



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
June 16, 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 **May 19, 2022** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
 - A. 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.
 - B. 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.
 - C. 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.
5. New business – None
5. Public participation & comment
6. General discussion
7. Adjournment

Andrew Quintanilla
Zoning Officer

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, MAY 19, 2022
5:30 P.M.
COUNCIL CHAMBERS**

1. CHAIRMAN BEN DANIELSON CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: CHAIRMAN BEN DANIELSON, MADELEINE STUCKY, JASON VANDIVER, CATHY NELSON, JOSEPH GIACONE, LUKE CARLSON, LYNDI TOO HILL

OTHERS PRESENT: ZONING OFFICER - ANDREW QUINTANILLA,
ATTORNEY PHIL NICOLOSI

Mr. Danielson announced that items considered for recommendation at this meeting will be forwarded to the Community Development Committee meeting on May 31, 2022, at 6:15 p.m.

2. MINUTES

Mrs. Toohill moved to approve the minutes from the meeting March 15, 2022. Second by Mr. Carlson. Motion carried by voice vote.

3. ZONING OFFICE REPORT

Mr. Quintanilla introduced a new member to the Zoning Board of Appeals, Madeleine Stucky.

Ms. Stucky indicated that she works in fundraising and grant writing for NIU and she is originally from Oklahoma City.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

A. 4907 HUMMINGBIRD TRAIL – Variance to install an auxiliary parking pad in the front yard building setback in the R1 Zoning District. Appropriate notice has been given.

Mr. Quintanilla explained that the applicants have requested that the application be withdrawn from the Agenda, and the application will be submitted sometime in the future.

Mrs. Nelson moved to lay over a Variance to install an auxiliary parking pad in the front yard setback in the R1 Zoning District for the property known as 4907 Hummingbird Trail. Second by Mrs. Toohill.

MOTION APPROVED 6-0

Items B, C, and D were discussed and voted on together.

C. 1500 AND 1502 E. RIVERSIDE BLVD. – Variance from a required 20 ft rear setback to a zero setback in the CG Zoning District. Appropriate notice has been given.

D. 1500 AND 1502 E. RIVERSIDE BLVD. – Variance from a required 8 ft landscape buffer containing some combination of planted trees, shrubs, and plants to no 8 ft landscape buffer containing planted trees, shrubs, and plants in the CG Zoning District. Appropriate notice has been given.

B. 1500 AND 1502 E. RIVERSIDE BLVD. – Special Use Permit to allow 28 mini-warehouse storage units with no outside storage in the CG Zoning District. Appropriate notice has been given.

Marvin Keys, 6801 Spring Creek Road, Rockford, IL 61114 was sworn in as Petitioner and indicated that he is seeking a Special Use Permit to allow a 28 mini-warehouse storage unit. He is also seeking a Variance in rear setback and a Variance in a landscape buffer. Mr. Keys stated he would like to lay over the petition so that further discussion can take place with the Mayor and staff.

Mrs. Nelson moved to lay over the above Items B, C, and D, regarding 1500 and 1502 E. Riverside Blvd. Second by Mrs. Stucky.

MOTION APPROVED 6-0

Mr. Quintanilla indicated that a special meeting will be held to consider these items, which is tentatively scheduled for June 6, 2022.

E. TEXT AMENDMENT - Chapter 102, Article VI, Signs, Section 102-282, (m), (5), adding square footage for political signs. Appropriate notice has been given.

Mr. Quintanilla indicated that this text amendment will address the square footage of political signs in the Code of Ordinances.

Mrs. Nelson moved to approve a text amendment for Chapter 102, Article VI, Signs, Section 102-282, (m), (5), adding square footage for political signs, noting that square footage is measured on all faces of the sign and sign may not be placed on public right of ways or private property with the consent of the owner. Second by Mrs. Toohill.

MOTION APPROVED 5-0

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.

Mr. Quintanilla indicated that this text amendment will address driveways that are built with gravel.

Mrs. Nelson moved to approve a text amendment for Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, Additional regulations; parking (13), for uses in a residential district. Second by Mrs. Toohill.

MOTION APPROVED 6-0

6. PUBLIC PARTICIPATION AND COMMENT

None

7. GENERAL DISCUSSION

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

Sheila Mills, Secretary



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: June 13, 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 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 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 provide limited landscaping across both parcels.

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. No office

will be located on site.

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 establishment of the special use may impact future development. Indoor storage units are available across the street. That use has no outdoor storage and has operated without any complaints. Staff does have concern about how quickly the property will deteriorate if outside storage is established. Outdoor storage should not be permitted for this reason. Staff also has concern about how close to the property line the structures will be. ComEd strongly discourages building under or around utility lines. The City attorney should notify ComEd that the City of Loves Park intends to issue permits for construction of the mini-warehouse units, unless they can cite some statutes or other code, which would prevent the city from issuing the permits. Some acknowledgement from the land owner should be required that states DYN assumes sole liability for any issues, problems, or rights that ComEd may have as a result of the power lines. That the City of Loves Park shall not be responsible for the removal, replacement, or incur financial costs associated with the development, as a result of the establishment of the special use.

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. No dumpster enclosure shall be required.
3. The Special Use Permit may 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 be mounded and span both frontages, and provide some protective barrier to the passage of vehicles. No trees or interior landscape islands shall be required. The property owner shall be responsible for the maintenance, repair, and replacement of all the landscape materials. This includes the eight (8) existing trees and all of the staff proposed landscaping. The plant materials and landscape beds shall be tended to and maintained in a healthy growing condition free from refuse, debris, and weeds at all time. The landscaping shall be implemented within 30 days of the approval of the special use. The mini-warehouse establishment shall not be allowed to open to the public until all of the landscaping has been completed and approved by the Zoning Officer.
5. No outside storage shall be allowed as part of this special use permit.
6. The development 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.
7. 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.
 8. Building over the property lines shall not be allowed. The eight structures that cross the parcel line, as presented, shall not be required to observe the 20 foot rear building setback once both parcels have been combined into a single lot.
 9. The special use permit shall be renewed 1 year from the date of the approval by City Council.
 10. The owner of the property shall provide the City of Loves Park a signed acknowledgment, prepared by the city attorney, that if there are any issues that arise as a result of the establishment of the special use, that the land owner is solely responsible to remediate the issues and cover all costs associated with the remediation. The signed acknowledgement shall be provided to the city within 2 weeks of the approval of the special use.
 11. Any changes to the site plan will require amending the special use permit to reflect all changes.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote:

APPROVAL / DENIAL / TABLED

**AUDIENCE
COMMENTS:**

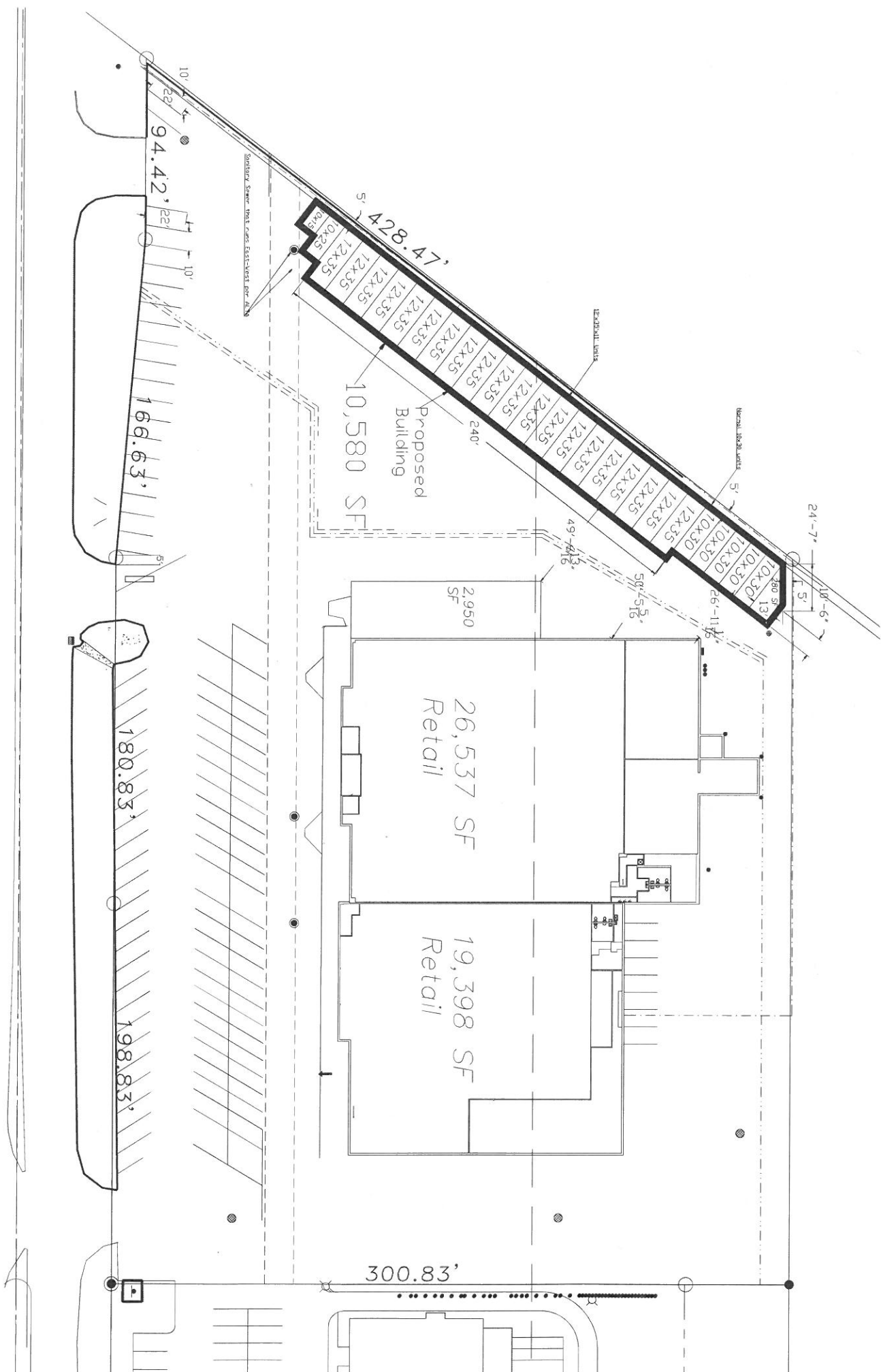
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Narrative

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.

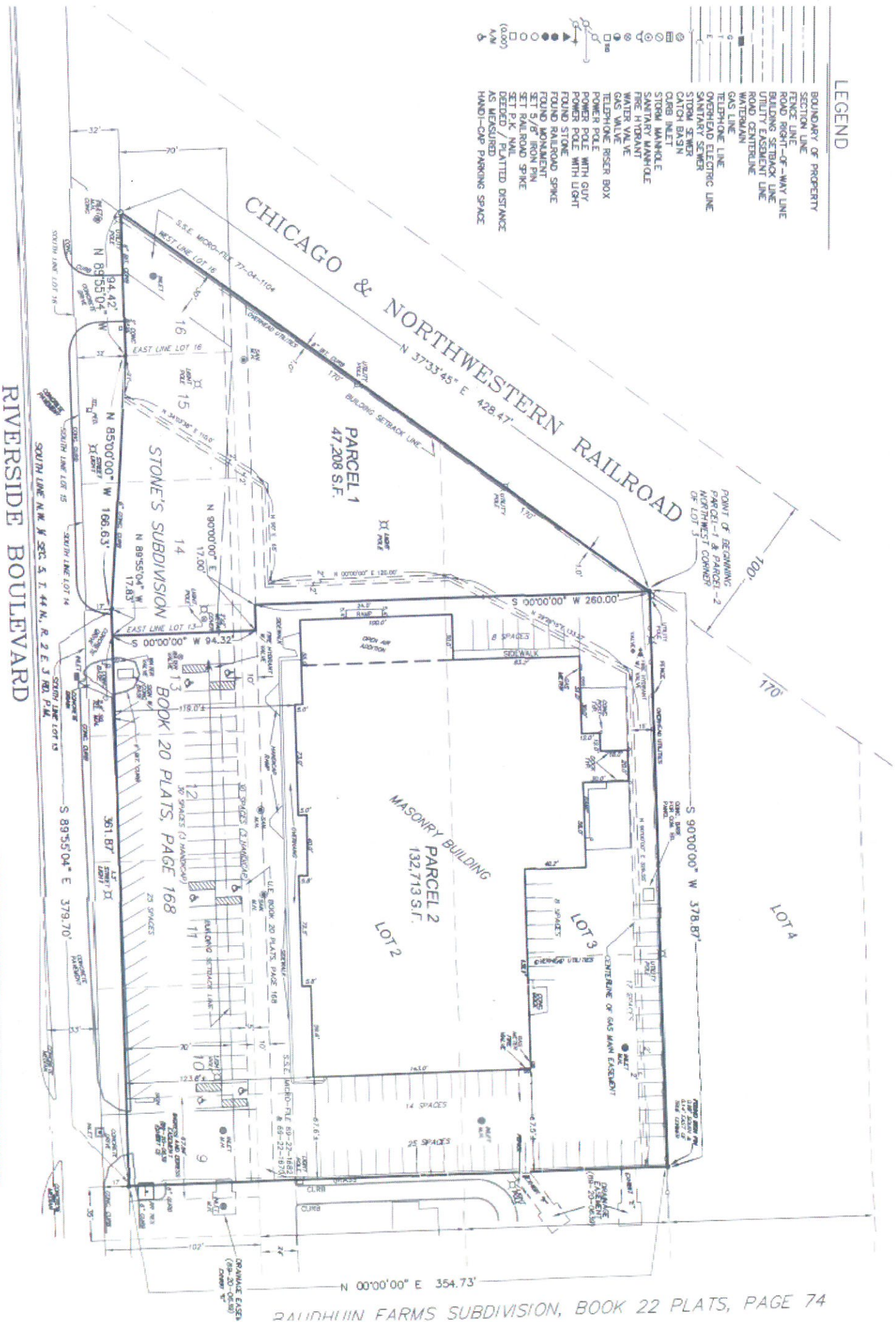
Dyn Sycamore Investments, L.L.C. is proposing a permanent 10,580 square foot exterior access mini warehouse storage building along the west side of 1500 E. Riverside and partially on the northwest corner of 1502 E. Riverside. The storage building would contain approximately 28 individual storage units. 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



RIVERSIDE BOULEVARD

PARCEL 1
47,208 S.F.

PARCEL 2
132,713 S.F.

STONE'S SUBDIVISION

BOOK 20 PLATS, PAGE 168

PARKING SPACES
REGULAR SPACES = 151
HAND-ON 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)-

Credit to: Metropolitan Tube Agency, LLC, DYN Syntec Investments, LLC

[illegible]

EXPIRES 11-30-2022

THIS PROFESSIONAL SERVICE CONFORMS WITH THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

LEGAL DESCRIPTION AS RECORDED AND SURVEYED:

Plans of Lot 1 and Three (3) are displayed upon the Plan of Batastun Farms Subdivision, the Plan of which subdivision is recorded in Record 22 of Plats on Page 74 in the Recorder's Office of Washington County, Illinois and part of Lots One (1), Two (2), Four (4) and Five (5) and Street (6) as designed upon the Plan of Stone's Subdivision of Lot 1 of said Batastun Farms Subdivision, the Plan of said Stone's Subdivision is recorded in Book 20 of Plats on Page 168 in said Recorder's Office, recorded and described as follows, to-wit:

[illegible][illegible][illegible]

Dated this 28th day of October, 2021 ☒ at the office of Surveyor-Tech

Dale E. Wallace, Illinois Professional
Land Surveyor No. 35-2831

LEGEND


- | | |
|-----|------------------------------|
| 1 | BOUNDARY OR PROPERTY LINE |
| 2 | EVIDENCE LINE - SEE ANY LINE |
| 3 | BOUNDARY OF ADJACENT LOT |
| 4 | BOUNDARY OF ADJACENT LOT |
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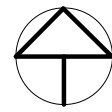
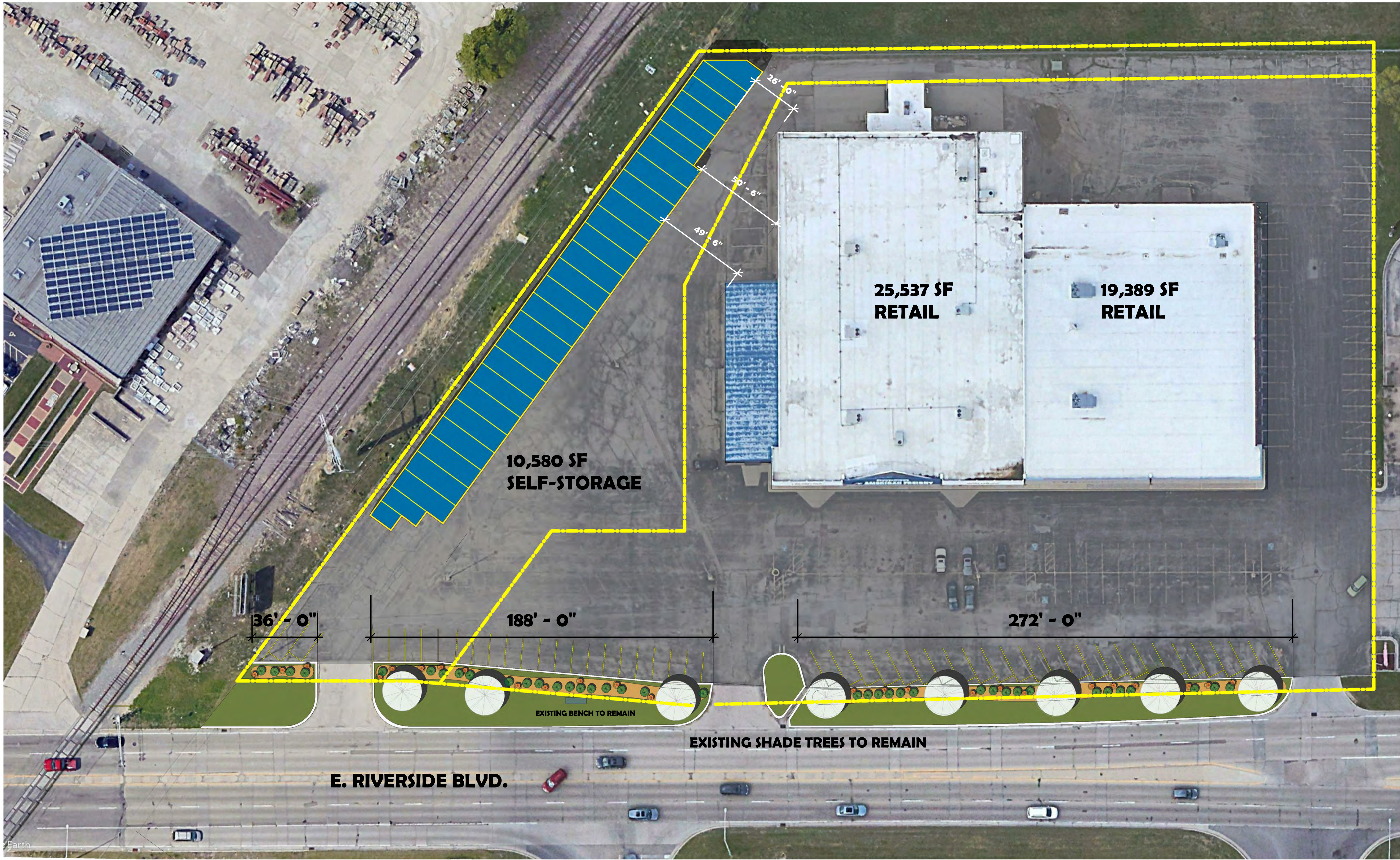


Reorder
FAGE MINTS
LOT 4

BAUDHUIN FARMS SUBDIVISION, BOOK 22 PLATS, PAGE 74

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

	
SURVEY-TECH A DIVISION OF C.T.S. INC. PROFESSIONAL RESIDENT FORMAL LICENSE NO. 104A WARE COURT APODLETT, ILLINOIS 61048 (815)-862-8771 FAX (815)-862-6555 DRIVEN BY: DCW REVISIED:	
DATE: 10-06-2021	SCALE: 1" = 40'
FIRST MIDWEST GROUP	
FB: MW-005 ACAD: 52-046-AL1A	TITLE NUMBER: 5246
WINNEBAGO COUNTY	



LANDSCAPE PLAN - 1502 E. RIVERSIDE BLVD. STORAGE FACILITY

SCALE: 1" = 30'-0"

- 500' X 8'-0" WIDE MULCHED PLANTING BED - PREMIUM DOUBLE-PROCESSED CHOCOLATE MULCH (TYPICAL)
- (38) "GREEN SEA JUNIPER" - JUNIPERIS CHINENSIS - 3-GALLON BUCKET-SIZED - SPACED APPROX. 12'-0" APART
- (25) "KARL FOERSTER GRASSES" - CALMAGROSTIS X ACUTIFLORA - 3 GALLON BUCKET-SIZED - SPACED APPROX. 20'-0" APART

DATE: 06.10.22

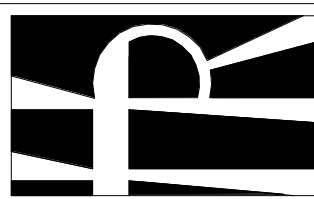


EXPIRES: 11.30.22

Revisions

Drawn by	1.	2.	3.	4.	5.
HR	HR	HR	HR	HR	HR
Checked by					
copyright	2022				

Helmuth Redschlag - Architect
636 Garfield Avenue
Rockford, Illinois 61103
815 - 262 - 6270
ham3600@bcglobal.net



LANDSCAPE EXHIBIT - E RIVERSIDE SELF-STORAGE

Project number

Date

06.10.22

L1.0
of
Scale 1" = 30'-0"

6/10/2022 9:58:22 AM

Landscape proposed:

500' X 8'-0" WIDE MULCHED PLANTING BED - PREMIUM DOUBLE-PROCESSED CHOCOLATE MULCH (TYPICAL)

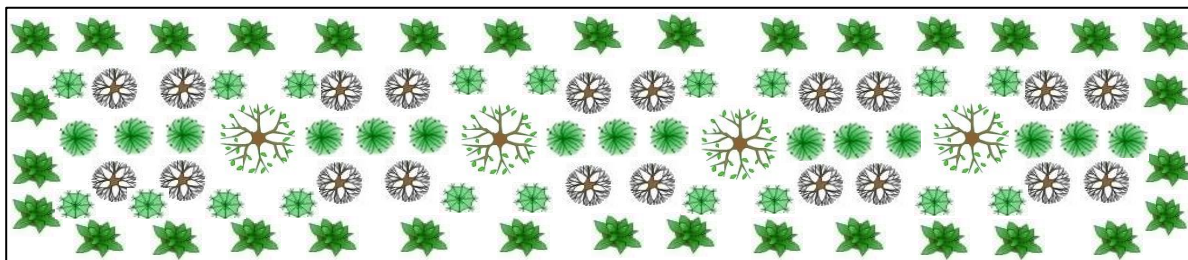
(39) "GREEN SEA JUNIPER" - JUNIPERIS CHINENSIS - 3-GALLON BUCKET-SIZED - SPACED APPROX. 12'-0" APART

(25) "KARL FOERSTER GRASSES" - CALMAGROSTIS X ACUTIFLORA - 3 GALLON BUCKET-SIZED - SPACED APPROX. 20'-0" APART

Staff proposal

- 1 (100) Karl Foerster Grasses - 3 Gallon Bucket Sized, spaced approx 2'- 0" apart (centrally placed at 4 feet within the berm)
- 2 500'- 0" Wide x 8'- 0" Deep, (mounded and mulched) planting bed - Premium double processed chocolate mulch.
- 3 (100) American Halo Hosta - 3 Gallon Bucket Size, spaced approx 2'- 0" apart (located on the parimeter of each bed, on all sides.
- 4 (100) Summerific Hardy Hibiscus - 3 Gallon Bucket Size, space 5' - 0" apart
- 5 (100) Stella D'oro Daylily - 3 Gallon Bucket Size, space 5' - 0" apart

Landscape beds shall follow this planting scheme



(8) Trees are existing and shall remain



Karl Foerster Grasses shall be planted internally



Summerific Hardy Hibiscus shall be planted internally



Stella D'oro Daylily shall be planted internally



American Halo Hosta shall be planted around the parimeter



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: June 13, 2022

SUBJECT: A Variance from a required 5 side yard building setback to a zero foot side yard 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 indication of a 5 foot side yard 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 5 foot side yard 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 5 foot side yard building setback to a zero foot side yard setback 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.

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.
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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 for a 0 foot setback

Chairman
Ben Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: June 13, 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 The site will include some landscaping.</p> <p>1502 E. Riverside Blvd The site will include landscaping.</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:**

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Recommended Findings of Fact of City Staff based on the information provided by the applicant

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1500 and 1502 E. Riverside Boulevard

 ZBA

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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