



**ZONING BOARD OF APPEALS**  
**Tuesday, May 21, 2019**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**ZBA Members:** Kim Johnsen  
Dan Roszkowski  
Jennifer Smith  
Craig Sockwell  
Alicia Neubauer

**Absent:** Thomas Fabiano  
Maurice Redd

**Staff:** Lafakeria Vaughn – Assistant City Attorney  
Samuel Bellone – Administrative Assistant  
Tim Morris – Fire Prevention Coordinator  
Nicholas Meyer- Legal Director  
Todd Cagnoni- City Administrator  
Wester Wuori- Chief of Staff  
Jessica Sheetz – Neighborhood Enforcement Specialist

**Others:** Kathy Berg – Court Stenographer  
Alderman Bill Rose  
Alderman Frank Beach  
Alderman Chad Tuneberg  
Applicants and Interested Parties

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Lafakeria Vaughn 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 Zoning Board of Appeals secretary and the stenographer.

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

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, May 28, 2019, 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 5:37 PM. A **MOTION** was made by Kim Johnsen to **Approve** the minutes from the April 16, 2019 meeting as written. The Motion was **SECONDED** BY Alicia Neubauer and **CARRIED** by a vote of 5-0 with Tom Fabiano and Maurice Redd absent.

A **MOTION** was made by Kim Johnsen to **Approve** the minutes from the March 19, 2019 meeting as written. The Motion was **SECONDED** BY Alicia Neubauer and **CARRIED** by a vote of 5-0.

**ZBA 008**

Applicant  
Ward 13

**3226 West State Street**

Attorney John M. Nelson / Daniel Ray Erb

**Special Use Permit** for general outdoor storage, auto and truck storage, towing, automotive and truck repair and automotive truck recycling and storage in an I-1, Light Industrial Zoning District

**Laid Over From March Meeting**

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be Laid Over to the June 18<sup>th</sup> meeting.

A **MOTION** was made by Jennifer Smith to **LAY OVER** the Special Use Permit for general outdoor storage, auto and truck storage, towing, automotive and truck repair and automotive and truck recycling and storage in an I-1, Light Industrial Zoning District at 3226 West State Street. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

**ZBA 021-019**

Applicant  
Ward 11

**1121 5<sup>th</sup> Avenue**

Jacob Rush

**Special Use Permit** for an artist live/work space on the ground floor and an office use that provides goods or services such as food, clothing, resources and other forms of assistance to those in need in a C-2, Limited Commercial Zoning District

The Applicant, Jacob Rush, and Carly Rice were present. Mr. Rush and Ms. Rice currently reside at the subject property. The subject property is located on the south side of 5th Avenue. The Applicant is the property owner and is involved with the office use and services provided as well as the artist live/work space. In the C-2 District, residential is only permitted on the 2<sup>nd</sup> floor or any floor above the 1<sup>st</sup> floor.

Because there would be residential located on the same floor as the artist work space, commercial office and services, a Special Use Permit would be required to be reviewed and approved.

Mr. Rush stated that he is applying for a Special Use Permit for their Community Outreach Center located at 1121 5<sup>th</sup> Ave with Carly Rice. Mr. Rush has been working with City of Rockford staff on their application. The building had initially been proposed as the applicant's office and business studio. However, he saw a big need in the community for assistance for people who are in "adverse life situations". Two (2) years ago, the applicant and Ms. Rice invited a person in need into their home. From there, the idea of a community outreach center started. Mr. Rush stated that in the past winter, he and Ms. Rice decided to work with the City of Rockford and obtain proper permits. They are also working with the Health Department. Currently, the Health Department has approved their permits. However, they cannot finalize the permits until the City of Rockford approves their zoning.

Ms. Rice spoke about the day to day operations. Ms. Rice stated that they provide food and sack lunches 24/7 and any day of the week. The person asking for food knocks at the door and they receive their food and leave. They do not enter the property. She also explained that people are only allowed to come into the property during the community meal service times. The reason why they offer food anytime of the day is because some of the people they help are unable to attend the community meals due to conflicting appointments and travel. Ms. Rice stated they do offer community meals Monday, Wednesday, and Friday from 3:00pm to 5:00pm. She and Mr. Rush provide help to those who are chronically homeless and are not allowed at other agencies. They help with reconnecting homeless individuals to certain agencies that may have turned them away before. They are there for people and do not force or push them to get help. They let the people come to them when they are ready. Ms. Rice further explained that they only offer food, clothing, and hygiene items. There are also volunteers that help with getting people help with travel, preparing paperwork, anything that someone may need help with. Ms. Rice also stated that no one stays overnight and there are strict boundaries. She stated, "If you are intoxicated, you leave. If you make another person feel uncomfortable, you leave. Verbal argument, you leave. Physical altercation, which has never happened, but they will never come back. But will have a sack lunch at the door".

Alicia Neubauer asked Ms. Rice if she would want meal service time and days to be more flexible. Ms. Rice stated that she would like for the possibility of including holidays as part of meal service.

Dan Roszkowski asked the applicant for more information about the Health Department. Ms. Rice stated they had recently found out that they have been granted access to use a commercial kitchen located next to the subject property. The usage of the kitchen will be contingent on the applicant cleaning and scrubbing the kitchen after use.

Mr. Roszkowski asked if the applicant was fine with all of the conditions of approval. Mr. Rush stated that he wasn't sure about condition two (2) stating, "A design professional must evaluate the building for the use including an interior floor plan identifying the use of each room". Sam Bellone explained that staff requires architectural drawings of the property. The drawings need to be sealed by a design professional or architect. Mr. Rush explained they have been having issues getting a design professional or architect due to cost. Ms. Rich also explained that they have been having issues getting a stamp of approval due to liability.

Jennifer Smith asked staff if the Special Use Permit would stay with the property. Attorney Lafakeria Vaughn stated that the Special Use Permit would stay with the property unless it happens to lapse or not being utilized. Ms. Smith felt that the application was indeed a "special" use and liked that everyone was working together.

Attorney Vaughn stated that staff would like to have three (3) more conditions added that were from Human Services and other City Staff. The conditions are as follows:

1. Carly's Place be required to participate in the Rock River Homeless Coalition
2. That they be required to participate in the homeless coordinated entry systems, and
3. That they are required to utilize the Homeless Management Information System (HMIS) by 2020

Mr. Rush explained that the last condition worries them. They do not want to have people feel unsafe. Ms. Rice further stated that part of what they are doing helps because the homeless do not have to fill out forms. They are trying to maintain who they have been from the start. However, the applicant is willing to work with different organizations and find out what they require.

Ms. Neubauer stated that she would not like to add on the additional conditions without having the applicant being able to review what they specifically require. Ms. Neubauer also noted that there were no calls for service at the property. Craig Sockwell asked what the hours of operation are. Ms. Rice explained the hours of operation would be 3:00pm to 5:00pm. There might be an hour before and after for prep and clean up. Mr. Roszkowski asked when they go to bed and wake up. Ms. Rice responded that they are willing to give food at any time during the day or night. However, they will not allow anyone to enter in the property outside of the meal service time.

Staff recommendation is for Approval with ten (10) conditions. Objectors and Interested parties were present.

Maureen Kirschmann spoke in support of the application. Ms. Kirschmann has known Ms. Rice for nine (9) years. She believes the City of Rockford will benefit from what she is doing. She stated that some people may have some concerns about people hanging around the building. She states that she does not see people hanging around the building or Midtown. She explained that Ms. Rice is empowering people and that Rockford needs their services.

Gavin Epperson spoke in support of the application. He explained that Ms. Rice has helped her community and is very passionate of what she does. He stated that this is an odd situation, however he does not see judgment when it comes to "Miss Carly's".

Jim Mclroy, owner of Food for Fuel, spoke in support of the application. He explained that Ms. Rice presents a family atmosphere with no judgment. He explained that they met over social media when helping a family in need. Mr. Mclroy gave a fridge to help store meals and food for meal service.

Kathleen Combs spoke in support of the application. Ms. Combs had quit her job to volunteer for Carly's. Ms. Combs helps with anything from meal service to helping with paperwork. She explained that at "Miss Carly's" they allow people to come to them asking for help instead of pushing people to go get help. Everyone who helps and receives help has made friendships and bonds. They consider the people who come to Ms. Carly's, their family.

Lauren Hazzard Wendt spoke in support of the application. She is a nurse practitioner and she volunteers at "Miss Carly's". She offers help for people who do not understand medical conditions or terminology. She helps get homeless to their doctors' appointments.

Lois Ginter spoke in opposition to the application. Ms. Ginter stated that she is an advocate for the block and has invested into the community around her residence. She would like to see the operation of Miss Carly's to end immediately. She explained that a lot of the people who go to "Miss Carly's" have burned bridges at other organizations and now the bad behavior will be concentrated in a central location. She further explained that not knowing who the people they serve or allow in their home without ID seems reckless. With this, it could attract sex and violent offenders to the area. Ms. Ginter stated that there have been encampments on the Union Pacific Railroad tracks and that she believes the encampments were assisted by Ms. Rice and Mr. Rush. These encampments left behind a large amount of garbage that

heavy machinery was used to clean it up. She also explained that she still sees people living under the bridge on the railroad tracks. Another concern brought up by Ms. Ginter, is that homeless will find vacant properties in the winter. They will break into the properties and squat in there and start fires. She stated that five (5) vacant properties have been burned down along Kishwaukee, Grove, and Pope Streets. She explained the negative impact the center can have on the surrounding areas and it will continue to keep their property values low and withhold future investments in the community.

William Patrick Gettis spoke in support of the application. He stated that he has known Ms. Rice for two (2) months. He explained that he is an addict and "Miss Carly's" helped him get to a place that can help him and also with the process of finding help.

Mark Beamon spoke in support of the application. Mr. Beamon stated that he is currently homeless and is hungry and cold. He explained that he has asked many people for help in the past and Ms. Rice is the only person who will help him.

Mr. Rush and Ms. Rice did not rebut any comments made. However, Ms. Rice did state that being willing to help 24/7 does not mean that they invite people in.

During board discussion, Attorney Vaughn asked the board if they had the opportunity to review the letters of support. The letters of support included SwedishAmerican, Aldermen Tuffy Quinonez, DCFs, Rockford Urban Ministries, Midtown District, and Zion Development. Craig Sockwell stated that he would like to see the additional conditions to go to Code and Regulations Committee. Alicia Neubauer asked if the board should amend condition five (5) to add major holidays. The board agreed to include all State and Federal Holidays.

The Zoning Board of Appeals is asking the Code and Regulation Committee to review what would be conditions eight (8) through ten (10) as listed:

8. Carly's Place be required to participate in the Rock River Homeless Coalition
9. That they be required to participate in the homeless coordinated entry systems, and
10. That they are required to utilize the Homeless Management Information System (HMIS) by 2020

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for an artist live/work space on the ground floor and an office use that provides goods or services such as food, clothing, resources and other forms of assistance to those in need in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen 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. A design professional must evaluate the building for the use including an interior floor plan identifying the use of each room.
3. The public areas are limited to the front portion labeled as loft living space with the meal services, bathrooms and donation room as shown on Exhibit D.
4. No outdoor storage of donation items is allowed. If there is a dumpster/bin, it must be enclosed.
5. Meal services are limited to Monday, Wednesday and Friday and state and federal holidays from 3:00 pm. to 5:00 p.m.
6. Must work with the Winnebago County Health Department for licensing and preparing food at an off-site commercial kitchen.
7. If the services provided is changed or expanded into other areas of the building, a modification of the Special Use Permit would be required and evaluation of additional parking may be required at such time.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR AN ARTIST LIVE/WORK SPACE ON THE GROUND FLOOR AND AN OFFICE USE THAT PROVIDES GOODS OR SERVICES SUCH AS FOOD, CLOTHING, RESOURCES AND OTHER FORMS OF ASSISTANCE TO THOSE IN NEED**  
**IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT**  
**LOCATED AT 1121 5<sup>TH</sup> 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 C-2 Districts.
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 conform to the applicable regulations of the C-2 Districts in which it is located.

**ZBA 022-019**

Applicant  
Ward 03

**1236 and 1238 East State Street**

Jennifer Kuroda / Audubon Society

**Special Use Permit** for a mural in an R-2, Two-family Residential and C-1, Limited Office Zoning District

The subject properties are located 85 feet east of the East State Street and North 9<sup>th</sup> Street intersection. The subject properties are mostly surrounded by commercial and residential uses.

The applicant Jennifer Kuroda was present, on behalf of the Sinnissippi Audubon Society. The proposed mural will be worked on with Lincoln Middle School students. Jillian Myers who is an art teacher at Lincoln Middle School will be the one helping with the mural. The mural will be on Swedish American Property and will represent climate change.

Jennifer Smith asked the applicant when the mural will be ready. Ms. Kuroda stated that the mural is ready to go now.

Staff Recommendation is for Approval with three (3) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Special Use Permit for a mural in an R-2, Two-family Residential and C-1, Limited Office Zoning District. 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 artwork shall be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.
3. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A  
SPECIAL USE PERMIT FOR A MURAL  
IN AN R-2, TWO-FAMILY RESIDENTIAL AND  
C-1, LIMITED OFFICE ZONING DISTRICTS  
LOCATED AT 1236 AND 1238 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 R-2 and C-1 Districts in which it is located.

**ZBA 023-019**

Applicant  
Ward 14

**6286 and 6290 East State Street**

Thinh To & Tien Ngyen / Bambu Che

**Variation** to allow a business identification wall sign on a separate tenant space within the same building complex in a C-3, General Commercial Zoning District

The subject property is located 160 feet east of the Bienterra Trail and East State Street intersection. The applicant is seeking approval for a Variation to allow a business identification wall sign on a separate tenant space facing East State Street. The applicant, Thinh To and his partner Tien Ngyen were present. Mr. To stated that he opened Bambu Che last August and was told by the landlord that they could have two signs on their store. With their store being small, the signage is limited and visibility of their shop is limited. The applicant stated that the only people who can see the sign are people from Old Chicago. They have been notified by several people that it was difficult to locate their store.

Kim Johnsen asked if the sign located on East State Street with other stores listed on it included Bambu Che. Based on the pictures shown by the Applicant to the Board, the Board did not see Bambu Che listed. Craig Sockwell asked why the business is not on the sign. The applicant stated that the sign is full. The applicant also explained that they have ordered the sign and the sign has been in their store for over

a year. Jennifer Smith asked staff if the size of the sign is outside the sign regulations. Sam Bellone stated that he was unsure but will have more information on size regulations by the next meeting. The Board feels that the application should be laid over for staff to figure out what is allowed under the City's sign regulations.

Staff Recommendation is for Denial. No Objectors or Interested parties were present.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** a Variation to allow a business identification wall sign on a separate tenant space within the same building complex in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 024-19**

Applicant  
Ward 12

**2304 Harlem Boulevard**

Scott Howse

**Variation** to increase the maximum allowed fence height in the front yard along Cottage Grove Avenue from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District

The subject property is located on the northwest corner of the Cottage Grove Avenue and Harlem Boulevard intersection. The subject property is surrounded by residential uses. The applicant, Scott Howse, was present. Mr. Howse stated that he had bought the subject property and was not aware of any restrictions of the property being on a corner lot. The applicant asked if he could ask a few questions for clarification. The first question Mr. Howse asked was that he understood that he had four (4) front yards. Dan Roszkowski explained that he has a front yard on Cottage Grove and a front yard on Harlem Boulevard. However, there would not be a front yard on the alley side. The applicant explained that the front of his house is on Harlem Boulevard but his front door is located on Cottage Grove. The board asked staff to explain to the applicant what defines a front, side, and rear yard. Mr. Bellone showed the applicant what his front, side, and rear yards were based on Exhibit D. Mr. Bellone also explained that the front yard would be located on Cottage Grove and Harlem Boulevard.

Mr. Howse further explained that he has two daughters whom are in sports and like to be outside. He also has three (3) dogs that are usually outside. With this fence, the applicant would like to keep his daughters safe from going into the street and keep his dogs from barking at other dogs and people. The proposed fence will be well built and will not look cheap. He is planning to paint the fence once he is able to.

Mr. Roszkowski stated that the fence that is already existing is nonconforming with fence regulations. Jennifer Smith stated that she lives close to the subject property. She explained that she drives or bikes by the subject property on a regular basis. She did not fully understand the drawing and originally felt disinclined to vote for it. However, she had an opportunity to stop and look at the property herself. She met with the applicant and they both went to talk to the alderman of the ward, Alderman Beck. Alderman Beck was in support of the application.

Staff Recommendation is for Denial. No Objectors or Interested parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** a Variation to increase the maximum allowed fence height in the front yard along Cottage Grove Avenue from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.



Approval is subject to the following conditions:

1. Must obtain a fence permit and meet other applicable fencing regulations
2. Must work with Staff on appropriate location of fence along Cottage Grove and alley

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION  
TO INCREASE THE MAXIMUM ALLOWED FENCE HEIGHT IN THE FRONT  
YARD ALONG COTTAGE GROVE AVENUE FROM 4 FEET TO 6 FEET IN AN R-1,  
SINGLE – FAMILY RESIDENTIAL ZONING DISTRICT AT  
2304 HARLEM 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 025-19**

Applicant  
Ward 14

**2730 Eastrock Drive**

560 South Vermont, LLC

**Special Use Permit** for outdoor storage of building supplies in an I-1, Light Industrial Zoning District

The subject property is located near the southeast corner of Eastrock Drive and Wansford Way. The subject property had been occupied by Quantum Service, but currently is vacant and the new property owners will be Richards Building Supply. The new business owner would like the ability to have outdoor storage of building supplies. The subject property does not currently have outdoor storage and has not had outdoor storage in the past.

Attorney Christopher Cannonito and William Swanson, CEO of Richards Building Supply, represented the applicant. The outdoor storage building would allow the tenant, Richard Building Supply, to store exterior

building products. This will be a family run company. Attorney Cannonito explained that only roofing, shingles and other outdoor supplies will be stored in the storage facility. Richards Building Supply is a wholesaler, however they would allow residents to buy products from the company.

Alicia Neubauer asked if the applicant would store any other materials besides roofing shingles. Attorney Cannonito explains that there might be a possibility of storing vinyl siding in the building. However, the siding won't be stored outside for long because weather conditions may impact the products. Ms. Neubauer also asked if having pavement would be okay because condition three (3) requires concrete or blacktop. Attorney Cannonito responded that they would prefer to have pavement due to the usage and safety of a forklift.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** a Special Use Permit for outdoor storage of building supplies in an I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0 With Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Outdoor storage of building supplies is limited to the area shown on Exhibit D.
3. All areas used for the outside storage including the drive aisles must be paved with either concrete or blacktop.
4. The stacking of building materials and pallets may not exceed the height of proposed fencing.

**FINDINGS OF FACT FOR APPROVAL OF**  
**A SPECIAL USE PERMIT FOR OUTDOOR STORAGE OF BUILDING SUPPLIES**  
**IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT**  
**LOCATED AT 2730 EASTROCK DRIVE**

**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 026-19**

Applicant  
Ward 06

**2737 and 2747 9th Street**

David McDaniel / Kishwaukee Baptist Church

**Modification of Special Use Permit #223-77** for a new 4,500 square feet Worship Center including site, parking, and landscaping plans with deviations from the regulations in an R-1, Single-family Residential Zoning District

The subject properties are located on the northwest corner of the 9th Street and Willis Avenue intersection. These parcels are surrounded mostly by residential uses but there are industrial uses to the west. The applicant, David McDaniel, was present. He explained that he has been the pastor at Kishwaukee Baptist Church for twenty-one (21) years. The applicant is asking the board to approve the modification to the special use permit so that the church can build a new worship center to include parking areas for activities. He explained that the purpose of the request is for the ability to grow and expand in the future. The congregation has been growing and they have participated in many different ministries, outreaches, and events in the community.

Dan Roszkowski asked for clarification on what parcels are going to be used and what parcels are currently being used. Mr. McDaniel explained that the parcels on the west are the proposed location of the new development and the parcels on the east are currently being used as the church and classroom space.

Kim Johnsen asked what type of material the building will be made of. Mr. McDaniel responded that the building will be made of steel and they have already purchased the steel building. Jennifer Smith asked if the applicant had a chance to review the conditions of approval. Mr. McDaniel stated that he had not reviewed the conditions of approval. Staff gave the applicant the list of conditions for approval to review. The applicant reviewed the conditions and stated that he is fine with the conditions. He further stated that they have been working with a landscape architect and that all building permits will be applied for before construction.

Staff Recommendation is for Approval with eleven (11) conditions. Objectors or Interested parties were present.

Mark W. McGee spoke in support of the application. Mr. McGee stated that he goes to Kishwaukee Baptist Church and has been a member for three (3) years. He would like to see the church continue to grow. He is happy to be a member.

Heather McGee spoke in support of the application. Ms. McGee has been a member of the Kishwaukee Baptist Church for three (3) years. She is the nursery and toddler supervisor. She would like the new building so she will not have limited space in the nurseary for all the children.

Monica Johnson spoke in support of the application. Ms. Johnson stated that they do not have enough classroom space in the church for the children and classes held there. Approval of this application will give the church an opportunity to grow and continue to serve the community.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Modification of Special Use Permit #223-77 for a new 4,500 square feet Worship Center including site, parking, and landscaping plans with deviations from the regulations in an R-1, Single-family Residential Zoning District. 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. A design professional must evaluate the building for the use including an interior floor plan identifying the use of each room.

3. The public areas are limited to the front portion labeled as loft living space with the meal services, bathrooms and donation room as shown on Exhibit D.
4. No outdoor storage of donation items is allowed. If there is a dumpster/bin, it must be enclosed.
5. Meal services are limited to Monday, Wednesday and Friday and state and federal holidays from 3:00 pm. to 5:00 p.m.
6. Must work with the Winnebago County Health Department for licensing and preparing food at an off-site commercial kitchen.
7. If the services provided is changed or expanded into other areas of the building, a modification of the Special Use Permit would be required and evaluation of additional parking may be required at such time.

**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT #223-77  
FOR A NEW 4,500 SQUARE FEET WORSHIP CENTER INCLUDING SITE, PARKING, AND  
LANDSCAPING PLANS WITH DEVIATIONS FROM THE REGULATIONS IN AN R-1, SINGLE-  
FAMILY RESIDENTIAL ZONING DISTRICT  
LOCATED AT 2737 AND 2747 9<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 R-1 District in which it is located.

**ZBA 027-19**

Applicant

Ward 02

**1621, 1627, 1629 Rural Street**

Christopher Pumilia

**Special Use Permit** for used car dealership in a C-3, General Commercial Zoning District

Prior to the meeting, a request was made by Staff requesting that this item be Laid Over to the June 18<sup>th</sup> meeting to give the applicant time to submit more information on the application.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Special Use Permit for used car dealership in a C-3, General Commercial Zoning District at 1621, 1627, 1629 Rural Street. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**ZBA 028-19**  
Applicant  
Ward 14

**4747 Harrison Avenue**  
SoCore MW Development LLC  
**Renewal of Special Use Permit #006-17** for the installation of a solar farm  
(free-standing solar panel racks and solar panels) in an I-1, Light Industrial  
Zoning District

Prior to the meeting, a request was made to withdraw the application. The item was withdrawn.

With no further business to come before the Board, the meeting was adjourned at 8:00 PM.

Respectfully submitted,  
Samuel Bellone, Administrative Assistant  
Zoning Board of Appeals