



**ZONING BOARD OF APPEALS**  
**Tuesday, July 18, 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:**

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Lafakeria Vaughn - City Attorney  
Matthew Flores, Assistant City Attorney  
Tim Morris - Fire Department  
Nicholas Meyer - Legal Director  
Sandra Hawthorne - Administrative Assistant

**Others:** Alderman Tuffy Quinonez  
Alderman Mark Rose  
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 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 Kim Johnsen to **APPROVE** the minutes from the June 20, 2017 meeting with amended spelling of Scott Sanders on page 2. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote 6-0.

**ZBA 010-17**

Applicant  
Ward 02

**1220 Comanche Drive**

Sherry Harlan, Esq. for Crusaders Central Clinic Assoc.  
**Zoning Map Amendment** from R-1, Single-family Residential County  
Zoning District to C-1, Limited Office Commercial Zoning District

The subject property is located on the west side of Comanche Drive, 271 feet north of Guilford Road and is currently a single family residence with a detached garage. Attorney Sherry Harlan and Sam Miller representing the Applicant, were present. Attorney Harlan explained that the Applicant's clinic located at 1215 N. Alpine is zoned C-1. The subject property is zoned R-1. In order to be consistent with zoning to allow an access drive and parking lot on the subject property, C-1 Zoning is required. Attorney Harlan further explained they have spoken with Temple Bethel and Alderman Logemann regarding their proposal as well. The Applicant proposes a 2 square feet monument style sign for directional purposes. It is also their intent to provide a 10' wide landscape buffer as well as a vinyl fence on both the north and south sides of the property. Mr. Capovilla confirmed that the sign would not be considered an off-premise sign. Dan Roszkowski asked Staff if the Clinic currently met the space requirements for parking. Mr. Capovilla responded currently there is more than adequate parking on the site.

Staff Recommendation is for Approval. (2) Objectors were present.

Marietta Susanke was present as an Objector, stating she lives across the street and diagonal to the subject property. She has concerns with traffic and property values. Ms. Susanke further stated Comanche Drive is a "race track" on a normal basis because it is a cut-through street. There are frequent traffic back ups as well. She stated when Temple Bethel, located at 1203 Comanche, have their events, people park on both sides of Comanche, causing a huge bottleneck of traffic. It is a major problem with the residents trying to get in and out of their driveways, as backed up traffic will not let

them through. She stated Temple Bethel has a large congregation and their various celebrations always draw large amounts of members. Ms. Susanke pointed out that the 1215 North Alpine site always had adequate parking on the grounds when it was the original Brookside Medical Group for many years. She summed up by stating although Christ United Methodist church does have an ancillary access, it is a different situation because they demolished the houses in that area, they normally only have services on Sundays.

Toni Gartner was present as an Objector. Her property is adjacent to the subject property on the north side. She called this proposal "an alley with parking". She stated the church property that Attorney Harlan spoke of having this same type of set up is contiguous to Commercial Zoning on a corner lot, whereas the subject property is in the middle of residential housing. She has concerns about the proposed fence and its construction for durability. She further expressed concern with security, especially if there is only one light. If Crusader decides to go to a 24-7 clinic, night traffic will be a problem. Ms. Gartner stated she drives by the Clinic on a daily bases and there are only about 6 vehicles in the parking lot at a time so wonders why the Applicant expects such a large increase in clients.

In response, Attorney Harlan stated the fence will be nicely done, there will be a greenspace area, and it will look nice. They do anticipate growth for Crusader down the road. Unlike the church, they will not anticipate heavy traffic as a result of public events. Mr. Miller stated they are looking at this proposal as a safety perspective for their main focus.

Alicia Neubauer stated this is an existing residential area asking for C-1 spot zoning. She feels there is plenty of asphalt throughout the 1215 North Alpine site and added pavement is not a way to solve the problem. She feels better planning for the existing parking lot is a better an alternative. Kim Johnsen stated her agreement with this statement and Dan Roszkowski also felt that this proposal would actually create an increased traffic problem along Comanche.

A **MOTION** was made by Alicia Neubauer to **DENY** the Zoning Map Amendment from R-1, Single-family Residential County Zoning District to C-1, Limited Office Commercial Zoning District at 1220 Comanche Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 010-17**  
**Findings of Fact for Denial of a Zoning Map Amendment**  
**From R-1, Single Family Residential County Zoning District**  
**To C-1, Limited Office Zoning District at**  
**1220 Comanche Drive**

**Denial** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is not consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal does not promote the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is not consistent with the comprehensive plan and surrounding uses;
  - b. This proposal does not protect the character, scale and stability of the residential area because the proposed development will not meet all development requirements of this site; and
  - c. The proposed map amendment would not allow for a reasonable development to take place consistent with zoning district.
2. The proposed Zoning Map Amendment is not consistent with the approved general plan

**ZBA 011-17**

Applicant  
Ward 11

**501 15<sup>th</sup> Avenue, 517 15<sup>th</sup> Avenue & 1610 Keefe Street**

James Rodriguez, Esq. for Ernie's, Inc.

**Zoning Map Amendment** from R-2, Two-family Residential Zoning District to C-2, Limited Commercial Zoning District,

**Variation** to required landscaping per submitted site and landscaping plan

The subject properties are located on the south side of 15<sup>th</sup> Avenue just east of the Keefe Street and 15<sup>th</sup> Avenue intersection and consists of a vacant building and vacant land with a billboard. Ernest Jefferson, Applicant, and Attorney James Rodriguez were present. Attorney Rodriguez presented the requests of the Applicant. The two properties to the west of the building are vacant with minimal concrete that will need to be removed. Among other uses, the existing building has been The Brick House Lounge which was a bar and rest. He stated the site plan as shown is a great improvement to the property. Attorney Rodriguez explained this property was always zoned residential but since the early 1980's has been used for commercial purposes. The proposed parking lot will be to the west. He further stated Mr. Jefferson is willing to comply with all Staff conditions, including fencing.

Staff Recommendation is for Approval of both items with (9) conditions. No Objectors or Interested Parties were present.

Alicia Neubauer asked Staff if there was room for additional shade trees or landscaping units on site. Mr. Capovilla responded, as suggested in condition of approval (3), a revised landscaping plan is required and Staff will most likely ask for additional trees and landscaping with that plan.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Zoning Map Amendment from R-2, Two-family Residential Zoning District to C-2, Limited Commercial Zoning District and to **APPROVE** the Variation to required landscaping per submitted site and landscaping plan at 501 15<sup>th</sup> Avenue, 517 15<sup>th</sup> Avenue & 1610 Keefe Street. The Motion was **SECONDED** by Melissa Beckford 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 Building Permits for Staff's review and approval.
3. Submittal of a revised landscape plan to include a decorative sight-obscuring fence along the south property line of the new parking lot for Staff's review and approval.
4. Submittal of a dumpster detail and rendering for Staff's review and approval.
5. Submittal of a fence permit and detail for Staff review and approval.
6. Submittal of a photometric plan with fixture details and fixture specifications or Staff's review and approval.
7. Submittal of building elevations for Staff review and approval.
8. Must develop site in accordance with site and landscaping plans approved by Staff.
9. All conditions must be met prior to establishment of use.

**ZBA 011-17**  
**Findings of Fact for Approval of a Zoning Map Amendment**  
**From R-2, Two-Family Residential Zoning District to**  
**C-2, Limited Commercial Zoning District at**  
**501 15<sup>th</sup> Avenue, 517 15<sup>th</sup> Avenue, and 1610 Keefe Street**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial area because the proposed development will meet all development requirements of this site; and;
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as RM-C, Medium Residential and Retail.

**ZBA 011-17**  
**Findings of Fact for Approval of a Variation**  
**To Required Landscaping Per Submitted Site and Landscaping Plan**  
**In a C-2, Limited Commercial Zoning District at**  
**501 15<sup>th</sup> Avenue, 517 15<sup>th</sup> Avenue and 1610 Keefe 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 012-17**

Applicant  
Ward 11

**1401 Broadway**

Daniel Tafolla

**Special Use Permit** for passenger vehicle sales in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the southeast corner of Broadway and 10<sup>th</sup> Street and is currently a vacant building. Daniel Tafolla, Applicant, was present and reviewed his request for Special Use Permit. He stated in the past 20 years this area has been a car lot at times, as well as a gas station. Kim asked if he had experience with selling cars. Mr. Tafolla stated he has been working at a car lot at Kishwaukee and Harrison for three years and feels he is now ready to open his own business.

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

Craig Sockwell expressed his concern with Broadway becoming a saturation of car lots and auto related services.

A **MOTION** was made by Kim Johnsen to **DENY** the Special Use Permit passenger vehicle sales in a C-4, Urban Mixed-Use Zoning District at 1401 Broadway. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Melissa Beckford voting Nay.

**ZBA 012-17**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In a C-4, Urban Mixed-Use Zoning District at**  
**1401 Broadway**

**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 and 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, and will 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 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-4 Zoning District in which it is located.

**ZBA 013-17**

**221 North 2<sup>nd</sup> Street; 525 East Jefferson Street; and  
2XX, 204, 208, 218, 222 North 3<sup>rd</sup> Street**

Applicant  
Ward 03

Russ Anderson, Esq. for Kelley-Williamson Company  
**Special Use Permit** for a **Planned Unit Development** to allow a gas station, convenience store and car wash.  
**Variation** to landscaping and urban design standards to permit development according to the submitted site plan in a C-4, Urban Mixed Use District

The subject properties consist of vacant land and a vacant used car dealership and are bounded by Jefferson Street, North 2<sup>nd</sup> Street, Market Street and North 3<sup>rd</sup> Street, surrounded by C-4, Urban Mixed Use Zoning District. Attorney Russ Anderson, John Griffin, President of Kelley-Williamson Company and Jeff Bockhop from Stenstrom Construction were present. Attorney Anderson presented the Applicant's request. He stated this is a large lot served by three one-way streets. He provided a video presentation showing an aerial of the area pointing out the types of development in the surrounding areas. This is a varied and old development area, the most recent being on 3<sup>rd</sup> and Jefferson. A revised site plan was submitted showing that the alley by the existing apartment building will remain. Attorney Anderson stated this project will be landscaped very heavily. The proposed signs have been moved back from the site triangle. The round logo proposed on the face of the building which is considered by code to be a third sign will be removed so they will be in compliance with signage. All LED lighting will be facing downward and will not illuminate beyond the perimeters of the property. A photometric study will be provided to Staff. Regarding the building itself, Attorney Anderson stated it will be a brownish gray brick with stone tapered corners and will not be immediately adjacent to the ROW. He further emphasized that the layout and services of this proposal reflects a significant investment by Kelly-Williamson Company for the downtown area by providing services that are not available. Mr. Griffin stated their intent is to provide everyday services that are needed downtown and the inner city such as a convenience store, and gas station.

Kim Johnsen asked why the gas station and pumps were not built closer to the lot lines. Mr. Griffin stated the consumer experience shows this layout is very difficult to make work. For future development on this site, he would like to see a coffee shop, maybe a Subway, but they have no definite plans at this time. Dan Roszkowski felt he would like to see an architectural design that fits in more with the existing buildings in the downtown area where a flat roof is the norm. He feels the residential look is the wrong look for this location. He did agree that the pumps have to be out front and it will not work putting them on Jefferson Street. Alicia Neubauer stated this is a special case property but does not feel the location justifies putting the main structure in the middle of the property.

Scott Capovilla explained that 95% of the landscaping issues have been agreed upon and met with the new site plan. Their new plan also provides for bicycle parking which he feels is an advantage to the users of the convenience store. Scott stated they have a substantial amount of foundation landscaping around the building. Mr. Capovilla was asked to explain Urban Design. Urban Design specifications are to create a pedestrian friendly downtown such as 40% transparencies, zero lot line development, and architecture that fits in with the area.

Staff Recommendation is for Approval of both requests with (11) conditions. Those conditions are as follows:

1. Meet all Building and Fire Codes.
2. Submittal of Building permits for Staff's review and approval.
3. Submittal of a revised landscape plan that includes plant species and size for Staff's review and approval.
4. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
6. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
7. Must develop site in accordance with site and landscaping plans approved by Staff.
8. Must develop building in accordance with elevations approved by Staff.
9. Submittal of a subdivision plat including the vacation of the north-south alley.
10. The future building at Market and N. 3<sup>rd</sup> Streets shall meet the urban design standards of the C-4 Zoning District.
11. All conditions must be met prior to establishment of use.

Objectors and Supporters were present.

Michael Smith was present as an Objector to this project. He states a gas station should not be construed as a contributing building in an Urban District. He is concerned with a vacant gas station in the future should the business close. He further stated he does not feel this project will be a consistent contributor to the tax base for the City of Rockford. He asked the Board to deny this project for a better use of a compact, mixed use retail development.

Gary Anderson, Architect, spoke in Objection, stating the proposed gas station is an inappropriate design that consumes 80% of a city block downtown. He stated the City is creating a walkable community and this project detracts from the safety of the walkers around the perimeter of the property. He felt it disregards the values and aspirations we want our community to be. He sees the future of a larger development that will take place on this site in a few years. Mr. Anderson further stated this property generates \$10,000 a year in taxes as it sits now. This project will detract development around it. He urged the Board to deny or to scale back on the proposal.

Gary G. Carlson was present as an Objector. Mr. Carlson explained he lives 7 blocks north of the subject property. He stated this is in his neighborhood and he is a historic preservation advocate. This is a threat to the downtown neighborhood. Mr. Carlson went on to say there are two properties adjacent on the same block - Market Street and 2<sup>nd</sup> Street - one of which is the oldest building still standing in the City of Rockford. The other is an apartment building and is the only brownstone still standing in the City of Rockford as well. This development comes right up to these properties and will make them unrentable. He felt Kelly Williamson does do a great job and they are a credit to the community, but this proposal is similar to what they have built out by the tollway and just does not belong in this location.

Jeff Orduno spoke in Support of this Application. Mr. Orduno is General Council and Chief Operating Officer of Urban Equity Properties. They have developed over 100 residential units in and around this location. He stated Urban Equity Properties have invested approximately \$50,000,000 in downtown development. He views this project as a good thing for downtown and asked the Board to support Kelly Williamson. He felt their requests are very "modest". He explained that as Planners, Developers and Owners adjacent to the subject properties, they look at this development and feel it is fantastic and are very excited to see it coming to this location. This development is something their own tenants can walk

or bike to for food – it is the logical location for a gas station. The highest and best use for this space is a gas station. As a Developer, Mr. Orduno stated it is impossible for new residential development on this site. He reiterated that speaking as a Developer, this location does not work for new residential development – if it did Urban Equity would be developing it themselves. Property taxes generated by this project will eclipse their entire 300 block of State Street business and residential uses. He went on to say that Urban Equity is probably the primary property owner that has anything located around this property. They feel this would be a great asset to the community. He stated the Applicant’s requests have not been unreasonable. They have operated 48 gas stations. He is concerned that others would substitute their judgement on how to own and operate a gas station. He emphasized again that this area will not be residential housing – it will not happen.

In response, Attorney Anderson stated he understands the Objectors wanting to maintain the type of downtown area they have described. However, this location has been a car dealership for decades and this did not impair downtown development. It is not directly downtown, but is two blocks off of East State Street. It is an economic value to the City to have something that provides services to the community around it and those that pass through. Mr. Griffin stated his company wants to make a significant investment downtown. He states they are not building just neighborhood gas stations any more. Consumers want food options, convenience store items, and no long just want a gas station with pumps. They are going to have a much larger food selection than in any other gas station they have ever built. He explained that they can’t “hide” the pumps because the economic results are not there. They have a huge investment in this community and would have 15 to 20 employees. Regarding the request that this building have a flat roof like other downtown buildings, he stated flat roofs leak, and they do not like the look of a gas station with a flat roof. Their buildings maintain structural integrity and are not falling down because of the way in which they are constructed. Alicia Neubauer asked if there were other layouts under consideration. Mr. Griffin stated they do not want to condense their design and in order for this to work he needs all three streets to be conducive to the consumer to get in and out of the business. They have conditioned the layout on this basis. Craig Sockwell asked if diesel vehicles that have two fuel tanks would be able to fuel on both sides without switching pumps. John Griffin responded that would not be practical at t his location and admitted that gas stations are not very friendly to a double tanked vehicle.

Dan Roszkowski felt the Applicant had more property than they needed, which allows them to have larger landscaping perimeters.

Alicia Neubauer made a **MOTION to APPROVE** the Special Use Permit for a Planned Unit Development to allow a gas station, convenience store and car wash; and to **APPROVE** the Variation to landscaping and urban design standards to permit development according to the submitted site plan in a C-4, Urban Mixed Use District at 221 North 2<sup>nd</sup> Street; 525 East Jefferson Street; and 2XX, 204, 208, 218, 222 North 3<sup>rd</sup> Street. with an Amendment to Condition (10) to say “Buildings on the property shall meet the urban design standards on the C-4 Urban Design District”.

Mr. Capovilla pointed out that the Amendment to Condition (10) was in opposition to her vote of Approval for the Variation. Ms. Neubauer **WITHDREW** her Motion.

A **SECOND MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Planned Unit Development to allow a gas station, convenience store and car wash; and to **APPROVE** the Variation to landscaping and urban design standards to permit development according to the submitted site plan in a C-4, Urban Mixed Use District at 221 North 2<sup>nd</sup> Street; 525 East Jefferson Street; and 2XX, 204, 208, 218, 222 North 3<sup>rd</sup> Street.

The Board asked Legal if these two items could be separate Motions because some members wanted to Approve one and Deny the other. It was agreed they could do this. Ms. Neubauer **WITHDREW** her Second Motion.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Planned Unit Development to allow a gas station, convenience store and car wash in a C-4, Urban Mixed Use District at 221 North 2<sup>nd</sup> Street; 525 East Jefferson Street; and 2XX, 204, 208, 218, 222 North 3<sup>rd</sup> Street with an Amendment to remove Condition (8) which states: "Must develop building in accordance with elevations approved by Staff." The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-1 with Kim Johnsen voting Nay.

Approval is subject to the following conditions:

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building permits for Staff's review and approval.
3. Submittal of a revised landscape plan that includes plant species and size for Staff's review and approval.
4. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
6. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
7. Must develop site in accordance with site and landscaping plans approved by Staff.
8. Submittal of a subdivision plat including the vacation of the north-south alley.
9. The future building at Market and N. 3<sup>rd</sup> Streets shall meet the urban design standards of the C-4 Zoning District.
10. All conditions must be met prior to establishment of use.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to landscaping and urban design standards to permit development according to the submitted site plan in a C-4, Urban Mixed Use District at 221 North 2<sup>nd</sup> Street; 525 East Jefferson Street; and 2XX, 204, 208, 218, 222 North 3<sup>rd</sup> Street. The Motion was **SECONDED** by Melissa Beckford and **FAILED TO CARRY** by a vote of 3-3 with Craig Sockwell, Tom Fabiano, and Dan Roszkowski voting Nay.

**ZBA 013-17**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Planned Unit Development**  
**Consisting of a Gas Station, Convenience Store and a Car Wash**  
**In a C-4, Urban Mixed Use District at**  
**221 North 2<sup>nd</sup> Street; 525 East Jefferson Street and**  
**2XX, 204, 208, 218, 222 North 3<sup>rd</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 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-4 District in which it is located.

**ZBA 013-17**  
**Findings of Fact for Denial of a Variation**  
**To Landscaping and Urban Design Standards**  
**To Permit Development According to the Submitted site Plan**  
**In a C-4, Urban Mixed Use District at**  
**221 North 2<sup>nd</sup> Street; 525 East Jefferson Street and**  
**2XX, 204, 208, 218, 222 North 3<sup>rd</sup> 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 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 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 not comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 014-17**

Applicant  
Ward 05

**916 Harding Street; 1501, 1505 Clifton Avenue;  
930, 934 Harding Street; and 919 Hopkins Court**

Walter Koch / McClure Engineering for Israel of God’s Church

**Modification of Special Use Permit #012-15** for religious assembly with parking

**Variation** to reduce the building setback from 30’ to 20’ along Harding Street and Holland Streets.

**Variation** to reduce the building setback from 30’ to 10’ along Hopkins Court in an R-1, Single-family Residential Zoning District

The subject property is located on the south side of Harding Street and on the southwest corner of Clifton Avenue and Harding Street, north of Hopkins. Walter Koch and Mark Rice from McClure Engineering presented on behalf of Israel of God’s Church. The original Special Use Permit was issued in 2013 for a religious assembly in an R-1 District and was amended in 2015 for a modified site plan and parsonage. The Applicant is now asking for a Modification to build a 11,344 square feet sanctuary with Variations in setback to allow 75 additional parking spaces on site.

Staff Recommendation is for Approval of all three requests with (3) conditions. No Objectors or Interested Parties were present. Mr. Capovilla stated he had spoken to Ald. Hervey who was in favor of the proposal; however, she expressed that she would like to add a condition of approval that Staff and Ald. Hervey have approval of building elevations. The Applicant was agreeable to this additional condition.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of Special Use Permit #012-15 for religious assembly with parking; to **APPROVE** Variation to reduce the building setback from 30’ to 20’ along Harding Street and Holland Street; and to **APPROVE** the Variation to reduce the building setback from 30’ to 10’ along Hopkins Court in an R-1, Single-family Residential Zoning District at 916 Harding Street; 1501, 1505 Clifton Avenue; 930, 934 Harding Street; and 919 Hopkins Court with added condition (4) that building elevation drawings be submitted for approval by Staff and Alderman Hervey. The Motion was **SECONDED** by Alicia Neubauer 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. Property must be developed in accordance to site plan Exhibit D.
3. Separate permit for dumpster enclosure with elevation to match the proposed building material is required.
4. Submittal of building elevation drawings for approval by Staff and Alderman Hervey.

**ZBA 014-17**  
**Findings of Fact for a Modification of Special Use Permit #012-15**  
**To Allow a Religious Assembly with Parking**  
**In an R-1, Single Family Residential Zoning district at**  
**916 Harding Street**

**Approval** of this Modification of 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 014-17**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Building Setback from 30' to 20'**  
**Along Harding Street and Holland Street**  
**In an R-1, Single-Family Residential District at**  
**916 Harding 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 017-17**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Building Setback from 30' to 10' Along Hopkins Court**  
**In An R-1, Single-family Residential District at**  
**916 Harding 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.
8. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 015-17**

Applicant  
Ward 08

**4242 Harrison Avenue**

Bill Schrader, Insite RE, Inc. for Verizon Wireless

**Variation** to increase the cell tower height from 82' to 92' in order to accommodate Verizon Wireless antenna center line requirement in a C-3, General Commercial Zoning District

The subject property is located 230 feet west of the Harrison Avenue and North Alpine Road intersection. Bill Schrader with Insite RE, was present on behalf of Verizon Wireless. He explained that the existing tower needs to be extended to 92' to allow the site to add additional equipment. There are no other towers in the vicinity that will meet this height, and operation will not be effective at a lower height. Mr. Schrader explained that the access will remain unchanged and the tower will continue to be self monitored. The height addition will be designed to meet all FCC and FAA rules and requirements.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Melissa Beckford to **APPROVE** the Variation to increase the cell tower height from 82' to 92' in order to accommodate Verizon Wireless antenna center line requirement in a C-3, General Commercial Zoning District at 4242 Harrison Avenue. The Motion was **SECONDED** by Craig Sockwell 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. Must be limited to proposed lease area shown on Exhibit F.
3. Gravel is not allowed around the equipment and/or lease area.
4. Must obtain separate fence permit.

**ZBA 015-17**  
**Findings of Fact for Approval of a Variation**  
**To Increase the Cell Tower height From 82' to 92'**  
**In Order to Accommodate Verizon Wireless Antenna Center Line Requirement**  
**In a C-3, General Commercial Zoning District at**  
**4242 Harrison Avenue**

**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 7:37 PM.

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