

**ZONING BOARD OF APPEALS**  
**Tuesday, September 18, 2012**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**LAB Members:** Aaron Magdziarz  
Dennis Olson  
Julio Salgado  
Scott Sanders  
Craig Sockwell

**Absent:** Alicia Neubauer  
Dan Roszkowski

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

**Others:** 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 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 Tuesday, October 1, 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 6:35 PM. A **MOTION** was made by Dennis to **APPROVE** the minutes of the July meeting as submitted. The Motion was **SECONDED** by Craig and **CARRIED** by a vote of 5-0 with Aaron Magdziarz abstaining and Alicia Neubauer and Dan Roszkowski absent.

**024-12**            **6551 East State Street**

Applicant  
Ward 1

Image Signs

- (A)    **Variation** to increase maximum allowable height for a free-standing sign from eight (8) feet to twenty-eight (28) feet
- (B)    **Variation** to increase maximum allowable square footage for a free-standing sign from sixty-four (64) feet to sixty-nine (69) feet
- (C)    **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

The subject property is located on the southeast corner of East State Street and South Trainer Road intersection and is a Nissan and Mazda dealership. The property has changed to a Mazda dealership and will require changes in signage to reflect the new dealership. Michael Bivins, representing Image Signs, reviewed the requests for Variations. Mr. Olson asked if this sign style and size was a requirement of Mazda. Mr. Cagnoni stated Staff had been in communication with Mazda and there is a limited choice of options for them. James Grisanzio, Anderson Nissan Mazda was present. He explained this sign will be replacing an existing sign in the same exact location. He stated they have remodeled the building inside and out to make the facility an attractive, well-maintained property. He emphasized they have been in Loves Park for 42 years and hope to be at this new location for another 42 years.

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

A **MOTION** was made by Dennis Olson to **APPROVE** the (A) Variation to increase maximum allowable height for a free-standing sign from eight (8) feet to twenty-eight (28) feet; **APPROVE** the Variation to increase maximum allowable square footage for a free-standing sign from sixty-four (64) feet to sixty-nine (69) feet; and to **APPROVE** 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. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building permit for Staff review and approval.
3. The free-standing sign must be in accordance with Exhibits D and E.
4. The three (3) existing free-standing signs will need to be removed.

**ZBA 024-12**  
**Findings of Fact for a Variation**  
**To Increase Maximum Allowable Height for a Free-Standing Sign**  
**From Eight (8) Feet to Twenty-Eight (28) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**6551 East 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 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 024-12**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Allowable Square Footage**  
**For a Free-Standing Sign**  
**From Sixty-Four (64) Feet to Sixty-Nine (69) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**6551 East 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 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 024-12**  
**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**

**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.

**025-12**                    **6761 Rote Road**  
Applicant                Robert Downing  
Ward 1                    **Variation** to reduce required rear yard setback from thirty (30) feet to twenty-eight (28) feet in an R-2, Two-family Residential Zoning District

The subject property is located on the southeast corner of Reid Farm Road and Rote Road. In 2002, the property was part of several that were required to go through the Zoning process for a reduction in side yard setback line from six feet to zero feet for the construction of two-residential units with a common wall.

Robert Downing, Applicant, was present to review his application. He is asking to build a three season room over the existing deck. This deck was built without a building permit and is not conforming to code for setback. Mr. Downing his structure will be similar to others on the property.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to reduce required rear yard setback from thirty (30) feet to twenty-eight (28) feet in an R-2, two-family Residential Zoning District at 6761 Rote Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable fire and building codes.
2. Submittal of a Building Permit for Staff review and approval.
3. The site must be developed in accordance with Exhibit D

**ZBA 025-12**  
**Findings of Fact for a Variation**  
**To Reduce the Required Rear Yard Setback**  
**From Thirty (30) Feet to Twenty-Eight (28) Feet**  
**In an R-2, Two-Family Residential Zoning District at**  
**6761 Rote 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.

**026-12**                    **513 South Phelps Avenue & 5713 Elaine Drive**  
Applicant                Keystone Insurance Agency  
Ward 14                   **Zoning Map Amendment** from R-2, Two-family Residential Zoning District to a C-1,  
                                 Limited Office Zoning District

The subject properties are located on the southwest corner of South Phelps Avenue and Elaine Drive and is a vacant Day Care building. The Applicant's business, Keystone Insurance Agency, is being relocated from North Main and Auburn Streets due to the roundabout project. Thomas Etier, Applicant, reviewed his request for Zoning Map Amendment. He explained Keystone Insurance Agency started in 1962 at the Main Street location. He stated their office is mainly insurance dealings, with 4 employees, and they have very little customer activity in the nature of their business. Mr. Sanders clarified the lot to the west is empty and the Applicant stated he is not proposing any site changes other than to improve the parking lot or improvements to the existing structure.

Staff Recommendation is for Approval with 6 conditions. No Objectors were present. One Interested party was present.

Robert Johnson 5737 Elaine Drive, was present as an Interested Party. He asked for clarification on the use as a Day Care Center and wondered if this is property was rezoned for a Day Care Center. Mr. Cagnoni explained the Day Care Center was established under a Special Use Permit which would be allowed in an R-2 Zoning District. The use of an insurance office requires a zoning map amendment. Mr. Johnson stated he had no further questions.

A **MOTION** was made by Dennis Olson to **APPROVE** the Zoning Map Amendment from R-2, Two-family Residential Zoning district to C-1, Limited Office Zoning District at 513 South Phelps Avenue and 5713 Elaine Drive. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable Fire and Building codes.
2. Submittal of a Building Permit for Staff review and Approval.
3. Meeting all applicable building codes, specifically documentation from a licensed design professional (Architect), licensed in the State of Illinois indicating construction conforms with building code requirement.
4. Submittal of a revised site plan drawn to scale that indicates the parking spaces are conforming to the parking space size requirements.
5. That the two (2) individual zoning lots are combined into one (1) zoning lot with the submittal of a Winnebago Real Estate Combination Form for Staff review and approval.
6. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.

**ZBA 026-12**  
**Findings of Fact for a Zoning Map Amendment**  
**From R-2, Two-Family Zoning District to**  
**C-1, Limited Office Zoning District at**  
**513 South Phelps Avenue and 5713 Elaine Drive**

**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 RL, Light Residential.

**027-12**                    **540 15<sup>th</sup> Avenue**  
Applicant                Betty Ramirez  
Ward 11                    **Special Use Permit** for a four-family apartment building in an I-1, Light Industrial Zoning District

The subject property is located on the northwest corner of 15<sup>th</sup> Avenue and Curtis Street. Staff Report indicated the property has been used for retail related uses in this I-1 District and presently the use is four apartments which have been illegally established. The building has had several violations in the past and most recently was condemned.

Betty Ramirez, Applicant, reviewed her request for Special Use Permit. She stated when she purchased the building about six or seven years ago, there was a store front and two occupied apartments in use. She stated she thought there was a church in the building at that time and maybe a second hand store and two apartments. She purchased the building with the intent of operating a cigarette store. This business was not successful and Ms. Ramirez stated she decided to add two more efficiency apartments. There was a small pond in the rear of the property and this was leveled because she did not know it was for water retention. She stated they have not had any problems with drainage.

Mr. Sanders explained to Ms. Ramirez that when she purchased this property it was not a legal use at the time. Ms. Ramirez stated she did have a structural engineer at the property on the date of this meeting. Mr. Sanders stated options to consider were to move forward with the recommendation of Denial, Lay Over this item, and then work with Staff and a design professional.

Staff Recommendation is for Denial. Objectors or Interested Parties were present

Tony Sady, 605 15<sup>th</sup> Avenue, adjacent property owner, was present as an Objector. He explained he had great concerns about this property. He stated people hang out there around 2:00 or 3:00 in the morning, there are fights, a shooting, drug dealing, and a lot of problems with incidents at this property, and even fireworks at 2:00 in the morning. In speaking to the police, he was told there was a drug dealer



living there. He stated this tenant would walk back and forth in front of the house waiting for people to show up. The tenant came over to him and Mr. Sady stated it was obvious this person high on drugs. He said there was also a shooting at this location.

In response, Ms. Ramirez stated the shooting was a drive by. She acknowledge there was a fight at this location but stated all the other incidents are just because this is the neighborhood the property is located in.

Mr. Sanders asked Attorney Cacciapaglia if there was a way to get a call for service from the police and she stated she will do that.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Special Use Permit for a four-family apartment building in an I-1, Light Industrial Zoning District at 540 15<sup>th</sup> Avenue. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0.

**028-12**                      **1201 East State Street**  
Applicant                      Corporate Image Sign  
Ward 2                         **Special Use Permit** for change of a defective message sign with new message sign 40 square feet in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest side of E. State and 9<sup>th</sup> Street and is a Walgreen's store with pharmacy drive thru service. The existing free-standing sign was constructed in 2001 and is non-conforming with the Sign Ordinance that was amended in 2008. This item is the same information as ZBA Items 029-12, 030-12, and 031-12 on this meeting's agenda and Mr. Sanders asked if they could all be explained at the same time with individual requests for objectors or individual parties. Attorney Cacciapaglia clarified this would be agreeable.

John Harris, Applicant, was present and reviewed the request for all four properties. He stated the original manufacturer of the signs was no longer in business and all four signs needed to be replaced due to poor condition. They are unable to be maintained because the entire message board has to be taken down to change. The new manufacturer's message boards are roughly 3 feet larger. The exception is the property at 1145 North Alpine, which is actually a smaller sign. Walgreens is trying to avoid removing the entire pylon sign and starting over with completely new structures. He feels if only the boards were changed out it would maintain their guidelines for a grandfathered use.

Mr. Sanders stated he could not see the cost difference between replacing the message signs with doing a monument sign. Mr. Harris explained the foundation costs were very high.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Cagnoni provided clarification within the properties. There are two types of commercial parcels involved: C-2 and C-3. He explained there have been other situations where other requests have come forward and those applications were required to meet code. In response, Mr. Harris stated he felt the difference in these cases was that it is the same customer and not a new use or business. He is requesting the Board consider these applications as being a different situation based on the new signage being required partially because of maintenance issues and not necessarily just to update.

Mr. Sanders clarified to Mr. Harris that the Board has looked at numerous signage requests and they have been mostly consistent in requiring Applicants to meet the Sign Ordinance. During discussion with the Board, he further reiterated that when there is an opportunity to bring signage into compliance it is his preference.



A **MOTION** was made by Dennis Olson to **DENY** the Special Use Permit for change of a defective message sign with new message sign 40 square feet in a C-2, Limited Commercial Zoning District at 1201 East State Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

**ZBA 028-12**  
**Findings of Fact for a Special Use Permit**  
**For Change of a Defective Message Sign**  
**With New Message Sign 40 Square Feet**  
**In a C-2, Limited Commercial District at**  
**1201 E. State Street**

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not 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 does not conform to the applicable regulations of the C-2 Zoning District in which it is located. The sign can be altered to meet the current sign regulations which include an electronic display sign.

**029-12**                    **3929 North Mulford Road**  
Applicant                Corporate Image Sign  
Ward 4                    **Special Use Permit** for change of a defective message sign with new message sign 40 square feet in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of North Mulford Road and East Riverside Boulevard and is a Walgreen's store with pharmacy drive thru service. The existing free-standing sign was constructed in 2004 and is non-conforming with the Sign Ordinance that was amended in 2008.

Staff Recommendation was for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Dennis Olson to **DENY** the Special Use Permit for change of a defective message sign with new message sign 40 square feet in a C-2, Limited Commercial Zoning District at 3929 North Mulford Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0.

**ZBA 029-12**  
**Findings of Fact for a Special Use Permit**  
**For Change of a Defective Message Sign**  
**With New Message Sign 40 Square Feet**  
**In a C-2, Limited Commercial District at**  
**3929 North Mulford Road**

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not 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 does not conform to the applicable regulations of the C-2 Zoning District in which it is located. The sign can be altered to meet the current sign regulations which include an electronic display sign.

**030-12**                    **3336 11<sup>th</sup> Street**  
Applicant            Corporate Image Sign  
Ward 6                **Special Use Permit** for change of a defective message sign with new message sign 40 square feet in a C-3, Commercial General Zoning District and an R-1, Single-family Residential Zoning District

The subject property is located on the northeast corner of 11<sup>th</sup> Street and Sandy Hollow Road and is currently a Walgreen's store with pharmacy drive thru service. The existing free-standing sign was constructed in 2002 and is non-conforming with the Sign Ordinance that was amended in 2008.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **DENY** the Special Use Permit for change of a defective message sign with new message sign 40 square feet in a C-3, Commercial General Zoning District and an R-1, Single-family Residential Zoning District at 3336 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0

**ZBA 030-12**  
**Findings of Fact for a Special Use Permit**  
**For Change of a Defective Message Sign With New Message Sign 40 Square Feet**  
**In a C-3, Commercial General District and R-1, Single-Family Residential District at**  
**3336 11<sup>th</sup> Street**

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

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

**031-12**                      **1145 North Alpine Road**  
Applicant                Corporate Image Sign  
Ward 10                   **Variation** to increase the square footage on a non-conforming sign due to changing a defective message sign to new message sign 23.1 square feet in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Guilford Road and North Alpine Road and is a Walgreen's store with pharmacy drive thru. The existing free-standing sign was constructed in 2004 and is non-conforming with the Sign Ordinance that was amended in 2008.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **DENY** the Variation to increase the square footage on a non-conforming sign due to changing a defective message sign to new message sign 23.1 square feet in a C-2, Limited Commercial Zoning District at 1145 North Alpine Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0.

**ZBA 031-12**  
**Findings of Fact for a Variation**  
**To Increase the Square Footage on a Non-Conforming Sign**  
**Due to Changing a Defective Message Sign 23.1 Square Feet**  
**In a C-2 Limited Commercial District at**  
**1145 North Alpine Road**

**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. The sign can be altered to meet the current sign regulations which includes an electronic display sign.

**032-12**                    **222 North 3<sup>rd</sup> Street**  
Applicant                Joe Sartino / Sartino's Select Motorcars Inc.  
Ward 3                    **Special Use Permit** for a used car lot (passenger vehicle sales) in a C-4, Urban Mixed  
                                  Use Zoning District

The subject property is located on the northwest corner of Market Street and North 3<sup>rd</sup> Street and is currently a vacant lot. Joe Sartino, Applicant, reviewed his request for Special Use Permit. He stated he has been in the vehicle sales business for 30 years and would like to locate to Rockford.

Staff Recommendation is for Approval with 5 conditions. No Objectors were present. One Interested Party was present.

Steve Anderson, 120 North 3<sup>rd</sup> Street representing Fran Kral Inc., adjacent property owner, was present to speak in support of this Application. He stated he has known the applicant for over 20 years and is familiar with both of his previous facilities. Mr. Anderson stated Mr. Sartino runs an upstanding business.

Mr. Sanders stated this is a high profile area in downtown Rockford. There has been significant improvement in this area and he is happy to hear support for this project.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for a used car lot (passenger vehicle sales) in a C-4, Urban Mixed Use Zoning District at 222 North 3<sup>rd</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Any future signage on the property must comply with the current sign regulations.
3. That 80% of the vehicles be no more than 5 years old.
4. The Applicant must provide a minimum of six (6) customer parking spaces.
5. Any landscaping that has died must be replaced and must be maintained in healthy conditions. This must be completed prior to establishing use. 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 032-12**  
**Findings of Fact for a Special Use Permit**  
**For a Used Car Lot (Passenger Vehicle Sales)**  
**In a C-4, Urban Mixed Use District at**  
**222 North 3<sup>rd</sup> 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 C-4 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-4 Zoning District in which it is located.

**033-12**                      **2602 Kilburn Avenue**  
Applicant                Bryan McWilliams / Attorney Chester Chostner, Jr.  
Ward 7                      **Special Use Permit** for a paving business in a C-2, Limited Commercial Zoning District

The subject property is located on the west corner of Summerdale Avenue and Kilburn Avenue intersection. The existing use of the property is a paving business which was established without a building permit and therefore illegally established. Staff Report clarified there are currently no established

rights for operation and use of the property or building for a paving business. Attorney Chester R. Chostner, Jr. representative, and Bryan McWilliams, Applicant, were present. Attorney Chostner distributed a site plan of the property. He explained their intent to construct a sidewalk, buildings, as well as to fence in the entire property. He questioned whether a response from the City will be forthcoming on the vacation of Summerdale. If this is vacated, the Applicant is willing to put a gate to allow access when he fences in the property. He stated the Applicant is willing to do whatever is required to work with Staff to receive approval of his application. Attorney Chostner further explained this property is literally a dumping ground. There are currently 5 trucks and trailers on the property and the proposed buildings would accommodate those. He further clarified it is the Applicant's intent to put as many vehicles under cover as possible by building a structure to house them. He answered Staff's concern of run-off into the adjacent drainage ditch stating there is very little unnatural runoff from Mr. McWilliams' type of business.

Mr. McWilliams explained when he first purchased this property the runoff of gravel from the rain was very high. He has improved upon this and the gravel runoff has no longer been a problem. Attorney Chostner pointed out the tree service located nearby always has logs higher than the fence, and signage on the fence. He stated his client would like to have the same type of fencing on his property. Mr. McWilliams stated he loves this side of town and he has spent considerable amount of money on this building. He is willing to invest the money to improve the property. Attorney Chostner stated there is very little traffic flow at this site and that none of the machinery makes much noise.

Marcy Leach, Public Works, wished to create an awareness that the City is spending a lot of time and money clearing out Kent Creek and they are very concerned about oils and products in this creek. Public Works has not received a response from the property on the south as to whether they even agree to the vacation of Summerdale. Mr. McWilliams stated he has spoken to this property owner and he is willing to sign vacation documents.

Staff stated there are still a number of significant issues that need to be addressed before they would be comfortable with a recommendation of Approval.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Dennis Olson to **LAY OVER** the Special Use Permit for a paving business in a C-2, Limited Commercial Zoning District at 2602 Kilburn Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

With no further business to come before the Board, the meeting was adjourned at 7:45 PM

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