

ORDINANCE NO. 420H

AN ORDINANCE GRANTING A SPECIAL USE TO AMEND A PLANNED DEVELOPMENT WITHIN THE SR-4, SINGLE FAMILY RESIDENTIAL-4 DISTRICT (Shaw Mills and Glenmoor of River Run Subdivisions)

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant, Michael Busch, 923 Logan Avenue, Belvidere, IL 61008 on behalf of the property owner, DMD Investment, 923 Logan Avenue, Belvidere, IL 61008, has petitioned the City for a Special Use to amend a Planned Development to permit garages to extend past the front façade in the Shaw Mills and Glenmoor of River Run Subdivisions; and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on August 14, 2018 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use to amend a Planned Development to allow garages to extend past the front façade in the Shaw Mills and Glenmoor of River Run Subdivisions in the SR-4, Single Family Residential-4 District on the property shown in Attachment A and legally described as:

Plat No. 1 at Shaw Mills of River Run Subdivision, being a Subdivision of part of Section Thirty (30), Township Forty-four (44) North, Range Three (3) East of the

Third Principal Meridian, bounded and described as follows, to-wit: Commencing at a point in the North line of the Southwest Quarter of said Section, which bears South 89 degrees 17 minutes 09 seconds West, 1368.55 feet from the Northeast corner of the Southwest Quarter of said Section, said point being the Northeast corner of Final Plat of Newburg Village PUD, the plat of which being recorded as Document No. 2002R07547 in the Recorder's Office of Boone County, Illinois; thence South 22 degrees 59 minutes 55 seconds East, along the East line of said last mentioned plat; 339.41 feet to the point of beginning for the following described tract: thence North 75 degrees 32 minutes 09 seconds East, 476.70 feet to the West line of Shaw Road as said road is now located and laid out; thence South 23 degrees 04 minutes 48 seconds East, along the West line of said road, 295.05 feet; thence South 23 degrees 14 minutes 45 seconds East, along the West line of said road, 715.46 feet; thence North 66 degrees 45 minutes 15 seconds East, at right angles from the preceding course, 73.00 feet; thence South 68 degrees 14 minutes 45 seconds East, 35.36 feet; thence North 66 degrees 45 minutes 15 seconds East, 150.00 feet; thence North 23 degrees 14 minutes 45 seconds West, at right angles from the preceding course, 25.00 feet; thence North 66 degrees 45 minutes 15 seconds East, at right angles from the preceding course, 60.00 feet; thence South 23 degrees 14 minutes 45 seconds East at right angles from the preceding course, 25.00 feet; thence North 66 degrees 45 minutes 15 seconds East, at right angles from the preceding course, 52.50 feet; thence Northeasterly, along a circular curve to the right having a radius of 500.00 feet and whose center lies to the South to a point (the chord across the last described circular curve course bears North 76 degrees 13 minutes 37 seconds east, 164.58 feet); thence South 01 degree 48 minutes 16 seconds West, 204.06 feet; thence South 76 degrees 52 minutes 49 seconds East, 147.50 feet; thence South 55 degrees 04 minutes 35 seconds East, 140.00 feet; thence South 14 degrees 33 minutes 18 seconds East, 230.00 feet; thence South 28 15 minutes 50 seconds West, 166.00 feet; thence South 41 degrees 29 minutes 08 seconds West, 185.00 feet; thence South 82 degrees 00 minutes 53 seconds West, 143.00 feet; thence North 56 degrees 57 minutes 57 seconds West, 42.50 feet; thence South 03 degrees 06 minutes 48 seconds West, 248.00 feet; thence South 09 degrees 29 minutes 34 seconds East, 60.03 feet; thence South 05 degrees 49 minutes 29 seconds East, 297.37 feet; thence South 39 degrees 47 minutes 07 seconds West, 55.98 feet; thence North 05 degrees 49 minutes 29 seconds West, 396.61 feet; thence Northwesterly along a circular curve to the right having a radius of 500.00 feet and whose center lies to the North to the East line of said Shaw Road (the chord across the last described circular curve course bears North 87 degrees 05 minutes 05 seconds West, 111.08 feet); thence Southwesterly along a circular curve to the right having a radius of 1423.0 feet and whose center lies to the West and along the East line of said Shaw Road to a point (the chord across the last described circular curve course bears South 06 degrees 39 minutes 25 seconds West, 60.06 feet); thence North 83 degrees 06 minutes 01 seconds West, 66.01 feet to the West line of

said Shaw Road; thence Southwesterly along the West line of said Shaw Road and along a circular curve to the right having a radius of 1357.0 feet and whose center lies to the West to a point (the chord across the last described circular curve course bears South 14 degrees 25 minutes 45 seconds West, 307.99 feet); thence South 20 degrees 56 minutes 43 seconds West, along the West line of said Road 88.79 feet to the Northerly line of premises conveyed to the Township of Belvidere, recorded in Book 2 of Roads on page 318 in said Recorder's Office; thence North 03 degrees 40 minutes 00 seconds West, along said last mentioned line, 28.82 feet to the Southeasterly production of the Easterly line of said Final Plat of Newburg Village, PUD as aforesaid; thence North 35 degrees 00 minutes 00 seconds West, along said Southeasterly production and along the East line of said Plat of Newburg Village PUD, 211.86 feet; thence North 22 degrees 59 minutes 55 seconds West, along the East line of said Final Plat of Newburg Village, 2117.33 feet to the point of beginning. Situated in Boone County, Illinois.

The original Planned Development encompassed PINs: 05-30-378-022, 05-30-451-003, 05-30-451-002, 05-30-451-001, 05-30-451-004, 05-30-451-005, 05-30-401-005, 05-30-401-004, 05-30-401-003, 05-30-401-002, 05-30-401-001, 05-30-378-021, 05-30-378-020, 05-30-378-019, 05-30-380-005, 05-30-378-018, 05-30-380-010, 05-30-378-017, 05-30-380-009, 05-30-380-003, 05-30-379-004, 05-30-378-016, 05-30-380-008, 05-30-380-002, 05-30-378-015, 05-30-379-003, 05-30-380-007, 05-30-379-002, 05-30-378-014, 05-30-380-001, 05-30-380-006, 05-30-330-002, 05-30-328-019, 05-30-330-001, 05-30-328-018, 05-30-329-008, 05-30-329-016, 05-30-328-017, 05-30-329-007, 05-30-329-015, 05-30-328-016, 05-30-329-006, 05-30-329-014, 05-30-328-015, 05-30-329-005, 05-30-328-014, 05-30-329-013, 05-30-329-004, 05-30-328-013, 05-30-329-012, 05-30-328-012, 05-30-329-003, 05-30-329-011, 05-30-328-011, 05-30-329-002, 05-30-329-010, 05-30-328-010, 05-30-329-001, 05-30-329-009, 05-30-327-005, 05-30-380-004, 05-30-379-006, 05-30-400-011, 05-30-400-010, 05-30-400-012, 05-30-327-001, 05-30-379-005, 05-30-200-013 and parts of PINS: 05-30-200-012; 05-30-200-017 and 05-30-400-008. (Attachment B).

is hereby approved, subject to the following conditions:

1. The Planned Development is granting only the following flexible standards: Garage Setbacks (Section 150.204(A)(2)(B)).
2. The Planned Development is only amending conditions 6, 7 and 8 of Ordinance 904 G to read as follows:
 6. Within Shaw Mills of River Run, detached single family building front facades of the same color or of similar elevation shall not be located across the street from one another (lots with 30% overlap or greater) or on adjacent lots. All front

facades of the single family homes located within the development shall contain decorative brick or stone. 65% of said homes shall contain decorative brick or stone on a minimum of 1/3 of the front facade. Front porches and side or rear load garages are strongly encouraged. All front load garages shall not occupy more than 65% of the front facade of the house in width. All attached garages with garage doors facing a public street shall have a partial roof/eave/overhang placed directly above on the same story.

7. Within Glenmoor of River Run, detached single family building front facades of the same color or of similar elevation shall not be located across the street from one another (lots with 30% overlap or greater) or on adjacent lots. 80% of all of the homes located within the development shall contain decorative brick or stone on a minimum of 1/3 of the front facade. All attached garages with garage doors facing a public street shall not occupy more than 65% of the front facade of the house in width. All attached garages with garage doors facing a public street shall have a partial roof/eave/overhang placed directly above on the same story.
8. Within Whispering Meadows Condos, building front facades of the same color or of similar elevation shall not be located across the street from one another (lots with 30% overlap or greater) or on adjacent lots. All front facades of the two-family homes located within the development shall be of decorative brick or stone. Front porches and side or rear load garages are strongly encouraged. All front load garages shall not occupy more than 65% of the front facade of the house in width. All attached garages with garage doors facing a public street shall have a partial roof/eave/overhang placed directly above on the same story.

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this ____ day of _____, 2018.

APPROVED by the Mayor of the City of Belvidere this ____ day of _____, 2018.

Michael W. Chamberlain, Mayor

ATTEST:

Shauna Arco, City Clerk

Ayes: _____ Nays: _____ Absent: _____

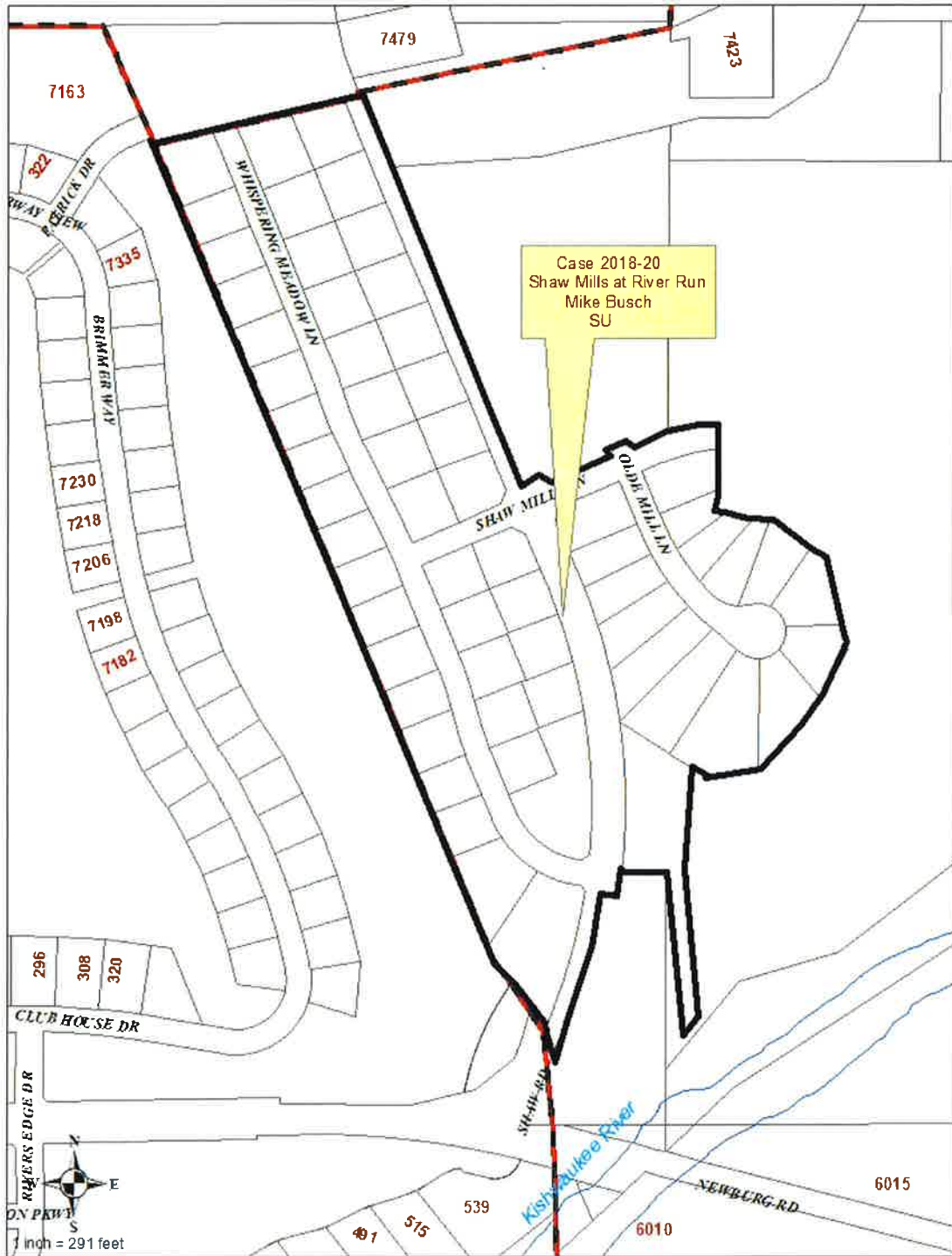
City Council Members Voting Aye: _____

City Council Members Voting Nay: _____

Date Published:

Sponsor: _____

ATTACHMENT A



MEMO

DATE: August 15, 2018

TO: Mayor and Members of the City Council

FROM: City of Belvidere Planning and Zoning Commission

SUBJECT: Findings of Fact for Case: 2018-20; Busch, Shaw Mills and Glenmoor of River Run

REQUEST AND LOCATION:

The applicant, Michael Busch, 923 Logan Avenue, Belvidere, IL 61008 on behalf of the property owner, DMD Investment, Inc., 923 Logan Avenue, Belvidere, IL 61008 is requesting an amendment to the existing Planned Development (special use per Ordinance 904G) for the Shaw Mills and Glenmoor of River Run Subdivision within the SR-4, Single-family Residential -4 District (Belvidere Zoning Ordinance Section 150.907 Planned Development District Procedures). The amendment to the Planned Development is being requested in order to remove the garage setback requirements.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use (Planned Development) Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the amended Planned Development will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The only portion of the original Planned Development being amended would be the garage setback requirements listed within conditions 6, 7 and 8. The amendment will allow garages to be constructed at the primary structure setback line, instead of requiring them to be flush with the front façade of the residence. The requirement was in place to achieve a higher quality aesthetic, not to protect the public health or safety.

- B. Findings: The requested amendment to the Planned Development, both its general use independent of its location and in its specific location, will be in harmony with some of the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The amendment does not affect the land uses previously approved for the development which are in compliance with the Comprehensive Plan. The requested amendment for the front façade of the residences will still be in compliance with the zoning district requirements, however, it will not be in compliance with the goals of the West Hills Neighborhood Plan which were adopted into the Zoning Ordinance.

- C. Findings: The amended Planned Development will not in its proposed location and as depicted on the required site plan, completely result in a substantial or undue**

CITY OF BELVIDERE
Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 * PH (815)547-7177 FAX (815)547-0780

August 6, 2018

ADVISORY REPORT

CASE NO: 2018-21

APPLICANT: Neil-Boss (TA)

REQUEST:

The applicant, Jacquelyn Neil-Boss, 1101 N. Austin St, Rockport, TX 78382, is requesting a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Section 150.802 Nonconforming Use Regulations and Section 150.902 Amendment of Zoning Regulations (Text Amendments). The request will allow single-family residences in existence prior to April 16, 1956 to be rebuilt in the Central Business District by special use. The proposed language is below.

The methods used to show changes are:

xxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.

~~xxxxxxxxxx~~ = (Strike through text) text that is proposed to be deleted from the zoning code.

xxxxxxxxxx = (Highlighted and underlined text) new text that is proposed to be inserted into the zoning code.

§150.802(G): Reconstruction of a Single Family Dwelling in the CB, Central Business District

A legal, non-conforming single family residential structure in existence prior to April 16, 1956, may apply for consideration as a special use to allow the continued existence, improvement and/or reconstruction of the non-conforming structure.

BACKGROUND:

The CB, Central Business District is the City's downtown commercial district. The zoning requirements for the CB District allow for 2,000 square-foot lots and 100% lot coverage, two factors that make development in the CB District very distinct compared to other commercial districts. The Downtown Overlay District also influences the aesthetics of buildings located along State Street and a portion of Logan Avenue. These regulations were put in place to accommodate the existing lot size, building envelopes and architectural styles found within the city's historic downtown.

Although the downtown district is mostly commercial and mixed-use, there are some institutional land uses and 17 lots that contain solely residential land uses. Of the 17 residential lots, two were rezoned to the CB District in 2017 so that they could be incorporated into a future institutional development, one lot is shown as being Mixed Residential on the City's Comprehensive Plan (near The YMCA on Locust Street) and one lot is shown as being Neighborhood Business (near the Ida Public Library). Out of the remaining 13 residential lots

shown to remain Central Business, six do not meet the minimum lot size requirements for the SR-6, Single-family Residential-6 District and two are developed with multiple residences on one parcel, making rezoning to residential unfavorable.

Although the desire is for the residential properties to be redeveloped in-line with the rest of the City's downtown area (as commercial, mixed-use or institutional), until that time comes, the properties are having a difficult time obtaining financing for repairs and/or transfer or ownership. Although the majority of the residences have been zoned commercial since the adoption of the first zoning ordinance on April 16, 1956, it was not until recently that lending institutions stopped approving loans and mortgages for legal non-conforming land uses. This makes it difficult to maintain the residences until it is appropriate to redevelop them, creating a situation where they may fall into a state of disrepair which negatively impacts the downtown and the community.

The residence at 519 South Main Street is a unique situation; the property, commonly known as the Alexander House is a local landmark. The house was constructed in 1902 and has remained in the same family since it was built. The residence, a focal point in the downtown area and still in very good condition is for sale. However, repeated attempts to secure financing have failed because of the zoning of the property. Rezoning the residence to residential would create a pocket of residential zoning in the central business district which is not encouraged. However, tearing down the historic residence to construct a newer commercial building or letting it fall into a state of disrepair because of lending difficulties is not beneficial to the community either.

Planning staff does recommend that the language "currently located in the CB, Central Business District" be added to the proposed language in order to reiterate that the special use is only available to those properties in the downtown area and that the property must currently exist as a residence. The special use would not permit someone to convert an existing commercial building into a residential use because at one point in its history it was a residential structure. The purpose of the text amendment is to provide relief to those property owners where rezoning is not beneficial to the neighborhood and to protect the historic properties that add character to the downtown.

Based upon this information, planning staff recommends approval of the following language for case 2018-21.

§150.802(G): Reconstruction of a Single Family Dwelling in the CB, Central Business District

A legal, non-conforming single family residential structure in existence prior to April 16, 1956, currently located in the CB, Central Business District, may apply for consideration as a special use to allow the continued existence, improvement and/or reconstruction of the non-conforming structure.

Submitted by:



Gina DelRose,
Community Development Planner

ATTACHMENTS

1. Narrative submitted by the applicant
2. Map of the Central Business District
3. Letter from Boone County Health Department, Amanda Mehl, July 23, 2018

NARRATIVE:

The subject property is currently for sale. The Owners have had a prior contract to sell the property but could not sell the property when their Buyer's tried to get financing because a bank cannot give a loan on a residential property that, because of zoning, does not allow the residential structure to be rebuilt if it is destroyed. This legal problem renders the property almost valueless as no one will want to purchase a property as a residence that cannot be rebuilt as a residence.

The subject property is a historical home which has been featured in Belvidere literature and promotions for the City in the recent past. Such should be allowed to continue to exist and promote its upkeep by allowing the text amendment (allowing the property to rebuilt as of right after a special use is granted).



Public Health
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Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

July 23, 2018

FAX: 815-547-0789

Gina DelRose
Community Development Planner
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Re: Neil-Boss, Zoning Ordinance Amendment (2018-21)

Dear Gina,

We are in receipt of the application for a text amendment to the City of Belvidere Zoning Ordinance to allow family residences to be rebuilt.

The Boone County Health Department has no comments.

Thank you,

Amanda Mehl
Administrator
skm

MEMO

DATE: August 15, 2018
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Recommendation for Case 2018-21; Neil-Boss

REQUEST:

The applicant, Jacquelyn Neil-Boss, 1101 N. Austin St, Rockport, TX 78382, is requesting a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Section 150.802 Nonconforming Use Regulations and Section 150.902 Amendment of Zoning Regulations (Text Amendments). The request will allow single-family residences in existence prior to April 16, 1956 to be rebuilt in the Central Business District by special use.

RECOMMENDATION:

The Planning and Zoning Commission motioned to approve case number 2018-21 as amended. Motion carried with a 4-0 roll call vote.

§150.802(G): Reconstruction of a Single Family Dwelling in the CB, Central Business District

The Owner of a legal, non-conforming single family residential structure (the Structure), which was in existence prior to April 16, 1956, and is located, at the time of application for a special use under this Section, in the CB, Central Business District, may apply for consideration as a special use to allow the continued existence or reconstruction of the Structure, if damaged or destroyed. Any such Structure shall only be reconstructed so as to not expand the floor area or footprint of the damaged or destroyed Structure.

The methods used to show changes are:

xxxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.

~~xxxxxxxxxxx~~ = (Strike through text) text that is proposed to be deleted from the zoning code.

xxxxxxxxxxx = (Highlighted and underlined text) new text that is proposed to be inserted into the zoning code.

Alissa Maher, Chairman
City of Belvidere Planning and Zoning Commission

MEMO

DATE: August 15, 2018
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Recommendation for Case: 2018-22; 519 South Main Street

REQUEST AND LOCATION:

The applicant and property owner, Jacquelyn Neil-Boss, 1101 N. Austin Street, Rockport, TX 78382 is requesting a special use to continue the use of a single-family residence at 519 S. Main Street within the CB, Central Business District (Belvidere Zoning Ordinance Section 150.802(G)(pending text amendment approval) and 150.904 Special Use Review and Approval Procedures). The special use will bring the residence commonly known as the Alexander House into compliance. The subject property is 10,777 square feet, rectangular in shape and developed a single-family residence and carriage house. PIN: 05-25-361-007.

RECOMMENDATION:

The planning and zoning commission recommended the **approval** of case number **2018-22** for a special use to permit a single-family residence in the CB, Central Business District without any conditions.

Motion to approve case 2018-22; Neil-Boss, 519 South Main Street as presented by staff carried with a (4-0) roll call vote.

Alissa Maher, Chairman
Belvidere Planning and Zoning Commission

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

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August 6, 2018

ADVISORY REPORT

CASE NO: 2018-22

APPLICANT: Neil-Boss (SU)

REQUEST AND LOCATION:

The applicant and property owner, Jacquelyn Neil-Boss, 1101 N. Austin Street, Rockport, TX 78382 is requesting a special use to continue the use of a single-family residence at 519 S. Main Street within the CB, Central Business District (Belvidere Zoning Ordinance Section 150.802(G)(pending text amendment approval) and 150.904 Special Use Review and Approval Procedures). The special use will bring the residence commonly known as the Alexander House into compliance. The subject property is 10,777 square feet, rectangular in shape and developed a single-family residence and carriage house. PIN: 05-25-361-007.

EXISTING LAND USE:

Subject property: Single-family Residence

Adjacent Property:

North and West: Boone County Auto Body

South: Got Kidz Child Care

East: Residential

CURRENT ZONING:

Subject property: CB, Central Business District

Adjacent Property:

North, South and West: CB, Central Business District

East: SR-6, Single-family Residential-6 District

COMPREHENSIVE PLAN:

Subject property: Central Mixed Use

Adjacent Property:

North, South and West: Central Mixed Use

East: Single-family Residential

BACKGROUND:

The Alexander House was constructed in 1902 by Edwin Samuel Alexander and built in the Queen Anne Style of architecture. The exterior of the house has changed very little over the years. During World War II, however, there was a housing shortage that necessitated converting the second floor into an apartment. Part of that remodeling still remains today as well as much of the original interior. Although the original colors used on the house are

unknown, in 2006 the current paint scheme won an award from The Chicago Paint Association for best use of colors in details.

Although the residence has existed since 1902, it has been zoned commercial since the city's first zoning ordinance and map were adopted in 1956. The Zoning Ordinance prohibits extensive renovations and repairs from occurring on legal non-conforming structures. Until recently, however, such structures could still be bought and sold. Due to the economic recession that began in 2007, lending institutions have changed their policies and will no longer approve mortgages on legal non-conforming structures. This creates a situation where the owners of the residence cannot sell their property as a house even though it is still habitable. Allowing the residence to remain empty while waiting for someone to purchase it for a commercial land use increases the chances of it falling into a state of disrepair or the historically local landmarked structure being torn down for redevelopment.

TREND OF DEVELOPMENT:

The subject property is located along the edge of the Central Business District and the City's downtown in an area of established central business commercial, institutional and some residential uses

COMPREHENSIVE PLAN:

The subject property is designated as "Central Mixed Use" by the City of Belvidere Comprehensive Plan. The Central Mixed Use category encourages pedestrian-orientated indoor commercial, office, institutional and residential uses with streetscaping and low-key signage.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The residence has existed since 1902 and has not created any negative impacts to the community that staff is aware of. The property is in close proximity to several downtown businesses that potential buyers would be aware of prior to purchasing the residence. There is off-street parking and a back yard, which is typical of residential development.

- B. Findings: The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, Section 150.904 of the Belvidere Zoning Ordinance and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The Comprehensive Plan shows the property and the surrounding areas as Central Mixed Use. The Central Mixed Use category allows for residential land uses and encourages pedestrian-orientated development. The residence, with its reduced setbacks (in-line with the Central Business District and not residential districts) and large wrap-around porch, is pedestrian-orientated.

- C. Findings: The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby**

property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

The subject property is a local landmark and a prominent fixture in the neighborhood. The property also includes a carriage house and driveway, providing off-street parking and storage. Unlike other properties in the Central Business District, the residence provides yard space which also serves as stormwater detention, unlike the commercial buildings which have 100 percent lot coverage.

- D. Findings: The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.**

The commercial properties adjacent to the residence were developed after 1902. The residence has not hindered downtown development or improvements of existing structures. If a commercial land use occupies the structure, or the structure becomes a mixed-use building at a later date, that would be in-line with the downtown area. Until then, allowing the structure to remain as a residence is not anticipated to negatively impact the neighborhood.

- E. Findings: The proposed Special Use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.**

The subject property is served with proper facilities and utilities.

- F. Findings: The potential public benefits of the proposed special use outweighs any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.**

Staff is not aware of any potential negative impacts created by allowing the residence to remain. Since the property is a local landmark, any exterior alterations will need to go through the proper review process. In addition to the requirements of this Special Use, compliance with the City of Belvidere's Zoning Ordinance is required.

SUMMARY OF FINDINGS:

The residence has existed since 1902 and has not created any negative impacts to the community that staff is aware of. The property is in close proximity to several downtown businesses that potential buyers would be aware of prior to purchasing the residence. There is off-street parking and a back yard, which is typical of residential development.


The subject property is a local landmark and a prominent fixture in the neighborhood. The residence, with its reduced setbacks (in-line with the Central Business District and not residential districts) and large wrap-around porch, is pedestrian-orientated. The property also includes a carriage house and driveway, providing off-street parking and storage. Unlike other properties in the Central Business District, the residence provides yard space which also serves as stormwater detention, unlike the commercial buildings which have 100 percent lot coverage.

The residence has not hindered downtown development or improvements of existing structures. If a commercial land use occupies the structure, or the structure becomes a mixed-use building at a later date, that would be in-line with the downtown area. Since the property is a local landmark, any exterior alterations will need to go through the proper review process. Until then, allowing the structure to remain as a residence is not anticipated to negatively impact the neighborhood.

RECOMMENDATION:

Planning staff recommends the **approval** of case number **2018-22**; Neil-Boss without any conditions

Submitted by:



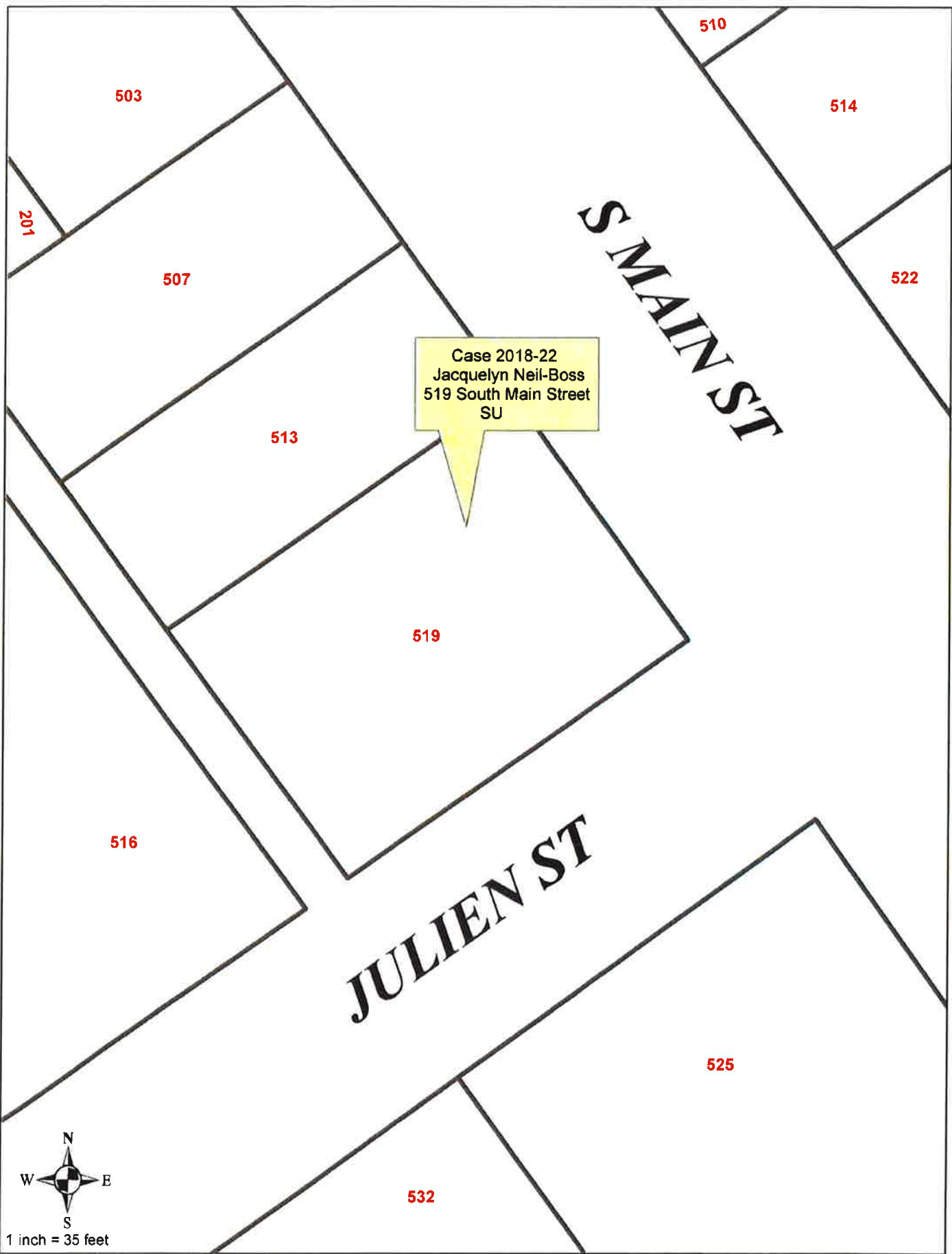
Gina DelRose
Community Development Planner

Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

Review and Action by the City Council. The City Council shall consider the Planning and Zoning Commission's recommendation regarding the proposed special use. The City Council may approve or deny the special use as originally proposed, may approve the proposed special use with modifications or may remand the matter back to the Planning and Zoning Commission for further discussion or hearing. The City Council's approval of the requested special use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map by Planning Staff.
2. Aerial photo by Planning Staff.
3. Narrative submitted by the applicant
4. History of the Alexander House
5. Letter submitted by Jennifer Becker, Boone County Soil and Water Conservation District, July 11, 2018
6. Letter submitted by Amanda Mehl, Boone County Health Department, July 23, 2018



503

510

514

201

507

522

S MAIN ST

Case 2018-22
Jacquelyn Neil-Boss
519 South Main Street
SU

513

519

516

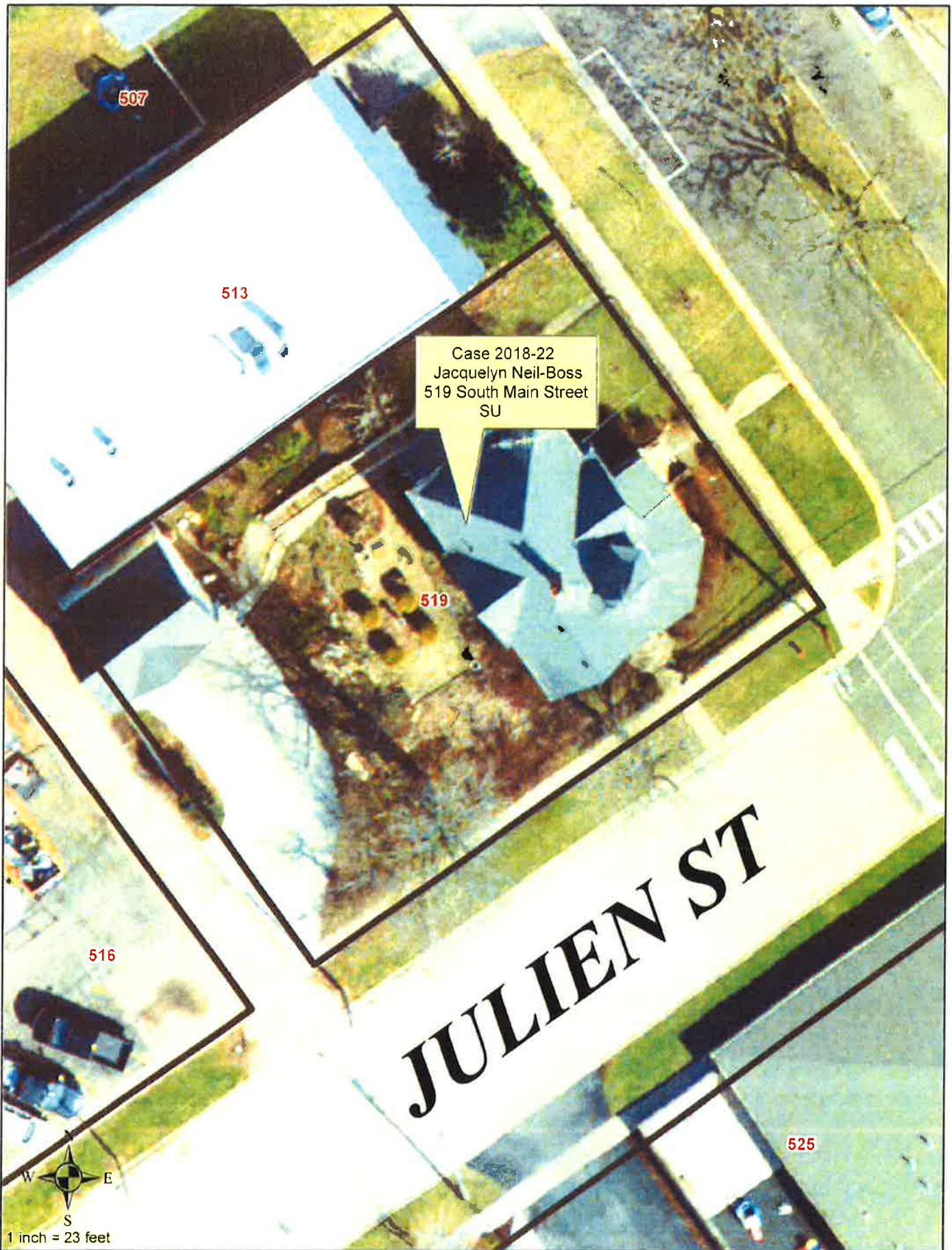
JULIEN ST

525

532



1 inch = 35 feet



507

513

Case 2018-22
Jacquelyn Neil-Boss
519 South Main Street
SU

519

516

JULIEN ST

525



1 inch = 23 feet

NARRATIVE:

The subject property is currently for sale. The Owners have had a prior contract to sell the property but could not sell the property when their Buyer's tried to get financing because a bank cannot give a loan on a residential property that, because of zoning, does not allow the residential structure to be rebuilt if it is destroyed. This legal problem renders the property almost valueless as no one will want to purchase a property as a residence that cannot be rebuilt as a residence.

The subject property is a historical home which has been featured in Belvidere literature and promotions for the City in the recent past. Such should be allowed to continue to exist and promote its upkeep by allowing the text amendment (allowing the property to rebuilt as of right after a special use is granted).

519 South State Street- The Alexander House
Sponsored by Debbie Carlson, Berkshire Hathaway Home Services



It was built by Edwin Samuel (E.S) Alexander in 1902-1903. E.S. married Eliza Bailey in 1870 and lived in Poplar Grove before they retired to Belvidere and built the home. E.S.'s family was originally from Massachusetts.

Prior to building the current Victorian they moved a home from the 519 South Main Street lot to another lot on South Main Street. This home has been in the family since it was built in 1902. Seven generations of the original family have lived here. Their granddaughter, Gladys says E.S. told her he inspected every piece of wood used in the home and rejected any that had knots. E.S.'s and Eliza's only daughter (Flora Alexander Banks) died of tuberculosis in 1898 leaving behind 10 month old Gladys. Her father, Irving Streeter Banks was not able to take care of the child by himself so Gladys grew up with her grandparents and a live in housekeeper, Ida Musgrave. Ida Musgrave was a prominent figure in the home and served them for over 40 years. Gladys had a happy childhood, saying that her grandfather, E.S. Alexander was the kindest most loving man to her.

She married Ray Slater and they eventually lived in the home where their son James Alexander Slater was born. Mr. Alexander used the carriage house to buy and sell wool. There was a two horse stall and space for the carriage. James Slater recalls one boring afternoon he used a basketball to break all the gingerbread trim off the peak of the carriage house roof. James Slater's daughter Jackie Neil Boss currently resides in the home. When Jacki would visit the home as a child she called it "The Castle" because the staircases seemed vast and the house full of interesting items which she was afraid to touch. The grassy area in the middle of Main Street was much wider and the family would have picnics there. The history and heritage associated with this home has been appreciated by the family members who have always felt a need to take care of it, not only out of respect for past generations that have lived there but also for the historical record it signifies for Belvidere and Boone County.

The home was built in the icon Queen Anne style and represents the era pristinely, with its oak fireplace and wrap around porch. Porches were quite popular at the time because people would smoke or chat outside on their porches during times when there was not much that could be afforded. The house has changed very little on the exterior from the original building. During World War II there was a housing shortage which necessitated converting the 2nd floor into an apartment. There were outside stairs built on the north side of the house leading into what had been a bedroom, another bedroom became the kitchen and the landing was enclosed with a wall and door leading to the front stairs. The trim around this door has faux grain painting to match the original woodwork. The trim and siding are original as are the doors and most of the windows.

There is no record of the original colors on the house. For many years it was painted white with black trim and then blue trim. The current owners had the house painted twice as a colorful painted lady. In 2006 the current paint scheme won an award from The Chicago Paint Association for best use of color in details. The columns of the wrap around porch have new composite bases along with restored original railings. When the new roof was installed in 2007, the roofers removed 6 layers of old roofing.

The interior has been modified over the years to fit the needs of each generation. Luckily it still retains the original detailed woodwork, including 3 double pocket doors, a butler's pantry and staircase with urn shaped finials. Three of the urns are new and are the exact copies of the originals. The fireplace is original with a restored chimney including a liner so that the fireplace can be used. The current owners opened two small rooms into a large family room, added a wheelchair accessible bathroom and a galley kitchen. The kitchen was a particular challenge as the original kitchen was 10'x 10' with six doors. A newspaper from 1940 was found under one cabinet in the old kitchen. There is a stove in the basement that was used during the summer. A second chimney had to be removed to open the kitchen up to the family room. Most of the changes were in decorating paint and wallpaper. Some wallpaper was attached with a bright red glue that refused to be removed or covered, it was eventually tamed with several coats of supposedly one coat coverage. Upstairs there are four bedrooms. The 1940 kitchen has become a large bathroom with the original clawfoot tub and a separate shower. The original small bathroom is now the 2nd floor laundry room. Most floors are original. There is beautiful original stenciling in the Julien Street entry way.



Boone County
Soil & Water
 Conservation District

211 N. Appleton Road
 Belvidere, IL 61008
 815-544-2677 ext. 3

11 July 2018

SWCD NRI #: 1591

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 you office as indicated below:

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

Location of Site: 519 S. Main Street Belvidere, IL 61008
PIN(S): 05-25-361-007

Contact	Petitioner	Owner
Nathan Noble 504 N. State Street Belvidere, IL 61008 815-547-7700 nnoble@attorneynoble.com	Nathan Noble 504 N. State Street Belvidere, IL 61008 815-547-7700 nnoble@attorneynoble.com	Jacquelyn Neil-Boss 519 S. Main Street Belvidere, IL 61008

Request: special use to continue non-conforming use

Sincerely,


 Jennifer Becker
 Boone County Soil & Water
 Conservation District

Re: Nathan Noble



Public Health
Prevent. Promote. Protect.

Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

July 23, 2018

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Re: Case: 2018-22; Neil-Boss, 519 S. Main Street

Dear Gina,

We are in receipt of the application for a special use to continue the use of a single-family residence within the Central Business District.

The Boone County Health Department has no comments.

Thank you,

Amanda Mehl
Administrator
skm

ORDINANCE NO. 422H

**AN ORDINANCE GRANTING A SPECIAL USE
TO PERMIT A SINGLE-FAMILY RESIDENCE
WITHIN THE CB, CENTRAL BUSINESS DISTRICT
(519 South Main Street)**

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant and property owner, Jacquelyn Neil-Boss, 1101 N. Austin Street, Rockport, TX 78382 has petitioned the City for a Special Use to permit a single-family residence; and

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on August 14, 2018 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use in the CB, Central Business District for a single-family residence on the property depicted in Attachment A and legally described as:

The Southerly 21 feet of Lot 3 and all of Lots 1 and 2 in Block 14 of William H. Gilman's Addition to Belvidere, situated in the City of Belvidere, County of Boone and State of Illinois. PIN: 05-25-361-007.

is hereby approved, without conditions.

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this ____ day of _____, 2018.

APPROVED by the Mayor of the City of Belvidere this ____ day of _____, 2018.

Michael W. Chamberlain, Mayor

ATTEST:

Shauna Arco, City Clerk

Ayes: ____ Nays: ____ Absent: ____

City Council Members Voting Aye: ____

City Council Members Voting Nay: _____

Date Published:

Sponsor: _____

ATTACHMENT A



MEMO

DATE: August 15, 2018
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Findings of Fact for Case: 2018-22; 519 South Main Street

REQUEST AND LOCATION:

The applicant and property owner, Jacquelyn Neil-Boss, 1101 N. Austin Street, Rockport, TX 78382 is requesting a special use to continue the use of a single-family residence at 519 S. Main Street within the CB, Central Business District (Belvidere Zoning Ordinance Section 150.802(G)(pending text amendment approval) and 150.904 Special Use Review and Approval Procedures). The special use will bring the residence commonly known as the Alexander House into compliance. The subject property is 10,777 square feet, rectangular in shape and developed a single-family residence and carriage house. PIN: 05-25-361-007.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The residence has existed since 1902 and has not created any negative impacts to the community that staff is aware of. The property is in close proximity to several downtown businesses that potential buyers would be aware of prior to purchasing the residence. There is off-street parking and a back yard, which is typical of residential development.

- B. Findings: The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, Section 150.904 of the Belvidere Zoning Ordinance and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The Comprehensive Plan shows the property and the surrounding areas as Central Mixed Use. The Central Mixed Use category allows for residential land uses and encourages pedestrian-orientated development. The residence, with its reduced setbacks (in-line with the Central Business District and not residential districts) and large wrap-around porch, is pedestrian-orientated.

- C. Findings: The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as**

they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

The subject property is a local landmark and a prominent fixture in the neighborhood. The property also includes a carriage house and driveway, providing off-street parking and storage. Unlike other properties in the Central Business District, the residence provides yard space which also serves as stormwater detention, unlike the commercial buildings which have 100 percent lot coverage.

- D. **Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The commercial properties adjacent to the residence were developed after 1902. The residence has not hindered downtown development or improvements of existing structures. If a commercial land use occupies the structure, or the structure becomes a mixed-use building at a later date, that would be in-line with the downtown area. Until then, allowing the structure to remain as a residence is not anticipated to negatively impact the neighborhood.

- E. **Findings:** The proposed Special Use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.

The subject property is served with proper facilities and utilities.

- F. **Findings:** The potential public benefits of the proposed special use outweighs any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Staff is not aware of any potential negative impacts created by allowing the residence to remain. Since the property is a local landmark, any exterior alterations will need to go through the proper review process. In addition to the requirements of this Special Use, compliance with the City of Belvidere's Zoning Ordinance is required.

The motion to adopt the Findings of Fact as presented by staff for case 2018-22 for a special use to permit a single-family residence in the CB, Central Business District at 519 South Main Street carried with a (4-0) roll call vote.

Alissa Maher, Chairman
Belvidere Planning and Zoning Commission

MEMO

DATE: August 15, 2018
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
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