



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**

Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**

Brad Prischman / V3 Companies

**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**

Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**

Brad Prischman / V3 Companies

**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**

Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**

Brad Prischman / V3 Companies

**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**

Applicant  
Ward 4

**3849 Northridge Drive**

McDonalds / Bob Baker, Image Signs

**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**

**Findings of Fact for Denial of a Special Use Permit  
For Off-Premise Free-Standing Pole Sign for McDonald's Corp.  
In a C-3, General Commercial Zoning District at  
3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning

District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**

Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**

Brad Prischman / V3 Companies

**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
 Applicant  
 Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
 Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**

Applicant  
Ward 4

**3849 Northridge Drive**

McDonalds / Bob Baker, Image Signs

**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**

**Findings of Fact for Denial of a Special Use Permit  
For Off-Premise Free-Standing Pole Sign for McDonald's Corp.  
In a C-3, General Commercial Zoning District at  
3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**

Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**

Brad Prischman / V3 Companies

**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
Applicant  
Ward 3

**718 Auburn Street**  
Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**  
Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**  
Brad Prischman / V3 Companies  
**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals



**ZONING BOARD OF APPEALS**  
**Tuesday, September 17, 2013**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders Arrived at 5:55  
Craig Sockwell

**Absent:**

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Ald. Teena Newburg  
Ald. Joseph Chiarelli  
Ald. Franklin Beach  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 30, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz abstaining and Scott Sanders absent.

**ZBA 025-13**

Applicant  
Ward 13

**1XX Horsman Street & 801 West State Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a Women's Crisis and Life Recovery Center

**Variation** to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and to **LAYOVER** the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 027-13**

Applicant  
Ward 3

**15XX and 1502 Parkview Avenue**

OSF Healthcare System / Arty. Sherry Harlan

**Zoning Map Amendment** from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

**Laid Over from August Meeting**

Prior to the meeting a request was received by the applicant to Lay Over this item to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-13**  
Applicant  
Ward 1

**18XX North Perryville Road & 2013 McFarland Road**

First Perryville Development Corp.

**Special Use Permit** for off-site landmark style sign to serve shopping center

**Variation** to increase the sign height from 8 feet to 30 feet

**Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

**Laid Over from August Meeting**

This item will be Laid Over to the October 16<sup>th</sup> meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road & 2013 McFarland Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Board Member Scott Sanders joined the meeting.

**ZBA 029-13**  
Applicant  
Ward 10

**3809 E. State Street**

Mike Bolin

**Special Use Permit** for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District

The subject property is located on the south side of East State Street. Staff Report indicates the business was operating without obtaining a building permit nor a Special Use Permit.

Mr. Sanders stated he will need to abstain from participation and vote on this item.

Mike Bolin, Applicant, presented his request for Special Use Permit. Mr. Bolin stated he is the owner of Bourbon Street Ink, the subject property, as well as Man Cave Motor Sports, and Vantage Control Systems. He explained he opened the tattoo shop a few months ago with hours of operation from 10:00 AM to 10:00 PM. He stated he operated without a Special Use Permit because he was not aware that it was required. Mr. Bolin stated he filed with the County and they told him they have never shut down a shop that was operating. He feels he was misinformed. The business is now shut down until the result of this application is determined. Letters of support from Don Carter Lanes (4007 East State Street) Iron Skulls Motorcycle Association (Pecatonica, Illinois), Illinois Vehicle Auto Insurance (3813 E. State Street), Michael Yassin (3829 E. State Street) Taco Bell (3805 East State Street); House of Birds (3817 State Street) Job Network (3833 E. State Street), and Minero's Pizzeria (3825 E. State Street) were presented. Regarding parking, Mr. Bolin states he was informed by the landlord when he first moved in that there is an agreement in his land purchase with the original owners who own the parking lot

The Winnebago County Health Department had inspected the premises and the inspections passed in all areas.

Staff Recommendation is for Denial. Objectors were present.

Jennifer Hall, Executive Director of the Miracle Mile was present as an Objector. She stated The Mile has worked to avoid clustering of certain types of businesses in the area, including tattoo parlors. They have no objection to the retail portion of the business but only to the operation of a tattoo parlor.

Attorney Frank Beach spoke in objection. He stated he first became aware of the business when the Applicant asked him to sign the SUP Application as Alderman of the Ward. Alderman Beach stated at that time he told the Applicant that he needed to discontinue operation immediately. He stated what concerned him the most is that the police needed to be called to the area. The Police also went into the tattoo parlor and discovered that he was still operating. Ald. Beach called the shop and the manager told him they were not aware they needed to discontinue business even though Ald. Beach further stated he made Mr. Bolin aware as soon as he knew about the business that they must discontinue operating.

In response, Mr. Bolin stated as soon as he was made aware it was required, he applied for the SUP. He stated he was told by City Personnel that the city would not stop a business from operating once it was in operation. He did not give a name of the person he spoke with.

Ms. Neubauer, Mr. Magdziarz and Mr. Sockwell all stated they did not have a problem with a tattoo shop operating at this location. Mr. Olson stated he would not support this application.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for body art services consisting of tattoo and piercing in a C-2, Limited Commercial Zoning District at 3809 E. State Street with the added Condition 1. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be 10:00 AM to 10:00 PM

**ZBA 029-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Body Art Services Consisting of Tattoo and Piercing**  
**In a C-2, Limited Commercial Zoning District at**  
**3809 E. State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the Zoning District in which it is located.

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**ZBA 030-13**  
Applicant  
Ward 4

**3849 Northridge Drive**  
McDonalds / Bob Baker, Image Signs  
**Special Use Permit** for off-premise free-standing pole sign for McDonald's Corp.  
**Variation** to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District

The subject property is located west of North Alpine Road, south of East Riverside Boulevard, and east of Forest Hills Road. Bob Baker from Image Signs, representing the Applicant, McDonald's, reviewed the request for Special Use Permit and Variation. He stated McDonald's recently spent a large amount of money on landscaping and a total remodel of the building. They are wanting to put a sign on an existing pylon sign to indicate how to get to their site from Alpine.

Staff Recommendation is for Approval of both applications with (1) condition. Interested Parties were present. No Objectors were present.

John Curtis, 3782 North Alpine Road, owner of Hobby Town USA was present. He pointed out that the site plan showing the proposed sign placement submitted by the Applicant shows a pharmacy sign under the Wal-Mart sign, with the McDonald's sign underneath that. He stated there is no pharmacy sign on the pylon. Mr. Baker agreed the pharmacy sign shown on the rendering is actually not present. Mr. Baker explained where the sign will be going, and stated the McDonald's sign will be 6'x 6', or 36 square feet. He stated the pharmacy sign will not be on the pylon.

Ms. Neubauer stated she does not support adding a sign to an existing pylon sign that is already non-conforming. Mr. Sanders stated he is ok with this proposal.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for off-premise free-standing pole sign for McDonald's Corp; and to **APPROVE** the Variation to increase the square footage from 64 square feet to 132.6 square feet in a C-3, General Commercial Zoning District at 3849 Northridge Drive. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Dennis Olson, Dan Roszkowski, and Alicia Neubauer voting Nay.

Conditions of Approval is Staff report were:

1. Must obtain a sign permit and be installed in accordance to sign elevation Exhibit F.

**ZBA 030-13**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Off-Premise Free-Standing Pole Sign for McDonald's Corp.**  
**In a C-3, General Commercial Zoning District at**  
**3849 Northridge Drive**

**Denial** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 030-13**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Square Footage of a Sign**  
**From 64 Square Feet to 132.6 Square Feet**  
**In a C-3, Commercial General Zoning District at**  
**3849 Northridge Drive**

**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 are 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.

**ZBA 031-13**  
 Applicant  
 Ward 3

**718 Auburn Street**  
 Micky Rosenquist & Karl Ropp  
**Special Use Permit** for a private school for music lessons and a studio in an  
 R-1, Single-family Residential Zoning District

The subject property is located on the south side of Auburn Street, directly south of Douglas Street. This property is a vacant residence with a history of small businesses. Micky Rosenquist and Karl Ropp were present. Mr. Rosenquist stated he has worked with Keith School and Rockford College off and on for several years. They would like to have the opportunity to provide private lessons to teach young people

to play musical instruments. He stated he did walk around the neighborhood introducing himself and his plans for this property and he did not meet with any objectors. He will not have any signage or advertising that will cause attention to the location of the business. His lessons are private and he prefers to be very low key in operation. Mr. Rosenquist stated he made an offer on this property which was accepted in July, but they do not want to close until they are certain they can obtain the Special Use Permit. They have already paid for one extension on the offer and may need to pay for another one. Mr. Ropp stated he is the silent partner providing financial backing. Regarding sound issues, the parking lot is furthest away from the neighbors. He would further introduce himself to those neighbors he has not yet met and would ask them to make him aware if there are any concerns with the operation of this venture.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. Two letters of support were received; Mike Beert, Professor of Music at Rock Valley College, and Timm Adams, Associate Professor of Music, Rockford University Performing Arts. One Supporter was present.

Frank Schier, 910 North Court Street stated he was the owner of the Rock River Times. Mr. Schier stated he knows both of the applicants, calling them gentlemen and stated they were both very well respected. He stated they are good business people, restrained, and he cannot recommend them highly enough.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a private school for music lessons and a studio in an R-1, Single-family Residential Zoning District at 718 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. The permitted uses on the subject property shall be limited to only those listed in the Special Use Permit.
3. Meeting all applicable building codes, specifically construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois indicating how the proposed use will meet all appropriate building codes for the "Change of Use" and any construction to take place.
4. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval, including landscaping units added to the existing green space along the north property line and west of the building.
5. That the freestanding sign shall be a low-profile (landmark-style) sign replacing the existing freestanding sign and limited to a maximum of 20 square feet.
6. All conditions must be met prior to establishment of use.

**ZBA 031-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Private School for Music Lessons and a Studio**  
**In an R-1, Single-Family Zoning District at**  
**718 Auburn Street**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 032-13**

Applicant  
Ward 12

**3101 North Main Street**

Arc Design Resources / Jeffrey Linkenheld

**Variation** to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District

The subject property is located east of North Main Street and north of Country Club Beach and is currently the Auto Zone. Jeff Linkenheld, ARC Design Resources, was present to discuss this application. He is representing Auto Zone, the current tenant. This building is only about 7-9 years old and was developed within the current Ordinance requirements. He said he was also speaking on behalf of IDOT because they are doing the improvements on North Main Street. The drawings submitted came from IDOT, who prepared the sketches for the Applicant. North Main Street will be widened and in the process will be taking a portion of the Applicant's property. The driveway is currently wider than required. The Applicant is willing to reduce this somewhat to allow for additional parking. The applicant is proposing a small retaining wall due to the changes being made to the property.

There are some shade trees along North Main Street that will be removed. The redevelopment of green space will be done by IDOT. Mr. Sanders stated he was confused as to why this responsibility should be falling on Auto Zone.

Mr. Cagnoni presented a clarification for the Board. IDOT is in the process of designing road improvement for North Main. As part of this design they are trying to evaluate the impacts of the land taking. Staff has met with IDOT and walked the corridor and specified where the takings would have the most impact. There are a number of properties where landscaping can be accommodated without a Variation or not requiring a full taking of the property. IDOT's concerns related to this matter are more as it relates to cost. This property would have 16 parking spaces removed. This would be difficult for the owner of the business and Staff agrees with this. Staff supports the Variation. Not covered in the Staff report was that a vast majority of the signs are going to be impacted with this taking. Under those circumstances, it will require the signs to come into conformance. Staff would like to see the Applicant's sign also come into conformance even though it appears to be set back far enough that it will not be affected by the taking. Mr. Cagnoni further explained that an additional 3 or 4 properties may be coming before the Board for Variations because they will become non-conforming to the site.

Mr. Sanders felt to require someone to cover the cost of bringing the sign into conformance is not necessary fair to the business owners if the land is taken. Mr. Cagnoni explained there will be compensation to the owner in cases where land taking is detrimental financially and physically to the business. Mr. Sanders stated there is nothing in Staff conditions that indicate the financial burden is not on the Applicant to bring this sign into compliance. Mr. Cagnoni agreed and stated although there may be a burden on the Applicant, the Applicant is negotiating with IDOT for compensation. He explained that Staff is not in a position to put a condition that IDOT compensate for the sign.

Mr. Cagnoni stated if the Board cannot resolve the forthcoming Variations, that action could further delay or suspend the project, or could have no impact on the project. He did stated the ultimate design went through a very significant public process before decisions were made.

SUPS are valid for 2 years and may be renewed for another 2 years. If the SUP is not implemented as a result of the road not being constructed during that time frame, it would be considered to be automatically renewed.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow reduced landscape frontage due to Illinois Department of Transportation project from ten (10) feet to three (3) feet in a C-2, Limited Commercial Zoning District at 3101 North Main Street with the addition of condition 3. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated along the south side of the property.
2. That a final site plan is submitted for Staff review and approval upon final determination of right-of-way takings from IDOT.
3. Existing signage is to come into conformance with the current sign ordinance

**ZBA 032-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**Due to Illinois Department of Transportation Project**  
**From Ten (10) Feet to Three (3) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**3101 North Main Street**

**Approval** 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 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 are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 033-13**  
Applicant  
Ward 14

**3424 and 3426 South Alpine Road**  
Kamal Abedrabbo  
**Special Use Permit** for passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located 200 feet from the northeast corner of the Sandy Hollow Road and South Alpine Road intersection. Hane Razick and Kamal Abedrabbo, Applicants, were present. Mr. Rezick explained their request for Special Use Permit. He explained he has assisted family members with setting up businesses in the area, including Twins Auto Sales on 11<sup>th</sup> Street and they wish to move to the South Alpine Road location. When looking at this property he assumed this area was zoned for auto sales and would be a better location than the one on 11<sup>th</sup> Street. He feels he is assisting the Muslim community in establishing businesses and allowing them to secure a future for themselves.

Mr. Razick stated they have been paying rent at this location since April 1 and are unable to operate the business without the Special Use Permit.

Staff Recommendation is for Approval with (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for passenger vehicle sales in an I-1, Light Industrial Zoning District at 3424 and 3426 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including standard perimeter landscaping between right-of-way and parking lot.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. That no more than 15 vehicles shall be displayed for sale.
5. That no more than 6 operable vehicles shall be located within the fenced storage area.
6. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. All conditions must be met prior to establishment of use.

**ZBA 033-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3424 South Alpine Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

**ZBA 034-13**

Applicant  
Ward 06

**3114 and 3134 11<sup>th</sup> Street**

Brad Prischman / V3 Companies

**Special Use Permit** for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

The subject property is located within a shopping center east of 11<sup>th</sup> Street and north of Hamilton. The shopping center was built in 1965. Brad Prischman, Applicant, reviewed the application. The subject property is a CVS store and they are proposing the addition of a drive-thru pharmacy window. As part of the CVS plan to update all of the stores to be ADA compliant, they will be updating ADA parking spaces in front of the building at this location as well. The shopping center has a public drive. The proposed drive through is accessed off of a private drive and not a public street.

Staff Recommendation is for Approval with (2) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a drive-thru pharmacy in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 3114 and 3134 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscape plan including landscape units to be placed within the proposed landscape islands.

**ZBA 034-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Drive-Thru Pharmacy**  
**In a C-2, Limited Commercial Zoning District**  
**And a C-3, General Commercial Zoning District at**  
**3114 and 3134 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 and C-3 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 and C-3 Zoning Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

Respectfully Submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals