



**ZONING BOARD OF APPEALS**  
**Tuesday, March 19, 2013**  
**6:30 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 Neubauer  
Aaron Magdziarz  
Dennis Olson  
Dan Roszkowski

**Absent:** Craig Sockwell  
Scott Sanders

**Staff:** Kerry Eklund – City Attorney  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**Others:** Kathy Berg, 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 Codes & Regulations meeting was given as Monday, April 1, 2013, 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 8:10 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the February meeting as submitted. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 3-0 with Dennis Olson absent and Craig Sockwell and Scott Sanders abstaining.

**ZBA 001-13**  
Applicant  
Ward 5

**821 Kishwaukee Street**

James A. Haas

**Modification of Special Use Permit #018-10** to include used vehicle sales in a C-3, Commercial General Zoning District

**Laid Over from February meeting**

The subject property is located on the west side of Kishwaukee Street and consists of the entire block from Gregory Street to Catlin. Currently the property is a body shop and towing. Nancy Haas and James Haas were present and reviewed their application. Mrs. Haas explained they have purchased 6 other parcels of land that were "crack houses" and demolished the structures. They are asking to include the sale of used vehicles in their existing business. Mr. Sockwell asked if the Applicant was aware of the conditions of approval. They stated they were.

Staff Recommendation is for Approval with (3) conditions. No Objectors were present. Interested Parties were present. One letter of objection was received from Venita Hervey, Alderman of the Ward.

L Joe Owen, 711 Seminary Street was present as a supporter. He stated Haas has been very supportive of the neighborhood, a good neighbor, and very community orientated as well. He wishes them well.

Joseph Ricotta, 303 Kishwaukee was present as a supporter as well. He stated he has known the Applicants for many years. They have done towing for him and he is very supportive of their venture.

In response, the Applicant stated Ald. Hervey had originally objected because she thought the vehicles would be wrecked. Vehicles will be in operable condition. Mr. Cagnoni stated he did have conversations with Alderman Hervey prior to this meeting and he could not state that she changed her mind, but that is what he felt her thoughts were.

A **MOTION** was made by Aaron Sockwell to **APPROVE** the Modification of Special Use Permit #018-10 to include used vehicle sales in a C-3, Commercial General Zoning District at 821 Kishwaukee Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. If site has gravel, that it be replaced with topsoil and seed.
2. The sale of vehicles is limited to the area shown on Exhibit D and shall be limited to eight (8) vehicles.
3. The vehicles for sale must be operable and not wrecked.

**ZBA 001-13**  
**Findings of Fact for Modification of Special Use Permit #018-10**  
**To Include Used Vehicle Sales**  
**In a C-3, Commercial General Zoning District at**  
**815, 821 Kishwaukee 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, 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.

**ZBA 004-13**

Applicant  
Ward 1

**7475 and 7481 East State Street**

County of Winnebago

**Variation** to reduce the 10' landscaping buffer to allow construction of shared use path in C-3, Commercial General and C-2 Limited Commercial Zoning Districts

The subject property is located on the southwest corner of East State Street and North Bell School Road and is the Machine Shed Restaurant. Warren Stultz, County of Winnebago and Carlos Molina, Winnebago County Highway Department, were present. He explained that there are plans for a multi-use path connecting from the East State Street to the subject property. Mr. Molina further explained besides the bike path, the County will be improving the widening of Bell School Road which requires it to be set so far back.

Staff Recommendation is for Approval with (1) Condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to reduce the 10' landscaping buffer to allow construction of shared use path in C-3, Commercial General and C-2, Limited Commercial Zoning Districts at 7475 and 7481 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must relocate landscape units within the landscaping strip

**ZBA 004-13**  
**Findings of Fact for a Variation**  
**To Reduce the 10' Landscaping Buffer**  
**To Allow Construction of Shared Use Path**  
**In a C-3, Commercial General Zoning District and**  
**C-2, Limited Commercial Zoning District at**  
**7475, 7481 East State 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 005-13                      810 North Alpine Road**

This item was Withdrawn by the Applicant prior to the meeting.

**ZBA 006-13                      325 Walnut Street**

Applicant  
Ward 03

Joseph Ricotta  
**Special Use Permit** for a Specialty Used Car Dealership in a C-3, Commercial  
General Zoning District

The subject property is located on the southwest corner of Walnut Street and 1<sup>st</sup> Street and is currently a vacant auto repair shop. Joseph Ricotta, Applicant, reviewed his request. Mr. Ricotta explained the Ricotta family has owned this property for 37 years. He stated he would like to sell classic cars. Their

repair business relocated in 2008 and this property has remained vacant ever since. He stated the vehicles that will be shown will be “really top shelf”. This will not be like a walk in car lot but rather like a mini-museum. He discussed the similar business further down the street. Mr. Ricotta feels there is a demand for this business. He stated they would not use very much parking; it would be more of a museum. He states he is a corvette specialist as well. The main use will be classics and corvettes, maybe 3-4 driver cars outside at the most with 6-8 inside.

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

James Haas, 4607 Manheim Road was present as a supporter. He stated Mr. Ricotta would do a very nice job and it will be good to see him back at this location..

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Specialty Used Car Dealership in a C-3, Commercial General Zoning District at 325 Walnut Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

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. No outside storage of any auto parts, equipment, materials or inoperable vehicles on the property.
4. That the number of vehicles displayed outside is limited to a maximum of six (6) vehicles
5. All conditions must be met prior to the establishment of the use.

**ZBA 006-13**  
**Finding of Fact for a Special Use Permit**  
**For A Specialty Used Car Dealership**  
**In a C-3, Commercial General Zoning District at**  
**325 Walnut 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, 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 007-13**

Applicant  
Ward 01

**6651 East State Street**

Andy Stein / Clark Street Development

- A. Variation** to increase the number of wall signs permitted from two (2) to five (5)
- B. Variation** to allow additional sign panel to exceed 64 square feet on existing non-conforming pylon sign along East State Street
- C. Special Use Permit** for an off-premise landmark style business sign along South Mill Road
- D. Variation** to remove eight (8) existing shade trees from being located along East State Street that are over six inches in diameter
- E. Variation** in the street frontage landscape units as shown on the landscape plan in a C-2, Limited Commercial Zoning District

The subject property is located within the north parking lot of the American TV building and is 1.518 acres. Attorney Sherry Harlan, Andy Stein, Applicant, and Jack DeGagne, site development manager representing Long Horn Steakhouse were present. The applicant wishes to develop a Longhorn Steakhouse restaurant and parking lot. Attorney Harlan stated this is an exciting development and the Applicant will be doing a very classy concept. She presented a large brochure of information to the Board. She stated the parking lot has not been used and there is very little going on there now. Attorney Harlan stated signage is critical to this site when traveling west on State Street. There is an existing non-conforming pylon sign for American TV. She stated her client will have the lowest panel on this pylon sign, which is the only sign on State Street. Coming from the South on Mill, there is no signage. They are asking for an off-premise sign in this direction, which requires a Special Use Permit. The proposed sign would meet code in size and height.

Regarding landscaping, Attorney stated they have 20 shade trees where 19 is required. She presented photos of types of landscaping that the Applicant felt would be appropriate. She stated Alderman Durkee was in support of removing some of the trees in the front as long as they had an attractive strip of landscaping. It would contain boulders, grasses and evergreens. She presented her proposal as a compromise rather than putting landscaping units where there are existing trees. They are proposing to remove 12 trees. (7 of which are along State and Mid America) and Attorney Hansen stated Staff agreed that they have met the preservation requirement. She feels the large Oak tree would obscure the sign when moving east to west and are wanting to remove it. Photos were shown of Chipotle, Outback Steakhouse, Buffalo Wings, Potbelly and Starbucks, and Texas Roadhouse restaurants, none of which have trees in front. She stated if they put in the trees as planned, it will triple the effect of the Oak in ten years. She stated Staff suggested repositioning the proposed building on the lot; however, Attorney Harlan stated there isn't any play to move the restaurant closer to the street. She feels this site has factors that are not applicable to other sites discussed. She asked that the sidewalks referred to in the Staff report be deleted as they will be addressed in the platting process.

Mr. DeGagne is a registered Landscape Architect and explained their establishment has 8 concepts of dining which are the largest casual dining restaurants in the world. Examples of Red Lobster, Olive Garden were given. Their restaurants get involved with the local community. He stated they are taking out a large paved surface and putting in some impervious surface. They will have a maintenance program in place to keep the site looking good year after year. The dumpster will be enclosed architecturally with the building and will also provide safety for their employees. He further stated visibility and signage are paramount for what they need. Mr. DeGagne discussed landscaping at East State and Mid-America Drive, stating landscaping could be added to that area with no problem. Andy Stein was present representing American TV. He stated they have been very particular about development having great synergy with them. They feel it will bring new life into the shopping center.

Staff Recommendation is for Approval of (A), (B), and (C) Variations, and Denial of (D) and (E) Variations, subject to (4) conditions. No Objectors or Interested Parties were present.

Mr. Sanders stated he would be acceptable with the sign Variations but he will never support removal of the Oak Tree. He does not feel the tree blocks signage at all. He stated he drove back and forth past the area and the Oak Tree would not block the sign at all. He stated it is a special, unique, beautiful tree and requires protection. He feels the shade tree elements are what are essential to the community. He made some suggestions on other options. The other tree removals do not bother him. The three existing evergreen trees are not in good shape. Alicia Neubauer echoed his concerns, stating the City is known as the "Forest City". She also stated she cannot support the request to eliminate sidewalks. She asked why there had to be a sign on every face of the building. Attorney Harlan responded they are not requesting to remove sidewalks at this time. That will be addressed at the time of the platting process.

Charlie Schalliol, Director, stated the reason they are asking for a sign on each façade is because access can be from any side of the building. It is a very visible location and because of the multiple ingress/egress options signage is pertinent.

Mr. DeGagne stated they are very concerned about visibility of this site. He explained that Long Horn is very concerned with visibility and with signage. Mr. Sanders stated that the Oak tree is so far above the eye line that it will not interfere with visibility. There was discussion on both sides regarding the Oak Tree, with the Applicants continuing to state the Oak tree needed to be removed because of visibility issues and the Board stated they would not vote for Approval of its removal.

The Board was willing to approve Variation (E) with more landscaping. Attorney Harlan also stated Variation (D) should be a request to remove six (6) shade trees rather than eight (8) and this was amended in the Motion.

A **MOTION** was made by Scott Sanders to **APPROVE** the (A) Variation to increase the number of wall signs permitted from two (2) to five (5); **APPROVE** the (B) Variation to allow additional sign panel to exceed 64 square feet on existing non-conforming pylon sign along East State Street; **APPROVE** the (C) Special Use Permit for an off-premise landmark style business sign along South Mill Road; **APPROVE** (D) Variation to remove six (6) existing shade trees from being located along East State Street that are over six inches in diameter excluding the one 36" Oak tree in the Northeast corner of the site which shall be preserved.; and to **APPROVE** the (E) Variation in the street frontage landscape units as shown on the landscape plan dated March 12, 2013 and amended in the presentation dated March 19, 2013 in a C-2, Limited Commercial Zoning District with to revisions to (D) and (E), revisions to Condition (3) and the removal of Condition (4). The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Must obtain sign permits in accordance to the sign package submitted by the Applicant.
3. Future alterations to the existing pylon sign such as replacing the boxes on the pylon sign must comply with the existing sign Ordinance. Replacement of existing sign panels and the installation of the Longhorn panel on the pylon sign are not considered alterations.

**ZBA 007-13**  
**Findings of Fact for a Variation**  
**To Increase the Number of Wall Signs Permitted**  
**From Two (2) to Five (5)**  
**In a C-2, Limited Commercial Zoning District at**  
**6651 East State 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 007-13**  
**Findings of Fact for a Variation**  
**To Allow Additional Sign Panel to Exceed 64 Square Feet**  
**On Existing Non-Conforming Pylon Sign Along East State Street**  
**In a C-2, Limited Commercial Zoning District at**  
**6651 East State 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 007-13**  
**Findings of Fact for a Special Use Permit**  
**For an Off-Premise Landmark Style Business Sign Along South Mill Road**  
**In a C-2, Limited Commercial Zoning District at**  
**6651 East State 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, 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-2 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-2 Zoning District in which it is located.

**ZBA 007-13**  
**Findings of Fact for a Variation**  
**To Remove Six (6) Existing Shade Trees**  
**From Being Located Along East State Street**  
**That are Over Six Inches in Size**  
**Excluding the One 36" Oak Tree in the NE Corner of the Site**  
**Which Shall be Preserved**  
**In a C-2, Limited Commercial Zoning District at**  
**6651 East State 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 007-13**  
**Findings of Fact for a Variation**  
**In the Street Frontage Landscape Units As Shown on the Landscape Plan**  
**Dated March 12, 2013 and Amended March 19, 2013**  
**In a C-2, Limited Commercial Zoning District at**  
**6651 East State 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 008-13**  
Applicant  
Ward 12

**3402 North Main Street**

Anthony R. Seminerio

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

The subject property consists of three individual lots and is located on the northwest corner of North Main Street and Halsted Road and is currently a vacant bank with drive-thru. This Applicant also had an application for the sale of liquor by the drink in conjunction with a bar on the Liquor & Tobacco Advisory Board meeting this date. The Liquor Advisory Board voted to Deny the request at that meeting.

Attorney Calgaro, and Anthony Seminerio were present. Staff Recommendation was for a Lay Over pending more information from the Applicant; however, Attorney Calgaro stated they do not want a Lay Over. Mr. Cagnoni explained the R-1 portion of the application was incorporated with the expansion of the bank by a Special Use Permit. He explained the C-2 use is a retail use. He feels C-2 would be an appropriate use for the property. His concern was whether this property could support C-2 uses for parking. He explained there are some uses in the C-2 District that could support amount of parking available. He further explained that if the Board chose to approve this application, it would require 10 positive City Council votes to approve the request.

One Objector was present.

Attorney Cathy Ritts, representing Scott Adams at 1112 Halsted presented his Objections. She stated the advantage of keeping this a C-1 district is that it creates a buffer between the residential area and the C-2 area. The residential properties across the street, which are located behind a C-2 zoning have the rear yards facing the C-2 zoning, whereas the subject property has residential right up against it. She would like to maintain the buffer. Attorney Ritts felt the impact on traffic needs to be studied before a decision is made.

In response, Attorney Calgaro stated this property has been an intense commercial use for many years.

Mr. Roszkowski asked Staff if all three parcels were all C-1, would this preclude them from putting the bar on this site. Mr. Cagnoni responded that a bar requires C-2 zoning.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from R-1, Single-family Residential Zoning District and C-1, Limited Office Zoning District to C-2, Limited Commercial Zoning District at 3402 North Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 008-13**  
**Findings of Fact for a Zoning Map Amendment**  
**From R-1, Single-family Residential Zoning District and**  
**C-1, Limited Office Zoning District**  
**To C-2, Limited Commercial Zoning District at**  
**3402 North Main Street**

**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, orals 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 Envision North Main Plan designates the property as a Commercial mode.

**ZBA 009-13**

Applicant  
Ward 01

**610 North Bell School Road**

County of Winnebago

**Variation** to keep the existing sign height for the Red Roof Inn sign that exceeds eight (8) feet in height in a C-3, Commercial General Zoning District

The subject property is located on the northwest corner of East State Street and North Bell School Road and is a parking lot with retail shopping center. Warren Stoltz, representing the County of Winnebago, stated an existing sign will need to be relocated due to improvements that will occur to North Bell School road. A multi-use path will be created and this will cause the sign to be relocated. Mr. Stoltz explained the area between State and Argus will become a right in/right out only.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

Mr. Cagnoni explained this is not a request that Staff would typically support, but under the circumstances where the sign is not changing and would normally not be moved were it not for the road improvements and path, Staff recommends Approval. The sign will remain non-conforming.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Variation to keep the existing sign height for the Red Roof Inn sign that exceeds eight (8) feet in height in a C-3 General Commercial Zoning District at 610 North Bell School Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must obtain a sign permit.
2. The sign may be relocated; future improvements to the sign will require the sign to meet the current sign ordinance.

**ZBA 009-13**  
**Findings of Fact for a Variation**  
**To Keep the Existing Sign Height for the Red Roof Inn Sign**  
**That exceeds Eight (8) Feet in Height**  
**In a C-3, Commercial General Zoning District at**  
**610 North Bell School Road, 526 North Bell School Road, & 7474 East State 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.

With no further business to come before the Board, the meeting was adjourned at 9:47 PM

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