



PLANNING & ZONING REPORT

Zoning Board of Appeals Meeting of July 21, 2026

File # 020-26

APPLICANT: Luis E. Perez

LOCATION: 1232 Soper Avenue

REQUESTED ACTION: A Variation to reduce the side yard setback for a covered patio from six (6) feet to zero (0) feet in an R-1, Single family Residential Zoning District.

EXISTING USE: Single-family residence

PROPOSED USE: Single-family residence

DIMENSIONS: Irregular shape lot. See Exhibit D.

ADJACENT ZONING AND LAND USES:

NORTH:	R-1	Northwest Community Center, Single-family Residences
EAST:	R-1	Single-family Residences
SOUTH:	R-1	Single-family Residences
WEST:	R-1	Single-family Residences

YEAR 2040 PLAN: RL Residential - Low Density

SOILS REPORT: No soils report.

HISTORY: There is no relevant history in the immediate area.

REVIEW COMMENTS: The Applicant is requesting a Variation to reduce the side yard setback for a covered patio from six (6) feet to zero (0) feet in an R-1, Single-family Residential Zoning District (Exhibits A & B). This is on the southwest corner of Parkside and Soper Avenue.

The Applicant, Luis Perez, is requesting a Variation to reduce the side yard setback for a covered patio from six (6) feet to zero (0) feet in an R-1, Single family Residential Zoning District. The Applicant built a covered patio and was cited for no building permit. The Applicant applied for a building permit and was denied a zoning clearance due to the structure not meeting the required side yard setbacks of six (6) feet. The Zoning Ordinance side yard definition says "the area extending along the side lot line from the front yard to the rear yard at a width specified for the respective district in which it is located. The standard side setbacks are defined within the Zoning Ordinance "All development in R districts is subject to the following minimum side setback standards, except as expressly allowed under the townhouse development. Combined total width of side setbacks must equal

20% of lot width at the building setback line. No side setbacks shall be required to be more than 20 feet combined and no side setback shall be less than 6 feet. The Zoning Ordinance allows for adjustments for the side yard requirements as stated "the zoning officer may permit a 25% reduction in the side yard requirements for a single-family home on any lot that is legally established lot of record that does not satisfy the minimum lot width requirements of Section 20-005-B where the zoning officer finds that compliance would create a hardship due to the lot size or configuration. In this situation, the Applicant constructed the structure to the property line. Since it will be less than the required side yard setback, it requires a Variation approval.

Exhibit D is a boundary survey provided by R.K. Johnson & Associates, Inc. The survey shows the location of the chain-link fence along the south property line, the detached garage and the covered patio. This survey confirms that the structure is at a zero setback from the property line. Exhibit E is the site plan that shows the connection with the house. Exhibit F is the elevation of the front and side. The total height is 13 ½ feet.

Exhibit G is the Applicant's hardship. The Applicant indicates that "the existing covered deck was constructed on the property and does not meet current setback requirements. Due to the size, layout, and existing improvements on the lot, strict compliance with the zoning ordinance would create a practical difficulty. The structure is consistent with residential use, does not negatively impact neighboring properties, and is not intended to alter the character of the neighborhood. Therefore, this request is made to allow the existing covered deck to remain in its current location." Based on this statement, staff does not feel that a viable hardship has been presented.

Exhibit H is the service calls for the last two years. There was one call for service for 1232 Soper Avenue.

The Applicant has not demonstrated that a practical difficulty or hardship exists that is unique to the property. The circumstances appear to be self-created by constructing the covered patio without first obtaining the required building permit. Approval of the Variation request may adversely affect neighboring properties by reducing open space between properties thereby altering the established development in the neighborhood. For these reason, staff does not support this request.

RECOMMENDATION: Staff recommends DENIAL of a Variation to reduce the side yard setback for a covered patio from six (6) feet to zero (0) feet in an R-1, Single family Residential Zoning District.

SC: BM 07/14/2026

**FINDINGS OF FACT FOR DENIAL OF A VARIATION TO
REDUCE THE SIDE YARD SETBACK FOR A COVERED PATIO
FROM SIX (6) FEET TO ZERO (0) FEET
IN AN R1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1232 SOPER AVENUE**

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

Exhibit A
1232 Soper Avenue
Var.
#020-026

R1

1

PARKSIDE

R1

R1

R1

WILSHIRE

JOHNSTON

R1

R1

SOPER

R1

R1

C3

N

C2C2

AUBURN

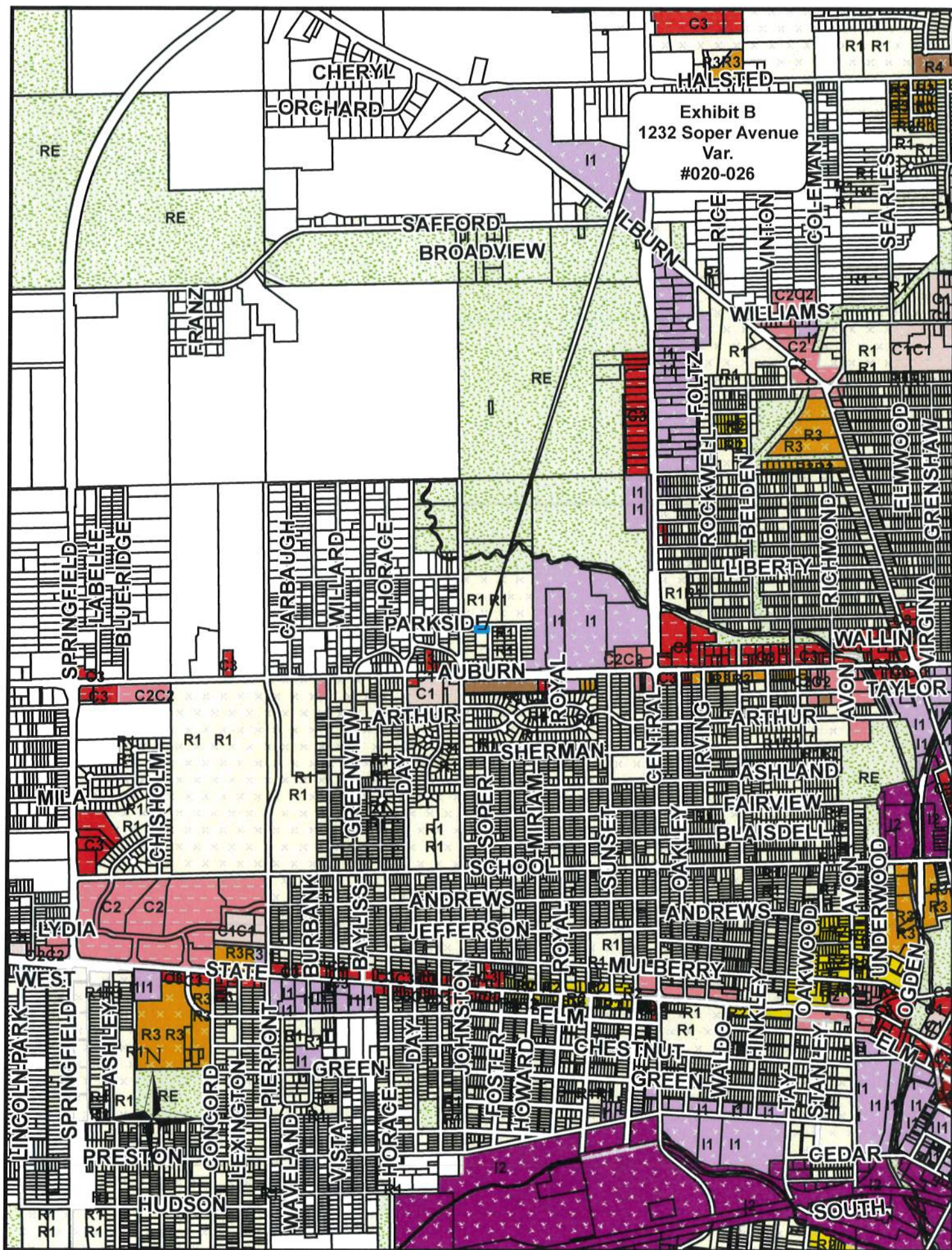


Exhibit C
1232 Soper Avenue
Var.
#020-026

PARKSIDE

JOHNSTON

SOPER

AUBURN

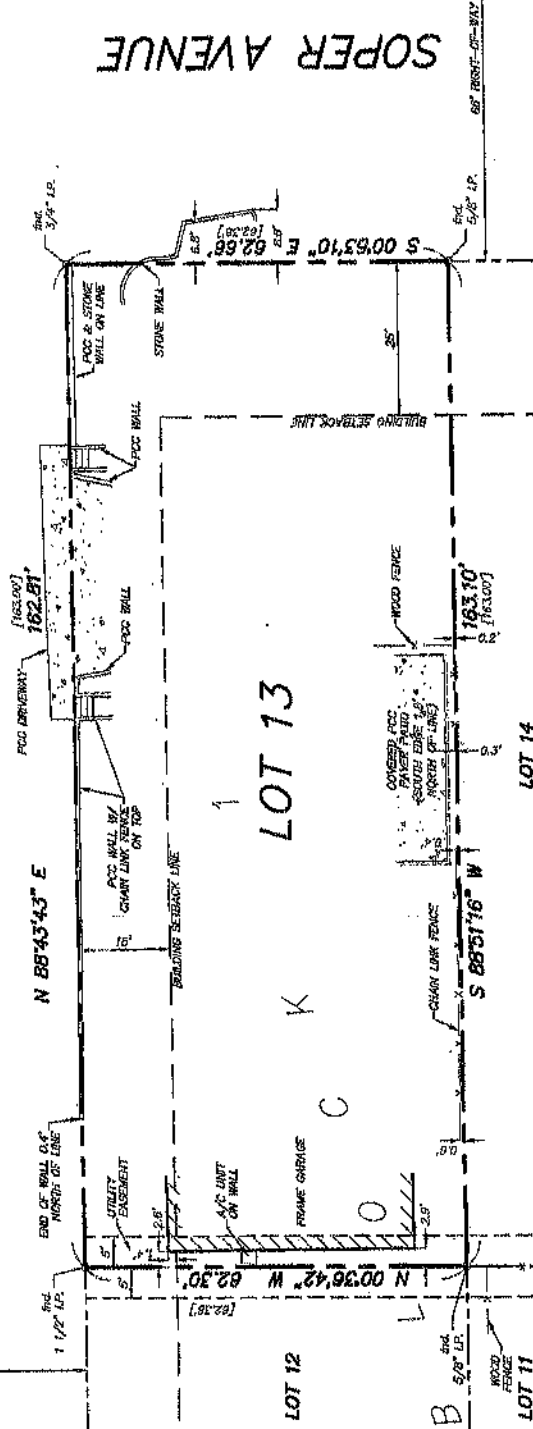
WILSHIRE



BOUNDARY SURVEY

OF
LOT 13, BLOCK 1
PLAT OF ALBURN CREST SUBDIVISION
CITY OF ROCKFORD
WINNEBAGO COUNTY, ILLINOIS

PARKSIDE AVENUE



LEGAL DESCRIPTION:

LOT THIRTEEN (13) IN BLOCK ONE (1) AS DESIGNATED UPON THE PLAT OF ALBURN CREST SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER (1/4) OF SECTION 16, TOWNSHIP 44 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, THE PLAT OF WHICH SUBDIVISION IS RECORDED IN BOOK 24 OF PLATS ON PAGE 443 IN THE RECORDER'S OFFICE OF WINNEBAGO COUNTY, ILLINOIS, SITUATED IN THE COUNTY OF WINNEBAGO AND STATE OF ILLINOIS, CONTAINING 10,181 SQUARE FEET.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY FOR THE PURPOSE OF LOCATING THE BOUNDARIES AND CORNERS THEREOF AND THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

DIMENSIONS ARE GIVEN IN FEET AND DECIMALS OF A FOOT.

FIELD WORK FOR THIS SURVEY WAS COMPLETED ON APRIL 15, 2026.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL THE 27 DAY OF APRIL, 2026.

Thomas R. Eddie

THOMAS R. EDDIE, L.P.L.S. 3635
EXPIRATION DATE: 11/30/2026

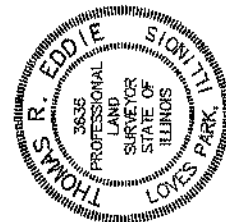


Exhibit D
1232 Soper Avenue
Var.
#020-26

SCALE: 1" = 20'
BASIS OF BEARINGS: ASSUMED

LEGEND

- BT BITUMINOUS SURFACE
- POC PORTLAND CONCRETE CURB
- S 00°00'00" W 000.00' MEASURED BEARING & DISTANCE
- IS 00°00'00" W 000.00' PLAT BEARING & DISTANCE
- SURVEY BOUNDARY
- EXISTING PROPERTY LINE
- x-x- FENCE (CHAIN LINK UNLESS NOTED)

PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
1515 WILSON ROAD, LOVES PARK, ILLINOIS 61111
(815) 398-1177, (815) 398-1178
ILLINOIS PROFESSIONAL SURVEYOR LICENSE NO. 184-00896
APRIL 27, 2026 (SEE NOTE 107)
PREPARED FOR: CHRISTIAN SOLARES

FRONT

62.22

Fit

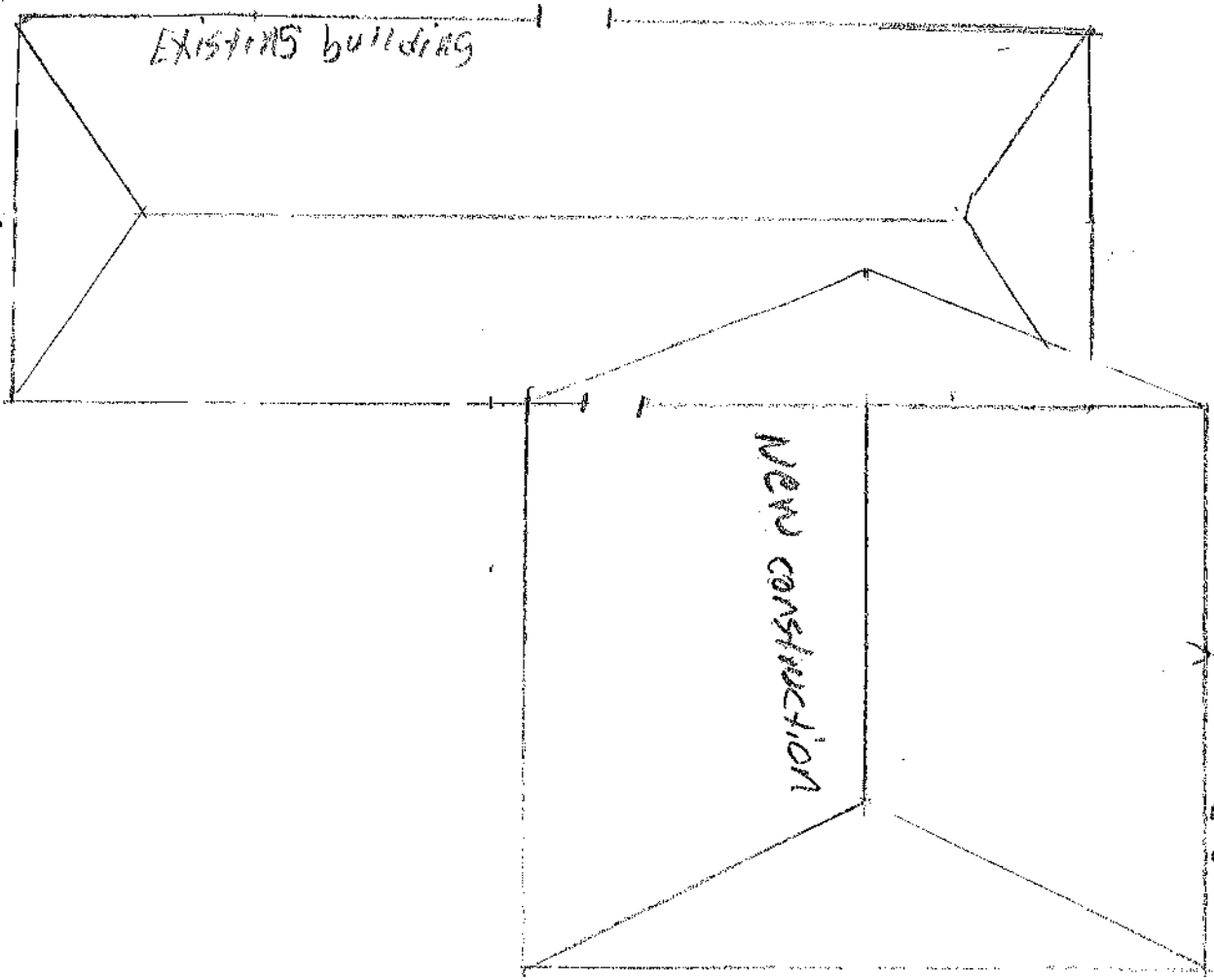
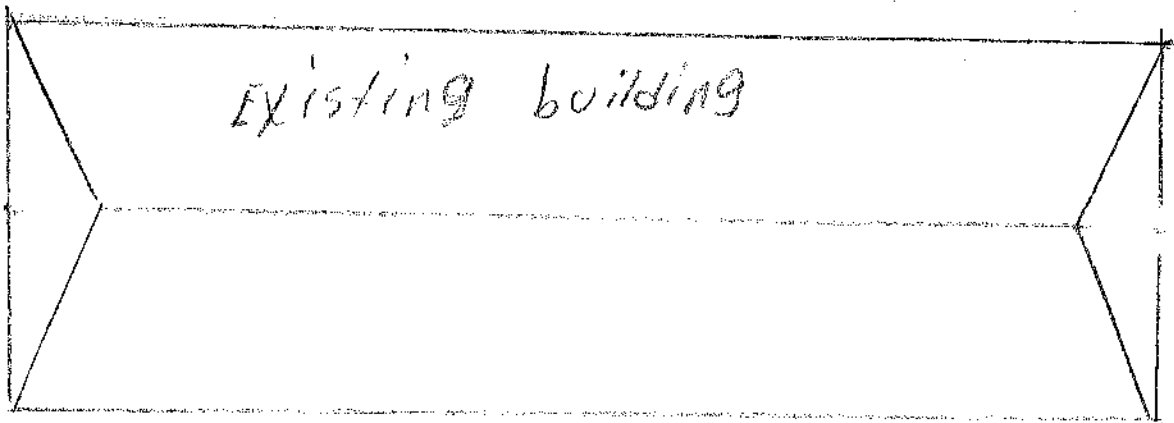


Exhibit E
1232 Soper Avenue
Var.
#020-26



NA

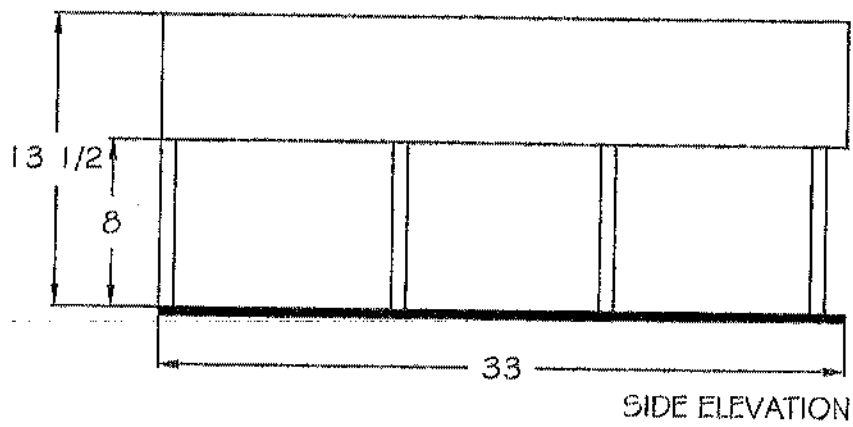
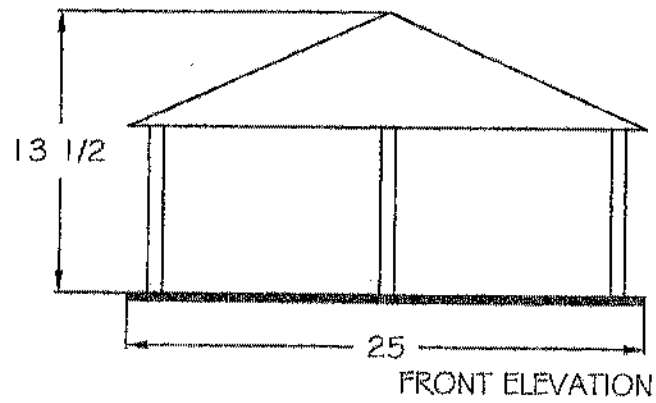


Exhibit F
1232 Soper Avenue
Var.
#020-26

The existing covered deck was constructed on the property and does not meet current setback requirements. Due to the size, layout, and existing improvements on the lot, strict compliance with the zoning ordinance would create a practical difficulty. The structure is consistent with residential use, does not negatively impact neighboring properties, and is not intended to alter the character of the neighborhood. Therefore, this request is made to allow the existing covered deck to remain in its current location.

Exhibit G
1232 Soper Avenue
Var.
#020-26

Call Number	Event Date	Location	Situation Reported	Call Disposition	Agency
25-044321	03/04/2025 05:27:00 PM	1232 Soper Ave	CRIMINAL TRESPASS	ADV - ADVISED / ADV - ADVISED	Rockford Police Department

Exhibit H
1232 Soper Avenue
Var.
#020-26