

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION  
Minutes**

**Tuesday January 12, 2021  
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  
Robert Cantrell

**Staff Present:**

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

**Members Absent:**

Alissa Maher

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

Natalie Mulhall was attending electronically.

**MINUTES:** It was moved and seconded (Hyland/Cantrell) to approve the minutes of the December 8, 2020 meeting. The motion carried with a 6-0 roll call vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2021-01; Snow, 409 West 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.

The public hearing was opened at 6:02 p.m.

Gina DelRose was sworn in and summarized the staff report dated January 6, 2021. 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.

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.

Gina DelRose stated the staff recommends approval of case 2021-01. Ms. DelRose stated the case was published in the Boone County Journal on December 24, 2020 and certified mailings were sent to property owners within 250 feet of the subject property on December 15, 2020.

There were no questions for the staff from the commission or the audience.

The applicant had no questions for the staff.

Daniel Snow was sworn in. Mr. Snow stated he realized the property was in need of zoning relief due to the nonconforming property configuration. Mr. Snow stated he and his wife decided to be proactive and request the variance in case something should happen to the structure in the future.

There were no questions for the applicant.

The public hearing was closed at 6:13 p.m.

It was moved and seconded (Racz/Cantrell) to accept the findings of fact as presented in the staff report. The motion carried with a 6-0 roll call vote.

It was moved and seconded (Cantrell/Racz) to approve case 2021-01. The motion carried with a 6-0 roll call vote.

**OTHER BUSINESS:** None

**DISCUSSION:**

Carl Gnewuch asked Gina DelRose how many homes in Belvidere would be in compliance with the Zoning Ordinance if they were granted a variance similar to the case just presented previously.

Gina DelRose stated there are fewer than 200 that are as small as the parcel in the previous case, but there are a few that are in a similar situation, where their setbacks and irregular shape would make it difficult to rebuild. These issues are taken on a case by case basis.

Carl Gnewuch asked if the process could be expedited for property owners.

Gina DelRose stated that, per state law, a public hearing must be held and that hearing must be published 15 to 30 days prior to the hearing. Variances only come to Planning and Zoning Commission; one of the reasons this process is shorter is to benefit homeowners who are seeking relief.

Mike Drella stated there was an attempt to resolve the issue previously, but the attempt was limited in scope.

Gina DelRose stated there is an exception in the Zoning Ordinance that allows for a property to be rebuilt at the average setback of the other houses on the block, but this exception did not apply to Mr. Snow's request.

Paul Engelman asked for the status of the Comprehensive Plan.

Gina DelRose stated there should be an update made closer to the end of January, 2021.

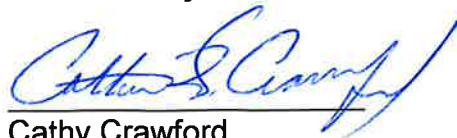
**Staff Report:**

Gina DelRose stated the next meeting would include six cases for video gaming special uses. The City Council increased video gaming licenses from 30 to 40 licenses.

**ADJOURNMENT:**

The meeting adjourned at 6:20 p.m.

**Recorded by:**



Cathy Crawford  
Administrative Assistant

**Reviewed by:**



Gina DelRose  
Community Development Planner