



**ZONING BOARD OF APPEALS**  
**Tuesday, May 17, 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 - Assistant City Attorney  
Tim Morris - Fire Department

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

---

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, May 23, 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 5:44 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the April 2016 meeting as presented. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Melissa Beckford absent.

**ZBA 014-16**  
Applicant  
Ward 13

**4103 West State Street**

Dyn Commercial Holdings L.L.C. / Attorney Marvin Keyes

**Variation** to reduce the required parking lot setback from 20' to 2'.5" along West State Street, a **Variation** to reduce the required parking lot setback from 20' to 2'.5" along Springfield Avenue, a **Variation** to reduce perimeter landscaping from 20' to 2'.5" along West State Street, a **Variation** to reduce perimeter landscaping from 20' to 2'.5" along Springfield Avenue, a **Variation** to reduce the required parking lot setback from 20' to 12' along Lydia Avenue, a **Variation** to reduce the required landscape buffer Type "B" between the residential lots and the property from the minimum setback of 15' to 6' and replace with a 6' sight obscuring fence between the residential lot and subject property, a **Variation** to eliminate the four (4) foot open green space between parking lots, a **Variation** to eliminate the requirement of interior landscaping, a **Variation** to eliminate the requirements of building foundation landscaping and a **Special Use Permit** to allow an off premise business sign for three (3) separate lots and to allow such signage to be a shopping center sign in a C-2, Limited Commercial Zoning District

The subject property consists of 2.65 acres with street frontage along Lydia, Springfield and West State Street and is the former Lincoln Park School site. The school has been demolished and the property is now vacant. Attorney Tim Muldowney and Seth Sommer, Director of Construction for First Midwest Group, were present. Attorney Muldowney reviewed the various requests for Variations and Special Use Permit. One of the proposed uses is for a medical building. There are residential uses surrounding this property and includes Concord Commons Complex. Attorney Muldowney felt this development will allow these residents to have the benefit of being within close walking distance to a medical facility. Future plans are for the remaining two parcels to be developed with mixed use, such as retail or offices. At this time no definite uses have been determined. Attorney Muldowney stated the requested Variations would provide incentives to get good businesses into the proposed development.

Seth Sommer presented the landscaping Variation requests in more detail. He explained the request for variations in setback along State Street and Springfield Avenue are necessary to allow for sufficient parking for present and future development. In order to allow for smooth parking flow within the development and ease of delivery trucks, they are asking to reduce interior landscaping requirements as well.

Mr. Sommer expressed that this development will spur interest in other developers moving into this area of the City as well. The proposed shopping center sign is 20' high, would provide signage to all three users as an off-premise sign and would be located in the south east corner of the development. The shopping center sign will allow the ability to identify all tenants in one area. Signage to the north would provide for the medical clinic use only. Proposed signage on the south west corner is to be an 8' high monument sign with the intent to provide visibility and will be beneficial to attract retail users to the entire center. This sign will only advertise the tenants at that particular building. At this time they do not have a definite signage plan because it is unknown if the additional two buildings beyond the medical building will have multi or single tenant occupancy. Scott Capovilla explained that because each proposed building is on it's own lot, they would each be allowed one freestanding sign. Additionally, the shopping center sign is proposed as an off premise business sign that would allow the other two buildings to have signage on the lot with the 20' high shopping center sign.

Scott Sanders felt it was redundant to have this number of signs advertising tenants when each tenant will also have their individual tenant signs on the buildings as well. Alicia Neubauer asked if there could be a reduction in parking to allow for more landscaping. She felt there was a large portion of the landscaping area being reduced. She asked the Applicant if they had considered shared parking among the tenants and feels there should be more interior landscaping. Mr. Sommers responded that they tried to incorporate as much interior landscaping as possible while still maintaining flexibility and ease of parking for shared parking. This also provides the ability for snow removal due to the need to plow all around the three buildings and in the aisles without being inhibited by landscaping islands. He further explained their intent to design dumpster enclosures to incorporate the same building materials and that they will work meet Staff requirements on dumpster locations.

Marcy Leach stated Public Works has not approved the drainage requirements. The storm water does not meet requirements so this will need to be explored further.

Dan Roszkowski stated every time this developer comes before the Board for a development that they ask for these same 12 Variations. Alicia does not feel the need to eliminate this much landscaping and feels there must be a way to eliminate some of the paving to allow for additional landscaping. She added that the City has worked hard to beautify West State Street and does not feel we should scrimp on things like landscaping. Scott Sanders stated he really likes the use of a medical facility at this spot but it does bother him to reduce landscaping to this degree. Dan Roszkowski was also in agreement. Kim Johnsen stated she is happy to see development come to this part of town and would support Staff's recommendations of Denial and Approval.

Staff Recommendations was for Denial and Approval of items as listed below:

DENIAL of a Variation to reduce the required parking lot setback from 20' to 2'.5" along West State Street, APPROVAL of a Variation to reduce the required parking lot setback from 20' to four (4') along West State Street, DENIAL of a Variation to reduce the required parking lot setback from 20' to 2'.5" along Springfield Avenue, APPROVAL of a Variation to reduce the required parking lot setback from 20' to seven (7') along Springfield Avenue, DENIAL of a Variation to reduce perimeter landscaping from 20' to 2'.5" along West State Street, APPROVAL of a Variation to reduce perimeter landscaping from 20' to four (4') along West State Street, DENIAL of a Variation to reduce perimeter landscaping from 20' to 2'.5" along Springfield Avenue, APPROVAL of a Variation to reduce perimeter landscaping from 20' to seven (7') along Springfield Avenue, APPROVAL of a Variation to reduce the required parking lot setback from 20' to 12' along Lydia Avenue, APPROVAL of a Variation to reduce the required landscape buffer Type "B" between the residential lots and the property from the minimum setback of 15' to 6' and replace with a 6' sight obscuring fence between the residential lot and subject property, APPROVAL of a Variation to eliminate the four (4) foot open green space between parking lots, DENIAL of a Variation to eliminate the requirement of interior landscaping, APPROVAL of a Variation to reduce the amount of interior landscaping as shown on Exhibit E, APPROVAL of a Variation to eliminate the requirements of building foundation landscaping and APPROVAL of a Special Use Permit to allow an off premise business sign for three (3) separate lots and to allow such signage to be a shopping center sign

No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **DENY** of a Variation to reduce the required parking lot setback from 20' to 2'.5" along West State Street, **APPROVE** of a Variation to reduce the required parking lot setback from 20' to four (4') along West State Street, **DENY** of a Variation to reduce the required parking lot setback from 20' to 2'.5" along Springfield Avenue, **APPROVE** of a Variation to reduce the required parking lot setback from 20' to seven (7') along Springfield Avenue, **DENY** of a Variation to reduce perimeter landscaping from 20' to 2'.5" along West State Street, **APPROVE** of a Variation to reduce perimeter landscaping from 20' to four (4') along West State Street, **DENY** of a Variation to reduce perimeter landscaping from 20' to 2'.5" along Springfield Avenue, **APPROVE** of a Variation to reduce perimeter landscaping from 20' to seven (7') along Springfield Avenue, **APPROVE** of a Variation to reduce the required parking lot setback from 20' to 12' along Lydia Avenue, **APPROVE** of a Variation to reduce the required landscape buffer Type "B" between the residential lots and the property from the minimum setback of 15' to 6' and replace with a 6' sight obscuring fence between the residential lot and subject property, **APPROVE** of a Variation to eliminate the four (4) foot open green space between parking lots, **DENY** of a Variation to eliminate the requirement of interior landscaping, **APPROVE** of a Variation to reduce the amount of interior landscaping as shown on Exhibit E, **APPROVE** of a Variation to eliminate the requirements of building foundation landscaping and **APPROVE** of a Special Use Permit to allow an off premise business sign for three (3) separate lots and to allow such signage to be a shopping center sign with the addition of condition (8). The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. The subject property is limited to one (1) free-standing shopping center business identification signs sign. No additional free-standing signs are permitted on any lot with the exception of directional signage.
3. Submittal of a landscaping plan for Staff's review and approval.
4. Submittal of a sign elevation plan for Staff's review and approval.
5. Submittal of a dumpster detail and rendering for Staff's review and approval.
6. Submittal of a building elevation plan for Staff's review and approval.
7. The six-foot high site-obscuring fence required in the Type "B" buffer shall be made of vinyl material.
8. Submittal of revised storm water detention requirements for Staff review and approval.

**ZBA 014-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO REDUCE THE REQUIRED PARKING LOT SETBACK**  
**FROM 20' TO 2'.5" ALONG WEST STATE STREET**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

**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 is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO REDUCE THE REQUIRED PARKING LOT SETBACK**  
**FROM 20' TO FOUR (4') ALONG WEST STATE STREET**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION  
TO REDUCE THE REQUIRED PARKING LOT SETBACK  
FROM 20' TO 2'.5" ALONG SPRINGFIELD AVENUE  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 4103 WEST STATE STREET**

**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 is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO REDUCE THE REQUIRED PARKING LOT SETBACK  
FROM 20' TO SEVEN (7') ALONG SPRINGFIELD AVENUE  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 4103 WEST STATE STREET**

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

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

2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO REDUCE PERIMETER LANDSCAPING**  
**FROM 20' TO 2'.5" ALONG WEST STATE STREET**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

**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 is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO REDUCE PERIMETER LANDSCAPING FROM 20'**  
**TO FOUR (4') ALONG WEST STATE STREET**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO REDUCE PERIMETER LANDSCAPING**  
**FROM 20' TO 2'.5" ALONG SPRINGFIELD AVENUE**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

**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 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 is based are not 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 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 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO REDUCE PERIMETER LANDSCAPING FROM 20' TO**  
**SEVEN (7') ALONG SPRINGFIELD AVENUE**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO REDUCE THE REQUIRED PARKING LOT SETBACK**  
**FROM 20' TO 12' ALONG LYDIA AVENUE**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO REDUCE THE REQUIRED LANDSCAPE BUFFER TYPE "B" BETWEEN THE RESIDENTIAL**  
**LOTS AND THE PROPERTY FROM THE MINIMUM SETBACK OF 15' TO 6' AND REPLACE**  
**WITH A 6' SIGHT OBSCURING FENCE BETWEEN**  
**THE RESIDENTIAL LOT AND SUBJECT PROPERTY**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

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

2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO ELIMINATE THE FOUR (4) FOOT OPEN GREEN SPACE BETWEEN PARKING LOTS**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR DENIAL OF A VARIATION**  
**TO ELIMINATE THE REQUIREMENT OF INTERIOR LANDSCAPING**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

**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 is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO REDUCE THE AMOUNT OF INTERIOR LANDSCAPING AS PROVIDED ON EXHIBIT E**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO ELIMINATE THE REQUIREMENTS OF BUILDING FOUNDATION LANDSCAPING**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is 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 014-16**  
**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**TO ALLOW AN OFF PREMISE BUSINESS SIGN FOR THREE (3) SEPARATE LOTS AND TO**  
**ALLOW SUCH SIGNAGE TO BE A SHOPPING CENTER SIGN**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 4103 WEST STATE STREET**

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

**ZBA 015-16**

Applicant  
Ward 03

**1XX and 102 West Jefferson Street**

City of Rockford / Todd Cagnoni

**Special Use Permit** for murals on a bridge in a C-4, Urban Mixed-Use Zoning District

Ann O'Keefe, Rockford Arts Council and Adriana Villagomez, Art Teacher from District 205, and Scott Capovilla were present. Ms. O'Keefe stated this is in conjunction with their youth program. A mural was completed under this bridge on the east side of the river and this mural is for the west side. This year the theme is "CONNECTIONS". Ms. Villagomez stated the actual composition of the mural is still under decision but did present an image of bubbles that will have individual students artwork inside of them.

Staff recommendation was for Approval with (2) conditions. No Objectors were present. One supporter was present.

Sharon Nesbit-Davis, also with the Rockford Arts Council, spoke in support. She has worked with this program for 21 years. This program allows young people with creative abilities to express those abilities. The mural will allow all young students of the arts to participate, whether their specialty is dance, music, art, etc.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for murals on a bridge in a C-4, Urban Mixed-Use Zoning District at 1XX and 102 West Jefferson Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. A sign permit shall be required including an illustration of the proposed art work shall be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.

**ZBA 015-16**  
**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR MURALS ON A BRIDGE**  
**IN A C-4 URBAN MIXED-USE ZONING DISTRICT**  
**LOCATED AT 1XX AND 102 WEST JEFFERSON STREET**

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

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

With no further business to report, the meeting was adjourned at: 6:35 PM

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