



ZONING BOARD OF APPEALS
Tuesday, June 20, 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: Melissa Beckford
Tom Fabiano
Kim Johnsen
Alicia Neubauer
Dan Roszkowski
Craig Sockwell

Absent: Scott Sanders

Staff: Scott Capovilla – Zoning and Land Use Administrator
Lafakeria Vaughn - City Attorney
Matthew Flores, Assistant City Attorney
Jeremy Carter - Traffic Engineer, Public Works
Tim Morris - Fire Department
Sandra Hawthorne - Administrative Assistant

Others: Alderman Tuffy Quinonez
Alderman Bill Rose
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, June 26, 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 Alicia Neubauer to **APPROVE** the minutes from the May 16, 2017 meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0 with Kim Johnsen abstaining and Scott Saunders absent.

ZBA 008-17

Applicant
Ward 01

280 North Perryville Road

Callie Robertson / Anchor Sign for Chick-fil-A-Inc

Variation to increase the number of business identification wall signs from the maximum allowed two (2) to three (3) in a C-2, Limited Commercial Zoning District

The subject property is located south of the North Perryville Road and Argus Drive intersection. Josh Muckelvaney with Anchor Sign and Phillip Everett from Chick-fil-A-Inc. were present. They are seeking an additional wall sign on the south side of the building. There is existing signage on the north and west elevations. Mr. Muckelvaney stated they currently are using 38% less than allowable signage for that building. He further stated that there is a concern that patrons will not see the building when approaching Perryville Road from State Street and will try to quickly turn onto Perryville Road. The Applicant believes this additional sign would relieve the chance of traffic accidents. There is an off-site premise sign on E. State Street, but Mr. Everett stated there are trees that interfere with the sight of the building. He felt the existing sign does not give sufficient representation as to where Chick-fil-A is clearly located. Staff recommendation was that one of the existing signs be relocated instead of installing a third wall sign. The Applicant felt this was not a good solution, as the existing sign at the west location sign also serves traffic coming from the Argus Drive direction.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. The Board felt a relocation of one of the existing signs was a plausible solution.

A **MOTION** was made by Alicia Neubauer to **DENY** a Variation to increase the number of business identification wall signs from the maximum allowed two (2) to three (3) in a C-2, Limited Commercial Zoning District at 280 North Perryville Road. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-1 with Craig Sockwell voting Nay.

ZBA 008-17
Findings of Fact for Denial of a Variation
To Increase the Number of Business Identification Wall Signs
From the Maximum Allowed Two (2) to Three (3)
In a C-2, Limited Commercial Zoning District at
280 North Perryville Road

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 not 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 009-17
Applicant
Ward 01

1605 North Bell School Road

Todd Polivka for O'Fallons Florist Shop

Modification of Special Use Permit #022-12 for a Planned Mixed-Use Development to allow the addition of a retail floral shop for an additional period of five (5) years in a C-1, Limited Office Zoning District, and R-1 Single-family Residential Zoning District, and an R-3, Multi-family Residential Zoning District

The subject property is located at the southeast corner of Rote Road and North Bell School Road and is an existing Floral Shop. Todd Polivka, Applicant and property owner, reviewed his request. This is a separate free standing building and has operated as a floral shop for 16 years. They have been the only tenant and have invested their own funds in the upkeep of the building. A Modification to a Special Use Permit was granted in 2002 to allow the floral shop, with modifications in 2007 and 2012. These continuations were to allow the use of a floral shop for a period of 5 years, or until Winnebago County expands Bell School Road. The Applicant has an agreement with Winnebago County for ROW along Bell School Road until they are ready to expand the road and at this point there are no immediate plans to do so. Mr. Carter explained that once Bell School Road is upgraded to 4 lanes, the City will take over those portions that are improved. The plans are still to expand this road to 4 lanes sometime in the future.

Staff Recommendation was for Approval with (1) condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of Special Use Permit #022-12 for a Planned Mixed-Use Development to allow the addition of a retail floral shop for an additional period of five (5) years in a C-1, Limited Office Zoning District, and R-1 Single-family Residential Zoning District, and an R-3, Multi-family Residential Zoning District at 1605 North Bell School Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. The Modification of Special Use Permit #022-12 for a Planned Mixed-Use Development to allow the addition of a retail floral shop for an additional period of five (5) years or until the County Highway Department or the City Engineers Office request it be discontinued, whichever comes first.

ZBA 009-17
Findings of Fact for Approval of a Modification of Special Use Permit #022-12
For a Planned Mixed-Use Development
To Allow the Addition of a Retail Floral Shop
For an Additional Period of Five (5) Years
In a C-1, Limited Office Zoning District, An R-1 Single-Family Residential Zoning District,
And an R-3, Multi-Family Residential Zoning District at
1605 North Bell School 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 C-1, Limited Office Zoning District; R-1, Single-family Residential Zoning District; and R-3, Multi-family Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:04 PM.

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

