



# City of Rochelle

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420 N 6<sup>th</sup> Street  
P.O. Box 601  
Rochelle, IL 61068  
Tele: (815) 562-6161  
Fax: (815) 562-3888

**TO:** Meggon McKinley, City Manager  
**FROM:** Chris Limas, AICP  
Community Development Director  
**DATE:** May 3, 2011  
**SUBJECT:** Case PZC-6-11 Lot Coverage Variance (Public Hearing)

**Applicant:** Ramon Lopez  
**Location:** 221 Willis Avenue  
**Zoning:** R-3, Single Family High Density  
**Comprehensive Plan:** High Density Residential  
**Use:** Single Family Home

## Summary

On May 2, 2011 the Planning and Zoning Commission held a public hearing on a petition by Ramon Lopez for a variance of the lot coverage to allow lot coverage of 41.3 % instead of the allowable 33%, in order to keep the trailer on the hard surface parking pad for which no building permit was obtained.

The facts of the case were reviewed which began in 2009, when a City inspector sent Mr. Lopez a citation for parking a trailer on the grass. Mr. Lopez was informed that he needed to apply for a variance since the trailer had to be parked on a hard surface which would exceed the maximum lot coverage allowed of 33%.

In February of this year, Mr. Lopez was cited again for parking the trailer in the same location which was on the side of the house. It was noted that the trailer was now parked on a concrete pad for which no building permit or variance was obtained. Also there was no access to the street from the pad which is required since you are not allowed to drive over a non-hard surfaced area. Mr. Lopez's attorney was told that he needed to apply for a variance; Mr. Lopez thus applied for the variance for which is the purpose of the public hearing.

## Findings of Fact

The Planning and Zoning Commission reviewed the facts of the case and the standards for granting a variance which are listed in Chapter 110 of the Rochelle Municipal Code and felt that there was not a hardship to grant such a variance. They also indicated that they recently made some decisions in regards to lot coverage and decks and recommended denial since they felt that the maximum lot coverage of a lot should be followed unless there is a real hardship for which in this case there is not.

**RECOMMENDATION**

The Planning and Zoning Commission voted to **deny** the requested variance.

**VOTE: 5-0**



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**TO: Planning and Zoning Commission**

**FROM: Chris Limas, AICP  
Community Development Director**

**DATE: April 26, 2011**

**SUBJECT: Case PZC-6-11 Lot Coverage Variance (Public Hearing)**

Applicant: Ramon Lopez

Location: 221 Willis Avenue

Zoning: R-3, Single Family High Density

Comprehensive Plan: High Density Residential

Use: Single Family Home

## Summary

In 2009, a City inspector sent Mr. Lopez a citation for parking a trailer on the grass. Mr. Lopez was informed that he needed to apply for a variance since the trailer had to be parked on a hard surface which would exceed the maximum lot coverage allowed of 33%.

In February of this year, Mr. Lopez was sited again for parking the trailer in the same location which was on the side of the house. It was noted that the trailer was now parked on a concrete pad for which no building permit or variance was obtained. Also there was no access to the street from the pad which is required since you are not allowed to drive over a non-hard surfaced area. Mr. Lopez's attorney was told that he needed to apply for a variance; Mr. Lopez thus applied for the variance for which this public hearing is being held for.

The following is a summary of the requested lot coverage:

Lot Size	8733.42 sf
Maximum Lot Coverage Allowed	2882.00 sf
Lot Coverage Currently Over	268.45 sf
Requested Additional Lot Coverage	<u>454.55 sf</u>
TOTAL Lot Coverage	3605.00
Lot Coverage Percentage	41.3%

Following are the standards for granting variances as per the zoning ordinance. These conditions must be met in order for a variance to be granted. A variance should not be granted for personal gain, should be based on a unique situation of the property and not self imposed.

### **Standards for granting.**

The Planning and Zoning Commission may recommend a variance from the regulations of this chapter when supporting evidence in each specific case indicates that:

- (1) Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- (2) The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and not applicable, generally, to other property with the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
- (4) The alleged difficulty or hardship is caused by the provisions of this chapter, and has not been created by any person presently or formerly having an interest in the parcel of land;
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property; substantially increase the congestion of the public streets; increase the danger of fire; or endanger the public safety; or substantially diminish or impair property values within the vicinity;
- (7) However, in an extraordinary situation in which the granting of a variance would benefit the city and the neighborhood in the present and foreseeable future, the applicant need only establish that the compliance is not practical as opposed to a hardship.

### **RECOMMENDATION**

Staff finds no hardship in this case. Mr. Lopez installed the concrete pad after he had been told he needed a variance and did so without a permit. Recently the Planning and Zoning Commission recommended denial of lot coverage variances for some decks indicating that the site should be developed as per code. Having to park a trailer on your property is not a reason for a hardship as well as the expense to relocate it.

Staff recommends **Denial** of the variance.



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## NOTICE OF PUBLIC HEARING

**PUBLIC NOTICE** is hereby given to all persons in the City of Rochelle, Ogle County, Illinois, that a public hearing will be held by the Planning and Zoning Commission on Monday, May 2, 2011 at 7:00 p.m. in the Rochelle City Hall Council Chambers, 420 North 6<sup>th</sup> Street relative to the following:

Petition of Ramon Lopez for a from Section 110-321 (9) and Section 110-349 of the Rochelle Municipal Code to allow a parking pad that is over the maximum lot coverage to remain on the subject property.

Said property is zoned R-3, Single Family, High Density, commonly known as 221 Willis Avenue and legally described as:

Lot 27 in Unit Two of Colonial Addition to the City of Rochelle, Ogle County, Illinois, according to the plat thereof recorded in Plat File C at Page 18 as Document No. 93-8800.

TAX Code No. 062436-228-025

The petition is on file and available for examination in the office of the Community Development Director, 420 N. 6<sup>th</sup> Street, Rochelle, Illinois during normal business hours.

All persons interested are invited to attend said hearing and be heard.

John Prabhakar, Chairman  
City of Rochelle Planning and Zoning Commission

All Petition & Publication Fees shall be paid at time of Application Submittal

**PLANNING & ZONING COMMISSION:** (Article I Sec 74-34)

Check Petition (s) Requested:

- Petition to Zone or Rezone
- Map Amendment
- Petition to Amend an Ordinance/Text (Sec 110:121 -126)
- Petition for Subdivision or Re-subdivide (PRELIMINARY PLAT)
- Petition for Subdivision FINAL PLAT
- Petition for (Preliminary) Planned Unit Development (PUD) with CONDITIONAL USE
- Petition for Final Planned Unit Development (PUD)
- Petition for CONDITIONAL USE (SPECIAL USE PERMIT) for:  Antennas ART XIV Sec 110:707  ROOF SIGNS (Gen Stds Sec 110: 675 )
- Off Premise signs (Sec 110:678 (1) Must be located in same subdivision as the location of business advertised on the off-premise sign in order to apply for a Conditional Use.  Signs in Residential Zoning (Sec:110:672) Exemptions)
- Petition to Vacate a Street, R.O.W. or an Alley – Petition of at least 50% of owners must accompany application. Also fees due at time of application of 5¢ or 10¢ per square foot of proposed area (determined by zoning) + appraisal costs. (See special instructions per City Code Article VIII Vacation of Right-of-Way. Fees established by Council Resolution Sec. 82-242.

**VARIANCES OF CODES OR SETBACKS OR CODE INTERPRETATION**(Article I Sec 74-61thru 68) (Follow Requirements of 110-ART II Div. 3 ) (Fees Sec 22-455)

- Variance of Municipal Code (Sec 22-454 or Sec:46-40 Art I )
- Variance of Setback(s)  Variance of Height
- Variance of ART. II FLOOD HAZARD AREA DEVELOPMENT Sec 46-40
- Variance of Signs ART XIII (Sec 110:661- 679)
- Variance of Article XIV Pro-Diversity Construction Standards (Sec 22:451 - 454 per req. of CHPTR 110 ART II Div 3)
- Interpretation of:  District Use Classification List (Sec 110:291)  Interpretation of Unclassified or Unspecified Uses (Sec. 110:10 (4) )

APPLICATION for Appeal of Zoning Administrator or Building Official Decision

**FEES MUST BE PAID AT TIME OF SUBMITTAL:** EACH Petition is \$150.00 PLUS COST OF Legal Publication Fee ( minimum of \$100.00) determined by the number of pages type written on 8 1/2 x 11, font of 12.

No. of petitions applied for: 1 X \$150 each petition = \$ 150 + # pages legal for ea. petition @ \$100. ea. 100 = total \$ 250.00 PLUS WHEN APPLICABLE

Additional Developer Fees per Ord. including Engineering fees, Professional Consultant Fees, Court Reporter Fees, Vacating St., alley or R.O.W. and Preliminary PUD & Subdivision Plat filing fees based on Number of Lots and Courthouse recording fees.

Preliminary PUD Plan & Subdivision Plat Filing Fees are:

\$350 for 1-20 lots; for more than 20 lots  \$350 + \$20 for each lot in addition to 20 lots.

Total Number of Lots \_\_\_\_\_  
Amount due \$ \_\_\_\_\_

**HOW MANY COPIES** are needed: Fill out "1" ORIGINAL Petition (Pages 1-5) and preferably sign it IN BLUE INK & have it notarized and then make 29 copies of the Original petition. Make 29 - (11x17) copies of your detailed Site plan. When required, also submit (6) full size sets of Engineering plans and 3 books of stormwater calculations. Additional drawings may be requested as well as a Sealed Plat of Survey.

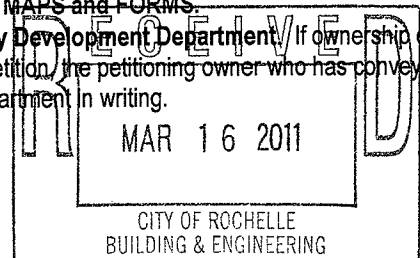
**FOR ALL PETITION SUBMITTALS:** The Tax Assessors office in Oregon at 815-732-1150 or (Rochelle location at 303 W. Hwy 38, 815-562-6862) can help you with researching the following information for your packet:

- Submit (1) copy of the list of addresses and names of ALL property owners within 250 ft of the outer boundaries of the proposed property.
- Pre-address a 9.5" x 4" legal size envelope for EACH name on the List of Owners within 250' and affix the current postage rate STAMP on each envelope. Please do not use metered postage because it is time dated. Leave the addressed envelopes open to submit to the Community Development office. The City staff will insert the required Public Legal Notice (s) and mail the envelopes.
- Address & add Postage to an envelope( s ) to mail to yourself / the Petitioner & / or your Representative.

**FOR THE RETURN ADDRESS** use: City of Rochelle, Community Development, 420 N. Sixth St. Rochelle, IL 61068

For your convenience, the WEBSITE for the CITY OF ROCHELLE ( www.cityofrochelle.net) contains the MUNICIPAL CODE BOOK, ZONING CODES, COMPREHENSIVE PLAN, MAPS and FORMS.

**NOTE:** Any desire to amend or withdraw application must be submitted in writing to the Community Development Department. If ownership of any part of or all of the real property subject to the petition shall change during the pendency of the petition, the petitioning owner who has conveyed said parcel of real property shall be required to immediately advise the Community Development Department in writing.



**PETITION FOR PLANNING AND ZONING COMMISSION**

*Please answer all the questions thoroughly. If the question does not apply, please mark NA -Not Applicable.*

<b>DATA OF APPLICANT AND OWNER(S):</b>	<b>TODAYS DATE:</b> 03/07/2011
<b>Petitioner(s):</b> Ramon Lopez	<b>Phone:</b> 815-762-3565
<b>Mailing Address:</b> 221 Willis Ave Rochelle IL 61068	<b>FAX:</b>
<b>Petitioner's Representative:</b>	<b>email:</b>
<b>Mailing Address:</b>	<b>Phone:</b>
	<b>FAX:</b>
	<b>email:</b>
<b>Property Owner:</b> Ramon and Juana Lopez	<b>Phone:</b> 815-762-3565
<b>Property Owners Address:</b> 221 Willis Ave Rochelle IL 61068	<b>FAX:</b>

**SUBJECT PROPERTY INFORMATION: ADDRESS, USE AND ZONING OF PROPERTY & LOCATION**

1. The petitioner hereby petitions the City of Rochelle for the following property:

a. **Legal Description**  
 (Attach the FULL legal description in type written format on an 8½ x 11 separate sheet of paper AND preferably EMAIL the Legal Description to the Community Development Director in Word format as follows: climas@hub-city.net & cc: amott@hub-city.net If you do not have email then copy the legal description as typed on your computer onto a CD in Word Format and submit your packet.  
 Subdivision Name: Colonial Addn # 2  
 Property Identification No. (PIN) including Township, Range, Section and Lot # 24-36-228-025

b. **Street Address and Common Location:** 221 Willis Ave. Rochelle IL 61068

c. **Current Zoning** R.3

**GENERAL CASE INFORMATION**

2. a. **Describe Reason for Request and Specify Section(s) of Ordinance sought:** I want to construct a 17'5" x 10'8" Concrete pad next to my house to park my Trailer.  
Article IV - Lot + yard Requirements - Chapter 110 - Sec 110-321-9 and Sec 110-349

b. **Are you requesting a CONDITIONAL/SPECIAL USE PERMIT?**  YES  NO If yes please indicate which Permitted Conditional Use is Sought & state the Specific Use Requested. With out pad - is 268.45 sq.ft. over what is allowed. Counting pad - is 454.32 sq.ft. over what is allowed. Amount allowed - 2911.55 sq.ft.  
This is not permanent structure I will remove concrete blocks when I sell trailer.

c. **Are you requesting any variances?**  Yes  No  
If yes, list individually and then answer the Variation Criteria below (d,e,f,g)  
Specifically I request a variance from 110-321-9 and 110-349

**VARIATION CRITERIA** -The ordinance requires that the conditions set forth in the following questions/statements must be established before your request can be continued. Sec 110-104

- d. State your reason(s) why the strict application of the above-referenced provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose or intent of the Zoning Ordinance of the City of Rochelle. Strict application would result in unnecessary Hardship as I have More Property available to park my trailer on my property, but would be forced to expand significant relocation, cost should my request for variance be denied.
- e. Explain the exceptional circumstance(s) or condition(s) applicable to the subject property, or to the intended use or development of the subject property that do not apply generally to other properties in the same zoning district or neighborhood. I have significant land on the left side of my property which would allow me to Park my trailer.
- f. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? Not applicable
- g. Describe the proposed use; characteristics such as operating hours, number of employees, capacity of facility, etc; Proposed adding small concrete patio approximately To allow Me to park small trailer. Operating use of the proposed area would use of the space to park the trailer. Use would be minimal.

**VACATION OF STREET OR ALLEY**

3. If this petition is for a vacation of a street or an alley, how many properties abut the property to be vacated? \_\_\_\_\_

Attach approving signatures of at least 50% of the property owners whose property abut the right-of-way to be vacated.

**PARCEL DIMENSIONS, ACREAGE & JURISDICTION DESIGNATION, STRUCTURE & LAND USE and PROPOSED SUBDIVISION NAME**

4. a. Parcel Dimensions: N/A Acreage: \_\_\_\_\_

b. Jurisdiction  Ogle County  Lee County  Village of Hillcrest  other please specify \_\_\_\_\_ and designation of existing Zoning District: \_\_\_\_\_

Explain Present Structure and Land Use Single family residential.

c. If applicable, the proposed Subdivision name is N/A

d. LIST THE PROPOSED STREET NAMES. New street names cannot be duplicated of any existing names anywhere in the City. N/A

e. Is the property on  Hwy 251 or  Rt 38 or  Between Caron Rd. on 38 to Dement or  between 15<sup>th</sup> St & W. Hwy 38. or  on Flagg Road. Is the property within 500 ft. of an  existing or  proposed right of way of a freeway, expressway, interstate, controlled access traffic way, intersection or Railroad, or within 1500 ft. of an  existing or  proposed interchange or  turning lane. If yes to any of these questions review must be made by the highway or county road agency.  Yes  No. If yes, please explain the proximity of the above: \_\_\_\_\_

**FLOODPLAIN INFORMATION**

5. **Property** is in or near a flood plain.  Yes  No Floodplain Elevation: \_\_\_\_\_  
**FLOODPLAIN:** Panel Number: \_\_\_\_\_ Panel Date: \_\_\_\_\_

**VIOLATIONS OR APPEALS**

6. Is the purpose of this application to address an **Ordinance Code Violation**?  Yes  No  
 If yes, what is the violation(s)? \_\_\_\_\_  
 110-321-9 and 349  
 Has a permit been applied for and denied?  Yes  No  
 Was a previous appeal made with respect to these premises?  Yes  No  
 If yes, please explain: \_\_\_\_\_

**COMPREHENSIVE PLAN, IMPACTS & CONFLICTS**

7a. What is the Proposed Comprehensive Plan Zoning and Use? Use of 17'5" x 10'8 of private  
Property on the side of my house to park a small trailer.

b. Is the proposed use in **Conformance with the City's Comprehensive Plan**?  Yes  No

c. How will the proposed use impact **existing and future** land uses? The proposed use will have no  
impact on Existing or future land uses.

d. How will the proposed use impact **adjacent** property values? The proposed use will not have  
any impact or adjacent property values.

8. **Current Water Supply and Wastewater Treatment (check applicable items):**

WASTEWATER  Septic System  Sanitary Sewer  Other \_\_\_\_\_ Water:  Individual Well  Community Water

Describe Proposal for **future** Water Supply: N/A

Describe Proposal for **future** Wastewater Treatment - N/A

9. **TANKS** - Are you aware of any Tanks above or below ground on the property?  Yes  No If yes, list number of tanks, size of each and location on property. N/A

10. **Will any part of proposed structure or project be used to house any of the following?**  Yes  No  
 If yes, check each that applies:

<input type="checkbox"/> Flammable Liquids	<input type="checkbox"/> Hazardous Chemicals	<input type="checkbox"/> Above ground Tanks
<input type="checkbox"/> Flammable or Fume Hazard Gases	<input type="checkbox"/> Highly Flammable Materials	<input type="checkbox"/> Below ground Tanks
<input type="checkbox"/> Dust Producing Machines	<input type="checkbox"/> Paint Dipping or Spraying	
<input type="checkbox"/> Storage of Corrosive Liquids	<input type="checkbox"/> OTHER	

**Additional Explanation:** \_\_\_\_\_

**SIGNATURES**

11. Please check one:  This property is not in a trust.  This property is in a trust. (Have Trustee complete this page).

\_\_\_\_\_  
Signature Date

Name of Trustee (s) N/A

Name of Beneficiaries: N/A

The petitioner has read and completed all of the above information and affirms that it is true and correct.

Petitioner's Signature: Ramon Lopez Date: 3-14-11

Petitioner's Signature: Jessica Lopez Date: 3-14-11

Subscribed and sworn to before me this 14<sup>TH</sup> day of MARCH, 2011



Susan L. Rothenberger  
Notary Public

I hereby affirm that I am the legal owner (or authorized agent or representative- *Proof Attached*) of the subject property and authorize the petitioner to pursue this petition as described above.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Seal)

\_\_\_\_\_  
Notary Public

24-25-451-002

24-25-476-018

Southview Dr

24-36-228-033

Willis Ave

Cedar Brook Rd

Lakeland Dr

Lake Lida Ln

06-24-36-228-025		Flagg Township	
Address	221 WILLIS AVE	Property Class	0040 Residential
	ROCHELLE IL 61068	Neighborhood	Colonial 2
		Subdivision	Colonial 2

# Ground Level

