

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, November 12, 2024

City Hall Breakroom

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Paul Engelman, CH
Bob Cantrell, VCH
Carl Gnewuch
William Bieber
Daniel Druckrey
Art Hyland

Staff Present:

Gina DelRose, Community Development Planner

Members Absent:

Alissa Maher

Paul Engelman called the meeting to order at 6:02 p.m.

MINUTES: It was moved and seconded (Cantrell/Druckrey) to approve the minutes of the October 8, 2024 meeting. The motion carried with a vote 6-0 voice vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2024-18: Re-Subdivision of Lots 5 and 6 of the Final Plat of Deer Woods II (RP): The applicant is requesting plat approval of the one-lot subdivision named Re-Subdivision of Lots 5 and 6 of the Final Plat of Deer Woods II.

Gina DelRose summarized the staff report dated November 4, 2024 and stated the recommendation is for approval of Case 2024-18, Re-Subdivision of Lots 5 and 6 of the Final Plat of Deer Woods II subject to six conditions of approval. Ms. DelRose stated that three of the conditions were in regards to minor changes on the plat and the other three conditions were in regards to the recording process.

Carl Gnewuch confirmed that the first condition meant that setbacks from the building to the property lines shall be shown.

Carl Genwuch questioned how the building would be accessed.

Gina DelRose stated that during the building permit review process, a curb cut would be approved off of Tuneberg Court. Similar to the residential driveways that were anticipated when the subdivision was originally platted.

Gina DelRose confirmed that the replat is required since accessory structures are not allowed on a lot without a primary structure. By combining the two lots into one, the existing residence will be on the same lot as the proposed accessory structure.

The applicants were present, but had no questions of staff or additional testimony to provide.

The Commission had no questions for the applicants.

It was moved and seconded (Hyland/Druckrey) to recommend approval of Case 2024-18 with the six conditions as presented by staff. The motion carried with a 6-0 roll call vote.

Ms. Gina DelRose stated the case would move forward to City Council.

2024-19: Addis, 5098/707 Tuneberg (SU): The applicant, Jacob Addis, 3301 Business Route 20, Belvidere, IL 61008 on behalf of the property owners Dan and Amanda Clinton, 5098 Tuneberg Parkway, Belvidere, IL 61008 is requesting a special use to permit a planned development in the SR-3, Single-Family Residential-3 District at 707 and 5098 Tuneberg Parkway, Belvidere, IL 61008. The planned development will allow for the following departures: Sections 150.105(B)(1)(C)(2) Attached/Detached garage in aggregate from 900 square feet to 2,073 square feet; 150.105(B)(1)(C)(2) Private Residential Recreational Facility from 900 square feet to 4,564 square feet; 150.204(H) Accessory Land Uses located between a principal building and a street frontage on the same lot; 150.105(B)(1)(F)(2)(G) Maximum Height of an Accessory Structure from 20 feet to 22 feet; 150.406(B) allowing a special use to increase the height of an accessory structure; and 150.904 Special Use Review and Approval Procedures. The planned development is being requested in order to allow for the construction of a 5,601 square-foot accessory building consisting of a detached garage and a private residential recreational facility with a building height of 22 feet and located in the front yard. PINs: 05-17-401-005 and 05-17-452-001

Paul Engelman opened the public hearing for case 2024-19 at 6:11pm.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on October 17, 2024 and notifications were sent by certified mail to property owners within 250 feet of the subject property on October 14, 2024. Ms. DelRose summarized the staff report dated November 5, 2024 and stated the recommendation is for approval of Case 2024-19; Addis requesting special use for a planned development at 707/5098 Tuneberg., Belvidere, IL subject to three conditions.

Gina DelRose confirmed that the conditions of approval will require that the final building design and site plan be in substantial conformance with what is presented at the meeting.

Carl Gnewuch questioned what a private residential recreational facility was.

Gina DelRose stated they would include indoor pools, athletic courts, large playhouses, etc.

Carl Gnewuch questioned if the building could be used by the public and what the occupancy limit was.

Gina DelRose stated that the building is for private use and can not be used for commercial purposes and could not be rented out by the public. Ms. DelRose stated that the fire department determines occupancy limits but needs more finalized floor plans for the determination.

Paul Engelman questioned the size of the structure.

Gina DelRose referenced the "Background" portion of the Staff's Advisory Report for a breakdown of the square-footage for the accessory structure. Gina DelRose stated that the

garage portion is over 900 square feet, requiring a special use and the private residential recreational facility is over 900 square feet, requiring a special use.

Paul Engelman questioned if there was a Homeowners Association and whether or not the accessory structure me the covenants and restrictions.

Gina DelRose stated that the City does not enforce regulations enacted by Homeowners Associations. Ms. DelRose stated that the City enforces their own regulations and if their does happen to be an active Homeowners Association, it is up to the property owner to be aware of their regulations and for the Homeowner's Association to enforce them.

Carl Gnewuch questioned if the accessory structure would be look similar to the residence.

Gina DelRose referenced the picture of the residence in the staff report and stated that the accessory structure is designed to look similar to the residence.

There were no questions for staff by the applicants.

Bill Schold questioned if the special use was required because of the size of the accessory structure.

Gina DelRose confirmed it was.

Dave Corcoran questioned how many notices were sent out.

Gina DelRose stated that public hearings are notified three different ways. A notice was published in the Boone County Journal, a sign was posted on the property and certified mailings are sent out to property owners within 250 feet, exclusive of the public right-of-way. Ms. DelRose stated that for Case 2024-19, nine certified mailings were sent out (due to the larger than average lots) and one was returned as undeliverable.

Lillian Kyobe questioned if there would be access between the two buildings.

Gina DelRose stated that the site plan does not show a connection but the applicant can verify if a sidewalk would be installed leading to the accessory structure.

Jacob Addis was sworn in.

Jacob Addis stated that there would be no pavement connecting the residence and the accessory structure because the intent is to make the accessory structure look like a residence.

Jacob Addis stated that a residence, similar in size to the accessory structure would have an occupancy limit of approximately 70 people. Mr. Addis stated that the majority of the houses in the subdivision have the same occupancy limits.

Jacob Addis stated that the accessory structure was designed to reflect the appearance of the single-family residence. Mr. Addis stated that several residences along Tuneberg Parkway have sideload garages so that the garage doors are not as visible. By having the accessory structure accessed off of Tuneberg Court, it restricts the view of the garage doors from Tuneberg Parkway.

Jacob Addis clarified the new versus total garage space and confirmed that the accessory structure would have similar setbacks to the nearby residences. Mr. Addis stated that there will not be a kitchen or bedroom in the accessory structure so it can not be utilized as a residence.

Jacob Addis stated that several residences in the neighborhood have an exposed basement due to the elevation of the land. Mr. Addis stated that the accessory structure will have the appearance of an exposed basement but it will actually allow for a basketball court with 18-foot tall ceilings.

Carl Gnewuch questioned if there would be larger than standard heating and cooling systems installed.

Jacob Addis stated that standard residential units will be installed.

Daniel and Amanda Clinton confirmed that the accessory building is being built primarily for their children.

Gina DelRose confirmed that photography studios could be considered home occupations.

Bill Schold stated that the building is tastefully designed but questioned what the vision was for future use. How many kids would be utilizing it and what kind of traffic and on-street parking could it generate.

Daniel Clinton was sworn in.

Daniel Clinton stated that they don't anticipate having a lot of kids at once. Mr. Clinton stated that he wants to provide a safe space for his children and their friends to gather. Friends from their church group and school.

Amanda Clinton was sworn in.

Amanda Clinton stated that she would be comfortable with approximately 20 children and she does not intend to have the accessory structure become a place for loud parties.

Jacob Addis stated that they did accommodate for additional vehicle parking by having paved area in front of the building in addition to the driveway.

Lillian Kyobe questioned the potential for increased noise levels.

Jacob Addis stated that due to the height of the walls the framing and installation standards are higher which will act as a sound buffer. Mr. Addis also noted the distance from nearby neighbors due to the required setbacks.

Gina DelRose stated that if any property becomes a nuisance due to noise levels or obstructing the flow of traffic, residents can call the Belvidere Police Department.

Jacob Addis stated that the basketball court is located in the rear of the building, further buffering any sound that could be generated.

Paul Engelman questioned if the proposed accessory structure is in compliance with any Homeowners Association regulations.

Bill Schold was sworn in.

Bill Schold stated that yes it was. The Homeowners Association currently does not permit accessory structures.

Amanda Clinton stated that may be true for the Deer Woods I Subdivision but the Deer Woods II Subdivision has a different set of regulations.

Bill Schold stated that he does not want to see the character of the neighborhood altered but believes the design of the accessory structure helps to alleviate that concern. Mr. Schold stated that his concern is more for the future use of the property when the kids are older and their friends have vehicles and the potential for the property to become commercial in nature.

Gina DelRose stated that the Zoning Ordinance does not allow the accessory structure to be used for commercial purposes. If a resident thinks it has become commercial then they can call the City's Code Enforcement Officer to investigate the matter.

Paul Engelman questioned if the accessory structure could be sold in the future.

Gina DelRose stated accessory structures have to be tied to a primary structure. If the property owner attempted to subdivide the property in the future so that the accessory structure could be sold off, staff would recommend denial.

Bill Schold questioned if the accessory structure could become a residence in the future.

Jacob Addis stated that it could but retrofitting the structure would most likely be cost prohibitive.

The public hearing for Case 2024-19 was closed at 6:50pm.

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

It was moved and seconded (Cantrell/Hyland) to recommend approval of Case 2024-19 subject to the three conditions as presented by staff. The motion carried with a 6-0 roll call vote.

Ms. Gina DelRose stated the case would move forward to City Council.

OTHER BUSINESS:

DISCUSSION:

Staff Report:

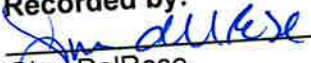
Gina DelRose stated she anticipates 5-6 cases for the December 10, 2024 meeting. Ms. DelRose provided an update on previously approved developments.

ADJOURNMENT:

Paul Engelman stated that with no objections the meeting was adjourned.

The meeting adjourned at 7:00 p.m.

Recorded by:



Gina DelRose
Community Development Planner