



Zoning Board of Appeals Meeting of March 12th, 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 an amendment to “Lot A” of the plat of the Clearwing Plat 3 subdivision, making the parcel available for further residential development, based on the Multifamily Residential Zoning District standards, as shown below in the table below:

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

In 2001 when the tentative plat of Clearwing Plat 3 was approved, the site is currently designated as “Lot A” was identified on the tentative plat as the site for the construction of a condo-association owned and maintained community center. In 2004, when the final plat of Clearwing Plat 3 was submitted for approval, the planning commission required that “Lot A” remain designated as future common area property. No plans for an association owned clubhouse or community center have ever been submitted to the Village, and the “Lot A” remains in the ownership of the original developer, and undevelopable due to the notation on the plat.

At this time, the Clearwing Plat 3, has been fully built out and there are ~ 3 - 4 condominium associations owning various buildings within the Plat. Several buildings owned and operated as rentals by various investors. At this time, it is highly unlikely that the parcel will be ever be developed into a community center, as the costs of building and maintenance would be assessed against members of a master condo association not currently in existence, and is unlikely to be formed in the future by the majority of the owners of the properties of Plat 3 of the subdivision.

This was intended to be common space. This land was never intended to be dedicated parkland or open space. At this point, there is no indication that the land will ever be developed into a community center. As Roscoe is currently experiencing high demand for multifamily and other rental housing, the owner of the parcel would like to consider development of the parcel for additional multifamily buildings. Further development of smaller apartment buildings with around 4 units would help supply this type of housing in the area to meet that elevated demand. . With this in mind, replatting this lot to become developable consistent with the multifamily uses surrounding it is the highest and best use of the land.

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 the next Village Board meeting.
2. Revised plat must be on-file with the Winnebago County Register of Deeds prior to any improvements being made.