

ZONING BOARD OF APPEALS
Tuesday, June 19, 2012
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders

Absent: Craig Sockwell

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Dave Marinaro – Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, July 2, 2012, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 7:25 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the May meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0 with Craig Sockwell absent.

ZBA 016-12

Applicant
Ward 5

1207 South Main Street

James and Jeanne Song
Variation to reduce the frontage landscape strip from 10 feet to 7 feet along S. Main St. in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of Loomis Street and South Main Street and is currently a Laundromat. Susan and James Song were present. Ms. Song reviewed the request. This site will be part of a road project that will start later this year for the southern portion of the South Main Corridor and next year for the northern portion of the corridor. As part of this project, there will be a right-of-way that will be taken from the property, reducing the existing frontage landscaping strip along South Main Street to seven (7) feet in width. The Variation is required to allow the frontage landscape strip to meet code. She stated the Applicant will replace the landscape with new material that is of the same as is present.

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

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Variation to reduce the frontage landscape strip from 10 feet to 7 feet along S. Main St. in a C-2, Limited Commercial Zoning District at 1207 South Main Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Removal of landscaping during construction must be replaced to original plantings.
2. Maintenance of plantings must include adequate watering, pruning, mowing, and removal of litter not only of the owner's property but also the area between the property line and the street curb or edge of pavement.

ZBA 016-12
Findings of Fact for a Variation
To Reduce Frontage Landscape Strip
From Ten (10) Feet to Seven (7) Feet Along South Main Street
In a C-3, Commercial General District at
1207 South Main Street

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

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

ZBA 017-12

Applicant
Ward 1

6551 East State Street

Michael Bivins, Image Signs

- (A)** Variation to increase the maximum allowable height for a free-standing sign from eight (8) feet to thirty (30) feet
- (B)** Variation to increase the maximum allowable square footage for a free-standing sign from sixty-four (64) feet to one hundred (100) feet
- (C)** Variation to allow for a free-standing pylon sign when a free-standing landmark-style sign is required in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of the East State Street and South Trainer Road intersection and is currently a Toyota and Lexus dealership. Michael Bivins, Image Signs, reviewed the request. This dealership will be replaced by Nissan and Mazda, who are relocating from Loves Park. The existing (3) free-standing signs are currently non-conforming. They are removing two grandfathered signs, one 30 and one 20 feet tall. Mr. Bivins stated his understanding is that the Mazda sign has been approved and is conforming.

Mr. Sanders told the Applicant he could not support this request because all businesses along East State Street have been made to conform to code as they change or upgrade signage. Mr. Cagnoni stated on a Staff level they have negotiated this application with the applicant by taking the approach of reducing the number of nonconforming signs by removing the 3 existing signs and limiting the proposed signage to one sign with a Variation and an additional sign which will conform with City Ordinance.

Staff Recommendation is for Approval of all three requests, with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **DENY** the **(A)** Variation to increase the maximum allowable height for a free-standing sign from eight (8) feet to thirty (30) feet: **DENY** the **(B)** Variation to increase the maximum allowable square footage for a free-standing sign from sixty-four (64) feet to one hundred (100) feet; and to **DENY** the **(C)** Variation to allow for a free-standing pylon sign when a free-standing landmark-style sign is required in a C-2, Limited Commercial Zoning at 6551 East State Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

ZBA 017-12
Findings of Fact for a Variation
To Increase the Maximum Allowable Height for a Free-Standing Sign
From Eight (8) Feet to Thirty (30) Feet
In a C-2, Limited Commercial Zoning District at
6551 East 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 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 017-12
Findings of Fact for a Variation
To Increase the Maximum Allowable Square Footage
For a Free-Standing Sign
From Sixty-Four (64) Feet to One Hundred (100) Feet
In a C-2, Limited Commercial Zoning District at
6551 East 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 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 017-12
Findings of Fact for a Variation
To Allow a Free-Standing Pylon Sign
When a Free-Standing Landmark Style Sign is Required
In a C-2, Limited Commercial Zoning District at
6551 East 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 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 018-12

Applicant
Ward 10

4231 and 4235 East State Street

Midwest Title Loan

A Modification of Special Use Permit #141-94 for a Planned Unit Development consisting of an Auto Rental Agency and Consumer Installment Lender in a C-2, Limited Commercial Zoning District.

The subject property is located on the south side of East State Street, approximately 1,200 feet west of the East State Street and Alpine Road intersection. The auto rental agency at this location is still in operation, but the Subway sandwich shop is vacant. Attorney Ian Linnabary and Kenneth Wayco, President of Midwest Title Loan were present. Attorney Linnabary reviewed their request. The Applicant wishes to request an amendment to the original Special Use Permit granted in 1994 to allow an Auto Rental Agency and Consumer Installment Lender business. Midwest Title Loans is a title consumer lender. The Applicant is making renovations to the exterior of the building as well as sign changes to bring signage to conformance. Exterior and landscaping designs were submitted prior to the meeting and are included in Staff Report.

Staff Recommendation is for Approval with (6) conditions. No Objectors were present. One Interested Parties was present. Alderman Franklin Beach spoke in favor of this application. He stated the Applicants have worked with the Miracle Mile group and this group is in support of his request.

A **MOTION** was made by Scott Sanders to **APPROVE** the Modification of Special Use Permit #141-94 for a Planned Unit Development consisting of an Auto Rental Agency and Consumer Installment Lender in a C-2, Limited Commercial Zoning District at 4231 and 4235 East State Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes
2. Submittal of Building Permits for Staff review and approval.
3. That the existing freestanding sign will need to be removed.
4. That the new freestanding sign shall be in accordance with Exhibit G.
5. The Applicant will need to demonstrate that the three (3) trees indicated on the landscaping plan along the east property line are on the subject property.
6. The site will need to develop in accordance with the submitted Exhibits E and F.

ZBA 018-12
Findings of Fact for a Modification of Special Use Permit #141-94
For a Planned Unit Development Consisting of
An Auto Rental Agency and Consumer Installment Lender
In a C-2, Limited Commercial Zoning District at
4231 and 4235 East State Street

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the 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.

ZBA 019-12

Applicant

Ward 1

609 South Perryville Road

Panera, LLC

(A) Special Use Permit for Drive-thru Restaurant

(B) Variation to reduce the required setback from 30 feet to 15 feet along Mill Rd for building addition

(C) Variation to eliminate three (3) parking spaces

(D) Variation to reduce the frontage landscape strip from 20 feet to four (4) feet

(E) Variation to increase the number of permitted wall signs from two (2) to three (3) wall signs in a C-2, Limited Commercial Zoning District.

The subject property is located south of Mill Road, east of Highgrove and west of South Perryville Road and is currently a restaurant located in one of four tenant spaces. Michaelene Burke, representing Panera, LLC, reviewed the application. The Applicant wishes to add exterior improvements which would include an addition, a drive-thru, landscaping and new signage. Ms. Burke presented a drawing of the property layout showing stacking and exit with a right turn out to Highgrove. The addition to the building is to service the drive through and this addition will reduce the setback along Mill Road. In regards to the request for an additional wall sign, Ms. Burke explained they have no other signs along Mill Road at the present time.

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

A **MOTION** was made by Scott Sanders to **APPROVE** the **(A)** Special Use Permit for Drive-thru Restaurant; **APPROVE** the **(B)** Variation to reduce the required setback from 30 feet to 15 feet along Mill Rd for building addition; **APPROVE** the **(C)** Variation to eliminate three (3) parking spaces; **APPROVE** the **(D)** Variation to reduce the frontage landscape strip from 20 feet to four (4) feet; and to **APPROVE** the **(E)** Variation to increase the number of permitted wall signs from two (2) to three (3) wall signs in a C-2, Limited Commercial Zoning District at 609 South Perryville Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of maintenance agreement to Forestry/Street Maintenance for Staff's review and approval.
3. Submittal of a revised site plan that includes placement of a barrier median within Highgrove Place to prohibit vehicles from turning left from the drive thru lane for Public Works review and approval.

ZBA 019-12
Findings of Fact for a Variation
To Reduce Required Setback from Thirty (30) Feet to Fifteen (15) Feet
Along Mill Road for a Building Addition
In a C-2, Limited Commercial District at
609 South Perryville Road

Approval of this Variation is based upon the following findings:

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

With no further business to come before the Board, the meeting was adjourned at 8:05 PM

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