

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, January 12, 2021
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

Carl Gnewuch, CHM
Natalie Mulhull, VCHM
Andrew Racz
Paul Engelman
Robert Cantrell
Art Hyland
Alissa Maher

Staff:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant

MINUTES: Approve the minutes of the December 8, 2020 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2021-01; Snow, 409 W. Jackson Street: Application of Dan and Teresa Snow, 409 West Jackson Street, Belvidere, IL on behalf of the property owner, Teresa Snow, requesting a variance at 409 West Jackson Street within the SR-6, Single-family Residential-6 District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Front or Street Side Lot Line to House: 20 feet, 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Side Lot Line to House or Attached Garage: 6 feet and 150.909 Variance Review). The variance will allow for the required front yard setbacks to be reduced from 20 feet to 9 feet along Berylan Street and from 20 feet to 17 feet along Jackson Street and the side yard setback to be reduced from 6 feet to 2 feet along the eastern property line to allow for the existing house to be brought into compliance and potential future reconstruction if need be. PIN: 05-26-181-009

Staff (Approval); PZC ()

OTHER BUSINESS: None.

DISCUSSION:

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday December 8, 2020

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Carl Gnewuch, Chair
Natalie Mulhall, VCHM
Paul Engelman
Andrew Racz
Art Hyland
Alissa Maher
Robert Cantrell

Staff Present:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant
Mike Drella, City Attorney

The meeting was called to order at 6:00 p.m.

MINUTES: It was moved and seconded (Mulhall/Cantrell) to approve the minutes of the November 10, 2020 meeting. The motion carried with a 7-0 voice vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-10; Caldwell, 120 Buchanan Street: Application of property owner, Russell Caldwell, 8642 US Highway 20, Garden Prairie, IL 61038 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 120 Buchanan Street, Belvidere, IL (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Uses Review and Approval Procedures) in the CB, Central Business District on approximately 1,200 square feet.

The public hearing opened at 6:01 p.m.

Gina DelRose was sworn in. Ms. DelRose stated that certified mailings went out to surrounding property owners on November 17, 2020 and the case was published in the Boone County Journal on November 20, 2020. Ms. DelRose summarized the staff report dated December 2, 2020.

Ms. DelRose stated the Firebox Restaurant and Pizzeria opened in 2019, composed of two buildings and a shared outdoor patio. The applicant is requesting to remove the tables on the west side of the restaurant and install video gaming machines to be monitored by his staff. Due to the Covid-19 mitigation efforts, restaurants and bars

have seen multiple restrictions placed on them such as limited hours of operation, capacity and types of services allowed. These limitations have greatly impacted the ability for some businesses to prosper. The applicant is requesting video gaming in hopes of creating another revenue source to help offset the declining sales his establishments have suffered. The State has allowed restaurants and bars to remain open so that their video gaming machines could still be operational. This gives businesses with video gaming machines an advantage over others.

There is no on-site parking but Buchanan Street and Whitney Boulevard provide limited on-street parking for patrons in addition to three municipal parking lots within 300 feet of the subject property. Due to existing lot sizes, age and layout of the existing buildings and the intention to be pedestrian-friendly, on-site parking is not required in the Central Business District.

The addition of video gaming machines will not be noticeable from the outside (except for possible signage) and is not anticipated to negatively impact these land uses. Operating businesses, instead of vacant storefronts, is beneficial to all adjacent properties.

The planning staff is not aware of any businesses that chose not to locate or expand in the downtown area due to the other bars and similar establishments. The staff does not anticipate this special use will deter development when previous businesses have not.

The applicant intends for his expansion into video gaming to be an addition to his existing business, not a stand-alone video gaming parlor. A wider demographic of people can thus be served in the downtown area. The planning staff recommends approval of the special use, subject to the following condition:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.

The Chairman asked if there were questions for the staff.

Paul Engelman asked for clarification of the special use request versus the State license and municipal requirements.

Gina DelRose stated the special use for indoor commercial entertainment covers video gaming as well as a variety of other uses. The State-required license and City of Belvidere stickers allow for the use of the video gaming machines specifically. The City has placed a limit of 30 gaming licenses. The special use now before the commission is the 36th such special use. The granting of the special use does not guarantee the granting of State licenses or gaming stickers. There is no limit placed on the number of special uses allowed for indoor commercial entertainment and such a special use is required as a first step to acquiring the license and stickers.

Gina DelRose stated that the City is considering raising the limit on video gaming licenses to 40, from 30; staff would anticipate a number of special use applications for indoor commercial entertainment to follow such a decision.

Paul Engelman asked if the granting of such a special use allows the use in perpetuity.

Gina DelRose stated that if a special use is abandoned for twelve months, the special use becomes null and void, unless a request for an extension is made.

Robert Cantrell asked for a timeline for the possible raising of the video gaming license limit from 30 to 40.

Gina DelRose stated that a second reading of the request will occur at the City Council meeting on December 21st.

Paul Engelman asked if the City Council is considering raising the number of licenses for the Covid-19 period only.

City attorney Mike Drella stated the case is not tied to the Covid-19 crisis; once a license has been awarded to someone, it is not possible to rescind it.

Natalie Mulhall asked if there is a difference, in terms of the special use permit, between stand-alone video gaming establishments and those operated as accessory uses to another establishment.

Gina DelRose stated there is not; some municipalities do differentiate between the two but not Belvidere.

Natalie Mulhall asked if there is a way for Belvidere to differentiate the two.

Gina DelRose said there are many gray areas that are difficult to enforce in differentiating between stand-alone gaming parlors and accessory uses, including the serving of food or not.

Mike Drella stated that some municipalities differentiate between stand-alone parlors versus accessory uses by tying the difference to the percentage of alcohol sales versus food sales but that Belvidere is not large enough to differentiate in that way.

Carl Gnewuch asked if the choice of 30 allowable video gaming licenses was an arbitrary number chosen, or if it was based on any standards in place.

Gina DelRose indicated the number was based on the existing 25 licenses and allowed for a small amount of growth.

The Chair asked the applicant to step forward.

Russell Caldwell was sworn in. Mr. Caldwell stated he is the owner of The Shortline, Firebox and Sips and Sprinkles Restaurants. Mr. Caldwell said he had never desired gaming machines previously, choosing to use available space for more tables. Mr. Caldwell said the revenue from video gaming can off-set the losses suffered during the current crisis. He said his was not a business to operate large-scale promotions to add revenue; he stated his businesses have all stayed open during the crisis and no one has been laid off as a result.

Chairman Gnewuch invited questions from the commissioners. The Chair asked Mr. Caldwell what it has been like operating his businesses during the Covid-19 crisis.

Russell Caldwell said he has not laid anyone off and is operating the same hours even though the Firebox has seen a downturn in business. Mr. Caldwell said he does not wish to change the nature of the business, which is a restaurant. The presence of the machines would be for his patrons.

The public hearing closed at 6:18 p.m.

It was moved and seconded (Maher/Cantrell) to accept the Findings of Fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Cantrell/Hyland) to recommend approval of case 2020-10 subject to the condition as presented. The motion carried with a 7-0 roll call vote.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose stated that as discussed, the video gaming licenses are before the City Council. The next meeting will include a case for a variance.

ADJOURNMENT:

The meeting adjourned at 6:30 p.m.

Recorded by:

Reviewed by:

Cathy Crawford
Administrative Assistant

Gina DelRose
Community Development Planner

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 * PH (815)547-7177 FAX (815)547-0789

January 5, 2021

ADVISORY REPORT

CASE NUMBER: 2021-01

APPLICANT: Snow, 409 W. Jackson Street

REQUEST AND LOCATION:

The applicants Dan and Teresa Snow, 409 West Jackson Street, Belvidere, IL on behalf of the property owner, Teresa Snow, are requesting a variance at 409 West Jackson Street within the SR-6, Single-family Residential-6 District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Front or Street Side Lot Line to House: 20 feet, 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Side Lot Line to House or Attached Garage: 6 feet and 150.909 Variance Review). The variance will allow for the required front yard setbacks to be reduced from 20 feet to 9 feet along Berylan Street and from 20 feet to 17 feet along Jackson Street and the side yard setback to be reduced from 6 feet to 2 feet along the eastern property line to allow for the existing house to be brought into compliance and potential future reconstruction if need be. The subject property is developed with a single-family residence and detached garage. It is irregular in shape and is approximately 4,000 square feet in size. PIN: 05-26-181-009

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Single-family residence

All Adjacent property: Single-family residences

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: SR-6, Single-family Residential-6 District

All Adjacent property: SR-6, Single-family Residential-6 District

COMPREHENSIVE PLAN:

Subject properties: Single-family Residential

All Adjacent property: Single-family Residential

BACKGROUND:

The property is located within the B. R. Bennets Addition which was platted prior to the adoption of the City's first Zoning Ordinance and map. The property is 4,145 square feet, is 37 feet wide at its narrowest point (along West Jackson Street) and 88.80 feet deep at its widest point (eastern property line). The minimum lot size requirements for the SR-6 District are 40 feet of road frontage, a minimum lot width at the building line of 100 feet and a minimum lot size of 7,000 square feet. The property does not meet any of these requirements.

Should the property owner need to rebuild a residence on the subject property that meets all of the required setbacks, the residence would be limited to approximately 1,110 square feet (for a ranch style home) and would be 21 feet wide along West Jackson Street. While building a two-story residence would help to increase the floor space, designing a residence that is less than 25 feet wide on one end is very constrictive. Due to the limited building envelope, in order not to take away from the already limited square-footage of the residence, the existing garage is detached; it will most likely remain so in the future. In 2007, the property owner was granted a variance to construct the detached garage 16 feet from the front property line (along Berylan Street) and 1 foot off of the north property line). This variance was granted due to the limited lot size and existing location of the residence.

Currently the residence is constructed with front yard setbacks ranging from 18.37 feet to 24.33 feet, a side yard setback ranging from 3.03 feet to 3.39 feet and a rear yard setback of approximately 20; the detached garage is currently located in the rear yard. The applicant is requesting to reduce the front yard setback from 20 feet to 9 feet along Berylan Street (where it is currently 10.65 at its narrowest); from 20 feet to 17 feet along West Jackson Street (where it is currently 18.37 at its narrowest) and from 6 feet to two feet along the east property line (where it is currently 3.03 feet at its narrowest). The applicant realizes that if the residence is forced to be rebuilt, it would be extremely difficult to do so under current zoning regulations. The applicant, therefore, seeks to secure the existing building envelope with a slight buffer to allow for new footings to be constructed. Approval of the variance prior to the actual need would be beneficial during the rebuilding and financing process.

TREND OF DEVELOPMENT:

The subject property is located within an established single-family residential neighborhood in the northwest portion of the City.

COMPREHENSIVE PLAN:

The subject property is designated as "Single Family Residential" on the City of Belvidere Comprehensive Plan, adopted July 19, 1999. The single-family residential category encourages sewered single-family residential development at densities up to 5 dwelling units per acre.

FINDINGS OF FACT:

Per Section 150.909 (E) of the City of Belvidere Zoning Ordinance, the criteria for granting a Variance are as follows:

- A. Findings: The requested variance is needed due to special conditions and circumstances existing that are peculiar to the land, structure or building involved and is not applicable to other lands, structures or buildings in the same district.**

The condition of the property in terms of elevation, drainage, access, etc. does not create a need for the variance. The size and configuration of the property which is not similar to most in the same zoning district creates the need for the variance.

- B. Findings: The requested variance is needed due to a particular hardship or difficulty arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the lot was platted/created before the passage of the current, applicable zoning regulations and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.**

The variance is being requested because the parcel was platted prior to the adoption of the City's first zoning ordinance and map. The property is substandard in regards to square-footage and width. To further hinder the future redevelopment of the property, it is irregular in shape and it is a corner lot creating the need to meet two- front yard setbacks totaling 40 feet instead of two side yard setbacks that total 15 feet all together. Although some properties of this size may be able to meet setbacks or require a lesser variance to construct a residence, due to the narrowness of the southern portion of the property and the additional setbacks, the applicant has a hardship.

- C. **Findings: The requested variance is not due to hardships or difficulties created from the actions of the Applicant.**

It is staff's understanding that the applicant did not create the hardship.

- D. **Findings: The requested variance will not confer on the Applicant a special privilege that is denied by this subsection to the owners of other lands, structures or buildings in the same district.**

Many properties within the SR-6 District were developed under previous zoning ordinances or prior to the City's adoption of its first Zoning Ordinance and Zoning map in 1956. There are approximately 165 parcels that are 4,200 square feet or smaller in the residential areas. Many of them are undeveloped or act as additional yard space for an adjacent residence. For those properties that are developed with single-family residences, many do not have the ability to meet the current setbacks and lot coverage requirements because of the substandard lot size.

- E. **Findings: The requested variation is not the minimum variation that will make possible the reasonable use of land, structure or building.**

The setbacks could be reduced to less than what the applicant has proposed, however, the additional one-foot will allow for the existing basement and foundation wall to remain while new footings are constructed in order to assist in the rebuilding of the residence.

- F. **Findings: The subject property may yield a reasonable return if permitted to be used only under the regulations allowed in the applicable zoning district.**

The property can continue operating as single-family residential, however, rebuilding under the regulations of the current zoning ordinance would be difficult due to the lot configuration.

- G. **Findings: The granting of the variation will be in harmony with the general purpose and intent of the Zoning Ordinance, will not be injurious to the neighborhood, will not impair the adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets, will not unreasonably diminish property values within the surrounding area, or otherwise be detrimental to the public interest.**

No evidence has been submitted to show that the variance would be detrimental to the neighborhood. The reduced setbacks are similar to what already exists and staff is not aware of any negative impacts the current residence has created. The property to the

east which would be impacted the most exceeds the required square-footage and lot width, allowing for that residence to be setback greater than the required 6 feet from the shared lot line.

SUMMARY OF FINDINGS:

The variance is being requested because the parcel was platted prior to the adoption of the City's first zoning ordinance and map. The property is substandard in regards to square-footage and width. To further hinder the future redevelopment of the property, it is irregular in shape and it is a corner lot creating the need to meet two- front yard setbacks totaling 40 feet instead of two side yard setbacks that total 15 feet all together. Although some properties of this size may be able to meet setbacks or require a lesser variance to construct a residence, due to the narrowness of the southern portion of the property and the additional setbacks, the applicant has a hardship.

Many properties within the SR-6 District were developed under previous zoning ordinances or prior to the City's adoption of its first Zoning Ordinance and Zoning map in 1956. There are approximately 165 parcels that are 4,200 square feet or smaller in the residential areas. Many of them are undeveloped or act as additional yard space for an adjacent residence. For those properties that are developed with single-family residences, many do not have the ability to meet the current setbacks and lot coverage requirements because of the substandard lot size.

The setbacks could be reduced to less than what the applicant has proposed, however, the additional one-foot will allow for the existing basement and foundation wall to remain while new footings are constructed in order to assist in the rebuilding of the residence.

No evidence has been submitted to show that the variance would be detrimental to the neighborhood. The reduced setbacks are similar to what already exists and staff is not aware of any negative impacts the current residence has created. The property to the east which would be impacted the most exceeds the required square-footage and lot width, allowing for that residence to be setback greater than the required 6 feet from the shared lot line.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-01**; Snow, 409 W. Jackson Street for variances to reduce the required setbacks to 9 feet along Berylan Street, 17 feet along Jackson Street and 2 feet along the eastern property line.

Submitted by:



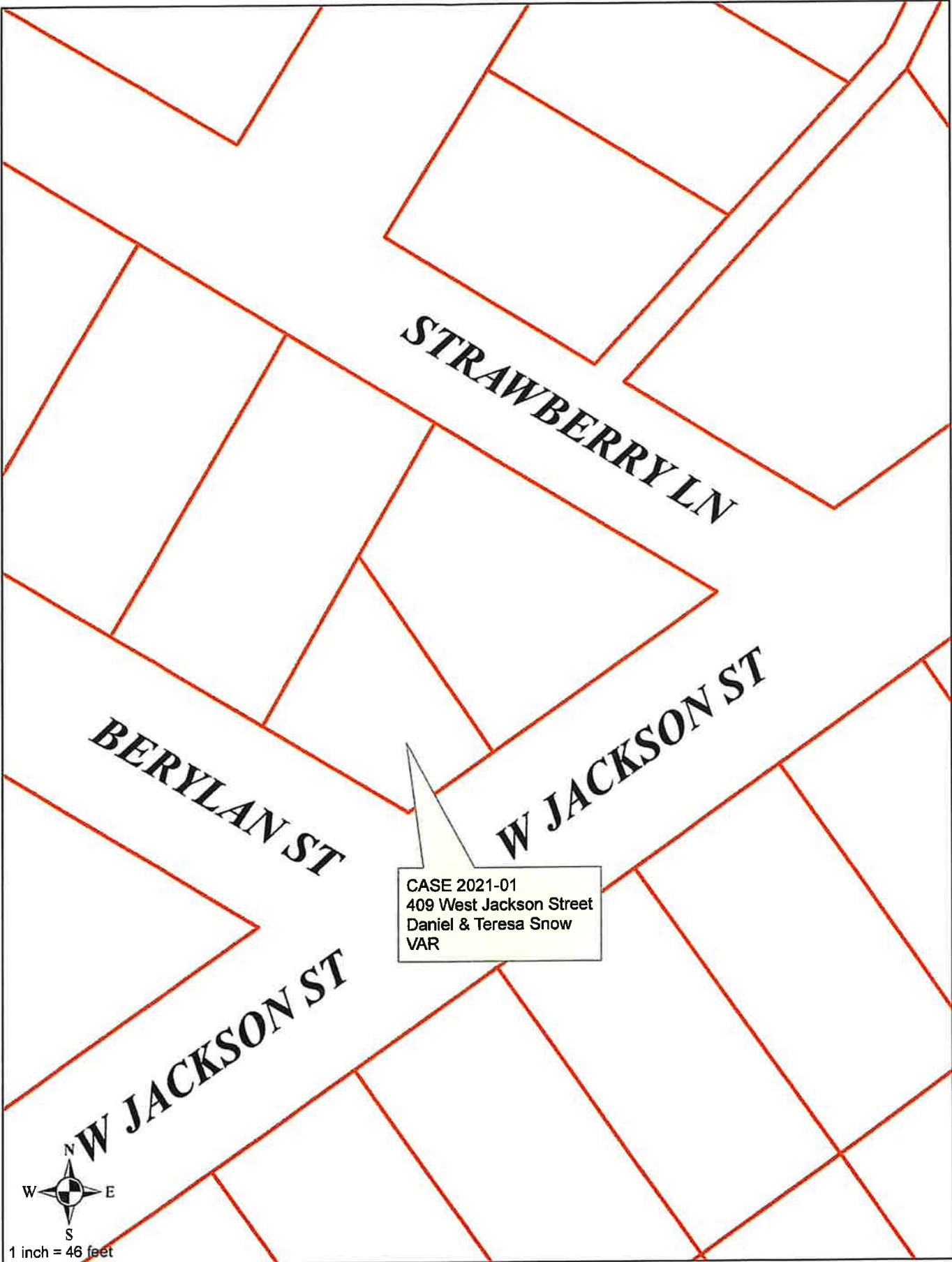
Gina DelRose,
Community Development Planner

PLANNING AND ZONING COMMISSION ACTION

After the holding of the public hearing, the Planning and Zoning Commission shall make and adopt findings of fact and make its determination regarding the application as a whole. The Planning and Zoning Commission may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Planning and Zoning Commission may take final action on the request for approval of the proposed variance at the time of its initial meeting or the proceedings may be continued for further consideration. Granting of a variance shall be considered as unique to the variance granted and shall not be construed as precedent for any other proposed variance.

ATTACHMENTS

1. Location Map by the Planning Staff.
2. Aerial Photo by the Planning Staff.
3. Narrative submitted by the applicant.
4. Site plan submitted by the applicant.
5. Letter from Bill Hall, Boone County Soil and Water Conservation District dated December 15, 2020.



STRAWBERRY LN

BERYLAN ST

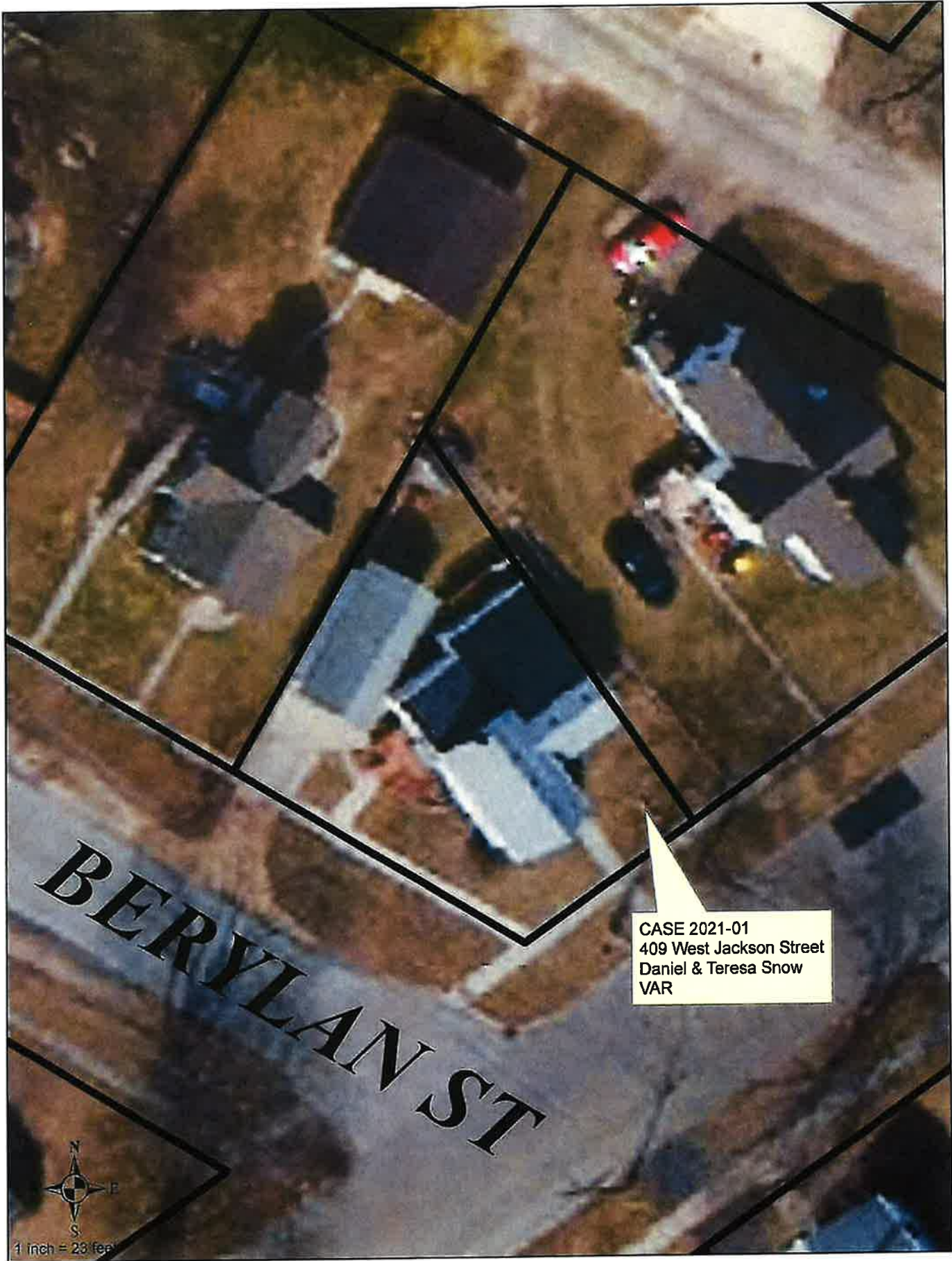
W JACKSON ST

W JACKSON ST

CASE 2021-01
409 West Jackson Street
Daniel & Teresa Snow
VAR



1 inch = 46 feet

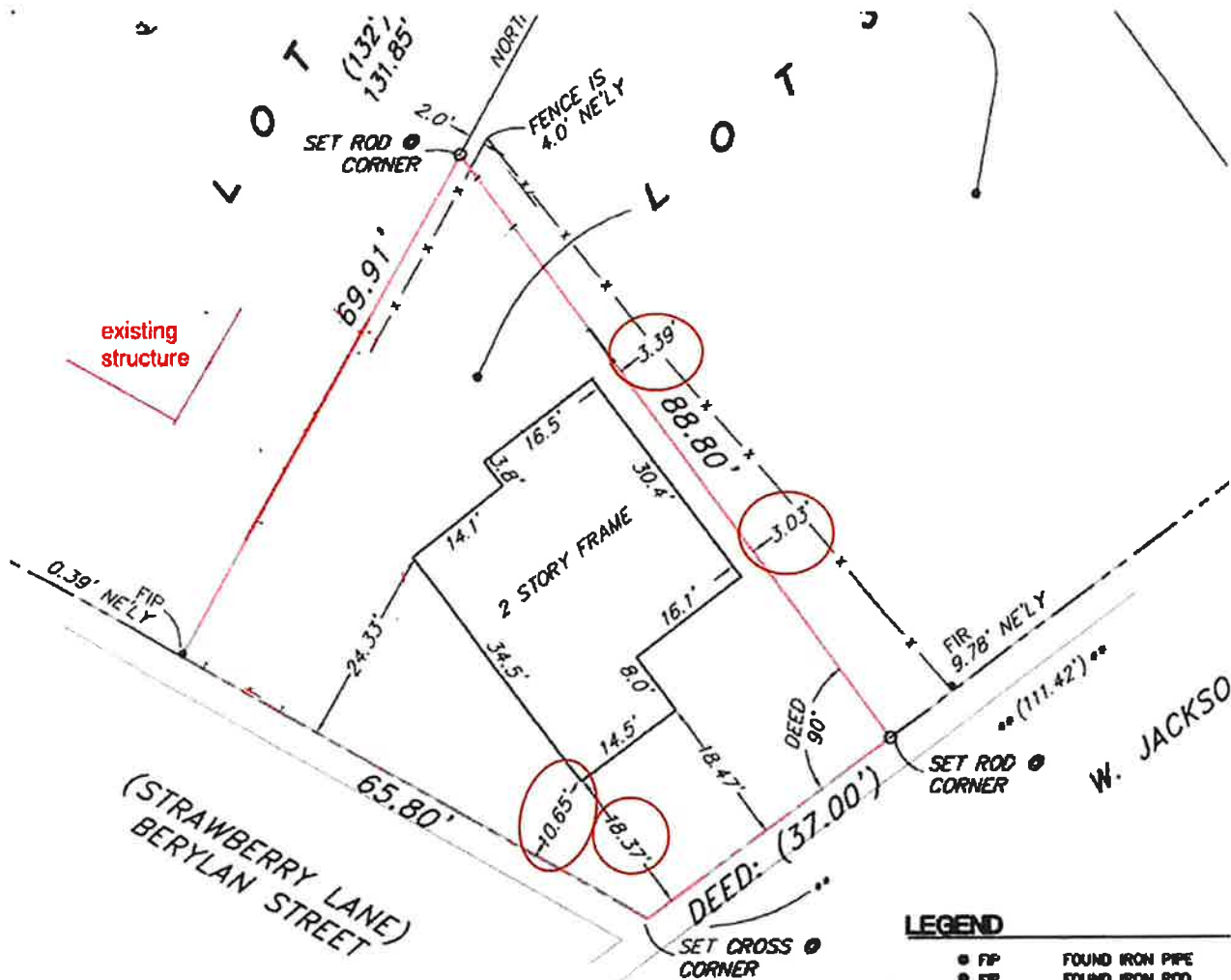


CASE 2021-01
409 West Jackson Street
Daniel & Teresa Snow
VAR



1 inch = 25 feet

I included a survey eliminating the garage information, since we already have the variance for that on record.
I circled the current setbacks. For the purpose of reconstruction, I would like to reduce those by a foot.
This would allow for new footings to be put outside current structure, so any rehabilitation to home could be made more easily.
I would assume the worse that happens, staff would not agree, and commission might not agree with me. Better to ask now.



LEGEND

- FIP FOUND IRON PIPE
- FIR FOUND IRON ROD
- SR SET IRON ROD

OTES



211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 x3

December 15, 2020

SWCD NRI #: XXXX

Belvidere Planning Department
401 Whitney Blvd., Suite 300
Belvidere, IL 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

Our review does not apply in this instance.
 Other (see attached)

Location of Site: 409 W. Jackson Street, Belvidere
PIN(S): 05-26-181-009

Contact	Petitioner	Owner
Dan Snow 409 W. Jackson Street Belvidere, IL 61008 815- 547-5318	Same	Teresa Snow 409 W. Jackson Street Belvidere, IL 61008 815-547-5318

Request: Variance for front and side yard setbacks to bring existing house into compliance.

Notes: No additional construction or soil disturbance is taking place. If the house is reconstructed in the future, the footprint and lot coverage will be similar to the existing conditions.

Sincerely,

A handwritten signature in black ink that reads "Bill Hall". The signature is written in a cursive, slightly slanted style.

Bill Hall

Boone County Soil &
Water Conservation District

BELVIDERE

Community Development Department

Planning Department

401 Whitney Boulevard, Suite 300, Belvidere, Illinois, 61008 (815) 547-7177 FAX (815) 547-0789

December 2020 Monthly Report

Number	Project	Description	Processed
Belvidere Projects			
1	Cases: December	120 Buchanan Street, SU	11/10/2020
1	Cases: January	409 W. Jackson Street, VAR	11/20/2020
2	Cases: February	2001 N. State Street, SU	12/22/2020
		1052 Belvidere Road, SU	12/22/2020
0	Annexation		
0	Temporary Uses	None	
0	Site Plans (New/Revised)		
0	Final Inspection	None	
0	Downtown Overlay Review	None	
1	Prepared Zoning Verification Letters	601 Blaine Street	12/22/2020
0	Issued Address Letters	None	
	Belvidere Historic Preservation Commission	The Commission approved the Courthouse Square Area Phase III survey at their December meeting. Staff submitted the final monthly and quarterly report to the state as well as all required close-out documentation and request for reimbursement.	
	Heritage Days	None	
	Hometown Christmas	Hometown Christmas was held on December 4th. There was a drive-through in Belvidere Park and a virtual tree lighting.	
	Buchanan Street Strolls	None	
Poplar Grove Projects			
0	Cases: December	None	
0	Cases: January	None	
0	Issued Address Letters	None	
0	Prepared Zoning Verification Letters	None	
Scanned Plats: E-mail, Print and/or Burn			
0	Recorder's Office		
10	Other Department		
55	General Public		

Planning Monthly Report Cont.

Census

None

Planning Department Current Duties

Close out completed planning case files

Respond to all FOIA requests

Work with 911, Fire Department and Post Office to verify all addresses in the City

Assist Growth Dimensions with requested data

Meetings and phone calls with developers regarding potential development

Phone calls/walk-ins for questions regarding zoning, floodplain, development, etc.

Prepare minutes, agendas and packets for various committees, commissions and boards

Prepare deposits and purchase orders for bill payments

*** Staff continues to review the portions of the Comprehensive Plan

CITY 2021

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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JAN

11.20/20	GD	2021-01	VAR	Snow; 409 W Jackson Street	1/12/2021		
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FEB

12/22/2020	GD	2021-02	SU	HRB Group, Inc; 2001 North State Street	2/9/2021		
12/22/2020	GD	2021-03	SU	HRB Group, Inc.; 1052 Belvidere Road	2/9/2021		

Variation	1
Map Amendment	
Subdivision	
Special Use	2
Annexation	
Text Amendment	
Temporary Use	
Appeals	
Total	3