



ZONING BOARD OF APPEALS
Tuesday, August 15, 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
Dan Roszkowski
Craig Sockwell

Absent: Alicia Neubauer

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

Others: 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, August 28, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the July 18, 2017 meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0 with Alicia Neubauer absent.

ZBA 016-17

Applicant
Ward 13

1326 and 1330 Kilburn Avenue

Tarence Roby

Modification of Special Use Permit #040-06 to increase the number of passenger vehicles for sale from the maximum allowed twelve (12) to twenty-three (23) in a C-3 General Commercial Zoning District

The subject property is located on the northwest corner of the Auburn Street and Kilburn Avenue intersection and is currently a passenger vehicle sales business. Tarence Roby, Applicant, was present and stated his request. Chairman Roszkowski asked the Applicant if he was aware of Staff's recommendation to allow only 20 vehicles. Mr. Roby stated he was aware but he wanted to maintain his request for 23. He stated the parking lot plan submitted was not to scale and there was actually more room on the lot than what was shown.

Mr. Capovilla stated Darius Morrow, City Land Use Planner, performed a site visit and recommended three less vehicles to allow sufficient space for vehicular movement on the site. There are 28 spaces total, some of which would require a back out area. The middle slots on the lot are designated for display vehicles. At the time of his visit, Mr. Morrow reported that the site appeared congested and the removal of three vehicles would provide for better vehicle movement. Mr. Roby stated he wants to have as many cars as he can.

Tim Morris from the Fire Department stated they did not have any concerns with the layout of vehicles on the lot since emergency vehicles would most likely use the alley or Kilburn Street for access.

Kim Johnsen stated she was in support of allowing the 23 vehicles requested by the Applicant based on her inspection of the site. She felt the vehicles were placed neatly and did not appear to be packed together.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of Special Use Permit #040-06 to increase the number of passenger vehicles for sale from the maximum allowed twelve (12) to twenty-three (23) in a C-3, General Commercial Zoning District at 1326 and 1330 Kilburn Avenue with a revision

to Condition (2) to allow 23 vehicles. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to (9) conditions.

1. Meet all Building and Fire Codes.
2. That the property be developed as per revised site and landscaping plan and that no more than 23 vehicles shall be displayed for sale or stand outside.
3. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
4. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
5. Submittal of a revised landscape plan to include additional perimeter landscaping along Auburn Street, a new concrete curbed island north of the customer parking, and plant species for Staff's review and approval.
6. That no vehicles be stored outside that are not for sale.
7. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
8. Submittal of a Permanent Sign Application and sign rendering for Staff review and approval.
9. All conditions must be met prior to establishment of use.

ZBA 016-17
Findings of Fact for Approval of a Modification of Special Use Permit #040-06
To Increase the Number of Passenger Vehicles for Sale
From the Maximum Allowed Twelve (12) to Twenty Three (23)
In a C-3, General Commercial Zoning District at
1330 Kilburn Avenue

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-3 Zoning District in which it is located.

ZBA 017-17

Applicant
Ward 01

11XX, 1201 North Bell School Road

Rockford Christian School / Randy Taylor

Special Use Permit to allow a dormitory in conjunction with a private school

Variation to increase the number of permitted wall signs from two (2) to (3)

Variation to increase the building height from the maximum of 35' to 40' in a C-1, Limited Office Zoning District

Prior to the meeting, written notification was received from the Applicant requesting that this item be Laid Over.

A **MOTION** was made by Melissa Beckford to **LAY OVER** the Special Use Permit to allow a dormitory in conjunction with a private school; the Variation to increase the number of permitted wall signs from two (2) to (3); and the Variation to increase the building height from the maximum of 35' to 40' in a C-1, Limited Office Zoning District at 11XX, 1201 North Bell School Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

ZBA 018-17

Applicant
Ward 10

236 North Phelps Avenue

Springfield Sign - Lora Martinson / Mark Wessell

Variation to increase the number of permitted wall signs from two (2) to Three (3)

Variation to increase the maximum square footage allowed for menu board in the drive-thru lane from 36 square feet to 38.40 square feet in a C-3, General Commercial Zoning District

The subject property is located on the West side of North Phelps Avenue, approximately 271 feet north of East State Street, and is the Culver's fast food restaurant. Mark Wessell, CEO for Springfield Signs, was present and reviewed the requests for Variations. He explained their "system" only allows for one style of menu sign and the Franchisee cannot vary from that. The existing menu sign is almost 8' 6" tall and 7' 3" wide. The proposed menu sign would actually be a reduction in size as it will be shorter than the existing one. This sign is located on the back of the property so it would not bring attention to itself. Regarding the request for a third wall sign, Mr. Wessell stated they had applied for and received permits for two of the wall signs, but did not receive a permit for the third sign. He stated this third sign is to properly identify the property per Culver's corporate policy. He disagreed with some of the Findings of Fact, although he did agree that the number of signs on the wall were not within the Ordinance. Mr. Wessell further explained that this property is located off of East State Street and has large buildings in front, making direct visibility to the business difficult when traveling on East State Street. Although there is a sign on East State Street, he felt it was still difficult to see the Culver's building. The exterior of the building is currently being refurbished so all signs have now been taken down. Mr. Wessell stated the old menu board is in need of repair as parts are no longer available.

Kim Johnsen asked why there would be a need for a sign on the North side of the building since there is very little traffic from that direction and the restaurant is easily visible. Mr. Wessell responded that the main parking is to the North and they wish to identify that area to their patrons.

Staff Recommendation is for Denial of both Variations. No Objectors or Interested Parties were present. One letter of support was received.

A letter was received from Lorraine Blackler, adjacent property owner, stating "I see no reason to not permit the extra sign and the enlargement of the drive thru sign." "Culvers is a fantastic neighbor".

The Board felt that the proposed menu board was an improvement over what is existing. Tom Fabiano expressed his feeling that it was important to be consistent with the Ordinance and what we require for other locations.

A **MOTION** was made by Tom Fabiano to **DENY** the Variation to increase the number of permitted wall signs from two (2) to three (3); and to **APPROVE** the Variation to increase the maximum square footage allowed for a menu board in the drive-thru lane from 36 square feet to 38.40 square feet in a C-3, General Commercial Zoning District at 236 North Phelps Avenue. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

ZBA 018-17
Findings of Fact for Denial of a Variation
To Increase the Number of Permitted Wall Signs
From Two (2) to Three (3) in a C-3, Commercial General Zoning District at
236 North Phelps Avenue

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 018-17
Findings of Fact for Approval of a Variation
To Increase the Maximum Square Footage Allowed for Menu Board
In a Drive-Thru Lane
From 36 Square Feet to 38.40 Square Feet
In a C-3, Commercial General Zoning District at
236 North Phelps 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 6:18 PM.

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