

ZONING BOARD OF APPEALS
Tuesday, October 18, 2011
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent: Aaron Magdziarz

Staff: Kerry Partridge – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Matt Knott, Chief – Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

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 Liquor Advisory Board 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, October 24, 2011, 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 6:58 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the September meeting as submitted. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0 with Aaron Magdziarz absent.

ZBA 028-11 **308 North Mulford Road**
Applicant First Rockford Group, Inc.
Ward 10 **Variation** to increase the sign height from the maximum 8' to 20'
 Variation from a landmark style sign to a pole sign in a C-3, Commercial General District.

Prior to the meeting, a request was received from the Applicant to Lay Over this item to the November 15th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Variation to increase the sign height from the maximum 8' to 20' and a Variation from a landmark style sign to a pole sign in a C-3, Commercial General Zoning District at 308 North Mulford Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

ZBA 030-11 **4231 East State Street**
Applicant Midwest Title Loan – Attorney John Nelson
Ward 10 **Appeal** of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a “Pawn Broker” under the City of Rockford Zoning Ordinance.

Prior to the meeting, a request was received from Staff to Lay Over this item to the November 15th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Appeal of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a “Pawn Broker” under the City of Rockford Zoning Ordinance. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

ZBA 040-11 **2852 Kishwaukee Street**
Applicant Omar Alhamed
Ward 6 **Special Use Permit** for a used car broker/dealer in a C-3, Commercial General Zoning District.

The subject property is a vacant building approximately 1,736 square feet in size, located on the northeast corner of Kishwaukee and Ranger Streets. The property was a gas station, but the building has remained vacant for several years. Omar Alhamed and Mokhtar Mohammed were present. Mr. Alhamed requested an extension of time to do landscaping and gravel due to the cost. Mr. Mohammad stated the applicant is agreeable to conditions of approval. Mr. Mohammad also reiterated the Applicant’s request for an extension of time due to cost and the lateness of the season to complete landscaping and paving. Signage and cleanup can be done immediately and they anticipate landscaping by next Spring. Mr. Sanders recommended a time frame of 9 months for landscaping and paving. Mr. Cagnoni stated the gravel portion is relatively small and Staff could live with a time frame of July 1, 2012 if they wished to modify condition 5.

The Board asked how many vehicles would be on display at one time maximum. Mr. Mohammed stated whatever the code would allow, and estimated 15 vehicles. The Applicant verified that the only auto repair would be in conjunction with vehicles sold. Mr. Cagnoni stated a limit of 10-12 vehicles would be

necessary, allowing for handicapped parking and customers. Both Mr. Alhamed and Mohammed were agreeable to 10 vehicles parked along the Kishwaukee Street frontage. Mr. Alhamed stated the price of his vehicles will be from \$800 and up at this time.

Staff Recommendation is for Approval with 5 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a used car broker/dealer in a C-3, Commercial General Zoning District at 2852 Kishwaukee Street. With modification to condition 5 and the addition of condition 6. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a revised landscaping plan including types of plantings and a landscape buffer along the east side of the property.
3. Sidewalk shall be improved where and if needed along Kishwaukee Street.
4. All signage must be in compliance with current sign regulations.
5. All landscape units and pavement to gravel areas must be completed no later July 1, 2012.
6. Exterior vehicle sales be limited to the 10 vehicle spacing on Kishwaukee Street frontage as shown on Exhibit D.

ZBA 040-11
Findings of Fact for a Special Use Permit
For Used Car Broker/Dealer
In a C-3, Commercial General Zoning District at
2852 Kishwaukee 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-3 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 C-3 Zoning District in which it is located.

ZBA 041-11
Applicant
Ward 5

854 Simpson Road

James Johnson

- (A) Special Use Permit** for heavy equipment sales and service
- (B) Variation** to increase the maximum allowable height for a free-standing sign from 8 feet to 30 feet for a one business on a single lot
- (C) Variation** to eliminate concrete paving and replace with gravel for outdoor storage of heavy equipment and sales area in an I-1, Light Industrial Zoning District.

The subject property is located in the NW quadrant of South Main Street and U.S. Highway 20, approximately 600 feet south of Simpson Road. The neighborhood is a mixture of commercial and agricultural uses, with some residential to the north. The property consists of 15.63 acres, currently zoned as I-1, Light Industrial. James Johnson, Applicant, reviewed the request. Their company owns John Deere and have been working with Staff to build a new facility at this location. Sales will be 80% agricultural products and the remaining 20% will be lawn mowers and similar equipment. Mr. Johnson explained that agricultural equipment is non-taxable. The gravel parking is easier to maintain due to the heavy equipment anticipated to be stored there. Mr. Johnson presented an arial of his facility in Sycamore and stated the subject facility will be similar. He further explained there will be green areas around the building. Opening expectation is two years from this past March. He stated John Deere currently has dealership in Loves Park, Rochelle and Sycamore.

Staff Recommendation was for Approval of (A) and (C), and Denial of (B) for the Variation to increase sign height to 30 feet. Staff did recommend approving this (B) Variation to allow a sign up to 20 feet in height. No Objectors or Interested Parties were present.

Reviewing the request for a 30' sign, Mr. Johnson stated the building is 31 feet tall and John Deeres signs are 30 feet; however, he stated he but would be able to live with whatever is allowed. Mr. Roszkowski stated this property sits lower than Bus. 20 and has a similar situation to those signs allowed near I-90 except on a smaller scale. The Board was inclined to approve the Variation and Mr. Cagnoni asked the Applicant if he preferred a 25' or a 30' height for this sign. Mr. Johnson said he would accept whatever the City would allow and did not express a preference. Mr. Roszkowski felt a 30 foot sign would be acceptable if it remained in the location as shown on the site plan.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the (A) Special Use Permit for heavy equipment sales and service; **APPROVE** the (B) Variation to increase the maximum allowable height for a free-standing sign from 8 feet to 30 feet for a one business on a single lot; and **APPROVED** the (C) Variation to eliminate concrete paving and replace with gravel for outdoor storage of heavy equipment and sales area in an I-1, Light Industrial Zoning District at 854 Simpson Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of a Final Plat for City review and approval prior to development of the site.
3. Submittal of Building Permits for Staff review and approval.
4. Submittal of a detailed illumination and site plans.
5. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval.

ZBA 041-11
Findings of Fact for a Special Use Permit
For Heavy Equipment Sales and Service
In An I-1, Light Industrial Zoning District at
854 Simpson 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 I-1 Zoning District in which it is located.

ZBA 041-11
Findings of Fact for a Variation
To Eliminate Concrete Paving and Replace with Gravel
For Outdoor Storage of Heavy Equipment and Sales Area
In an I-1, Light Industrial Zoning District at
854 Simpson Road

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.

041-11
Findings of Fact for a Variation
To Increase the Maximum Allowable Height for a Free-Standing Sign
From 8 Feet to 30 Feet for One Business on a Single Lot
In an I-1, Light Industrial Zoning District at
854 Simpson Road

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 042-11
Applicant
Ward 1

1811 Raincloud Drive

Steven & Sherry Brandon

Variation to increase the front yard fence height from the maximum allowed 4 feet to 6 feet and a 8 feet 6 inch gate along Highridge Road in a R-1, Single-family Residential Zoning District.

The subject property is a corner lot located on the northwest corner of Raincloud Drive and Highridge Road and is a single-family residence. Steven Brandon, Applicant, reviewed his request. This application is a result of a code violation. He stated he did not really understand the concept of what he needed to do to meet the request for Variation. Mr. Brandon stated the fence is not close enough to the corner of the lot to block sight from the intersection and he felt it was aesthetically pleasing. He explained

the structure only has one panel up at this time and because of the posts representing a fence project he was cited.

Mr. Roszkowski stated on Exhibit D, the front yard setback appears to be deep enough. Mr. Cagnoni stated in viewing the arial and placement of the structure it appears the fence is within 4-5 feet from the sidewalk, which puts it in the front yard. The Applicant verified this distance. There was some question as to the actual proposed placement of the fence. Mr. Cagnoni and the applicant reviewed the proposed location. Mr. Sanders feels if the fence is coming out perpendicular from the garage to High Ridge as proposed, it would not be obvious.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the **Variation** to increase the front yard fence height from the maximum allowed 4 feet to 6 feet and a 8 feet 6 inch gate along Highridge Road in a R-1, Single-family Residential Zoning District at 1811 Raincloud Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZBA 042-11
Findings of Fact for a Variation
To Increase the Front Yard Fence height
From the Maximum Allowed 4 Feet to 6 Feet and an 8 Feet 6 Inch Gate
Along Highridge Road in an R-1, Single-Family Residential Zoning District at
1811 Raincloud Drive

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.

With no further business to come before the Board, the meeting was adjourned at 7:40 PM

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