



ZONING BOARD OF APPEALS
Tuesday, June 18, 2019
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Kim Johnsen
Dan Roszkowski
Craig Sockwell
Alicia Neubauer
Tom Fabiano
Maurice Redd

Absent:

Jennifer Smith

Staff:

Scott Capovilla, Zoning and Land Use Administrator
Lafakeria Vaughn – Assistant City Attorney
Matthew Flores – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Tim Morris – Fire Prevention Coordinator
Jeremy Carter – Traffic Engineer

Others:

Kathy Berg – Court Stenographer
Applicants and Interested Parties

Scott Capovilla 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 Monday, June 24, 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 5:36 PM. A **MOTION** was made by Kim Johnsen to **Approve** the minutes from the May 21, 2019 meeting as written. The Motion was **SECONDED** BY Alicia Neubauer and **CARRIED** by a vote of 4-0 with Tom Fabiano and Maurice Redd abstaining and Jennifer Smith Absent.

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

Attorney John M. Nelson represents the applicant Daniel Erb and both were present. The subject property is part of the West State study conducted in 2000. The property is located on the south side of West State Street just west of the intersection with Pierpont Avenue. Attorney Nelson stated the applicant has owned the property for fifteen (15) years. The applicant submitted an updated site plan that will make the subject property better. The applicant, Daniel Erb, stated that he grew up on the west side of the City, and any improvements would be beneficial to the City. He explained that it has always been a repair shop. He wanted to make improvements to the parking lot. However, City zoning staff stated the property is not conforming to Zoning Ordinances. Attorney Nelson indicated that they had received petitions from nearby property owners and customers hoping for approval of the application. He gave the petitions to the board for their review.

Alicia Neubauer asked staff what they recommended for the application. Kim Johnsen stated that the recommendation was for denial.

Craig Sockwell asked how much of the property would be paved. Mr. Erb stated that he would pave the whole parking lot, but it would take a few years to do it. Attorney Nelson stated that the applicant originally stated the business would be an auto recycling shop too. But now it is more of an auto repair shop. There are many auto repair shops in the neighborhood. Things have changed since the original application.

Tom Fabiano asked if the city wanted the applicant to do repairs to the property, would the applicant be willing to do the repairs. The applicant responded that he wants to repair the property but was unable to since the zoning does not allow the use.

Ms. Neubauer stated that there needs to be specific landscaping requirements that the applicant needs to meet.

Kim Johnsen asked staff if they were able to look at the new site plan and analyze it. Scott Capovilla stated that he did review the new site plan. There was not much improvement to the site plan and it does not meet the City's requirements. Mr. Sockwell asked would staff consider approving the application if the applicant added more landscaping. Mr. Capovilla responded that the majority of staff was not in favor of the original application. Also, multiple staff members are involved in the decisions for applications so he is not sure. Attorney Nelson said that vehicles would not be stored on the property like they were on the original application. The previous tenant and current tenant stores vehicles on the property. The cars stored are not due to the applicant.

Maurice Redd asked why the application was laid over. Mr. Capovilla stated that staff wanted to see a better site plan and the layover requests were by the applicant. Attorney Nelson explained his reasons for requesting layovers, due to health issues and the passing of the tenant for the subject property.

Ms. Johnsen asked if there will be outside storage. The applicant stated that there would be some storage for the vehicles that are waiting for repairs. There have been around thirty (30) vehicles stored at the property. The applicant stated that there would be approximately twenty (20) stored vehicles before repairs are made. Mr. Sockwell stated in his opinion, there are too many questions with all of the changes since the original application.

Mr. Erb stated that he could make more green space if he can move the fence back by ten (10) feet.

A **MOTION** was made by Kim Johnsen 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 Craig Sockwell and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay.

ZBA 023-019

Applicant
Ward 14

6286 and 6290 East State Street

Think 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
Laid Over From May Meeting

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, Think To was present. Mr. To stated that the application was laid over to get the number of signs on the building and the pylon sign. He said that Mattress Firm has three (3) signs, Jersey Mikes has three (3) signs, and the Tuxedo store has three (3) signs. One of those signs being on the same side of the building where Mattress Firm is.

Kim Johnsen asked if the sign was already made. Mr. To stated that the sign has already been made and it is too big for his storefront.

Alicia Neubauer asked staff how many signs are acceptable for the tenant spaces. Scott Capovilla stated that the tenants on the corners could have two (2) signs on the storefront and one on the pylon sign. The Tuxedo store was approved for a variance in 2012. The landlord does not want to retrofit the pylon sign because it would have to be brought into compliance. Staff would deny any expansion of non-conforming signs. Ms. Neubauer also asked if it was possible for the landlord to divide a pylon sign so the applicant would be able to have their sign visible on East State Street. Staff stated that they would be okay with a sign face change. Mr. To explained that it is unfair that it was allowed in 2012 and not allowed now.

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

A **MOTION** was made by Kim Johnsen to **APPROVE** 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 **FAILED** by a vote of 3-3, with Alicia Neubauer, Dan Roszkowski and Tom Fabiano voting Nay. The item will move forward to the Code and Regulation committee as a **Denial**.

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

The subject property is located on the southeast corner of Rural Street and Bohm. There are three (3) separate lots. Mostly residential uses and commercial surround the subject property. The applicant, Christopher Pumilia was present. Mr. Pumilia bought the property from Gary Carlson on November 16, 2018. When Mr. Carlson had previously owned the property, it was a used car dealership. The applicant intends to keep it as a used car dealership. Mr. Pumilia stated that he was trying to improve the property by applying for a sign permit. During the sign permit application process, he learned that the previous Special Use Permit had expired and that he would have to apply for a new one. The application was previously laid over for the applicant to work with staff to get a revised site plan and business plan.

Alicia Neubauer asked if the previous Special Use Permit had expired with the previous owner. Mr. Pumilia stated that the previous owner had let the Special Use Permit expire. He did not know that he needed a business plan. However, he is prepared to make landscaping improvements, extend the landscaping out another twenty-four (24) feet, and add a dumpster enclosure to the property.

Craig Sockwell asked what the price of the vehicles for sale would be. Mr. Pumilia explained that the cars would be around \$8,000 to \$10,000 each. The car dealership would be a "Buy here, Pay here" to move into certified pre-owned vehicles.

Ms. Neubauer asked if any other tenants would use the lot. Mr. Pumilia stated that he has talked to the other tenant and told them to move any vehicles off the parking lot and that he will not allow the storage of other cars.

Mr. Sockwell asked where the car repairs will take place. Mr. Pumilia explained that he is currently working on a contract with a repair shop for auto repairs. The garage on the property would be used for detailing and the cleaning of cars.

Staff Recommendation is for Approval with nine (9) conditions. Objectors or Interested parties were present.

Justin Fern, a resident of Brown Hills, spoke against the application. He is concerned about the property values falling. Mr. Fern feels that the neighborhood has outgrown a used car lot and that it would harm the surrounding areas. He stated that a used car lot would decrease property values, increase vehicle traffic, increase the number of fire calls, low scale inventory would harm the area and would be a hindrance of possible developments.

Timothy Ryan Fitzgerald spoke against the application. Mr. Fitzgerald had purchased a property in Brown Hills and restored the property to help improve the neighborhood. He believes it will not serve the people within the one-mile radius and that most retail is migrating more east.

Doctor David McCardy spoke against the application. Dr. McCardy is the longest living resident in the Brown Hill area. He would like to keep the neighborhood atmosphere.

Attorney Jeff Orduno and Dan Currier spoke in opposition to the application. Attorney Orduno believes a used car lot would be misplaced in the neighborhood and would diminish property values. Mr. Currier has twenty-five (25) years of experience in real estate appraisals. Mr. Currier stated that having a used car lot in the neighborhood would drop property value by ten (10%) percent and would drop tax values in the area. Attorney Orduno asked if he could give the board Mr. Currier's resume. The board received Mr. Currier's resume.

The Applicant rebutted the comments. Mr. Pumilia stated that he is not sure how he is bringing the property values down when he is making improvements to the subject property. He explained that he is trying to do the right thing and obtain the proper paperwork before starting his business.

A **MOTION** was made by Craig Sockwell to **DENY** 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 Tom Fabiano and **CARRIED** by a vote of 5-1, with Kim Johnsen voting Nay.

ZBA 029-19

Applicant
Ward 14

4949 Harrison Avenue

Bob Baker / Image Signs

Variation to increase the maximum number of allowed walls signs above the ground floor of the structure from two (2) to three (3) in an I-1, Light Industrial Zoning District

The subject property is located on the southwest corner of Harrison Avenue and Forest View Road. The neighborhood is a mixture of residential and commercial uses. The applicant Bob Baker and Samuel Douglas were present. Mr. Douglas explained that Quest Global is an engineering service company that does a variety of different services in Rockford. Quest Global works with Collins Aerospace. They employ three hundred (300) people. They have invested in the City of Rockford as they have grown. Quest Global is now opening up a new office across the street from Collins Aerospace. Mr. Baker explained that they are only bringing the sign above the ground floor. They would like visibility for the space they occupy in the building.

Dan Roszkowski asked if the sign would be on the southwest corner of the building. Mr. Baker showed Mr. Roszkowski where the sign will go and confirmed that it will be on the southwest corner.

Kim Johnsen asked if customers could see the entrance or sign while driving. The applicant explained that the sign cannot be seen from the street. The building sits far back from Harrison Avenue which also makes it difficult to see the sign.

Staff Recommendation is for Approval with four (4) conditions. Objectors or Interested parties were present.

Gary Brock spoke in opposition of the application. Mr. Brock lives on the corner of Harrison Avenue. He explained that the two (2) existing signs are eye sores. He believes the area is getting over populated with signs and they ruin the neighborhood.

The applicant, Bob Baker, responded that the sign could be placed on the front of the building and be less attractive. The proposed placement of the sign is a far distance away from the other signs.

Mr. Roszkowski stated that he was originally against the application. However, he looked over the site plan and believes the sign would look good on the building.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to increase the maximum number of allowed walls signs above the ground floor of the structure from two (2) to three (3) in an I-1, Light Industrial Zoning District. 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 a Sign Permits for Staff review and approval.
3. The wall sign must be on the west elevation and must be in accordance with Exhibits D and E.
4. Any additional new wall signage will require one of the signs above the ground floor to be taken down.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
INCREASE THE MAXIMUM NUMBER OF ALLOWED WALLS SIGNS ABOVE THE GROUND FLOOR
OF THE STRUCTURE FROM TWO (2) TO THREE (3)
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 4949 HARRISON 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 030-19

Applicant
Ward 13

1200 West State Street

Sherry Harlan / Crusader Clinic

Zoning Map Amendment from R-1, Single family Residential Zoning District to C-2, Limited Commercial Zoning District for the following parcels: 11-22-181-009, 11-22-181-011, 11-22-181-012, 11-22-181-013, 11-22-181-015 and 11-22-181-016 and a **Special Use Permit for a Planned Unit Development** for a medical clinic, parking and pharmacy drive-thru in a C-2, Limited Commercial Zoning District

The subject property is bounded by West State Street on the north, South Avon Street on the east, Elm Street on the south and Tay Street on the west. The Applicant, Attorney Sherry Harlan, and Sam Miller, representing Crusader Clinic were present. Attorney Harlan stated that the City of Rockford had purchased property on West State Street. The City of Rockford then sold the property to Crusader Clinic for the new development. Crusader Clinic was able to acquire residential homes on either side of the project. They are currently vacating Stanley Street to redevelop. They have also been working with the Rockford Housing Authority in purchasing a piece of property.

Crusader Clinic has been working with the City of Rockford staff in applying for a Planned Unit Development. Crusader Clinic has also submitted its plat, and the City has approved it. They are currently working on the zoning requirements. Crusader Clinic is presently planning on providing one hundred and sixty-five (165) on site. However, parking is consistent with the amount of parking currently being used. Many of their patients come to the clinic by bus or live close to the clinic. The clinic's parking lot is presently never packed. Another issue with the current Planned Unit Development plan is about the signage for Walgreens located in Crusader Clinic. They would like to move the sign to a different location to help indicate the entrance. Attorney Harlan stated that the sign would meet zoning requirements. Attorney Harlan explained that the address of 1200 West State Street would have to stay. They currently have federal documents and contracts with that address on them. Without the proper address, the documents and contracts would have issues. Attorney Harlan is also asking for the perimeter landscaping to remain. Crusader Clinic is planning to plant seventeen (17) shade trees as required by staff. The plan already has thirty-one (31) shade trees around the perimeter of the building. Crusader Clinic is also planning to extend the Muldoon Grove, adding more green space satisfying the landscaping requirements. They are proposing to add a snow fence during construction instead of a tree preservation plan.

Sam Miller explained more about the project. He stated that there has been thirty million dollars invested in Crusader Clinic buildings. The new building is proposed to be more ADA compliant and help the patients move around better. In the current building, the hallways are too small, making it hard for patients to move around and get from place to place. The proposed building will be designed to allow easier movement and also include medical upgrades in the medical exam rooms. Also, the proposed building will be a two-story building with the patient rooms on the first floor. The second floor is for office and conference room space.

Staff Recommendation is for Approval with eight (8) conditions. Objectors or Interested parties were present.

Charles Doby asked the applicant questions. Mr. Doby asked if his business would still be visible with the proposed building. Attorney Harlan explained that his company would be even more noticeable. With the Planned Unit Development, the possible houses blocking the view of Mr. Doby's business would be demolished.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Zoning Map Amendment from R-1, Single family Residential Zoning District to C-2, Limited Commercial Zoning District for the following parcels: 11-22-181-009, 11-22-181-011, 11-22-181-012, 11-22-181-013, 11-22-181-015 and 11-22-181-016 and a Special Use Permit for a Planned Unit Development for a medical clinic, parking and pharmacy drive-thru in a C-2, Limited Commercial Zoning District and modifying condition five stating submittal of a tree protection plan. 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 detail façade improvements 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 tree protection plan including the size and species for staff's review and approval.
6. Final Subdivision plat is required prior to Certificate of Occupancy of the new facility.
7. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
8. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO
C-2, LIMITED COMMERCIAL ZONING DISTRICT FOR THE FOLLOWING PARCELS: 11-22-181-
009, 11-22-181-011, 11-22-181-012, 11-22-181-013, 11-22-181-015 AND 11-22-181-016
LOCATED AT 1200 WEST STATE STREET**

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

- 1). The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the residential because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the zoning district.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT FOR A
MEDICAL CLINIC, PARKING AND PHARMACY DRIVE-THRU IN
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 1200 WEST STATE STREET**

Approval of this Special Use Permit for a PUD is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit for a PUD will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit for PUD 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 for PUD 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 taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use for PUD shall conform to the applicable regulations of the C-2 District in which it is located.

ZBA 031-19

Applicant
Ward 14

4415 Harrison Avenue

Ramin Ghanbari / Tall Tattoo

Special Use Permit for body art services (tattoo parlor) in a C-3, General Commercial Zoning District

The subject is located 330 feet west of the Harrison Avenue and South Alpine Road intersection. The subject property is surrounded mostly by commercial uses and residential uses to the north and south. The applicant, Ramin Ghanbari and his business partner Shane Pease were present. Mr. Pease stated that he has done professional tattooing for the past ten (10) years. Mr. Pease explained that they see an excellent opportunity to grow a business in Rockford. He is currently an award-winning tattoo artist in the Chicagoland area. He plans to work with many different charitable organizations by collecting canned foods and donations. He wants to incorporate his art with community rehabilitation. He sees the revitalization movement in Rockford and wants to help contribute to it. Mr. Ghanbari stated that he lives an hour and a half away from Rockford and believes Mr. Pease will bring people into Rockford and will also be able to provide superior talent that will be able to serve the community.

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** the Special Use Permit for body art services (tattoo parlor) in a C-3, General Commercial 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 review and approval.
3. The hours of operation and days will be limited 11:00 A.M. to 9:00 P.M. Monday through Sunday.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR BODY ART SERVICES (TATTOO PARLOR)
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 4415 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, 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-3 District in which it is located.

ZBA 032-19

Applicant
Ward 02

4403 Highcrest Road

Corine Gendron / Holy Family School

Modification of Special Use Permit #016-96 for a temporary modular classroom on the north side of the school in an R-1, Single-family Residential Zoning District

The subject properties are located on the west side of North Alpine Road, southwest of the North Alpine Road and Highcrest Road intersection. Commercial and residential uses surround these parcels. The applicant, Corine Gendron was present. Ms. Gendron stated that Holy Family Catholic School has been in operation since 1962. The applicant is asking for a modification of an existing Special Use Permit. This modification would allow a temporary modular that would become a library during construction. Holy Family School currently serves over three hundred (300) students ranging from pre-school to eighth grade. There has been an increase in enrollment. So there is a need to create two (2) new classrooms to accommodate the increase in enrollment. The temporary modular would be transitioning into a library while the library will be split and made into two classrooms. The temporary modular would be on the property for the next two (2) years while the school is modified to create two new classrooms.

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** the Modification of Special Use Permit #016-96 for a temporary modular classroom (library) on the north side of the school in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Kim Johnsen 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. Must develop site and temporary modular classroom (library) in accordance with Exhibit F.
4. The modular classroom (library) shall not be located on the property for longer than twenty-four (24) months.

**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF
SPECIAL USE PERMIT #016-96
FOR A TEMPORARY MODULAR CLASSROOM (LIBRARY)
ON THE NORTH SIDE OF THE SCHOOL
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 4430 HIGHCREST ROAD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, 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 033-19

Applicant
Ward 03

425 East State Street

Scott Capovilla / City of Rockford

Text Amendment for Section 80-009-D. All properties in Commercial and Residential Districts with gravel driveways and/or gravel parking lots legally established shall conform to the regulations contained in Section 50-013-A. of this Ordinance by November 1, 2020. Nothing in this provision allows illegally established nonconforming parking lots and driveways to remain.

The applicant, Scott Capovilla, was present. Mr. Capovilla is representing the City of Rockford. Mr. Capovilla explained the reason for this text amendment is to give property owners an extra year to get gravel driveways in compliance with the Zoning Ordinance. All properties zoned commercial and residential will have to have their driveway or parking lots paved by November 1, 2020.

Alicia Neubauer asked for clarification on whether there was an ordinance passed previously that would make gravel driveways illegal. Mr. Capovilla confirmed that the ordinance passed in March 2016 gave a deadline date of November 1, 2019 to have all driveways paved. Craig Sockwell asked if the driveways with two (2) concrete strips will be permitted. Mr. Capovilla stated that for right now, they are allowed. However, if they would want to repave, they would have to eliminate the grass strip and pave the whole surface.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Text Amendment for Section 80-009-D. All properties in Commercial and Residential Districts with gravel driveways and/or gravel parking lots legally established shall conform to the regulations contained in Section 50-013-A. of this Ordinance by November 1, 2020. Nothing in this provision allows illegally established nonconforming parking lots and driveways to remain. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 7:34 PM.

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