



ZONING BOARD OF APPEALS
Tuesday, August 20, 2019
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Kim Johnsen

Staff: Scott Capovilla, Zoning and Land Use Administrator
Lafakeria Vaughn – 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, August 26, 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 Jennifer Smith to **APPROVE** the minutes from the July 16, 2019 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Kim Johnsen 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, April, May, June, and July Meeting

Attorney Alberto F. Altamore and the applicant, Daniel Erb, were present. Attorney Altamore appeared on behalf of Attorney John M. Nelson. Attorney Altamore explained that the applicant is seeking a Special Use Permit to continue operating this business. He explained that the applicant had amended the original application by taking out auto recycling and towing. He provided the board with a packet with pictures of surrounding properties and the amended zoning application.

Maurice Redd asked the purpose behind including the pictures. Mr. Erb stated that he believed the pictures were to represent the condition of the surrounding neighborhood. He also said that one of the photos were of the East side of his building, representing where he would like to fix the fence and pave the gravel parking lot.

Mr. Erb further stated that he was under the impression that the City of Rockford was originally planning to buy his property and that is why he did not want to fix the property. However, he soon realized that the City of Rockford would not want to buy his property and he needs to make repairs.

Craig Sockwell asked Mr. Erb how many vehicles are going to be stored at the building. Attorney Altamore stated that the application says there will be five (5) to ten (10) cars stored per tenant space. This gives the applicant a maximum of twenty (20) vehicles stored at the building at any given time.

Mr. Redd asked Staff if they have had time to review the amended application. Attorney Lafakeria Vaughn stated the amended application was submitted to staff the day before the meeting and Staff has not had time to review the amended application.

Tom Fabiano asked Staff if dismissing the application would cause issues with the amended application. Scott Capovilla stated that the applicant could reduce the original request but cannot add to the initial application.

Mr. Redd asked if this application could be laid over. Dan Roszkowski said that this would be the sixth (6th) time the application would be laid over. The other option would be to dismiss the application and have the applicant re-apply and go through the process over again.

Mr. Sockwell asked Staff if they had just received the information and if they had the chance to look at the application. Mr. Capovilla stated that Staff had received the amended application the day before the meeting. Staff did not have enough time to meet as a team and discuss the changes made to the application.

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

During the board discussion, Ms. Smith stated that she does not want to lay this over. Mr. Roszkowski stated that if the board chooses to dismiss the application, they can reapply next month. Alicia explained that the property in question is a product of its environment based on the pictures provided.

A **MOTION** was made by Alicia Neubauer to **DISMISS** 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 Jennifer Smith voting Nay.

ZBA 037-019

Applicant
Ward 09

2315 Glenwood Ave

Paul Toboldt

Variation to increase the maximum permitted square footage for an accessory structure from 900 square feet to 1,088 square feet in an R-1, Single Family Residential Zoning District.

The subject property was built in 1948 as a Cape Cod style home of approximately 1,436 square feet. The existing detached garage 24' by 32' (768 sq. ft.) was built in 1988. The subject property is larger than your average size lot within the City of Rockford. The lot is 100' wide by 135' in length. The majority of the uses surrounding the property are consistent with a single-family use and have 50' wide lots. Because of the width of the lot, the applicant is permitted to have a larger accessory structure. However, the proposed expansion of the detached garage would exceed the maximum permissible accessory structure square footage.

The applicant, Paul Toboldt, was present. Mr. Toboldt stated that he is seeking approval for the variation to have a three hundred and twenty (320) foot addition. He stated that he has always supported the west side of Rockford. He has a history of re-building and working on old cars. He would like the addition to restore a classic car in the winter and to protect it from vandalism and theft.

Dan Roszkowski stated that the applicant's lot is a double wide lot having one hundred (100) feet as the width of the lot. Surrounding parcels only have fifty (50) feet as the property width.

Jennifer Smith asked the applicant if the cement pad was existing. Mr. Tolboldt stated that the pad was existing and it was ten (10) feet by thirty-two (32) feet.

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

A **MOTION** was made by Maurice Redd to **APPROVE** a Variation to increase the maximum permitted square footage for an accessory structure from 900 square feet to 1,088 square feet in an R-1, Single Family Residential Zoning District with one (1) condition to meet all Building and Fire Codes. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting nay.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.

FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO INCREASE THE MAXIMUM PERMITTED SQUARE FOOTAGE FOR AN ACCESSORY STRUCTURE FROM 900 SQUARE FEET TO 1,088 SQUARE FEET IN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT LOCATED AT 2315 GLENWOOD AVE

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 038-19

Applicant
Ward 09

3445 Elmwood Road

Lisa Neal / Doyle Signs, Inc.

Variation to increase the maximum sign height permitted from eight (8) feet to 14'2" in an RE, Rural Estate Zoning District.

The subject property is approximately 26.9 acres in size and is located on the north side of Elmwood Road halfway between Rockton Avenue and Owen Center Road. Louie Bageanis and Terrence J. Doyle were present. Mr. Bageanis is the president of the Lady of Sacred Heart Academy, and Mr. Doyle is the president of Doyle Signs. Mr. Doyle stated the proposed sign is on a masonry foundation sign with a large cross on top of the sign. He noted with the given conditions of the property, the sign will provide a reasonably sized sign. He also stated the sign would not be detrimental or injurious to other properties and that it would be an attractive landmark. The sign would also not distract the vision of motorists, and it would enhance the characteristics of Rockford.

Jennifer Smith asked if the school has wall signs on it now. Mr. Doyle stated that there are two wall signs. One on the South and one on the east end of the building.

Tom Fabiano asked how the sign was rendered to be fourteen (14) feet high. Mr. Doyle stated that the design worked with the property and was an attractive sign to put on Elmwood Rd. Mr. Fabiano asked what parts of the sign are illuminated. Mr. Doyle stated that only the letters and cross would be

illuminated. Mr. Fabiano stated that there is an extra four (4) feet of non-illuminated space on top of the sign.

Alicia Neubauer asked if the applicant is utilizing the existing sign boxes. Mr. Doyle stated that the old sign boxes were taken out when the property was sold.

Jennifer Smith asked if the sign was double-faced and if it used elements from the old school on 11th Street. Mr. Doyle stated that the sign is double-faced, and no elements from the old building are used.

Staff Recommendation is for Denial. Objectors or Interested parties were present.

Trent Ferguson spoke in support of the application. He stated that he lives a mile away from the site. He has been protective of the adjacent land as it is owned by his family. He was not in support of the application at first until he saw the rendering of the sign. He stated that the sign fits the property, and it is an attractive sign. Mr. Ferguson had represented Our Lady of Sacred Heart Academy in previous Zoning Board of Appeals applications.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to increase the maximum sign height permitted from eight (8) feet to 14'2" in an RE, Rural Estate Zoning District. The motion was **SECONDED** by Jennifer Smith and **FAILED** by a vote of 3-3, with Craig Sockwell, Maurice Redd and Tom Fabiano voting Nay. This item will move forward to the Code and Regulation Committee as a **DENIAL**.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO INCREASE THE MAXIMUM SIGN HEIGHT PERMITTED FROM
EIGHT (8) FEET TO 14'2" IN RE, RURAL ESTATE ZONING DISTRICT
LOCATED AT 3445 ELMWOOD ROAD**

Denial of this Variation is based upon the following findings:

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

ZBA 039-19

Applicant
Ward 12

905 West Riverside Boulevard

Daniel Ray Erb

Special Use Permit for a motor vehicle repair shop not including body work, painting, or commercial vehicle repairs in a C-2 Limited Commercial Zoning District.

Staff requested a layover of the application as it was lacking a business plan and a site plan and wanted to give the applicant more time to provide those documents.

A **MOTION** was made by Craig Sockwell to **LAYOVER** the Special Use Permit for a motor vehicle repair shop not including body work, painting, or commercial vehicle repairs in a C-2 Limited Commercial Zoning District. The motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

ZBA 040-19

Applicant
Ward 06

1300 Capital Drive

Greg Steele / KA 1300 Capital, LLC

Variation to increase the maximum number of allowed business identification walls signs from two (2) to three (3) in an I-3, Airport Industrial Zoning District

Prior to the meeting, the applicant requested their application be withdrawn.

ZBA 041-19

Applicant
Ward 04

7129, 72XX, 7295, and 73XX East Riverside Blvd. and 38XX McFarland Road.

Chris Buday / Odessa – Aspen Industries, LLC

Special Use Permit for a **Planned Unit Development** consisting of a Senior Living Facility in an R-4, Multi-family Residential Zoning District and a C-3, General Commercial Zoning District

Prior to the meeting, the applicant requested their application be withdrawn.

ZBA 042-19

Applicant

Text Amendment

Scott Capovilla / City of Rockford

Text Amendment to the City of Rockford Zoning Ordinance for the following:
Table 21-1 Use Classification Table –
Table 22-1 Use Classification Table –
Add definition of Casino to Article 91 General Terms. **Casino** - A building or room used for social amusements or, specifically; one used for gambling.

Zoning and Land Use Administrator, Scott Capovilla presented on behalf of the City of Rockford. Mr. Capovilla stated he recently provided a Zoning Officer determination on the permissibility of a casino. After he wrote the determination, it was determined by City Council that the decision be memorialized via a Text Amendment. He is recommending to add casino to the use classification for Table 21-1 and Table 22-1. In addition, the definition of "Casino" will be added to the General Terms of the Zoning Ordinance. Casino will be defined as a building or room used for social amusements or, specifically; one used for gambling. This would provide clarity to the term casino and provide solid ground to move forward as the casino applications are due soon.

Alicia Neubauer asked if a Special Use Permit would need to be applied for if the casino would be a building in a C-1 zoning district. Mr. Capovilla stated if anyone would want to build a casino in a C-1 zoning district or any Industrial district, they would have the option to submit an elective Planned Unit

Development as long as the site was over an acre. If the proposed site would be a new piece of never developed land of at least fifteen (15) acres, it would require a Planned Unit Development.

A **MOTION** was made by Alicia Neubauer to **APPROVE** a Text Amendment to the City of Rockford Zoning Ordinance for the following:

Table 21-1 Use Classification Table –

Table 22-1 Use Classification Table –

Add definition of Casino to Article 91 General Terms. Casino - A building or room used for social amusements or, specifically; one used for gambling. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

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