



ZONING BOARD OF APPEALS
Tuesday, July 16, 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
Jennifer Smith

Absent:

Staff: Scott Capovilla, Zoning and Land Use Administrator
Lafakeria Vaughn – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Karl Franzen- Director of Community & Economic Development

Others: Kathy Berg – Court Stenographer
Applicants and Interested Parties
Alderman Tuffy Quinonez

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, July 22, 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 Alicia Neubauer to **APPROVE** the minutes from the June 18, 2019 meeting as written. The Motion was **SECONDED** BY Maurice Redd and **CARRIED** by a vote of 6-0 with Jennifer Smith abstaining.

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, April, May, and June 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. Before the meeting, staff received an email from Attorney Nelson requesting a Lay Over. Attorney Nelson stated the applicant filed the request for a Special Use Permit in March and it has been laid over since then. At the June meeting, the board requested the application be laid over to July's meeting. Attorney Nelson explained that in the past month, Mr. Erb has hired an architect. The architect, Joe Anderson, has been working with building staff on what is needed for the plans and what the City of Rockford is requiring for the site. However, Mr. Anderson was unable to complete the architectural drawings before the meeting. Attorney Nelson further explained that Mr. Erb is already making improvements to the property since the previous owner has moved out.

Dan Roszkowski asked Attorney Nelson if they were still requesting a layover to next month's meeting. Attorney Nelson stated that they are seeking a layover to be able to receive the plans from the architect.

Alicia Neubauer explained that this would be the fifth layover the Board would grant to the applicant, and in the past, the Board have only allowed no more than three (3) or four (4) layovers. Craig Sockwell stated that if they are coming to the City and working with the staff, he would be willing to give one more layover. Tom Fabiano agreed and would let them have more time to work with the architect.

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

A **MOTION** was made by Craig Sockwell 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 Tom Fabiano and **CARRIED** by a vote of 6-1 with Alicia Neubauer voting Nay.

ZBA 034-19

Applicant
Ward 13

1110 Arthur Avenue

Khalid Siddiqui

Special Use Permit for a **Planned Unit Development** consisting of a religious assembly, funeral home, food pantry, and charitable and non-profit office in a C-2 Limited Commercial Zoning District

The subject property is located on the south side of Arthur Avenue, 632 feet east of the Arthur Avenue and Bluefield Avenue intersection. The applicant, Khalid Siddiqui, was present and is being represented by Attorney Wafif Khan. Attorney Khan stated that the applicant is seeking approval for a Special Use Permit because they want to have a religious assembly. The business is ICNA Rockford. The proposed building would be used as a food pantry, funeral home, place for educational classes, and a place for religious assembly. He explained that the west side of Rockford does not have an established Muslim prayer center. Currently, the applicant Dr. Siddiqui, is working out of a building on 7th Avenue and would like to transfer to a larger building. He has given out over a thousand (1,000) bags of groceries to those in need and has also given out hot meals. There would be limited attendance for prayer activities during the week. But he would hope to have more attendance for Friday prayer. The applicant anticipates one (1) funeral per month where they conduct funeral rights.

Jennifer Smith asked if there is any paid staff or if they are all volunteers. Dr. Siddiqui stated that all of the work being done is volunteer-based. There is no paid staff. He also explained that they have been working with the Health Department, and the Health department is currently pleased with the work they have done. Ms. Smith asked if there will be anyone working in an office. Dr. Siddiqui stated that volunteers would be there before services to set up, and there would be only a few classes a week that might require some office time.

Staff Recommendation is for Approval with five (5) conditions. Objectors or Interested parties were present.

John Tac Brantley spoke in support of the application. He stated that the pantry and clothes have been helping the community. The pantry is always fresh, and the food is not old or leftover. Some of the clothes still have the tags on them. He wants the services to continue for the west side of Rockford.

Hanee Razick spoke in support of the application. Mr. Razick stated that he was born and raised in Rockford. He volunteers at the center. He explained that allowing this would become a resource of the Muslim community and their lifestyle. They are striving to make the community better.

John Wisch spoke in support of the application. Mr. Wisch stated he is a licensed realtor and does business with Dr. Siddiqui. He explained that the applicant continually works with the City of Rockford and does everything to code.

Shareef Khoga spoke in support of the application. He works as a volunteer coordinator for Dr. Siddiqui. He reaches out to local high schools to have students help and gain service hours.

Mary Lou Castro spoke in support of the application. Ms. Castro is with the League of United Latin American Citizens. She explained that the area needs help and growth. The community that Dr. Siddiqui is building is about love, understanding, and willing to give and learn. They are trying to help bring down crime and help grow as a City.

Ali Suleiman spoke in support of the application. Mr. Suleiman is a volunteer and had recently moved back into the City of Rockford. His son is a volunteer as well and has grown to be more humble, more patient, and more understanding. He believes this would be an asset to the community and volunteers.

Adul Hadi spoke in support of the application. Mr. Hadi has been a volunteer and has helped with every aspect of the center. He explained that helping has enhanced his life and brought many positive things into the area and community.

Usaid Siddiqui spoke in support of the application. Mr. Siddiqui is the son of Dr. Siddiqui. He stated that this means a lot for his family, and his father does a lot of work and has a large heart for the work he does.

Attorney Khan stated from the support Dr. Siddiqui has received, that should capture what he does for the community. This institution has a positive impact on the community.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for a Planned Unit Development consisting of a religious assembly, funeral home, food pantry, and charitable and non-profit office in a C-2 Limited Commercial Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised site and landscaping that shows removal of the northwest section of the parking lot in the right-of-way that will be replaced with green space for Staff review and approval.
4. The Special Use Permit shall be in substantial conformance with the interior floor plan and Business Plan, Exhibit F and Exhibit G.
5. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR
A PLANNED UNIT DEVELOPMENT CONSISTING OF A RELIGIOUS ASSEMBLY, FUNERAL HOME,
FOOD PANTRY, AND CHARITABLE AND NON-PROFIT OFFICE
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 1110 ARTHUR 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. The proposed development is consistent with the mix of uses in the area and does encourage the connectivity of the surrounding uses and future growth of the property.
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. However, the proposed development is in line with the intent of the existing zoning and the future land use designation through the Planned Unit Development Process.
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 are being 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 C-2, Limited Commercial Zoning District in which it is located through the Planned Unit Development and Special Use processes.

ZBA 035-19

Applicant
Ward 11

1430 10th Avenue

Andrew Benson / Benson Stone

Special Use Permit for outside storage area for landscape and building materials on a gravel surface and a Variation to increase the maximum height allowed in the front yard from four (4) feet to six (6) feet for a sight obscuring fence along 10th Avenue and Parmele Street in an I-1, Light Industrial Zoning District.

The subject property is located on the southwest corner of Parmele Street and 10th Avenue. The subject property currently has a vacant industrial building that is proposed for demolition to provide more outside storage area for brick and stone landscaping material. The subject property currently does not have outdoor storage nor has had outdoor storage in the past. In the I-1 District, outdoor storage is prohibited. The applicant, Andrew Benson, was present. Mr. Benson stated he has purchased a dilapidated building and is planning on demolishing the building. He explained that all of the buildings in the neighborhood are close to the property lines or have fences on the property lines. He is requesting a storage area of mostly gravel behind a privacy fence. All areas outside of the fence would be paved. One issue the applicant had was if the fence could be made from cedar wood instead of trex-board or another composite type material.

Alicia Neubauer asked if the entire storage area would be gravel. Mr. Benson stated that the storage area would be gravel and they would reuse the existing gravel and concrete from the demolished building. Gravel would help maintain the storage area since heavy stones would sit on pallets until they are used. Mr. Benson explained that the pallets would sink into the asphalt with the weight of the stones.

Dan Roszkowski asked if the fence would go on the property line. Mr. Benson stated that the proposed plans have the fence on the property line.

Jennifer Smith asked if the storage space would be able to have landscaping and a tree. Mr. Benson stated that they would be able to add that to the plan.

Staff Recommendation is for Approval with five (5) conditions. No Objectors or Interested parties were present.

Ms. Neubauer asked Scott Capovilla why gravel would be part of the application if the City is currently trying to get rid of gravel. Mr. Capovilla stated that with this application, they would allow the gravel due to the type of material they are storing outside and since it is kept behind a fence. Also, portions of the concrete slab may be reused if it is in decent shape so it may not be all gravel. Ms. Neubauer asked about the possible soil erosion. Mr. Roszkowski explained that the area is mostly flat, and soil erosion should not be a concern. Gravel would be a concern if they were working on cars, and the oil or gasoline was coming off the vehicles and saturating the ground. Further, if the only storage were bricks and stone, there would not be concern about soil erosion.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for outside storage area for landscape and building materials on a gravel surface and **APPROVE** a Variation to increase the maximum height allowed in the front yard from four (4) feet to six (6) feet for a sight obscuring fence

along 10th Avenue and Parmele Street in an I-1, Light Industrial Zoning District. Amending condition four (4) from Proposed fence material must be trex-board or another composite type material and a fence permit must be obtained to Proposed fence material must be cedar wood and a fence permit must be obtained. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Outdoor storage of landscape and building material is limited to the fenced in area shown on Exhibit D.
3. Submittal of a revised site plan to include a landscape island with tree outside of the fenced in area.
4. Proposed fence material must be cedar and a fence permit must be obtained.
5. 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 OUTSIDE STORAGE AREA FOR LANDSCAPE AND BUILDING
MATERIALS ON A GRAVEL SURFACE
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 1430 10TH 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.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO INCREASE THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD
FROM FOUR (4) FEET TO SIX (6) FEET FOR A SIGHT OBSCURING FENCE
ALONG 10TH AVENUE AND PARMELE STREET
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 1430 10TH 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 036-19
Applicant
Ward 01

1769 Red Oak Lane

Bradley Morton

Variation to reduce the required front yard setback from 30 feet to 23 feet along Rowntree Lane for a 26 feet by 16 feet garage addition to the west side of the attached garage in a R-1, Single-family Residential Zoning District

The subject property is located on the northeast corner of the Rowntree Lane and Red Oak Lane. The subject property is surrounded by single-family residences. The applicant Bradley Morton and contractor, John Bowman, were present. Mr. Morton explained that a lot of the homes in the neighborhood have two (2) or three (3) car garages and some of the three (3) car garages have been added on after the house was built. John Bowman stated that he had brought in an architect to draw plans making sure there will not be an obstruction. Mr. Bowman showed the board the architectural drawing of the three car garage and driveway. Mr. Bowman has been working with City staff to make improvements to the proposal.

Kim Johnsen asked if a tree would have to come down in the process of building the garage. Mr. Morton explained that the tree would have to come down since the footing of the driveway would cut into the roots of the tree.

Ms. Johnsen asked Scott Capovilla if there has been a change in the recommendation. Mr. Capovilla stated that there had not been a change in the recommendation since the garage would stick out into the front yard more than other properties.

Staff would support an addition that was twenty-eight (28) feet by nine (9) feet, as this sized addition would comply with the required front yard setback.

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

Alicia Neubauer explained that the applicant is asking to go seven (7) feet into the required setback. Tom Fabiano asked if the applicant would go with staff's recommendation if the oak tree would be saved. Dan Roszkowski explained that he is okay if the applicant goes over the setback partially.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation to reduce the required front yard setback from 30 feet to 27 feet along Rowntree Lane for a 12 feet wide garage addition to the west side of the attached garage in a R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions.

1. Meet all Building and Fire Codes.
2. Submittal of a building permit for Staff review and approval.
3. Submit revised site and landscaping plan with revised driveway plan.
4. Variation will be similar exhibit D with revisions to setback limits.

**FINDINGS OF FACT FOR APPROVAL OF VARIATION TO REDUCE
THE REQUIRED FRONT YARD SETBACK FROM 30 FEET TO 27 FEET ALONG
ROWNTREE LANE FOR A 12 FEET WIDE GARAGE ADDITION TO THE WEST SIDE OF THE
ATTACHED GARAGE IN A R-1, SINGLE-FAMILY RESIDENTIAL ZONING
DISTRICT LOCATED AT 1769 RED OAK LANE**

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.

With no further business to come before the Board, the meeting was adjourned at 6:44 PM.

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