



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
September 21, 2023

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 **August 17, 2023** meeting
3. Report from the Zoning Office – None
4. Unfinished business – None
5. New business –
 - A. 6093 Valhalla Drive** – A Variance to install an accessory parking pad in front of the garage in the R1 (Single Family Residential) Zoning District.
 - B.** Annexation of the property commonly known as 6405 Harlem Road (PIN: 08-34-127-005)
 - C.** Annexation of the property commonly known as 6453 & 64XX Harlem Road (PIN(s): 08-34-127-009 & 08-34-127-021)
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer



Minutes of the Loves Park Zoning Board of Appeals

Date: August 17, 2023 Time: 5:30 P.M.

1. Chairman: Benjamin Danielson call the meeting to order at: 5:35 PM

Members Present:	<u>Benjamin Danielson</u>	<u>Rhonda Taylor</u>
	<u>Luke Carlson</u>	<u>Nathan Kutz</u>
	<u>Cathy Nelson</u>	<u>Don Daniels</u>

Members Absent:	<u>Frank Laudicina</u>	<u></u>
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Others Present	<u>Andrew Quintanilla (Staff)</u>	<u></u>
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Mr. Danielson informed petitioners of the second meeting (CDC) in the process to be held on **September 5, 2023** in Council Chambers here at Loves Park City Hall, at 4:30 PM.

2. Minutes

Mrs. Nelson moved to approved the minutes from the **July 20, 2023** meeting, with the addendum to general discussion towards the close of the meeting to include that discussion on training was discussed. Mrs. Taylor second the motion. Motion carried by vote.

3. Zoning Office Report - None

4. Unfinished Business - None

5 New Business

A. Text Amendment - Chapter 102, Zoning, Section 102-9, Definitions, Box Market

Petitioner: Staff

GENERAL DISCUSSION:

Staff explained that both items A and B are related and part of the same request, but should be voted on separately.

Staff indicated that a handout was provide for frame of reference. Staff explained that a few months ago the board approved a text amendment for corrugated metal shipping containers. Staff also explained that Lino's Pizza, located on Riverside Blvd., is presently using one, however the current zoning code did not address using these structures for commercial purposes.

Staff explained that the City had adopted a plan that included area in the vicinity of Sportscore 2 for the development of a box market. The box market would include shipping containers that would be retrofitted to support small starter businesses within the City. Staff also stated that the box market would include smaller food

offerings, retail, entertainment, with room for cultural and civic opportunities. Staff also indicated that ahead of adopting the International Building Code that regulates how these structures may be retrofitted, the City wanted to get some clarification of what a box market is, and that they would only be permitted as part of a Planned Unit Development (PUD). Specifically, that the City wanted to place the use in the E. Riverside/I90 Overlay District.

Mr. Daniels asked how Lino's was able to establish the shipping container, and if they were moving forward on the development of the actual building. He also asked if utilizing the container was beneficial to Lino's at this stage located and what the City's perspective was on how it was established.

Staff indicated that Lino's Restaurant was in plan review for the development of the building, and that the metal shipping container was a short term prospect while plan review was being completed.

Mrs. Nelson stated that Lino's is working on the building and has made use of the pole back at the rear of the building. She stated that it would appear that he has been very successful and profitable operating with limited capacity and almost no overhead. She stated that Lino's is a staple in Rockford, and welcomed the business to Loves Park and in this area where restaurants are lacking.

Mr. Carlson asked how does this changed what was previously passed.

Staff stated that the City's code does not have any terminology in place for this type of use, and how they would be utilized for development in the City. Staff stated that it was important to have a generalized definition of a box market in the City's code, as well as, placing the use (as retrofitted uses) in the overlay, which would coincide with how the City wanted the area to develop. Staff also stated that there will be a mixed variety of food service, on a smaller scale, some office, entertainment, and the capacity for restaurants. While nothing concrete has been determined, all options for the development are being considered.

Mr. Daniels indicated that Ironworks in Beloit has been extensive use of box containers in their shared office space. He said it was interesting and resourceful. He also stated that it was an interesting approach using an existing facility.

Mrs. Nelson stated that Ironworks usage for office was cut. Metal containers were split, and utilized inside of an existing structure, but had sliding doors attached to the containers. She also stated that it appeals to single man businesses affordability for establishing office space without the overhead.

Discussion on smaller, affordable options for business owners who wish to utilize the box market as a start to get a business off the ground.

Mrs. Nelson stated that what was happening this evening is that they were voting on defining what a box market is, and allowing it to develop in the overlay.

Mrs. Taylor asked if the metal containers would be rented by the square footage.

Mrs. Nelson remarked, that those options would generally fall under a single company who would oversee the functions of the space similar to that of an outside shopping mall, which could have various uses.

Mr. Daniels remarked on the development of the area where Rockford City Market is located, and how the area is used all summer, with office and residential development situated near by. He also stated how reusing these structures would be good given that the developer is taking something unrelated to use for this purpose and extending the life of these containers.

Staff stated that the materials provided paint a picture of how Community Development saw this area for development. Staff also stated that when a finalized plan was ready to be approved through the ZBA and City Council, that plan would have a significant amount of information for both bodies to review for approval.

BOARD DISCUSSION:

No board discussion. Discussion under General Discussion

NO OBJECTORS PRESENT

Mrs. Nelson made a motion to approve a text amendment for Chapter 102, Zoning Section 102-9, Definitions, Box Market as presented. Mr. Daniels second the motion.

MOTION APPROVED: 5-0

B. Text Amendment - Chapter 102, Zoning, Section 102- 338, E. Riverside/I90 Overlay (d), Permitted Uses, (6), Box Market

Petitioner: Staff

NO OBJECTORS PRESENT

Mrs. Nelson made a motion to approve a text amendment for Chapter 102, Zoning, Section 102-338, E. Riverside/I90 Overlay, (d), Permitted Uses, (6) Box Market as presented.

MOTION APPROVED: 5-0

6. Public Participation and Comment

None

7. General Discussion

Mr. Daniels asked if the City had any sense of projects on the horizon that, specifically

the Riverside corridor.

Staff stated, at present, no. Staff also stated that the car wash planned for N. Second Street and Theodore Street is in development. Staff was was working with the developer on outstanding issues with the site plan.

Staff stated that Arbys was planning development in the E. Riverside Corridor, but as of yet, our office did not have anything in plan review.

Staff stated the he had met with Mr. Kutz and Mrs. Taylor to review one part aspect of a zoning request. Staff is working on setting up a training session. Staff has reached out to a former member of the zoning board to do a summation of the process.

Mr. Danielson stated that he would be open to a discussion for an overview with Alise Howlet. Staff indicated that he had reached out to her regarding the prospect, but had yet to get any confirmation.

Mr. Carlson moved that the meeting be adjourned. Second by Mr. Kutz. Motion carried by vote. The meeting adjourned at 6:33 p.m.

Secretary, Andrew Quintanilla



ZONING BOARD OF APPEALS

Community Development Department

Date: September 21, 2023

SUBJECT:	A Variance to install an auxiliary parking pad in front of the garage, and alongside of the existing driveway in the R1 (Single Family Residential) Zoning District.
LOCATION:	6093 Valhalla Drive
ZONING DISTRICT:	<p>North R1 (Single Family Residential)</p> <p>South R1 (Single Family Residential)</p> <p>East R1 (Single Family Residential)</p> <p>West R1 (Single Family Residential)</p>
PROPERTY INFORMATION:	
Requirement for R1:	A driveway is a solid impervious surface used for direct access from a public street, alley, or thoroughfare, which connects to a garage. Where no garage or other structure exists, the driveway shall be the area where primary access is provided onto the property. Auxiliary parking 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 structure intended to house a vehicle for private off-street parking.
Provided: N. Second Street	The driveway is roughly 20 feet. The applicant installed an auxiliary parking pad that does not lead to an existing dwelling, garage or other structure intended to house a vehicle.
Findings:	
1	Strict interpretation of the regulation would result in practical difficulty to the property owner. The property owner has made an improvement to the property, in the same manner that many other residents have improved their properties.
2	The property owner does have conditions applicable to the property that do not apply to other properties in the area. The property owner has an irregular lot, which can limit the homeowners ability to make improvements to the property.
3	Strict or literal interpretation would not deprive the applicant of privileges enjoyed by other property owners in the area, Because the lot is irregular the homeowner does have a basis for the request. Overcoming challenges imposed by the property can deprive the landowner of his ability to make improvements to the property.
4	Granting the variance for the improvements does not constitute special privilege. Each property owner has the ability to petition the City for improvements to overcome obstacles that are inherent with a parcel.
5	The granting of the variation will not have an impact to the public health, safety, or welfare to other properties in the vicinity. The nature of the request is for auxiliary parking. Auxiliary parking does not generally impact the public or adversely impact the safety and welfare of residential district.

RECOMMENDATION:

Approval

A Variance to install an auxiliary parking pad in front of the garage, and alongside of the existing driveway in the R1 (Single Family Residential) Zoning District.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

AS PRESENTED / AMENDED / N/A

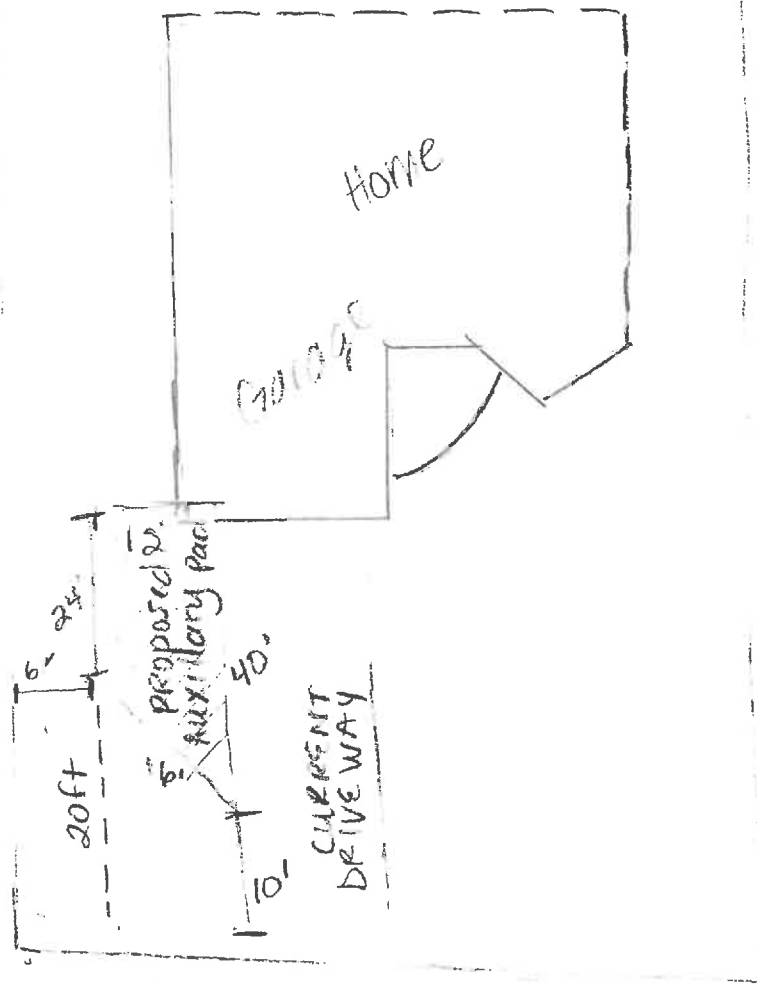
AUDIENCE COMMENTS:



PARCEL NUMBER:	08-34-304-011
ADDRESS:	6093 VALHALLA DRIVE
ZONING DISTRICT:	R1 (SINGLE FAMILY)
APPLICANT:	ROB AND ALEXIS SKAGGS 6093 VALHALLA DRIVE LOVES PARK, ILLINOIS 61111
PETITIONER:	ROB AND ALEXIS SKAGGS 6093 VALHALLA DRIVE LOVES PARK, ILLINOIS 61111

6093 valhalla Drive Loves Park IL 61111

variance
question
→



- 10ft from home edge
- 12ft from connected driveway.
- 10ft from road on furthest angle
- 20ft from top of bottom angle from street
- 6ft from property line to proposed.
- 40ft along current driveway.

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.

6093 Valhalla Drive

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: **6093 Valhalla Drive**
Auxiliary parking pad

Chairman
Ben Danielson

Signature

Date

TO THE MAYOR AND COUNCIL OF
THE CITY OF LOVES PARK, WINNEBAGO COUNTY, ILLINOIS

PETITION FOR ANNEXATION

THE PETITIONER, ARNOLD M. ROSEN, TRUSTEE OF THE ARNOLD M. ROSEN TRUST #98, TITLEHOLDER TO THE PROPERTIES HEREAFTER IDENTIFIED, RESPECTFULLY REPRESENTS:

- A. That Petitioner owns a parcel of land commonly known as 6405 E. HARLEM ROAD located in Winnebago County, Illinois (hereinafter referred to collectively as the "ANNEXATION PROPERTY").
- B. The ANNEXATION PROPERTY, comprised of PIN 08-34-127-005 is legally described in Exhibit A, attached hereto and incorporated herein.
- C. The ANNEXATION PROPERTY is not situated within the limits of any municipality and is (or will be) contiguous to the present boundaries of the City of Loves Park and otherwise complies with the statutory requirements for annexation. This petition for annexation will remain in effect until such time that the property shall become contiguous.
- D. Electors residing on the property are Petitioner and Kathleen Kelly, both of whom are willingly signing this Petition for Annexation as Electors.
- E. Petitioner certifies he, as Trustee, has the lawful authority to file this Petition and has provided a Certification of Trust attached hereto and incorporated herein as EXHIBIT B.

PETITIONER RESPECTFULLY REQUESTS:

- 1. The ANNEXATION PROPERTY be annexed to the City of Loves Park, pursuant to Section 7-1-8 of Chapter 65 of the Illinois Compiled Statutes of the State of Illinois.
- 2. That such other action be taken as appropriate.

Dated this 10th day of September, 2023.



Arnold M. Rosen, Trustee,
Petitioner and Elector



Kathleen Kelly, Elector

ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF WINNEBAGO)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT Arnold M. Rosen, as Trustee of the Arnold M. Rosen Trust #98, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such he signed and delivered the foregoing instrument as his free and voluntary act and the free and voluntary act of the Arnold M. Rosen Trust #98, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 10 day of September, 2023.



Patricia M Jacobson
NOTARY PUBLIC

EXHIBIT A
LEGAL DESCRIPTION

Plat of Annexation to be filed with Winnebago County Clerk upon approval.

PIN: 08-34-127-005; 6405 E. Harlem Road

LEGAL DESCRIPTION:

LOT FIVE (5) AS DESIGNATED UPON THE PLAT OF COLVILLE SUBDIVISION, BEING A PART OF SECTION 34, TOWNSHIP 45 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, THE PLAT OF WHICH IS RECORDED IN BOOK 20 OF PLATS ON PAGE 143 IN THE RECORDER'S OFFICE OF WINNEBAGO COUNTY, ILLINOIS; SITUATED IN THE COUNTY OF WINNEBAGO AND STATE OF ILLINOIS.


EXHIBIT B
CERTIFICATION OF TRUST

CERTIFICATION OF TRUST
Arnold M. Rosen Trust #98

The undersigned, Arnold M. Rosen, does hereby certify the following:

1. This Certification of Trust relates to the Arnold M. Rosen Revocable Trust of 2011 (the "Trust Agreement").
2. The name of the Grantor of the Trust is Arnold M. Rosen.
3. The name of the original Trustee and current Trustee of the Trust is Arnold M. Rosen ("Trustee").
4. The Trust Agreement is revocable and may be amended.
5. The powers of the Trustee as set forth in the Trust Agreement include the power and authority to sign all documents which need to be signed by the Trust.
6. The undersigned hereby represents that the statements contained in this Certificate of Trust are true and correct.
7. This Trust has not been revoked, modified, or amended in any manner which would cause the representations in this Certification of Trust to be incorrect.

Dated this 6 day of September 2023.



Arnold M. Rosen, Grantor and Trustee

**ANNEXATION PLAT
OF
LANDS ANNEXED TO THE CITY OF LOVES PARK, ILLINOIS
UNDER ORDINANCE NO. _____
2023**

AREA TO BE ANNEXED

I HEREBY CERTIFY THAT THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF LANDS ANNEXED TO THE CITY OF LOVES PARK, ILLINOIS BY ORDINANCE NO. _____ PASSED BY THE LOVES PARK CITY COUNCIL ON _____



MAYOR _____

CITY CLERK _____

SCALE 1" = 300'

PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1515 WINDSOR ROAD LOVES PARK, ILLINOIS 61111
(815) 633-5097 (815) 633-4593 (FAX)
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
SEPTEMBER 14, 2023 JOB NO. 14755

TO THE MAYOR AND COUNCIL OF
THE CITY OF LOVES PARK, WINNEBAGO COUNTY, ILLINOIS

PETITION FOR ANNEXATION

THE PETITIONER, WALTER D. REED, TRUSTEE OF THE WALTER D. REED REVOCABLE TRUST OF 2011, TITLEHOLDER TO THE PROPERTIES HEREFTER IDENTIFIED, RESPECTFULLY REPRESENTS:

- A. That Petitioner owns two parcels of land commonly known as 6453 E. HARLEM ROAD and 64XX HARLEM ROAD, each being located in Winnebago County, Illinois (hereinafter referred to collectively as the "ANNEXATION PROPERTY").
- B. The ANNEXATION PROPERTY, comprised of PIN(s) 08-34-127-009 and 08-34-127-021, is legally described in Exhibit A, attached hereto and incorporated herein.
- C. The ANNEXATION PROPERTY is not situated within the limits of any municipality and is (or will be) contiguous to the present boundaries of the City of Loves Park and otherwise complies with the statutory requirements for annexation. This petition for annexation will remain in effect until such time that the property shall become contiguous.
- D. Petitioner for the ANNEXATION PROPERTY is the sole elector residing on PIN 08-34-127-009 and is willingly signing this Petition for Annexation, while PIN 08-34-127-021 has no electors residing thereupon.
- E. Petitioner certifies he, as Trustee, has the lawful authority to file this Petition and has provided a Certification of Trust attached hereto and incorporated herein as EXHIBIT B.

PETITIONER RESPECTFULLY REQUESTS:

- 1. The ANNEXATION PROPERTY be annexed to the City of Loves Park, pursuant to Section 7-1-8 of Chapter 65 of the Illinois Compiled Statutes of the State of Illinois.
- 2. That such other action be taken as appropriate.

Dated this 8 day of September, 2023

Walter D. Reed
Walter D. Reed, Trustee,

Petitioner

ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF WINNEBAGO)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT Walter D. Reed, as Trustee of the Walter D. Reed Revocable Trust of 2011, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such he signed and delivered the foregoing instrument as his free and voluntary act and the free and voluntary act of the Walter D. Reed Revocable Trust of 2011, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 8 day of September, 2023.

Patricia M Jacobson
NOTARY PUBLIC



EXHIBIT A
LEGAL DESCRIPTION

Plat of Annexation to be filed with Winnebago County Clerk upon approval.

PIN: 08-34-127-009; 6453 E. Harlem Road

LEGAL DESCRIPTION:

PART OF LOT SEVEN (7) AS DESIGNATED UPON THE PLAT OF COLVILLE HEIGHTS PART OF SECTION 34-45-2, THE PLAT OF WHICH IS RECORDED IN BOOK 20 OF PLATS ON PAGE 143 IN THE RECORDER'S OFFICE OF WINNEBAGO COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT SEVEN (7); THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT SEVEN (7), ONE HUNDRED FIFTY (150) FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID LOT SEVEN (7); THREE HUNDRED (300) FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERLY LINE OF SAID LOT SEVEN (7), ONE HUNDRED FIFTY (150) FEET TO THE EAST LINE OF SAID LOT SEVEN (7); THENCE NORTH ALONG THE EAST LINE, THREE HUNDRED (300) FEET TO THE PLACE OF BEGINNING; SITUATED IN THE COUNTY OF WINNEBAGO AND STATE OF ILLINOIS.

PIN: 08-34-127-021; 64XX E. Harlem Road

LEGAL DESCRIPTION:

A PART OF LOT SEVEN (7) AS DESIGNATED UPON THE PLAT OF COLVILLE HEIGHTS SUBDIVISION, BEING A PART OF SECTION 34, TOWNSHIP 45 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, THE PLAT OF WHICH IS RECORDED IN BOOK 20 OF PLATS ON PAGE 143 IN THE RECORDER'S OFFICE OF WINNEBAGO COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH BEARS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 300.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT, 50.85 FEET; THENCE SOUTH 79 DEGREES 32 MINUTES 00 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT, 150.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 50.85 FEET; THENCE NORTH 79 DEGREES 32 MINUTES 50 SECONDS EAST, PARALLEL, WITH THE NORTH LINE OF SAID LOT, 150.00 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF WINNEBAGO AND STATE OF ILLINOIS.

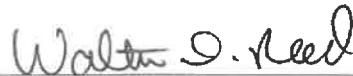
EXHIBIT B
CERTIFICATION OF TRUST

CERTIFICATION OF TRUST
Walter D. Reed Revocable Trust of 2011

The undersigned, Walter D. Reed, does hereby certify the following:

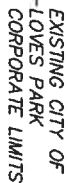
1. This Certification of Trust relates to the Walter D. Reed Revocable Trust of 2011 (the "Trust Agreement").
2. The name of the Grantor of the Trust is Walter D. Reed.
3. The name of the original Trustee and current Trustee of the Trust is Walter D. Reed ("Trustee").
4. The Trust Agreement is revocable and may be amended.
5. The powers of the Trustee as set forth in the Trust Agreement include the power and authority to sign all documents which need to be signed by the Trust.
6. The undersigned hereby represents that the statements contained in this Certificate of Trust are true and correct.
7. This Trust has not been revoked, modified, or amended in any manner which would cause the representations in this Certification of Trust to be incorrect.

Dated this 8 day of September 2023.



Walter D. Reed, Grantor and Trustee

2023



AYOR

TY CLERK

SCALE 1" = 300'

SEPTEMBER 14, 2023 JOB NO. 14755

R.K. JOHNSON & ASSOCIATES, INC.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
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