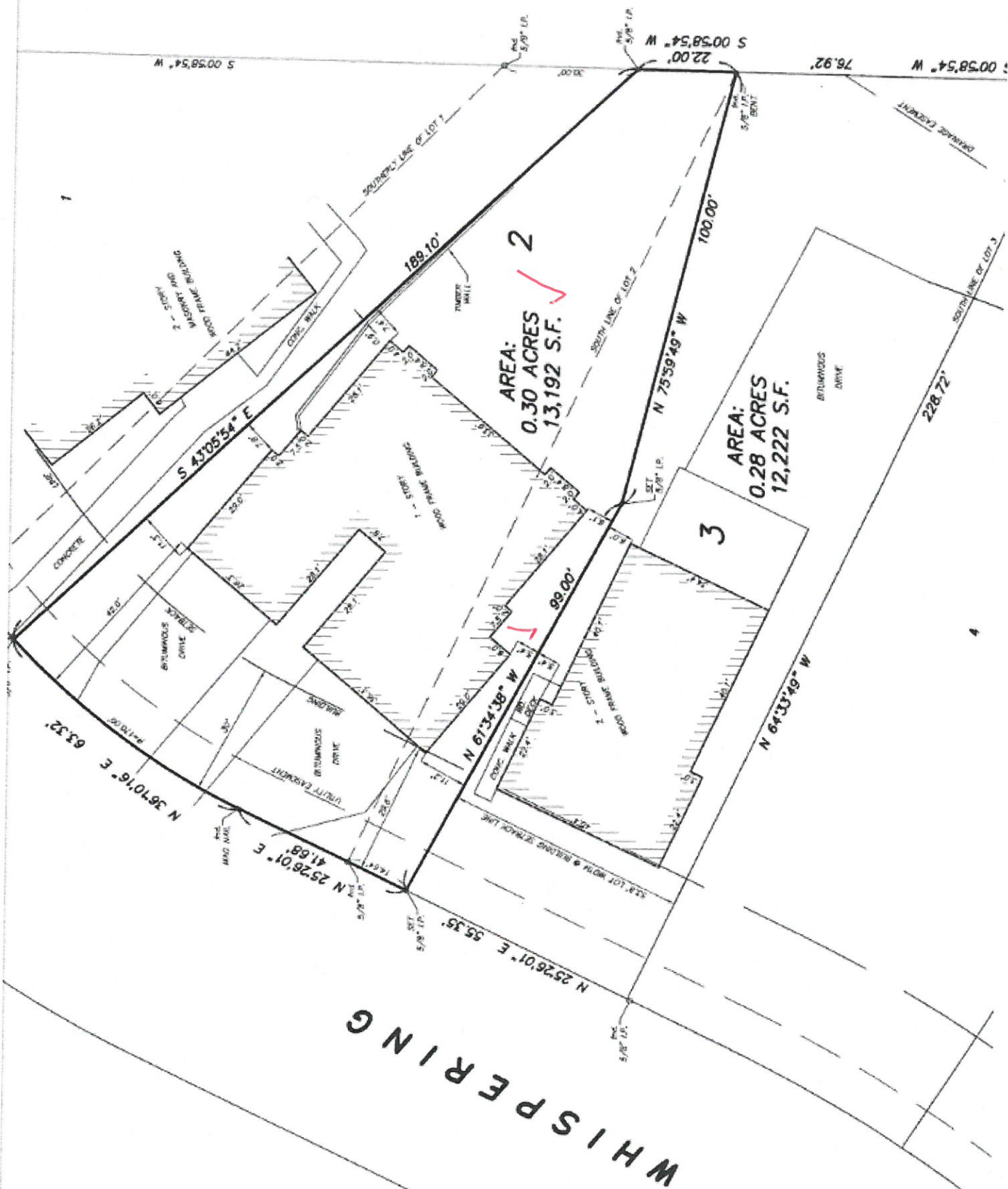
Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**



Property Address:	5767 Whispering Way
Parcel Number:	12-04-253-037
Applicant:	Elisa J. Whitman – Reilly Law Offices 6801 Spring Creek Road, Ste 2D Rockford, Illinois 61114
Owner:	Alan J. Menting, Jr., Trustee 9449 Ridgeview Road Belvidere, Illinois 61008

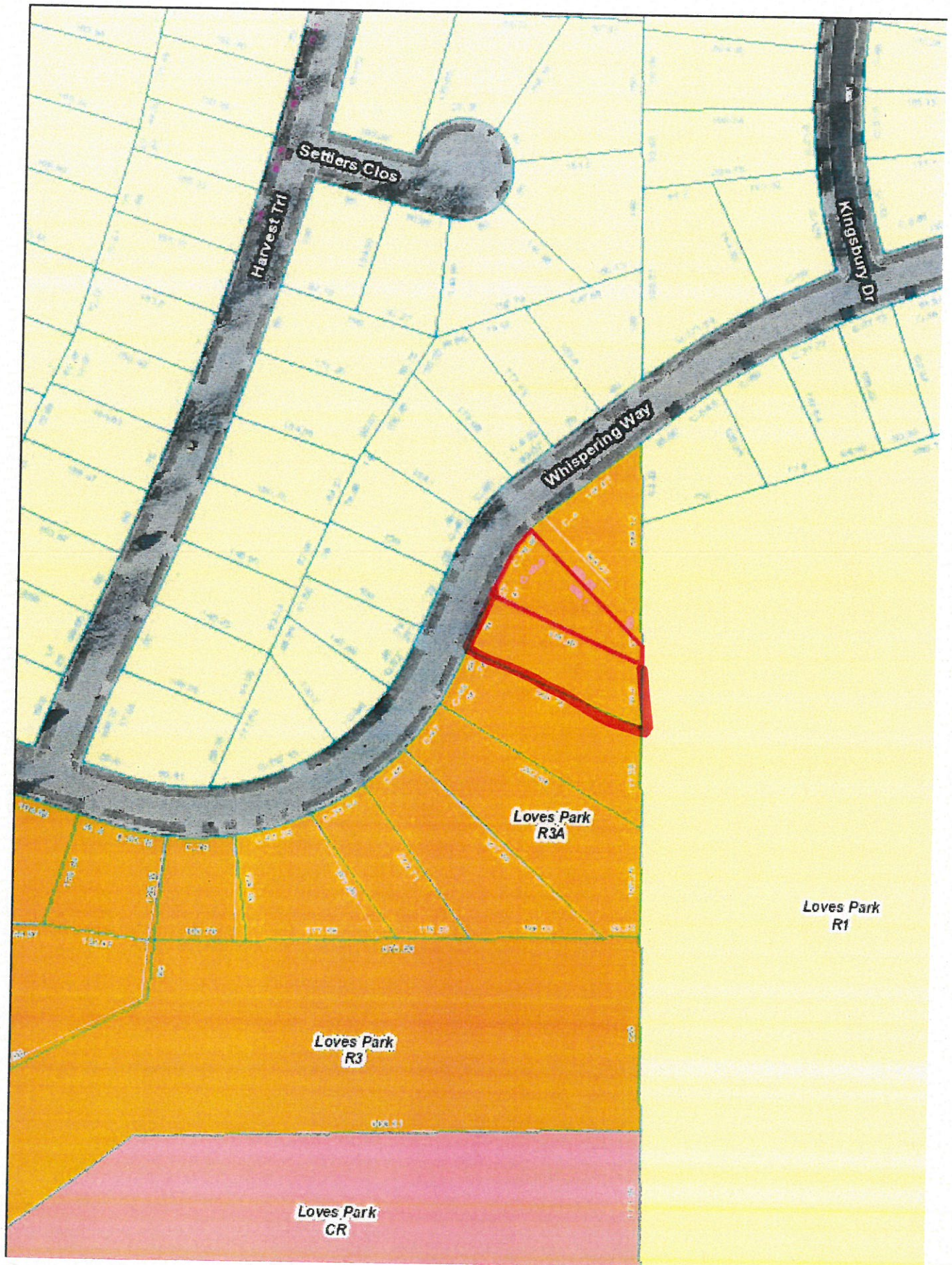


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THESE DIMENSIONS ARE GIVEN IN FEET AND DECIMALS OF A FOOT.
FIELD WORK FOR THIS SURVEY WAS COMPLETED ON NOVEMBER 23, 2020.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A
BOUNDARY SURVEY.
GIVEN UNDER MY HAND AND SEAL THE _____ DAY OF NOVEMBER, 2020

THOMAS R. EDDIE I.P.L.S. 3635
EXPIRATION DATE: 11/30/2022

PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1515 WINDSOR ROAD LOVE'S PARK, ILLINOIS 61111
(815) 633-5097 (815) 633-4593 (FAX)
NWS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
DECEMBER 1, 2020 JOB NO. 15563
PREPARED FOR: ALAN MENTING



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: 5767 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: **5767 Whispering Way**
A Variance from a required 14,600 square foot lot size to 13,192 square foot lot size

Chairman
Alise Howlett

Signature

Date

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These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: **5767 Whispering Way**
A Variance from a required 6 foot side yard setback to requested 5.4 foot side yard setback

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: November 4, 2020

SUBJECT:	<p>A Variance from a required 14,600 square foot lot size to a requested 12,222 square foot lot size in the R3A (Four Family Residential) Zoning District.</p> <p>A Variance from a required 6 foot side yard setback to a requested 5.4 foot side yard setback in the R3A (Four Family Residential) Zoning District.</p> <p>A Variance from a required 80 foot lot width at the building setback line to a requested 53.8 foot lot width at the building setback line in the R3A (Four Family Residential) Zoning District.</p>
LOCATION:	5733 Whispering Way
COMPREHENSIVE PLAN:	Multi-family Residential
ZONING DISTRICT:	North R1 (Single Family Residential) and R3A (Four Family Residential) South R3A (Four Family Residential) East R1 (Single Family Residential) West R1 (Single Family Residential)
PROPERTY INFORMATION AND RELEVANT FACTS:	<p>The property owner has a four family residence on his property, and a portion of a separate four family residence on his property. The builder, who built the structure to the north, built a four family residence over the property line. The adjusted boundaries will require variances for decreased lot square footage, side yard setback, and lot width at the building setback line.</p>
Required:	<p>Minimum lot size shall be 14,600 square feet</p> <p>Minimum lot width 80 feet at established building setback</p> <p>Minimum side yard setback is 6 feet</p> <p>Minimum rear yard setback 25 feet</p>
Request:	<p>Reduction of lot size to 12,222 square feet</p> <p>Reduction of side setback to 5.4 feet</p> <p>Reduction of lot width at building setback to 53.8 feet</p>
Findings:	<p>Strict or literal interpretation of the regulation would result in unnecessary hardship against the property owner. The builder to the north, built a 4-family over the property line. The City was unaware of this and the problem has remained uncorrected. The property owner does have exceptional circumstances applicable to the property that do not apply to other properties in the zoning district. The land owner will not be able to sell the property without applying for the appropriate variances to make the parcel legal</p>

non-conforming. Granting the variances do not constitute special privilege for the land owner. It is necessary to make these adjustment through zoning. Once the zoning is approved both property owners will subdivide the land to meet the variances being applied for. The approvals shall not be detrimental to the health and safety of the zoning district. The zoning being requested will have no noticeable impact to adjacent properties and will not adversely impact property values.

RECOMMENDATION: **Approval** - A Variance from a required 14,600 square foot lot size to a requested 12,222 square foot lot size in the R3A (Four Family Residential) Zoning District.

RECOMMENDATION: **Approval** - A Variance from a required 6 foot side yard setback to a requested 5.4 foot side yard setback in the R3A (Four Family Residential) Zoning District.

RECOMMENDATION: **Approval** - A Variance from a required 80 foot lot width at the building setback line to a requested 53.8 foot lot width at the building setback line in the R3A (Four Family Residential) Zoning District.

APPROVAL / DENIAL / TABLED

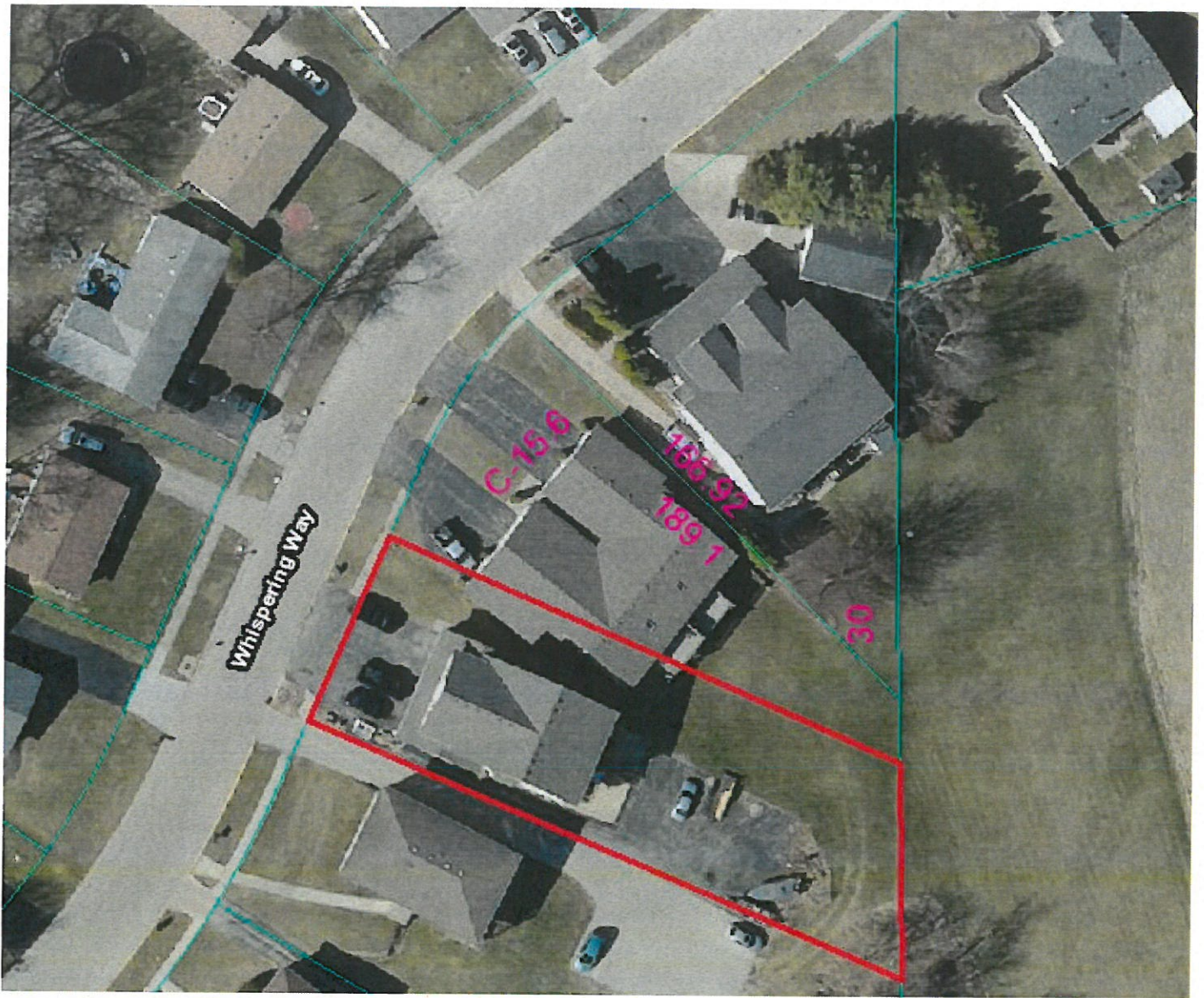
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**ZONING BOARD
RECOMMENDATIONS:**

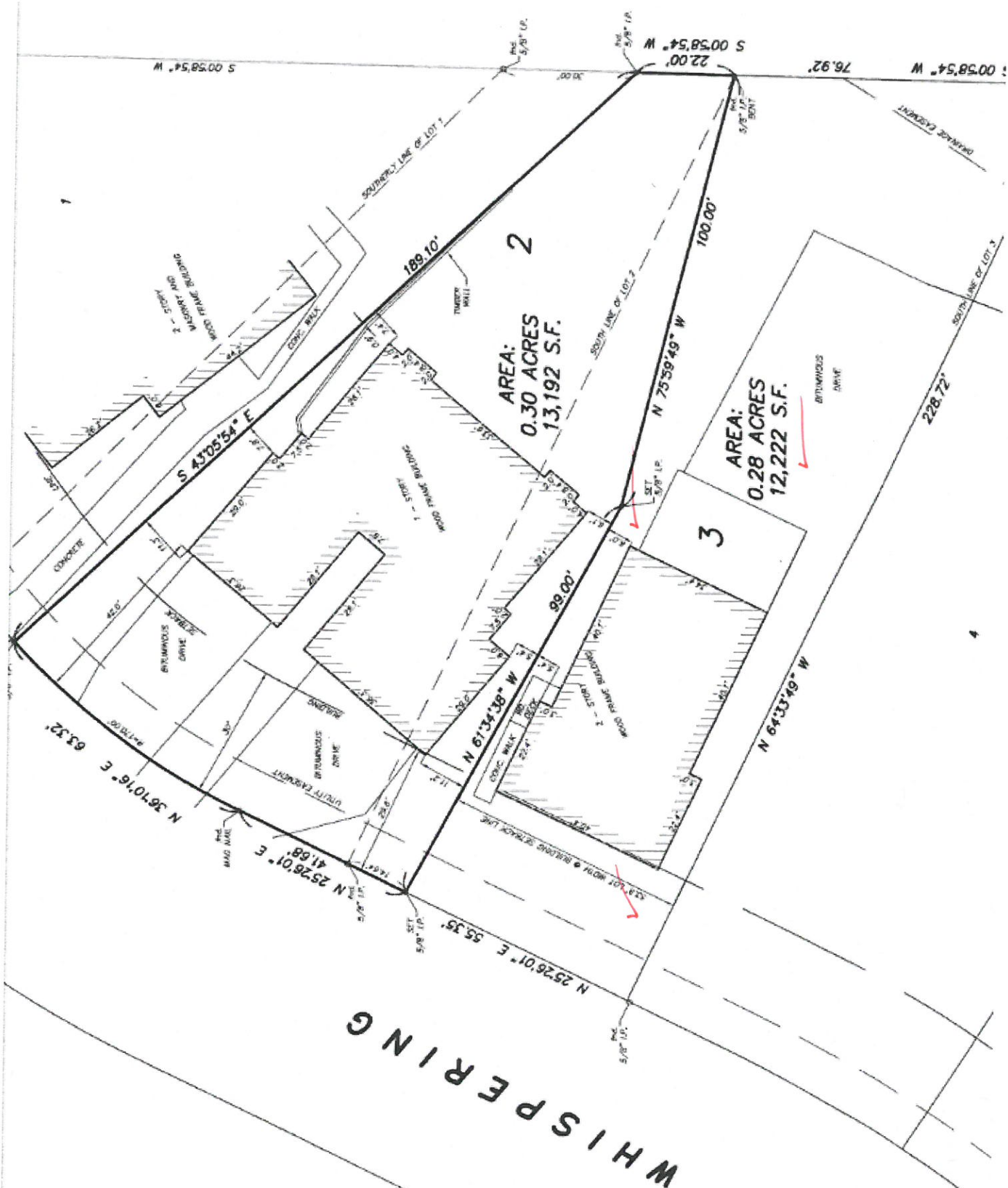
Vote: _____

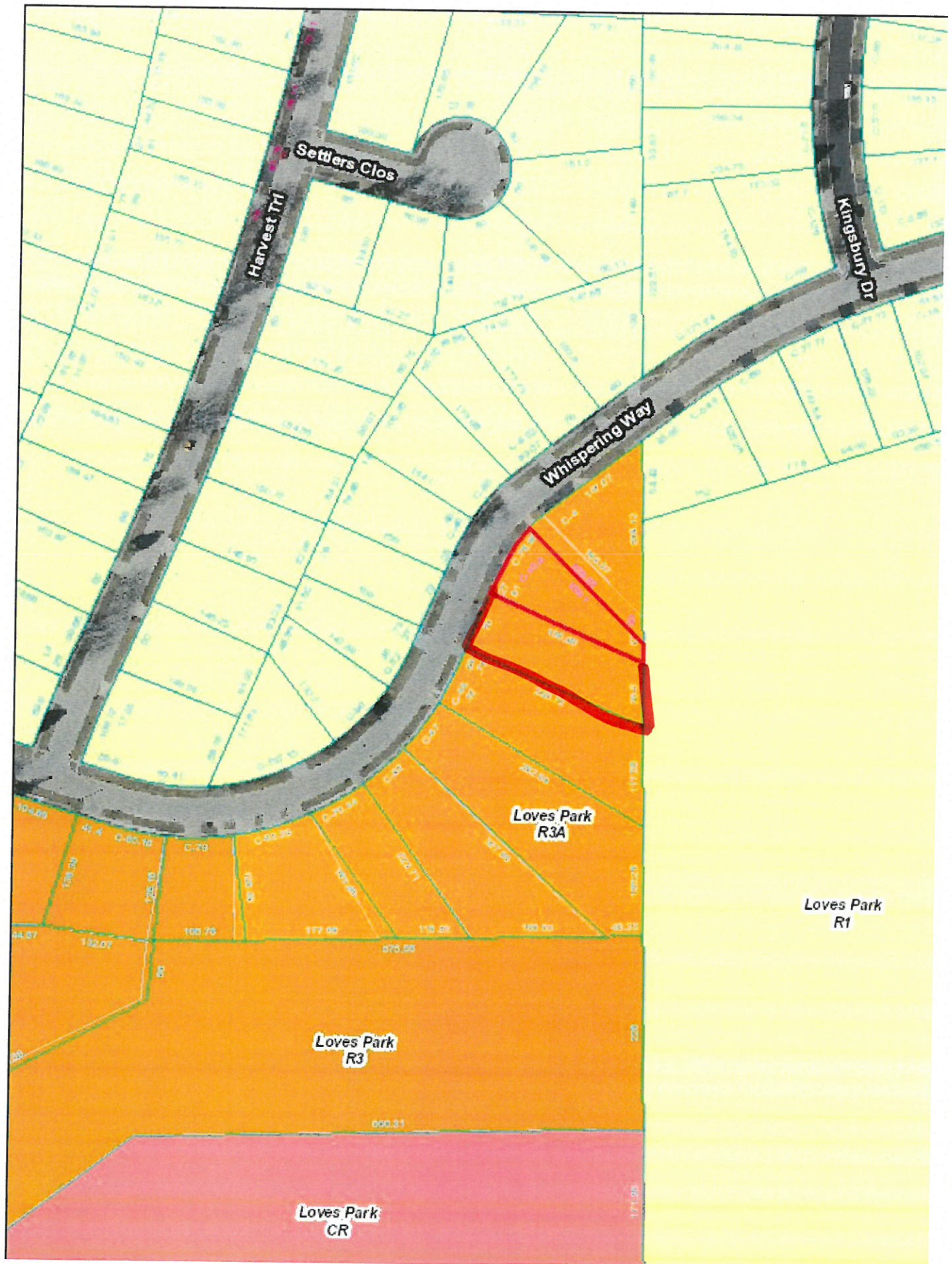
CONDITIONS:

**AUDIENCE
COMMENTS:**



Property Address:	5733 Whispering Way
Parcel Number:	12-04-253-031
Applicant:	Elisa J. Whitman – Reilly Law Offices 6801 Spring Creek Road, Ste 2D Rockford, Illinois 61114
Owner:	Ryen Sack 751 Doa Lane Brighton, Michigan 48114





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These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: **5733 Whispering Way**

A Variance from a required 14,600 sqft lot to a requested 12,222 sqft lot

Chairman
Alise Howlett

Signature

Date

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These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: **5733 Whispering Way**

A Variance from a required 80ft lot width at the BSL to a requested 53.8ft lot at the BSL

Chairman
Alise Howlett

Signature

Date