



ZONING BOARD OF APPEALS
Tuesday, December 20, 2016
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

ZBA Members: Alicia DiBenedetto-Neubauer
Tom Fabiano
Scott Sanders
Kimberly Wheeler-Johnsen
Dan Roszkowski
Craig Sockwell

Absent: Melissa Luciani-Beckford

Staff: Scott Capovilla – Zoning and Land Use Administrator
Sandra Hawthorne - Administrative Assistant
Marcy Leach - Public Works
Angela Hammer - Assistant City Attorney
Lafakaria Vaughn - Assistant City Attorney
Tim Morris - Fire Department

Others: Kathy Berg - Court Stenographer
Applicants and Interested Parties

I
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 will 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 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, January 3, 2017, 2016, at 5:30 PM in City Council Chambers 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 5:30 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the November 2016 meeting as presented. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Alicia Neubauer abstaining and Melissa Beckford absent.

ZBA 030-16
Applicant
Ward 12

3211 North Main Street

Attorney James Rodriguez for John Voulgaris

Variation to reduce the required 20 feet wide frontage landscaping to 10 feet wide in a C-2, Limited Commercial Zoning District

Laid Over from October and November meetings

The subject property is located on the east side of North Main Street, 720 feet south of the Halsted Road and North Main Street intersection. Attorney Rodriguez explained that a portion of the frontage along North Main Street is being taken by IDOT for the road widening. This limits the amount of green space available for landscaping and also requires the Applicant to replace the existing sign with a new freestanding sign. The Applicant is agreeable to Staff conditions (1) thru (4).

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

A **MOTION** was made by Craig Sockwell to **APPROVE** a Variation to reduce the required 20 feet wide frontage landscaping to 10 feet wide in a C-2, Limited Commercial Zoning District at 3211 North Main Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Sign Permit for the proposed new multi-tenant free-standing sign for Staff review and approval.
3. The site and landscaping must be in compliance with the approved Exhibits E and F.
4. All conditions must be met prior to establishment of use.

ZBA 030-16
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Wide Frontage Landscaping
To 10 Feet Wide
In a C-3, Limited Commercial Zoning District at
3211 North Main Street

Approval of this Variation is based upon the following findings:

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

ZBA 032-16
Applicant
Ward 10

4235 Maray Drive

Scott R. Long

Variation to reduce the required off-street parking spaces from thirty (30) to eighteen (18) in a C-2, Limited Commercial Zoning District

The subject property is located on the east side of Maray Drive, 350 feet north of the Maray Drive and Morsay Drive intersection. Scott Long, Architect for this project, reviewed the application. He explained that there is a proposed chiropractic clinic for this location. There were 17 parking spots; however these spots are not to code. By relocating the dumpster and reconfiguring the parking spaces, Mr. Long stated they were able to accomplish the parking spaces to 18. With the amount of exam rooms and employees, the anticipated parking spots would be at 14 maximum, leaving 4 spots open.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required off-street parking spaces from thirty (30) to eighteen (18) in a C-2, Limited Commercial Zoning District at 4235 Maray Drive. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes.
2. Submittal of Building Permits for Staff review and approval.
3. Submittal of a detailed landscape plan to include shade trees and deciduous and evergreen shrubs along the south and east property lines, existing landscaping to be preserved, and plant species for Staff review and approval.
4. Submittal of a dumpster detail, rendering, an dumpster enclosure permit for Staff's review and approval.
5. All conditions must be met prior to establishment of use.

ZBA 032-16
Findings of Fact for Approval of a Variation
To Reduce the Required Off-Street Parking Spaces
From Thirty (30) to Eighteen (18)
In a C-2, Limited Commercial Zoning District at
4235 Maray 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 033-16
Applicant
Ward 13

206 West State Street

City Construction & Design / Eric Sallinger

Variation to eliminate perimeter landscape strip along Wyman Street

Variation to eliminate street frontage shade tree requirements in a C-4, Urban Mixed Use District

Prior to presentation, Scott Sanders stated he will be abstaining from discussion and vote on this item.

The subject property is located on the southwest corner of West State Street and Wyman Street. Jeff Orduno was present, representing the Applicant. Mr. Orduno stated the Applicant has refurbished the building into 62 loft units on the upper floors and commercial units on the ground floor. With the layout of the building and lot, there are few choices for dedicated parking without the requested Variations for landscaping. He further stated the anticipated uses for commercial require a degree of parking that could not be accomplished. He does not feel the use of commercial space will be viable without some dedicated parking. Mr. Orduno presented two illustrations of sidewalk planter options, stated the Applicant's preference of the rectangular style as opposed to circular.

Alicia Neubauer felt that parking would be sufficient within a two block radius. Kim Johnsen stated in consideration of the number of residential units for this project and the possible use of a convenience store, she understood the need to allow for some on site short term parking spaces. Mr. Orduno explained further that a convenience store use would want dedicated parking so that the customer does not have to carry groceries down the block to wherever they could find a parking space. He stated dedicated parking keeps coming up as a recurring concern to potential tenants. Mr. Roszkowski stated he has been in this area on a Friday afternoon and it is very difficult to find parking in the lot behind the District. Ms. Neubauer felt the Applicant's proposal for dedicated parking is not a solution to the downtown parking problem. She stated she is not in favor of reducing landscaping requirements. Tom Fabiano asked if the Applicant would be willing to limit the parking time. Mr. Orduno stated this idea could be given consideration, but depending on the use such as a convenience store it may not be feasible.

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

Tom Fabiano and Kim Johnsen again expressed their opinion that the Variations are ,required for this particular site.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Variation to eliminate perimeter landscape strip along Wyman Street and to **APPROVE** the Variation to eliminate street frontage shade tree requirements in a C-4, Urban Mixed Use District at 206 West State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-1 with Alicia Neubauer voting Nay, and Scott Sanders abstaining.

Approval is subject to the following conditions:

1. Parking lot layout must be in accordance to Exhibit D with revisions to the striping.
2. Submittal of a revised site plan showing the placement of urban planters between the bollards subject to approval by City Staff.
3. If bollards are to remain, they must be decorative as shown on Exhibit D.
4. Snow removal must be off-site.
5. The Variation shall lapse after five (5) years. The owner may reapply for a Variation at that time.

ZBA 033-16
Findings of Fact for Approval of a Variation
To Eliminate Perimeter Landscape Street
Along Wyman Street
In a C-4, Urban Mixed-Use District at
206 West 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 033-16
Findings of Fact for Approval of a Variation
To Eliminate Street Frontage Shade Tree Requirements
In a C-4, Urban Mixed-Use District at
206 West 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 034-16
Applicant
Ward 11

1601 Broadway
Pamela Cooper Smith
Special Use Permit for car and truck sales and services (auto repair) in a C-4,
Urban Mixed Use District

The subject property is located on the south east corner of 11th Street and Broadway and is a vacant building, currently condemned. The Applicant was present and reviewed her request for Special Use Permit. She stated she and her husband had owned a car and truck sales and auto repair business at this location for a number of years. The building was sold after her husband passed away. She is currently wanting to lease the property from the new property owner to start the business up again. There will be herself, another employee, and one of their former employees. Ms. Cooper Smith stated they are willing to do landscaping and whatever Staff requires. She emphasized it is their intent to get the building looking as good as it did when she and her husband owned the business. Ms. Cooper Smith presented an updated site plan prior to her presentation.

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

A **MOTION** was made by Scott Sanders to **APPROVE** a Special Use Permit for car and truck sales and services (auto repair) in a C-4, Urban Mixed Use District at 1601 Broadway with acknowledgement of the submitted revised site plan. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a revised site plan showing the reduction of entrance widths with additional green areas along both street frontages and indicate the location for vehicles for display for Staff's review and approval.
3. Submittal of a building elevation with façade improvements.
4. Future signage for the property must comply with the current sign ordinance.
5. The sale of vehicles is limited to 10 vehicles.

ZBA 034-16
Findings of Fact for Approval of a Special Use Permit
For Car and Truck Sales and Services (Auto Repair)
In a C-4, Urban Mixed Use District at
1601 Broadway

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-4 Zoning District in which it is located.

Other Business

Approval of the Zoning Board of Appeals Meeting Dates - 2017

The 2017 Meeting Schedule was presented to the Board for Approval. It was noted that the January and February meetings were scheduled for Wednesdays due to the Monday holidays. Scott Sanders stated he had a previous meeting scheduled for both Wednesdays and Alicia Neubauer expressed that she would not be able to attend either one as well.

Scott Capovilla stated there are some text amendments coming through, including some the Mayor requested occur in January and encouraged all members to attend. These amendments are the only items on the January agenda. There was discussion of moving to another day during January and it was decided to amend the January meeting date from January 18th to January 19th.

A **MOTION** was made by Scott Sanders to **APPROVE** the 2017 Filing and Meeting Schedule for the Zoning Board of Appeals with the revision of the January meeting to be held Thursday, January 19th. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

Schedule is as follows:

ZONING BOARD OF APPEALS

2017 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 15, 2016	January 19, 2017-Thurs
January 19, 2017	February 22, 2017-Wed
February 16, 2017	March 21, 2017
March 16, 2017	April 18, 2017
April 13, 2017	May 16, 2017
May 18, 2017	June 20, 2017
June 15, 2017	July 18, 2017
July 13, 2017	August 15, 2017
August 17, 2017	September 19, 2017
September 14, 2017	October 17, 2017
October 19, 2017	November 21, 2017
November 16, 2017	December 19, 2017
December 14, 2017	January 17, 2018-Wed

These public hearings, conducted by the Zoning Board of Appeals, will be held at: City Council Chambers, Second Floor, City Hall, 425 East State Street, Rockford, Illinois. The hearings commence at 5:30 P.M. and are open to the public.

With no further business to come before the Board, the meeting was adjourned at 6:13 PM/

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