



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

**Present:**

**ZBA Members:** Tom Fabiano  
Alicia Neubauer  
Maurice Redd  
Craig Sockwell  
Jennifer Smith

**Absent:** Dan Roszkowski  
Kim Johnsen

**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  
Nicholas Meyer – Legal Director

**Others:** Alderman Tuffy Quinonez (6:30 PM)  
Alderman Chad Tuneberg (6:30 PM)  
Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Board's Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, Objectors or Interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, August 27, 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 or 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 also included with letters to Adjacent Property owners.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the July 2018 meeting as written. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 5-0 with Dan Roszkowski and Kim Johnsen absent.

**ZBA 018-18**

Applicant  
Ward 03

**3475 Westminster Drive**

Jake & Alison Chance

**Variation** to remove access off of Westminster Drive and place access on Hickory Lane in an R-1, Single-family Zoning District  
**Laid Over from July meeting**

Prior to the meeting, a written notification was received from the Applicant's representative requesting that this item be Laid Over again to the August meeting to allow the Applicant time to provide additional information.

A **MOTION** was made by Maurice Redd to **LAY OVER** the Variation to remove access off of Westminster Drive and place access on Hickory Lane in an R-1, Single-family Zoning District at 3475 Westminster Drive. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

**ZBA 022-18**

Applicant  
Ward 13

**200 North Johnston Avenue**

Danita Stanford

**Modification of Special Use Permit #049-15 for a Planned Unit Development** for a funeral home and crematory  
**Variation** to site and landscaping plans with deviations from regulations to keep site "as is" in an R-1, Single-family Zoning District.

The subject property consists of 1.68 acres bounded by West Jefferson Street, North Henrietta Avenue, Mulberry Street and North Johnston Avenue and is the former Henrietta School. Danita Stanford, Timothy Nabors, Jr., and Ernest Ponds were present. Ms. Stanford reviewed their requests

to Modify the existing Special Use Permit and for a Variation to site and landscaping plans. Ms. Stanford explained that they have put bushes along the building frontage recently.

Staff Recommendation is for Approval of both requests with (3) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of Special Use Permit #049-15 for a Planned Unit Development for a funeral home and crematory; and to **APPROVE** the Variation to site and landscaping plans with deviations from regulations to keep site "as is" in an R-1, Single-family Zoning District at 200 North Johnston Avenue. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. That the property shall conform to State and Federal EPA Regulations.
3. If parking lot improvements, repairs, or overlays are done in the future, then landscaping improvements should be made to comply with the landscape ordinance.

**ZBA 022-18**  
**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF**  
**SPECIAL USE PERMIT #049-15 FOR A PLANNED UNIT DEVELOPMENT**  
**FOR A FUNERAL HOME AND CREMATORY**  
**IN AN R-1, SINGLE FAMILY ZONING DISTRICT AT**  
**200 NORTH JOHNSON AVENUE**

**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, and will not substantially diminish or 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-1 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have 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 conform to the applicable regulations of the R-1 District in which it is located.

**ZBA 022-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO SITE AND LANDSCAPING PLANS WITH DEVIATIONS FROM REGULATIONS**  
**TO KEEP SITE "AS IS"**  
**IN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT**  
**200 NORTH JOHNSTON AVENUE**

**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 is 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 023-18**

Applicant

Ward 07

**2301 North Central Avenue**

Kimberly Schoenrock

**Special Use Permit** for outside storage and equipment of firewood, mulch, compost

**Variation** to increase fence height from 4 feet to 6 feet along Foltz Avenue for a sight obscuring fence in an I-1, Light Industrial Zoning District

The subject property is located on the east side of North Central Avenue. Kimberly Schoenrock, Applicant, reviewed her requests for Special Use Permit and Variation. She stated she has been at this location for 7 years. The use was a tree service business at the time of purchase. Ms. Schoenrock explained that the existing fence along Foltz Avenue is only 4 feet high and is set back several feet into the property and dumping by others is a problem in that location. Since the property owner is responsible for maintaining the cleanliness of the property, she has had to work with the City on the dumping issue. If the fence is moved closer to Foltz Street and the Variation is allowed to increase the height to 6 feet, she feels this would help eliminate the area available for

public dumping. Ms.Schoenrock also stated she has had several items stolen because of the ease of access over a 4' fence.

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

To clarify the regulations regarding mulch piles, Fire Inspector Tim Morris explained that the mulch piles cannot be covered, they cannot be taller than 20 feet, have no more than a 150 foot diameter, and there must be a 20 road between piles of mulch.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for outside storage and equipment of firewood, mulch, compost and to **APPROVE** the Variation to increase fence height from 4 feet to 6 feet along Foltz Avenue for a sight obscuring fence in an I-1, Light Industrial Zoning District at 2301 North Central Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a detailed site plan including pavement of parking along North Central Avenue, frontage landscaping and striping for parking to meet code.
3. Submittal of a detailed site plan designating areas for outdoor storage including dimensions of areas for outside storage equipment, firewood, firewood processing, log storage and mulch.
4. No outside storage of passenger vehicles, auto parts or any other auto related use.
5. Outdoor storage areas must be reviewed and approved by the Fire Department.
6. Prior to installation of fence/berm and approval of a permit, Public Works must review berm location and installation.
7. Any areas that are not used for outdoor storage must return to green space with topsoil and seed.
8. Any areas that are driven on must be paved with either concrete or blacktop.
9. Submittal of a soils report from Winnebago County Soil & Water Conservation District.

**ZBA 023-18**  
**FINDINGS OF FACT FOR APPROVAL OF**  
**A SPECIAL USE PERMIT FOR OUTSIDE STORAGE AND EQUIPMENT**  
**OF FIREWOOD, MULCH, COMPOST**  
**IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT AT**  
**2301 NORTH CENTRAL 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, and will not substantially diminish or 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 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.

5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the I-1 District in which it is located.

**ZBA 023-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO INCREASE FENCE HEIGHT**  
**FROM 4 FEET TO 6 FEET ALONG FOLTZ AVENUE FOR A SIGHT OBSCURING FENCE**  
**IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT AT**  
**2301 NORTH CENTRAL AVENUE**

**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 024-18**

Applicant  
Ward 01

**1902 Reid Farm Road**

Rockford Park District

**Variation** to increase the maximum allowed square footage of a landmark-style freestanding sign from 48 square feet to 96 square feet

**Variation** to increase the maximum allowed height of a landmark-style freestanding sign from 8 feet to 10.5 feet in a RE, Rural Estate Zoning District

The subject property is the Aldeen Golf Club located on the southwest corner of Reid Farm Road and Spring Creek Road. Tim Bragg, representing the Rockford Park District, reviewed the request to increase the height and square footage of the sign. The existing sign has been grandfathered in and is not conforming with the current sign ordinance. They are proposing a new sign face that is 96 square feet rather than the 104 square feet of the existing sign. The pillars will remain as existing with only the sign face being replaced. Mr. Bragg explained that there are no plans to change the existing columns.

Scott Capovilla, Zoning and Land Use Administrator, explained that the Applicant could have been approved to replace the sign face without coming before the Board, as they would have grandfather rights; however, it was the Applicant’s choice to come before the Board to bring the sign into compliance.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** the Variation to increase the maximum allowed square footage of a landmark-style freestanding sign from 48 square feet to 96 square feet and to **APPROVE** the Variation to increase the maximum allowed height of a landmark-style freestanding sign from 8 feet to 10.5 feet in a RE, Rural Estate Zoning District at 1902 Reid Farm Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Submittal of a Sign Permit for Staff’s review and approval.

**ZBA 024-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO INCREASE THE MAXIMUM ALLOWED SQUARE FOOTAGE**  
**OF A LANDMARK-STYLE FREESTANDING SIGN**  
**FROM 48 SQUARE FEET TO 96 SQUARE FEET**  
**IN A RE, RURAL ESTATE ZONING DISTRICT AT**  
**1902 REID FARM 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 condition upon which a petition for this Variation is 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 024-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION**  
**TO INCREASE THE MAXIMUM ALLOWED HEIGHT OF A LANDMARK-STYLE**  
**FREESTANDING SIGN FROM 8 FEET TO 10.5 FEET**  
**IN A RE, RURAL ESTATE ZONING DISTRICT AT**  
**1902 REID FARM 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 condition upon which a petition for this Variation is 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 025-18**

**2100, 2104, 2112, 2120, 2128, 2136, 2144, 21XX & 24XX N. Central Avenue**

Applicant  
Ward 07

Timber Industries / Tom May  
**Special Use Permit** for the outdoor storage of mulch and palletized mulch in a RE, Rural Estate Zoning District, C-3, General Commercial Zoning District, and an I-1, Light Industrial Zoning District

Prior to the meeting, the Applicant requested that this item be Withdrawn. No further action will be taken on this application.

**ZBA 026-18**

**5444 11<sup>th</sup> Street**

Applicant  
Ward 06

Garrett Peterson for Stella Solar  
**Special Use Permit** for an installation and operation of a solar facility in an I-1, Light Industrial Zoning District

The subject property is located on the east side of 11<sup>th</sup> Street approximately 2,620 feet south of the 11<sup>th</sup> Street and Samuelson Road intersection. The application pertains to approximately 5.67 vacant farmland acres on the south side of the parcel. Garrett Peterson, Contractor representing the Applicant, Stella Solar, and Jeffrey Linkenheld from ARC Design were present. Mr. Peterson explained the request to establish a solar farm east of the frontage road off of 11<sup>th</sup> Street. There will be 3,402 separate solar panel racks that will be mounted on single-axis trackers, on approximately 6 acres. He further explained that by receiving solar power as a customer, this allows businesses, schools, hospitals, etc. to receive renewable credits on their electric bill. The City will also receive additional tax revenue as a result of the solar farm. Mr. Garrett presented an overview of the project showing access off of the frontage road, which will be paved. The equipment will be a single access tracker, with panels facing North and South. These panels will track east and west as the sun moves across the sky. They will operate quietly at a very low decibel during the day, there will be no lighting at night, and once construction is completed there will be no noise coming from the facility. Visitor traffic will only be bi-annual visits and seasonal mowing. Mr. Peterson felt that the parcel was divided into AG zoning and Industrial zoning and asked that both zoning areas be covered under the request for Special Use Permit. He further asked if the road would have to be paved if it was on the farmland portion of the parcel. Mr. Capovilla clarified that the entire parcel is zoned I-1, Light Industrial and paving is required. A Department of Natural Resources (DNR) permit is required before construction, since part of the solar panel location will be within a flood plain and he explained that he has indicated that they will work with the Applicant to make the site workable. Mr. Garrett stated natural vegetation will not be disturbed under the solar equipment as well as between the panels for better drainage. The State will hold a lottery to determine funding so they will not have a real project until this is granted. Until the award, they will not have the money to proceed. Mr. Linkenheld explained that their goal is to modify the flood plain to DNR rules to the size the applicants need. The southeast corner of the parcel is uphill, with approximately 20% being in the flood plain. They anticipate approval from DNR late in 2018, early 2019. Construction time is anticipated to be 4 months. Mr. Peterson further explained that they will be seeding with a pollinator seed mix to protect against run off and to project a better soil over time. They will be using this mix on the east side to fill in the 30 foot gap as a buffer between the project and the residential area to the east. They will provide training with local Fire and EMT's on how to shut down the facility should it be necessary and a KNOX box shall be placed on the fence. Mr. Peterson further indicated they will provide the City and County with an agreement from the Illinois Department of Agriculture. The snow load will be 50 pounds per square foot. This project has passed the FAA with no changes required according to Mr. Peterson. He stated they also have solar farms in Minnesota, Colorado, Massachusetts, and New York.

Staff Recommendation is for Approval with (6) conditions. Interested Parties were present.

Ryan Stone presented as an adjacent property owner. Mr. Stone stated he is not opposing the project, but wondered when the final drawing will be available for him to inspect. Mr. Johnson responded that there are still some modifications to the design. Mr. Stone further inquired about adding a buffer.

David Schubert, representing the Pine Tree Pistol Club, stated they are the largest adjacent property owner to the project and the Club has no objections. Mr. Schubert explained that he is a retired ComEd Engineer and is looking forward to this project.

Mr. Capovilla stated a condition for a landscaping buffer on the east side by the residential development could be added if the Board chose to do so. Add condition for landscaping buffer including landscape buffer adjacent to the property owners to the East.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for an installation and operation of a solar facility in an I-1, Light Industrial Zoning District at 5444 11<sup>th</sup> Street with additional condition 7. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all Building and Fire Codes.
2. Submittal of Building Permits for staff's review and approval.
3. Submittal of a detailed site plan for staff's review and approval.
4. Submittal of the copy of the DNR permit.
5. Submittal of permits may not occur until staff has assigned a new address to the property in order to avoid any confusion
6. Gravel is prohibited on the site.
7. Submittal of a landscaping plan for a landscape buffer adjacent to the residential property to the east for staff's review and approval.

**ZBA 026-18**  
**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR AN INSTALLATION AND OPERATION OF A SOLAR FACILITY**  
**IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT AT**  
**5444 11<sup>TH</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, and will not substantially diminish or 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, are being, or will be 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 conform to the applicable regulations of the I-1 District in which it is located.

**ZBA 027-18**

Applicant  
Ward 11

**918 Broadway and 14XX South 6<sup>th</sup> Street**

Marwan Al Shugaa

**Special Use Permit** for passenger vehicle sales

**Variation** to reduce the required landscaping per the submitted plan in a C-4, Urban Mixed-Use Zoning District

Attorney Tim Whitham, representing the Applicant was present and requested that this item be Laid Over to the September 18<sup>th</sup> meeting.

A **MOTION** was made by Jennifer Smith to **LAY OVER** the Special Use Permit for passenger vehicle sales and the Variation to reduce the required landscaping per the submitted plan in a C-4, Urban Mixed-Use Zoning District at 918 Broadway and 14XX South 6<sup>th</sup> Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

**ZBA 028-18**

Applicant  
Ward 03

**331 East State Street**

Scott Capovilla for City of Rockford

**Special Use Permit** for a mural in a C-4, Urban Mixed Use Zoning District

The subject property is located 44 feet west of the East Street and North 1<sup>st</sup> Street intersection. Scott Capovilla, Zoning & Land Use Administrator, representing the City, and Tana Vettore, and Kristen Paul from Rockford Area Convention Business Bureau were present. Mr. Capovilla gave a brief review of the request and introduced Ms. Vettore. Ms. Vettore explained that the Artist is Kelsey Montague, an internationally known street artist whose work is known for being interactive. A rendering of the mural was included with the Planning & Zoning Report distributed to the Board and Council members. The mural will be on the east facing wall next to Eddie Green Park and will be a good fit with the park. Ms. Vettore further explained that Montague's drawings do not have any political or social statements.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a mural in a C-4 Urban Mixed Use Zoning District at 331 East State Street. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. A sign permit shall be required, including an illustration of the proposed art work to be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.

**ZBA 028-18**  
**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR A MURAL ON A BUILDING**  
**IN A C-4, URBAN MIXED-USE ZONING DISTRICT AT**  
**331 EAST STATE 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, and will not substantially diminish or 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, are being, or will be 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 conform to the applicable regulations of the C-4 District in which it is located.

**ZBA 029-18**

Applicant  
Ward 03

**525 N. 6<sup>th</sup> Street**

Scott Capovilla for City of Rockford

**Special Use Permit** for a mural on a retaining wall in an R-4,  
Multifamily Residential Zoning District

The subject property is located on at the northeast corner of the Chamberlain Street and North 6<sup>th</sup> Street intersection. Scott Capovilla, Zoning & Land Use Administrator, representing the City, and Tana Vettore, and Kristen Paul from Rockford Area Convention Business Bureau were present. Mr. Capovilla gave a brief review of the request and introduced Ms. Vettore. This mural will be painted on an existing retain wall along the east side of the North 6<sup>th</sup> Street right-of-way. The rendering presented in Staff's report may be revised somewhat but will be of varying shapes and bright colors.

Staff Recommendation is for Approval with (2) conditions. Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for a mural in an R-4, Multifamily Residential Zoning District at 525 North 6<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. A sign permit shall be required, including an illustration of the proposed art work to be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.

**ZBA 029-18**  
**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR A MURAL ON A RETAINING WALL**  
**IN AN R-4, MULTIFAMILY RESIDENTIAL ZONING DISTRICT AT**  
**525 NORTH 6TH 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, and will not substantially diminish or 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, are being, or will be 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 conform to the applicable regulations of the R-4 District in which it is located.

**ZBA 030-18**

Applicant  
Ward 04

**3505 North Bell School Road**

Glenn Evans for SwedishAmerican Health System

**Variation** to increase the maximum permitted number of wall signs from two (2) to four (4)

**Variation** to increase the maximum permitted square footage for the east wall sign from 240 square feet to 450 square feet in a C-3, General Commercial Zoning District

The subject property is located west of I-90 on the northeast corner of North Bell School Road and Bend Trail. Glenn Evans, Director of Construction Management for SAH reviewed his request for Variations. Because of the new shape of the building, when people are coming from the South and going north, they are right on top of the building before they recognize the building. Pinwheel signs.

Staff Recommendation is for **APPROVAL** of both Variations with (1) condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to APPROVE the Variation to increase the maximum permitted number of wall signs from two (2) to four (4) Variation to increase the maximum permitted square footage for the east wall sign from 240 square feet to 450 square feet in a C-3, General Commercial Zoning District at 3505 North Bell School Road. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The wall signs must be in accordance with Exhibit E, Exhibit F, Exhibit H, and Exhibit I.

**ZBA 030-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO**  
**INCREASE THE MAXIMUM PERMITTED NUMBER OF WALL SIGNS**  
**FROM TWO (2) TO FOUR (4)**  
**IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT**  
**3505 NORTH BELL SCHOOL 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.

**ZBA 030-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO**  
**INCREASE THE MAXIMUM PERMITTED SQUARE FOOTAGE FOR THE EAST WALL SIGN FROM**  
**240 SQUARE FEET TO 450 SQUARE FEET**  
**IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT**  
**3505 NORTH BELL SCHOOL 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.

**ZBA 031-18**

Applicant  
Ward 05

**815 Marchesano Drive**

Glenn Evans for SwedishAmerican Health Systems

**Variation** to increase the maximum permitted number of wall signs from two (2) to four (4) in a C-3, General Commercial Zoning District

The subject property is located on the north side of Marchesano Drive, 166 feet east of the Clifton Avenue and Marchesano Drive intersection. Asking for one on the tower facing to the west, and at the end of the parking lot facing east.

Staff Recommendation is for Approval with (1) condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Variation to increase the maximum permitted number of wall signs from two (2) to four (4) in a C-3, General Commercial Zoning District at 815 Marchesano Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 031-18**  
**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO**  
**INCREASE THE MAXIMUM PERMITTED NUMBER OF WALL SIGNS**  
**FROM TWO (2) TO FOUR (4)**  
**IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AT**  
**815 MARCHESANO DRIVE**

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

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

**ZBA 032-18**

Applicant  
Ward 03

**134 North 1<sup>st</sup> Street**

Scott Capovilla for City of Rockford  
**Special Use Permit** for a mural in a C-4, Urban Mixed Use Zoning District

The subject property is located at the southwest corner of the North 1<sup>st</sup> Street and Market Street intersection. Scott Capovilla, Zoning and Land Use Administrator reviewed the request for Special Use Permit. Therese Rowinski, local artist and owner of 317 Studio & Gallery, reviewed the request as well. This project is part of the goals and objectives of the Forest City Beautiful Mural Program, which is to beautify and enhance public spaces. She stated the location for this mural will be on the east wall of the building in what is a small alley-like cove. Several local artists will be involved in designing and painting the mural, which is planned to be an enchanting, inviting, family friendly art work. Their goal is to premier the mural at "ArtScene" which is October 5 & 6. Additional plans for this alley-like location are to provide seating areas made from repurposed items as well as flower boxes and several mosaic pieces.



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 Special Use Permit for a mural in a C-4, Urban Mixed Use Zoning District at 134 North 1<sup>st</sup> Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. A sign permit shall be required, including an illustration of the proposed art work, to be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.

**ZBA 032-18**  
**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT**  
**FOR A MURAL ON A BUILDING**  
**IN A C-4, URBAN MIXED-USE ZONING DISTRICT AT**  
**134 NORTH 1ST 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, and will not substantially diminish or 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, are being, or will be 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 conform to the applicable regulations of the C-4 District in which it is located.

With no further business to report, the meeting was adjourned at 6:45 PM

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