



ZONING BOARD OF APPEALS
Tuesday, March 21, 2017
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:** Dan Roszkowski
Craig Sockwell
Melissa Beckford
Tom Fabiano
Alicia Neubauer
- Absent:** Kim Johnsen
Scott Sanders
- Staff:** Scott Capovilla – Zoning and Land Use Administrator
Lafakeria Vaughn - Assistant City Attorney
Angela Hammer - City Attorney
Matthew Flores, Assistant City Attorney
Marcy Leach - Engineering Manager, Public Works
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
- Others:** Alderman Frank Beach
Kathy Berg - Court 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 will 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 to the Liquor & Tobacco 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, March 27, 2017, at 5:30 PM in City Council Chambers in 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. This information was also presented in written form attached to the agendas.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes from the February 22, 2017 meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 3-0 with Alicia Neubauer, and Tom Fabiano abstaining and Kim Johnsen and Scott Sanders absent.

ZBA 003-17

Applicant
Ward 06

6313 and 6316 Beltline Road

Assets Biz Corp. / Mike Terreault

Special Use Permit for vehicle towing and outdoor storage of vehicles, an office trailer, and placement of a 20 feet metal shipping container in an I-2, General Industrial Zoning District

The subject property is located 1,230 feet northwest of the Beltline Road and Cessna Drive intersection within the Global Trade Park Planning area. Michael Terreault, Applicant representing Assets Biz Corporation reviewed his request. He explained Assets Biz has been operational for 17 years in various cities in the United States. This site is the former Greater Rockford Auto Auction and is already fenced and gated. They will be putting in a trailer to serve as an office and a metal container to store personal property. They also intend to put in an additional fence for added security.

Attorney Vaughn had no questions of the Applicant.

Staff Recommendation is for Approval with (11) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for vehicle towing and outdoor storage of vehicles, an office trailer, and placement of a 20 feet metal shipping container in an I-2, General Industrial Zoning District at 6313 and 6316 Beltline Road. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permit for Staff review and approval.
3. Must submit fence elevations and Fence Permit for Staff review and approval.
4. That the outdoor storage of vehicles will be limited to the 100 feet by 250 feet area shown on Exhibit D and on asphalt or concrete.
5. That the outdoor storage of vehicles be limited to a maximum of fifty (50) vehicles.
6. That the outdoor storage of vehicles be in conjunction with vehicle towing only.
7. Submittal of a Parking Lot Permit for the 100 feet by 250 feet area on Exhibit D that will be used for outdoor storage but is not currently concrete or asphalt for Staff's review and approval.
8. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
9. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
10. The outside storage of inoperable vehicles is prohibited.
11. All conditions must be met prior to establishment of use.

ZBA 003-17
Findings of Fact for Approval of a Special Use Permit
For Vehicle Towing and outdoor storage of Vehicles,
An Office Trailer, and Placement of a 20 feet Metal Shipping Container
In An I-2, General Industrial Zoning District at
6313 and 6316 Beltline 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 004-17

Applicant
Ward 10

5880 East State Street

Image Signs, Inc. / Bob Baker

Variation to increase the square footage of an existing non-conforming free-standing pylon sign from 165 square feet to 240 square feet along North Mulford Road in a C-2, Limited Commercial Zoning District.

The subject property is located on the west side of North Mulford Road, 230 feet north of East State Street, known as the Market Place of Rockford shopping center. Bob Baker from Image Signs and Dale Dobroth, Manager of Market Place of Rockford were present. Mr. Baker explained that Mr. Dobroth has more tenants than he has room for on the existing sign which is located on the Mulford Road side of the property. The sign is non-conforming but was grandfathered in. There is also tenant signage on the building.

Mr. Dobroth stated he has owned the property for several years and struggled with maintaining tenants. Party City will be moving into the old Hancock Fabric Store and another two perspective tenants are looking to share the Old Time Pottery space. They will all need sign panels. Access is off of State Street from the west bound lane, from North Phelps Avenue and also on Mulford Road. Mr. Dobroth explained that when looking at the sign from street height, it would appear to be the same height as the one across State Street because of the grade.

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

Ms. Neubauer stated she was not comfortable with approving this Variation because of the existing sign ordinance and in keeping with past decisions on variations to size or height of signs that have come before the Board.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to increase the square footage of an existing non-conforming free-standing pylon sign from 165 square feet to 240 square feet along North Mulford Road in a C-2, Limited Commercial Zoning District at 5880 East State Street. The Motion was **SECONDED** by and **CARRIED** by a vote of 4-1 with Craig Sockwell voting Nay.

ZBA 004-17
Findings of Fact for Denial of a Variation
To Increase the Square Footage of an Existing Non-Conforming,
Free-Standing Pylon Sign from 165 Square Feet to 240 Square Feet
Along North Mulford Road
In a C-2, Limited Commercial Zoning District at
5880 East State Street

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.

With no further business to come before the Board, the meeting was adjourned at 6:00 PM.

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