



ZONING BOARD OF APPEALS
Tuesday, November 17, 2015
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 Luciani-Beckford
Alicia DiBenedetto-Neubauer
Kimberly Wheeler-Johnsen
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent: Tom Fabiano

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney
Nolan Walker- Rockford Police Department
Tim Morris - Fire Department

Others: 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 Zoning Board of Appeals 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, November 23, 2015, at 5:30 PM in City Council Chambers of 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.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the October 20th meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Craig Sockwell abstaining and Tom Fabiano absent.

ZBA 040-15

Applicant
Ward 11

330 15th Avenue and 3XX Buckbee Street

Jake Matthews for Rockford Housing Authority

Special Use Permit for installation of two (2) free-standing solar panel racks and solar panels in an R-3, Multi-family Residential Zoning District

The subject property is located east of Seminary Street, north of 15th Avenue and south of Buckbee Street and consists of 17.66 acres. Keith Sparks, Jodi Stromberg and Jake Matthews were present. Mr. Matthews reviewed the request for the Special Use Permit. This application is to allow a ground mount solar system. Mr. Matthews explained they have received a \$101,500 grant due to the educational aspect of this project. He further stated that the solar panels are manufactured in Rockford and will be installed by Rockford contractors.

Staff Recommendation is for Approval with (3) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for installation of two (2) free-standing solar panel racks and solar panels in an R-3, Multi-family Residential Zoning District at 330 15th Avenue and 3XX Buckbee 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 review and approval.
3. Submittal of Fence Permit for Staff review and approval.

ZBA 040-15
Findings of Fact for Approval of a Special Use Permit
For Installation of Two (2) Free-Standing
Solar Panel Racks and Solar Panels
In An R-3, Multi-Family Residential Zoning District at
330 15th 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 R-3 Zoning District in which it is located.

ZBA 041-15

Applicant
Ward 01

611-781 Highgrove Place

Perryville Center, LLC

Special Use Permit for a car rental business with an accessory car wash for rental vehicles only in a C-2, Limited Commercial Zoning District

Prior to the meeting, a request was received from the Applicant to Lay Over this item to the December 15th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the request for Special Use Permit for a car rental business with an accessory car wash for rental vehicles only in a C-2, Limited Commercial Zoning District to the December 15th meeting at 611-781 Highgrove Place. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

ZBA 042-15

Applicant
Ward 03

1201 National Avenue

Edward Noakes

Variation to increase the fence height in the front yard from four (4) feet to five (5) feet along National Avenue and six (6) feet along Guard Street in an R-1, Single-family Residential Zoning District

The subject property is located on the northeast corner of National Avenue and Guard Street. Edward Noakes, Applicant, reviewed his request for Variation to fence height. Mr. Noakes stated there have been several accidents at this corner due to people driving too quickly on Guard Street and are unable to make

the turn onto National Avenue. He explained that vehicles have come onto his property in an effort to stop. He wishes to modify his site plan to 2 feet height of stone rather than the 4 feet originally proposed, feeling that this will be high enough above the tire of a vehicle to prevent access into their yard. Mr. Noakes stated they have several children under the age of 15 and this is definitely a safety issue. He further stated they have had a history of trespassers and feels the fence will be a deterrent. The columns on the fence themselves will be higher than 6 feet. Mr. Noakes stated they have an easement to allow use of the access driveway within the right of way on Guard Street. Marcy Leach, with Public Works, verified that they have worked with Mr. Noakes on an access agreement and that one is in place. Mr. Noakes does have an approved driveway cross section and Public Works gave Mr. Noakes a cross easement with permission to install this fence.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the fence height in the front yard from four (4) feet to five (5) feet along National Avenue and six (6) feet along Guard Street in an R-1, Single-family Residential Zoning District at 1201 National Avenue. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Installation of the fence must be in accordance with Exhibit D.
2. Fence must be constructed with materials consistent with those shown on Exhibit F.
3. Driveway within right-of-way (Guard Street) must be paved with either concrete or blacktop.
4. Submittal of an encroachment permit via Public Works Engineering for Staff's review and approval.

ZBA 042-15
Findings of Fact for Approval of a Variation
To Increase Fence Height from 4' to 5' in the Front Yard
Along National Avenue and 6' along Guard Street
In an R-1, Single-Family Residential Zoning District at
1201 National 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.

ZBA 043-15

Applicant
Ward 01

6240 Mulford Village Drive

Dyn State LLC

Variation to reduce the required 20 foot front yard setback for a parking lot to 3 feet and 2 inches at the south east corner and 5 feet and 6 inches along Mulford Village Drive

Variation to reduce the required 20 feet wide frontage landscaping to 3 feet and 2 inches at the south east corner and 5 feet and 6 inches along Mulford Village Drive in a C-2, Limited Commercial Zoning District

The subject property is located on the north side of the Mulford Village Drive and Bienterra Trail intersection. Attorney Tim Muldowney, representing the Applicant, reviewed the requests for Variation.

This building is a commercial use with two existing tenant spaces facing north. The Applicant would like to create additional tenant spaces on the south side of the building facing East State Street. Currently this area is all green space. In anticipation of this, they are wanting to turn the current green space into a parking lot with landscaping along Mulford Village Drive.

Attorney Muldowney discussed condition (2) requiring landscaping. He stated they have an issue with providing additional trees within the new interior and concrete island, stating this will block the view of the building. He also feels landscaping can be provided by putting 4 trees on a vacant lot north of the existing building. He pointed out that there are trees located on an adjacent lot to the west and feels these should be taken into consideration as part of landscaping.

Alicia Neubauer recalled in the past there was discussion about a sidewalk and/or walking path. Scott Capovilla explained this is still required and plans are being reviewed, may not happen until next year as final easements are being obtained. Ms. Neubauer asked how much parking is really necessary for this parcel. Attorney Muldowney stated they only have two tenants in the building at this time. They wish to split the building to allow more tenants in the front and back area of the building as well, which would increase the parking requirements. They do not have a firm idea of how many tenants or what type of use these tenants would be at this time.

Scott Sanders stated he felt this plan is “consistent” with overdeveloping lots in this area. He felt that trees existing on the site next to the subject property are not a replacement for the landscaping requirements for the subject property. He also stated there was certainly room for more trees on the subject property. Both Mr. Sanders and Mr. Roszkowski expressed to the Applicant that the landscaping requirements for this site are no different than any other development proposals within the City. The Board felt that Staff requirements for landscaping as explained in condition (2) should remain.

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

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the required 20 foot front yard setback for a parking lot to 3 feet and 2 inches at the south east corner and 5 feet and 6 inches along Mulford Village Drive and to **APPROVE** the Variation to reduce the required 20 feet wide frontage landscaping to 3 feet and 2 inches at the south east corner and 5 feet and 6 inches along Mulford Village

Drive in a C-2, Limited Commercial Zoning District at 6240 Mulford Village Drive. The Motion was **SECONDED** by Kim Johnsen 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 a revised landscape plan to include removal of landscaping within the right-of-way, interior islands with minimum eight (8) feet width along the south of the existing parking lot, shade trees added to the new interior island and concrete islands, shade trees added to the perimeter landscaping east of the building, existing mature trees to be preserved, and plant species for Staff's review and approval.
3. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
4. Must develop site in accordance with revised civil and landscaping plans approved by Staff.
5. All conditions must be met prior to establishment of use.

ZBA 043-15
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Front Yard Setback For a Parking Lot
To 3 Feet and 2 Inches at the South East Corner and
5 Feet and 6 Inches Along Mulford Village Drive
In a C-2, Limited Commercial Zoning District at
6240 Mulford Village Drive

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 043-15
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Wide Frontage Landscaping
To 3 Feet and 2 Inches at the South East Corner and
5 Feet and 6 Inches Along Mulford Village Drive
In a C-2, Limited Commercial Zoning District at
6240 Mulford Village Drive

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 044-15

Applicant
Ward 04

1803 East Riverside Boulevard

Lagestee-Mulder / Ken Adams

Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-2, Limited Commercial Zoning District

Special Use Permit for an auto glass replacement and repair facility

Variation to reduce the required parking from 24 parking spaces to 19 parking spaces

The subject property is located on the southeast corner of the East Riverside Boulevard and Hiatt Drive intersection. Ken Adams, Allen Morris, and Jeffrey Linkenheld, were present. Mr. Adams reviewed the requests of his client, Safelite Auto Glass. He explained that this facility will only do glass work, not vehicle repair. 75% of their business is done off-site. They will have 4 service bays on site. Vehicles of the technicians are not stored on site. Each technician takes their vehicle home at night. They will have 5 field technicians and 4-5 employees on premises. Hours of operation will be from 7:00 AM to 6:00 PM Monday through Saturday. The special use is required because this type of business falls under the category of "auto repair" within the Ordinance. The Applicant is providing an access road at the rear of the property and a sanitary sewer line to service the property to the east as well. Mr. Adams stated there

is a large development proposed to the east of the subject property by another party and this will go all the way to Sage Drive.

Staff Recommendation is for Approval of all requests with (13) conditions. One Objector was present.

Steve Miller was present as an Objector to this application. Mr. Miller stated his home is on the property immediately adjacent to the South. Mr. Miller is concerned that the Applicant's parcel is the only R-1 buffer separating his house from Riverside Boulevard. He is concerned with the intrusion of a commercial development right next door to his home and asked if any consideration was given to buffering of some type. Scott Sanders asked where the service bays would be located. It was explained by the Applicant that access to the service bays will be from the front of the building. There is room for a vehicle to exit from the rear of the building, but felt this route would not occur very often.

Scott Sanders recommended an evergreen material as part of the landscaping to provide a higher buffer.

In response, Jeff Linkenheld explained there is a proposed solid vinyl fence for screening, behind which is an 8-10 foot green space and evergreen trees will be planted as an additional buffer. Staff verified that this would meet the required buffering.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-2, Limited Commercial Zoning District; to **APPROVE** the Special Use Permit for an auto glass replacement and repair facility; and to **APPROVE** the Variation to reduce required parking from 24 parking spaces to 19 parking spaces at 1803 East Riverside Boulevard. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Melissa Beckford voting Nay.

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. landscaping along East Riverside Boulevard and landscaping added to the south of the building and plant species 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 for Staff's review and approval.
7. Submittal of building elevations for Staff review and approval.
8. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by Staff.
9. Must develop site in accordance with new civil and landscaping plans approved by Staff.
10. Must develop building in accordance with elevations approved by Staff.
11. No outdoor storage of vehicles operable or inoperable.
12. No outside storage of any auto parts, equipment or materials.
13. All conditions must be met prior to establishment of use.

ZBA 044-15
Findings of Fact for Approval of a Zoning Map Amendment
From R-1, Single-family Residential Zoning District
To C-2, Limited Commercial Zoning District at
1803 East Riverside Boulevard

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 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 C-CO, Commercial Retail and Commercial Office.

ZBA 044-15
Findings of Fact for Approval of a Special Use Permit
For an Auto Glass Replacement and Repair Facility
In a C-2, Limited Commercial Zoning District at
1803 East Riverside Boulevard

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

ZBA 044-15
Findings of Fact for Approval of a Variation
To Reduce the Required Parking
From 24 Parking Spaces to 19 Parking Spaces
In a C-2, Limited Commercial Zoning District at
1803 East Riverside Boulevard

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 6:25 PM

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