



**AGENDA**  
**LOVES PARK ZONING BOARD OF APPEALS**  
**July 15, 2021**

**CITY COUNCIL CHAMBERS**  
**100 HEART BOULEVARD**  
**5:30 P.M.**

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **June 17, 2021** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
  - A. **5319 BENNETT STREET** – A Variance to widen a portion of an existing gravel driveway in front of and alongside of the garage in the R1 (Single Family Residential) Zoning District.
5. New business –
  - A. **TEXT AMENDMENT** – Chapter 102, Article V, Off-Street Parking and Loading, Section 102-258.
  - B. **TEXT AMENDMENT** – Chapter 102, Article I, In General, Definitions, Section 102-9.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla  
Zoning Officer

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS**  
**THURSDAY, JUNE 17, 2021**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

1. CHAIRMAN MIKE OWENS CALLED THE MEETING TO ORDER AT 5:32 P.M.

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

OTHERS PRESENT: ANDREW QUINTANILLA – ZONING OFFICER  
ATTORNEY PHIL NICOLosi

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting May 20, 2021. Second by Mrs. Nelson. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. UNFINISHED BUSINESS

Mrs. Toohill joined the meeting at 5:36 p.m.

5. NEW BUSINESS

Items A & B discussed together and voted on separately.

- A. **4624 ARLINGTON STREET** - Variance from a required 57-ft front yard building setback to a requested 38-ft front yard building setback in the R1 Zoning District. Appropriate notice has been given.

Rob Schlensker, 4624 Arlington Street, Loves Park, IL was sworn in as Petitioner and indicated that he is requesting the Variances to allow for a garage to be built on the property.

No objectors present.

Mr. Hendricks moved to approve a Variance from a required 57-ft front yard building setback to a requested 38-ft front yard setback in the R1 Zoning District for the property known as 4624 Arlington Street. Second by Mrs. Novak. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 6-0**

- B. **4624 ARLINGTON STREET** – Variance in height from a permitted 15-ft in height for an accessory structure to a requested 21-ft in height for an accessory structure, from peak to grade, in the R1 Zoning District. Appropriate notice has been given.

No objectors present.

Mr. Hendricks moved to approve a Variance in height from a permitted 15-ft in height for an accessory structure to a requested 21-ft in height for an accessory structure, from peak to grade, in the R1 Zoning District for the property known as 4624 Arlington Street. Second by Mrs. Novak. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 6-0**

- C. **5319 BENNETT STREET** - Variance to widen a portion of an existing gravel driveway in front of and alongside of the garage in the R1 Zoning District. Appropriate notice has been given.

Petitioner not present.

Mrs. Nelson moved to lay over the Variance to widen a portion of an existing gravel driveway in front and alongside of the garage in the R1 Zoning District for the property known as 5319 Bennett Street. Second by Mrs. Toohill.

**MOTION APPROVED 6-0**

- D. **6803 FOREST HILLS ROAD** - Special Use Permit for a car wash in the CR Zoning District. Appropriate notice has been given.

Tanner Brandt, 4609 33<sup>rd</sup> Avenue, Fargo, ND was sworn in as Petitioner and indicated he is requesting a Special Use Permit for a Tommy Express car wash on the property.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit for a car wash in the CR Zoning District for the property known as 6803 Forest Hills Road, with the following conditions:

1. The Special Use Permit shall be renewed 1 year from approval.
2. The landscape plan shall include a variety of mixed trees that range from 8-ft to 25-ft at maturity, and be dispersed around the perimeter of the property. Additionally, a landscape bed shall be provided around the parking area on the eastern part of the development. It shall mirror the landscaping being provided on the Forest Hills Road frontage. The mixed tree variety and additional landscape bed shall be approved and coordinated with staff. The owner will be responsible for the maintenance, repair and replacement of all landscaping materials. The plant materials and landscaping bed areas shall be tended and maintained in a healthy growing condition and free from refuse, debris and weeds at all times.
3. The dumpster area shall be obscured with landscaping.
4. The sign for the establishment shall meet the requirements established in Article VI, Section 102-284. The parking provided for this establishment shall be sufficient.

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

**MOTION APPROVED 6-0**

- E. Mrs. Nelson volunteered to take over the role of Vice-Chairman of the Zoning Board of Appeals. Second by Mr. Hendricks.

**MOTION APPROVED 6-0**

6. PUBLIC PARTICIPATION AND COMMENT

None

7. General Discussion

None

Mrs. Novak moved that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote. The meeting adjourned at 6:10 p.m.

Sheila Mills, Secretary



## ZONING BOARD OF APPEALS

Community Development Department

Date: June 4, 2021

**SUBJECT:** A Variance to widen a portion of an existing gravel driveway in front of and alongside of the garage in the R1 (Single Family Residential) Zoning District.

**LOCATION:** 5319 Bennett Street  
Parcel: 12-12-226-040

**ZONING DISTRICT:**

North	R1 (Single Family Residential)
South	R1 (Single Family Residential)
East	R1 (Single Family Residential)
West	R1 (Single Family Residential)

**RELEVANT  
PROPERTY  
INFORMATION:**

**Required:** A driveway that is a hard-surfaced, dust free area used for direct access from a thoroughfare to an off-street parking space or private garage.

**Requested:** Widen a portion of an existing gravel driveway in front of and alongside of the existing garage, as presented on the site plan.

Strict interpretation and enforcement of the regulation would result in practical difficulty for the property owner. The property owner has a gravel driveway that has existed for up to 20 years. The owner wishes to seek a variance for a large portion of the driveway so that he may make it impervious, which the code requires. The remaining portion of the gravel driveway shall remain as gravel, and maintained as such. The owner cannot increase the footprint of the remaining gravel portion. The area has several residences that continue to have gravel drive areas, legal non-conforming, properties. The owner does have conditions applicable to his property that do not exist with the majority of the properties in the neighborhood. Many properties have expanded driveways to accommodate additional off-street parking. The variation will not appear special privilege, given that the owner is bringing the surface area into compliance with the variation request. The exterior improvements will not adversely impact other properties or general welfare of residents and landowners.

**Recommendation** **Approval** - A Variance to widen a portion of an existing gravel driveway in front of and alongside of the garage in the R1 (Single Family Residential) Zoning District.

**ATTACHMENTS:** See attachments

**ZONING BOARD  
RECOMMENDATIO  
NS**

**VOTE:**

**APPROVAL:**

**DENIAL:**

**TABLED:**

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**

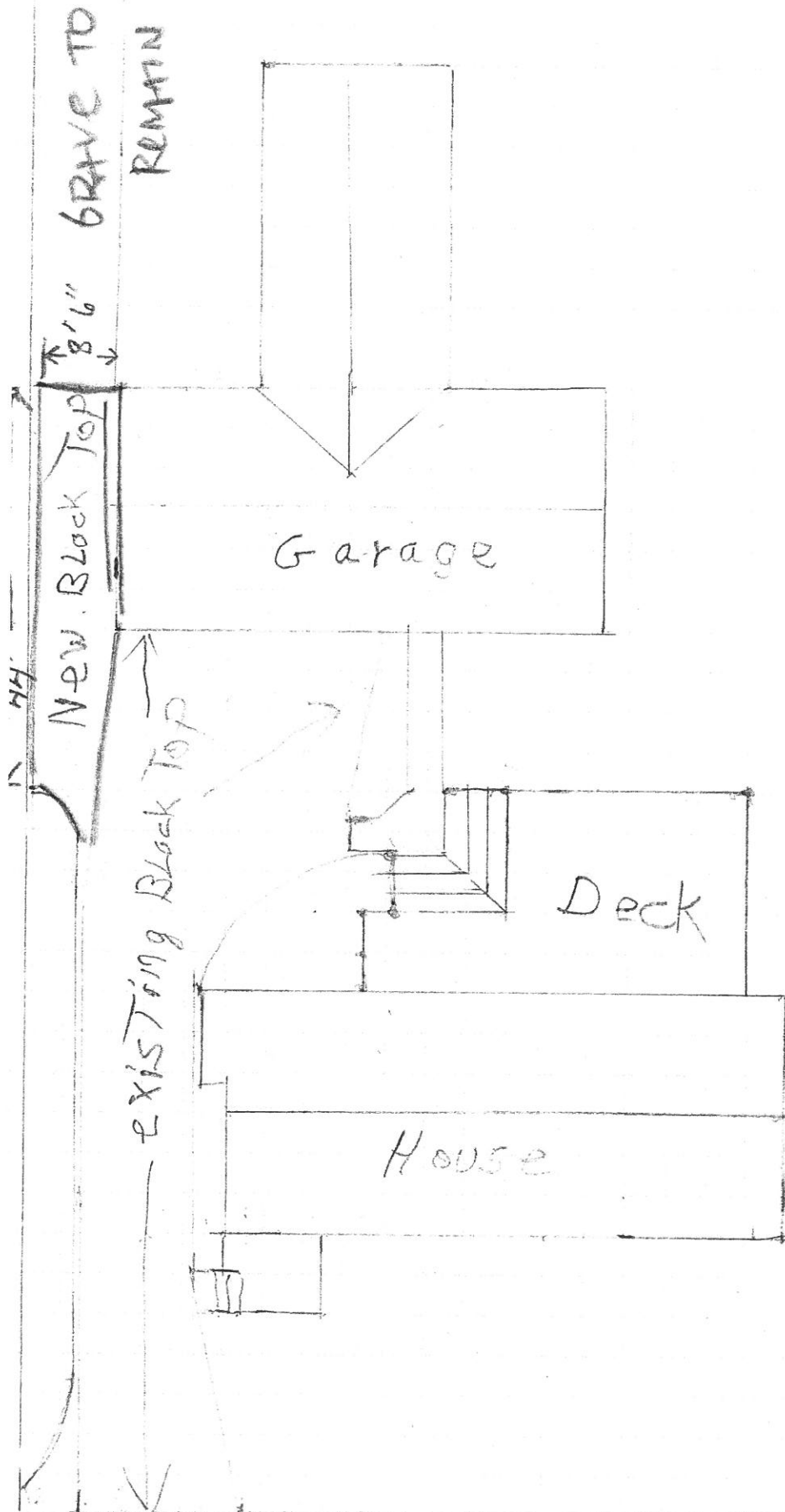


Property: 5319 Bennett Street

Property Code: 11-12-226-040

Applicant: George Harp  
5319 Bennett Street  
Loves Park, Illinois 61111

Petitioner: George Harp  
5319 Bennett Street  
Loves Park, Illinois 61111







**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: 5319 Bennett 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.

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*Reason:*

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6. \_\_\_\_\_ The concurring vote of four members of the board shall be necessary to recommend the authorization of any variance in this chapter.
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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: 5319 Bennett Street  
Variance to widen the driveway

**Chairman**  
Mike Owens

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Signature

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Date



## ZONING BOARD OF APPEALS

Community Development Department

Date: July 5, 2021

<b>SUBJECT:</b>	Chapter 102, Article I, Offstreet Parking and Loading, Section 102-9 Chapter 102, Article V, Offstreet Parking and Loading, Section 102-258
	Text amendment updating definitions. Text amendment allowing auxiliary parking pads with guidelines.
<b>RECOMMENDATION:</b>	<b>Approval</b> - TEXT AMENDMENT - Chapter 102, Article I, In General, Definitions, Section 102-9.
<b>RECOMMENDATION:</b>	<b>Approval</b> - TEXT AMENDMENT - Chapter 102, Article V, Off-street Parking and Loading, Section 102-258.
<b>ATTACHMENTS:</b>	See attachments
<b>ZONING BOARD RECOMMENDATIONS:</b>	APPROVAL / DENIAL / TABLED
<b>Vote:</b>	
<b>CONDITIONS:</b>	
<b>AUDIENCE COMMENTS:</b>	

Text Amendment of the Loves Park Zoning Ordinance as follows:

Amend Article I, In General, Section 102-9, Definitions, Driveway as follows:

Driveway means a solid impervious surface used for direct access from a public street, alley, or thoroughfare, which connects to a garage, attached or detached, for private off-street parking. Where no garage or other structure for off-street parking exists, the driveway shall be the area where primary access is provided onto the property for off-street parking.

Add Article I, In General, Section 102-9, Definitions, Driveway - Gravel, Dirt, and Aggregate, as follows:

Driveway – (gravel, dirt, and aggregate) shall mean driveways that existed prior to Ordinance 795, adopted May 13, 1974. The non-conforming driveway areas are used for direct access from a public street, alley, or thoroughfare, which provides private off-street parking. Nonconforming driveways shall be maintained free from weeds and grass, and no expansion shall be permitted. Unauthorized expansions shall require removal of the expansion, and loss of the non-conforming status.

Add Article I, In General, Section 102-9, Definitions, Driveway – Auxiliary Parking Pad, as follows:

Auxiliary parking pad means a subordinate, secondary off-street parking area that connects to an existing driveway, which does not lead to an existing dwelling, garage, or other building structure used for private off-street parking.

Text Amendment of the Loves Park Zoning Ordinance as follows:

**Amend.** Article V, Off-Street Parking and Loading, Section 102-258, (10) (a), as follows:

a. No parking shall be allowed in the required front, side, and rear building setbacks except on a driveway or approved auxiliary parking pad improved with concrete or asphalt, which is dust-free and provides for water runoff, unless it is when snow removal or other emergency parking regulations are in effect. Auxiliary parking pads that do not meet the requirements in Article V, Section 102-258 (10), (e), shall require approval from the Zoning Board of Appeals and City Council.

**Add.** Article V, Off-Street Parking and Loading, Section 102-258, (10) (c), as follows:

c. Parking on the lawn or any pervious surface is not permitted in any zoning district.

**Add** Article V, Off-Street Parking and Loading, Section 102-258, (10) (d), as follows:

d. A residential driveway shall not be widened in front of the above ground living space of a dwelling, except as permitted by the Zoning Board of Appeals and City Council.



Illustration 1: Auxiliary parking not permitted for attached or detached garages.

**Add** Article V, Off-Street Parking and Loading, Section 102-258, (10) (e), as follows:

e. Auxiliary parking pads shall not be permitted alongside of a garage structure, except as permitted by the Zoning Board of Appeals and City Council.

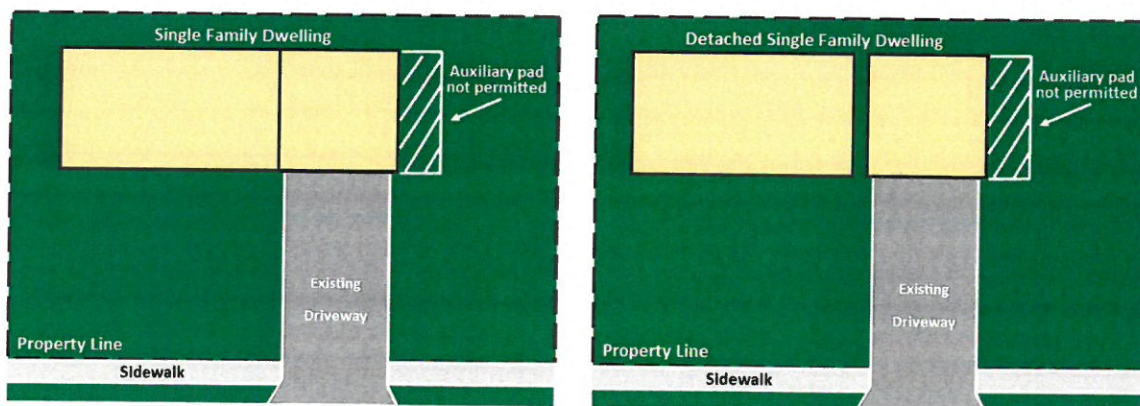


Illustration 2: Auxiliary parking pad that is not permitted for attached or detached garages

**Add** Article V, Off-Street Parking and Loading, Section 102-258, (10), (f), (1-5), as follows:

f. Auxiliary parking pads that are permitted, and shall meet the following guidelines.

1. Auxiliary parking pads may be widened to a maximum width of 9 feet to create off-street parking in front of the existing garage, as indicated in illustration 3 below.
2. Auxiliary parking pads shall be set back 3 feet from the property line, and not within any recorded drainage easement.
3. Auxiliary parking pads shall be of like materials as the existing driveway. In no case can an auxiliary parking pad be gravel.
4. The auxiliary parking pad shall taper off at least 5 feet from the frontage property line to meet the existing driveway apron, and shall not be permitted to extend directly to the right-of-way.

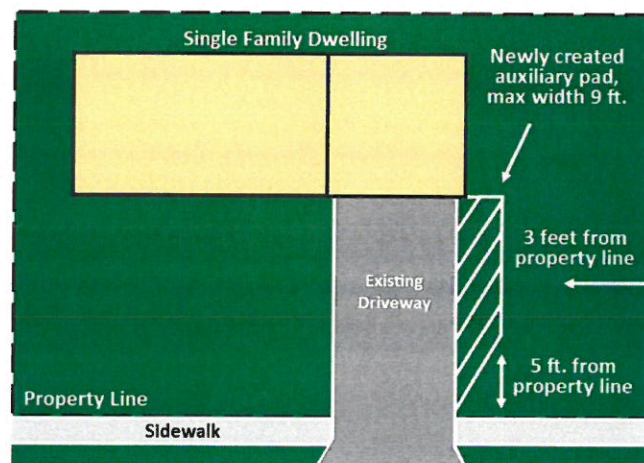


Illustration 3: Permitted auxiliary parking pad for attached or detached garages.

5. Auxiliary parking pads shall be limited to passenger motor vehicles and trucks, which weigh 8,000 pounds or less, and display current Illinois plate and vehicle sticker.

**Add** Article V, Off-Street Parking and Loading, Section 102-258, (10), (g), as follows:

g. Recreational vehicles, or any item requiring a trailer for transport shall be allowed on the driveway way or auxiliary parking pad, for a period not to exceed 30 days in a calendar year, in any area located between the front property line and the street facing wall of the residential dwelling. This applies to parcels that have multiple frontages.

**Add** Article V, Off-Street Parking and Loading, Section 102-258, (10), (h), as follows:

h. Driveways, parking spaces and similar areas in all districts shall be kept in a proper state of repair and maintained free from hazardous conditions.

**Add** Article V, Off-Street Parking and Loading, Section 102-258, (10), (i), as follows:

i. Pervious driveways that existed prior to the adoption of Ordinance No 795, adopted May 13, 1974, shall not be permitted to expand in any residential, commercial or industrial district. New dirt, gravel, or aggregate driveways are not permitted, and existing drive areas shall not expanded unless it is with asphalt or concrete.