



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
May 19, 2022

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 **March 15, 2022** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
5. New business –
 - A. 4907 HUMMINGBIRD TRAIL** – A Variance to install an auxiliary parking pad in the front yard building setback in the R1 (Single-family Residential) Zoning District.
 - B. 1500 and 1502 E. RIVERSIDE BOULEVARD** – A Special Use Permit to allow 28 mini-warehouse storage units with not outside storage in the CG (Commercial General) Zoning District.
 - C. 1500 and 1502 E. RIVERSIDE BOULEVARD** – A Variance from a required 20 foot rear setback to a zero setback in the CG (Commercial General) Zoning District.
 - D. 1500 and 1502 E. RIVERSIDE BOULEVARD** – A Variance from a required 8 foot landscape buffer containing some combination of planted trees, shrubs, and plants to no 8 foot landscape buffer containing planted trees, shrubs, and plants in the CG (Commercial General) Zoning District.
 - E. TEXT AMENDMENT:** Chapter 102, Article VI, Signs, Section 102-282, (m), (5), adding square footage for political signs.
 - F. TEXT AMENDMENT:** Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, Additional regulations; parking, (13), For uses in a residential district.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
TUESDAY, MARCH 15, 2022
5:30 P.M.
COUNCIL CHAMBERS**

1. LYNDI TOO HILL CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: BEN DANIELSON, JASON VANDIVER, JOSEPH GIACONE,
LUKE CARLSON, LYNDI TOO HILL

ABSENT: MIKE OWENS, CATHY NELSON

OTHERS PRESENT: ZONING OFFICER - ANDREW QUINTANILLA,
ATTORNEY PHIL NICOLOSI
SECRETARY – SHEILA MILLS
STEVE THOMPSON, NATHAN BRUCK

Lyndi Toohill announced that items considered for recommendation at this meeting will be forwarded to the Community Development Committee meeting on March 28, 2022 at 6:15 p.m.

2. MINUTES

Mr. Danielson moved to approve the minutes from the meeting February 17, 2022. Second by Mr. Giacone. Motion carried by voice vote.

3. ZONING OFFICE REPORT

4. UNFINISHED BUSINESS

5. NEW BUSINESS

Items A. and B. were discussed together and voted on separately.

A. TEXT AMENDMENT – Amend Chapter 102, Article III, District, Division 3, Commercial, Section 102-174, (c), (21), (g) – distance between adult use cannabis dispensaries.

Mr. Quintanilla explained the text amendments that are being presented, indicating that the amendments would limit the distance between adult use cannabis dispensaries and limiting the number of adult use cannabis dispensaries in the City of Loves Park.

Alderman Mark Peterson, 6369 Renaissance Drive, Loves Park, IL was sworn in and spoke in favor of the amendments. He expressed his concern for the negative effects of cannabis dispensaries in the city, such as suicide and traffic deaths. He also feels cannabis is a gateway drug and he doesn't want the city to be known as a pot haven.

Mr. Giacone stated that the suicide rates with cannabis would be the same when compared to gambling or alcohol abuse.

Mr. Carlson stated that he feels that if we don't allow the dispensaries here then the income generated would go to another city.

Mr. Danielson commented that he feels that just because cannabis is now legal doesn't make it the right direction for the city.

Mr. Bruck added that without the text amendment there would only be a possibility of 3 or 4 dispensaries maximum.

Mr. Danielson moved to approve a text amendment to amend Chapter 102, Article III, District, Division 3, Commercial, Section 102-174, (c), (21), (g) – distance between adult use cannabis dispensaries. Second by Mr. Carlson.

MOTION APPROVED 3-1

B. TEXT AMENDMENT – Add Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (i) – limit number of adult use cannabis dispensaries.

Mr. Danielson moved to approve a text amendment to amend Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (i) – limit number of adult use cannabis dispensaries. Second by Mr. Carlson.

MOTION APPROVED 3-1

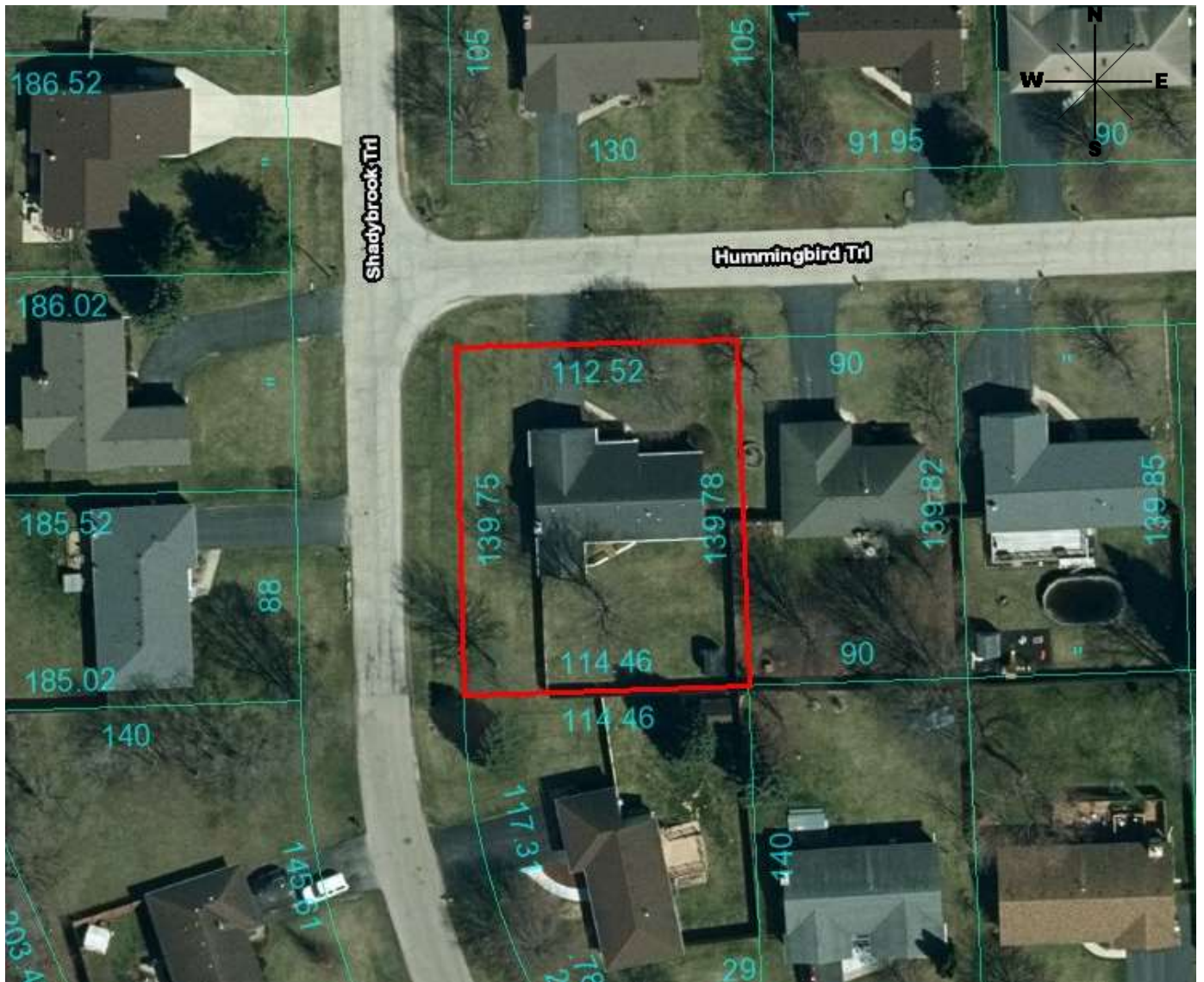
6. PUBLIC PARTICIPATION AND COMMENT

None

7. GENERAL DISCUSSION

Mr. Danielson moved that the meeting be adjourned. Second by Mr. Carlson. Motion carried by voice vote. The meeting adjourned at 6:05 p.m.

Sheila Mills, Secretary



PARCEL NUMBER(S): 08-20-480-001

ZONING: R1 (Single Family Residential)

ADDRESS: 4907 Hummingbird Trail

APPLICANT: Norwest Construction, Inc.
82 Prairie Hill Road
S. Beloit, Illinois 61080

OWNER: Norma Hoffman
4907 Hummingbird Trail
Loves Park, Illinois 61111



ZONING BOARD OF APPEALS

Community Development Department

Date: May 6, 2022

SUBJECT: A Variance to install an auxiliary parking pad in the front yard building setback in the R1 (Single Family Residential) Zoning District.

R1 Requirements:	Front yard setback: 30 foot building setback Side yard setback: 6 feet Rear yard setback: 30 feet Lot requirements: 80 foot width at building setback, 8,500 square foot lot size
Provided:	Front yard setback: 33+ feet building setback on Hummingbird Tail Front yard setback: 33 foot building setback on Shadybrook Trail Side yard setback: 14 feet Rear yard setback: 55+ feet Lot requirements: 112.52 foot width at building setback on Hummingbird Tail, 139.75 feet along Shadybrook Trail, 16027 square foot lot size
Findings:	Strict or literal interpretation and enforcement of the regulation would result in unnecessary hardship. The setback on the western frontage restricts the owners ability to expand the accessory use space for an addition to the garage. The owner would like to increase parking for this property, but is limited because there two frontages, which is the basis for the hardship. While the owner has the capacity to do the improvements to the residence, the secondary frontage is prohibitive for expansion. Strict enforcement of provisions that do not allow auxiliary pads inherent in single family, would deny the owner of privileges that other residents in the area are presently enjoying. While the approval of the variation does not grant special privilege, there is some concern with the residents of what this will do to the aesthetics of the property and neighborhood. In the interest of preserving the integrity of the neighborhood, the owner should required to obscure the addition with a privacy fence alongside of the garage and include some landscaping on the Shadybrook frontage. This should help soften the aesthetics of the property. The approval of the variation will not be detrimental to the area or adversely impact the neighborhood if the owner makes these improvements to the property.
RECOMMENDATION:	Approval - A Variance to install an auxiliary parking pad in the front yard building setback in the R1 (Single Family Residential) Zoning District. Condition: 1. The installation shall include a 6 foot privacy fence along the garage area and include a landscape area, as shown in the attachments.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	

VOTE:

AUDIENCE

COMMENTS:

|

APPROVAL / DENIAL / TABLED

22'-0"

12'-0"

12'-0"

10'-0"

19'-0"

17'-6"

NORWEST

Call 815

965-7283

FREE ESTIMATES

CONSTRUCTION
INC.

22'-0"

17'-6"

12'-0"

12'-0"

19'-0"

10'-0"

Privacy
fence
6'

LANDSCAPE
AREA

NORWEST

Cell 815

965-7283

FREE ESTIMATES

CONSTRUCTION INC.

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.

4907 Hummingbird Trail

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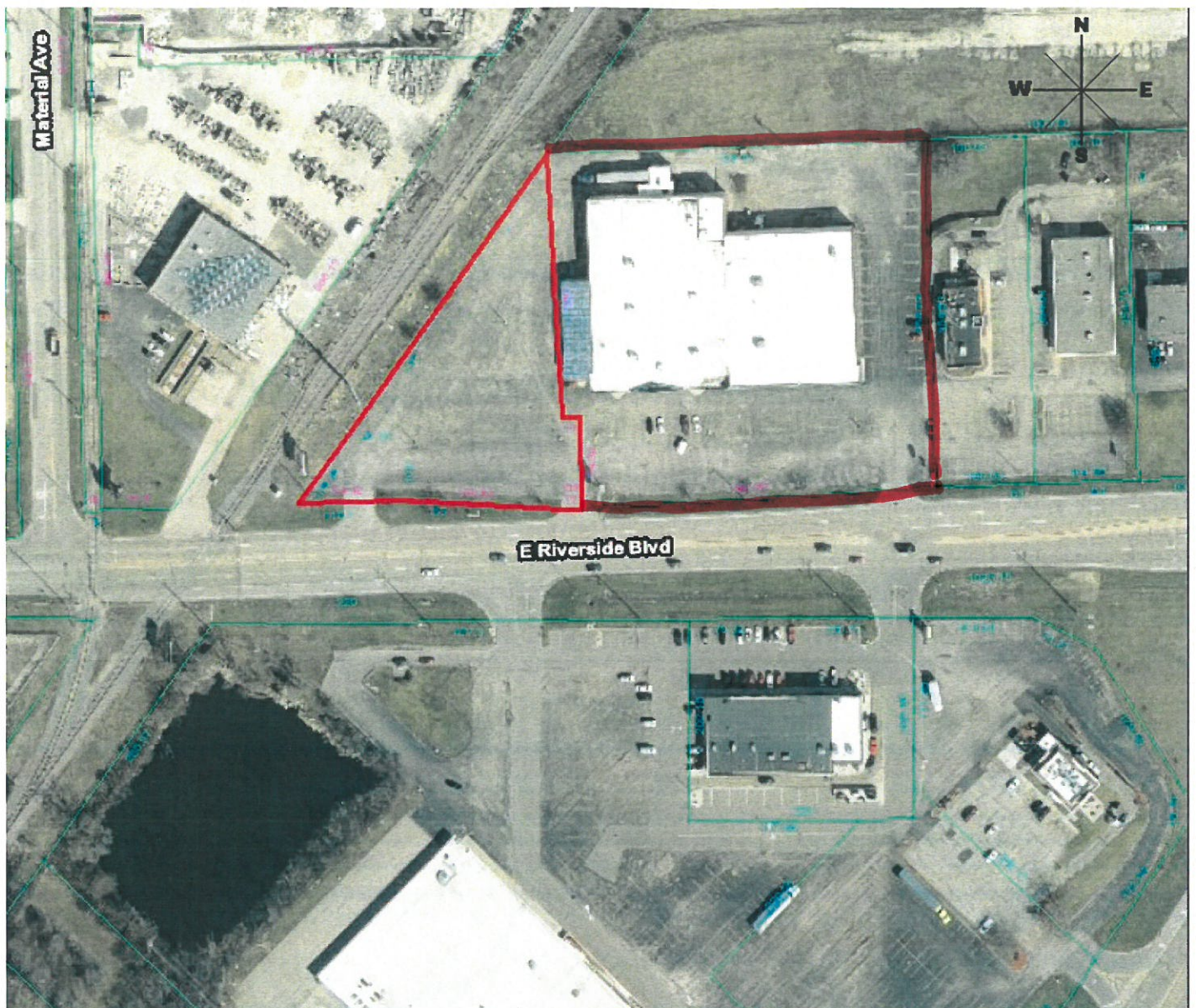
These findings are based on staff interpretation of the required findings necessary for approval of a variation. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a variation.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: **4907 Hummingbird Trail**
Variance for an auxiliary parking pad in the front yard building setback

Chairman
Ben Danielson

Signature

Date



PARCEL NUMBER(S):	12-05-176-016 & 12-02-176-017
ZONING:	CG (Commercial General)
ADDRESS:	1500 and 1502 E. Riverside Boulevard
APPLICANT:	Dyn Sycamore Investments, LLC 6801 Spring Creek Road Rockford, Illinois 61114
OWNER:	Dyn Sycamore Investments, LLC 6801 Spring Creek Road Rockford, Illinois 61114



ZONING BOARD OF APPEALS

Community Development Department

Date: May 11, 2022

SUBJECT:	A Special Use Permit to allow 28 mini-warehouse storage units with no outside storage in the CG (Commercial General) Zoning District.
LOCATION:	1500 and 1502 E. Riverside Boulevard
COMPREHENSIVE PLAN:	Commercial Retail
ZONING DISTRICT:	North: CG (Commercial General) South: CR (Commercial Retail) East: CG (Commercial General) West: CG (Commercial General)
PROPERTY INFORMATION AND RELEVANT FACTS:	
Building Setbacks:	
Required:	Building setback: 30 feet Side yard: 5 feet buildings under 25 feet Rear yard: 20 feet
Provided:	Structures identified on the site plan show that they will be situated on the property line.
Landscaping:	
Required:	An 8 foot deep landscape buffer with a combination of planted trees, shrubs, ground cover, and plants. It shall be curbed or provide some other protective barrier to the passage of vehicles. Trees shall be required to be planted on interior and exterior of the development based on interior and exterior parking spaces provided. Consent to landscape the right-of-way was given by the Winnebago County Highway Department. The landscape area shall be 8 feet in depth and meet all requirements, except for the trees. Trees did not get approved by the WCHD. There are 8 existing trees in the right-of-way presently.
Provided:	The development does not include landscaping.
Dumpster Enclosure:	
Required:	Enclosures for commercial and industrial properties and businesses shall be poured concrete or masonry to adequately shield containers within the enclosure. Material within the enclosure shall not extend above the height of the enclosure, be secured by a solid gate, and not exceed a height of six feet. The use of chain link fences and slats shall be prohibited in all districts.
Provided:	The site plan does not indicate that a dumpster enclosure will be provided.

Parking:

Required:

The business does not have an office or employees on site. Patrons will likely drive in and unload their storage items, then depart.

Provided:

The site plan shows that 18 stalls will be provided.

Findings:

The establishment of the of the special use will not be detrimental or endanger the public health. The use of mini-warehouse storage is relatively low impact, but it may be injurious to existing uses already permitted in the zoning district. The use may diminish or impair land values, and is not compatible with existing surrounding uses. The properties have several issues that make development difficult given the recorded easements, overhead power lines, setbacks, and remaining space that would be available for development. The site plan as presented, should be given careful consideration as a result. Indoor storage was established across the street, but done so with no outside storage allowed. Since the inception of the special use, there has been no incidence with this business. The establishment of the special use may impact future development for this area. Indoor storage is available across the street in a building that offers the same service. Staff has reservations about how this use can promote viable interest for future development. Staff has concerns about the plan as presented. The site plan should be developed further with all the necessary considerations staff has mentioned above.

RECOMMENDATION:

Approval - A Special Use Permit to allow 28 mini-warehouse storage units with no outside storage in the CG (Commercial General)

Conditions:

1. The Special Use Permit shall expire with the change in property ownership, or change of use.
2. The site shall provide a dumpster enclosure that meets Chapter 102, Article III, Section 102-132 of the City's code of ordinances. A plan for the location and materials shall be reviewed and approved by the City's Zoning Officer.
3. The Special Use Permit shall be revoked with substantiated complaints from other businesses or local authorities.
4. An 8 foot deep landscape buffer with a combination of planted shrubs, ornamental grasses, perennials, bark, and other plants shall be installed in the right-of-way. The buffer shall span both frontages, and provide some protective barrier to the passage of vehicles. No trees or interior landscape islands shall be required. A landscape plan shall be submitted for approval within 30 days of approval, and the installation shall be done before the mini-warehouse establishment opens to the public. The owner of the property shall be responsible for the maintenance, repair, and replacement of all landscape materials. This includes the existing trees and all landscaping approved by the City's Zoning Officer. The plant materials and landscape beds shall be tended and maintained in a healthy growing condition and free from refuse, debris and weeds at all times.
5. A new site plan reflecting the required 20 foot setback shall be provided to the Department of Community Development and Public Works within 30 days of the the approval. If observance of the setback requires a reduction of units, or reconfiguration of the development, the applicant must re-apply with an updated site plan reflecting all changes.
6. No outside storage shall be allowed on both parcels.
7. The establishment shall go through the City's plan review process, obtain all of the

- required permits, and have passed all final inspections before the business opens to the public.
8. The development shall meet the requirements of the City's commercial material guidelines in Chapter 102, Article III, Division 3, Section 102-174, (g), commercial material guidelines.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote:

APPROVAL / DENIAL / TABLED

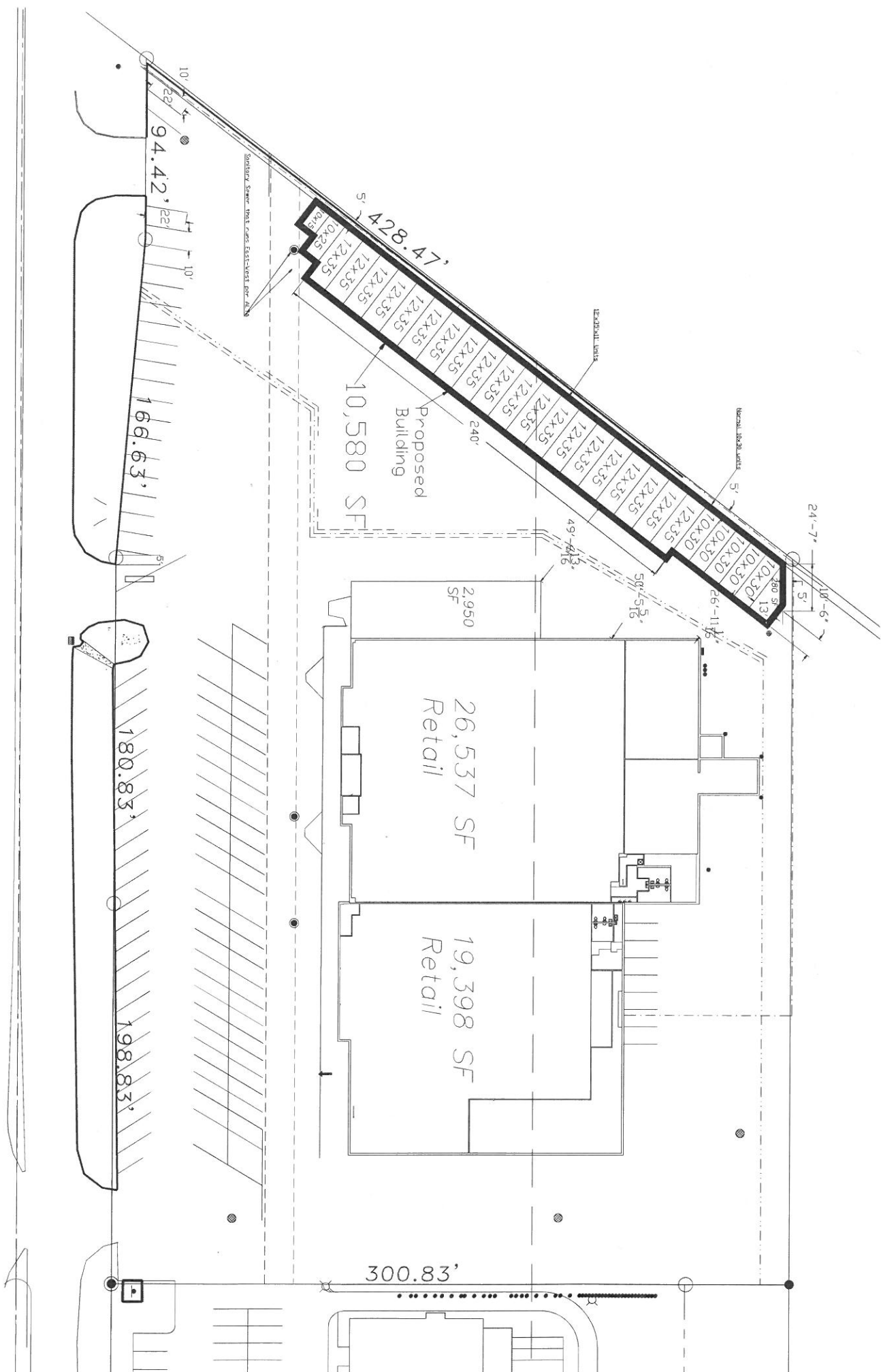
**AUDIENCE
COMMENTS:**

Narrative

Dyn Sycamore Investments, L.L.C. is seeking special use to allow for mini warehouse storage at 1500 & 1502 E. Riverside Blvd. The property contains two parcels: 12-05-176-016 (1500 E. Riverside) and 12-05-176-017 (1502 E. Riverside). The parcels are zoned CG. Mini warehouse storage is a special use for CG zoning. 1500 E. Riverside is currently a parking lot, and 1502 E. Riverside contains a retail building as well as parking.

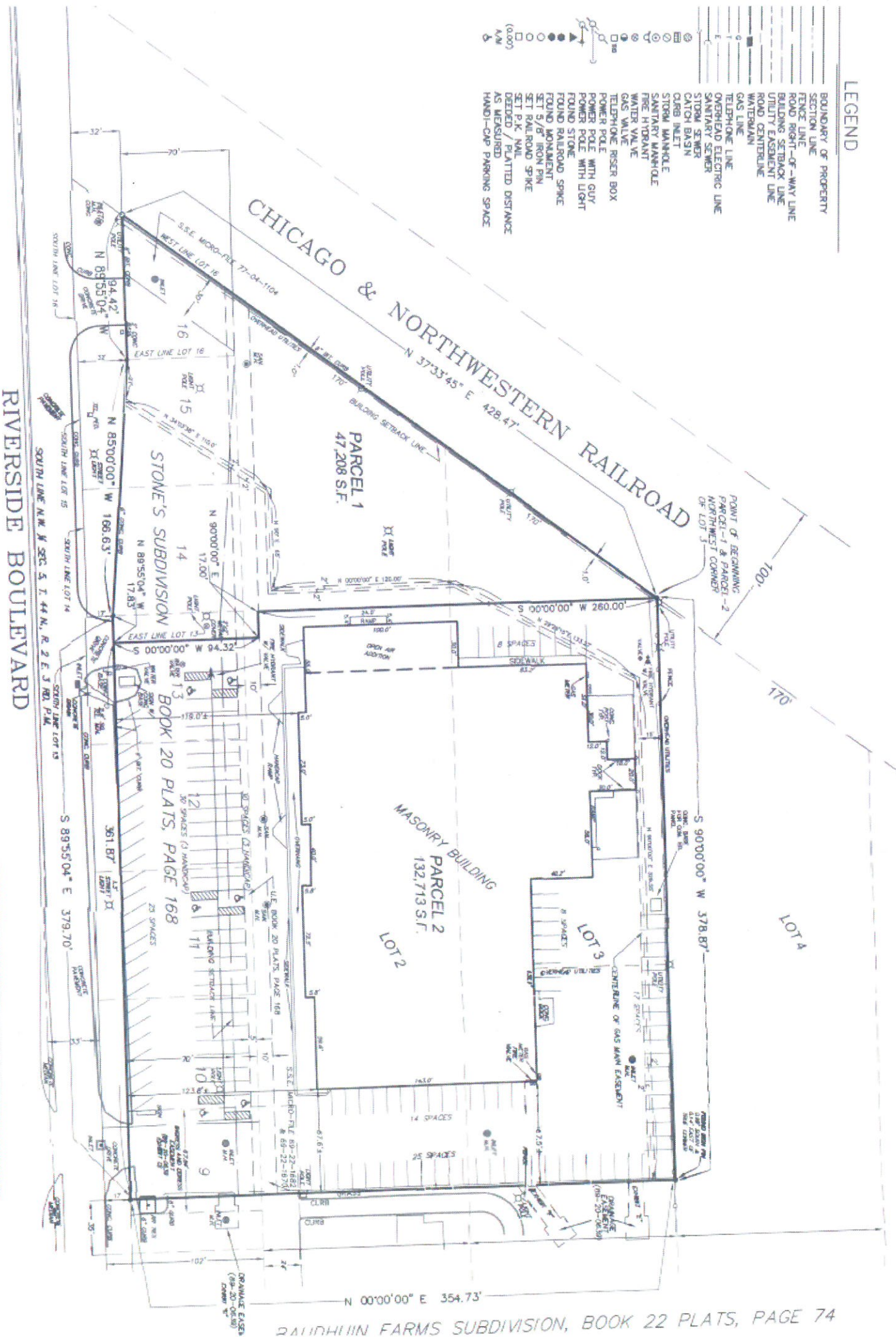
Dyn Sycamore Investments, L.L.C. is proposing a permanent 10,580 square foot exterior access mini warehouse storage building along the west side of 1500 E. Riverside and partially on the northwest corner of 1502 E. Riverside. The storage building would contain approximately 28 individual storage units. Each unit would have its own overhead door to allow for direct access. The units will be offered in multiple sizes to accommodate different needs of customers, ranging from 10 feet by 15 feet to 12 feet by 35 feet. As part of the new proposed building, the parking lot on 1500 E. Riverside would be resurfaced to better serve customers and make the property more attractive to the public. Additionally, the proposed storage building would serve as a screen to the train tracks and rubble piles from the business directly to the west. The parking lot area on the south portion of 1500 E. Riverside would remain open to allow flexibility for the possible construction of a new retail building in the future.

Further, Dyn Sycamore Investments, L.L.C. is seeking a variance in setback requirements in order to build the mini warehouse storage building as depicted in the site plan. This variance is being sought due to the unique shape of 1500 E. Riverside. The dimensions of the parcel make it impractical to build in the northern half of the property with the existing setback requirements. Allowing a variance will allow for better utilization of the available space and it would not be detrimental to the public health, safety, welfare, nor would it be injurious to properties or improvements in the vicinity of 1500 and 1502 E. Riverside.



LEGEND

- BOUNDARY OF PROPERTY
- SECTION LINE
- FENCE LINE
- ROAD RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- UTILITY EASEMENT LINE
- ROAD CENTERLINE
- WATERMAIN
- GAS LINE
- TELEPHONE LINE
- OVERHEAD ELECTRIC LINE
- SANITARY SEWER
- STORM SEWER
- CATCH BASIN
- CLUB INLET
- STORM MANHOLE
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- TELEPHONE RISER BOX
- POWER POLE WITH GUY
- POWER POLE WITH LIGHT
- FOUND STONE
- FOUND RAILROAD SPIKE
- FOUND MONUMENT
- SET 3/8" IRON PIN
- SET P.K. NAIL
- DECEDED / PLATTED DISTANCE
- AS MEASURED
- HAND-ON PARKING SPACE



DAVIDHILL FARM SUBDIVISION, BOOK 22 PLATS, PAGE 74

PARKING SPACES
REGULAR SPACES = 151
HAND-CAP SPACES = 6



SURVEY-TECH
A DIVISION OF C.E.S. IN
PROFESSIONAL DESIGN FIRM LICENSE N
1044 MAPLE COURT ROCKFELL, ILL
(815)-562-8771 FAX: (815)-



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.

1500 and 1502 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: **1500 and 1502 E. Riverside Boulevard**
SUP for mini-warehouse storage w/o outside storage

Chairman

Benjamin Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: May 12, 2022

SUBJECT: A Variance from a required 20 foot rear building setback to a zero rear building setback in the CG (Commercial General) Zoning District.

LOCATION: 1500 and 1502 E. Riverside Boulevard

COMPREHENSIVE PLAN: Commercial Retail Development

ZONING DISTRICT: North: CG (Commercial General)
South: CR (Commercial Retail)
East: CG (Commercial General)
West: CG (Commercial General)

PROPERTY INFORMATION AND RELEVANT FACTS:

Building Setback:
Required: Building setback: 30 feet
Side yard: 5 feet buildings under 25 feet
Rear yard: 20 feet

Both parcels have easements that run through them. The parcels share cross access, sanitary sewer, gas line, and utility easements.

Provided: **1500 E. Riverside Blvd**
The site plan shows new mini-warehouse development with no setback observed.

1502 E. Riverside Blvd
The site plan shows the northwestern portion of the property with mini-warehouse storage units and no setback observed. The development will cross the property line with up to 6 mini-warehouse units being built on this parcel.

Findings: Strict enforcement of the regulation would not result in practical difficulty or unnecessary hardship for the owner of the property. While the lot is irregular, 1500 E. Riverside Boulevard, is undeveloped, which allows the owner to reconfigure the proposed development on this lot. 1502 E. Riverside has been developed since the early 1970's, and observes setbacks for development that are still used today. The western property boundary for 1500 E. Riverside, and the northwestern portion of 1502 E. Riverside are situated directly underneath utility lines. Staff has reached out to ComEd about the proposed development to verify if there was an electrical easement recorded on the property. Commonwealth Edison informed staff that where there are power lines there is almost always a recorded easement for access. Staff was also

informed by ComEd that it is likely that this area was missed when utilities were established in this area of Loves Park. It will be an area they will explore for recording an electrical easement now that they are aware of this. Commonwealth Edison has informed staff that they do not like buildings or structures erected near or under power lines, or in recorded easements. While there are extraordinary circumstances applicable to the properties, it would not be prudent to allow construction to occur so close to the property line. While there is no way to know what kind of easement may be established, the City's code does require a minimum 20 foot setback for the proposed development. The enforcement of the building setback, and the various easements recorded on both properties does deprive the owner of being able to develop the lots, however, these parcels have limited capacity for development that variations to the City's code will not even address.

RECOMMENDATION:	Denial - A Variance from a required 20 foot rear setback to a zero setback in the CG (Commercial General) Zoning District.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	
<u>Vote:</u>	APPROVAL / DENIAL / TABLED
AUDIENCE COMMENTS:	

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.

1500 and 1502 E. Riverside Boulevard

 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: 1500 and 1502 E. Riverside Boulevard
Variance for a 0 foot setback

Chairman
Ben Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: May 11, 2022

SUBJECT:	A Variance from a required 8 foot landscape buffer containing some combination of planted trees, shrub, and plants to no 8 foot landscape buffer containing planted trees, shrubs, and plants in the CG (Commercial General) Zoning District
LOCATION:	1500 and 1502 E. Riverside Boulevard
COMPREHENSIVE PLAN:	Commercial Retail Development
ZONING DISTRICT:	North: CG (Commercial General) South: CR (Commercial Retail) East: CG (Commercial General) West: CG (Commercial General)
PROPERTY INFORMATION AND RELEVANT FACTS:	<p>Both parcels have easements that run through them. The parcels share cross access, sanitary sewer, gas line, and utility easements.</p> <p>Landscaping shall not be installed in any of the existing parking areas for both parcels.</p>
Landscaping Required:	An 8 foot deep landscape buffer with a combination of planted trees, shrubs, ground cover, and plants. It shall be curbed or provide some other protective barrier to the passage of vehicles. Trees shall be required to be planted on interior and exterior of the development based on interior and exterior parking spaces provided.
Provided:	<p>1500 E. Riverside Blvd</p> <p>The site plan does not show any landscaping. The applicant is seeking a variance from the requirement.</p> <p>1502 E. Riverside Blvd</p> <p>The site plan does not show any landscaping. The applicant is seeking a variance from the requirement.</p>
Findings:	Strict enforcement of the regulation would not result in practical difficulty or unnecessary hardship for the owner of the property. 1500 E. Riverside is an undeveloped parcel, with the capacity to meet the landscape requirement. 1502 E. Riverside will be utilized in the overall development of both parcels. Both parcels can meet the landscape requirement with minor restrictions by the Winnebago County Highway Department (WCHD). The WCHD controls and maintains the right-of-way in front of both of these parcels. They have authorized the use of the right-of-way for the installation of the landscaping required for this development as long as the applicant

	does not plant trees. The right-of-way for both parcels has 8 trees that are existing so additional trees will not be necessary. The county right-of-way for this area extends to Riverside Blvd and Forest Hills Road, and continues both northward and southward on Forest Hills Road. Staff doesn't see that there are conditions applicable to the properties that are unique, which do not apply to other properties in the zoning district. Since the WCHD has given authority for the improvements, the applicant can meet the requirement for the establishment of the new business. The applicant has the opportunity to make the improvements to the property, which will enhance the property, and area overall. All new businesses have been required to provide landscaping for their development. Granting a variation for this new business, does nothing to improve the aesthetics of the area or to increase interest for new development. Granting the variation, in the absence of a hardship, would appear to be special privilege, when advanced approval has been granted for the landscape implementation.
RECOMMENDATION:	Denial - A Variance from a required 8 foot landscape buffer containing some combination of planted trees, shrubs, and plants to no 8 foot landscape buffer containing planted trees, shrubs, and plants in the CG (Commercial General) Zoning District
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	
Vote:	APPROVAL / DENIAL / TABLED
AUDIENCE COMMENTS:	

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.

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1500 and 1502 E. Riverside Boulevard

 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.
-
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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: **1500 and 1502 E. Riverside Boulevard**
Variance to required 8 ft landscaping with plants and trees to no landscape buffer with plants and trees

Chairman
Ben Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: April 22, 2022

SUBJECT:	Text Amendment: Chapter 102, Article VI, Signs, Section 102-282, (m), (5), - adding square footage for political signs.
	Increase the total allowable square footage for political signs to make them more visible during election cycles.
Existing:	Political campaign signs or posters announcing candidate seeking public office and/or political issues, and date pertinent thereto, not exceeding nine square feet in area. Political signs shall not be displayed for more than 60 days and shall be removed within 72 hours after election. These shall not be placed on public property.
Proposed:	Political campaign signs or posters announcing candidate seeking public office and/or political issues, and date pertinent thereto, not to exceed 32 square feet in area. Political signs shall not be displayed for more than 60 days and shall be removed within 72 hours after election. The signs shall not be placed on public property
RECOMMENDATION:	Approval: Chapter 102, Article VI, Signs, Section 102-282, (m), (5), - adding square footage for political signs.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	
VOTE:	APPROVAL / DENIAL / TABLED
AUDIENCE	
COMMENTS:	



ZONING BOARD OF APPEALS

Community Development Department

Date: April 22, 2022

SUBJECT:	Text Amendment: Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, Additional regulations; parking, (13), For uses in a residential district.
Existing:	Off-street parking requirement for residential driveways and required permits. For uses in a residential district. Parking spaces accessory to single-family and two-family dwellings shall be located on the same zoning lot as the use served. Spaces accessory to multifamily dwellings and to uses other than dwellings may be located on the same zoning lot or on an adjacent lot.
Proposed:	For uses in a residential district. Parking spaces accessory to single-family and two-family dwellings shall be located on the same zoning lot as the use served. All parking shall be a solid impervious bituminous asphalt or Portland cement concrete, in accordance with standards set forth by the city. New gravel areas for parking are not permissible. No parking area shall be improved or created without obtaining a permit and approval by the city. Spaces accessory to multifamily dwellings and to uses other than dwellings may be located on the same zoning lot or on an adjacent lot.
RECOMMENDATION:	Approval: Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, Additional regulations; parking, (13), For uses in a residential district.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	
VOTE:	APPROVAL / DENIAL / TABLED
AUDIENCE COMMENTS:	