

ZONING BOARD OF APPEALS AGENDA
Tuesday, March 22, 2016
Boone County Board Room
1212 Logan Avenue
7:00 P.M.

ROLL CALL:

Members:

Tony Savino, Chair
Brian Van Laar, Vice-Chair
Joan Krumm
Mark Rhode
Norm Stimes

Staff:

Gina DelRose, Associate Planner
Catherine Crawford, Administrative Assistant

MINUTES: Approval of Minutes from February 23, 2016.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

03-2016; Diehl: The applicant and owner Tom Diehl, 8571 Country Place, Belvidere, IL 61008 is requesting a variance to increase the allowable accessory-building height from 20 feet to 22 feet 9 inches and a variance to increase the allowable square footage of an accessory building from 1,920 square feet to 2,604 to construct a detached accessory building at 8571 Country Place in the R-1, Single-family Residential District (Boone County Zoning Ordinance Section 3.5.4.A Lot Development Standards, Section 5.2.1.F Residential Subdivision Restrictions for Accessory Structures and 2.8 Variances) on 4.8 acres in unincorporated Belvidere Township (PIN: 05-18-476-010).

Staff (Approval); ZBA ()

OTHER BUSINESS: None

DISCUSSION: None

COMMUNICATIONS/PLANNING REPORTS:

Previous Case Update

Staff Report

ADJOURNMENT

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

401 Whitney Boulevard, Suite 300, Belvidere, Illinois, 61008 (815) 544-5271 Fax (815) 547-9214

March 15, 2016

ADVISORY REPORT

CASE NO: 03-2016

APPLICANT: Diehl, 8571 Country Place

REQUEST AND LOCATION:

The applicant and property owner, Tom Diehl, 8571 Country Place, Belvidere, IL 61008 is requesting a variance to increase the allowable accessory-building height from 20 feet to 22 feet 9 inches and a variance to increase the allowable square footage of an accessory building from 1,920 square feet to 2,604 to construct a detached accessory building at 8571 Country Place in the R-1, Single-family Residential District (Boone County Zoning Ordinance Section 3.5.4.A Lot Development Standards, Section 5.2.1.F Residential Subdivision Restrictions for Accessory Structures and 2.8 Variances) on 4.8 acres in unincorporated Belvidere Township (PIN: 05-18-476-010). The property is irregular in shape and developed with a single-family residence. See the attached aerial photo.

EXISTING LAND USE ON SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Single-family residence

Properties to the South, East and West: Single-family residential

Property to the North: Vacant residential lot

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: R-1, Single Family Residential District

Properties to the North and East: R-1, Single Family Residential District

Properties to the South: A-1, Agricultural Preservation Area District

Properties to the West: RE, Exurban Residential District

COMPREHENSIVE PLAN FOR SUBJECT AND ADJACENT PROPERTIES:

Subject property: Exurban Residential

Properties to the North, East and West: Exurban Residential

Property to the South: Active Recreation and Exurban Residential

BACKGROUND:

The property is Lot 7 of Prairie Ridge, platted in 1990 and later replatted in 1992. The subject property is slightly less than five acres and meets the lot development standards of lot width, road frontage and building setbacks. The residence is located near the cul-de-sac while the majority of the yard is to the southwest of the property.

An addition is being constructed to bring the total square-footage of the residence to 3,103 square feet. There is an attached two-car garage that contains personal vehicles and recreational items. The applicant has several work vehicles that he would like to be able to store indoors to prevent weather damage and vandalism while protecting the aesthetics of the property. The building will be located in the southeast corner of the property, downhill from the cul-de-sac. There is a line of trees to the south of the property that will obscure the

view of the garage from neighboring properties. The building materials will be similar to those used on the residence.

The applicant is requesting that the garage be 2,604 square feet; this is 684 square feet larger than what is permitted. This additional square-footage will allow several large work vehicles to be safely stored inside. Due to the size of the vehicles, the applicant is requesting an additional two feet nine inches in height.

OTHER PLANNING CONSIDERATIONS:

The Boone County Soil and Water Conservation District has determined that a land evaluation review (LESA) from their office is not necessary. See the attached February 22, 2016 letter from Jennifer Becker.

The Boone County Department of Public Health has no objections but requires a plan review prior to building; see the attached March 4, 2016 letter from Bill Hatfield.

The Boone County Building Department has no objections but requires a building permit to be obtained; see the attached March 8, 2016 letter from Drew Bliss.

TREND OF DEVELOPMENT:

The subject property is located within the Prairie Ridge Subdivision located west of Olson Road. The subdivision is located in the county's growth corridor.

COMPREHENSIVE PLAN:

The subject property is designated as "Exurban Residential" by the Boone County Comprehensive Plan adopted November 10, 1999. The Exurban Residential map category encourages single-family residential development in rural subdivisions not served by public sewer and water at a density not to exceed one dwelling unit per three gross developable acres. Conservation subdivisions may be appropriate in these areas.

FINDINGS OF FACT:

According to Section 2.8.5 of the Boone County Zoning Ordinance, a variation shall not be granted unless the following findings are made:

1. **Findings: The particular physical surroundings, shape or topographical conditions of the subject property involved would not result in a particular hardship upon the owner as distinguished from the mere conveniences, if the strict letter of regulations were carried out.**

The property is a 4.8 acre lot within the Prairie Ridge Subdivision. There are no physical features that require the accessory structure to be larger or taller than permitted. The variance requests are based on the applicant's need to store work-related items.

2. **Findings: The conditions upon which the petition for a variation is based would not be applicable, generally to other property within the same zoning districts.**

The permitted size of a detached accessory structure is proportional to the size of the property (400 square feet per acre). The recent trend for residential subdivisions is larger lots of 3-5 acres which would allow for 1,200 to 2,000 square feet buildings.

The applicant has several large work vehicles in addition to personal vehicles, recreational items and property maintenance equipment. Having numerous large work vehicles is not a common occurrence.

3. **Findings: The purpose of the variation is not based exclusively upon a desire to make more money out of the property.**

The applicant wishes to be able to store all of his belongings and work vehicles in an enclosed building in order to prevent vandalism and damage from the elements. This will prevent costly repairs but does not make the applicant money.

4. **Findings: The owner of the property has not created the alleged difficulty or hardship.**

The owner recently purchased the property and did not construct the original residence. The attached garage could have been constructed larger to adequately house all of the vehicles.

5. **Findings: The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

The four lots fronting the cul-de-sac are significantly larger than neighboring properties, allowing for larger structures. The location of the detached garage will help obscure its view from Country Place and neighboring properties. Allowing everything to be stored in a secure building instead of on the driveway, near residences, detracts vandals and improves the aesthetics of the neighborhood.

6. **Findings: The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals, or general welfare of the public.**

The proposed detached garage meets all required setbacks and will need to meet all required building, health and fire codes. Providing adequate storage for existing vehicles is not anticipated to increase traffic or risk of fire.

7. **Findings: That the potential public benefits of the Variation outweigh any potential adverse impacts of the Variation after taking into consideration the Applicant's proposal and any requirement recommended by the Applicant to ameliorate such impacts.**

The benefits of the variation outweigh the request due to the fact that the proposed detached garage is not anticipated to have any negative impacts on the neighboring properties.

SUMMARY OF FINDINGS:

The permitted size of a detached accessory structure is proportional to the size of the property (400 square feet per acre). The recent trend for residential subdivisions is larger lots of 3-5 acres which would allow for 1,200 to 2,000 square feet buildings. The applicant

has several large work vehicles in addition to personal vehicles, recreational items and property maintenance equipment. There are no physical features that require the accessory structure to be larger or taller than permitted. The variance requests are based on the applicant's need to store work related items. Having numerous large work vehicles is not a common occurrence.

The four lots fronting the cul-de-sac are significantly larger than neighboring properties, allowing for larger structures. The location of the detached garage will help obscure its view from Country Place and neighboring properties. Allowing everything to be stored in a secure building instead of on the driveway, near residences, detracts vandals and improves the aesthetics of the neighborhood.

The owner recently purchased the property and did not construct the original residence. The attached garage could have been constructed larger to adequately house all of the vehicles. The benefits of the variation outweigh the request due to the fact that the proposed detached garage is not anticipated to have any negative impacts on the neighboring properties.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **03-2016**.

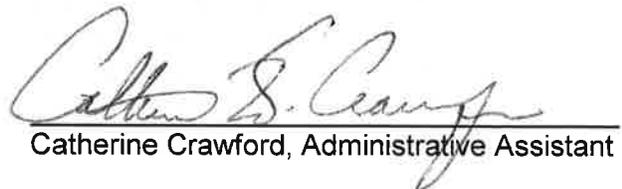
ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall not vary the regulations of the Zoning Ordinance unless the findings indicate there are practical difficulties or hardships present. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to approve a variance. All decisions shall be subject to judicial review.

Submitted by:

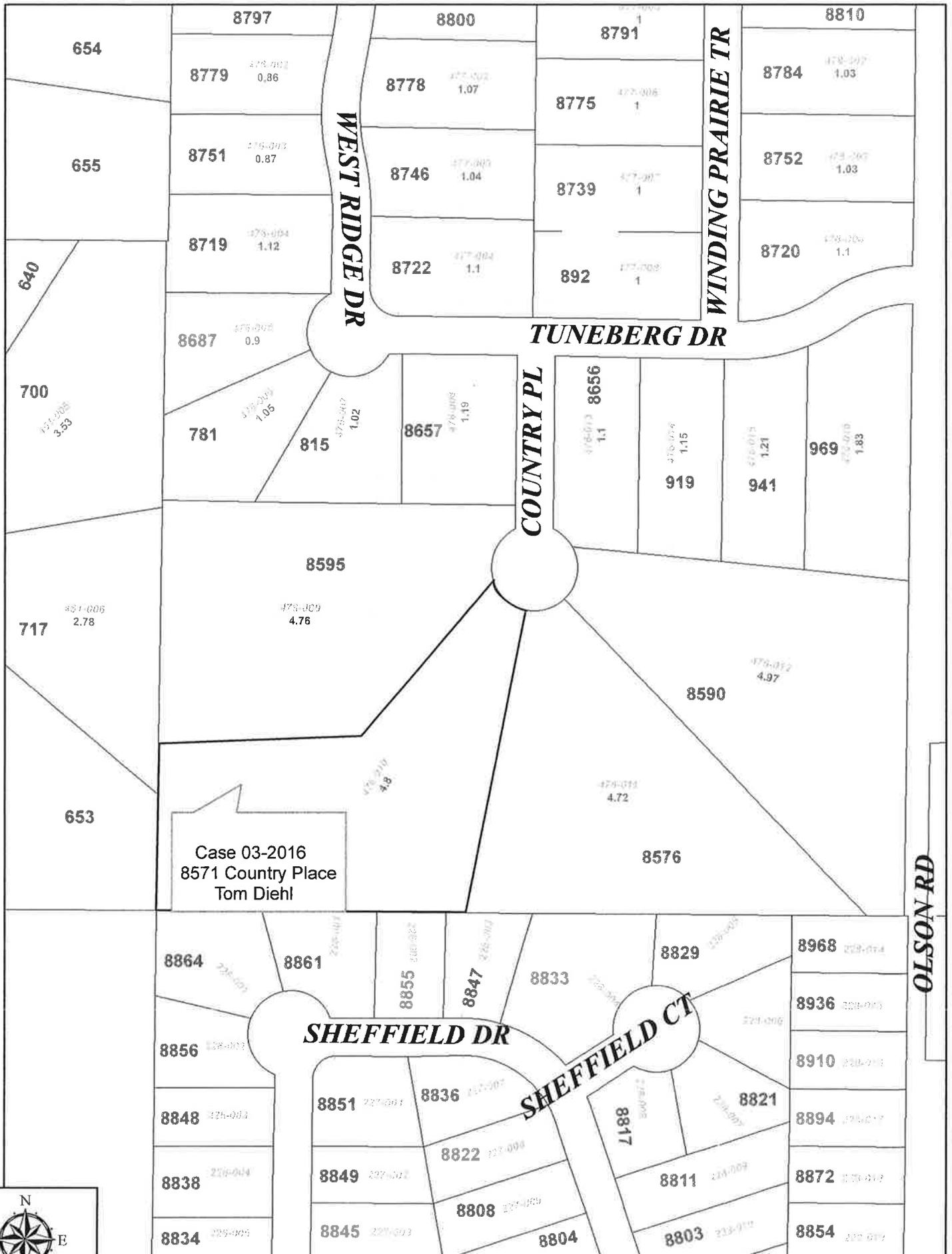

Gina DelRose, Associate Planner

Reviewed by:

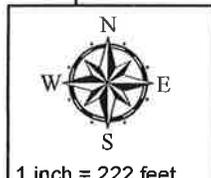

Catherine Crawford, Administrative Assistant

ATTACHMENTS

1. Location Map by Planning Staff.
2. Aerial Photo by Planning Staff.
3. Application and Narrative
4. Site Plan and Elevations Submitted by the Applicant.
5. February 22, 2016 letter from the Boone County Soil & Water Conservation District, Jennifer Becker.
6. March 4, 2016 letter from Boone County Department of Public Health, Bill Hatfield.
7. March 8, 2016 letter from Boone County Building Department, Drew Bliss.



Case 03-2016
8571 Country Place
Tom Diehl



1 inch = 222 feet



Case 03-2016
8571 Country Place
Tom Diehl

SHEFFIELD DR

COUNTRY PL



1 inch = 111 feet

APPLICATION FOR VARIANCE

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

Belvidere City Hall
401 Whitney Blvd. Suite 400
Belvidere, Illinois 61008

FOR OFFICE USE ONLY

Belvidere

Boone County

Case Number 03-2016

Filing Date 2/19/2016

Zone District R-1

PZC Date _____

ZBA Date 3/22/2016

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:
8571 Country Place Belvidere Il. 61008

and its Parcel Identification Number is: 05-18-476-010

and the legal description for the subject property is: Lot 7, Block N/A

Tract N/A, Subdivision Name Prairie Ridge

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) **Applicant Name:** Tom Diehl

Mailing Address: 8571 Country Place Belvidere Il.

Zip: 61008

Daytime Phone: 815-378-6812

Fax: 815-961-8243

Email: tom@spidercompany.com

3) **Property Owner Name:** _____

Mailing Address: _____

Zip: _____

Daytime Phone: _____

Fax: _____

4) **Attorney Name:** _____

Mailing Address: _____

Zip: _____

Daytime Phone: _____

Fax: _____

5) **Project Manager:** In order to reduce confusion, planning staff requests one contact person be designated to discuss issues concerning this petition.

Name: _____

Mailing Address: _____

Zip: _____

Daytime Phone: _____

Fax: _____

Email: _____

NOTICE TO APPLICANT

A Variation is a zoning adjustment, which permits minor changes of district requirements where individual properties have proven hardships. Variances are restrictive and the degree of Variation is limited to the minimum change necessary to overcome the practical difficulty inherent on the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts. Use Variations are specifically prohibited.

A Variation recognizes that the same district requirements do not affect all properties equally; it is intended to permit minor changes to allow hardship properties to enjoy equal opportunities with similarly zoned properties. **You must prove that your land is affected by special circumstances or unusual conditions.** These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties, a Variation cannot be granted. The remedy for a general hardship is a change to the Zoning Map or to the text of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variation: 1) Proof that a Variation would increase the financial return from the land, 2) Personal hardship, and 3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

A proposed Variation which will adversely affect surrounding property or the general neighborhood cannot be granted. All Variations must comply with the intent and purpose of the Zoning Ordinance.

6) Variance for Oversized garage and going over 20ft.

1920 sq. ft. 21004 (what type of Variance)

From 20 ft. to 22'9" ft.

To Permit: 42'x62' garage 22'9" tall, stick built standard construction accessory building
(what type of construction)

Reasons for Variance Request

7) Which of the following types of modifications will allow you a reasonable use of your land:

Change in setback requirement

Change in lot-coverage requirement

Change in side yard restriction

Change in off street parking requirement

Change in area requirement

Other (describe) Change in overall size and height requirement

8) Describe how this variation is the minimum variation that will make possible the reasonable use of the land, structure, or buildings in question.

Please see drawing attached drawn at scale that demonstrates vehicles in use for work purposes. Suggested variance will allow vehicles internal storage sheltered from weather elements, secure from vandalism and will and will allow me to access these vehicles in a climate controlled atmosphere.

9) What characteristics of your property prevent it from being used in a reasonable manner?

Too narrow _____ Elevation _____ Soil _____
Too small _____ Slope _____ Subsurface _____
Too shallow _____ Shape _____ Other Size restriction

10) Describe the items checked, giving dimensions where appropriate and how the characteristics are different than other properties in the district.

This is not an issue with characteristics of the property, just with room needed for adequate storage of work vehicles.

11) In what way do the above site conditions prevent any reasonable use, commonly enjoyed by owners of other properties in the same zoning district?

Same as above

12) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having an interest in the property after the Zoning Ordinance or applicable part thereof became law? Yes _____ No X If "No", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variations).

I was not involved in any zoning or changes to my property that would have caused issue.

13) Are the conditions on your property the result of other manmade changes, such as the relocation of a road or highway? If so, describe.

N/A

14) Will granting the variation requested give the applicant any special privilege that is denied by the Zoning Ordinance to owners of other lands, structures, or buildings in the same district? Explain your answer.

I would assume that any other applicant with similar land structure and similar specific requirements would be given the same option to apply as what is granted to me.

15) Specify how the granting of the variation requested will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

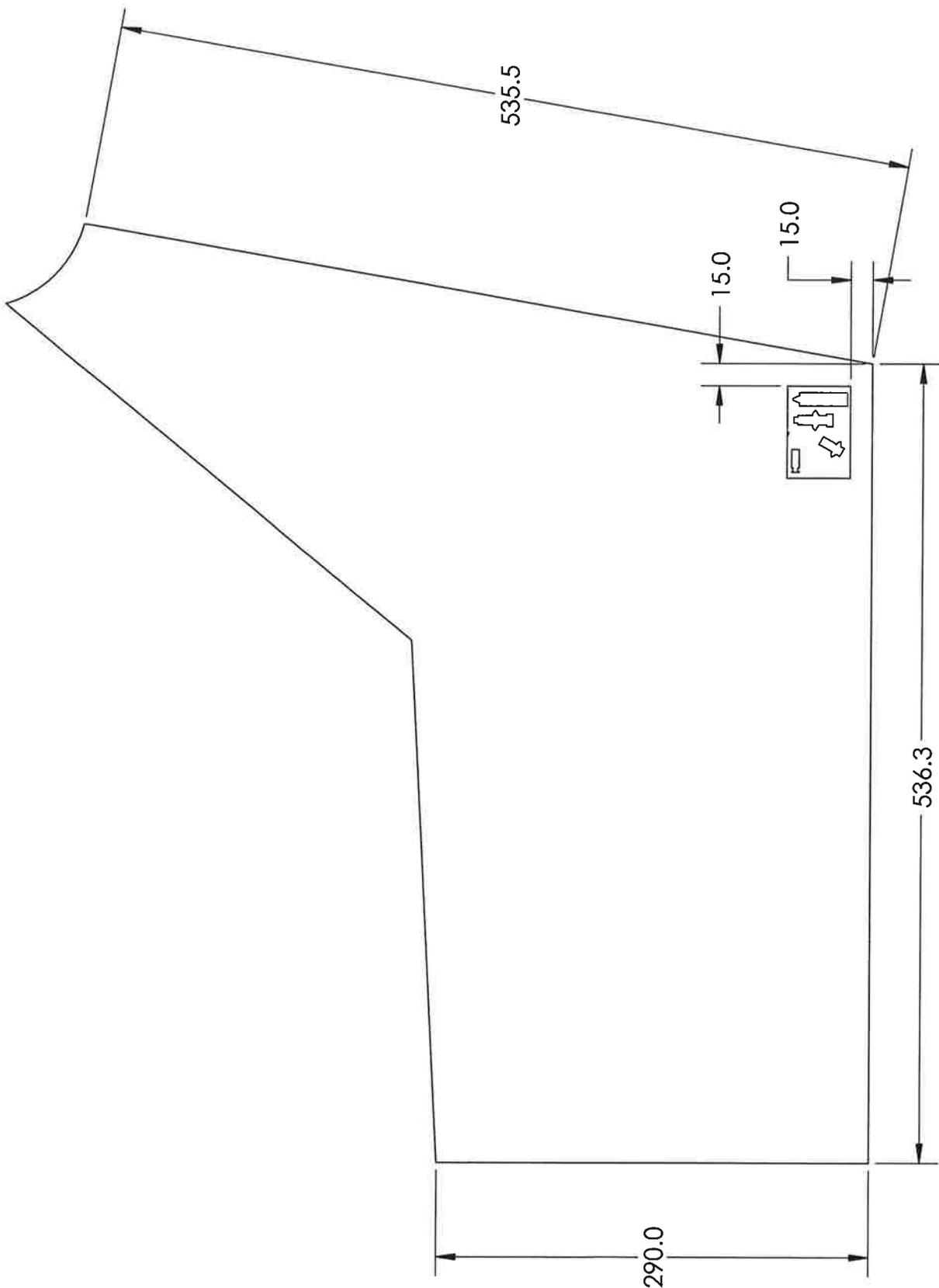
There would be no known harm in increasing the size of the proposed structure by 684 sq. ft. or 17 ft. in width and increasing its height from 20' allowed to 22'9" requested. The building will be tucked back neatly into the furthestmost southeast corner of the lot and surrounded by mature trees on most sides.

16) **LIST THE OWNERS OF RECORD: Boone County applicants** shall list the owner of record for all properties located adjacent to and across the street or alley from the perimeter of the subject property. **City of Belvidere applicants** shall list the owner of record for all properties located within 250 feet of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. or the Planning Office. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

| PIN# | Name/Trust No. | Street | City | Zip |
|-----------------|--|---------------------|------------|-------|
| ✓ 05-18-476-011 | Andrews, Kenneth & Mary | 8576 Country Place | Belvidere | 61008 |
| ✓ 05-19-226-001 | Ballweg, Keith & Karen | 8864 Greenfield Dr. | Belvidere | 61008 |
| ✓ 05-19-228-001 | Terrilewithee, Howard & Susan | 8861 Greenfield Dr. | Belvidere | 61008 |
| ✓ 05-19-228-002 | Rabideau, John & Mary | 8855 Sheffield Dr. | Belvidere | 61008 |
| ✓ 05-19-228-003 | Schulze, Herbert & Otilie | 8847 Sheffield Dr. | Belvidere | 61008 |
| ✓ 05-18-451-010 | Malcolm, Wade & Lydia | 653 Schauer Ln. | Belvidere | 61008 |
| ✓ 05-18-451-006 | Lyons, Denise | 717 Schauer Ln. | Belvidere | 61008 |
| ✓ 05-18-476-009 | Custom Nardi Systems Inc. Norem Trust | 8595 Country Place | Belvidere | 61008 |
| 05-18-476-012 | c/o Dean & Jackie Norem | 8590 Country Place | Belvidere | 61008 |
| 05-18-476-013 | Park, Koo | 8656 County Place | Belvidere | 61008 |
| ✓ 05-19-201-004 | Chas. E Fitch +H. Victor Fitch Tr | 512 US Rte 20 | Belvidere, | 61008 |
| | | | | |
| | | | | |
| | | | | |

The proposed variance for an oversized garage at the furthestmost Southeast corner of property at 8571 Country Place Belvidere Il. 61008 is requested. The variance includes a sq. ft. size increase from allowed 1920 sq. ft. to 2604 sq. ft. and from an allowed height of 20' to 22'9". The reasons for this request are as follows: I own a business in the Rockford area for which I own certain trailers and vehicles that need to be in out of the elements and need to be accessed for trade show setup and or basic use. Please refer to the drawings attached which are drawn to scale for the layout, this will show the reason why the size per restrictions would leave several items vulnerable. This request seems reasonable due to the fact that the property is 4.8 total acres and relatively secluded, the grade drop off from the street level of the property will allow for the building to be out of normal view from the street, also the heavy concentration of mature trees surrounding the property and immediately around the proposed building hide it from view. I am also planning, as demonstrated by the included drawing, for the building to match the construction of our current home to assure an aesthetically consistent and pleasing structure. Our home is currently 3103 sq. ft. with the addition that is currently under construction, leaving the proposed structure still much smaller than the house. The house currently has a three car attached garage that will be just enough room to park our daily use vehicles and a few kids toys, rakes, manual garden tools, etc. The reason for the height increase is due to the construction required to provide a structurally sound roof with the required height for the extra height trailer that will be parked inside.

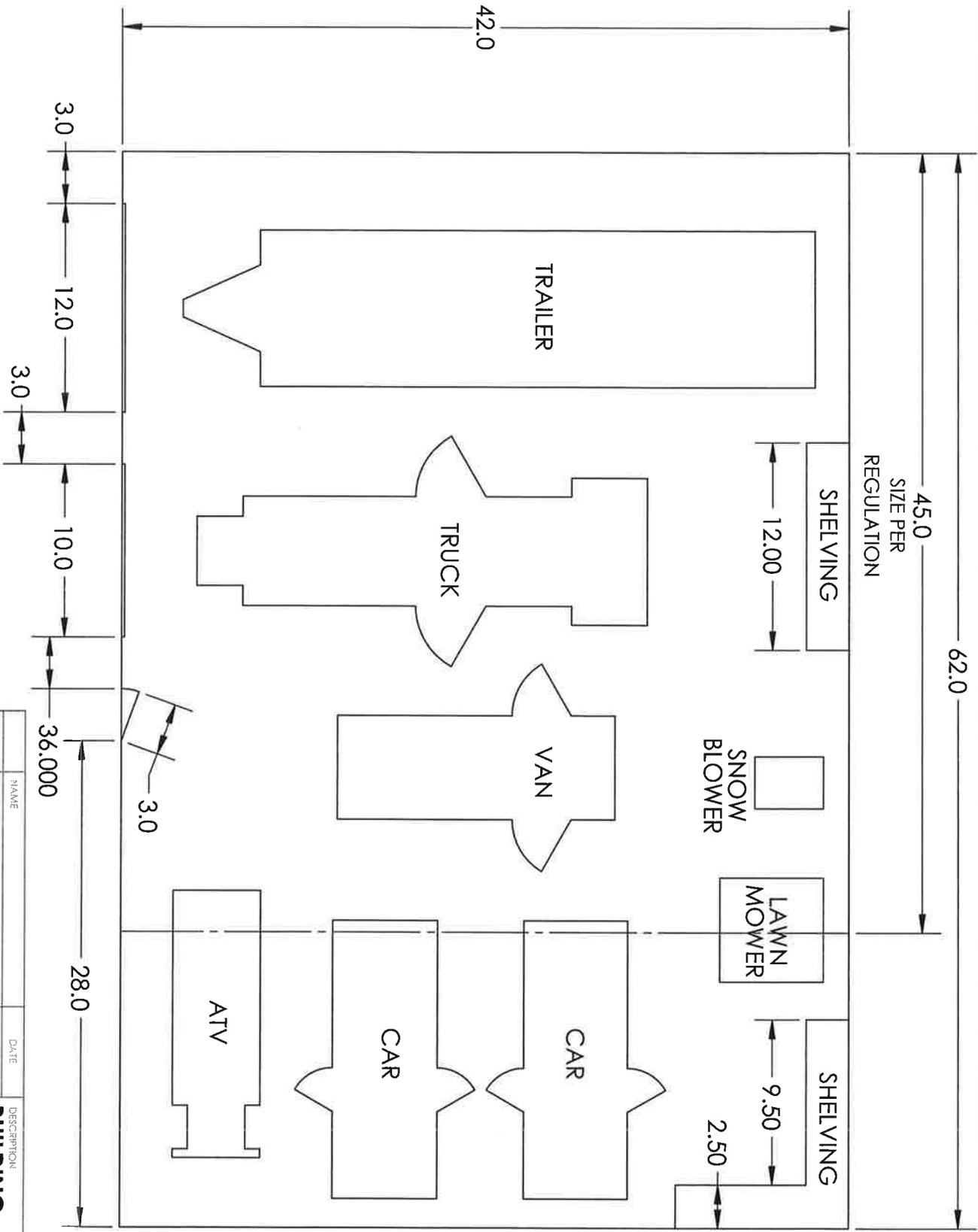
In summary, I need to make sure that I can keep my assets safe from weather conditions, vandalism, etc, while allowing me to access those assets in a climate controlled atmosphere. I do not intend on performing any business activity inside this structure, it is for storage primarily. I also want to assure that my neighbors are not having to look out there windows to see a trailer, plow truck, etc. parked in my driveway or in the street.



| | | | | | |
|----------------------|---------|------------|--|-----------------|-----------------|
| NAME | | DATE | | DESCRIPTION | |
| J WEST | | 01/06/2016 | | LAND W BUILDING | |
| DRAWN | CHECKED | MATERIAL | | SIZE | DWG. NO. |
| | | N/A | | A | LAND W BUILDING |
| DO NOT SCALE DRAWING | | | | PROCESS NO. | LAYOUT |
| | | | | REV. | * |

PROPRIETARY AND CONFIDENTIAL
 THE INFORMATION CONTAINED IN THIS
 DRAWING IS THE SOLE PROPERTY OF
 SPIDER COMPANY, INC. ANY REPRO-
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 WITHOUT THE EXPRESS WRITTEN CONSENT
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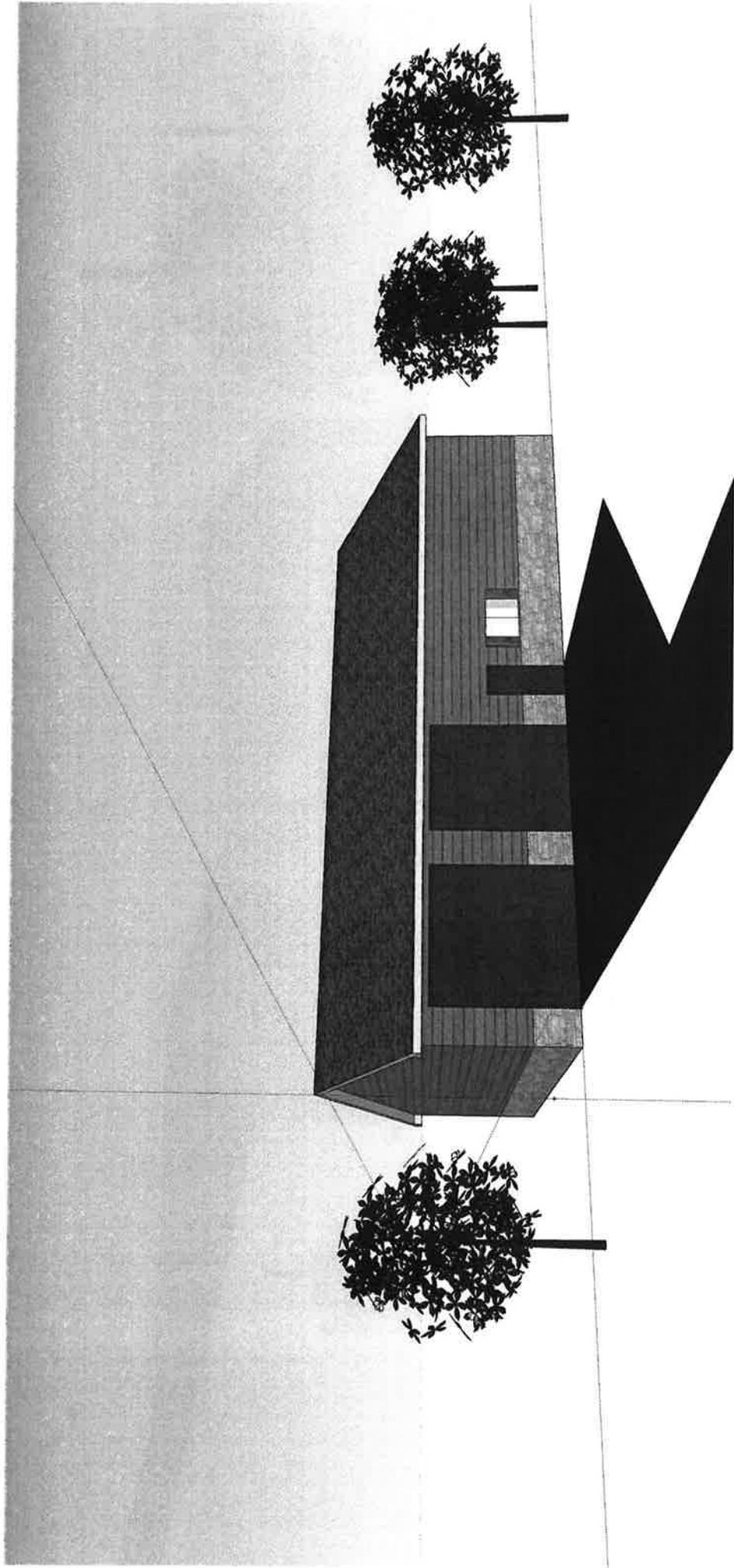


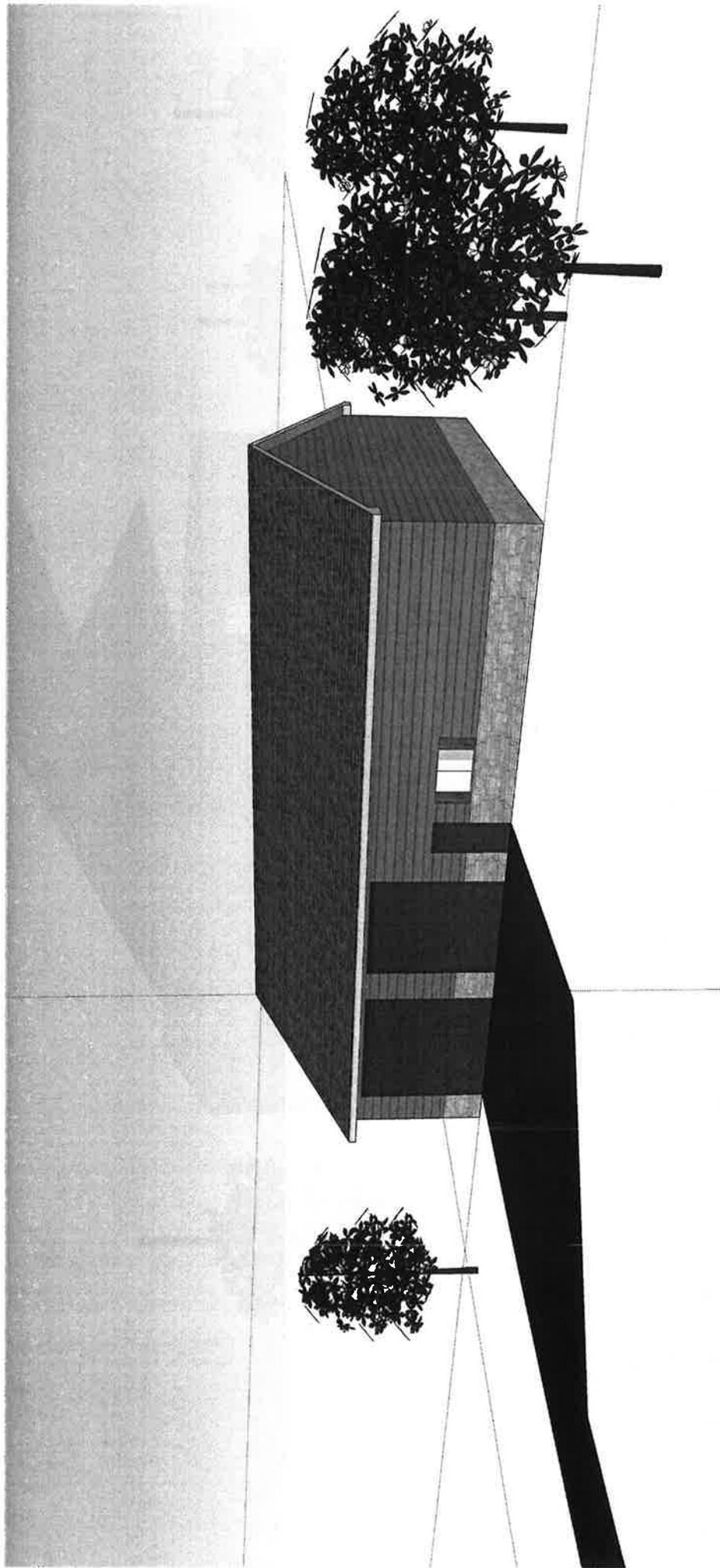
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| | | | |
|----------------------|--------|------|------------|
| NAME | J WEST | DATE | 01/06/2106 |
| CHECKED | | | |
| MATERIAL | N/A | | |
| DRAWN | | | |
| DO NOT SCALE DRAWING | | | |



| | | | |
|-------------|----------|----------------------|--------|
| DESCRIPTION | | BUILDING - 42' X 62' | |
| SIZE | DWG. NO. | PROCESS NO. | LAYOUT |
| A | | | |
| REV. | | | |
| B | | | |





 Boone County
Soil & Water
Conservation District

211 N. Appleton Road
PO Box 218
Belvidere, IL 61008
815-544-2677 ext. 3
FAX 815-544-4281

February 22, 2016

SWCD NRI #: 1485

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted for the property listed in this letter. 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: Prairie Ridge, Lot #7, 8571 Country Place, Belvidere, IL 61008

PIN(S): 05-18-476-010

Contact:

Tom Diehl

Phone: 815-378-6812

Email: tom@spidercompany.com

Petitioner:

Tom Diehl

8571 Country Place
Belvidere, IL 61008

Owner:

Tom Diehl

8571 Country Place
Belvidere, IL 61008

Request: Variance for garage

Sincerely,



Jennifer Becker

Boone County Soil & Water
Conservation District



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9730
Fax: 815-544-2050 www.boonchealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

March 4, 2016

Gina Del Rose
Belvidere-Boone County Planning Dept.
401 Whitney Blvd., Suite 400
Belvidere, IL 61008

Re: Variance 03-2016 8571 Country Place

Dear Gina,

We are in receipt of the variance request for the above referenced case.

The Boone County Health department has a process called "Plan review". This process is done on any properties in the county which has a septic and or a private well. The property owner needs to come in, pay a \$50.00 fee and draw on a printed out overhead his plans and where he thinks his well and septic is located. We then compare that plan to any information in the property file. This is done to ensure the well or septic will not be compromised during any building. This property would need to have this plan review done on it before it can be approved for any building permits.

Our office has no objections or comments on variance to increase size request.

Thank you,

William L. Hatfield
Director of Environmental Health

BOONE COUNTY
BUILDING DEPARTMENT

1212 Logan Ave. Suite 101 Belvidere, Illinois 61008
(815)544-6176
(815)-547-0906(fax)

March, 8, 2016

To: Gina DelRose
Associate Planner

From: Drew Bliss
Senior Building Inspector

RE: Variance 03-2016, 8571 Country Place

Dear Ms. DelRose,

Our office has no objections to the variance request. Please notify the applicant that a building permit will be required if the case is approved.

If you have any further questions, please feel free to contact our department at (815) 544-6176.

Thank you,



Drew Bliss
Senior Building Inspector
Boone County Building Department