



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - 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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

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**Present:**

**ZBA Members:** Alicia DiBenedetto-Neubauer  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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.

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**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I  
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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I  
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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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.

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - 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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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.
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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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I  
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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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.

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - 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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - 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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I  
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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I  
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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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.

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I  
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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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.

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

**ZBA 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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



**ZONING BOARD OF APPEALS**  
**Tuesday, April 19, 2016**  
**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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakaria Vaughn  
Matt Knott - Fire Department

**Others:** Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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I

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, April 25, 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 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the March 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 011-16**

Applicant  
Ward 10

**1204 21<sup>st</sup> Street**

Maricela Mastache

**Variation** to reduce the required side yard setback for an attached garage from 6 feet to 0.2 feet in an R-1, Single-family Residential Zoning District

The subject property is located near the southeast corner of the 11<sup>th</sup> Avenue and 21<sup>st</sup> Street intersection and is a single-family residence. Maricela Mastache, Applicant, read the description of the request for Variation.

Mr. Capovilla explained that there was a detached garage on the property. The Applicant put an addition on the house without a permit and connected it to the detached garage. As a result, the attached garage did not meet the required side yard setback.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required side yard setback for an attached garage from (6) feet to (0.2) feet in an R-1, Single-family Residential Zoning District at 1204 21<sup>st</sup> Street. The Motion was **SECONDED** by Scott Sanders 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 Building Permit for Staff review and approval for the construction of the kitchen addition.
3. Submittal of a Driveway Permit for removal of the portion of driveway that extends onto the property south of the subject property for Staff review and approval.

**ZBA 011-16**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required Side Yard Setback**  
**For an Attached Garage**  
**From 6 Feet to 6.2 Feet**  
**In an R-1, Single-family Residential Zoning District at**  
**1204 21<sup>st</sup> 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 012-16**  
Applicant  
Ward 01

**104 North Showplace Drive**

Signs Now for First Northern Credit Union

**Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet and a **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and a **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of North Showplace Drive and East State Street. Jon Pick, Applicant for First Northern Credit Union, reviewed the request. Mr. Pick stated they have been at this location for 17 years and have had an electronic display sign for approximately 14 years. This sign is no longer working and they are wanting to replace it with a new electronic display sign. The new sign is larger than what is existing, and the existing structure will not safely hold it. They are wanting to attach two structural supports to the new electronic display sign and this would constitute a new freestanding sign. Mr. Pick stated if their location were further west on East State Street, the need for this sign would not be required. However, because they are located on the edge of Rockford, it is his feeling that they need something that would draw more attention to their location. He further explained that the existing

electronic sign structure was manufactured by another organization that has since gone out of business. Mr. Pick stated his efforts to contact them have been to no avail.

Mr. Fabiano asked what type of advertisement would be proposed on this new sign. Mr. Pick stated they are involved in a lot of community events and would like to create public awareness of these events. He would also like to advertise and promote the Credit Union as well.

Kim Johnsen asked him if it was a financial burden to do a landmark style sign. Mr. Pick stated he was not quite aware of the description of a landmark style sign and this was explained to him. Mr. Sanders stated in this type of situation the Board tends to promote staying within the existing sign ordinance. He suggested that Mr. Pick give consideration to a landmark-style sign that could be up to 8 feet tall. Mr. Sanders further informed the Applicant that electronic message signs can be incorporated into landmark-style signs.

Staff Recommendation is for Denial of all three requests. No Objectors or Interested Parties were present.

Alicia Neubauer stated she was inclined to uphold the signage regulations based on past applications where we have compelled Applicants to bring signs into conformance, including new structures. Mr. Capovilla stated in cases where IDOT is paying owners to replace their signs due to taking of frontage, they have only provided funding for sign styles that conform with the current Ordinance.

A **MOTION** was made by Scott Sanders to **DENY** the **Special Use Permit** to increase the maximum allowed square footage of an electronic graphic display sign from 36 square feet to 59 square feet; to **DENY** the **Variation** to allow for a free-standing pylon sign when a free-standing landmark-style is required, and to **DENY** the **Variation** to allow for two (2) free-standing signs to face the same street frontage when one (1) free-standing sign is allowed in a C-3, General Commercial Zoning District at 104 North Showplace Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 012-16**  
**Findings of Fact for Denial of a Special Use Permit**  
**To Increase the Maximum Allowed Square Footage**  
**Of An Electronic Graphic Display Sign**  
**From 36 Square Feet to 59 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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, or 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 Zoning District in which it is located.

**ZBA 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for a Free-Standing Pylon Sign**  
**When a Free-Standing Landmark-Style is Required**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 012-16**  
**Findings of Fact for Denial of a Variation**  
**To Allow for Two (2) Free-Standing Signs**  
**To Face the Same Street Frontage**  
**When One (1) Free-Standing Sign is Allowed**  
**In a C-3, General Commercial Zoning District at**  
**104 North Showplace Drive**

**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 013-16**

Applicant  
Ward 01

**89XX Lilac Lane**

Dan Zaccard for Boon Ridge Development

**Modification of Special Use Permit #043-03** to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District

The subject property is located at the northwest corner of Northern Avenue and Lilac Lane and is approximately 1.34 acres of vacant land. Dan Zaccard, Applicant, reviewed his request for Modification of Special Use Permit #043-03. The Applicant recently purchased two lots and the Variation is for the southern parcel. Due to financial constraints, they wish to build (3) two-family dwelling units on this lot, with the plan to build four-family buildings on the adjacent northern lot in the future.

Mr. Zaccard further explained that the neighboring condo association had the opportunity to purchase these two lots previous to Boon Ridge Development and they chose not to. Boon Ridge purchased these lots. He stated they offered the Northern lot to the Condo Association for \$5,000 and they again chose not to purchase. He further stated Boon Ridge needs to have the ability to rent these buildings out. It is their intent to sell these buildings, however for financial reasons they may have to rent some in the meantime. Mr. Zaccard stated rent would be \$1,300 per month

Marcy Leach asked if they were aware that the building in the center is going over the storm sewer and it will have to be moved. This area may have to be repaved to maintain proper drainage. Mr. Zaccard stated they are aware this storm sewer is there but not aware they may have to pave. However, he said if that were required, they would do so. He stated they were willing to do whatever is needed.

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

Mr. Sanders stated condition 1 should refer to Exhibit E and Exhibit F rather than Exhibit D and Exhibit F. Mr. Capovilla was in agreement.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of Special Use Permit #043-03 to build three (3) two-family buildings instead of the approved two (2) four-family buildings in a C-3, General Commercial Zoning District at 89XX Lilac Lane with a change to condition (1) to say Exhibit E rather than Exhibit D. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D (Change to E) and Exhibit F.
2. In order to construct a building within the center of the lot, the storm sewer easement must be relocated and recorded on plat.
3. Submittal of a landscaping plan for Staff's review and approval. The existing easement vacated and a new easement must be established and recorded on the plat.
4. Prior to issuance of a Certificate of Occupancy, all development improvements must be completed.

**ZBA 013-16**  
**Findings of Fact for Approval of a**  
**Modification of Special Use Permit #043-03**  
**To Build Three (3) Two-Family Buildings Instead of the Approved**  
**Two (2) Four-Family Buildings**  
**In a C-3, General Commercial Zoning District at**  
**89XX Lilac Lane**

**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.

With no further business to report, the meeting was adjourned at 6:18 PM

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