



**Planning and Community Development Department**

10631 Main Street, Roscoe, IL 61073

tel: 815-623-2829 fax: 815-623-1360

permits@roscoeil.gov

**Zoning Board of Appeals Meeting of February 12<sup>th</sup>, 2025**

**Application No. ZBA 2025-003**

**Applicant:** Joshua Petry

**Location:** 10297 Clearwing Lane (08-05-104-016) and 10329 Clearwing Lane (08-06-231-002)

**Requested Action:** Amendment to the Clearwing Subdivision Plat

**Existing Use:** Vacant Land

**Proposed Use:** Vacant Land

**Existing Zoning:** RM (Residential-Multifamily)

**Adjacent Zoning:**

North: RM (contiguous)

East: RM (contiguous)

South: RM (contiguous)

West: RM (contiguous)

**Description:** The applicant is requesting to replat the parcels at 10297 Clearwing Lane (08-05-104-016) and 10329 Clearwing Lane (08-06-231-002). This would be a combination of the parcels and a change in the plat for the entire Clearwing Subdivision, due to the site's current status as designated open space. This would redesignate the two parcels as available for further residential development, based on the Multifamily Residential Zoning District standards, as shown below in the table below:

	<b>District Standard</b>	<b>Proposed</b>
<b>Lot Size</b>	19,800 square feet	2.28 acres (99,316 sqft)
<b>Lot Width</b>	110 linear feet	319 feet minimum
<b>Lot Depth</b>	150 linear feet	233 feet minimum
<b>Development Setback Standards</b>		
<b>Front Setback</b>	30 feet	Able to Accommodate
<b>Side Setback</b>	15 feet	Able to Accommodate
<b>Rear Setback</b>	30 feet	Able to Accommodate

As seen above, the proposed replat of the parcel would conform to the Multifamily Residential Zoning District and to any other Village Ordinances.

**Further Context:** The justification for this replatting is that the owner of the parcel would like to consider development on the parcel for additional multifamily buildings. It should be noted that Roscoe is currently experiencing high demand for multifamily and other rental housing. Further development of smaller apartment buildings with around 4 units could help supply this type of housing in the area to meet that elevated demand.

The site is currently designated as “community space” to provide recreational land and further open space for the subdivision. However, the site is currently vacant of any recreational equipment and is not adequately maintained to provide for enjoyment of open space. For example, the grass on site is often too long to allow for activities like ball games or to act as a space for pets. The overgrown grass also leaves the site looking less aesthetically pleasing than it otherwise could be with further development.

**Authority:** When considering a replat from an area dedicated as “community space” or “parkland”, the Zoning Board of Appeals must consider the Village Code’s description of required dedications in Chapter 154 – *Subdivision Regulations*. Within this Chapter, Section 15-172 governs the required number and size of parkland dedication in a given subdivision. The formula for multifamily subdivisions is as follows:

Step 1: Multiply the total number of units by 1.86 to give an estimated number of persons living within the subdivision.

Step 2: Multiply the total estimated number of persons living within the subdivision by 0.007 acres to give the total amount of land required for the dedication of parkland in the particular development.

While this section of the code was written in 2006, and the original platting for this subdivision was completed in 2004, the current dedication of this land is deficient by approximately 4 acres. The required number of acres based on the current Code is 6.6 acres, whereas the lot is currently 2.28 acres in size.

Section 15-179 of the Village Code governs exceptions, variations, and waivers to the requirements of Chapter 154. This section allows the Village to determine that a particular application of the provisions or procedures of the Chapter results in an unreasonable hardship or involves peculiar difficulties. These may include, but are not limited to, “prohibitive cost.” Under such circumstances, the Village Board may consider an exception, variation, or waiver to the requirements outlined in the Chapter.

In the case of replatting this parcel, the Zoning Board of Appeals (ZBA) and Village Board must find that not allowing multifamily development on this parcel constitutes a peculiar difficulty, such as prohibitive cost or a comparable issue. Staff recommends that this difficulty be identified as one or more of the following:

**1. Village Need for Affordable and Varied Housing**

- The Village has a pressing need for more affordable and diverse housing options. Allowing multifamily development on this parcel helps meet this need, aligning with broader housing goals and community priorities.

**2. Parcel Size is Insufficient for Meaningful Recreation**

- The parcel is too small to be effectively utilized as recreational space. Its limited size and configuration render it unsuitable for providing any substantial community benefit in its current designation.

**3. Surrounding Development Patterns**

- The surrounding area is characterized by large lots and existing open space. This reduces the demand for additional community-dedicated open space on this parcel, making multifamily development a more practical and beneficial use of the land.

By identifying these difficulties, the Village can justify a waiver or variation, demonstrating that replatting the parcel for multifamily development is a reasonable and necessary solution to address both community needs and land use challenges.

**Staff Recommendation:** Staff recommends **approval** of the requested replatting, subject to the following conditions:

1. Applicant is to provide staff with updated plat documents indicating the proposed change by February 14<sup>th</sup>.
2. Revised plat must be on-file with the Winnebago County Register of Deeds prior to any improvements being made.