

**ZONING BOARD OF APPEALS**  
**Tuesday, September 20, 2011**  
**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  
Craig Sockwell

**Absent:**

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

**Others:** Alderman Frank Beach  
Alderman Ann Thompson-Kelly – left at 7:55  
Kathy Berg, Stenographer  
Applicants and Interested Parties

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

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board 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, October 3, 2011, 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 6:55 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0 with Craig Sockwell and Scott Sanders abstaining.

**ZBA 028-11**                    **308 North Mulford Road**  
Applicant                      First Rockford Group, Inc.  
Ward 10                         A Variation to increase the sign height from the maximum 8' to 20' and a  
                                        Variation from a landmark style sign to a pole sign in a C-3, Commercial General  
                                        District.

Prior to the meeting a request was received to Lay Over this item to the October meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Variation to increase the sign height from the maximum 8' to 20' and a Variation from a landmark style sign to a pole sign in a C-3, Commercial General District at 308 North Mulford Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

**ZBA 030-11**                    **4231 East State Street**  
Applicant                      Midwest Title Loan – Attorney John Nelson  
                                        An appeal of determination of use classification made by the Zoning Officer that  
                                        Midwest Title Loan is a categorized as a "Pawn Broker" under the City of  
                                        Rockford Zoning Ordinance.

Prior to the meeting a request was received to Lay Over this item to the October meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the appeal of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a "Pawn Broker" under the City of Rockford Zoning Ordinance at 4231 East State Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

**ZBA 031-11**                    **2002 Rockwell Street**  
Applicant                      Rockford Area Habitat for Humanity  
Ward 7                         A Variation to reduce the front yard setback from 30' to 12' along Rockwell Street  
                                        in an R-1, Single family Residential District.

Prior to the meeting a request was received to Withdraw this item. No further action will be taken on this application.

**ZBA 032-11**  
Applicant  
Ward 9

**4000 Auburn Street**  
Vetter Denk Architects  
A Special Use Permit for a Planned Unit Development for a mixed use commercial/industrial development inclusive of zero setback buildings in an I-1, Light Industrial District.

The subject property is located west of Central Avenue and north of Auburn Street. David Marks, representing Rockford Development Group, was present. The Applicant wishes to redevelop the existing buildings on the property by dividing them into five lots in order to market them individually. Access will remain off Central Avenue with two access points off of Auburn Street.

Staff Recommendation is for Approval with 4 conditions. Interested Parties were present.

Alderman Thompson-Kelly was present and asked Staff if the Applicant would be required to come through the permit process when further development is planned. Staff explained the building and platting process. She asked Mr. Marks if they have any tenants in mind at this time. Mr. Marks stated they do but did not give any names. Alderman Thompson-Kelly stated she is concerned with the type of businesses and zoning that will locate at this property and that she did not want to see another junk or salvage yard, as an example. Mr. Marks stated they are also looking for good tenants that will co-exist with the neighboring properties. He stated they are looking for the "highest quality" tenant as well. AMJ and Rexam were then given as possible tenants by Mr. Marks. He explained Rexam makes canning and bottle equipment. AMJ is refurbishing older equipment such as canning equipment.

Scott Sanders asked Staff if any landscaping would be applied for the other lots. Staff stated they have not required any further landscaping for the other lots other than general requirements due to the existing landscaping. Staff explained that the replatting process does not trigger landscaping requirements by this Board; however, during the platting process the Applicant will be required to follow existing rules regarding landscaping. Staff verified that the applicant will have to abide by the site plan submitted unless they make changes that meet with Staff approval.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Planned Unit Development for a mixed use commercial/industrial development inclusive of zero setback buildings in an I-1, Light Industrial District at 4000 Auburn Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Lot 5 is required to be developed in accordance with the current zoning and subdivision ordinances, including but not limited to detention, landscaping, and paving requirements.
2. Access easements and shared parking shall be submitted for review and approval by staff prior to the property being final platted.
3. Each property must be platted and recorded with a 60 foot "No build Area" easement around the portions of the perimeter of the building complex that do not front a street and are not on date of appeal (August 3, 2011) less than 60' from the building's exterior walls. The record of this easement shall be with each proposed lot / property created / subdivided from the lot / property on August 3, 2011. Any future interested party shall be notified of such easement. The building official or other Authority Having Jurisdiction shall be notified prior to any modification of the easement.
4. A Tentative and Final Plat shall be submitted for City Council review and approval.

**ZBA 032-11**  
**Findings of Fact for a Special Use Permit**  
**For a Planned Unit Development for a Mixed-Use Commercial/Industrial Development**  
**Inclusive of Zero Setback Buildings**  
**In an I-1, Light Industrial District at**  
**400 Auburn 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 I-1 Light Industrial Zoning District in which it is located.

**ZBA 033-11**

Applicant  
Ward 10

**1209 South Alpine Road**

William Farris  
A Special Use Permit for a motor vehicle repair shop and tire installation and sales in a C-3, General Commercial Zoning District.

The subject property is located on the northwest corner of South Alpine Road and Charles Street intersection and is currently operating as a motor vehicle repair shop and tire installation and sales. However, there are no established rights for the operation of the described business. Attorney Keith Hyzer and William Farris were present. Attorney Hyzer reviewed the application. He is the owner of Martin Distributors. This is across the street from the former Colonial Village shopping center. He explained this building has had extensive renovation. Mr. Farris relocated to the subject property from the 20<sup>th</sup> Street/Broadway location where he had been for over 20 years. Attorney Hyzer stated there is a lot of traffic from Alpine, snow gets piled on part of this property from plowing, and this is a difficult property to work with.

Mr. Sanders wished to address the submitted landscaping plan, Exhibit D. There is a 5' area that appears to be in the public R-O-W. He wished to insure that this landscaping is occurring on the Applicant's property and not in the public R-O-W. Mr. Cagnoni clarified that planting can occur if permission is received from Public Works. He stated if that be the intent of the Applicant, he would need to go through this process. Mr. Roszkowski asked about the possibility of removing approximately 8 feet of asphalt against the east property line and putting in landscaping. Mr. Marks stated it would make it difficult to back up and maneuver through this area, explaining that the difference between selling vehicles and repairing them is that vehicles for repair will need to be moved around the property. Attorney Hyzer responded that the issue of snow plow build-up would have a strong effect on any landscaping in that area. Mr. Cagnoni stated he felt it would be difficult getting more than 6 or 7 feet of landscaping on this property. Staff was comfortable with what the Applicant has proposed and does not feel there is enough space for this property to come into conformance. Mr. Sanders felt 5' of space back

was available for landscaping. He proposed a connection of the planters shown as "C" and "D" on the site plan submitted by the Applicant. Because the site plan was not to scale, it was difficult to get accurate dimensions. Dan Roszkowski suggested laying over this item to allow the Board to get a more realistic view of the lot layout. Mr. Cagnoni informed the Board that although the Board certainly did have the ability to lay over this item, Staff did not believe the Applicant could get a full 10' of landscaping on this property. Mr. Marks stated because of having a 90 day note, he was concerned with time running out due to a Lay Over and the bank stating denial. Ms. Neubauer stated the point was to make this property aesthetically pleasing and wished to take snow removal issues into consideration as that would affect feasible landscaping. Mr. Cagnoni clarified the historical use of this property and the fact that it is a "tight site"

Staff Recommendation was for Approval with no conditions. Interested parties were present.

Alderman Frank Beach was present and spoke in support of this application. He stated he is pleased to have Mr. Marks move to this site and wished to remind the Board that anything planted in part of the property will be killed by winter salt. Alderman Beach also stated he received an e-mail from Einar Forsman, Chamber of Commerce, in support of this application.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Use Permit for a motor vehicle repair shop and tire installation and sales in a C-3, General Commercial Zoning District at 1209 South Alpine Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-2 with Scott Sanders and Dan Roszkowski voting Nay.

**ZBA 033-11**  
**Findings of Fact for a Special Use Permit**  
**For a Motor Vehicle Repair Shop and Tire Installation and Sales**  
**In A C-3, General Commercial Zoning District at**  
**1209 South Alpine Road**

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

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

**ZBA 034-11**  
Applicant  
Ward 7

**1339 Kilburn Avenue**  
Randy & Tammy Sanders  
A Zoning Map Amendment from I-1, Light Industrial Zoning District to C-3, General Commercial Zoning District and a Special Use Permit for Passenger Vehicle Sales in a C-3, General Commercial Zoning District.

The subject property is located on the southeast corner of Auburn Street and Kilburn Avenue intersection. Randy Sanders, Applicant, was present. He stated he also owns SOS Tires on Auburn Street and pointed out all of the vehicles at that property are moved inside at night. Mr. Sanders stated he felt the proposed plantings were oversized for the space available and suggested a revised planting plan be submitted to staff for approval. Mr. Roszkowski felt more landscaping should be required.

Staff Recommendation was for Approval of both items with 1 condition. Interested Parties were present.

Alderman Thompson-Kelly stated she has walked this lot looking for landscaping possibilities. She expressed this is also a property that gets a high percentage of snow plowed on it and landscaping would be difficult to maintain in some areas. She stated they Applicants are willing to put planter boxes in any locations that are feasible. Ms. Neubauer stated she has seen this property and agrees that there has been improvements made recently.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from I-1, Light Industrial Zoning District to C-3, General Commercial Zoning District and a Special Use Permit for Passenger Vehicle Sales in a C-3, General Commercial Zoning District at 1339 Kilburn Avenue with the addition of condition (2). The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. The outdoor sale of passenger vehicles shall be limited to four (4) vehicles at one time.
2. Submittal of a revised landscaping plan for Staff's approval showing two additional planters of the same style as shown.

**ZBA 034-11**  
**Findings of Fact for a Zoning Map Amendment**  
**From I-1, Light Industrial Zoning District to**  
**C-3, General Commercial Zoning District at**  
**1339 Kilburn Avenue**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as IL-C, Light Industrial and Commercial Retail.

**ZBA 034-11**  
**Findings of Fact for a Special Use Permit**  
**For Passenger Vehicle Sales**  
**In a C-3, General Commercial Zoning District at**  
**1339 Kilburn Avenue**

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

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

**ZBA 035-11**

Applicant  
Ward 14

**1205 Charlotte Drive**

Steven Crudup

A Variation to reduce the rear yard setback from 30 feet to 20 feet in an R-1, Single family Residential District.

Steven Crudup, Applicant, was present. Mr. Crudup stated his request was to allow him to put a 16' wide x 24' long additional stall on his existing garage on the south side of the property. This property is a corner lot.

Staff Recommendation is for Approval with 1 condition. No Objectors or Interested Parties were present.

Staff explained on a corner lot the property owner can make the decision which portion of the lot not considered to be a front yard, be designated as the rear or side yard.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to reduce the rear yard setback from 30 feet to 20 feet in an R-1 Single-family Residential District at 1205 Charlotte Drive. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Construction of the addition must be consistent to Exhibit E

**ZBA 035-11**  
**Findings of Fact for a Variation**  
**To Reduce Rear Yard Setback from 30 Feet to 20 Feet Along the South Property Line**  
**In an R-1, Single-Family Residential District at**  
**1205 Charlotte Drive**

**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 036-11**

Applicant  
Ward 10

**3920 Guilford Road**

Craig & Marianne Mentzer

A Variation to reduce the front yard setback along Mayfair Place from 30 feet to 1'4" in an R-1, Single family Residential District.

The subject property is located on the northwest corner of Guilford and Mayfair. Craig Mentzer, Applicant, was present and reviewed his request for Variation. An addition to the garage was constructed without a building permit and is in violation of the front yard setback. This application is to abate the violation. Mr. Mentzer has improved the property with landscaping and updating the outside of the house. Originally the garage was a single-car and an additional stall was added.

Mr. Sanders stated after looking at the property, he does not feel it is a problem. Marcy Leach, Public Works, stated there is no sidewalks in this area; however should sidewalks be needed in the future the construction of this additions would not pose a problem.

Staff Recommendation was for Approval with 1 condition. No Objectors or Interested Parties were present.



A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Variation to reduce the front yard setback along Mayfair Place from 30 feet to 1'4" in an R-1, Single-family Residential District at 3920 Guilford Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must obtain the required building permit to include completion of the garage addition and paving of the existing gravel driveway.

**ZBA 036-11**  
**Findings of Fact for a Variation**  
**To Reduce Front Yard Setback Along Mayfair Place**  
**From 30 Feet to 1'4" In an R-1, Single-Family Residential District at**  
**3920 Guilford 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.

**ZBA 037-11**  
Applicant  
Ward 1

**6885 Vistagreen Way**

Kabirji LLC

A Variation to increase the side yard fence height from the maximum allowed 6 feet to 8 feet and a Variation to increase the rear yard fence height from the maximum allowed 6 feet to 8 feet in a C-2, Limited Commercial Zoning District.

Marvin Keys spoke on behalf of Kabirji LLC, Applicant. This property is located in the office park off of Spring Creek and Perryville and is the office for of the Rockford Drug Enforcement Agency. They require a secure area to park their vehicles because of the nature of their business. He explained the fence would be black wrought iron with a pleasing appearance.

Staff Recommendation was for Approval of both items with 1 condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the side yard fence height from the maximum allowed 6 feet to 8 feet and a Variation to increase the rear yard fence height from the maximum allowed 6 feet to 8 feet in a C-2, Limited Commercial Zoning District at 6885 Vistagreen Way. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. That the fence location is reviewed and approved by Public Works

**ZBA 037-11**  
**Findings of Fact for a Variation**  
**To Increase the Side Yard Fence Height**  
**From the Maximum Allowed 6 Feet to 8 Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**6885 Vistagreen Way**

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 038-11**  
Applicant  
Ward 1

**1869 North Perryville Road**

First Rockford Group, Inc.

A Zoning Map Amendment to allow a Gas Station and associated uses permitted as a performance review along and a Variation to permit a reduction in internal landscaping requirement to 5% in a C-2, Limited Commercial District.

Marvin Keys and Thomas Graceffa were present. Mr. Keys reviewed the requests for ZMA and Variation. This property was subject to an annexation agreement amendment to allow a gas station; however, the request for gas station did not come before the Zoning Board at that time. Mr. Keys stated 10% interior landscaping is required for a property of this size, which is 4,250 square feet. Included this area are the gas pumps and canopies. In order to get 10% landscaping, more asphalt would actually be required. The Applicant owns an additional 65 acres around this property and wishes to keep with the intent and spirit of the Ordinance. Some parking spaces were removed after discussion with Staff and Mr. Keys feels they are closer to 7.7% of the 10% required landscaping but did not adjust their request. There will be an 8' monument sign as allowed by ordinance that will show gas prices. No definite design for this sign has been determined as yet, but Mr. Keys stated it will meet the requirements of code.

Staff Recommendation was for Approval with 6 conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Zoning Map Amendment to allow a Gas Station and associated uses permitted as a performance review along and a Variation to permit a reduction in internal landscaping requirement to 5% in a C-2, Limited Commercial District at 1869 North Perryville Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. The building elevations shall be submitted for staff review and approval.
2. The canopy shall be reviewed and approved by staff prior to building permitting.
3. A final landscaping plan shall be submitted for staff review and approval including some modification to the interior landscaping. The two parking spaces identified on the east side of the building shall be removed.
4. An illumination plan shall be submitted for review and approval by Staff.
5. All dumpsters shall be enclosed with the same brick material as the building and a dumpster enclosure permit shall be acquired for such.
6. A Final Plat shall be submitted for staff and City Council approval that confirms location of the right-in/right out, the ingress/egress relocation and water main easement.

**ZBA 038-11**  
**Findings of Fact for a Zoning Map Amendment**  
**To C-2, Limited Commercial Zoning District**  
**For a Gas Station as a Performance Use at**  
**1869 North Perryville Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and

- c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general land use.

**ZBA 038-11**  
**Findings of Fact for a Variation**  
**To Reduce Interior Landscaping from 10% to 5% Total Landscaping**  
**In A C-2, Limited Commercial District at**  
**1869 North 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 8:17 PM

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