



ZONING BOARD OF APPEALS
Wednesday, February 21, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Thomas Fabiano
Kim Johnsen
Maurice Redd
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent: Alicia Neubauer

Staff:

Scott Capovilla – Zoning and Land Use Administrator
Lafakeria Vaughn - Assistant City Attorney
Matt Knott - Division Chief, Fire Department
Matthew Flores, Assistant City Attorney
Jeremy Carter - Public Works
Sandra Hawthorne - Administrative Assistant

Others:

Alderman Tuffy Quinonez
Kathy Berg - Court 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 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 Liquor & Tobacco 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, February 26, 2018, at 5:30 PM in City Council Chambers in 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. This information was also presented in written form attached to the agendas.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the January, 2018 meeting as written. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Maurice Redd abstaining and Alicia Neubauer absent.

ZBA 001-18

Applicant
Ward 12

2640 North Main Street

Jessica Salisbury / Village Green Nursery of Rockford

Variation to reduce the required setback for a freestanding sign from 5 feet to 1 foot in a C-3, General Commercial Zoning District.

The subject property is located on the southwest corner of North Main Street and Eddy Avenue. Jessica Salisbury was present representing the Applicant. This property was one that had frontage taken during the IDOT reduction. There was an existing non-conforming freestanding sign also removed and it is their intent to replace it with a new conforming freestanding sign. Because of the property taken by IDOT, and the proposed installation of a new bike path, they are unable to meet the five foot setback for the sign. They are asking for a 1 foot setback so that their new sign would fit within their available greenspace.

Staff Recommendation is for Approval with (2) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to reduce the required setback for a freestanding sign from 5 feet to 1 foot in a C-3, General Commercial Zoning District at 2640 North Main Street. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. That the Applicant work with Public Works for final placement of the proposed new freestanding sign along North Main Street.
2. Installation of new freestanding sign must be consistent to Exhibit E.

ZBA 001-18
Findings of Fact for Approval of a Variation
To Reduce the Setback for a Freestanding Sign
From 5 Feet to 1 Foot
In a C-3, General Commercial Zoning District at
2640 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 002-18

Applicant
Ward 10

637 North Calvin Park Boulevard

Sue A. Christensen

Variation to increase the maximum height from 18' to 24' for a detached accessory structure in an R-1, Single family Residential Zoning District.

The subject property is located on the southeast corner of North Calvin Park Boulevard and Rural Street and is a single-family home located on over a half acre of land. Paul Christensen, Co-applicant, reviewed their request for Variation to height. Mr. Christensen explained this structure is for a wood working shop and art studio. It is their intent to construct to the building to fit in with the architecture of the house.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to increase the maximum height from 18' to 24' for a detached accessory structure in an R-1, Single family Residential Zoning District at 637 North Calvin Park Boulevard. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must obtain a building permit and be constructed in accordance to Exhibit G.
2. The proposed detached accessory structure may not be used for a business and shall be solely for personal use.
3. Vehicles may not be stored within the proposed detached accessory structure.
4. If this structure is converted to allow auto storage in the future, a driveway permit must be applied for and approved by Staff.

ZBA 002-18
Findings of Fact for Approval of a Variation
To Increase the Maximum Height From 18' to 24'
For a Detached Accessory
In an R-1, Single-Family Residential Zoning District at
637 North Calvin Park Boulevard

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 003-18

Applicant
Ward 01

626 Shiloh Road

Terra Creek Townhomes LLC / Attorney Jeff Orduno

Modification of Special Use Permit #011-06 for a Planned Unit Development to add fifteen (15) duplexes (30 total units) in an R-3, Multi-family Residential Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be Laid Over to the March 20th meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Modification of Special Use Permit #011-06 for a Planned Unit Development to add fifteen (15) duplexes (30 total units) in an R-3, Multi-family Residential Zoning District at 626 Shiloh Road. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

ZBA 004-18

Applicant
Ward 10

4760, 4701, 4707, 4709, 4713 Murphy Woods Drive

Marvin Keys for Peace Capital Investments, Inc.

Zoning Map Amendment from R-1, Single-family Residential Zoning District to R-2, Two-family Residential Zoning Districts for Lots 7-11.

Modification of Special Use Permit #015-07 for a Planned Unit Development consisting of 18, two-family residential units in an R-2, Two-family Residential Zoning District

The subject property is located 360 feet south of Guilford Road and east of Nevard and Landis and is part of a 36.9 acre vacant land that was annexed in August of 2006. Attorney Marvin Keys, representing the Applicant, was present and reviewed their application. The request for Zoning Map Amendment is for the (5) Residential lots adjacent to the east to be rezoned from R-1 to R-2. A Special Use Permit was approved in June, 2007 for a Planned Residential Development for commercial retail, four-family units, three-family units and forty single-family residential homes. Streets were constructed, but residential development did not occur. The Applicant is now proposing (18), two-family residential units. Attorney Keys felt they have identified an area of need for a "continuum of care". There are those residents who need continued care, as well as those who enjoy independent living. The duplexes would be for those on the most mobile end of the spectrum, but they would still have arranged access to the amenities of the main facility.

Tom Fabiano asked if there were currently any vacant single-family homes on this parcel. Attorney Keys responded there were none within this development. He does believe, however, that there are two single-family homes outside the proposed project. When asked for a completion time frame, Attorney Keys stated they expect to complete (5) in the Spring of 2018, then after seeing how the demand is, an additional (5) in the Fall of 2018, (5) in the Spring of 2019 and then another (5) in the Fall of 2019, each stage depending on need and response to the previous set of (5).

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

Mr. Fabiano expressed his opinion that he was happy to see this property developed.

A **MOTION** was made by Tom Fabiano to **APPROVE** the Zoning Map Amendment from R-1, Single-family Residential Zoning District to R-2, Two-family Residential Zoning Districts for Lots 7-11 and to **APPROVE** the Modification of Special Use Permit #015-07 for a Planned Unit Development consisting of 18, two-family residential units in an R-2, Two-family Residential Zoning District at 4760, 4701, 4707, 4709, 4713 Murphy Woods Drive. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must be constructed in accordance with submitted Exhibit D.
2. A Final Plat must be recorded prior to issuance of building permits.
3. Submittal of a landscaping plan for Staff's review and approval prior to any building permits.
4. Buildings must be constructed of similar architecture and materials as indicated in Exhibit J.
5. Prior to issuance of a certificate of occupancy, all development improvements must be completed including sidewalks.

ZBA 004-18
Findings of Fact for Approval of a Zoning Map Amendment
From R-1, Single Family Residential Zoning District to
R-2, Two-Family Residential Zoning District at
4760, 4701, 4707, 4709, 4713 Murphy Woods 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 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.

ZBA 004-18
Findings of Fact for Approval of a Modification of Special Use Permit #015-07
For a Planned Unit Development consisting of 18, Two-Family Residential Units
In An R-2, Two-Family Residential Zoning District at
4760, 4701, 4707, 4709, 4713 Murphy Woods Drive

Approval of this Modification of 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 R-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 R-2 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 5:55 PM.

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