

ZONING BOARD OF APPEALS
Tuesday, June 21, 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
Scott Sanders
Craig Sockwell
Julio Salgado

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Marcy Leach – Public Works
Mark Marinaro–Fire Prevention
Sandra Hawthorne

Others: Reid Montgomery, Director – Community & Economic Development
Kathy Berg, Stenographer
Applicants and Interested Parties

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

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the 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 Tuesday, July 5, 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 6:30 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the May meeting as submitted. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

ZBA 017-11

Applicant
Ward 05

1129 S. Main Street

Ethnic Heritage Museum

Special Use Permit for the expansion of cultural exhibits a non-conforming use,
Variation to reduce parking to two (2) parking spaces per site plan

Variation to reduce landscaping as per plan in an R-1, Single family Residential District.

The subject property is located on the NW corner of South Main and Loomis Streets. Usha Sundram and Barb Berman were present.. Ms. Sundram explained the variation for parking and landscaping in general and introduced Ms. Barb Berman for further details. Ms. Berman explained that they anticipate the South Main Corridor expansion will create additional parking to adequately meet the needs of the Museum. The museum is only open 2 hours a week on a Sunday afternoon. She further stated parking has never been a problem. Ms. Berman asked for an extension to complete landscaping to 2014, the anticipated completion date of the South Main Corridor extension. Staff also felt this project could very easily meet landscaping code requirements prior to this date since the main landscaping would be to screen the parking lot. Staff felt additional landscaping is not mandatory and explained that the Board could chose to decide proposed landscaping would be sufficient to comply with code, which would minimize the Applicant's cost. Mr. Cagnoni explained based on the revised landscaping plan that was submitted, the Variation to reduce landscaping would no longer be required and the Board may choose to not act on this as well.

Staff Recommendation is for Approval of all three requests, with 2 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for the expansion of cultural exhibits; **APPROVE** a Variation to reduce parking to two (2) parking spaces per site plan, and to and to allow landscaping as per site plan submitted without the need for Variation in an R-1, Single-family Residential Zoning District at 1129 South Main Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes

ZBA 017-11
Findings of Fact for a Special Use Permit
For the Expansion of Cultural Exhibits a Non-conforming Use
In an R-1, Single-Family Residential District at
1129 South Main 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 R-1 Zoning District in which it is located.

ZBA 017-11
Findings of Fact for a Variation
To reduce Parking to Two (2) Parking Spaces per Site Plan
In an R-1, Single-Family Residential District at
1129 South 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 018-11
Applicant
Ward 05

2XX Quaker Road

Jason Norton

Special Use Permit for equipment storage, recycling of salvaged materials, and an outdoor storage area for salvaged materials in an I-2, General Industrial District.

The subject property is a corner lot bounded by Harrison along the south, Seminary Street along the west and Peoples Avenue along the north. This property was granted a Modification of Special Use Permit in 2009 for expansion of equipment storage and recycling of salvage materials with conditions of approval that were to be met. These conditions were not met within a two year time frame and the Special Use Permit has lapsed. The Applicant has been operating without approval by the State or by the City for recycling of materials and has been cited by EPA, Law Enforcement, and the City for several violations on the property,

Jason Norton, Applicant, reviewed his request for Special Use Permit. He stated the state of the economy has prevented them meeting all conditions of approval. Mr. Norton explained conditions of approval have been met as of this date, including paving of the drive.

Mr. Sanders asked Staff if there are any issues still remaining. Mr. Cagnoni explained there were a number of conditions recommended to this application that were tied to the original Special Use Permit. Staff has been working with the Applicant and some of the conditions have been met, but the paving has not been completed during the two year timeframe. Mr. Sanders was concerned about the EPA citations. The Applicant stated he has not had any problems with EPA and felt they were related to tires on the adjacent property not owned by the Applicant. Mr. Cagnoni responded that the City had received reports of stolen vehicles being disposed of, of stolen appliances being disposed of, improper disassembling of a vehicle, and improper disposal of oil and leakage. Mr. Sockwell asked about the letter received from Phil's Power Plus regarding their statement of the Applicant dumping road material waste at the property. Mr. Cagnoni responded that the letter had just been received and Staff has no knowledge of whether the information in the letter is accurate. Mr. Magdziarz was concerned with incorrect disposal of fluids. Mr. Norton stated when they first started it was a learning process and mistakes were made that are now corrected. He again stated the economy has played a large part in their progress. Mr. Sanders stated he could understand the violations separately, but when considering they were all occurring on this property it indicated someone was "not minding the shop".

Mr. Norton stated they did their own pavement. Mr. Cagnoni stated Staff was not aware that concrete was installed and an inspection has not been made.

Staff Recommendations is for Denial. No Objectors or Interested Parties were present. One letter of Objection was received from Phil's Power Plus, Inc., 2305 Kishwaukee Street as mentioned previously.

During Staff discussion, Mr. Sockwell stated he is not in favor of conditions of approval being ignored for two years.

A **MOTION** was made by Craig Sockwell to **DENY** the Special Use Permit for equipment storage, recycling of salvaged materials and an outdoor storage area for salvaged materials in an I-2, General Industrial District at 2XX Quaker Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-1 with Scott Sanders voting Nay.

ZBA 018-11
Findings of Fact for a Special Use Permit
For Equipment Storage, Recycling of Salvaged Materials,
And Outdoor Storage Area for Salvaged Materials
In an I-2, General Industrial District at
2XX Quaker Road and 217 Peoples 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 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 district.
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 I-2 Zoning District in which it is located.

ZBA 019-11

Applicant
Ward 13

401, 421 S. Rockton Avenue

Kathleen & Guy Hurka

Special Use Permit for charitable food pantry in an I-1, Light Industrial District.

The subject property is located on the west side of Rockton Avenue and north of Cedar Street. Attorney Russell Anderson, Guy Hurka, Kathleen Hurka, and Kim Adams-Bakke, were present. Attorney Anderson explained the Hurkas are purchasing this building to continue the use of the Rock River Valley Pantry. The previous location of the pantry has been discontinued and the Applicants wish to continue this charitable use. Ms. Adams-Bakke explained the use of the pantry and the number of users. She stated they have been forced to move from their Avon site due to contamination and that building is scheduled for demolition. She further explained they have been providing assistance to needy people for over 35 years and reviewed the operations of the Rock River Valley Pantry.

Attorney Anderson presented drawings showing the layout of the new building, which will be 12,500 square feet in size, with the first floor used for warehousing, freezer, and cold storage. The public area will be less than 2500 square feet of the first floor. The remainder of the building will house warehousing, cold storage, and packaging assembly. Attorney Anderson explained the Applicants are asking for a Special Use Permit for uses consistent with an I-2 Zoning District. He stated the Applicants are aware and understanding of the conditions Staff is applying to this Special Use Permit.

Staff Recommendation is for Approval with 4 conditions. Paul Callighan, ComEd, 123 Energy Avenue was present as a supporter of this request. He stated clean up of the Avon Street site will result in demolition of the existing food pantry.

Attorney Anderson wished to recognize the many volunteers and supporters of the food pantry who were also in attendance.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for charitable food pantry in an I-1, Light Industrial District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable fire and building codes specifically documentation from a licensed design professional (Architect), licensed in the State of Illinois.
2. Submittal of a building permit including site improvements for Staff review and approval.
3. Installation of landscaping and parking lot improvement must be completed prior to occupancy of the building.
4. Submittal of a building elevation for Staff's review and approval.

ZBA 019-11
Findings of Fact for a Special Use Permit
For Charitable Food Pantry
In an I-1, Light Industrial District at
401, 421 South Rockton 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 I-1 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 Zoning District in which it is located.

ZBA 020-11
Applicant
Ward 11

1601 Broadway
Alex Garcia
Special Use Permit for auto repair, rim and tire installation and sales in a C-4,
Urban Mixed-Use Zoning District

The subject property is located on the southeast corner of 11th Street and Broadway intersection. The Applicant is currently operating as auto repair, rim and tire installation and sales without a Special Use Permit and has been sent a Notice of Violation.

Artemio Campos and Alex Garcia were present. Mr. Campos spoke on behalf of Mr. Garcia and reviewed the request for Special Use Permit.

Mr. Cagnoni explained this property has had a long history of various auto related uses under different owners, sometimes in violation, sometimes not.

Staff Recommendation was for approval with 8 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Dennis Olson to **APPROVE** the Special Use Permit for auto repair, rim and tire installation and sales in a C-4, Urban Mixed-Use Zoning District at 1601 Broadway. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

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. There shall be no passenger vehicle sales on the property.
4. There shall be no overnight storage of vehicles on the property.
5. No outside storage of any auto parts, equipment, materials or inoperable vehicles on the property.
6. There shall be no dismantling of vehicles or vehicle salvage on the property.
7. There shall be no towing business or tow trucks operating from the facility.
8. No blocking of the alley, street, or sidewalks with vehicles or snow is allowed.

ZBA 020-11
Findings of Fact for a Special Use Permit
For Auto Repair, Rim and Tire Installation and Sales
In a C-4, Urban Mixed-Use Zoning 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.

ZBA 021-11
Applicant
Ward 12

1516 Notre Dame Road

T & D Builders Inc.

Variation to reduce the required front yard setback from thirty (30) feet to twenty one (21) feet along West Riverside Blvd in an R-1, Single Family Residential Zoning District

The subject property is located 870 feet east of the Notre Dame Road and Huffman Boulevard intersection and is a corner lot. Tim Jank representing the applicant, reviewed the request for Variation. This request is for the addition of a sunroom to the home. Because this is a corner lot, the property is considered to have two front yards, which creates a problem with meeting the front yard setback requirement of 30 feet for the addition.

Staff Recommendation is for Approval with 3 conditions. No Objectors or Interested Parties were present. One letter of concern was received by Howard Carlson, 1518 Notre Dame Road. Mr. Cagnoni stated in reading Mr. Carlson's letter he believed there was a misunderstanding concerning which street the addition would be on.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Variation to reduce the required front yard setback from thirty (30) feet to twenty one (21) feet along West Riverside Boulevard in an R-1, Single-family Residential Zoning District at 1516 Notre Dame Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet applicable building and fire codes.
2. Submittal of Building permits for Staff review and approval.
3. Site and sunroom addition must develop in accordance with submitted site plan building elevations on file.

ZBA 021-11
Findings of Fact for a Variation
To Decrease the Maximum Front Yard Setback
From 30 Feet to 21 Feet Along West Riverside Boulevard
In a R-1, Single-Family Residential Zoning District at
1516 Notre Dame 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 7:23 PM.

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