



ZONING BOARD OF APPEALS
Tuesday, October 17, 2017
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Kim Johnsen
Dan Roszkowski
Craig Sockwell
Jennifer Smith
Tom Fabiano

Absent: Alicia Neubauer

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
Kelly Nokes - Deputy Operations Manager, Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Chad Tuneberg
Alderman Tuffy Quinonez
Alderman Linda McNeely
Alderman Kevin Frost
Alderman Franklin 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, October 23, 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. 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 August, 2017 meeting as written. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0 with Jennifer Smith abstaining and Alicia Neubauer absent. A **MOTION** was made by Kim Wheeler to **APPROVE** the minutes of the September, 2017 meeting. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0 with Tom Fabiano abstaining and Alicia Neubauer absent.

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

Laid Over from August & September meetings

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

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

ZBA 020-17
Applicant
Ward 04

8201 East Riverside Boulevard
Randy Benish / Mercy Health Corporation

1. **Variation** to increase the sign height (M.50-1) from 8' to 50' for a free-standing landmark style sign
2. **Variation** to increase the maximum square footage permitted for a landmark style sign (M50-1) from 64 square feet to 884.24 square feet
3. **Variation** to increase the sign height (M.30-1) from 8' to 30' in height for a free-standing landmark style sign
4. **Variation** to increase the maximum square footage permitted for a landmark style sign (M.30-1) from 64 square feet to 386.59 square feet
5. **Variation** to increase the height of three directional signs (D.10.1, D.10.2, D.10-3) from 6' to 10' in height
6. **Variation** to increase the square footage of three directional signs (D.10-1, D.10-2, D.10-3) from the maximum permitted 10 square feet to 46.35 square feet
7. **Variation** to increase the square footage of four directional signs (D.6-1, D.6-2, D.6-3, D.6-4) from the maximum permitted 10 square feet to 27.78 square feet
8. **Variation** to increase the maximum permitted wall signs (CL.1 (three signs), CL.2 (three signs), CL.3, CL.4, CL.5, CL.6) from 2 to 10 wall signs
9. **Variation** to increase the maximum permitted square footage per wall sign (CL.1) from 240 square feet to 482.87 square feet for three wall signs
10. **Variation** to increase the maximum permitted square footage per wall sign (CL.2) from 240 square feet to 651.46 square feet for three wall signs
11. **Variation** to increase the maximum permitted square footage per wall sign (CL.3) from 240 square feet to 1094 square feet
12. **Variation** to increase the maximum permitted square footage per wall sign (CL.4) from 240 square feet to 297.56 square feet in a C-3, General Commercial Zoning District

Laid Over from September meeting

The subject property is located east of Interstate Boulevard on the south side of East Riverside Boulevard and consists of 98.07 acres. This item was before the Board at the September meeting but was Laid Over so that the Applicant could work with Staff.

Randy Benish, Applicant, Jennifer Hall, John Dorsey, and Brian Myers all from Mercy Health and Jim Merriman from Jones Signs were in attendance.

Jennifer Hall reviewed the size and layout of Hospital & Trauma Center campus and additional packets of information were presented to the Board. These packets included updated information from those distributed at the September meeting. She explained this project consists of an extremely large campus with multiple entrances and exits.

Mr. Merriman stated data study by their design team determined that a 30' tall sign on Riverside is required to allow a patient to safely identify the sign and make a turn into the facility. In addition they also determined that a 50' sign is the safe minimum size for safety on I-90. Regarding access from the South on I-90. Mr. Merriman explained that there is quite a distance from the turn in that direction. Miss Hall further clarified that the State will also be putting the "H" sign to identify a hospital and trauma identification along I-90 as well.

Jennifer explained wall signage which was also provided in the packet distributed by the Applicant. Signage was also explained and detailed in Staff's report. There will be two signs on each side of the wing. Mr. Merriman stated not all wall signs will be visible at the same time. There will be two visible from the south and two from the north. Kim Johnsen asked why there are signs facing southbound on I-90, as it was her feeling that by the time a vehicle is coming from the south and sees the sign it is too late to make the exit to the hospital. Mr. Merriman stated examples of other hospitals signage were provided in their handout.

Tom Fabiano asked if there were actual studies relating to signage for hospitals or health care facilities. Mr. Merriman stated he was not aware that there were any studies relating specifically to hospitals, but rather relating to driving under stress and comparing visibility under those situations. Examples of other facilities in other locations outside of Rockford were given by Mr. Merriman as a reference - Fort Wayne, (Indiana); 173 and Forest Hills Road (Machesney Park); the Road Ranger on Riverside; Farm & Fleet; Mobil; Volcano Falls; Holiday Inn Express; (all of which are in Loves Park); a car dealership on I-90 near Elgin; a gas station near Marengo; and a shopping area near Elgin. All comparisons were outside of the City of Rockford. Mr. Merriman felt these examples indicate that signs on or near I-90 are considered a different situation because they are on an Interstate. He expressed concern to insure the safety of their patients and the public coming to this facility under very stressful circumstances. Craig Sockwell asked what the elevation of the Mercy site was in comparison to I-90. Mr. Merriman did not have this information at this time.

Tom Fabiano said it had been stated by Mr. Merriman that the signs allowed are within the Ordinance. Based on this information provided, he asked for clarification on why the requests for Variations. He also asked what the hardship was, to which Ms. Hall responded public safety and patient safety. Mr. Fabiano also asked if she agreed that they needed Variations based on the Sign Ordinance and Ms. Hall stated they do. He asked if the "Emergency" sign were placed on top of the free-standing sign rather than the name of the Hospital, wouldn't that be a better indication of where the hospital was for those patients arriving under stress. The response was that part of the cosmetics of the sign was intended to have the primary focus be on the Hospital aspect.

Randy Benish, Director of Construction for Mercy Health stated in emergency situations, seconds count. John Dorsey stated he was previously an internist and that patients coming to their facility are coming in under the worst stress of their life. He stated seconds & minutes do matter. He indicated their goal is to be able to get into their institution safely no matter what their needs are. This is a regional hospital and they are expecting perhaps 15 counties to use their services. Brian Myers, Sr. Director of Facilities was present. He is also a licensed Architect. He stated he feels signage is appropriate for the speed of patients and families under duress trying to locate the facility.

State Senator Dave Syverson was present and spoke in support of the Applicant's request. He gave an example of his experience going to a similar facility in the Chicago area. Senator Syverson explained it was difficult to find the exit to the facility, and once there could not easily find which location within the campus he was trying to get to. He feels we should make it easy for patients to see the facility and make signage easier for consumers to see where they are going via the use of signage. Regarding Mr. Fabiano's suggestion of the emergency sign being more visible, he stated many people coming to the facility are coming for care and are not emergencies so it is their desire to make the hospital more visible for all patients.

Alderman Kevin Frost spoke in Support of the Applicant's requests. He clarified to the Board that it is not his intention to sway the Board Members in either direction. He expressed his opinion that the monument sign outside the facility will be a very attractive, well designed sign. He also feels the signs are aesthetically pleasing. He further stated this building would almost become a landmark on this side of the Rockford.

Alderman Linda McNeely was also present and spoke in Objection to this application. She questioned why such a large sign is required, especially off of I-90 when we live in an age of GPS in our vehicles, on our computers, and on our phones. She expressed her concern that the Applicants are asking for such a large sign on I-90. When she comes into Rockford she sees the various signs for what businesses are there and also exit signs for businesses. Alderman McNeely gave an example of Rush Presbyterian Hospital in Chicago. She stated their name is on their building and there is no difficulty finding the facility. She felt that Mercy could put their sign on the building for visibility from the expressway. She asked the Board not to support the I-90 height request, and asked them to go by what they see when they drive around on I-90 and to consider what other hospitals have for signage from the highway.

In response, Ms. Hall stated putting one monument sign on I-90 is not littering the highway. She further stated the signs are well designed and match the scope and size of the property. It is her belief that they will add to the community and she also believes this campus will become the landmark of Rockford. Ms. Hall added that they do have respect for the ordinances of the city, but this property does not compare to any other facility in this community.

Mr. Capovilla clarified he believes that Mr. Merriman / Jones Signs is incorrect in their analysis of the ordinance for the square footage allowance for these signs. Staff looked at the size and height of the free-standing signs and compared them to shopping center signs, which allow a sign height up to 20 feet in height and a maximum square footage of 240 sq. ft. He further clarified that the property the hospital is on sits 15 feet above I-90. Staff is willing to provide the extra square footage to the directional signage within the campus. The Applicant is proposing 10 wall signs for the building. There are three sides to the building and Staff is willing to allow Variations to the square footage of the wall signs as the Applicant requested, but only allow seven (7) wall signs, not ten (10). If they put the larger signs on the building it provides more advertisement and identification to the building. Mr. Capovilla stated it is not a fair comparison to signs in other cities. In fact, Loves Park has contacted Mr. Capovilla to discuss the Rockford sign ordinance and we will be seeing a change in their sign ordinance as well, which will be similar to Rockford. He further stated that the Applicant is still getting a good amount of square footage under Staff's decisions.

Tom Fabiano stated he would be more comfortable if there were signage studies directly for hospitals; however, he does not want to impede any safety issues. Craig Sockwell pointed out that the Mercy campus will be sitting by themselves on a large area of land. Mr. Capovilla further expressed that vehicles will be going slow on the internal hospital campus and that a 6 foot sign will be right at eye level in a vehicle. He wished to clarify that Staff has not denied the size of the signage itself, only recommended a lower height. He explained that each time the City makes an exception to an Ordinance, a precedent is set, and we then set an example. He agreed this is a standalone campus, so specialized areas of the campus are pretty specific and easily recognized with the signage allowed. Kim Johnsen felt a 50' sign was appropriate for I-90, but also feels people coming from the south should see the wall signage. Jennifer Smith asked if there was any chance of future development between the hospital and I-90 or on the other side of Mercy Way. Mr. Capovilla stated it is zoned for commercial development east of Mercy Way, but there are no proposals at this time.

Mr. Capovilla also reminded the Board that once the hospital is operative, the Tollway will be putting markers for the hospital exits as well as providing identification for the Trauma center.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the sign height (M.50-1) from 8' to 50' for a free-standing landmark style sign; **APPROVE** the Variation to increase the maximum square footage permitted for a landmark style sign (M50-1) from 64 square feet to 884.24 square feet **APPROVE** a Variation to increase the sign height (M.30-1) from 8' to 30' in height for a free-standing landmark style sign; **APPROVE** the Variation to increase the maximum square footage permitted for a landmark style sign (M.30-1) from 64 square feet to 386.59 square feet; **APPROVE** the Variation to increase the height of three directional signs (D.10.1, D.10.2, D.10-3) from 6' to 10' in height; **APPROVE**

the Variation to increase the square footage of three directional signs (D.10-1, D.10-2, D.10-3) from the maximum permitted 10 square feet to 46.35 square feet; **APPROVE** the Variation to increase the square footage of four directional signs (D.6-1, D.6-2, D.6-3, D.6-4) from the maximum permitted 10 square feet to 27.78 square feet; **APPROVE** the Variation to increase the maximum permitted wall signs (CL.1 (three signs), CL.2 (three signs), CL.3, CL.4, CL.5, CL.6) from 2 to 10 wall signs; **APPROVE** the Variation to increase the maximum permitted square footage per wall sign (CL.1) from 240 square feet to 482.87 square feet for three wall signs; **APPROVE** the Variation to increase the maximum permitted square footage per wall sign (CL.2) from 240 square feet to 651.46 square feet for three wall signs; **APPROVE** the Variation to increase the maximum permitted square footage per wall sign (CL.3) from 240 square feet to 1094 square feet; and to **APPROVE** the Variation to increase the maximum permitted square footage per wall sign (CL.4) from 240 square feet to 297.56 square feet in a C-3, General Commercial Zoning District at **8201 East Riverside Boulevard**. The Motion was **SECONDED** by Kim Johnsen and **FAILED TO CARRY** by a vote of 3-2 with Jennifer Smith and Dan Roszkowski voting Nay.

ZBA 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE SIGN HEIGHT FROM 8' TO 50' FOR A FREE-STANDING LANDMARK STYLE
SIGN IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(M.50-1)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM SQUARE FOOTAGE PERMITTED FOR A LANDMARK STYLE SIGN
FROM 64 SQUARE FEET TO 884.24 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(M.50-1)

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.
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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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE SIGN HEIGHT FROM 8' TO 30' FOR A FREE-STANDING LANDMARK STYLE
SIGN IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(M.30-1)

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.
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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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM SQUARE FOOTAGE PERMITTED FOR A LANDMARK STYLE SIGN
FROM 64 SQUARE FEET TO 386.59 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 8201 EAST RIVERSIDE BLVD.
(M.30-1)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE HEIGHT OF THREE
DIRECTIONAL SIGNS FROM 6' TO 10' IN HEIGHT
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(D.10-1, D.10-2, D.10-3)

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 20-017
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE SQUARE FOOTAGE OF THREE DIRECTIONAL SIGNS FROM THE MAXIMUM
PERMITTED 10 SQUARE FEET TO 46.35 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(D.10-1, D.10-2, D.10-3)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE SQUARE FOOTAGE OF FOUR DIRECTIONAL SIGNS FROM THE MAXIMUM
PERMITTED 10 SQUARE FEET TO 27.78 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(D.10-3, D.6-1, D.6-2, D.6-3, D.6-4)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED WALL SIGNS FROM 2 TO 10 WALL SIGNS
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(CL.1 (three signs), CL.2 (three signs), CL.3, CL.4, CL.5, CL.6)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED SQUARE FOOTAGE PER WALL SIGN FROM 240
SQUARE FEET TO 482.87 SQUARE FEET FOR THREE WALL SIGNS
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(CL.1)

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.
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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.
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7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 020-17
FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED SQUARE FOOTAGE PER WALL SIGN FROM 240
SQUARE FEET TO 651.46 SQUARE FEET FOR THREE WALL SIGNS
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(CL.2)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED SQUARE FOOTAGE PER WALL SIGN FROM 240
SQUARE FEET TO 1094 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(CL.3)

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 020-17
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM PERMITTED SQUARE FOOTAGE PER WALL SIGN FROM 240
SQUARE FEET TO 297.56 SQUARE FEET
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
8201 EAST RIVERSIDE BLVD.
(CL.4)

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 021-17

Applicant
Ward 07

1339 Kilburn Avenue

Vance Patterson, Sr.

Modification of Special Use Permit #034-11 to increase the number of passenger vehicles for sale from the maximum allowed four (4) to ten (10) in a C-3, General Commercial Zoning District

The subject property is located on the southeast corner of Auburn Street and Kilburn Avenue intersection. Vance Patterson, Sr., Applicant, reviewed his request for Modification of Special Use Permit. He stated his request for an increase to 4 vehicles is necessary in order to be successful. There are two bays at this location for minor repair work; however, he has an off-site location to do major repairs.

Craig Sockwell asked the Applicant if he had reviewed Staff's (6) conditions and agreed to abide by those conditions. Mr. Patterson stated he does agree.

Staff Recommendation is for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Modification of Special Use Permit #034-11 to increase the number of passenger vehicles for sale from the maximum allowed four (4) to ten (10) in a C-3, General Commercial Zoning District at 1339 Kilburn Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. That the property be developed as per Exhibit D and that no more than ten (10) 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. That no vehicles be stored outside that are not for sale.
6. All conditions must be met prior to establishment of use.

ZBA 021-17
FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT #034-11
TO INCREASE THE NUMBER OF PASSENGER VEHICLES FOR SALE
FROM THE MAXIMUM ALLOWED FOUR (4) TO TEN (10)
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
1339 KILBURN AVENUE

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 C-3 Zoning District in which it is located.

ZBA 022-17

Applicant
Ward 11

217 & 207 Peoples Avenue

Area Salvage & Recycling Inc.

Renewal of Special Use Permit #021-12 for outdoor storage, recycling of salvaged materials and outdoor storage area for salvaged materials in an I-2, General Industrial Zoning District

The subject property is a corner lot consisting of approximately 13.66 acres, bounded by Harrison Avenue along the south, Seminary Street along the West and Peoples Avenue along the north side. Attorney James Rodriguez, and Applicant Nic Holt were present. Previous to Mr. Holt, another tenant had been operating a salvage yard at this location and the business was shut down by the City. Attorney Rodriguez explained that since purchasing the property, Mr. Holt now serves over 100 customers a day. There are 8 full time employees and property taxes have nearly tripled due to the construction of the new building. He has obtained all the state permits required. The original Special Use Permit was granted in 2012, and operation started in 2013. This permit had a 5 year sunset clause and is now up for renewal. Mr. Holt is agreeable to all of Staff conditions except #5, regarding an additional sunset clause of 5 years. At the time he applied for the Special Use Permit in 2012, Mr. Holt had not operated a salvage business, and therefore had a lack of experience. He understands why the City was hesitant to grant an SUP without a sunset clause at that time. However, he feels he has proven his ability to run a good business in the past five years and is requesting that this condition be removed.

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

Craig Sockwell asked Staff what they would require to remove the sunset clause. Scott Capovilla explained if there are any future violations they would be cited through the City's Code Enforcement Division for correction. If the violations were severe or the owner did not work with Staff to correct them, the Special Use Permit could be revoked. Kim Johnsen felt if he has proven his ability to run a good business perhaps a sunset clause is unnecessary. Dan Roszkowski suggested that a condition be added that the Applicant submit a site and landscaping plan for approval by Staff.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Renewal of Special Use Permit #021-12 for outdoor storage, recycling of salvaged materials and outdoor storage area for salvaged materials in an I-2, General Industrial Zoning District at 217 & 207 Peoples Avenue with the removal of condition 5 pertaining to a sunset clause, and with the addition of a new condition 5 pertaining to the requirement of a site plan. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. That the property conform with all Building and Fire Codes.
2. That the property conform within all City State and Federal Regulations.
3. That a subdivision plat is submitted for City Council review, approval and recordation by the Applicant.
4. Must correct all violations.
5. That the Applicant submit a site plan and landscaping for Staff review and approval.

ZBA 022-17
Findings of Fact for Approval of Renewal of Special Use Permit #021-12
For Outdoor Storage, Recycling of Salvaged Materials and
An Outdoor Storage Area for Salvaged Materials in an
I-2, General Industrial District at
207, 217 Peoples 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 nor substantially diminish or 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 I-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion Quaker Road.
6. The special use does conform to the applicable regulations of the I-2 Zoning District in which it is located and the Applicant has demonstrated sufficient experience with managing and operating this type of business.

ZBA 023-17
Applicant
Ward 11

1312 7th Street
David Easter
Special Use Permit for a tattoo parlor in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of 7th Street and 12th Avenue. David Easter, Applicant, reviewed his request. Mr. Easter stated he was not aware he needed a Special Use Permit for a tattoo parlor. There were violations on this property and the Applicant felt all violations were corrected.

Mr. Easter was in agreement with (4) of the (5) conditions from Staff Recommendation. Regarding the hours of operation listed in Staff's report he stated closing at 9:00 PM on weekdays and 11:00 PM on the weekends is detrimental to his business. Mr. Easter explained that he does not open for business until 3:00 PM. He requested business hours to be from 3:00 PM to 11:00 PM Monday through Thursday, and from 3:00 PM to 2:00 AM Friday and Saturday. He is closed on Sunday. Mr. Easter further stated the police calls attached to Staff report do not reflect any from his business, but are for the tenants who used to live on the upper level, since evicted. He explained that there are no health code violations associated with his business. Regarding condition (2), Mr. Easter felt there was no need for a design professional to evaluate the building for the change of use since he has not made any changes to the structure.

Mr. Capovilla stated Staff would leave the hours of operation to the discretion of the Board. The request for a design professional's evaluation came from the Building Code official.

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

Add hours of operation: Monday through Thursday 3:00 to 11:00 Friday and Saturday 3:00 to 2:00 AM, closed Sunday

A **MOTION** was made by Kim Johnson to **APPROVE** the Special Use Permit for a tattoo parlor in a C-2, Limited Commercial Zoning District at 1312 7th Street with the addition of hours of operation and the elimination of condition (2). The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of

Approval is subject to the following conditions:

1. Must meet Building and Fire Codes.
2. Must correct violations prior to occupancy of the tenant space.
3. Submittal of landscaping plan to be incorporated with the repairs to the parking lot on the north side for Staff's review and approval.
4. Removal of the beer sign the north side of the building.
5. Hours of operation are 3:00 PM to 11:00 PM Monday through Thursday; 3:00 PM to 2:00 AM Friday and Saturday; closed on Sunday.

ZBA 023-17
Findings of Fact for Approval of a Special Use Permit
For a Tattoo Parlor in a C-2, Limited Commercial Zoning District
At 1312 7th 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, and will not 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 taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-2 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:35 PM.

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