



ZONING BOARD OF APPEALS
Tuesday, December 15, 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: Alicia DiBenedetto-Neubauer
Kimberly Wheeler-Johnsen
Dan Roszkowski
Craig Sockwell
Tom Fabiano

Absent: Scott Sanders
Melissa Luciani-Beckford

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach - Public Works
Lafakeria Vaughn - Assistant City Attorney
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, January 4, 2016, 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 November 17th meeting with a change to the vote of the minutes to be 5-0. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0 with Tom Fabiano abstaining and Scott Sanders and Melissa Beckford absent.

ZBA 041-15

Applicant
Ward 01

611-781 Highgrove Place - WITHDRAWN

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

Laid Over from November

This item was Withdrawn by the Applicant prior to the meeting. No further action will be taken on this application.

ZBA 045-15

Applicant
Ward 13

802 Kilburn Avenue

Yvette Valdez

Special Use Permit for a motor vehicle and tire repair shop in a C-3, General Commercial Zoning District

The subject property is located on the west side of Kilburn Avenue, approximately 97 feet south of School Street. Diana Valdez and Yvette Valdez were present. Ms. Yvette Valdez, Applicant, reviewed her request for Special Use Permit. She provided photos of the property during her presentation. She stated she also owns the property at 814 Kilburn. Ms. Valdez explained that every time they would repair a window at the 814 property, the new windows would be broken again by unknown individuals. She stated there were two renters in the building at the time she purchased it about six weeks ago.

Staff Recommendation is for Approval with (7) conditions. No Objectors or Interested Parties were present.

Kim Johnsen asked what their plans were to prevent people from damaging the property. Yvette Valdez stated they were not aware this was a bad area until they purchased the property. Alicia Neubauer felt with the property having a use rather than sitting vacant, the vandalism may be deterred. Ms. Valdez stated she had read Staff's recommended conditions of approval and have no issues with them.

To elaborate on the condition of the property, Mr. Capovilla stated our records also show this property has been vacant for some time. He further explained the property has current violations for not establishing the use of auto repair under the proper permits and for numerous illegal signs that have been put up on the property.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for a motor vehicle and tire repair shop in a C-3, General Commercial Zoning District at 802 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. Must meet all applicable building and fire codes including to be evaluated by a design professional.
2. Any future signage must meet current code.
3. Must repair/replace/remove chain link fencing and material must meet current code.
4. No outside storage of inoperable/operable vehicles.
5. No outside storage of vehicle parts.
6. Submittal of a revised site plan including striping for parking and landscaping improvements for Staff's review and approval.
7. Removal of the old sign pole at the northwest corner of the property.

ZBA 045-15
Findings of Fact for Approval of a Special Use Permit
For a Motor Vehicle and Tire Repair Shop
In a C-3, General Commercial Zoning District at
802 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 C-3 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.

Other Business **2016 Zoning Board of Appeals Calendar**
Applicant: City of Rockford

The 2016 schedule of the Zoning Board of Appeals Filing Dates and Meeting Dates were presented to the Board. Discussion was held on adjusting the times of the meeting, but Mr. Capovilla suggested the current start time remain for the time being. It is anticipated that there will be a larger amount of Liquor and Tobacco Advisory Board items in the future and these meetings are scheduled to start after the Zoning Board of Appeals.

A **MOTION** was made by Craig Sockwell to **APPROVE** the 2016 Zoning Board of Appeals Calendar as present. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

The Approved Schedule is as follows:

ZONING BOARD OF APPEALS

2016 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 17, 2015	January 20, 2016-Wed
January 14, 2016	February 17, 2016-Wed
February 11, 2016	March 15, 2016
March 17, 2016	April 19, 2016
April 14, 2016	May 17, 2016
May 19, 2016	June 21, 2016
June 16, 2016	July 19, 2016
July 14, 2016	August 16, 2016
August 18, 2016	September 20, 2016
September 15, 2016	October 18, 2016
October 13, 2016	November 15, 2016
November 17, 2016	December 20, 2016
December 15, 2016	January 18, 2017-Wed

With no further business to come before the Board, the meeting was adjourned at 5:51 PM

Respectfully submitted,
 Sandra A. Hawthorne, Administrative Assistant
 Construction and Development Services
 Zoning Board of Appeals