



**ZONING BOARD OF APPEALS**  
**Tuesday April 17, 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  
Jeremy Carter - Public Works  
Matthew Flores, Assistant City Attorney  
Sandra Hawthorne - Administrative Assistant  
Tim Morris - Fire Department  
Lafakeria Vaughn - Assistant City Attorney

**Others:** Alderman Chad Tuneberg  
Alderman Joe Chiarelli  
Alderman Tuffy Quinonez  
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 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 Monday, April 23, 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 and letters to Adjacent Property owners.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the March, 2018 meeting as written. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

**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

**Laid Over from February and March meetings**

Prior to the meeting, a request was received from the Applicant's attorney to Lay Over this item to the May agenda.

A **MOTION** was made by Tom Fabiano 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 Maurice Redd and **CARRIED** by a vote of 5-1 with Craig Sockwell voting Nay.

**ZBA 005-18**

Applicant  
Ward 10

**828 21<sup>st</sup> Street and 8XX 22<sup>nd</sup> Street**

Ray Eissens

**Special Use Permit for a Planned Unit Development** consisting of a contractor office building with a single-family apartment in the lower level and a new 1,200 square feet attached garage, warehouse for the storage of trucks, small construction equipment, plumbing and irrigation components and contractor storage yard for the storage of company trucks in an I-1, Light-Industrial Zoning District.

The subject properties are located south of Charles Street between 21<sup>st</sup> Street and 22<sup>nd</sup> Street and consists of two (2) lots totaling 1.95 acres. Ray A. Eissens, Applicant, presented his application. He explained that the existing office building is a stand-alone building. The lower lever is an exposed ranch type construction, it is his intent to create a single-family apartment for he and his wife and ultimately adding a 2 or 3 car garage on the north end of the building. This would allow him to sell his current home and downsize to this location. It is not his intent to make any changes to the warehouse, as it is large enough to accommodate his proposed use.

Staff Recommendation was for Approval with (12) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of a contractor office building with a single-family apartment in the lower level and a new 1,200 square feet attached garage, warehouse for the storage of trucks, small construction equipment, plumbing and irrigation components and contractor storage yard for the storage of company trucks in an I-1, Light-Industrial Zoning District at 828 21<sup>st</sup> Street and 8XX 22<sup>nd</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised site plan with increased setback for the parking lot along 21<sup>st</sup> Street and 22<sup>nd</sup> Street, removal of gravel areas, hard surface for the parking lot and outdoor storage areas and the dumpster enclosure location for Staff's review and approval.
4. Submittal of a full landscape plan that includes a Type A Buffer around the perimeter of the property, perimeter landscaping, interior landscaping, and required shade trees that includes plant species and size for Staff's review and approval.
5. That the property be developed as per revised site and landscaping plans.
6. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
7. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
8. Must obtain separate permits for signage and any signs must be constructed to match building design and in accordance with plans approved by Staff.
9. That a Winnebago County Rear Estate Combination Request Form be submitted to Staff for review and approval to create one lot.
10. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
11. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
12. All conditions must be met prior to establishment of use.

**ZBA 005-18**  
**Findings of Fact for Approval of a Special Use Permit For a Planned Unit Development**  
**Consisting of a Contractor Office Building**  
**With a Single-Family Apartment in the Lower Level**  
**And a New 1,200 square Feet Attached Garage, Warehouse for the Storage of Trucks,**  
**Small Construction Equipment, Plumbing and Irrigation Components,**  
**And Contractor Storage Yard for the Storage of Company Trucks**  
**In an I-1, Light Industrial Zoning District at**  
**828 21<sup>st</sup> Street and 8XX 22<sup>nd</sup> 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 I-1 Zoning 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 006-18**

Applicant  
Ward 11

**1138 Harrison Avenue**

A & T Lawncare & Landscaping

**Special Use Permit** for outside storage of mulch, landscape materials and trucks for a landscaping shop in an I-1, Light Industrial Zoning District

The subject property consists of a portion of two (2) separate parcels that are adjacent, located on the north side of Harrison Avenue and northwest of the intersection of Harrison Avenue and 8<sup>th</sup> Street. Tony Seminerio, Applicant, reviewed his request for Special Use Permit. He stated his previous business was on Rock Street for 20 years. The subject location does have an indoor building that sits on Harrison, but Mr. Seminerio stated it is not large enough to store his vehicles. He explained that the trucks are normally out most of the day, six days a week.

Staff Recommendation is for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for outside storage of mulch, landscape materials and trucks for a landscaping shop in an I-1, Light Industrial Zoning District at 1138 Harrison Avenue. With amendment to condition 3. The Motion was **SECONDED** by Tom Fabiano 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. The outside storage area must be fully enclosed with a site-obscuring fence.
3. The outside storage of materials shall not exceed the height of the 8-foot tall fence.
4. Outside storage is limited to landscaping materials, job trailers and trucks.
5. There shall be no outside storage of inoperable vehicles.
6. Any future signage must meet current code.

**ZBA 006-18**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Outside Storage of Mulch, Landscaping Materials and Trucks**  
**For a Landscaping Shop in an I-1, Light Industrial Zoning District at**  
**1138 Harrison 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 007-18**

Applicant  
Ward 03

**1103 and 1105 North Church Street**

Susan Ward

**Variation** to increase the maximum allowed fence height in the front yard along John Street from 4 feet to 6 feet in an R-2, Two-family Residential Zoning District

The subject property is located at the north east corner of John Street and Church Street and is a four-family residence. The Applicant applied for and was granted a fence permit for a new 4' wood picket-style fence in the front yards along North Church Street and John Street and did not follow the conditions of the permit and was issued a violation for installation of a 6' fence. This Application is a result of the

violation. Susan Ward, Applicant, reviewed her request for Variation. She stated she installed a basketball half court in the side yard and felt a 6' fence would be more beneficial than a 4 foot fence to keep the basketballs from going into the street. Ms. Ward stated 4 or 5 sections would be 4 foot and the remaining would be 6 foot at the basketball court area. Mr. Fabiano asked if this was more for privacy or play area. She responded mostly for privacy. Craig Sockwell asked how far the court was from the fence. She stated about a foot and a half from the sidewalk. She stated no one from the neighborhood has voiced any concerns to her knowledge.

Kim Johnsen stated she did not feel a six foot fence would be disruptive of visibility and felt the fence would be appropriate for safety reasons. Craig Sockwell stated the Board has tried to be consistent with supporting the Ordinance of 4 feet fence in the front yard and was concerned with opening up a "can of worms". Tom Fabiano stated he would support the request.

Staff Recommendation is for Denial. Interested Parties were present. One letter of support was received from Melanie Anderson stating she owns a parcel across the street. Ms. Anderson's letter stated "I do not believe that a higher fence there impedes my vision of the road. I do think it will help keep the street safer to have a fence there between it and the kids playing."

A **MOTION** was made by Kim Johnsen to **APPROVE** the Variation to increase the maximum allowed fence height in the front yard along John Street from 4 feet to 6 feet in an R-2, Two-family Residential Zoning District at 1103 and 1105 North Church Street. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-1 with Craig Sockwell voting Nay.

**ZBA 007-18**  
**Findings of Fact for Approval of a Variation**  
**To Increase the Maximum Allowed Fence Height**  
**In the Front Yard Along John Street**  
**From (4) Feet to Six (6) Feet in an R-2, Two Family Residential Zoning District at**  
**1103 and 1105 North Church 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, nor increase the danger of fire, nor endanger the public safety, nor substantially diminish nor 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 008-18**

Applicant  
Ward 14

**6002 Phaeton Drive**

Khalid Siddiqui

**Special Use Permit** for a cemetery in an R-3, Multi-family Residential Zoning District.

The subject property is located on the northeast corner of South Mulford Road and Phaeton Drive and is currently a vacant lot 150' by 616' in size. Khalid Siddiqui, Applicant and his Attorney Wasif Kahn, were present. Attorney Kahn stated at this time they would be withdrawing their application and searching for a more suitable location.

**ZBA 009-18**

Applicant  
Ward 05

**4628 S. Main Street, 33XX US 20 Bypass Highway**

Love's Travel Stops & County Stores

- (A) Special Use Permit for a Planned Unit Development** to allow a truck stop, convenience store and fast food restaurant;
- (B) Variation** to landscaping and design standards to permit development according to the submitted site plan;
- (C) Variation** to increase the sign height from 8 feet to 125 feet;
- (D) Variation** to increase the maximum square footage for a free-standing sign from 64 square feet to 1,050 square feet;
- (E) Variation** to allow a pylon sign instead of a landmark style sign and a
- (F) Variation** to increase the maximum permitted square footage per wall sign from 240 square feet to 500 square feet in a C-3, General Commercial Zoning District and I-1, Light Industrial Zoning District

The subject property consists of a little over 26 acres and is located on the east side of South Main Street and south of Bypass 20. Chad Bruner, Applicant and Matt Finke CESO, representing Love's Travel Stops & Country Stores were present. Mr. Finke reviewed their requests. He explained they have large trucks coming in and out frequently, which is why they have requested a Variation to reduce landscaping in the traffic area and put more landscaping towards the front of the property. They are asking for a taller sign of 125 feet and making it a "community sign" for future development that comes into the area. He stated the increase in size is based on the height of the sign for visibility from the highway. Explaining the request for an increase in square footage per wall sign, Mr. Finke stated they will have several businesses going on, not just one. He presented a site plan showing where the 125 high sign is proposed. Mr. Finke further explained that the massively tall trees that are in the ROW cannot be cleared, so they are attempting to overcome that with increased signage height. Mr. Bruner handed out a study showing photographs from US 20 when coming to the exit onto Main Street. He felt the height was not that far above US 20. There are no billboards on the eastbound traffic side to allow them to use. The road bed at US 20 is about 30 feet difference in land height. He explained getting a billboard sign permit from IDOT is very difficult.

Regarding the Mobil Station sign that has been there for approximately 15-20 years, Mr. Capovilla stated they did comply with the signage requirements in affect at that time. Mr. Finke stated there normally are varied business types that come with their location such as ware house distribution, transfer centers for trucks, light manufacturing, restaurants, and storage.

Kim Johnson asked the Applicants if they would consider going down to 100 feet as her feeling was that 125 feet was very tall. Mr. Finke stated they could probably go down to 100 feet. They would be willing to have one electronic panel with Diesel and Regular fuel prices sharing the panel by first flashing Diesel prices, then gas prices. Mr. Finke clarified that they could do a brick landmark sign on Main Street to meet with code at that location; however, that is not included in the proposal.

Jennifer Smith felt it would be hard for her to vote for approval based on the Board recently turning down a high sign for the hospital. Tom Fabiano asked if the balloon used in the study presented was raised to 100 feet, why wasn't that shown in the study presented? Mr. Finke stated because it could not have been seen. Mr. Fabiano responded that he would still like to have seen the 100 feet height to make a judgement for himself. Craig Sockwell also felt it difficult for him to support this Variation to 125 feet as well. Mr. Finke felt that semi trucks need more time to maneuver into the exit lane once they see the signs. Dan Roszkowski questioned the location of the sign. He felt if it were moved South and closer to Main Street, it would be more beneficial. Mr. Finke stated he believed there was a clump of trees there also that prevented visibility.

Mr. Capovilla clarified that the largest sign allowed on the East State area was 50 feet above I-90. He stated the Clock Tower sign was approximately 65 feet tall.

There was some discussion among the Board regarding signage on Main Street as previously discussed by Mr. Finke. Mr. Capovilla reminded the Board that this vote is only for a pylon sign on Bypass 20. There is no Application pending for signage on Main.

Staff Recommendation was for Approval of (A) and (B), with Denial of (C), (D), (E), and (F). No Objectors or Interested Parties were present.

A **MOTION** was made by Craig to **APPROVE** the (A) Special Use Permit for a Planned Unit Development to allow a truck stop, convenience store and fast food restaurant; **APPROVE** the (B) Variation to landscaping and design standards to permit development according to the submitted site plan; **DENY** the (C) Variation to increase the sign height from 8 feet to 125 feet; **DENY** the (D) Variation to increase the maximum square footage for a free-standing sign from 64 square feet to 1,050 square feet; **DENY** the (E) Variation to allow a pylon sign instead of a landmark style sign and to **DENY** the (F) Variation to increase the maximum permitted square footage per wall sign from 240 square feet to 500 square feet in a C-3, General Commercial Zoning District and I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised landscape plan that includes plant species and size for Staff's review and approval.
4. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
6. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
7. Must develop site in accordance with site and landscaping plans approved by Staff.



8. Approval of the Tentative PUD Plat.
9. Submittal and approval of a Final Plat.
10. All conditions must be met prior to establishment of use.

**ZBA 009-18**  
**Findings of Fact for Approval of a Special Use Permit**  
**For a Planned Unit Development**  
**To Allow a Truck Stop, Convenience Store and Fast Food Restaurant**  
**In a C-3, General Commercial Zoning District and**  
**I-1, Light Industrial Zoning District at**  
**4628 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 C-3, I-1 Zoning District in which it is located.

**ZBA 009-18**  
**Findings of Fact for Approval of a Variation**  
**To Landscaping and Design Standards to Permit Development**  
**According to the Submitted Site Plan**  
**In a C-3, General Commercial Zoning District and**  
**I-1, Light Industrial Zoning District at**  
**4628 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 009-18**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Sign Height from 8 Feet to 125 Feet**  
**In a C-3, General Commercial Zoning District and**  
**I-1, Light Industrial Zoning District at**  
**4628 South Main 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 009-18**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Maximum Square Footage for a Free-standing Sign**  
**From 64 Square Feet to 1,050 Square Feet**  
**In a C-3, General Commercial Zoning District and**  
**I-1, Light Industrial Zoning District at**  
**4628 South Main 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 009-18**  
**Findings of Fact for Denial of a Variation**  
**To Allow a Pylon Sign Instead of a Landmark Style Sign**  
**In a C-3, General Commercial Zoning District and**  
**I-1, Light Industrial Zoning District at**  
**4628 South Main 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 009-18**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Maximum Permitted Square Footage Per Wall Sign**  
**From 240 Square Feet to 500 Square Feet**  
**In a C-3, General Commercial Zoning District and**  
**I-1, Light Industrial Zoning District at**  
**4628 South Main 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.

With no further business to come before the Board, the meeting was adjourned at 6:55 PM

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