



ZONING BOARD OF APPEALS
Tuesday, November 19, 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: Aaron Magdziarz
Alicia Neubauer
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent: Dennis Olson

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

Others: Paul Denham, City Attorney
Kathy Berg, Court Stenographer
Applicants and Interested Parties

Todd Cagnoni 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, December 2, 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 5:42 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the October meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

ZBA 025-13 **1XX Horsman Street & 801 West State Street**
Applicant Rockford Rescue Mission / Sherry Pitney

This item has been Withdrawn by the Applicant. No further action will be taken on this application.

ZBA 028-13 **18XX N. Perryville Road & 2013 McFarland Road**
Applicant First Perryville Development Corp.
Ward 1

- (A) **Special Use Permit** for two (2) primary off-site landmark style signs to serve shopping center
- (B) **Variation** to increase the sign height from 8 feet to 30 feet for (2) primary off-site landmark style free-standing signs.
- (C) **Variation** to increase the maximum square footage of a sign from 64 square feet to 275 square feet for two (2) primary off-site landmark style signs
- (D) **Variation** to increase sign height from 8' to 12'6" for two (2) landmark style free-standing signs on Lot 5 and Lot 70
- (E) **Variation** to increase the maximum square footage of 64 to 96 square feet for (2) landmark style free-standing signs on Lot 5 and Lot 70 in a C-2, Limited Commercial Zoning District and in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of North Perryville Road and Rote Road, west and east of McFarland. Attorney Tim Muldowney and Pankaj Mahajan from First Perryville Development were present. Mr. Mahajan presented a recap of the development that came before the Board in July of this year for the Meijers grocery/retail store and gas station. The Applicant is proposing two pylon signs – one on Lot 5 and one on lot 70 – at opposite ends of the development. He reviewed the location of all signs as outlined in Staff Report.

Mr. Cagnoni stated Staff has looked at the overall development to identify signs for the entire complex. Staff Recommendation is for Approval of requests (A) through (E) with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the (A) Special Use Permit for two (2) primary off-site landmark style signs to serve shopping center; the (B) Variation to increase the sign height from 8 feet to 30 feet for (2) primary off-site landmark style free-standing signs; the (C) Variation to increase the maximum square footage of a sign from 64 square feet to 275 square feet for two (2) primary off-site landmark style signs; the (D) Variation to increase sign height from 8' to 12'6" for two (2) landmark style free-standing signs on Lot 5 and Lot 70; and the (E) Variation to increase the maximum square footage of 64 to 96 square feet for (2) landmark style free-standing signs on Lot 5 and Lot 70 in a C-2, Limited Commercial Zoning District and in a C-3, General Commercial Zoning District at 18XX North Perryville Road and 2013 McFarland Road. The Motion was **SECONDED** by Craig Olson and **CARRIED** by a vote of 4-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. There shall not be any additional shopping center signs allowed for the proposed development.
2. Must submit revised sign elevations for staff's review and approval prior to issuance of a sign permit for shopping center signage.

ZBA 028-13
Findings of Fact for a Special Use Permit
For Two (2) Primary Off-Site Landmark Style
Free-Standing Signs to Serve a Shopping Center
In a C-2, Limited Commercial Zoning District and
C-3, General Commercial Zoning District at
2013 McFarland Road and 18XX North Perryville 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-2 & C-3 Zoning District in which it is located.

ZBA 028-13
Findings of Fact for a Variation
To Increase the Sign Height From (8) Feet to (30) Feet
For Two (2) Primary Off-Site Landmark Style Free-Standing Signs
In a C-2, Limited Commercial Zoning District and
C-3, General Commercial Zoning District at
2013 McFarland Road and 18XX 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.

ZBA 028-13
Findings of Fact for a Variation
To Increase the Sign Height From 8' to 12'6"
For Two (2) Landmark Style Free-Standing Signs on Lot 5 and Lot 70
In a C-2, Limited Commercial Zoning District and
C-3, General Commercial Zoning District at
2013 McFarland Road and 18XX 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.

ZBA 028-13
Findings of Fact for a Variation
To Increase the Maximum Square Footage of a Sign
From 64 Square Feet to 275 Square Feet
For (2) Primary Off-Site Landmark Style Free-Standing Signs
In a C-2, Limited Commercial Zoning District and
C-3, General Commercial Zoning District at
2013 McFarland Road and 18XX 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.

ZBA 028-13
Findings of Fact for a Variation
To Increase the Maximum Square Footage of a Sign
From 64 Square Feet to 96 Square Feet
For Two (2) Landmark Style Free-Standing Signs on Lot 5 and Lot 70
In a C-2, Limited Commercial Zoning District and
C-3, General Commercial Zoning District at
2013 McFarland Road and 18XX 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.

ZBA 035-13

Applicant
Ward 03

124 North Longwood Street

Dawn R. Karns, Executor

Special Use Permit for a two family residential use in a C-2, Limited Commercial District

The subject property is located on the west side of Longwood Street. It was built in the 1900's as a residence. Dawn Karns, Executor of the Estate of the owner, now deceased, reviewed the application. She explained the uses have varied from a two-family residence, business on the first floor and most recently a restaurant on the first floor with a residential unit on the 2nd floor. It was willed to SwedishAmerican Hospital for back liens and they did not want it. She is hoping that as a two family use it will increase the pool of buyers as they have not had any luck in selling it as is.

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

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a two-family residential use in a C-2, Limited Commercial Zoning District at 124 North Longwood Street. 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 building and fire codes.
2. Must obtain all necessary permits to establish the residence to a two-family structure.
3. Must provide at least four (4) paved parking spaces off the alley. Must submit a plan at the time of building permit for Staff's review and approval.
4. The property must be brought up to code to meet minimum standards.

ZBA 035-13
Findings of Fact for a Special Use Permit
For a Two-Family Residential Use
In a C-2, Limited Commercial Zoning District at
124 North Longwood 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-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 039-13
Applicant
Ward 11

1517 11th Street
Osmar E. Flores

Special Use Permit for a used car dealership in a C-4 Urban Mixed Use Zoning District

The subject property is located on the west side of 11th Street, approximately 140 feet south of Broadway and is a vacant building. The property has a history of being a used car lot and auto related uses in the past. Solomon Ogbevire and Osmar E. Flores were present. Mr. Ogbevire explained the previous owner has relocated his auto business and this site is now sitting vacant. They are asking for 28 vehicles to be on the lot at one time. Mr. Flores is currently operating a dealership at 2523 Broadway and

wishes to relocate to the subject property. He stated he has been at the Broadway location for approximately ten years.

Staff Recommendation is for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for a used car dealership in a C-4 Urban Mixed Use Zoning District. The Motion was **SECONDED** by Scott Sanders 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. Maintenance of plantings must include adequate watering, pruning, mowing, and removal of litter including the parkway, the area between the property line and the street curb or edge of pavement.
3. The applicant must provide a minimum of five (5) parking spaces.
4. Any future signage on the property must comply with the current sign regulations.
5. Prior to establishment of the use the landscaping shall be maintained and the fence repaired.

ZBA 039-13
Findings of Fact for a Special Use Permit
For a Used Car Dealership in a C-4, Urban Mixed Use Zoning District at
1517 11th Street

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

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

Other

2014 Zoning Board of Appeals Schedule

The 2014 Zoning Board of Appeals schedule was presented for vote. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the 2014 Zoning Board of Appeals Schedule as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Mr. Cagnoni stated the Board may wish to consider revised starting times. It was determined to continue with the 5:30 meeting time at this time.

The 2014 schedule was approved as follows:

2014 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 19, 2013	January 22, 2014-Wed
January 16, 2014	February 19, 2014-Wed
February 13, 2014	March 18, 2014
March 13, 2014	April 15, 2014
April 17, 2014	May 20, 2014
May 15, 2014	June 17, 2014
June 12, 2014	July 15, 2014
July 17, 2014	August 19, 2014
August 14, 2014	September 16, 2014
September 18, 2014	October 21, 2014
October 16, 2014	November 18, 2014
November 13, 2014	December 16, 2014
December 18, 2014	January 21, 2015-Wed

With no further business to come before the Board, the meeting was adjourned at 6:04.

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