

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, July 14, 2020
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

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

Staff:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant

MINUTES: Approve the minutes of the May 12, 2020 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-04: Rodriguez, 704 E. Pleasant Street: Application of property owner, Jonathan Rodriguez, 1943 Sawyer Road, Belvidere, IL 61008 for a special use for a two-family residence at 704 East Pleasant Street within the SR-6, Single-family Residential-6 (SR-6) District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(B)(2) Two-Flat/Duplex/Twin House and 150.904 Special Use Reviews and Approval Procedures). PIN: 05-25-329-009.

Staff (Approval); PZC (); CC-1 (); CC-2 ()

2020-05: Olson, 1901-1943 N. State Street: Application of Kevin Olson, 1935 N. State Street, Belvidere, IL 61008 on behalf of the property owner Poon & Le, LLC for three variances at 1901-1943 North State Street within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(G)(1)(B) Minimum Landscape Surface Ratio: 15%, 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Building to Front or Street Side Lot Line 20 feet, 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Minimum Paved Surface Setback 5 feet and 150.909 Variance Review). The variances will allow for the required landscape surface ratio to be reduced from 15% to 4.8%, the required front yard building setback (for 1943 North State Street only) to be reduced from 20 feet to zero feet to allow for a patio with a garden wall and the required pavement setback of 5 feet to be reduced to zero feet. PINs: 05-22-426-036; 05-22-426-030 and 05-22-426-034.

Staff (Approval); PZC ()

OTHER BUSINESS:

DISCUSSION:

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

**Tuesday May 12, 2020
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members Present:

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

Staff Present:

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

Vice-Chair Maher called the meeting to order at 6:00 p.m.

MINUTES: It was moved and seconded (Cantrell/Racz) to approve the minutes of the January 14, 2020 meeting. The motion carried with a 7-0 roll call vote.

Vice-Chair Alissa Maher and member Paul Engelman were present remotely for the meeting.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-03: Kelley, 435 Southtowne Drive: Application of Dean Kelley (Abbott Land and Investment Corporation) 2250 Southwind Boulevard, Bartlett, IL 60103 on behalf of the property owner, Dal Pra Trust 1994 and Southtown Ventures, LLC, 1901 Union Avenue, Belvidere, IL 61008 for a special use for a daycare center (3+ children) at 435 Southtowne Drive, Belvidere, IL 61008 within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Daycare Center (3+ Children) and 150.904 Special Use Review and Approval Procedures). PIN: 05-35-482-017.

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

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated May 6, 2020. Ms. DelRose stated that the daycare center was previously approved on May 1, 2017 per Ordinance 348H. The building was constructed in compliance with the special use conditions of approval and an occupancy permit was issued. Due to

circumstances beyond the applicant's control, the daycare center never opened. The special use was not operational within two years, an extension was not requested, therefore it became null and void on May 1, 2019. A new daycare center provider wants to utilize the building; the special use has to be requested again. There are no proposed changes to the site plan or building layout.

Ms. DelRose completed her summary of the staff report and stated the staff recommendation was for approval of the special use, subject to the following condition:

1. The development shall be developed in substantial conformance with the site plan submitted with the application (March 13, 2017) unless otherwise noted.

Gina DelRose stated the notice was published in the Boone County Journal on April 24, 2020 and certified mailings were sent to surrounding property owners on April 22, 2020.

The Vice-Chair invited the commission members to question the staff.

Natalie Mulhall asked if there is only one entrance to the daycare center, from Pearl Street.

Gina DelRose indicated that there is the Pearl Street entrance to the plaza as well as an entrance from Union Avenue, and multiple entrance points accessed from Southtowne Drive, the frontage road south of the plaza.

Carl Gnewuch asked if there are any zoning changes to be aware of with the new special use application.

Gina DelRose stated there are none. The only changes to the area include the vacancy of the strip mall to the west of the daycare center, and the addition of Wild Cherry's gaming parlor between the Secretary of State's Driver Services office and Countryside Market.

The Vice-Chair invited questions for the staff from the applicant, who was attending the meeting remotely.

Dean Kelley said he had no questions for Ms. DelRose.

Amy Pusakulich asked Ms. DelRose if the special use being applied for would have any time constraints placed on it.

Gina DelRose stated that upon approval, the special use must operate within two years or it would become null and void.

The applicant was asked if he had any testimony to give.

Dean Kelley stated Ms. DelRose described the circumstances thoroughly and the new operator was anxious to get through our current health crisis and open the center.

Andy Racz indicated he had a question for the applicant.

Dean Kelley was sworn in by the chair.

Andy Racz asked the applicant if the daycare center was built with a basement.

Dean Kelley said the center has no basement.

Andy Racz expressed concern for tornado safety at the facility.

Dean Kelley stated the question is best addressed by the daycare center's director, who would have systems and protocols in place for those eventualities.

Andy Racz said he hoped the applicant would address the topic due to Belvidere's history of tornadoes.

Dean Kelley stated he has built several similar facilities in the suburbs and none of them were built with basements.

City Attorney Mike Drella stated the question was not a zoning question and was not germane to the discussion.

Gina DelRose stated the building as built has met all applicable building codes, fire code and life safety codes.

The public hearing was closed at 6:17 p.m.

A motion to accept the findings of fact as presented in the staff report was made (Cantrell/Racz). The motion carried with a 7-0 roll call vote.

A motion was made to approve case 2020-03 subject to the condition as presented. (Cantrell/Mulhall). The motion carried with a 7-0 roll call vote.

Gina DelRose stated the case would go before the City Council for a first reading on May 18, 2020 and a second reading on June 1, 2020.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose pointed out the Annual Reports presented to commission members and stated the members should feel free to ask any questions regarding the report. Gina DelRose introduced new commission member Natalie Mulhall, who spoke a few words. There was a reminder that the election of officers would take place at the next meeting. There are currently no cases for June and the next meeting will likely take place in July, 2020.

ADJOURNMENT:

The meeting adjourned at 6:22 p.m.

Recorded by:

Cathy Crawford
Administrative Assistant

Reviewed by:

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

July 7, 2020

ADVISORY REPORT

CASE NO: 2020-04

APPLICANT: Rodriguez, 704 E. Pleasant St.

REQUEST AND LOCATION:

The applicant and property owner, Jonathan Rodriguez, 1943 Sawyer Road, Belvidere, IL 61008 is requesting a special use for a two-family residence at 704 East Pleasant Street within the SR-6, Single-family Residential-6 (SR-6) District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(B)(2) Two-Flat/Duplex/Twin House and 150.904 Special Use Reviews and Approval Procedures). The property is 0.25 acres (PIN: 05-25-329-009 and developed with a residential structure.

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Residential

Adjacent property:

North and West: Residential

South: Residential and Vacated Railroad Right-Of-Way

East: Vacant

ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

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

Adjacent properties:

North and West: SR-6, Single-family Residential-6 District

South: SR-6, Single-family Residential-6 District and GI, General Industrial District

East: GI, General Industrial District

COMPREHENSIVE PLAN:

Subject property: Single Family

Adjacent properties:

North and West: Single Family

South: Planned Industrial and General Industrial

East: Planned Industrial

BACKGROUND:

The Zoning Ordinance requires properties that are zoned Single-family Residential-6 to be a minimum of 7,000 square feet and have a lot width of 65 feet at the building line. The subject

property is a corner lot within the William H. Gilman's 3rd Addition Subdivision, is 10,948 square feet and has a lot width in excess of 65 feet on both sides.

The residential portion of the neighborhood is approximately 22 acres and includes a mix of single-family and multi-family housing as well as 1.4-acre park. The neighborhood is completely bordered by industrial and business zoned properties. Duplexes are common in more established neighborhoods and often act as a buffer between single-family residences and non-residential development.

In 2020 the property was condemned by the City of Belvidere for multiple code violations, primarily in the interior of the building. Structural issues were not a determining factor for the condemnation. After a site visit was conducted by the Belvidere Building Department, it was discovered that the house had been illegally converted into a two-family residence. Shortly after the condemnation, the property was sold to the current owner and applicant. The new owner has been working with the Belvidere Building Department to begin improvements to the residence and has applied for the special use permit to bring the previously-created apartment into compliance with the Belvidere Zoning Ordinance.

As a condition of approval, the property owner will be required to bring the property and structure into compliance with all applicable codes (building, fire, zoning, etc.) and obtain all required building permits. A parking area with a minimum of three parking spaces is also required to be installed per the Belvidere Zoning Ordinance.

TREND OF DEVELOPMENT:

The property is located on the outer edge of an established residential neighborhood that is comprised of a mix of single-family and multi-family. The nearby industrial and commercial properties are a mix of large-scale and small-scale operations.

COMPREHENSIVE PLAN:

The subject property is designated residential by the City of Belvidere's Comprehensive Plan, adopted November 10, 1999. The single-family residential land use category encourages sewered single-family residential development at densities up to five (5) dwelling units per acre.

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 conversion of single-family residences into two-family residences was allowable until the adoption of the 1994 Zoning Ordinance, at which time a special use approval was required. Due to this history, it was not uncommon for larger homes within the older neighborhoods to be converted into two-family residences. The proximity of non-residential land uses to older neighborhoods also encourage a mix of residential structures.

- 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 remaining single-family residential. The single-family residential category calls for sewerred single-family residential development at densities up to five (5) dwelling units per acre. When the Comprehensive Plan was adopted in 1999, the focus was more on the City's growth area and very little change was recommended within the City's corporate limits. Since the property was previously a single-family residence, the comprehensive plan shows it remaining as so even though there are nearby factors making a two-family residence an appropriate land use.

- 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 property is currently developed with an older residential structure that is undergoing renovations. It exceeds lot size requirements and has ample space to construct sufficient on-site parking for tenants while still adhering to greenspace requirements.

The property is located at the northeast corner of East Pleasant Street and Gilman Street. Allowing for an additional dwelling unit on the property will not hinder traffic patterns or create a negative impact in the neighborhood.

- 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 neighborhood is already comprised of a mix of single-family and multi-family residences and surrounded by both large-scale and small-scale industrial and commercial land uses.

- 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 part of an established neighborhood and is currently served by municipal utilities.

- F. Findings: The potential public benefits of the proposed special use outweigh 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 negative impacts previously converted residences have created. The installment of on-site parking will help lessen the number of vehicles parked on the

street and the permitting and inspection process through the Belvidere Building Department will ensure that building codes are met.

SUMMARY OF FINDINGS:

The conversion of single-family residences into two-family residences was allowable until the adoption of the 1994 Zoning Ordinance, at which time a special use approval was required. Due to this history, it was not uncommon for larger homes within the older neighborhoods to be converted into two-family residences. The proximity of non-residential land uses to older neighborhoods also encourage a mix of residential structures.

The property is currently developed with an older residential structure that is undergoing renovations. It exceeds lot size requirements and has ample space to construct sufficient on-site parking for tenants while still adhering to greenspace requirements.

Staff is not aware of any negative impacts previously converted residences have created. The installment of on-site parking will help lessen the number of vehicles parked on the street and the permitting and inspection process through the Belvidere Building Department will ensure that building codes are met.

RECOMMENDATION:

Planning staff recommends the **approval** of case number **2020-04** subject to the following conditions:

1. The property shall be brought into compliance with current building codes. Building plans shall be submitted to the appropriate department for review and approval. Plans include but are not limited to any structural changes such as electric, HVAC and plumbing.

Submitted by:

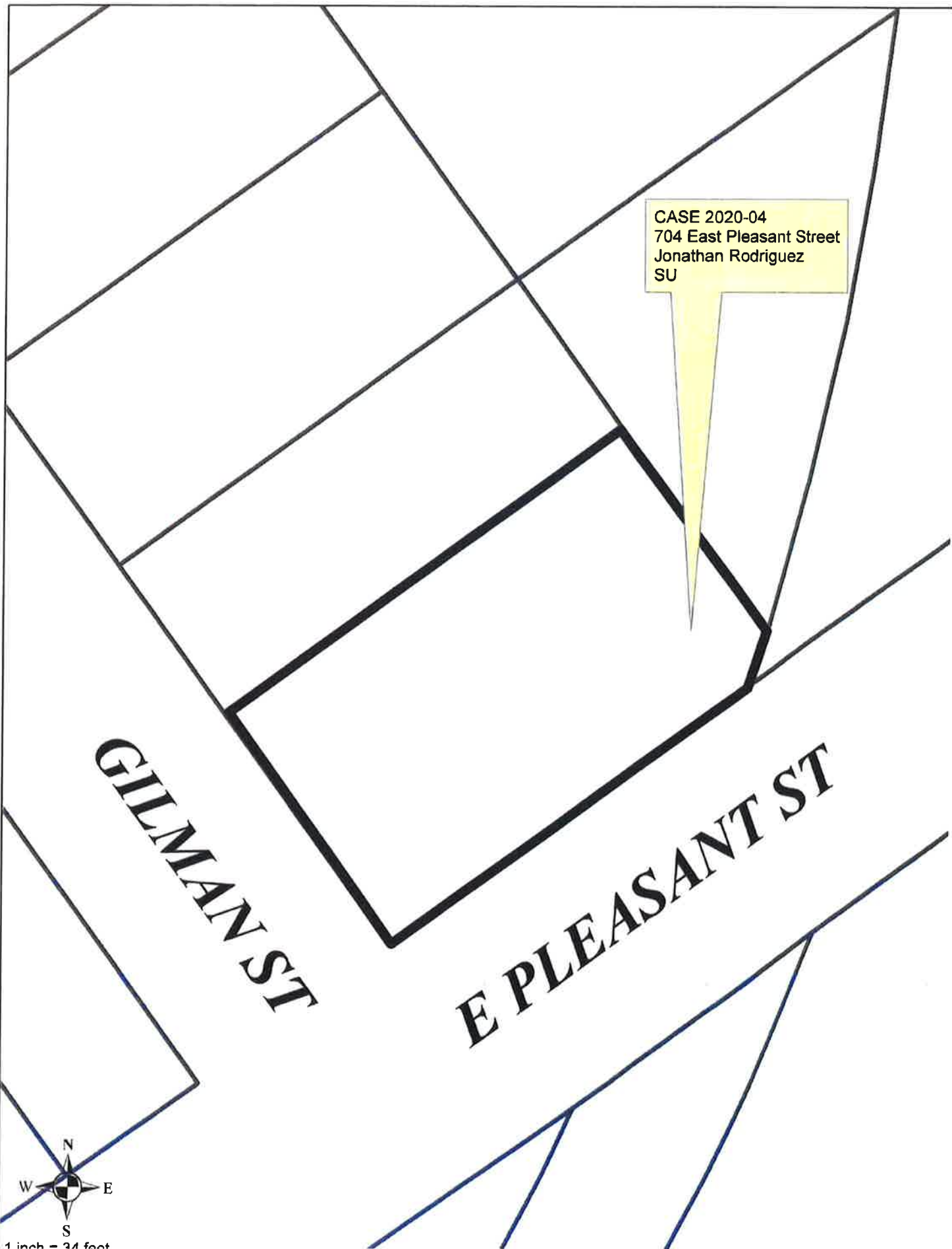

Gina DelRose,
Community Development Planner

PLANNING AND ZONING COMMISSION/CITY COUNCIL ACTION

The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed planned development with the standards and make a recommendation to the City Council. The City Council shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the City Council may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed planned development.

ATTACHMENTS:

1. Location Map by Planning Staff.
2. Aerial Photo by Planning Staff.
3. Narrative as Submitted by the Applicant.
4. Site Plan Submitted by the Applicant.
5. Letter submitted by the Belvidere Building Department, Kip Countryman, June 24, 2020.
6. Letter submitted by the Boone County Health Department, Amanda Mehl, June 26, 2020.



CASE 2020-04
704 East Pleasant Street
Jonathan Rodriguez
SU

GILMAN ST

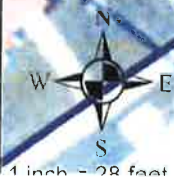
E PLEASANT ST



CASE 2020-04
704 East Pleasant Street
Jonathan Rodriguez
SU

GILMAN ST

E PLEASANT ST



1 inch = 28 feet

there is already an illegal
APARTMENTS.

I AM working with the city
to correct ISSUES.

I Buy the property on MAY 21st
AND I HAVE received permits to
Fix exterior while going through
SPECIAL USE to Fix interior problems

I BE ADDING on side PARKING.

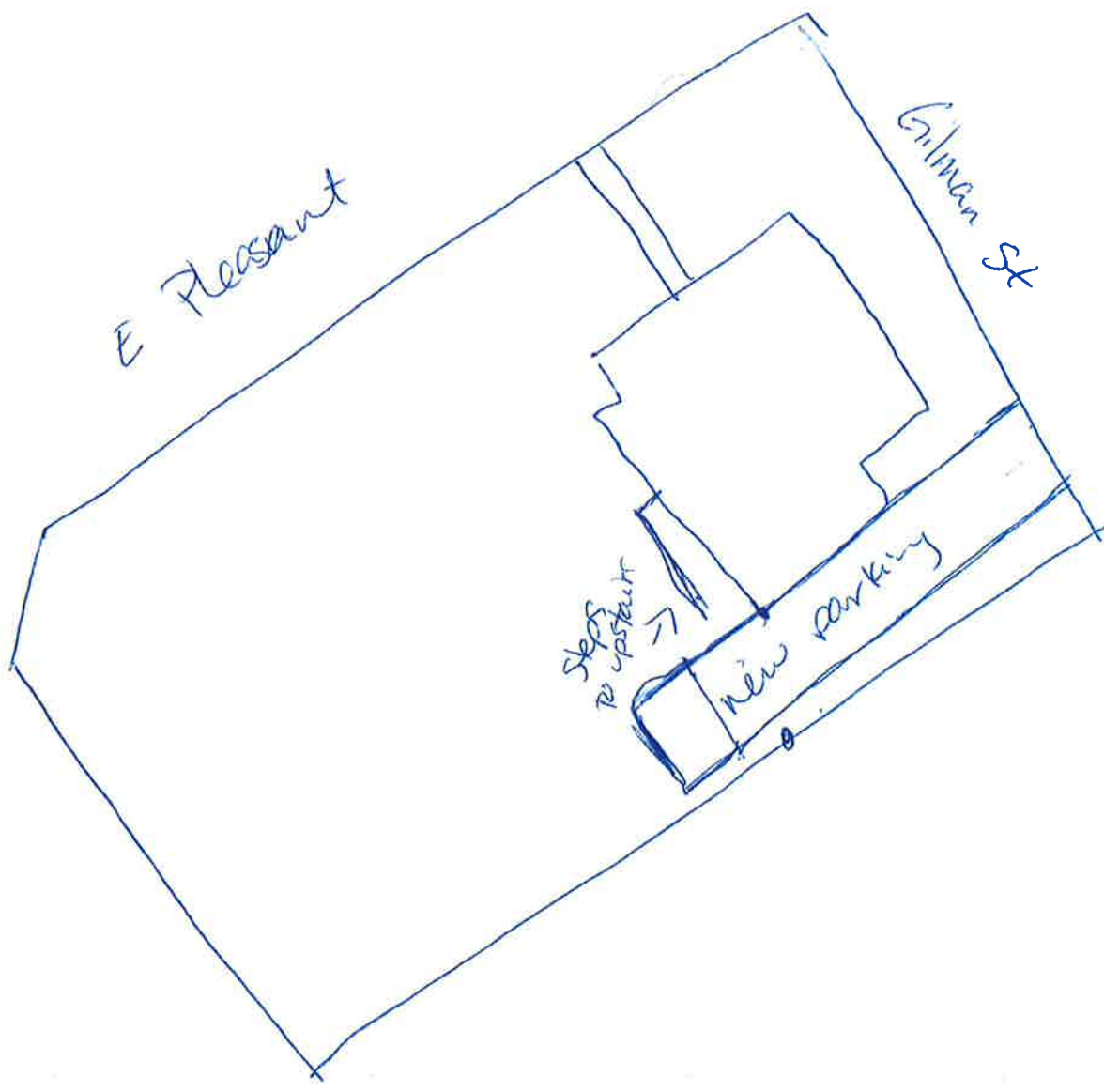
⊕

I will Improve neighborhood - two FAMILY
IS NOT OUT OF PLACE BY INDUSTRIAL
AREAS.



Jonathan S. Rodriguez

06/08/2008



E Pleasant

Gilman St

steps
to upstairs
→

new parking

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

DATE: 6/24/2020

TO: Gina DelRose Community Development Planner

RE: 704 E Pleasant St

Gina,

The special use should be contingent upon the property being brought up to the current adopted building codes. Building plans shall be submitted that include any structural changes including but not limited to electric, HVAC and plumbing will need to be reviewed and approved before any construction permits will be issued.

Thank you

**Kip Countryman
Director of Building
City of Belvidere Community Development
815-547-7177
Kcountryman@ci.belvidere.il.us**



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.

June 26, 2020

FAX: 815-547-0789

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

Re: Case: 2020-05; Olson, 1901-1943 North State Street

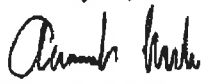
Dear Gina,

We are in receipt of three variances requests at 1901-1943 North State Street within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(G)(1)(B) Minimum Landscape Surface Ratio: 15% 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Building to front or Street Side Lot Line 20 feet, 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Minimum Paved Surface Setback 5 feet and 150.909 Variance Review).

The Boone County Health Department has no comments.

Please let us know if you have any questions or concerns at (815) 544-2951 ext.2 or info@boonehealth.org

Thank you,


Amanda Mehl
Administrator

at

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

July 7, 2020

ADVISORY REPORT

CASE NO.: 2020-05

APPLICANT: Olson, 1901-1943 N. State Street

REQUEST AND LOCATION:

The applicant, Kevin Olson, 1935 N. State Street, Belvidere, IL 61008 on behalf of the property owner Poon & Le, LLC is requesting three variances at 1901-1943 North State Street within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(G)(1)(B) Minimum Landscape Surface Ratio: 15%, 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Building to Front or Street Side Lot Line 20 feet, 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Minimum Paved Surface Setback 5 feet and 150.909 Variance Review). The variances will allow for the required landscape surface ratio to be reduced from 15% to 4.8%, the required front yard building setback (for 1943 North State Street only) to be reduced from 20 feet to zero feet to allow for a patio with a garden wall and the required pavement setback of 5 feet to be reduced to zero feet. Th subject property is approximately 2.4 acres (PINs: 05-22-426-036; 05-22-426-030 and 05-22-426-034), irregular in shape and developed with two restaurants, a multi-tenant building, gas station and parking area.

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Two restaurants, a multi-tenant building, gas station and parking area.

Adjacent property:

North: Commercial

South: Manley's Ford Belvidere and Dodge Lanes bowling alley

West: Fas Fuel and retention pond

East: Napa Auto Parts

ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: GB, General Business District

All Adjacent properties: GB, General Business District

COMPREHENSIVE PLAN:

Subject property: Planned Business

Adjacent property:

North: Planned Business

South: General Business

East: Vacant and General Business

West: Planned Business and General Business

BACKGROUND:

The properties are not part of a platted subdivision but have been developed as one large commercial development in which multiple buildings share vehicle circulation and parking areas. Although the properties meet the minimum zoning regulations for the General Business District, many of the interior lot line setbacks and individual landscape surface ratios have been disregarded as the site was continually improved. The applicant intends to do significant remodeling of some of the buildings as well construction of an additional accessory building. This accessory building will benefit the existing businesses on-site. To achieve these improvements, variances are needed to bring the existing property into compliance with the Belvidere Zoning Ordinance as well as the granting of additional variances.

The former Happy Wok building at 1943 North State Street is 1,900 square feet and located approximately thirty feet from the front property line. The front yard is currently developed with a concrete walkway and freestanding sign. The property slopes downward towards the sidewalk and is surrounded by vehicle circulation areas. The applicant wishes to renovate the building and add an outdoor seating area in the front yard. The outdoor seating area is proposed to mirror the width of the building and extend to the front property line instead of the 10 feet that is permitted (requiring a zero-foot variance); this will be enclosed by a permanent wall structure. The wall structure must adhere to fencing standards (Section 150.712 of the Belvidere Zoning Ordinance) in order not to interfere with a vehicle's line-of-sight.

The northwest property is developed with a parking area and greenspace. The greenspace is the remaining portion of undeveloped land between the three parcels. The applicant proposes to develop a 3,200 square-foot building with additional parking to alleviate storage needs of the existing businesses located in the adjacent multi-tenant building. The building cannot be turned into a self-storage unit without an approved special use which limits its ability to be used by on-site businesses only. In order to construct the storage building the maximum allowable lot coverage of 85% must be increased to 95.2%, this requires a variance. Regardless of the increased lot coverage, all stormwater management requirements shall be met in order to prevent run-off onto neighboring properties and the right-of-way.

The final variance being requested would reduce the pavement setback from five feet to zero feet. Two of the three lots involved with the development already have pavement extending to all property lines. The northwest property has pavement that extends to the property line. This variance will serve to bring the existing conditions into compliance with the Zoning Ordinance; this will not necessarily allow additional pavement to extend to the property line.

TREND OF DEVELOPMENT:

The property is located on the northern end of the North State Street Commercial Corridor. Several corridor businesses have undergone extensive remodeling. The former Shopko building was recently chosen to become a satellite campus for Rock Valley College. This decision is expected to spur new development in the area.

COMPREHENSIVE PLAN:

The subject property is designated as "Planned Business" by the City of Belvidere Comprehensive Plan, adopted July 15, 1999. The Planned Business map category encourages high quality indoor commercial, office and institutional land uses, with generous landscaping and limited signage.

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 property was developed under previous codes and instead of a single-lot development, encompasses three lots. This creates a situation where individual lot lines, surface ratios and vehicle traffic circulation areas are not as defined. As developments from the 1970s and 1980s are renovated in order to meet current trends, variances are often needed to accommodate existing lot improvements.

- B. **Findings: The requested variance is not 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 minimum lot width for the General Business District is 100 feet and the minimum lot size is 20,000 square feet. Although only one parcel meets these requirements on its own, all three parcels combined are well above the Belvidere Zoning Ordinance's minimum standards. The difficulty the applicant is facing is not related to the size or configuration of the property, but due to the existing improvements (location of paved areas and buildings).

- C. **Findings: The requested variance is due to hardships or difficulties created from the actions of the Applicant.**

The property owner purchased the property in 2006 and the applicant has acted as a property manager/developer for the owner. There have been numerous renovations throughout the years. Since more than 50% of a parcel was not impacted at once however, there was no trigger to bring the property into code in regards to lot coverage and pavement setbacks. The property is considered legal non-conforming, however, since the applicant had to apply for variances to construct the outdoor seating area and storage building, they are requesting to bring the existing pavement into compliance as well. The variances would not be needed if not for the applicant's proposed improvements.

- 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.**

As older developments undergo renovations or redevelopment, zoning relief will be needed to accommodate existing conditions such as lot size, building location and parking location. The paved area is not being renovated at this time; the variance will allow it to remain as it has been. The restaurant is being renovated in order to include a large walled-in outdoor seating area which requires a variance since the building was not

setback far enough originally to accommodate such a land use. Outdoor seating areas are becoming more and more common, first due to the Smoke Free Illinois Act and now due to the current health pandemic. The new storage building creates a need for a variance since not enough greenspace was left from the original development to accommodate future needs of on-site businesses.

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

The outdoor seating area could be reduced in size, the storage area could be moved so that it occupies portions of the existing pavement or additional landscaped islands could be installed and parts of the existing pavement could be reconfigured. Making such changes, however, would impact the effectiveness of the improvements being made.

- 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 utilizing the vehicle traffic circulation areas as a legal non-conforming use (grandfathered). If anything were to happen to the paved area, however, it would need to be brought into compliance. The outdoor seating area and storage building are not required to continue utilizing the property for commercial purposes, however they are needed to allow existing and new businesses to accommodate trending business practices and stay relevant.

- 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.**

The planning staff is not aware of any negative impacts the existing paved areas have created. Allowing the current vehicle patterns to remain will have no impact on neighboring properties' access to light and air or the traffic in the area.

The outdoor seating area is proposed to be 1,000 square feet which is not excessive in size. A walled-in patio creates a significantly smaller impact than an actual building constructed on the lot line. Line-of-sight requirements will need to be met to ensure vehicle and pedestrian safety. The applicant wants to construct a storage building that his businesses can grow into rather than reconfiguring the development every few years as needed. Proper stormwater retention measures will need to be installed in order to accommodate the additional lot coverage and protect neighboring properties.

SUMMARY OF FINDINGS:

The property was developed under previous codes and instead of a single-lot development, it encompasses three lots. This creates a situation where individual lot lines, surface ratios and vehicle traffic circulation areas are not as defined. As developments from the 1970s and 1980s are renovated in order to meet current trends, variances are often needed to accommodate existing lot improvements.

The property owner purchased the property in 2006 and the applicant has acted as a property manager/developer for the owner. There have been numerous renovations throughout the years. Since more than 50% of a parcel was not impacted at once, however, there was no trigger to bring the property into code in regards to lot coverage and pavement setbacks. The property is considered legal non-conforming, however, since the applicant had to apply for variances to construct the outdoor seating area and storage building, they are requesting to bring the existing pavement into compliance as well. The variances would not be needed if not for the applicant's proposed improvements.

As older developments undergo renovations or redevelopment, zoning relief will be needed to accommodate existing conditions such as lot size, building location and parking location. The paved area is not being renovated at this time; the variance will allow it to remain as it has been. The restaurant is being renovated in order to include a large walled-in outdoor seating area which requires a variance since the building was not setback far enough originally to accommodate such a land use. Outdoor seating areas are becoming more and more common, first due to the Smoke Free, Illinois Act and now due to the current health pandemic. The new storage building creates a need for a variance since not enough greenspace was left from the original development to accommodate future needs of on-site businesses.

The outdoor seating area could be reduced in size, the storage area could be moved so that it occupies portions of the existing pavement or additional landscaped islands could be installed and parts of the existing pavement could be reconfigured. Making such changes, however, would impact the effectiveness of the improvements being made.


The planning staff is not aware of any negative impacts the existing paved areas have created. Allowing the current vehicle patterns to remain will have no impact on neighboring properties' access to light and air or the traffic in the area.

The outdoor seating area is proposed to be 1,000 square feet which is not excessive in size. A walled-in patio creates a significantly smaller impact than an actual building constructed on the lot line. Line-of-sight requirements will need to be met to ensure vehicle and pedestrian safety. The applicant wants to construct a storage building that his businesses can grow into rather than reconfiguring the development every few years as needed. Proper stormwater retention measures will need to be installed in order to accommodate the additional lot coverage and protect neighboring properties.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2020-05**; Olson, 1901-1934 North. State Street.

Submitted by:



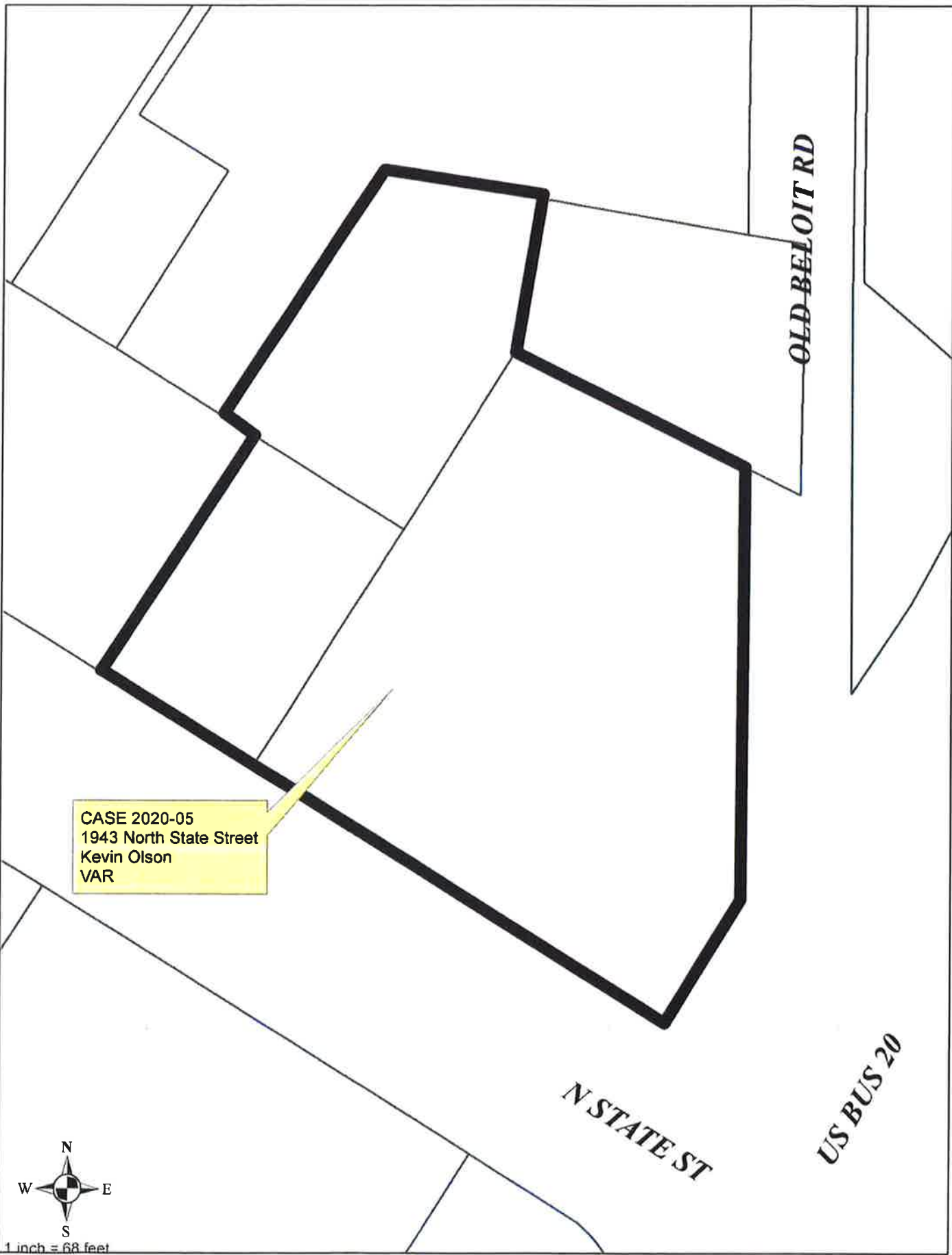
Gina DelRose,
Community Development Planner

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. Site Plan and elevation submitted by the Applicant
4. Letter from Amanda Mehl, Boone County Health Department, June 26, 2020.



CASE 2020-05
1943 North State Street
Kevin Olson
VAR



1 inch = 68 feet

CASE 2020-05
1943 North State Street
Kevin Olson
VAR

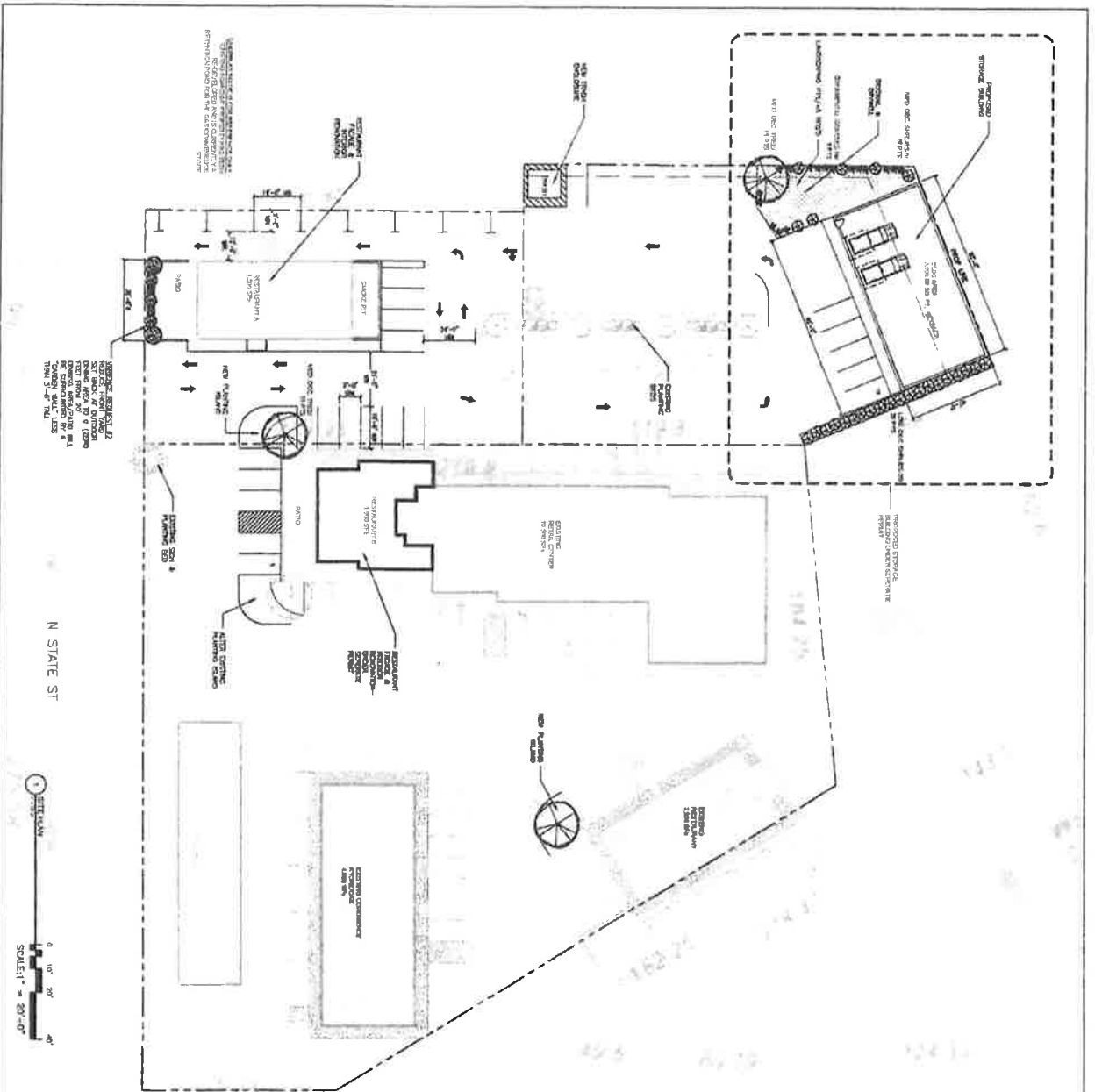
OLD-BELOIT RD

N STATE ST



1 inch = 57 feet



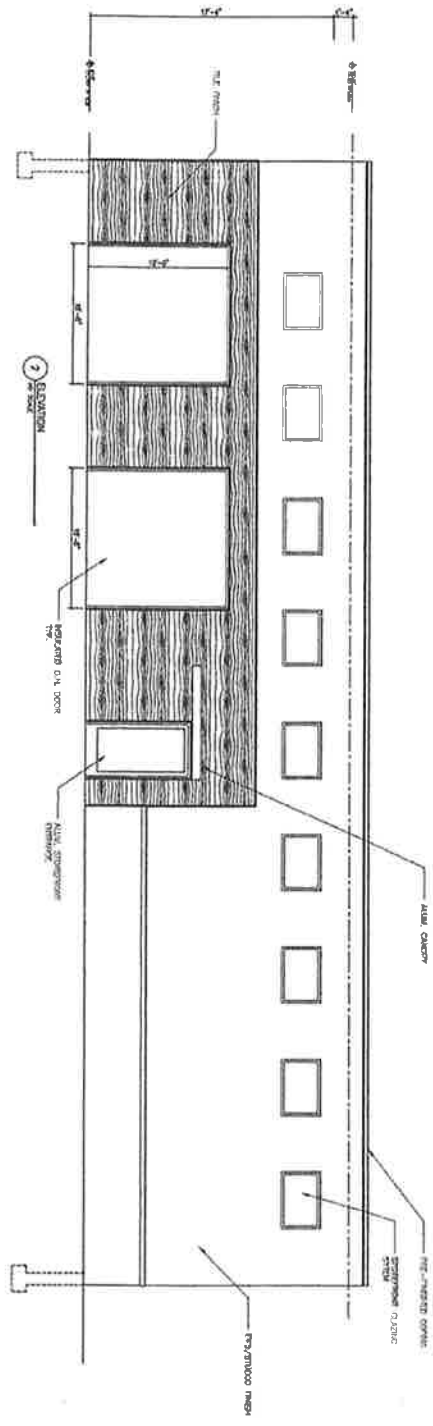


<p>PROJECT DATA</p> <p>PROJECT NAME: RESTAURANT RENOVATION PROJECT NUMBER: 20-0011 PROJECT LOCATION: 4630 CRESTED BUTTE TR., WAUKESHA, WI 53186 CLIENT: JWA ARCHITECT, P.C. ARCHITECT: JWA ARCHITECT, P.C. PROJECT DATE: 2000 SCALE: 1/8" = 1'-0"</p>	
<p>GENERAL NOTES</p> <p>1. SEE ALL DIMENSIONS AND FINISHES ON DRAWINGS AND SPECIFICATIONS.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL RESIDENTIAL CODE BOOK AND ALL CITY ORDINANCES.</p> <p>3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF WAUKESHA ORDINANCES.</p> <p>4. ALL MATERIALS SHALL BE APPROVED BY THE CITY ENGINEER.</p> <p>5. ALL WORK SHALL BE SUBJECT TO INSPECTION BY THE CITY ENGINEER.</p>	
<p>LEGEND</p> <p>— RESTAURANT RENOVATION — EXISTING FOUNDATION — EXISTING WALLS — EXISTING ROOF — EXISTING DRIVEWAY — EXISTING DRIVEWAY CURB — EXISTING DRIVEWAY CURB</p>	

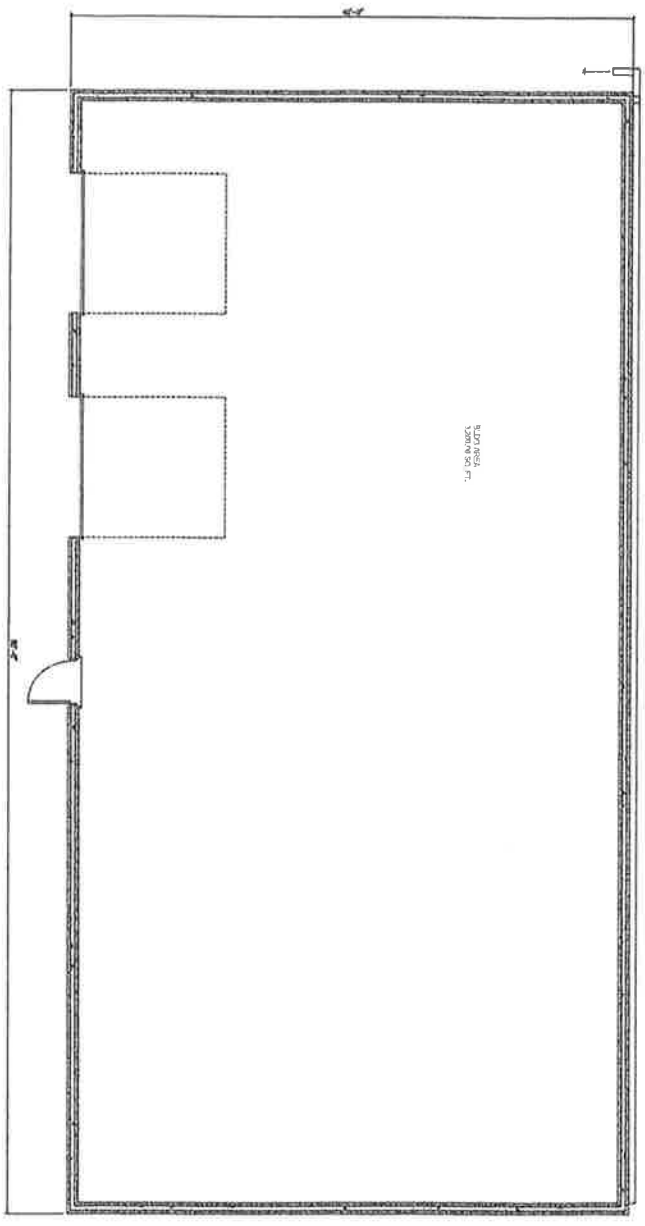
JOSEPH W. ANDERSON
 ARCHITECT
 4630 CRESTED BUTTE TR.
 WAUKESHA, WI 53186
 P. 515-821-9815
 WWW.JWAARCHITECT.COM

RESTAURANT RENOVATION

20-0011
 SITE PLAN
 AC100
 SCALE 1/8" = 1'-0"



1 FLOOR PLAN



2 FLOOR PLAN



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.

June 26, 2020

FAX: 815-547-0789

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

Re: Case: 2020-04; Rodriguez, 704 E Pleasant Street


Dear Gina,

We are in receipt of a special use for a two-family residence at 704 East Pleasant Street within the SR-6, Single-family Residential-6 (SR-6) District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(B)(2) Two flat/Duplex/Twin House and 150.904 Special Use Reviews and Approval Procedures) PIN: 05-25-329-009

The Boone County Health Department has no comments.

Please let us know if you have any questions or concerns at (815) 544-2951 ext.2 or info@boonehealth.org

Thank you,


Amanda Mehl
Administrator

at

BELVIDERE

Community Development Department Planning Department

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

June 2020 Monthly Report

Number	Project	Description	Processed
Belvidere Projects			
0	Cases: June	None	
2	Cases: July	Rodriguez, SU, 704 E. Pleasant Street Olson, VAR, 1901-1943 N. State Street	6/8/2020 6/22/2020
2	Annexation	Plote, 4654 Townhall Road Plote, Irene Rd and US Route 20	
0	Temporary Uses	None	
1	Site Plans (New/Revised)	857 Landmark Drive	6/19/2020
1	Final Inspection	112 E. Hurlbut Avenue	6/29/2020
0	Downtown Overlay Review	None	
3	Prepared Zoning Verification Letters	2022 N. State Street 301 N. State Street 1545 Whitney Boulevard/130 E. 9th Street	6/5/2020 6/29/2020 6/30/2020
0	Issued Address Letters	None	
	Belvidere Historic Preservation Commission	The Commission met in June to review the two resumes received for the vacant seat and discuss moving forward with their 2020 Awards Program. Required reporting and communciation regarding the survey grant has continued.	
	Heritage Days	None	
	Hometown Christmas	None	
	Buchanan Street Strolls	A special Saturday Night Strolls was held on June 27th. Staff worked with the Health Department on safety guidelines. Staff was onsite to help set up and take down, as well as answer any questions.	
Poplar Grove Projects			
1	Cases: June	Kramer, TA	6/1/2020
0	Cases: July	None	
0	Issued Address Letters	None	
0	Prepared Zoning Verification Letters	None	

Scanned Plats: E-mail, Print and/or Burn

Planning Monthly Report Cont.

4 Recorder's Office
0 Other Department
0 General Public

Staff continues to provide Census informaton to those requesting data and community outreach materials. Staff handed out materials at Build-a-Bike and a Northern Illinois Food Bank event. Staff worked on radio and print ads for the Census. Staff continues to submit required documents and monthly reports in relation to the IDHS grant.

Census

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 participated in a COVID-19 webinar to assist local businesses with their reopening plans.

CITY 2020

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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JULY

6/8/2020	GD	2020-04	SU	Jonathan Rodriguez	7/14/2020	7/20/2020	8/3/2020
6/18/2020	GD	2020-05	VAR	Kevin Olson	7/14/2020		

August

7/2/2020	GD	2020-06	SU	Belvidere Fiesta Market	8/11/2020	8/17/2020	9/7/2020

Variation	1
Map Amendment	
Subdivision	
Special Use	4
Annexation	
Text Amendment	1
Temporary Use	
Appeals	
Total	6