



ZONING BOARD OF APPEALS
Tuesday, August 20, 2013
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 Neubauer
Dennis Olson
Dan Roszkowski
Craig Sockwell

Absent:

Scott Sanders
Aaron Magdziarz

Staff:

Jennifer Cacciapaglia – City Attorney
Marcy Leach – Public Works
Todd Cagnoni – Deputy Director, Construction & Development Services
Matt Knott – Division Chief, Fire Department
Sandra Hawthorne - Administrative Assistant

Others:

Alderman Karen Elyea
Kathy Berg, Court 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, Tuesday, September 3, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:55 PM. A **MOTION** was made by Dennis Olson to **APPROVE** the minutes of the July meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Scott Sanders and Aaron Magdziarz absent.

During presentation, Mr. Cagnoni notified that he had discussed with the Applicants in attendance that because there were only four board members present, in order for an item to pass all four members would need to vote for Approval.

ZBA 024-13

Applicant
Ward 11

612, 616 8th Street & 1209 5th Avenue

Gary Mauerman

Variation to increase the maximum allowed fence height in the front yard from four (4) feet to six (6) feet along 8th Street in an R-2, Two-family Residential Zoning District.

The subject property is located east and south of the 5th Avenue and 8th Street intersection. Gary Mauerman, Applicant, was present and reviewed his application for Variation. The fence was put up prior to obtaining a permit and is a 6 foot fence, where a 4' high fence is limited in the front yard. He explained that prior to his purchase of this lot, there was a home on the lot with crack addicts, homeless people sleeping in the lots, and the home burned down. Mr. Mauerman purchased this property from SwedishAmerican and felt he had an understanding that he could erect a fence. He had thefts on his property, including steeling eaves troughs off of his garage, metal lawn ornaments in his yard and his vehicles were vandalized. The lot was being used for dumping, and illegal activity including prostitution and drug deals. Since he put up the 6' fence, all of this has stopped because access to the lot is denied.

Staff Recommendation was for Denial. No Objectors were present. One Supporter was present and three letters of support were received.

Alderman Karen Elyea was present in support of this application. She stated the situation has greatly improved with the installation of the fence and asked the board to admit.

Matthew Ervin, 1203 5th Avenue, was also present as a supporter. He stated prior to the fence prostitutes were using this lot as a place to handle their business, people were using the lot as a bathroom in plain view of the public and the empty lot encouraged drug dealings as well. Mr. Ervin stated Mr. Mauerman's fence has eliminated all of this activity and greatly improved the safety of the neighborhood. He felt the removal of this fence would be a great disservice to the neighborhood.

Rhonda Gonzalez, 1216 5th Avenue stated in a letter of support that she has “no problems with the privacy fence in question”.

Amber Rodden, 1216 6th Avenue, adjacent resident to the rear of the subject property, also submitted a letter of support. Her letter stated “Before they (applicant) purchased this property it was an abandoned lot. A lot of junkies and street walkers camped out there.” “They now have a privacy fence which #1 Ensures that their property is safe. #2 Keeps all of the drug users out of the area. #3 Makes the area look much nicer.” A letter of support was also received from Darlene Treininio. Ms. Treininio is not an adjacent property owner, but lives three lots to the east of the subject property. She stated “Before the fencing was put up the lots were a mess their would be garbage dumped there, and car’s park on the lots and there would be young kids hanging out there. And when my young girls would ride there bikes by there they would yell at them and even one time someone was having a bomb fire in the lots. We didn’t feel safe walking by there. Now its safe and the enjoy bike riding and walking around the block.”

In response, Mr. Mauerman was not aware he needed a fence permit if he installed the fence himself, based on information given him by the seller of the property and he is now seeking the Variation to have a fence that is 6 feet high instead of the required 4 feet in the front yard. Mr. Mauerman stated he did understand that he could have installed a 4 foot fence, but again at the time of purchase he was not aware of that.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the maximum allowed fence height in the front yard from four (4) feet to six (6) feet along 8th Street in an R-2, Two-family Residential Zoning District at 612, 616 8th Street and 1209 5th Avenue. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

ZBA 024-13
Findings of Fact for Approval of a Variation
To the Maximum Allowed Fence Height in the Front Yard
From Four (4) Feet to Six (6) Feet Along 8th Street
In An R-2, Two-Family Residential Zoning District at
612-616 8th Street and 1209 5th Avenue

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 025-13

Applicant
Ward 13

1XX Horsman Street & 801 West State Street

Rockford Rescue Mission / Sherry Pitney

Special Use Permit for a Women's Crisis and Life Recovery Center

Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District

Prior to the start of the meeting, the Applicant requested that this item be Laid Over to the September 17th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Special Use Permit for a Women's Crisis and Life Recovery Center and the Variation to decrease the minimum required front yard setback for a parking lot from 20 feet to 10 feet along Mulberry Street in a C-3, Commercial General Zoning District at 1XX North Horsman Street and 801 West State Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0.

ZBA 026-13

Applicant
Ward 10

2409, 2425 Charles Street & 24XX Charles Street

FD Rockford Illinois 2425 Charles Street LLC

Variation in the perimeter landscape strip from 20 feet to triangular landscaping on the western and eastern frontage on Charles Street.

Variation to reduce interior landscaping

Variation to reduce required 50% building foundation landscaping

Variation to reduce the front yard setback from 15 feet to 0 feet along Charles Street and 21st Street in a C-2, Limited Commercial Zoning District and I-1, Light Industrial Zoning District

The subject property is located on the southwest corner of Charles Street and 21st Street and consists of two separate lots with a total of two buildings and one garage building. Ivy Israel, representing the Applicant, reviewed the requests for Variations. She wished to clarify that Family Dollar Store is not a Dollar Store. It is a lower price point on name brand items. They have chosen this location based on the market area and the price point on the land. They will be demolishing one of the buildings and a partial demo of the second. Ms. Israel stated they have no issues with Staff recommendations, including the addition of landscaping. They will be addressing environmental issues that now exist on the property. Ms. Neubauer asked for clarification. Ms. Israel explained that some of the soils have been contaminated by tanks in a quarter mile proximity and they will test the soil and remove any that is contaminated. They will use the parking lot as a barrier and based on testing, will put in a vapor barrier in the building. She stated there is no green area on the property at all at this time.

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

During discussion, Ms. Neubauer stated she cannot support these Variations. She stated she is frustrated that there is little landscaping on the site. She would like to see more interior landscaping. Mr. Roszkowski stated he would like to see the project move forward, but he also is concerned with the Variations to landscaping as presented.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation in the perimeter landscape strip from 20 feet to triangular landscaping on the western and eastern frontage on Charles Street.; to **DENY** the Variation to reduce interior landscaping; to **DENY** the Variation to reduce required 50% building foundation landscaping and to **APPROVE** the Variation to reduce the front yard setback from 15 feet to 0 feet along Charles Street and 21st Street in a C-2, Limited Commercial Zoning District and I-1, Light Industrial Zoning District at 2409, 2425 Charles Street and 24XX Charles Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a revised landscape plan for Staff's review and approval.
3. Must work with Public Works to address drainage.
4. Submittal of building elevation plans for Staff's review and approval.

ZBA 026-13
Findings of Fact for Approval of a Variation
In the Perimeter Landscape Strip From 20 Feet to Triangular Landscaping
On the Western and Eastern Frontage on Charles Street
In a C-2, Limited Commercial Zoning District
And I-1, Light Industrial Zoning District at
2409 and 2425 Charles 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 026-13
Findings of Fact for Denial of a Variation
To Reduce Interior Landscaping
In a C-2, Limited Commercial Zoning District
And I-1, Light Industrial Zoning District at
2409 and 2425 Charles 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 026-13
Findings of Fact for Denial of a Variation
To Reduce Required 50% Building Foundation Landscaping
In a C-2, Limited Commercial Zoning District
And I-1 Light Industrial Zoning District at
2409 and 2425 Charles 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 026-13
Findings of Fact for Approval of a Variation
To Reduce the Front Yard Setback
From 15 Feet to 0 Feet Along Charles Street and 21st Street
In a C-2, Limited Commercial Zoning District
And I-1, Light Industrial Zoning District at
2409 and 2425 Charles 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 027-13

Applicant
Ward 3

15XX and 1502 Parkview Avenue

OSF Healthcare System / Arty. Sherry Harlan
Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District

A request was received from the Applicant's Attorney to Lay Over this item to the September meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to C-1, Limited Office Zoning District and the Special Use Permit for a professional and medical office in an R-1, Single-family Residential Zoning District at 15XX and 1502 Parkview Avenue. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0.

ZBA 028-13

Applicant
Ward 1

18XX N. Perryville Road & 2013 McFarland Road

First Perryville Development Corp.
Special Use Permit for off-site landmark style sign to serve shopping center
Variation to increase the sign height from 8 feet to 30 feet
Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District

Prior to the meeting, a request was received by the Applicant to Lay Over this item to the September 17th agenda.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Special Use Permit for off-site landmark style sign to serve shopping center; the Variation to increase the sign height from 8 feet to 30 feet; and the Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet in a C-2, Limited Commercial Zoning District and C-3, General Commercial Zoning District at 18XX North Perryville Road and 2013 McFarland Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0.

With no further business to come before the Board, the meeting was adjourned at 6:40 PM.

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