MEMO

DATE: June 15, 2021

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Belvidere Community Development Planner

SUBJECT: Staff advisory memo for case: 2021-02: JM Commercial Holdings; Concorde Crossing Subdivision

REQUEST AND LOCATION:
The applicant, JM Commercial Holdings, LLC, 7210 E. State Street, Rockford, IL 61108 on behalf of the property owners within the Concorde Crossing Subdivision is requesting a variance to reduce the side yard setback from fifteen (15) feet to six (6) feet and from ten (10) feet to six (6) feet (Poplar Grove Zoning Ordinance Sections 8-6-4-G-4-b side yard setbacks, 8-6-5-G-4-b side yard setbacks and 8-5-6 Variance) on approximately 40 acres located east of Illinois Route 76, along Boeing Trail and Starfire Road within the R-1, Single-family Residential 1 District and R-2, Single-family Residential 2 District. PINs: 05-11-227-016; 05-12-103-001; 05-12-103-002; 05-12-103-003; 05-12-103-004; 05-12-103-005; 05-12-103-006; 05-11-227-015; 05-11-227-014; 05-12-102-011; 05-12-102-012; 05-12-102-013; 05-12-102-014; 05-12-102-015; 05-12-102-016; 05-12-102-017; 05-12-102-018; 05-12-102-019; 05-11-227-003; 05-11-227-004; 05-11-227-005; 05-11-227-006; 05-11-227-007; 05-11-227-008; 05-11-227-009; 05-11-227-001; 05-11-227-010; 05-11-227-011; 05-11-227-012; 05-11-227-013; 05-11-226-002; 05-11-226-003; 05-11-226-004; 05-11-226-005; 05-11-226-006; 05-11-226-007; 05-11-226-008; 05-11-226-011; 05-11-226-012; 05-11-226-013; 05-11-226-001; 05-11-227-002; 05-11-226-009; 05-12-101-001; 05-12-101-002; 05-12-101-003; 05-12-101-004; 05-12-101-005; 05-12-101-006; 05-12-101-007; 05-12-101-009; 05-12-101-010; 05-12-101-008; 05-12-102-002; 05-12-102-003; 05-12-102-004; 05-12-102-005; 05-12-102-006; 05-12-102-007; 05-12-102-008; 05-12-102-009; 05-12-102-010; 05-12-102-001; 05-12-103-009; 05-12-103-007; 05-12-103-008; 05-12-103-010; 05-12-102-021; 05-12-102-020; 05-11-226-010.

BACKGROUND:
Concorde Crossing was platted in 2002 and was originally zoned R-1 west of Saratoga Lane and R-2 east of Saratoga Lane. On the recorded plat there is a 33-foot front yard building setback line but there are no side yard or rear yard setback lines shown. The Zoning Ordinance in effect at the time did not list a side yard setback requirement for the R-1 Zoning District and the R-2 Zoning District required an eight-foot setback for primary structures and a five-foot setback for accessory structures. Although an eight-foot setback was required for the homes east of Saratoga Lane, some appear to have been built closer to the lot lines. Homes west of Saratoga Lane appear to be constructed even closer to the property line. Without an as-built plat of survey for each property, exact setbacks are unknown.

A new Zoning Ordinance and Zoning Map were adopted in 2012. The ordinance requires a 15-foot side yard setback for residential structures in the R-1 zoning district and a 10-foot side yard setback for residential structures in the R-2 zoning district. In order to be

consistent, the applicant is requesting variances to reduce the side yard setback from 15 feet to 6 feet west of Saratoga Lane and from 10 feet to 6 feet east of Saratoga Lane.

Lots within the Concorde Crossing Subdivision range in width from 87 feet to 129 feet. The larger side yard setbacks made it more difficult to construct residences on the narrower lots that are of similar size and style to what currently exists in the subdivision. A side yard setback variance was requested and approved in the Olson Woods Subdivision for similar reasons.

The variance will only apply to existing and future homes within the Concorde Crossing Subdivision. The ability to bring existing homes into compliance with the Zoning Ordinance protects property owners from potential negative impacts in the future.

FINDINGS OF FACT:
Per Section 8-5-6 of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Variance are as follows:

A. **Findings: The particular physical surroundings, shape, topographical, or other onsite condition of the specific property involved would not result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

The property meets the requirements of the Zoning Ordinance in terms of lot size, width and shape. The need for the variance comes from the inconsistent information available at time of platting and initial building. The variance will allow for cohesive development within the subdivision.

B. **Findings: Special circumstances exist that are peculiar to the land, structure or building involved that is not applicable to other lands, structure or building in the same district.**

When the property was initially platted and developed, it was zoned a mix of R-1 Single Family and R-2 Two Family. The R-1 zoning district was the only zoning district not to have a side-yard setback listed within the zoning ordinance, allowing for the village/developer to choose their own setback. A mistake was not made by the property owner or contractors.

Not all properties zoned R-1 were built with 6-foot setbacks. Concorde Crossing is a special circumstance due to how the subdivision began its development. It is not a common occurrence and creates a unique situation.

C. **Findings: The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.**

Although there would be a cost to redesign the floor plans to make them fit within the required building envelope, the Village is more concerned with allowing similar sized houses in the neighborhood in order to provide a more cohesive feel between neighbors.

D. **Findings: The variation is not the minimum variation that will make possible the reasonable use of the land, structure or building and 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 property is large enough to allow an average sized residence. However, reducing the setback to six feet still allows for adequate separation between structures in terms of life safety requirements.

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

Owners of existing homes were provided building permits for a 6-foot setback at time of construction. Potential new residents of the subdivision are requesting to be treated in the same manner as the original homeowners. They are not responsible for the setback inconsistency in the previous code.

F. **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 but it may 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 variation will still allow for adequate separation between structures and property lines.

G. **Findings: The proposed variation does comply with the spirit and intent of the restrictions imposed by this title.**

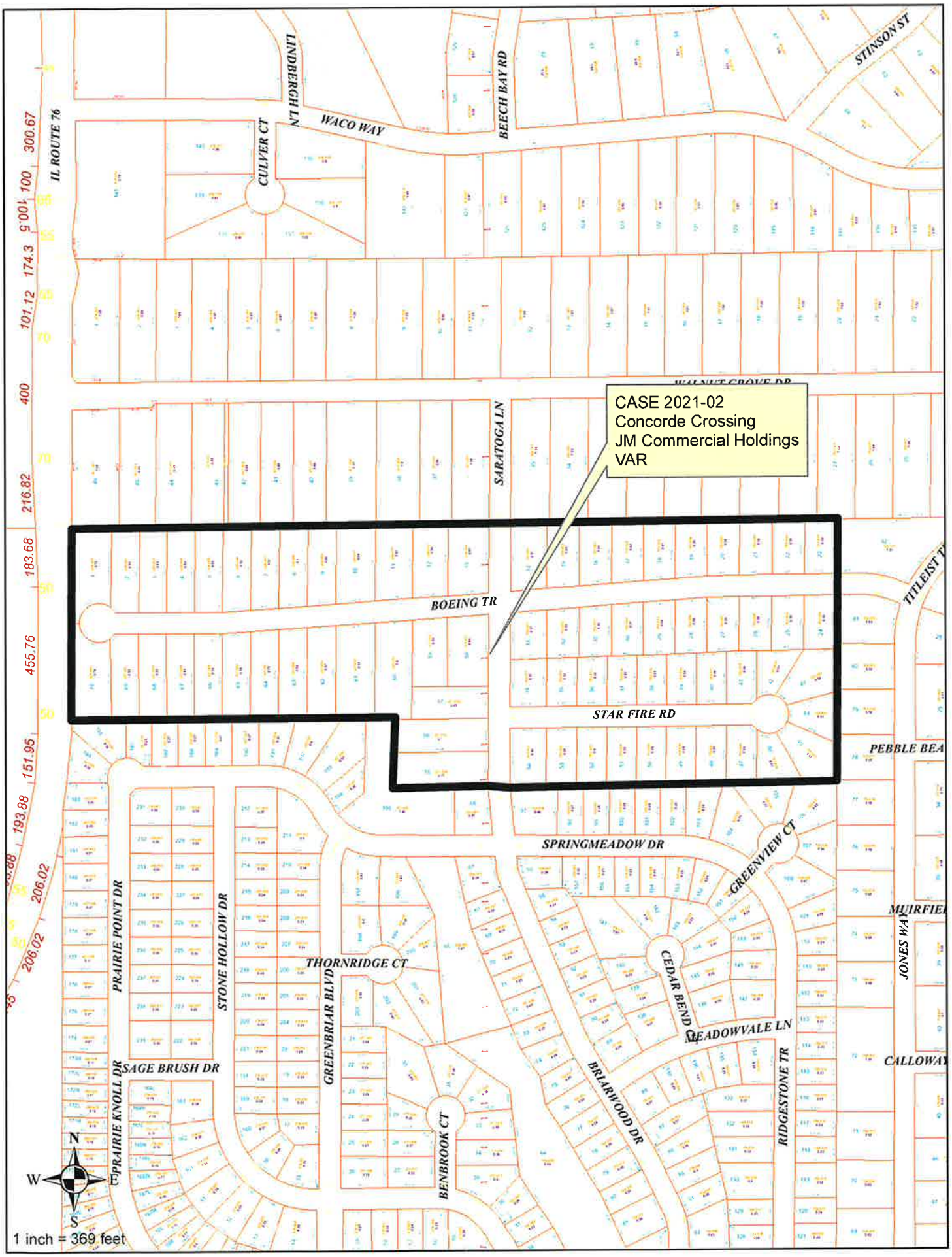
The Zoning Ordinance was enacted to guide residents and developers in their improvement efforts. The Village encourages property owners to invest in their property while keeping the impacts to neighboring properties at a minimum. The variance will allow for a property owner to finish improving their property.

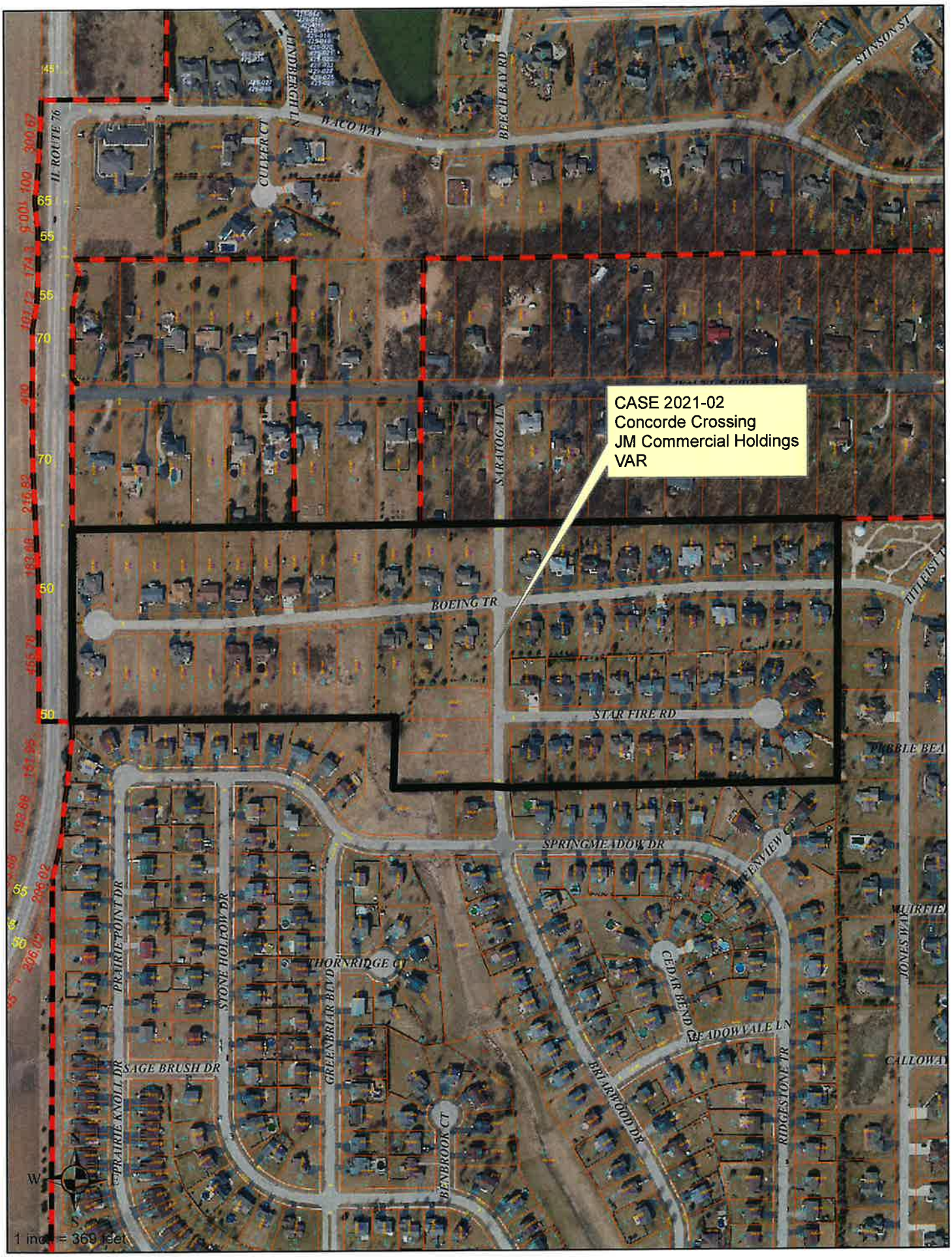
RECOMMENDATION:
The planning staff recommends the **approval** of case number **2021-02;** JM Commercial Holdings, Concorde Crossing Subdivision.

PLANNING AND ZONING COMMISSION
The Commission shall hold a public hearing on the proposed variation, after which a decision will be made to grant or deny the variance based on the findings of fact made by the Commission (a lesser variance than requested may be granted but in no instance shall a variance be approved that is greater than the one originally requested). The Commission may make the determination at the same meeting, or choose to continue the proceedings at a later date. The Commission may request additional information as needed. Once a decision is made, the Commission shall record its conclusion as part of the meeting minutes and written findings of fact.

ATTACHMENTS

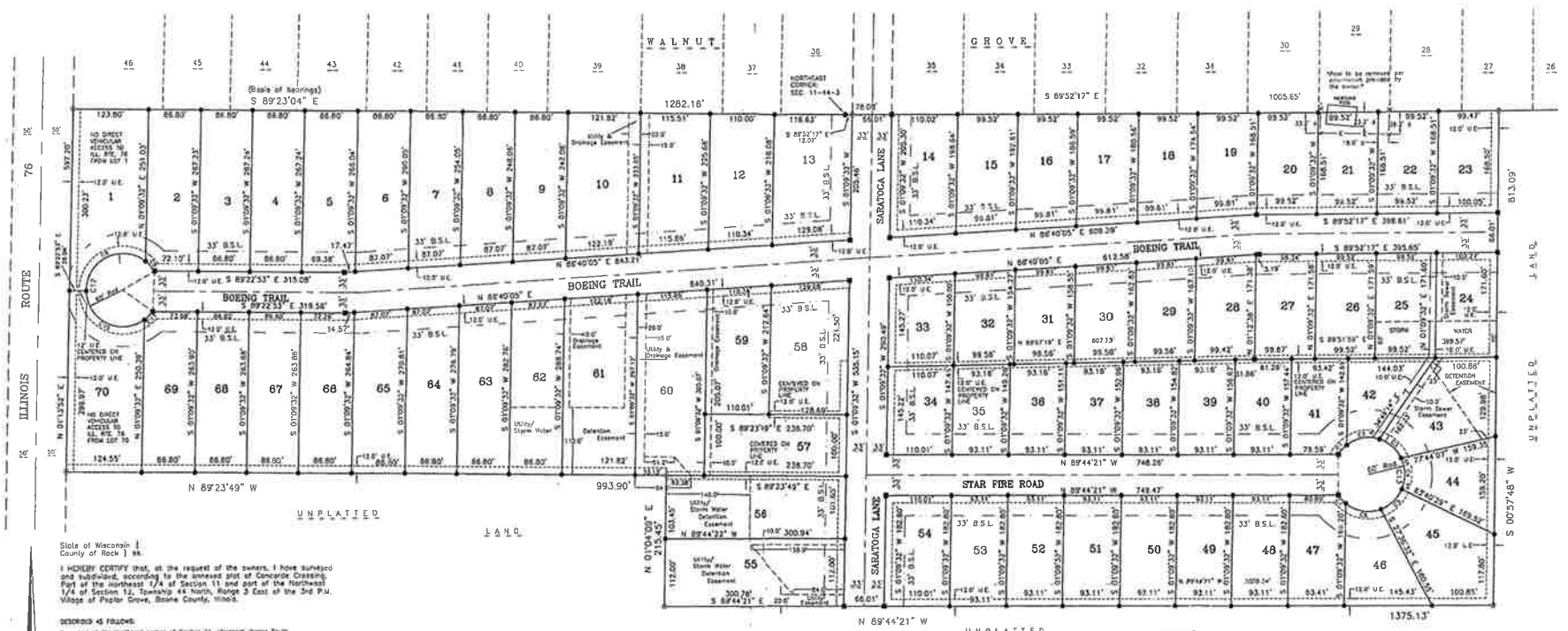
1. Location Map by the Planning Staff.
2. Aerial Photo by the Planning Staff.
3. Plat of Concorde Crossing Subdivision
4. Narrative submitted by the applicant.
5. Letter from Boone County Health Department, Amanda Mehl, April 5, 2021.
6. Letter from Soil and Water Conservation District, Teagan Duffy, June 10, 2021.


CASE 2021-02
Concorde Crossing
JM Commercial Holdings
VAR
IL ROUTE 76
WACO WAY
CULVER CT
LINDBERGH LN
BEECH BAY RD
STINSON ST
SARATOGA LN
WALNUT GROVE DR
BOEING TR
STAR FIRE RD
TITLEIST T
PEBBLE BEA
SPRINGMEADOW DR
GREENVIEW CT
MUIRFIE
JONES WA
CEDAR BEND
MEADOWVALE LN
CALLOWA
BRIARWOOD DR
RIDGESTONE TR
THORNRIDGE CT
GREENBRIAR BLVD
BENBROOK CT
PRAIRIE POINT DR
STONE HOLLOW DR
SAGE BRUSH DR
PRAIRIE KNOLL DR
300.67
100
100.5
174.3
101.12
400
216.82
183.68
455.76
151.95
193.88
206.02
206.02
N
W
E
S
1 inch = 369 feet


CASE 2021-02
Concorde Crossing
JM Commercial Holdings
VAR
BOEING TR
STAR FIRE RD
SPRINGMEADOW DR
SARATOGA LN
BACO BAY
CULVER CT
BEECH BAY RD
STINSON ST
IL ROUTE 76
PRAIRIE POINT DR
STONE HOLLOW DR
THORNRIDGE CT
GREENBRIAR BLVD
SAGE BRUSH DR
PRAIRIE KNOLL DR
BENBROOK CT
CEDAR BEND
MEADOWVALE LN
BRIARWOOD DR
RIDGESTONE TR
GREENVIEW CT
JONES WAY
CALLOWAY
PEBBLE BEA
TITLEIST
W
1 inch = 369 feet

CONCORDE CROSSING

Part of the Northeast 1/4 of Section 11 and
part of the Northwest 1/4 of Section 12, Township 44 North, Range 3 East
of the 3rd P.M. Village of Poplar Grove, Boone County, Illinois.



SCALE: 1" = 80'

State of Wisconsin }
County of Rock } ss.

I HEREBY CERTIFY that, at the request of the owners, I have surveyed and subdivided, according to the annexed plat of Concorde Crossing, Part of the Northeast 1/4 of Section 11 and part of the Northwest 1/4 of Section 12, Township 44 North, Range 3 East of the 3rd P.M. Village of Poplar Grove, Boone County, Illinois.

DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of Section 11, aforesaid; thence South 89°23'13" East along the South line of the Walnut Grove Subdivision, as platted and recorded, a distance of 1282.16 feet; thence South 01°57'48" West 813.09 feet; thence North 89°44'21" West 1375.13 feet; thence North 1°04'09" East 215.45 feet; thence North 89°23'49" West 993.90 feet to the Easterly right-of-way of Illinois Route 76; thence North 1°43'52" East along said right-of-way a distance of 597.20 feet to the South line of the aforesaid Walnut Grove Subdivision; thence South 89°23'04" East along said South line 1282.16 feet to the point of beginning.

Containing 39.222 acres, more or less.

Dimensions are given in feet and decimals of a foot. Iron rebar 3/4 inch in diameter and 4 feet long have been set at all points marked on the plat with ■. Iron rebar 5/8 inch in diameter and 3 feet long have been set at all points marked ●.

I further certify that the land above described is situated within the corporate limits of the Village of Poplar Grove, Illinois.

I further certify that no part of the property covered by this plat of Concorde Crossing is located within a special flood hazard area as identified by the Federal Emergency Management agency.

Given under my hand and seal this 4th day of February A.D., 2002

Jon R. Houle, Illinois Professional Land Surveyor 035-003382

EXPIRES 11-30-2002

ORDER NO. 26667

FOR THE EXCLUSIVE USE OF:
Jon Mansfield and Dennis Gearhart
7210 E. State Street
Rockford, IL. 61108

SCALE: 1" = 80 FEET
* SEE FILE *

File Name: J:\26500-26699\26657\26667.DWG
Plotted on 01/25/02 at 14:38:14
SHEET 1 OF 2

An easement is hereby reserved for and granted to NORTHERN ILLINOIS GAS COMPANY, its successors and assigns ("Ni-Gas") to install, operate, maintain, repair, replace and remove facilities used in connection with the transmission and distribution of natural gas in, over, under, across, along and upon the surface of the property shown on this plat marked "Easement", "Common Area or Areas" and streets and alleys, whether public or private, and the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", together with the right to install required service connections over or under the surface of each lot and Common Area or Area to serve improvements thereon, or on adjacent lots, and Common Area or Areas; and to serve other property, adjacent or otherwise, and the right to remove obstructions, including but not limited to trees, bushes, roots and fences, as may be reasonably required incidental to the rights herein given, and the right to enter upon the property for all such purposes. Obstructions shall not be placed over Ni-Gas facilities or in, upon or over the property identified on the plat for utility purposes without the prior written consent of Ni-Gas. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in Section 605/2(e) of the "Condominium Property Act" (Illinois Compiled Statutes, Ch. 765, Sec. 605/2(e)), as amended from time to time.

The term "Common Area or Areas" is defined as a lot, parcel or area of real property, including real property surfaced with interior driveways and walkways, the beneficial use and enjoyment of which is reserved in whole or in nonconference to the respective owners, tenants or guests within the property, even though such areas may be designated on this plat by other terms.

NUMBER	DELTA	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	19°44'36"	S 83°03'58" W	60.00	20.68	20.58
C2	90°00'00"	N 89°23'13" W	60.00	94.25	84.85
C3	19°33'53"	N 49°26'16" W	60.00	48.41	47.11
C4	49°20'07"	N 01°53'38" W	60.00	51.25	50.18
C5	19°44'43"	N 20°44'43" W	60.00	48.78	47.84
C6	19°03'32"	S 80°05'21" W	60.00	47.85	39.14
C7	19°58'45"	N 49°26'39" W	60.00	48.48	47.81
C8	20°54'51"	N 41°18'43" W	60.00	21.90	21.78
C9	139°11'58"	S 83°23'49" E	60.00	145.76	109.49
C10	19°33'53"	S 49°26'39" E	60.00	20.48	20.38
C11	19°03'32"	S 80°05'21" E	60.00	19.95	19.86
C12	19°58'45"	N 49°26'39" W	60.00	20.91	20.81
C13	139°11'58"	N 83°23'49" W	60.00	145.76	109.49

ILLINOIS DEPT. OF TRANSPORTATION CERTIFICATION

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to Paragraph 2 of An Act to Revise the Law in Relation to Plats, as amended.

Dated this 30th day of January A.D., 2002

Regional Engineer

CERTIFICATION BY VILLAGE ENGINEER

State of Wisconsin }
County of Rock } ss

I hereby certify that I have caused measurements to be taken of the property embraced within the annexed plat of CONCORDE CROSSING and found it correct as to distances and monuments. All streets, alleys, sidewalks shown herein have been graded, drained and surfaced and all drainage structures have been built, as required, or have been provided for by bonded contract to my approval.

Dated this 4th day of February 2002

By: Village Engineer

LEGEND:

■	3/4" x 48" IRON REBAR SET
●	5/8" x 36" IRON REBAR SET
⊕	5/8" IRON PIN FOUND
⊙	3/4" IRON PIN FOUND
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT

R.H. BATTERMAN & CO. INC.
LAND SURVEYORS – ENGINEERS – PLANNERS
2857 BARTELLS DRIVE
BELOIT, WISCONSIN 53511
(608) 365-4464 FAX 365-1850
E-MAIL: SURVEYOR@WAVE.COM

Gina Delrose

From: Jan Mansfield <JanMansfield@centuryplazabc.com>
Sent: Tuesday, June 1, 2021 3:24 PM
To: Gina Delrose
Cc: Charlie Mansfield
Subject: Purpose of the Variance

To Whom It May Concern:

Please see the documents that I have provided requesting a variance on the remaining lots that I still own in Concorde Crossing. I'm requesting a smaller side yard setback so that the houses built on the remaining lots are consistent with the existing homes in the subdivision.

We feel it is advantageous to everyone for the construction on the remaining lots to be treated similarly to the existing homes, so that they can accommodate three car garages and appealing elevations, so that all the homes in Concorde Crossing are as nice as possible.

Let me know if you have any questions and concerns. Thanks for your consideration.

Seize the Day!

Jan Mansfield, ***GRI CRS CRB***
CENTURY 21 Affiliated
JM Commercial Holdings
Century Plaza Business Center
7210 E. State St,
Rockford, IL 61108
815-391-9213

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.

April 05, 2021

FAX: 815-547-0789

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

Planning Services for Village of Poplar Grove

Re: Variance 2021-02, JM Commercial Holdings, LLC; Concorde Crossings

Dear Gina,

We are in receipt of a copy for a variance to reduce the side yard setback from fifteen (15) feet to six (6) feet (Poplar Grove Zoning Ordinance Sections 8-6-4-G-4-b side yard setbacks and 8-5-6 Variance) on approximately 40 acres located east of Illinois Route 76, along Boeing Trail and Starfire Road within the R-1, Single-family Residential 1 District.

Our office has no objections or comments on this request.

Thank you,

Amanda Mehl
Administrator of Public Health
AT

Boone County
Soil & Water
Conservation District

211. N. Appleton Road
Belvidere, IL 61008
815-544-3465 x3

10 June, 2021

SWCD NRI #: 1651

Boone County Planning Department
1212 Logan Ave.
Belvidere, IL 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

___X__ Our review does not apply in this instance.
_____Other (see attached)

Location of Site: Section: 11-12, Township: 44 North. Lots 2, 62, 63, 66, 68, 69 Concorde Crossing, Poplar Grove IL
PIN(S): N/A

Contact	Petitioner	Owner
Jan Mansfield	Same as contact	JM Commercial Holdings, LLC
5204 East Dr. Loves Park, IL 61111		7210 E. State St, Rockford, IL 61108
(815) 222-5547 Janmansfield50@gmail.com		

Request: Variance – change side setback

Sincerely,

Teagan Duffy
Boone County Soil & Water
Conservation District