



**ZONING BOARD OF APPEALS**  
**Wednesday, February 19, 2014**  
**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:**

Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:**

**Staff:**

Angela Hammer – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Director, Community & Economic Development Dept.  
Tim Morris – Fire Department  
Sandra Hawthorne - Administrative Assistant

**Others:**

Alderman Linda McNeely  
Kerry Partridge, City Attorney  
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 are to 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 and address 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 next meeting of the Codes & Regulations Committee was given as Monday, March 3, 2014, at 4:45 PM in Conference Room A 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 5:34 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the January 2014 meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

**ZBA 043-13**

Applicant  
Ward 12

**3325 North Main Street**

Jeffrey Linkenheld

**Variation** to allow a reduction for street frontage landscape strip from ten (10) feet to two (2) feet along North Main Street and one (1) foot along Halsted Road due to Illinois Department of Transportation road expansion

**Variation** to reduce required setback for a corner free-standing sign to one (1) foot in a C-2, Limited Commercial District

**Laid Over from January meeting**

The subject property is located on the southeast corner of Halsted and North Main Street and is the Walgreen's store. Brian Swanson was present representing the Applicant. Mr. Swanson reviewed their request for Variations. He explained that IDOT will be widening North Main Street. The Variation for a 2 feet setback is required to continue to allow adequate parking along the side of the lot facing North Main Street. The freestanding sign will still conform to height and square footage, even though the setback is reduced. Mr. Swanson stated they are agreeable with Staff conditions. He further explained that the site does not lend itself to much green space or islands, but during their plan review with staff they will attempt to address these items.

Staff Recommendation was for Approval of both Variations with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to allow a reduction for street frontage landscape strip from ten (10) feet to two (2) feet along North Main Street and one (1) foot along Halsted Road due to Illinois Department of Transportation road expansion; and to **APPROVE** the Variation to reduce required setback for a corner free-standing sign to one (1) foot in a C-2, Limited Commercial District at 3325 North Main Street with addition of condition 3. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. If landscape units can be preserved, that they are relocated somewhere on the property.
2. That a detailed landscape plan with plant species is submitted for Staff's review and approval.
3. That the corner freestanding sign shall conform with the requirements of a landmark monument sign, not to exceed 8 feet in height and 64 square feet in size inclusive of any electronic reader board up to 36 square feet in size.

**ZBA 043-13**  
**Findings of Fact for Approval of a Variation**  
**To Allow Reduced Landscape Frontage**  
**From 10 Feet to 2 Feet Along North Main Street and**  
**1 Foot Along Halsted Road**  
**Due to Illinois Department of Transportation Project**  
**In a C-2, Limited Commercial Zoning District at**  
**3325 North Main Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 043-14**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Setback for Corner Sign to One (1) Foot**  
**In a C-2, Limited Commercial Zoning District at**  
**3325 North Main Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 045-13**

Applicant  
Ward 13

**715 W. State Street; 120 N Rockton Ave; 1XX & 129 N. Horsman Street**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a **Planned Unit Development** consisting of a Women's and Children's Center with a new addition and parking lot  
**Variations** to decrease required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions in a C-3, General Commercial Zoning District.

**Laid Over from January meeting**

Prior to the meeting, a request was received from the Applicant to Lay Over this item to the March 18<sup>th</sup> Zoning Board of Appeals meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Special Use Permit for a Planned Unit Development consisting of a Women's and Children's Center with a new addition and parking lot; and the Variations to decrease required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions in a C-3, General Commercial Zoning District at 715 West State Street; 120 North Rockton Avenue; and 1XX & 129 North Horsman Street to the March 18, 2014 meeting. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

**ZBA 001-14**

Applicant  
Ward 11

**815 Broadway**

Billy Taylor

**Zoning Map Amendment** from C-4, Urban Mixed-Use Zoning District and R-2, Two-family Zoning District to I-1, Light Industrial Zoning District

**Special Use Permit** for hand sorting of metal and indoor storage

The subject property is located on the south side of Broadway, 120 feet east of the South 4<sup>th</sup> Street and Broadway intersection. Billy Taylor, Applicant was present. He is proposing a small scrap metal operation. He stated he spoke with a resident who lived in the area who told him he saves aluminum cans for recycling. It is his intent to put cameras around the building to deter criminal activity in the area. Mr. Taylor stated he would like to see the Broadway area improve to what it was in the past.

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

Mr. Olson asked how he would deal with the person coming in with aluminum siding or copper piping that appeared to be stolen from a property. He stated he would ask the person where it came from, but would have no other way of knowing if it was stolen material from a home or work site. Mr. Taylor explained that there will be no outside storage. He further stated the property next door at 811 Broadway is zoned C-4. One of the adjacent property owners is parking their truck on the property at this time, but stated if the application is approved he would inform the neighbor he would need to move the vehicle. He stated if there is a gravel area he will have it paved. The entrance for customers would be the overhead door located at the dock.

During discussion, Mr. Roszkowski stated this building used to be commercial refrigeration. Ms. Neubauer stated she would not be prone to change the zoning for the property, but does not have a big problem with the use.

Mr. Cagnoni stated the property could be changed to I-1 which would allow the use; however, Staff does not feel the I-1 Zoning is compatible with the 2020 Plan. The other issue regarding the request for Special Use Permit is not consistent with the overall strategies with the development of the neighborhood. Some of the concerns of Staff are the handling of items that are stolen from homes and work sites and the increase in foot traffic. He explained the Aldermen Elyea has have been provided copies of the agenda and Staff Recommendation, but he has not had any contact with her as Alderman of the Ward regarding this item.

A **MOTION** was made by Craig Sockwell to **DENY** the Zoning Map Amendment from C-4, Urban Mixed-Use Zoning District and R-2, Two-family Zoning District to I-1, Light Industrial Zoning District and to **DENY** the Special Use Permit for hand sorting of metal and indoor storage at 815 Broadway. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

**ZBA 001-14**  
**Findings of Fact for Denial of a Zoning Map Amendment**  
**From C-4, Urban Mixed-Use Zoning District**  
**And R-2, Two-Family Residential Zoning District**  
**To I-1, Light Industrial Zoning District at**  
**815 Broadway**

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

1. The proposed Zoning Map change is consistent with Article 10-005, Legal Framework, Purposes of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal does not implement the adopted plans and policies as it is not consistent with the 2020 Plan;
  - b. This proposal does not protect the character, scale and stability of the adjacent residential because the proposed zoning would permit uses that could be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted; and
  - c. This proposal does not maintain orderly and compatible development patterns that promote an appropriate mix of land uses and protect and conserve property values as the land uses surrounding the property and the proposed map amendment would not allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is not consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as CDE, Mixed Use and RL, Light Residential.

**ZBA 001-14**  
**Findings of Fact for Denial of a Special Use Permit**  
**For Hand Sorting of Metal and Indoor Storage**  
**In a C-4, Urban Mixed-Use Zoning District and**  
**R-2, Two-Family Residential Zoning District at**  
**815 Broadway**

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.

5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-4 and R-2 Zoning District in which it is located.

With no further business to report, the meeting was adjourned at 6:03 PM.

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