



**ZONING BOARD OF APPEALS**  
**Wednesday, January 22, 2014**  
**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  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:**

**Staff:** Kerry Partridge – City Attorney  
Angela Hammer – City Attorney  
Marcy Leach – Public Works  
Todd Cagnoni – Director, Community & Economic Development Dept.  
Sandra Hawthorne - Administrative Assistant

**Others:** Alderman Joseph Chiarelli  
Alderman Teena Newburg  
Kathy Berg, Court 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 Monday, February 3, 2014, 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 5:35 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the December 2013 meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Aaron Magdziarz and Dan Roszkowski abstaining.

**ZBA 041-13**

Applicant  
Ward N/A

**8101 Spring Creek Road**

James Durkee & Bagher Modir

**Pre-annexation Agreement and Zoning Map Amendment** from County AG, Agricultural to City R-3, Multi-family Residential Zoning District  
**Laid Over from December meeting**

The subject property is located on the southeast corner of Spring Creek Road and North Lyford Road and currently is vacant land within Winnebago County. Attorney Ian Linnabary, representing the Applicants, reviewed their request. Neither Applicant was present. He stated his clients wish to bring the property into the City as R-3 zoning once it becomes contiguous and this requires a Pre-Annexation Agreement and Zoning Map Amendment. Attorney Linnabary stated this request for R-3 would fit in with plans for this area. There are approximately 30 acres involved.

Staff Recommendation is for Approval of both requests subject to (1) condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Pre-annexation Agreement and Zoning Map Amendment from County AG, Agricultural to City R-3, Multi-family Residential Zoning District at 8101 Spring Creek Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must follow the final terms of the Pre-annexation Agreement.

**ZBA 041-13**  
**Findings of Fact for Approval of a Zoning Map Amendment**  
**From County AG, Agricultural**  
**To City R-3, Multi-Family Residential Zoning District at**  
**8101 Spring Creek Road**

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

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;

- b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as RM – Medium Residential.

**ZBA 043-13**

Applicant  
Ward 12

**3325 North Main Street**

Jeffrey Linkenheld

**Variation** to allow a reduction for street frontage landscape strip from ten (10) feet to two (2) feet along North Main Street and one (1) foot along Halsted Road due to Illinois Department of Transportation road expansion

**Variation** to reduce required setback for a corner free-standing sign to one (1) foot in a C-2, Limited Commercial District

The Applicant has requested that this item be Laid Over to the February 19<sup>th</sup> meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Variation to allow a reduction for street frontage landscape strip from ten (10) feet to two (2) feet along North Main Street and one (1) foot along Halsted Road due to Illinois Department of Transportation road expansion and to **LAY OVER** the Variation to reduce required setback for a corner free-standing sign to one (1) foot in a C-2, Limited Commercial District at 3325 North Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 044-13**

Applicant  
Ward 14

**5827 East State Street**

Site Enhancement Services / Ty Robbins

**Variation** to modify an existing legal non-conforming pylon sign from 30 feet in height to 27 feet and 8 inches

**Variation** to modify an existing legal non-conforming pylon sign from 155 square feet to 100 square feet in a C-3, General Commercial Zoning District

The subject property is located approximately 410 feet east of the East State Street and Phelps Avenue intersection and is the Red Lobster Restaurant. Ty Robbins, representing Site Enhancement Services, reviewed the request for modification of an existing sign. The sign and height of the existing structure will be reduced. Mr. Robbins feels they are coming more in conformance of sign regulations by this new design. Total area of signage on the property include wall sign will be 226 square feet with the existing wall signs and the proposed sign. Mr. Robbins asked the Board to consider transferring some of the existing square footage allowed for a wall sign to the new design. Advance recognition of their customers is very important for safety, because this is a busy street. There is a car dealership directly to the west that places its vehicles for sale in a position that blocks the sign and the building itself. the building is not easily visible from the street because it sits back on the property. He stated the aesthetic appeal of the new sign is dramatic as well. Letters are illuminated only at night. The intent is to maintain the integrity and safety of the traffic flow in this area and to continue to add to the economic development of the city of Rockford.

Mr. Sanders explained to the Applicant that there have been a lot of retail vendors along the State Street corridor that have been changing or installing new signage and those signs have been made to come into compliance one sign at a time. In the interest of fairness, it would make sense to have this sign in conformance as well. He feels the monument sign would still be effective, given the case that eastbound traffic actually does go by the building and sign prior to turning in.

When coming from the east, the entrance is actually slightly past the building. If approaching from the west, the entrance is actually off of Mulford Road into the K-Mart parking area. Out of town traffic may not realize there is a Red Lobster at this location. Mr. Robbins also pointed out that since the current sign is blocked by the car dealership, and the building is set back on the property, customers not familiar with the location do not actually see the sign or building until they are in front of the building. At the speed of 45 miles an hour allowed on East State Street, this give them approximately 3 seconds to slow down and turn into the entrance on State Street. He further stated they would be willing to consider compromising on the height and possibly enhancing the image of the sign by dressing up the poles with stone or some other feature. Mr. Robbins reiterated Red Lobster is willing to work with Staff.

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

During discussion, Mr. Olson did feel the sign is obscured by the car dealership and agrees that there is less reaction time to recognize the sign before the entrance. It was agreed that the car lot to the west did block the property significantly. The Board was willing to allow a height of twelve (12) feet.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to modify an existing legal non-conforming pylon sign from 30 feet in height to 27 feet and 8 inches and to **APPROVE** a Variation to modify an existing legal non-conforming pylon sign from 30 feet in height to 12 feet; and to **APPROVE** the Variation to modify an existing legal non-conforming pylon sign from 155 square feet to 100 square feet in a C-3, General Commercial Zoning District at 5827 East State Street subject to condition (1). The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. That a revised sign elevation is submitted for Staff review and approval

**ZBA 044-13**  
**Findings of Fact for Approval of a Variation**  
**To Modify an Existing Legal Non-Conforming Pylon Sign**  
**From 30 Feet in Height to 27 Feet and 8 Inches**  
**In a C-3, General Commercial Zoning District at**  
**5827 East State Street**

**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.

**ZBA 044-13**  
**Findings of Fact for Approval of a Variation**  
**To Modify an Existing Legal Non-Conforming Pylon Sign**  
**From 30 Feet in Height to 12 Feet**  
**In a C-3, General Commercial Zoning District at**  
**5827 East State Street**

**Approval** of this Variation is based upon the following findings:

2. 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.
3. 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.
4. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
5. 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.
6. 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.
7. 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.
8. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 044-13**  
**Findings of Fact for Approval of a Variation**  
**To Modify an Existing Legal Non-Conforming Pylon Sign**  
**From 155 Square Feet to 100 Square Feet**  
**In a C-3, General Commercial Zoning District at**  
**5827 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 045-13**

Applicant  
Ward 13

**715 W. State St; 120 N Rockton Ave; 1XX & 129 N. Horsman St.**

Rockford Rescue Mission / Sherry Pitney

**Special Use Permit** for a **Planned Unit Development** consisting of a Women's and Children's Center with a new addition and parking lot  
**Variations** to decrease required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions in a C-3, General Commercial Zoning District.

The Applicant has requested that this item be Laid Over to the February 19<sup>th</sup> meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a Planned Unit Development consisting of a Women's and Children's Center with a new addition and parking lot; and to **LAY OVER** the Variations to decrease required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions in a C-3, General Commercial Zoning District at 715 W. State Street; 120 N. Rockton Avenue and 1XX & 129 N. Horsman Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 046-03**

Applicant  
Ward 13

**605 Mulberry**

Rosecrance, Inc. / Atty. Sherry Harlan

**Special Use Permit** for community based housing (Behavioral Health Crisis Stabilization Center) in a C-3, General Commercial Zoning District

Prior to discussion of this project, Dan Roszkowski stated he would need to abstain from discussion and vote on this project and passed the Chair to Scott Sanders.

The subject property is located on the northwest corner of Mulberry Road and Winnebago Street and is currently a vacant building. Bradley Carlson, Phil Eaton, from Rosecrance, and Attorney Sherry Harlan were present. Attorney Harlan stated this site is a relocation of the current program located at 2406 Auburn and will remain the same use. Clients will not stay any longer than a 14 day stay to allow assessment. This will be a 16 bed facility. Attorney Harlan explained this location will also allow for future expansion if required. Parking meets requirement and most of their clients will not have a vehicle. She feels this use will be a stabilizing factor to the neighborhood as this building is currently vacant. The Applicants are in agreement with Staff recommended conditions.

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

Scott Sanders expressed he was in favor of this application.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for community based housing (Behavioral Health Crisis Stabilization Center) in a C-3, General Commercial Zoning District at 605 Mulberry. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Must meet all Building and Fire Codes.
2. That the community based housing shall have no more than sixteen (16) residents.
3. The interior layout of the business shall be consistent with the submitted interior floor plan.
4. 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.
5. Any future signage on the property must comply with the current sign regulations.

**ZBA 046-13**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Community Based Housing (Behavioral Health Crisis Stabilization Center)**  
**In a C-3, General Commercial Zoning District at**  
**605 Mulberry 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-3 District.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 047-13**

Applicant  
Ward 06

**3919 Sandy Hollow Road**

Rick McQuality

**Modification of Special Use Permit #036-07** to add outdoor passenger vehicle sales in an I-1, Light Industrial Zoning District

The subject property is located on the south west corner of Sandy Hollow Road and Merchandise Drive. Rick McQuality, Applicant, reviewed his request. There is a Special Use Permit in affect for auto body and auto repair and he wishes to add vehicle sales as well. Mr. Sanders asked him if he understood the limitation of 15 vehicles on site. Mr. McQuality did not agree with this limitation and stated this property is actually a two-unit building. If there were two separate units on the site, he felt he could have two separate car lots. There are two different addresses to these units. Mr. Cagnoni clarified that the SUP does apply for the entire property. He explained Staff's concern that the property is aesthetically pleasing and not overcrowded. Mr. Sanders asked Mr. McQuality if he anticipated having two different car lots at this location and he responded that he did. Attorney Partridge stated if there were two units there would be two separate tenant spaces and addresses. He stated the City zones the individual businesses and not the entire lot, but asked for clarification from Mr. Cagnoni. Mr. C explained that this property as a whole is under the Special Use Permit. From his understanding from tax records, it has always operated as 3919 Sandy Hollow Road. Mr. Cagnoni stated Staff understood there were multiple tenants, and Staff would still have a condition of 15 vehicles. Attorney Partridge verified that both tenants would have to share the sign space. Mr. McQuality stated he would be able to work with this understanding. Mr. Cagnoni stated there are approximately 17 parking spaces along Sandy Hollow Road and customer and employee would be at a different location on site. Mr. McQuality stated 17 was not enough. He stated there are probably 50 vehicles that turn around in his lot during the day and he would like to block people from doing this by filling the lot. Ms. Neubauer felt it would be a tight fit and was not comfortable with that many vehicles. Mr. McQuality did not wish to limit the vehicles to only 15-17 vehicles. The Board discussed various parking options among themselves.

Staff Recommendation is for Approval with (9) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Modification of Special Use Permit #036-07 to add outdoor passenger vehicle sales in an I-1, Light Industrial Zoning District at 3919 Sandy Hollow Road with an amendment to condition (4) to allow 20 vehicles. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0 with Craig Sockwell abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval including interior landscaping and perimeter landscaping between right-of-way and parking lot.
3. That a revised site plan is submitted for Staff review and approval demonstrating the proposed vehicles display area and customer parking in conformance with the ordinance.
4. That no more than (20) vehicles shall be displayed for sale.
5. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
6. No overnight outside storage of vehicles waiting repair.



7. All vehicles waiting for repair shall be currently licensed and registered.
8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding signs.
9. All conditions must be met prior to establishment of use.

**ZBA 047-13**  
**Findings of Fact for Approval of a Modification of Special Use Permit #036-07**  
**To Add Outdoor Passenger Vehicle Sales**  
**In an I-1, Light Industrial Zoning District at**  
**3919 Sandy Hollow 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 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:36 p.m.

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